

SPECIAL ISSUE



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GAZETTE NOTICE No. 14890

THE CONSTITUTION OF KENYA

IN THE MATTER OF A TRIBUNAL APPOINTED PURSUANT TO
ARTICLE 251 OF THE CONSTITUTION

APPOINTMENT OF TRIBUNAL

WHEREAS, the National Assembly has transmitted to the President a petition for the removal of Messers: (1) Juliana Whonge Cherera, (2) Francis Mathenge Wanderi, (3) Irene Cherop Masit and (4) Justus Abonyo Nyang'aya from office as members of Independent Electoral and Boundaries Commission (IEBC) pursuant to Article 251 of the Constitution;

WHEREAS, the transmittal of the petition is premised on the finding of the National Assembly that the constitutional grounds for removal of a member of a Constitutional Commission under Article 251 (1) of the Constitution have been satisfied; and

WHEREAS, Article 251 (4) of the Constitution requires that upon receiving such a petition from the National Assembly, the President shall suspend the member of the Commission from office and appoint a tribunal to inquire into the matter.

NOW THEREFORE, having received and considered the petition of the National Assembly and in exercise of the prerogative vested in the Head of State and Government by Article 251 of the Constitution, I, William Samoei Ruto, President and Commander-in-Chief of the Kenya Defence Forces, do hereby direct as follows:

THAT (1) Juliana Whonge Cherera, (2) Francis Mathenge Wanderi, (3) Irene Cherop Masit and (4) Justus Abonyo Nyang'aya, being members of the Independent Electoral and Boundaries Commission, be and are hereby suspended from office with immediate effect; and

A Tribunal to inquire into the matter be and is hereby appointed, constituted as follows:

Chairperson

Hon. Justice Aggrey Otysula Muchelule

Members:

Carolyn Kamende Daudi,
Linda Gakii Kiome,
Mathew Njaramba Nyabena,
Col. (Rtd.) Saeed Khamis Saeed.

Joint Secretaries:

Kibet Kirui Emmanuel,
Irene Tunta Nchoe.

Lead Counsel:

Peter Munge Murage

Assisting Counsel:

Zamzam Abdi Abib

The mandate of the Tribunal shall be to consider the Petition for the removal of (1) Juliana Whonge Cherera, (2) Francis Mathenge Wanderi, (3) Irene Cherop Masit and (4) Justus Abonyo Nyang'aya from office as members of Independent Electoral and Boundaries Commission (IEBC) and to inquire into the allegations therein.

In the discharge of its functions, the Tribunal shall—

- (a) Prepare and submit a report and its recommendations thereon expeditiously; and
- (b) Exercise all the powers conferred upon it by law for the proper execution of its mandate.

Dated the 2nd December, 2022.

WILLIAM SAMOEI RUTO,
President.

GAZETTE NOTICE No. 14891

THE CONSTITUTION OF KENYA THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

THE CLIMATE CHANGE ACT

(No. 11 of 2016)

NAIROBI RIVERS COMMISSION APPOINTMENT

WHEREAS, the State has a duty to protect the environment, our heritage and splendour for the enduring benefit of the present and future generations;

WHEREAS, to combat the devastating impact of climate change in Kenya, the Government is implementing varied measures to mitigate the effects of environmental degradation;

WHEREAS, the State interventions seek to enhance biodiversity on agricultural land, forest land, marine ecosystem and urban areas;

WHEREAS, Nairobi River Basin ecosystem has, notwithstanding varied State interventions, not regenerated sufficiently to sustain aquatic life in the river channel stream and has remained murky and turbid; and

WHEREAS, it has become necessary to foster the coordination of the initiatives for the protection, restoration, rehabilitation, beautification of the Nairobi Rivers and all water bodies within the boundary of the Nairobi City County through a basin wide integrated approach.

NOW THEREFORE, I, William Samoei Ruto, President and Commander-in-Chief of the Kenya Defence Forces, in exercise of the powers conferred on me by the Constitution and the Laws of the Republic of Kenya do establish the Nairobi Rivers Commission.

The Commission shall comprise of the following members—

- Pamela A. Olet (Dr.) – Chairperson;
 Mumo Musuva (Dr.) – Representative from Nairobi City County;
 Grace Senewa Mesopirr (Ms.) – Representing the Ministry of Environment and Forestry;
 Eva Muhia (Ms.) – Representing Riverine Communities;
 Elizabeth Wathuti (Ms.) – Representing Civil Society;
 Carlota Dal Lago (Ms.) – Representing the Private Sector;
 Eng. Elijah Biama (Prof) – Representing Academia;
 Duncan Ojwang (Dr.) – Representing Academia; and
 Ferdinand Clifford N. W. Babayao (Hon.).

Secretariat:

The Commission shall establish a Secretariat, which shall assist in the day-to-day management of its affairs.

The terms of reference of the Commission are to—

- (a) Reclaim the rivers of Nairobi as a spine to the city's blue and green infrastructure for a better urban environment and quality of life;
- (b) Examine previous reports and recommendations made in the efforts of reclaiming Nairobi River and adopt lessons learnt in the new initiative. In particular reference to Nairobi River Basin Project (UNEP, 2000); Adopt-A-River Initiative (UNEP and Rotary Clubs, 2019–ongoing), Nairobi River Regeneration Initiative (UN-Habitat and GoK, 2020–ongoing); and Urban Rivers Regeneration Programme (NEMA, 2019 – 2024) and incorporate the lessons to the new initiative;
- (c) Undertake an assessment of the Rivers related to the current and future issues and their root causes and develop a programme called the Nairobi Rivers Basin Regeneration Programme (NABREP) to restore and enhance the Nairobi Basin and related infrastructure to such standards as permits the full enjoyment of a safe, inclusive and healthy environment for all and unlock the socio-economic potential of the Basin;
- (d) Co-ordinate the activities of various players mandated to engage in the rehabilitation, protection, restoration, beautification and sustainable development of the riverine basin within Nairobi City County towards transforming the Nairobi rivers system into a new economic and retail frontier of the city;
- (e) Monitor compliance with the laws and regulations governing the environment of the Basin and its catchment areas in collaboration with the departments, agencies and/or ministries of the County Government of Nairobi and the National Government and propose institutional and regulatory modifications where necessary;
- (f) Develop codes of conduct and propose modalities for enforcement in partnership with the relevant stakeholders;
- (g) Spearhead resource mobilization for the development and management of the Nairobi Rivers;
- (h) Pursuant to paragraph (g), develop, adopt and execute a Trust Fund or other instrument to structure strategic partnerships and receive financial resources from within or outside Kenya to

finance the implementation of programmes and projects, for which the Commission shall fully be accountable for proper and prudent management and for whose loss it shall be liable;

- (i) Promote public awareness on sustainable protection of the Nairobi Rivers basin and enhance public participation in its restoration;
- (j) Perform such other functions as may be necessary and incidental to the realization of the objectives aforementioned; and
- (k) Report on a quarterly basis to the Deputy President.

In the execution of its mandate, the Commission shall adopt its own procedure and set down guiding principles and norms to govern its operations and shall—

- (a) Constitute a multi-stakeholder mechanism for citizen engagement comprising of the following entities: Nairobi City County relevant Departments including Nairobi Water and Sewerage Company; National Government Agencies including National Environment Management Authority (NEMA), National Land Commission, (NLC), Kenya Forestry Research Institute (KEFRI), National Museums of Kenya, Kenya National Highways Authority (KENHA), Kenya Urban Roads Authority, (KURA), Athi Water Works Development Authority (AWWDA), Tana and Athi River Development Authority (TARDA), and Water Resources Authority (WRA); Relevant professional organizations and academia; Civil Society Organizations and riverine Communities; and
- (b) Constitute an Advisory Group made up of the following entities: UN-Habitat, UNEP, World Resources Institute (WRI) and such other development partners and private sector organizations as may be willing to assist it in the implementation of its mandate and resource mobilization.

The members of the Commission shall hold office for a term of three (3) years renewable once based on performance.

The Commission shall be financed through –

- (a) Funding appropriated for the Commission's use by the National Government and the Nairobi City County Government; and
- (b) Donations and endowment for the purposes of implementing the Nairobi Rivers Basin Regeneration Programme of the Commission.

Dated the 1st December, 2022.

WILLIAM SAMOEI RUTO,
President.

GAZETTE NOTICE NO. 14892

THE INVESTMENT PROMOTION ACT

(No. 6 of 2004)

APPOINTMENT

IN EXERCISE of the powers conferred by section 26 (e) of the Investment Promotion Act, I, William Samoei Ruto, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces, appoint—

Ahmed Farah,
 Karen Taylor,
 Sarah Ochieng,
 Eva Warigia,
 Sheila Kyarisiima,
 David Langat,
 Sitoyo Lopokoiyit,
 Paul Russo,
 Tom Mulwa,
 Humphrey Kariuki,
 Peter Njonjo,
 Francis Njogu,

as members of the National Investment Council, for a period of three (3) years, with effect from the the 30th November, 2022.

Dated the 1st December, 2022.

WILLIAM SAMOEI RUTO,
President.