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PUNGUZA MIZIGO INITIATIVE UPDATE TO THE PARLIAMENTARY COMMITTEE ON CONSTITUTIONAL IMPLEMENTATION AND OVERSIGHT (CIOC) ON TUESDAY OCTOBER 23,2018

INTRODUCTION.

The Punguza Mizigo campaign by Thirdway Alliance Kenya seeks to amend the Constitution of Kenya 2010 for the reasons further expounded below. Our proposed amendment is through the popular initiative provided for under Article 257 of the Constitution of Kenya 2010. This is a decision that must be made by Kenyans in a referendum, and in essence it gives back the power to the people as envisaged in Article 1 of the Constitution. The initiative has so far gone through two phases. The first phase started online: <https://thirdwayalliance.com/punguzamizigo> that was launched in **April 2018**. The second phase, which is most recent, embarked on county visits. The campaign has visited the counties of (1) **Samburu** (Nachola & Archer's post), (2) **Nakuru** (Kabarak and Kampi ya Moto), (3) **Baringo** (Marigat), (4) **Isiolo** (Isiolo town & Ngaremara), (5) **Meru** (Meru town), (6) **Nyeri** (Karatina, Mukurwe-ini and Othaya), (7) **Kiambu** (Lari, Kiambu town, Thika & Ruaka), (8) **Machakos** (Mlolongo & Athi River). In the coming weeks, the campaign will be in (9) **Uasin Gishu** (Eldoret town & Turbo), (10) **Elgeyo Marakwet** (Iten), (11) **Kisumu** (Kisumu town), **Homa Bay** (Karachuonyo and Oyugis), (12) **Migori** (Migori Town & Kuria).

So far, and as of this morning, the Punguza Mizigo campaign has managed to collect over 616, 750 signatures from registered voters. We are yet to include the physical forms signed in all the above referenced visits.

WHY PUNGUZA MIZIGO

1. **Address over representation and reduce the number of MPs from the current 416 to 147:**
 - (a) Abolish the 290 constituencies
 - (b) Use each of the 47 counties as a single constituency for parliamentary election to senate and national assembly
 - (c) Elect one man and one woman to the national assembly and nominate only six members from special interest groups
 - (d) Elect 47 senators

Justification:

- (a) Besides this proposal coming from a majority of Kenyans in the context of a popular initiative, it is also factual that Kenyans are **400%** over- represented compared to other most populous countries in the world. For example, China has **1200** representatives in both houses for a population of **1.4 Billion people**, India has **800 representatives** for a population of **1.3 Billion people**, and the United States of America (USA) has **535** representatives for a population of **350 million** people. It does not, therefore, make sense that a population of **46 million** people from a developing country like Kenya would have and able to

sustain 416 representatives in both Houses of Parliament. Kenya has much bigger and challenging problems than to afford such over representation. This is why the campaign is dubbed Punguza Mizigo.

2. 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 counties;
- (b) Kenyans would prefer infrastructure development as opposed to sinking billions into recurrent expenditure which does not transform their lives;
- (c) The amount expended on Parliament is quite high given that Kenya is still a poor county than is still struggling with debt that currently stands at approximately KES 5 trillion;
- (d) Kenyans are still in want of basic social amenities and this money can be redirected to enhancing delivery of services to our largely poor and over-taxed citizens.

3. Use each 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 contribute to parliamentary debates. In fact, our party has received support and encouragement from MPs who prefer a lean Parliament than the current bloated one. Two MPs confessed to our party that they actually do not know most of the MPs. A lean Parliament will be most effective and efficient;
- (b) Will address over-representation;
- (c) Reduce cost of running parliament and re-direct resources where they are needed most;
- (d) End the perennial competition between MPs and MCAs on the management of the wards;
- (e) Result to effective legislation, representation and oversight roles of members. MPs will now see their role broadly as opposed to seeing it from a Constituency perspective;

4. 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;
- (b) End the historical disproportionate representation of women and men in leadership;
- (c) This will also achieve the desired equality of both sexes in leadership; and also automatically achieve the 1/3 gender parity in Parliament because 47 of elected women is, at least, 32% of gender representation at the institution of Parliament.

5. Abolish nominations in the County Assemblies and Senate.

Justification:

- (a) Reduce cost of running county assemblies and Senate;
- (b) Re-direct money saved to development projects

6. Elevate Senate to be an upper house with veto powers. This ensures that National Assembly is checked.

Justification:

- (a) Enhance the powers of the senate to review decisions of the lower house as is the case in the rest of the world. Our current Senate in its current form remains a laughing stock of the world. It does not have powers to veto some rather injurious legislations that come from the National Assembly. For example, the VAT Act of 2013, and the Division of Revenue Bill (no. 7) of 2018, which was unconstitutional could not be rejected by Senate because Senate did not have veto power; likewise, had Senate had Veto power, they would have questioned the National Assembly rejection of the report relating to the possible containment of mercury in imported sugar
- (b) Provide a hierarchical parliamentary structure that will ensure quality control. Senate to review lower house's decisions;

7. Increase Counties revenue share allocation to, at least, 35% from the current 15%.

Justification:

- (a) Spur economic development in counties
- (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;
- (c) **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.

8. Use the Ward as the primary unit of development replacing CDF hence taking development to the people's doorsteps. This will spur economic growth in each of the 1450 Ward of Kenya.

Justification:

- (a) Spur economic development in the wards;
- (b) 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 Constitution whose intent is to reach each and every Kenyan within the republic. The Ward is the surest way of doing that;
- (c) Use a ward as the primary unit of development and use a bottoms-up approach to develop Kenya evenly
- (d) Take services to the door step of mwananchi
- (e) **Attain real and meaningful inclusivity:** By allocating substantial development funds to the ward, each Kenyan will have access to equitable share of the national cake in 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

9. Introduce a one 7-year term presidency

Justification:

- (a) *History of violence, ethnic and political tensions.* One term will end the do or die culture of re-election. There is an established violence trend in all years where the incumbent seeks re-election. The violence can be traced to the incumbent and or by a rogue opposition determined to eject the incumbent from power. The violence in 1991/92, 1997, 2007 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) *Focus on re-election rather than deliver.* Our political history and experience has shown that a first term president wastes the last 2-3 years 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.
- (c) *Ending theft of public money.* There is accelerated theft of public money in the last two years of a first term presidency. There are more than enough examples, the unaccounted-for Euro bond, Anglo-leasing, the Goldenberg scandal, amongst many others.
- (d) *Economic meltdown.* This will stop the cyclical economic melt down 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.* Save public money expended on presidential elections every five years.

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 700% increase on their pension;
- (b) Parliamentarians have been drawing hefty sitting allowances besides being public salaried employees. These payments are just but legalized theft of public money;
- (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. Impose a life sentence for culprits convicted of corruption and theft of public funds. No presidential pardon and amnesty will be applicable for these cases.

Justification:

- (a) Theft of public money is a national disaster, which denies the majority of development;
- (b) Corruption and theft of public resources has become an institutionalized crime;
- (c) Theft of public money has led to stagnated development denying Kenyans essential services over the years;
- (d) Enhance severe punishment of public resources' thieves;

12. 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) Speed up trials of corruption and theft of public money will give confidence to businesses;
- (b) Deter corruption and theft of public money;
- (c) Establish special corruption and theft of public money courts;

13. 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) Cut down on wage bill;
- (b) Constitutional Commissions must operate like commercial company boards. The commissioners should be sitting on a need basis
- (c) (c)There is no justification to having salaried commissioners whereas they are not involved in the daily operations of the organizations. Commissioners, like directors, are meant to oversee policy implementation and this does not need to be full time
- (d) Kenyans will save millions of shillings once this is implemented. The money saved can be redirected to development

14. Every Kenyan at the age of 18 and who acquires a national Identity card shall be deemed as a registered voter for purposes of elections and referenda.

Justification:

- (a) This will save Kenyans and IEBC billions of shillings for continuous voter registration;
- (b) The cost of voter registration runs into tens of billions of shillings every five years;
- (c) Stop wastage of public funds;
- (d) maintain a single citizen database that can be improved and updated with ease for use as a voter register;

15. 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 and or state office. This will end both impunity and corruption.

Justification:

- (a) End impunity in Kenya;
- (b) End Corruption and theft of public money;
- (c) Ensure Kenyans get value for money in all public projects;
- (d) Weed out bad apples from public and state offices;
- (e) Make theft of public money and impunity a costly affair

16. 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 by-election.

Justification:

- (a) All Deputy Governors are redundant without any clear roles in the county;
- (b) eliminate political tension and competition between the Governor and his deputy that is injurious to delivery of services to the county;
- (c) eliminate political alignment and conniving between the Deputy Governor and his Governor on the one hand with the MCAs on the hand;
- (d) reduces wage bill of counties.

Signed..... Date.....

You can sign online via
<https://thirdwayalliance.com/punguzamizigo>

