



Report on Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance

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The Presidency

State House

**ANNUAL REPORT ON MEASURES TAKEN AND
PROGRESS ACHIEVED IN THE REALISATION OF
NATIONAL VALUES AND PRINCIPLES OF
GOVERNANCE**

27th March, 2014

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PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER



Wimbo wa Taifa

Ee Mungu nguvu yetu
Ilete baraka kwetu.
Haki iwe ngao na mlinzi
Natukae na undugu
Amani na uhuru
Raha tupate na ustawi.

Amkeni ndugu zetu
Tufanye sote bidii
Nasi tujitoe kwa nguvu
Nchi yetu ya Kenya,
Tunayoipenda
Tuwe tayari kuilinda.

Natujenge taifa letu
Ee, ndio wajibu wetu
Kenya istahili heshima
Tuungane mikono
Pamoja kazini
Kila siku tuwe na shukrani.

The National Anthem

O God of all creation
Bless this our land and nation.
Justice be our shield and defender
May we dwell in unity
Peace and liberty
Plenty be found within our borders.

Let one and all arise
With hearts both strong and true.
Service be our earnest endeavour,
And our Homeland of Kenya
Heritage of splendour,
Firm may we stand to defend.

Let all with one accord
In common bond united,
Build this our nation together
And the glory of Kenya
The fruit of our labour
Fill every heart with thanksgiving.

PREFACE

I am honoured to present this inaugural annual report on the Realisation of National Values and Principles of Governance as stipulated by Article 132 (1) (c) (i) and (ii) of our Constitution. The presentation of this report is not just meant to fulfil the constitutional requirement but also to track our progress as a nation the level at which national values have been entrenched in our national psyche.

Since independence, our nation has continuously faced numerous challenges that threaten our social, political and economic development. These challenges have all along impacted negatively on the realisation and prioritization of our national interests. These challenges included: over concentration of state powers on the executive; weak respect for the rule of law in the context of a weak institutional framework; abuse of human rights; insecurity; proliferation of illegal arms and cattle rustling; inadequate transparency and accountability in the electoral processes; poor management of natural resources such as land; inequitable distribution of opportunities and public resources; primacy of ethnic identity over national identity and citizenship; and challenges emanating from adverse climate and national disasters. To address these challenges, Kenyans enacted the Constitution of Kenya, 2010 whose implementation is very crucial to my Government.

My Government is committed to the full implementation of the Constitution with a view of ensuring that all the citizens appreciate that they are members of the same community engaged in a common enterprise of national development while facing shared challenges and opportunities. To ensure national unity, my Government will enhance its strategies in: strengthening vital institutions for cohesion, reconciliation and integration; addressing social-economic inequalities; manage ethnic and other social-cultural diversities more effectively; preventing, managing and reconciling conflict situations; ensuring the rule of law, security and order; addressing the unemployment challenges; enhancing values in all segments of the society; and enhancing the establishment and utilization of mechanisms for participative communication and information sharing.

Full operationalisation of Article 10 on national values and principles of governance and Chapter Six on leadership and integrity will ensure a cohesive, integrated and united Kenyan society. The national values and principles of governance in Article 10 build on various current and future legislations including the Ethics and Ant-corruption Commission Act, the Leadership and Integrity Act and the Economic Crimes Act. The Bill of Rights provides for equality and freedom from discrimination

guaranteeing the basic economic and social rights of all, while encouraging respect for diversity and fostering a sense of belonging.

National values and principles of governance are at the core of the intricate relationship between the government and its citizenry. They are the yardstick that influences the nature and quality of interactions between and within these two segments of society. Enthusiastic commitment to national values and principles of governance will help weave a united, cohesive and rapidly developing Kenyan nation. Such is the nation envisioned under our Kenya Vision 2030 that will fulfill a majority of our citizens' aspirations and desires.

It is important to point out that national values and principles of governance are fundamental in shaping what choices individuals as well as communities make, often unconsciously. Creating awareness on the values therefore requires a conscious and deliberate process in making sure that these values are expressed, discussed, manifested and adhered to in order to shape our national dialogue.

Embracing the national values and principles of governance will further enable us transform Kenya into a leading nation in the community of nations. They instill meaning, significance and direction to all national endeavours and affirm our unique national identity. They are a binding guide in the conduct of all public affairs in the exercise of leadership and for the promotion of the welfare of all Kenyans. They are also a yardstick for evaluating and appraising performance and determining the suitability of all persons in positions of responsibility.

As enshrined in the Constitution of Kenya, 2010, national values are a deliberate effort to facilitate far reaching transformation in the interaction between the government and its citizenry. Article 10 (1) of the Constitution stipulates that national values and principles of governance bind all State organs, State officers, public officers and all persons whenever any of them applies or interprets the Constitution; enacts, applies or interprets any other law; or makes or implements public policy decisions. It therefore follows that no single Kenyan will be exempted from practising and living these national values and principles of governance.

The broad objective of this report is to enumerate the extent to which the national values and principles of governance as enshrined in the Constitution have been operationalised by public institutions. The target institutions and offices include: Constitutional and other commissions, independent offices, state corporations and parastatals as well as government Ministries, Departments and Agencies (MDAs).

Each institution was requested to provide a detailed report on the measures they had taken, as well as the progress they had made in the realization of national values. Further, they were required to identify the challenges they had encountered in their respective endeavors towards the realisation of national values, and lastly make recommendations on the most effective strategies towards the promotion of national values. I do recognize with appreciation the role played by all Ministries, Departments and Agencies in the operationalization of Article 10 of the Constitution. I also take this opportunity to thank Parliament for ensuring that the legislation processes have put into consideration the provisions on national values and principles of governance.

The specific objectives of this report include to:

- a) outline all the measures taken in the realisation of national values and principles of governance by the respective public institutions;
- b) outline the progress achieved in the realisation of the national values and principles of governance by the respective public institutions;
- c) enumerate the challenges encountered in the operationalization process; and
- d) make recommendations on the best strategies for effective operationalization and institutionalization of the national values and principles of governance.

Going forward, my Government will undertake intensive and elaborate sensitization on national values to all stakeholders across the country. In addition, arrangements will be made to continuously monitor the realisation of national values in all sectors of the society. Besides, plans are underway to mainstream national values in the Government's Performance Contracting System.

Finally, I direct all the heads of public institutions to implement the recommendations of this report. I equally appeal to the private sector and members of the public to promote national values in their daily endeavors. This shall go a long way in enhancing the realisation of our national values towards the attainment of the Vision 2030 goals.

H.E. Uhuru Kenyatta, C.G.H.
President and Commander-in-Chief of the Defence Forces of the
Republic of Kenya



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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
ASAL	Arid and Semi-Arid Lands
ATCs	Agricultural Training Centres
AU	African Union
CAJ	Commission on Administrative Justice
CIC	Commission for the Implementation of the Constitution
CPST	Centre for Parliamentary Studies and Training
CRA	Commission on Revenue Allocation
CRPD	Convention on the Rights of Persons with Disability
EACC	Ethics and Anti-Corruption Commission
EIA	Environmental Impact Assessment
ETR	Electronic Tax Register
HIV/AIDS	Human Immuno-Deficiency Virus/ Acquired Immuno-Deficiency Syndrome
HCTs	HIV Counseling and Testing Sites
IAAF	International Amateur Athletics Federation
ICT	Information and Communication Technology
IDPs	Internally Displaced Persons
IEBC	Independent Electoral and Boundaries Commission
IEC	Information, Education and Communication
IFMIS	Integrated Financial Management Information System
KAIS	Kenya Aids Indicator Survey
KECOPAC	Kenya Consumers Protection Advisory Committee
KDHS	Kenya Demographic and Health Survey
KDF	Kenya Defence Forces
KENAO	Kenya National Audit Office
KeNHA	Kenya National Highways Authority




KeRRA	Kenya Rural Roads Authority
KBC	Kenya Broadcasting Corporation
KLB	Kenya Literature Bureau
KNICE	Kenya National Integrated Civic Education
KNCHR	Kenya National Commission on Human Rights
KPA	Kenya Ports Authority
KPHC	Kenya Population and Housing Census
KRA	Kenya Revenue Authority
KSG	Kenya School of Government
KURA	Kenya Urban Roads Authority
LAPSSET	Lamu Port South Sudan and Ethiopia Transport
MCAs	Members of the County Assembly
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MoE	Ministry of Education, Science and Technology
NACADA	National Authority for the Campaign against Alcohol and Drug Abuse
NACCSC	National Anti-Corruption Campaign Steering Committee
NALEAP	National Legal Aid and Awareness Programme
NCIC	National Cohesion and Integration Commission
NEMA	National Environment Management Authority
NGEC	National Gender and Equality Commission
PPOA	Public Procurement Oversight Authority
PPP	Public Private Partnerships
PSC	Public Service Commission
SACCOs	Savings and Credit Co-operatives
SRHR	Sexual and Reproductive Health Rights
TJRC	Truth Justice and Reconciliation Commission
UN	United Nations

EXECUTIVE SUMMARY

This is the first annual reporting on the realisation of national values and principles of governance in Kenya. The objective of this annual reporting, that is enshrined in the Constitution of Kenya, 2010 is to identify and document the measures taken, progress achieved, challenges faced in the realisation of national values and principles of governance by the respective public institutions. Further, the report will provide direction, strategies and interventions that will enhance the promotion of the same.


The national values and principles of governance are fundamental norms and beliefs of Kenyans that guide choices, actions, relations and behaviours of citizens. They are the foundation upon which the realisation of Kenya's national interests is pegged.

Specifically, this report analyses the policy, legal, institutional and administrative frameworks in relation to the realisation of national values and principles of governance in the public sector. Further, it highlights recommendations made by different public institutions to enhance the implementation processes in the realisation of national values and principles of governance. The report is divided into five chapters.

Chapter one lays the background to the report by discussing the constitutional requirement that guides its preparation. Further, the chapter outlines the report's preparation process which was spearheaded by the Ministry of Interior and Co-ordination of National Government. This involved the appointment of a Steering Committee and a Secretariat from a cross-section of public institutions to prepare the report.

The measures put in place for the realisation of national values and principles of governance by public entities are discussed in chapter two. For each national value, the legal, policy, institutional framework and administrative actions implemented by MDAs are highlighted. Some of the measures include: enactment of relevant legislations to guide the promotion of national values and principles of governance; enhanced change management processes at all levels of public service; and regular sensitization and awareness creation campaigns on the provisions of the Constitution of Kenya, 2010.

Chapter three outlines the progress made in the realisation of national values by the reporting institutions. Primary focus is placed on the extent to which public institutions have operationalised national values and principles of governance, as well as the corresponding effects. There have been many initiatives by public institutions to operationalize national values and principles of governance. The report indicates that most public institutions have made tremendous progress in aligning legal frameworks, administrative actions and policies with the Constitution of Kenya, 2010.



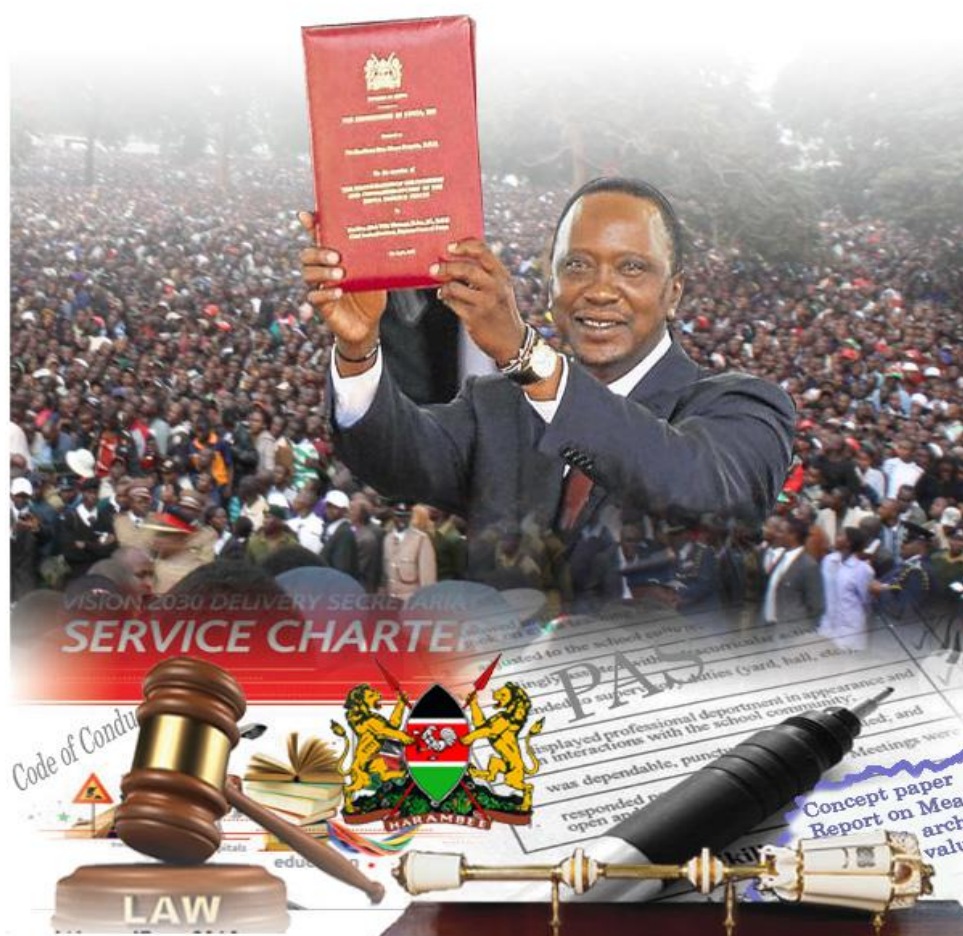
There has also been commendable implementation of enforcement checks and balances such as establishment of committees to fast-track initiatives geared towards the promotion of national values and principles of governance.

This being the first report, it was established that institutions were in the process of putting down the requisite structures for the promotion of national values and principles of governance. Consequently, it is expected that the outcome of the laid down structures will be measurable in the subsequent annual reporting.

The challenges faced by public institutions in their efforts to realise national values have been analyzed in chapter four. Some of the challenges include; inadequate resources, insecurity, negative ethnicity, ignorance on the provisions of the law and political interference.

Finally, chapter five highlights recommendations and proposes the way forward in Kenya's endeavour in the realization of national values and principles of governance. Key among the recommendations include the need to fully and effectively implement the Constitution of Kenya, 2010; diligent enforcement of relevant laws; encouraging public private partnerships; and monitoring and evaluation to assess compliance with the national values and principles of governance among others.

CHAPTER ONE: PREAMBLE AND INTRODUCTION



1.1 Preamble and Introduction

1. The national values and principles of governance are fundamental norms and beliefs of Kenyans that guide choices, actions, relations and behaviours of citizens. The values and principles of governance influence the way individuals relate with one another, how communities engage one another and how citizens and government interact in promoting national cohesion, integration, peace and development.

2. The national values and principles of governance form the foundation upon which the realisation and prioritization of national interests is anchored. The national interests that include: sound and sustainable foreign policy that support social, economic and political development; sovereignty of the people of Kenya, integrity and security of the Kenyan borders, uninterrupted social services; sustainable social, economic and political development; national unity and security of Kenyans and their property; social justice and the protection of the bill of rights among others will indeed be achieved through strict adherence to the national values and principles of governance.

3. In its preamble, the Constitution of Kenya, 2010 recognizes the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law. Further, the Constitution in Article 4 (2) emphasizes the importance of national values and provides that “The Republic of Kenya shall be a multi-party democratic state founded on the national values and principles of governance.”

4. National values and principles of governance in Article 10[2] of the Constitution of Kenya, 2010 are patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, good governance, integrity, transparency and accountability and sustainable development.

5. Under Article 132 (1), the Constitution of Kenya, 2010 requires that the President shall once every year, report in an address to the nation, on all the measures taken and the progress achieved in the realisation of the national values, referred to in Article 10. The President is further required to publish in the Kenya Gazette the details of the report.

6. In order to enhance the promotion of national values, as well as guide the presidential report preparation process, the then Ministry of Justice, National Cohesion and Constitutional Affairs spearheaded the development of a Policy on National Values and Principles of Governance in 2011. The policy has been approved by the Cabinet and forwarded to the National Assembly, assigned Sessional Paper No. 8 of 2013 and is currently awaiting discussion and adoption. The policy pillars that will guide the operationalization of national values and principles of governance are creation of a strong national identity, effective representation and leadership, equitable allocation of resources and opportunities, good governance and promotion of sustainable development. Further, the policy identifies the following as the main value-drivers and value-carriers: family, communities, educational institutions, religious and faith-based organizations, national and county governments, state organs, state officers, public service, public officers, private sector, professional associations, media, civil society, political parties, sports, arts, music and entertainment. The policy requires that public institutions make reports which shall include assessment of the promotion and practice of values, measures taken, progress achieved and identification of any challenges encountered. They shall further make recommendations and propose the way forward with respect to further realisation of the national values and principles of governance.

7. This report consolidates the measures taken, progress achieved and challenges encountered in the realisation of national values and principles of governance enumerated in Article 10 (2) of the Constitution of Kenya, 2010. Specifically, the report presents analysis of policy and administrative actions taken and legal and institutional frameworks put in place in relation to national values and principles of governance in the public sector. State and Public institutions in their submissions have indicated the extent to which national values and principles of governance have been integrated into their systems and processes in regard to development, interpretation, implementation and application of policy guidelines and decisions.

8. With regard to institutional framework and procedures, the report describes the extent to which public institutions have integrated the

concepts of national values and principles of governance in their undertakings that include recruitment of staff, promoting those that espouse the values and continually identify, recognize, reward and celebrate values-driven staff. These organizations have also indicated the extent to which they have applied the national values and principles of governance administratively.



9. Article 10 (1) of the Constitution provides that the national values and principles of governance bind all State organs, State officers, Public officers and all persons whenever any of them:

- (a) Applies or interprets this Constitution;
- (b) Enacts, applies or interprets any law; or
- (c) Makes or implements public policy decisions.

10. Article 234 (h) requires the Public Service Commission to evaluate and report to the President and Parliament the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the public service; Article 249 (1) (b) requires all constitutional commissions and independent offices to secure the observance of democratic values and principles by all State organs. Therefore, all public institutions and officers are required to play a primary role in the operationalization of national values and principles of governance.

11. On administrative actions, the report has collated administrative initiatives undertaken by respective institutions in implementing the national values and principles of governance during the process of development, articulation, implementation and evaluation of their activities. The institutional submissions have dwelt on:

- a) Development of customer service delivery charters in line with the provisions on national values and principles of governance;
- b) Continuous training, awareness creation and dissemination of programmes on national values and principles of governance in a user friendly language;
- c) Systemic and administrative actions put in place to hold the state and public officers to account for violating national values and principles of governance;
- d) Codes of conduct put in place to enforce compliance with the national values and principles of governance;

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- e) Administrative and civil actions like warnings, reprimands and demotions or dismissals for staff who violate the provisions of Article 10;
 - f) The extent to which national values and principles of governance have been integrated into the annual performance contracting procedures;
 - g) The extent to which the public organizations recognize, honour, reward and celebrate staff who are exemplary values carriers and drivers;
 - h) Provision of Information, Education and Communication (IEC) materials on national values and principles of governance to both staff and other stakeholders;
 - i) The need for procedures to guide the identification of national values and principles of governance champions;
 - j) Mainstreaming and strengthening of national values and principles of governance compliance committees internally to promote, monitor, evaluate and periodically report on the same; and
 - k) The extent to which the existing professional bodies for accountants, engineers, architects, lawyers among others are directed to monitor and discipline their members working in public institutions for violating the provisions of Article 10 of the Constitution of Kenya, 2010.

12. This report is, therefore, based on an assessment of public institutions with diverse responsibilities and thresholds in the promotion of specific national values and principles of governance. As provided for in the Constitution, these organizations are required to make elaborate initiatives towards the promotion of national values and principles of governance. The reporting state and public organs, therefore, submitted their respective reports after which the secretariat analyzed the information provided and compiled this inaugural annual report. It is important to note that the organizations mentioned in this report are not the only ones whose submissions were received and analyzed. They have been mentioned for purposes of providing examples of the way specific values and principles of governance are being implemented.

1.2 The Report Preparation Process

13. The Ministry of Interior and Co-ordination of National Government spearheaded the compilation of this report and provided a framework

along which it was prepared with an action plan that guided the key action steps which included the following among others:

- (a) Preparing a Concept Paper on the Presidential Report ;
- (b) Preparing a Roadmap on the Presidential Report process;
- (c) Preparing a Reporting Tool to facilitate collection of data on the status of national values; and
- (d) Spearheading and facilitating the establishment of a Steering Committee and a Secretariat to drive the process of the actual report preparation.

14. In order to expedite the assignment, the Ministry established a Steering Committee and a Secretariat drawn from a cross-section of public institutions with the following terms of Reference:

- a) To generate guidelines on preparation of the Presidential Report on national values and principles of governance;
- b) To receive reports from identified institutions;
- c) To collate and analyze reports from identified institutions;
- d) To prepare an annual Presidential Report on measures taken and progress made in the realisation of national values.

15. The Secretariat under the guidance of the steering committee prepared the annual Presidential report which was discussed validated and adopted at plenary. The draft report was further presented to the Cabinet Secretaries, Principal Secretaries, Heads of Independent Commissions, Independent Offices and Agencies in a forum chaired by H.E. the Deputy President for validation and value addition. Consequently, this final report was consolidated and published.

CHAPTER TWO: MEASURES TAKEN IN THE REALISATION OF THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE



2.1 Introduction

16. This chapter highlights the various measures the Government has taken to realise the national values and principles of governance. The measures have been categorized into five thematic areas, namely: Creation of a national identity and exercise of sovereign power; sharing and devolution of power; protection of the Bill of Rights; promotion of good governance, transparency and accountability; and sustainable development.

17. After the promulgation of the Constitution of Kenya in August 2010, the Government of Kenya has and continues to progressively institute measures to ensure that national values and principles of governance as provided for in Article 10 of the Constitution of Kenya, 2010 are realised. Amongst the measures taken is mainstreaming of national values and principles of governance at all levels of government in the process of formulation, interpretation and implementation of: all policies; laws enacted as well as legislative proposals being developed; administrative actions including the development of rules, regulations and guidelines; operationalisation of institutional frameworks; and public service transformation initiatives within sectors and across Government.

18. The mainstreaming of national values and principles of governance is geared towards ensuring that the provisions of Article 10 of the Constitution are embedded in critical Government legislations, policies and national development plans so that these values are translated into practice. This is meant to ensure that the citizens are not only able to access services but that they also recognize in the public officers, a disposition for fairness, integrity as well as respect for their rights and well-being. Further, it is meant to show the Government's commitment in ensuring that there is harmony between the national priorities and framework developed and the implementation initiatives across all arms of the Government. As such, while respecting the functional and institutional independence of the distinct public sector actors, the Government works as one to deliver on the needs and aspirations of the people of Kenya. Finally, mainstreaming of these values and principles has translated into continued efforts to ensure the development of effective institutions, that is, where public institutions have the right number and mix of people, organizational systems, tools and equipment as well as an enabling institutional environment.

2.2 The Measures Taken

The specific measures taken in the realisation of national values and principles of governance grouped in key thematic areas are as detailed below:

2.2.1 Creation of a National Identity and Exercise of Sovereign Power

Article 10 (2) (a): Patriotism, National unity, the Rule of Law, Democracy and Participation of the People

19. In the creation of national identity and exercise of sovereign power, the Government instituted several legislative measures to guide the relevant processes. This has led to the development of bills and the enactment of laws such as the Kenya Heroes Bill, 2013 which is meant to provide for the recognition of heroes, establish criteria for the identification, selection and honoring of national heroes, to provide for the categories of heroes, and to provide for the establishment of the National Heroes Council and for connected purposes.

20. Other measures include the enactment of the National Honours Act No.11 of 2013, which gives effect and establishes procedures and mechanisms for conferring of national honors by the President under Article 132(4) (c) of the Constitution. In addition, there is the National Flag, Emblems and Names (Amendment) Bill, 2013 whose purpose is to reserve the flying of the national flag on motor vehicles to the President, the Deputy President, the Chief Justice, the Speaker of the National Assembly and the Speaker of the Senate. This Bill is meant to prevent improper use of the national flag and certain emblems, names, words and likeness for professional and commercial purposes. These laws promote loyalty and devotion to the country by all citizens working together to pursue the national agenda. The Government has embarked on comprehensive reforms in the public service which include among others police reforms encompassing the enactment of the Kenya National Police Service Act (Revised) Cap 84 of the laws of Kenya, 2012, which established the office of the Inspector General of Police, enacted the Independent Policing Oversight Authority Act Cap 88 creating the Independent Police Oversight Authority and also enacted the National Police Service Commission Act Cap 185 C establishing the National

Police Service Commission. Judicial reforms have been instituted including establishment of the Supreme Court, an independent Directorate of Public Prosecution and the vetting of judges and magistrates. To decongest the correctional institutions, the Government has enhanced the Community Service Programme in which petty offenders perform community service or unpaid public work. All these are geared towards enhancing the rule of law.

21. The Government has also initiated the process of reviewing the National Cohesion and Integration Act No.12 of 2008, whose main object is to promote national cohesion and integration by outlawing discrimination on ethnic grounds to enhance its enforcement and compliance mechanisms especially in the promotion of national unity. While reviewing this Act, the Government extensively enlisted public participation so as to harness their input and to mobilize their support in the implementation of the laws once enacted. Similarly, the National Treasury has implemented the Medium Term Expenditure Framework which has enhanced efficiency and effectiveness in the national budgetary cycle. This public engagement was guided by the constitutional requirement on public participation in all government processes. Further, the Government has put in place policy measures to guide the implementation of the national values and principles of governance within Government and among the people of Kenya. Such measures include: the formulation of the Policy on National Values and Principles of Governance, now Sessional paper No. 8 of 2013; popularizing Kenyan products through the development and implementation of “Buy Kenya, build Kenya” policy; initiatives to promote appreciation of our national heritage including our diverse languages and cultures while addressing issues of negative ethnicity. To promote the realization of national unity, the Government has formulated the Policy on National Cohesion and Integration, now Sessional paper No.9 of 2013, which highlights specific roles of different actors in the promotion of peaceful co-existence among the Kenyan communities. The policy also addresses all the political and economic aspects that affect social cohesion and national unity in the country.

22. Other policies developed to guide public sector agencies include: the National Gender Policy of 2011, which underscores the Government’s commitment to advancing the status of women; the National Youth Policy of 2007 that aims at ensuring the youth play their rightful role in the development of the country; and the National Disability Policy of 2006 that underlined the Government’s commitment to provide service and protection to persons with disabilities. These affirmative action policies

are meant to facilitate management of diversity presented by gender, youth and disability. In addition, there are policies and guidelines on recruitment and management of diversity in the public service that seek to facilitate the creation of a national identity and the exercise of sovereign power. Another key initiative in this regard has been ensuring public participation in all public sector undertakings as well as the on-going efforts to develop a policy on public participation.

23. In the process of implementation of the Constitution of Kenya, 2010, the administrative measures that have been instituted include issuance of regulations and guidelines to support implementation of the developed policies and legislation. Further, public institutions have developed organizational service delivery manuals and procedures that guide the implementation of their specific mandates. The Kenya National Highways Authority (KeNHA) for instance uses local service providers in their contracts as provided for in their service delivery manuals and has also build roads throughout Kenya hence enhancing movements of Kenyans and connecting various counties. The development and implementation of these administrative measures have been guided by oversight institutions such as the service commissions at the national and county level, the Ethics and Anti-Corruption Commission, the Commission on Administrative Justice and the Commission for the Implementation of the Constitution. Other initiatives undertaken at the organizational level include team building activities as well as trainings that enhance peaceful and harmonious co-existence among members of staff despite their diverse backgrounds.

24. In addition, the Government established and operationalised the National Cohesion and Integration Commission (NCIC), the National Steering Committee on Peace Building and Conflict Management, the Directorate of National Cohesion and National Values, the now wound up Truth, Justice and Reconciliation Commission (TJRC), and the Brand Kenya Authority to help create a national identity and promote the exercise of sovereign power. Other initiatives in this regard include mobilization of the people of Kenya through support initiatives such as Kenyans for Kenya and the Community Policing “Nyumba Kumi” programme. This call for unity was recently clearly demonstrated during the Westgate terror attack in which Kenyans from all walks of life responded by donating blood, and providing food and non food items. Strengthening of the Alternative Dispute Resolution (ADR) mechanisms and working with elders, political leaders, local community based organizations and government institutions has also been instituted as a multi-pronged approach to entrench values of unity among communities

with different backgrounds. Kenya National Integrated Civic Education (K-NICE) has facilitated civic education programme in both national and vernacular languages throughout the country for citizens to understand their civic duties, democratic rights and upholding of the rule of law and human rights. The National Gender and Equality Commission has also been encouraging media houses to incorporate the use of sign language in their broadcasting.

25. Further measures instituted include enhancing public access to information through ministerial websites and public notice boards, live media coverage of parliamentary proceedings and publication as well as dissemination of memoranda developed by the various public agencies. The Government has also established and strengthened public participation mechanisms such as ministerial stakeholder forums, consultative forums for planning and budgeting at both the national and county levels. More recently, the Government established the presidential communication office whose primary role is to enhance information flow among the three arms of government and the general public. The Government has enacted the Kenya Information and Communication (amendment) Act, 2013 and the Media Council Act, 2013. These seek to streamline the information and communication sector. Regarding celebration of Kenyan national heroes, the government has embarked on profiling actions of various outstanding Kenyan achievers since independence.

26. Other measures taken by the Government include expansion of National Schools from 18 to 77, distributed in all the counties, an initiative that has seen creation of more educational opportunities at the national level. This was meant to ensure that all Kenyans including the marginalized communities are taken care of hence enhancing inclusivity as well as the protection of the marginalized. Regarding technical education, the Government plans to develop nine (9) technical training institutions in counties where there is none and 135 youth polytechnics in constituencies where there is none.

27. Further, in an attempt to concretise the promotion of national unity, form one admission system in secondary schools has been revised to reflect national distribution of students from all over the country. Efforts have also been put through the introduction of relevant themes that touch on national unity during music and drama annual events and festivals. Besides, the Government through the National Museums of Kenya has revitalized Uhuru Gardens and constructed the Heroes' Corner. Through the Kenya Literature Bureau (KLB), social studies books have been

developed for primary schools to foster national unity. Additionally, the nation has continued to collectively celebrate national days in which we honor our heroes and celebrate our independence, as demonstrated by the identification and honoring of 125 heroes from the 47 Counties during the 2013 Mashujaa Day celebrations.

28. On 12th, December, 2013, we held celebrations to mark Kenya@50 during which we identified and initiated Kenya@50 legacy projects that include rehabilitation of the pediatric wing of Kenyatta National Hospital at KSh. 200 milion and the National Theatre at KSh. 100 milion and planting of 50million trees countrywide. The Government also conferred 251 Kenyans with various categories of Presidential Awards, identified and awarded 50 Golden Jubilee Awards to distinguished institutions and Kenyans and completed construction of nine cultural centres across the country as well as two public libraries in Narok and Nakuru respectively. Ministries, Departments and Agencies also continue to cherish the national symbols, that is, the national flag, national anthem, the coat of arms and the public seal.

2.2.2 Sharing and Devolution of Power

Article 10 (2) (a): Sharing and Devolution of Power

29. Since the promulgation of the Constitution of Kenya, 2010, the Government has put in place various measures to ensure a smooth transition to the system of devolved government. During the transition period, emphasis is being placed on putting in place measures to institutionalize the culture of constitutionalism and facilitate devolution of power, resources and functions between the two levels of Government.

30. In order to operationalize the devolved system of government, the Ministry of Devolution and Planning has facilitated legislative measures that include: the Transition to Devolved Governments Act, 2012, which provides a framework for the transition to devolved government; the County Governments Act, No. 17 of 2012, that provides for county governments' powers, functions and responsibilities to deliver services; the Urban Areas and Cities Act, No.12 of 2012 that provides for the classification, governance and management of urban areas and cities; Intergovernmental Relations Act, 2012 that establishes a framework for consultation and co-operation between the national and county

governments and amongst county governments; the Public Financial Management Act, No.18 of 2012 that provides for effective management of public finances by national and county governments and County Government Public Finance Transition Act, No. 8 of 2013 that provides a framework of establishment and functions of transition county treasuries, the transition county budget process, transition revenue raising measures and expenditures .

31. In addition, the Government has initiated the review process on various Acts, including the County Government Act, No. 17 of 2012; the Urban Areas and Cities Act, No. 13 of 2011; Transition to Devolved Government Act, No. 1 of 2012; and the Public Finance Management Act, No. 18 of 2012, for consistency and compliance with the constitutional requirements on devolution. The Government is also finalizing regulations to give effect to the following Acts of Parliament namely: County Government Act, 2012; Inter-Governmental Relations Act, No. 2 of 2012; Transition to Devolved Government Act, 2012 and Urban Areas and Cities Act, 2012.

32. Several institutional frameworks have been put in place at the national and county levels to operationalize the system of devolved government. These include the establishment of a restructured national government, the establishment of Transition Authority and inter-governmental structures which include the National and County Governments Co-ordinating Summit, the Council of County Governors, as well as the Inter-governmental Consultative Forums. In addition, the Government has established forty-seven county governments which have seen the creation of county offices, for instance the Ministry of Education has put in place County Education Boards. Besides, a capacity building programme for counties has been developed and is being implemented through national government Ministries, Constitutional Commissions, Independent offices, the Centre for Parliamentary Studies and Training (CPST) and the Kenya School of Government. Through the Ministry of Information, Communication and Technology, the Government is highlighting and showcasing investment opportunities in the counties through Counties Investment Booklets. In addition, the Ministry of Devolution and Planning in liaison with the county governments has prepared county integrated development plans to ensure uniformity in development across counties.

33. Various Government ministries and departments are devolving their functions as per the requirement of Article 6 of the Constitution to ensure reasonable access to their services by the Kenyan people. For instance, the Ministry of Agriculture, Livestock and Fisheries has transferred and

handed over 34 Agricultural Training Centres (ATCs) and 24 Agriculture Machinery Stations (AMS) to the county governments. The Ministry of Sports, Culture and the Arts has also transferred management of cultural centres and some museums to county governments as per Fourth Schedule of the Constitution and partnered with the county governments of Mombasa, Kisumu and Uasin Gishu in construction of Mombasa, Kisumu and Kipchoge Keino stadia respectively. The Kenya Rural Roads Authority (KeRRA) besides disbursing KSh. 14.4 million to each constituency for roads maintenance gives technical support to county governments on matters of road development and rehabilitation.

2.2.3 Protection of the Bill of Rights

Article 10 (2) (b): Human Dignity, Equity, Social justice, Inclusiveness, Equality, Human rights, Non-discrimination and Protection of the Marginalized

34. Under protection of the Bill of Rights, public institutions have developed and taken various legal, policy, institutional and administrative measures. First, legislations to ensure equitable access to opportunities, resources and services have been enacted. Further, there has been an improved legal framework for social security, as well as continued compliance with the constitutional provisions on the Bill of Rights. Other measures taken include compliance with the constitutional provision on the promotion of equalization in regard to persons with disabilities, minorities and other marginalized groups and the development of a Sessional Paper on the National Policy and Action Plan on Human Rights.

35. To address inequality, the government allocated Kshs. 3.049 billion equalization fund to 14 marginalized counties for the next three years as shown in the table 2.1.

Table 2.1 Allocation of Equalization Fund, 2013

NO.	COUNTY	AMOUNT KSH. (MILLION)	PERCENTAGE
1.	Turkana	271	11.07
2.	Mandera	249	8.20

NO.	COUNTY	AMOUNT KSH. (MILLION)	PERCENTAGE
3.	Wajir	240	7.88
4.	Marsabit	228	7.51
5.	Samburu	224	7.37
6.	West Pokot	232	7.34
7.	Tana River	221	7.28
8.	Narok	208	6.86
9.	Kwale	205	6.74
10.	Garissa	202	6.64
11.	Kilifi	197	6.47
12.	Taita Taveta	194	6.37
13.	Isiolo	192	6.33
14.	Lamu	186	6.12
TOTAL		3,049	100

Source: Commission on Revenue Allocation, 2013

36. More so, measures have been put in place to facilitate compliance with the constitutional provision on public participation in decision making on public affairs and the strengthening of county governments to provide access to efficient, affordable and adequate social services through enactment of enabling legislation. Besides, these institutions have ensured equitable representation in recruitment, equal treatment and access to services for all. Separately, public institutions have implemented the workplace policy on HIV/AIDS that has ensured persons living with HIV/AIDS are accorded fair treatment and respect while Drugs and Substance Abuse Committees have been established in various institutions to mitigate against drugs and substance abuse.

37. Through the Ministry of Health, the Government is addressing equity in delivery of services, social justice and protection of the marginalized by implementing the policy of free maternity services in all public health facilities. Similarly, free health services are being offered to the Kenyan public at all health centres and dispensaries. The National Government has also continued to provide vacancies to all health facilities in the country through the national immunization programmes. Other measures taken include establishment of HIV prevention and control programmes, implementation of the Health Subsidies for Social Health Protection Programme through National Hospital Insurance Fund (NHIF), and the

scaling up of recruitment of health workers to address critical shortages that affect delivery of services among other measures.

38. To promote food security, the Government through National Cereals and Produce Board has provided cheaper and subsidized fertilizer to farmers; and provided grain handling services and distributed famine relief to those facing disasters such as famine or drought, floods, displacement, among others to ensure that they have access to food. It has also put concerted efforts in promoting fish farming across the country to enhance food security. The Government is undertaking targeted interventions with special focus to Arid and Semi-Arid Lands (ASALs). In addition, promotion of economic, social and cultural rights for all, for example, the right to water and food as well as development and dissemination of fact sheets on the right to health, water and sanitation is being carried out by relevant government institutions.

39. The enforcement of the Government's affirmative action policy providing for a minimum of 30% of government tenders to be reserved for women, youth and persons with disability is being implemented. For instance, the Ministry of Agriculture, Livestock and Fisheries has so far awarded KSh. 383 million worth of tenders to youth and marginalized groups. In addition, appropriate policies and regulations have been developed to guide mainstreaming of disability, gender, youth and women employment issues as key interventions towards non-discrimination. The Kenyan Rural Roads Authority employed 692,693 women (35% of the total people employed) to work on various road maintenance programmes. There has also been continued promotion of the rights of the marginalized, minority and indigenous people through sensitization and advocacy for their rights. For example, through the National Steering Committee on Peace-building and Conflict Management (NSC), women are being involved in peace building and conflict management activities in various parts of the country. In addition, the Government through the Attorney General has sought to protect the Bill of Rights by, amongst other court interventions made an application to the Supreme Court for interpretation of the constitution and sought an advisory opinion on the realization of the 'not more than two third gender principle' under Article 81(b) of the Constitution.

40. The Government through the National Treasury has promoted equality by enacting the Public Service Superannuation Scheme [PSS] Act 2012 which recognizes both male and female officers equally. Other measures include the Social Protection and National Development Policies initiated through the Ministry of Labour, Social security and Services. The

Government has continued to provide bursaries for the disadvantaged students in all counties. This is an affirmative action that targets poor households, ASALs and girls taking science, engineering and technology courses. It has also increased the number of students joining national schools by increasing national schools from 18 to 77 and revised form one selection to reflect national distribution. The above initiatives are meant to create more educational opportunities at the national level, as well as concretize the promotion of national unity amongst the students respectively with a view to ensuring the right to education by all communities. Separately, many public institutions have adopted an open office plan to promote inclusiveness and non-discrimination.

41. The Government has also established several human rights-based institutions. These include: National Legal Aid and Awareness Programme (NALEAP), to promote alternative legal mechanism; Commission for Revenue Allocation (CRA), to ensure fairness in sharing of resources between national and county governments; the National Gender and Equality Commission (NGEC), that promotes gender equality and freedom from discrimination; Kenya National Commission on Human Rights (KNCHR), that is mandated to promote and protect human rights for all; the Commission on Administrative Justice (CAJ) that addresses all forms of maladministration; promote good governance and efficient service delivery; National Cohesion and Integration Commission (NCIC) to champion human rights, gender equality and non-discrimination issues.

42. Other institutions are: the Public Procurement Oversight Authority (PPOA) that is mandated to establish procedures for efficient public procurement and disposal of unserviceable assets and equipment; Office of the Registrar of Political Parties that is responsible for registration of political parties and arbitration of disputes between members of political parties the Independent Elections and Boundaries Commission (IEBC), that is mandated to supervise elections and referenda at county and national levels; Ethics and Anti-Corruption Commission (EACC), mandated to combat corruption, economic crimes; and promote ethics and best practices; the National Anti-Corruption Campaign Steering Committee (NACCSC), that is mandated to spearhead all campaigns against corruption; the Independent Police Oversight Authority (IPOA), that is mandated to provide for civilian oversight over the work of the police; and the Directorate of Public Service Management with a responsibility of setting policy direction on human resource management.

43. Ministries, Departments and Agencies have undertaken diverse measures to promote rights based values which include among others the

enforcement of Leadership and Integrity Act, No.19 of 2012, which established procedures and mechanisms for effective administration of Chapter Six of the Constitution. The Ministry of East African Affairs, Commerce and Tourism spearheaded the enactment of the Consumer Protection Act, No. 4 of 2012 to provide for the protection of consumers and prevent unfair trade practices. In addition, there is implementation of the Public Officer Ethics Act, No. 4 of 2003, which ensures that all public and state officers correctly fill and submit their wealth declaration forms after every two years.

44. Other initiatives include operationalization of customer care desks, construction of ramps for people with disabilities, and provision of relief food to the needy. The Government has also ensured compliance with the constitutional provision on one third rules on gender, youth, and persons with disability and marginalized groups in sharing of employment opportunities. Further, there has been periodic Ethnic Audit in Civil Service, coupled with implementation of service charters with strong core values and guidelines of service delivery. Other measures include establishment of independently run SACCOs that take care of the financial and social needs of their members. Besides, the Government through the Retirement Benefits Authority safeguards retirement benefits and educates Kenyans on rights and responsibilities as far as benefits are concerned which enhances the protection of the Bill of Rights. The Government has equally initiated partnership with organizations that promote social protection in an attempt to ensure the realization of social and economic rights of the people.

45. More initiatives include mainstreaming Human Rights Based Approach (HRBA) in Devolution and Planning, speeding up IDPs resettlement process as well as the continued civic education through various Government agencies. In addition, there has been continued involvement of staff, stakeholders and customers in decision making processes, as well as incorporating gender, youth, disability, and minority concerns in planning, reporting, monitoring and evaluation in order to address gender disparities and inequalities. The Government has also spearheaded the development of institutional codes of conduct that outline ethical behaviour and how members of staff discharge their duties. Further, sensitization programs are continually conducted on disability and gender to ensure equal treatment of staff, stakeholders and customers. Unlike in the past, representatives of students and support staff have now been introduced in institutional management boards. In addition, the Government has established the Huduma Kenya centres to facilitate access

to information and services by members of the public in an open and transparent manner to ensure inclusiveness and non-discrimination.

46. In order to address unemployment and poverty, the Government, through the respective institutions has made great strides towards the empowerment of the youth and women through the Uwezo, Youth and the Women Enterprise funds. More so, effort has been made in creating a conducive environment for the exercise of freedom of expression as is evidenced in the occasional peaceful demonstrations in the country. In addition, the Government, through the Ministry of Health has waived maternity fees in all public health facilities to reduce infant and maternal mortality. Other measures by the Ministry of Health include: development of a draft Kenya Health Policy, 2012-2030 whose goal is to provide a framework for attaining the highest possible standards of health in a manner responsive to the needs of the population; Health Sector Strategic Plan and Health Bill, 2012 that seeks to provide for regulation of health care services and health care service providers; and introduction of an Output-Based Approach (Voucher System) for reproductive health and Health Insurance Service Programme for the poor. Further, the Government has provided structures to provide equal opportunities for all irrespective of gender, social status, religion, political affiliation and regional background among others. It has also through the Ministry of Labour, Social Security and Services established a Consolidated Social Protection Fund through which cash transfer for orphans and vulnerable children, older persons and persons with severe disabilities is facilitated.

47. In addition, the Government has undertaken monitoring of the implementation of the rights of persons with disabilities in line with the Convention on the Rights of Persons with Disabilities (CRPD) and the Constitution of Kenya, 2010. Through the National Treasury, the Government has reserved 15% of employment opportunities in its establishment for persons with disabilities and has set their retirement age at 65 years for entire public service. The Government through the Ministry of Education has also continued to support school feeding programmes in marginalized areas. Further, efforts have been made to initiate targeted educational interventions, with special focus to Arid and Semi-Arid Lands which include development of a 6th Schedule in the Basic Education Act on National Council on Nomadic Education. A policy on the Alternative Provision of Education and Training that allows students more flexibility in learning has been developed in addition to provision for non-denial of education access Clause in the Basic Education Act. All these provisions ensure the right to education for everybody without discrimination. On transport, the Government through

the Civil Aviation Authority has opened up air navigation services to far flung areas such as Wajir hence increasing Air transport activities thereby improving connectivity and inclusiveness of the regions.

48. Other initiatives include vetting of state and public officers before appointment, exercise of oversight rule by Parliament and the Judiciary over public institutions, promotion of ISO 9001:2008 certification in Government institutions for example, in Kenya Urban Roads Authority (KURA), Ministry of Education, Kenya Ports Authority (KPA), Kenya Literature Bureau and the Department of Justice (DoJ) among other institutions. Further, efforts have been made to place suggestions/ compliments /complaints boxes in public offices to enhance communication and feedback mechanisms in the institutions. Finally, institutions have laid down the requisite structures necessary to enable them embrace the use of ICT to enhance operational efficiency in service delivery.

2.2.4 Promotion of Good Governance, Transparency and Accountability

Article 10 (2) (c): Good Governance, Integrity, Transparency and Accountability

49. State organs and institutions that have the mandate of ensuring good governance have in the period under review initiated the enactment of various laws in compliance with the requirements of the Constitution of Kenya, 2010. In this regard, the Government has facilitated the enactment and enforcement of the Leadership and Integrity Act, No.19 of 2012, as well as the Ethics and Anti-corruption Commission Act, No. 22 of 2011 that provides for the functions and powers of the commission. Other legislations include the Public Financial Management Act No.18 of 2012, the Elections Act, No. 24 of 2011 which provides for the conduct of elections to all public elective positions, as well as the Political Parties Act, No.11 of 2011 that provides for registration, regulation and funding of political parties. In addition, the Independent Electoral and Boundaries Commission Act, No. 9 of 2011 which makes provision for the appointment and effective operation of the Independent Electoral and Boundaries Commission as well as the Election Campaigns Financing Act, No.14 of 2013 which provide for the regulation, management,

expenditure and accountability of election campaign funds have been operationalized.

50. Besides, the above institutions have been made to comply with Chapter Six of the Constitution as well as the Leadership and Integrity Act, No.19 of 2012. These include among other things demand on the suppliers to declare conflict of interest in tender contracts, enforcing financial probity of staff and sensitizing staff on the provisions of Chapter Six of the Constitution of Kenya, 2010 and related Acts. It is further acknowledged that institutions have complied with the Public Procurement and Disposal Act, No. 3 of 2005 by advertising tenders in at least two widely circulated dailies and in their respective websites.

51. The Government has also facilitated the creation of requisite institutional frameworks since the promulgation of the Kenya Constitution 2010 such as the establishment and operationalization of all the constitutional commissions and independent offices. Among others, the Commission on Administrative Justice (CAJ) has continued to take up issues of concern on behalf of the public against state organs and institutions and in the process it has issued 18 advisory opinions on governance and rule of law. CAJ has released periodic reports of its findings, and this has not only boosted public confidence in the institution, but also ensured that all institutions adhere to the Constitution and all other regulations and guidelines. The other institution that promotes the realization of good governance is the Ethics and Anti-corruption Commission (EACC). Other institutions put in place include the Kenya Quality Model of Health developed by the Ministry of Health to be used for accreditation of health facilities and the Ethics Commission for Co-operative Societies in the Ministry of Industrialization and Enterprise Development. The latter has launched guidelines to be observed by co-operative societies.

52. The Government through the National Treasury is promoting good governance, transparency and accountability through the enactment of the Unclaimed Financial Assets Act, and Legal Notice No. 40 of 2011 whose effect was the establishment of the unclaimed financial Assets Authority. In addition, the Kenya Bureau of Standards has developed Kenyan standards that include adoption of international and regional standards to promote industrialization and facilitate regional trade. The Bureau has also initiated certification of products of small and medium enterprises to facilitate market access and open up export markets. These institutions have also enhanced the realization of these values by establishing and operationalizing structures that promote prudence, efficiency,

effectiveness and integrity. The internal mechanisms in place include audit, finance, procurement and corruption prevention committees. Externally however, the vetting of public officers has been a landmark in the promotion of integrity and accountability in the public service.

53. Other measures that ensure good governance, integrity, transparency and accountability in public institutions include compliance with public procurement procedures through ensuring open and transparent tendering procedures as well as the periodic monitoring, evaluation and reporting by the respective institutions. Further, there has been continued sensitization of staff by respective institutions on management and integrity issues in public institutions. Other initiatives include training of Integrity Assurance Officers to carry out corruption risk assessment and coordinate the implementation of corruption prevention programs with the assistance of the Ethics and Anti-Corruption Commission (EACC). There has also been continued effort to facilitate the enforcement of the code of conduct and ethics, undertaking corruption risk assessment, establishment of corruption prevention committees and sanctions being instituted on officers who engage in dishonest and corrupt practices. There are plans to enhance promotion of Ethics and Integrity at County levels. Job opportunities in the Public Service are also being advertised openly encouraging women, persons with disabilities and the marginalized groups to apply. The EACC launched a five year strategic plan on 18th March , 2014 that provides a roadmap for combating corruption and economic crimes through law enforcement, prevention, public education, and promotion of sound ethical standards and practices for the period from 2013- 2014.

54. The National Anti-corruption Campaign Steering Committee (NACCSC) has been implementing a nationwide public awareness campaign to effect fundamental changes in the attitude and behavior of Kenyans towards corruption. Further, NACCSC has developed anti-corruption awareness campaign strategies with the 47 County Governments, undertaken 35 anti-corruption campaigns in conjunction with Anti-corruption Oversight Committees and has also carried out one Multi-media anti-corruption campaign.

2.2.5 Sustainable Development

Article 10 (2) (d): Sustainable Development

55. The Jubilee Government is committed to constitutional reforms and the attainment of the Kenya Vision 2030. To achieve the desired reforms and the objectives of Kenya Vision 2030, the Government through the Ministry of Devolution and Planning has developed the second Medium Term Plan (MTP II) 2013-2017 with far reaching policy, legislative and administrative measures. The implementation of these measures will transform the society and inculcate sustainable economic, social and political development. These reforms are rooted in the principle of sustainable development in order to improve service delivery to meet the needs of present and future generations.

56. The development of the MTP II is one of the broad policy measures the Government has undertaken to promote sustainable economic, social and political development. The MTP II builds on the achievements of the MTP I and establishes strategies that are significantly different from its predecessor. These new strategies are necessary because the MTP II is also being implemented in the devolved system of government which is different from a centralized government. The MTP II also outlines a broad macro-economic framework, which guides policies, legislations, institutional, and structural reforms the Government is undertaking to implement Kenya Vision 2030. The Ministry has also developed and finalized the seventh National Human Development Report whose theme is “Climate Change and Human Development: Maximizing Opportunities”.

57. The establishment and implementation of these measures will lead to attainment of high and broad based economic growth that will address the socio-economic challenges the country is facing. These include employment creation and reduction of poverty and inequality in Kenya. These measures will also facilitate the achievement of our national interests that are very important for implementation of sustainable development. The Government, through the Kenya National Bureau of Statistics has embarked on the preparation of the National Strategy for Development of Statistics and the review of the Statistics Act, 2006 to conform with the constitution. To facilitate provision of statistics for planning, monitoring and evaluation of policies and programmes, the Bureau has produced statistical reports such as Economic Surveys, Kenya

Population and Housing Census (KPHC) reports, Census of Industrial Production report, Foreign Investment Survey, Kenya Demographic and Health Survey (KDHS) and Kenya Aids Indicator Survey (KAIS) among others.

58. The Government is committed to sustainable economic development that will improve the living standards of Kenyans. To achieve sustainable economic development, the MTP II 2013-17 provides the foundation for national transformation which includes development and modernization of national physical infrastructure (roads and rail network, sea ports and airports), for instance the Government through KeHNA undertakes management, development, rehabilitation and maintenance of national trunk roads. The Government has also put in place Information and Communication Technology (ICT), Science Technology and Innovation (STI), land, human resource development, security and public sector reforms. These broad measures are being implemented by government ministries, departments and agencies.

59. Most MDAs have initiated or developed, reviewed or enacted policies and legislations that are in line with the Constitution, Kenya Vision 2030 and the Jubilee Manifesto to enhance sustainable economic development. These policies include the National ICT Master Plan (2012-2017) that not only focuses on driving real economic growth, but also aspires to position Kenya as a regional leader in ICT while delivering the latest and most sustainable infrastructure. In addition, the Government is committed to technological improvement including the establishment of Konza Techno City, establishment of the National Electronic Payment System and, in line with the international obligations, to the national digital migration. In transport, major infrastructural projects are being undertaken such as the construction of the Lamu Port, South Sudan and Ethiopia Transport (LAPSSSET) project, construction of berth 19 and the second container terminal at Kilindini Port which will increase the cargo handling capacity. Other projects include; the standard gauge railway connecting Kenya, Uganda and Rwanda, and the upgrading and expansion of major road networks, modernization of Jomo Kenyatta International Airport and exploration of oil and gas in Turkana and Lamu, respectively.

60. Additionally, the Government has embarked on a programme of developing specialized skills to provide impetus to the economic growth and sustainable development. Such skills are being developed in the field of marine and petroleum engineering. In addressing crime and insecurity concerns, the Government has put in place a number of measures. These include; installation of CCTV cameras in strategic places, enhanced

regular police surveillance and patrols and purchase of additional security chase vehicles and other equipment. The government has further enacted the Wildlife Conservation and Management Act, 2013 to address human-wildlife conflict as well as instituting an inter-agency security operation against poaching.

61. Land is the most important natural resource for majority of Kenyans. It is the principle source of livelihood and material wealth in addition to cultural values. Based on the economic value of land, the Government has enacted policy guidelines and several pieces of legislations to address sustainable use of land. The National Land Policy of 2007 is intended to regularise rights over land and provide for sustainable growth, investment and the reduction of poverty in line with the Government's overall development objectives. Other legislations include the Land Act No. 6 of 2012 which gives effect to Article 68 of the Constitution, the Land Registration Act No. 3 of 2012 which revises, consolidates and rationalizes the registration of titles of land, and the National Land Commission Act No. 5 of 2012 which provides for the functions and powers of the National Land Commission. The implementation of these laws will provide access to land, sustainable land use and equitable distribution of land that contribute to sustainable food security, attract foreign investors, create employment opportunities and improve socio-economic development of the country. Further, the government recognizes the value and sanctity of title deeds as a strategy of ensuring that a majority of Kenyans access land and hence boost food production. This is because over 70% of the citizens live in rural areas where agriculture is the primary economic activity. The Jubilee Government has undertaken to issue 3 million titles in the next 5 years to increase the level of land holding in the country.

62. The Government has formulated the Sessional Paper No. 9 of 2012 on National Industrialization Policy Framework (2012-2030) which provides a framework to drive Kenya's aspiration to be a middle income, rapidly industrializing country and globally competitive. Similarly, the East Africa Community Industrialization Policy and Strategy (2012-2032), provides for enhanced industrial productivity that can accelerate the structural transformation of economies of the EAC region in order to enable sustainable wealth creation, improve incomes and living standard of communities. There is also the National Tourism Policy, 2011 which aims at giving the people of Kenya and other interested parties a basis for orderly and sustainable development program for tourism in Kenya. This policy is meant to guide the development of the tourism industry over the coming years to enable it maximize sustainable development opportunities

for both existing and new enterprises. Another key policy document is the National Trade Policy on Efficient Globally Competitive Economy, 2009 that aims at enhancing development by facilitating private sector led and globally competitive trade.

63. The Sessional Paper No. 8 of 2013 on Sustainable Development of Northern Kenya and other Arid Lands provides a holistic framework to facilitate and fast-track sustainable development in the region, reducing levels of inequality with the rest of Kenya and releasing its potential for the benefit of the nation as a whole. The Government through the Ministry of Agriculture, Livestock and Fisheries has developed an Agricultural Sector Development Strategy and a Strategic Plan aligned to Vision 2030 and the Second Medium Term Plan. The Ministry has developed various sub-sector policies to enhance the sustainability of the agricultural sector, conducted appropriate research and implemented the Regional Livelihood Resilience Projects to address disasters related to drought among pastoral communities and eradicated Rinderpest, hence enabling the country to be Rinderpest free. It has also undertaken branding of livestock initiatives to discourage cattle rustling hence contributing to security among communities. Other policies enacted to ensure sustainable development include the Sessional Paper No. 3 of 2012 on population policy for national development which is designed to facilitate the attainment of high quality of life for the people of Kenya by managing population growth that can be sustained with the available resources. In addition, the National AIDS Control Policy of 2005 provides a framework for addressing HIV/AIDS in the public sector, which is key to sustainable development.

64. Other legislative measures that address sustainable economic development include the Public Private Partnerships (PPP) Act, No. 15 of 2013 which provides for the framework for the participation of the private sector in the financing, construction, development, operation or maintenance of infrastructure or development projects of the government through concession or other contractual arrangements. The Act has facilitated private sector investment in infrastructure and other sectors to enhance efficiency and competitiveness of the economy. The Micro and Small Enterprise Act, 2012 set up new rules and institutions that are used to support the youth to establish sustainable micro and small businesses in Kenya. The Government through the Ministry of East African Affairs, Commerce and Tourism has developed a national trade policy to promote the penetration of Kenyan goods and services in the regional and international market. Another law is the Public Financial Management Act No.18 of 2012 which provides for improved control in public spending and quality of public expenditure through full implementation of the

Integrated Public Financial Management Systems (IFMIS) both at the national and county levels. It has been established that all ministries have ensured full compliance with budgetary levels as provided for in the Public Finance Management Act, 2012.

65. On the social pillar, the Government is keen on implementing sustainable development in education and training, health, environment, water and sanitation, population, urbanization and housing. It has also given gender, vulnerable groups and youth priority in promotion of sustainable development. The Government has put in place policies and legislative measures that will lead to the realization of sustainable development in regard to the social pillar. For instance, the Sessional Paper No. 4 of 2012 on Reforming Education and Training in Kenya which provides a general guideline for addressing issues such as access, equity, quality, relevance, service delivery, curriculum, teacher development, management and entrepreneurial skills development that are important to sustainable education. The Ministry of Education has established competency based education and training to ensure Kenyans have access to quality and relevant training in accordance with Article 55 of the constitution. The Government has also through the Ministry of Labour conducted productivity improvement programmes in 11 pilot enterprises to improve productivity in the public and private sectors. In order to enhance effective succession management, skills development programs have been put in place to prepare the officers for future roles. Institutions have also been encouraging their staff to acquire new skills through sponsorship for professional courses. In this regard, the Government has established several institutions which include the Kenya School of Government (KSG) and expanded access to university education throughout the country. Further, the Government has also through the Ministry of Education mainstreamed education for sustainable development, promoted environmental protection and conservation through school clubs and funding afforestation programmes in schools.

66. The National Health Policy Framework 2012–2030, has been formulated highlighting six policy and seven strategic objectives that provide the framework that leads to attainment of Kenya Vision 2030 objectives in the health sector. The six policy objectives include elimination of communicable diseases, halting and reversing the burden of non-communicable diseases, reducing the burden of violence and injuries, providing essential health care, minimizing the exposure to health risk factors and strengthening collaboration among stakeholders within the health sector. The National Food and Nutrition Security Policy, 2011 continues to be implemented to ensure that all Kenyans throughout their

life cycle enjoy at all times safe food and water in sufficient quantity and quality to satisfy their nutritional needs for optimal health. The Ministry of Agriculture, Livestock and Fisheries is maintaining strategic food reserves towards national food security programs valued at KSh. 16 billion.

67. The Government has also enacted other legislation that support promotion of sustainable development. These legislative measures include the Environmental Management and Co-ordination Act, No. 8 of 1999 which provides for the establishment of an appropriate legal and institutional framework for the management of the environment. Further, public institutions have engaged communities through enhanced environmental conservation and tree planting campaigns across the country, conservation of the riparian eco-systems, and promotion of green energy including wind and geothermal among other things. In line with promoting the green energy for sustainable development, Kenya Electricity Generating Company Ltd (KenGen) has put in place strategies and programs to generate 844 MW from renewable sources between 2013 and 2016. In addition, public institutions continue to comply with the NEMA Act, No.107 of 1998 which provides for Environmental Impact Assessment (EIA) on new projects, besides carrying out sensitization on disaster management.

68. On political development, the Constitution declares that Kenya is a multiparty democratic state founded on national values and principle of governance referred to in Articles 4[2] and 10 of the Constitution. Sustainable development as one of the national values and principles of governance must guide the development of a democratic political system in Kenya. Indeed, the Kenya Vision 2030 envisages a democratic political system that is issue-based, people-centred, results-oriented and accountable to the public. The Jubilee Government is committed to enacting, reviewing and/or implementing policies and legislation that will transform the political system and facilitate the realisation of sustainable enjoyment of political and civil rights. It has established programmes and projects that will enable all Kenyans to participate in transformation of the current political system to an issue-based one.

69. Some of the policy measures that promote sustainable political development include the Sessional Paper on National Policy and Action Plan for Human Rights, 2013 which presents a framework for the integration and mainstreaming of human rights in development, planning, implementation and evaluation in all sectors in order to fully implement the provisions of the Constitution of Kenya, 2010 and the National Anti-Corruption Plan which aims at marshalling the resources of various

stakeholders to progressively and systematically reduce the causes and the destructive effects of corruption in Kenya.

70. Other policies promoting sustainable political development include the Sessional Paper No. 9 of 2013 on national cohesion and integration (NCI) that endeavor to ensure that the Kenyan society is cohesive and integrated in order to achieve sustainable development. Besides, the Sessional Paper No. 8 of 2013 on national values and principles of governance seeks to operationalize and institutionalize national values and principles of governance as enshrined in the Constitution that will lead to the realisation of sustainable development.

71. The Government has also enacted legislations to bring sanity and order in management of the political activities. These legislations include the National Cohesion and Integration Act, No. 12 of 2008, which is under review to be aligned to the Constitution of Kenya, 2010. The Act establishes the National Cohesion and Integration Commission (NCIC) to champion national cohesion and integration. Another legislation is the Political Parties Act, No. 11 of 2011 which provides for the registration, regulation and funding of political parties. This Act is expected to facilitate the establishment of strong and sustainable political parties that are instrumental for developing strong democratic political systems. Further, the Elections Act, 2011 provides for the conduct of free and fair elections and referenda. It also provides for peaceful elections and dispute resolution mechanisms which are important for the development of strong and democratic political institutions.

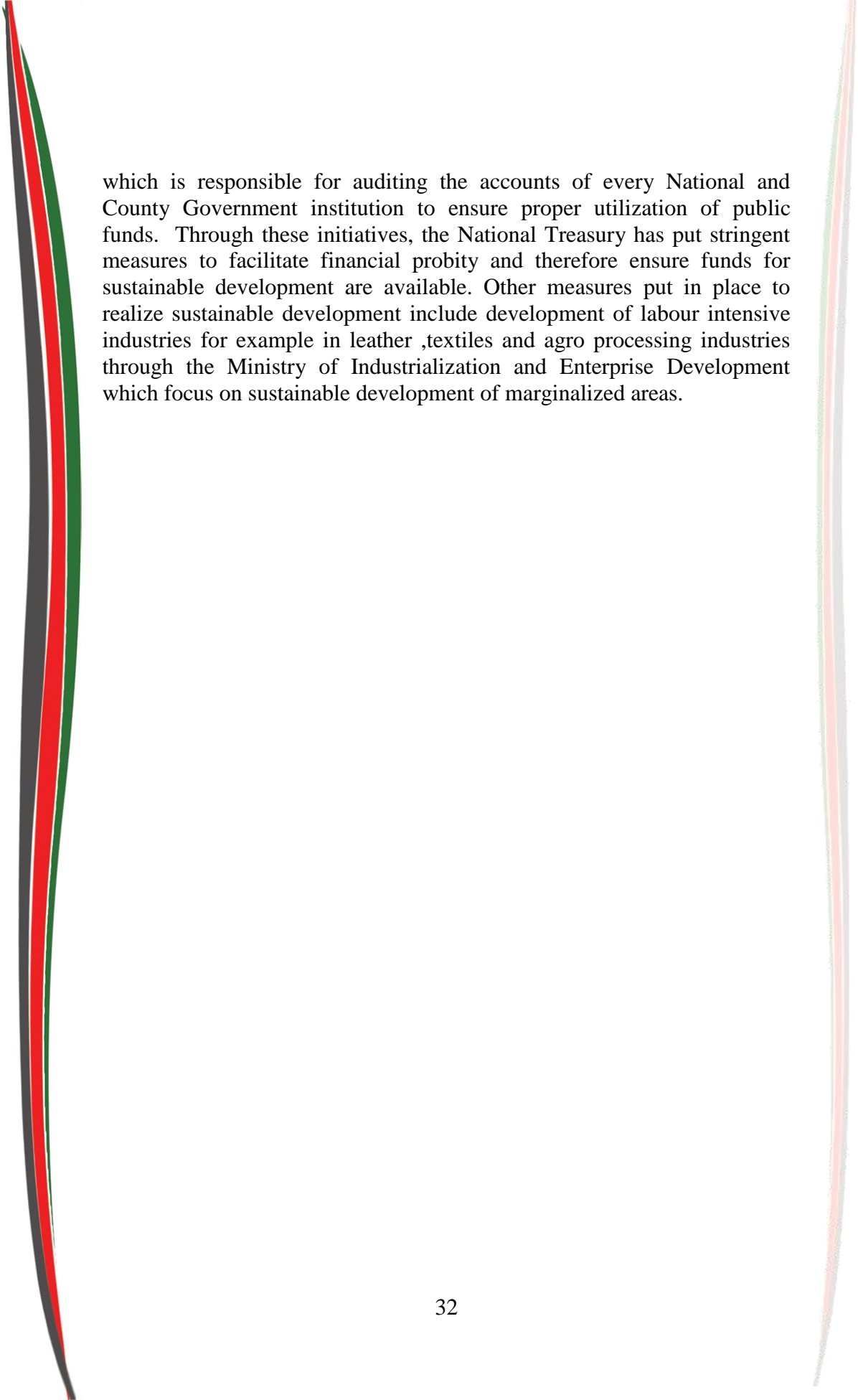
72. The legislative framework on economic governance comprises of the Anti-Corruption and Economic Crimes (Amnesty and Restitution) Regulations, 2011 which provide regulations for amnesty and restitution for corrupt individuals. These regulations simplify the legal process and enable the Government to settle corrupt cases outside the court process and recover property or funds. In addition, the Proceeds of Crime and Anti-Money Laundering Act, 2009 provides for the offence of money laundering and to introduce measures for combating the offence, to provide for the identification, tracing, freezing, seizure and confiscation of the proceeds of crime. These Acts outline the legal measures that will combat corruption and address impediments that hinder the realization of sustainable development. To supplement the aforementioned legislation, the Leadership and Integrity Act, No. 19 of 2012, has been enacted to give effect to and establish procedures and mechanisms which are critical for the realization of sustainable development.

73. The devolved system of government is crucial to the enhancement of service delivery, citizens' participation in governance and improvement of their welfare. The system promotes democratic and accountable exercise of power, fostering national unity, empowering citizens to participate in the exercise of the powers of the state and in decision making. It promotes social and economic development that is important for sustainable political development. The legislation include the Transition to Devolved Government Act, 2012 which provides for a legal and institutional framework for a coordinated transition to the devolved system of government while ensuring continued delivery of services to citizens. This harmonious transition is essential for promotion of social and economic development that expands the enjoyment of political and civil rights. This leads to easy access to services and development. On its part, the Ministry of Devolution and Planning has put in place measures to ensure the implementation of the Medium Term Plan II, as well as the realization of the Kenya Vision 2030 goals.

74. The County Governments Act, 2012 provides for county governments' powers, functions and responsibilities in delivering services. It also seeks to ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee as contemplated in Article 197 of the Constitution which promotes political inclusivity and equitable representation. The National Government Co-ordination Act No. 1 of 2013, provide for the establishment of an administrative and institutional framework at the national, county and decentralized units to ensure access to national government services in all parts of the Republic that enhances sustainable political development. Finally, the Intergovernmental Relations Act, 2012 provides a framework for cooperation, consultations and dispute resolution between the two levels of governments and the county government themselves. This has enabled the national and county governments to conduct their political mandates based on mutual respect on the basis of consultation and cooperation.

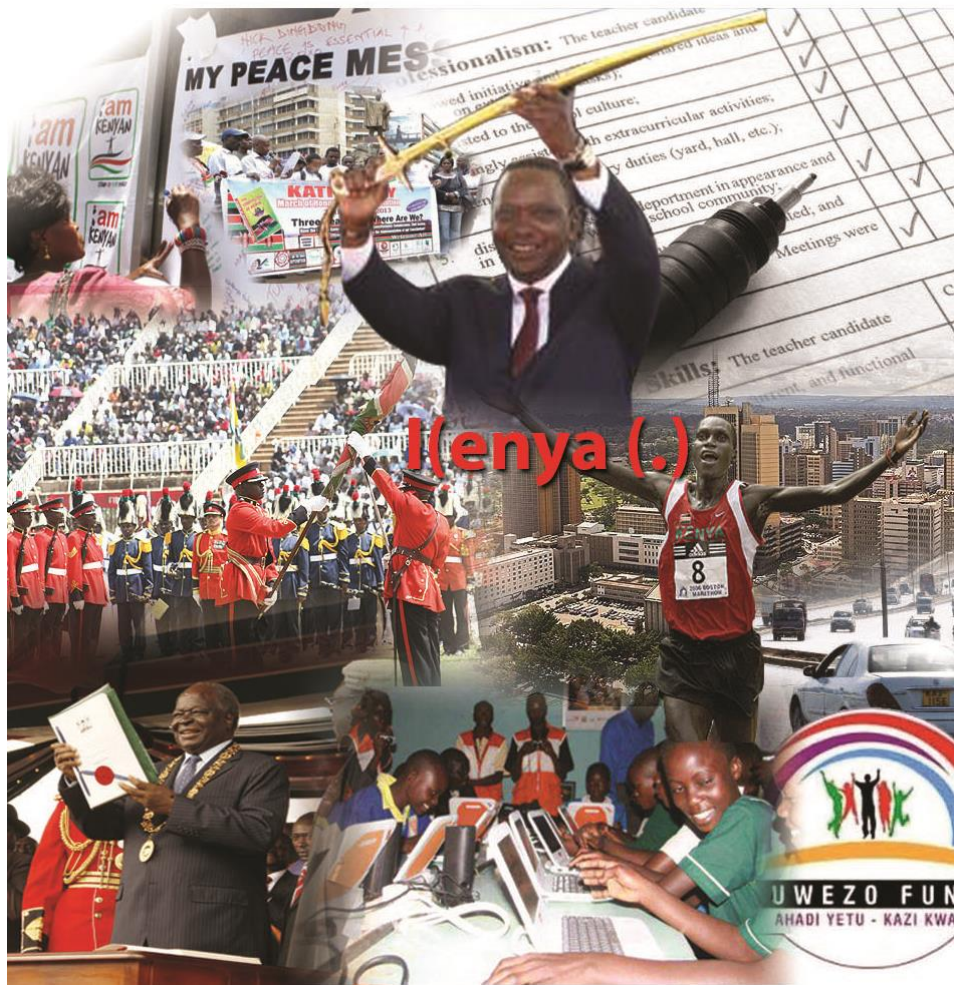
75. In addition, the Government has enhanced national security for sustainable development through recruiting more officers, enhancing budgetary allocation and equipping the National Police Service. Specifically, the Government has invested heavily in police and judicial reforms and also increased security surveillance. All these initiatives will play a key role in supporting sustainable socio-economic development.

76. The Government has operationalised the Controller of Budget's Office which is responsible for approving every withdrawal of money from public accounts. It has also operationalised the Auditor-General's office



which is responsible for auditing the accounts of every National and County Government institution to ensure proper utilization of public funds. Through these initiatives, the National Treasury has put stringent measures to facilitate financial probity and therefore ensure funds for sustainable development are available. Other measures put in place to realize sustainable development include development of labour intensive industries for example in leather ,textiles and agro processing industries through the Ministry of Industrialization and Enterprise Development which focus on sustainable development of marginalized areas.

CHAPTER THREE: PROGRESS ACHIEVED IN THE REALISATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE



3.1 Introduction

77. This chapter focuses on the progress made by the Government in realising the provisions of Article 10 of the Constitution of Kenya, 2010. The primary focus is on the extent to which public institutions have put in place measures to institutionalize and operationalize national values and principles of governance. One of the areas that have recorded major progress is in the formulation of laws and policies to operationalize constitutional requirements. Public institutions are at an advanced stage in aligning specific laws and policies with Article 10 of the constitution and focusing on measures that operationalize specific values and principles of governance. In addition, public institutions have also made remarkable progress through establishment of enforcement mechanisms, checks and balances which ensure members of staff comply with the provisions of Article 10 of the Constitution of Kenya, 2010. Further progress has been recorded through initiatives such as the establishment of statutory and other committees, advocacy, training and sensitization as well as enforcing compliance of the provisions of Article 10 of the Constitution of Kenya, 2010.

3.2 Progress Achieved

78. To actualize the measures discussed in the previous chapter, the public institutions, departments, and agencies focused on laying down the necessary foundation for the promotion of national values. In this regard much has been achieved in the creation of the necessary structures and infrastructure by the institutions. The progress realized is in legal, policy and institutional initiatives made to enhance the promotion of national values.

Progress has been achieved in the realization of national values and principles of governance in the following areas:

3.2.1 Creation of a National Identity and Exercise of Sovereign Power

Article 10 (2) (a): Patriotism, National unity, the rule of Law, Democracy and Participation of the People

79. The Government has made great strides towards uniting all citizens under an all-inclusive government in line with its commitments in the Harmonized Jubilee Manifesto as captured in the Umoja Pillar. Efforts

have been made to create an environment where every citizen has an equal opportunity to succeed and prosper. The Government has committed itself in ensuring that all policies promoting cohesiveness are implemented. These include the Policy on National Cohesion and Integration, Disability Policy of 2006, National Youth Policy of 2006 and National Gender Policy of 2000. These policies have facilitated enjoyment of equal opportunities in awarding of government tenders and representation in public appointments. In addition, pursuant to Article 10 of the Constitution of Kenya, 2010, the Government has continued to provide adequate and equal opportunities for all as a basic tenet of a democratic state founded on national values and principles of governance.

80. The Government has put in place legal, policy, institutional and administrative measures that create an enabling environment for the realization of patriotism, national unity, the rule of law, democracy and participation of the people. The Government through the Ministry of Interior and Co-ordination of National Government has spearheaded the realization of national unity through implementation of the policy on National Cohesion and Integration. The policy provides a guide for the promotion of national unity by all institutions and establishes a coordination framework for national unity initiatives. In this regard, the peaceful general elections witnessed on 4th, March, 2013 were as a result of interventions made by the Government under the co-ordinating framework for national unity that comprised of the then Ministry of Justice, National Cohesion and Constitutional Affairs in partnership with other Governmental and Non-Governmental Organizations. The county forums on peaceful elections that culminated in the first National Conference on Peaceful Elections in August 2012, and whose theme was *'Peaceful co-existence before, during and after elections'*, were amongst other initiatives that brought together the nation in a spirit of togetherness. Since then, the National Steering Committee on Peacebuilding and Conflict Management (NSC) has conducted peace forums that have led to the establishment of peace building and conflict management infrastructure in 47 counties. In addition, various MDAs have initiated programmes towards the promotion of national unity and patriotism. Separately, during the financial year 2013/2014, the Department of Probation and Aftercare Services has so far sensitized 63,708 offenders and 600 Probation Officers on the dangers of negative ethnicity. It has also trained 44 of its probation officers on prevention of radicalization and extremism among the youth by the National Counter Terrorism Centre. This has helped the overall anti-terrorism efforts in the country thus protecting the sovereignty of Kenya.

81. To compliment these efforts, public institutions have initiated various administrative actions that have enhanced loyalty and pride for the country. These actions include honoring national heroes and heroines who have made tremendous achievement in leadership, respect for the national flag hoisting ceremonies and participation in national public holidays. The Kenya Ports Authority for example, has ensured that the authority's crafts fly the national flag at all times and foreign vessels calling at the port fly the Kenyan national flag on entering the Kenyan territorial waters.

82. In other instances, diverse institutions have designed programmes that facilitate holding of monthly prayers for the country, routine national flag hoisting ceremonies and theme events depicting pride in our nationhood. The Government during the Kenya@50 celebrations conferred 251 Kenyans with various categories of Presidential Awards as a way of recognizing their patriotism and distinguished service to the country. The Government also identified and awarded 50 Golden Jubilee awards to distinguished institutions and Kenyans for their exemplary service to Kenyans. Other key activities during the Kenya@50 celebrations were the rehabilitation of the pediatric wing of Kenyatta National Hospital at a cost of Kshs.200 million that contributed to the jubilee Government's commitment to free maternity services as well as the renovations of The National Theatre at a cost of KSh.100 million. These initiatives are expected to motivate citizens to rededicate themselves in service delivery with the ultimate aim of building a more prosperous nation.

83. The Government has provided platforms for dialogue with other sectors of the society. Examples include the 11th National Prayer day on 20th June, 2013, the media breakfast meeting on 12th July, 2013 and the peace meetings organized to foster peace and unity across the country. These initiatives have complemented the Government's efforts of uniting communities and nurturing patriotism.

84. Sporting has shaped our national image and promoted national unity and patriotism. The success of various teams has underlined the importance of sports in the promotion of national unity, loyalty and patriotism. Kenyans came together to cheer our athletes at the 2013 International Amateur Athletics Federation (IAAF) meet where Kenya won 2 Gold, 5 Bronze and 4 Silver medals. In solidarity with the athletes, H.E. the President was amongst the fans in Moscow. Sports in Kenya have also been used to rally together the society for communal welfare for example the First lady's marathon that generated over Kshs. 40 million towards maternal and child health. Popular teams such as Harambee Stars our national soccer team, the national rugby team and the Kenya women

volleyball team galvanize communities together by their membership and the fan base they have created. The Government through the Ministry of Sports, Culture and the Arts; Athletics Kenya; Retirement Benefits Authority; National Cereals and Produce Board; and the Directorate of National Cohesion and National Values among other MDAs have used sports to build strong relationships among communities.

85. Other mechanisms put in place to enhance understanding of the values of patriotism and national unity include the dissemination of copies of the Kenya Constitution, 2010 through the K-NICE programme of 2012 which had a budget of KSh. 100 million and the “*Kenya Kwanza National Campaign*” by the National Cohesion and Integration Commission. In the spirit of patriotism, the Kenya National Highways Authority has promoted the use of local contractors and service providers for its projects. In the year 2013/2014, out of 264 contracts awarded, 251 were awarded to local contractors. The authority also reserved contracts of small magnitudes for local contractors, 238 contracts were ring fenced for local suppliers in the same financial year.

86. The Commission for University Education has and continues to encourage students to consider enrolment into local universities. The expansion of existing universities and establishment of new ones has led to improved enrolment in institutions of higher learning in the country. For example, middle level training institutions have increased from 36 in the financial year 2012/2013 to 44 in the financial year 2013/2014. Another 22 institutions are under construction and are nearing completion.

87. In rallying citizens towards recognition of our traditions and culture, the National Museums of Kenya has made considerable progress in the declaration and preservation of our national heritage in all the regions in Kenya. Since March, 2013, 11,000 collections that reflect Kenya’s struggle for independence and identity across the different cultures have been documented. In the same period, the NMK has declared and confirmed over 300 sites as national monuments while 11 others are awaiting confirmation. In the spirit of promoting patriotism and national unity, the NMK organized two cultural festivals in Malindi and Lamu in 2013. The Kenya Literature Bureau has published 33 county edition books which have increased appreciation of local resources, cultural diversity and national unity. The use of the two official languages [English and Kiswahili] has been a unifying factor among Kenyans. The translation and publication of official government documents into both English and Kiswahili has increased access to information and promoted common understanding. This has also improved understanding of government

documents and statements in the two official languages by a majority of the citizens.

88. The implementation of the Constitution of Kenya, 2010, has enhanced constitutionalism that is key to the realization of the rule of law. As a democratic society, the rule of law is identified as an important value in safeguarding the society against impunity. Constitutional Commissions and independent offices have been operationalized and continue to play a key role in safeguarding the rule of law, for example, the Commission on Administrative Justice has successfully challenged the constitutionality of some sections of the Supreme Court Act of 2011 and regulations which would have impeded access to justice.

89. The Commission for the Implementation of the Constitution has worked with public institutions and stakeholders to facilitate the development and review of legislations to ensure the legal framework is aligned to the Constitution. The Ministry of Sports, Culture and the Arts initiated review of various legal and policy documents including the National Museums and Heritage Act No. 6 of 2006, Draft National Film Policy, 2011, Public Archives and Documentation Service Act, CAP 219 and the Kenya Cultural Centre Act, Cap 225. The Kenya Wildlife Service has enacted the Wildlife and Conservation Management Act 2013 which has stiffer penalties than the previous Act to deter poaching by proposing a maximum fine of Kshs. 20 million. The Act also increased compensation for wildlife injury from Kshs. 200,000 to Kshs. 5 million in the case of death; Kshs. 3 million in the case of injury occasioning to permanent disability and a maximum of Kshs. 2 million in the case of any other injury depending on the extent. The ongoing Judicial and Police reforms have been instrumental in the overall institutionalization of the rule of law. The vetting of judicial officers and the recruitment of additional officers has facilitated efficiency and access to justice by all. This is epitomized in the 184 election petitions that were expeditiously handled by the Kenyan courts, as well as the ongoing vetting of police officers.

90. Public institutions have established internal checks and balances to guard against violation of the law. For example, all government institutions subscribe to annual audits and also undertake continuous monitoring of compliance with statutory obligations. Other mechanisms implemented to ensure compliance to the rule of law include the development of policies to guide daily operations and sensitization of staff on rules and procedures. In addition, institutions have initiated sanctions on officers who fail to uphold the rule of law. In their legislative

development and policy making processes, public institutions have established strategies that facilitate continuous engagement of the general public. Part of the strategies includes; public barazas, use of electronic and print media and surveys that inform decision making among others. For example, most of the Kenya National Highways Authority (KeNHA) tenders are advertised in the newspapers with national circulation.

91. The Ministry of East African Affairs, Commerce and Tourism has been conducting quarterly Public Private Partnership forums in a bid to promote participation of the private sector in government's socio-economic development initiatives. In the recent past there have been increased cases of MDAs calling for public participation in formulation of statutes, policies and regulations. For example, the KeNHA held 29 stakeholder participation forums for the Northern corridor projects and 7 forums for LAPSET. The Commission on Administrative Justice visited 18 counties in the 2013/2014 financial year to receive complaints and garner views from members of the public on various government processes.

92. The Commission for the Implementation of the Constitution (CIC) has also conducted several stakeholder forums with media, civil society organizations, bilateral and multilateral development partners during the year 2013 on the development of a framework for public participation. Those forums resolved that a policy on public participation be developed to give effect to this principle. The Ethics and Anti-Corruption Commission (EACC) has held 8 regional leadership forums in 2013/2014 on stakeholder and public involvement in the development of the leadership and integrity regulations. They have also received and acted on 3,355 reports/complaints on corruption and unethical conduct. On the political front, the Government has facilitated public debate with a cross section of elected leaders e.g. The Governors' summit, Members of County Assemblies and members of parliament forums. All government bodies have established public communication units that engage the public through press releases, press conferences and feedback forums.

3.2.2 Realisation of Sharing and Devolution of Power

Article 10 (a): Sharing and Devolution of Power

93. The general elections held in March, 2013 put in place the first ever county governments in Kenya. To actualize the constitutional provision on

devolution and facilitate the smooth transfer of functions from the National Government to county governments the following legislations are under implementation; the Transition to Devolved Government Act, 2012, the Inter-governmental Relations Act, 2012, the Urban Areas and Cities Act, 2011, county Governments Act, No.17 of 2012, Public Financial Management Act, No.18 of 2012 and County Government Public Finance Transition Act, No.8 of 2013. The 2013/14 budget allocated a total of Kshs 210 billion for County Governments. As of 20th March 2014, the National Treasury had released 6 tranches of the equitable share of revenue totaling Kshs. 108,314,486,687 for all counties. In regard to human capital a total of 477 civil servants were seconded from the National Government to county governments including the Interim County Secretaries who helped operationalise the Counties after elections. This has facilitated sharing of power, functions and resources between the two levels of government and has enabled citizens to participate, own and identify with their respective county governments. Currently, the Government through Ministries such as; the Ministry of Education, Science and Technology, Ministry of Agriculture, Livestock and Fisheries and Ministry of Health have operationalized their offices in every county. The Government has also established intergovernmental secretariat forum as a new structure for engagement between the national government and county governments that held their first meeting in September, 2013. The Government through the National Treasury has mobilized donor support to the tune of Kshs. 16.4 billion during the 2013/14 Financial Year for development projects in various counties. Through the Ministry of Sports, Culture and the Arts, the Government has partnered with county governments in the renovation of 3 stadia (Kenyatta Stadium in Kisumu, Kipchoge Keino in Eldoret and Mombasa Municipal Stadium) which has provided facilities and infrastructure for nurturing youth talent at the county level.

94. The Kenya National Highways Authority has also been devolved to 10 regions for equitable maintenance of roads. CAJ has also set up two offices, one in Kisumu and another one in Mombasa in partnership with the Kenya National Commission on Human Rights. These initiatives have brought services closer to the people.

95. Public institutions have worked with the Transition Authority to ensure that county governments commence operations by deploying staff to facilitate the county administration system. The Ministry of Sports, Culture and Arts has seconded 200 Sports Officers and 32 Culture Officers to the Counties. This has strengthened County Governments with technical capacity in the management of sports and cultural functions. The

National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) has set up 5 operational offices at the regional levels to coordinate and implement the campaign against alcohol and drug abuse and ensure effective cooperation and collaboration with county governments. Significant progress has also been registered in the unbundling and transferring of functions to the County Governments via the *Kenya Gazette* Supplement No.116 of 9th August, 2013 and Legal Notice No.16 of 1st February, 2014. A milestone has also been achieved in devolution with the development of the budget for county governments during phase one of the transition period. Guidelines issued by the Transition Authority on management and opening of bank accounts have facilitated several county governments to open and manage bank accounts.

96. The Government through the Ministry of Devolution and Planning has established Human Resource Management units in each of the 47 counties that have facilitated handling of human resource issues particularly payroll administration. The Ministry has also developed Integrated Payroll Personnel Data system and technical manuals and restored internal payroll controls in the county payroll system to ensure accountability, efficiency and effectiveness in payroll management.

97. The National Government has also established several institutional structures that have facilitated operationalization of county governments. Such structures include; the National and County Government Co-ordinating Summit, the Council of County Governors, the Intergovernmental Budget and Economic Council and the Intergovernmental Sectoral Forums spearheaded by the Ministry of Devolution and Planning. The Commission for the Implementation of the Constitution undertook county visits in selected counties between March and May, 2013 to identify progress made so far in the implementation of the devolved system of government, gaps and challenges.

98. The Kenya Urban Roads Authority has entered into memoranda of understanding with six county governments on the development of roads. It has further reviewed the Roads Act, 2007 to align it with the Constitution to define national roads and county roads. A draft Roads Policy and Bill are in place. The Kenya Wildlife Service through the enactment of Wildlife Conservation Act, 2013 provides for sharing of 5% of benefits accruing from protected areas with local communities in the counties. This ensures that they also have a stake in the protection and enjoyment of our national heritage.

3.2.3 Protection of the Bill of Rights

Article 10(2) (b): Human Dignity, Equity, Social justice, Inclusiveness, Equality, Human Rights, Non-discrimination and Protection of the Marginalized

99. In its attempt to promote the realization of human dignity and human rights in the country, H.E. the President declared the provision of free maternity services in all public health facilities on 1st June, 2013. To finance this programme, the Government through the Ministry of Health allocated Kshs. 3.8 billion for reimbursement to health facilities in the financial year 2013/2014. So far 2,388 health facilities that include 301 hospitals, 2087 health centres and dispensaries are covered in this programme.

100. The total amount of money that was reimbursed to all these facilities as at the end of December, 2013 is Kshs. 1,661,656,347 out of which KSh.1,371,806,347.50 was channeled to Hospitals while Kshs. 289,850,000 were sent to health centres and dispensaries. The implementation of free maternity services has seen an increase in the number of deliveries conducted in the health facilities by 11% from 676,107 deliveries in 2012 to 749,987 deliveries in 2013. Overall, the proportion of women delivered under skilled health workers increased to 62.5% by end of 2013 from 44% in 2009. In addition, free maternity services have contributed to decline in maternal deaths from a total of 919 in 2012 to 854 in 2013 reflecting a 7.6% decrease in maternal deaths.

101. In addition, the Ministry of Health has developed a framework to guide the implementation of the free maternity services in Kenya. This framework is providing guidelines for standardized and smooth implementation of the free maternity services programme. Further, in an effort to realize free health services at the primary care facilities, the Government provided KSh.700 million in the financial year 2013/14 to be disbursed to all primary health facilities to maintain optimum levels of service provision. In the period from July to December 2013 a total of 2481 dispensaries and 832 health centres were covered under this program and have received a total of Kshs. 389,540,283 as user fee compensation. This led to an increase in the utilization of health services in the primary

care facilities from 12,000,000 in 2012 to 18,000,000 in 2013. This translates to an increase of 50% meaning that more people were able to access the facilities due to the removal of the financial barrier.

102. The resettlement of Internally Displaced Persons (IDPs) is an indication of the success in the implementation of policies and legal measures that support human dignity, social justice, equality and human rights. A total of 8,282 IDP households that had remained in camps were finally resettled in the year 2013/14 through cash payment of KSh. 400,000 each as detailed in Table 3.1.

Table 3.1: Number of Resettled Persons in 2013/14 FY

	Name of IDP Camp	No. of IDPs Resettled		Name of IDP Camp	No. of Resettled IDPs
1.	Mau	2,212	5.	Kipkurere	1,190
2.	Embobut	2,874	6.	Mai Mahiu	284
3.	Teldet	384	7.	Naka	242
4.	Kieni	805	8.	ALKO	291

Source: Ministry of Devolution and Planning

103. The National Government played a key role in co-ordinating the evacuation of about 2,000 Kenyans from Southern Sudan following the December, 2013 civil unrest in that country especially in areas such as Juba, Bor, Malakal among other major urban centres. This move by the Government was an initiative towards the protection of its citizens as espoused in the bill of rights.

104. Moreover, public institutions have recorded success in the mitigation and management of HIV/AIDS in which among other things, all public institutions have implemented the Public Sector HIV/AIDS Policy of 2010 that has ensured that persons living with HIV/AIDS are accorded fair treatment, dignity and respect. Prevalence rate of HIV/AIDS has come down from 7.1% in 2012 to 5.6% in 2013. Infections among children have reduced from 13,000 to 10,000 currently. HIV Counseling and Testing sites (HCTs) have increased from 1405 to 1829 in 2013. Kenyans on Anti-retroviral programmes have increased from 538,483 to 604,000 in 2013.

Her Excellency the First Lady has become a champion for the prevention of mother to child transmission of HIV/AIDS.

105. To enhance protection of the marginalized, Government institutions have conducted capacity building programmes for the youth, women and persons with disabilities to empower them with social-economic skills to compete effectively with the rest of the society. The CIC in consultation with other stakeholders have developed the first ever curriculum for training women, youth, people with disabilities and other marginalized/special interest groups on the opportunities availed for them in the Constitution. The Ministry of Sports, Culture and the Arts has hosted the Africa Goalball championships for the disabled held in Nairobi and the Africa Amputee Football Championship held in Nairobi which has integrated the vulnerable into the sporting fraternity.

106. The National Gender and Equality Commission (NGEC) has been at the forefront in conducting capacity building programmes and has recorded major milestones in empowering women and securing girl-child education such as the “the 16 days of activism campaign” which helps raise awareness on gender based violence causes, effects, prevention and response. The commission has since developed a simplified version of their existing equality safeguard booklet targeting county government leadership to be used as an empowerment tool on equality and inclusion issues that directly and indirectly affects the society. The National Gender and Equality Commission has also completed mapping of the indigenous, minority and marginalized communities and groups in Kenya and in the past one year, has served more than ten smallest marginalized groups located in Coast, Rift Valley, Western and Eastern regions.

107. To promote youth empowerment, the Ministry of Devolution and Planning is currently spearheading a national programme to revitalize the National Youth Service to increase the uptake capacity of the service. Further, 5000 youths through the initiative of the same Ministry have been engaged in the national building programme with 4176 youths engaged in the technical and vocation skills training programmes.

108. The Kenya National Highways Authority has transferred boreholes sunk along the Isiolo, Merille River, Turbi, Marsabit and Moyale Road projects to local communities after the completion of those projects. These boreholes have enhanced the capacity of local communities to meet their water and livelihood needs. Construction and maintenance of rural roads by the Kenya Rural Roads Authority (KERRA) have helped in promoting equity, equality and the protection of the marginalised. The authority has been able to improve 865 km of roads to bitumen standards and

maintained another 70,744 km of roads. This has opened up areas which were previously inaccessible hence enabling communities in these areas to enjoy their fundamental rights. The Kenya Civil Aviation Authority (KCAA) through the implementation of the Civil Aviation Act, 2013 has expanded its services to Wajir and enhanced the connectivity of the North Eastern region by air. This has opened up the region and made freight of essential supplies and services more efficient.

109. Public institutions are implementing the presidential directive by ensuring that the 30% of public procurement is availed to the youths, women and persons with disabilities. In this respect KURA has awarded contracts worth Kshs. 44 million to youth and women in this financial year while the Ministry of Agriculture, Livestock and Fisheries awarded Kshs. 383 million to the same group. The Ministry of Sports, Culture and the Arts has also awarded 10 youth enterprises contracts worth Kshs. 9.3 million and 10 women enterprises awarded contracts worth Kshs. 6 million. The National Treasury awarded procurement opportunities worth Kshs. 16 million to the youth, women and persons with disabilities in the first half year ending 31st December, 2013. Cumulatively, the Government has so far awarded tenders worth a total of Kshs. 1,479,595,565 to the youth, women and persons with disability across all MDAs.

110. The one-third constitutional requirement has been upheld in appointive positions. In elective positions the Supreme Court interpreted that the requirement should be achieved progressively by 2014. In an effort to empower the youth and women, the Government launched the UWEZO Fund in September, 2013. In the first year, Kshs. 6 billion is available to the youths and women under the fund to improve their socio-economic status. In addition, the Directorate of Gender and Social Services has profiled the vulnerable and the elderly who cannot support themselves and has embarked on the transfer of Kshs. 2,000 monthly through the M-Pesa platform. This initiative was launched at Murang'a town by H.E. the President in February, 2014. The total budget for the programme is Kshs. 12 billion targeting 164,000 people above the age of 65 years. In addition, the Kenya Urban Roads Authority has developed and implemented resettlement action plans in consultation with members of the public in Nairobi along western ring roads, eastern missing links, outer ring road, Ngong and Kibokoni roads in order to resettle them with dignity and to safeguard their human rights.

111. Other achievements include the implementation of the legal requirement that provides for the creation of accessibility for use by

persons with disability in all buildings and provision of non motorized transport facilities e.g. cycling lanes, walkways and footbridges on the Thika Super Highway and the Northern Corridor as per the provisions of the Disability Act, 2003. In operationalising 290 constituency roads committees and constituency roads tender committees to procure road works at constituency levels, KERRA has facilitated the improvement of road works presided over by county governments and has ensured that gender considerations are given priority as required by law. Further, the National Cohesion and Integration Commission has developed employment standards for all counties. Specifically, the employment guidelines are meant to guard against discrimination and marginalization. The Government is championing the inclusiveness and equity values in public sector recruitment by employing persons with disability and those from marginalized communities.

112. The Ministry of Devolution and Planning has provided relief food support to over 500,000 needy people during the 2013/14 financial year. It is also in the process of putting up dykes in the flood prone areas of Budalangi as a way of enhancing participation in development of the less privileged through restoration of their self esteem by ensuring everybody is protected from loss and suffering as a result of flooding.

113. The Ministry of East African Affairs, Trade and Tourism has operationalised the Consumer Protection Act by establishing the Kenya Consumers Protection Advisory Committee (KECOPAC) which has been key in safeguarding consumer rights. To enhance equitable access and sharing of information, the Ministry of Information, Communication and Technology has installed 2,300 Kms of fibre optic cables covering all the 47 counties. The Ministry has also provided all Kenyans with high capacity network connectivity through development and launching of the Kenya Broadband strategy. To promote access to quality and affordable education for all Kenyans, the Kenya Literature Bureau has printed and distributed over 4.5 million books for schools and higher learning institutions. The Department of Probation and Aftercare Services has endeavored to empower the probationers/clients through provision of formal and informal education, tools and payment of school fees. In the financial year 2013/2014 Kshs. 4.9 million and Kshs. 1.5 million has been spent in paying school fees and empowering youthful offenders respectively.

114. In the process of promoting the realization of human rights, the Kenya National Commission on Human Rights (KNCHR) received a total of 1,649 complaints from the members of the public as illustrated in Table

3.2 and acted on over 1,000 of them. Further, the Commission undertook investigations into 93 cases of human rights violations out of which 72 were field/further investigations while the remaining 21 were rapid response missions.

Table 3.2 Breakdown of human rights complaints received

No.	Region	Total No. of Complaints
1.	Nairobi	549
2.	Rift Valley	451
3.	North Eastern	181
4.	Coast	174
5.	Central	100
6.	Eastern	64
7.	Nyanza	63
8.	Western	54
9.	other jurisdictions	13
	TOTAL	1,649

Source: Kenya National Commission on Human Rights, 2014

3.2.4 Realisation of Good Governance, Transparency and Accountability

Article 10(2) (c): Good governance, integrity, transparency and accountability

115. The promulgation of the Constitution of Kenya, 2010 ushered in a paradigm shift in the governance of the nation. The constitution altered the governance structures and placed heavy responsibility on all persons entrusted to serve in public office. One of the notable milestones was the entrenchment of issues of ethics, integrity and good governance in the Constitution and in particular Chapter Six. The provisions of Chapter Six seek to achieve servant and transformational leadership by demanding

high standards of integrity and ethical conduct for public and state officers.

116. The establishment and operationalization of the constitutional commissions and independent offices such as the: Ethics and Anti-corruption Commission whose mandate is to promote integrity, Commission on Administrative Justice, Office of the Controller of Budget and Auditor General's Office have made progress in the enhancement of good governance, integrity, transparency, and accountability. The office of the Auditor General has established 8 hubs (regional offices) namely; Nairobi, Kisumu, Mombasa, Nyeri, Embu, Nakuru, Eldoret and Kakamega. These hubs have been operationalized and are currently carrying out audits in both county and national governments.

117. The EACC has made progress in the implementation of the Leadership and Integrity Act 2012, through several initiatives for example the development of the leadership and integrity regulations to give effect to the Act. The regulations are waiting gazettelement and operationalization. A total of 27,036 vetting requests have been processed and these are for people seeking employment or appointment in public office, those currently serving at senior levels and firms seeking to participate in government tenders. Over 3 million Kenyans in public, private, civil and religious sectors have been trained and sensitized on ethics and integrity issues. The establishment of a baseline survey on corruption and ethics indicators will serve as benchmarks for monitoring and evaluating effectiveness of future interventions. In line with the Presidential directive, the county government has been incorporated as a key stakeholder under the Kenya Leadership and Integrity Forum.

118. The Government has continued to support the ongoing implementation of the provisions of the Constitution of Kenya, 2010 as well as the attendant administrative procedures that are meant to support the realization of good governance, integrity, accountability and transparency. These include the implementation of the behavioral change awareness campaign to mobilize Kenyans to participate fully in the fight against corruption. The enactment and implementation of the Anti-Corruption and Economic Crimes Act, 2003, the Public Officers Ethics Act, 2003, and the Public Procurement and Disposal Act, 2005. The anti-corruption legal framework has facilitated investigations into corrupt conduct, disruption of corruption networks that averted loss of approximately KSh. 55 billion and restitution of irregularly acquired public property of approximately 1.6 billion.

119. The Commission on Administrative Justice which receives complaints from the public on maladministration of justice has made progress in resolution of such complaints. The office has increased its rate of complaints resolution from 34% in 2012 to 62% in 2013. The impact of the activities of the commission is manifested in the new consciousness that has swept over the public service with the impression that somebody is watching over actions and inactions of public officers and institutions. The public is now more than ever before aware of their rights and is demanding accountability from public institutions and officers.

120. In 2013/2014, several milestones in the campaign against corruption have been realized. The National Anti-Corruption Campaign Steering committee (NACCSC) has initiated anti-corruption campaign strategy meetings with Governors in 27 counties, conducted 37 social audits and public reporting sensitization forums. NACCSC also held 1 radio campaign programme with Taita / Taveta County government, 5 anti-corruption youth programmes with public universities community radio stations and 4 episodes of anti-corruption media campaign through KBC television.

121. A major milestone in governance has been realized through the implementation of the electoral reforms. For the first time in general elections all candidates and all political parties had to comply with the code of conduct prescribed by the IEBC. The electoral reforms have enabled the IEBC to embrace biometric voter registration technology which has increased transparency and effective voter registration. The electronic voter identification system has also enhanced integrity of the electoral process and particularly guarded against double voting which may distort the democratic rights of the people. It has also enabled the IEBC to conduct credible, free and fair elections that promote good governance.

122. The Government through the Ministry of Devolution and Planning has established Huduma centres which is an initiative that brings together key Government agencies to offer multiple services under one roof. The roll-out of Huduma centres has guaranteed easier, transparent and faster access to various Government services. So far 3 Huduma centres (Teleposta, Machakos Post Office and City Square) have been opened and more will be operationalised in the counties to speed up transparent services to Kenyans.

123. Public financial management laws that are hinged on prudence, transparency and accountability have been implemented. The Government has undertaken governance and public financial management reforms that

improved tax collection by 13.2% in 2012/ 2013 financial year and reduced wastage in government spending. Further, the Government through the National Assembly has enacted legislations quoted in this report to support the promotion of national values.

124. A major milestone has been realized in the Kenya National Audit Office (KENAO) through the timely and regular release of audit reports which are shared with the general public. The revamped KENAO has carried out audits that have led to investigations into high profile cases of embezzlement and misappropriation of public funds. The office of the Controller of Budget oversees the implementation of the budget to promote prudent management of resources. Moreover, the service commissions have professionalized the respective services that they are responsible for. Besides these, the Commission on Administrative Justice has spearheaded the enforcement of administrative justice in the public sector by addressing maladministration through effective complaints handling and alternative dispute resolution.

125. To enhance transparency, public institutions have developed mechanisms to effectively engage with citizens and other non-state actors on affairs of their respective organizations. Agencies have uploaded their service charters, internally generated literature, job opportunities and related documents on their websites. Public institutions have re-engineered themselves and have service charters that demonstrate their mandates and services to their customers. The customers get to know the quality of services to expect and the charges they are expected to pay hence transparency. There are functional feedback mechanisms in the event of deficient services.

126. Engagement of the people through social media and the enhancement of Information and Communication Technology (ICT) in government operations have been key milestones in the promotion of accountability and transparency in public institutions. To promote accountability and transparency in county financial management, the Integrated Financial Management System [IFMIS] has been extended to county governments to replace the life forms which were being used by the then local governments. The recent adoption of the E-Registry system and web technologies has further enhanced easy access to information and customer interactions hence promoting transparency and accountability.

127. Further, institutions have adopted the Performance Management Systems that have enhanced efficiency in service delivery. This has been supplemented by regular staff capacity building programmes to enhance professionalism and improvement of service delivery. Institutions have

established policies and procedures that have incorporated tenets of good governance, ethical behavior and the adoption of ISO certification. Institutions have also established and operationalized structures that promote prudence, efficiency, effectiveness and integrity in the management of public affairs. Structures that include audit, finance, procurement and corruption prevention committees have been put in place.

128. To enhance accountability and transparency, the Government has embarked on a process to develop a project implementation dashboard to track performance and resource utilization. The dashboard is an electronic interface that will provide real time status on project implementation across all Ministries, Departments and Agencies. The creation of a website by the president for reporting corruption by the members of the public has given impetus to the war against corruption. So far 12 corruption cases reported to the President directly have been forwarded to the Ethics and Anti-Corruption Commission for further action.

129. To promote good governance, the Ministry of Devolution and Planning has conducted several trainings for both National and County Government staff. During this financial year, the Ministry trained 1240 women drawn from 107 subcounties at Kenyatta University. It also trained 4200 participants from 42 subcounties on project management, procurement, monitoring and evaluation. It further, trained 99 officers from 99 subcounties on public policy management for County Governments and finally trained 295 trainers of trainers on social accountability. These initiatives were meant to enhance effective decision making and implementation of government programs. The National Treasury has also implemented the pensions management information system to improve efficiency in the provision of pension services. The implementation of this system has improved work flow management and controls in the pension's scheme by reducing the time it takes to process a pension claim from 60 days to 22 days.

3.2.5 Realisation of sustainable development

Article 10 (2) (d): Sustainable Development

130. The Government as a member of the international community is keen on implementing sustainable use and conservation of resources for the present and future generations. In this regard, the constitution provides

systems and structures for the realization of sustainable economic, social and political development such as the creation of the National Land Commission.

131. Implementation of Kenya's Vision 2030 strategies has contributed towards the realisation of sustainable development. To attain the macroeconomic targets in the MTP II, the Government is expediting implementation of infrastructural and institutional reforms and has put in place the necessary sectoral policies and legislations to enhance sustainable economic, social and political development. These achievements are clearly observed in some of the successful programmes and projects being implemented across the country.

132. The development of the MTP II by the Government is in itself a major achievement towards the implementation of Kenya Vision 2030 and the Jubilee Coalition Manifesto "*Agenda for Kenya 2013-17 and beyond*". The MTP II builds on landmark achievements of the first MTP and sets out programmes and projects that directly lead to sustainable development. The Government is therefore devoted to mainstreaming principles of sustainable development in economic, social and political programmes and projects.

133. The country's economic growth and the livelihood of her people are largely dependent on her natural resources such as forestry, fisheries, mining and water. This resource base is threatened by human activities and climate change. To mitigate against environmental degradation and depletion, the government introduced the national environmental policy 2012 which sets out provisions for the management of ecosystems and sustainable use of natural resources. Programs under the water sub-sector during the year were geared towards increasing the number of household with access to clean water and sanitation. Between the year 2012 and the end of 2013, water storage capacity had increased by more than 20 million cubic meters. This was as a result of rehabilitation of Sasumua and completion of Maruba and Kiserian dams and the construction of 198 small dams in arid and semi arid areas.

134. To further realise the goals of a green economy, mitigate against the effects of climate change, and put the economy on a low carbon growth path the government through the Kenya Electricity Generation Company seeks to increase generation of electricity from renewable sources over the traditional fossil fuel. KenGen has to date increased the capacity by 33 Mega Watts from hydro and geothermal sources from a production capacity of 1236 Mega Watts in 2012 to 1269 Mega Watts. KenGen has also initiated the Lake Turkana Wind Power Project which is targeted to

generate 300 megawatts of low cost electricity for the national grid and Olkaria IV Geothermal power project with a capacity of 140 Mega Watts . It is anticipated that by the year 2016, an additional 844 Mega Watts will be generated from renewable sources.

135. During the year 2013, the Government spent KSh. 500 million in promoting the use of solar electricity system in institutions which are far from the national grid. Presently, over 738 institutions are installed with working Solar PV with an installed capacity of 1.6 Mega Watts. Mandera, Marsabit, Wajir, Meru, Kilifi, Kwale, Makueni, Garissa, Kitui, West Pokot, Siaya, Turkana, Narok, Baringo and Samburu were the benefiting counties.

136. The Government has implemented regional livelihood resilience projects to mitigate against disasters related to drought among the pastoral communities. The Government has established measures that are transforming subsistence agriculture to agri-business which is more sustainable and productive. The price of fertilizer has been reduced from KSh. 3,600 to KSh. 2000 in the year 2014 reflecting a 44.4% reduction. This has increased access to farming inputs and allowed more acreage to be put under cultivation with a view to enhancing food security.

137. To further increase food security, more land has been put under irrigation. Key projects include the recently commissioned 10,000 acre Galana-Kulalu model farm as part of the plan to irrigate 1,000,000 acres in the next five years. The Government has massively invested in irrigation and mechanization of agriculture in order to reduce the country's dependence on rain fed agriculture. It is also implementing the policy on ASALs and establishing institutional framework that is specifically addressing pastoralist issues in order to reduce dependence on food aid and drought emergencies. Sustainable investment in agriculture and ASALs is reducing poverty among the vulnerable groups like pastoralists, the landless, and subsistence farmers who depend on agriculture as their main source of livelihoods. During the year 2013, the Government through the Ministry of Agriculture, Livestock and Fisheries constructed four (4) fish processing plants and four (4) slaughter houses. The rejuvenation of the agricultural sector has also enhanced its ability to supply the manufacturing sector with raw materials and generate tax revenue and foreign exchange that support economic development.

138. The Ministry of Defense is also engaged in activities that support national development like construction of security roads, providing health services and drilling water boreholes especially in marginalized areas. On the labor front, the Government has prioritized the labor intensive

approach in project implementation especially in the rural areas. Most rural access roads have been opened up by local communities thus affording them employment opportunities. In addition, the government is in the process of completing urban bypasses and ring roads, expanding and modernizing existing roads in order to ease traffic congestion and facilitate faster movement of goods and people.

139. Other infrastructural projects currently under implementation, which seek to grow and sustain our economy include building of the Standard Gauge Railway from Mombasa- Nairobi at a cost of Kshs. 327 billion, the ongoing Lamu Port-Southern Sudan-Ethiopia Transport (LAPSET), ICT, and telecommunications infrastructure. The massive investment of resources in the development of infrastructures in the country has been made possible by operationalization of the Public Private Partnership Act which facilitates private sector investment in infrastructure and other sectors. One of the infrastructure which is an example of a public private partnership project is the Lamu Port Southern Sudan-Ethiopia Transport (LAPSET) corridor that aims to link Kenya to South Sudan and Ethiopia through rail, road, pipeline and a fibre optic cable. Other infrastructural initiatives include the upgrading and expansion of airports such as the construction of terminal 4 at JKIA, and the expansion of the Mombasa and Kisumu international Airports.

140. The Government is committed to generation of employment for vulnerable groups in society such as youth, women, persons with disabilities and the marginalized groups by supporting Small and Medium Enterprises. It has established programmes such as the Women Enterprise Fund, National Development Fund for Persons with Disability and Youth Enterprise Development Fund. The Ministry of Devolution and Planning during the 2013/14 financial year, funded 125 communities for community action plans and 34 youth action plans. Cumulatively, 381 community action plans were funded (245 fully funded and 126 partially funded) with cumulative grants released amounting to KSh. 269,789,191. Further, during the 2013/14 financial year, works and installations of equipments progressed to completion in 12 local support development projects. Cumulatively funds totaling KSh. 270,912,567 were spent. Out of the total KSh. 222,853,111 were extended to civil works while KSh. 48,059,457 was spent on equipments. In support of local development projects, out of a total of KSh. 92,010,076 allocated in 2013/14, KSh. 75,772,352 was spent on civil works while KSh. 16,237,774 was on equipment. All these initiatives are geared towards empowering communities socially and economically which is key to the realisation of sustainable development.

141. The Harmonized Jubilee Manifesto underlined the youth as the strength, wealth and drivers of innovation in Kenya. In view of this, the National Assembly enacted a legislation to provide a framework for rolling out the *Uwezo Fund* to empower the youth to attain and realise their full potential. The *Uwezo Fund* is a flagship strategy of the Government that allows the youth to access finances for self employment besides creating employment opportunities for others. The Uwezo Fund which was launched on 8th September, 2013 has been allocated a seed capital of KSh. 6 billion. Earlier attempts to empower the youth had resulted in little success due to budgetary constraints. The National Youth Enterprise Fund (NYEF) that was in place before the launch of Uwezo had been allocated an initial capital of KSh. 2 billion in the 2007/ 2008 financial year that was increased to KSh. 4 billion by 2009. It is expected that the Uwezo Fund will spur national economic growth, reduce crime rates due to the creation of licit sources of income and increase political stability.

142. The public sector reforms were escalated in the year 2004 with the introduction of results based management meant to improve public service delivery and support the sustainable development. The promulgation of the Constitution in 2010 broadened the requirements public servants had to fulfill. In compliance with these requirements the Jubilee Government has ensured the vetting of all public and state officers as spelt out by the law. The ongoing vetting of the police officers is a major milestone in a service that has previously been perceived as corrupt. The vetting process amongst other initiatives aims at transforming it to a service organization that maintains law and order while upholding human rights and dignity. Police reforms have also provided for the merging of the two police services under one command headed by an Inspector General and two Deputies. The National Police Service Commission as well as the Independent Police Oversight Authority were also established as part of the ongoing reforms. This is expected to professionalize the police service and streamline the chain of command. The security budget in the year 2013/2014 was increased by KSh. 6.5 billion from the allocation of 2012/2013. The expansion, equipping and modernizing of the security agencies seeks to ensure that every Kenyan is secure and property protected especially with the current threats from terrorism. The National Treasury has facilitated the leasing of vehicles for the National Police Service where so far 1,200 vehicles have been deployed to various police stations in the country. This has enhanced security and reduced Government expenditure on transport. Currently, to further curb insecurity in the country, the Government through the Ministry of Interior and Co-

ordination of National Government launched the Rapid Results Initiative on 7th February, 2014 to address rising cases of insecurity. These measures will give impetus to sustainable investment in national and human security to create a peaceful and cohesive environment that will attract both domestic and foreign investment in the country hence improved economic development.

143. Through the enactment of relevant legislations, the Government has enhanced the access to relevant and quality education. The ongoing review of the school curriculum and development of ICT training for teachers to support the implementation of the lower primary school laptop project is a milestone in this endeavor. Progress has also been made in mainstreaming environmental conservation knowledge in the education sector. This has encouraged students to protect and conserve the environment through school clubs and planting trees in schools. The Government has also employed more teachers to cope with the increased enrolment in primary and secondary schools which has enhanced teacher student ratio.

144. The Government has put in place measures to facilitate the development of social capital to improve skills and quality of work and enhance service delivery to the citizens. In line with Vision 2030, the Government has established institutions which include the Kenya School of Government (KSG) and expanded access to university education throughout the country. Further the Government is training public servants in transformative leadership to ensure effective succession management in the public sector.

145. The implementation of National Health Policy Framework 2012–2030, has enabled the Government to reduce HIV/AIDS average national AIDS prevalence from 6.3% in 2010-2011 period to 5.6% in 2013, enhanced the immunization campaign against polio, reduced the prevalence of malaria, provided free maternity care, increased focus on family planning, reduced child mortality rate and has also rehabilitated and improved infrastructure for health centers and dispensaries. These initiatives have improved the quality of life of many Kenyans hence improving economic and social development.

146. The Government is also implementing the provisions of the National Housing Policy of 2004 that seeks to provide decent and affordable housing to Kenyans. The Ministry of Land, Housing and Urban Development has rolled out the Informal Settlement Upgrading Programme that has improved the housing condition of many Kenyans in urban areas, besides availing tenant mortgage purchase schemes for public servants.

147. The National Land Commission that was created by the Constitution was installed in October, 2013. The main function of the Commission is to manage public land on behalf of the national government and county governments. The legislation on land was reviewed in the year 2012 to ensure sustainable administration. The legislation on community land will ensure that community land is managed and used in a manner that protects the environment and promotes sustainable development in the community. Issuance of title deeds is critical in ensuring reduction of social strife and increase land productivity and wealth creation. It is for this reason that H.E the President issued 60,000 title deeds to residents of the six counties in the Coast region of Kenya namely; Tana River, Lamu, Kilifi, Mombasa, Kwale and Taita Taveta in August, 2013 as a Government's measure to increase the level of land holding in the country. This will boost agricultural activities and thus provide the necessary impetus for the industrial take-off as envisaged by the Kenya Vision 2030.

148. Public institutions have been on the forefront in sensitizing communities on the importance of sustainable use of resources. Most communities now appreciate the fact that natural resources belong to the entire nation and not just to the communities in which they are found. Environmental conservation campaigns have equally been enhanced through tree planting across the country and citizens encouraged to utilise alternative sources of energy that are clean and conserve the environment. Consistent efforts have been put in place to encourage citizens to conserve the riparian eco-systems and promote green energy which include wind and geothermal among others.

149. Further, both public institutions and private organizations are implementing the requirement to comply with NEMA Act, No.107 of 1998 which provides for Environmental Impact Assessment (EIA) on new projects and disaster management. For example, the National Cereals and Produce Board carries out Environmental Impact Assessment of all of its projects before implementing them. These efforts by institutions and individuals protect the environment and promote sustainable development.

150. The Kenya Defence Forces through the Environmental Soldier Programme (ESP) is combating climate change by increasing the forest cover through tree planting. Other institutions have made progress in promotion of sustainable environment as part of their social corporate responsibility. These include the Government through the Ministry of Environment, Water and Natural Resources that enforces the 10% forest cover, the Kenya Airports Authority and the National Museums. Currently, the national forest cover in Kenya is 7% up from 2% in the year 2002.

151. The country is contributing and participating in the improvement of global peace and security programs through Kenya's membership to AU and UN such as the Multi National Peace Operations by KDF in Somalia that promote security in the region. Through the operations of the KDF, Somalia was reclaimed from the control of Al Shabaab terror group and civil order restored. The country has also mediated in neighboring countries to bring warring parties to the negotiation table. This is aimed at ensuring regional stability since instability impacts negatively on our own security as evidenced in South Sudan.

152. At the national level, the defence forces are playing a vital role in promoting sustainable development by guaranteeing the territorial integrity of the nation as articulated in Kenya's Defence Policy. It is committed to restoration of peace in all parts of Kenya affected by unrest and instability and also in assisting and cooperating with other authorities in situations of emergency or disasters to restore order and normalcy in affected areas. The security agencies are therefore creating an enabling environment for engagement in economic activities and to improving sustainable quality of lives of Kenyans thus making the country globally competitive.

153. The Government has made outstanding progress by enacting policies and legislations that enable Kenyans to enjoy political and civil rights. It has initiated programmes and projects that promote Kenya's territorial integrity and sovereignty. The protection of national interests is guided by sustainable investment in economic, social and political processes that are linked to national and human security. The Government has also promoted national security through initiation of programmes such as *'Nyumba Kumi'* to improve grassroot and national security. It has employed technology in countering cybercrime and international terrorism. It is also positively engaged in South Sudan and Somalia crises to protect our national borders, citizens and maintain international peace and security.

154. Other institutions also contribute to sustainable development through execution of their core mandates. For example, to improve sustainable security of livestock and property, the Government through the Ministry of Agriculture, Livestock and Fisheries has branded animals to enhance traceability and curb cattle rustling among farmers and pastoralists; the National Gender and Equality Commission is monitoring, investigating and advising on insecurity issues that affect the youth, women and persons with disability; while the National Gender and Equality Commission is monitoring the mainstreaming of issues concerning the youth, women and persons with disability in the development agenda at national and county governance systems and in both public and private institutions.

CHAPTER FOUR: CHALLENGES ENCOUNTERED IN THE REALISATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE



4.1 Introduction

155. While undertaking measures to promote the realisation of national values and principles of governance, state and public institutions faced several challenges which are discussed below.

4.2 The challenges encountered in the realisation of national values and principles of governance.

156. The reporting institutions identified a number of challenges encountered in the realisation of national values and principles of governance. Although these challenges are diverse and may differ from one institution to another, issues of weak institutional and legal frameworks were cited as a major obstacle towards the realisation of national values. Other challenges included poor enforcement of legislations as well as weak monitoring and evaluation mechanisms. The specific challenges encountered in the realisation of national values and principles of governance are detailed below in each of the thematic areas.

4.2.1 Challenges to the creation of national identity and exercise of sovereign power.

(i) Challenges to the full implementation of the constitution by the national and county government institutions.

157. The Constitution of Kenya, 2010 has distinct provisions that seek to promote the creation of national identity. However, the failure of institutions to interpret and fully implement the provisions of the Constitution has impacted negatively on the creation of a national identity and exercise of sovereign power. In addition, the low levels of awareness of the Constitution amongst state and non-state actors has been an impediment on the processes towards the creation of national identity. The other challenge has been the low levels of commitment by some institutions on the promotion of patriotism and other related values on the creation of national identity.

(ii) Inadequate implementation of policies and relevant legislations on the promotion of national identity and exercise of sovereign power.

158. Some institutions have failed to develop policies that promote inclusion leading to feelings of marginalization. Poor infrastructure and inadequate resources especially in marginal areas have also bred feelings

of marginalisation which has affected the creation of a national identity and exercise of sovereign power.

159. Lack of supportive economic policies to spur socio-economic growth was cited as a challenge towards the creation of a national identity and exercise of sovereign power. In this case, local investors feel neglected and this has made some relocate to neighbouring countries. In other instances, high production costs and competition from cheaper imports vis-a-vis locally manufactured goods which tend to be expensive has occasionally forced Kenyans to opt for the former. This in itself erodes patriotism in particular and the spirit of national identity in general. The process towards the development and enactment of laws and regulations is considered to be elaborate and lengthy therefore delaying finalization of such laws. In addition, instances where institutions have failed to develop policies prior to the preparation of Bills as required by law has equally been a challenge especially in regards to the rule of law. There has also been enactment of laws with fundamental constitutional flaws. Such laws include the Constituencies Development Fund Act and the Kenya Medical Supplies Authority Act.

160. Further, there have been numerous cases of legislations developed without following the due process as stipulated in Article 261(4) of the Constitution and Section 14 of the Sixth Schedule of the Constitution and Section 2(3)(b) of the Sixth Schedule. For instance, a total of 36 Bills were developed and presented to Parliament without the Commission on the Implementation of the Constitution's input. As regards the participation of the people, there have been gaps in policy, legislation, and institutional frameworks to facilitate robust public participation. In addition, there has been limited public participation in the development of policies, legislations and administrative procedures as well as in the broader context of Article 10 of the Constitution.

(iii) *inadequate awareness on the constitutional provisions that seek to enhance promotion of national identity and exercise of sovereign power.*

161. The low levels of awareness on the Constitution, public misunderstanding and misinterpretation of legislation and administrative procedures was cited as an impediment to the enhancement of national identity. In addition, inadequate funding for training and civic education has led to minimal sensitization and advocacy making the electorate vulnerable to political manipulation.

- (iv) *Inadequate resources/funding to ensure full implementation of programmes that seek to promote national identity and exercise of sovereign power.*

162. Inadequate human and financial resources have impacted negatively on service delivery that is necessary for socio-economic and political development. This therefore remains a challenge towards the creation of a national identity and exercise of sovereign power. The female gender remains inadequately represented in the various fields which appear to be heavily dominated by the male gender.

- (v) *Failure to adhere to formal guidelines for identifying and rewarding national heroes/heroines.*

163. Although national heroes and heroines have been instrumental in the creation of national identity, lack of consensus regarding their identification has remained a notable challenge. There have also been instances where certain communities have been reluctant to contribute and participate in cultural initiatives for example those that are facilitated by the National Museums of Kenya. This has further impacted negatively on the creation of national identity and exercise of sovereign power.

4.2.2. Challenges in sharing and devolution of power

The specific challenges on sharing and devolution of power are as follows:

- (i) *Slow enactment, operationalization and review of legal and institutional frameworks to facilitate devolution.*

164. The Transition to Devolved Government Act, 2012 stipulates seventeen activities to be undertaken during phase one of the transition process i.e. before the first election under the Constitution of Kenya. In this regard, it was observed that none of the phase one activities had been completed. For example, the required analysis of functions and competency assignment had not been completed and neither had a plan for distribution of functions and competency been developed. Additionally, the audit of assets liabilities, infrastructure and staff had not been undertaken. This remains a major challenge in the overall devolution process.

165. In other cases, there have been delay in restructuring some of the national government agencies leading to duplication e.g parastatals performing roles already transferred to counties. There has also been delays in the establishment and full operationalization of key structures e.g Inter-governmental Relations Technical Committee and units of

decentralization of national and county agencies. The real or perceived skewed recruitment processes in the counties especially on ethnic, regional and religious grounds has affected operations in the devolved units. Inadequate legislations coupled with slow pace of transition to devolved governments have also affected the devolution and power-sharing processes. Further, the ongoing conflict between the National and County Governments over the deployment and redeployment of staff has largely impeded the process towards devolution in the country. Lastly, lack of a common understanding of roles between the County Assemblies and the County Executives; the Senate and the Governors; Senate and the National Assembly has further contributed in undermining the implementation of devolution processes.

- (ii) *Inadequate capacity building and sensitization on the constitutional provisions on devolution and other relevant legislations.*

166. Inadequate information on devolution has largely affected the devolution process and therefore impacted negatively on the operations especially in the county governments. Inadequate sensitization on the devolution processes has also negatively affected its implementation. Further, inadequate awareness of the devolved system by the various players and the occasional and deliberate distortion of facts by politicians have been cited as a major obstacle. There is also the lack of understanding of financial and budgetary regulations including the procurement procedures. These have among other things led to misuse of the available resources/funds, or failure to use the resources altogether.

4.2.3 Challenges in the protection of the Bill of Rights

The specific challenges on the protection of the Bill of Rights are as detailed below.

- (i) *Inadequate implementation of policies, legislations and guidelines that protect the Bill of Rights.*

167. In respect to the protection of the Bill of Rights, implementation gaps have been identified and these include failure to engender a Rights-Based Approach evidenced by low levels of representation of the marginalized groups, particularly, women and people with disabilities. Further, Kenya has not yet developed an affirmative policy or a national equality law and the National Gender and Equality Commission for instance does not have a comprehensive framework to administer or issue advisories to other agencies on affirmative action. As regards the promotion of equity, the

National Gender and Equality Commission has limited resources to devolve its functions and services to all counties. To-date, the Commission has three operational offices and therefore not fully serving most of the needy populations in the countryside. Further, the Commission has incomplete data base of the youth and women enterprises by skill or competencies to facilitate promotion of the affirmative actions in public and private sectors.

168. In addition, the issues of multiplicity of constitutional petitions filed in court, poor enforcement of the law particularly on violations of the rights such as in rape, and rising cases of pedophilia despite enhanced fines under the Sexual Offences Act have been identified as challenges.

The need to balance between ensuring meritocracy and respect for diversity has equally affected the promotion of these rights thus lowering productivity and morale in the public service. Vested interests in the recruitment of staff and tendering processes in government institutions were identified as major obstacles in the promotion of the Bill of Rights.

169. Retrogressive practices such as early marriages, Female Genital Mutilation and cattle rustling are issues that have continued to work against the Bill of Rights in many parts of the country. Further, resistance to change by certain working groups, political interference, and unwillingness to exercise fundamental and democratic rights by the citizens have also been cited as obstacles.

(ii) *Inadequate resources/funding to enhance the promotion of human rights and other rights-based values.*

170. High medical bills, inadequate resources, inadequate investigations over human rights violations are some of the hurdles cited in the promotion of the rights-based values. Non-availability of reliable and disaggregated data on rights-based values has also delayed the implementation of identified intervention measures aimed at enhancing the protection of the Bill of Rights. Inadequate mapping of local resources has equally failed to determine resource allocation. Lack of qualifications and technical capacity on the citizenry as well as limited opportunities and resources have impacted negatively on the protection of the Bill of Rights. There has also been inadequate resources to reach out to marginalized communities to advocate for their rights. Implementation of principles of inclusion and equality is yet to be fully realized at county level due to limited infrastructure and public service systems.

- (iii) *Insufficient training, civic education and sensitization on the constitutional provisions, policies and guidelines that promote a culture of respect for human rights and other rights-based values.*

171. There is limited understanding by the public on the concept of devolution which together with negative ethnicity has worked against the promotion of rights-based values. In addition, the limited public awareness on the existence of institutional mandates, and ignorance by stakeholders on their rights impact negatively on initiatives geared towards the protection of the Bill of Rights. The use of ICT in facilitating sensitization on the Bill of Rights has adversely been affected by inadequate ICT infrastructure.

4.2.4 Challenges in the realisation of good governance, transparency and accountability

The specific challenges on the realisation of good governance, transparency and accountability are as follows:

- (i) *Inadequate implementation of policies and guidelines on transparent and accountable management of resources.*

172. The culture of corruption is still entrenched in most sectors and continues to be a threat to stability and attainment of the aspirations and goals of Kenyans. In addition, lack of a national anti-corruption and ethics policy has continued to be a challenge on the fight against corruption. In some institutions, negative attitudes toward management processes that enhance effectiveness and efficiency were reported to be a challenge. Lack of cooperation from staff involved in unethical behaviour was cited as an impediment to fighting corruption since it slows down the processes geared towards the promotion of good governance, transparency and accountability. Lack of honesty and professionalism among some members of staff, stakeholders and customers was also cited as deterrent to integrity promotion efforts.

173. Resistance to change and a culture of impunity amongst staff in some institutions was cited to have lowered integrity levels in such institutions. In addition, poor enforcement of the Civil Service Code of Conduct in diverse institutions has equally affected integrity in executing diverse development initiatives. Further, weak legislations on good governance and other integrity-related issues have hampered the fight against vices such as corruption.

174. Other barriers that continue to obstruct the promotion of good governance, transparency and accountability include structural bureaucracy and vested interests in recruitment and tendering processes.

These have led to some state and public organizations being compromised. Abuse of Public Procurement and Disposal Act, 2005 has led to rise in impunity in some organizations which has greatly affected efforts towards the promotion of transparency and accountability. New procurement requirements such as the 30% quota for youth, women and people with disability have not been fully implemented in some institutions due to resistance from some procurement officials.

- (ii) *Inadequate training, civic education and capacity building on the promotion of good governance, transparency and accountability.*

175. Inadequate capacity building in areas of the Integrated Financial Management Information System (IFMIS) has been identified as a loophole for misuse of public finances in some institutions. In addition, there has been inadequate information available from MDA's on their operations that would be useful in sensitization and advocacy. This has affected operations as both the members of staff as well as other actors lack the knowledge and skills necessary for enhancing good governance and accountability.

4.2.5 Challenges in the realization of sustainable development

The specific challenges on the realization of sustainable development are as detailed below.

- (i) *Inadequate implementation of policies and legislations that seek to promote sustainable development.*

176. Weak legal, policy and institutional frameworks that are meant to guide sustainable development have been found to impact negatively on the development processes. Therefore, there has been lack of coherent, timely and adequate statistical data to inform interventions on sustainable development. There have also been cases of overlapping legislative mandates in some institutions. Further, the slow adoption of ISO 9001:2008 quality management systems in some institutions and poor succession management were also cited as a challenge.

- (ii) *Inadequate resources/funding to facilitate sustainable socio-economic and political development.*

177. Some institutions identified cases of misplaced resource priorities coupled with vested interests in recruitment, deployment and promotion of staff in public and state organizations as a challenge towards sustainable development. In addition, inadequate budgetary allocation to cater for human and financial resource requirements was also identified as another challenge. This has heavily affected the implementation of sustainable

development programs/projects. In other instances, the government has continued to support local contractors and service providers in diverse sectors. However, some of them lack adequate capacity to effectively run respective development projects especially in road construction.

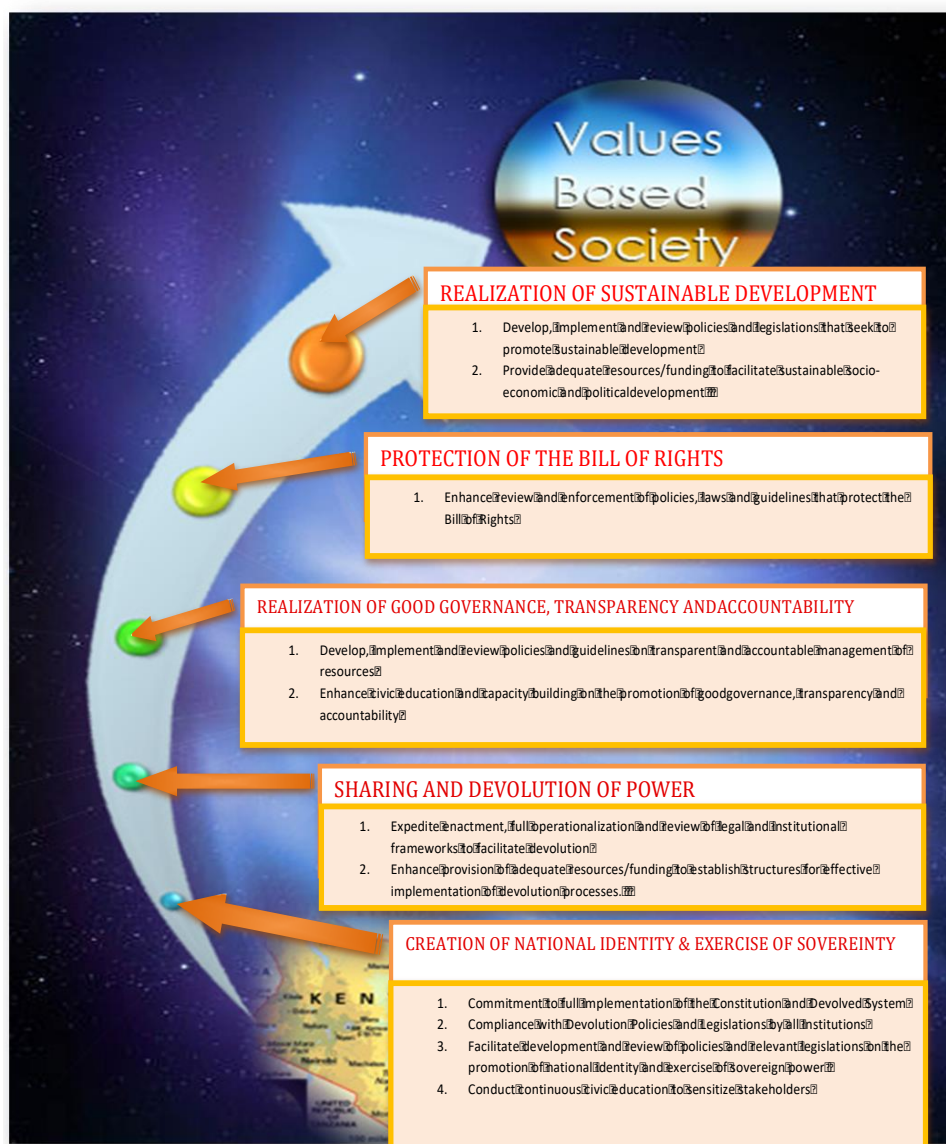
(iii) Inadequate capacity building and civic education on effective management of resources for sustainable development.

178. There has been lack of awareness on the fact that negative ethnicity, unhealthy competition over scarce resources and harmful cultural practices like cattle rustling affect sustainable development. This result from the perpetual conflicts triggered in certain parts of the country over scarce resources. Besides these, conflicts over exploitation of natural resources between the residents on one hand and the companies involved in the exploitation processes on the other remain a challenge to sustainable development. The recent conflicts witnessed in Turkana County over oil and Kwale County over Titanium are cases in point. Last but not least, high levels of insecurity in some regions, population explosion, as well as poor disaster management and preparedness have also hampered the realisation of sustainable development in the country.

(iv) Global competition, climate changes and natural disasters

179. The global economy has on several occasions experienced depressions that also affect social, economic and political development in the country. The changes in weather and climate patterns in the same way have continually affected the realisation of sustained social/economic development just as much as the natural and manmade disasters such as acts of terrorism and flooding.

CHAPTER FIVE: RECOMMENDATIONS, CONCLUSION AND WAY FORWARD



5.1 Introduction

180. This chapter presents a summary of proposed recommendations and way forward in regard to the promotion, inculcation and implementation of national values and principles of governance.

5.2 Recommendations

The specific recommendations towards the realisation of national values and principles of governance clustered in thematic areas are as detailed below.

(a) Recommendations on the creation of national identity and exercise of sovereign power.

- (i) *Commitment to full implementation of the constitution by the national and county governments.*

181. All the key players in the Constitution implementation process, including the national and county governments, private sector, civil society organizations, faith-based organizations, community-based organizations, and the media among others should play their respective roles in the devolution process. This will enable the creation of concrete structures necessary for overall implementation of the provisions of the Constitution so as to enhance national development.

- (ii) *Adherence by all institutions to set standards and guidelines in compliance with devolution policies and legislations.*

182. Devolution as provided for in the Constitution is expected to enhance the promotion of national identity and exercise of sovereign power. Consequently, all institutions are expected to adhere to set standards and operational guidelines in compliance with devolution legislations and policy guidelines. Further, in order to promote patriotism among the Kenyan citizenry, members of the public should commit to put the service to their country before self both at the national and the county government levels.

- (iii) *Facilitate development and review of policies and relevant legislations on the promotion of national identity and exercise of sovereign power.*

183. For sustainable promotion of national interests and exercise of sovereign power, there is need for clear policy guidelines and provisions to guide the process. The national and devolved governments are required to facilitate development of policies and enactment of relevant legislations

on the promotion of national identity and exercise of sovereign power. The National Assembly is therefore expected to fast track the tabling and adoption of the Sessional Paper No. 8 of 2013 on National Values and Principles of Governance, as well as the Sessional Paper No. 9 of 2013 on National Cohesion and Integration. These policy documents will be instrumental in enhancing national identity.

184. Institutions must review existing legislations, policies and guidelines so as to align them with the constitutional provisions that seek to promote patriotism, national unity and rule of law. This will facilitate the identification of emerging challenges and therefore identification of the most effective intervention measures and strategies for enhancing the promotion of patriotism, national unity, democracy and participation of the people, as well as the rule of law. Finally, all public and private institutions are required to rebrand themselves in order to reflect positive image in national interests and exercise of sovereign power.

(iv) Conduct continuous civic education to sensitize stakeholders on the constitutional provisions that seek to enhance promotion of national identity and exercise of sovereign power.

185. In view of the fact that the promotion of national identity and exercise of sovereign power is the duty of every Kenyan, there is need to disseminate sufficient information on national identity and exercise of sovereign power to the citizenry. All stakeholders at the national and county governments are therefore required to conduct continuous civic education to sensitize stakeholders on the constitutional provisions that seek to enhance promotion of patriotism, national unity, rule of law, democracy and participation of the people. Institutions are also required to adopt the use of ICT as an effective strategy in the promotion of national identity and exercise of sovereign power.

(v) Provide adequate resources/funding to ensure full implementation of programmes that seek to promote national identity and exercise of sovereign power.

186. The promotion of national identity and exercise of sovereign power is fairly expensive and requires the contribution of all stakeholders in the spirit of patriotism and national unity. The stakeholders involved in this noble exercise are requested to initiate sustainable public-private partnerships to avail the requisite resources to enhance national identity. However, the national and county governments remain the primary drivers of this process. Consequently, it is recommended that the two levels of government avail adequate resources and funding to ensure full

implementation of programmes that seek to promote national identity and exercise of sovereign power.

(vi) Uphold the use of national language and positive culture to enhance national identity and exercise of sovereign power among the Kenyan citizenry.

187. Culture and language have largely played an important role in the promotion of national identity in Kenya. All persons are therefore required to uphold the use of national language as provided for in the Constitution so as to enhance national identity among the Kenyan citizenry. Both the national and county governments should periodically organize cultural activities with a view to promoting national identity and exercise of sovereign power.

(vii) Adhere to formal guidelines for identifying and rewarding national heroes/heroines.

188. National heroes and heroines have made great impact in creating national identity in Kenya. The national and county governments are expected to adhere to the formal guidelines and criterion of identifying and rewarding national heroes and heroines for their achievements in patriotic activities, as guided by the Kenya Heroes Bill, 2013. Further, the two levels of government are expected to identify and recognize cohesion and peace champions in all sectors of the society, as this will go a long way in enhancing national identity and exercise of sovereign power.

(b) Recommendations on sharing and devolution of power

The specific recommendations on sharing and devolution of power are as follows:

(i) Expedite enactment, full operationalization and review of legal and institutional frameworks to facilitate devolution.

189. Operationalization of devolution will be instrumental in facilitating sharing and devolution of power. Although the Constitution has very clear provisions on devolution, effective and full implementation of the devolution processes has not been realized. In this regard, all the stakeholders involved in operationalizing devolution are expected to expedite the establishment and full implementation of legal and institutional frameworks provided for in the Constitution and other related legislations. County governments are required to create elaborate legal and institutional frameworks to accelerate the devolution process. Institutions are further required to facilitate review of existing legislations and policy guidelines so as to deal with emerging challenges and take appropriate

intervention measures. In addition, institutions are required to facilitate continuous consultation and cooperation especially between the national and the devolved governments in enhancing the devolution processes.

(ii) Enhance provision of resources/funding to establish structures for effective implementation of devolution processes.

190. The setting up of the requisite structures to facilitate sharing and devolution of power has been a fairly expensive endeavour. Therefore, the national and county governments are required to enhance provision of the necessary financial and human resources. Institutions at both levels of Government are required to encourage public-private partnerships with other stakeholders to provide enabling structures and resources for effective implementation of the devolution processes and initiatives.

(iii) Facilitate capacity building and sensitization on the constitutional provisions on devolution and other relevant legislations.

191. Inadequate information on devolution has largely affected the devolution process and has impacted negatively on the operations especially in the county governments. Therefore, the national and the county governments are required to facilitate continuous capacity building and sensitization of all stakeholders on the constitutional provisions of devolution and other related legislations. Emphasis should be put on the roles diverse players in the devolution process are required to play to enhance service delivery in the county governments. All institutions involved in the devolution process are required to adopt the use of ICT as an alternative education tool to disseminate information on devolution and sharing of power.

(iv) Establish national and county oversight committees to conduct periodic monitoring and evaluation on the status of devolution.

192. Institutions at the national and county governments should conduct periodic monitoring and evaluation on the status of devolution in their respective mandate areas. County governments should therefore establish oversight committees to facilitate monitoring and evaluation. Information obtained from these monitoring and evaluation reports will particularly be useful in identifying and addressing emerging challenges, and guide the appropriate intervention measures for enhanced devolution. In addition, this information will be useful for the overall development process as well as review of existing devolution policies and legislations.

(c) Recommendations on the protection of the Bill of Rights

The specific recommendations on the protection of the Bill of Rights are as detailed below.

(i) Enhance review and enforcement of laws, policies, and guidelines that protect the Bill of Rights.

193. The Constitution has made clear provisions on the promotion of rights-based values, and appropriate policies and legislations have been enacted to guide the implementation processes. Institutions at the national and county governments are therefore required to facilitate enforcement and implementation of the said laws and policies respectively. In addition, institutions are required to review existing legislations, policies and guidelines appropriately, so as to ensure they are effective in the protection of the Bill of Rights. Such amendments should make provisions for affirmative action for the marginalized groups and address any forms of violations and discrimination.

(ii) Provide adequate resources/funding to enhance the promotion of human rights and other rights-based values.

194. Institutions are required to allocate more funds and resources to promote the rights-based values. In addition, institutions are encouraged to engage in public-private partnerships for resource mobilization so as to enhance the promotion of human rights and other rights-based values. Specifically, the national and county governments are directed to facilitate devolution of resources and services for easy access by all without discrimination, as required by the Constitution. Similarly, institutions are required to invest adequately in their respective institutional processes and systems to ensure all persons have access to efficient and quality services. There is also need for institutions to facilitate continuous mapping of resources to ensure fair distribution.

(iii) Conduct training, civic education and sensitization on the constitutional provisions, policies and guidelines that promote a culture of respect for human rights and other rights-based values.

195. Institutions are directed to conduct civic education and sensitization on the provisions of the Constitution that promote a culture of respect for human rights and dignity. This is in view of the fact that there are numerous policy documents on the promotion of rights-based values, though there is limited information available to the citizenry particularly on the constitutional provisions on the Bill of Rights. The national and county governments are therefore required to enhance awareness creation,

sensitization and advocacy on the protection of the rights-based values. The use of ICT and the media should further be encouraged in the dissemination of information to the public on the promotion of the rights-based values in the society. There is therefore need to enhance the ICT infrastructure in all the sectors.

(iv) Establish monitoring and evaluation mechanisms to determine the status of compliance with the existing rights-based policies.

196. There are many constitutional provisions on the promotion of rights-based values upon which a number of policies have been developed and legislations enacted to guide the promotion processes. Therefore, institutions are directed to establish monitoring and evaluation mechanisms to determine the status of compliance with the existing human rights, non-discriminatory and equitable systems and policies. This will enable institutions make appropriate recommendations towards the protection of the Bill of Rights. Further, institutions both within the national and county governments are required to establish independent committees that will ensure equitable access to opportunities, resources and services.

(d) Recommendations on the realisation of good governance, transparency and accountability

The specific recommendations on the realisation of good governance, transparency and accountability are as follows:

(i) Develop, implement and review policies and guidelines on transparent and accountable management of resources.

197. In order to ensure good governance that promotes integrity, transparency and accountability, there is need for effective policy guidelines to guide such integrity processes. In this case, institutions are required to develop and implement policies and guidelines geared towards transparent and accountable management of resources. In view of the emerging challenges and changes in governance especially the devolution processes, institutions are required to regularly revise their respective management procedures and policy documents, so as to align them with existing legislations on transparency and accountability and therefore enhance their effectiveness.

(ii) Enhance public-private partnerships to mobilize resources/funding to facilitate creation of effective, transparent and accountable management systems.

198. The establishment of the requisite structures for effective transparent and accountable management systems requires provision of adequate human and financial resources. Consequently, institutions are directed to enter into public-private partnerships, as this engagement will facilitate the provision of enabling structures necessary for effective mobilization and management of resources.

Lastly, all institutions mandated to fight corruption should be allocated adequate resources so as to facilitate the enforcement and promotion of good governance, integrity and accountability.

(iii) Enhance training, civic education and capacity building on the promotion of good governance, transparency and accountability.

199. To promote transparent and accountable management of resources, institutions are required to avail the relevant information to all stakeholders and especially on their respective roles in the management processes. Institutions are therefore required to enhance civic education, capacity building and advocacy on good governance, transparency and accountability within the national and county governments. This shall ensure effective service delivery that promotes open and responsible management of resources. Institutions should also use ICT as a communication strategy in the training and sensitization on transparent and accountable processes.

(iv) Facilitate continuous monitoring and evaluation on management systems and processes to enhance the promotion of good governance, transparency and accountability.

200. Institutions are required to ensure that their management systems remain relevant, appropriate and effective in enhancing good governance. This is necessary in view of the emerging global dynamics in management systems. In this case, institutions are urged to dedicate adequate resources to facilitate continuous monitoring and evaluation on their respective management systems and processes to enhance their capacity in the promotion of good governance, transparency and accountability. Monitoring and evaluation initiatives will enable institutions to identify and address any emerging challenges by taking the appropriate intervention measures. This information will inform the development as well as review of existing policies and legislations on good governance, transparency and accountability.

(e) Recommendations on the realisation of sustainable development

The specific recommendations on the realisation of sustainable development are as detailed below:

(i) Develop, implement and review policies and legislations that seek to promote sustainable development.

201. There are a number of institutions that lack specific policy guidelines on the most effective strategies for the promotion of sustainable development. In other instances, where such policies exist, they are either not aligned to the Constitution or have been found ineffective in addressing emerging challenges towards sustainable development.

202. Institutions are therefore required to develop relevant policies where such guidelines are missing. Where the policies exist, institutions must ensure they are revised and amended appropriately to comply with the constitutional provisions on sustainable development and hence make them effective in addressing the said challenges. All institutions are further required to comply with and enforce existing policy guidelines on sustainable exploitation, utilization and management of resources. In order to ensure effective and sustainable manpower development, institutions are directed to enforce succession management policies throughout the public service.

(ii) Provide adequate resources/funding to facilitate sustainable socio-economic and political development.

203. Inadequate funding and insufficient provision of resources have been identified as a major challenge towards facilitating sustainable development processes. Therefore, the Government directs institutions and other relevant stakeholders to provide adequate funding and the appropriate resources to facilitate sustainable socio-economic and political development. Institutions are further required to initiate public-private partnerships as this will provide the necessary structures for resource mobilization necessary for sustainable development.

(iii) Facilitate capacity building and civic education on effective management of resources for sustainable development.

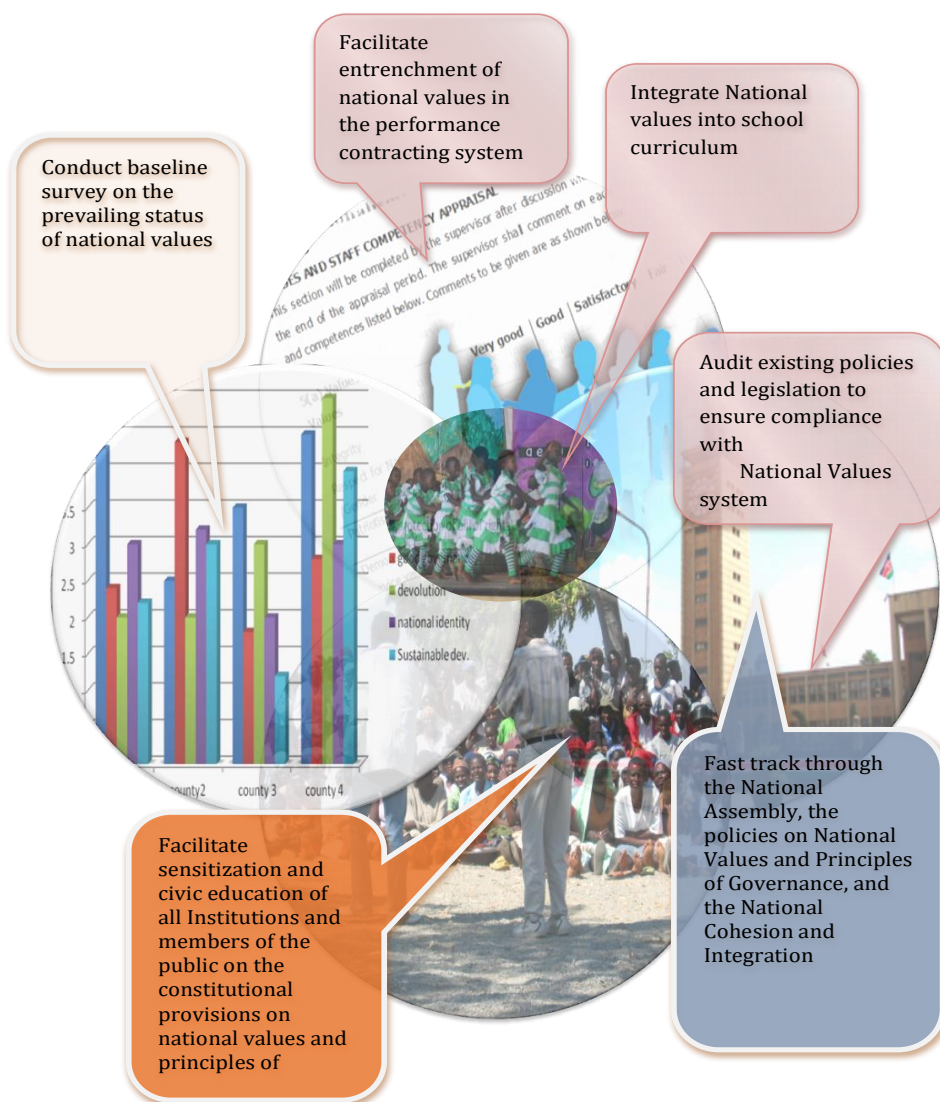
204. Institutions indicated that their respective personnel lacked the requisite knowledge, skills and expertise that are required in the effective implementation of sustainable development processes. Stakeholders are therefore required to facilitate continuous capacity building and civic education on the relevant legislations, policies and guidelines relating to effective management of resources for sustainable development. In

addition, institutions are required to invest and adopt ICT as an alternative and effective means through which they can disseminate information to their stakeholders on proper management of resources for sustainable development.

(iv) Conduct periodic monitoring and evaluation to ensure transparent and accountable management of resources for sustainable development.

205. To ensure that challenges faced in the sustainable development processes are promptly identified and addressed, it is directed that institutions, both within the national and devolved governments, conduct periodic monitoring and evaluation on their processes. This will enable them to identify emerging challenges, take appropriate intervention measures, and also ensure compliance with proper management of sustainable development resources.

CONCLUSION AND WAY FORWARD



5.3 Way Forward

In order to facilitate the effective and efficient realisation of national values and principles of governance, the Government shall:

(a) Ensure full implementation of the Constitution

206. The Government shall ensure the full implementation of the Constitution amongst the three arms of the government and also ensure adequate resource allocation to facilitate the same and particularly in the realisation of the national values and principles of governance.

(b) Fast track through the National Assembly, the policies on National Values and Principles of Governance, and the National Cohesion and Integration

207. The National Values and Principles of Governance, and the National Cohesion and Integration policies (Sessional papers number 8 and 9 of 2013 respectively) remain critical policy documents in the promotion of national values and social stability. These policies have been discussed and approved by the Cabinet, and they are yet to be discussed by the National Assembly. The National Assembly is hereby urged to finalize the remaining processes so as to provide the requisite policy frameworks required to enhance the implementation processes. Thereafter, the Government, through the Ministry of Interior and Coordination of National Government, shall avail the resources necessary for the implementation of the Action Plans on the Sessional Papers. The implementation process will be instrumental in guiding the short, medium and long term initiatives on the promotion of national values.

(c) Facilitate training, sensitization and civic education of all institutions and members of the public on the constitutional provisions on national values and principles of governance

208. The Government, through the respective MDAs, shall conduct continuous sensitization and civic education to all institutions and members of the public on the constitutional provisions on national values and other relevant policies. Specifically, sensitization and advocacy on Article 10 of the Constitution, and the contents of the Sessional paper No. 8 of 2013 on national values and principles of governance will be intensively conducted. This initiative will be critical in enhancing the

mainstreaming and promotion of national values in all segments of the society.

(d) Facilitate entrenchment of national values in the performance contracting system

209. The performance contracting system has played a key role in enhancing socio-economic and political development processes in Kenya. The system has elaborate structures in place for mainstreaming of national values in the public service. In this regard, the Government shall introduce the national values into the performance contracting system, and respective Cabinet Secretaries and heads of departments shall thereafter be required to contract to spearhead the promotion of national values and principles of governance in their respective MDAs. In order to facilitate the above process, the Ministry of Interior and Coordination of National Government shall develop the appropriate performance indicators on national values and principles of governance in liaison with the Directorate of Public Service Management to guide the process.

(e) Conduct baseline survey on the prevailing status of national values

210. To ensure effective implementation of programmes and activities on the promotion of national values, the Government through the Ministry of Interior and Coordination of National Government, as well as the Ministry of Devolution and Planning shall conduct a baseline survey to establish the status of the realisation of national values in the country. The baseline survey shall cover all the sectors in the country, including the private sector, as well as other organizations that do not fall under the categories of institutions mentioned in this report. The baseline survey will largely inform the national values implementation process in regards to resource mobilization and distribution, as well as the implementation strategies.

(f) Develop and facilitate implementation of an education curriculum on national values

211. National values remain fundamental instruments in shaping the behavior of learners in the learning institutions to become good and responsible citizens. Therefore, through the Ministry of Interior and Coordination of National Government, other stakeholders, and the Ministry of Education, Science and Technology, the Government will develop the necessary curriculum for primary, secondary, and tertiary

institutions. The curriculum will ensure that classroom instructions shall emphasize civic education on national values and principles of governance as learners participate in school governance, mentorship programmes, community development projects and other co-curricular activities including music, sports and drama.

(g) Undertake a forensic audit of legislations, policies and institutional frameworks

212. The Government shall undertake a forensic audit of all legislations, policies and institutional frameworks to ensure adherence to Article 10 of the Constitution in the next three (3) years.

