# PUNGUZA MIZIGO

## (Constitutional Amendment) Bill 2019

PROMOTERS

THIRDWAY ALLIANCE
KENYA

# THE PUNGUZA MIZIGO (CONSTITUTION OF KENYA AMENDMENT) BILL, 2019

**A Bill for**

**A BILL to amend the Constitution of Kenya pursuant to the Popular Initiative under Article 257 of the Constitution of Kenya 2010.**

**ENACTED** by the County Assemblies and the Parliament of Kenya, as follows-

**Short title.**

**1.** This Bill may be cited as the **PUNGUZA MIZIGO** (Constitution of Kenya Amendment) **Bill, 2019**.

**Amendment of Article 73 of the Constitution**

**2.** Article 73 of the Constitution is amended by inserting the following new sub-articles immediately after sub-article 2 -

**(3)** The recommendations of past and present public inquiry and audit reports shall automatically be adopted to bar all adversely mentioned individuals from seeking and holding any public or state office.

**(4)** An accounting officer or state officer whose department is cited in the annual Auditor-General report having not accounted public money or fails to prove value for money, shall be required to immediately vacate office.

**Insertion of new sub-articles of the Constitution.**

**3.** The Constitution is amended by inserting the following new article immediately after Article 79-

**Prosecution of corruption and theft of public resources cases**

**4.** 79A (1) A Corruption or theft of public resources case shall be tried within thirty days of arraignment before a court of competent jurisdiction and an appeal be concluded within twenty-one days.

**(2)** A person convicted and found guilty of corruption or theft of public resources or money shall serve a life sentence.

(3) Notwithstanding the provisions of Article 133, no presidential pardon or amnesty shall be applicable for those found guilty of corruption or theft of public resources"

**Amendment of Article 83 of the Constitution.**

5. Article 83 of the Constitution is amended-

(a) by deleting sub-article (1)(a); and

(b) in sub-article (1) by inserting the following words...(where)

"Every person who attains the age of eighteen and who acquires a national identity card shall be deemed to be a fully registered voter for purposes of elections and referenda"

**Amendment of Article 88 of the Constitution.**

6. Article 88 of the Constitution is amended in sub-article (4) by-

(a) deleting paragraph(a); and

(b) deleting the words "constituencies and" appearing immediately after the words "delimitation of" in paragraph (c).

**Amendment of Article 89 of the Constitution**

7. Article 89 of the Constitution is amended -

(a) in sub-article (1) by deleting the words "two hundred and ninety" appearing immediately after the words "shall be" and substituting therefor the words "forty-seven";

(b) by inserting the following new sub-article immediately after sub-article (1)-

(1A) - For purposes of Parliamentary elections to the Senate and the National Assembly, the Independent Electoral and Boundaries Commission, shall use each of the 47 Counties as a single constituency unit".

(c ) by deleting sub-article (2);

(d) by deleting the word "constituency" in sub-article (5) and replacing with the word "ward";

(e) by deleting the words "constituency or" appearing immediately after the words "inhabitants of" in the introductory phrase to sub-article (6);

(f) in sub-article (7) by deleting the words "constituency and" –

(i) appearing at the beginning of the introductory phrase; and

(ii) appearing immediately after the words "inhabitants in each" in paragraph (b);

(g) by deleting sub-article (8) and substituting therefor the following new sub-article –

(8) If necessary, the Commission shall alter the number, names, and boundaries of wards"

(h) by deleting sub-article (9) and substituting therefor the following new sub-article-

(9) subject to clause (3), the names and details of the boundaries of wards determined by the Commission shall be published in the *Gazette*, and shall come into effect on the dissolution of Parliament first following their publication.

(i) by deleting the words "constituencies or" appearing immediately after the words "the number of" in sub-article (12).

**Deletion of Article 90 of the Constitution**

**8.** Article 90 of the Constitution is deleted.

**Amendment of Article 93 of the Constitution**

**9.** Article 93 of the Constitution is amended by inserting the following new sub-article immediately after sub-article (2)-

(3) the Senate shall be the Upper House with veto power.

**Amendment of Article 96 of the Constitution**

**10.** Article 96 of the Constitution is amended by inserting the following new sub-articles immediately after sub-article 4-

(5) On its own motion or upon receiving a petition from any person, the Senate shall within twenty-one days consider and review decisions of the National Assembly and upon establishing that such decisions contravene this Constitution or goes against public interest, the Senate shall veto such decisions pursuant to Article 93(3).

(6) The Senate may amend or veto a special Bill that has been passed by the National Assembly only by a resolution supported by at least two-thirds of the members of the Senate.

(7) If a resolution in the Senate to amend or veto a special Bill fails to pass, the Speaker of the Senate shall within seven days of passing of the resolution, refer the Bill in the format adopted by the National Assembly, to the president for assent.

**Amendment of Article 97 of the**

11. Article 97 of the Constitution is amended in sub-article (1) by-

(a) deleting the words "two hundred and ninety members"

**Constitution**

appearing at the beginning of paragraph (a) and substituting therefor the words "ninety-four members consisting of one man and one woman from each of the 47 constituencies" ;

(b) deleting paragraph (b) and substituting therefor the following new paragraph-

(b) six members nominated from special interest groups taking into account the gender balance of one man and one woman in each of the categories under Article 100.

(c ) deleting paragraph(c).

**Amendment of Article 98 of Constitution**

**12.** Article 98 of the Constitution is amended-

(a) in sub-article (1) by deleting –

(i) paragraph (b);

(ii) paragraph (c); and

(iii) paragraph (d)

(b)by deleting sub-article (2)

**Amendment of Article 100 of Constitution**

**13.** Article 100 of the Constitution is amended by deleting-

(a) paragraph (a); and

(b) paragraph (e)

**Amendment of Article 101 of Constitution**

**14.** Article 101 of the Constitution is amended-

(a) by deleting sub-article (2) and substituting therefor the following new sub-article-

(2) Whenever a vacancy occurs in the office of a member of the National Assembly under Article 97 (1) (b), the Speaker of the National Assembly shall, within twenty-one days of the occurrence of the vacancy, give notice in writing of the vacancy to the Independent Electoral and Boundaries Commission which shall in turn write to the respective nominating statutory bodies.

**Amendment of Article 111 of Constitution**

**15.** Article 111 of the Constitution is amended by deleting –

(a) sub-article (2); and

(b) sub-article (3).

**Amendment of Article 115 of Constitution**

**16.** Article 115 of the Constitution is amended in sub-article (3) by deleting the letter "s" in the word "amendeds", and in sub-article 4 (b) by deleting the words "delegations in" appearing immediately after the words "of the" and substituting therefor the words "members of".

**Amendment of**

**Article 121 of Constitution**

**17.** Article 121 of the Constitution is amended in paragraph (b) by deleting the word "fifteen" appearing at the beginning of the paragraph and substituting therefor the word "twenty-four".

**Amendment of Article 123 of Constitution**

**18.** Article 123 of the Constitution is deleted.

**Amendment of Article 136 of Constitution**

**19.** Article 136 of the Constitution is amended by deleting sub-article (2) (a) and substituting therefor the following new paragraph

(a) on the second Tuesday in August, in every seventh year; or

**Amendment of Article 142 of Constitution**

**20.** Article 142 of the Constitution is amended by deleting sub-article (2) and substituting therefor the following new paragraph-

(2) A person shall hold office as President for a single seven-year term.

**Amendment of Article 146 of Constitution**

**21.** Article 146 of the Constitution is amended in sub-article (2)(b) by deleting the words "National Assembly" appearing immediately after the words "Speaker of the" and substituting therefor the word "Senate"

**Amendment of Article 157 of Constitution**

**22.** Article 157 of the Constitution is amended by inserting the following new sub-article immediately after sub-article 10-

(10A)The Director of Public Prosecutions shall-

(a) use both general financial audit findings and forensic reports from the Auditor- General as the first piece of evidence in all theft of public resources cases and in no value for money cases;

(b) prosecute all public and state officers together with their private sector accomplices who are responsible for all adverse audit findings within sixty days of audit completion;

(c) write to all officers responsible for adverse audit findings demanding that they leave office within thirty days in compliance with Chapter 6 on receiving audit and forensic audit reports; and

(d) publish in a public website and widely circulated media the action taken on each single issue raised in the audit

and forensic reports within sixty days of receiving the reports.

**Amendment of Article 177 of Constitution**

**23.** Article 177 of the Constitution is amended-

(a)in sub-article (1) by deleting-

(i) paragraph (b); and

(ii) paragraph (c)

(b) by deleting sub-article (2); and

(c ) by deleting sub-article (3)

**Amendment of Article 179 of Constitution**

**24.** Article 179 of the Constitution is amended-

(a) in sub-article (2) (a) by deleting the words "and the deputy county governor; and

(b)by deleting sub-article (4) and substituting therefor the following new sub-article-

(4) The County governor shall be the Chief Executive of the County.

(c)by deleting sub-article (5)

**Amendment of Article 180 of Constitution**

**25.** Article 180 of the Constitution is amended-

(a) in the sub-title by deleting the words "and deputy county governor"

(b) by deleting sub-article (5);

(c) by deleting sub-article (6); and

(d) by deleting sub-article (7) (b)

(e) by inserting the following new sub-article immediately after sub-article (7)-

(7A) The Governor shall nominate one person from among the duly vetted, approved and appointed County Executive Officers, to be the Governor's Principal Assistant for purposes of administration in the county.

**Amendment of Article 182 of Constitution**

**26.** Article 182 of the Constitution is amended by-

(a) deleting sub-article (2);

(b) deleting sub-article (3);

(c) deleting sub-article (4).; and

(d) inserting the following new sub-article immediately after sub-article (5)-

(5A)If a vacancy occurs in the office of a governor, a fresh election shall be conducted pursuant to provisions of sub-article (5).

**Amendment of Article 188 of Constitution**

**27.** Article 188 of the Constitution is amended in sub-article (1) (b) (ii) by deleting the words "the county delegations" and substituting therefor the words "the members of the Senate"

**Amendment of Article 201 of the Constitution**

**28.** Article 201 of the Constitution is amended by inserting the following new paragraphs immediately after paragraphs (e) –

(e) the national budget of Parliament shall not be more than point three five percent of the most recent audited accounts revenue approved by the National Assembly as read together with Article 203 (3).

(f) Not more than twenty percent of parliament's total annual budget shall be expended on salaries and allowances to members of Parliament.

(g) The highest paid public servant or state officer shall be paid a salary and allowances not exceeding fifty times that of the lowest paid public servant or state officer.

**Amendment of Article 203 of Constitution**

**29.** Article 203 sub-article (1) of the Constitution is amended - (a) by deleting paragraph (f) and substituting therefor the following new paragraph-

(f) development and other needs of wards in the counties;

(b) deleting paragraph (g) and substituting therefor the following new paragraph-

(g) economic disparities within and among wards in the counties and the need to remedy them.

(c) in sub-article (2) by deleting the word "fifteen" appearing immediately after the words "not less than" and substituting therefor the word "thirty-five" .

(d) by inserting the following new sub-article immediately after sub-article (3)-

(4)To attain optimal development and to take services to the peoples' doorsteps, counties shall adopt and use the Ward as the primary unit of accelerated development.

**Amendment of Article 204 of the Constitution**

**30.** Article 204 of the Constitution is amended –

(a) in sub-article (2) by inserting the words "at ward level" immediately after the words "basic services"

(b) by deleting the word "may" in the introductory phrase to sub-article (3) and substituting therefor the word "shall";

(c) by deleting the words "county delegations in" and substituting therefor the words "members of" in sub-article (8).

**Amendment of Article 229 of the Constitution**

**31.** Article 229 of the Constitution is amended by inserting the following new sub-articles immediately after sub-article (8)-

(9) There is established a forensic accounting department in the office of the Auditor-General to enhance capacity to produce credible evidence for purposes of prosecuting theft or failure to account for public resources including but not limited to money expended by government departments, as well as by other state organs.

(10) The Auditor-General shall forward the audit and forensic report to the Office of Director of Public Prosecutions and the Director of Criminal Investigations within five days of completion of the audit.

**Amendment of Article 250 of the Constitution**

**32.** Article 250 of the Constitution is amended-

(a) by deleting sub-article (1) and substituting therefor the following new sub-article-

(1) Each Commission shall consist of, at least, three but not more than five members who shall serve on a part-time basis, and who shall draw a sitting allowance as may be set by the Salaries and Remuneration Commission.

(b) by deleting sub-article (5); and

(c ) by deleting sub-article (7).

## MEMORANDUM OF OBJECTS AND REASONS

## THE PUNGUZA MIZIGO CONSTITUTIONAL AMENDMENT BILL
## THEMATIC ARRANGEMENT OF ARTICLES

### INTRODUCTION.

The Thirdway Alliance Kenya's call for a constitutional referendum, which is dubbed *Punguza Mizigo*, has one main objective: to amend the Constitution of Kenya 2010 (CoK 2010) in order to reduce the burden and cost of governance currently being borne by Kenyan taxpayers. *Punguza Mizigo* call adopts the popular initiative in Article 257 of CoK 2010 that requires that sponsors of a proposal to amend the CoK 2010 must present to the Independent Electoral and Boundaries Commission (IEBC) a million endorsements from registered Kenyan voters. This approach also reaffirms the sovereign authority of Kenyan people in Article 1 of CoK 2010. It departs from all other calls for referenda, including the Parliamentary initiative that is being driven by a selective clique of politicians. *Punguza Mizigo* puts people first. It recognizes that a Constitution is the will of the majority; not a minority whether elected or not.

The first phase of *Punguza Mizigo* started in **April 2018** with a deliberate call on Kenyans to endorse it online at https: thirdwayalliance.com. This phase recognized the fact that there are, at least, 15 million Kenyans who use social media. The second phase embarked on county visits, which also acted as a catalyst to Kenyans online. Although *Punguza Mizigo* campaign has already reached the requisite 1 million endorsements, further endorsements continue to stream in.

### WHY *PUNGUZA MIZIGO*? – THE RATIONALE AND JUSTIFICATION

#### I. THE NEED TO STRENGTHEN SENATE & NATIONAL ASSEMBLY, AND TO REDUCE COST OF RUNNING NATIONAL PARLIAMENT BY:-

1. **Addressing concerns of over representation and to reduce number of MPs from the current 416 to 147 by:**
   (a) Abolishing the 290 constituencies;
   (b) Adopting and using each of the 47 counties as a single constituency for purposes of parliamentary election to Senate and National Assembly;
   (c) Electing one man and one woman to the national assembly and to nominate only six members of parliament from special interest groups (SIGs). This will also consider gender equality so that of the sic (6) SIGs, there must be one man and one woman for each category. This, in fact, cures the elusive a third gender rule in Parliament.
   (d) Electing 47 Senators using the County as a single constituency.

***Justification:***

(a) Besides this proposal coming from a majority of Kenyans through the popular initiative, it is also factual that Kenyans are **400%** over-represented compared to other countries with larger populations than Kenya. In addition, a country like Kenya, which is still developing and with many needs cannot afford the luxury of over-representation. For example:
   i. China has **1,200** representatives for a population of **1.4 billion people** (meaning 1 elected official represents 1.625 million people);
   ii. India has **800 representatives** for a population of 1.3 **billion people** (meaning 1

elected official represents 1.166 people), and

iii. the United States of America (USA) has **535** representatives for a population of **350 million** people (meaning 1 elected official represents 654,205 people).

It does not, therefore, make sense that a population of **46 million** people from a poor developing country like Kenya would have, and be able to sustain 416 representatives in Parliament. The cost of this representation has largely contributed to the national wage bill. Kenya has much bigger and challenging problems that include, *inter alia*, the ballooning national debt (currently at KES 5.4 trillion), unemployment, need for infrastructure, affordable housing, healthcare, education and food security than to afford such over-representation. This is why the campaign is dubbed *Punguza Mizigo* in order to reduce the burden on Kenyan taxpayers.

(b) **The big question is this:** between development and services at your doorstep on the one hand, and more representatives on the other hand, which one would Kenyans rather have?

(c) Furthermore, all the 47 counties of Kenya are on thereon, sufficient representation of the people of Kenya. Governors are elected from all 47 counties together with MCAs, as representatives of their people. In addition, the County Executives serving in the county government are another level of representation. Therefore, we do not need to send more representatives from counties to the national level. Furthermore, each county of Kenya represents the most dominant and most populous ethnic group of that county. In other words, counties have eliminated the historical marginalization of tribes in leadership. In addition, each county of Kenya, today, receives its equitable share of national revenue. Therefore, no single county or tribe of Kenya, could today claim to be marginalized. They can only blame the failure of leadership in their respective counties. The Punguza Mizigo, has in fact considered the plight of such ethnic minorities as the recently recognized Makonde as well as the Boni, El Molo and by dint of the herein amended Article 100 of CoK 2010, they will be nominated as MPs.

2. **Use each of the 47 Counties, as a single constituency unit for purposes of Parliamentary elections to Senate and National Assembly. This abolishes the current 290 constituencies.**

***Justification***

(a) Parliament will have a manageable number of MPs who will have adequate time to qualitatively contribute to parliamentary debates. It will also ensure that there is efficiency in Parliament. In fact, *Punguza Mizigo* has received support and encouragement from a number of MPs who prefer a lean Parliament than the current bloated one. Many MPs confessed to *Punguza Mizigo* that they actually do not even know most of their fellow MPs. A lean Parliament will be most effective and efficient and less costly to Kenyans;

(b) Fewer constituencies will address over-representation and bring the cost down. Furthermore, this will reduce cost of running parliament and re-direct resources where they are mostly needed, especially at each Ward level where we can begin to measure development;

(c) It will end the perennial and conflictual competition between MPs and MCAs on management of wards, as well as end duplication of development funds. This will

encourage MPs to focus on their representation, legislative and oversight roles over government.

(d) This will result into effective legislation, representation and oversight roles of MPs. MPs will now see their role clearly, broadly and from a national perspective as opposed to seeing it from a Constituency perspective; furthermore, all development issues are now the responsibility of County governments.

3. **Elevate Senate to be an Upper House with veto powers. This ensures that National Assembly is checked and oversighted.**

***Justification:***

(a) This will enhance the powers of the Senate to review decisions of the lower house (National Assembly) as is the case with the rest of the world. Our Senate, in its current form, is a laughing stock. It has no powers to veto some of the rather injurious legislations from the National Assembly. For example, the *VAT Act of 2013* was passed out of political expediency and convenience without drawing inference from the socio-economic impact it now has on a majority of Kenyans. It was more about party loyalty as opposed to loyalty to the people who sent MPs to represent them in Parliament. Another example is the passage of the *Division of Revenue Act (no. 7) of 2018*, which was unconstitutional in the light of the clear provisions of the Constitution dictating that revenue should be shared based on the most recent audited accounts. Senate could not reject or veto both laws because Senate did not have veto power. In addition, to the foregoing, if only Senate had veto power, it could have questioned the National Assembly's decision in rejecting the report on the possible containment of mercury in imported sugar.

(b) This will provide a hierarchical parliamentary structure that will ensure quality control, checks and balances even among our elected representatives. Senate will be able to review the lower house's decisions, especially if and when those are injurious to the general public as in the case of the sugar report, amongst others.

## II. STRENGTHEN DEVOLUTION & TAKING SERVICES TO PEOPLES DOORSTEPS BY:-

4. **Increasing Counties revenue share allocation to, at least, 35% from the current 15%. The people of Kenya are in the counties, wards and villages.**

***Justification:***

(a) It will spur economic development in counties, especially at Ward level;

(b) The people of Kenya are at the counties and at the ward levels; most development is needed at the ward levels. Increasing funds allocation to the counties is to accelerate development; we want to see good schools, hospitals, roads, security, clean water, amongst other needs at the ward level. This is the quickest way to equalize Kenyans in the republic. This will ensure that services and or state organs are developed to every part of the republic as dictated by Article 6 of our CoK 2010;

(c) **This will attain real and meaningful inclusivity:** Inclusivity in its raw and real meaning is when each citizen gets equitable access to an equitable share of the national cake.

Devolution of more funds therefore will ensure that each county or community will not need a "negotiator" to get access to public services. With inclusivity attained at the ward level, a majority of Kenyans may not care who actually becomes President. This would emulate other successful countries like Switzerland where the citizen care more about what their Cantons offer them in terms of services. This will also eradicate the tribal and toxic politics that has been driven for a long time by a clique of the political class.

5. **Use each of the 1450 Wards of Kenya as the primary unit of accelerated development replacing CDF hence taking development to the people's doorsteps.**

***Justification:***

(a) Besides, this spreading economic development in the wards, services will be brought much closer to the people. This will be in tandem with the true spirit and letter of Article 6 (3) of the CoK 2010 whose intent is to reach each and every Kenyan within the republic. The Ward is the surest way of doing that;

(b) Use the Wards as the primary unit of accelerated development, which will apply the bottoms-up approach in order to develop our country evenly. This also means that it may not matter where a Kenyan lives within the republic because each Kenyan would then access services (schools, hospitals, roads, security, etc.,) accessed by others whether in urban or semi-rural areas;

(c) **Attain real and meaningful inclusivity**: By taking services to the doorsteps of millions of Kenyans, we will effectively achieve true inclusivity. By allocating substantial development funds to each Ward, each Kenyan will have access to equitable share of the national cake in the form of public services. Inclusivity can only be realized when each citizen is "eating" and not when a few citizens are literally eating for, and on behalf of a region, community, clan and or any other section of the population.

## V. END GENDER IMBALANCE, INEQUALITY AND ADDRESS THE ELUSIVE 1/3 GENDER RULE IN ELECTIVE POSITIONS

6. **End historical gender inequality and ensure that Kenyans elect one man and one woman from each of the 47 Counties to the National Assembly. This abolishes the women representative position.**

***Justification:***

(a) End the historical gender inequality relating to leadership and achieve equality between men and women. For a long time, political leadership has been seen as the preserve of men, and whenever women showed interest in leadership, they have experienced violence and other prejudices. This historical injustice will end with the proposed amendment to CoK 2010. Kenya will naturally enter into the books of records of those societies that give women equal opportunity to men. Effectively, we would end the historical disproportionate representation of women and men in leadership;

(b) This will also achieve the desired equality of both sexes in political leadership; and also, automatically achieve 50-50 gender parity in Parliament. This is the true meaning of equality and inclusive of women who are majority.

## III. DEMYSTIFY THE PRESIDENCY & END A CULTURE OF ELECTORAL VIOLENCE ASSOCIATED WITH POWER OF INCUMBENCY

7. **Introduce a one 7-year term presidency**

***Justification:***

(a) ***History of violence, ethnic and political tensions.*** The proposed one 7-year term limit will end the "do or die" culture of re-election. There is an established violence trend in all our electoral cycles when the incumbent seeks re-election. The violence can be traced to the incumbent (and or supporters) and or by a rogue opposition determined whose main pursuit is to eject the incumbent from power by all means necessary. The violence in 1991/92, 1997, 2007/8 and 2017 was not a coincidence. It is clear that there was no violence in 2002 and 2013 and the only viable explanation is absence of an incumbent seeking re-election;

(b) ***With two terms, the focus has always been on re-election rather than service delivery.*** Our political history and experience have shown that a first term President wastes the 1-2 years of first term appeasing political friends and pleasing everyone at the expense of fulfilling political promises; again, the last 2-3 years are wasted because the incumbent is focusing on re-election campaigns and or promises, which are often focused on individuals or a group of political friends. The presidency during this time is not focused on the general Kenyan but at looking politically- correct and or friendly. This is one reason election promises are never met in the first term, and so often even in the second term.

(c) ***One-term presidency will be ending theft of public money.*** There is accelerated theft of public money in the last two years of a first term presidency because of the need to finance re-election. There are more than enough examples such as the unaccounted Euro bond, Anglo-leasing, the Goldenberg scandal, SGR's lack of value for money amongst many others.

(d) ***Economic meltdown.*** One term will also stop the cyclical economic meltdown witnessed during 1992, 1997, 2007, and 2017 elections. An incumbent will be in power during campaigns and will substantively have power to protect the country from mischievous presidential candidates;

(e) ***Reduce wage bill.*** The presidency is and has always been very expensive, and draws billions from public coffers. One term will help save public money expended on two presidential elections every five years.

## IV. REDUCE PUBLIC WAGE BILL AND RECCURENT EXPEDITURE.

8. **Reduce cost of running parliament from current KES 36.8 billion to less than KES 5 billion per year. This saves tax payers KES 31.8 billion.**

***Justification:***

(a) The money saved will be redirected to development projects at the counties and at Ward levels. Kenyans would prefer infrastructural development as opposed to sinking billions into recurrent expenditure of elected officials, which does not transform their lives.

Furthermore, our current bloated representation does not show any value for money. An MP receives a free car loan, mortgage, sitting allowance and mileage allowances over and above a salary of almost KES 1 million. Travel costs for parliamentarians remains high. This is not prudent use of public money even going by our own Article 201 of CoK 2010.

(b) The amount expended on Parliament is quite high given that Kenya is still a poor county that is still struggling with debt that currently stands at approximately KES 5.4 trillion. A saving of KES 31.8 billion when invested prudently would easily create millions of jobs for our youth; or would settle the various collective bargaining agreements (CBAs) that government has failed/refused to honor every year. This would avert nurses, doctors' and teachers strikes that have devasting effect to our society and economy.

(a) Kenyans are still in dire need of basic social amenities, and this money can be redirected to enhancing delivery of services to our largely poor and over-taxed citizens.

9. **Abolish nominations in the National Assembly (except for 6 SIGs), County Assemblies and Senate.**

***Justification:***

(a) This will reduce cost of running Parliament and the County Assemblies. The money saved from this unnecessary re-current expenditure will be re-directed to development projects, or used to generate employment for millions of unemployed youth.

*10.* **Stop wastage of public funds and cap salaries of elected leaders to a maximum and consolidated pay of KES 500,000 for the President and KES 300,000 for the MP per month. All elected leaders will not be paid any other allowances (sitting allowance, car grant and Mortgage allowance). SRC to determine salaries of other elected leaders.**

***Justification:***

(a) It is self-evident that elected officials have been using their positions to ***advance personal gains***. Parliamentarians have severally and in the past, united to increase their salaries and benefits, e.g., the recent 700% increase on their pension. Working in the public service should not be an avenue for self-enrichment; it ought to be service to society. Those who desire hefty pay should either go into business or join the corporate world.

(b) Parliamentarians have been drawing ***hefty sitting allowances*** besides being publicly salaried employees. These payments are just but legalized theft of public money. Public service should be made unattractive for those hell-bent on making money; it should instead be made attractive for those who truly want to serve and give back to society.

(c) Elective positions are voluntary jobs and it is in-order that elected officials do not use their delegated power to ***enrich themselves*** at the expense of development;

(d) Elected leaders with qualifications and capacity to earn higher monthly salaries or incomes can seek employment in the ***corporate sector*** or engage in business;

(e) ***Kenya is in dire need of servant leadership***. Elected leaders must be the people's servants. Leadership must be a calling and not a means of generating wealth per se.

11. **Abolish the position of Deputy Governor. The Governor to nominate from among the duly vetted and appointed County Executive Officers, one of them to be his principal Assistant for purposes of administration. In the unlikely event of the position of Governor falling vacant, the Governor to be elected in a fresh by-election.**

***Justification:***

(a) All Deputy Governors are redundant without any clear roles in the county.

(b) This will eliminate political tension and competition between the Governor and his Deputy that has over time proved to be very injurious to delivery of services, and the smooth running of county affairs;

(c) This will also eliminate political alignment and conniving between the Deputy Governor and his Governor on the one hand, and with MCAs on the hand. The two positions have been a source of political tension and also one reason why County Assemblies have been incited to impeach the Governor.

(d) This will also reduce the wage bill of counties, and all costs associated with the office of Deputy Governor.

12. **Constitutional commissions to comprise of not more than 5-part time members who will be sitting on a necessity basis and shall be paid a sitting allowance per sitting as will be set by the SRC**

***Justification:***

(a) This will cut down the huge wage bill together with other attendant costs, amongst others, security, pension, vehicles, gratuity, hefty salaries and travel. Constitutional Commissions must operate like commercial companies or parastatal boards. The commissioners should be sitting on a need basis. Our National Universities are ran by councils that sit on a need- basis.

(b) There is no justification for having salaried commissioners whereas they are not involved in the daily operations of their respective organizations. Commissioners, like directors, are meant to oversee policy implementation and this does not need to be full time; what we need is to strengthen secretariats of the various commissions;

(c) Kenyans will save millions of shillings once this is implemented. The money saved can be re-directed to development and other services

## V. ENFORCE INTEGRITY, END CORRUPTION & THEFT OF PUBLIC MONEY

13. **Amend Chapter 6 of the Constitution to automatically adopt recommendations of public inquiry and audit reports and bar all adversely mentioned individuals from holding any public or state office. This will end both impunity and corruption and instill a culture of accountability for those serving in the public service.**

***Justification:***

(a) It will end impunity in Kenya, and make theft of public money and impunity a costly affair
(b) It will end Corruption and theft of public money;
(c) It will ensure Kenyans get value for money in all public projects;
(d) It will weed out bad apples from public and state offices;

***14.*** **Corruption and theft of public resources cases to be tried within 30 days and all appeals to be exhaustively concluded within 15 days.**

***Justification:***

(a) This will speed up trials of corruption and theft of public money will give confidence to businesses, as well investors who will see Kenya as the best destination owing to severe punishment of corruption. This goes into the heart of better governance, which is the best attraction for investment;
(b) I will deter corruption and theft of public money;
(C) Establish special corruption and theft of public money courts

***15.*** **Impose a life sentence for suspects convicted of corruption and theft of public funds. No presidential pardon and amnesty will be applicable in those cases.**

***Justification:***

(a) Theft of public money is a national disaster, which denies the majority development. Theft of public money, especially from such institutions as hospitals, schools, etc., is more than murder; it is mass murder. Such perpetrators are therefore undesirable members of our society.

(b) Corruption and theft of public resources has become an institutionalized crime; we must break the chain;
(c) Theft of public money has led to stagnated development denying Kenyans essential services over the years;
(d) Enhance severe punishment of the thieves of public resources;

## VI. REDUCE COST OF RUNNING ELECTIONS & REGISTRATION OF VOTERS

***16.*** **Every Kenyan at the age of 18 and who acquires a national identity card shall be deemed to be a fully registered voter for purposes of elections and referenda.**

***Justification:***

(a) This will save Kenyans and IEBC billions of shillings for the continuous registration of voters. Evidently, national identity card and or passport is the commonly used document for voting at elections, and not the voter registration card. With proposals to modernize voting including but not limited to use of electronic voting, all we need to do is to ensure that we have a trusted register of Kenyan adults duly entered into a national register that IEBC can sync with its systems for purposes of elections;

(b) The cost of voter registration runs into tens of billions of shillings every five years;
(c) This will stop wastage of public funds by creating yet another government register when we already have one by the National Bureau for the registration of persons;

(d) This will also help to maintain a single citizen database that can be improved and updated with ease for use as a voter register:

Dated the 28th day of FEBRUARY 2019

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**Ekuru Aukot**
**Party Leader**
*For and on Behalf of:*
**Thirdway Alliance Kenya**