

The Constitutional Review Cases: Emerging Issues in Kenyan Jurisprudence

Abstract:

This article analyzes the decisions of the Kenyan High Court in two landmark cases challenging the constitutional review/reform process in Kenya. It identifies the factors leading to the clamour for constitutional reform, and reviews new concepts hitherto unknown to many students of the Kenyan legal system. These novel concepts include the constituent power of the people, popular sovereignty, judicialisation of politics, constitutional values and principles and limitations on judicial and legislative powers.