



Civil Society Reference Group

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PRESS STATEMENT: DATED AND ISSUED ON THIS 7TH DAY OF OCTOBER 2018

CIVIL SOCIETY WANTS THE PROPOSED REFERENDUM HELD IN 2020 AHEAD OF THE 2022 GENERAL ELECTIONS TO MAKE IT POSSIBLE FOR ELECTION RELATED REFORMS TO TAKE ROOT

The Civil Society Reference Group (CSRG) wants the referendum being proposed **held two** years before the **2022 General Elections** now that all parties are agreed that constitutional and legal reforms are inevitable ahead of the next elections.

This will make it possible for the reforms envisaged in the constitutional amendments that will be undertaken to take root ahead of the 2022 elections.

Some of the reforms being proposed will require that related enabling legislations are also amended or enacted afresh hence the need to hold the referendum two years ahead of the 2022 polls to make time for the National Assembly and the Senate to pass all the legislations that will be necessary thereafter.

A case in point are the amendments being proposed to review and reduce the number and boundaries of constituencies and other electoral units like wards and counties. If these were to go through, then appropriate legislations will be necessary to adjust the number, boundaries and representations to the Constitution as will be amended.

Other amendments that have been proposed are those that relate to the proposed need to restructure the Executive arm of the government with a view to making it more accommodative to national diversity and responsive to the governance needs of the people.

It has also been suggested that election of the various national and county government representatives be staggered to make it easier for the Independent Electoral Boundaries Commission (IEBC) to manage the processes more efficiently and competently.

Besides, reforming the IEBC itself to emancipate it from the forces that have always been accused of capturing the election management body to deliver pre-determined outcomes will have to be done early enough before it embarks on the review and delimitation of boundaries.

These are changes with far-reaching legislative and operational implications that have to be done early in good time if they are to impact positively in the 2022 elections.

But the CSRG would want to caution against targeting any particular segment of the society or institution in the changes being proposed for the referendum.

In particular, the CSRG would want to caution against targeting of groups that have been traditionally marginalized from governance and development processes like women, persons with disability and the youth in any efforts to reduce the cost of government at national and county levels of government.

Some of the suggestions that have been made, to the effect that it is the women representatives that are making the cost of running government more expensive have no merit and must be shunned at all times during the review process.

There have also been wild and unfounded statements made to the effect that representation of women has not added any value in our governance and development processes ever since the system of having one woman elected in each of the 47 counties to sit in the National Assembly was adopted.

Those making such unfair and biased statements should back them up with empirical evidence that demonstrates how male Members of the National Assembly or of the Senate have contributed more effectively than their female counterparts and why it is only the male representation that should be retained and the women representation done away with.

In the obvious lack of such empirical evidence, it is incumbent upon all of us a society to come up with and adopt an electoral system that will ensure that all segments and interests in the society are able to be represented, feel that they are represented and have a voice in the legislative and deliberative assemblies at both national and county levels without discrimination on grounds of sex, social, economic political or any other imposed standings.

The other issue on which the CSRG would want to caution Kenyans against taking rushed decisions is the suggestion that the Senate serves no purpose and should be done away with so that we revert to a unicameral Parliament.

A devolved system of government may not survive the pull and push of an overbearing national executive without a second chamber of parliament specifically charged with functions and powers to protect the devolved units.

The Senate, even with its limited powers has done a commendable job protecting the devolved units, and ensuring that they are allocated more resources to deliver on their mandate. Kenyans must not allow the National Assembly as an institution or any of its individual members to peddle the lie that it has been more effective than the Senate, and therefore, should be retained at the expense of the Senate.

If one of the objectives for which Kenyans want a referendum is to strengthen devolution and make it work, there may be need to strengthen the Senate by giving it more powers and functions in order to consolidate the gains of devolution and make the system deliver on its promise and full potential. This should be accompanied with changes that will reduce the size but make the National Assembly more representative than it is at the moment.

Signed by:



Suba Churchill

Presiding Convener,

Civil Society Reference Group