



Introduction

We Institute for Governance and Social Entrepreneurship is not for profit organization that was registered in Kenya in 2022 by NGO Council of Kenya with express permission to pursue interest policy undertaking on good governance in all sectors of our society that includes all governments and its agencies, private sector and non-government organizations.

We are aligned to the principle of accountability in governance as civic responsibility bestows in us to guarantee a better value for all towards a meaningful livelihood and co-existence as people and by extension with the environment we live in. Our objectives are in sync with sustainable development goals and agenda 2063 realization.

Social Entrepreneurship aspect of our being embraces the global problems such as food insecurity and climate change hence we are geared towards enhancing agriculture through engaging our youths and women across the country to professionally farm for business and also invest in climate change mitigation exercises such as planting of trees coupled with tapping into promotion of green energy as a world saving gesture.

Such initiatives are purposed to address the unemployment challenges in our country thereby improving livelihoods of our people, tackling preventable diseases and keeping our environment clean.

We are also exploring ways of harvesting wastes and undertaking research on how viable it is to generate electricity from it, a win-win situation for us in many fronts.

Work in Progress

Kenya enacted a new constitution in 2010 whose implementation started in 2013, 11 years ago and we have undertaken an audit of it as part of our governance agenda fully aware that it hasn't been implemented fully and picking on areas that we feel need some improvement or actions. Devolution being a key component our new document was a remarkable insight into the change of our governance structure despite its shortcomings have made some great steps forward with respect to largely infrastructural development in the new governments.

However in our view we still need to better our document and we have come up with a raft of proposals to amend the constitution of Kenya 2010 some of which would require a referendum and others that just need parliamentary legislations.

Here are our proposed amendments to constitution of Kenya 2010.



1. Re-organise Parliament

Our country is over-represented hence we have proposed a reduction of constituencies from the current 349 to 210 and Senate from 67 to 47 thus abolishing all nomination slots.

We propose that Senate becomes the upper house in the bi-cameral parliament and further suggest that we make a third gender principle rule be applicable to appointed positions only and not elected positions as it contradicts some provisions of the Bill of Rights as enshrined in our constitution.

2. Strengthen Devolution

From our perspective accelerated development is pegged on more resources devolved to the rural areas as they are closer to the people hence our proposal that we increase the revenue share allocation from 15% to 45%. We further propose abolition of the former system of governance that has since been renamed as commissioners in hierarchical manner e.g. Regional County, Sub-County et al without clearly defined roles this leading to lots of duplication attracting a ballooned wage bill resulting in bloated recurrent expenditure jeopardizing hastening economic development.

For the Independence of County Assemblies and allow them undertake their oversight responsibilities without compromise we propose giving them autonomy through granting them financial Independence by allocating them a fund for proportionate disbursement.

3. Independence of Judiciary

We have observed intimidation of The Judiciary on cutting of their budgets by both the executive and legislative arm of government whenever they give judgements that aren't favorable to them. This interferes with the work of The Judiciary which is an arbiter and protector of our constitution and the rule of law. To avoid such tirades we have proposed a 2.5% allocation of revenue share to the Judiciary to give it autonomy. This is what would constitute Judiciary Fund.

We further suggest establishment of an enforcement department within the judiciary which is Independent of the Police to allow them enforce their orders issued in Courts without relying on external government agencies.

Also we suggest that once The Judiciary Service Commission appoints judges and forwards it to President for appointments he must do so within 14 days failure to which the Judges would be deemed to have been appointed.



4. Enforce Bill of Rights

Rights to education and healthcare is already stipulated in our constitution hence we just propose their enforcement by providing free education and free Medicare in all public institutions of learning and all hospitals respectively.

We further propose a formula of sharing revenue from natural resources with apportionment of 40% to the county government and 60% to the national government.

We suggest that all recommendations of all public inquiry reports be implemented and enforced and that upon handover they be released within 14 days by the president.

All public loans and projects must also be made public and must be readily accessible to the public.

5. Establishment of a National Health Commission

From our health audit we have observed that there have been issues on recruitment and remuneration of health practitioners since health is a devolved function. To address this anomaly we are proposing establishment of a National Health Commission to address such issues and to bring semblance of uniformity.

6. Enforce Integrity and Ethics.

Corruption and plunder of public resources is the cancer that eats our society and must be tackled with the seriousness it deserves to steer this great country forward. To achieve this we are pushing to amend chapter six of the constitution to expressly adopt recommendations of audit reports and public inquiry reports barring all adversely mentioned persons from holding any public or state office and further recommend that corruption be made a capital offence attracting a life sentence without the option of amnesty or presidential pardon and that all cases must be tried within six months and appeals exhaustively concluded within 3 months.

All proceeds of corruption must be recovered by the government as we propose disbandment of Ethics and Anti-Corruption Commission replaced by establishment of a well-resourced economic division within Directorate of Criminal Investigation as well as creating an Economic Crimes and Anti-Corruption Courts with powers as The High Court of Kenya



7. Election Laws

We propose to make any Kenyan upon attainment of 18 years that acquires a National Identification Card to be deemed to be a registered voter which calls for synchronization of the department of Registration of Persons with The Independent Electoral and Boundaries Commission.

We suggest a minimum education requirement which is tertiary education from recognized colleges and universities for elections of Member of County Assembly (MCA), Member of National Assembly (MNA) and Member of Senate (Senator).

We propose that we replace the 25% of atleast 24 counties with 50% of atleast 24 counties in the election of President of Kenya.

We also suggest to change the laws incase position of governor becomes vacant before serving half the term we call for a by-election.

We suggest that the Independent Electoral and Boundaries Commission selection panel must present a fixed number of names for ceremonial presidential appointments within 14 days failure to which they will be deemed to have been appointed.

We also suggest that once elected to be governor, senate, member of National Assembly, Member of County Assembly you will not be eligible for appointment in both the executive or legislative arm of government.

We propose that all appeals on election petitions be exhaustively concluded within 3 months

8. Rename National Land Commission to National Land and Rent Commission.

We suggest that we rename this commission and assign it regulatory powers over land and rent and address the emerging goodwill problem that is slowly and steadily being a hindrance to trade as it acts a barrier to youth entrepreneurship.

It will also address the runaway cost of land in the country that is scaring away potential investors. We have since lost quite a number to our neighbors hence need to regulation to avert further loss.

This commission can augment the Kenya Revenue Authority services by helping in ease of collection of rent taxes and rates.



9. Establish a Religious Regulatory Authority.

This is to assess and advertise the cultism culture that is emerging within some religious organizations and also stop exploitation of people by notorious religious leaders whose sole mission is to profit from the sacrifices of ordinary citizens courtesy of brainwashing them.

The Authority must come up with clear guidelines to regulate church and ensure they adhere to the doctrines that must align to ways that pleases God and humanity.

10. Amend Article 257 of the constitution to expressly state that any amendments that gets a million signatures should go directly to the referendum. This is in line enforcing article 1 where power belongs to the people and can only be delegated through elected representatives. The voices of atleast a million people cannot be overturned by few elected representatives hence the referendum to determine it.

11. Economic Laws

We propose that Small and Medium Enterprises to be mandatorily paid within 14 days after delivery. We further suggest an establishment of a Community Development Fund purposely for income generating activities replacing Constituency Development Fund. This new fund is to be administered by Ward Representatives and can only be given to the locals and projects done within the ward of jurisdiction.

We also propose that all public and state officers must not be allowed to do business with the government and that a lifestyle audit law should be enacted to support this provision.

12. Create Office of Oversight Leader and Deputy Oversight Leader.

We propose to create this office if the runners-up gets atleast 30% of the vote and have atleast 30% members of parliament to act as a leader to check on the government.

Having made these proposals we are currently working on the Bill that will require atleast one million endorsements to proceed to the next level which is submission of it with the endorsements for verification before which the IEBC sends it to The County Assemblies for debate and vote.

As Institute of Governance and Social Entrepreneurship this is our first governance agenda and wish and wish to request for wholesome support as we seek to popularize this initiative to get endorsements and carry out civic education and public participation across the country covering all the 47 counties.