

## ABSTRACT

This thesis attempts to investigate the extent to which the new Constitution of Kenya which was promulgated (became law) on 27<sup>th</sup> August 2010, has guaranteed both the structural/institutional and individual/decisional aspects of judicial independence. In particular, I tend to investigate the roles played by the executive, the legislature and the Judicial Service Commission in processes of appointment, vetting, removal and promotion of judges and judicial officers.

In order to provide the evaluation herein, the new and the old Constitutions of Kenya were the major primary documents analyzed. Others were the Kenyan legislations stemming from the provisions of these two Constitutions whose aim is to give effect to the provisions of the Constitutions. Other documents analyzed in conjunction herewith were the Constitutions of the United States of America and that of the Republic of Ghana together with the international documents/instruments providing for the independence of judiciary, as appropriate.

It was assessed that despite the new Constitution making remarkable improvements on the provisions relating to the independence of judiciary as compared to the old Constitution, the new Constitution still harbours some provisions which conflict amongst themselves, and also as read together with the provisions of the relevant legislations thus posing a threat to the attainment of judicial independence.