

71. Agreements relating to natural resource

- (1) A transaction is subject to ratification by Parliament if it—
- (a) involves the grant of a right or concession by or on behalf of any person, including the national government, to another person for the exploitation of any natural resource of Kenya; and
 - (b) is entered into on or after the effective date.
- (2) Parliament shall enact legislation providing for the classes of transactions subject to ratification under clause (1).

72. Legislation relating to the environment

Parliament shall enact legislation to give full effect to the provisions of this Part.

CHAPTER SIX – LEADERSHIP AND INTEGRITY**73. Responsibilities of leadership**

- (1) Authority assigned to a State officer—
- (a) is a public trust to be exercised in a manner that—
 - (i) is consistent with the purposes and objects of this Constitution;
 - (ii) demonstrates respect for the people;
 - (iii) brings honour to the nation and dignity to the office; and
 - (iv) promotes public confidence in the integrity of the office; and
 - (b) vests in the State officer the responsibility to serve the people, rather than the power to rule them.
- (2) The guiding principles of leadership and integrity include—
- (a) selection on the basis of personal integrity, competence and suitability, or election in free and fair elections;
 - (b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices;
 - (c) selfless service based solely on the public interest, demonstrated by —
 - (i) honesty in the execution of public duties; and
 - (ii) the declaration of any personal interest that may conflict with public duties;
 - (d) accountability to the public for decisions and actions; and
 - (e) discipline and commitment in service to the people.

74. Oath of office of State officers

Before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.

75. Conduct of State officers

- (1) A State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids—
- (a) any conflict between personal interests and public or official duties;

- (b) compromising any public or official interest in favour of a personal interest; or
- (c) demeaning the office the officer holds.

(2) A person who contravenes clause (1), or Article 76, 77 or 78(2)—

- (a) shall be subject to the applicable disciplinary procedure for the relevant office; and
- (b) may, in accordance with the disciplinary procedure referred to in paragraph (a), be dismissed or otherwise removed from office.

(3) A person who has been dismissed or otherwise removed from office for a contravention of the provisions specified in clause (2) is disqualified from holding any other State office.

76. Financial probity of State officers

(1) A gift or donation to a State officer on a public or official occasion is a gift or donation to the Republic and shall be delivered to the State unless exempted under an Act of Parliament.

(2) A State officer shall not—

- (a) maintain a bank account outside Kenya except in accordance with an Act of Parliament; or
- (b) seek or accept a personal loan or benefit in circumstances that compromise the integrity of the State officer.

77. Restriction on activities of State officers

(1) A full-time State officer shall not participate in any other gainful employment.

(2) Any appointed State officer shall not hold office in a political party.

(3) A retired State officer who is receiving a pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of—

- (a) a company owned or controlled by the State; or
- (b) a State organ.

(4) A retired State officer shall not receive remuneration from public funds other than as contemplated in clause (3).

78. Citizenship and leadership

(1) A person is not eligible for election or appointment to a State office unless the person is a citizen of Kenya.

(2) A State officer or a member of the defence forces shall not hold dual citizenship.

(3) Clauses (1) and (2) do not apply to—

- (a) judges and members of commissions; or
- (b) any person who has been made a citizen of another country by operation of that country's law, without ability to opt out.

79. Legislation to establish the ethics and anti-corruption commission

Parliament shall enact legislation to establish an independent ethics and anti-corruption commission, which shall be and have the status and powers of a commission under Chapter Fifteen, for purposes of ensuring compliance with, and enforcement of, the provisions of this Chapter.

80. Legislation on leadership

Parliament shall enact legislation—

- (a) establishing procedures and mechanisms for the effective administration of this Chapter;
- (b) prescribing the penalties, in addition to the penalties referred to in Article 75, that may be imposed for a contravention of this Chapter;
- (c) providing for the application of this Chapter, with the necessary modifications, to public officers; and
- (d) making any other provision necessary for ensuring the promotion of the principles of leadership and integrity referred to in this Chapter, and the enforcement of this Chapter.

CHAPTER SEVEN – REPRESENTATION OF THE PEOPLE**PART 1 – ELECTORAL SYSTEM AND PROCESS****81. General principles for the electoral system**

The electoral system shall comply with the following principles—

- (a) freedom of citizens to exercise their political rights under Article 38;
- (b) not more than two-thirds of the members of elective public bodies shall be of the same gender;
- (c) fair representation of persons with disabilities;
- (d) universal suffrage based on the aspiration for fair representation and equality of vote; and
- (e) free and fair elections, which are—
 - (i) by secret ballot;
 - (ii) free from violence, intimidation, improper influence or corruption;
 - (iii) conducted by an independent body;
 - (iv) transparent; and
 - (v) administered in an impartial, neutral, efficient, accurate and accountable manner.

82. Legislation on elections

(1) Parliament shall enact legislation to provide for—

- (a) the delimitation by the Independent Electoral and Boundaries Commission of electoral units for election of members of the National Assembly and county assemblies;
- (b) the nomination of candidates;
- (c) the continuous registration of citizens as voters;
- (d) the conduct of elections and referenda and the regulation and efficient supervision of elections and referenda, including the nomination of candidates for elections; and
- (e) the progressive registration of citizens residing outside Kenya, and the progressive realisation of their right to vote.

(2) Legislation required by clause (1)(d) shall ensure that voting at every election is—