

MAZINGIRA GREENS PARTY OF KENYA



MAZINGIRA GREENS PARTY OF KENYA

CONSTITUTION

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ARTICLE I. NAME OF THE PARTY AND ABBREVIATION.

The name of the Party shall be called ‘Mazingira Greens Party’ hereinafter referred to as [MAZINGIRA] or the ‘Party’, established pursuant to the constitution of Kenya, the political parties act and other relevant laws of Kenya enacted from time to time.

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|------|------------|-------|--|
| 1.1 | Party | means | Mazingira Greens Party in short
‘MGP’ |
| 1.2 | Chair | means | Chairman, Chairlady, and Chairperson. |
| 1.3 | Branch | means | County. |
| 1.4 | Sub-Branch | means | Constituency |
| 1.5 | N D C | means | National Delegates Congress. |
| 1.6 | N E C | means | National Executive Council. |
| 1.7 | N G C | means | National Governing Council |
| 1.8 | N E B | means | National Elections Board. |
| 1.9 | MAZINGIRA | means | MAZINGIRA GREENS PARTY. |
| 1.10 | IEBC | means | Independent electoral and boundaries
Commission |
| 1.11 | N A B | means | National Appeals Board. |
- 1.12 In this constitution unless the context otherwise requires words importing masculine gender shall include females.
- 1.13 Words in the singular shall include the plural, and words in the plural shall include the singular

ARTICLE 2. Logo, Symbol and Party Colours

- 2.1 The logo of the party is a Tree.
- 2.2 The party colours are Red, Black and Green.
- 2.3 The slogan of the party is 'Maisha Bora' and the party salute is the right hand raised up with the palm open.
- 2.4 The slogan and colours of MAZINGIRA may change from time to time by a decision of National Executive Council, provided that the use of words, slogans emblems or symbols which could arouse ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional or religious divisions are strictly prohibited, and provided further that any legal requirements concerning such change have been complied with.

ARTICLE 3 OBJECTIVES.

3.1 The overall aim of the party is to create a society which consciously work towards improvement of its citizens and their livelihood, in an ecologically sustainable environment. To achieve that aim the party will adhere to the ten pillars of good governance and sustainability namely;

- i. Promotion of peace
- ii. Providing universal education.
- iii. Promotion of good health
- iv. Promotion and protection of our culture.
- v. Promotion and protection of the environment
- vi. Sustainable agriculture.
- vii. To advance social justice and security.
- viii. Technology and economic development
- ix. Provide basic freedoms including respect for human rights
- x. Provide responsible leadership.

3.2 To facilitate Kenyans to acquire political and economical power so that they can manage and control their individual and collective wealth, including their local natural resources such as forests, waters, soils, minerals, wildlife and livestock. To ensure equitable utility of natural resources and local wealth so that communities remain the ultimate beneficiaries of their wealth.

3.3 To promote principles of good governance; multi-parties, free and fair elections, equitable representation in parliament, counties and all the elective or appointed positions of governance and respect for life, through education and active participation.

3.4 To win elections and form a government, served by a competent and non partisan civil service equitably distributed among the citizenry.

3.5 To promote the rule of law and good governance through respect of the national constitution and adherence to the covenants set out in the Universal Declaration of Human Rights.

ARTICLE 4. VISION, MISSION, GUIDING PRINCIPLES AND VALUES.

4.1 To promote a society that consciously pursues positive values of service, honesty and integrity. To give society a positive character, identity self-respect especially because of the lingering negative impact of dis-empowerment experienced through suppression of patriotism, political participation and deliberate improvement.

4.1To promote disarmament, security, peaceful co-existence of the different communities living in Kenya, encourage mutual respect, the spirit of forgiveness, reconciliation and non-violence. To promote gender equity between men and women in all aspects of decision making and fight for the eradication of discrimination on the basis of ethnic, age, tribal, racial, gender,

regional, linguistic, corporatist, professional or religious basis or which seeks to engage in propaganda based on any of these matters.

4.3 To create watchdog institutions to function as ombudsman for redress of citizens grievances.

4.4 To encourage growth and maturity of indigenous cultural heritages especially aspects which promote conservation of the environment and all forms of life.

4.5 To create an enabling environment for advancement of innovative technologies for faster development.

4.6 To promote food sufficiency and food security both at national and household level.

4.7 To adopt a foreign policy, that serves the interest of the country in particular, the African region and the world at large.

4.8 To widen the tax base while minimizing taxes to reasonable and affordable levels, collect all taxes and curb all forms of corruption.

4.9 To promote and improve business entrepreneurship.

4.10 To promote health for all through responsible, and health living.

4.11 To promote primary, secondary and university education for all.

4.12 To assist every Kenyan to live a decent life worth human dignity and respect, devoid of alcoholism and drug abuse.

4.13 To encourage and provide leadership through example on matters of accountability and transparency in public life.

4.14 To rehabilitate street children by giving them free education, shelter and ensuring that they become responsible citizens.

4.15 To encourage the present generation to meet its own needs, without jeopardizing the ability of future generation to meet their own and respect the integrity of ecological systems on which all human activities depend

4.16 To encourage joint ventures with other political parties on all areas of common interest.

- 4.17 To solicit for funds and to invest surplus funds in viable projects.
- 4.18 To open party offices in all counties and constituencies.
- 4.19 To promote and champion the fight for youth empowerment and ensure that Kenyan youth are at the centre of national development initiatives.
- 4.20 Defend the rights of all, paying special attention to the rights of women, children, persons with disabilities, and the rights of cultural, ethnic, racial and religious minorities, the marginalized communities and groups.
- 4.21 To carry out any other activities for the realization of these objectives

ARTICLE 5. PHYSICAL AND POSTAL ADDRESS OF REGISTERED OFFICE

5.1 The registered head office of the party shall be in any part of the Republic of Kenya as may be decided by National Delegates Congress, but currently is situated in Nairobi, Mirema Drive Plot no 7958/ 13.

5.1 The Party may establish branches / county offices as may be determined from time to time by the N E C.

5.2 The Party shall maintain at its registered head office 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, an accurate and permanent record of:

- i. Mazingira membership registers of all branches /county offices
- ii. Particulars of any contribution, donations or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the party.
- iii. Particulars of any property that belongs to the political party and the time and mode of acquisition by the party.
- iv. A statement of its accounts , kept in books of account showing the sources of its funds and names of any persons who have contributed thereto,

membership dues paid, donations in cash or in kind and all the financial transactions of the political party which are conducted through, by or with the leadership of the party, and

v. Such other relevant particulars as may be required under any written law.

ARTICLE 6. MEMBERSHIP REQUIREMENTS.

6.1 The party will be open to all Kenyans aged eighteen years '18'and above provided such a person accepts the principles, policies and programmes of Mazingira and is prepared to abide by its constitution and any other rules of regulations made in accordance with party's constitution.

6.2 Applications for membership shall be considered by the constituency/sub branch where such exists, and by county/branch, if no sub-branch exists. The above organs including the N E C shall have the power to accept or refuse any application for membership provided such acceptance or refusal shall be subject to review by the next higher organ of the party. In the event of refusal, the applicant shall be informed in writing and the right of appeal, where applicable, shall be contained in the communication carrying the decision to reject the application.

6.3 Participatory and other rights of certain members may be limited by operation of a written law in force in Kenya, pertaining to the political and other participation of persons serving in the armed forces, the other disciplined forces or the public service.

6.4 Types of membership include:

(i) Ordinary members.

Those who have attained the age of eighteen years and above.

(ii) Life members;

All aspiring candidates for President, Deputy President, Senator, National Assembly, Governor, Deputy Governor and county assembly representatives elections, and their proposals and seconders will be required to be life members of the party during the life of that parliament and county assembly.

(iii) Full Life members; The Party Pillars, and the Party Leader and his/her Deputy.

6.5 i. The N E C will determine the amount of contributions of the ordinary and life members.

ii. The Party Pillars will determine the contributions of full life Members.

6.6 Termination of membership.

Membership to Mazingira Greens shall terminate if a member;

i, becomes a member of another political party.

ii, forms another political party.

iii, joins in the formation of another political party;

iv, in any way or manner, publicly advocates for the formation of another political party, shall, notwithstanding any other law be deemed to have terminated his or her membership with Mazingira Greens Party.

v, whose membership has been terminated by the N D C.

i, ceases to renew his or her membership for three consecutive years.

6.7 Resignation of membership.

Any member who intends to resign from Mazingira Greens Party will submit a letter of resignation to the;

i, the secretary general of Mazingira Greens Party.

ii, the clerk of the national assembly or senate if he/ she is a member of parliament.

iii, the clerk to the county assembly if that person is a county assembly representative..

iv, And a copy of resignation letter should be sent to the registrar of political parties.

6.8 A person who by virtue of any written law is for the time being disqualified from being nominated for election as an elected member of parliament or county representative shall not be eligible to become a member of the party during the time he/she is disqualified.

6.9 A member who ceases to be a member of the party shall not be entitled to a refund of any membership or subscription fees or dues paid by him or her and will remain liable to pay such subscription fees or dues as the member may be owing the party at the time of termination of membership.

6.10. Membership details.

These will include identification details, ethnicity, gender, age, County and constituency.

6.11. Rights of every member of the party;

Every member of, the party will have the right to;

i, take full and active part in the discussion, formulation and implementation of the policies and programmes of the party.

ii, receive and impart information on all aspects of the party and activities.

iii, participate in party activities and popularizing the party.

iv, take part in elections through voting and be eligible for party and national elections at all levels upon nomination.

v, offer constructive criticism of any member, official, policy, programme or activity within the party and its structures.

vi, participate in political activities which are intended to influence the composition and policies of the Government.

vii. submit proposals or statements to the sub-branch, branch or N E C provided such proposals are submitted through the appropriate party structures

6 .12 Duties

A member of the party will;

- i, take all necessary steps to understand and carry out the aims, policies and programmes of the party.
- ii, explain the aims, policies and programmes of the party to others.
- iii, combat propaganda detrimental to the interest of the party and defend the aims, policies and programmes of the party.
- iv, observe discipline, the party code of conduct and obey decisions made by party organs.
- v, ensure he or she is registered as a voter within any of the polling stations in the country and to take all steps to vote during party and national general elections.

If a member holds an elective office in any sphere of governance at national, county, constituency or ward level, to be a member of the appropriate party caucus, to function within its articles and to abide by the decisions under the general provisions of this constitutional structures of the party.

6.13 Rules of general meetings.

- i, any official who fails to attend three consecutive meetings without apology will be removed from the party position
- ii, failing to agree on any issue, voting will be done by secret ballot. should both sides tie then the chair shall have a casting vote.
- iii, N D C will be held at least every five years.
- iv, The secretary general will send a notice in writing twenty one (21) days or three weeks before the date of the meeting or through the print and / or electronic media not less than fourteen days [14] or two weeks before the meeting date.

v, The agenda of the meeting shall be presented together with the notice of such meeting.

vi, The quorum of all the meetings will be two thirds of the fully paid members present and voting unless otherwise stated in this constitution.

ARTICLE 7. ORGANISATIONAL STRUCTURE AND OFFICE BEARERS.

7.1 Office bearers;

The party shall be managed by the following officials who shall be known as **National officials.**

i. Party Leader

a, Deputy Party Leader

ii. Chairperson.

a. Deputy chairperson.

b. Deputy chairperson .

c. Deputy chairperson.

iii. Secretary General.

a. Deputy secretary general –political affairs.

b. Deputy secretary general- administrative affairs.

iv. Organizing Secretary.

a. Deputy organizing secretary- internal affairs.

b. Deputy organizing secretary- external affairs.

v. Treasurer.

a. Deputy treasurer.

b. Deputy treasurer.

vi. Secretary for public policy and economic affairs.

vii. Secretary for Legal Affairs

viii. Secretary for publicity and information.

- ix. Secretary for international affairs.
- x. Secretary for women affairs.
- xi. Secretary for youth affairs.
- xii. Secretary for special interest groups.
- xiii. Secretary for environment.
- xiv. Secretary for parliamentary caucus.
- xv. Secretary for Counties
- xvi. Secretary for science and technology.
- xvii. Secretary for labour and manpower development.
- xviii. Secretary for security.

7.2.i The national officials will be elected by the National Delegates Congress and will hold office for at least five years. The parliamentary and county representatives caucuses will be elected by the parliamentary and the county representative group respectively.

7.2.ii Elections will be by i. Direct nomination. ii, by show of hands iii. by consensus iv, by secret ballot or as N E C and N E B will recommend, and will be decided by a simple majority. N E C will decide what method to use. Where only one candidate is nominated for an office at the close of the nominations, that candidate will be declared the winner. Nominations of candidates shall be by proposal and secondment.

7.2.iii. Nominations and elections of officials shall be conducted in such a manner that ensures that not more than two thirds are from the same gender.

7.2.iv. Elections results will be final as announced provided that any dissatisfied candidate may resort to redress as provided for under the election and nomination rules.

7.2.v. National officials will hold office for a term of at least five years and will be eligible for re-election at the expiry of their term of office

7.3. Duties of office bearers.

The main duties of elected national officials will be.

7. 3.a. The Party Leader;

There will be the Party Leader who will be;

7.3.i. An eminent politician of high integrity and will in all respects establish and promote Unity in the Party.

7. 3. ii. Will be the overall leader of the Party with full powers stated in this constitution and ensure proper coordination is done within the party and no transactions whatsoever will be done without his/her knowledge.

7. 3. iii. Will have oversight authority on all organs of the party and major decisions .

7 ,3. iv. Offer leadership in the N E C , N G C.

7.3. v. Articulate party policies and chart a clear strategy for the achievement of Party's objectives.

7.3.vi. Champion and lead the Party's bid to form Government.

7. 3 vii. Imbue Party members with charisma and lead the membership to newer heights of loyalty and patriotism to party ideals, values and objectives.

7. 3. viii. Lead the party at political negotiations to form a viable, beneficial working coalition, alliances and affiliations with any other Party or Parties with the sole purpose of forming a democratic and responsible Government as may be desirable in the circumstances.

7. 3 ix. 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.

7. 3. x. Be a mandatory signatory to all agreements for coalitions , mergers and affiliations with all other political parties.

7 3 xi. The party leader will report to N D C and the Party Pillars.

7.3 b. . Deputy Party Leader.

The Deputy Party Leader shall assist the Party Leader and carry out the duties of the Party Leader in his/her absence.

7.3.c. National Chairperson.

The national chairperson will be the head of the party organs. His or her responsibilities will be:

- i, To provide leadership and oversee management and running of the party.
- ii, To articulate and defend party policies.
- iii, To ensure discipline and proper order in the party in accordance with the party constitution. Will in all respects establish unity within the party and ensure adherence to party policies and relevant by-laws by officials, members and the party parliamentary group.
- iv, To convince and preside over National Delegates Conference and any other meetings requiring his/her attendance.

7.6.d. National Deputy Chairpersons.

There will be three deputy chairpersons, at least one of whom shall be from opposite gender. They will perform such functions and exercise such powers as they may be assigned to them by the national chairperson and the National Executive Council.

7.7.e. Secretary General

He or she will be the party C E O and will be responsible for management of the national secretariat. The secretary general's responsibilities will include:

- i, Ensuring that all meetings including National Executive Council, National Governing Council and National Delegates Conference take place as provided for in the constitution and at such time as may be decided by the National Executive Council.

ii, Keeping or causing to be kept a proper record of minutes of all meetings and ensuring the conveyance of decisions made and distribution of such minutes to persons or branches concerned.

Iii, Conducting the correspondence of organs of the party in which he or she is a member and sending out notices of all meetings of these organs.

Iv, Preparing annual reports on the work of the National Executive Council, The National Governing Council and the National Delegates Conference.

v, Any other duties conferred upon him/her by this constitution or the National Executive Council.

7.3.f. Deputy Secretary Generals.

There will be two deputy secretary generals, one for political affairs and another for administrative affairs, at least one of whom will be from opposite gender.

They will assist and perform the duties and exercise the powers of the secretary general in his or her absence, or as may be directed by the National Executive Council.

In addition:

The deputy secretary general [political affairs] will be in charge of party protocol, act as liaison with local organizations and guests of the party as well as liaising with the parliamentary group through the secretary for political affairs.

The deputy secretary general [administrative affairs] will be in charge of ensuring effective and efficient management of the party's programs, co-ordinating party meetings and conferences and ensuring that returns are filed as required by law.

7.3.g. National Treasurer.

The national treasurer will be in charge of the party's finances and will supervise financial transactions at all party levels under the directions of the National Executive Council.

The Treasurer will also.

- i, Receive and bank all monies on behalf of the National Executive Council and together with such other signatories as specified operate a banking account.
 - ii, Keep such books of account as may be necessary to record clearly the financial position of the party.
 - iii, Prepare and submit to the National Executive Council a financial statement every quarter of the year and ensure that copies of duly audited annual accounts are circulated to all delegates at the same time the notice convening the National Delegates Conference is sent out.
- Be responsible in conjunction with National Finance Committee for working out and executing resource mobilization plans.

7.3.h.National Organizing Secretary.

The national organizing secretary will be responsible for promoting and mobilizing party activities including the recruitment of party members at branch level, coordinating effective functioning of all branches and ensuring they hold meetings in accordance with the requirements of the constitution, Mazingira women leader and Mazingira youth leader in consultation with the secretary general, preparing or assisting in the preparation of, and thereafter reporting on the progress in the holding of meetings of the N D C, the N E C and meetings of national officials.

7.3 i. Deputy Organizing Secretaries.

There will be two deputy organizing secretaries, one of whom will be a woman, who will assist and perform the duties and exercise the powers of the national organizing secretary in his or her absence, or as may be directed by the National Executive Council.

7. 3. K. Secretary for Security.

The secretary for security will be responsible for development of party policy on matters of internal security and public order and articulating

the party position on such issues.

7.3.l. Secretary for Public Policy and Economic Affairs.

The secretary for public policy and economic affairs will be responsible for the development of policy on any matter which the party may choose, and for the defence of such policy in the public domain and will perform such other duties as may be directed by the N E C.

7.3.m Secretary of Legal Affairs.

The secretary of legal affairs will be the legal advisor to the party in all legal and constitutional matters and will perform such other duties as may be directed by the N E C.

7.3.n. Secretary for Publicity and Information.

The secretary for publicity and information will be responsible for dissemination of information and public relations and will perform such other duties as may be directed by the N E C.

7.3.o. The Secretary for International Affairs.

The secretary for international affairs will be responsible for matters of foreign policy, contact with foreign organizations and creation of mutually beneficial links with foreign organizations and states and will perform such other duties as may be directed by the N E C.

7.3.p. Secretary for Women Affairs.

She will be the national chairperson of Mazingira women democrats. And will generally promote and mobilize party activities and policies among the women under the direction of the N E C.

7.3.q. Secretary for Youth Affairs

The secretary for youth affairs will be a youth aged not more than thirty five years at the time of elections. He or she will be the national chairperson of the

young Mazingira democrats, and will generally promote and mobilize party activities and policies among the youth, under the direction of the N E C.

7.3.r. Secretary for Special Interest Groups.

The secretary for special interest groups will be responsible for promoting the interests of special interests groups within the mainstream of the party in terms of representation and participation in party structures and activities, the identification and mobilization of special interest groups and ensuring that special interest groups have national presence and profile within the party and shall perform such other duties as may be directed by the N E C.

7.3.s. Secretary for Environment.

The secretary for environment will be responsible for ensuring that sound environmental conservation and management policies are articulated in the party manifesto and propagated in party programs, promoting sustainable management of natural resources at the national level and will perform such other duties as may be directed by the N E C.

7. 3.t.Secretary for Parliamentary Caucus.

There will be a secretary for parliamentary caucus who will coordinate the whips of the National Assembly and the Senate. He or she will be responsible for calling and recording the proceedings of the meetings of the parliamentary groups and briefing other organs of the party on the activities of the parliamentary group.

7.3.u.. Secretary for Counties.

The secretary for counties will be responsible for promoting policies for equitable distribution of resources among the counties and monitoring counties to ensure it is accountable. The secretary for counties will collect data from the county caucuses, and will work together in coordinating the party policies with the secretary of parliamentary caucus and N. E. C. He /she will also perform any other duties as may be directed by the N. E. C.

7.3.v.. Secretary for Science and Technology

The secretary for science and technology will be responsible for promotion of the use of information and communication technology [I C T] within the party, building the capacity of party members to utilize I C T, promoting education policies that meet current technological needs and promoting innovation in technological development so as to create self-sufficiency for the party and the country. He /she will also perform any other duties as may be directed by the N E C

7.3.w.. Secretary for Labour and Manpower Development.

The secretary for labour and manpower development will be responsible for developing policies that promote reform and enactment of labour laws that enhance equity in labour relations and match skills to industrial needs, and for liaising with trade and employers unions.

7.3.x. Any party official who serves the party on a full time basis will be entitled to such remuneration as the National Executive Council will determine.

ARTICLE 8. PARTY MANAGEMENT STRUCTURE AND SYSTEMS

8. National Delegates Congress.

8.1 The N D C will be the highest authority of the party and will determine the party's policy.

8.1.2 The N D C shall consist of:

- (i) all members of N E C. and N G C,
- (ii) the chair, secretary and treasurer of all branches and sub- branches
- (iii) all Mazingira Greens members of parliament
- (iv) two representatives of county assembly.
- (v) chairpersons of all committees and organs created by the N E C
- (vi) representatives of special interest groups, including at least two representatives of persons with disabilities.

(vii) the National Executive Council may invite individuals who have made a special contribution to the party or who have special skills or experience to attend the congress.

viii. Party pillars will attend as observers.

8. 2.3 The N D C will have following functions and powers.

(a.) To review party policies and programmes and give directions regarding the organization of the party.

(b] To consider, modify and if it thinks fit, ratify the manifesto, Constitution and rules of the party.

(c] To establish and/ or revise the by-laws, if required for the regulation of the affairs of the party.

(d.) To receive, examine and approve the annual report and audited accounts presented by the national treasurer for the period since the previous ordinary session of the N D C.

(e.) To receive and discuss the reports of the N G C

(f.) To appoint the Auditor and fix his/ her honorarium.

(g.) To elect by secret ballot the national officials of the party and the N G C from among its membership [at least every five years] as set out in this constitution.

(h.) To elect or appoint any other committee and assign specific tasks and duties to such committee.

8.1.4 Special session of the N D C will be convened by a resolution of the N E C as ratified by the N G C, and held at least once every two years.

8.1.5. The National Chairperson will summon a Special National Delegates Congress upon the decision of the N E C or if requested in writing by one third of the delegates at the national delegates congress subject to the article on procedures of meetings in the constitution.

8.1.6 Decisions will be taken by consensus save that contentious issues will be resolved by voting through secret ballot.

8.2. National Governing Council.

8.2. The National Governing Council will consist of:

- (i) The [26] members of N E C.
- (ii) The chair and secretary from every county.
- (iii) The whips of parliament and county assembly.

8.2.2 The N G C will have the following functions:

- (a) To act as the broader executive body of the National Delegates Congress and to ensure that all recommendations by the N D C are duly carried out by the N E C and the secretariat.
- (b) To run the party and make decisions in between the N D C
- (c.) To review and develop political agenda for the party, county assembly and parliamentary groups.
- (d) To review and recommend the reports of the National Executive Council to N D C.
- (e) To set the agenda for the N D C in consultation with Party pillars.

8.3 The N G C. will create the national elections board, the national finance committee or any other as directed by the N D C.

8.4 The N G C will be convened by a resolution of the N E C and will meet at least once a year.

8.4.1.The N E C will be the executive organ of the party. It will consist of all the national officials of the N D C.

8.4.2.The N E C will be elected by the N D C and will hold office for at least five year's save for the secretary of parliamentary and county representative secretary affairs who will be elected by the parliamentary group and county assembly respectively and ratified by the National Delegates Congress.

8.4.3. Elections will be by secret ballot and will be decided by a simple majority where more than one candidate is contesting for one office. Where only one candidate is nominated for an office at the close of the nominations,

that candidate will be declared the winner. Nominations of candidates will be by proposals and secondment.

8.5. The National Executive Council will have the following functions;

- (a) To act as the executive body and carry out the decisions of the N G C and N D C
- (b) To supervise the administrative machinery of the party at all levels and to recommend measures to be taken by the N G C as it deems necessary to enforce decisions and programmes of the party as laid down by N D C
- (c.) To issue and send directives and instructions to and receive reports from the branches.
- (d) To convene the meetings of and prepare the agenda and reports for the N G C and N D C.
- (e) To oversee the operations of Mazingira women and youth leaders.
- (f) To establish departments and set up committee as it considers appropriate.
- (g) To operate and determine the manner in which the party accounts and finance will be managed.
- (h) 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.
- (i) To receive reports, supervise the work of, and delegate such functions to the national secretariat and national elections board as it considers necessary.
- (j) To confer such honours as per the party's reward and merits scheme as it may deem appropriate.

8.6. The N E C will meet at least once every three month and in the event of an emergency it will assume full responsibility of the party and report to the National Governing Council.

8.7. Every resolution by the N E C will be by resolution so recorded.

8.8. Strategic Planning Committee.

8.8:1 The National Executive Council will appoint the strategic planning committee consisting of maximum of nine members.

8.8:2. Members of the committee will serve for a term of at least five years and are eligible for re-appointment.

8.8 3.The strategic planning committee will be responsible for developing the party policy, conducting research and overall organization, planning and resource mobilization for the party.

8.8.4 The strategic planning committee will meet at least once every three Month

8.9. The Party Pillars.

These will be men and women who will be honorary members who will have made exemplary contribution towards the achievements of the objectives of the Party. They will be role models of the Kenyan society. Their track record will be in service to community, honesty, vision, commitment and other values cherished by the Global Greens Movement and Mazingira Greens Party. Their number shall be a special circle of not more than one hundred [100].

8.10. Duties of the Party Pillars.

- (i) They will oversee the management of party assets.
- (ii) With the help of N.E.C. they will participate in the formulation of the policy and agenda of the N. D. C.s
- (iii) Will fund-raise for the party and the finance raised will be disbursed to the party on presentation and approval of a budget.
- [iv]. Will appoint the Party leader and his/her Deputy.
- (v) Will elect the Torch Bearer as their chair
- (vi) Will arbitrate disputes involving the national officials.
- (vii) Will arbitrate disputes involving branch to branch disputes.
- (viii) Will co-ordinate party affairs during transition or during disputes.

(ix) Shall have powers to veto a presidential candidate, expulsion of a life member, deal with issues touching on party to party matters and national and international issues.

(x) The quorum of the Party Pillars will be a quarter of the membership.

8.10.[a] National Elections Board. [N E B]

i. The N G C will establish a N E B comprising of seven respected and knowledgeable persons of integrity and not more than one third will be from the same gender.

ii. The N E B members will serve for a term of at least five years and be eligible for re-appointment.

iii. At their first meeting they will elect a chair and secretary from among themselves who must be from opposite gender.

iv. The N E B will develop for ratification by N E C rules for party election and nomination of candidates for party and national elections. They will also coordinate and control party elections and nomination of party candidates for national general elections and by elections. The N E B will exercise all its functions on behalf of the N G C and with independence and impartiality.

v. The National Elections Board, the Branch elections board, Branch officials in consultation with the N E C will help develop the party list for approval by the N G C. After approval by the N G C it will be forwarded to the Independent Electoral and Boundaries Commission.

8. 10. [b]. National Appeals Board.

1, The National Governing Council will establish the National Appeals Board comprising of seven respected and knowledgeable persons of integrity and not more than two thirds will be from the same gender, the members shall be persons who are Kenya citizens, over the age of eighteen [18] years and must not be holders of an elective party office and be neutral.

- 2, The N. E.C. will receive applications from the members who would like to be nominated to the N, A, B. After assessing and verifying the applicants they shall be forwarded to the N G C. for further verification and appointment.
- 3, Those who qualify will have to adhere to the party disciplinary code of regulations article [12] and chapter six of the constitution or any other law dealing with leadership and integrity.
- 4, At their first seating they will elect the chair and secretary from among themselves and who must be from opposite gender.
- 5, The N A B will also have branch offices at the County level [Branch Appeals Board]
- 6, Their mandate will be to receive nomination appeals, study the facts of the appeal case, adjudicate on the appeal, and communicate the decision to the appellants in a timely fashion [not later than 48 hours after judgement of the appeal].
- 7, The decision of the appeals board will be final, and the party will meet the costs of the appeals process.

8.11. Parliamentary groups.

8. 11.1 There will be the party parliamentary group consisting of all Mazingira members of the national and senate assembly. The party parliamentary groups will work in consultation with the National Executive Council through the secretary for parliamentary affairs who will ensure and adhere to party ideology, vision, mission, policies and party decisions.
- 8.11.2 The parliamentary group will be responsible for advancing and defending the party policies and programmes within the national assembly and the senate. The members of parliament will at all times jointly and severally exercise due diligence in the discharge of their parliamentary duties.

8.12. National Secretariat.

8.12.1 There will be a national secretariat at the party's headquarters which will be the civil service of the party with employees who will be guided by the party's service code.

8.12.2 The main duties of the national secretariat will be:

- i, management of the party's operations.
- ii. the implementation of party's decisions.
- iii. voters outreach and membership recruitment.
- iv. registration, mobilization and maintenance of voters/ member register.
- v. coordination, facilitation and synchronization of party activities and events.
- vi. public relations, communication and media outreach.
- vii. campaign strategies.
- viii. operations and logistics.
- ix. party policy and research.
- x. county branches coordination.
- xi. liaisons with all party structure.
- xii. any other duties as may be assigned by the National Executive Council.

8.12.3. The national secretariat will be headed by the executive director. The executive director will be appointed by the N E C. The executive director will be responsible for overall coordination of party activities, budget and resource management and programme management.

8.12.4 The N E C will appoint officers to be in charge of departments and support staff to service departments as well as other organs of the party.

The N E C will create terms and conditions of all employees of the party both at the national level and the branches.

8.12.5 The Executive Officer may terminate services of an employee for gross misconduct after giving the employee written warning and opportunity to

defend himself or herself against the charges. The aggrieved employee will have the right to appeal to N E C within twenty-one days from the date of dismissal.

ARTICLE 9. PARTY BRANCHES [COUNTIES] AND RESPONSIBILITIES

9.1. Each branch will be managed by a branch executive committee consisting of:

- (i) Chairperson, vice chairperson
- (ii] Branch secretary, assistant secretary
- (iii] Treasurer
- (iv) Secretary for women affairs
- (v) Secretary for youth affairs
- (vi) ten committee members [senator, member of national assembly, whip of the county assembly and the rest will be elected by the branch assembly]

9.2 The duties of the branches/counties are:

- i. To promote the party and its activities within their branch.
- ii. To promote political and civic education among the citizenry within the branch.
- iii. To create new sub- branches under the supervision of N E C.
- iv. To liaise and work under the direction of N E C.
- v. To ensure discipline within their branch and sub branches.
- vi. To compile the list of delegates who will attend the N D C.
- vii. To deal with disputes between sub-branches.
- viii. To ensure discipline within their branch and sub-branches.
- ix. To recommend the suspension of an errant sub-branch, official or member.

- x. The branch under the supervision of N E C shall divide the branch into several sub-branches for more efficient and democratic functioning of the party.
- xi. The branch will have the power to develop a code of conduct or standing orders to apply to all party organs, officials, agents, office bearers and members within that branch, and will become operative when approved by the N E C.
- xii. The branch officials in consultation with N E C will generate the party list.

9.2.3 The branch will meet at least once every three month.

The officials and duties of the sub-branch and diaspora will be the same like those of the branch where applicable

ARTICLE 10. FINANCIAL STUCTURE AND SYSTEMS

10.1 Subject to any written law governing finances of political parties, the sources of finances of the party shall include the following.

Membership Dues;

- i, grants and donations from members, well wishers and organisations.
- ii. membership fees.
- iii. monthly contributions by elected and nominated members.
- iv. compensation from candidates who withdraw from the party after nomination.
- v. income from any other party investment and activity.
- vi any other source permissible under the law of Kenya and this constitution.

10.2 The Party Pillars shall establish rules and regulations to govern the collection, keeping and disbursement of finances; and

10.3 The Secretary General shall be the party's accounting officer.

10.4 The N E C will employ a financial director who will be in-charge of day to day running of the party finances.

10.4 The party and the bodies created by it shall not incur expenditure in excess of funds at their disposal.

10.5 The end of the financial year of the party shall be the 30th June of every year.

AUDITORS.

10.6 The party shall appoint or re-appoint an auditor at the N D C.

10.7 All party accounts, records and documents shall be open to the auditor at any time for inspection.

10.8 The treasurer will produce and submit audited accounts which shall not be less than six weeks and not more than three months before the date of N D C.

10.9 The party will pay the auditor such honorarium for duties done as may be approved by the N D C.

10.10 The auditor shall not be an office bearer or member of any committee of the party.

PURPOSE FOR USE OF FUNDS.

10.11 Funds in custody of the party will be used for purposes compatible with democracy including;

i, promoting active participation by individual citizens in political life.

Ii, covering the election expenses of the party and the broadcasting of the policies of the party.

Iii, ensuring continuous vital links between the people and organs of state.

Iv, the organization by the party of civic education in democracy and other electoral processes.

V, bringing the party's influence to bear on the shaping of public opinion.

Vi, and any other use the N E C may direct.

10.12 Funds in custody of the party will not be used;

i, To pay directly or indirectly remuneration, fees, rewards, or any other benefit to a member or supporter of the party.

ii, To finance or as contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers.

iii, Directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property, except where the right or interest in the immovable property is to be used by the party solely for ordinary party political purposes, or

Iv, for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes.

10.13 Seventy percent of the fund allocated from the government kitty will be distributed proportionately to the counties based on votes secured by the branches in the preceding general elections.

11. NATIONAL ASSEMBLY, SENATE AND COUNTY CAUCASES.

11.1 There will be the national assembly, the senate and county assembly
Caucuses.

11.2 Each of the caucus will elect their whip who will be responsible for galvanizing support of all Mazingira Members of parliament and county assembly representatives, and others for bills and motions proposed or supported by the party. He/ she will be responsible for calling and recording the proceedings of the meetings of the parliamentary group and also the county representative group and briefing other organs of the party on the activities of the parliamentary group and the county representative group.

11.3 The party parliamentary groups will work in consultation with the N E C through the secretary for parliamentary affairs who will ensure and adhere to party ideology, vision, mission, policies and party decisions.

11.4 The county representative caucuses will work in consultation with the secretary of the counties and N E C who will ensure and adhere to party ideology, vision, mission, policies and party decisions.

11.5 The parliamentary and county representative's caucuses shall be elected by the members of parliament and the county assembly representative group respectively.

ARTICLE 12. PARTY DISCIPLINE AND CODE OF REGULATIONS

Any member or official of the party must adhere to party disciplinary code of regulations.

12.1 The party disciplinary code of regulations prohibits party members or officials from;

i. getting involved in violence as a means of promoting their individual or party position on any political matter; they shall not misrepresent the party members or party organs. Any such misrepresentations will attract disciplinary proceedings in accordance with this constitution.

ii. tampering with party records, documents or accounts.

Iii, acting in any way against a candidate fielded by the party in any election.

Iv, prejudicing the integrity or repute of the party, its personnel or its operational capacity by impeding the activities of the party or creating divisions within its ranks or membership.

V, failing to pay the subscriptions fee for more than three years.

vi. misappropriating funds of the party or destroying its properties.

vii. abusing elected or employed staff in the party or in Government or trying to obtain any direct or indirect undue advantage or enrichment.

viii. breaching the peace through disorderly behaviour.

ix. deliberately disrupting meetings or otherwise interfering with the orderly functioning of the party.

12.2 Disciplinary proceedings against a member or official shall be confined to violations of Mazingira Greens Party constitution, code of conduct, rules, or other regulations made pursuant to this constitution.

12.3 The penalties for breaching party discipline include a warning, reprimand, and payment of fine, suspension and in grave circumstances, expulsion.

12.4 Disciplinary proceedings may be initiated by any organ or official of the party at the sub-branch, branch and even at national level.

12.5 A charge shall be made in writing within reasonable time of the alleged commission of offence.

12.6 Accused persons shall be granted an opportunity to prepare their own defence.

12.7 The decision of the disciplinary organ shall be in writing and shall be communicated to the accused after a fair hearing.

12.8 The accused shall have the right to appeal.

12.9 Any appeal hearing must be held by the next higher organ in the party.

ARTICLE 13 . INSPECTION OF ACCOUNTS AND REGISTER OF MEMBERS.

13.1 Party accounts and register of members shall be available for inspection by any officer of Government empowered to do so under any written law.

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

ARTICLE 14. OFFICIALS AUTHORIZED TO SIGN DOCUMENTS LISTED HEREUNDER.

A, The documents listed hereunder will be signed by either of the two, the National Chairperson, Secretary General and Treasurer -:

Accounts of the party

B. The following Documents will be signed by The Secretary General or the Chairperson.

- i, All documents presented to registrar.
- ii. Accounts of the party.
- .iii, Nomination Certificates.
- Iv . Financial reports of the party.
- v, Annual report of the party .
- vi. Any report of the party required under this act or any other written law.

C. The following documents will be signed by the Party Leader and the Secretary General.

- i. Coalitions, Mergers, affiliations, alliances
- ii. All other documents that require the top officials of the Party to sign.

B, Nomination certificates for General elections , by-elections and party list will be signed by either the National Chairperson or Secretary General.

ARTICLE 15. DEVELOPMEENT OF POLICY DOCUMENTS.

15.1 The strategic committee will develop the political party policy on which the party will perform.

15.2 The policy documents will be developed in line with article three and four of the party constitution.

15.3 The Strategic committee will table it to N E C who will forward to the National Governing Council for final approval.

ARTICLE 16. PUBLICATIONS

16.1 The party will publish a magazine called Mazingira Greens.

16.2 The party may publish other literature to its members, and general public.

16.3 The treasurer will publish books of accounts to the members.

ARTICLE 17.ASSET MANAGEMENT, INVESTMENTSS AND PROPOERTY OF PARTY.

There shall be a board of trustees who shall comprise of:

17.1 There shall be five (5) trustees, a chairperson and four (4) other trustees appointed by N D C from the Party Pillars.

17.2 There shall be a trust deed where all land, buildings and other immovable property, investments and securities that may be acquired by the party shall be vested in the names of the Trustees.

17.3 The trustees will be appointed for a period of at least five years [5] and will be eligible for re-appointment.

17.4 None of the trustees will be removed from office except on any of the following grounds; voluntary resignation in writing addressed to the national chairman; insanity, bankruptcy or by a motion supported by at least two thirds majority of delegates at the N D C.

17.5 The quorum necessary to transact business by the trustees shall be three (3) trustees personally present.

17.6 The trustees shall pay all income received from the property vested in the trustees to the national treasurer. Any expenditure in respect of such property invested or securities which in their judgment is deemed prudent shall be reported to the N E C which may authorize expenditure of such money's as it thinks fit.

17.7 The board of trustees will meet at least twice a year and in the absence of the chairperson the trustees present shall elect one among them to preside.

ARTICLE 18. NOMINATION RULES

1, A person may be nominated as a candidate for an election if the person;

a, is qualified to be elected to that office under the Constitution, and the elections Act; and

b, holds a post secondary school qualification recognised in Kenya.

2, Notwithstanding subsection [1] [b] of elections Act a person may be nominated as a candidate as President, Deputy President, county Governor or deputy county Governor only if the person is a holder of a degree from a university recognised in Kenya.

Pursuant to Part 111 of the Elections Act:

i, The party will nominate its candidates for an election as per the election law or as directed by I E B C or any act of Parliament.

ii, Party will not change the candidate nominated after the nominations if that person has been received by commission except if:

A, Person dies

B, Person is declared bankrupt

C, Person is declared to be of unsound mind

D, Person opts to step out.

.18. In line with chapter six of the constitution on leadership and integrity, all aspiring candidates must ensure that they acquire the following documents from the relevant authority before the formal nomination day:

(i) Certificate of good conduct

(ii) Clearance from higher education loans board

(iii) Tax clearance from Kenya revenue authority

18.3 All aspiring candidates and officials of the party must conform with chapter six of the constitution.

18.4 Only registered members of the party will participate in the nomination exercise.

18.5 Candidates on the party list must have been members of the political party for at least three months before the date of submission of party list to the Independent Electoral and Boundaries Commission.

18.6 Party nomination for party lists and for individual candidates will be done as per the elections or any other law.

18.7 Party nomination rules must be submitted to the Independent Electoral and Boundaries Commission as per the election act or any other law dealing with elections.

18.8 The close of membership recruitment when it comes to party list candidates will be as per election law or any act of parliament.

18.9 Three months before the party nomination, party membership list must be submitted to the registrar of political parties and the I E B C for purposes of being eligible to vote in the party nominations and to be a party candidate, or as directed by an act of parliament.

18.10 Presidential candidates must have collected 2,000 signatures from a half of the counties, national assembly candidates must have collected 1,000 signatures from the constituency, senate candidates must have collected 2,000 signatures from the county and county assembly 500 from the ward.

18.11 Party signatories must append their names and signatures on the party nomination certificates or letters for purposes of party nomination certificates. The names of party signatories must agree with the names of the registered officials of the political party held by the registrar of political parties.

18.12 The party list should be presented to the I E B C at a date specified by them but not later than twenty one days to the election.

18.13 The party list will prioritize persons with disability, the youth and any other candidate representing marginalized group.

18.14 A person qualifies for nomination as a presidential candidate if the person is nominated by Mazingira Greens Party:

[i].the person is nominated by not fewer than two thousand voters from each of a majority of the counties who shall also be members of Mazingira Greens Party.

[i] is a citizen by birth.

(ii) is qualified to stand for election as a member of parliament.

18.15 A person is not qualified for nomination s a presidential candidate if the person:

(i) owes allegiance to a foreign state or

(ii) is a public officer or is acting in any state or other public office.

18.16 Subsection 18.15(ii) shall not apply to the:

(i) the President

(ii) the Deputy President or

(iii) a member of parliament.

18.17 A person is eligible for election as a member of parliament if the person is nominated by Mazingira Greens Party and:

(i) in the case of election to the national assembly, by at least one thousand registered voters in the constituency, or

(ii) in the case of election to the Senate ,by at least two thousand registered voters in the county who shall be members of Mazingira Greens party.

(iii) Is a Kenyan citizen

(iv) Has attained age of twenty one (21) years

(v) Is a registered voter in any constituency in the Republic of Kenya

(vi) Has adhered to the electoral code of conduct by signing the declaration form.

(vii) His/her party must have subscribed to the electoral code of conduct

(viii) Is not in violation of the provisions of chapter six of the constitution.

18.18 A person is disqualified from being elected a member of parliament if the person:

(i) is a state officer or other public officer other than a member of parliament.

- (ii) has, at any time within the five years immediately preceding the date of election, held office as a member of the commission
- (iii) has not been a citizen of Kenya for at least the ten years immediately preceding the date of election.
- (iv) is a member of a county assembly
- (v) is of unsound mind
- (vi) is an un-discharged bankrupt
- (vii) is subject to a sentence of imprisonment of at least six months, as at the date of registration as a candidate, or at the date of election; or
- (viii) is found in accordance with any law to have misused or abused a state office or public office or in any way contravened chapter six of the constitution.

18.19 A person is eligible for election as a member of a county assembly if the person is nominated by Mazingira Greens Party and satisfies any educational, moral and ethical requirements prescribed by the constitution and the elections act.

18.20 A person is disqualified from being elected a member of a county assembly if the person:

- (i) is a State officer or other public officer, other than a member of the county assembly
- (ii) has, at any time within the five years immediately before the date of election, held office as a member of the commission
- (iii) has not been a citizen of Kenya for at least the ten years immediately preceding the date of election
- (iv) is of unsound mind
- (v) is an un-discharged bankrupt
- [vi] is serving a sentence of imprisonment of at least six months
- (vii) has been found in accordance with any law to have misused or abused a state office or public office or to have contravened chapter six of the constitution.

18.21 A person shall not qualify to be nominated for county representative seat if the said person:

- (i) Is an employee of the local authority
- (ii) Holds any paid office or other place of profit (other than that of mayor and chairman)
- (iii) Has in at least five years been surcharged under Section 236 of the local government act
- (iv) Has within 12 months before the day of nominations or elections been convicted of any offence for a period of not less than 3 years and has not received a free pardon
- (v) Is disqualified by virtue of the provisions of the elections offences act
- (vi) Has within 3 years from the date of his election or nomination been convicted of an offence under Section 86A of the local government act.

18.22 Mazingira Greens will nominate candidates for presidential, parliamentary, governor and county assembly representative.

18.23 Any person desiring to be nominated on party ticket shall be required to be full members of Mazingira Greens Party and shall have fulfilled all the requirements of Mazingira Greens Party as determined by the National Executive Council.

18.24 The candidate shall also pay the general elections or by election nomination fee as required and determined by the Independent and Electoral Boundaries Commission. The candidate shall also conform to chapter six of the constitution of Kenya.

18.25 Every candidate nominated on Mazingira Greens Party ticket shall strictly adhere to the rules, procedures and regulations governing the conduct of party elections as laid down in the party elections and nominations rules. The candidate shall also adhere to the country's general or by election rules as stipulated in the I E B C code of conduct and other laws governing elections.

18.26 The party shall sponsor only one presidential candidate for general

elections and one candidate to all other elective posts.

ARTICLE 19. AMENDMENT OF PARTY NAME, CONSTITUTION OR RULES OF PARTY.

19.1 Amendments to this constitution must be approved by at least two thirds majority of the delegates present and voting. Notice of intent to propose any amendments to the constitution should be forwarded to the office of the secretary general at least three months before the N D C.

19.2 The N E C will provide at least one month's notice for any constitutional amendment.

19.3 Amendments of articles, rules and regulations, standing orders or codes of conduct may be amended by a decision of two-thirds majority of the organs empowered to make them.

19.4 After approval by the N D C, all the approved amendments will be forwarded to the registrar of political parties for the final approval.

ARTICLE 20. MERGERS AND COALITIONS.

20.1 The N G C in consultation with the Party Leader and Party Pillars may resolve to form a

Coalition with other political parties before or after any presidential, Parliamentary governor and county assembly elections. In that event the modalities of formation, maintenance and termination of such a coalition will be determined by the constitution of Kenya or any other written law in force then.

ARTICLE 21. DISSOLUTION OF PARTY.

21.1 If two thirds of those in the N D C present and voting pass a resolution that the party should be dissolved the Trustees will hand over all the assets of the party, to the Party Pillars for further action according to the law.

ARTICLE 22. DISPUTE RESOLUTION MECHANISMS.

22.1. Subject to the political parties act, 2011, its replacement or any other written law any dispute concerning the interpretation of this constitution, disputes between members or any dispute concerning any matters relating to party affairs or the management of the party and dispute arising from the coalition with other parties shall be adjudicated upon through arbitration.

22.2 Parties concerned will appoint a single arbitrator from the panel of arbitrators established by the Party Pillars. Should the parties to the dispute fail to agree the Party Pillars will meet and act as the arbitrators whose decision shall be final.

22.3 For avoidance of doubt, no member shall institute any court proceedings against the party.

ARTICLE 23. GENDER PARITY AND AFFIRMATIVE ACTION

23.1 The party will aspire to attain gender parity in all positions of leadership at all levels and will cover affirmative action for minorities and marginalized groups.

24.2 Every organ of the party must be constituted by not less than one third of either gender.

ARTICLE 24. HUMAN RIGHTS AND GENDER.

24.1 Every organ of the party must be constituted by not less than one third of either gender while moving towards the fifty -fifty balance.

24.2 The laws governing human rights either in the constitution or an act of parliament will guide the party in implementing this party constitution.

ARTICLE 25. IMPLEMENTATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE AS PROVIDED IN THE CONSTITUTION.

25.1 National values as provided in the constitution are in chapter 2 section 10 and are as indicated hereunder will be the core principle, the officials and members of the party will follow in implementing this party constitution:

The national values and principles of governance include—

[a] Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;

(b) Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;

(c) Good governance, integrity, transparency and accountability;

And,

(d) Sustainable development.

THE END.