



THE PEOPLES'
TRANSFORMATIVE
AGENDA FOR KENYA
2021 - 2050

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Acknowledgements

We acknowledge all leaders from civil society, people's movements and political parties who have contributed to this process. Specifically, we thank the leadership and members of the technical team from Ukweli Party, Communist Party of Kenya, NARC-Kenya, Movement for Democracy and Growth, United Green Movement and The Great Nationhood Party who laid the ground for the issues covered here.

We thank Dr Wandia Njoya, Dr Mshai Mwangola, Atsango Chesoni, Kwamchetsi Makhokha, Wanjiru Gikonyo, Darius Okolla, Joe Kobuthi and Christine Nkonge who helped to frame the postulations contained in this document.

We thank Zein Abubakar who took the time to collate the outcomes of discussions in the various spaces to put this document together. Nerima Wako and Patrick Ochieng took time to read the draft and offer critical comments and we thank them. Abdirahman Ismail, Christine Kuria, Wilfred Olal, Njoki Gachanja, Reuben Kigame, Josiah Omotto, Gacheke Gachihi and Sheila Masinde made useful contributions to the draft and we are grateful. Betty Guchu who edited the document is sincerely thanked.

The NALC convenor, Prof. Willy Mutunga – CJ Emeritus, is thanked for his leadership and dedication to the peoples' transformative agenda.

Kawive, Wambua
Inuka Kenya Ni Sisi!



Abbreviations

ACFTA	African Continental Free Trade Area
AG	Attorney General
AU	African Union
CBC	Competency Based Curriculum
EAC	East African Community
GDP	Gross Domestic Product
HELB	Higher Education Loans Board
IOC	International Olympic Committee
IPPG	Inter-Parties Parliamentary Group
KANU	Kenya African National Union
KBC	Kenya Broadcasting Corporation
KLFA	Kenya Land and Freedom Army
KRA	Kenya Revenue Authority
NA	National Assembly
NALC	National Alternative Leadership Convention
NLC	National Land Commission
NFD	Northern Frontier District
OAU	Organisation of African Unity
RENAMO	Resistência Nacional Moçambicana (Mozambican National Resistance)
SME	Small and Medium Enterprises
UNITA	União Nacional para a Independência Total de Angola (The National Union for the Total Independence of Angola)



Foreword

I would like to start this foreword with a Kamba saying I shared during a keynote address at the 2021 Saba meeting. The Elephant presents itself to be shot only once. If the hunter misses, s/he is as good as dead. If s/he does not miss, the result is a fortune from selling the ivory.

The opportunity to shake the ruling class and its core venal and immoral foundations is premised on the emergence of a new leadership — this is the bow and arrow of us Kenyans. If you trace the emergence of movements in Kenya and around the world, you will realise that only when the people became tired and needed to change the status quo in their countries did a new leadership emerge to lead that change. History is replete with instances where people stood up to a status quo that was not sustainable. People rise to collectively fight what they perceive as an anti-people status quo. Failure has not deterred the emergence of resistance. Losing a battle is never a bad thing — it is also an aspect of victory and the important thing is to stand up and fight oppression. After independence, our own Kenyan government hunted down the Mau Mau fighters. But people continued to resist. The Kenya People's Union, for example, was formed in 1966 by Jaramogi Oginga Odinga, Peter Kagia, and Pio Gama Pinto and they were among the people who stood up to oppose what was not sustainable. During the Moi-KANU dictatorship, which visited unimaginable horrors upon Kenyans and committed human rights violations against them, people like Jaramogi Oginga Odinga stood in the gap for the people and resisted the regime. Jaramogi became a beacon of resistance. Indeed, resistance is never celebrated during the struggle. Only after. Resistance, placed within a trajectory, is about continuities, links, and gains that are fundamental for transformations and revolutions.



We assumed that any government could implement the Constitution of Kenya that was inaugurated in 2010 since it addressed all the problems we faced as a country. The current leadership's refusal to implement the Constitution has been a major problem for the country. While fully implementing the Constitution could have put Kenya on a development trajectory, there was no doubt at the time of its promulgation that we would face a struggle to have it implemented. Indeed, the country cannot develop with the current crop of leaders who have shown no potential for bringing about the changes necessary for the betterment of the country and who have continued to demonstrate that they will not implement the Constitution. As an example, Article 43 guarantees the right to food, education, employment and security. Yet even as the COVID-19 pandemic raged, Kenyans' homes were destroyed, COVID funds were stolen and the government made absolutely no effort to provide treatment, water, food and employment or any other form of social security for the majority of Kenyans. Instead, COVID-19 prevention was securitised. If leaders can steal masks, vaccines and other resources meant to alleviate the suffering of Kenyans, they can also devise other ways of killing Kenyans. The sooner Kenyans realise that ours is a fundamental crisis of political leadership, the better we will continue the journey of implementing the progressive Constitution we bestowed upon ourselves.

The apathy towards politics — particularly among the youth — is palpable. They claim that they are not interested in politics yet, knowingly or unknowingly, they do engage in politics. Politics affects every part of our lives and we cannot be neutral in the face of injustice, poverty and unemployment. We must establish an alternative political leadership that is pro-people because Kenyans have a lot to lose if the present state of affairs continues. This alternative political leadership must contest power through political parties that have the ideology of change anchored in a civil society that has the same vision.

Yet we cannot have an alternative leadership if our political architecture is dominated by five big communities to the detriment of all the others. It is not going to be easy and we should not underestimate a political



class that is hell-bent on controlling the state for its own self-interest. But alternatives are everywhere; the bedrock of an alternative political leadership must be individual citizens and citizen groups. Kenyans will support this movement if they believe in the ideals that it envisions.

We need to have a consensus about the nature of the political society that we envision. We must address inequality and challenge the despotic baronial elite, a class that has leaders who have not been elected by anybody but who occupy positions of political influence. We must avoid succumbing to the temptation of choosing the lesser evil from among the baronial overloads that present themselves and instead choose alternatives. An alternative political leadership must find its place in the current political landscape.

We must resist and fight the prevailing “Anti-Wanjiku Theory” that the current political leaders are unbeatable because they have billions of shillings and are backed by national and international cartels and governments. It is true that the current political leaders have money but the money they have is Kenyans’ money that they have stolen or misappropriated. There is also a need for messaging on peace, foreign interests in our country, and regional and global issues; we cannot have a government that has no position on Palestine or Somalia, for instance.

I conclude by saying that we need to remember that Kenyans collectively fought for our independence for 68 years. We fought for the 2010 Constitution for over 40 years. This struggle for an alternative political leadership might take 20 or more years but by the end of it, we will have set this country free. Therefore, we must never give up.

The time to call for an alternative political leadership, which is fundamental for a pro-people transformation, is now!

Professor Willy Mutunga

**Chief Justice and President of the Supreme Court (2011-2016) Convenor
- NALC**



Introduction

About Inuka

Inuka Kenya Ni Sisi! is a Kenyan grassroots social movement organisation founded in 2009 and registered/incorporated as a company limited by guarantee in 2012. It envisions a peaceful, united and well-governed Kenya with equal economic and social opportunity for all citizens. The organisation exists to empower Kenyan citizens to improve their lives and demand good governance as a means of achieving socio-economic growth and equality of opportunity for all Kenyans. It aims to curate a social movement (the Ni Sisi! Movement) that will seek to unite Kenyans to forge a collective identity, drive transformation in leadership and improve maisha — wellbeing — for all Kenyans. To this end, Inuka supports community groups/organisations and collaborates with initiatives at the local, national and regional level to build capacity and linkages for effective collective action. Inuka Kenya Ni Sisi!’s philosophy is underpinned by the concept of “dignity before development” — each individual’s inherent dignity must be upheld at all levels of interaction.

The Ni Sisi! Movement intends to take the country back from the current leadership that has completely failed to inspire growth, promote development and secure livelihoods for Kenyans. Inuka will achieve this objective by empowering Kenyans to have access to information, to exercise their freedom of expression and to take the initiative for their socio-economic welfare (knowledge generation, management and sharing). It will drive a demand for good governance as a means to achieve socio-economic growth and equality of opportunity for all Kenyans. It will also support the development of a resilient Kenyan



identity — through shared experiences, history, memory, hardships, and diversity (ethnicity) — as the glue that binds Kenyans together as a people. It will achieve this by unifying/building a critical mass of like-minded people/groups working towards a better Kenya under the Ni Sisi! umbrella.

Inuka Kenya has developed three strategic objectives that, together, will form the basis upon which citizens at the local level aggregate their efforts to take charge of their citizenship and governance processes. As such, the three objectives are the key pillars that will support the creation of a Ni Sisi! social movement. These three objectives are:

1. To use technology to disrupt and replace norms and narratives that dehumanise and instrumentalize violence, tribalism and inequality
2. To build, protect, restore and ensure human dignity, harness collective positive identity, foster trust between citizens and the state
3. To transition to a civic movement through partnerships, collaboration and membership leveraging hopes, aspirations and fears for an activated citizen holding government to account

Inuka Kenya deploys various strategies to develop a mechanism to transition from a civil society to an organic civic movement; from an organisation involved in advocating for better governance to one that aggregates communal interests and curate's citizen formations for ensuring that there are public solutions to public problems and issues. Using technology, Inuka has set about creating a knowledge ecosystem to engage the youthful masses to disrupt and replace the prevailing social, political, economic and cultural norms and narratives that dehumanise and instrumentalize violence, tribalism and inequality. The aim is to build, protect, restore and ensure human dignity, harnessing a positive and resilient collective identity, and fostering trust between the citizens and the state. Through partnerships, collaborations with other formations, and through a membership drive, Inuka seeks to transition from a civil society organisation into a civic society organisation composed of people's hopes and aspirations for greater accountability



in our society. In this way, Inuka hopes to contribute to the emergence of an accountable leadership, the creation of a collective identity, the transformation of social and civic engagement in Kenya and in the region, leading to improved livelihoods.

Through its activities over the years, Inuka Kenya Ni Sisi! has cultivated a programmatic presence in several counties in Kenya that it has identified as potential areas of conflict, disenfranchisement, exclusion and exploitation by the state, leaders and local or international corporations. Community entry mechanisms are a combination of approaches that include mobilising, organising and creating collective communities of action; identifying influencers and ambassadors to provide entry into communities; use of technology (social media); and continued partnership-building at the local level.

Inuka realises that the countries of the Eastern Africa region are experiencing challenges in their governance frameworks and processes. In particular, Kenya Uganda and Tanzania are in the midst of political changes that have been exacerbated by the COVID-19 pandemic and are experiencing democratic upheavals, characterised by reversals (in Kenya and Tanzania) and the continuation of “normalised” military rule (in Uganda). More than any other crisis that has confronted the region in the last four decades, this pandemic lends itself to the principles of cooperation, mutuality, consensus building and solidarity. There is a myriad of governance challenges across the rest of the region and continent. Through collaboration, networking and media advocacy, Inuka focuses its action on aspects of movement building, wellness of actors and capacity development in the three countries to enable civil society to develop resilience in their work. Inuka sees this as the only way to develop and sustain a transformative agenda for Kenya and the region.



Inuka initiated the National Alternative Leadership Convention upon realising that the political agenda for the country had been hijacked by the baronial class. Indeed, since 2002, there has not been a serious organisation of Kenya's political agenda outside the remnants of the Kenya African National Union elite. There has been a coming together of the baronial class and the management of the affairs of the nation has been reduced to ethnic mobilisation. The executive arm of government has gone rogue due to the lack of a credible opposition and the emasculation of parliament. The religious sector is also unable to pull its political weight and has merely been content to continue advocating for checks and balances in governance; its partisanship in matters political is all too clear. The governance civil society organisations, trade unions and progressive political parties have suffered a major splintering occasioned by partisan individual/organisational interests. Apathy has set in and the ruling elite has excelled in dividing the populace along ethnic and other lines.

It is imperative that civil society, people's movements and progressive political parties join hands to ignite the country's imagination to believe that a new leadership is possible.

The goal of the initiative is to unify civic and political actors to a credible singular alternative leadership movement and polity through convening social movements and anti-baronial political parties with the aim of identifying issues that hinder unity, creating a framework for unification and socialisation of a common agenda, and developing and implementing a joint advocacy and political strategy.

In 2020, working with The Orature Collective, Inuka developed the Futures Scenarios for Kenya¹. The four scenarios are: the Status Quo (Mambo ni Yale Yale) scenario, the Resistance Scenario, the Transformative Scenario and the Instability Scenario. The scenarios painted are not a prediction

1 The scenarios can be found at <https://nisisikenya.org/futures-scenarios-for-kenya>

of the future, but an exploration of possible futures based on an analysis of past and present circumstances as well as potential developments in the future. With these scenarios in mind, Inuka embarked on a process of developing a transformative agenda for Kenya.

Inuka held a meeting with like-minded civil society organisations, movements and political parties on 6 July 2021 at the historic Ufungamano House. Among other things, the meeting resolved to create a political coalition of parties that will advance the transformative agenda. In follow-up, Inuka convened a meeting of the political parties' leadership to agree on a framework for engagement. The parties that participated in these discussions included the Communist Party of Kenya, NARC-Kenya, Movement for Democracy and Growth, Ukweli Party, The Great Nationhood Party of Kenya and United Green Movement. These discussions are still ongoing.

Inuka convened a number of public intellectuals including Dr Mshai Mwangola, Christine Nkonge, Dr Wandia Njoya, Ms Atsango Chesoni, Zein Abubakar, Kwamchetsi Makhokha, Wanjiru Gikonyo, Darius Okolla and Joe Kobuthi to develop this framework.

This framework, therefore, presents a progressive postulation of what any party/coalition seeking to transform Kenya would be interested in — in whole or in part. The work of liberating the country from the cyclic insouciance of state capture and disregard for citizen's needs, social justice and better livelihoods should be a concern for any serious contender for power and it forms a basis for social regeneration and transformation for the next thirty years. Though not prescriptive, we believe this framework presents a basis for negotiating the transformation of Kenya.

We welcome all to engage.

John Githongo.

Chief Executive Officer - Inuka Kenya Ni Sisi!



PREAMBLE

We, Kenyans of various backgrounds, being committed to transforming our nation using the vision of our Constitution, adopt this agenda for the coming elections and for posterity.

We have adopted this comprehensive and transformative agenda for our nation to bring justice, the rule of law, constitutionalism, peace, and prosperity for all. At the core of this agenda is the restoration and respect of the dignity of all Kenyans.

We offer it to all Kenyans that they may embrace it and work together to promote it.

1. Building Constitutionalism

The Constitution - Background

The Constitution of Kenya as enacted in 2010 is a transformative framework designed to establish a just society in Kenya. The greatest challenge facing the 2010 Constitution has been lack of political will and lack of knowhow to implement it with fidelity.

As happened with the 1963 Constitution, sections of the political elite are still determined to ignore, undermine and even bring amendments the 2010 Constitution to return to it some of the oppressive aspects of the former Constitution.

We hold the view that any future proposals to amend the Constitution must be in accordance with the Constitution and the law.



Commitments on the 2010 Constitution

- 1.1.** We make a solemn commitment to respect, uphold and defend the Constitution.
- 1.2.** We are dedicated to the vision and transformative nature of the Constitution, including the process of deconstructing past oppressive structures and practices.
- 1.3.** We will protect the Constitution from all attempts to circumvent, damage or in any way undermine it.
- 1.4.** We will work with all Kenyans to implement the Constitution with fidelity and ensure the entrenchment of constitutionalism and the rule of law. To this end,
 - 1.4.1.** We will immediately carry out audits to ascertain the level of compliance to the Constitution of both levels of government and all public and state institutions. The audits will also review all legislations developed after the promulgation of the Constitution to ascertain their fidelity to it. A mechanism for continuous and periodic audits will be put in place to cover the mid-term and the long-term.
 - 1.4.2.** We will develop a framework that will alter and/or remove from our statutes all aspects that are not in conformity with the Constitution. Ten years after its promulgation, the Penal Code has not been reviewed to reflect the values, spirit, and letter of the Constitution. The ad-hoc approach to removing past legislation that is not in conformity with the Constitution, which is based on citizens mounting challenges in court, is undermining its proper implementation.



- 1.4.3.** We will ensure that all development plans conform to the Constitution. Key in this respect will be a complete review of Vision 2030 and the commitments we have made in the East African Community (EAC) and at the African Union (AU).
- 1.4.4.** We will implement the Constitution with care, foresight and by allocating the necessary resources for its full implementation.
- 1.4.5.** We will commit to ensuring that public and state officers who fail to obey, respect, and uphold the Constitution are prosecuted to the fullest extent of the law including removal from office.

Constitution Commissions and Independent Offices

Background

In the design of the Constitution, Constitutional Commissions and Independent Offices were created as an additional layer to protect the sovereignty of the Kenyan people, manage constitutionality, and provide checks and balances against the classical three arms of government.

Supported by Parliament, the Executive has used the appointment process and the allocation of resources to undermine the independence and effectiveness of these institutions. Furthermore, in developing legislation for these institutions, Parliament and the Executive have sought to limit their effectiveness and independence.

In essence, the State has hijacked these institutions and made them toothless objects and/or instruments of oppression.



Members of these institutions were granted security of tenure to provide them with the necessary protections to carry out their functions without fear and to confront the misuse of state powers, among other excesses. However, many are using these protections to secure the most favourable terms of service for themselves and to violate their oaths of office with impunity.

Kenyans of integrity appointed to these institutions have been frustrated and demonised, and have faced sustained campaigns of vilification and threats to remove them from office.

Political actors of various shades have shown open disdain for the process of managing constitutionality and/or efforts to hold them to account when they violate the Constitution and the law through these institutions. They have even proposed to re-configure, remove and/or alter the functions of these Commissions and Independent Offices.

There is, therefore, an urgent need to restore the purpose, functions and effectiveness of these critical institutions and offices.

Commitments on Constitution Commissions and Independent Offices

We are committed to:

- 1.5.** Protecting the independence of all Chapter 15 Commissions and Independent Offices and ensuring they carry out their functions without interference.
- 1.6.** Developing legislation to stagger the tenure of members of commissions to allow for continuity and institutional memory.
- 1.7.** Implementing processes to remove from office members of these institutions who have openly committed illegalities and/or other excesses that are incompatible with their mandates.
- 1.8.** Effectively participating in the recruitment of new members to ensure that only suitable persons are appointed.



- 1.9. Developing monitoring and evaluation processes that will closely follow the performance of members once appointed. Failure to perform should have consequences, based on the disciplinary processes in place, including removal.
- 1.10. Continuing to lobby so that these institutions are allocated adequate resources to carry out their functions.

2. Justice

Background

Kenya was founded on injustice. Colonialism in Kenya was based on conquest, state violence, land grabbing and dispossession, discrimination, inequality, violation of human rights, divide and rule, exploitation and humiliation justified by social, political, and economic hierarchy's dependent on undermining the human dignity of the majority by a small clique for their own advantage.

The liberation struggles in our history have always been against these unjust systems — from the struggle against colonialism, to that against single-party dictatorship to those against economic banditry and baronial leadership based on ethnic mobilization.

Commitments to Justice

- 2.1. We are committed to restoring justice to our nation by respecting the letter and spirit of the Constitution, and adopting and using the principles and approaches of Restorative Justice in handling all issues related to justice in Kenya and particularly those actions and processes that are designed to restore dignity to all Kenyans.
- 2.2. We are committed to deconstructing our unjust past using the approaches of Restorative Justice that seek to reconcile us with our past by restoring our dignity and our rights without harming others or creating any new violations.



- 2.3.** We will focus on uplifting the lives of victims and survivors, restoring their dignity and status, extending to them compensation and/or reparations through special memorialization programmes and mechanisms, and making the commitment to never allow a repeat of such violations in our nation.

This process will also include programmes to correct historical records, and efforts to reconcile individuals, groups and communities, and to record previous violations and promote forgiveness and reconciliation. The process will also involve developing educational components that contribute to the memorialization of the heroic struggles of the people of Kenya, building a culture of justice and peace, and developing attitudes and structures that prevent future violations.

- 2.4.** We will ensure that traumatic experiences, including in relation to gross human rights violations, injustices related to land and other natural resources, economic exploitation, marginalisation, inequality, and corruption are comprehensively addressed.
- 2.5.** We will ensure that violators of human rights and perpetrators of crimes against humanity are given an opportunity to atone, seek forgiveness and reconciliation, to bring closure to the trauma affecting all the parties concerned. This will involve making restitution, providing material facts of wrong doing and/or recusing themselves from serving in public office. Further, national and county memorialization programmes will be developed to ensure that such crimes and violations will never again be repeated.
- 2.6.** We will develop a framework for the implementation of Restorative Justice that will also make proposals to remove all legal, policy, and administrative structures that have been used as instruments of oppression, including the deletion, alteration, or concealment of records of wrongdoing and violations. One example of such instruments is the Indemnity Act that proposed to give blanket immunity to violators in the so-called “Shifta War”.



The framework will also cater for follow-up work on transitional justice activities (including their findings and recommendations) undertaken in the past including by the Truth, Justice and Reconciliation Commission (TJRC), and work that may be undertaken in the future.

- 2.7.** We will ensure access to information on violations, which is critical in finding closure and restoring dignity to victims and survivors.
- 2.8.** We will promote the building of capacity and the use of Alternative Dispute Resolution (ADR) and Traditional Dispute Resolution as mechanisms of justice provided, they are in conformity with the Constitution.
- 2.9.** We will ensure that all our political programmes and interventions are informed by the Restorative Justice approach.

3. Governance

Background

The governance structures in Kenya stretch across four broad timeframes, namely the pre- colonial period, the colonial period, the post-independence period under single-party dictatorship and the period of governance under the 2010 Constitution.

Before conquest and colonialism

Kenyan communities had a variety of governance structures ranging from loosely connected families and/or clans, to consensus-based structures, centralised structures as well as some authoritarian structures. All these governance systems were interrupted and disrupted by conquest and colonialism.



Under colonialism

Conquest and the imposition of colonial systems in what was to become Kenya (or parts of what was to become Kenya) involved the Portuguese, Arabs, Germans, and the British. Some of the characteristics of these systems included extreme violence, dispossession, looting, discrimination, oppression, gross human rights violations, and the destruction of local social, cultural, and economic structures.

The forceful introduction of colonial structures formalised injustice and oppression including through written laws and Constitutions.

Local communities resisted and waged wars of liberation with varying impacts that finally culminated in constitutional talks at Lancaster House in the early 60s, leading to elections and self-rule (Madaraka) in 1963.

Kenya adopted a fairly progressive democratic Constitution that included the following features: a multi-party parliamentary system, a devolved system of governance (Majimbo) that gave substantive autonomy to regions, checks and balances between the Executive, a two-chamber Parliament, and the Judiciary, and a Bill of Rights, among others.

After independence and under single-party dictatorship

The attainment of self-rule was quickly followed by a lack of political will to implement the negotiated Constitution and governance structures. A process of circumventing the governance structures and amending the Constitution was rapidly implemented. Within a few years, the progressive governance structures and democratic Constitution had been amended. The soul and basic structure of the Constitution were completely altered. The new regime created a centralised single-party presidential system based on ethnic supremacy. Many of the colonial structures were given new life, including the oppressive laws and the Penal Code. Detention without trial was reintroduced and the democratic space constrained. Political assassinations, enforced disappearances, prohibition of movement, house arrests, trumped-up charges and imprisonment were used by the political elite to eliminate opposition.



This led to a weakening of the governance structures including the removal of checks and balances and the independence between the Executive, the Legislature and the Judiciary, giving rise to an imperial presidency.

All avenues for the possible participation of the people in governance were shut down.

This state of affairs led to the people resisting these excesses and agitating for the reintroduction of multiparty politics.

After a long struggle against the Jomo Kenyatta and Daniel arap Moi dictatorships, the multiparty political system was finally legalised in 1992.

Very quickly, the people of Kenya realised that the removal of that section of the Constitution that made Kenya a de facto single party-political system was not enough. Most of the other oppressive structures remained intact and did not allow for electoral justice and democratic governance.

Opposition political leaders and the civil society once again agitated for constitutional change. Their efforts culminated in the adoption of minimal constitutional changes when some in the political opposition broke ranks with the reform movement and cut a deal with the government. These opposition leaders joined government players to undertake minimum Constitutional reforms under the auspices of the Inter-Parliamentary Party Group (IPPG), leading to the 1997 elections.

Moi and KANU managed to “win” flawed elections that made the fight for comprehensive Constitutional reforms the new agenda for the opposition and civil society.

The participatory comprehensive Constitution review process was not completed before the end of Moi’s last tenure. Opposition leaders made constitutional review and the removal of KANU from power the main plank of their election campaign.



Following the electoral win of a coalition of opposition parties, the constitutional review process took a complicated turn and the proposed Constitution, which did not enjoy broad consensus, was defeated in a highly emotive referendum. The Mwai Kibaki administration that had tried to manipulate the review process to its advantage faced an emboldened opposition in the 2007 elections.

The manipulated and disputed 2007 elections led to unprecedented post-election violence that brought Kenya to the brink of destruction. The peace process that followed focused on peacebuilding, including the adoption of a framework that re-prioritized the revisiting of the constitutional review process.

The coalition government that brought together Mwai Kibaki and Raila Odinga made concessions that allowed for the resumption and completion of the constitution-making process.

By referendum, Kenyans adopted a progressive Constitution in August 2010 that included important transformations of Kenya's governance architecture.

Under the 2010 Constitution

The governance framework under the 2010 Constitution is based on values and radically departs from the structures of the former Constitution. We are committed to ensuring that the governance framework under the 2010 Constitution is respected and fully implemented.



Commitments to governance under the 2010 Constitution

3.1. On the Participation of the People, we commit to:

- 3.1.1.** Developing a participation framework that includes an engagement plan that lays out the need for adequate preparations, the giving of adequate notice, the use of appropriate language including Kenyan sign language, identifying appropriate venues, and allocating sufficient time for consultations. The framework should clearly demonstrate that the participation of the people informs the decision-making process.
- 3.1.2.** Making it mandatory to provide adequate information and full disclosure of intended purpose and/or any research and/or information regarding the possible negative effects of the proposed actions or policy.
- 3.1.3.** Making full disclosure of any possible conflict of interest.
- 3.1.4.** Respecting the rights of citizens in the participation process, with a clear framework for recourse when rights are infringed.
- 3.1.5.** Supporting the full implementation of paragraph 14 of part 2 of the Fourth Schedule of the Constitution, and allocating adequate resources in the budget for public participation.
- 3.1.6.** Strengthening public participation in the planning, budget and oversight processes and ensuring the full implementation of the County Budget Economic Forum.
- 3.1.7.** Operationalising service delivery standards in the public performance management system.



- 3.1.8.** Supporting the full decentralisation of service delivery at sub-county level informed by the principle of subsidiarity of powers.
- 3.1.9.** Promoting an enabling environment for public participation including access to information, sustained and robust civic education, capacity building on public participation and structured engagement of civil society.
- 3.1.10.** In accordance with the Ratification of Treaties Act, ensuring that counties and the people of Kenya participate in international and regional treaty development processes that affect them.
- 3.1.11.** Making public international, national and developmental agreements including with foreign governments and entities.

On the Devolved System of Governance

The system of devolution, sharing of powers and exercise of sovereign powers at national and devolved levels of government will be fully supported and respected. The greatest challenge facing this transformative system has been lack of political will at the national level to allow the system to work as required by the Constitution.

- 3.2.** On the devolved system of governance, we make the following commitments:



- 3.2.1.** We will urgently address the issue of change of mind-set that is required to implement the devolved system of governance. National government civil servants have resisted the constitutional governance structure that is based on the principle that “the governments at the national and county level are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation. — Art. 6(2). The attitude of “small government” (serikali ndogo) vs the main government (serikali kuu) must be replaced by the spirit of cooperation envisioned in the Constitution. We are committed to developing the necessary capacity building frameworks including the use of civic education, in-service training and necessary re- orientation for both levels of government to help with the challenges of changing the prevailing mind-set.
- 3.2.2.** We will ensure that all national policies and legislation comply with the functional mandates of national and county governments provided by the Constitution.
- 3.2.3.** We will promote intergovernmental coordination through the establishment of lean and effective intergovernmental relation bodies.
- 3.2.4.** We will ensure the exercise of the sovereign will of the people through the promotion of self-governance of the people and effective decentralisation that is informed by the principle of subsidiarity.
- 3.2.5.** We will restore Nairobi to full devolved status.
- 3.2.6.** We will operationalise effective urban service boards to ensure equitable and effective service delivery.



- 3.2.7.** We will review and revamp the Urban Services and Cities Act to strengthen urban governance and service delivery while ensuring robust exercise of the sovereign will of the people and effective oversight.
- 3.2.8.** In consultation with county governments, we will establish a joint framework to expeditiously resolve all remaining implementation issues including completion of asset transfers, payment of all debts and pending bills that pre- date the effective date of coming into force of the 2010 Constitution. We will ensure the allocation of the necessary resources to offset all pending bills incurred after the effective date, after ascertaining their validity. This framework will also fast-track the proper transfer of all functions to the county governments including those that have been partially transferred. Adequate resources will be allocated for this exercise, including those required for capacity building.
- 3.2.9.** For the avoidance of doubt, we are committed to ensuring that the functions of the national government will focus on coordination, facilitation, standard setting and enforcement of national standards and performance of its functions. County governments will focus on service delivery and performance of their functions. Shared functions will be implemented through negotiation and consensus building.

The following are some of the key functions of county governments that the national government has refused to hand over properly. These will be addressed on a priority basis:



On Functions and Finance

The national government has refused to respect and implement the principle that finance follows function under the devolved system of governance. It has also refused to process the most recent financial records, and dispatch the approved resources from the Treasury in a timely fashion.

3.3. We make the following commitments on functions and finance:

3.3.1. We will allocate not less than 40% of funds collected nationally to county governments. The current formulation of not less than 15% is the minimum and can be reviewed upwards without necessitating any change to the Constitution. What is lacking is the political will to allocate resources to county governments.

3.3.2. We will ensure that the Senate plays its important role in the revenue allocation process — fairly and properly and without interference from the Executive — including by considering proposals from the Commission on Revenue Allocation, and by ensuring the publication of financial records by both levels of governance so that citizens are aware of who has received what resources and how those resources will be used.

On Health

This function was devolved based on the assumption that the focus would be on preventive medicine and the provision of health services. Each county faces unique challenges that may require specialised intervention measures; for example, not all counties face the challenge of river blindness. Moreover, preventive medicine also requires substantial investment in sanitation, clean, safe and adequate water and related services. County governments are also better placed to address local



needs and priorities on curative medicine. Thus, county governments are better placed to understand local needs and provide nuanced responses. We note that the national government has refused to hand over most of the devolved health functions mainly due to an insatiable desire to control procurement opportunities and their attendant avenues for corruption. The monopolistic structure of Kenya Medical Supplies Authority (KEMSA) and its control by the national government is not in keeping with the ethos of the Constitution and is not sustainable.

3.4. We make the following commitments on health:

- 3.4.1.** We will play a key role in ensuring that national standards are enforced, particularly those affecting health professionals, and will ensure that workers receive adequate compensation including appropriate terms and conditions of service. Professional and union representatives will play an important role in ensuring that the national government and county governments observe national standards.
- 3.4.2.** We will ensure that procurement of medical supplies for both levels of government is undertaken through consultations and decentralised as much as possible under public authority.
- 3.4.3.** We will ensure that public health remains a public function.

On Agriculture

The national government has refused to properly hand over the agriculture function to county governments under the devolved system of governance.



3.5. We make the following commitments on agriculture:

- 3.5.1.** In accordance with the Constitution, the national government will retain the national policy function while the county government will control the operational aspects. This means that the national government will radically scale down its budget and levels of establishment including rationalisation of staff.

On Education

3.6. We make the following commitments on education:

- 3.6.1.** We shall devolve the responsibility of both primary and secondary education to the counties. The national government will retain responsibility for post-secondary education including university education.

On Security

The security function was allocated to the national government. The nature of this function requires the involvement of local communities and local governance structures for its proper execution. The promotion of peace and peacebuilding requires the participation of local communities and structures.

3.7. We make the following commitments on security:

- 3.7.1** We shall make security a shared function where the county government and local communities contribute to security plans and operations. Command and control security functions will be retained by the national government.
- 3.7.2.** We shall fully operationalise county policing boards and community policing, and undertake legal reviews to strengthen the decentralisation of policing mandates.



On Land

The land sector has not adequately undertaken the necessary reforms, mainly due to national government overreach and attempts to usurp the functions of the National Land Commission (NLC) through skewed legislation on land and the appointment process for commissioners.

3.8. We make the following commitments on land:

- 3.8.1.** We will restore the independence of the NLC to serve both the national and county governments where, currently, the national government has formally and informally sought to influence and/or control the operations of the Commission.
- 3.8.2.** We will ensure the full disclosure of all land and asset registers, and review the national land policy to ensure adherence to constitutional mandates.
- 3.8.3.** We shall fully operationalise community land boards, environmental committees, and county monitoring committees for effective public engagement and accountability.
- 3.8.4.** We will share the land functions allocated to the national government with the county governments through the mechanism already provided for in the Constitution. This may include joint management and/or sharing of revenue from the management of national parks and forests.
- 3.8.5.** We will ensure that the national government also allocates adequate resources to build the capacities of the NLC and of the county governments to manage land resources.



On Leadership and Integrity

Background

During the constitution-making process, Kenyans identified a dearth of leadership characterised by integrity as a major challenge to nationhood, the observance of human rights, and good governance. Thus, the constitutionalisation of leadership and integrity by the 2010 Constitution is very unique and intentional.

We shall be steadfast in providing non-sectarian leadership characterised by sacrifice, duty to public service and the highest levels of integrity.

3.9. We make the following commitments on leadership and integrity:

- 3.9.1.** To give full effect to Chapter 6 of the Constitution on Leadership and Integrity in all our undertakings.
- 3.9.2.** To promote interpretation and strict application of Chapter 6 values during the appointment of state and public officials, including vetting prior to appointment.
- 3.9.3.** Institute clear removal procedures for elected officials that have contravened the provisions of Chapter 6 of the Constitution. These provisions shall be distinct from those for removal under criminal processes or on grounds provided for under any other law.
- 3.9.4.** Make the demonstration of respect and adherence to Chapter 6 values a pre-condition for all elective office and of disqualification from elective office for any breach.
- 3.9.5.** Enhance the capacity of Chapter 6 institutions to investigate and enforce the leadership and integrity provisions in the Constitution and legislation.



- 3.9.6.** Through legislation, expand the coverage of the principles and values of the chapter on leadership and integrity to include all those who are paid through public resources. The violation of the integrity framework, including codes of conduct, will be grounds for removal from state and/or public office. It will also be grounds for barring future appointment and/or election to public office.
- 3.9.7.** To ensure that no public and/or state official will be allowed to disobey a court order. Refusal to obey a court order will lead to automatic suspension and initiation of the process of removal from office.
- 3.9.8.** To ensure that, while the Attorney General, the County Legal Officer or any relevant official may advise the relevant public or state office to seek review of a given court order, it shall not refuse to obey and/or violate a court order.
- 3.9.9.** To ensure that violations of court orders shall attract the institutional and personal liability of state and public institutions and officials.
- 3.9.10.** To ensure that, under the leadership and integrity provisions, any state or public official facing allegations of wrongdoing, under investigation or prosecution, shall be suspended pending the final outcome of those processes.
- 3.9.11.** To promote public awareness and understanding of leadership and integrity among all citizens through civic education, engagement, and incorporation of learning about values and the prevention of corruption in the education system.

- 3.9.12.** To invest in corruption prevention efforts including by crafting a behaviour change model that will promote ethical behaviour.
- 3.9.13.** To invest in adequate resources in the fight against corruption including setting aside a percentage of recovered assets to fund anti-corruption institutions.
- 3.9.14.** To increase capacity in the fight against international economic crimes, including the recovery of illegal assets located in foreign jurisdictions.
- 3.9.15.** To increase asset recovery efforts, and the fight against illicit financial flows.

On Representation of the People

Background

Participatory democracy depends on the quality of the procedures that facilitate the participation of the people in political processes. The framework for enhancing this representation includes safeguarding political rights, political organising and securing electoral justice. In the history of our country, there have been only three relatively free and fair elections, namely the 1961, 1963 and 2002 elections. All other elections were rigged to varying degrees.

The lack of political and electoral justice has been one of the root causes of lack of legitimacy to govern, conflict, violations of human rights, corruption, and other forms of bad governance.

3.10. We make the following commitments on Representation of the People:

- 3.10.1.** To ensure that the principles of equality and freedom from discrimination are strictly adhered to and, in particular, that the measures contemplated by Article



27 (6) and (8) are fully implemented so that not more than two-thirds of members of elective or appointive bodies are of the same gender.

- 3.10.2.** To ensure that the provisions of the Constitution relating to representation of persons with disability in elective and appointive bodies are met.
- 3.10.3.** To ensure increased representation of youth, older members of society, marginalised groups and other persons representing special interest groups.
- 3.10.4.** To ensure that the office of the Registrar of Political Parties has the requisite independence and resources to carry out its functions, in particular its oversight role.
- 3.10.5.** To outlaw the rigging of elections and to ensure that there is institutional and individual responsibility for acts of omission and/or commission that lead to rigging of elections/electoral injustice. There is a need to change the law to provide harsh penalties including custodial sentences for those who are involved in circumventing the will of the people in elections. The practice of public officials being involved in electoral malpractices and illegalities will be severely sanctioned.
- 3.10.6.** To ensure a robust vetting process that verifies the integrity of office-bearers who will be competitively hired. Further, mechanisms will be put in place that will hold officials accountable during their tenure at all institutions that are involved in all aspects of election management including the Independent Electoral and Boundaries Commission (IEBC), the Registrar of Political Parties, and the Political Parties Disputes Tribunal.



To ensure that the Independent Elections and Boundaries Commission has the necessary independence and adequate and timely resources to carry out its functions.

On Parliament and Legislative Structures at the County Level

Background

Parliament and the legislative structures in the counties have become dysfunctional and, in many instances, act against the interests of the people.

Parliament has been captured by the Executive and has abandoned its primary function of representing the people, making appropriate laws, and overseeing the Executive.

Despite the principles set by the Constitution, Parliament has become a rogue institution. Several of its actions, including making laws, have been declared illegal and unconstitutional.

Parliament has set a bad example in governance including fueling corruption by using the budgeting process to misallocate public resources. Parliament also exploits this oversight function, using its vetting role to reward rogue and/or compromised candidates seeking to serve in public office.

Parliament has been used by the Executive to undermine the Judiciary, the Constitution Commissions and Independent Offices through intimidation, vilification and/or denying them adequate resources.

The legislative structures at county level face similar or worse challenges. We are determined to deconstruct the idea that serving as a Member of Parliament is a shortcut to accumulating riches.

3.11. We make the following commitments on Parliament and Legislative Structures at the County Level:



- 3.11.1.** To ensure that there is a proper balance between the National Assembly and the Senate and that each chamber plays its role in accordance with the Constitution.
- 3.11.2.** To thoroughly vet all those who seek nomination for elective positions. Persons who cannot demonstrate high levels of integrity shall not be nominated. Objective criteria shall guide the vetting process in accordance with the Constitution.
- 3.11.3.** To put in place measures that will ensure that during their tenure elected members shall be of good conduct and play the critical role of ensuring that Parliament and other legislative structures in the counties become credible and honest institutions.
- 3.11.4.** To transform legislative structures into institutions of high integrity. To this end, we will propose that each chamber establishes an office of the ombudsman to promote ethical leadership and handle complaints related to issues of integrity.
- 3.11.5.** To put a salary, freeze on all Members of Parliament and Members of the County Assemblies, remove any grants given to them, and radically reduce allowances to reflect the realities of the people they serve.

The Executive

Background

The history of the Kenyan Executive has been one marked by dictatorial tendencies. Moreover, all previous Executives, some more sinister than others, have been associated with corruption and illegal enrichment using their offices.



The limits placed on the Executive, and the checks and balances foreseen by the Constitution, are being resisted by the current Executive and even by opposition leaders. The Kenyan elite is working to amend the Constitution to establish an imperial presidency moulded on the Lebanese model. The Lebanese governance system is based on elite corruption and is one of the worst in the world. It has institutionalised the rewarding of a cabal of sectarian representatives at the expense of the people, and is a broken system that is very difficult to change.

3.12. We make the following commitments on the Executive:

- 3.12.1.** To ensure that the Executive respects and promotes the limits and checks and balances created by the Constitution and the requirements of good governance. We will provide honest and clear leadership, and promote Constitutionalism and the rule of law.
- 3.12.2.** We will obey and implement all court orders and when not satisfied with a court order we will use legal means to have it reviewed. At no point will we undermine the authority of the other arms of government, the Commissions or Independent Offices.
- 3.12.3.** All appointments made will mirror the vision, letter and spirit of the Constitution including reflecting the diversity of Kenya, prioritising integrity and competence, and affirming those constituencies/ sections of society that have faced discrimination in the past.
- 3.12.4.** We will have zero tolerance for violations of the law.



On the Judiciary

Background

The Judiciary has performed reasonably well despite many challenges and the fact that the Executive, Parliament and other State institutions have been used to undermine its work. Currently, the resistance by the Judiciary seems like the last line of defence for the people and the Constitution. It is necessary that this vital institution becomes a reflection of the Kenyan people.

3.13. We make the following commitments on the Judiciary:

- 3.13.1.** We shall ensure the independence of the judiciary by allocating adequate resources for the development and expansion of services, and for meeting all its budgetary needs. We shall fully implement constitutional principles and values and other international standards, including the Bangalore Principles of Judicial Conduct, which are designed to allow judiciaries, judicial officers and staff to carry out their functions effectively and independently.
- 3.13.2.** We shall facilitate the strengthening of the Judicial Service Commission by making all future appointments of its members accountable and transparent.
- 3.13.3.** We shall support the efforts of the Judicial Service Commission and the judiciary to cleanse the institution and make it an institution of the highest integrity.
- 3.13.4.** We shall not allow any government or state institution to unconstitutionally and/or illegally interfere or undermine the judiciary, judicial officers, and their staff.



On Civil Society

Background

Civil Society will continue to play a critical role in the struggles of the people and act as a facilitator for development and change. Civil society is crucial in expanding and protecting the democratic space, enhancing the participation of the people in local and national affairs, and promoting the rule of law and constitutionalism. Civil society also contributes to the provision of social services and the creation of employment. Many authoritarian regimes in the world have sought to constrain the organising space of civil society and Kenya is no exception.

3.14. We make the following commitments on Civil Society:

- 3.14.1.** We will create an environment that is conducive for civil society to carry out its work without interference from the state. We will expeditiously gazette the operational date of the Public Benefit Organisations Act and facilitate the proper implementation of the law.
- 3.14.2** We will undertake wide consultations to build consensus on how to improve the legislative, policy and administrative measures that will secure independence and the democratic space for civil society.
- 3.14.3.** We will support effective self-regulation by civil society.
- 3.14.4.** In consultation with civil society actors, we will remove all impediments to the work and operations of civil society including registration, operations, access to information, financial reporting and tax relief including exemptions and other incentives necessary for the proper and independent work of the sector.



- 3.14.5.** We will work with civil society to promote accountability, transparency, and openness in their operations, and to raise ethical standards.
- 3.14.6.** We will explore ways and means of supporting growth in the sector including some aspects of autonomous funding, for example funding civic education and engagement.

On Media

Background

The independence of the media is critical in democratic governance. We will secure the Constitutional principles of establishing a free and independent media. We also promote the social and economic aspects of media and media related industries.

3.15. We make the following commitments with regards to the media:

- 3.15.1.** To ensure media independence in accordance with the Constitution.
- 3.15.2.** To support self-regulation to enforce standards, integrity, competitiveness, and accountability.
- 3.15.3.** To support the development of the required infrastructure, targeting in particular those parts of the country with challenges regarding coverage. In effect, parts of the country are not covered by our local and national media. We will prioritise expanding coverage and access to all parts of the country.
- 3.15.4.** To democratise and expand access and allocation of the limited frequencies that are currently held/owned by a few people.



- 3.15.5.** To expand learning and training in media and related industries.
- 3.15.6.** To explore ways of giving technical and financial incentives for media expansion including supporting new media and internet-related industries. On the national broadcaster – Kenya Broadcasting Corporation (KBC), we shall:
- 3.15.7.** Support a process of transformation towards a better organisation, access to resources, acquisition of appropriate equipment and infrastructure.
- 3.15.8.** Review the legislative and policy framework guiding the operations of KBC to secure its autonomy and editorial and programming independence.
- 3.15.9.** Secure KBC’s mandate as a public broadcaster including the function of promoting and funding Kenyan culture including local content in radio, television, and film production.
- 3.15.10.** Develop a comprehensive affirmative action framework that will invest in technical training, content development and production support including for youth, women, and marginalised communities.

4. Nationhood

Background

Our independence in 1963 did not translate into efforts to build a nation based on the principles of justice. The first, second, third and fourth regimes maintained and exploited the strategy of ethnic mobilization and the use of divide and rule tactics employed by the colonial administration.



The current political elite are committed to the furtherance of this divisive, anti-people ethnic mobilization by competing in cobbling together ethnic chieftains to contest the next elections. This predatory and selfish approach continues to exploit people's fears for the benefit of a small elite.

On Nationhood

4.1. We make the following commitments on Nationhood:

4.1.1. To build a nation that is based on respect for the dignity of all our people – the individual, the family, communities, and the nation.

4.1.2. To build a nation that is based on values and principles anchored in the African philosophy of Utu.

Utu is the appreciation, promotion, protection, and respect of human dignity. It is the creation of balance between the needs, wants and interests of the past, present, and future generations including inter-generational equity and safeguarding biodiversity and the environment.

4.1.3. To implement the values, principles and cultural dimensions of the Constitution including equality, equity, and solidarity.

4.1.4. To contribute to building a society that promotes peace and security for all.



- 4.1.5.** To establish a special mechanism that will allow for the self-identification and/or registration of all communities that have not received official public/state recognition. This process will also correct the injustices committed against certain communities, including wrong identification, stereotyping, profiling and/or being falsely labelled.
- 4.1.6.** To promote the research and development of the customary laws of the peoples of Kenya in accordance with the Constitution. Customary laws that are in contradiction to the Constitution will be pronounced null and void.

On International Affairs

Background

We are committed Pan-Africanists and shall endeavour to play a critical role in the affairs of our continent and the world.

The history of our nation and the role of Kenya in international affairs have great lessons to offer. The struggle for independence by freedom fighters and the Kenya Land and Freedom Army (KLFA/Mau Mau), the armed wing of the struggle, inspired many countries under settler colonialism including in Algeria, Zimbabwe, Mozambique, Angola and South Africa. Moreover, in the initial stages of decolonization, our roles in the formation of the Organisation of African Unity (OAU) and the Non-Aligned Movement were appreciated by many.

Later the negative actions and positions taken in the international arena stained our reputation. Some of these actions and positions include the tacit support of the colonial regimes in Angola and Rhodesia. Even after the independence of these two sister nations, we continued to contribute to their instability by supporting rebel and/or negative forces in those nations. This included aiding UNITA and RENAMO rebels in Angola and Mozambique.



We also continued to support other oppressive regimes in the world against the positions of our regional bodies including the Organisation of African Union and the African Union (AU).

We were also seen as the carriers of foreign powers, including furthering the interests of former colonial powers.

4.2. On international affairs we commit to:

- 4.2.1.** Focussing on regional and global relations that are based on integrity, fairness and solidarity, including aligning ourselves with struggles for justice and human dignity.
- 4.2.2.** Making Kenya a good citizen of the EAC, the AU and the world.
- 4.2.3.** Adhering to the international obligations and commitments we have made under the Constitution and legislation, including reporting to the relevant bodies as required.
- 4.2.4.** Contributing to democratising global systems and promoting justice for all nations and communities.
- 4.2.5.** Playing a critical role in the EAC and the AU based on the principles of justice, equality, equity, and solidarity. We will support the deepening and widening of integration processes including the development of political unity.
- 4.2.6.** Supporting reforms that will allow all Africans to travel without restrictions and allow Africans to work and live within their own continent by transforming restrictive laws and promoting visa-free travel to enhance the movement of all African citizens in the continent.



- 4.2.7.** Starting this process by removing barriers facing citizens of member states of the EAC. To begin with, we will review the right of EAC citizens to work and to be established in Kenya.
- 4.2.8.** Ensuring that all EAC citizens are accorded the same status, rights, and responsibilities enjoyed by Kenyans.

On Citizenship

Background

The conceptualisation of citizenship in Kenya has been shaped by colonial legacy. The decolonisation process did not fully deconstruct colonial attitudes that marginalised women, numerically small communities, communities that lived along or near Kenya's international borders, and Muslims. Despite the establishment of a new ethos of equality established by the 2010 Constitution, there is still resistance by government functionaries to implement the principles of the Constitution.

4.3. We make the following commitments on Citizenship:

- 4.3.1.** We shall ensure the full implementation of the provisions of the Constitution on citizenship. We shall confront the mind-set that has denied Kenyans the full enjoyment of their rights, particularly those facing historical discrimination.
- 4.3.2.** We shall ensure that there shall be only one process for Kenyans to acquire national identification cards and/or passports. The unconstitutional process of profiling and targeting sections of Kenyans for discrimination and harassment shall be made illegal. This will include outlawing the process of discrimination against:



- Border communities
- Women
- Youth
- Muslims
- Persons who do not have identification papers including orphans, and other persons facing difficult circumstances including poverty.
- Marginalised communities and minorities.

4.3.3. We shall ensure that the information and data collected from citizens during registration or the issuance of identification documents, including IDs and passports, shall be protected and only be used in accordance with the Constitution and the law.

On Dual Citizenship

The Constitution makes provisions to allow those who are Kenyans by birth to acquire dual citizenship. The Constitution also makes provisions to facilitate those who have been forced by circumstances to renounce their Kenyan citizenship to enter the country without hindrance, and to make it easy for them to regain citizenship.

4.4. We make the following commitments on dual citizenship:

- 4.4.1.** Kenyans by birth shall not be denied the right to enter or leave Kenya.
- 4.4.2.** Descendants of Kenyans by birth will have the right to acquire Kenyan citizenship.
- 4.4.3.** We shall put in place mechanisms to facilitate the return of those Kenyans who want to come back home.



- 4.4.4.** A special mechanism shall be established to address the plight of Kenyans who were forced by circumstances to become refugees in foreign countries or to register as refugees in refugee camps in Kenya. This will also cover Kenyan children born as refugees abroad and/or were registered as refugee children in Kenyan refugee camps.

On Culture

Background

The Constitution recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation (Art. 11).

Including cultural components in the Constitution was an uphill task as promoters of the status quo and those who have been schooled to look down upon African culture and history voiced their opposition.

In the end, Kenyans made progressive provisions in the Constitution that required implementation, including developing the necessary legal, institutional, and administrative frameworks.

The various facets of our culture will form the basis of our nationhood and identity. We shall seek to distil from African culture the essence that promotes human dignity, justice, peace, and wholesome development.

On the Recognition of all Kenyan Communities

Given the coercive and artificial means by which Kenya was created by the colonial forces, communities did not have a choice in becoming Kenyan. The colonial government ultimately created three distinct, separate, and differently governed entities, namely, the colony, the protectorate, and the Northern Frontier District (NFD).



The governance structures were based on ethnic considerations where the most populous communities were the basis for the creation of districts. This process led to the creation of the mythical 41 communities and the 42nd category which lumped together minority communities.

4.5. On the Recognition of all Kenyan Communities, we make the following commitment:

4.5.1. We will establish a framework that will allow communities to define their own identity including by what name they prefer to be called. The use of pejorative terms and negative stereotypes will no longer be tolerated.

On Indigenous Wisdom, Knowledge and Culture

4.6. On Indigenous Wisdom, Knowledge and Culture,

4.6.1. We recognise the right of communities to benefit from their cultures including their cultural sites, indigenous knowledge, technology, and other intellectual property.

4.6.2. We will tap indigenous knowledge, survival skills, development paradigms and attitudes of harmony within and between communities. We will promote research and curation of histories, memories and lived experiences of Kenyan communities including supporting efforts to transmit the cultural legacies of various communities to future generations. Particular attention will be paid to indigenous knowledge and skills on environmental protection and sustainability.

4.6.3. We are committed to developing a national cultural framework that will strengthen and/or reconfigure the existing cultural institutions and establish new ones.



On the Culture Commission

4.7. On the Culture Commission,

- 4.7.1.** We shall establish a Culture Commission that will have the mandate to promote and protect Kenyan culture including the coordination of interventions and investments in the cultural sector.
- 4.7.2.** We shall promote the potential of creative and cultural industries including in oratory, creative and performing arts, culinary arts, fashion, cinema, animation, music, publishing, exhibition, festivals, and cultural tourism. Special attention shall be directed at traditional and emerging cottage industries. Special tax and other incentives shall be directed at these sectors to increase their contribution in creating employment.

On the Cultural Fund

4.8. On the Cultural Fund,

- 4.8.1.** We shall initiate a comprehensive participatory review of the legal and administrative frameworks governing the cultural sector in the first six months of the administration.
- 4.8.2.** A special fund will be set up to support this sector, including funding start-ups in the industries related to culture.



On Languages

4.9. On Languages,

- 4.9.1.** We shall robustly promote Kiswahili as our national and official language. It is a disgrace that, more than ten years after the promulgation of the 2010 Constitution, we are unable to provide all public services including official documents, the Constitution and all laws, in Kiswahili.
- 4.9.2.** The translation of official records into Kiswahili shall be a priority. Official communication and other important instructions in public places shall be offered in Kiswahili, English and Kenyan sign languages.
- 4.9.3.** We shall promote Kiswahili as an international language by advocating for it to become the official language in the East African Community and in the African union, and shall seek to make it an official language of the United Nations.
- 4.9.4.** We shall promote English as a formal language and as an international language.
- 4.9.5.** We shall identify all the Kenyan languages and develop a framework to restore, promote, develop, and protect them. It is criminal that some Kenyan languages are facing serious challenges, and others are on the verge of extinction.
- 4.9.6.** We shall develop and promote the use of Kenyan sign language and the rapid development of capacity to offer public services in it, starting in critical areas such as justice and the emergency services.



- 4.9.7.** Braille shall be developed and promoted to include all essential services as well as providing audio versions where applicable.
- 4.9.8.** All public communications shall be provided in Kiswahili, English and Kenyan sign language and, as far as possible, subtitles will be provided for the hard of hearing.
- 4.9.9.** All equipment, machines, devices, or aides that promote communication for persons with disabilities shall not be taxed and/or have their costs increased by charging government fees or costs of any kind. The government shall provide subsidies to reduce the cost of such equipment, machines, devices, or aides.

On Traditional Architecture and Material Culture

4.10. On Traditional Architecture and Material Culture, we shall,

- 4.10.1.** Put in place measures that promote, protect and restore cultural sites including buildings, archaeological sites, places of visitation and memory. The measures will include the capacity to transfer knowledge and skills to future generations. Attention will be focused on:
 - 4.10.1.1.** Curating an accurate history and memories of Kenyan communities, including their cultural and/or historical sites.
 - 4.10.1.2.** Developing a mechanism to promote national heritage sites including involving communities in their restoration, protection, and promotion.



- 4.10.1.3.** Restoration of history, names and/or references to places and cultural identities that safeguard communities from marginalisation, domination and/or falsification of their memories, appropriation of their spaces, identities, or heritage.
- 4.10.1.4.** Developing a framework for communities to benefit from their history, identities, and cultural materials. Government institutions involved in the preservation, and protection of cultural heritage shall ensure communities meaningfully participate and benefit from their heritage including those offered by Kenya's museums.
- 4.10.1.5.** Working with Kenyan communities to acquire or demand the return and restoration of material culture including artefacts lost to or "taken" by third parties, including those located outside the country.
- 4.10.1.6.** Returning archaeological sites of religious significance to the religious communities that developed them. No site shall be administered without respecting the cultural norms of the communities involved. Communities will be accorded the right of visitation to sites with which they have connection.

On the History of Kenya

- 4.11.** In coordination with Kenyan institutions of higher learning, we will develop a programme to research, document, publish and disseminate the history of Kenyan communities and the nation. This will include funding research in culture, history, cosmology, archaeology, orature, literature, the arts, and all relevant subjects.



On National days, National Anthem, and Symbols

- 4.12.** We will develop a framework that will promote the appreciation, performance and observance of the national days, and the use of the national anthem and other national symbols.

On National Heroes

- 4.13.** We will celebrate all those who struggled to bring honour, justice, and peace to our nation. The women, men, and children who have excelled in various endeavours will be recognized and appreciated through national honours.

On Healing the Nation

- 4.14.** We are committed to beginning a healing process for the whole nation that will focus on restoring the dignity of the people, addressing broken relations and fault lines, building respect between communities, and investing in transformative future relations.
- 4.15.** We accept that previous regimes created cleavages through unfair treatment and committed serious crimes against certain communities and regions of our nation.
- 4.16.** We are determined to come to terms with our past and transform our future.
- 4.17.** We will create spaces and frameworks that will allow all communities to:
- 4.17.1.** Recover, re-interpret, tell and curate their own memories and history including contested ones.



- 4.17.2.** We shall acknowledge the wrongs directed at individuals, families, and communities and develop mechanisms to address them.
- 4.17.3.** We will outlaw discrimination and the use of pejorative terms against any community.
- 4.17.4.** We will address the plight, pain and sorrow of individuals, families and communities that suffered dislocation, loss of land and/or forced evictions from their dwellings. A mechanism to address these atrocities will be established to recommend ways of affording relief, including compensation, reparations, re-settlement, and memorialization.

On Sports

Kenya is a sporting giant that has amazing potential for growth. It is being held back by poor planning, low investments, bad governance including poor leadership, corruption, and lack of incentives.

The potential for cultural games and sports is great and can expand both cultural solidarity and employment opportunities.

4.18. We make the following commitments to sports:

- 4.18.1.** We will work with various sports bodies and sports women and men to transform sports leadership and management. We will make sports a matter of strategic national interest.
- 4.18.2.** Every Kenyan sportsman and woman representing Kenya in the international arena will be treated with dignity and decorum. They will be given all the necessary support to represent our country with honour.



- 4.18.3.** We will invest adequately in promoting all sports, traditional and non- traditional, including football, netball, basketball, volleyball, hockey, cricket, rugby, martial arts, darts, board games, motor racing, athletics, fishing, swimming, gymnastics, golf, bungee jumping and other extreme sports, and other sports as identified by International Olympic Committee.
- 4.18.4.** We will also invest in cultural sports and games including bao/ajua, wrestling, gymnastics, boat races, camel, and donkey riding, among others.
- 4.18.5.** We will increase funding for sports, particularly targeting growing and mentoring talent among children and the youth. These investments will also include investments in training and coaching, sports facilities and equipment.
These investments will be undertaken in close consultations with the county governments and the people.
- 4.18.6.** We will encourage sports organisations and stakeholders to recommend improvements to the legislative and policy frameworks to secure the proper management of sports and the wellbeing of sports women and men including those retiring and in retirement. Issues to be reviewed will include avoiding double taxation and providing tax relief/ exemptions to the sector, insurance and medical treatment, and incentives to invest in the country including from foreign earnings.
- 4.18.7.** We will pay special attention to developing the economic aspects of sports and related industries, including expanding employment, holding international tournaments, and attracting sports tourism.



- 4.18.8.** We will encourage the adoption of sports as part of healthy living and the creation of recreation spaces including parks, and walking and cycling lanes.

5. Education

Background

Education is the bedrock of any society. Our education system suffers from lack of a clear philosophical founding and from years of neglect. As things stand there are two education systems in Kenya: the broken and fundamentally flawed public system that is experimenting with young lives, and the foreign-based systems, including the British and American systems, for those few Kenyans who opt for them and can afford them.

Various administrations have sought to use education for narrow political ends and negative motives of societal control. The current competency-based curriculum (CBC), a hurried, badly thought out, foreign-inspired experimentation that is lacking in philosophical foundation, principles, and values for learners and for the nation, cannot and should not be allowed to destroy the lives of learners, their families, communities, and the nation.

We are committed to fast-tracking a comprehensive review of the education system, particularly the controversial CBC that has the potential to irreparably damage generations of young Kenyans. It is being implemented without proper philosophical and policy rationalisation and justification and has many serious implications and challenges including institutionalising inequality in society. It is being implemented in a draconian, dictatorial, and opaque manner and has created so much confusion and ill-will among critical stakeholders that its harmful and negative impact will take years and substantial resources to manage and correct.

We are also concerned that there is no comprehensive long-term plan for the development of the education sector including a financing framework. Most of our higher education institutions are facing reversals in thinking, organising, and funding and development.



We are committed to transforming the education system through deep and wide consultations starting with developing a philosophical grounding that is suitable for our nation and context, including the historical, cultural, and social dimensions.

5.1. We make the following commitments on education:

- 5.1.1.** We shall suspend the implementation of CBC and put in place a mechanism to review and make recommendations on how to address the issues facing the education sector.
- 5.1.2.** We shall support value-based education that prioritises human dignity and the promotion of civic agency. This imperative will include incorporating democratic and human rights approaches that will expand learning choices for all Kenyans.
- 5.1.3.** We will support the principle of access to quality education for life for Kenyans, including revamping continuous education for adults.
- 5.1.4.** We will promote education as a mechanism to address past and present inequality – and avoid future inequality – at all levels of education. Affirmative actions shall be put in place to address past and present inequalities.
- 5.1.5.** We shall outlaw all aspects that undermine human dignity in the education sector including the use of violence in all spheres of learning.



- 5.1.6.** The Teachers Service Commission (TSC) has been captured by a clique of state functionaries that have created an intolerable situation for teachers and teachers' associations. Instead of playing the role of a positive Constitutional commission facilitating progress in the education sector, the TSC has become an instrument of oppression. We are committed to liberating this Commission from state capture and misuse. All those who may have committed illegal acts of omission and/or commission shall face the full force of the law.
- 5.1.7.** We are committed to non-interference in the affairs of teachers and teachers' associations and will only be involved in facilitating the transformation of the education sector, including providing a conducive atmosphere and adequate resources.
- 5.1.8.** We will write off all past loans advanced to all Kenyans under the Higher Education Loans Board (HELB). Pending the recommendations of the taskforce on education, the government will extend grants to all existing students in public institutions.
- 5.1.9.** Educational and learning materials, including all books, equipment, and teaching aides, will not be taxed. Computer equipment destined for educational purposes, including software, will be tax-exempt.
- 5.1.10.** We will give autonomy to each public university to create its own development path, including adequate funding that will also address funding gaps and past debt.
- 5.1.11.** The state department of education will be limited to facilitation, coordination and standard setting.



6. Respect of Human Rights

Background

The architecture of colonialism and post-colonial autocratic rule led to gross human rights violations in Kenya. State institutions and state agents were and still are responsible for most of the gross human rights violations. A culture of impunity and disrespect of the rule of law accommodated gross human rights violations including crimes against humanity, war crimes, massacres, gender-based violence, extrajudicial killings, enforced disappearances, renditions, assassinations, torture, detention without trial, unfair trials, etc.

The 2010 Constitution established a human rights approach in governance, with a robust bill of rights amongst other human rights provisions.

We are committed to respecting human rights in accordance with the Constitution. The human rights framework in the Constitution is the essence of the Kenyan Constitution, nation, and state.

6.1. On Human Rights we make the following commitments:

- 6.1.1.** We will mainstream a human rights approach in government, at all levels of governance, activities, functions, and services.
- 6.1.2.** We will develop a programme to reorient the levels and arms of government, the public sector and all governance structures and processes on how to comply with the human rights requirements of the Constitution.



- 6.1.3.** All past human rights violations will be investigated, and relief provided. All past court judgements in favour of those who have suffered violations will be honoured promptly. All appeals will be withdrawn promptly. We will establish a fund that will handle all processed claims.
- 6.1.4.** Allegations of killer squads and illegal activities against elements in the security sector shall be investigated and appropriate actions taken.
- 6.1.5.** Failure to observe the bill of rights and other human rights laws shall constitute grounds for removal from office of state and public officials at both levels of government.
- 6.1.6.** Constitutional and other authorities responsible for the implementation of the observance of human rights shall be given the necessary resources, tools, and support to implement their mandates.
- 6.1.7.** Any allegations of violations of human rights shall be handled expeditiously without undue delays or other forms of obstruction.
- 6.1.8.** Any public or state officer facing allegations of human rights abuses, investigations or prosecution shall be suspended until the final outcome of those processes.
- 6.1.9.** We shall develop a database of convicted violators of human rights who shall be barred from holding public office.

7. Land, Environment and Natural Resources

Background

Land has been the major source of sustainability, livelihood, and peace for all Kenyan communities.

To most Kenyan communities the cosmological, cultural, and historical connection to land supersedes the economic imperatives including land as a “factor of production”.

Land has also been a source of competition and conflict within and between communities.

To nearly all invaders and colonisers land has been viewed purely as a source of riches, power, domination, and exploitation.

When these two diametrically opposed ways of thinking interact, it leads to conflict. One is driven by the desire to conquer, dominate, occupy, appropriate, displace, scatter, control, and rule. The other has no choice but to resist and fight to survive.

Land offers connection to the past, to history and culture and support for livelihoods for the present and survival in the future.

Previous regimes have created structural land injustices by creating illegitimate and/or illegal proprietary, tenure and land use based on principles of conquest.

The struggle against land injustice has been given impetus by the promulgation of the 2010 Constitution.

7.1 The Constitution has sought to address the past and shape the future in the following ways:

7.1.1. By completely deconstructing the idea that the government can own land. This dangerous idea was used to give the colonial government, through



the British monarch, complete control over land belonging to Kenyan communities – what the late Professor Okoth Ogendo termed the fraudulent making of “all Kenyans tenants of the crown”. This construction of injustice was inherited by successive Kenyan regimes, which continued with the process of unfairly, corruptly, and illegally speculating with, allocating and robbing Kenyans of their land.

- 7.1.2.** By establishing principles of land policy under article 60 of the Constitution.
- 7.1.3.** By limiting landholding by non-citizens under article 65 of the Constitution.
- 7.1.4.** By establishing a Constitutional Commission to independently administer land matters including on behalf of county governments and the national government.
- 7.1.5.** By clarifying that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals under Article 61 (1) of the Constitution,
- 7.1.6.** By classifying all land in Kenya as public, community or private land in Article 61 (2).

We believe that the proper understanding of the latter two fundamental provisions has removed from our Constitutional and legal framework the unjust tools of the theory of discovery and conquest as sources of ownership of land, including the rights given to the British monarch under colonialism, and the president/government under the post-independence regimes.



7.2. On land we are committed to:

- 7.2.1.** Suspending with immediate effect all evictions targeting informal settlements for three years and/or until the government has put in place a just framework that will resolve land disputes in accordance with the Constitution and particularly the respect for the rights, dignity, and wellbeing of dwellers.
- 7.2.2.** Offering compensation to all those who may have faced illegal and/or forceful evictions resulting in loss of property, loss of life and suffering. Under our watch, no inhumane and violent evictions will be allowed. Haki za wanavijiji zita heshimiwa.
- 7.2.3.** Amending the Land Commission Act as revised in 2016 to remove the unconstitutional attempt to extinguish the right to raise historical claims and/or historical land injustice. We shall also work closely with the Land Commission to ensure that it has adequate support and resources to address past and current land injustices.
- 7.2.4.** Prioritising the development of legislation prescribing the minimum and maximum land holding acreages in respect of private land.
- 7.2.5.** Ensuring that the Land Commission has the independence and adequate resources necessary to carry out its functions.



- 7.2.6.** Strictly respecting the jurisdiction of the county government on community land. There will be stringent requirements for leasing community land that must be informed by, among other considerations, public participation, community interests, peace, and principles of sustainability.
- 7.2.7.** Putting in place legislation to ensure that no community land shall be leased to foreigners or foreign entities.
- 7.2.8.** Notice of expiring leases of land shall be published in the Kenya Gazette at least 36 months in advance and the process of addressing expiring leases by the people through meaningful participation shall commence.
- 7.2.9.** The process of leasing public land shall be done through an open, transparent and accountable process taking into account the principles of land policy under Chapter 5 of the Constitution.
- 7.2.10.** The process of registration of community land shall be expedited and such land shall only be held in trust for the people by the National Land Commission.
- 7.2.11.** Community land shall be used for the benefit of the people and not for private purposes, and shall be immunised from land grabbers, speculators and exploiters.

- 7.2.12.** The design of county and national parks was undertaken under the former system. We will review and redesign them to make them compatible with the Constitution, including by addressing the issues of participation of the people and sustainability. The issue of conservancies and/or private entities must be addressed in a similar fashion. In particular, issues of consent and participation of the people, respect of indigenous rights, whether the model that is being used is compatible with land holding under the Constitution, and the interests of local people, including grazing rights and livelihoods, must be addressed.
- 7.2.13.** Ensuring that not less than 40% of any proceeds from investment on land by the national government shall belong to the county government. Ten per cent shall be shared by neighbouring counties where the investment is located. In case the investment transcends more than one county, the land commission and the revenue allocation commission shall make joint binding recommendations on the proportion to be shared.
- 7.2.14.** Developing land resettlement programmes that prioritise the poor, the landless, and those in need. The land for resettlement shall be acquired from, amongst other sources, land previously irregularly or illegally obtained including grabbed land, land compulsorily acquired under the law and land purchased using public funds.
Any corrupt and/or unfair practises in the administration of the programmes will attract swift legal consequences.
- 7.2.15.** Establishing a land fund that will be used to address historical and present land injustices.



8. Environmental and Other Natural Resources Justice

The future of the planet depends on how we protect the environment and other natural resources including how we sustainably use our mineral resources.

The depletion of biodiversity and climate change pose serious threats to the wellbeing of the people of Kenya and the world.

8.1. We make the following commitments on the environment and other natural resources:

8.1.1. We will fulfil all our local, regional, and international obligations on saving the future of our environment and securing environmental justice for all. We are committed to working with other nations and institutions to address collective actions and interventions.

8.1.2. We will promote better conservation and sustainable management of our biodiversity. We will undertake a comprehensive mapping of our biodiversity and identify essential life support areas that will be prioritised for protection, sustainable management, restoration, and expansion.

8.1.3. We will review and prioritise our climate change interventions including adaptation measures; promotion, investment, and transition into and management of the green economy; investing in green jobs; sustainable solutions; and addressing climate change risks.

8.1.4. We will work with the Kenyan people to develop comprehensive programmes to clean our environment, including our ocean, lakes, and rivers.



- 8.1.5.** We will develop water projects across the country including re-generation and protection of our water towers and ground waters, building dams, water pans and ensuring the fair distribution of water resources.
- 8.1.6.** We will promote the sustainable use of our environment and natural resources including harnessing sustainable energy production.
- 8.1.7.** We will work with county governments to safeguard the interests of local populations, particularly in conservation processes, by leveraging indigenous culture, knowhow and technology. Indigenous systems will be respected and will inform all future interventions. More importantly, local communities will benefit from ecosystems that they have promoted and protected from time immemorial.
- 8.1.8.** We will fight all pollution including making sure those involved in illegal activities face severe consequences. We shall enforce laws protecting the environment robustly including institutionalising the principle of the polluter paying a high cost. We will make it mandatory to disclose any act that pollutes the environment.
- 8.1.9.** We will assess environmental protection needs based on fragility of areas, biodiversity status, size of land and environmental threats, and requirements for adaptability and protection.



9. The Economy

Background

From the colonial period, the Kenyan economy was based on dispossession, exploitation, marginalisation and the benefit of a few individuals at the expense of the majority of the people. The economy was based on primitive accumulation without regard to the wellbeing of the majority of the people, workers, the environment, health, safety and security and/or sustainable development.

The current regime has enabled the management of the economy to become a criminal enterprise that is designed to serve and benefit a few corrupt government officials. We are determined to end the bandit economy.

Our economic and social policies shall be based on the philosophy of Utu that aims to uplift the dignity of the people and secure their wellbeing. Many of these values are reflected in Article 10 of our Constitution.

We shall secure a just economic and social society based on the values of equality, equity and solidarity.

We shall focus on the realisation of basic needs as basic rights by implementing Article 43 of our Constitution.

We are committed to radically addressing the levels of poverty in our country.

We are determined to comprehensively address all levels of inequality in Kenya: between sections of society between regions inequality and between and within counties. Past unfair and skewed developmental imperatives have left a serious challenge of inequality. Special attention will be directed at addressing gender-based inequality and inequality facing marginalised communities.



Economic activities in Kenya have created dangerous levels of exploitation and oppression. We are committed to creating economic opportunities and prosperity for all Kenyans including for those who may require solidarity and a safety net in accordance with the Constitution.

The economy requires transformation in line with the vision of the Constitution.

9.1. On the economy we make the following commitments:

- 9.1.1.** The first step will be to stop the rot in the management of the economy and public resources.
- 9.1.2.** We shall return to a proper management of the economy devoid of mismanagement, corruption, and misallocation of resources.
- 9.1.3.** We will institute investigations on economic crimes including diversion of state resources, the illicit transfer of resources to private accounts including offshore accounts, appropriation and/or misuse of public debt, funding of “ghost projects”, and corruption. By the admission of Mr Uhuru Kenyatta, the state loses 2 billion Kenya shillings every single day. Thus, just plugging the syphoning of state resources will create enough resources to start the journey of recovery.
- 9.1.4.** We shall put in place an effective anti-economic crimes mechanism led by persons who Kenyans know and believe to be beyond reproach. No longer shall the corrupt be expected to fight corruption and nor will cartels be allowed to fight back.
- 9.1.5.** Economic crimes, including corruption, shall be declared a national disaster.



- 9.1.6.** We will undertake an urgent audit of the national debt to ascertain the status including isolating odious debt, illegal activities related to the debt, and all Constitutional and legal implications.
- 9.1.7.** We are committed to returning Kenya to responsible borrowing and management of the national debt, including exploring ways of restructuring debt repayments by replacing expensive short-term commercial loans with long-term low-rate financing options such as long-term loans from friendly nations and/or long-term local and international bonds.
- 9.1.8.** We shall transform institutions related to the economy to give them autonomy and the necessary space to carry out their functions without interference and/or mismanagement by other state officials. These institutions include the National Treasury, the Kenya Revenue Authority (KRA), the Central Bank of Kenya and the National Bureau of Statistics. Appointment to these institutions shall be based on integrity, competence, and all other values and principles enshrined in Article 10 of the Constitution and in the chapter on public service.
- 9.1.9.** We shall respect the independence of oversight institutions and independent offices including parliamentary ones, constitutional commissions, the office of the controller of budgets and the office of the auditor general.



- 9.1.10.** We shall ensure the proper regulation of markets. The world seems not to have learned any lessons from the global financial crisis of 2007-2008 and the COVID crisis has again reminded us of the many shortcomings and negative impacts of unregulated markets. We shall, comprehensively and through a consultative process, develop a regulatory framework that will outlaw predatory practices and ensure just economic outcomes including the implementation of the social, cultural, and economic rights guaranteed by the Constitution.
- 9.1.11.** We shall invest in economic planning and futures scenario building. These approaches will also guide the nation in investing in those public sectors that provide critical public services.
- 9.1.12.** We shall transform the budgeting process to make it truly participatory and reflective of the priorities of the people of Kenya. There have been allegations that the budgeting process has been used to factor-in economic crimes; this will be outlawed.
- 9.1.13.** We will urgently reform the tax regime and other aspects of public finance to ensure that it is fair, boosts creativity and growth, shares the tax burden equitably and provides for solidarity with areas and people facing difficult circumstances as well as those who require affirmative action based on past discrimination and/or marginalization.
- 9.1.14.** We will reduce taxes on energy and fuel to reduce the cost of goods and spur economic growth.



9.2. In light of the foregoing, we make the following commitments:

On Food Security

- 9.2.1.** We shall ensure all Kenyans are free from hunger and have adequate food of acceptable standard. We will make food production and safety a matter of national security that may be exempted from trade agreements. This strategy will also address the issue of poverty and chronic hunger that is prevalent in our country.
- 9.2.2.** Given that agriculture is largely a devolved function, we shall ensure that the allocation of resources reflects this principle. County governments shall play a critical role in ensuring food security and the general transformation of the agricultural sector.
- 9.2.3.** We are committed to transforming the production of food and the agricultural sector in general to ensure increased productivity through providing access to water; providing technical advisory services and insurance; investing in appropriate research and technology; providing affordable and good quality seeds and implements; disease control, and other incentives.
- 9.2.4.** We shall invest in industrial food production through extending incentives including zero-rated financing, tax breaks, marketing opportunities both local and international, infrastructural development designed to expand market access, food storage, packaging, and distribution.



- 9.2.5.** We shall develop affirmative action programmes targeting women, the youth, and marginalised communities to participate in food production and agriculture in general.
- 9.2.6.** We shall develop national and county capacities to enforce strict food safety standards.
- 9.2.7.** We shall develop and operationalise a policy on the creation, composition and functioning of bodies regulating the production of food crops such as potatoes, cashew nuts, etc.
- 9.2.8.** The transformation of food security, safety and production, and the agricultural sector in general, will have a ripple effect on the wide economic sector given that this is the largest component of our economy. We are committed to making the transformation of the agricultural sector the engine of our economic growth.

On Universal Health

- 9.2.9.** The provision of universal health services to all Kenyans will form an essential component of our social and economic policy. We will ensure that every person has the highest attainable standard of health which includes the right to healthcare services, including reproductive healthcare, by:
 - 9.2.9.1.** Prioritising preventive medicine that keeps our people safe in the first place. Given the unique needs of counties, each county will play a leading role in identifying and addressing the needs that require urgent intervention.



- 9.2.9.2.** Focusing on ensuring that local people, at the lowest level, have access to treatment at a public dispensary and/or hospital.
- 9.2.9.3.** Guaranteeing that no person shall be denied emergency treatment by any hospital.
- 9.2.9.4.** Ensuring that national and county standards are enforced and healthcare professionals and workers are treated with dignity, fairly compensated and have adequate terms and conditions of service.
- 9.2.9.5.** Investing in the necessary training, infrastructure, equipment, and other supplies to provide suitable/adequate services.
- 9.2.9.6.** Providing national and county insurance that will ensure comprehensive quality public health services.
- 9.2.9.7.** Developing a national policy that will address the state of community workers in the healthcare sector.

On Accessible and Adequate Housing

- 9.2.10.** We will focus on providing affordable housing including giving tax and other incentives for those investing in the sector.
- 9.2.11.** We will facilitate easy access to low-cost building materials, and develop and make accessible relevant and appropriate technology.



On Safe and Adequate Water

- 9.2.12.** We will prioritise the provision of clear, safe, and adequate quantities of water for all Kenyans. We shall prioritise communities and areas that do not have access to water, including among the marginalised urban populations.
- 9.2.13.** Every school and religious institution will be provided with free access to water.
- 9.2.14.** Free community water points will be developed and subsidised to give access to every household located in areas of greatest need.

On Sanitation

- 9.2.15.** The provision of decent toilet facilities in all communities and households will be prioritised. The development and expansion of sewage disposal and treatment facilities in densely populated areas will be a priority.
- 9.2.16.** All schools and public facilities will have adequate toilet facilities.
- 9.2.17.** No building will be approved without adequate sanitation provisions.
- 9.2.18.** We are determined to create healthy and habitable environments for all the people.



On Social Security

- 9.2.19.** We will expand coverage of social security for all including insurance cover, health services and cash transfers. We will specifically target the elderly, persons with disabilities and others in need.
- 9.2.20.** We will undertake comprehensive pension reforms.

On Decent Work

- 9.2.21.** We will promote the principle of decent work for decent pay. We will work closely with workers' and employers' organisations to agree on minimum acceptable standards.
- 9.2.22.** We will ensure all investments respect human rights, the environment, and promote sustainable development.
- 9.2.23.** We are committed to:
- 9.2.23.1.** Ensuring that workers' organisations operate without interference from government and the private sector. Currently, the labour movement has been captured by the state and the private sector through corrupt leaders.
- 9.2.23.2.** Ensuring that the private sector operates without interference from the government.
- 9.2.23.3.** Ensuring that the legislative framework governing the market is reviewed in a consultative process to make it fairer and facilitative.
- 9.2.23.4.** Clamping down on illegal hiring and working conditions that undermine human dignity.



9.2.23.5. Creating decent work and working conditions for all Kenyans in Kenya and within the East African Community. For those who will choose to work abroad we are committed to negotiating with foreign jurisdictions decent working conditions that respect human rights. We will put in place robust monitoring mechanisms to intervene effectively and in a timely fashion to protect Kenyans abroad including by re-orienting the mandates of Kenyan missions or representations abroad.

On Increased Investment in Traditional Sectors

9.2.24. We will galvanize and increase investments in traditional sectors including:

- Agriculture
- Tourism
- Manufacturing
- Financing
- Commerce

9.2.25. Special attention will be directed at small and medium enterprises (SMEs) to keep regulations simple, provide infrastructural support, expand access to affordable credit, and expand markets.

On Investing in Non-Traditional Sectors

9.2.26. We will galvanise and increase non-traditional economic sectors including:

- 9.2.26.1.** The cultural economy and related industries including publication of books, magazines, digital entertainment content development, culinary arts, fashion, radio, television, film, music, animation, advertising, architecture, theatre, and other performing arts.
- 9.2.26.2.** The knowledge economy.
- 9.2.26.3.** Sports and related industries including sports medicine.
- 9.2.26.4.** The Sustainable Blue economy.
- 9.2.26.5.** The Green economy.
- 9.2.26.6.** The human rights sector.
- 9.2.26.7.** Civil society.

On Developing Development Plans for the Nation and all Counties

- 9.2.27.** We are committed to ensuring that the national government works closely with all county governments to implement the principle of cooperative governance, particularly in economic planning and performance.
- 9.2.28.** We will among other matters focus on:
 - 9.2.28.1** Creating synergy between the various levels of governance.
 - 9.2.28.2.** Expanding the functions and performance of county governments including agreeing on the expansion of resource allocations.

- 9.2.28.3.** Agreeing on a framework for increasing allocations, through grants, to counties that need to address special circumstances including handling past marginalisation.
- 9.2.28.4.** Agreeing on national investments in counties and the fair share — that shall not be less than 40% of revenues — that is due to counties with those investments.

On Developing Affirmative Actions and Special Programmes

- 9.2.29.** We will develop a framework for interventions to address past and present discrimination, marginalization and exclusion at national, county, and local levels targeting women, the youth, marginalized communities, and minorities. This framework will focus on economic empowerment and creation of opportunities that will reduce inequalities in the country.

On Investing in Sectors That Facilitate the Economy

- 9.2.30.** We are committed to adequately investing in sectors that will promote and grow our economy, including:
- 9.2.30.1.** Promoting and facilitating the production, distribution, and access to affordable and reliable energy sources including affordable electricity. Particular facilitation and incentives will be directed at those who will invest in clean energy.
- 9.2.30.2.** Ensuring the provision of adequate and affordable water for economic use.

- 9.2.30.3.** Supporting infrastructure including roads, markets, communication, and other aspects of commerce. We will pay greater attention to county and inter-county infrastructural projects.
- 9.2.30.4** Removing and/or reducing taxes and fees charged against equipment and other production aspects.
- 9.2.30.5.** We will commit at least 1% of GDP to research and development.

On Promoting the “Jua Kali” Sector

- 9.2.31.** One of the largest employers in Kenya is the informal sector, popularly known as “Jua Kali”. This sector is largely self-directing, self-driven and self-managing. It is agile, creative, and attracts some of the hardest working Kenyans. It also gives many young Kenyans opportunities that are not available in white- and blue-collar jobs.
- 9.2.32.** We believe this sector requires support and we are committed to:
 - 9.2.32.1.** Resisting the pressure to formalise the sector in a way that takes away its competitive edge that is largely facilitated through informality.
 - 9.2.32.2.** Providing working spaces that have security of tenure and facilities that will support production including electricity, work sheds, and equipment.
 - 9.2.32.3.** Developing showrooms that will help in marketing their products.



- 9.2.32.4.** Creating relations with other sectors that may require products that can be made by the Jua Kali sector including agriculture, transport and other sectors requiring spare parts.
- 9.2.32.5.** Developing government-assisted funding mechanisms with zero-rated loans and easy access.
- 9.2.32.6.** Offering working opportunities for learning and skills development.
- 9.2.32.7.** Providing security for their work and protecting them from “government officials” and criminal gangs who extort “protection money from them”.
- 9.2.32.8.** Keeping government requirements for the sector to a minimum.

On Expanding Regional and International Affairs and Trade

- 9.2.33.** We are committed to the social, cultural, economic, and political integration of the EAC and Africa.
- 9.2.34.** We will endeavour to expand opportunities for growth and increased trade in the EAC and in the African Continental Free Trade Area (ACFTA). We are committed to the fair sharing of the benefits and outcomes of the integration process at both levels.
- 9.2.35.** We are committed to playing our role in financing the integration processes using the principles of equality, equity, and solidarity.
- 9.2.36.** We are committed to working collectively in the EAC and ACFTA to negotiate international terms and conditions for fair trade.



- 9.2.37.** We will continue to build Kenya as a regional hub and centre of excellence in a variety of spheres including as the only headquarters of the United Nations in the Global South.

10. Peace and Security

In Kenya, the pursuit of peace and security for all has been a mirage. The 2010 Constitution envisaged a transformed security sector, but the status quo has resisted any changes in the sector. We believe the foundational principles for a just society are upholding human dignity, and peace and security for all and we are committed to ensuring that the security sector is transformed.

We believe the efforts to establish a just society envisaged in the commitments will play a key role in promoting peace and security in Kenya.

10.1. We make the following commitments on peace and security:

- 10.1.1.** We shall, in a participatory process, review and develop peace and security plans on national, county and local levels. Special attention will be directed at communities and geographical spaces that have endured insecurity, some from colonial times. These include northern, coastal, Rift Valley and eastern parts of the country. We will also focus on urban areas that do not have adequate peace and security. The peace and security plans will include affirmative action plans that address the economic challenges faced by these communities, including job creation, improving livelihoods, infrastructure development and other investments. Infrastructure development shall also address the sense of remoteness and distance from government presence and services. We shall increase interconnectedness between and within counties.



- 10.1.2.** We shall also bridge the gap of provision of security and emergency services in these communities, including response times.
- 10.1.3.** The national government shall share its security function under devolution with county governments and local communities.
- 10.1.4.** Colonial borders were made in the interests of colonial powers. They did not consult or consider the interest of Africans. Fearing potential disputes and possible conflict, the OAU adopted, as part of its founding principles, the “respect of colonial borders”. Most of our international borders are either not demarcated, secured and/or are the subject of disputes with our neighbours.
- 10.1.5.** We shall start the process of securing all our international borders. We hold the considered view that Kenya should promote demarcation and we secure our borders using the following principles:
- 10.1.5.1.** Safeguard of the internationally recognized sovereignty of Kenyan borders.
- 10.1.5.2.** Peaceful resolution of any disputed claims with our neighbours through negotiations and use of regional dispute resolution mechanisms.
- 10.1.5.3.** Promoting consensus building, creative arrangements and transformation of colonial imperatives including negotiating resource sharing as a possible solution for contested areas.
- 10.1.5.4.** Working with neighbouring countries to secure our common borders and build peace among border communities.



- 10.1.5.5.** Special attention will be paid to our borders with Uganda, South Sudan, and Ethiopia to handle cross-border insecurity, including insecurity associated with identity and with animal rustling.
- 10.1.5.6.** Developing a regional and/or an AU mechanism that will promote alternative border-based conflict resolution that considers the interests of all parties including border communities.
- 10.1.5.7.** We will work with the concerned counties and institutions to begin addressing county border disputes. There are many counties that have county disputes that are a threat to peace, security, and good relations between counties.
- 10.1.5.8.** We will carefully develop, in consultation with all concerned parties, a plan to remove Kenyan armed forces and supporting staff from Somalia. Our entry into Somalia started as a hot pursuit mission, changed into peacekeeping/enforcement and is now becoming a state building project.
- 10.1.5.9.** Kenya does not have a strategic reason or capacity to be involved in a long-term state building role in Somalia. We also face serious risk of being sucked into Somalia's complex issues including being forced to take sides in internal conflict and/or being seen as "occupiers". It is partly for this reason that it is accepted practice in peacebuilding efforts not to involve troops from countries that share borders.
- 10.1.5.10.** It is in our interest to withdraw in an orderly fashion behind our own borders and to secure them.



- 10.1.5.11.** We are committed to taking care of the long-term needs of our troops who served in Somalia and elsewhere. Special attention will be directed at those who have been injured and require extensive, long-term care.
- 10.1.5.12.** The families of those who made the ultimate sacrifice will be supported in every way possible including offering compensation, fast-tracking benefits, offering medical care and scholarships to family members, and other forms of support.
- 10.1.5.13.** We will remove any obstacles that service families face in accessing benefits and support, including discriminatory practices that withdraw benefits and support upon a surviving spouse re-marrying.
- 10.1.5.14.** We shall address international and/or organised crimes that use Kenya as a transit and/or operational base. We will focus on cross-border and related crimes including terrorism, trade in narcotics, trade in arms (particularly small arms and light weapons), human trafficking, money laundering and related financial offenses, and counterfeit products. We will work with county governments and local communities to empower them to secure the lives of local communities and play their role in fighting these crimes.
- 10.1.5.15.** We are committed to addressing the high levels of violence in Kenya. Proper attention will be paid to gender-based violence, violence directed at children and the elderly and other vulnerable groups. We will also ensure government agencies and/or officials will no longer be sources of violence directed at the people.



10.1.5.16. We will develop a human rights approach to handling matters related to peace and security. There will be zero tolerance for violation of human rights and/or using illegal methods to fight crime including the use of torture, illegally obtaining evidence, extra-judicial killings, enforced disappearances, and illegal detention.

10.1.5.17. We are committed to investing in the security sector by providing adequate resources, training, provision of equipment, and building an effective infrastructure. We will ensure that those who work in the security sector are adequately compensated, have competitive terms and conditions of service including insurance cover.

11. Transition

Managing transition into a just society is not simple. In the history of Kenya, transitions have been used to claw back and maintain the status quo. The careful planning, implementation, monitoring and evaluation of this agenda will require further development. We undertake to consult widely and develop an implementation matrix that will identify the immediate, mid- term and long-term issues and actions that are required.

11.1. We are committed to:

11.1.1. Establishing an institutional framework that will coordinate and facilitate the implementation of our transformative agenda at all levels.

11.1.2. Reconfiguring the relationship between the two levels of government to ensure proper division and performance of functions.



- 11.1.3.** Fast-tracking the review, development and implementation of peace and security for the country.
- 11.1.4.** Eradicating corruption, wastage, and all other forms of economic crimes.
- 11.1.5.** Putting in place a robust monitoring and evaluation framework to ensure the proper implementation of the changes that are required.





This document is a product of The National Alternative Leadership Convention (NALC).



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