



FREEKENYA MOVEMENT

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RE: ON THE PEOPLE – CENTRIC QUESTIONS AND ISSUES THAT ARE BEING ADVANCED BY FREEKENYA REFERENDUM AMENDMENTS **A BRIEF ON FREEKENYA PROPOSED PEOPLE-CENTRIC AMENDMENTS**

FreeKenya is collecting Signatures under Article 257 (3) – A GENERAL SUGGESTION which has two parameters. The FreeKenya Movement, upon getting over 1M signatures (and you can sign online on www.freekenyasignatures.com), shall call for the People Convention to hear the people’s views and formulate the bill to present to IEBC. This is **The PEOPLE’S DIALOGUE**. People who are the ones with the power, discuss and put the discussions as additions of the guidelines to the elected through **COSTITUTIONAL AMENDMENTS**. If the elected 9through MCAs, defy the people’s Dialogue, The People shall in one accord, formulate a pact to replace all of them in the upcoming elections with people, who support – **THE PEOPLE’S DIALOGUE**. The people’s Dialogue shall be developed around the issues as received, with those interested in participation over theme issues registering their request for participation.

Parameter 1 is the First Amendment – Taxation reform to Ensure Article 43 implementation.

Parameter 2 - The Second Question – Calls for Restructure, the State and System of governance to make to ensure efficient & effective use of National resources and respect for the voices of the people.

The Promoters, will ensure that the bill developed ONLY Deals with the taxes and per the 1st Question and whatever changes produced in the second question shall Promote Effectiveness and Efficiency and Respect of the People’s Issues.

AMENDMENT NUMBER 1 - TAXATION REFORM - Abolishing Taxation on Basic and Essential Commodities (About just 15 Items including Petrol. Kerosene, Diesel and Cooking Gas) – ARTICLE 43¹

This will spar grassroots economies by allowing locals some purchasing power; Spar development of industries due to reduction in cost of production, create jobs and therefore more tax collection, allow purchasing power for the manufactured products to exist and eventually grow the taxation bracket, grow the economy and perhaps help us pay off our debts. This will be captured as a new clause in Article 25 as Article 25 {e} and a new schedule (schedule 7) introduced as below

1. **THAT** the following items be considered as basic and essential and therefore the action of abolishing of taxation can be done upon these items.
 - I) Petrol, Kerosene and Diesel including excise duty, VAT and all levies etc.
 - II) LPG cooking Gas
 - III) All forms of Wheat Meal and wheat-based items
 - IV) All forms of Maize Meal and maize based items
 - V) All Sanitary Towels and Sanitary Items
 - VI) Electricity and Generation of Electricity
 - VII) All Cooking Oils
 - VIII) All essential medicines, medical services and medical items
 - IX) All electronic communication such as airtime and internet
 - X) All locally manufactured and locally available building materials

¹ FreeKenya did a Petition to the National Assembly for the 2023 Finance Bill over these (15) Items

AMENDMENT NUMBER 2- INVOLVEMENT OF THE PEOPLE IN GOVERNANCE THROUGH PEOPLE'S GOVERNMENTS - We take away issues that the government suffers conflicting interests, and give to the people to implement themselves and support this with **10% of the budget**.

- 1) Ensure **QUANTIFIABLE PUBLIC PARTICIPATION** – All the policies, bills and communication from government, Ministries, agencies & departments must be submitted to the people's government to be independently taken through public participation and report is returned to the government with recommendations. This will create transparency in governance and curtail corruption in a big way.
- 2) **Direct Democracy** - Ensure, there will be a clause for enforcing Article 1 – Exercise of powers directly, where people through say a 65% signatures collection dissolve government, pass the presidency to a caretaker Government – Qualified Kenyans make an application in a week of the passing of the no confidence motion, while immediately instruments of power pass the Senate Speaker and the National People's Government structure picks and appoints one of the applicants to run government for 90 days – 6 months, organizes fresh elections².
- 3) **Regular Referendums** - Ensure, there is a clause guiding referendums to be regular, where 5% of the registered voters do sign-up to support a referendum, on any question, it is done in definite dates and resources are set aside for the referendums. IEBC must declare the number of registered voters monthly for the above functions. IEBC will also be made to avail special fora, marketing & publicity procedures and (e)-forms that are available widely for the public to sign up for a referendum at any (apportioned) time.
- 4) Ensure CONTINUOUS POLITY EDUCATION -
- 5) **Devolving Polling Stations** - Ensure Electoral Integrity with people's governance devolving of polling stations by taking over the running of polling stations in their jurisdiction through a polling station board and supported by 5 sectorial and independent tally makers being a) media b) Clergy c) CBOs from the area d) local Observers from other counties and e) Foreign observers.
- 6) **National People's Patriotic Service** – Some jobs will put in parking pool and outsourced to the NPPS - Ensure lowered cost of governance by allowing the people's governance structure through the People's National Patriotic Service where people offer free services to government on limited number of days annually to help reduce the wage bill.

² Such applications will include the proposed 12 ministerial appointees, Proposed plan in charge for the transition government, proposed elections and handover dates. Other important aspects of securing Statehood and Nationhood.

AMENDMENT NUMBER 3 – REPRESENTATION REFORM

- 1) **Electing MPS from the Counties**³ - to ensure each county will elect at least 1 PWD, 1 YOUTH (as a Unified Ticket where one must be certified as PWD, the other will be below 30 years of age and one must be of EITHER GENDER; 1 Minority (Community, Elder or Professional) and then an equal number of Male and female MPs based on the size of the population of the county. This brings [358 MPs] to National Assembly. Currently we have 416 MPs. From these, MCAs from each county will then appoint 1 of the MPS to serve as the delegation leader and the Senator from the county to serve for 1 year renewable once. The Senate will be the superior house. In the House there will be the 22 CSs serving as Ex-Officio, The Opposition Leader, his/her deputy and 9 nominees also ex-officio; and 14 MPs (2 from each of the continents where 1 is male and 1 is female to represent Diaspora.
- 2) **CECM in County Assemblies** - Electing 5 MCAs from each of the 290 Constituencies where one will be male, one female, one with disability together with one youth (From either gender) and 1 will be minority (Community, Profession and Elder) and each County Assembly will have the 10 CEM as ex-officio; and the Opposition Leader and his/her deputy and 3 nominees as ex officio. [1,685 MCAs] Currently we have 2200 MCAs.
- 3) **Quantifiable Representation** - Every Monday MPs will meet people in the gazetted Town Halls and Wednesdays MCAs will meet people in the town halls and all the legislator delegation will table the reports of these meetings as legislator documents. The most effective legislator will be those who use these reports to pursue legislature initiatives.
- 4) **Electronic /ATM Voting** - Amending the Electoral Laws to have Electronic/ATM voting where the electronic vote is submitted but a paper-based (copy) vote (receipt) is deposited at a covered physical collector which can verify the votes and can only be opened upon a dispute being declared by the IEBC, and restructure of the management of political parties, and creation of an **Office of Independent People and Leaders** where any Kenyan can list themselves as independent meaning no one can have their name in a political party, as well as create a nomination mechanism for Independent Candidates, Politicians and Leaders.

AMENDMENT NUMBER 4 – ENHANCE DEVOLUTION

- 1) 35% of the budget (Not Annual revenue) taken to Counties. Counties will have a County Budget Allocation Commission (CBAC) under the Council of County Governments (COCG), that will read the county share a week after the budget presentation and the County Assemblies Forum (CAF) will review the allocations.

³ In case the people ask for the reduction of Counties, the number of MPs will vary based on this new numbers.

- 2) 10% of this allocated budget (As in clause 1) must be used in the wards equally and this allocation per each county shall be done by the CBAC. COCG will comprise of Governors, Deputy Governors, Speakers, One Member from the County Executive Members (CEM) and A Member of Public proposed by the People Governments.
- 3) Another 10% of the National Budget shall be allocated to the People’s governments and each allocation shall be delivered by the CBAC based on the population of the county.
- 4) This brings the national Budget allocations to 55% National government, 35% County Government and 10% people’s Government.

AMENDMENT NUMBER 5 – STRENGTHENING INDEPENDENT COMMISSIONS AND OFFICES –

Restructure of constitutional Commissions to ensure their efficiency through ringfencing of allocations to commissions and independent offices and recruitment of personnel to these commissions and offices. This will ensure that they will receive a percentage that wananchi shall propose through a referendum, from the national budget, to be share out among them by themselves.

We Proposed the Creation of the National Values and Principles of Governance Commission – From KNCHR, NCIC, Gender and Equality Commission, the E for Ethics from EACC,

Take the power from president to present the issues about the progress made on National Values report to parliament are made by the commission.

To set up this commissions as the commission of commissions with the heads of ALL the chapter 15 Commissions are the board of this commission and they elect their head from these to serve for a term of 2 years non-renewable. ; and to have this commission empowered to receive a block allocation from the budget and share out that allocation among the commissions as well as receive a shortlist from PSC to be appointed commissioners, vet and give the final list to the CJ who shall swear in the new commissioners.