An Analysis of Kenya’s Political Party Nomination Rules
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The Youth Agenda (YAA)
Woodlands Court, Kirichwa Lane, Off Ngong Road
P.O. Box 10174 – 00100
Nairobi

Tel: +254 20 2022026
Fax: + 254 20 3559212

ISBN: 978-9966-1555-8-0

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### ABBREVIATIONS AND ACRONYMS

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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAR</td>
<td>County Assembly Representative</td>
</tr>
<tr>
<td>DP</td>
<td>Democratic Party of Kenya</td>
</tr>
<tr>
<td>D/GOVERNOR</td>
<td>Deputy Governor</td>
</tr>
<tr>
<td>FORD</td>
<td>People - Forum for The Restoration of Democracy</td>
</tr>
<tr>
<td>GNU</td>
<td>Grand National Union Party of Kenya</td>
</tr>
<tr>
<td>IEBC</td>
<td>Independent Electoral and Boundaries Commission</td>
</tr>
<tr>
<td>KANU</td>
<td>Kenya African National Union</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>NARC</td>
<td>National Rainbow Coalition</td>
</tr>
<tr>
<td>NEC</td>
<td>National Executive Committee</td>
</tr>
<tr>
<td>NM</td>
<td>Not Mentioned</td>
</tr>
<tr>
<td>ODM</td>
<td>Orange Democratic Movement</td>
</tr>
<tr>
<td>PNU</td>
<td>Party of National Unity</td>
</tr>
<tr>
<td>PWD</td>
<td>People with Disability</td>
</tr>
<tr>
<td>RBK</td>
<td>Restore and Build Kenya</td>
</tr>
<tr>
<td>TBD</td>
<td>To Be Decided</td>
</tr>
<tr>
<td>TNA</td>
<td>The National Alliance Party</td>
</tr>
<tr>
<td>UDF</td>
<td>United Democratic Forum</td>
</tr>
<tr>
<td>UDM</td>
<td>United Democratic Movement</td>
</tr>
<tr>
<td>URP</td>
<td>United Republican Party</td>
</tr>
<tr>
<td>WDM</td>
<td>Wiper Democratic Movement- Kenya</td>
</tr>
<tr>
<td>W/REP</td>
<td>Women Representative</td>
</tr>
<tr>
<td>YAA</td>
<td>Youth Agenda</td>
</tr>
</tbody>
</table>
FOREWORD

Party nominations and elections in most political parties are hardly free, fair and peaceful. As a result of such defective and sometimes undemocratic processes, the youth are more often than not edged out by the rich politicians. Using handouts and other tricks, including purchasing of nomination certificates before the actual party contest. The youth also are often hired by the same politicians to engage in violent activities against real and perceived political opponents. This has been the case in Kenya in virtually all the multi-party elections held between 1992 and 2007 a scenario we can only hope doesn't happen in 2013.

The Constitution offers young women entry points for engagement in the political and democratic processes through elective, nominative and appointive positions in national and county government. Moreover, it also provides for the inclusion of the principle of affirmative action which guarantees an increase in women's participation in all decision making organs including the devolved government. However, political processes and particularly elective politics pose off-putting challenges which have resulted in the disassociation of young women from political processes. Some of these challenges: intimidation from male counterparts, male chauvinism which sees women as inferior, financial handicaps which limits one's ability to campaign, social stigma where women in politics are seen as social misfits, violence where male candidates unleash political goons on female candidates, sexual harassment by political bigwigs who hold decision making powers and dangling in the middle of the youth and women movements (Status Report on Young Women in Political Parties (YAA 2012).

After the promulgation of the 2010 constitution overwhelmingly supported by young people, Youth Agenda within its mandate has been advocating for affirmative action within affirmative action. Through a popularly known campaign dubbed ‘purple zebra’ Youth Agenda urged all political parties to adopt this affirmative action principle through their party nomination rules submitted to the Registrar of Political Parties on 17th October 2012.

This publication presents a detailed analysis of political party nomination rules with regards to affirmative action, from a sample of 25 political parties. While lauding attempts by some parties this report notes with concern that most parties failed to address the youth and young women constitutional rights through affirmative action programmes. We have concluded that non implementation of affirmative action provision of the Political Parties Act and the Constitution will impact negatively on the 4th of March 2013 general election with regards to constitutional rights, our democracy and the quest for free fair and credible elections.

We wish to acknowledge everyone involved in generating this report; Dr Washington Makodingo- Consultant, Dennis Kirwa-Former Programme Officer YAA, and Judy Nguru Walla- Programme Manager/ Deputy CEO.

Our sincere gratitude goes to USAID and Act Kenya for their financial support.

Last and not least, I would like to reiterate my thanks to all the young women who have continued to sacrifice their time to see this principle adopted in all processes.

Susan K. Mwongera
Chief Executive Officer
1.0 INTRODUCTION

1.1 BACKGROUND

The struggle by young people to ascend to positions of leadership has been as long and drawn out as our struggle as a people to get a new constitution. Even with the advent of pluralism, young people are still finding it difficult to meaningfully participate in the political processes. This struggle has not been helped by the increasing costs of election campaigns that have essentially made it a preserve of the retired and rich in society or young people with political godfathers.

It is increasingly becoming more difficult for a common young person to win an elective seat in this country. The amount of money required, first to get participate in a party nomination, and then to campaign to win that nomination is enormous and obviously beyond the reach even of the youth in the middle class.

This problem is compounded by the chaotic party nomination processes where losers are often awarded certificates based on nothing but the mere fact that they have connections to the party bigwigs. Several party nominations have ended in literal warfare with the strongest aspirants with the meanest hooligans often emerge as winners.

It is on this basis that young people have been advocating for affirmative action, not because they do not have the number, but because the political processes are often skewed in favour of the old, moneyed and well-networked persons.

With the advent of a new constitution however, young people expected some of these problems to be addressed. The key areas that youth were looking at to redeem the situation include campaign financing, fair nomination rules and enforceable affirmative action clauses. In as far as affirmative action goes, youth have expressed their disappointment at the shortfalls of the 2010 Constitution in addressing this for youth. The 10th parliament has completely ignored creating legislation to deal with campaign financing. In fact, the only provision that attempts to limit the influence of money in campaigns is a single article in the Elections Act that stops aspirants from engaging in fundraising activities eight months prior to a general election (Elections Act, Article 26(1)) which is in itself very difficult to monitor.

This leaves the party nominations as the only other avenue through which youth can seek redress in terms of achieving their aspirations of becoming elected leaders in this country. It is for this reason that The Youth Agenda has embarked on reviewing the Nomination Rules submitted to the Registrar of Political Parties as a way of ensuring that youth participation in a free and fair nominations process is guaranteed.
1.2 AFFIRMATIVE ACTION LEGAL FRAMEWORKS

The principle of affirmative action is entrenched throughout the Constitution. For gender provisions, this is done in several instances but most importantly in the Bill of Rights under Article 27(8) thus “In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.” This of course is lent more credence given that the Bill of Rights is one of the protected Chapters in the Constitution whose amendment can only be initiated through a Constitutional Referendum. It is currently the subject of a request to the Supreme Court for an Advisory Opinion on whether it is implementable immediately or progressively.

For youth, Article 55 states,

“The State shall take measures, including affirmative action programmes, to ensure that the youth—
(b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;”

Even though it is not as explicit as the provisions on gender, the clause envisions a state where youth is an integral part of the political decision making process. The youth are therefore not unreasonable to be expectant that state institutions, including political parties (which are funded by taxpayer money) should take affirmative action steps to assure their meaningful participation in the electoral process, including being elected into office.

In addition, the Constitution now requires political parties to adhere to certain fundamental principles for good governance. Article 91 states,

(1) Every political party shall—

(e) respect the right of all persons to participate in the political process, including minorities and marginalised groups;

The Elections Act additionally provides for certain protections of marginalized groups in the first Schedule to the Political Parties Act (which is in itself a creation of Article 91 (1)(h) of the Constitution. It states,

(5) Every political party shall—

(a) respect the right of all persons to participate in the political process including youth, minorities and marginalized groups;
(b) respect and promote gender equity and equality, human rights and fundamental freedoms; and
(c) be tolerant and inclusive in all their political activities.

(6) Every political party shall—

(c) respect, uphold and defend their respective political party constitutions, political party election rules, political party nomination rules and any other political party rules and Regulations developed and agreed upon in accordance with this code of conduct;
1.3 OBJECTIVES OF THE STUDY / ANALYSIS

The main objective of this analysis was to determine the place of the youth, women and persons with disabilities in the political parties nomination rules.

The specific objectives were to assess;

- The level of recognition of marginalized groups in the nomination rules.
- The nomination fees of sampled political parties and whether the same do hinder the level of participation of youth, women, persons with disabilities and minorities in the political parties primary.
- The level of compliance with legislative instruments i.e the Constitution, Political Parties Act and Elections act and regulations from IEBC.
- Usage of Affirmative Action Clauses in the nomination rules to safeguard the place of young women.
- Comparative study on best practices that would culminate in the development of a model political parties nomination rules that can be used to safeguard the place of the youth, Women and Persons with Disabilities.

1.4 STUDY OF METHODOLOGY

This analysis was done using data available and filed with the Registrar of Political Parties. An independent consultant was engaged by Youth Agenda to analyse political parties nomination rules. A sample of 25 political parties was used for this study.

In looking at these rules, emphasis has been laid on the following factors:

1. The Nomination fees proposed to be charged by the various Political parties for the various elective positions available.
2. Whether there are exemptions for Youth and Women in respect to the Nomination Fees charged by the Political Parties.
3. Whether there are any concrete steps being taken by the political parties to assure representation of Women and Youth.
4. Whether there are concrete steps being taken to assure affirmative action within affirmative action for young women for the slots reserved for women in the nominative positions.
5. Whether any of the Parties has Nomination Rules that appear closest to the ideal in as far as affirmative action for Youth is concerned.
2.0 KEY FINDINGS

2.1 GENERAL FINDINGS

The study revealed that several parties seem to have cut and pasted each party’s Nomination Rules without alterations. These are United Democratic Movement, SAFINA, SabaSaba - Asili, PICK, AGANO Party and New Ford Kenya (NFK). In fact, the person who wrote either of the Nomination Rules for NFK or UDM must have done a “find and replace” of the Party Name with the other. Everything else remains the same including the date of adoption (November 2011) which is highly improbable. At least the other parties changed the adoption dates and SabaSaba - Asili added Nomination Fees.

Another notable thing in all the above Nomination Rules is the fact that they have glaring contradictions that any thoughtful person would have easily picked out.

In view of the foregoing, it is evident that development of party nomination rules was not taken seriously and not much thought was put into developing them. In fact, it is also highly probable that the party organs did not participate at all in their formulation.

2.2 NOMINATION FEES

The Party Nomination Fees tabulated below shall be in addition to the Nomination Fees stipulated by the Independent Electoral and Boundaries Commission as gazetted in Legal Notice No. 128 of 2012 – The Elections (General) Regulations, 2012 of November, 2nd 2012.

<table>
<thead>
<tr>
<th>CANDIDATE</th>
<th>NOMINATION FEE</th>
<th>YOUTH/WOMEN/PWD</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>200,000</td>
<td>100,000</td>
</tr>
<tr>
<td>National Assembly</td>
<td>20,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Senate</td>
<td>50,000</td>
<td>25,000</td>
</tr>
<tr>
<td>Governor</td>
<td>50,000</td>
<td>25,000</td>
</tr>
<tr>
<td>County Assembly Rep</td>
<td>5,000</td>
<td>2,500</td>
</tr>
<tr>
<td>PARTY NOMINATION FEES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARTY</td>
<td>PRESIDENT</td>
<td>GOVERNOR</td>
</tr>
<tr>
<td>-------</td>
<td>-----------</td>
<td>----------</td>
</tr>
<tr>
<td>1 TNA</td>
<td>1,000,000</td>
<td>250,000</td>
</tr>
<tr>
<td>(Youth, Women, PWDs)</td>
<td>Guaranteed 50% Waiver</td>
<td></td>
</tr>
<tr>
<td>2 ODM</td>
<td>1,000,000</td>
<td>300,000</td>
</tr>
<tr>
<td>(Special Interest)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 KNC</td>
<td>500,000</td>
<td>100,000</td>
</tr>
<tr>
<td>4 NARC-Kenya</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>5 URP</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>6 NARC</td>
<td>N/A</td>
<td>100,000</td>
</tr>
<tr>
<td>7 UDF</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>8 DP</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>9 KANU</td>
<td>1,000,000</td>
<td>200,000</td>
</tr>
<tr>
<td>(Vulnerable Groups)</td>
<td>Allows for Upto 50% Waiver</td>
<td></td>
</tr>
<tr>
<td>10 WIPER</td>
<td>1,000,000</td>
<td>300,000</td>
</tr>
<tr>
<td>11 GNU</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>12 PNU</td>
<td>1,000,000</td>
<td>200,000</td>
</tr>
<tr>
<td>13 APK (MBUS)</td>
<td>1,000,000</td>
<td>200,000</td>
</tr>
<tr>
<td>(Women/Youth)</td>
<td>50% of the Amount</td>
<td></td>
</tr>
<tr>
<td>14 FORD-People</td>
<td>1,000,000</td>
<td>300,000</td>
</tr>
<tr>
<td>15 RBK</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>16 Agano Party</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>17 Republican Congress</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>18 SabaSabaAsili</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>19 PICK</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>20 UDM</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>21 New FORD-Kenya</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>22 SAFINA Party</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>23 SPK</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>24 LPK</td>
<td>N/M</td>
<td>N/M</td>
</tr>
<tr>
<td>25 KSC</td>
<td>N/M</td>
<td>N/M</td>
</tr>
</tbody>
</table>

**KEY:** TBD – To be decided (by NEC and/or Elections Board)

**NM:** Not Mentioned (The Nominations Fee is not mentioned in the document)
2.3 AFFIRMATIVE ACTION

In assessing whether political parties have concrete steps towards affirmative action for youth and young women, the study revealed that most of the parties do not have explicit Affirmative Action provisions for any of the marginalized groups, and where they exist, they are only in so far as nomination fees are concerned. From the analysis:

1. TNA is the only party that has elaborate and sufficient provisions on affirmative action, including “Affirmative Action within Affirmative Action”
   a. The Party List for Senate Women Nominees alternates between a Woman Youth and an older Woman;
   b. The Senate Youth Nominee shall have both a man and a woman youth.
   c. The Senate Person With Disability (PWD) Nominee shall have both a woman and a man.
   d. National Assembly Party List shall alternate between a man and a woman with the first 4 nominees representing Youth, PWDs and Workers and that the list of 12 must include 2 members each representing Youth, PWDs and Workers though it rolls back the gains by adding that one person may represent more than two categories.
   e. The County Assembly Party List will alternate between a Man and a Woman.
   f. The Elections Board shall not have more than two thirds of its membership being of the same gender.

2. Four of the major political parties do NOT have affirmative action provisions at all. These are ODM, Wiper, NARC-Kenya and URP.

3. UDF talks about ensuring “gender balance” in nominations without stipulating how this will be achieved which is akin to not having affirmative action at all.

4. KANU’s attempt at affirmative action ends at the possibility of waving up to 50% of the nomination fees for what it calls “vulnerable groups”.

NOTES:

1. Peter Kenneth’s KNC has the lowest Nomination Fees for President, Governor and MP
2. TNA has the lowest Nomination Fees for Young Women Running for Women Rep (37,500) after the 50% Waiver
3. KNC and NARC have the lowest Nomination Fees for Senator and Governor (100,000)
4. All the major parties (TNA, ODM, WIPER) have a Nomination Fee of 20,000/- for County Assembly Representatives. However, TNA waives 50% which makes it the Lowest amongst the major Parties
5. With the possibility of a 50% Waiver, the Grand Old Party KANU has the lowest Nomination Fees for “Vulnerable Groups” that could see Women Rep and County Assembly Reps pay as little as 25,000/- and 5,000/- respectively.
6. Only PNU, APK and KNC are explicitly charging Nomination Fees for Deputy Governor Nominees. This however doesn’t seem since Deputy Governor Candidates do not require Nomination Certificates
7. URP, UDF and NARC-Kenya have left the decision of their Nomination Fees to their respective National Elections Boards.
8. Most Political Parties have not indicated their nomination fees as part of the nomination rules they submitted to the Registrar of Political Parties. It is these that are marked with TBD (To be Decided). In most of these, it is indicated that their respective NECs and the Elections Boards will determine the fees after internal consultations.
2.4 LEADERSHIP AND INTEGRITY

The study further established that parties (including all the major political parties with the exception of Wiper) avoided touching on issues surrounding leadership and integrity. A majority of the ones that have done so have just glossed over the issue. Most parties have internal vetting mechanisms that are not defined and look designed to check for the basic documentation required by the constitution.

However, a few parties have explicitly required external vetting bodies’ involvement. These parties require their candidates to provide the following:

1. Clearance from the Kenya Revenue Authority on Tax Compliance
2. Clearance from the Higher Education Loans Board
3. Clearance from the Ethics and Anti-Corruption Commission

These parties are Wiper Democratic Movement (WDM), Kenya Social Congress (KSC), Restore and Build Kenya (RBK) and Republican Congress (RC). A closer look at the WDM Nomination Rules indicates a rush to include this provision given that they still refer to the Kenya Anti-Corruption Authority (KACA).

SAFINA explicitly bars those with criminal records from presenting themselves for nominations on the party ticket.

KSC is the only party that bars those with pending criminal cases in the Courts from contesting seats on the party tickets. This is the highest threshold for integrity available in the nomination rules.

2.5 NOMINATION TO PARTY LISTS

With regards to nomination to party lists, the analysis revealed that TNA has the best provisions on nomination to party lists as far as affirmative action provisions are concerned.

The rest of the parties have just glossed over them while others have omitted them altogether.

All the parties have mandated their National Executive Committees, generally in consultations with their National Elections Boards or Special Nominations Panels to constitute the lists both nationally and at the County level.

2.6 NOMINATION PROCEDURES

This analysis established that in so far as party nomination procedures are concerned:

- TNA and URP do not have provisions for direct nominations of candidates.
- ODM, UDF, KNC, NARC, NARC-Kenya, KANU and PNU all allow for Direct Nominations.
- The study found out that all the major parties allow for universal suffrage in the nominations of candidates for the National Assembly (except Women Representatives) and County Assembly Representatives. These parties then have a delegate system for nominating candidates for the County-Level positions (Governor, Senator and Women Representative) and a National Delegates Conference for the Presidential Candidate.
- In a delegate system, ODM and UDF have the most Women Friendly delegates system given that at least 34 of the 60 members of the Ward Electoral Colleges are women.
KANU is the only party that declares it may choose not to nominate a candidate for any seat irrespective of whether there are party members who have submitted their applications for the same.

Other key findings with regards to nomination procedures were:

- All the parties have semi-autonomous electoral bodies whose decisions still have to be ratified by their respective National Executive Committees.
- Only NARC-Kenya has provisions allowing for SMS or Electronic Voting.
- All the parties have an internal appeals systems for candidates dissatisfied with the nominations process.

The Appeals Tribunals (under various names) decisions are final with no recourse for appeal to any other body.

- ODM is the only party that has a punitive appeals process where appellants have to part with KES 70,000.00 before their appeals are heard and determined.

- The analysis further revealed varying membership duration requirements for party seekers. The table below shows this for the major parties for the different seats

## MEMBERSHIP DURATION FOR PARTY NOMINATION SEEKERS

<table>
<thead>
<tr>
<th>PARTY</th>
<th>PRESIDENT</th>
<th>GOVERNOR</th>
<th>SENATOR</th>
<th>W/REP</th>
<th>MP</th>
<th>CAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>TNA</td>
<td>1 Month</td>
<td>1 Month</td>
<td>1 Month</td>
<td>1 Month</td>
<td>1 Month</td>
<td>1 Month</td>
</tr>
<tr>
<td>ODM</td>
<td>6 Months</td>
<td>6 Months</td>
<td>6 Months</td>
<td>6 Months</td>
<td>6 Months</td>
<td></td>
</tr>
<tr>
<td>NARC-Kenya</td>
<td>6 Months</td>
<td>2 Weeks</td>
<td>2 Weeks</td>
<td>2 Weeks</td>
<td>2 Weeks</td>
<td>2 Weeks</td>
</tr>
<tr>
<td>URP</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>NARC</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>UDF</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>WIPPER</td>
<td>6 Months</td>
<td>3 Months</td>
<td>3 Months</td>
<td>3 Months</td>
<td>3 Months</td>
<td>3 Months</td>
</tr>
<tr>
<td>PNU</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
</tbody>
</table>
2.7 UNIQUE PROVISIONS

This study revealed unique provisions that can be progressive or detrimental to the spirit and principle of affirmative action. These were:

1. In URP, it's the Aspirants who choose the election officials.

2. In UDF, party lists are agreed on by the NEC and a body called Political Council that doesn't exist in the Nomination Rules.

3. KANU requires a Presidential Aspirant to have been a Life Member for at least 10 years.

4. APK and PNU require all aspirants to get a recommendation from both the Secretary General and The Chairman as a nomination requirement. What happens when you are running against either of the two?

5. APK requires competing candidates to explore a Consensus Agreement to allow only one of them to run before the party can put in motion their nomination procedures.

6. Labour Party of Kenya requires their nominees to commit a huge chunk of their monthly salaries, should they win, to the party as contribution before they are issued with nomination certificates. These include 200,000/- for President, and 100,000/- for Senator, 50,000/- each for Governor and MP.

7. Wiper has no provision as to Party Lists Nominations.

8. Both ODM and Wiper require a Presidential Candidate to be above 35 years of age.
RECOMMENDATIONS AND CONCLUSION

The rationale behind this study was to find out if political parties through their party nomination rules have put in place affirmative actions to safeguard the interest of youth and young women. This was necessitated by a systematic disenfranchisement of young women, youth and women in general which happens at nomination stage locking them out of decision making for five years and banishing them to endless advocacy finding.

The findings from this analysis have however revealed that political parties through their party nomination rules have not created good frameworks that the youth and mostly the young women have as guarantee to their right to equality and freedom from discrimination as provided for in article 27 of the Constitution.

Youth Agenda therefore recommends certain steps to ensure democratic participation of youth and young women in electoral process;

**Independent Constitutional Offices**

The Registrar of Political Parties and the Independent Elections and Boundaries Commission should apply due diligence and monitor political parties to ensure they respect all affirmative action legal and policy requirements. The registrar of political parties should investigate on parties that copy and pasted each others rules and take punitive measures.

**Political Parties**

The study noted that while there have been efforts by parties to strengthen intra party democracy, there is need for parties to deepen affirmative action in the party structures and processes. Political Parties should take deliberate steps to put in place and in corporate affirmative action frameworks.

We specifically recommend;

- That nomination are waived by half for marginalised groups
- Implement Affirmative Action within Affirmative action for Senate Women Nominees with a list that alternates between a Woman Youth and an Old Woman to facilitate nomination of Young Women to the Senate
- Implement Affirmative Action for the 12 Nominees to the National Assembly to have alternate between a Youth and an older person and further between a Female Youth and a male Youth.
- Have at least a third of their Elections Board membership being Youth with affirmative action for Women Youth as well.
- Remove the Electoral College System for all seats other than Presidential Candidates to allow for Universal Suffrage. This is because most delegate systems are unfavourable for youth given that they are prone to be bought by the old wealthy class.
- Set up Young Aspirants Funds to promote the participation of Youth as provided for in Article 55 of the constitution of Kenya.

In conclusion, it is our hope that all key stakeholders will internalise the findings and advocate their integration in political party processes. Non implementation of affirmative action provision of the Political Parties Act and the Constitution will impact negatively on the 4th of March 2013 general election with regards to constitutional rights and the quest for free fair and credible elections.
APPENDIX 1

LIST OF PARTIES WHOSE NOMINATION RULES WERE REVIEWED

1. The National Alliance Party (TNA)
2. Orange Democratic Movement Party (ODM)
4. National Rainbow Coalition (NARC) – Kenya
5. United Republican Party
6. National Rainbow Coalition (NARC)
7. United Democratic Forum (UDF)
8. Democratic Party of Kenya (DP)
10. Wiper Democratic Movement- Kenya (WDM, Wiper)
12. Party of National Unity (PNU)
13. Alliance Party of Kenya (MBUS)
14. Forum for The Restoration of Democracy (FORD) – People
15. Restore and Build Kenya (RBK)
16. Republican Congress Party of Kenya (RC)
17. SabaSabaAsili
18. Party of Independent Candidates of Kenya (PICK)
19. United Democratic Movement (UDM)
20. Kenya Social Congress (KSC)
22. AGANO Party
23. SAFINA Party
24. Shirikisho Party of Kenya (SPK)
25. The Labour Party of Kenya (LPK)