

**PRESS STATEMENT BY PROMOTERS OF POPULAR  
INITIATIVE CONSTITUTIONAL AMENDMENT, UNDER  
ARTICLE 257 OF THE CONSTITUTION OF KENYA, 2010.**

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**DATED AT NAIROBI THIS 27<sup>TH</sup> DAY OF AUGUST, 2023**

## **Part A- Historical Background.**

Ladies and gentlemen, in the history of Kenya's political governance, nothing has dominated Kenya's airwaves more than the clamour for constitutional reforms. In the run up to the 1992 general election, the famous Second Liberation Movement coalesced around the need to repeal the infamous Section 2A of the repealed Constitution, to usher in a broader multiplicity of competitive politics by various divergent political parties. This was the irreducible minimum for the then opposition honchos who admitted that a receptive constitutional framework, which neither favoured nor discriminated against sections of the populace, was the most sought after level playing field to midwife a political derby.

### **First Katiba Review.**

As history would repeat itself, on the 17<sup>th</sup> of July 1997, the late President Moi acceded in principle, to demands for constitutional and legal reforms following intense pressure which was piled by the civil society groups and international donors, after a string of violence and trail of deaths resulted from confrontational repressions of demonstrations by the state-sanctioned security forces and paramilitary units. Earlier on, on the 7<sup>th</sup> of July 1997, at least thirteen people had been reported dead following the nationwide pro-reform rallies to force constitutional changes a head of the 1997 general election. These, among many other factors cobbled together the Inter-Party Parliamentary Group (IPPG), constituted of Members of Parliament from across the political divide. The IPPG as it was popularly known, recommended the repealing of certain colonial legislations deemed as restrictive within the context of freedom of association, proposed the expansion of the Electoral Commission



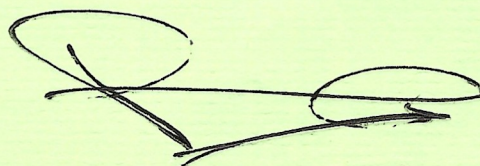
of Kenya (E.C.K), thereby giving opposition parties some leverage to have a minimal say on the expansion of electoral referee and of significance to note, was its recommendation for the establishment of a comprehensive constitutional review and reform process road map.

### **Constitution of Kenya Review Commission (CKRC).**

Five years later, the NARC euphoria, pegged on the platform of comprehensive constitutional review and legal reforms, slaughtered the cockerel out of power and in the year 2003, the NARC regime cultivated an environment and facilitated a platform which led to the congregation of delegates at the BOMAS of Kenya to chart a comprehensive constitutional review destiny. Under the auspices of the Constitution of Kenya Review Commission (CKRC), Kenya birthed the BOMAS Draft which embedded deeper devolution roots and reorganized the National Executive in a manner which was in consonance with the peoples' desires and needs. Due to irretrievable and irreconcilable factional differences within the NARC formation, pitting the Liberal Democratic Party (LDP) against the National Alliance of Kenya (NAK), the BOMAS Draft was later on mutilated in Kilifi, and Kenya ended up with the "Kilifi Draft" also known as the "Wako Draft", which was the subject of a referendum on Monday, the 21<sup>ST</sup> of November, 2005.

### **The Kofi Annan National Dialogue and Reconciliation Process.**

Following the hotly contested polls of 2007 and the subsequent protracted post poll pandemonium, the Kenya National Dialogue and Reconciliation team led by the then United Nations Secretary-General the late Dr. Kofi Annan, and bringing together the African



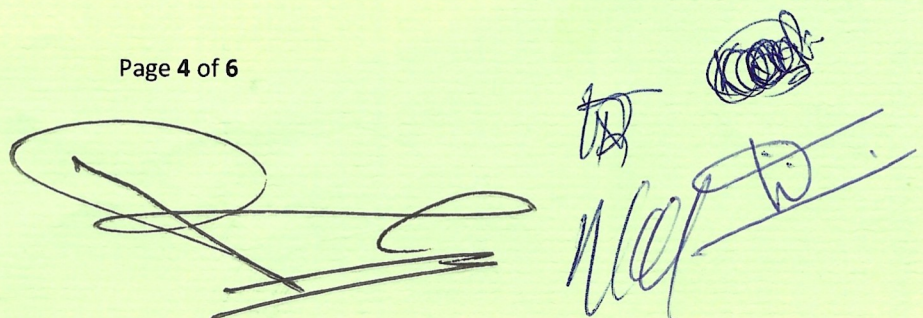
Union Panel of Eminent Personalities, recommended a comprehensive constitutional reform as one of its agenda items. This laid the road map for a constitutional review process which led to a referendum on Wednesday, the 4<sup>TH</sup> of August 2010, and subsequent promulgation of the Constitution of Kenya (2010) on Wednesday, the 27<sup>TH</sup> October, 2010.

### **Okoa Kenya, Punguza Mzigo and Building Bridges Initiative.**

Fast forward, there have been initial attempts by Kenyans of good will to propose better textual and structural adjustments of the Constitution of Kenya 2010, first by the Coalition for Reforms and Democracy (CORD) through the Constitution of Kenya 2010 (Amendment) Bill, 2015, 'dubbed' OKoa Kenya Bill, secondly by the Third Way Alliance Party through The Punguza Mzigo (Constitution of Kenya Amendment) Bill, 2019 and finally, by the Building Bridges Initiative (BBI), through the Constitution of Kenya (Amendment) Bill, 2020.

### **Part B- Post mortem of the Constitution of Kenya, 2010.**

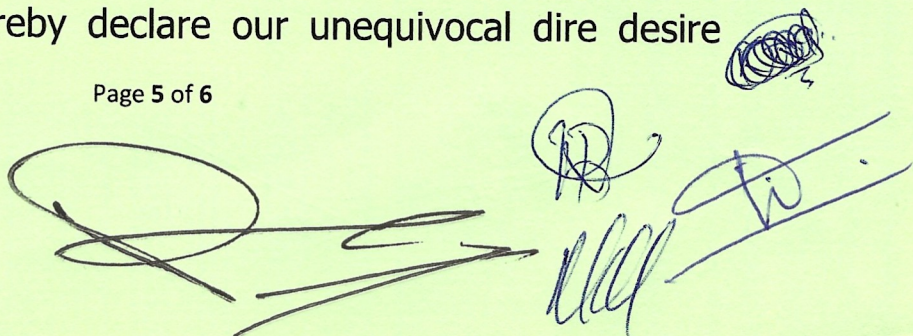
Notwithstanding this historical context, it is inescapable to observe that all the general elections conducted under the Constitution of Kenya 2010 have been contested. Under the prevailing circumstances, we the people of Kenya, originating from different segments of the society, cognizant of the reality of the architecture of our governance, having introspected ourselves as a people with all the fairest and sincerest intention, do hereby conduct an incisive, thoughtful, careful, rational, analytical and patriotic post mortem of the Constitution of Kenya, 2010 through a PORPULAR INITIATIVE as enshrined in Article 257, do note that:

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- 1) We observe that there are existential aspects of the Constitution of Kenya 2010 which are in harmony with our present needs as a people.
- 2) Aware that Kenya has witnessed tremendous social and economic transformation, heralded by the new constitutional dispensation, with immense growth and development being witnessed in regions which for a very long time had suffered economic marginalization.
- 3) Mindful that unemployment, public debt, public wage bill and a fragile tax base are the major challenges afflicting our country today.
- 4) Convinced that notwithstanding our diversity as a people, we are all inclined to align with good governance and better periodic adjustments on a case-by-case basis, as may be occasioned by inevitable circumstantial occurrences.
- 5) Exercising our inherent rights to dispense with our sovereign pursuits directly and our rights to initiate, be part of and spear head a political cause.
- 6) Cognizant that the Constitution of Kenya, 2010, jealously and magnanimously guarantees us an audience to initiate amendments of the Constitution of Kenya, 2010, directly as a people through the popular initiative route.

### **Part C- Proposed amendments.**

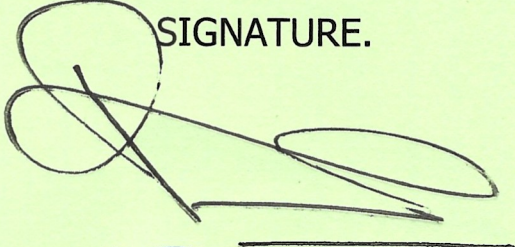

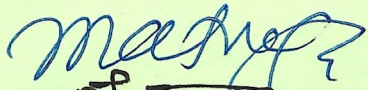
**WE THE PEOPLE OF KENYA**, caucusing under the inseparable and enviable umbilical cord of patriotism, and for all intents and purposes of writing a better history for, in the best interest and on behalf of ourselves and future generations, while being sensitive to the commemorative legendary footprints of the fallen legends who were the trail blazers of the foundational bastions of our nationhood, do hereby declare our unequivocal dire desire

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and unflinching resolve to propose constitutional amendments, through a popular initiative.

Proposed areas to look at for amendments among others:

- (i) Leadership and Integrity.
- (ii) National Elections.
- (iii) The structure of the Legislature.
- (iv) Representation.
- (v) The structure of the National Executive.
- (vi) The structure of devolution.
- (vii) Independent Commissions and Offices.

NAME.	SIGNATURE.
1.  LUMUMBA	
2. CHEPNGETICH KNIGHT	
3. Ruth Muthami	
4. MARK MATUNGA	
5. ISAAZ KALWA GREEN	