



REPUBLIC OF KENYA



# THE POLITICAL PARTIES (INTERNAL DISPUTE RESOLUTION) MODEL RULES



OFFICE OF THE  
REGISTRAR OF  
POLITICAL PARTIES





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## Foreword

The path to good governance and development in Kenya necessitates an environment that promotes robust and constructive issue-based politics and that upholds justice and the rule of law. *The Constitution of Kenya 2010* recognizes political parties not only as vehicles for political expression and activity, but also as instruments for safeguarding fundamental rights and promoting democratic and good governance ideals.

Political parties' constitutions and structures should anticipate disputes and should provide frameworks for fostering healthy debate and resolving disputes internally. The Political Parties Disputes Tribunal's (PPDT) Strategic Plan 2013-2018 recognizes the need for political parties to govern, organize and democratically manage their own electoral and political disputes. In line with this, the PPDT, in collaboration with key stakeholders including registered political parties, developed these model rules to guide the internal electoral and political dispute resolution within political parties.

The Political Parties Act 2011 stipulates that intra-party disputes will only be heard and determined by the Tribunal once the internal dispute resolution mechanisms have been exhausted. These model rules provide for the structure and composition of the disciplinary and dispute resolution organs, as well as meeting legislative requirements before filing cases with the Tribunal. They also safeguard the independence of the organs hence ensuring there is an effective process for resolving disputes in political parties.

The customization into political parties' constitutions and practices will lay a strong foundation in institutionalization of political parties in management of disputes and ensuring that there is order, justice and fairness.

On behalf of the PPDT, I thank the Judiciary of Kenya, the Office of the Registrar of Political Parties (ORPP), the registered political parties the Independent Electoral and Boundaries Commission (IEBC), the Political Parties Liaison Committee (PPLC), the Oslo Centre, the National Democratic Institute, the International Foundation for Electoral Systems, the Electoral Institute for Sustainable Democracy in Africa (EISA), the International Law Development Organisation (IDLO), and the United Nations Development Organization (UNDP) for their tremendous support and contributions without which this process would not have been complete.

***Kyalo Mbobu (Mr.)***

***Chairperson***

***Political Parties Disputes Tribunal***





## Preface

Engagement with political parties to strengthen their governance is an on-going process that requires a multi-stakeholder approach. In 2014, the PPDT led a team of key stakeholders including the Office of the Registrar of Political Parties (ORPP) in assessing the capacities of political parties in managing internal disputes. An ad-hoc committee was constituted to conduct an audit of political party constitutions and nomination rules together with the relevant laws on political parties and develop recommendations on how political parties could improve their internal dispute resolution mechanisms.

The PPDT in collaboration with the ORPP convened a series of workshops in which registered political parties and other key stakeholders deliberated on effective internal dispute resolution mechanisms for political parties. These were enriched by comparative experiences from the African National Congress in South Africa. A preliminary draft was developed during the penultimate workshop and a legal draft was developed by two legislative drafters.

The draft model rules were validated by all registered political parties through a consultative workshop held on December 13-15, 2015 at the Gelian Hotel in Machakos. The rules provide guidance on the procedures, structures and standards necessary for effective internal dispute resolution mechanisms for political parties.

The customization of these model rules by political parties will set a much-needed benchmark for resolution of political parties' internal disputes and will contribute significantly to the promotion of order, justice and fairness in the management of political party affairs. I urge all registered political parties to adapt these standards in managing internal disputes.

The Office of the Registrar of Political Parties will continue to work steadfastly with the PPDT and other key stakeholders to strengthen political parties to govern, organize and democratically manage their electoral and political affairs.

***Lucy K. Ndung'u (Mrs.)***  
***Registrar of Political Parties***



## Acknowledgements

The model rules for internal dispute resolution mechanisms for political parties in Kenya is the best working tool kit that political parties could bequeath themselves in the spirit of broadening and deepening democracy within their party structures.

Our gratitude goes to the legal audit and evaluation ad-hoc committee of the PPDT, the political parties who validated the draft and made valuable recommendations for incorporation.

We also deeply appreciate the dedication of the PPDT staff in this endeavour.

***T.N Estambale (Mrs.)***  
***Chief Executive Officer/Secretary***  
***Political Parties Disputes Tribunal***



## Guidance Note

These model rules aim at presenting the basic rights and protections to be included in an Internal Dispute Resolution Mechanism (IDRM) created by political parties within their governance systems. These rules reflect the principles of impartiality, effective and timely remedy and standards for the resolution of complaints within political parties. They offer guarantees in line with international standards on adjudicating and resolving disputes arising from political parties' activities.

In accordance with the freedom of association, political parties can define, in their constitutions and rules, the types and nature of dispute resolution mechanisms they wish to establish for their members. These rules are therefore guidelines to the processes and standards of the development of dispute resolution mechanisms within political parties. It is important to note that distinction has been made between an Internal Dispute Resolution Organ and an Internal Disciplinary Organ.

**Date of First Publication: March 2017**



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## THE POLITICAL PARTIES ACT, 2011

### THE POLITICAL PARTIES (INTERNAL DISPUTE RESOLUTION) MODEL RULES

PART I – PRELIMINARIES	
<b>Citation</b>	1. These Rules may be cited as the Political Parties (Internal Dispute Resolution) Rules 2017.
<b>Interpretation</b>	2. In these Rules, unless the context otherwise requires- “the Act” refers to the Political Parties Act 2011. “Complaint” refers to a written complaint setting out a dispute or from which a disciplinary process may be instituted and is filed with the complaints office. “Dispute” refers to a dispute under Rule 4 of these Rules. “Secretary” means the Secretary of the Internal Dispute Resolution Organ under Rule 14. “Tribunal” refers to the Political Parties Disputes Tribunal established under Section 39 of the Political Parties Act 2011.
<b>Application of Rules</b>	3. These Rules will apply to disciplinary action under Section 9(1) and disputes as prescribed under Section 40(2) of the Political Parties Act 2011. Political parties may use these model rules as guidance when they are establishing internal dispute resolution mechanisms and procedures in accordance with the relevant laws of Kenya.
PART II – GENERAL PROVISIONS	
<b>Disputes</b>	4. These Rules will apply to a dispute or complaint that arises - (a) between members of a political party; (b) between members and their political party; (c) as a result of party primaries; (d) in the election or appointment into party offices; (e) from party lists; (f) from the management and administration of a party’s funds, finances and other party assets; (g) as a result of the management and administration of a party’s non-financial assets; (h) as a result of the management of party affairs; (i) in relation to a political party’s constitution, code of conduct or policy document; or (j) from any other matter incidental thereto.



<b>Who may file a Complaint</b>	<p>5. A person who is-</p> <ul style="list-style-type: none"><li>(a) a fully paid up member of a political party;</li><li>(b) a member of a party organ; or</li><li>(c) a party official</li></ul> <p>may file a complaint on a dispute under Rule 4 of these Rules to the Internal Dispute Resolution Organ for determination.</p>
<b>Office of complaints</b>	<p>6. (1) A political party will, for the purpose of Rule 4, designate an office which will be responsible for receiving and filing complaints and will make such information available to all members.</p> <p>(2) The duties of the office designated under paragraph 6 (1) will include-</p> <ul style="list-style-type: none"><li>(a) the maintenance of a system to receive and record complaints for dispute resolution;</li><li>(b) the provision of Secretariat support to the Internal Dispute Resolution Organ and the Internal Disciplinary Organ established under Rules 7 and 33 respectively of these Rules; and</li><li>(c) any other function connected to the foregoing.</li></ul>
<b>PART III - INTERNAL DISPUTE RESOLUTION ORGAN</b>	
<b>Establishment of an Internal Dispute Resolution Organ</b>	<p>7. (1) A political party will, pursuant to section 40(2) of the Political Parties Act 2011, establish an Internal Dispute Resolution Organ</p> <ul style="list-style-type: none"><li>(a) by way of universal suffrage from its membership; or</li><li>(b) through an appointment by a duly elected organ of the party.</li></ul> <p>(2) The party may devolve the Internal Dispute Resolution Organ as it may consider necessary according to the party's rules and procedures.</p>
<b>Functions of the Internal Dispute Resolution Organ</b>	<p>8. The Internal Dispute Resolution Organ will</p> <ul style="list-style-type: none"><li>(a) promotes justice and fairness;</li><li>(b) adjudicate disputes in accordance with Rule 25 of these Rules;</li><li>(c) administer the rules and procedures for dispute resolution;</li><li>(d) inform the relevant party organs and National Executive Council of any developments in dispute resolution;</li><li>(e) conduct meetings necessary to carry out its functions;</li><li>(f) enforce compliance of its decisions;</li><li>(g) maintain surveillance of implementation of rulings and recommendations; and</li><li>(h) may refer matters for resolution through alternative dispute resolution.</li></ul>





<b>Composition of the Internal dispute resolution organ</b>	<p>9. (1) The party will define through its rules the minimum and maximum number of members that will constitute the Internal Dispute Resolution Organ.</p> <p>(2) The party will provide through its rules and procedures for the selection of</p> <ul style="list-style-type: none"><li>(a) a Chairperson elected from amongst the members of the organ; and</li><li>(b) a secretary elected from amongst the members.</li></ul> <p>(3) The party will define provisions for a vacancy arising in the office of a member of the organ if such member -</p> <ul style="list-style-type: none"><li>(a) dies;</li><li>(b) resigns;</li><li>(c) is absent from Kenya for a continuous period exceeding one year;</li><li>(d) is declared bankrupt or enters into any composition with his creditors;</li><li>(e) is convicted of any of an offence and sentenced to imprisonment for such period of time as defined by the party rules; or</li><li>(f) is unable, by reasons defined in the party rules, to perform the duties of a member of the Organ.</li></ul> <p>(4) The political party may appoint another person to be a member in place of such member for the remainder of such member's term of office.</p>
<b>Chairperson of the Internal Dispute Resolution Organ</b>	<p>10. (1) The Internal Dispute Resolution organ will elect or appoint a Chairperson from amongst its members.</p> <p>(2) The Chairperson of the organ will preside at all meetings of the organ; but in the absence of the Chairperson, the members will elect an acting Chairperson who will preside, and in the absence of both, the members of the organs present at any meeting may elect one of their number to be Chairperson for the purpose of such meeting.</p>
<b>Qualifications for chairperson or members</b>	<p>11. (1) A person is qualified to be a Chairperson or member of the Internal Dispute Resolution Organ if that person-</p> <ul style="list-style-type: none"><li>(a) meets the criteria laid down in the party constitution and rules; and</li><li>(b) meets the requirements of Chapter Six of the Constitution of Kenya.</li></ul> <p>(2) The party will, in appointing members to the Internal Dispute Resolution Organ, adhere to the principles of the Constitution of Kenya including -</p> <ul style="list-style-type: none"><li>(a) representation of ethnic, minorities and marginalized groups to the extent possible; and</li><li>(b) not having more than two-thirds of the members of the same gender.</li></ul>



<b>Disqualification</b>	<p>12. A person is not qualified to be a chairperson or a member of the Internal Dispute Resolution Organ if the person—</p> <ul style="list-style-type: none"><li>(a) is a member of a governing body of the political party;</li><li>(b) is a member of the appointing organ;</li><li>(c) is declared bankrupt;</li><li>(d) has been convicted of a criminal offence and sentenced to a term of imprisonment; or</li><li>(e) has not met his or her legal obligations relating to tax and other statutory obligations.</li></ul>
<b>Term of office</b>	<p>13. (1) The Chairperson of the Internal Dispute Resolution Organ will be elected for a term specified in the party rules and may be re-elected in accordance with the party rules and procedures.</p> <p>(2) A member of the Internal Dispute Resolution Organ will be appointed for a term specified in the party rules and may be re-appointed in accordance with the party rules and procedures.</p> <p>(3) The Chairperson and members of the Internal Dispute Resolution Organ will serve on a part-time basis.</p>
<b>Secretary to the Internal Dispute Resolution Organ</b>	<p>14. (1) The Internal Dispute Resolution Organ will elect, from amongst its members, a person to be the Secretary.</p> <p>(2) The Secretary will be responsible for—</p> <ul style="list-style-type: none"><li>(a) carrying into effect the decisions of the Internal Dispute Resolution Organ;</li><li>(b) administration and management of the affairs of the Internal Dispute Resolution Organ;</li><li>(c) supervision of the office of complaints;</li><li>(d) ensuring proper records of the proceedings are kept and archived;</li><li>(e) arranging for administrative assistance to the Internal Dispute Resolution Organ;</li><li>(f) performing such other duties as may be assigned by the organ.</li></ul>
<b>Code of Ethics</b>	<p>15. The Chairperson and members of the Internal Dispute Resolution Organ will, in the performance of the functions and duties of their office, maintain integrity which includes the duty;</p> <ul style="list-style-type: none"><li>(a) not to participate in bribery or corrupt practices;</li><li>(b) not to breach confidentiality;</li><li>(c) to uphold principles of natural justice; and</li><li>(d) not to abuse their positions.</li></ul>





<b>Access to the Internal Dispute Resolution Organ</b>	<p>16. (1) The party may define through its rules and procedures the headquarters of the Internal Dispute Resolution Organ.</p> <p>(2) The party and the Internal Dispute Resolution Organ will endeavour to provide, to the maximum extent possible, wide access of its dispute resolution services to its membership.</p> <p>(3) The party and the Internal Dispute Resolution Organ will endeavour to provide access to its dispute resolution services for persons with disabilities.</p>
<b>PART IV - DISPUTE RESOLUTION PROCEDURES</b>	
<b>Submission of Complaint for Dispute Resolution</b>	<p>17. A party may submit a complaint in writing to the Secretary of the Internal Dispute Resolution Organ.</p>
<b>Form of written complaint for dispute resolution</b>	<p>18. (1) A complaint under Rule 17 may be in writing in English or Kiswahili and may be submitted to the Secretary by hand or by electronic transmission.</p> <p>(2) A party will submit the complaint to the Secretary together with</p> <ul style="list-style-type: none"><li>(a) the names and addresses of all the parties to the dispute;</li><li>(b) a statement of the nature and circumstances of the dispute in reasonable detail;</li><li>(c) a statement specifying, where possible, the provisions of the party constitution, policy, code of conduct or any other governing document under which the conflict has arisen.</li><li>(d) and any other documents relevant to the dispute.</li></ul>
<b>Preliminary actions</b>	<p>19 (1) The Secretary will, upon the receipt of the complaint, check that it meets the requirements provided for by the party's rules and procedures including but not limited to, ascertaining that the dispute falls within ambit of the Internal Dispute Resolution Organ as defined in Rule 4 of these Rules.</p> <p>(2) The Secretary to the organ will, within a period of reasonable time specified by the party rules of receipt of the written complaint, write to the respondent informing him of the written complaint and requesting -</p> <ul style="list-style-type: none"><li>(a) his response concerning the matter in dispute to any or all of the claims, and</li><li>(b) a statement of the nature and circumstances of his rebuttal.</li></ul>



<b>Notice of internal dispute resolution proceedings</b>	<p>20. (1) Pursuant to Rule 19, the Internal Dispute Resolution Organ will initiate dispute resolution proceedings by serving a notice of referral for dispute resolution to both parties.</p> <p>(2) The parties, upon receipt of notice of referral for dispute resolution will, in writing, file a statement and response, within a reasonable period of time specified by the party rules.</p>
<b>Acceptance and rejection of dispute resolution</b>	<p>21. (1) Where a party receives a notice of dispute resolution and accepts the process of dispute resolution, the Internal Dispute Resolution Organ will institute proceedings according to the party's rules and procedures.</p> <p>(2) Where a party receives a notice of dispute resolution and rejects the process of dispute resolution, the Internal Dispute Resolution Organ will inform the other party accordingly.</p> <p>(3) If the Internal Dispute Resolution Organ does not receive a reply within a reasonable period of time as specified by the party rules from which the notice of dispute resolution was sent, or within such other period of time as specified in the notice, it may elect to treat this as a rejection of the process of dispute resolution and it will inform the other party accordingly.</p> <p>(4) Where reasonable notice has been given to all the parties and a party rejects the process of dispute resolution, the Internal Dispute Resolution Organ may decide the matter in the absence of such party.</p>
<b>Commencement of dispute resolution proceedings</b>	<p>22. (1) The dispute resolution proceedings commence when both parties accept the notice of dispute resolution in writing.</p> <p>(2) If the acceptance is made orally, it will be reduced and confirmed in writing.</p> <p>(3) The Internal Dispute Resolution Organ will summon the respective parties within a reasonable period of time as provided for by the party rules and procedures after the statement and response has been filed.</p> <p>(4) The Internal Dispute Resolution Organ will-</p> <ul style="list-style-type: none"><li>(a) advise the parties of the right to representation during the proceedings, according to the party rules and procedures; and</li><li>(b) inform the parties of the right to call witnesses and produce relevant evidence in support of their submission.</li></ul> <p>(5) Each party may, on its own initiative or at the invitation of the Internal Dispute Resolution Organ, submit suggestions for the settlement of the dispute through alternative means for dispute resolution as per Rule 28 below.</p>



<b>Conduct of dispute proceedings and conflict of interest</b>	<p>23. (1) The members of Internal Dispute Resolution Organ who conduct the proceedings will:</p> <ul style="list-style-type: none"><li>(a) have objectivity, transparency, fairness and impartiality;</li><li>(b) have honesty, discipline and commitment;</li><li>(c) act in good faith and uphold confidentiality;</li><li>(d) avoid conflict of interest and ensure that they declare any personal interest that may conflict with their duty in the determination of the dispute; and</li><li>(e) rule in a timely manner on all matters that may arise and ensure order is maintained.</li></ul> <p>(2) A member of the Internal Dispute Resolution Organ will declare conflict of interest on matters before them and will duly preclude himself from adjudicating on the matter.</p>
<b>Representation and assistance</b>	<p>24. (1) The parties may be represented or assisted in the proceedings by a person as provided for by the party rules and procedures.</p> <p>(2) The names and addresses of such persons will be communicated in writing to the secretary and the chairperson of the Internal Dispute Resolution Organ and to the other party's representative.</p>
<b>Determination of disputes</b>	<p>25. (1) The Internal Dispute Resolution Organ will hear and determine a dispute within a reasonable period of time specified within the party's rules and procedures from when the dispute is lodged.</p> <p>(2) The quorum of the Internal Dispute Resolution Organ will be a simple majority of the membership.</p> <p>(3) Decisions will be made by majority of the members handling the dispute.</p>
<b>Rulings of the Internal Dispute Resolution Organ</b>	<p>26. (1) The decision of the Internal Dispute Resolution Organ will be in the form of a written ruling, stating the reasons for the decision, which will be read in the presence of both parties or their representatives.</p> <p>(2) The Internal Dispute Resolution Organ will provide a signed copy of the ruling to the parties to the dispute and will also make available copies of the ruling upon request and for purposes of appeal to the Political Parties Disputes Tribunal as applicable.</p> <p>(3) The party will define in its rules and procedures what remedies may be available for the Internal Dispute Resolution Organ to impose.</p>





<b>Specific Procedures with regards to election and nomination disputes</b>	<p>27. (1) The party will define within its rules and procedures for timelines and procedures for internal resolution of pre-election disputes including but not limited to party primaries, campaign management and campaign financing.</p> <p>(2) The party rules will stipulate timelines and procedures for internal resolution of pre-election disputes, giving due regard to the urgency of time during the election period.</p>
<b>Where parties undertake alternative dispute resolution</b>	<p>28. (1) Each party may, before the commencement of the dispute resolution proceeds, on its own initiative or at the invitation of the Internal Dispute Resolution Organ, submit suggestions for the settlement of the dispute through alternative means for dispute resolution, according to the party's rules and procedures.</p> <p>(2) The parties will, in good faith, co-operate in the alternative dispute resolution means selected, and where necessary, will endeavour to comply with requests for submission of written materials, provide evidence and attend meetings.</p> <p>(3) The parties will have assistance that is independent and impartial in their attempt to reach an amicable settlement of their dispute.</p> <p>(4) The dispute resolution process will be guided by principles of objectivity, fairness and justice, giving consideration to, among other things, the rights and obligations of the parties and the circumstances surrounding the dispute, including any previous relationships and practices between the parties.</p>
<b>Termination of alternative dispute resolution</b>	<p>29. (1) The alternative dispute resolution process may be terminated:</p> <p>(a) by a written declaration of the parties addressed to the Chairperson of the Internal Dispute Resolution Organ to the effect that the alternative dispute resolution process is terminated; or</p> <p>(b) by written declaration of one party to the other party and to the chairperson of the Internal Dispute Resolution Organ, to the effect that the alternative dispute resolution process is terminated.</p> <p>(2) The alternative dispute resolution process will be marked as terminated on the date of the declaration issued under Sub-Rule (1).</p>
<b>Recourse against Ruling</b>	<p>30. (1) A party who is dissatisfied with a ruling made by the Internal Dispute Resolution Organ may appeal against the ruling to the Political Parties Disputes Tribunal.</p> <p>(2) An appeal may be filed within thirty (30) days from the date of the ruling.</p>
<b>Costs</b>	<p>31. In the interests of party harmony and unity, each party will meet his own costs of the proceedings unless otherwise decided by the Internal Dispute Resolution Organ.</p>





<b>PART V: INTERNAL DISCIPLINARY ORGAN</b>	
<b>Establishment of the Internal Disciplinary Organ</b>	<p>32. (1) A political party retains the right to vary the procedures of its Internal Disciplinary Organ to the extent that these variations retain the objectives of these Rules, the Political Parties Act 2011 and the Constitution of Kenya.</p> <p>(2) A Political Party will, pursuant to Section 9 of the Political Parties Act 2011,</p> <ul style="list-style-type: none"> <li>(a) establish an Internal Disciplinary Organ; and</li> <li>(b) maintain a system of receiving and recording complaints.</li> </ul> <p>(3) Where the party considers it necessary, the Internal Disciplinary Organ may be devolved within the party structure according to the party's rules and procedures.</p>
<b>Functions of the Internal Disciplinary Organ</b>	<p>33. (1) The party will its rules and procedures define functions of the Internal Disciplinary Organ which will include to -</p> <ul style="list-style-type: none"> <li>(a) establish a formal procedure for internal disciplinary adjudication;</li> <li>(b) enforce the resolutions arising from the Internal Dispute Resolution Organ;</li> <li>(c) promote justice and fairness;</li> <li>(d) adjudicate on disciplinary complaints on the violation of the party constitution, code of conduct or any other party policy document;</li> <li>(e) monitor the observance of the Political Parties Act 2011, the code of conduct and party rules through periodic communications; and</li> <li>(f) maintain surveillance and respond to complaints against the functions of the party offices or the office bearers.</li> </ul> <p>(2) Where a party has devolved the Internal Disciplinary Organ, the national Internal Disciplinary Organ will liaise with the branch offices or conduct meetings necessary to carry out its functions.</p>
<b>Composition of the Internal Disciplinary organ</b>	<p>34. (1) The party will in its rules and procedures define the composition of the Internal Disciplinary Organ.</p> <p>(2) A member of the Internal Disciplinary Organ will cease to hold office in accordance with Rule 9 (3) of these Rules.</p> <p>(3) Where a vacancy occurs, the National Executive Committee may appoint an interim replacement before a substantive representative is nominated.</p>
<b>Criteria for appointment to the Internal Disciplinary Organ</b>	<p>35. (1) The party's rules and procedures will provide the criteria and procedures for the nomination of persons for appointment to the Internal Disciplinary Organ.</p> <p>(2) The party's rules and procedures will provide for the vetting of the nominees before appointment.</p>



<b>Tenure of office</b>	36. The party's rules and procedures will provide for the term period to be served by the members of the Internal Disciplinary Organ.
<b>Qualifications for membership</b>	37. (1) A person shall be qualified to be a member of the Internal Disciplinary Organ if that person— (a) meets the criteria laid down in the party constitution and rules; and (b) meets the requirements of Chapter Six of the Constitution of Kenya. (2) The party will, in appointing members to the Internal Disciplinary Organ, adhere to the principles of the Constitution of Kenya, including not having more than two-thirds of the members of the same gender.
<b>Party to maintain register of complaints</b>	38. (1) The party will define its rules and procedures the methods for filing complaints and the timelines within which complaints may be filed. (2) The party rules and procedures may define provisions for making available such a system available to the members of the party upon request.
<b>Complaints</b>	39. A complaint may arise from: (a) a commission or omission by a party member in violation of the Constitution of Kenya; (b) a violation of the party's constitution, code of conduct or policy documents; (c) a violation of the work ethics expected of the party office bearers and branch officials; (d) party nomination processes; (e) acts of persons contracted or in employment of the party; and, (f) a violation of the Political Parties Act 2011.
<b>Who may initiate complaint</b>	40. A complaint for disciplinary action may be instituted only by: (a) a fully paid up party member; (b) a party organ; or (c) a party official.
<b>Form of Complaints</b>	41. (1) The complaint will: (a) be in writing; (b) set out the information forming the basis for the complaint and the alleged complaint in reasonable detail; (c) specify the violations alleged to have been committed and the provisions of the law, party constitution, rules or codes of conduct alleged to have been violated; (d) be delivered to the respondent(s) within a reasonable period of time before the disciplinary proceedings or sooner if it is urgent in nature, according to the party rules and procedures; and (e) signed by the complainant. (2) For purposes of Sub-Rule (1) above, the Internal Disciplinary Organ will not reject a complaint based solely on technicalities as to the form of the complaint.





<b>Filing period</b>	<p>42. (1) A complaint must be filed within a reasonable period of time of the alleged commission of the violation as specified by the party's rules and procedures.</p> <p>(2) The complaint must be served on the respondent within a reasonable period of time prior to the disciplinary proceedings or sooner where it is determined that the matter is of an urgent nature, as specified by the party's rules and procedures.</p>
<b>Filing fees</b>	<p>43. The party will define in its rules and procedures the fee, if any, to be charged for filing of complaints, provided that such fee will not be set at such a rate as to prevent filing of complaints.</p>
<b>Summons to Parties</b>	<p>44. The party rules and procedures will provide the specified period of time within which the Internal Disciplinary Organ can summon the respective parties after receipt of a written complaint.</p>
<b>Rights of the parties in a disciplinary action</b>	<p>45. (1) The Internal Disciplinary Organ will-</p> <ul style="list-style-type: none"><li>(a) advise the parties of the right to a representative of their choice as provided for in the party rules and procedures; and</li><li>(b) inform the parties of the right to call witnesses and produce relevant evidence in support of the dispute.</li></ul> <p>(2) The party and the Internal Dispute Resolution Organ will endeavour to provide access to its dispute resolution services for persons with disabilities.</p>
<b>Principles of adjudication</b>	<p>46. (1) The Internal Disciplinary Organ will ensure that:</p> <ul style="list-style-type: none"><li>(a) the disciplinary process has objectivity, transparency, fairness and impartiality;</li><li>(b) the members act in good faith and uphold confidentiality;</li><li>(c) a proper record of the disciplinary proceedings is maintained; and</li><li>(d) witness statements and attachments are retained where such evidence was tendered.</li></ul> <p>(2) A member of the Internal Disciplinary Organ will declare conflict of interest on matters before them and will duly preclude himself from adjudicating on the matter.</p>
<b>Quorum</b>	<p>47. The quorum for the Internal Disciplinary Organ will be a simple majority of the members.</p>
<b>Disciplinary deliberations</b>	<p>48. The Internal Disciplinary Organ will listen to the parties and will:</p> <ul style="list-style-type: none"><li>(a) deliberate on the issues raised at the disciplinary proceedings confidentially;</li><li>(b) make a finding based on the facts and evidence of the case; and</li><li>(c) make a fair ruling observing the spirit of the Constitution of Kenya.</li></ul>



<b>Ruling</b>	<p>49. (1) A Ruling of the Internal Disciplinary Organ will be in writing and will be read in the presence of all parties involved.</p> <p>(2) In the ruling, the Internal Disciplinary Organ may either:-</p> <ul style="list-style-type: none"><li>(a) dismiss the Complaint;</li><li>(b) issue a reprimand;</li><li>(c) impose a fine;</li><li>(d) issue an order of suspension;</li><li>(e) issue an order of expulsion; or</li><li>(f) grant any other remedy it may deem fit and just in the circumstances.</li></ul>
<b>Right to appeal</b>	<p>50. Any party aggrieved from the ruling of the Internal Disciplinary Organ has a right to appeal if the dispute falls under Section 40 (1) of the Political Parties Disputes Tribunal.</p>
<b>Notice of appeal</b>	<p>51. An appeal from the ruling of the Internal Disciplinary Organ will be notified to both parties and filed within thirty (30) days from the date of the ruling.</p>
<b>Miscellaneous provisions</b>	<p>52. (1) The party rules and procedures may provide for handling of all offences under Section 45 of the Political Parties Act 2011.</p> <p>(2) Where a party has been suspended under the provisions of the Political Parties Act 2011, the Internal Disciplinary Organ may proceed to administer disciplinary action against a member, organ, or persons whose actions or omissions may have contributed to such penalty.</p>
<b>Adoption and amendment</b>	<p>53. The party rules and procedures will define provisions for the adoption and amendment of these Rules.</p>





## SCHEDULE

### NOTICE OF DISPUTE RESOLUTION

#### (Rule 20)

(Title)

To (name, description and place of residence)

Notice is hereby given whereby ..... has made a written request for dispute resolution against .....for ..... and whereas it appears necessary that you should appear in the said request in order to enable the dispute resolution proceedings to take place on the matters raised and settle all the questions involved.

Take notice that you should on or before the ..... Day of ..... 20 ..... Respond in writing to the Chairperson of the Internal Dispute Resolution Organ whether you consent to undertake dispute resolution.

Give under my hand, this ..... day of ..... 20 .....

**Chairperson to the Internal Dispute Resolution Organ**





# **THE POLITICAL PARTIES** **(INTERNAL DISPUTE RESOLUTION)** **MODEL RULES**

## **Contacts**

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