

REPUBLIC OF KENYA

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The Senate
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Nairobi, Kenya

PARLIAMENT OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./PETITIONS/CORR./2017

23rd May, 2017

Maj. (Rtd.) Joel Kiprono Rop,
P.O. Box 192-20210,
LITEN.
Email: ropmajor@yahoo.com
Tel: 0729549379



Dear *sw,*

RE: PETITION TO THE SENATE SEEKING A REVIEW OF THE
CONSTITUTION AND ELECTION TIMELINE.

I acknowledge with thanks receipt of your Petition on the above subject matter.

Upon reviewing the Petition in terms of Senate Standing Order 220 (3), I have noted that, although it raises important issues for consideration, the Petition-

- i) does not indicate whether any efforts have been made to have the subject matter of the Petition addressed by a relevant body and whether there has been any response from that body or whether the response has been unsatisfactory. This is a requirement under Section 3 (f) of the Petition to Parliament (Procedure) Act (No. 22 of 2012), and Senate Standing Order 223 (f);
- ii) does not conclude with a clear, proper and respectful prayer, reciting the definite object of the Petitioner in regard to the matter to which it relates, as required under Section 3 (h) of the said Act, and Senate Standing Order 223 (h), and
- iii) does not disclose any new issue for consideration by the Senate, which has not been the subject of previous Petitions by yourself to the Senate and /or the National Assembly.

In view of the foregoing, I regret that the Petition is not admissible. For any clarification, please contact Mr. Lawrence Amolo (Tel No. 0722529898 and Email, lawrenceoamolo@gmail.com).

Yours *sincerely,*

M. A. MOHAMED,
SENIOR DEPUTY CLERK,
FOR: CLERK OF THE SENATE

Petition to the Senate by Major (Rtd) Joel Kiprono Rop Concerning the Need for an
EMERGENCY Review of the CONSTITUTION and ELECTION TIMELINE, in View of the
Prevailing Threat to National UNITY and National SECURITY.

PETITION MADE TO THE SENATE PURSUANT TO ARTICLE 119 OF THE
CONSTITUTION OF KENYA AND PART XXIX OF THE SENATE STANDING ORDERS

BY



MAJOR (RTD) JOEL KIPRONO ROP
RESIDENT OF BOMET COUNTY



10th April, 2017

② Charles

Please deal
Boli
12/04/17

① DLPS
Please deal
MWA
11/4/17

Petition to the Senate by Major (Rtd) Joel Kiprono Rop Concerning the Need for an EMERGENCY Review of the CONSTITUTION and ELECTION TIMELINE, in View of the Prevailing Threat to National UNITY and National SECURITY.

I, the undersigned,

Citizen of the Republic of Kenya and a resident of Bomet County;

DRAW the attention of the SENATE to the following:-

1. THAT, the threat to the National Unity is presently greater than any other time since independence. The Ministry in charge of Internal Security has publicly conceded the situation by identifying and preparing to deal with post-election '*hotspots*'. They have also formulated laws/rules, for instance, to ban protests that might arise from disputed poll results; and to proscribe '*zoning*' and/or '*areas of influence*'.
2. THAT, we must now ask: "*What are the root causes that occasionally push Kenya to the brink of disaster, especially as and when general elections are held?*" The biggest answer to that question is the '*position of Presidency*'.
3. THAT, in my petition to Parliament dated 9th November, 2015, entitled, "*Petition to the National Assembly Concerning the Need to Re-Apply for Withdrawal of the Cases at ICC; and to Urgently and Decisively Resolve, through a New Improved Constitution, Outstanding National Problems that Significantly Contributed to Pushing the Country to 2007 Post-Election Violence in Kenya*", I observed that: "*Since independence, the Presidency has gradually evolved into something of a 'Command Centre', from where individuals who are highly connected, as well as a cross-section of President's tribe-mates, derive their powers and orders to wage aggressive corruption operations. Consequently, the culture "our turn to eat" has been thriving; and, presently, it is rapidly bringing the nation onto its knees. Therefore, I am afraid that if the culture and associated practices continue to flourish, then Kenya risks being irreversibly destroyed*".

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4. THAT, a concept that could be used to redeem the country from the pandemic ethnic myth surrounding the institution is that of '*Rotating Presidency*'. In 2015, I wrote a 70-page "*Tunza Kenya Draft*", featuring ten fields of great national importance, proposing **Amendments/Additions** to the current Constitution. I presented the Draft to Parliament through a petition on **8th December, 2015**. One of the areas of my review was that of "*Political Representation*", which includes among others, the Presidency; where I recommended the concept of *Rotating Presidency*. Although, the concept might appear to stifle democracy, it was, and still is, a real-time attempt to save the country from **disintegration**.
5. THAT, on the social and internal security front, there have been at least six counties that have recently been hard-hit by an unfortunate mix of **famine** and communal-related incidents of **violence**. Therefore, we should ask: "*How can a normal electioneering process, which includes party **primaries**, happen in those counties?*" Furthermore, given the afore-mentioned scenario, "*How will IEBC accomplish **nation-wide peaceful, free and fair general elections?***"
6. THAT, in respect of national defense, our forces suffered massive losses in Somalia, particularly over the last one year. In the short-term, KDF has to bear with the resultant big dent in their order of battle as they continue to confront the relentlessly existent enemy. And, many families of the fallen soldiers are still reeling in grief. *Please note that in view of Kenya's mission in Somalia, I submitted a petition, dated 8th April, 2015, to Parliament, entitled, "Concerning National Security in Kenya".*
7. THAT, there is likelihood that at least one important side of the political divide will establish their own **tallying system** for the next general elections. It is easy to discuss the legitimacy, or illegitimacy; or even for IEBC to say the concerned parties "*can tally, but can't announce*". However, the current affairs of the matter aside, the **political leadership** must wisely step back in order to soberly assess and take cognizance of the history that has driven a cross-section of society to such a sharp edge; and also step ahead in order to discern the repercussion (science) of any related **action and reaction**.

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8. **THAT**, one may wonder: *“Suppose the figures from the parallel tallying systems do **not** agree at any stage, anywhere, for whatever reason, during the process; will the aggrieved party keep the information in safe custody, for it to be used as nice and valuable piece of evidence to be diligently presented in **Court** in the eventuality of an elections petition? Or will the discrepancy be amicably thrashed out on the spot?”*
9. **THAT**, some of my previous petitions, particularly the ones mentioned above, which were, and still are, pertinent to the topic of this presentation, were not satisfactorily dealt with by Parliament.
10. **THAT**, Parliament is the right body to undertake the **national** search for support for the mission.
11. **THAT**, none of the issues raised in this petition is currently pending in any Law Court or Constitutional Commission.

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WHEREFORE, your humble petitioner prays that the SENATE:-

Examines the Constitution and relevant existing national legislation and consider any suitable amendments in order to **postpone** either the presidential election or the entire general elections. If that happens, then the following activities will ensue:-

- a) IEBC will prepare for a referendum;
- b) Kenyan's, MP's leading, will quickly discuss suitable amendments to the election date;
- c) They will also consider suitable amendments governing the establishment of **Presidency**, in order that the *raging wild flames that have been lit by sparks emanating from the institution might be extinguished.*
- d) As and when the afore-mentioned activities occur, Kenyans who had all **other forms of proposals** for improvement of the Constitution, *E.g. 'Okoa Kenya', 'Punda Amechoka', and certainly my 'Tunza Kenya', Etc,* will re-submit their proposals for inclusion in the process of preparing the Constitution for referendum;
- e) A small team of experts may be engaged for a limited length of time.

Footnotes:

- i. *The proposals, for amendment of the Constitution, which have been made by Kenyans since the last general elections are actually hot in the shelves and ready for retrieval. For instance, Okoa Kenya reached IEBC through the Popular Initiative; and the others that came through the Parliamentary Initiative have variously been handled by both Houses. In fact, we had an open meeting with COIC on 23rd March, 2016;*
- ii. *Therefore, a credible referendum could happen before the end of October, 2017. And, the general elections could be held in early March, 2018; at least not later than the same date that the last elections were held;*
- iii. *A process such as the one proposed in this petition might be expensive; but it is most certainly better than consigning the nation to catastrophe over the cliff;*
- iv. *This is the eighteenth petition by this citizen to the 11th Parliament. Thus I would humbly request the Honorable Members to discern the persistent spirit behind the submissions; and act decisively for the sake of posterity.*

Dated this.....10th.....day of.....April.....2017.

NAME & SIGNATURE : MAJOR (RTD)JOEL KIPRONO ROP
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