



**Report  
of the  
Steering Committee on the  
Implementation of the Building Bridges  
to a United Kenya Taskforce Report**

**Building Bridges  
to a United Kenya:  
from a nation of blood ties  
to a nation of ideals**

October, 2020



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of the  
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Bridges to A United Kenya Taskforce  
Report**

**October, 2020**



His Excellency the President of the Republic of Kenya  
and Commander-in-Chief of the Defence Forces,  
Hon. Uhuru Kenyatta, C.G.H.,  
State House,  
Nairobi.  
16 October, 2020

Your Excellency,

You appointed this Steering Committee by Gazette Notice No. 264, published on 10th January, 2020. It was our privilege, as per the mandate, to conduct validation of the Task force Report on Building Bridges to a United Kenya through consultations with citizens, civil society, the faith-based organizations, cultural leaders, the private sector and experts; and propose administrative, policy, statutory or constitutional changes that are necessary for the implementation of the recommendations contained in the Task force Report, taking into account any relevant contributions made during the validation period.

We conducted comprehensive validation of the Task force Report using the following approaches: Reviewing the contents of the Taskforce Report; holding a total of 93 stakeholder validation meetings at the K.I.C.C., Laico Regency Hotel and at our offices in Nairobi. These meetings were attended by representatives from civil society, faith-based organisations, women’s groups, youth groups, persons with disability (PWD) groups, cultural leaders and government institutions; participated in regional delegates’ meetings where we received written validation submissions from the leaders at the end of each of the meetings; participated in regional public meetings where we received written submissions from Kenyans through their leaders.

Your Excellency, the committee also hosted governors from the Rift Valley region in Nairobi on 20th March, 2020 where they presented memoranda from their counties following postponement of a regional meeting due to the Covid-19 pandemic. The committee also processed a total of 124 hand-delivered memoranda and 223 emailed memoranda, invited external experts and drafters to provide technical information, and also undertook desktop review of relevant documents and international good practices to inform and enrich the report.

The result is the following policy, administrative, statutory and constitutional instruments that addresses the national challenges outlined in the Joint Communiqué of ‘Building Bridges to a New Kenyan Nation’.

We now have the honour to submit our report, and to express our gratitude for the privilege to be of service to the Nation and to express our highest esteem to your Excellency.

Senator Mohamed Yusuf Haji (Chairperson & Member)



Prof. Adams Oloo (Vice-Chairperson & Member),



Senator Amos Wako (Member),



Dr. Florence Omosa (Member),



Mr. James Matundura (Member),



Bishop Lawi Imathiu (Member),



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Major John Seii (Member),



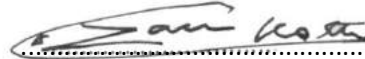
Hon. Maison Leshoomo (Member),



Bishop Peter Njenga (Member),



Archbishop Zacchaeus Okoth (Member).



Mr. Paul Mwangi,



*Joint Secretaries.*

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The Steering Committee would like to acknowledge the positive engagement of this consultative process by thousands of Kenyans through memoranda and verbal submissions. Thanks goes to the many experts in Government, academia, civil society and the private sector who lent their knowledge and experience to the task of translating Kenyans wishes for change into practical proposals. Gratitude is expressed by the Steering Committee to the many Governors, Members of Parliament, and Members of County Assemblies who contributed to the process in constructive and positive ways. The leadership of the religious sector and the private sector also deserve recognition for their proactive and forward-looking role in bringing BBI to this stage. Lastly, but certainly not least, the Steering Committee would like to acknowledge, with thanks, the critical role played by the experts attached to it, and the staff who worked daily to allow us to operate effectively.





## List of Abbreviations and Acronyms

ADR	Alternative Dispute Resolution
AFFA	Agriculture Fisheries & Food Authority
AGPO	Access to Government Procurement Opportunities
APBET	Alternative Provision of Basic Education
ASALS	Arid and Semi-Arid Lands
ASCU	Agricultural Sector Coordination Unit
BBI	Building Bridges Initiative
CBK	Central Bank of Kenya
COTU	Central Organization of Trade Union
COVID-19	Corona Virus Disease discovered in 2019
COWA	Common Women Agenda
CPSB	County Public Service Board
CRA	Commission on Revenue Allocation
CRB	Credit Reference Bureau
CRECO	Constitution and Reform Education Consortium
CSOs	Civil Society Organisations
CSR	Corporate Social Responsibility
DCI	Directorate of Criminal Investigations
DPM	Directorate of Personnel Management
EACC	Ethics and Anti-Corruption Commission
ECD	Early Childhood Development
ESK	Evaluation Society of Kenya
FOPA	Former Members of Parliament Association
FPTP	First-past-the-post system
GDP	Gross Domestic Product
GOEs	Government-Owned Entities
GoK	Government of Kenya
ICPAK	Institute of Certified Public Accountants of Kenya
ICT	Information, Communications and Technology
IEBC	Independent Elections and Boundaries Commission
IFMIS	Integrated Financial Management Information System
JIAM	Jesus Is Alive Ministries
KALRO	Kenya Agricultural and Livestock Research Organisation
KAPU	Kenya Association of Private Universities
KARI	Kenya Agricultural Research Institute
KBC	Kenya Broadcasting Corporation
KENAO	Kenya National Audit Office
KENFIBA	Kenya National Fire Brigades Association
KICC	Kenyatta International Convention Centre
KICD	Kenya Institute of Curriculum Development
KIEMS	Kenya Integrated Elections Management System
KIE	Kenya Industrial Estates

KIPPRA	Kenya Institute of Public Policy and Research
KIPRI	Kenya Industrial Property Institute
KISM	Kenya Institute of Supplies and Management
KMPDU	Kenya Medical Practitioners, Pharmacists and Dentists Union
KMTC	Kenya Medical Training College
KNBS	Kenya National Bureau of Statistics
KNUT	Kenya National Union of Teachers
KRA	Kenya Revenue Authority
KSG	Kenya School of Government
KUSO	Kenya University Students Association
NACADA	National Authority for Campaign against Alcohol and Drug Abuse
NACONEK	National Council of Nomadic Education in Kenya
NARPOK	National Association of Retired Police Officers
NCIC	National Cohesion and Integration Commission
NCPWD	National Council for Persons With Disabilities
NDTIC	National Development Technical Implementation Committee
NGOs	Non-Governmental Organizations
NHIF	National Hospital Insurance Fund
NMK	National Museums of Kenya
NPS	National Police Service
NPSC	National Police Service Commission
NSC	National Security Council
NSSF	National Social Security Fund
NTSA	National Transport and Safety Authority
NVN	National Volunteer Network
OAG	Office of the Auditor General
ODM	Orange Democratic Movement
ODPP	Office of the Director of Public Prosecution
OOP	Office of the President
ORPP	Office of Registrar of Political Parties
PLC	Public Listed Company
PSC	Public Service Commission
PTAs	Parents' and Teachers' Associations
PWDs	Persons with Disabilities
SACCOs	Savings and Credit Co-Operative Society
SAGA	Semi-Autonomous Government Agency
SMES	Small and Medium Enterprises
SOFOREA	Society of Forensic Science Researchers and Experts Association
SRC	Salaries and Remuneration Commission
STEM	Science, Technology, Engineering and Mathematics
TJRC	Truth, Justice and Reconciliation Commission
TSC	Teachers Service Commission
TVET	Technical Vocational Education Training
UVPK	Union of Veterinary Practitioners, Kenya
WEF	Women Enterprise Fund

## Notable Issues

The BBI Steering Committee was conscious of working within a national and global context that was dynamic and needed to be taken into account in its work. Many notable dynamics and trends stood out as important to this political and economic moment for Kenyans, in relation to the task of the Steering Committee. Below are some of the leading ones, which we hope all Kenyans will pay mind to as they read, and deliberate on, this report.

1. **COVID-19:** The COVID-19 pandemic is leading to extraordinary changes to the global health, economic and trading systems. The Steering Committee, in observing the damage to economic livelihoods, and the effect of unemployment and destroyed wealth caused by the pandemic, anticipates that political cohesion will erode seriously across the world, leading to pressure to undertake fundamental political and economic reforms. Kenya, without predicting the pandemic, had already embarked on this path to far-reaching reform with the BBI process. We take note of the BBI reforms recommended in the economic sphere, in healthcare provision, and in making Kenya a more cohesive country. These will be the kind of changes the rest of the world will pursue, while Kenya will be ahead of the global curve due to BBI.
2. **COMPETENCE:** The Steering Committee observes that successful countries are those whose public and private institutions and processes can consistently produce competence in planning and implementation. It matters little how grand our aims and ambitions as a country are, if we do not find a way to root evidence and competence in how we run government, businesses – small and large – and even our families. We urge Kenyans, and particularly the leadership in the public sector, to build systems that embrace merit while broadening inclusivity. It is especially crucial that political parties actively seek out and promote aspirants to elective office who in addition to their political skills are competent individuals.
3. **EQUITY AND EQUALITY:** If the object of politics is ‘who gets what, when, how’, as defined by the famous American political scientist Harold Lasswell, Kenyans must embrace legal and political systems that carefully balance between equity and equality. There is no doubt that Kenya has a continuing legacy of marginalisation of some groups and areas, and that this is combined with existing pervasive under-servicing in many parts of the country. It is crucial that the needs of the marginalised and under-served be met, as much as is possible. It is also, however, important to also pay practical mind to the call for equality for unequal treatment, even in the pursuit of fairness, can easily be pushed into new forms of victimisation and marginalisation. A balance is crucial to the health of this republic.

4. **EQUAL OPPORTUNITY:** It is equally critical on the economic front to focus on the equalisation of opportunity for all Kenyans, no matter their age, ethnicity, religion, or gender, as the primary aim of economic policy. We are not a wealthy country: if you took every property, all the goods, and minerals and magically sold them in a single moment and then divided the proceeds by 47 million, the money would last each of us for an extremely brief time. We must build wealth as a country, and this will be sustainable and successful only if we minimise the barriers to opportunity caused by discrimination, undermining of merit, poor education, and unequal service provision.
  
5. **REFORM:** It has become increasingly fashionable in some influential quarters to look down on the Kenyan tradition of working hard to mediate emerging conflicts for the sake of seeking peace and stability. Such efforts are sometimes derided as an uncritical embrace of a destructive status quo, with preference being for extreme actions that can push the country to the brink of escalating, and possibly catastrophic, conflict. We believe that peace and stability are a prerequisite for a successful Kenya. And we urge Kenyans to beware the unintended consequences of actions intended to destabilise the constitutional order; we have seen their dire consequences in our region and should want no part of them. We, as Kenyans, have the intelligence and organising power, to seek and achieve meaningful reforms.

## Executive Summary

The quest to improve governance and to meet the just expectations of the Kenyan people is perpetual. The March 2018 Handshake between H.E. President Uhuru Kenyatta and Rt. Hon. Raila Odinga, as the leader of the opposition coalition, was a moment that crystallised the constitutional imperative to seek peace, security and unity. Two leaders, representing the ruling party and the opposition, shook hands to create an opportunity to unite the country and set in motion a process to identify the comprehensive changes that will strengthen the Rule of Law, unite Kenyans, deepen our constitutionalism, and launch a comprehensive reform process to consolidate this momentous opportunity. This report contains the results of a two-year process in which Kenyans from every walk of life, in every County, across Government entities, and with a wide variety of expertise made their views known through the BBI process.

The Steering Committee has undertaken the daunting task of listening keenly to a multiplicity of voices responding to the BBI Taskforce Report. As per its mandate, the Steering Committee has made recommendations on the implementation of the Report, which are structured in the following thematic areas: Constitutional, legislative, policy and administrative. The Steering Committee urges the reader to continue reading – making use of the detailed annexes – to appreciate the Constitutional, legislative, policy and administrative recommendations.

The following is a brief overview of the proposed changes in regard to constitutional and legislative reforms:

### 1. Proposed Constitutional Reforms

Following the analysis of the views presented and thereafter validated by Kenyans, the Steering Committee proposes to amend:

**Chapter Two** of the Constitution on **formative aspects of the Republic** to address regional integration, cohesion, shared prosperity and the centrality of the economy. This in order to harness regional trade, investment and people-to-people links to increase our prosperity, opportunities for investment and enhance our security.

**Chapter Three on Citizenship** to strengthen the national ethos by outlining the responsibilities of citizens. The amendment is informed by the understanding that the current Constitution has rightly imposed various socio-economic duties on the state but does not envision any responsibilities on the part of the citizen.

**Chapter Four on the Bill of Rights** to provide a constitutional underpinning for the privacy of citizens' personal data as an emerging area in human rights owing to significant technological developments in this area.

**Chapter Six on Leadership and Integrity** to intensify the fight against corruption by strengthening the relevant institutions. This includes providing a mechanism for more expeditious conduct of investigations, prosecution and trial of corruption-related matters.

**Chapter Seven on Representation of the People** to resolve issues of divisive elections arising from electoral processes. The proposed amendments seek to:

- i. Enhance the transparency and fairness of representation in the electoral system.
- ii. Reform the management structure of the Independent Elections and Boundaries Commission (IEBC).
- iii. Promote electoral competition based on ideas, values and our shared humanity rather than the common-enemy identity politics that have defined our electoral cycles to date.
- iv. Promote gender equity in governance by actualising the Constitutional provision of the two-thirds Gender Rule on elective and appointive office.
- v. Implement the provisions of Articles 81(d) and 89(7) (b) of the Constitution, which mandate that the electoral system is to comply with the universal principles of fair representation, equality of the vote, and the requirement that the IEBC, in setting constituency and ward boundaries, should progressively work towards ensuring that the number of inhabitants in each constituency and ward is, as nearly as possible, equal to the population quota.

**Chapter Eight on the Legislature** to undertake the following:

Remodel the Parliamentary system by bringing the Government back into the House, including the Prime Minister, Deputy Prime Ministers, Cabinet Ministers, the Attorney-General and the Leader of the Official Opposition, being the person who was the runner-up in the Presidential election.

**Chapter Nine on the Executive** by expanding the national executive in order to promote greater inclusivity, and mitigate the drawbacks of the winner-take-all electoral formula. This recommendation therefore proposes the introduction of the office of the Prime Minister and two Deputy Prime Ministers. It also provides that Cabinet Ministers may be appointed from among members of the National Assembly. The Committee makes this recommendation cognizant of the provisions of Article 77(1) of the Constitution of Kenya which bars state officers from receiving emoluments for more than one role.

**Chapter Ten on the Judiciary** to enhance judicial accountability to the people of Kenya. This means that while the independence of the Judiciary must be protected as a fundamental principle, the Judiciary should equally be accountable in a clear manner to the sovereign will of the people of Kenya. It is therefore proposed to introduce the independent office of the Judiciary Ombudsman, who shall sit on the Judicial Service Commission.

**Chapter Eleven on the Devolved Government** by making the following changes:

- I. Creating a County Ward Development Fund to be governed by statute.

- ii. Increasing the resources to the Counties from the current 15% to at least 35% of the last audited accounts and ensuring that the focus is on service delivery in the settled and serviced areas, including for people living near the furthest boundaries of each County.
- iii. Embedding the monitoring, implementation and impact assessment of Article 43 rights in the President's State of the Nation address and in the budgeting process.
- iv. Ensuring greater inclusivity, fairness, equity and accountability in the distribution of resources.

**Chapter Twelve** on Public Finance to streamline public finance principles and processes to promote efficiency and ensure expenditures are directed to maximising utility. The proposals give special attention to the actualisation of the rights guaranteed under Article 43 as well as strengthening devolution.

**Chapters Thirteen, Fourteen and Fifteen** to ensure that the Public Service, National Security agencies and Commissions and Independent Offices are not only strengthened but also:

- i. Are accountable to the people of Kenya.
- ii. Have internal accountability systems that clearly and transparently separate the power of appointment and promotion from that of interdiction and censure.
- iii. Carry out rigorous audits that inquire into value for money and ensure that sound principles of public finance management apply to every arm of Government and every public institution.
- iv. Facilitate, promote and enable ethical conduct and responsibility in public resource management.

**Chapter Sixteen on General Provisions** to define new terms introduced by other proposed amendments.

**Third Schedule on National Oaths and Affirmations** to make provision for the oaths to be administered in respect of state officers for whom such requirements had been omitted.

## **2. Legislative Proposals**

The BBI Taskforce Report made several recommendations that require legislative interventions. The Steering Committee has considered the input obtained during the validation process and has drafted relevant amendment bills.

Below is an overview of the bills.

### **1. The Public Finance Laws (Amendment) Bill, 2020**

The Public Finance Laws (Amendment) Bill, 2020 seeks to make amendments to various finance-related laws, such as:

- a. **The Public Finance Management Act, 2012 (No. 18 of 2012)**



The Bill seeks to amend the Public Finance Management Act, 2012 to provide for offences relating to the handling of public monies by Public Officers or Accounting Officers, and liability arising out of loss of public money.

**b. The Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015)**

The Bill seeks to amend the Act to obligate Accounting Officers to ensure that procurement of goods, works and services is done transparently and with strict adherence to the approved procurement plans and that money is available for payment of goods or services being procured.

**c. The Public Audit Act, 2015 (No. 34 of 2015)**

The Bill seeks to amend the Public Audit Act, 2015 to empower the office of the Auditor General to recruit its own staff.

**d. The Controller of Budget Act, 2016 (No. 26 of 2016)**

The Bill seeks to amend the Act to require the Controller of Budget to carry out due diligence on all ongoing projects, to ascertain whether money previously approved for the project has been utilised prudently, before the Controller authorises release of more funds for the projects.

**e. The Higher Education Loans Board Act, 1995 (No. 33 of 1995)**

The Bill seeks to amend the Act to give loanees a grace period of four years from the date of completion of their studies before they can commence repayment of loans advanced to them. The proposed amendments further exempt loanees without a source of income from paying interest on the loans advanced to them until such time that the loanees start earning an income.

**2. The Prompt Payment Bill, 2020**

The proposed Bill provides a legal framework for the prompt payment of invoices for goods and services procured by public entities and mechanisms for settling disputes over invoices.

**3. The Micro and Small Enterprises (Amendment) Bill, 2020**

The Bill seeks to amend the Micro and Small Enterprises Act, 2012 to give youth-owned enterprises a seven-year tax break, and to establish business incubation centres across the country for the purposes of providing business advisory services, which includes access to capital and Government contracts. Further, the Authority will register and certify enterprises owned by young people, women and people with disabilities.

**4. The County Wards Development Fund Bill, 2020**

The objective of the proposed Bill is to provide a legal framework for the operationalisation of the Ward Development Fund intended to be introduced through an amendment to the Constitution.

## **5. The Health (Amendment) Bill, 2020**

The Bill seeks to amend the Health Act to establish the Health Services Commission. The commission shall make recommendations to the national government on national policies for management of health care workers; monitor implementation of national policies for management of health care workers by county governments and recommend appropriate action; and set and regularly review norms and standards on health matters.

## **6. The Election Laws (Amendment) Bill, 2020**

The Bill seeks to amend various election-related laws, to deliver an electoral system that is transparent, accountable and democratic and promotes the will of the people. The Bill contains amendments to the following statutes:

1. The Elections Act, 2011 (No. 24 of 2011)
2. The Political Parties Act, 2011 (No. 11 of 2011)
3. The Independent Electoral and Boundaries Commission, 2011 (No. 9 of 2011)
4. The Election Campaign Financing Act, 2013 (No. 42 of 2013)
5. The Election Offences Act, 2016 (No. 37 of 2016)

## **7. The Anti-Corruption and Economic Crimes (Amendment) Bill, 2020**

The Bill seeks to amend the Anti-Corruption and Economic Crimes Act, No. 3 of 2003 and touches on matters such as: enhanced penalty for economic crimes and corruption offences; the procedure for hearings and sentencing on economic crimes and corruption matters; and an offence of concealment of corruption. It provides for the duty to report any knowledge or suspicion of instances or acts of corruption or economic crimes.

## **8. The Ethics and Integrity Laws (Amendment) Bill, 2020**

The Ethics and Integrity Amendment Bill, 2020 seeks to make amendments to various statutes relating to ethics and integrity. The Bill contains proposed amendments to the following statutes:

1. The Leadership and Integrity Act (No. 19 of 2012)

The Bill proposes to amend the Leadership and Integrity Act to: provide a detailed framework for dealing with public funds and personal wealth and making financial declarations by state officers; and prohibit state officers and Public Officers themselves or through proxies engaging in business with a public entity or engaging in public collection of funds.

2. The Public Officer Ethics Act (No. 4 of 2003)

The Bill proposes to amend the Act to bar Public Officers from participating in public collections and streamline the filing of wealth declarations by Public Officers.

#### **9. The Contribution to Charity Bill, 2020**

The Bill seeks to repeal the Public Collections Act, Chapter 106, with the principal objective of providing a modern framework for regulating public collections or *harambees* and providing a clear demarcation between public collection for charitable purposes and public collection for private benefit.

#### **10. The Devolution Laws (Amendment) Bill, 2020**

The principal object of this Bill is to amend the County Governments Act, 2012 and the Intergovernmental Relations Act, 2012, to align various provisions of the Act with multiple court decisions on matters relating to devolution and to incorporate lessons learnt in the implementation of the Acts. Further, the Bill amends the County Governments Act to include a provision requiring County Governors to designate to their Deputy Governors County Executive Committee portfolios.

#### **11. The Public Participation Bill, 2020**

The principal object of the Bill is to provide an effective public participation framework both at the National and County Government levels.

#### **12. The National Economic and Social Council Bill, 2020**

The object of this bill is to provide a comprehensive legal framework on how the identification of Kenya's socio-economic development priorities will be done and provides for a body that shall be in charge of general coordination of national planning.

#### **13. The Persons with Disabilities Act, No. 14 of 2003**

The Persons with Disabilities Act, No. 14 of 2003 was enacted pursuant to the recommendations of a Task Force appointed by the Office of the Attorney General. Since enactment in 2003, a number of amendments have been made to the Act and some 32 additional proposed amendments put forward, to reflect the rights declared under Article 54 of the Constitution of Kenya, 2010, but not enacted. Among the key proposed amendments which have been subjected to public participation pursuant to Article 118 of the Constitution of Kenya, 2010 as read together with standing order 140 (5) of the Standing Orders of the Senate is the Persons with Disabilities (Amendment) Bill, 2019, Kenya Gazette Supplement No. 5 (Senate Bills No. 1), Senate Bills, 2019 (6th February, 2019). On 14th August, 2018, the Cabinet passed Resolution No. 3 approving a Cabinet Paper on the Persons with Disabilities' Bill, 2018. The committee recommends that the said bill be tabled in Parliament for debate and enactment without further delay.

#### **14. The Statute Law (Miscellaneous Amendments) Bill, 2020**

The Statute Law (Miscellaneous Amendment) Bill, 2020 contains minor amendment proposals relating to the following statutes:

**a. The Interpretation and General Provisions Act (Cap. 2)**

The Bill proposes to amend the Interpretation and General Provisions Act (Cap. 2) to harmonise the definition of 'Cabinet Minister' with the proposed Constitutional Amendment amongst others.

**b. The National Intelligence Service Act, No. 28 of 2012**

The Bill proposes to amend the National Intelligence Service Act, 2012 to expand the definition of the words 'vettable position' to ensure the Service vets all applicants to public offices.

**c. The Mutual Legal Assistance Act, No. 36 of 2011**

The Bill proposes to amend the Mutual Legal Assistance Act, 2011 in section 2 to harmonise the list of mainstream competent authorities with the provisions of section 7(2) of the Act.

**d. The Commission on Administrative Justice, No. 23 of 2011**

The Bill proposes to amend the Commission on Administrative Justice Act, to provide that after having concluded an investigation or inquiry and found a Public Officer guilty of gross violation of the Constitution or the law, the Commission shall be able to make a recommendation that such an officer is unfit to hold public office.



## Reading the Report

The report is structured into sections with detailed Annexes at its end.

Section 1 contains the introduction and background to the establishment and work of the Steering Committee.

Section 2 presents the process of collecting and validating proposals and views submitted to the Steering Committee during the validation period. It sets the foundation for the Steering Committee's Constitutional, policy and administrative reform proposals for a united and prosperous Kenya.

Section 3 presents a summary of the validation outcomes for each of the nine thematic areas.

Section 4 provides a summary of implementation measures whose details are contained in the Annexes.

Annexed to this report are policy doctrines and national policy guides, an administrative action matrix, and the Constitution Amendment Bill distilled from the validation process that the Steering Committee recommends should be implemented to spur Kenya towards unity and shared prosperity. Due to the length of the legislative annex, it will be published separately.



## SECTION 1: INTRODUCTION

The Steering Committee on the Implementation of the Taskforce on Building Bridges to a United Kenya Report was established by HE President Uhuru Kenyatta by Gazette Notice No. 264 of 3rd January, 2020. The Terms of Reference of the committee, as specified in the Gazette, were to conduct validation of the Taskforce report and propose administrative, policy, statutory or Constitutional changes that may be necessary for the implementation of the recommendations contained in the Task force Report.

The Taskforce Report made recommendations to the Government based on the response of Kenyans to the nine-point agenda contained in the Joint Communiqué following the historic handshake between H.E. President Uhuru Kenyatta and Rt. Hon. Raila Odinga on 9th March, 2018. The nine-point agenda consisted of: Lack of National Ethos; Responsibilities and Rights; Ethnic Antagonism and Competition; Divisive Elections; Inclusivity; Shared Prosperity; Corruption; Devolution; and Safety and Security.

The Building Bridges to Unity Advisory Presidential Taskforce submitted its report to HE President Uhuru Kenyatta and Rt. Hon. Raila Odinga on 26th November, 2019 and it was subsequently unveiled for public engagement on 27th November, 2019. On 10th January, 2020, H.E. President Uhuru Kenyatta appointed the Steering Committee through Kenya Gazette Notice No. 264 (Vol. CXXII, No. 7), with the following terms of reference:

- a) conduct validation of the Taskforce Report on Building Bridges to a United Kenya through consultations with citizens, civil society, faith-based organisations, cultural leaders, the private sector and experts; and
- b) propose administrative, policy, statutory or Constitutional changes that may be necessary for the implementation of the recommendations contained in the Taskforce Report, taking into account any relevant contributions made during the validation period.

In the performance of its functions, the Steering Committee was mandated to—

- a) appoint its chairperson and vice-chairperson from among its members;
- b) regulate its own procedure within the confines of the law and the Constitution;
- c) privilege bipartisan and non-partisan groupings, forums and experts;
- d) form technical working groups as may be required in the fulfilment of its terms of reference;
- e) hold such number of meetings in such places and at such times as it shall consider necessary for the proper discharge of its functions;
- f) solicit, receive and consider written memoranda or information from the public; and
- g) carry out or cause to be carried out such assessments, studies or research as may inform its mandate.



It is against this background that the Steering Committee on the Implementation of the Taskforce on Building Bridges to a United Kenya Taskforce Report has prepared this report.

## **SECTION 2: METHODOLOGY**

In order to effectively deliver on its mandate, the Committee's first task was to conduct a validation exercise of the Taskforce Report. The objective of the process was to enhance the participation of the people in the formulation of recommendations and decisions affecting them.

The validation exercise was conducted through the following content and report implementation methodologies:

### **Taskforce Report**

Reviewing the contents of the Taskforce Report and this is contained in Section 3 of this Report

### **National Stakeholder Validation Fora**

The Steering Committee held a total of 93 stakeholder consultation meetings at the KICC, Laico Regency hotel and at its offices in Nairobi. These fora were attended by representatives from civil society, faith-based organisations, women's groups, youth groups, persons with disability (PWD) groups, cultural leaders and Government.

### **Regional Delegates' Meetings**

These regional meetings took place across the country to discuss and validate the Taskforce Report. During the meetings, the technical experts who were retained as consultants by the Steering Committee took attendees through the Taskforce Report. They received written validation submissions from the leaders at the end of each of the meetings.

### **Regional Public Meetings**

Regional leaders held meetings across the country during which members of the public engaged their leaders on the recommendations of the Taskforce Report. Most of these meetings were attended by one or two Steering Committee members, who received written submissions from Kenyans through their leaders. Rift Valley Governors were hosted at the Steering Committee's offices on 20 March 2020 to present and submit memoranda from their Counties following postponement of a regional meeting due to the Covid-19 pandemic. The Governors submitted memoranda from their respective Counties.

### **Written Submissions**

The Steering Committee publicised its official email and physical address through which written memoranda from members of the public and organisations were delivered. The committee received a total of 124 hand-delivered memoranda and 223 emailed memoranda.

### **Experts' Engagement**

The Steering Committee invited external experts and drafters to provide technical information, expertise on various issues, drafting a variety of documents and also taking various groups through the Taskforce Report.

### **Desktop Review**

The Steering Committee undertook desktop review of relevant documents and international good practices to inform and enrich the report. The Steering Committee established technical committees with expertise in policy development, administrative, legal and Constitutional reforms to collate and analyse the validation submissions.

## **SECTION 3: VALIDATION**

This section presents a summary of the validation outcomes for each of the nine thematic areas.

### **NATIONAL ETHOS, RESPONSIBILITIES AND RIGHTS**

In the Taskforce Report, Kenyans decried the fact that Kenya lacked a sense of national ethos and is increasingly a nation of distinct individuals instead of an individually distinct nation. And we have placed too much emphasis on what the nation can do for each of us – our rights – and given almost no attention to what we each must do for our nation: our responsibilities. During the validation exercise, there was general agreement on the need for us to define and subscribe to a national ethos to foster unity, a sense of belonging, patriotism and pride. Stakeholders emphasised the importance of preserving our cultural heritage and documenting our history honestly. Also clearly emerging was a desire for long-term thinking: many Kenyans experienced in governance throughout the republic set out the need to make changes that will be relevant to where we want to reach as a country in 50, 100 years from today.

It was noted that past Government regimes have made few efforts to harmonise our traditional cultural values and systems with modern laws and policies. In this regard, stakeholders proposed that in addition to the recommendations made in the Taskforce Report, the Government should promote Kiswahili as one of the measures to ensure that 'we are comfortable in our own African skin'. They also supported the proposal that the Government should boost the study of local literary works in our educational institutions and support research in written and oral literature, both traditional and contemporary. In addition, stakeholders felt that the Government should increase efforts to rally Kenyans to support local industry by purchasing Kenyan-made goods, including wearing Kenyan brands and designs.

The proposal to transfer ethics, cohesion and integration mandates to a new Commission was supported by stakeholders. Stakeholders also agreed to address concerns regarding indiscipline of children, breakdown of marriages and general erosion of cultural values in today's society by

mainstreaming ethics training and awareness in mentoring and counselling sessions in religious activities and through community outreach programmes. They stressed the importance of integrating ethics and responsibilities as part of the school curriculum at all levels of education as well as in civic education curricula. Stakeholders told the Steering Committee that ethos and values can be embedded in various aspects of school culture, for example in school clubs and during school assemblies where learners should recite the loyalty pledge and national anthem.

On the issues of responsibilities and rights, submissions revealed that stakeholders perceived a more significant role for parents/guardians, teachers, the clergy, media, elders and political leaders and the media to play in instilling ethical values and a sense of responsibility among children and young people. Stakeholders further emphasised the need for administrative and policy measures to provide elders and culture leaders with a greater role in mentoring young people.

### **ETHNIC ANTAGONISM AND COMPETITION**

In the Taskforce Report, it was noted that ethnic antagonism and competition are a major threat to Kenya's success and to the very continuity of our nation. To strengthen social ties and promote unity among all the communities, stakeholders recommended that the Ministry of Education, through the Kenya Institute of Curriculum Development, review the curricula to introduce and integrate teaching of national unity, character, and cohesion to learners during their formative or early years. They also recommended the review of policies in the education sector that promote social integration, especially as regards admission to schools and institutions of higher learning. They agreed with the BBI Report that deliberate efforts should be made to ensure a national outlook in the student and staff population in every school.

On teacher recruitment, the Ministry should adopt policy guidelines that discourage local recruitment and staffing of teachers, depending on the circumstances. Stakeholders further said that programmes should be put in place for cultural exchange and integration between different schools so that learners can grow to appreciate the different cultures and dynamics in Kenya.

During validation, Kenyans called for urgent reform of the electoral system to make the Executive structure more inclusive and end ethnic violence caused by the winner-take-all system.

Some stakeholders were in agreement with the Taskforce Report that the mandate of cohesion and integration should be undertaken by the proposed Ethics and Integrity Commission while others felt that the role could be effectively undertaken by the National Cohesion and Integration Commission. They said that the Commission should among other things be mandated to carry out diversity and ethnic audits in the various institutions within the public sector in Kenya to correct regional and ethnic imbalances to meet Constitutional requirements. Stakeholders wanted serious action to be taken against hate speech, particularly in the context of political campaigns that they identified as the major driver of division. They felt that existing arrangements have not been sufficiently robust, and wanted strong reforms to address this.

Other key recommendations on ethnic antagonism and competition include criminalising hate speech and the use of violence especially prior to, during and after elections. It was proposed that any person inciting or sponsoring violence against another Kenyan due to their ethnic background should be held criminally liable and punished severely. Kenyans further recommended the implementation of past Commission and Taskforce reports, including the Truth, Justice and Reconciliation Commission (TJRC) report, and the need to address historical injustices and land reforms once and for all.

## **INCLUSIVITY**

Kenyans expressed a keen desire for greater political, economic and religious inclusivity. They want fairer and more equitable planning and sharing of national revenue, and strongly recommended that the Commission on Revenue Allocation review the revenue-sharing formula to come up with a more equitable formula. Likewise, they proposed that the objective for the Equalisation Fund be reviewed to take into account minorities and marginalised communities in all Counties and the allocation to the fund be increased to bring basic services including water, roads, health facilities and electricity to the ward level. A vast majority affirmed, as a fundamental principle, that all Kenyans have the right to seek and be protected by the state and the law in the pursuit of prosperity and happiness within the boundaries of the Republic and that no Kenyan should ever be victimised or considered a foreigner in their own country.

### **The Marginalised, the Under-served and the Poor**

The validation process overall revealed that there is a deep and extensive feeling of being left out by millions of Kenyans. There were those who recalled the negative impact of past Government policies on their families and communities, and who stated that they would feel more included if there were deliberate efforts made to offer mitigating actions. Others, in different parts of the country, felt that their areas or occupations were not receiving due regard by development efforts today. Yet other Kenyans suffered so greatly from extreme poverty that they felt the urgent need for an immediate helping hand and employment opportunities to help them survive. In every single part of Kenya there were people who felt marginalised and under-served, and who know crippling poverty. All these created a feeling of urgency that for Kenya to be an inclusive country there will need to be extensive efforts to address these profound concerns, mainly among the following distinct categories of Kenyans:

### **Historically Marginalised Communities**

The Steering Committee heard about the call for inclusion, including delivery of services and resource allocation by specific communities, mostly hailing from the ASALs, border communities and informal settlements in towns and cities. Problems described by members of these communities include the need for protection from aggression by neighbouring communities, redress for historical injustices, official recognition as an ethnic group, improved access to

citizenship documents, affirmative action in employment and greater representation in the form of independent Counties or Constituencies.

Specific communities from which the Steering Committee received such submissions include the Ogiek, Ijara, Suba, Ajuran, Turkana and Wajir South among others.

### **The Under-Served and the Poor**

The Steering Committee heard that in the decades since independence, many Kenyans have moved into urban areas in search of employment even while the growth of decent jobs, particularly resulting from manufacturing, has declined proportionate to the population. This has led to high levels of poverty and the growth of informal settlements that have been under-served, and sometimes marginalised, from service provision by the public and private sectors.

Kenyans living in Urban Slums and peri-urban informal settlements told the Steering Committee that the definition of marginalised groups should be expanded to include under-served people or communities living in informal settlements so they can be given a voice in decision-making to improve their wellbeing which, in their view, appears to have been omitted from the Constitution when marginalised and disadvantaged groups were catered for. They wanted equal service provision with other Kenyans, and an equal share in national revenues.

### **People Living with Disability (PWDs)**

People Living with Disability have passionately decried the widespread and systemic exclusion that they face and made recommendations to address this. They include a review of the Persons with Disabilities Act, 2003 to align it with the increased opportunities and gains for PWDs in the Constitution, fast-tracking the enactment of the Kenyan Sign Language Bill to ensure that PWDs are able access information and public services, formulation of a Learners with Disabilities Bill, affirmative action for political inclusion, and the strengthening of Commissions and bodies established by the legislation relating to people with disabilities to enforce the law.

PWD representatives made passionate remarks on their desire to directly choose their own elective representatives, and that political party electoral and nomination mechanisms should take this into account. It was submitted that though the Constitution requires the State to ensure the progressive implementation of the principle that at least 5% of the members of the public in elective and appointive bodies are persons with disabilities, progress had been very slow.

### **Youth**

Young people participating in the validation process wanted employment opportunities for them to be vastly increased while still appreciating that the enormous number of jobs may not be immediately available. Most youth and their representatives who spoke to the Steering Committee welcomed the BBI Taskforce Report recommendations related to them, but urged that they be implemented with greater urgency.

Most young people speaking to the Steering Committee during the validation period exhibited frustration with the job market. They complained of having met the educational goals that they were told would allow them to get employment but when they applied for jobs, there were persistent demands for them to have experience, among other unattainable requirements for a new entrant in the job market. They proposed that entry requirements for jobs in the public and private sector, at least at the entry levels, be made more accessible for those entering the job market for the first time.

In the interim, youth representatives made proposals for the full implementation of the Kenya Youth Development Policy 2019 and the development of policy, legal and administrative structures to give young people greater consideration in employment, elective and appointive leadership positions and business opportunities.

Stakeholders spoke of the difficulty in accessing the 30% public procurement provision, and the existing youth funds. They communicated a widespread conviction that there was something not working effectively, and called for changes.

They called for a Youth Commission to be inserted into the Constitution, reflecting their conviction that their priorities needed to be much more seriously engaged with by the State and national leadership.

### **Women and Girls**

Vast number of submissions regarding the lack of inclusivity for women were received during the validation process. The Steering Committee was struck by the deep and widespread feeling of exclusion and marginalisation among the women of Kenya, who felt that mainstream socio-cultural and political arrangements prevent them from fully accessing their rights under the Constitution. A specific concern of stakeholders was the entrenched political marginalisation and particularly the lack of implementation of the two-thirds Gender Rule.

To correct this and a wide range of other issues, women have made the following proposals:

- a) Adoption of a political representation system to implement the two-thirds Gender Rule in Parliament;
- b) Ensuring that the executive structure of the country follows the two-thirds Gender Rule;
- c) Creation of a strict monitoring system in the implementation of the two-thirds Gender Rule and execution of sanctions for non-compliance;
- d) Implementation of section 2 (b) of the Basic Education (Amendment) Act, 2017 on the provision of free, sufficient and high-quality sanitary towels to girls in public basic education schools;
- e) Fast-tracking the enactment of the Menstrual Health Management Bill and up-scaling of funding for social protection to protect children from teenage pregnancies, early marriages and Sexual Gender-Based Violence.

### **The Elderly**

During the validation process, the Steering Committee heard about the urgent need to address the needs of elderly Kenyans, who feel forgotten in their time of need despite their contribution to national development during their active days. To help them cope with the grinding poverty some of them currently face, they recommended the following measures to be undertaken:

- a) Development of a suitable retirement benefits scheme in both private and public sectors;
- b) Finalising the implementation of the Pensions Management Information System (PMIS) of the Pensions Department to reduce the backlog of pensions and other benefits claim cases;
- c) Enhancing the capacity of the NHIF to roll out free and comprehensive medical cover for people over 65 years of age across the country;
- d) Establishing a social security fund where the aged receive a monthly stipend; and
- e) Development of policies and legislation by County Governments to provide for the establishment of County recreation and social centres to support older persons.

### **Public Participation**

Many Kenyans emphasised the fact that the essence of public participation is not only to involve the public in policymaking but to also provide a platform for policymakers and implementers to be accountable to the public. Public participation fails to achieve this goal where the public has no access to relevant information at the appropriate time to enable them to participate meaningfully.

Citizens expressed frustration with the lack of meaningful public participation in the development and implementation of Government programmes that affect them, in spite of constitutional, statutory and key judicial pronouncements that oblige all public and state officers to undertake public participation.

### **Employment in the Public Service**

Kenyans who gave their views on this matter feel that employment in the public service is not sufficiently inclusive. Different sections including young people, women, those living with disability and marginalised communities feel that they are excluded. Stakeholders recommended that Government agencies, in consultation with the Public Service Commission, should develop policies on workplace diversity to attract diverse communities into the public service. They proposed that the Ethics and Integrity Commission should be mandated to monitor and report to Parliament on issues of workplace diversity. They further welcomed the BBI Taskforce proposals on:

- a) utilisation of professional recruiting firms to undertake professional searches for candidates from under-represented areas;
- b) affirmative action measures for promotion;
- c) transfers and recruitment of minorities who may not have the professional qualifications required for various jobs in the public service.

## **Mental Health**

The BBI Taskforce Report identified mental health as a matter of increasing concern to Kenyans and recommended that a special taskforce should be formed to find solutions on making mental healthcare accessible, lowering the stigma against those suffering, and support for home caregivers. The taskforce was indeed appointed on 11 December 2019 and its work is ongoing. The taskforce members appeared before the Steering Committee and confirmed that Kenyans who appeared before them raised mental health as an issue of great concern. Stakeholders recommended important actions which the Government should take to alleviate their suffering and that of their loved ones who face this debilitating condition. These recommendations include:

- a) Fast-tracking the enactment of the Persons with Psychosocial Disabilities Bill;
- b) Development of legislation on mental health to provide, among other things, for the establishment of a Mental Health and Happiness Commission;
- c) Development of a National Happiness Index;
- d) Funding for mental health services at national and County level.

To further address issues of mental health, they recommended harmonisation of the NACADA Act, Alcoholic Drinks Control Act, Narcotic Drugs and Psychotropic Substance (Control) and the Tobacco Control Act and the need for County Governments to develop and enforce policies and legislation that regulate the use of drugs and alcohol.

## **DIVISIVE ELECTIONS**

In the Taskforce Report, it was noted that in our rush to adopt, and even mimic, foreign models, particularly from the democratic West, we have forged a politics that is a contest of us versus them. And we have chosen our 'us' and 'them' on an ethnic basis, especially in competing for the Presidency, which is the highest office in Kenyan politics. Lack of inclusivity is the leading contributor to divisive and conflict-causing elections. Kenyans associate the winner-take-all system with divisive elections and want an end to it. Stakeholders engaging with the Steering Committee affirmed these findings and reiterated that Kenya is yet to attain consistent and satisfactory levels of electoral tranquility. With few exceptions, many elections in the recent past have been bitterly contested, divisive, violent and generally destructive. Submissions received by the Steering Committee confirmed the widely held view that divisive elections emerge because of the cut-throat competition for the Presidency and other elective political seats. Rather than retain the current Presidential system, a majority of Kenyans supported the adoption of a hybrid between the Presidential and Parliamentary systems. They supported the BBI Report's recommendation for a national Executive comprising a President, Deputy President and Prime Minister. They also spoke up for the adding of two Deputy Prime Ministers. Stakeholders submitted that the new executive structure, being more inclusive, will not generate the same bitterness and tension as we see when the fight is for the position of the President.



Agreeing with the BBI Report's recommendation that the President appoint an MP from the largest party or coalition in the National Assembly, after being approved by Parliament to be Prime Minister. They also wanted the roles and functions of the Prime Minister to be clearly defined so as not to create two conflicting centres of power similar to the power-sharing model of the 2008 Coalition Government. Apart from creation of the Prime Minister post, Kenyans supported the establishment of the office of Leader of the Opposition with a Shadow Cabinet. Stakeholders stressed that the Office should be provided with adequate financial and technical support to enable it to effectively discharge its role of holding the Government to account.

With regard to representation, the Taskforce, reflecting the views of Kenyans and the Constitutional principle requiring fair representation and equality of the vote, noted that whatever form reforms to representation take, they should accord with the following principles if Kenyans are to be fairly and equally represented:

- That the people's choice, as reflected in the election of their representatives, including in Party primaries and nominations, shall be upheld through fair, free and transparent elections. This principle should be provided for in the Political Parties Act.
- That there shall be the equalisation of representation and equality of citizenship, as much as possible, by ensuring that each Kenyan vote has the same status and power, as envisaged in the Constitution.
- Parties should be compelled through the Political Parties Act to be consistent with the Constitution to meet the Gender Rule and other Constitutional measures of inclusion through their party lists. This will equalise both genders in political terms, rather than creating a parallel system that creates a sense of tokenism.
- Party lists for Members of County Assemblies shall follow the same principles and processes of public participation, elections and vetting as the National Assembly. This way people and parties can ensure that there is accountability in a direct manner.
- The existing constituencies will be saved, including the protected seats, because they have become key for representation of sparsely populated areas.
- The nomination lists through parties should be completed in a transparent process governed by the political parties, overseen by the Registrar of Political Parties and the IEBC.

During validation, stakeholders cited the first-past-the-post (FPTP) system as a leading cause of the highly divisive elections, and robust discussions were held regarding various submissions in favour of a proportional representation system. There were, however, mixed views among experts responding to the BBI Report and to stakeholder views, on whether to:

- a) Sustain the status quo or
- b) Adopt a Pure Proportional Representation system or

- c) Adopt a Mixed-Member Proportional Representation system for election of MPs in the National Assembly that will also replace the current nominated seats while taking into account the two-thirds Gender Rule and the Constitutional requirement that electoral boundaries should progressively work towards ensuring that the number of inhabitants in each constituency and ward is, as nearly as possible, equal to the population quota.
- d) Adopt a multi-member constituency model, or adopt this model in the alternate systems, to equalise the representation of high population constituencies.

In the Mixed-Member Proportional Representation system, political parties participating in the General Election prepare a closed list of candidates which forms the basis for the distribution of the proportional seats that are determined by the IEBC to be proportional to the votes that the party has garnered at that General Election. The list factors in the current special interest groups that would replace the current nominated seats.

In the Pure Proportional Representation system, the general votes cast shall be distributed proportionally. In this system, political parties make lists of candidates to be elected and the seats are distributed in proportion to the number of votes secured by such a political party in the election. Any political party participating in the election under the Pure Proportional system shall prepare a closed list of candidates contesting on behalf of such a party for such election, ensuring the proportional representation of marginalised and special interest groups to replace the current system of nominated seats. The Steering Committee heard that in the proportional representation system, IEBC and ORPP would ensure party lists include sufficient representation of women through a 'zebra list' to achieve the two-thirds Gender Rule in the National Assembly, or a 'purple zebra list' to include representation of young people and other special interest groups.

Implementing multi-member constituencies allows Kenya to retain constituencies which they are attached to, and a direct link to their representatives. It is noteworthy that elected officials with a geographic base retain greater influence than their nominated counterparts. For the sake of equality of representation, it may be best that every elected official be attached to a specific area, thus the appeal of the multi-member constituencies.

What all stakeholders and experts held in common was the need for a change in the way Kenya structures and implements representation if Kenya is to be cohesive and politically stable. Representations were made that Kenyans continue to be deeply attached to their constituencies, with the Pure Proportional system threatening to undermine this attachment.

On issues of electoral reform and the management of elections, most stakeholders agreed that there is a need to entrench in the Constitution and electoral laws some of the principles that have emerged from court decisions in election petitions.

Further, there was general agreement that IEBC should be restructured to enhance its effectiveness and accountability, as well as restore public confidence. On recruitment of commissioners to fill vacancies at IEBC, some Kenyans said that the Constitution and IEBC Act should be amended to allow Parliamentary political parties and coalitions to nominate commissioners, while others said that the current expert panel model should be expanded to include either Members of Parliament representing Parliamentary political parties and coalitions or the Political Parties Liaison Committee.

Stakeholders demanded that the Commission should review its operational and administrative systems to ensure, among other things, transparency in hiring; timely and transparent procurement of election materials; and the security and integrity of electoral management systems (Kenya Integrated Elections Management System, KIEMS).

The Steering Committee also received a large number of submissions on the need to increase the participation of women in the electoral process. It was submitted that women face significant hurdles in achieving gender parity in elective positions. Stakeholders urged IEBC to ensure strict enforcement of the code of conduct for candidates and parties contesting the elections, with regard to gender-based discrimination and violence. According to some sections of Kenyans, IEBC should lower nomination fees which limit the effective and meaningful participation of marginalised groups in the exercise of their Constitutional political rights.

Stakeholders also emphasised that the Office of the Registrar of Political Parties has a key role to play in promoting women's political participation by enforcing compliance with the Political Parties Act, which requires political parties to set aside 30% of funds from the Political Parties Fund for promotion of the representation of women and other special interest groups in Parliament and the County Assemblies. Other key recommendations include the need for the review of campaign financing laws to regulate the amount and sources of funds to be used during elections and introduce recall clauses to instill party discipline.

## **SHARED PROSPERITY**

The Taskforce Report noted that the single most important matter facing Kenyans when it comes to shared prosperity is generating sufficient jobs and employment, particularly for young people. During the validation, Kenyans reaffirmed their frustration with the lack of sufficient and meaningful job opportunities and felt that much needed to be done to grow those sectors of the economy that would lead to high employment, such as manufacturing industries, and to open up our borders for import and export so as to increase the volume of business activities and thereby create jobs and sustain livelihoods. As a first step to address their concerns, stakeholders supported the BBI Taskforce's proposals for a change in the economic paradigm. They called for a long-term economic development plan in which industrialisation is aggressively and consistently encouraged and promoted. They also spoke out for increased social protection for those who may

be left behind or are vulnerable as private enterprise grows. There were also representations on the need to balance economic growth with sustainable use of environmental resources.

Kenyans expressed concern regarding insufficient efforts by Government to promote and develop small business owners in the country to enhance self-employment. In particular, they expressed concerns about the lack of coordination among various Governmental agencies tasked with supporting businesses, particularly Small and Medium Enterprises (SMEs). To address these challenges, Kenyans recommended the following specific measures:

- reducing the cost of doing business and impediments to starting enterprises;
- awarding at least seven years' tax holiday for youth-owned businesses;
- legally recognising the home office as a place of business;
- creation and promotion of business incubation and industrial parks for small-scale innovators and business owners;
- developing and promoting a culture of saving and investment among Kenyans;
- increasing lending to small-scale businesses;
- ensuring that 30% of opportunities in the Counties and Wards are reserved for youth, women, PWD and minorities to support SMEs;
- affordable and reliable access to digital platforms in the wards and villages to promote e-commerce at the grassroots level.

Stakeholders further expressed their dissatisfaction with the level of Government support in reviving and growing grassroots agricultural, industrial and livestock sectors and businesses necessary for poverty eradication and spurring economic growth. For this reason, they welcomed the BBI Taskforce's proposal to build the economy from the grassroots and undertaking development activities in every County at the Ward level that address their specific products, which they said could be enhanced through reviving the various agricultural sub-sectors, promoting commercial livestock farming and supporting and promoting the growth of cottage industries.

During validation, Kenyans called for a tax policy that looks at taxation as an incentive to production and consumption rather than the disincentive it is presently. They believe that they are over-taxed and at times taxed twice because of poor coordination between the two levels of Government. In addition, many Kenyans feel that the burden of paying taxes is not shared fairly, since many eligible taxpayers are not paying their taxes. For this reason, they concurred with the following BBI Taskforce recommendations:

- a) broadening the tax base;
- b) ensuring that tax revenues are directed towards development outcomes that benefit taxpayers;
- c) simplifying taxation and avoiding over-taxation;
- d) reducing the number of permits;
- e) eliminating double taxation and regulation at the national and County levels;

- f) developing a policy that attracts and augments remittances from Kenyan diaspora;
- g) proper and coordinated land use planning throughout the country

Stakeholders also pushed for an economy with the means to enable the country to be able to offer the kind of social and economic protections and support referred to in Article 43 of the Constitution.

They also commented on the right to education for all Kenyans and specifically among the marginalised communities in ASALs, to which end they recommended that the National Council of Nomadic Education in Kenya (NACONEK) be given body corporate status with autonomous funding from the Ministry of Education to spearhead the implementation of school meals and nutrition, low-cost boarding schools, sanitary towels for girls, adult and continuing education, ICT for education in remote learning and Alternative Provision of Basic Education (APBET).

Stakeholders felt that while some commendable progress had been made, the Government was not doing enough to promote and implement Technical Vocational Education Training (TVET) and Science, Technology, Engineering and Mathematics (STEM) education among young people, which they strongly believed to be the key to Kenya's quest for industrial growth. They submitted that more effort was needed for the promotion of this area, including revising the curriculum to focus on technical subjects from early stages as an important first step to nurture and open opportunities for children and youth to show their initiative, innovation and entrepreneurship. In addition, they emphasised the need to formulate a policy framework for harnessing, promoting and marketing the creative potential of young people in sports, music, dance, arts, ICT and other creative industries generally.

The BBI Taskforce Report's findings and recommendations regarding intra-generational equity and in particular sustainable national management were broadly supported. In addition, Kenyans called for specific legislative measures to properly regulate betting and loan apps, which are driving up indebtedness of poor Kenyans to destructive effect with their excessive interest rates and borrowing from multiple platforms. Many took the view that private betting should be outlawed and replaced with a Government-run national lottery that uses betting proceeds to uplift the youth.

As regards security and certainty of land rights, the Committee received numerous complaints regarding fraudulent land dealings all over the country which threatened to totally undermine the integrity of the country's land registration system. The committee was informed that the Court of Appeal had on 7th June, 2019 delivered a judgement with potential consequences on all disputed parcels of land in the country that are colloquially known as "grabbed plots". In the said decision, reported as Elizabeth Wambui Githinji & 29 others v Kenya Urban Roads Authority & 4 others [2019] eKLR, the Majority opinion of the court stated that:

- (i) Titles to land issued by the government to individuals who purchased the land in good faith and with no Knowledge or participation in any illegality or fraud that may have sullied the integrity of the titles are nevertheless entitled to protection under the provisions of section 23 of the Registration of Titles Act (now repealed) and Section 143 of the Registered Land Act (also now repealed).
- (ii) Kenya should now face the monster of land grabbing vis-a-vis indefeasibility of title by looking into the circumstances of each case and naming and shaming the land grabbers but not bonafide purchasers for value without notice;
- (iii) In such matters, the question to be decided, in order for a property owner to enjoy protection of the law is whether they were bonafide purchasers, for valuable consideration and without notice of the competing governments claim to the title of the property.
- (iv) The law has never intended to punish the innocent as to punish the innocent would break down all trust and respect for the law and the legal system.
- (v) Ordinarily and in law, by the force of Section 31 of the Registered Land Act (now repealed), it is sufficient for a purchaser of land to conduct an official search at the lands registry only to ascertain the registered owner/transferor.
- (vi) The government as the keeper of the master record of all land in Kenya and their owners, guarantees indefeasibility of all rights and interests shown in the land register against the entire world and in case of loss arising from an error in registration, the government guarantees the person affected of compensation.
- (vii) The statutory presumption of indefeasibility and conclusiveness of title based on the register can be rebutted only by proof of fraud or misrepresentation which the buyer is himself shown to have been involved.
- (viii) The only reason why the law requires the keeping of land records is to inform to the whole world the status of the property.

The dissenting judgement in the said case, however held that:

- (i) Land that is compulsorily acquired for public purposes cannot subsequently be diverted to serve private needs. If property is ostensibly acquired for public purpose, it remains public land.
- (ii) There can be no prescriptive rights over government land
- (iii) There is conflicting jurisprudence on indefeasibility of title from the Court of Appeal.
- (iv) The Government cannot re-acquire and re-compensate the same land twice over, the more so the land it already owns.

- (v) The government cannot divest itself land compulsorily acquired for a public purpose and confer the same to private individuals at no consideration.

The said dissenting views are in accord with several other Court of Appeal decisions where the same court has stated that one can only pass as good a title as they have and that the concept of indefeasibility or conclusive nature of title is inapplicable to the extent that title to the property was unlawfully acquired.

In order to give real meaning to the security of land rights established under Articles 40 and 60(1)(a) of the Constitution of Kenya and re-establish integrity in our land registry records, it is clear to the committee that the issue must now proceed to the Supreme Court for authoritative interpretation as a matter of urgency.

Further, Kenyans, particularly those in areas with long-standing land problems, therefore called for:

- a) Implementation of previous reports by Taskforces and land-related Commissions, including the Ndungu Land Commission and the TJRC.
- b) Expeditious formulation of a policy framework under Article 159 of the 2010 Constitution, to expeditiously resolve land disputes and encourage communities to resolve land disputes through methods such as Alternative Dispute Resolution mechanisms and Traditional Justice Systems.
- c) Security and robust protection of land rights including issuance of title documents.
- d) Allocating leases in settlement schemes to create an enabling environment for ease of access to land for agricultural production by young people, women and PWDs.
- e) Reversion of ownership of land to the community upon expiry of leasehold ownership by non-citizens.
- f) Registration of communal land under the community's name.
- g) Reviewing taxation on land to ensure that poor Kenyans are not paying tax on their small portions of land,
- h) Restrictions on the smallest allowable land demarcation size.
- i) Serious punitive action to be taken against public officials who have been involved in the processing of fraudulent title documents
- j) Establishment of a Commission/Taskforce on Historical Land Injustices and Contested Communal Land Claims.
- k) Amendment of the law to empower the Ministry of Lands to revoke fraudulently and unlawfully obtained title documents.

Regarding the environment, Kenyans supported the restoration, protection and expansion of forests in the country. Some proposed that the forest and environment function be devolved and local customary structures given a hand in its management, though others were concerned that

devolution of responsibility for forest protection could be problematic if County Governments lacked sufficient capacity to oversee the conservation function.

In addition, communities living on either side of rivers, lakes, etc. have called for the formulation of policies that ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources. They also proposed the establishment of a comprehensive policy on mitigating the effects of climate change, which should take into account specific needs of communities affected by climate phenomena, including those hosting refugee populations.

## **CORRUPTION**

The public recognised corruption as the principal threat to the existence and wellbeing of Kenya. The overwhelming perception was that the vice, like an advanced cancer, has undermined public trust in our institutions and shattered the hopes, dreams and aspirations of entire generations of Kenyans.

Consequently, Kenyans passionately recommended several measures to tackle graft cartels, including:

- a) Speedy prosecution and conclusion of cases involving corruption and criminal wastage of public resources.
- b) Stiffer sentences and punitive fines for all found culpable of corruption.
- c) Protection of whistleblowers.
- d) Aggressive recovery of stolen public resources.
- e) Restricting Public Officers from conducting any business with the Government.
- f) Digitisation of all Government services, which will not only help curb corruption but also bridge the gap in accessibility of services to historically marginalised and sparsely populated Counties of the country.
- g) Regulatory oversight of escrow and nominee accounts held or managed by professionals on behalf of their clients.
- h) Full implementation of the Bribery Act in addition to adoption of measures to prevent and curb corruption in the private sector.
- i) Accountability mechanisms to be put in place to monitor, on a regular basis, those given the duty and privilege of accounting for public resources.
- j) Laws that compel the disclosure of the beneficial owners of corporate entities where such entities are under investigation for corruption and other crimes.

## **DEVOLUTION**

Devolution is one of the key discussion points from the 2010 Constitution. Kenyans widely acknowledge that it has had its successes and overwhelmingly support its retention. However, concerns were raised that various obstacles have hindered the devolved units from meeting the



aspirations of the Nation. These include: wastage of resources and theft; divergent views on the revenue allocation formula; spending that has failed to trickle down to the grassroots; poor planning; misdirected priorities; inadequate capacity to implement budgets; and ineffective oversight mechanisms.

Other views were that devolution has led to marginalisation in Counties where some groups find themselves discriminated by the majority. County Governments are also besieged with challenges that raise questions about their economic viability and whether harmonised development through economic blocs should be considered.

Kenyans therefore proposed the following specific interventions:

- a) The increased allocation of funds to the County Governments.
- b) Periodic costing of national and County functions, by the Commission on Revenue Allocation, National Treasury and Controller of the Budget.
- c) Complete transfer of functions from the National Government to Counties including restructuring or winding up of Parastatals that still carry out County Government functions.
- d) Initiate reforms to ensure that Counties become centres of growth and economic development. Include Governors as part of the security structure within the Counties.
- e) With regard to healthcare, it was generally agreed that there was a need to restructure NHIF and initiate reforms to improve service delivery in the Counties, curb unrest in the sector and enhance professionalism. There were divergent views, with one group pushing strongly for a Health Service Commission, while others were strongly for a regulatory, statutory body to regulate and oversee the employment and deployment of specialised medical staff who are in short supply. In addition, there was support for the rolling out of universal healthcare and upgrading of referral services and emergency response and paramedic services.

Other concerns on devolution were that recruitment in Counties be streamlined and there be clear appointment procedures, clear removal procedures and well-defined roles for each position.

## **SAFETY AND SECURITY**

National security and public safety are core issues for citizens and Kenyans largely expressed their fears about the current security circumstances. The general view was that members of the public are grappling with a range of issues, among them natural hazards and disasters, food insecurity and drought, land fraud and forceful dispossession, resource-oriented conflicts occasioned by boundary conflicts and competition for water and pasture, violent crimes, unsolved murders, terrorism, cyber-crimes, runaway theft and the proliferation of sub-standard goods. Consequently, there was a common understanding on the need for a new approach to provision of security.

Kenyans proposed a number of solutions, including:

- a) Modernisation of police systems.
- b) Improved work environment for disciplined forces. As a matter of priority, put in place accessible and well-resourced mental health and wellness counselling and treatment for police officers. Particular attention should be paid to those in frontline roles that expose them to extreme trauma. All measures should also be taken to keep families together.
- c) Redistribution of policing, investigation and prosecution resources to address the delay in delivering justice to the poor.
- d) Strengthening of County and community participation, such as the nyumba kumi initiative, in security issues.
- e) Citizens also advocated for review of a number of national sectoral strategies that target resource-oriented and boundary conflicts, rapid response mechanisms to address disasters and hazards, counter-terrorism, border security, sexual and gender-based violence, alternative dispute resolution and food safety and security.

In addition, Kenyans expressed a desire for the Police, as their fellow country men and women, to revisit policies similar to what are commonly known as the Peelian Principles. The said principles frame the role of police in a democratic society as:

- a. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
- b. To recognise always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
- c. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
- d. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
- e. To seek and preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour, and by ready offering of individual sacrifice in protecting and preserving life.
- f. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

- g. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
- h. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
- i. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

Other views were that the roles played by the correctional services and the Kenya Coast Guard Service be recognised in the Constitution and that the National Government Co-ordination Act be reviewed to empower the Office of the Chief to oversee public safety and security at the grassroots.

## COMMISSIONS AND CROSS-CUTTING

Kenyans submitted their views on areas that either cut across the nine thematic areas in the Joint Communiqué or act as their enablers. These areas include the special status of Nairobi; the status of the Senate and National Assembly; strengthening investigative arms; the rationalisation of public entities’ mandates; consolidating administrative tribunals; the Judiciary; and remuneration.

### Nairobi

The majority of the stakeholders recognised that though Nairobi is the capital city and a major diplomatic hub, including being a global United Nations headquarters, its management had been neglected and hence should be accorded special status and its growth and development must be given due attention.

### Parliament

Stakeholders were largely content with the representation that Kenyans enjoy by having the two houses of Parliament. To this end, they said the Senate and National Assembly should be retained. However, they asked for clarity on roles of the two houses with regards to bills and resource allocation. The general overview of the current functions of the two houses is as follows:

NATIONAL ASSEMBLY	THE SENATE
To Represent interests of the people, constituencies and special interest groups.	The Senate represents the counties, and serves to protect the interests of the counties and their governments.

To deliberate on issues of concern to the people.	<p>The Senate participates in the lawmaking function of Parliament by considering, debating and approving Bills concerning counties, as provided in Articles 109 to 113.</p> <p>The Senate determines the allocation of national revenue among counties, as provided in Article 217, and exercises oversight over national revenue allocated to the county governments.</p>
Make laws in accordance with the constitution.	
Determines the allocation of national revenue between the levels of Government as provided by the constitution, as provided in Part 4 of Chapter Twelve of the constitution.	
Appropriates funds for expenditure by the national government and other national State organs;	
Exercise oversight over national revenue and its expenditure.	
Review the conduct in office of the President, the Deputy President and other State officers and initiates the process of removing them from office.	The Senate participates in the oversight of State officers by considering and determining any resolution to remove the President or Deputy President from office in accordance with Article 145.
Exercises oversight of State organs.	
Approve declarations of war and extensions of states of emergency.	

### **Strengthening Government's investigative arm**

Concerned about the high level of corruption and crime in general, stakeholders called for the strengthening of law enforcement agencies including the Office of the Director of Public

Prosecution and the Directorate of Criminal Investigations (DCI), which are of great importance to free Kenya from the grip of corruption and sophisticated crimes.

### **Rationalisation of Government-Owned Entities (GOEs)**

On 23rd July, 2013 H.E. the President appointed a Taskforce on Parastatal Reforms charged with reviewing and recommending policies on management and governance of State Corporations. The Taskforce on Parastatal Reforms recommended, among other things, the rationalisation and consolidation of some State Corporations so as to ensure they address national development priorities, including Vision 2030. The said Taskforce report also recommended deliberate measures to separate commercial activities from the non-commercial roles of policymaking, regulation and service delivery.

Stakeholders who appeared before the Steering Committee largely supported the said proposals to rationalise Government-Owned Entities (GOEs) with the intent of delineating roles, hence reducing conflict among Government entities. They called for the establishment of a single unit handling all **roads** in Kenya. Citizens also called for redefinition of the roles of bodies involved in the **management of public finance** as they believe this will lead to fair and timely distribution of funds. There were calls for empowering the **Commission on Revenue Allocation (CRA)** to manage IFMIS between the two levels of Governments, Judiciary, Parliament and Independent Commissions and Offices.

The stakeholders submitted that some of the commissions have similar or closely related mandates and should thus be harmonised. Some stakeholders proposed that the **Salaries and Remuneration Commission (SRC)** be disbanded or converted into an ad hoc commission that meets once every four years.

### **Commissioners**

Through their submissions, Kenyans registered their concern regarding the burden they have to bear in order to finance the growing public wage bill. They therefore called for mechanisms to reduce wage bills specifically with regard to commissions. Some sections were of the view that the Constitution should **limit the membership of commissions** and that commissions whose membership is not set in the Constitution be limited to a maximum of five members.

### **Consolidating administrative tribunals**

Kenyans were generally of the view that there is a need to bring all tribunals under one unified structure. Others were of the view that a tribunal should be established to handle all health matters and that chairpersons of tribunals possess qualifications equivalent to those of a High Court judge.

### **Judiciary**

Citizens generally look upon the judiciary to protect them by upholding their rights. They emphasized the need to protect the **independence of the judiciary while holding it accountable to the people of Kenya**, which will build the people's confidence in the system and enable it to effectively carry out its functions. They agreed with the BBI Report's proposal to create the position of a judicial ombudsman and specialised courts to address the increasing volume of cases and

special crimes, such as corruption and terrorism. They also agreed with the proposal to expand the mandate of the Judicial Service Commission to discipline judges.

### **Remuneration**

Overall, Kenyans yearn for fairness and equality. They told the Steering Committee that remuneration should be based on the services offered, regardless of the status of the Government office. To this end, they asked for harmonisation of salaries in the three arms of Government, state corporations and commissions.

## **SECTION 4: IMPLEMENTATION MECHANISMS**

The Steering Committee heard from a wide variety of Kenyans on multiple important issues, a number which fell outside its purview. Others could not be acted on because there was difficulty in connecting them to practicable implementation measures. Nonetheless, the Building Bridges Initiative (BBI) recognises that the journey to reform and rebuild a country is a living process and thus BBI has re-laid the foundation for current and future intervention plans in the country.

### **POLICY MEASURES**

Following receipt of submissions, the Steering Committee on the Implementation of the Building Bridges to a United Kenya Taskforce and the team of experts evaluated proposals from the various state and non-state stakeholders. An appraisal of existing policies as outlined by Government Ministries, Departments and Agencies was also conducted to identify challenges, areas that require new interventions and gaps that need enriching. This process informed the development of several guidelines which are expected to outlive successive administrations and shape policymaking in the long term. The guidelines are explained in detail in annex A.

### **CONSTITUTIONAL MEASURES**

After a careful review of the recommendations of the Taskforce on Building Bridges to Unity Advisory and the validation report, the Steering Committee has drafted a constitutional bill that will address some of the issues that are constitutional in nature. There are however many legitimate constitutional issues that were raised but the committee adopted a minimalist approach in drafting the bill. The constitutional bill is contained in annex B.

### **ADMINISTRATIVE MEASURES**

The Steering Committee on the Implementation of the Building Bridges to a United Kenya Taskforce Report engaged experts and conducted comprehensive public consultations consisting of national regional delegate meetings, expert engagements and written submissions, and devised administrative action plans to implement the BBI Taskforce recommendations around the nine key challenges of lack of national ethos, citizens' responsibilities and rights, ethnic antagonism, divisive

elections, lack of inclusivity, shared prosperity, corruption, devolution and safety and security of Kenyans. Refer to Annex C for details.

Among these administrative implementation measures are actions establishing and/or revamping systems and structures in the Public Service. Others are designed to enhance citizen education and inculcate a culture of responsibilities at individual and leadership level; and to strengthen our familial, cultural and education systems.

Having listened to broad categories of Kenyans during the validation exercise and expert consultations, the Steering Committee was particularly struck by the sense of frustration among Kenyans due to non-responsive public systems and structures: a situation which in turn created a worrying deficit of public trust in government. For this reason, considerable focus was put on transforming systems and structures within our governance set-up and making them compliant with a 'people-first' approach in public governance.

This was done through establishing and/or revamping public institutions key to service delivery and addressing the morale and service mentality within the Public. Further, to ensure compliance, sanctions for Public Officers who fail to implement/enforce actions have been put in place.

## **LEGISLATIVE MEASURES**

Having reviewed submissions from Kenyans and guided by the recommendations in the Taskforce on Building Bridges to Unity Advisory Report, the Steering Committee has drafted legislative Bills that will address the most urgent concerns Kenyans described. Some of the Bills are amendments to current laws, while others are entirely new laws. The proposed legislation takes the form of stand-alone Bills as well as miscellaneous or omnibus Bills. The summary of the bills setting out the proposed legislative interventions is contained in Annex E and the draft bills are contained in a standalone report.

## CONCLUSION

The world is facing a global pandemic that has caused unprecedented economic distress, which, as in similar ages of disruption past, will have far-reaching political and social consequences. Many of these will not be benign. Kenya needs to contend with this global environment while also dealing with the dynamics of its political history, and particularly the volatility that reliably manifests itself every five years during our elections. The BBI process has offered Kenya a chance to enact ambitious reforms that will allow us to safely navigate our way to a more stable, fair and inclusive Kenya. It is an opportunity that Kenyans understood and embraced.

The consultation period was extensive, both by the initial Taskforce and the Steering Committee that has compiled this report. It is fair to say that this has been the most detailed such exercise in recent history, and possibly since our independence. Every County was canvassed, with Kenyans representing every religion, ethnicity, source of livelihood and political persuasion making themselves heard. Leaders from both the public and private sector contributed their ideas and views, while experts and researchers in academia, the private sector and government were extensively consulted on the practicalities of turning Kenyans views into legal and policy tools.

Such was the variety and depth of Kenyans engagement, the Steering Committee recognised that some of the issues raised, while important, fell outside its remit. Or lacked sufficient consensus to be adopted. This points to the vital truth that Kenya is an evolving nation whose need for reform to deal with dynamic change will need to be constant.

The Steering Committee humbly submits this report, as per its mandate, to the Government in order that the Kenyan people can see reflected back at them their stories, desires and frustrations turned into instruments of change.



## **ANNEXES**

ANNEX A: IMPLEMENTATION INSTRUMENTS FOR RECOMMENDED PUBLIC POLICY MEASURES

ANNEX B: CONSTITUTIONAL AMENDMENT BILL

ANNEX C: ADMINISTRATIVE MEASURES

ANNEX D: SUMMARY OF THE LEGISLATIVE BILLS (THE DRAFT BILLS CONTAINED IN A STAND-ALONE DOCUMENT)

ANNEX E.: GAZETTE NOTICE APPOINTING THE STEERING COMMITTEE ON THE IMPLEMENTATION OF THE BUILDING BRIDGES TO A UNITED KENYA TASK FORCE REPORT

ANNEX F.: GAZETTE NOTICE APPOINTING THE BUILDING BRIDGES TO UNITY ADVISORY TASK FORCE

ANNEX G: THE JOINT COMMUNIQUÉ OF 'BUILDING BRIDGES TO A NEW KENYAN NATION'

ANNEX H.: LIST OF STAFF, PROGRAMME OFFICERS, EXPERTS AND DRAFTERS OF THE BBI STEERING COMMITTEE

ANNEX I.: THE INSTITUTIONS/INDIVIDUALS THAT PARTICIPATED DURING VARIOUS TASK FORCE REPORT VALIDATION ENGAGEMENTS

## **REFERENCES**

# ANNEX A: IMPLEMENTATION INSTRUMENTS FOR RECOMMENDED PUBLIC POLICY MEASURES

## BBI REFORMS THROUGH PUBLIC POLICY

The BBI Taskforce Report, and the subsequent submissions made to the Steering Committee during the public validation phase, have produced recommendations for comprehensive reforms. To effectively implement these recommendations requires public policy interventions. However, the BBI process could not, in the period of time and with the resources available to it, facilitate multiple public policy development processes. Instead, the BBI Steering Committee developed a set of **doctrines** as well as **policy intervention guides** for each identified priority policy area. These reflect the expectations of Kenyans that the Steering Committee will further articulate in its Constitutional, legislative and administrative measures for implementation. Policymakers and officials developing new policy to implement BBI will want to use these doctrines and guides in the process of policy formulation, implementation, monitoring, evaluation and review.

### A. DOCTRINES FOR PUBLIC POLICY IN THE REPUBLIC OF KENYA

The doctrines below are stated principles that are intended to guide public policy formulation that seeks to implement the far-reaching BBI reforms. They form the core of the policy intervention guides, and reflect what the Steering Committee heard from Kenyans – both in the Taskforce Report and during the validation period.

#### 1. The Constitutional Foundation of Policy

The supremacy of the Constitution of Kenya in all public policymaking and its implementation.

#### 2. Policy Must Embrace a Fuller Version of Our Heritage and History

Kenyans desire to be more comfortable in their own skin, as was extensively related to the BBI Taskforce and Steering Committee. This demands that public policy reflect our histories, heritage and African identity to inform our current decisions on the past, present and future. We are more than the single story that insists we see ourselves only as a reaction to colonialism. One popular saying argues that we are in a forced marriage; but we did not have a forced marriage with one another: rather, it was the colonialists who married multiple African nations forcefully. We chose to come together, in an anti-colonial struggle then taking place throughout the world, to form a new independent nation, made up of the peoples who had previously been colonial subjects. Policy must do more than respond to a single story of colonial oppression; it should recognise a more complex mosaic, and the multiple historical pathways that came together to form independent Kenya, if it is to carry us forward more successfully.

We are a combination of nations, often defined by ethnicity, language, religion and region, that initially came, in different ways, into a colonial entity in which their rights and sovereignty were fundamentally breached. Two decades into the formal colonial period there were landmark geopolitical changes, as the ancient Ottoman and Austro-Hungarian empires, to mention just two of the most prominent, collapsed following the First World War. Arising from their ashes, often violently, and always insistently, were new nations and nation states. This process continued during and after the Second World War. The colonised peoples of Kenya witnessed these momentous changes.

Everywhere in the world, the trend to form new states, modern entities reflecting those that had been formed earlier in Europe. Kenya's anti-colonial forces, which initially had responded to colonialism through resistance, seeking to eject the coloniser and return to their older political structures, increasingly started to reflect the spirit of the age. The anti-colonial struggle became nationalist, and allied itself to global anti-colonialism, whose end goal was independence and the creation of independent nation states that would be active participants in the international community.

The 2010 Constitution, coming after decades of often authoritarian and anti-democratic Government, renewed the social and political contract that would enable us to fulfil the dreams of Kenya's Founding generation. The BBI process, starting with the historic Handshake in March 2018, is part of this continuing process of fulfilling our nation-building through a national contract with room for all of us and our diverse histories.

Policy must respond to this complex and dynamic history, and seek to further these fundamental aims of independence and sovereignty, upholding the dignity of the African identity, uniting Africa, promoting national security and shaping the global economy to further the hopes and dreams of all Kenyans.

### **3. Our African Identity Reflected in Policy**

The Kenyan people desire their diverse cultures, history and heritage to be reflected in public policy. However, outside of the political and philosophical nationalism on which independent Kenya is erected, there does not exist a formally articulated Kenyan philosophy that we collectively hold in ordering our individual and collective life. If we are to be 'comfortable in our own skin' as advocated for in the BBI Report, it is critical that a process of discovery, reclamation, harmonisation and invention be undertaken to enable the emergence and

embrace of a unique Kenyan philosophical outlook.<sup>1</sup> This would enable our forging of a unique and uplifting Kenyan-African identity, which in turn would underpin our collective endeavours, further our Constitutionalism, and give birth to the ‘beautiful ones’ who will readily build a humane and long-lasting Kenyan civilisation.

The Steering Committee believes that without Kenyans taking up this challenge, we will remain a people without a core shared identity, which we need if we are truly to be united and guided by the values we have embraced in our Constitution. The Steering Committee further holds that such a process does not belong solely to the State but must be supported by its policies and resources.

However, such a philosophy takes time to develop and take root: enough time and effort to reconcile multiple traditions and histories, while being ever attentive to the different emerging beliefs and ways of life of Kenyans today. Every Kenyan nation, ethnic and religious group had a philosophy long before our collective encounter with slavery and colonialism. The colonial period also produced its own philosophies born of the struggle that legitimised our yearning for freedom, independence, justice and equality. Today, we are a country of young people with their own evolving meaning-making as they respond not only to the cultural and philosophical legacies handed to them, but also to rapid urbanisation and globalisation driven by the democratisation of information from every corner of the world and in all subjects.

To get to this goal, Kenya needs time. Other nations have required many generations, even centuries, and the odds are that Kenya will be the same. What we need is a start to a conscious process. Having listened to how Kenyans throughout the country speak of their lives, the Steering Committee proposes to recognise a few views we hold in common, namely that every ethnic, religious or cultural group in Kenya places empathy, collaboration and generosity as core values reflected in every individual’s rights and obligations; that for us, the family is the most fundamental social unit that shapes our belonging and our most important relationships; that we believe in mediation and restorative justice more than we do in punitive action; and that we crave respect on the basis of our identities and without regard to our economic status.

According to the Steering Committee, the term that comes closest to expressing these ethical, moral and psychological convictions is **Ubinadamu/Utu (humanness)**. This is a starting point, not a prescription. A lot of work will need to be done to identify, articulate, philosophise and

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<sup>1</sup> See BBI Taskforce Report, p. 32: ‘We must become comfortable in our own African skin – The Taskforce recommends that Government undertake initiatives that harmonise modern Kenyan identity with our diverse African cultures so that we are Africans comfortable in our skin and not operating between two, or more, sometimes contradictory worlds’.

popularise a common Kenyan-African identity as a people. Public policymaking, in every realm, will need to support this process to allow us to become what the BBI Report urged: ‘a country that makes a special contribution to humanity, perhaps by being the spark for a resurgence of vibrant, prosperous and confident African civilisations throughout the continent’.<sup>2</sup> As this happens, our Constitutionalism, policy and methods of governing the public and private sector, not to mention our homes, will, in time, naturally come to reflect this Kenyan-African identity.

In the meantime, we will need to be bound by our Constitution as the embodiment of our hopes and the guide to our united future. For now, this doctrine is furthered by other recommendations by BBI, including the Constitutional imperative to advance regional and African unity, and legal and policy changes to support the full expression of our diversity and our history.

#### **4. Our Right to Education is Lifelong**

Access to quality education is the lifelong right of every citizen of Kenya. Its provision is the basis of informed and engaged citizenship, economic empowerment, moral and ethical conduct, environmental awareness, mental and physical health, invention and innovation, and accomplished creativity. It takes place throughout our lives, in public and private institutions and in every corner of the Republic. Policy must fulfil the delivery of this education. This means that almost no public policy will lack an educational dimension.

#### **5. Our Health and Wellness**

Good health and the wellness of each individual citizen, the Kenyan family and our communities are the clearest expression of a successful and thriving Kenya. BBI has contributed further to enabling universal access to quality preventive and primary healthcare as the bedrock of our national health and wellness. However, this doctrine extends well beyond the specifics of healthcare provision. Public policy, in every realm, and as enacted by every public institution, must constantly be aware of the imperative to protect and advance Kenyans’ health and wellness.

#### **6. Balancing Environmental Conservation and Economic Development**

It is crucial that policies that impact our environment, natural resources and biological diversity – particularly those that guide economic development – promote the sustainable utilisation, management and conservation of these resources. The balance between the

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<sup>2</sup> BBI Report, p. 31.

economic development we require to give Kenyans the decent lives they demand, and whose search is venerated in our Constitution, and environmental protection is delicate. It is crucial that public participation and expertise guide policymaking that impacts the environment if this balance is to be established.

## **7. Our Productivity and Shared Prosperity**

To have a productive economy and shared prosperity, every facet of policy must further the creation and sustaining of an eco-social market economy. In this economy, every citizen would have the rights, opportunities and responsibilities to work, innovate, create and preserve wealth. Social protections, particularly Article 43 rights, would be delivered to all Kenyans in need; and sustainable use of the environment would be a top priority. Through quality, accessible and affordable lifelong training and education, every citizen would be enabled to contribute to this economy. Policymakers should design and deploy policies that incentivise value addition, involve stakeholder consultation and consideration, lead to the creation of decent jobs, protect labour rights, and conserve nature.

## **8. Our Justice**

Policy should speak to an intense Kenyan desire for a Government and a commons that embraces what is understandable, accessible, moral and fair. In a way that reflects our Constitution, and those aspects of our diverse codes of justice that are in accord with it.

## **9. Our Safety and Security**

All policy shall seek to promote the safety and security of Kenya. No matter what the sector or the issue, policymaking shall question how its results impact the protection and preservation of the life, dignity and property of citizens and their families and communities. Citizens have a duty to exercise responsibility for the safety and security of lives, freedoms, rights, property and their state.

## **10. Our Unity in Diversity**

Kenyan policy should be guided by a respect and embrace for our ethnic, cultural, linguistic, religious, gender and generational diversity. It should promote peace and unity, as well as human rights, gender equity, social justice, equality and equity.

## **B. PUBLIC POLICY GUIDES FOR IDENTIFIED AREAS THAT NEED PUBLIC POLICY INTERVENTIONS**

Citizens made representations, submissions and specific recommendations to the BBI Taskforce and Steering Committee for implementation of the BBI Report. Following this, the BBI team has outlined concerns that require urgent and/or comprehensive policy interventions. They are geared towards enhancing the effective participation of every citizen in the building of a prosperous and united Kenya. These concerns informed the development of policy guides. They act as references in the processes of actual policy interventions which include policy development or review, implementation, monitoring and evaluation. The guides contain what should be taken as the minimum standards in developing the relevant policy intervention for each area that a policy guide covers.

## **1. Kenya National Policy Guide on National Heritage and History**

### **Background**

The BBI Taskforce report revealed a widespread lament of our lack of trust for one another and our public institutions. The validation process sustained this sense of an identity crisis, which the Steering Committee has come to firmly believe is a key target for policymaking. We cannot build a nation of shared ideals unless we have a shared understanding of what uniquely defines us as Kenyans – the good and the bad.

The BBI Report had plenty to say about this crisis, and we urge readers to engage with the material to understand the basis of the policy approach that the Steering Committee is recommending.<sup>3</sup>

### **Philosophy**

Our stories and diverse heritage, candidly told by Kenyans, should define our national identity. It is only by embracing our unique experiences, traditional and emerging cultures, that we shall decolonise our minds and become a confident nation.

### **Objectives**

- i. To learn, appreciate, document and preserve our diverse heritage and honest histories.
- ii. To decolonise our minds.
- iii. To reach out to elders for the record of our histories and hold them in a national repository.
- iv. To create and operationalise **the Office of the Kenya National Heritage, History and Archiving Services** as the national custodian of our national history and heritage.

### **Guiding Principles**

- i. Gathering oral narrations and/or authentication of the histories, traditional and communal rites and rituals, and diverse heritage of the people of Kenya.

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<sup>3</sup> See BBI Report, Chapter 2 on Lack of a National Ethos.

- ii. Acknowledgement and conclusive settlement of historical injustices against individual citizens, families and communities on the basis of our accurate knowledge of the histories of the peoples of Kenya.
- iii. Preservation of our ancient and historical monuments, and outstanding achievements.
- iv. Preservation and promotion of our indigenous knowledge, knowledge systems, technologies, foods, medicines and languages, as well as our traditional and cultural institutions of peace-building, justice, harmony and stability in society.
- v. Recognition and honour for heroic acts, and personal and group sacrifices, in service to our nation.

## **2. The Kenya National Policy Guide on National Ethos and Responsible Citizenship**

### **Background**

We need to develop and institutionalise a national policy on Ethos and Responsible Citizenship. So important is this that it should in turn guide a wider range of policy as we strive to encourage the growth and comprehensive adoption of a national ethos that is reflective of our Constitutional values, spirit and aims.

### **Philosophy**

Kenya is an African nation that lacks a powerful national ethos. We have started to forge this ethos with the passage of the Constitution in 2010 but must do much more to realise it. An ethos is forged from our attitudes and aspirations, and these are often learnt and developed from a young age. Education must play a major role in the building of this ethos. We must also strive to explore the philosophies and cultures of the Kenyan peoples in search of shared values to incorporate in our lifelong education. The Steering Committee believes that there is value to the consideration of the Kenyan-African philosophy of Utu – which includes the spirit of oneness and shared destiny, fairness, honesty, integrity, compassion, industriousness, respect and care for others – as a core shared value.

### **Objectives**

- i. To record and codify the philosophies and ethical constructs of the diverse communities of Kenya, identify shared values and utilise them in the educational process.
- ii. To promote and facilitate research, debate and publishing of the unique philosophies and cultural orientations that make us uniquely Kenyan-African.
- iii. To actively promote knowledge of, and commitment to, the citizen responsibilities recommended by the Steering Committee for inclusion in the Constitution.
- iv. Insist on ethical conduct and high levels of responsibility in any public office.
- v. To impart and nurture an ethic of conservation and sustainable management of our environment, natural resources and biological diversity.



### **Guiding Principles**

- i. The supremacy of the Constitution in shaping the Kenyan people and nation.
- ii. The embrace of our moral and ethical beliefs and practices.
- iii. The imperative to decolonise the Kenyan mind.
- iv. Allowing citizens the facilities, processes and opportunities to fulfil their Constitutional responsibilities.
- v. Veneration of public office as an honour and trust never to be abused.
- vi. Encourage and enable increased volunteerism.

## **3. The Kenya National Policy Guide on Citizen Education**

### **Background**

During the BBI consultations, Kenyans lamented the failure of our education system to mould citizens of good character. Our education system sends into the world young people who soon get disillusioned by how unprepared they are to cope with the challenging world of adulthood despite their academic and professional qualifications. There is a widespread mistaken perception that education starts and stops in schools and other formal learning institutions. We have tended to ignore all other platforms and spaces that are crucial for educating a human being. They include the mother's womb, arms and cradle, the family and other kinship institutions, cultural and religious institutions, social spaces, our workplaces and everyday life experiences.

The Fraser Commission Report of 1909 recommended an education for Africans to provide them with simple basic skills. The skills were for serving the local white settler community. It was an education for the existing market, not for responsible citizenship. The Fraser Commission Report was followed by several other commissions, from the Kenya Education Commission (1918) to the second Kamunge Report (2006). These commissions entrenched the same philosophy.

Preparing learners solely to respond to 'market needs' has left out the core value of holistic education.

**Citizen education** needs to be at the very core of reforming our society and building a united, cohesive and prosperous nation of shared ideals. We need public policy for comprehensive and inclusive citizen education. Such a policy should lay emphasis on education for character development. It is an education that provides opportunities for every citizen to actively and continuously engage in the expansion of one's knowledge. The application of new knowledge will create a better environment and will improve Kenyans' quality of life. We need an education that addresses the foundations of our positive attitudes and behaviour for honest service to humanity

and our environment. It should help us embrace unity in our diversity. Additionally, it should build trust among us. We need an education that will nurture productive and responsible citizens. These are people who are proud of who and why they are. At the same time, they are comfortable with themselves as confident Kenyan Africans who wish to give their nation the fruits of their education, which enables them to innovate, create and produce.

### **Philosophy**

Our national citizen education is a human right and a public good. It is the learning that continuously prepares citizens from the womb to their last breath. It aims to train their minds to continuously seek, create and utilise relevant knowledge and skills for good personal growth and character. It is also meant to help others. Every Kenyan citizen shall have guaranteed equal access to the highest-quality education. Our education should nurture responsible and accountable citizens.

### **Objectives**

- i. To provide high-quality and accessible lifelong education.
- ii. To enable every citizen to continuously seek new knowledge and skills.
- iii. To decolonise the minds of Kenyans and nurture enduring pride in our Kenyan identity.
- iv. To nurture industrious and service-minded Kenyan citizens.

### **Guiding Principles**

- i. Education is an Article 43 right, and a critical public good allowing the fulfilment of inclusivity, unity and economic development.
- ii. Our education is lifelong and learner driven, promoting accessible and inclusive learning that is not limited by access to the formal school infrastructure.
- iii. Our education is for developing responsible and accountable Kenyan citizens.
- iv. Our education includes the development of innovation, creation of new knowledge, critical thinking, emotional intelligence, interpersonal skills, mental health, environmental stewardship and leadership.
- v. Our education recognises, promotes and protects our indigenous knowledge, technologies and languages.
- vi. Provision of safe spaces for play and discovery for our children.
- vii. A good education needs the delivery of good nutrition and a clean learning environment.

## **4. Kenya National Policy Guide on Productivity and Shared Prosperity**

### **Background**

*Report of the Steering Committee on the Implementation of Recommendations of the Building Bridges to A United Kenya Taskforce*

During the validation process Kenyans continued to speak of their major problems as driven by poverty and joblessness or under-employment. As was noted in the BBI Report, ‘no country has progressed based on such disparities – including corruption, exclusion, increasing poverty, hunger, unemployment and persistent inequalities – while lacking a common national character’. The validation period only added to the conviction that ‘the single most important matter facing Kenyans when it comes to shared prosperity is generating enough jobs and employment, particularly for young people’.

The BBI Report submitted that Kenya needed an ‘economic revolution’, meaning, essentially, that we have to build an economy that can produce the decent jobs we need, urgently, and in the right numbers. The validation process confirmed this view, and brought up the challenge of how Kenyan policymaking can overcome this decades-long deficit in employment and shared prosperity.

There has been a persistent argument about the origins of this deficit. What is clear today, and emerged through the BBI process, is that Kenya has all the assets and means to be much further along. We urge every reader to turn to the BBI Report, paragraphs 108–115 (‘Our challenge is building an economy that can generate jobs’). It is there that the hard diagnosis is made, leading to the policy challenge set out in the report for a ‘new economic paradigm for jobs and prosperity’.<sup>4</sup>

The policy challenge is to produce an economy that is balanced between social protection that addresses entrenched inequalities and discrimination, while maximising sustainable and job-creating economic growth. As the BBI Report puts it, ‘we must seek an economic paradigm that sharply raises productivity; encourages the development of labour-intensive village-level factories; makes a serious attempt to help grow the livestock and maritime industries; and has a low tolerance for entrenched cartels that abuse economic and political power to distort markets. The economy must be grounded in a State that is a determined seeker and creator of new, competitive domestic and foreign markets; and that carefully balances between competitiveness and sustainability in regulation and taxation.’<sup>5</sup>

The Kenyan people know that the policy mix required will fulfil their desire for **shared prosperity** in a way that delivers, tangibly and broadly, decent jobs, wellbeing, and mental and physical health.

Following this nationwide cry for an economic transformation, the BBI Steering Committee recommends that Kenya deliberately seek to build an **eco-social market economy**. Such an economy seeks to balance the free market in incentivising entrepreneurialism and protecting private property and intellectual rights; providing social protections that enable achievement of

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<sup>4</sup> BBI Report, p. 63.

<sup>5</sup> Ibid., p. 66.

Article 43 rights and respect labour rights; and insisting on sustainable environmental protection. This economy should rely on Kenya's natural advantages, industrialisation and competitive entrepreneurship to produce sufficient wealth.

This system will inclusively provide the foundational aspects for prosperity, including continuous citizen education for responsible economic production, industriousness and business enterprise. Protection of private and public property will be maintained. In an eco-social market economy, everyone's participation in the economy is promoted, irrespective of who they are and which part of Kenya they come from. Additionally, public interest is protected, while excesses and abuses are checked.

Our economic system should reflect the following characteristics:

- The lawful pursuit of individual and group industry;
- The fullest extent of social protection of those being left behind by economic development;
- Planning focused on delivering long-term national wealth;
- Environmental conservation and sustainable use of resources;
- Promotion of innovation and protection of intellectual property rights;
- Incentivising production, decent employment and corporate social responsibility;
- Combatting cartels and protecting the consumer.

For an economic system with these characteristics, it is important that policy incentivise a balance between private and public. It should reward producers who reinvest to grow enterprise, escalate productivity, and take into consideration the wellbeing of workers and the local community. Its regulatory and tax regime would be simple and transparent. Monopolies that harm consumer interests would be pared back. Cartels that manipulate policy, law or the State to gain illegal or unfair advantage, or to rent seek, would be combatted relentlessly.

The citizen's obligations – as articulated in the Constitutional Bill – will also need to be linked to the development of this desired economy. Kenyans must be prepared, as a fundamental citizen duty, to report their incomes to lawful institutions, and pay the taxes and duties as defined in law. This will enable the State to have the means to deliver the social protection and Article 43 rights that Kenyans are anxious to realise.

Policy must also deliver a tax regime that furthers these citizen obligations, and policies that enable the eco-social market economy. Furthermore, tax policy must give incentives for value creation, innovation and investment over value extraction.<sup>6</sup>

For citizens to take their place in the economy as producers and workers, they require knowledge and skills. This is why our policy interventions must offer **citizen education as the primary and long-term driver of our value creation and national prosperity**. It should emphasise character development and the use of innovation, including using emerging technologies in all our economic activities. National and County Governments should ensure equitable distribution of foundational enablers. These will include education, transport, communication and technology infrastructure, access to clean water, security, hygiene and healthcare services, and Government-enabled business incubation services across all Wards in Kenya.

Public Finance Management, including public debt, investment and expenditure, is an integral part of the sovereign rights and power of the Kenyan people. This asset includes the power of taxation, management of public debt and public expenditure. It is therefore the responsibility of Kenyan citizens to manage it prudently and obtain value from it. It must be used in the public interest for public good, while being jealously guarded from capture through corruption and fraud.

It is also crucial that the policies that drive economic growth, regulation and taxation privilege production over speculation. In the last few decades, globally, the weight of finance, and particularly speculative financial engineering, has taken an enormous toll on inclusive economic growth that benefits workers and consumers. The BBI Report cautions against this, while calling for policies that give preference to ‘accountability by economic actors – companies, entrepreneurs, and regulators – to consumers, customers, clients, employees, and the broader community’.<sup>7</sup> The validation period confirmed that our economic production should not be limited to following and serving finance. Taxation, public debt and public expenditure should be managed to support innovation, industriousness, enterprise and value creation. Their management has to address inter-generational equity.

### **Philosophy**

Kenya’s economic system must foster a competitive, job-rich market economy that actively discourages gatekeeping and rent-seeking; provides social protections that enable achievement of Article 43 rights while respecting labour rights; and undertakes sustainable environmental protection. Such an economy would be the guarantor of our lasting unity, sovereignty and security, as well as universal appreciation of Kenya as a fair and empathetic nation. It would provide every

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<sup>6</sup> For the analysis on value creation versus extraction, please see the BBI Report, pp. 24–25.

<sup>7</sup> Ibid., p. 24.

Kenyan with the opportunity to be an active and rewarded participant in the economy, and economic policy would seek to uplift every part of the country in equal measure.

### **Objectives**

- i. To guarantee the sovereignty of the people of Kenya over their economy.
- ii. To protect private, public and communal property.
- iii. To incentivise private enterprise throughout the country, while progressively eliminating the discriminative dichotomies of formal and informal economy.
- iv. To actively incentivise innovation, value creation and high levels of long-term re-investment.
- v. To provide quality small business support services at Ward level.
- vi. To achieve national self-sufficiency in the production of affordable and nutritious food.
- vii. To maximise the local production of goods that are crucial to public security and safety.
- viii. To operationalise a Shared Prosperity and Wellbeing Index that provides an objective assessment of whether economic inclusion and benefits are felt by all Kenyans.
- ix. To publish detailed information on Kenya's public debt and the primary creditors.
- x. To put in place measures to enhance regional and continental trade and investment.
- xi. To correct all unlawful systemic inequalities and discrimination in our economy.

### **Guiding Principles**

- i. Enable the delivery of accessible knowledge and skills that allow citizens to undertake sustainable and competitive economic production.
- ii. Ensure food and nutrition security for all Kenyans as a national priority.
- iii. Industrialisation is a necessary goal to sustain a stable, secure, fair and inclusive Kenya.
- iv. Every part of the country, and every Kenyan, should be enabled to participate fully in the economy.
- v. Take all steps to guarantee the robustness and transparency of public finances, tax, debt and expenditure.
- vi. Provide timely, factual data on economic development and progress at the Ward level.
- vii. Dovetail, where relevant, policies with the United Nations Sustainable Development Goals.

## **5. Kenya National Policy Guide on Health and Wellness**

### **Background**

At the founding of the Republic of Kenya, the top priorities for Government to combat were articulated by the earliest leaders as poverty, ignorance and disease. Throughout the BBI

consultation and validation processes, the importance of the last, fighting disease, was clear. The BBI Report returns often to the need for greater and more impactful investment in health.

Our healthcare system was inherited from the colonial design of a top-down model. The best is reserved for the elite that can afford access to exclusive healthcare services in profit-driven private facilities.

The National Government has made Universal Healthcare one of its priority agendas. Despite significant challenges, Kenya's health environment has developed over the last decade due to devolution. Even so, the health and wellness of the people of Kenya still remains a major challenge with a likelihood of affecting future generations too. Efficient execution of the Kenyan people's healthcare and wellness function will require:

- Strengthening of the devolved healthcare governance;
- Empowering the lowest-level service providers to facilitate informed citizen participation in healthcare management; and
- Employing a deliberately coordinated multi-sectoral approach to strengthen preventive and primary healthcare.

The health status of a people – together with their ability to access other basic needs and services such as food and nutrition, a sure source of livelihood, and a clean environment – affects the wellbeing of citizens. Wellness is the attainment of the highest degree of physical, mental, emotional and spiritual wellbeing, including a living environment of truthfulness and honesty. This eliminates harmful anxiety and resultant mental distress.

The policy framework for health and wellness needs to be radically reviewed. It should provide an understanding that wellness and human health are inseparable. The policy needs to mandate the provision of a safe and healthy living environment that contributes to human dignity and self-fulfilment. The policy framework therefore needs to promote citizen education on health and wellness in order to enhance personal concern for and corresponding personal behaviour towards the wellbeing of others in our nation.

There need to be better coordinated partnerships between the National Government and County Governments. They should emphasise involvement of the people in the management of their healthcare and wellness. The coronavirus pandemic has taught us that more investment in and emphasis on people-based preventive measures through community healthcare supported by a wellness system is our guarantee to a reduced disease burden in Kenya and increased wellbeing of Kenyans. Information on lifestyle choices, a healthy environment, access to clean water and accessible good-quality healthcare services for all, preferably at the Ward level, is what the people of Kenya are asking for and deserve.

## **Philosophy**

Our health and wellness constitute a public good for Kenyan citizens. Therefore, affordable, accessible and high-quality preventive and primary healthcare services should be an unrelenting focus of delivery.

The fact is that Kenya has a mixed public and private healthcare system, as reflected in Part 13 of the Health Act. While it is true that this mix was mostly imposed on Kenya during the 1980s Structural Adjustment Programmes, it has become part of the healthcare landscape. The focus, in terms of policy, is how to ensure that this mix allows Kenyans to receive the healthcare they expect and need, and that the country can afford with its financial and human resources.

Every Kenyan has a right to emergency medical services in any circumstances and at any health facility. This right to emergency medical services should be guaranteed through the establishment and sustenance of a National Emergency Medical Fund to serve as a safety net for the vulnerable in our society. Our health and wellness will guarantee a population that is strong and happy for building a prosperous and united nation.

## **Objectives**

- i. To eradicate all discrimination and inequalities that undermine universal citizen access to quality healthcare and wellness services.
- ii. To guarantee equal citizen access to information for health and wellness, a safe and clean environment, clean water and wholesome nutrition for a healthy nation.
- iii. To provide universal access to preventive and primary healthcare for all Kenyan citizens at individual and family level.
- iv. To develop and sustain a critical mass of well-trained and motivated healthcare professionals of all levels, in all Counties of Kenya.
- v. To recognise and add value through continuous research on our indigenous Kenyan African solutions for healthcare and wellness.
- vi. To fully devolve healthcare and wellness services.
- vii. To develop and enforce standards and regulations to ensure that medical practitioners, healthcare and pharmaceutical service providers offer high-quality care that does not discriminate against Kenyans.
- viii. To establish and sustain a universal healthcare provision.

## **Guiding Principles**

- i. Healthcare and wellness are a public good and right for all Kenyan citizens.
- ii. The health and wellness of Kenyan citizens is the comprehensive care for the human body, mind and soul and our immediate environment.
- iii. Preventive and primary healthcare are the bedrock of health services in Kenya.



- iv. Every Kenyan has a right to access affordable healthcare and wellness services of the highest quality.
- v. Research and development of Kenyan African indigenous healthcare solutions is one of our pillars of health and wellness.

## **6. Kenya National Policy Guide on Clean and Effective Government**

### **Background**

Throughout the BBI Taskforce Report and the validation period, corruption was revealed to be one of the foremost challenges to a well-governed, prosperous, just and fair Kenya. Kenyans have cried out for clean and effective Government focused on protecting public resources and delivering services fairly and well. This is a cross-cutting matter that is required for the success of the historic national reform opportunity offered by the BBI process.

The shortfalls in clean and effective Government, and the continuing practices of fraud, conflicts of interest and abuse of power continue to cause painful consequences. One of the most damaging is the lack of citizen trust in institutions of public governance. Other unfortunate results include loss of human life, mistrust and suspicion on the basis of ethnicity.

We need a better policy approach to public governance and the attendant provision of public services. It should be a policy framework that responds to the demands of the people for disciplined, accountable, responsive and inclusive public governance at the national and County levels. It should reflect respect for Constitutional provisions on governance with a strict adherence to the rule of law.

### **Philosophy**

The Kenyan people have articulated their philosophy of how Government should be managed, to what ends, and how its officials should conduct themselves in the Constitution. This philosophy is not more clearly expressed than in the Constitution's Article 19(1), 'The Bill of Rights is an integral part of Kenya's democratic state and is the framework for social, economic and cultural policies'.

### **Objectives**

- i. To implement the Constitutional and legal provisions for public service, the management of public resources and the delivery of public services.
- ii. To promote democratic, fair, accountable, transparent and controlled exercise of delegated sovereign power.
- iii. To promote Constitutionalism in all governance systems and functions for effective delivery of public services to the people of Kenya.
- iv. To prevent and combat conflicts of interest, fraud and corruption in public service.

- v. To incentivise professionalism, integrity and dedication to public service.
- vi. To foster national unity by recognising and embracing diversity and inclusivity.
- vii. To promote open Government for transparency and accountability.
- viii. To protect the interests and rights of minorities, the poor and marginalised communities and individuals throughout Kenya.

### **Guiding Principles**

- i. Our public governance should be as delegated by the people with sovereign power in the Constitution.
- ii. Our public governance relies on openness and accountability in decision making and action that strictly adheres to the principle of the rule of law.
- iii. Involvement in and decisions from our public governance should always reflect equity and inclusiveness of the diversity of Kenyans.
- iv. Manipulation of any process of a public office including an electoral process and/or results is an offence against the people of Kenya.
- v. Public officers and state officers are held to higher standards of integrity since holding a public office is an honour and privilege with citizens as its beneficiaries.
- vi. Our public governance includes every citizen's responsibility to uphold and defend our Constitution and protect public resources.

## **7. Kenya National Policy Guide on Combatting Impunity**

### **Background**

Through the BBI Taskforce Kenyans shared their concerns over the continuing impunity of the powerful and moneyed, particularly in governance of the public sector, and the profound sense of injustice felt throughout the country.

As the Steering Committee travelled throughout the country, it encountered many people with a strong sense of grievance at a continuing injustice. Often this was caused by an act of commission or omission by public and state officers who acted with impunity.

It is worth quoting the BBI Report because impunity was also a factor raised throughout the validation process.

‘It is a common and all-pervasive phenomenon in Kenya that we – leaders and citizens alike – have a noticeable and destructive inclination to disrespect the law. This phenomenon is particularly evident among Public Officers, who commonly ignore the law and too often

subordinate it to the pursuit of their personal interests. It makes for a Kenya that largely has the correct legislation and policies but seems unable to implement them, leading to a widespread cynicism which itself feeds and spreads impunity. If there is a single action that would greatly change Kenya it is that those Public Officers who refuse to implement laws or to properly discharge duties placed on them by law, or disobey court orders, should be appropriately punished. Just as dangerous as impunity is the shaping of the law by special interests that use it to reshape, in their favour, competition in our economy, how regulations are designed and implemented, and even how budgeting and use of public resources are undertaken. The capture of our laws, and even part of the State system, by special interests that we call cartels risks confirming the dangerous sentiment that the economic system and Government decision-making are rigged against hardworking citizens and law-abiding small businesses. It should be regarded as a matter of urgent national security interest to ensure that special interests do not rig the economic system against those without access and influence in the great offices of State.<sup>8</sup>

The urgency of this demand by Kenyans must be reflected in a specific policy that deters, prevents, detects and punishes acts of impunity by public and state officers at every stage of their work and in every sector. This will require all policymaking processes, and those in charge of them, to respond to the long-standing nature of this culture of impunity. It is a century old, discriminative, brutal in its application, and undermines public trust. Recognising and responding to this fact requires a strong basis in principle and an eternal watchfulness based on the guidance below.

### **Philosophy**

The fundamental guide to how the Steering Committee has approached its treatment of policies against impunity is reflected in the BBI Report's Chapter 1 ('notable issues that Kenyans must deal with').<sup>9</sup> Specifically, the Steering Committee was guided by the arguments made under the following three points:

- 1 'Whether in the local community or religious organisations or politics, leaders in Kenya are failing and Kenyans are feeling let down.'
- 2 'Our Public Officers have yet to internalise an understanding that the power and authority assigned to them is a public trust that they are meant to use for the benefit of the people, not for their personal aggrandisement.'
- 3 'Year after year, Kenyans suffer from many forms of abuse and injustice, including when they are carrying out their political rights during elections. They seek redress. Commissions are launched and author reports that stay on the shelves, unimplemented.'<sup>10</sup>

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<sup>8</sup> BBI Report, p. 23.

<sup>9</sup> Ibid., pp. 21–28.

<sup>10</sup> Ibid.

### **Objectives**

- i. To anticipate impunity and ensure there are measures to detect, deter and combat it when it manifests in the making or implementation of policy.
- ii. The Secretary to the Cabinet, in fulfilling his or her Constitutional duty to ‘convey the decisions of the Cabinet to the appropriate persons or authorities’, shall ensure that these include the expectations, quantifiable deliverables and delivery deadlines.<sup>11</sup>
- iii. To establish formal Ombudsman-type reporting mechanisms to the EACC in every Ministry, Department and Agency that enable employees and the public to report acts of impunity.
- iv. Provide secure and accessible electronic, digital and walk-in facilities for whistleblowing and reporting of impunity in a way that secures the individual making the report.
- v. Through education, advocacy and training facilitate employees and the public to be able to detect and properly report acts of impunity.

### **Guiding Principles**

- i. Every policy, and its application, must be rooted in the Constitution – especially taking note of Article 19(1).
- ii. Impunity by public officials should be treated as an inexcusable breach.
- iii. Enable, whenever possible, open transparency and disclosure to the public or upon inquiry.
- iv. Adoption, whenever possible and Constitutional, of the moral and ethical sensibilities of the Kenyan people in the fight against impunity.

## **8. Kenya National Policy Guide on Justice**

### **Background**

Kenyans, through the BBI Taskforce, shared their concern over the deficit of justice. This is popularly observed in the way the law and governance instruments are applied discriminatively and without consistency and predictability. This has led to uneven, illegal and unfair application of State power. Kenyans feel that our application of the law and governance instruments favours the powerful and allows them impunity (see policy guide on impunity).

This national cry for justice resulted in the promulgation of the Constitution of Kenya 2010. Citizens had high hopes that it would finally settle the elusive question of Kenyan justice. Sadly, this still remains unresolved. The Steering Committee notes that the challenge of justice is deeper than just

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<sup>11</sup> Constitution of Kenya 2010, Article 154(3)(c).

its application. The core of the challenge is in ensuring that the processes of governance and administration of public institutions meet citizens' understanding of fairness and justice.

That means that our public institutions and those who run them need to change, while citizens' expectations of them need to become more informed through increased knowledge of our Constitution and our laws. Such a two-way process will lead to a national sense of being served by a just and fair State, and of the nation at large being one that is founded on justice for all.

### **Philosophy**

The manifestation of our justice relies on the adherence to the rule of law by individuals, families and communities. It also depends on the earnest and effective delivery of services by Public Officers. The State has the primary duty to guarantee the enforcement of the rule of law. All citizens have personal responsibility for just treatment of others and our environment, to be civically aware, and to adhere to the rule of law.

### **Objectives**

- i. To promote a shared understanding and appreciation of Kenyan justice as part of our national value system for a prosperous and united nation.
- ii. To guarantee access to justice for all Kenyans, including a child-friendly justice system.
- iii. To create an enabling environment for the individual, family, community and nation to uphold, defend and protect human rights and citizen responsibility.
- iv. To provide effective and efficient administration of justice in Kenya.

### **Guiding Principles**

- i. A culture of Constitutionalism and of upholding the rule of law.
- ii. Equality of all persons and equal access to the justice system.
- iii. Higher standards of responsibility for just conduct by holders of public office.
- iv. Respect for moral and ethical sensibilities of the Kenyan people.
- v. Recognition of our indigenous and traditional justice systems.

## **9. Kenya National Policy Guide on Public Participation**

### **Background**

Our Constitution recognises the critical role of public participation in all public governance processes. The validation of the BBI Report confirms that there is a lack of uniformity, inclusion and effectiveness in how this Constitutional provision is being followed in letter and spirit. Kenyans want a voice in how those who exercise delegated sovereignty make policy and law that affects the interests and priorities of citizens.

### **Philosophy**

The policy framework should be conceptualised in line with the national values and principles of governance as set out in Article 10 of the Constitution of Kenya. It should adhere to the Bill of Rights and Fundamental Freedoms as set out in Chapter 4. Additionally, it needs to be aligned to the values and principles of public service set out in Chapter 6 and the objectives and principles of Article 174. In order to ensure good governance and effective public administration in Kenya, a more robust public participation policy intervention is needed. It will provide direction on how citizens, as either individuals or groups, will be involved in governance processes. It will also help holders of public office to understand and embrace this involvement by citizens as a right and a patriotic responsibility. The policy intervention needs to properly elaborate the Constitutional provisions for public participation so that its objective is met.

### **Objectives**

- i. To institutionalise effective public participation in Kenya.
- ii. To clarify and implement transparent and broadly understood standards and processes of public participation.
- iii. To provide continuous civic education on the importance of and citizen responsibility for informed public participation.
- iv. To pursue Open Government in giving citizens access to Government-held data and reports.
- v. To undertake the above by utilising the capabilities of the Office of the Public Participation Rapporteur.

### **Guiding Principles**

- i. The Ward as the basic development unit and platform for engagement of citizens in public participation processes and in accessing information in public offices.
- ii. Visible effort to reach out to and include historically marginalised and minority groups.
- iii. Reliance on the creation of new knowledge, innovation and use of contemporary information and communication technologies.

## **10. Kenya National Policy Guide on National Security and Safety**

### **Philosophy**

Kenya's national security and safety are the foundational responsibilities of the Kenyan State. The State should secure and protect the individual, the family, communities, the nation and territorial integrity from all threats, foreign and domestic. The State's primary role is augmented by the actions of responsible and patriotic citizens. The citizen and the State must never be regarded as mutually exclusive, or at odds, with regard to national security and safety.

### **Objectives**

- i. To align policymaking, in every Ministry, Department and Agency, with the National Security Strategy.
- ii. To guarantee energy and food security for all Kenyans.
- iii. To provide for effective protection of private property.
- iv. To enable rapid and effective response to mitigate harm to Kenyans beset by manmade or natural disasters.
- v. To protect and preserve our environment, natural resources and biological diversity.

### **Guiding principles**

- i. The Constitutional principle of civilian control over the armed forces must be upheld.
- ii. To have enduring peace with its neighbours, Kenya must have strong national security.
- iii. The citizen's safety and security is the primary aim of national security.
- iv. The citizen's dignity should always be safeguarded.
- v. Protection and preservation of Constitutional rights, and particularly the Bill of Rights.
- vi. Preventing violent conflict is preferable to responding to its outbreak.
- vii. Permanent state of preparedness and regular exercises.
- viii. Clear lines of authority and accountability for all national security and safety organs.

## **11. The Kenya National Policy Guide on Unity in Diversity**

### **Background**

The BBI Taskforce Report and the validation consultations highlighted the diversity of the Kenyan people according to their ethnic and religious identity, beliefs, livelihoods and experiences. To build unity from this diversity requires an explicit policy that should ensure that all disadvantaged individuals and groups enjoy their rights and responsibilities, and that they participate fully in the development of Kenya.

A major aim of this policy is to address the inequalities experienced by most Kenyans. There is an ever-widening gap between the rich and poor. Discrimination, lack of fair access to services and marginalisation have devastated individuals and disadvantaged groups identified by the Constitution as children, persons living with disabilities, young people, the elderly, women, ethnic minorities and marginalised communities.

Children are the most vulnerable members of our society. There are Constitutional provisions demanding that our children must be cared for and protected. However, they continue to be subjected to the most inhumane treatment, neglect, and physical and sexual abuse, including harmful cultural practices, as well as hazardous and exploitative labour. Our failure in the parenting role came under intense scrutiny during the BBI consultations.

There is therefore an urgent need to rethink how parents and the State nurture and protect our children regardless of their gender, age and background. State programmes focused on benefiting children should go beyond classroom education to the creation of wholesome responsible citizens.

**Persons living with disability** suffer from discrimination and marginalisation. The positions reserved for their representation in Parliament and County Assemblies are abused. Persons with disability need to be protected at all levels of the society to enable them to achieve their highest potential.

Kenya has a **large youthful population**. It is unfortunate that a large number of our youth who are energetic and skilled are idle and unemployed. Young people feel left out and neglected in many sectors, especially in building our economy and governance. They need to be empowered to demand and exercise their rights and responsibilities towards building a united and better Kenya. The youth need to be adequately engaged in development activities, including but not limited to sectors in which they are already providing leadership.

With **age** comes wisdom but sadly also neglect. We have neglected **our elderly citizens** to a point that our country lacks the wisdom needed to make the right choices for building a better, more united Kenya. The elderly are not treated with the dignity and the respect they deserve. We do not provide space for them to continue contributing to the growth of Kenya. We should benefit from their knowledge, guidance and wisdom. We need them to lead our nation in knowing and appreciating our history and diverse heritage. They will also play a key role in leading and guiding us towards improving our morality for a better Kenya. We need to invest in inter-generational conversations and programmes. The elderly can guide and mentor young people in using, preserving and improving our valuable indigenous knowledge and technologies.

The BBI Report notes that **women** have not achieved the promises contained in the Constitution of Kenya 2010. The two-thirds Gender Rule has not been fully implemented in electoral outcomes, or in leadership and decision-making arenas. Further, women continue to suffer from Gender-Based Violence and femicide. Women's contribution to development is not sufficiently recognised and accounted for, despite many of them being at the core of value creation for the benefit of our economy. Women shoulder greater workloads, including manual labour and domestic work. They are thus more likely to be poor. In turn, poor women are vulnerable and suffer rampant physical and sexual violence. Women are more likely to have poor health, nutrition and education than men. Men and women experience poverty differently and unequally.



We need to institutionalise measures of addressing gender inequalities through policy, legislative, administrative and other means. Gender-responsive measures are likely to produce outcomes that enhance equalities between men and women. Gender mainstreaming needs to be factored in whenever a policy is being developed. This will produce better development indicators for women and society at large. Women's education and access to opportunities is good for wider society. There is demonstrable evidence that focus and empowerment through targeted gender policies creates better development outcomes.

**Minorities and marginalised individuals, groups and communities** that have historically been neglected and excluded. They deserve their place in the building of the nation, to participate in the economy fully, and to be equally treated in economic policymaking. Each of these groups has special needs and interests that should be catered for during policy processes.

### **Philosophy**

We will be united when we embrace the full diversity of Kenya in all policymaking. How well our State entities, including the National and County Governments, respond to the needs of the disadvantaged and vulnerable Kenyans will be a true indicator of our unity in diversity.

### **Objectives**

- i. To address the inequalities in our society.
- ii. To create an enabling environment for women to have their labour, safety and leadership protected and respected.
- iii. To offer young people opportunities to express their ideas, ideals and leadership.
- iv. To promote the equality of all Kenyans.

### **Guiding Principles**

- i. Guaranteed and protected access to nation-building by disadvantaged persons.
- ii. A safe environment for all disadvantaged persons and groups.
- iii. Affirmative measures including the two-thirds Gender Rule in public governance.
- iv. Verifiable and mandated representation of disadvantaged persons and groups in all decision-making arenas.
- v. An inclusive Kenyan economy and equal access to economic opportunities and ownership of assets.
- vi. Public accountability for monitoring progress on all policies related to the disadvantaged groups.

## 12. The Kenya National Policy Guide on Tax Policy

Tax is the basis of Government and fulfilling all the promises and commitments the Kenyan people have made for themselves in the Constitution. Without tax, there can be no Kenya. Yet Kenya has no official tax policy or sessional paper formulated after promulgation of the Constitution of Kenya 2010. This is puzzling for a country with such a sophisticated financial system and mixed economy. Tax policy is key for incentivising the right behaviour, and vice versa, and supporting national priorities, particularly in achieving shared prosperity.

### Objectives

- i. These were clearly articulated in the BBI Report and did not provoke any significant opposition during the validation process.
- ii. Punish not just tax evasion but also those who facilitate such evasion in the private sector and in Government.<sup>12</sup>
- iii. The tax base needs to be broadened, but it is crucial that overall taxation in Kenya be low relative to competitor economies regionally and globally. Consider innovative approaches to simplify taxation, including a possible flat tax for every income category above a living wage. The flat tax would lower tax fraud, encourage compliance and cut down on corruption in the assessment of taxes.<sup>13</sup>
- iv. Minimise taxation of new and small businesses by giving them a tax holiday of at least seven years as a support to youth entrepreneurship and job creation.<sup>14</sup>
- v. Punish facilitators of tax evasion and money laundering in the private sector.<sup>15</sup>
- vi. Cut taxes in relation to Auditor General audits. It is better that money remains in Kenyans' pockets until there is more accountability and governance on its use at the National and County levels. Then taxes can be increased with improvement.<sup>16</sup> The Steering Committee came to the view that it is more practical, and legal, if what is used is the Audited Accounts of Revenue as approved by the National Assembly.
- vii. No double taxation and double regulation at the National and County level.<sup>17</sup>

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<sup>12</sup> BBI Report, p. 68.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., p. 70.

<sup>15</sup> Ibid., p. 75.

<sup>16</sup> Ibid., p. 83.

<sup>17</sup> Ibid., p. 86.

viii. Kenyans want ‘most of their tax funds allocated to development projects’.<sup>18</sup> This is directly linked to keeping administrative and recurrent expenses much lower than they are at present.

### **Guiding Principles**

- i. The most important principle is embedded in the Constitution: the ‘burden of taxation shall be shared fairly’.<sup>19</sup>
- ii. Neutrality: taxation should be neutral and equitable between different business sectors.
- iii. Compliance costs and time spent complying should be low.
- iv. Tax laws and regulations should be clear and simple to understand for all Kenyans.
- v. No double taxation; and unwitting lack of payment of taxes should be strictly limited.
- vi. The Kenya Revenue Authority, and all tax- and duty-levying lawful entities, should keep pace with changes in the economy and technology.
- vii. Taxpayers in similar circumstances should bear an equal burden.
- viii. Different political dispensations, as reflected in political party platforms, should have the policy opportunity to make tax policy more progressive, flat or regressive.

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<sup>18</sup> Ibid., p. 80.

<sup>19</sup> Constitution of Kenya 2010, Article 201(B)(i).

### C. IMPLEMENTATION MATRIX

<i>Policy Area</i>	<i>Required action (New policy, policy review or policy implementation)</i>	<i>Key actors</i>	<i>Timeframe</i>
<b>1. Doctrines</b>	<ul style="list-style-type: none"> <li>• Inclusion in Kenya’s value system in the Constitution</li> <li>• Internalisation in the national and devolved Public Service &amp; State Offices</li> </ul>	<ul style="list-style-type: none"> <li>• President Uhuru Kenyatta</li> <li>• Rt Hon. Raila Odinga</li> <li>• National Executive</li> <li>• Parliament</li> <li>• Judiciary</li> <li>• Constitutional Commissions and Independent Offices</li> <li>• County Governments</li> </ul>	Immediate start with a two-year optimal implementation period
<b>2. Policy Guide on National Heritage and History</b>	<ul style="list-style-type: none"> <li>• Policy on National Heritage, History and Culture</li> <li>• Establishment of Office of National Heritage, History &amp; Archiving Services</li> <li>• National civic education</li> </ul>	<ul style="list-style-type: none"> <li>• Office of the President</li> <li>• Department responsible for National Heritage</li> <li>• Parliament</li> <li>• County Governments</li> <li>• Civil Society Organisations</li> </ul>	Immediate start with a two-year optimal implementation period
<b>3. Policy Guide on National Ethos and Responsible Citizenship</b>	<ul style="list-style-type: none"> <li>• Policy on Nationhood and Inclusivity</li> <li>• Policy on National Ethos and Responsible Citizenship</li> <li>• Policy on Ethics and Integrity</li> </ul>		Immediate start with a two-year optimal implementation period

<b>4. Policy Guide on Citizen Education</b>	<ul style="list-style-type: none"> <li>• Policy on Education for Responsible Citizenship</li> </ul>		Immediate start with a two-year optimal implementation period
<b>5. Policy Guide on Productivity and Shared Prosperity</b>	<ul style="list-style-type: none"> <li>• Policy on Productivity and Shared Prosperity</li> <li>• Policy on manufacturing</li> <li>• Policy on SMEs</li> <li>• Policy on Machinery</li> <li>• Policy on Agriculture</li> <li>• Policy on Exploitation of Natural Resources</li> <li>• Policy on Taxation</li> <li>• Policy on Public Finance Management</li> <li>• Policy on Lotteries, Betting and Gaming</li> <li>• Policy on Incubation and Support for Small and Micro Businesses</li> <li>• Policy on Innovation, Creation and Safe Use of New and Emerging Technologies</li> </ul>		Immediate start with a two-year optimal implementation period
<b>6. Policy Guide on Health and Wellness</b>	<ul style="list-style-type: none"> <li>• Health, Wellness and happiness policy</li> </ul>		
<b>7. Policy Guide on Good Governance</b>	<ul style="list-style-type: none"> <li>• Policy on Public Officers and service</li> <li>• Policy on Service Delivery</li> <li>• Policy on Emergencies and Hazards</li> </ul>		Immediate start with a two-year optimal implementation period

	<ul style="list-style-type: none"> <li>• Policy on E-Governance</li> <li>• Policy on Devolution of Governance</li> <li>• Policy on Public Participation in Governance</li> <li>• Policy on Anti-Corruption Practices</li> <li>• Policy on Government-Owned Entities</li> </ul>		
<b>8. Policy Guide on Justice</b>	<ul style="list-style-type: none"> <li>• Policy on Economic and Social Rights (Article 43 of Constitution)</li> <li>• Policy on Justice</li> </ul>		Immediate start with a two-year optimal implementation period
<b>9. Policy Guide on Security and Safety</b>	<ul style="list-style-type: none"> <li>• Policy on Safety and Security</li> <li>• Policy on Food Security</li> <li>• Policy on Peace</li> <li>• Policy on Disasters and Hazards</li> <li>• Policy on Counter-Terrorism</li> </ul>		Immediate start with a two-year optimal implementation period
<b>10. Policy Guide on Unity in Diversity</b>	<ul style="list-style-type: none"> <li>• Policy on Affirmative Action</li> <li>• Policy on Gender Inclusiveness</li> <li>• Policy on Persons Living with Disabilities</li> </ul>		Immediate start with a two-year optimal implementation period

**ANNEX B: THE CONSTITUTION OF KENYA (AMENDMENT)  
BILL, 2020**

**THE CONSTITUTION OF KENYA  
(AMENDMENT) BILL, 2020.**

## THE CONSTITUTION OF KENYA (AMENDMENT) BILL, 2020

### A Bill for

#### AN ACT of Parliament to amend the Constitution of Kenya.

**ENACTED** by the Parliament of Kenya, as follows—

Short title.                   **1.**       This Act may be cited as the Constitution of Kenya (Amendment) Act, 2020.

Insertion of new Article 10A in the Constitution.                   **2.**       The Constitution is amended by inserting the following new Article immediately after Article 10—

#### **10A. Regional integration and cohesion.**

(1) This Constitution embraces the goals of African Unity and political confederation of the eastern Africa region as integral towards attainment of sustainable development, prosperity for all and stability.

(2) The State shall take legislative, policy and other measures to give effect to this Article.

Insertion of new Article 11A in the Constitution.                   **3.**       The Constitution is amended by inserting the following new Article immediately after Article 11—

#### **11A. Economy and shared prosperity.**

(1) This Constitution recognises the need for an economic system that provides equitable opportunities for all the people of Kenya to benefit from economic growth in a comprehensive, fair and sustainable manner.

(2) The State shall promote—

(a) productivity through protection of intellectual property rights;

(b) investment, enterprise and industrialisation for sustainable economic development;

(c) sustainable agriculture;

(d) an economic system that supports small and micro enterprises;



- (e) an infrastructure that supports the digital economy; and
- (f) application of science and technology in the production system.

Insertion of new Article 18A in the Constitution.

**4.** The Constitution is amended by inserting the following new Article immediately after Article 18—

**18A. Responsibilities of a citizen.**

(1) This Constitution recognises responsibilities of a citizen as key to building a prosperous, fair and secure nation.

(2) Every citizen has a responsibility to—

- (a) cultivate national unity on the basis of respecting Kenya’s ethnic, intellectual, economic and cultural diversity;
- (b) promote and protect the well-being of the family including respect for their parents and elders;
- (c) practice ethical conduct and combat corruption;
- (d) fulfil parental responsibilities towards their children;
- (e) develop one’s abilities and skills for the advancement of self, the community and the nation;
- (f) honestly declare their incomes to lawful agencies and pay prescribed taxes and duties;
- (g) respect private property and protect public property from waste and misuse;
- (h) serve in defence of the country; and
- (i) promote the unity and dignity of Africa and her people.

(3) The responsibilities set out in clause (2) apply equally, where appropriate, to non-citizens.

Amendment of Article 31 of the Constitution.

**5.** Article 31 of the Constitution is amended by inserting the following new paragraph immediately after paragraph (d)—

“(e) their personal data infringed.”

Amendment of Article 80

**6.** Article 80 of the Constitution is amended by inserting the following new paragraph immediately after paragraph (a)—

of the  
Constitution.

“(aa) for the effective and expeditious investigation, prosecution and trial of cases relating to this Chapter.”

Amendment  
of Article 87  
of the  
Constitution.

**7.** Article 87 of the Constitution is amended—

- (a) in clause (1) by inserting the words “including those arising from nomination of candidates by a political party” at the end of the clause; and
- (b) in clause (3) by inserting the words “or through electronic media” at the end of the clause.

Amendment  
of Article 88  
of the  
Constitution.

**8.** Article 88 of the Constitution is amended—

- (a) in clause (2)(a), by deleting sub-paragraph (i) and substituting therefor the following new sub-paragraph—

“(i) a President, Deputy President, a county governor, a deputy county governor, a member of Parliament or a member of county assembly”;

- (b) by inserting the following new clause immediately after clause (3)—

“(3A) The Commission consists of seven members, four of whom shall be representatives of parliamentary political parties.

(3B) A member of the Commission shall hold office for a single term of four years”;

- (c) in clause (4) by—

- (i) inserting the words “including ensuring compliance with Articles 54(2) and 81(b)” at the end of paragraph (d); and

- (ii) deleting paragraph (e).

Amendment  
of Article 90  
of the  
Constitution.

**9.** Article 90 of the Constitution is amended—

- (a) in clause (1) by deleting the words “the seats in Parliament provided for under Articles 97 (1) (c) and 98 (1) (b), (c) and (d), and for”;

- (b) in clause (2) by—

- (i) deleting the words “except in the case of the seats provided for under Article 98 (1) (b)” appearing in paragraph (b);

- (ii) deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) each party list includes women, persons with disabilities, youth, ethnic and other minorities, and marginalised communities”;

- (c) in clause (3) by deleting the words “seats won by candidates of the political party at the general election” and substituting therefor the words “votes received by a political party participating in a general under Article 177 (1) (a)”.

Amendment  
of Article 91  
of the  
Constitution.

- 10.** Article 91(1) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (h)—
- “(i) comply with the principles in Articles 81(b) and 54(2).”

Amendment  
of Article 97  
of the  
Constitution.

- 11.** Article 97 of the Constitution is amended—
- (a) in clause (1) by—
- (i) deleting paragraph (a) and substituting therefor the following new paragraph—  
“(a) three hundred and sixty members, each elected by the registered voters from two hundred and ninety constituencies constituting single and multiple member constituencies.”
  - (ii) deleting paragraph (b);
  - (iii) deleting paragraph (c); and
  - (iv) inserting the following new paragraphs immediately after paragraphs (d)—  
“(e) the Leader of Official Opposition;  
“(f) the Attorney-General, who is an *ex officio* member; and  
“(g) the Cabinet Ministers, who are not members of Parliament, who are *ex officio* members.”
- (b) by inserting the following new clause immediately after clause (3)—
- “(3) The determination of constituencies for the seats under clause (1) (a) shall comply with Articles 81(d) and 89 (7).”

Amendment  
of Article 98  
of the  
Constitution.

- 12.** Article 98 of the Constitution is amended—
- (a) in clause (1) by—
- (i) deleting paragraph (a) and substituting therefor the following new paragraph—  
“(b) ninety-four members, being one woman and one man from each county, elected by the registered voters of the counties.”
  - (ii) deleting paragraph (b);

(iii) deleting paragraph (c); and

(iv) deleting paragraph (d).

(b) by deleting clause (2).

Amendment of Article 99 of the Constitution.

**13.** Article 99 (2) of the Constitution is amended by deleting paragraph (d).

Insertion of a new Article 107A in the Constitution.

**14.** The Constitution is amended by inserting the following new Article immediately after Article 107—

**107A. Leader of Official Opposition.**

(1) There shall be a Leader of Official Opposition in the National Assembly.

(2) The Leader of Official Opposition shall be the person—

(a) who received the second greatest number of votes in a presidential election; and

(b) whose political party or coalition of parties has at least twenty-five percent of all the members of the National Assembly.

(3) Where the person under clause (2) is unable to assume office, or the office becomes vacant under Article 103, the political party or coalition of parties not forming government to which the person was a member shall nominate another person to be the Leader of Official Opposition.

Repeal and replacement of Article 108 of the Constitution.

**15.** The Constitution is amended by repealing Article 108 and replacing it with the following new Article—

**108. Order of Precedence in the National Assembly.**

The following order of precedence shall be observed in the National Assembly—

(a) the Speaker of the National Assembly;

(b) the Prime Minister; and

(c) the Leader of Official Opposition.

Amendment of Article 113 of the Constitution.

**16.** Article 113 (3) of the Constitution is amended by deleting the words “the National Assembly shall refer the Bill to the President within seven” and substituting therefor the words “the originating House shall refer the Bill to the President within fourteen”.

Repeal of Article 123 of the Constitution.

**17.** The Constitution is amended by repealing Article 123.

Amendment of Article 130 of the Constitution.

**18.** Article 130 (1) of the Constitution is amended by inserting the words “the Prime Minister, the Deputy Prime Ministers” immediately after the words “the Deputy President.”

Amendment of Article 131 of the Constitution.

**19.** Article 131(1) (b) of the Constitution is amended by—

- (a) inserting the words “the Prime Minister, the Deputy Prime Ministers” immediately after the words “the Deputy President”; and
- (b) deleting the words “Cabinet Secretaries” and substituting therefor the words “Cabinet Ministers”.

Amendment of Article 132 of the Constitution.

**20.** Article 132 of the Constitution is amended—

- (a) in clause (1) by inserting the expression “and economic and social rights referred to in Article 43” at the end of paragraph (c)(i); and
- (b) by deleting the words deleting “Cabinet Secretaries” appearing in clause (2)(a) and clause (5) and substituting therefor the words “Cabinet Ministers”.

Amendment of Article 134 of the Constitution.

**21.** Article 134 (2) (c) of the Constitution is amended by deleting the words “Cabinet Secretaries” and substituting therefor the words “Cabinet Ministers”.

Amendment of Article 138 of the Constitution.

**22.** Article 138 (8) (b) of the Constitution is amended by deleting the words “or Deputy President”.

Amendment of Article 140 of the Constitution.

**23.** Article 140 (2) of the Constitution is amended by deleting the word “fourteen” and substituting therefor the word “thirty”.

Insertion of new part 2A in the Constitution.

**24.** The Constitution is amended by inserting the following new Part immediately after Article 151—

**PART 2A — THE PRIME MINISTER AND DEPUTY PRIME MINISTERS.**

**151A. Office of the Prime Minister.**

(1) There shall be a Prime Minister appointed by the President in accordance with Article 151B.

(2) The Prime Minister shall—

- (a) be the leader of government business in the National Assembly;
- (b) oversee the legislative agenda in the National Assembly on behalf of government;
- (c) supervise the execution of the functions of ministries and government departments;
- (d) chair cabinet committee meetings as assigned by the President;
- (e) assign any of the functions of the Office to the Deputy Prime Ministers; and
- (f) perform any other duty assigned by the President or conferred by legislation.

**151B. Appointment of the Prime Minister.**

(1) Within seven days of the President being sworn in after a general election, or following an occurrence of a vacancy in the office of the Prime Minister, the President shall nominate a Prime Minister in accordance with this Article.

(2) A person is eligible to be nominated as the Prime Minister if the person is a member of the National Assembly who is the leader of the majority party or coalition of parties in the National Assembly.

(3) Within seven days of the Speaker receiving a nomination from the President, the Speaker shall call a vote in the National

Assembly to confirm the appointment of the person proposed by the President.

(4) A vote under clause (3) passes if it is supported by more than half of all the members of the National Assembly.

(5) Where the National Assembly fails to confirm the appointment of a person nominated by the President, the largest party or coalition of parties shall within seven days of rejection of a nominee, designate another member to be the party leader in the National Assembly and clauses (1), (2) and (3) shall apply.

(6) If the National Assembly fails to confirm the appointment of the person proposed under clause (5), the President shall appoint a member who, in the President's opinion, is able to command the confidence of the National Assembly.

#### **151C. Vacancy in the Office of the Prime Minister.**

(1) The office of the Prime Minister becomes vacant if the holder of the office —

(a) is dismissed by the President;

(b) ceases to be a member of the National Assembly in accordance with Article 103;

(c) resigns from office in writing addressed to the President;  
or

(d) is impeached from office in accordance with this Article.

(2) A member of the National Assembly, supported by at least one-quarter of all members may propose a motion of no confidence in the Prime Minister.

(3) If the National Assembly, by a resolution supported by more than half of all members pass the motion of no confidence in the Prime Minister, the Prime Minister ceases to hold office.

#### **151D. The Deputy Prime Ministers.**

(1) There shall be two Deputy Prime Ministers appointed by the President from among the Cabinet Ministers.

(2) A Deputy Prime Minister shall, in addition to their functions as a Cabinet Minister —

(a) deputise for the Prime Minister in the execution of the Prime Minister's functions; and

(b) perform any other function the Prime Minister may assign.

(3) The office of a Deputy Prime Minister becomes vacant if the person —

(a) is dismissed by the President;

(b) ceases to be a member of Parliament under Article 103;

(c) ceases to be a Cabinet Minister; or

(d) resigns in writing addressed to the President.

Amendment of Article 152 of the Constitution.

**25.** Article 152 of the Constitution is amended—

(a) in clause (1) by inserting the following new paragraphs immediately after paragraph (b)—

“(ba) the Prime Minister; and

(bb) the Deputy Prime Ministers”;

(b) by deleting the words “Cabinet Secretary” and “Cabinet Secretaries” wherever they appear in the Article and substituting therefor the words “Cabinet Minister” or “Cabinet Ministers”;

(c) in clause (2) by deleting the words “nominate and, with the approval of the National Assembly”;

(d) by deleting clause (3) and substituting therefor the following new clause—

“(3) The Cabinet Ministers may be appointed from among the members of the National Assembly”.

Amendment of Article 153 of the Constitution.

**26.** Article 153 of the Constitution is amended by deleting the words “Cabinet Secretary” wherever they appear and substituting therefor the words “Cabinet Ministers”.

Amendment of Article 154 of the Constitution.

**27.** Article 154 (2) (a) of the Constitution is amended by deleting the words “nominated and, with the approval of the National Assembly”.

Amendment of Article 155 of the Constitution.

**28.** Article 155 of the Constitution is amended by deleting clause (3) and substituting therefor the following new clause—

“(3) The President shall appoint Principal Secretaries from among persons recommended by the Public Service Commission.”



- Amendment of Article 156 of the Constitution.
- 29.** Article 156 (4) (c) of the Constitution is amended by inserting the words “functions of a Cabinet Minister and” immediately after the words “shall perform.”
- Amendment of Article 157 of the Constitution.
- 30.** Article 157 (3) of the Constitution is amended by deleting the words “High Court” and substituting therefor the words “Court of Appeal”.
- Repeal of Article 158 of the Constitution.
- 31.** The Constitution is amended by repealing Article 158.
- Amendment of Article 164 of the Constitution.
- 32.** Article 164 of the Constitution is amended by—
- (a) inserting the words “and shall hold office for a single term of five years” at the end of clause (2); and
- (b) inserting the following new clause immediately after clause (3)—
- “(4) Despite Article 163 (4), a determination by the Court of Appeal on an appeal relating to a petition concerning an election, other than a presidential election, is final”.
- Amendment of Article 165 of the Constitution.
- 33.** Article 165 (2) of the Constitution is amended by inserting the words “and shall hold office for a single term of five years” at the end of clause.
- Amendment of Article 166 of the Constitution.
- 34.** Article 166 of the Constitution is amended—
- (a) in clause (3) by deleting the word “fifteen” wherever it appears in paragraphs (a) (b) and (c) and substituting therefor the word “twenty”; and
- (b) in clause (4) by deleting the word “ten” wherever it appears in paragraphs (a) (b) and (c) and substituting therefor the word “fifteen”.
- Amendment of Article 167 of the Constitution.
- 35.** Article 167 of the Constitution is amended by inserting the following new clause immediately after clause (5)—

“(6) The provisions of clauses (2), (3) and (4) relating to the tenure of office of the Chief Justice shall apply to the office of the Deputy Chief Justice.”

Amendment of Article 171 of the Constitution.

**36.** Article 171 of the Constitution is amended—

(a) in clause (2) by inserting the following new paragraph immediately after paragraph (h)—

“(i) the Judiciary Ombudsman”

(b) in clause (4) by deleting the words “and shall be eligible to be nominated for one further term of five years”.

(c) by inserting the following new clauses immediately after clause (4)—

“(5) The members of the Commission elected under clause (2) (f) shall not practice in courts and tribunals during their period of service with the Commission.

Amendment of Article 172 of the Constitution.

**37.** Article 172 (1) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (c)—

“(ca) receive complaints against judges, investigate and discipline judges by warning, reprimanding or suspending a judge.”

Insertion of new Article 172A in the Constitution.

**38.** The Constitution is amended by inserting the following new Article immediately after Article 172—

**172A. The Office of the Judiciary Ombudsman.**

(1) There is established the Office of the Judiciary Ombudsman.

(2) The President shall nominate and, with the approval of the National Assembly, appoint the Judiciary Ombudsman.

(3) The Judiciary Ombudsman shall—

(a) receive and conduct inquiries into complaints against judges, registrars, magistrates, and other judicial officers and other staff of the judiciary;

(b) sensitise and promote engagement with the public on the role and performance of the Judiciary; and

(c) improve transparency and accountability of the Judiciary.

(4) The Judiciary Ombudsman shall prepare regular reports to the Judicial Service Commission on any complaint under clause (3), which shall state—

(a) the findings of the Judiciary Ombudsman; and

(b) recommendations on the action to be taken by the Judicial Service Commission.

(5) The qualifications for appointment as the Judiciary Ombudsman are the same as for the appointment as a judge of the Supreme Court.

(6) The Judiciary Ombudsman shall not investigate any matter pending before any court or tribunal or reopen a court or tribunal case or review a judge's decision.

(7) The Judiciary Ombudsman shall hold office for a single term of five years and is not eligible for re-appointment.

(8) As soon as practicable after the end of each financial year the Judiciary Ombudsman shall submit a report to the President and to Parliament.

(9) Parliament shall enact legislation to give full effect to this Article.

Amendment  
of Article 177  
of the  
Constitution.

**39.** Article 177 of the Constitution is amended—

(a) in clause (2) by deleting the words “be nominated by political parties in proportion to the seats received” and substituting therefor the words “be elected through the party list by political parties in proportion to the votes received”;

(b) by deleting clause (3) and replacing therefor the following new clause—

“(3) Clause (1) (b) lapses after the next two general elections from the date of commencement of this Act.”

(c) by deleting clause (4) and substituting therefor the following new clause—

“(4) The term of a county assembly expires on the date of the next general election”.

(d) by inserting the following new clause immediately after clause (4)—

“(5) A member of a county assembly may be recalled, before the end of term of the assembly, by—

- (a) the electorate, for members elected under Article 177(1)(a); and
- (b) the nominating political party, for members elected under Articles 177(1) (b) and (c)".

Amendment of Article 179 of the Constitution.

**40.** Article 179 of the Constitution is amended by deleting clause (7) and substituting therefor the following new clause—  
“(7) The county governor may re-assign or dismiss a member of the county executive committee.”

Amendment of Article 180 of the Constitution.

**41.** Article 180 of the Constitution is amended by inserting the following new clause immediately after clause (5)—  
“5A. In making the nomination under clause (5), a candidate for election as a county governor shall consider a person of the opposite gender.”

Amendment of Article 200 of the Constitution.

**42.** Article 200 of the Constitution is amended by inserting the following new clause immediately after clause (2)—  
“(3) Legislation shall make further provisions on the functions relating to the Nairobi City county assigned to the national government under the Fourth Schedule.”

Amendment of Article 202 of the Constitution.

**43.** Article 202 of the Constitution is amended by inserting the following new clause immediately after clause (2)—  
“(3) Where revenue sharing in this Constitution is based on the approval of the most recent audited accounts by the National Assembly and the Assembly has not approved the accounts, the most recent audited accounts of revenue submitted by the Auditor General shall be taken as the accounts of revenue for that purpose.”

Amendment of Article 203 of the Constitution.

**44.** Article 203 of the Constitution is amended—  
(a) in clause (1) by inserting the following new paragraphs immediately after paragraph (k)—  
“(l) the need to eradicate corrupt practices and wastage of public resources;  
(m) the need to ensure the attainment of the economic and social rights guaranteed under Article 43; and  
(n) the need to ensure that the average amount of money allocated per person to a county with the highest allocation does

not exceed three times the average amount per person allocated to a county with the lowest allocation”

- (b) in clause (2) by deleting the word “fifteen” and substituting therefor the word “thirty-five”.

Insertion of new Article 207A in the Constitution

**45.** The Constitution is amended by inserting the following new Article immediately after Article 207—

**207A. Ward Development Fund.**

(1) There is established a Ward Development Fund for each county.

(2) There shall be paid into the Fund in each financial year at least five per cent of all the county government's revenue in each financial year.

(3) The Fund shall be used only for development expenditure—

(a) falling within the functions of the county government within the county wards; and

(b) to facilitate actualisation of the rights guaranteed under Article 43 within the county wards.

(4) Parliament shall enact legislation to provide for—

(a) the management of the Fund;

(b) criteria for disbursement of the funds to each ward in the county;

(c) public participation and identification of the development projects by residents of the ward; and

(d) any other matter necessary to give effect to this Article.

Amendment of Article 215 of the Constitution.

**46.** Article 215 (2) of the Constitution is amended—

(a) in paragraph (c) by deleting the word “five” and substituting therefor the word “two”; and

(b) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) two persons, one woman and one man, nominated by the county governors; and

(cb) one person, nominated by the members of the statutory body responsible for the professional regulation of accountants”.

Repeal and replacement of Article 218 of the Constitution.

**47.** The Constitution is amended by repealing Article 218 and replacing it with the following new Article—

**218. Annual Division of Revenue Bill**

(1) A Division of Revenue Bill, which shall divide revenue raised nationally between the national and county levels of government, shall be introduced in the National Assembly at least four months before the end of each financial year and enacted by Parliament not later than two months before the end of each financial year.

(2) A Division of Revenue Bill shall be accompanied by a memorandum setting out—

- (a) an explanation of revenue allocation as proposed by the Bill;
- (b) an evaluation of the Bill in relation to the criteria set out in Article 203(1); and
- (c) a summary of any significant deviation from the Commission on Revenue Allocation’s recommendations, with an explanation for each deviation.

(3) The National Assembly shall consider the Division of Revenue Bill within twenty-one days from the date of its publication.

(4) The Speaker of the National Assembly shall refer the Division of Revenue Bill passed under clause (1) to the Senate within seven days of passing of the Bill by the National Assembly.

(5) The Senate shall, within twenty-one days from the date of receipt under clause (4), consider the Bill and refer it back to the National Assembly which shall consider the Bill within fourteen days.

(6) If the National Assembly passes the Bill and the Senate—

- (a) passes the Bill in the same form, the Speaker of the National Assembly shall, within seven days after a Bill has been passed by both Houses, submit it to the President for assent;
- (b) passes the Bill in an amended form, it shall be referred back to the National Assembly for reconsideration; or
- (c) rejects the Bill, or fails to consider the Bill within the period specified in clause (5), it shall be referred to a mediation committee appointed under this Article.

(7) If the National Assembly has considered the Bill referred back to it under clause (6)(b) and the House—

(a) passes the Bill as amended, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent; or

(b) rejects the Bill as amended, the Bill shall be referred to a mediation committee under this Article.

(8) The Speakers of both Houses of Parliament shall appoint a mediation committee consisting of equal members of each House to develop a mediated version of the Bill.

(9) For purposes of this Article, the mediation committee shall request and consider recommendations from—

(a) the Commission on Revenue Allocation;

(b) the county governors; and

(c) the National Treasury.

(10) The mediation committee shall formulate a mediated version of the Bill and submit it to the National Assembly within fourteen days.

(11) The National Assembly may by resolution supported by at least a majority of all the members adopt the Bill that shall thereafter be referred to the President for assent.

(12) If the Division of Revenue Act for a financial year has not been passed by Parliament before the beginning of that financial year, the Controller of Budget may—

(a) authorise the withdrawal from the Consolidated Fund of up to fifty per cent of the minimum amount of equitable share guaranteed to county governments under Article 203(2) based on the criteria contained in the Division of Revenue Act of the immediately preceding financial year; and

(b) disburse to the respective Revenue Funds of the counties the amount under paragraph (a) based on the criteria contained in the County Allocation of Revenue Act of the immediately preceding financial year.

Insertion of new article 218A in the Constitution.

**48.** The Constitution is amended by inserting the following new Article immediately after Article 218—

#### **218A. County Allocation of Revenue Bill**

(1) A County Allocation of Revenue Bill, which shall divide among the counties the revenue allocated to the county level of government on the basis determined according to the resolution in force under Article 217, shall be introduced in the Senate and enacted by Parliament within thirty days from the date of enactment of the Division of Revenue Act.

(2) A County Allocation of Revenue Bill shall be accompanied by memorandum providing details set out under Article 218 (2).

(3) The Senate shall consider the County Allocation of Revenue Bill within fourteen days from the date of its publication.

(4) The Speaker of the Senate shall refer the County Allocation of Revenue Bill passed under clause (3) to the National Assembly within seven days of passing of the Bill by the Senate.

(5) Upon receipt of the County Allocation of Revenue Bill, the National Assembly shall within fourteen days —

(a) consider and pass the Bill without any amendments; or

(b) consider and pass the Bill with amendments.

(6) The Speaker of the National Assembly shall refer the County Allocation of Revenue Bill back to the Senate within seven days of passing of the Bill in the National Assembly.

(7) The Speaker of the Senate may, where the County Allocation of Revenue Bill was passed in the National Assembly without any amendment, refer the Bill to the President for assent.

(8) The Senate may veto a resolution of the National Assembly to amend the County Allocation of Revenue Bill under clause (6) by a resolution supported by at least a majority of all the members of the Senate and the Bill shall thereafter be referred to the President for assent.

Amendment  
of Article 220  
of the  
Constitution.

**49.** Article 220 of the Constitution is amended—

(a) in clause (1) by inserting the following new paragraph immediately after paragraph (c)—

“(d) an explanation of previous, current and proposed budgetary measures taken to give effect to Article 21(2)”;

(b) in clause (2)(a) by deleting the words “counties” and substituting therefor the words “the national government and counties” at the end of the clause.



- Amendment of Article 221 of the Constitution.
- 50.** Article 221(2) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (a)—
- “(aa) be prepared on the basis of the Division of Revenue Act passed by Parliament”;
- Amendment of Article 223 of the Constitution.
- 51.** Article 223 (1) of the Constitution is amended by deleting paragraphs (a) and (b) and substituting therefor the following new paragraphs—
- “(a) that amount is part of the national government’s equitable share of revenue as determined by the Division of Revenue Act of that financial year; and
- (b) either—
- (i) an emergency that was not reasonably foreseen has arisen for expenditure for a purpose for which no amount had been appropriated; or
- (ii) money has been withdrawn from the Contingencies Fund.”
- Amendment of Article 224 of the Constitution.
- 52.** Article 224 of the Constitution is amended by deleting the words “On the basis of the Division of Revenue Bill passed by Parliament under Article 218”.
- Amendment of Article 225 of the Constitution.
- 53.** Article 225 of the Constitution is amended—
- (a) in clause (3) by—
- (i) deleting the expression “Legislation under clause (2) may authorise the Cabinet Secretary responsible for finance to” appearing in the introductory phrase and substituting therefor the words “The Cabinet Minister responsible for finance shall”;
- (ii) in paragraph (a) by deleting the words “that legislation” and substituting therefor the words “by legislation under clause (2)”.
- (b) by inserting the following new clauses immediately after clause (3)—
- “(3A) Where the Cabinet Minister stops a transfer of funds under clause (3), the Cabinet Minister shall within thirty days table the matter—
- (a) in the case of a transfer to a State organ or other public entity, in the National Assembly; and

(b) in the case of a transfer to a county government, in the Senate”.

Amendment of Article 230 of the Constitution.

**54.** Article 230 of the Constitution is amended—

(a) by deleting clause (2) and substituting therefor the following new clause—

“(2) The Salaries and Remuneration Commission consists of a chairperson and six other members who have extensive experience in matters relating to the management of human resources and wages, appointed by the President.”

(b) by deleting clause (3);

(c) in clause (4) by inserting the following new paragraph immediately after paragraph (b)—

“(c) determine and harmonise the rates paid by national and county governments to professional consultants for services rendered.”

(d) in clause (5) by inserting the following new paragraph immediately after paragraph (c)—

“(ca) the need to rationalize and harmonise remuneration and benefits paid to all State Officers and public officers.”

Amendment of Article 234 of the Constitution.

**55.** Article 234 (3) (c) of the Constitution is amended by deleting sub-paragraph (iv) and substituting therefor the following new sub-paragraph—

“(iv) the national security organs referred to in Article 239 (1).”

Insertion of new Article 237A in the Constitution.

**56.** The Constitution is amended by inserting the following new Article immediately after Article 237—

**237A. The Youth Commission.**

(1) There is established the Youth Commission.

(2) The Commission shall consist of the following persons appointed by the President, with the approval of the National Assembly—

(a) a chairperson; and

- (b) six members, with equal representation of both genders, at least four of whom shall be youth.
- (3) The members of the Commission shall—
  - (a) include persons with experience in youth affairs and governance; and
  - (b) hold office for a single term of four years.
- (4) The functions of the Commission are to—
  - (a) advance the participation of the youth in all spheres of public and private life;
  - (b) ensure the mainstreaming of the youth perspectives in planning and decision making;
  - (c) advise the national and county governments on the design, implementation and evaluation of policies and programs to secure sustainable livelihoods for the youth;
  - (d) facilitate generational mentorship and integration of African traditional values with contemporary youth lifestyles;
  - (e) promote the preservation and dissemination of African morals, traditions and cultures among the young people; and
  - (f) propose legislative, policy and other measures for the attainment of this Article.
- (5) Parliament shall enact legislation to give effect to this Article.

Amendment of Article 240 of the Constitution.

- 57.** Article 240 (2) of the Constitution is amended by inserting the following new paragraph immediately after paragraph (b)—  
 “(ba) the Prime Minister”.

Amendment of Article 243 of the Constitution.

- 58.** Article 243 of the Constitution is amended by deleting clause (2).

Amendment of Article 245 of the Constitution.

- 59.** Article 245 of the Constitution is amended—  
 (a) in clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) shall—

- (i) exercise independent command over the Service;
- (ii) determine transfers in the Service;
- (iii) recommend a member of the Service for promotion;
- (iv) exercise disciplinary control through suspension of officers in the Service; and
- (v) perform any other functions prescribed by legislation.”

(b) by deleting clause (3); and

(c) by deleting the words “Cabinet Secretary” appearing in clauses (4) and (5) and substituting therefor the words “Cabinet Minister”.

Repeal and replacement of Article 246 of the Constitution.

**60.** The Constitution is amended by repealing Article 246 and replacing it with the following new Article—

**246. The Kenya Police Council.**

- (1) There is established the Kenya Police Council.
- (2) The Council consist of—
  - (a) the Cabinet Secretary responsible for internal security, who is the chairperson;
  - (b) the Inspector General of the National Police Service;
  - (c) two senior members of the National Police Service units appointed by the President; and
  - (d) the Principal Secretary in the Ministry responsible for internal security.
- (3) The Council shall—
  - (a) be responsible for overall policy, control and supervision of the National Police Service; and
  - (b) perform any other function prescribed by national legislation.

Insertion of new Article 246A in the Constitution.

**61.** The Constitution is amended by inserting the following new Article immediately after Article 246—

**246A. The Independent Policing Oversight Commission.**

(1) There is established the Independent Policing Oversight Commission.

(2) The Commission shall—

(a) monitor and report on adherence to the objects in Article 244;

(b) hold the members of the National Police Service accountable to the public in the performance of their functions; and

(c) perform any other function prescribed by national legislation.

Amendment of Article 248 of the Constitution.

**62.** Article 248 of the Constitution is amended—

(a) in clause (2) by deleting paragraph (j) and substituting therefor the following new paragraph—

“(j) the Independent Policing Oversight Commission;

(b) in clause (3) by inserting the following new paragraph immediately after paragraph (b)—

“(c) the Director of Public Prosecutions.”

Amendment of Article 259 of the Constitution.

**63.** Article 259 of the Constitution is amended by inserting the following new clause immediately after clause (11)—

“(12) Where an appointive office with tenure under this Constitution is due to fall vacant, the process of replacing the holder of that office shall commence at least six months before the lapse of the term of the office holder and conclude before the lapse of the term of the office holder’.”

Amendment of Article 260 of the Constitution.

**64.** Article 260 of the Constitution is amended in the definition of the words “state office” by inserting the following new items in their proper chronological order—

“(ba) Prime Minister;

(bb) Deputy Prime Minister;

(ea) Judiciary Ombudsman;”

Amendment of the Third

**65.** The Third Schedule to the Constitution is amended by—

Schedule to the Constitution.	<p>(a) inserting the words “Prime Minister/Deputy Prime Minister” immediately before the words “Cabinet Secretary” wherever the words appear in the prescription of the “OATH OF SOLEMN AFFIRMATION OF DUE EXECUTION FOR THE CABINET SECRETARY”; and</p> <p>(b) inserting the words “Deputy Chief Justice” immediately after the words “President of the Supreme Court” wherever the words appear in the prescription of the “OATHS FOR THE CHIEF JUSTICE/PRESIDENT OF THE SUPREME COURT, JUDGES OF THE SUPREME COURT, JUDGES OF THE COURT OF APPEAL, AND JUDGES OF THE HIGH COURT”.</p>
Amendment of the Fourth Schedule to the Constitution.	<p><b>66.</b> The Fourth Schedule to the Constitution is amended in Part 1 by inserting the following new item immediately after item 35—</p> <p>“36. The functions and powers relating to the Nairobi City county on items 2, 5, 8, 11 and 12 under Part 2 of this Schedule”.</p>
Consequential legislation.	<p><b>67.</b> (1) Parliament shall enact any legislation required by this Act to be enacted to govern a particular matter within the period recommended in the First Schedule.</p> <p>(2) For purposes of clause (1), the Attorney General and the Kenya Law Reform Commission shall prepare the relevant Bills for tabling before Parliament as soon as is reasonably practicable to enable Parliament to enact the legislation within the recommended period in the First Schedule commencing on the date this Act comes into force.</p>
Transition and consequential provisions.	<p><b>68.</b> The transitions and consequential provisions set out in the second schedule shall take effect on the date this Act comes into force.</p>

## FIRST SCHEDULE

(sec 69 (1))

### LEGISLATION TO BE ENACTED BY PARLIAMENT.

ARTICLE	RECOMMENDED TIME SPECIFICATION
Legislation on elections (Articles 87, 88, 90, and 97)	Six months.
Office of the Judiciary Ombudsman (Article 172A)	One year.
Legislation on the functions of Nairobi City county assigned to the national government (Article 200)	One year.
Ward Development Fund (Article 207A)	One year.
The Youth Commission (Article 237A)	One year.
Legislation on the Kenya Police Council (Article 246)	One year.
Any other legislation necessary to give effect to the provisions of this Act.	Two years.

## SECOND SCHEDULE

(section 70)

### TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

#### 1. Independent Electoral and Boundaries Commission.

(1) The vacant positions in the membership of the Independent Electoral and Boundaries Commission shall be filled within sixty days of the commencement of this Act.

(2) Despite Article 251 of the Constitution, within thirty days from the commencement of this Act, the members of the Independent Electoral and Boundaries Commission who were in office on the commencement date shall be vetted to determine their suitability to continue serving in accordance with the values set out in Articles 10 and Chapter Six.

(3) The President shall appoint a vetting panel for purposes of section (2), which shall consist of the following five members—

(a) a chairperson who shall be qualified to be a Supreme Court judge;

- (b) two members nominated by political parties, one from the majority party and one from the minority party, represented in the National Assembly; and
  - (c) two members nominated by a joint forum representing religious organisations.
- (4) The Public Service Commission shall provide secretariat services and facilities required by the vetting panel in the performance of its functions.
- (5) The vetting panel shall determine its own procedure.
- (6) The vetting panel shall consider information gathered in the course of personal interviews, summary of the complaints, if any, from the public against the members, as well as their records.
- (7) The vetting panel shall within fourteen days of finalizing the vetting, inform the concerned member, in writing, of the outcome of the vetting.
- (8) A member shall continue to serve for the remainder of their term where the vetting panel determines the member to be suitable to continue holding office.
- (9) Once informed of the decision of unsuitability to continue holding office under subsection (8), the member shall be deemed to have been removed from office.
- (10) The vetting panel shall stand dissolved upon the finalisation of the vetting.

## **2. Executive.**

The provisions of this Act relating to Chapter Nine of the Constitution shall take effect from the next general election after the commencement of this Act.

## **3. Salaries and Remuneration Commission.**

The Members of the Salaries and Remuneration Commission shall continue to hold office for their unexpired term, unless otherwise removed in accordance with the Constitution.

## **4. National Police Service**

(1) Any person serving as the Deputy Inspector General of Police before the commencement of this Act shall continue to serve in the same capacity for the remainder of their unexpired term unless otherwise lawfully removed from office.

(2) Any person serving as an officer in the Kenya Police Service or Administration Police Service before the commencement of this Act shall continue serving in the National Police Service unless otherwise lawfully removed from the Service.



**5. National Police Service Commission.**

The Members of the National Police Service Commission shall continue to hold office for their unexpired term, unless otherwise removed in accordance with the Constitution.

**6. Independent Policing Oversight Authority.**

(1) The Independent Policing Oversight Commission shall be the successor to the Independent Policing Oversight Authority established under the Independent Policing Oversight Authority Act, 2011 (No. 35 of 2011).

(2) The members of the Board of the Independent Policing Oversight Authority shall become members of the Independent Policing Oversight Commission for their unexpired terms but each shall retain the terms of service as at the commencement date.

## MEMORANDUM OF OBJECTS AND REASONS

**The object of this Bill is to amend the Constitution of Kenya to address issues arising from its implementation including the need to:**

- (a) resolve issues of divisive elections arising from electoral processes;
- (b) strengthen the structure of devolution and increase resources allocated to the counties;
- (c) strengthen mechanisms that provide equitable opportunities for all the people of Kenya to benefit from economic growth in a comprehensive, fair and sustainable manner
- (d) harmonise certain roles and functions of the bicameral legislature;
- (e) provide a mechanism for monitoring, evaluating and enforcing implementation of economic and social rights under Article 43 of the Constitution;
- (f) strengthen the national ethos by specifying the responsibilities of citizens; and
- (g) promote inclusivity and gender equity in governance.
- (h) Strengthen accountability for public resources and the fight against corruption

**The proposed constitutional reforms originate from the views of citizens expressed through the Building Bridges Initiative (the BBI).** Through the BBI, citizens from all corners of the country shared their concerns and views on issues ranging from their responsibilities and rights, national ethos and responsible citizenship, corruption, productivity and shared prosperity, devolution, divisive elections, ethnic antagonism, inclusivity and security, among others. The Bill focuses on these issues with an objective of promoting a cohesive society and to further the ideals of a united, prosperous and just nation.

### CLAUSES

**The Bill proposes to amend Chapter Two of the Constitution** on formative aspects of the Republic to address regional integration, cohesion, shared prosperity and the centrality of the economy. The aspiration is to enhance Kenya's standing and leadership in the region and to balance production and sharing.

**Clause 2** of the Bill proposes to insert a new Article 10A (**Regional integration and cohesion**) into the Constitution to recognise integration and cohesion of the eastern Africa region and Africa as integral towards achieving national economic goals. The provision obligates the State to take policy and legislative measures for the attainment of this ideal.

**Clause 3** of the Bill proposes to insert a new Article 11A (**Economy and shared prosperity**) into the Constitution so as to anchor the aspiration of a new economic

model based on value creation and that provides equitable opportunities for all the people, promotes industrialization and supports small and micro enterprises.

**The Bill proposes to amend Chapter Three of the Constitution on Citizenship to introduce a new Article on the responsibilities of a citizen to enhance patriotism and set out the duties of a citizen to the country and to fellow citizens.**

**Clause 4** of the Bill proposes to insert a new Article 18A (**Responsibilities of a citizen**) into the Constitution to consolidate the principles of national ethos, which comprises the spirit of oneness, honesty and integrity and to set out moral principles to be adhered to by every citizen. The responsibilities include the duty to promote harmonious living with other citizens, to pay taxes and contribute to national development, among others. This Article seeks to give life to the words of our national anthem that when the individual thrives, the country thrives.

**The Bill proposes to amend Chapter Four of the Constitution on the Bill of Rights to provide a constitutional underpinning for privacy of personal data of citizens as an emerging area in human rights owing to technological advancement.**

**Clause 5** of the Bill proposes to amend Article 31 (**Privacy**) to incorporate the right for the protection of personal data of citizens. The proposed amendment protects personal data of citizens in view of the advancement and adoption of digital technology by a large percentage of the population and boosts the taming of surveillance capitalism.

**The Bill proposes to amend Chapter Six of the Constitution on Leadership and Integrity to strengthen the fight against corruption by providing a mechanism for more expeditious conduct of investigation, prosecution and trial of corruption related matters.**

**Clause 6** of the Bill proposes to amend Article 80 (**Legislation on leadership**) to require Parliament to enact legislation establishing mechanisms to facilitate the expeditious investigation, prosecution and trial of cases relating to corruption and integrity, so as to achieve speedy disposal of such matters.

**The Bill proposes to amend Chapter Seven of the Constitution on Representation of the People so as to enhance transparency and fairness of representation in the electoral system by changing the electoral system to give effect to the principles set out in Articles 81(d) and 89(7) (b). This is to promote electoral competition based on ideologies and values and to ensure that every vote cast by a citizen counts.**

**Clause 7** of the Bill proposes to amend Article 87 (**Electoral disputes**) to remove the jurisdiction to handle disputes arising from the nominations of candidates by political parties from the Independent Electoral and Boundaries Commission and vest this jurisdiction in the Political Parties' Disputes Tribunal so as to achieve speedy adjudication of those disputes and also streamline the mandate of the Commission. The amendment further seeks to broaden modes of service of a petition relating to an election to include print and electronic media to take cognizance of the advancement in technology.

**Clause 8** of the Bill proposes to amend Article 88 (**Independent Electoral and Boundaries Commission**) to bar persons who have, within five years preceding an election, held office or stood for election as President, Deputy President, county governor or a Member of Parliament from being members of the Commission. The amendment proposes to include some of the offices which were not part of this list. The amendment also specifies the membership of the Commission in the Constitution to include four members to represent Political Parties.

**Clause 9** of the Bill proposes to amend Article 90 (**Allocation of party list seats**) to promote the principle of equality of the vote and entrench ideals of a transparent electoral process. The proposed amendment provides for the members of the National Assembly to be drawn from both single member and multiple member constituencies. Further, the candidates to be nominated from a party list for county assemblies shall be allotted on the basis of the total votes received by their political party as opposed to the current practice where such allocation is based on seats won by the political party.

**Clause 10** of the Bill proposes to amend Article 91 (**Basic Requirements for Political Parties**) to require political parties take measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

**The Bill proposes to amend Chapter Eight of the Constitution** on the Legislature to remodel the parliamentary system by including the government in the National Assembly. The Executive will be represented in the National Assembly by the Prime Minister, Deputy Prime Ministers, Cabinet Ministers and the Attorney-General. The office of the Leader of the Official Opposition is established. The existing disqualification for the members of the county assemblies from being qualified to be elected as members of Parliament is removed. The Bill further proposes to amend the composition of Parliament to give effect to the gender equity principle.

**Clause 11** of the Bill proposes to amend Article 97 (**Membership of the National Assembly**) to provide a for the members of the National Assembly to be drawn from both the single member and multiple member constituencies. Further, this amendment proposes to include the Leader of the Official Opposition as a member of the National Assembly and the Cabinet Ministers who are not members of the National Assembly and the Attorney General as *ex-officio* members of the National Assembly.

**Clause 12** of the Bill proposes to amend Article 98 (**Membership of the Senate**) to structure the membership of the Senate to achieve gender parity pursuant to the provisions of Articles 27(8) and 81(b) as read with Article 96(1).

**Clause 13** of the Bill proposes to amend Article 99 (**Qualification and disqualifications for election as member of Parliament**) to remove disqualification barring members of the county assemblies from being qualified to be elected as members of Parliament.

**Clause 14** of the Bill proposes to insert a new Article 107A (**the Leader of Official Opposition**) into the Constitution. The Article provides that the Leader of Official Opposition shall be the person who received the second greatest number of votes in a presidential election and whose political party or coalition of parties has at least twenty-five per cent of the members of the National Assembly.

**Clause 15** of the Bill proposes to repeal and replace Article 108 (**Party Leaders**) with a new Article 108 (**Order of precedence in the National Assembly**) to provide for the new order of precedence in the National Assembly to include the Prime Minister and the Leader of Official Opposition.

**Clause 16** of the Bill proposes to amend **Article 113 (Mediation committee)** to expand the period within which a Bill shall be referred to the President for assent from seven days to fourteen days. This is to allow for adequate time for consultation and refining the bill by the institutions involved in the legislative process.

**Clause 17** of the Bill proposes to repeal Article 123 (**Decisions of Senate**) to do away with the concept of voting by delegation in the Senate and consequently result to members of the Senate having an equal vote. The amendment originates from a proposal seeking to amend Article 98 that equalizes representation of the counties in the Senate.

**The Bill proposes to amend Chapter Nine of the Constitution** on the Executive to broaden the executive structure to achieve inclusivity, cohesiveness, and unity for the benefit of the people of Kenya. This Chapter introduces the office of the Prime Minister and two Deputy Prime

Ministers, with leadership roles in the executive and Parliament. It also provides that Cabinet Ministers may be appointed from among members of the National Assembly.

**Clause 18** of the Bill proposes to amend Article 130 (**the National Executive**) to introduce the Prime Minister and the Deputy Prime Ministers.

**Clause 19** of the Bill proposes to amend Article 131 (**Authority of the President**) to include the Prime Minister and Deputy Prime Ministers in the list of persons who shall assist the President in the exercise of the executive authority. The amendment also proposes to rename the office of Cabinet Secretary as Cabinet Minister to reflect a profile change of this office noting that some holders may be appointed from the members of the National Assembly.

**Clause 20** of the Bill proposes to amend Article 132 (**Functions of the President**) to provide for the President to report on the progress in achieving the economic and social rights guaranteed under Article 43 by submitting a report for debate to the National Assembly.

**Clause 21** of the Bill proposes to amend Article 134 (**Exercise of Presidential powers during temporary incumbency**) as a consequential amendment of renaming the office of Cabinet Secretary as Cabinet Minister.

**Clause 22** of the Bill proposes to amend Article 138 (**Procedure at presidential election**) to remove the condition that requires a presidential election to be cancelled and a new election held where a person nominated as a deputy president dies on or before a scheduled election. This is to ensure that a presidential election is held despite the death of a running mate of the presidential candidate to avoid uncertainty and minimize tension in a presidential election.

**Clause 23** of the Bill proposes to amend Article 140 (**Questions as to validity of presidential election**) to increase the period during which the Supreme Court is required to hear and determine a petition on questions as to validity of a presidential election from fourteen days to thirty days. This is to provide a more realistic period of finalizing the presidential election petition and is informed by previous experience.

**Clause 24** of the Bill proposes to insert new Articles 151A, 151B, 151C, and 151D (**The Office of the Prime Minister and Deputy Prime Ministers**) to provide for the mode of appointment of the Prime Minister and the two Deputy Prime Ministers. The functions of the Prime Minister shall be to coordinate and supervise government functions. The Prime Minister is to be nominated by the President from among the elected Members

of the National Assembly from a political party having a majority of Members in the National Assembly through a stipulated procedure.

The nominee shall not assume office until his or her nomination is confirmed by a resolution of the National Assembly supported by a majority vote of the members. If the second nominee for a Prime Minister proposed by the President is not confirmed, the President shall appoint the Prime Minister without reference to the National Assembly. The Prime Minister may be dismissed by the President or through a vote of no confidence in the National Assembly. The amendment further provides for the Deputy Prime Ministers to be appointed from among the Cabinet Ministers.

**Clause 25** of the Bill proposes to amend Article 152 (**Cabinet**) to provide for a mixed cabinet with some members of the Cabinet being drawn from the members of National Assembly. The proposed amendment further provides for the membership of the Prime Minister and Deputy Prime Ministers into the Cabinet.

**Clause 26** of the Bill proposes to amend Article 153 (**Decision, responsibility and accountability of the Cabinet**) as a consequential amendment of renaming the office of the Cabinet Secretary as Cabinet Minister.

**Clause 27** of the Bill proposes to amend Article 155 (**Secretary to the Cabinet**) to remove the requirement for the vetting of the Secretary to the Cabinet by the National Assembly.

**Clause 28** of the Bill proposes to amend Article 155 (**Principal Secretaries**) to remove the requirement for the vetting of the Principal Secretaries by the National Assembly. This is to ensure the Public service remains impartial and ready to serve the people under governments of any political colour and ensure that their accountability is administrative and technical.

**Clause 29** of the Bill proposes to amend Article 156 (**Attorney General**) to clarify that as a member of the Cabinet, the Attorney General shall perform the functions of a Cabinet Secretary.

**Clause 30** of the Bill proposes to amend Article 157 (**Director of Public Prosecutions**) to enhance the qualification for appointment as the Director of Public Prosecution to be the same as that of a judge of the Court of Appeal.

**Clause 31** of the Bill proposes to repeal Article 158 (**Removal and resignation of Director of Public Prosecutions**) to align the removal and resignation of the Director of

Public Prosecutions with that of the constitutional commissions and independent offices. This is to reflect that the office of Director of Public Prosecutions is proposed to be included as an independent office in Chapter 15 of the Constitution.

**The Bill proposes to amend Chapter Ten of the Constitution** on the Judiciary to provide for more transparency in the judicial processes. The proposed amendments provide for the finality of the decisions of Court of Appeal in petitions concerning an election and limits the tenure of the president of the Court of Appeal and High Court to five years. The amendments further provide for the tenure of the Deputy Chief Justice and aligns it with that of the Chief Justice. The amendment also seeks to introduce the Judiciary Ombudsman as a member of the Judicial Service Commission.

**Clause 32** of the Bill proposes to amend Article 164 (**Court of Appeal**) to provide for the finality of the determination by the Court of Appeal on the validity of any appeal relating to an election, other than a presidential election. The amendment further seeks to limit the tenure of the president of the Court of Appeal to a single term of five years.

**Clause 33** of the Bill proposes to amend Article 165 (**High Court**) to limit the tenure of the president of the High Court to a single term of five years.

**Clause 34** of the Bill proposes to amend Article 166 (**Appointment of Chief Justice, Deputy Chief Justice and other Judges**) to enhance the qualifications of the judges of the Supreme Court and the Court of Appeal relating to their experience. The amendment provides the qualification of a judge of the Supreme Court to be twenty years, a judge of the Court of Appeal to be fifteen years and that of a judge of the High Court to be ten years.

**Clause 35** of the Bill proposes to amend Article 167 (**Tenure of office of the Chief Justice and other judges**) to provide for the tenure of office of the Deputy Chief Justice and harmonise it with the tenure of office of the Chief Justice.

**Clause 36** of the Bill proposes to amend Article 171 (**Establishment of the Judicial Service Commission**) to include the Judiciary Ombudsman as a member of the Judicial Service Commission. The amendment further provides that elected advocates in the Commission shall not practise in the courts and tribunals for the purpose of minimising instances of conflict of interest.



**Clause 37** of the Bill proposes to amend Article 172 (**Functions of the Judicial Service Commission**) to provide a mechanism to enable the Judicial Service Commission to discipline judicial officers including judges.

**Clause 38** of the Bill proposes to insert a new Article 172A (**The Office of the Judiciary Ombudsman**) into the Constitution to establish the Office of the Judiciary Ombudsman which shall be responsible for handling complaints on the judicial process from the members of the public.

**The Bill proposes to amend Chapter Eleven of the Constitution** on the Devolved Government to provide for further clarity on the nomination of members of the county assembly and powers of a county governor.

**Clause 39** of the Bill proposes to amend Article 177 (**Membership of county assembly**). It introduces the nomination of candidates through a party list. A political party will be entitled to nominate the candidates based on the votes received by a political party in an election, instead of the current status where it is based on the seats won. Further, it seeks to align the term of county assemblies to the election cycle.

**Clause 40** of the Bill proposes to amend Article 179 (**County executive committees**) to provide clarity that a county governor has powers to dismiss or reassign their county executive committee members. This ensures that a member of the county executive committee does not automatically vacate office when the person holding the office of the county governor becomes vacant.

**Clause 41** of the Bill proposes to amend Article 180 (**Election of county governor and deputy county governor**) to enhance gender parity in the governance of counties by providing for the candidate of the county governor, in nominating a deputy governor, to consider a person who is not of the same gender.

**Clause 42** of the Bill proposes to amend Article 200 (**Legislation on Chapter**) to require that Parliament to make legislation to provide mechanisms for the carrying out functions of certain functions relating to the Nairobi City county distributed to the national government.

**The Bill proposes to amend Chapter Twelve of the Constitution** on Public Finance to streamline various public finance principles and processes to promote efficiency and ensure expenditures are directed to maximise utility. The proposals promote the actualization of the rights guaranteed under Article 43 and strengthens devolution.

**Clause 43** of the Bill proposes to amend Article 202 (**Equitable sharing of national and other financial laws**) to provide that, where any revenue sharing in the Constitution is to be based on audited accounts and the National Assembly has not approved such accounts, the most recent audited accounts of revenue submitted by the Auditor General shall be used as the basis of revenue sharing.

**Clause 44** of the Bill proposes to amend Article 203 (**Equitable share and other financial laws**) to expand the criteria for determining equitable share to include the need to eradicate corrupt practices and wastage of public resources the need to ensure the attainment of the economic and social rights guaranteed under Article 43 and ensure the average amount of money allocated per person to a county with highest allocation does not exceed three times the average amount per person allocated to a county with the lowest allocation. It further increases the percentage of funds allocated to county governments from fifteen to thirty-five to strengthen devolution and ensure that county governments have adequate funds to carry out their operations.

**Clause 45** of the Bill proposes to insert new Articles 207A (**Ward Development Fund**) into the Constitution to establish the Ward Development Fund. The Ward Development Fund shall comprise of at least five per cent of all the county government's revenue in each financial year and ensures equitable distribution and development in the wards of money allocated or collected by the county government.

**Clause 46** of the Bill proposes to amend Article 215 (**Commission on Revenue Allocation**) to reduce the number of members nominated by political parties represented in the Senate from five to two so as to balance the representation from the two Houses. The amendment also provides for two members to represent county governors and one person nominated by members of a statutory body responsible for professional regulation of accountants.

**Clause 47** of the Bill proposes to amend Article 218 (**Annual Division and Allocation of Revenue Bills**) to streamline the roles and functions of the two Houses of Parliament in enacting the Annual Division and Allocation of Revenue Bills.

The proposed amendment provides the procedure for the introduction and enactment of a Division of Revenue Bill and a County Allocation of Revenue Bill and the timelines attendant to the respective processes. The Division of Revenue Bill to divide revenue raised nationally between the national and county levels of government, shall be introduced in the National Assembly which shall consider it within twenty-one days

from the date of publication. The amendment specifies timelines within which the Bill shall be considered by each House.

The Bill also provides for the mediation committee appointed for purposes of considering the Annual Division and Allocation of Revenue Bill to consider recommendations from the Commission for Revenue Allocation, county governors and the Cabinet Minister responsible for Finance.

The Bill further provides for the Controller of Budget to authorise the withdrawal of up to fifty per cent of the minimum amount of the equitable share guaranteed to county governments, where the Division of Revenue Act for a financial year has not been passed by Parliament before the beginning of that financial year.

**Clause 48** of the Bill proposes to insert a new Article 218A (**County Allocation of Revenue Bill**) into the Constitution to streamline the roles and functions of the bicameral legislature in enacting the County Allocation of Revenue Bills.

The amendments provide that a County Allocation of Revenue Bill, which shall divide among the counties the revenue allocated them on the basis determined according to the resolution in force under Article 217, is to be introduced in the Senate and enacted by Parliament within a period of thirty days from the date of enactment of the Division of Revenue Act. The proposed amendment specifies timelines within which the Bill shall be considered by each House and the veto power by the Senate.

**Clause 49** of the Bill proposes to amend Article 220 (**Form, content and timing of budgets**) to require the proposed budgets of national and county governments to contain an explanation of the previous, current or proposed budgetary measures for the attainment of social and economic rights. Further, the amendments seek to impose a requirement, which will be set out in legislation, for the making of structure and development plans by national government. Currently, such an obligation is only imposed on counties. The amendment seeks to increase accountability and value for money while entrenching prudence and efficiency in the use of public resources.

**Clause 50** of the Bill proposes to amend Article 221 (**Budget estimates and the annual Appropriation Bill**) to streamline the process of preparing the budget by providing for annual estimates to be prepared on the basis of the Division of Revenue.

**Clause 51** of the Bill proposes to amend Article 223 (**Supplementary appropriation**) seeks to limit the supplementary appropriation to an emergency or if monies in the contingencies fund is insufficient to meet that demand.

**Clause 52** of the Bill proposes to amend Article 224 (**County appropriation Bills**) to free the preparation of county annual budgets from being based on the Division of Revenue Bill. This is in light of the fact that a county government can prepare its budget based on its own sources of revenue.

**Clause 53** of the Bill proposes to amend Article 225 (**Financial control**) to empower the Cabinet Secretary responsible for finance to stop the transfer of funds to a state organ or other public entity or a county government where there are serious and persistent material breaches of the set out financial control measures, and to table the matter before the relevant House of Parliament for approval.

**Clause 54** of the Bill proposes to amend Article 230 (**Salaries and Remuneration Commission**) to restructure the membership of the Commission to make it lean and effective. Further, the Bill proposes to add the Commission with an added mandate to set, review, rationalise and harmonise the remuneration of all State Officers and public officers. Further, the Commission shall determine and harmonise the rates paid by national and county governments to professional consultants for services rendered.

**The Bill proposes to amend Chapter Thirteen of the Constitution** on the Public Service to remove the national security organs from the ambit of the Public Service Commission.

**Clause 55** of the Bill proposes to amend Article 234 (**Functions and Powers of the Public Service Commission**) to remove the national security organs as one of the offices in the public service to which the Public Service Commission has no mandate.

**Clause 56** of the Bill proposes to insert a new Articles 237A (**The Youth Commission**) into the Constitution. The amendment proposes to establish and provide for the functions of the Youth Commission to, among others, promote the implementation of the rights of the youth under Article 55.

**The Bill proposes to amend Chapter Fourteen of the Constitution** on National Security to merge the constituent units of the National Police Service and to provide clarity on the unity of command in the Service. Further, the National Police Service Commission is removed as a commission and replaced by the Kenya Police Council to oversee policy and command functions of the National Police Service in collaboration with the Inspector General of Police. The amendment also seeks to establish the Independent Policing Oversight Commission as an independent commission with the mandate to ensure accountability of the police service.

**Clause 57** of the Bill proposes to amend Article 240 (**Establishment of the National Security Council**) to include the Prime Minister as a member of the National Security Council.

**Clause 58** of the Bill proposes to amend Article 243 (**Establishment of the National Police Service**) to merge the Kenya Police Service and Administration Police Service and integrate them into the National Police Service.

**Clause 59** of the Bill proposes to amend Article 245 (**Command of the National Police Service**) to provide offer clarity on centrality of command control by the Inspector General of Police to the Police Service.

**Clause 60** of the Bill proposes to repeal Article 246 (**National Police Service Commission**) and replace with a new article establishing the Kenya Police Council that shall be responsible for overall policy coordination of the National Police Service.

**Clause 61** of the Bill proposes to insert a new Article 246A (**Independent Policing Oversight Commission**) into the Constitution to establish the Independent Policing Oversight Commission. The Commission shall be the successor to the Independent Policing Oversight Authority, which is established under an Act of Parliament. The Commission is expected to provide an effective mechanism of oversight on the conduct of the members of the police service in discharging their work and their relation to the citizens

**The Bill proposes to amend Chapter Fifteen of the Constitution** on commissions and independent offices to require constitutional commissions to enhance corporate governance practices in managing the affairs of the commissions and independent offices and to include the Director of Public Prosecutions as an independent office.

**Clause 62** of the Bill proposes to amend Article 248 (**Commissions and Independent Offices**) to add the Independent Policing Oversight Commission as a constitutional commission to which Chapter Fifteen of the Constitution applies. The amendment also includes the Director of Public Prosecutions as an independent office to enhance the independence and budgetary autonomy of the office.

**The Bill proposes to amend Chapter Sixteen of the Constitution** on General Provisions.

**Clause 63** of the Bill proposes to amend Article 259 (**Construing the Constitution**) to provide for the filling of a vacancy of an appointive office under the Constitution, and requires that the process of replacing the holder of that office shall commence at least six months before the lapse of the term of the office holder and conclude before the lapse of the term of that office holder. This is to ensure seamless transition and fewer disruptions in the running of the appointive constitutional state offices.

**Clause 64** of the Bill proposes to amend Article 260 (**Interpretation**) to include the offices of the Prime Minister, Deputy Prime Minister and Judiciary Ombudsman in the definition of the term “state office”.

**The Bill amends the Third Schedule to the Constitution** on National Oaths and Affirmations.

**Clause 65** of the Bill proposes to amend the Third Schedule to include the Prime Minister and Deputy Prime Minister as state officers who should take the oath or make a solemn affirmation as prescribed in the Schedule. Similarly, the amendment seeks to include the Deputy Chief Justice as Oaths for The Chief Justice/President of the Supreme Court, Judges of the Supreme Court, Judges of the Court of Appeal, and Judges of the High Court.

**Clause 66** of the Bill proposes to amend the Fourth Schedule to provide that functions and powers on county health services, county transport, county planning and development, county public works and fire fighting services and disaster management relating to the Nairobi Capital city shall be distributed as functions of the national government.

**Clause 67** of the Bill provides that Parliament shall enact any legislation required by this Act to be enacted to govern a particular matter within the period specified in the First Schedule. It provides that the Attorney General and the Kenya Law Reform Commission shall prepare the relevant Bills for tabling before Parliament as soon as is reasonably practicable to enable Parliament to enact the legislation within the specified period in the First Schedule commencing on the date this Act comes into force.

**Clause 68** of the Bill provides for the transitional and consequential provisions to ensure the seamless implementation of the provisions of this Act, especially in view of some constitutional commissions and state offices that have been reconstituted. The Bill further provides for the vetting of the members of the Independent Electoral and Boundaries Commission.

**The First Schedule** lists the legislation proposed for Parliament to enact in order to ensure the full implementation of the proposed amendments to the Constitution.

**The Second Schedule** outlines the transition and consequential provisions on various aspects including saving terms of office of various institutions restructured in the Bill.

**Dated the 30th June, 2020.**

## ANNEX C: ADMINISTRATIVE MEASURES

### Introduction

The BBI Taskforce Report posits that a majority of Kenyans, across all the 47 Counties, as shown in the validation process, want things done differently, for a better Kenya. This explains why, for example, a majority of Kenyans do not report crimes to the police; wish for a place to report non-performing Public Officers; would like leaders who serve them selflessly; create wealth; and give maximum social protection to the most economically vulnerable.

#### What Will It Take for the Proposed Changes to Be Realised Administratively?

- i. **Committed Public Officers:** Public officers, to whom Kenyans have delegated their sovereign power, must serve Kenyans in accordance with the Constitution, laws, policies and administrative procedures and systems laid down. Administrative measures should be taken to ensure that Public Officers guard the public trust bestowed upon them by applying high standards of professional ethics, core values and principles in service. To achieve this objective, Government interventions should aim at facilitating each Public Officer to continuously learn and lead change in themselves and with fellow Public Officers.
- ii. **Government Programmes and Interventions at Family Level**
- iii. **Institutional Focus on Administrative Processes in Line with the Constitution and the Law Working Conditions of Public Officers**

The Steering Committee recognises and appreciates that a majority of Public Officers have good intentions. However, they are critically influenced by the context within which they work and live. As a result, the Steering Committee proposes that the conditions at work should change drastically. This will enable Public Officers to sustainably change their behaviours.

- i. **The physical environment and infrastructure:** The state and ambience of offices, furniture, working space, safety at work, basic facilities such as bathrooms, kitchen and lighting, should be adequate, irrespective of a Public Officer's position. This will motivate them to serve Kenyans diligently.
- ii. **Respectful relationships at work:** All Public Officers should be treated with dignity, whatever their station. Every person's role is important for the delivery of services to Kenyans. This is demonstrated by the delegated power conferred to them by the people of Kenya (Constitution, Article 1(3)). Every office is significant in providing service to Kenyans.
- iii. **Tools to serve Kenyans:** Materials and equipment required by Public Officers, such as stationery, should be in good supply, to facilitate effective service delivery. The officers should also be accountable in using these public resources prudently (Constitution, Articles 10, 73 and 232) in the public interest. These tools are those predetermined in law and administrative systems and structures, to serve Kenyans responsively, impartially and objectively, equitably

and fairly, transparently, promptly, efficiently, effectively, selflessly, etc., while being accountable and using public resources in an economic way, to serve the public interest.

- iv. **Structures and systems:** Effective performance systems and structures that are less bureaucratic and geared towards better service delivery should be developed. The system should clearly spell out roles, responsibilities and the flow of authority. This should promote internal controls, checks and balances. At the same time, effective coordination, collaboration and communication between units and organs must be ensured. The systems should be open, to allow for continuous staff development. Public officers should be at liberty to use some discretion in decision making. This must be guided by transparent accountability and other values and principles. Disciplinary measures and processes should be clear. The structures should uphold codes of conduct and ethics strategies. A vibrant feedback channel will also be necessary. Part of the systems will be the laws, policies, processes and administrative issues proposed by the BBI Steering Committee. More importantly, Public Officers will have to put their brilliant minds and abilities to work to address the technical challenges and gaps. Implementation of the proposed changes will contribute to how the public service is managed and administered, for better service delivery. Thereafter, service delivery should continuously be improved. Simultaneously, the new behaviours need to be regularly motivated, rewarded and institutionalised.

Above all, the role of leadership as a driving force in the change process for sustainability is mandatory. The example leaders display is important for change to take root. If the leadership effects the changes required, it will increase the chances of other Public Officers and citizens embracing the change. Moreover, it is the leadership that directs critical functions such as the assessment and auditing of all State assets.

The details of how the changes may be introduced, implemented, nurtured and managed shall be spelt out by Public Officers and facilitated by the change agent. Once the change is rolled out and we (citizens and Public Officers) are living the new situation, then – and only then – can the specific technical administrative interventions proposed here be implemented in a durable way.

### **Definition of Administrative Action**

Administrative action is any decision, official pronouncement and procedure or notice of intent to issue or adopt any decision, official pronouncement or procedure in public service.

### **What Impedes the Implementation of Administrative Action?**

The following are some of the factors that impede full implementation of administrative action:

- Negative attitude/lethargy/poor behaviour within the public service;
- Systems that are created to fail;
- Inadequate funding;



- Lack of timely release of funding;
- Lack of political goodwill;
- Duplication or overlapping of functions;
- Too much bureaucracy (inconsistent flow of authority/indiscipline/nepotism/parallel chain of loyalty where a junior enjoys patronage of his/her boss);
- Lack of information by the public;
- Lack of skills mapping and matching in the public service;
- Low uptake of ICT to reduce human interaction in service delivery in the public service;
- Lack of ethical standards;
- Lack of accountability;
- Lack of responsible citizenship;
- Lack of nationhood (people are not driven by public interest).

## **Philosophy**

Developing an implementation and results-focused public service that is ever mindful of its Constitutional and legal imperatives.

## **Principles and Guidelines**

The following are the principles and guidelines identified with respect to administrative issues:

- High standards of professional ethics;
- Efficient, effective and economic use of resources;
- Responsive, prompt, effective, impartial and equitable provision of services;
- Transparency and provision to the public of timely, accurate information;
- Accountability for administrative acts; and
- Fair competition and merit as the basis of appointments and promotions.

## **Instruments for Implementation**

The following are the instruments identified for implementation of administrative actions recommended in the BBI Report:

- Executive Order (political goodwill from Kenya's leadership);

- Service Charter for the entire public service (customer service charter to be developed by State Cooperation’s Advisory Committee);
- Standard Operating Procedure Manual for the entire public service;
- Compliance checklists and/or matrix extracted from the manual for the entire public service (checklist for governance, human resource, financial etc.). A sample checklist for the responsibilities of Accounting Officers in the National Government is attached to this report on administrative interventions;
- Quarterly Performance Monitoring and Evaluation matrix for the entire public service;
- Systems Audit (management audit manual from the office of the Inspector General of State Co-operations; a circular by Head of Public Service seeking a record of all systems in State Co-operations for assessments and decision-making purposes);
- Training curriculum for Public Officers upon entry into the service and for those currently in the service regarding the manual (develop and implement public service guidelines on training);
- Automation of Government functions in the public service, including automation and consolidation of human resource data in public service;
- Enact the draft Performance Management Regulations, 2020 for the Public Service Commission use;
- Management by State Corporations (Head of Public Service through a circular dated 11 March 2020) already implementing BBI recommendations on wastage of public resources, touching on frequency of meetings, payment of allowances, mileage claims and system audit by 25 March 2020.

## Administrative Mechanisms

### 1. National Ethos

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION MECHANISMS
1.	<b>The most crucial national task is to think big and long-term.</b>			
	An inclusive national conversation of Kenyans of various ages, classes, ethnicities, beliefs and philosophies, with the single aim of producing a vision of a unique Kenyan civilisation 100 years from today.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Formation of a commission or a board by the Presidency to hold consultative conference meetings at the Ward, Constituency and County levels.</li> <li>▪ The conference at the National level will collate the views from the Ward, Constituency and County levels.</li> </ul>

2.	<b>That vision must stand alongside an official and inclusive history.</b>			
	An official Historian and National Archives Services with staff consisting of professional historians, librarians, curators and professionals from other relevant fields of expertise such as philosophy, linguistics, anthropology, theology, economics, history, politics and the sciences.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Revamp the Presidential Commission on Music to preserve our patriotic songs as well as compose new, timely patriotic songs.</li> <li>▪ This office is to be led by any Kenyan who is a historian, librarian and statistician of repute, competitively selected.</li> <li>▪ Tell the painful details of our past so that lessons learned are not lost. For example, the genocide documentation in Rwanda is gory and disturbing, but the future generations will know where the country has come from and will say ‘never again’.</li> <li>▪ Use of latest technology and innovation to document and pass on oral literature and culture to children and young people.</li> <li>▪ Disseminate what is in the National Archives building, e.g. to heroes’ homes, mausoleums and schools where our National Heroes hailed from, preserving them as heritage sites.</li> <li>▪ Provide for Museums and Libraries in each Ward, with Internet connectivity so as to tap the resources of the National Archives online.</li> <li>▪ Devise physical and digital outreach programmes to engage Kenyans and urge them to take an interest in our history.</li> </ul>
	Presidential Commission on the Official History of Kenya going back 1000 years, providing an accurate and definitive account of the settlement of Kenya by the present inhabitants; the political, economic and cultural heritage of all ethnic groups in Kenya; the role of women throughout this history; an account of the international slave trade and colonialism; anti-colonial struggles; the post-colonial history of every part of the country; and contemporary histories, including those of urban areas and newly formed communities in Kenya.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Narrations of both the official as well as the unofficial history.</li> <li>▪ Document memoirs and commentaries from opposition leaders, those who were exiled, etc., and preserve them in order to tell ‘the other side of the story’.</li> <li>▪ Teach about women leaders, freedom fighters, conservationists etc. in schools.</li> </ul>
	Clear job description of the Official Historian and National Archives Services.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The recommendation is self-executing.</li> </ul>

	A national 24-hour free to air TV station to promote our Kenyan culture, towns, peoples, etc. (our own recommendation)	HIGH	National	<ul style="list-style-type: none"> <li>▪ A default channel no. 1 in all TV set-top boxes, pay TV and free to air TV should be KENYA TV to showcase our tourism, County attractions, etc. (see <a href="http://www.tanzania-safari-channel.com">www.tanzania-safari-channel.com</a> as an example).</li> <li>▪ Revamp KBC to be competitive, attractive and profitable.</li> <li>▪ Reduce/mitigate political interference in the running of KBC to help it shed the 'Government mouthpiece' tag.</li> <li>▪ Produce local programmes, including in local languages, to promote tourism and showcase the culture of various communities, sights and sounds.</li> <li>▪ Play and air Kenya News Reel, Making of a Nation and other material that is purposeful in preserving Kenya's history.</li> <li>▪ Play and air music festivals, drama festivals and other events that showcase Kenya's rich and diverse culture.</li> <li>▪ Showcase what each County is offering in terms of activities, sights and attractions, sounds etc.</li> <li>▪ Provide every Ward with an information centre that promotes our Kenyans.</li> <li>▪ Create a website for this TV to be watched online.</li> <li>▪ Automate and make available KBC's library online.</li> <li>▪ Provide direct links for library and archive services at the Ward level.</li> </ul>
	Examinable set books should be locally written and about local issues (our own recommendation)	HIGH		<ul style="list-style-type: none"> <li>▪ Set books should be by local authors and with content relating to Kenyan life.</li> <li>▪ Famed authors such as Ngugi wa Thiong'o should feature heavily in lists of set books.</li> <li>▪ Translate books written in English into the vernacular, to encourage children to take an interest in local languages and develop multi-lingual children.</li> </ul>

3.	<b>We must become comfortable in our own African skin.</b>			
	Strengthen the Ministry of Culture and Heritage to build and promote cultural policies and link these to the Counties' cultural practices.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ 'Bomas' in each sub-County and intra-County to showcase a typical home of the various communities in that County, complete with cultural aspects such as dance troupes and cuisine, marriage, rites of passage, burial etc., so that the culture is preserved.</li> <li>▪ Incorporate what is unique in the area in normal life, for example, use of local fabric to make Government Officers' uniforms (to accentuate official wear such as adding to collars or pockets, or belts).</li> <li>▪ Culture day when locals and tourists can experience dances, foods, fashion and oral literature in the local setting.</li> <li>▪ Cultural Week, 10–20 October, when Kenyan culture is exhibited in our media, offices and schools etc.</li> </ul>
	Link Elders to formal mediation processes recognised by the legal system through training and certification opportunities. They should be connected with judicial and Government institutions nationwide.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Embrace local mechanisms for alternative dispute resolution (ADR).</li> <li>▪ The Ministry of Culture and Heritage through public participation and input from experts to codify an official pantheon of Kenyan heroes who reflect Kenya's values and ethos, our fight for democracy and freedom, our aspirations and our outstanding achievements.</li> <li>▪ Local leaders and chiefs to be properly vetted, and these checks to be documented.</li> <li>▪ Any ADR should be properly documented and reported for accountability.</li> </ul>
	Vulnerable or destitute living heroes and heroines who have been vetted to receive State support	HIGH	National	<ul style="list-style-type: none"> <li>▪ Enable living heroes/heroines to live dignified lives rather than praising them when dead.</li> <li>▪ After due process, revoke civil honours if the holder acts in a manner that shames the flag of the Republic.</li> <li>▪ Have an impartial committee to deal with vetting nominees to receive national honours.</li> <li>▪ Establishment of a memorial park where commemorative tombstones can be erected for our heroes/heroines.</li> <li>▪ Have more creative ways to fete our heroes rather than just presidential honours.</li> </ul>
4	<b>All of us have a responsibility.</b>			

Senior national leadership should champion the importance of this national moment for forging a renewed and strengthened national ethos.	HIGH	National/ County	<ul style="list-style-type: none"> <li>Political leadership administrative structures – from political parties to the offices of elected officials – should embrace BBI principles and aims.</li> </ul>
There must be a renewed focus among parents and mentors on teaching morality, including sacred truths whose importance stretches beyond the individual.	HIGH	National/ County	<ul style="list-style-type: none"> <li>Training of parents through Parents’ and Teachers’ Associations (PTAs), pre- and post-natal hospital visits and religious institutions on the need to develop children’s ethics and morality.</li> <li>Establishing grassroots social workers (preferably a man and a woman) based at the Ward level to sensitise families on parenting skills.</li> </ul>
Elders and cultural leaders should commit to strengthening the moral and service ethos passed to the young and include in this a civic component.	HIGH	National/ County	<ul style="list-style-type: none"> <li>Elders and cultural leaders should make public commitments to initiatives that implement the Constitution and Constitutionalism.</li> <li>Incentivise formal mentorship and apprenticeship, with special programmes for single parents to have the support of foster fathers and mothers to help raise well-rounded children.</li> </ul>
The media should build programming around Kenyan histories, showing us what is exceptional about ourselves.	HIGH	National/ County	<ul style="list-style-type: none"> <li>High-quality and authentic Kenyan programmes in as many local languages as possible (with subtitles).</li> <li>Allow for various genres such as short plays to promote local authors, thespians and spoken-word artistes, not just musicians or soap opera actors.</li> </ul>
In schools, students should carry out work and exercise responsibilities that demand their effort and service to the community.	HIGH	National	<ul style="list-style-type: none"> <li>Children to carry out their own chores, keeping their space and clothes clean, to teach and inculcate responsibility.</li> <li>Have schools adopt a local community project that needs assistance, such as a children’s home or an old people’s home, where they can go once or twice a term to visit and spend time with them.</li> </ul>
All students should be involved in structured volunteer initiatives that serve the poor and needy beyond the school gates.	HIGH	National	<ul style="list-style-type: none"> <li>Use volunteerism to enable children to learn empathy and solidarity with others e.g. through Scouts, Girl Guides, St Johns and Red Cross movements.</li> </ul>
Religious groups to mainstream ethics training and awareness in their activities.	HIGH	National	<ul style="list-style-type: none"> <li>Religious institutions should develop and deliver ethics training to all members, especially the young.</li> <li>Supervise those who give religious instruction in schools to ensure they are well trained and observe Constitutional values in their lessons.</li> </ul>

	The National Government and private sector associations to develop and launch a National Volunteers Network that identifies the need for volunteers and gives formal certification for the work done.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The recommendation is self-executing.</li> </ul>
	There should be a compulsory curriculum throughout Kenyans' formal education, instilling in the learner at an early age a sense of national ethos rooted in ethics, morals and integrity.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Ethos training to be part of lifelong education.</li> <li>▪ Citizenship education to be added to the educational curriculum.</li> </ul>
<b>5.</b>	<b>Link cultural values and modern norms of Kenyans</b>			
	County Governments to implement measures that encourage and enable Councils of Elders to formalise rites of passage to include both genders, and to incorporate national values and citizen rights and responsibilities.	HIGH	National	<p>Preserve positive cultural and ethnic customs.</p> <p>Ensure administrative measures do not embrace or encourage cultural practices that clash with the Bill of Rights.</p> <p>The role of religious leaders, mentorship programmes and other actors in offering rites of passage, as fits the modern day, should be formalised.</p>

## 2. Responsibilities and Rights

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Recognise that the responsibilities and rights of Kenyans are rooted in the individual and they enable the knowledge and attitudes that strengthen responsible citizenship.</b>			
	Every one of us must accept our responsibilities if the rights we argue for so strongly are to ultimately be respected for all of us.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Create awareness of the Citizen Charter on Rights and Responsibilities.</li> <li>▪ Educate citizens on their rights and responsibilities to be done from the Ward level or through chiefs' <i>Barazas</i>.</li> <li>▪ Promotion of rites of passage practices that are not contradictory to the Constitution or any other written law.</li> <li>▪ Inculcate positive attitude change through existing cultural structures, particularly the family.</li> </ul>

Attitude of responsibility must be ingrained in the behaviour of every one of us, from the youngest possible age.	HIGH	National/County	<ul style="list-style-type: none"> <li>▪ Involve the Kenya Institute of Curriculum Development (KICD) to include a subject like Civics, which used to be taught in schools (e.g. Geography, History and Civics).</li> <li>▪ Practical lessons that emphasise responsibility should be included in the school curriculum beginning from Early Childhood Development (ECD) level.</li> <li>▪ Parental responsibility: Empower and expand the role of the village Elders to include monitoring delinquent cases. These can be escalated to relevant authorities only after dialogue and basic mediation procedures have failed. Parents to be held responsible for their children's upbringing and monitoring of behavioural progress.</li> </ul>
Kenyan Charter of Citizen Responsibilities inspired by the National Anthem and the National Values, and includes a Patriot's Pledge to the Nation and the Constitution of Kenya.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Review contents of and reintroduce the Loyalty Pledge to reflect the preamble of the Constitution, Article 10 of the Constitution, and the African Charter on Human and People's Rights.</li> <li>▪ Mandatory recitation of the Loyalty Pledge alongside the entire National Anthem as it used to be in school assemblies and public gatherings.</li> </ul>
Civic education should be prioritised in Government policies and initiatives, both nationally and in Counties.	HIGH	National/County	<ul style="list-style-type: none"> <li>▪ Government through the NGO council to identify and work with credible civil society organisations, NGOs and faith-based organisations to deliver civic education throughout the country. This could be an additional role in the NGO council's portfolio.</li> <li>▪ Fund the proposed office of the public rapporteur and create structures for civic education.</li> </ul>
Citizenship education should be provided at all stages of education through to the undergraduate level.	HIGH	National	<ul style="list-style-type: none"> <li>▪ KICD, Technical and Vocational Education and Training (TVETs), and Commission for Higher Education and related bodies to develop a citizenship education curriculum to be incorporated in the learner's cycle regardless of their area of specialism.</li> </ul>
Kenyan schools should draw all students into chores and responsibilities that uplift and provide for the school and the broader community.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Put in place a reward system so that best performers are rewarded.</li> </ul>



	Citizens' rights and responsibilities to be incorporated in the cultural, religious and communal processes of initiation and religious and cultural education.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Countrywide civic and citizen rights and responsibilities education forums in conjunction with NGOs that promote citizens' rights and responsibilities. Civil society and faith-based organisations should be identified from the Ward level. In rural areas make use of chiefs' <i>Barazas</i> and existing wise council/Elders.</li> <li>▪ Promote alternative rites of passage and existing rites of passage practices that are not contradictory to the Constitution or any other written law.</li> </ul>
<b>2.</b>	<b>Responsibility of leaders to utilise public service</b>			
	The Ministerial Code should include ministers making use of public services, such as public schools, public health centres, etc.	HIGH	National and County	<ul style="list-style-type: none"> <li>▪ An Executive Order to develop a ministerial code that requires ministers to make use of public institutions.</li> <li>▪ Enforce the ministerial code.</li> <li>▪ Cancel all existing medical cover for public servants and renew afresh, with the NHIF providing 100% cover when seeking services in hospital from the most senior officers to the lowest cadres.</li> <li>▪ Enhance the features of the NHIF as the sole medical cover in Kenya when accessing healthcare.</li> </ul>
	These principles should be reflected in the Counties with the County Executives.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Develop a code similar to the ministerial code above, tailor-made for County executives.</li> <li>▪ Roll it out as above.</li> </ul>
<b>3.</b>	<b>Form an Inter-Ministerial Taskforce</b>			
	Develop a generic and simple parenting curriculum.	HIGH	National	<ul style="list-style-type: none"> <li>▪ KICD in conjunction with other relevant Government Departments and Ministries to develop the curriculum.</li> </ul>
	The curriculum should be made available to religious and cultural institutions, health centres and to chiefs and their assistants to ensure widest possible circulation.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Sensitise the public and roll out the parenting curriculum from Ward level.</li> <li>▪ Produce pamphlets and posters to be available in religious and cultural institutions, health centres and through chiefs and village Elders. Use such existing institutions to educate the masses and for accountability.</li> </ul>

4.	<b>Entrench ethics awareness, training and accountability in the workplace</b>			
	Development of an ethics and integrity strategy by each of the public institutions, including training and ways to report infractions.	HIGH	National	<ul style="list-style-type: none"> <li>▪ National Cohesion and Integration Commission (NCIC) to be tasked with the development and dissemination of the ethics and integrity strategy.</li> <li>▪ Use of the code of conduct to set standards, expectations and regulations.</li> </ul>
	Ethics and integrity strategy to be made part of evaluating departments and managers at the workplace.	HIGH	National /County	<ul style="list-style-type: none"> <li>▪ Put in place transparent processes for performance review, reward and recognition schemes consisting of the following parameters: <ul style="list-style-type: none"> <li>— Reporting mechanisms, including scrupulous submission and publication, in a manner readily available to the public, of the reports required by Section 83 of the Public Finance Management Act..</li> <li>— Potential misconduct and how to investigate, counter or mete out punishment.</li> <li>— Implementation of relevant laws to ensure accountability.</li> </ul> </li> <li>▪ Reviews should not just capture the what (deliverables) but also the how (due process – ethics and integrity).</li> <li>▪ Develop a performance and compliance checklist consisting of goals and standards that are: <ul style="list-style-type: none"> <li>— Specific and tailored for the Kenyan, County and departmental needs.</li> <li>— Measurable/quantifiable.</li> <li>— Achievable within the parameters and budgets, training and skill sets.</li> <li>— Realistic.</li> <li>— Time bound and subject to systematic reviews.</li> </ul> </li> <li>▪ Introduce induction training for the civil service.</li> <li>▪ Conduct training for public servants, especially those in leadership positions, on issues such as strategic national interest, hate speech, etc. Such training to be conducted by relevant professional societies as in the case of medics or even by the Kenya School of Government.</li> <li>▪ Similar training to be conducted for County Employees.</li> </ul>

<b>5.</b>	<b>Growing by being of service</b>			
	All Kenyans should voluntarily give six months of their lives between ages 18 and 26 to national service.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The National Volunteer Network (NVN) should be mandated to run this programme;</li> <li>▪ Priority in public and private employment to be given to those who undertook and completed such programmes.</li> </ul>
	Certification by National Volunteer Network	HIGH	National	<ul style="list-style-type: none"> <li>▪ The National Volunteer Network should be mandated to run this programme.</li> <li>▪ National Volunteer Network certificates issued to be recognised.</li> </ul>
	Incentivise volunteering stints as part of applying for public service.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Besides the current requirements, include the NVN volunteer certification to the list of requirements in the fulfilment of the requirements of Chapter 6 of the Constitution in relation to job applications.</li> <li>▪ Procurement opportunities through Access to Government Procurement Opportunities (AGPO) to require volunteer certification for youth-led organisations applying for tenders as part of fulfilling the requirements.</li> </ul>

### 3. Ethnic Antagonism & Competition

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Build and strengthen the ties that bind us.</b>			
	School curriculums should feature compulsory components on history, cultural diversity, knowledge of the major religions including traditional ones, and the relationship between the Constitution and our cultures/religions.	HIGH	National/County	<ul style="list-style-type: none"> <li>▪ The Ministry of Education, KICD, ECD and Teachers Service Commission (TSC), in consultation with stakeholders such as Parents' and Teachers' Associations, the Private Schools Alliance, Churches and other stakeholders in the education sector should revise the school curriculums to include compulsory material on cultural diversity.</li> <li>▪ Capacity-build teachers to reorient them to this new programme.</li> </ul>

	Ensure that secondary boarding schools that are publicly funded have representation from different Counties amounting to at least 50% of the student body.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The Ministry of Education to develop a policy to guide on this requirement.</li> <li>▪ This recommendation should also apply to teachers.</li> </ul>
	Align the National Museums of Kenya (NMK) to this mission.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The Ministry of Culture to develop a policy and propose amendments to the National Museums Act to align the NMK to this new role.</li> <li>▪ County Government departments in charge of culture to collaborate with NMK to mainstream culture.</li> <li>▪ Treasury to allocate more funds to support the new role.</li> <li>▪ The Ministry of Culture to develop a monitoring and evaluation mechanism to continuously gauge progress in mainstreaming culture and cultural diversity across the country.</li> </ul>
	Promote and support inclusive cultural centres in every County.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Parliament to allocate funds through the National Treasury in conjunction with the Commission on Revenue Allocation (CRA) for improvement of existing centres and development of centres in every County.</li> </ul>
	Make resource distribution fair and felt to be fair.	HIGH	National/County	<ul style="list-style-type: none"> <li>▪ Treasury – in conjunction with Parliament, the Commission for Revenue Allocation, KENAO and other stakeholders – to reassess the formula for resource distribution and adjust the formula for resource allocation appropriately.</li> <li>▪ National Treasury and County Treasuries to ensure fairness in all processes of budgeting for and implementation of Government programmes and projects, resource distribution and enforcement of laws.</li> </ul>

	The President as a symbol of national unity should benefit from the private advice of eminent, experienced and honourable citizens serving in a Council of Advisors on a non-salaried basis.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The President to retain individuals who have served with distinction in their various professions as a Council of Advisors from all the 47 Counties and from every ethnic community. They will advise the President on priority areas for their communities and the level of penetration of Government programmes and best alternatives to address marginalisation that leads to ethnic antagonism.</li> <li>▪ The Office of the President (OP) to develop a policy and administrative framework for the selection, retention and operation of such a Council of Advisors.</li> </ul>
	Integrate more deeply with our neighbouring countries, and in particular to achieve the Political Federation that is the ultimate objective of the East African Community Treaty which is already part of our laws and Government.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The OP, Ministry of East African Community Affairs and Regional Development, and Ministry of Foreign Affairs to identify and remove all administrative barriers that slow down integration. They will implement all laws and processes that promote, deepen and widen integration.</li> <li>▪ Steps to be taken to align our laws and processes to the other East African member states.</li> </ul>
	Immediate development and incorporation of components on history of the peoples of Kenya and the walk towards the Kenyan modern state in the new CBC for schoolchildren.	HIGH		<ul style="list-style-type: none"> <li>▪ Ministry of Education and KICD, in consultation with stakeholders in the education sector, to revise the curriculum to include the history of all the ethnic communities of Kenya.</li> <li>▪ Treasury to budget and Parliament to allocate funds for the implementation of the programme.</li> </ul>
	Enhance agencies responsible for cohesion and integration to conduct civic awareness for the public to understand and appreciate ethnic diversity and dissuade them from the use of ethnic background as the foundation for political/social mobilisation.	HIGH		<ul style="list-style-type: none"> <li>▪ NCIC, NMK and political parties to be revamped to enhance cohesion.</li> <li>▪ Treasury to budget and Parliament to allocate more funds to NCIC, NMK and political parties to ensure that they can conduct civic education and run programmes that promote national cohesion and integration.</li> <li>▪ NCIC to ensure total enforcement and compliance with the NCIC Act.</li> </ul>

	Conduct training for national and County public service on the principles of ethnic inclusion.	HIGH		<ul style="list-style-type: none"> <li>▪ National Government Ministries, Departments, Public Service Commission (PSC), County Public Service Boards (CPSB), parastatals and agencies, in conjunction with Kenya School of Government (KSG), NCIC and other capacity-building institutions to train the public service on national cohesion.</li> </ul>
	Ensure all existing laws and administrative structures that support ethnic inclusion are fully adhered to and implemented.	HIGH		<ul style="list-style-type: none"> <li>▪ Establish population quotas for employment in the public sector and institute measures to strictly enforce them.</li> <li>▪ Creation of an agency that is solely responsible for the monitoring and reporting of ethnic composition and representation in public sector employment.</li> <li>▪ The Public Service Commission, Constitutional commissions, independent institutions under the Constitution and all the arms of Government, National Government departments, agencies and County Government executives, departments and agencies to ensure total compliance with all administrative structures that support ethnic inclusion and respect for ethnic diversity.</li> <li>▪ Full implementation of existing laws and policies on the issue of ethnic composition and representation in the public service.</li> </ul>
<b>2.</b>	<b>Institutionalisation of national political parties</b>			
	Strengthen the Office of the Registrar of Political Parties (ORPP) in monitoring the implementation of the political parties' Code of Conduct and sanctioning where necessary.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Capacity-building of the staff at the ORPP to continuously monitor political parties and implement their duties.</li> <li>▪ There should be clear working guidelines to transform the orientation and understanding of the ORPP.</li> <li>▪ The office should be promptly and well-funded.</li> </ul>
	Implement Political Parties' Act and Regulations to the letter.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The ORPP, Independent Electoral and Boundaries Commission (IEBC) and the courts should fully implement the Political Parties Act.</li> </ul>

	Implement the Elections Act and Regulations to the letter.	HIGH		<ul style="list-style-type: none"> <li>▪ The ORPP, IEBC and/or courts should implement the Elections Act together with its appurtenant regulations.</li> </ul>
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#### 4. Divisive Elections

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Representation in the electoral system</b>			
	Devolve political parties to have strong County-based party branches. These will allow the people to have the political forums and avenues to hold their elected leaders accountable throughout a term and not just during elections.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The political parties dispute tribunal should be sufficiently funded to carry out its functions.</li> <li>▪ Adequate and timely funding for political parties to effectively streamline their management and administrative requirements.</li> <li>▪ Capacity-building for political parties to improve their management and administrative issues.</li> <li>▪ Funding criteria (threshold) for parties should be clearly specified, e.g. how many slots should a party fill to qualify for certain levels of funding?</li> <li>▪ Party discipline criteria should also be established.</li> <li>▪ Political parties should be better regulated and enhanced to help them move forward professionally and properly.</li> </ul>
<b>2.</b>	<b>Changes to the Independent Electoral and Boundaries Commission</b>			
	The Taskforce recommends that we go to the next election with a clean slate to strengthen faith in the IEBC.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Nomination of new Commissioners be carried out.</li> <li>▪ New Members of the Commission to have proper induction in their new roles and responsibilities regarding election management in general. They are to be given a thorough grounding in matters of corporate governance as it relates to the IEBC, and the relationship between the Commission and the Secretariat in particular. This includes independence from external influence or interference.</li> </ul>
	All IEBC staff should be employed on a three-year contract, renewable only once, and only if their performance is good.	HIGH	National	<ul style="list-style-type: none"> <li>▪ IEBC to put up structures in place.</li> <li>▪ Incentives to encourage voluntary exit.</li> <li>▪ Avail resources to implement a package for IEBC.</li> </ul>

	Returning officers should be hired through a similar process to the one used for commissioners, with the involvement of public participation.	HIGH	National	<ul style="list-style-type: none"> <li>Ensure transparency, inclusivity and professionalism in the process.</li> <li>A select panel to vet the applicants.</li> <li>Ensure any measure adopted has the support of the majority.</li> </ul>
	Returning officers should be contracted on a part-time basis and should not oversee more than one general election.	LOW	National	<ul style="list-style-type: none"> <li>Proposal to be reviewed.</li> </ul>
	All current senior officers of IEBC should be vetted.	HIGH	National	<ul style="list-style-type: none"> <li>Vetting to be implemented.</li> <li>The titles of senior IEBC staff should be reviewed from Director to a lesser title such as 'Head of Department'.</li> <li>The Heads of Departments or Managers should be restored, as in the previous Commission, in order to provide guidance, communicating standards and ensuring departmental compliance for all stages.</li> </ul>
	The composition of the Commission must reflect the Face of Kenya at all levels.	HIGH	National	<ul style="list-style-type: none"> <li>There should be clear guidelines and rules on gender representation and inclusivity.</li> </ul>
	Reform the present electoral system to ensure it is simple, accurate, verifiable, secure, accountable and transparent, as mandated by Article 86 of the Constitution.	HIGH	National	<ul style="list-style-type: none"> <li>Improve public desire expressed in election results through systems; transparent and inclusive human resource hiring process and culture.</li> <li>Timely and transparent procurement of election goods and services.</li> <li>At least one year of adopted electoral system implementation.</li> <li>Invest greatly in technology around the electoral process <i>but</i> use both ICT and manual electoral processes.</li> </ul>

## 5. Inclusivity

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Kenyans yearning for inclusivity on political, economic, social, religious, cultural, age and gender basis</b>			
	Political inclusion to guarantee equality of representation; every vote should have equal power at the ballot box.	HIGH	National	<ul style="list-style-type: none"> <li>Through IEBC, ORPP.</li> <li>Through boundaries review.</li> <li>Implement the law for MMPR.</li> </ul>



	Promote equality and equity to generate economic development.	HIGH		<ul style="list-style-type: none"> <li>▪ Treasury – in conjunction with Parliament, the Commission for Revenue Allocation, Kenya National Audit Office and other stakeholders – to reassess the formula for resource distribution and re-adjust the formula for resource allocation appropriately.</li> <li>▪ National Treasury and County Treasuries to ensure fair budgeting processes for implementation of Government programmes and projects, resource distribution and enforcement of laws.</li> <li>▪ CEOs of state agencies should reflect the Face of Kenya.</li> <li>▪ Clear formula for recruitment of public service.</li> <li>▪ Deliberate effort by public recruiting agencies to hire qualified staff from communities that are under-represented.</li> <li>▪ Scaling down of employment among communities that are already over-represented.</li> <li>▪ All employing Agencies should be required to link their database on recruitment to the NCIC.</li> <li>▪ Enforce Public Finance Management Act responsibilities for Accounting Officers.</li> </ul>
	Cultural inclusion: promote and build trust in indigenous knowledge (systems) and cultural technologies embedded in traditions and practices, foods and medicines.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Ministry of Education, KICD and Kenya Industrial Property Institute, in consultation with stakeholders in the education, industrial and technology sectors, to revise the curriculum to include the history of all the ethnic communities of Kenya, together with innovations passed down from generation to generation.</li> <li>▪ Treasury to budget for and Parliament to allocate funds for the implementation of the programme.</li> <li>▪ Amalgamation and coordination of the different agencies dealing with Intellectual Property.</li> </ul>

	Government appointments to reflect the Face of Kenya	HIGH	National	<ul style="list-style-type: none"> <li>▪ The office of the President, County Governors’ offices, Ministries and Departments in the National Government and Counties, Public Service Commission, County Public Service Boards to ensure that the public service reflects the Face of Kenya.</li> <li>▪ Put in place mechanisms/sanctions to bring to account those who do not implement relevant laws and guidelines through legislation.</li> </ul>
	Make public participation more prominent in public decision making.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Enact a law on public participation which would entail the following:</li> <li>▪ Guiding principles for public participation as enunciated in petition No. 15 of 2017.</li> <li>▪ Stipulate the functions of Public Rapporteur in relation to public participation.</li> <li>▪ Create an independent body/office that would be in charge of public participation.</li> <li>▪ Develop a reporting mechanism for public participation.</li> <li>▪ Carry out an audit of access to information, policies and administrative actions taken by all State officers and organs and remedial action taken where inadequacies are revealed by the audit.</li> <li>▪ Empower County Governments through capacity-building initiatives to undertake civic education on areas of public participation and access to information.</li> <li>▪ The office of the Attorney General (AG), Company Secretaries of State Parastatals and County AGs should develop a compliance audit checklist. They should undertake periodical compliance checks of their respective entities to ensure that mechanisms have been put in place and tools established to comply with Constitutional and Statutory requirements for meaningful and effective public participation.</li> </ul>

	Implement 2/3 <sup>rd</sup> gender rule at all levels to incorporate more women in decision making.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ This should be implemented by the Office of the President, Governors, National and County Ministries and Departments, Public Service Commission, Judicial Service Commission, Parliamentary Service Commission, Kenya Employment Authority, all Government recruiting agencies, ORPP and IEBC.</li> <li>▪ Provide for sanctions for non-implementation/compliance.</li> <li>▪ A database of public participation conducted at the National and County level to be maintained at the ORPP.</li> <li>▪ Ethics Commission to monitor and keep track of this implementation.</li> </ul>
	The economically vulnerable to be given a voice in decision making	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ This should be implemented by all National and County Government structures by strengthening public and sector participation.</li> <li>▪ Empowerment of the vulnerable – not only rural communities but also dwellers in informal/slum settlements and Arid and Semi-Arid Land (ASAL) through education, provision of universal health coverage and infrastructure, etc.</li> <li>▪ Provide for sanctions for non-implementation/compliance.</li> </ul>
	Strictly implement and enforce the Constitution and electoral laws and regulations on political, economic and cultural aspects.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ This should be implemented immediately and continuously through National and County Governments by strict adherence to existing policy and legal mechanisms.</li> <li>▪ Provide for sanctions for non-implementation/compliance.</li> </ul>
<b>2.</b>	<b>Employment in the public services should reflect the ethnic, religious, regional and cultural Face of Kenya and be free from corruption in recruitment</b>			
	Where there is no candidate, required to attain the Face of Kenya, with the right qualifications, the Public Service Commission and County Governments should be empowered to undertake professional search and development for minority candidates to increase their chances of qualifying for the positions.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Commissions, parastatals and County Service Boards to develop policies in consultation with PSC to guide County recruitment that includes affirmative action for minorities who may not have professionals required for various jobs in the County service.</li> <li>▪ The NCIC to monitor and report on the above issue regularly.</li> </ul>

	Public Service Commission should be enabled to publicise its annual report on diversity in the public service.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Constitution.</li> <li>▪ A hard copy of the PSC report on diversity should be deposited in every Ward.</li> </ul>
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## 6. Shared Prosperity

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Need for an economic revolution (for high-employment, high-productivity, value-creation and export economy)</b>			
	Develop a 50-year plan that is more political than technocratic, and lasts past any one electoral cycle.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ Convene a national conference starting from the Ward to the national level.</li> <li>▪ Review Vision 2030 and all other economic blueprints.</li> <li>▪ Develop an implementation programme based on the above revisions.</li> <li>▪ The Presidency and the Governors should be involved in the implementation.</li> <li>▪ The Presidency should be the goal owner of this plan.</li> </ul>
	Promote, encourage and incentivise local investment by the Kenyan Diaspora to ensure that domestic national savings are high if Kenyans are going to be able to invest in Kenya.	MEDIUM	National	<ul style="list-style-type: none"> <li>• Enhance the existing Investment Authority to ensure promotion of local investment, including Kenyans in the Diaspora;</li> <li>• Formulate and deploy an investment promotion for domestic investors similar or better than is accorded to foreigners – tax holidays, etc.</li> </ul>
	Embrace economic coordination (not State ownership) to achieve labour-intensive manufacturing export to the East African region. Raise national savings rates beyond 25% of GDP, and exponentially grow the number of entrepreneurs while ensuring that the ease of doing business for start-ups and small businesses is dramatically increased.	MEDIUM	National/ County	<ul style="list-style-type: none"> <li>• Revive, revamp and resource the Kenya Industrial and Export Promotion Council.</li> <li>• Revamp the Kenya Industrial Estates and use it to encourage and implement this action.</li> <li>• Establish a financial institution dedicated to lending to SMEs, start-ups, scaling up, long-term developments.</li> <li>• Establish Industrial Parks or service land designated for industrialization.</li> <li>• Establish common manufacturing facilities for micro and small enterprises.</li> <li>• Provide subsidies to industries that enhance labour-intensive production and those that use local raw materials.</li> <li>• Focus on the promotion of saving culture among Kenyans.</li> </ul>
	Identify and develop markets for Kenyan-manufactured goods in neighbouring countries.	MEDIUM	National	<ul style="list-style-type: none"> <li>• Restructure and revamp BRAND KENYA and enhance it to be responsible for markets identification.</li> </ul>

<p>Government to provide legal and regulatory guidelines for banks to lend a part of their portfolio to priority sectors such as micro, small and medium businesses, export credit, manufacturing, housing, education, health, renewable energy, sanitation and waste management, and agriculture (including livestock and fishing).</p>	<p>HIGH</p>	<p>National/ County</p>	<ul style="list-style-type: none"> <li>• The Central Bank of Kenya (CBK) to issue regulatory framework to banks on the scope of lending to players in the different economic sectors.</li> </ul>
<p>Focus on use of low/appropriate technology, labour-intensive industrialisation; entrepreneurship-led industrialisation.</p>	<p>MEDIUM</p>	<p>National/ County</p>	<ul style="list-style-type: none"> <li>• Adopt and promote specific measures to support cottage industries: capacity-building, creation or improvement of infrastructure, funding, tax incentives and facilitating marketing.</li> </ul>
<p>Protect Kenyan inventions, genetic resources, traditional knowledge and cultural expressions as forms of property protected by the law and policy.</p>	<p>HIGH</p>	<p>National</p>	<ul style="list-style-type: none"> <li>• Simplify the process of registering innovations, patents and trademarks.</li> <li>• Strengthen Kenya Agricultural and Livestock Research Organisation (KALRO) to develop inventories and improve all agricultural and livestock genetic resources.</li> <li>• Create frameworks for promoting and valorising genetic resources.</li> <li>• Document our traditional knowledge and cultural expressions and develop a policy and legislative framework to protect them.</li> <li>• Task a particular agency e.g. Kenya Industrial Property Institute (KIPRI) or another new agency to undertake definition and standardisation of cultural expression and discoveries that are uniquely Kenyan.</li> <li>• Clarify intellectual property, traditional knowledge, cultural expressions and genetic resources.</li> <li>• Provide linkage with dispute resolution, including traditional dispute resolution.</li> </ul>
<p>Undertake a major effort to increase national domestic savings to at least 25% of GDP; and implement tax and regulation incentives and schemes for educational and retirement savings, and other major guaranteed <i>harambee</i> items Kenyans know they will need to pay for that include funerals, weddings and even housing.</p>	<p>MEDIUM</p>	<p>National</p>	<ul style="list-style-type: none"> <li>• Revamp and strengthen the institutions responsible for mobilising and promoting savings in banks and financial sectors, e.g. SACCOs, NHIF, NSSF, etc.</li> <li>• Treasury and the CBK to enable small savers to invest in treasury bonds and bills.</li> <li>• Provide incentives to the unbanked.</li> </ul>

				<ul style="list-style-type: none"> <li>• Government to increase faith in financial institutions to promote banking and saving.</li> <li>• Provide tax incentives.</li> <li>• Study the behavioural pattern of savings amongst Kenyans.</li> <li>• Promote investing in proven ways e.g. insurance teams, NSSF etc.</li> </ul>
	Offer more incentives/protections and ease processes for Diaspora remittances and promote savings and investment in Kenya.	MEDIUM	National	<ul style="list-style-type: none"> <li>• Creation of a Government agency responsible for promoting investing and saving.</li> <li>• Government to encourage banks and other financial institutions to lower transfer charges for Kenyans in Diaspora.</li> <li>• Government to encourage and provide incentives to set up Diaspora desks in banks to ease processes for them.</li> </ul>
	Hold major employment conferences in every County, with senior representation from relevant National Government actors, to determine the steps in regulation and economic management needed to immediately and sharply raise the number of jobs available to young Kenyans.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ All funds and departments – Youth Fund, Women Enterprise Fund (WEF), Uwezo, Kenya Industrial Estates (KIE), the employment authority, etc. – to showcase and popularise their services in these conferences to enhance awareness among young people and other stakeholders.</li> <li>▪ Partner with the private sector to create linkage of the youth to the industries.</li> <li>▪ The conference to document and keep stock of the number and names of the jobless youth, their skill-sets, etc.</li> <li>▪ Incorporate ways of enhancing inclusivity of the marginalised and the minorities.</li> </ul>
	Broaden the tax base, simplify taxation (for instance, introduce flat tax for those in income category above the living wage) but mitigate against over-taxation.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Develop a sessional paper setting out the country's tax policy that deals with taxation as an incentive to production and consumption rather than the disincentive it is presently</li> <li>▪ Kenya Revenue Authority (KRA) to map and register all sectors that are engaged in income generation;</li> <li>▪ Improve the compliance department of the KRA through capacity-building to net in everybody, including the highly influential and sectors that are not presently adequately engaged in the tax bracket ;</li> </ul>

				<ul style="list-style-type: none"> <li>▪ Government regulation to mitigate and avoid over-taxation.</li> </ul>
	Punish not just tax evasion but also those who facilitate such evasion in the private sector and in Government.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Strengthen the prosecutorial capacity of the Office of the Director of Public Prosecution (ODPP) on KRA officers.</li> <li>▪ Strengthen the investigation capacity of the KRA.</li> <li>▪ The judiciary to devise ways of expediting such cases or by capping their timeframe, as with election petitions.</li> <li>▪ Provide sanctions for non-compliance/implementation.</li> </ul>
	Regulation on digital lending that is causing poverty.	HIGH	National	<ul style="list-style-type: none"> <li>▪ High taxation of the sector to diminish its attractiveness.</li> <li>▪ CBK to strengthen and enforce regulations regarding the amount one can borrow on a digital platform.</li> <li>▪ There should be clear ways of establishing someone's creditworthiness.</li> </ul>
	Promote cottage industries, manufacturing and labour-intensive industries/sectors (agriculture, livestock and fishing); gradually adopt technologies that increase productivity.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Adopt and promote specific measures to support the cottage industries; capacity-building; creation or improvement of infrastructure; funding; tax incentives; and facilitating marketing.</li> <li>▪ Implement and provide the public with regular monitoring and impact assessment reports in respect of strategies put in place to enhance agricultural production and value creation including : <ol style="list-style-type: none"> <li>1. The National Agriculture Investment Plan: Towards sustainable Agricultural Transformation and Food Security in Kenya – 2019-2024</li> <li>2. The National Agribusiness Strategy: Making Kenya's agribusiness sector a competitive driver of growth – prepared by the Ministry of Agriculture's Agricultural Sector Coordination Unit (ASCU)</li> <li>3. The Kenya Youth Agribusiness Strategy 2017 -2021: Positioning the youth at the forefront of Agricultural Growth and Transformation - prepared by the Ministry of Agriculture's Agricultural Sector Coordination Unit (ASCU)</li> </ol> </li> </ul>

	Expand agricultural and livestock extension and advisory services and ensure that they include advice on clear standards and market linkages.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Hiring of more veterinarians and agricultural extension officers.</li> <li>▪ Provide enough funding.</li> <li>▪ Improve disease monitoring and surveillance systems.</li> <li>▪ Create market linkages.</li> <li>▪ Develop the necessary infrastructure.</li> <li>▪ Revamp and strengthen the relevant existing agencies, including KALRO, Agriculture Fisheries &amp; Food Authority (AFFA) and Kenya Agricultural Research Institute (KARI).</li> <li>▪ Conduct an audit on the staffing and resourcing of these sectors.</li> <li>▪ Fully implement the report of the PSC and the Inter-Governmental Authority Reports of 2014/15 on seconded staff to Counties.</li> <li>▪ Provide for sanctions for non-implementation by relevant personnel.</li> </ul>
	Improve market linkages for farmers that enable them to gain a greater share of the retail price through information. Provide the proper incentives to the private sector and cooperatives, and the necessary coordination, to build a cold chain system throughout the country.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Establish institutions responsible for market linkages for farmers that enable them to gain a greater share of the retail price through information, e.g. Semi-Autonomous Government Agency (SAGA).</li> <li>▪ Government to partner with private sector to provide mentorship support to farmers.</li> <li>▪ Revive and revamp the Kenya National Trading Corporation.</li> <li>▪ Cut out middle men.</li> <li>▪ Put in place and strengthen online trading systems.</li> <li>▪ Enhance cold chains, innovative harvesting and preservation systems, e.g. food banks and cold storage.</li> <li>▪ Enhance/improve livestock breeding.</li> <li>▪ Provide measures for disease control of livestock.</li> <li>▪ Establish feedlots.</li> </ul>
	Treat corruption in those implementing agriculture- and livestock-impacting projects as a priority in anti-corruption efforts.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Strengthen the ODPP prosecutorial capacity.</li> </ul>



				<ul style="list-style-type: none"> <li>▪ The Judiciary to devise ways of expediting such cases or capping their timeframe, as with election petitions.</li> <li>▪ Focus seriously on breaking cartels in this sector.</li> <li>▪ Full and serious implementation of existing official Government reports, e.g. Taskforce on Coffee.</li> <li>▪ Competition authority should address price fixing and anti-trust activities that stifle competition where prices are fixed.</li> <li>▪ Institute structures and regulations around the value chain of different sectors to help farmers.</li> <li>▪ Enact and implement anti-trust laws.</li> </ul>
<b>2.</b>	<b>Use scarce public resources for development, not bureaucracy</b>			
	There should be a clarification of the legal and administrative powers of the Salaries and Remuneration Commission to ensure that it oversees all salary reviews and changes.	HIGH	National	<p>Enforce the powers of the Salaries and Remuneration Commission to rationalise all public sector salaries in the country and address the large discrepancies in income.</p> <p>Publish salaries of all Public Servants and publicise them.</p> <p>Each Ministry's website should publicise its salaries.</p> <p>The Controller of Budget and Auditor General should strictly enforce the provisions of Section 15(2) of the Public Finance Management Act which states that : "In managing the national government's public finances, the National Treasury shall enforce the following fiscal responsibility principles— (a) over the medium term a minimum of thirty percent of the national and county governments budget shall be allocated to the development expenditure" and Regulation 25(1) of the Public Finance Management (County Governments) Regulations, 2015 which states that :</p> <p>(1) In addition to the fiscal responsibility principles set out in section 107 of the Act, the following fiscal responsibility principles shall apply in the management of public finances—</p> <p>(a) the County Executive Committee Member with the approval of the County Assembly shall set a limit on the county government's expenditure on wages and</p>

				<p>benefits for its public officers pursuant to section 107(2) of the Act;</p> <p>(b) the limit set under paragraph (a) above, shall not exceed thirty-five (35) percent of the county government's total revenue;</p> <p>(c) for the avoidance of doubt, the revenue referred to in paragraph (b) shall not include revenues that accrue from extractive natural resources including as oil and coal;</p> <p>(d) the county public debt shall never exceed twenty (20%) percent of the county governments total revenue at any one time;</p> <p>(e) the county annual fiscal primary balance shall be consistent with the debt target in paragraph (d);</p> <p>(f) the approved expenditures of a county assembly shall not exceed seven per cent of the total revenues of the county government or twice the personnel emoluments of that county assembly, whichever is lower;</p> <p>(g) pursuant to section 107(5) of the Act, if the county government actual expenditure on development shall be at least thirty percent in conformity with the requirement under section 107(2)(a) of the Act;</p>
	<p>a) Pooling of facilities in the Public Service and use of technology to take note of dormant facilities (especially conferencing facilities, before there is any hiring of a hotel).</p> <p>b) Elimination of wasteful expenditure in National and County Governments by enforcing established laws and regulations to ensure that items such as new cars or office refurbishments for incoming senior officials follow proper procedure in planning, budgeting and procurement.</p>	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Undertake a modern and efficient office management practice.</li> <li>▪ Quantify the resources needed against the number of people to establish what is to be shared.</li> <li>▪ Capacity-build (e.g. human resource, specialist etc.) and provide for adequate funding to the Directorate of Personnel Management (DPM), together with relevant agencies, to ensure implementation of the DPM.</li> <li>▪ DPM to review all office management practices with a view to modernising them for efficiency purposes.</li> <li>▪ The DPM should build staffing and funding capacity to perform this function.</li> <li>▪ Proper and full enforcement of existing laws and processes, including circulars, guidelines and periodic action plan.</li> <li>▪ Provision of decent offices for all Government officials.</li> </ul>

				<ul style="list-style-type: none"> <li>▪ All planned Government offices should be done with the above austerity measures in mind.</li> <li>▪ All Public Officers should be provided with a manual on what facilities and amenities they expect in their offices.</li> <li>▪ Identify a relevant agency to perform the above functions in the Counties.</li> <li>▪ Fully implement , at both National and county levels of government, the Republic of Kenya Open Government Partnership National Action Plan including open contracting and transparency in public procurement and other policies, already in use in Makueni County, focused on public disclosure, participation, and oversight throughout the entire procurement chain.</li> </ul>
	Eliminate all sitting allowances for Public Officers on salary.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Constitute a team in conjunction with the Salaries and Remuneration Commission (SRC) to rationalise allowances and salaries for all Public Officers.</li> <li>▪ Reward for effort, but prevent double payment; and sanction for inaction.</li> <li>▪ Create equal opportunity for career progression.</li> </ul>
<b>3.</b>	<b>Nurture and open opportunities for children and young people to show their initiative, innovation and entrepreneurship.</b>			
	Increase employment and livelihoods by making it easier for small businesses to compete and grow at low cost and with minimal constraints.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Adopt and promote specific measures to support small businesses.</li> <li>▪ Sector-wise capacity-building on business development, cash flow management, and creation or improvement of infrastructure, funding, tax incentives and facilitating marketing.</li> <li>▪ Full implementation of the 30% Access to Government Procurement law by special/marginalised groups (e.g. young people, women, persons with disability and local contractors).</li> <li>▪ Financing and timely payments of contractors within 30 days and a maximum of 60 days.</li> <li>▪ Deliberate inclusion of the youth in Vision 2030 and the Big 4 Agenda.</li> <li>▪ The creation of County Employment Bureaus to properly harness the number</li> </ul>

				<p>of young people seeking employment at County level.</p> <ul style="list-style-type: none"> <li>▪ Engage the youth through public participation, encouraging them to propose solutions of/to unemployment.</li> <li>▪ Develop and promote cottage industries.</li> <li>▪ Develop and promote small retail outlets.</li> <li>▪ Regulate and standardise building units for kiosks and <i>kibandas</i> through municipalities and the relevant road authorities.</li> <li>▪ Reconsider and find a solution for public policy that promotes creditworthiness by listing loan defaulters in Credit Reference Bureau (CRB) while spelling death to many who are owed money by the public.</li> <li>▪ Provide for common manufacturing equipment and facilities.</li> </ul>
	Develop and launch a national ease of doing business index for small Kenyan businesses rather than relying on foreign indexes that are designed for global comparison. This should be a comparative annual assessment by Kenya National Bureau of Statistics (KNBS) that is disaggregated by geography – Counties, cities and towns – and is publicised.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Devolve and capacity-build the KNBS to carry out this task.</li> <li>▪ Set up an award that goes to the best-performing County, city, etc.</li> <li>▪ Adequately fund KNBS.</li> </ul>
	Aggressively promote planning, critical thinking and innovation from an early age.	MEDIUM	National/ County	<ul style="list-style-type: none"> <li>▪ Entrepreneurship and financial literacy should be introduced as subjects in basic education.</li> <li>▪ Promotion of technical schools and colleges including making them attractive, for example through changing names of such courses as tailoring to fashion and design. Such technical schools can be referred to as Institutes for Technical Studies.</li> <li>▪ Provide useful apprenticeship skills. Consider the model of other African education systems for effective and useful apprenticeship systems.</li> </ul>
	Make serious efforts to coordinate, incentivise and drive the growth of the creative industries and sports, among other sectors in which young Kenyans show enormous potential and interest.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Restructure and capacity-build the national agency responsible for the growth of the creative industries and sports issues.</li> <li>▪ Provide proper funding for this agency.</li> <li>▪ Increase the accountability of this agency.</li> </ul>

	Identify and invest in special talents and special needs at the Early Childhood Development stage.	MEDIUM	National/ County	<ul style="list-style-type: none"> <li>▪ Set up publicly funded special talent promotion centres throughout the country.</li> <li>▪ Properly identify especially talented children.</li> <li>▪ Provision of a strong ECD foundation.</li> </ul>
	To help young people form businesses, open an advice desk in every Huduma Centre manned by a business development expert.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Encourage the private sector to form a national, non-profit foundation chaired by the President, that provides mentorship, training and support tools to aspiring young business owners. In it young entrepreneurs are matched with a business development adviser and a nationwide network of volunteer mentors.</li> <li>▪ All Corporate Social Responsibility (CSR) programmes should be encouraged to include this component.</li> <li>▪ Link the foundation's entrepreneurs with Government youth funds. Provide work readiness, entrepreneurship and financial literacy training – using classroom volunteers in schools starting from the age of 12 until graduation.</li> </ul>
	Give all Kenyans equal access to a minimum level of quality education that leads to employment or entrepreneurial opportunity. It is critical that we get rid of the idea that technical work is for those who have failed in academics by creating two equal paths between academic and technical training.	HIGH	National	<ul style="list-style-type: none"> <li>▪ TVET can be mainstreamed in the education system even at the basic education level through Science, Technology, Engineering and Mathematics (STEM) subject development.</li> <li>▪ Ensure the provision of all foundational aspects (basic needs) to Kenyans: food, health, etc.</li> </ul>
<b>4.</b>	<b>Government development actions should be undertaken in every County.</b>			
	Coordinate National and County planning on development and ensure that as national projects are implemented, the areas that are adversely affected benefit from remedial development policies. Strengthen inter-Governmental consultation in the planning of national projects.	MEDIUM	National/County	<ul style="list-style-type: none"> <li>▪ The recommendation is self-executing.</li> </ul>
	In its actions to coordinate, incentivise and invest in economic development, the National Government should make	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ Develop policies and legal interventions to ensure the realization of this recommendation.</li> </ul>

	sure that it leverages unique strengths and opportunities in every County.			
	To ensure Kenyans have access to quality services, a Kubadili Plan to be instituted to bring marginalised wards to the level generally enjoyed by the rest of the country. In the plan, with a 3-year outlook period, the wards that are most marginalised – at present and historically – are identified. Implementation should start with the wards ranked last to build schools, health facilities, roads, water, electricity and police stations.	MEDIUM	National/ County	<ul style="list-style-type: none"> <li>The Presidency and the Commission on Revenue Allocation (CRA) should ensure full implementation of this, with the CRA doing the needs analysis and the Presidency implementing.</li> </ul>
	Refocus on product development through establishment of County Product Development Parks where (young) entrepreneurs can access expert advice.	HIGH	National/ County	<ul style="list-style-type: none"> <li>The Kenya Industrial Estate (KIE) to work with County Governors to ensure proper conceptualisation and operationalisation of this recommendation.</li> </ul>

## 7. Corruption

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Free Kenyans from cartel capture</b>			
	Undertake a rigorous intelligence-led review of the hold of cartels in public service.	HIGH	National	<ul style="list-style-type: none"> <li>Establish an NIS process dedicated to this aim.</li> <li>Link it to investigative agencies for evidence to be developed to enable prosecutions.</li> </ul>
	The Central Bank of Kenya should withdraw licences and levy heavy penalties for banks and their executives that are found to be laundering money.	HIGH	National	<ul style="list-style-type: none"> <li>Strengthen Know Your Customer processes;</li> <li>Undertake increased big data analysis on banking transactions to spot suspicious trends and actors.</li> </ul>
	Punish facilitators of tax evasion and money laundering in the private sector.	HIGH	National	<ul style="list-style-type: none"> <li>Integrate GoK data to identify potential tax evasion and money laundering.</li> <li>Make transparent the identity of legal and natural persons involved in the establishment and management of corporate entities.</li> <li>Strengthen private sector internal auditing controls and make boards focused on the results.</li> </ul>

				<ul style="list-style-type: none"> <li>▪ Prohibit off-the-books accounts, use of false documents and the intentional destruction of book-keeping documents.</li> <li>▪ Disallow the tax deductibility of expenses that constitute bribes, and other expenses incurred in furtherance of corrupt conduct.</li> <li>▪ Filing of the annual tax return should be made a condition for any annual licence renewal of a business, professional firm and/or organisation.</li> </ul>
	In addition to custodial sentences of those found guilty of economic crimes, there will be punitive fines with the proceeds being used to assist vulnerable Kenyans.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The National Council on Administrative Justice in conjunction with the Judiciary to develop a sentencing policy.</li> </ul>
<b>2. Using Prevention and Deterrence to Counter Corruption</b>				
	There will be widespread ethics awareness, regarding whistleblowing.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Proper utilisation of the witness protection programme.</li> </ul>
	Incorporate ethics and performance training in every public service course required for promotion or transfer.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ The Service Commissions to be directly responsible for implementation.</li> </ul>
	Education curricula from the earliest to the most advanced levels should include ethics and civic components as a major prerequisite for graduation.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Ministry of Education and the Kenya Institute of Education to introduce ethics and civic components in the education curricula.</li> </ul>
	Review the Cabinet Secretaries' and Principal Secretaries' performance assessment framework to incorporate their support to fight corruption.	HIGH	National	<ul style="list-style-type: none"> <li>▪ This recommendation is self-executing.</li> </ul>
	Establish a whistleblowing mechanism including the protection for whistleblowers working in public service.	HIGH	National	<ul style="list-style-type: none"> <li>▪ This recommendation is self-executing.</li> </ul>
	All contracts for senior appointees should have clear and practical performance benchmarks with rules for layoffs on failure to perform.	HIGH	National	<ul style="list-style-type: none"> <li>▪ This recommendation is self-executing.</li> </ul>
	Senior officers' contracts be reviewed biannually to allow for laying off non-performers.	HIGH	National	<ul style="list-style-type: none"> <li>▪ This recommendation is self-executing.</li> </ul>
	Prevent the use of intimidation by Public Officers against whistleblowers	HIGH	National	<ul style="list-style-type: none"> <li>▪ A robust witness protection mechanism will be required for this action.</li> </ul>

	or media reporting on corruption by amending the Defamation Act.			<ul style="list-style-type: none"> <li>▪ The office of the Attorney General to propose the relevant amendments to the Defamation Act.</li> </ul>
	Public officers' spouses should not be in business with the Government but can engage in the private sector.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Public Officer Ethics Act, the Mwongozo Code, Corporate Governance Regulations under Capital Markets Authority, and the Public Procurement and Asset Disposal Act.</li> </ul>
	For a Public Officer to engage in business outside their working hours, they shall obtain a written approval from the reporting officer.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Public Officer Ethics Act, the Mwongozo Code, Corporate Governance Regulations under Capital Markets Authority, and the Public Procurement and Asset Disposal Act.</li> </ul>
	The above approval should document that the work or business is not prohibited by legislation and does not constitute a conflict of interest or infringe the reputation of the public service.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Public Officer Ethics Act, the Mwongozo Code, Corporate Governance Regulations under Capital Markets Authority, and the Public Procurement and Asset Disposal Act.</li> </ul>
	A Public Officer shall be obliged to submit a written report to the authorized entity about the spouse, child or parent (or even a common-law partner) on any financial or other interest where the Public Officer works.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Public Officer Ethics Act, the Mwongozo Code, Corporate Governance Regulations under Capital Markets Authority, and the Public Procurement and Asset Disposal Act.</li> </ul>
	A Public Officer shall be obliged to submit written notification to the immediate supervisor on any ownership of shares and bonds, or other financial interests, of an entity which is doing business with the agency the officer is working in.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Public Officer Ethics Act, the Mwongozo Code, Corporate Governance Regulations under Capital Markets Authority, and the Public Procurement and Asset Disposal Act.</li> </ul>
	A Public Officer shall not make decisions that affect the financial or other interests of the spouse, child or parent (or even a common-law partner) relating to the Public Officer's place of work.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Full implementation of the Public Officer Ethics Act, the Mwongozo Code, Corporate Governance Regulations under Capital Markets Authority, and the Public Procurement and Asset Disposal Act.</li> </ul>
<b>3.</b>	<b>Digitisation of Government Services</b>			
	All Government services, including processes, payment systems and record-keeping, should be made 100% digital, to make Kenya an e-citizen nation.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Improve the IFMIS system and close the loopholes.</li> <li>▪ Make it mandatory for all Government agencies.</li> </ul>



				<ul style="list-style-type: none"> <li>Upgrade e-citizen portal by incorporating all Government services that are not digitised.</li> </ul>
	The digitisation process and content should be secured from criminal tampering.	HIGH	National/ County	<ul style="list-style-type: none"> <li>Strict implementation and adherence to the Data Protection Act.</li> <li>Strengthen cybersecurity protocols and capabilities.</li> </ul>
<b>4.</b>	<b>Stem public wastage</b>			
	Strengthen the capacity of the Controller of Budget for detection and response to public wastage through misappropriation, and other illegal processes.	HIGH	National	<ul style="list-style-type: none"> <li>Improved use of technology, data integration and analytics.</li> <li>Strengthen the financial and accounting investigation skills of those working in the office.</li> <li>Enable all public entities to keep 'clean' data that the Controller of Budget and Auditor General can access via an API.</li> </ul>
<b>5.</b>	<b>Institutional reforms</b>			
	Establish a protection mechanism for whistleblowers working in the public sector. The ODPP is the organ responsible for providing witness protection to Public Officers or any member of the public who comes to report sensitive or first-hand information on corrupt dealings and misuse of public resources within any Government institution and by extension the private sector. The ODPP is well placed to not only offer protection but also use the information provided to prosecute corrupt persons.	HIGH	National	<ul style="list-style-type: none"> <li>Full implementation of the Witness Protection Act is required, especially in the wake of cases of corruption targeting high-profile individuals and of terrorism.</li> <li>Key prosecution witnesses should benefit from the existing witness protection services through the Witness Protection Agency established under the Witness Protection Act.</li> </ul>
	Continuously strengthen the office of the ODPP and DCI. Harmonise working relations between the two agencies.	HIGH	National/ County	<ul style="list-style-type: none"> <li>Strengthen financial and accounting investigation capabilities of the DCI.</li> <li>Implement secure case management databases linking DCI and ODPP.</li> <li>Extend forensics investigation and science to every part of the country.</li> <li>Train employees in special advanced courses in criminology, technology, forensics and other technical fields.</li> </ul>
	The Central Bank of Kenya (CBK), as the principal regulator of banks and other financial institutions, should ensure that CEOs of banks found to have engaged in corrupt dealings are	HIGH	National	<ul style="list-style-type: none"> <li>Sustain CBK trend in holding banks accountable for suspicious transactions.</li> <li>Improve data integration and analysis.</li> </ul>

	penalised by paying part or all of the value of assets laundered through their banks. By extension the CBK should withdraw licences from banks that have repeatedly been found to have engaged in corrupt dealings.			
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## 8. Devolution

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Retain the 47 Counties and support the voluntary process of Counties forming regional economic blocs</b>			
	Perhaps there is a way that the 47 Counties can be maintained as the focus of development implementation and the provision of services, while representation and legislation are undertaken in larger regional blocs.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Implementation of MMRP.</li> </ul>
	Parastatals carrying out County functions should either be wound up or restructured. This should be synchronised with the implementation of the already completed parastatal reforms policy.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Rationalisation of functions to avoid duplication, wastage and conflicts.</li> <li>▪ Full implementation of the report on parastatals reform.</li> </ul>
	The allocation process should be simple for all citizens to understand, and should be guided by equality, equity and special needs, in that order.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Align the Constitution and the Commission for Revenue Allocation to this recommendation.</li> </ul>
	Make monies generated by Counties more transparent and better managed. Create an incentive for the transparent generation of resources by Counties by providing more money from the national budget linked to this.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Develop a policy to standardise institutional policy and legal framework for revenue-raising measures and enforcements applicable to all Counties.</li> <li>▪ Develop a system of rewarding Counties that meet revenue collection targets.</li> <li>▪ Provide for sanctions for non-compliance.</li> <li>▪ Controller of Budget and the Auditor General to take their role seriously.</li> </ul>
	The Commission on Revenue Allocation should assess what Counties should be collecting and factor it into the annual allocation.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Review the budgeting process to enable County Governments to mobilise part of the wealth produced in their jurisdictions to be reinvested in their local economies.</li> </ul>
	County Integrated Development Plan should be linked to a transparent	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Ensure public participation in budgeting process as established in law.</li> </ul>

	assessment of the development needs of each Ward.			<ul style="list-style-type: none"> <li>▪ Devise Ward-specific needs assessments on the same.</li> </ul>
<b>2.</b>	<b>Changes to the County Executive</b>			
	Limit arbitrary, nepotistic or crony recruitment of human resource that ignores merit and inclusivity. It is proposed that the independence of the Public Service Commission should be replicated at the County level.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Empower County public service boards by ensuring they are operational and financially autonomous.</li> <li>▪ Conduct County-based human resource needs assessment.</li> <li>▪ Develop a uniform human resource policy and guidelines to govern operations of County public service boards.</li> <li>▪ Provide for sanctions for non-implementation.</li> </ul>
<b>3.</b>	<b>Kenyans need a far better healthcare system if this country is to be productive and prosperous.</b>			
	Health function should remain with the Counties and funds should follow functions.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Timely release of funds to Counties.</li> <li>▪ Develop necessary institutional infrastructure.</li> <li>▪ Build capacity in the human resource (HR) component of the health sector.</li> <li>▪ Full implementation of Article 235 of the Constitution.</li> </ul>
	We need a far stronger focus on preventive and primary healthcare.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Develop the necessary infrastructure to implement this recommendation.</li> <li>▪ Develop a five-year strategic plan to govern operations.</li> </ul>
	NHIF administrative costs should be sharply reduced by using technology, cutting down on corruption and increasing productivity.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Embrace capacity-building measures especially in the use of technology.</li> <li>▪ Develop a strategic plan.</li> </ul>
	Kenyans need a Patients' Bill of Rights to tackle corruption in billing; forceful detention of patients; consequences for misdiagnosis; emergency cases; and polite and considerate service.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Development of a comprehensive healthcare policy by the Ministry of Health.</li> <li>▪ Give the patient's charter the force of law.</li> <li>▪ Entrench the patient's charter to become a standard guideline for all hospitals and doctors registered in Kenya.</li> <li>▪ Strengthen and implement the goal of Kenya's Health Policy (2012–2030) to attain the highest possible standard of health in a responsive manner and to attain universal coverage of critical services that positively contribute to the realisation of the policy goal.</li> </ul>

				<ul style="list-style-type: none"> <li>▪ Provide for adequate funding.</li> <li>▪ Enhance the role of civil society organisations (CSOs) in guiding rights-based programming.</li> <li>▪ Set down fee guidelines for medical services.</li> <li>▪ Regulate the cost of medication/drugs and medical equipment.</li> <li>▪ Deal with corruption in the health sector.</li> </ul>
<b>4.</b>	<b>County Government spending</b>			
	Financing the development of each Ward to at least 30% of the County development budget within the five-year term.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Establish the Ward development fund for capital expenditure in the Counties for purposes of Article 43.</li> <li>▪ Practise fiscal discipline.</li> <li>▪ Prudent allocation of resources to projects.</li> <li>▪ Fidelity to budgetary allocations.</li> </ul>
	The ratio between development spending and recurrent expenditure in the Counties should match the national one at 70:30.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Develop a fiscal policy.</li> </ul>
	Limit the number of people that may be employed in the County Government by providing a set, nationwide ratio, as a ceiling, between County population and number of employees.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Develop a human resource policy and guidelines applicable to all Counties.</li> </ul>
	Elimination of duplication of functions and jobs between National and County Government as it fosters significant savings. Also, rationalise jobs within the County Governments, particularly where there is over-staffing or duplication.	HIGH	National/County	<ul style="list-style-type: none"> <li>▪ Conduct a human resource audit of staff in both County and National Government with a view to rationalising jobs to eliminate wastage.</li> <li>▪ The cost and inefficiency of running parallel structures is unnecessary. Where possible, the National Government should look into the County Government structures to implement its programmes in the Counties in line with Article 183(1)(b).</li> <li>▪ Intergovernmental Authority to implement the above proposal.</li> </ul>
	To stop the abandonment of incomplete projects with each change of administration. Treasury should not release monies to the new Governor before obtaining a list of	HIGH	National/County	<ul style="list-style-type: none"> <li>▪ Develop a strategic plan detailing measures put in place to ensure continuity of Government projects.</li> </ul>

	incomplete projects and a plan for their completion.			<ul style="list-style-type: none"> <li>▪ Establishment of intergovernmental committee on projects implementation.</li> </ul>
	Projects initiated in the final year of an electoral cycle should receive extra scrutiny from the Controller of Budget, the County Assembly, the Senate and all oversight authorities.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Establishment of an intergovernmental committee on projects that evaluates economic viability of such projects.</li> <li>▪ Any project that consumes 5% or more of the budget should be tabled in Parliament for approval.</li> </ul>
	Strengthen the office of the Auditor General, which should be devolved to oversee Counties' accounts and to report them in an accessible and straightforward way.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Capacity-building the Office of the Auditor General (OAG) by recruiting more personnel (the HR component).</li> <li>▪ Ensure adequate funding of the office of the Auditor General to execute its mandate.</li> </ul>
	The Controller of Budget should assess, verify and confirm that money released has been applied to the stated objectives before the release of the next tranche.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Ensure adequate staffing to carry out this mandate.</li> <li>▪ Improve audit mechanisms to safeguard against loss of funds.</li> </ul>
	Kenya National Bureau of Statistics to provide an objective and localised measure of the wellbeing and human security of Kenyans, including environmental sustainability, to measure National, County and Ward performance.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Capacity-build KNBS.</li> <li>▪ Allocate adequate funds to KNBS.</li> </ul>
<b>5.</b>	<b>Counties also must grow the economic pie.</b>			
	County Governments' regulation and revenue collection not to crush incentives for investment and innovation.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Development of sound economic policies and guidelines.</li> </ul>
	There should be high-priority efforts by every County to support local groups to develop businesses through partnerships.	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Provide resources.</li> <li>▪ Capacity-building through training.</li> </ul>
	Even as the Counties raise local revenue, they must keep red tape to a minimum while being aware that they are in competition not only with other Counties but also with other countries and their internal regions.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Development of uniform economic policies and guidelines across the East Africa Community and the surrounding regions and countries.</li> </ul>
<b>6.</b>	<b>No double taxation or double regulation at the National and County levels.</b>			
	The inter-Governmental mechanisms should be developed and clarified to	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Review of taxation policy.</li> </ul>

	ensure that this aim is consistently met.			<ul style="list-style-type: none"> <li>▪ Inter-Governmental Authority to have a role in the implementation.</li> </ul>
<b>7.</b>	<b>Strengthen dialogue and integration of communities in the Counties, especially those that are multi-ethnic, with a focus on ensuring minorities are heard and respected.</b>			
	Utilise Elders to strengthen cohesion and mediate conflicts.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Develop a framework to regulate and govern alternative dispute resolution measures.</li> <li>▪ Provide resources.</li> </ul>
	More cultural awareness and respect programming by County Governments.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Promotion of cultural policies.</li> <li>▪ Adequate funding for cultural programmers.</li> <li>▪ Consider demands by minorities for boundary redrawing of Counties.</li> <li>▪ Review Ward boundaries.</li> </ul>
	Integration of schools in the County	HIGH	National/ County	<ul style="list-style-type: none"> <li>▪ Develop education policies and guidelines that promote integration and uniform standards across the Counties.</li> </ul>
	More shared development and dialogue projects by communities that have had histories of conflict.	HIGH	County	<ul style="list-style-type: none"> <li>▪ Establishment of joint inter-community committees to promote peaceful co-existence.</li> <li>▪ The NCIC/successor of the current Cohesion Commission to be tasked with the implementation.</li> </ul>

## 9 Safety and Security

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
<b>1.</b>	<b>Every life in Kenya has equal value.</b>			
	There should be equal distribution of policing resources, prosecution and preventive efforts to make sure each Kenyan life has equal value.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Review/establish a standard for determining adequacy of service.</li> <li>▪ Conduct a needs assessment/audit of facilities and services to identify gaps.</li> <li>▪ Task the National Police Service (NPS) and DPP and any other relevant departments to develop remedial measures and rationalise service provision.</li> </ul>
<b>2.</b>	<b>A people-owned National Security Strategy.</b>			
	Develop a proactive, preventative and pre-emptive comprehensive National Security Strategy. Mechanisms to be put in place to	HIGH	National	<ul style="list-style-type: none"> <li>▪ The National Security Council (NSC) to review the existing strategy to conform to this recommendation.</li> </ul>

	make the security agencies as locally based and as people-related as possible.			<ul style="list-style-type: none"> <li>Provide funding to operationalise the strategy and to enable pre-emptive and prompt response.</li> </ul>
<b>3.</b>	<b>Lower vulnerability to resource conflicts, disasters, emergencies and food insecurity.</b>			
	Prevent communal resource conflict by ensuring that Counties' boundaries are drawn to maximise sharing of water and pasture among other resources.	HIGH	National/ County	<ul style="list-style-type: none"> <li>The Interior Ministry and the IEBC to be tasked with the implementation.</li> </ul>
	Protect consumers of food and medicine from dangerously procured, grown or developed products that harm their health and wellbeing.	MEDIUM	National	<ul style="list-style-type: none"> <li>Establish and finance an effective Food and Drugs Authority to protect consumers.</li> <li>Encourage and strengthen consumer lobbies to work with the Government.</li> <li>The National Chemist to be tasked with the implementation.</li> </ul>
<b>4.</b>	<b>Terrorism as a continuing threat to Kenyans.</b>			
	Mainstream and coordinate prevention of radicalisation in the Ministries responsible for health, education and youth as well as other relevant bodies.	HIGH	National	<ul style="list-style-type: none"> <li>Mainstream detection and countering of radicalisation into violent extremism conducive to terrorism in every Ministry, Department and Agency.</li> </ul>
	Implement regulated protective security standards for all sectors, including those in the private sector.	HIGH	National	<ul style="list-style-type: none"> <li>Develop and establish standard operating procedures (e.g. standards for security and surveillance equipment, arming and protective gear for security personnel) for safety and security measures in all public institutions.</li> <li>Standardise training of private guards.</li> <li>Information gathering and dissemination of information on terrorists and their activities.</li> </ul>
	Invest in innovation and coordination to strengthen every part of counter-terrorism and countering violent extremism (CVE) to world-class standard.	MEDIUM	National	<ul style="list-style-type: none"> <li>Provide adequate funding.</li> <li>Capacity-building and training for personnel involved.</li> </ul>
	Operationalise the Victim Protection Trust fund, and pay special attention to victims of terrorism.	HIGH	National	<ul style="list-style-type: none"> <li>Establish the fund.</li> <li>Provide a budget for the fund so as to operationalise it.</li> </ul>
	Fundamentally strengthen our cyber-security capabilities through strengthening the skill set, processes, laws and institutions.	MEDIUM	National	<ul style="list-style-type: none"> <li>Training and capacity-building.</li> <li>Deploy sufficiently trained manpower.</li> </ul>

				<ul style="list-style-type: none"> <li>▪ Develop a clear cyber-security framework for all institutions.</li> <li>▪ Re-examine the relevant laws and institutions and strengthen them.</li> <li>▪ Enhance/increase capacity of relevant agencies.</li> <li>▪ Assess where we are, then establish how much training there is on cyber-security.</li> </ul>
	Professionalise and better regulate private security companies.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ Review legislation for regulating security companies.</li> <li>▪ Provide a framework for coordinating private security firms with public agencies.</li> </ul>
<b>5.</b>	<b>Police performance, mental health and wellbeing.</b>			
	Clarify Key Performance Indicators (KPIs) for police leadership vis-à-vis crime statistics, disaggregated by County, gender and citizen perceptions, and link these to promotions.	HIGH	National	<ul style="list-style-type: none"> <li>▪ The NPS to introduce a new framework for digitalised monthly returns that capture the relevant KPIs.</li> <li>▪ Use the captured data for ranking for career advancement.</li> <li>▪ Mainstream police chaplaincy and counselling services.</li> <li>▪ Deployment of Police Officers should be aligned to their talents, skills and specialisation.</li> <li>▪ Policy on identifying police trainers and instructors should be reviewed. The quality of their training delivery in turn affects the quality of recruits and policing generally.</li> </ul>
	Eliminate corruption in recruitment by instituting heavy penalties for corrupting the process.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ Digitalise the application and recruitment process to make it more open and accessible.</li> <li>▪ Institute safe measures for reporting corruption.</li> <li>▪ Institute automatic penalties such as prosecution and dismissal for identified offenders.</li> </ul>
	Create a digitalised, transparent human resources system with clear guidelines and processes for promotion and transfer. The standards of promotion into leadership and management must reflect measurable past performance, including internal courses and exams as well as	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ The NPSC should ensure a digitalised and transparent quarterly and annual appraisal framework whose results are used in the promotion process.</li> <li>▪ Make use of the digitalised results of the KPIs referred to above.</li> <li>▪ Establish internal courses and have a transparent process of eligibility and admission to the courses.</li> </ul>



	citizen complaints of abuse and corruption.			<ul style="list-style-type: none"> <li>▪ Establish credible exams whose results reflect the true performance of candidates.</li> <li>▪ Establish a digital register of citizens' complaints whose contents are used in determining promotion and transfers.</li> </ul>
	Support integrity and effectiveness in the NPS by recognising and rewarding excellence, dedication and sacrifice by officers and citizens.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ NPS to establish a fund for rewarding those recognised for excellent performance, dedication and sacrifice.</li> <li>▪ Establish a committee to carry out evaluation for the rewards openly.</li> </ul>
	As a matter of priority, put in place accessible and well-resourced mental health and wellness counselling and treatment for police officers. Particular attention should be paid to those in frontline roles that expose them to extreme trauma. All measures should also be taken to keep families together.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ The NPS in conjunction with the Ministry of Health to carry out a needs assessment to determine the quality and quantity of mental health services required by the police.</li> <li>▪ Budget for adequate funds to provide mental health and wellness services for police officers and their families.</li> <li>▪ The NPS to work with Counties and the Ministry of Health to establish mental health services in every County.</li> <li>▪ Establish a framework for identifying officers in need of counselling and mental health services.</li> <li>▪ Put in place a deployment process that minimises disruption of family life.</li> <li>▪ Provide adequate housing/housing allowance to provide reasonable accommodation to police families.</li> <li>▪ Police officers who come across scenes of crime where there are dead bodies and persons who have been maimed should undergo mental health check-ups.</li> <li>▪ There should be debriefing and counselling as a central part of management of police.</li> <li>▪ Enact the Coroner Bill into law to deal with the issue of police trauma.</li> <li>▪ Improve Police Officers' working conditions (place of work and their houses) to ensure that working and living conditions do not affect their mental health.</li> </ul>

6. Secure citizens from personal threats.				
	Establish a commission(s) to address current boundary conflicts until they are solved.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ National and County Governments to establish relevant commissions to deal with inter-County boundary conflicts.</li> <li>▪ The GoK and relevant Counties to engage IEBC to resolve boundary disputes.</li> </ul>
	Every new road in an urban area should be legally required to also have a sidewalk for pedestrians and specified lanes for cyclists. Signage should be clear.	MEDIUM	National/County	<ul style="list-style-type: none"> <li>▪ Review existing standards for adequacy.</li> <li>▪ Establish new standards for pedestrians and cyclists.</li> <li>▪ Ensure that budgets for roads provide for pedestrian sidewalks and lanes for cyclists.</li> <li>▪ Ensure the installation and maintenance of signage and road furniture to minimise accidents.</li> <li>▪ The NTSA should supervise and ensure compliance by road construction authorities at both the National and County levels.</li> <li>▪ The NTSA should be empowered to investigate and initiate prosecution of those who break these rules and regulations to ensure compliance.</li> <li>▪ The Ministry of Transport should review its policy for all urban roads to have a provision for non-motorised transport, guard rails etc.</li> <li>▪ Use non-metallic signage and road railings to avoid vandalism.</li> <li>▪ Conduct an audit on all roads including informal centres on their compliance with passenger walking areas and <i>boda boda</i> lanes, etc.</li> </ul>
	Include conflict resolution, negotiation and counselling skills in the curriculum at all levels of primary and secondary education.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ The Ministry of Education and KICD to ensure curriculum development and teaching in schools of these subjects.</li> <li>▪ An audit of the Basic Education Act and current school curriculum.</li> </ul>
d	Prioritise combatting gender-based and sexual violence by focusing and resourcing specific policing and prevention measures.	MEDIUM	National	<ul style="list-style-type: none"> <li>▪ Evaluate legislative and administrative frameworks to identify gaps.</li> <li>▪ Provide appropriate training to those engaged in preventing gender-based violence, especially the police.</li> </ul>

				<ul style="list-style-type: none"> <li>▪ Provide safe and private spaces for reporting sexual and gender-based violence, especially in police stations.</li> <li>▪ Opening up of P3 Forms to be signed by any approved/accredited medical officer (Doctor/Clinical Officer/Nurse).</li> <li>▪ Provide for a specific officer/desk to attend to these issues.</li> </ul>
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## 10. Commissions and Cross-Cutting Issues

No.	BBI RECOMMENDATIONS	PRIORITY	RESPONSIBILITY	IMPLEMENTATION STRATEGY
	Strengthen the Directorate of Criminal Investigations to complement the independence of the criminal justice system, which includes the Director of Public Prosecutions and the Judiciary.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Strengthen the capabilities of the Directorate of Criminal Investigations to effectively work with the Director of Public Prosecutions, e.g. prosecution-led investigations.</li> </ul>
	Significantly increase the amount of resources available to the Director of Public Prosecutions to enable effective prosecutions.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Lobby for allocation of adequate and timely financing of the ODPP.</li> <li>▪ Parliament should appropriate more funds to ODPP. This is to be done through the national budget policy.</li> </ul>
	Strengthen the Government Chemist to increase its effectiveness in carrying out its mandate.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Budget policy and Parliament should grant more funds to the Government Chemist.</li> </ul>
	Commissions and independent offices should be subjected to stringent reviews by relevant bodies to ensure that they carry out their duties as mandated.	HIGH	National	<ul style="list-style-type: none"> <li>▪ Parliament should perform its oversight role over these commissions.</li> </ul>

## **ANNEX D: Summary of the Legislative Bills (The Draft Bills contained in a stand-alone Document)**

The following proposed Bills provide for the statutory mechanisms necessary for the implementation of the recommendations contained in the Task Force Report as well as other relevant contributions made during the validation period.

### **1. THE PROMPT PAYMENT BILL, 2020**

The proposed Bill provides a legal framework for the prompt payment of invoices for goods and services procured by public entities. It seeks to address the perennial issue of delayed payment for goods and services procured by public entities. This impacts negatively on the suppliers of those goods and services, and the promotion of commerce. The Bill will apply to all public procurement undertaken under the Public Procurement and Asset Disposal Act, 2015.

The Bill requires for the settlement of invoices for the supply of goods and services within thirty days of submission of the invoice. Any query on an invoice should be communicated to the supplier in writing ten days from the date of presentation of the invoice. Every public procuring entity is required to establish an internal appeals system. This shall be the first port of call to a supplier who is aggrieved by a decision made by a public entity not to honour an invoice.

The Bill makes failure to make prompt payments for goods and services procured by a public entity an offence. It establishes the Public Invoices Settlement Tribunal to hear appeals from any decisions made by internal appeals mechanisms of every public entity declining to pay an invoice.

To foster transparency, the proceedings of the Tribunal shall be open to the public except where a dispute before the Tribunal emanates from procurement of classified items by a national security organ.

Decisions of the Tribunal shall be enforced by the respective accounting officers of public entities to whom they are directed. In rendering its decisions, the Tribunal may make recommendations on appropriate reforms a public institution needs to make to its system, in order to foster prompt payments of invoices.

In discharging its mandate, the Tribunal can seek technical advice as it may require. A party aggrieved by the decision of the Tribunal may appeal to the High Court for redress.

### **2. THE PUBLIC FINANCE LAWS (AMENDMENT) BILL, 2020**

The Public Finance Laws (Amendment) Bill, 2020 (the Bill) seeks to make amendments to various finance-related laws, which do not merit the publication of separate Bills. The Bill contains amendments to the following statutes—

**(a) The Public Finance Management Act, 2012 (No. 18 of 2012)**

The Bill seeks to amend the Public Finance Management Act, 2012 which provides for effective management of public finances by national and county governments. The amendments seek to invalidate an agreement for the borrowing of money unless the borrowing is authorised under the Act or by any other written law.

It further amends the Act regarding the functions of the budget committee of the National Assembly. This will require the committee to coordinate the discussion and review of the Budget Policy Statement and budget estimates by the departmental committees of the National Assembly. Recommendations to the Assembly are made in consideration of the recommendations of those departmental committees.

The amendments further provide for the responsibilities of departmental committees of the National Assembly to include considering budget estimates. It requires the committees to consider the budgets of their respective national government entities. Should the committee revise the estimates, it should notify the relevant entity accordingly, giving advice that the budget should be aligned according to the revision.

This amendment Bill amends the Act to obligate the Cabinet Secretary for finance to ensure that the annual Appropriation Bill prepared pursuant to Article 221(6) of the Constitution, provides for appropriation of funds in the Equalisation Fund.

It amends the Act to provide for accounting officers of various bodies. Specifically, designated office holders shall become accounting officers for their respective institutions.

The Bill amends the Act to provide for offences relating to the handling of public moneys by public officers or accounting officers, and liability arising out of loss of public money.

It further seeks to amend the Act to provide that conditional grants made by the national government to county governments for purposes of level five hospitals should not be paid into the County Revenue Fund, but shall be kept in a special account meant for that purpose.

**(b) The Public Procurement and Asset Disposal Act, 2015 (No. 33 of 2015)**

The Bill seeks to amend the Public Procurement and Asset Disposal Act, 2015 which provides for procedures for efficient public procurement and asset disposal by public entities. The amendments seek to lay out in considerable detail the duties of a procuring entity which includes, among others, undertaking due diligence on prospective bidders.

The Bill further seeks to amend the Act to obligate accounting officers to ensure that procurement of goods, works and services of the public entity are done in accordance with and with strict adherence to the approved procurement plans. Similarly, money should be available for prompt payment of goods or services being procured. For an accounting officer to procure goods or services without a procurement plan, or in disregard of that plan, amounts to an offence.

It amends the Act to promote the principle of open contracting during procurement.

**(c) The Public Audit Act, 2015 (No. 34 of 2015)**

The Bill seeks to amend the Public Audit Act, 2015 which provides for the functions and powers of the Office of the Auditor General. The amendments seek to empower the Auditor General to recruit its own staff as required. The Bill seeks to delete from the Act, provisions which were invalidated by the High Court in Transparency International (TI Kenya) v Attorney General & 2 others [2018] eKLR because by providing for secondment of staff of the Office of the Auditor General to other state organs interferes with the institutional independence of the Office of the Auditor General.

**(d) The Controller of Budget Act, 2016 (No. 26 of 2016)**

The Bill amends the Controller of Budget Act, 2016 which provides for the functions of the Office of the Controller of Budget. The amendments seek to require the Controller of Budget to carry out due diligence on an ongoing project. This is to ascertain if money previously approved for the project has been utilised prudently, before the Controller can authorise release of more funds for the project.

It further amends the Act to provide for the publicizing of reports by the Controller of Budget in a simplified form and manner which is accessible to as many people as possible.

**(e) The Higher Education Loans Board Act, 1995 (No. 33 of 1995)**

The Bill amends the Higher Education Loans Board Act, 1995 which provides for the establishment of a Board of Management of Funds to be used for granting loans to Kenyan students. The amendment seeks to give loanees a grace period of four years from the date of completion of their studies. After this, they can commence repayment of loans advanced to them. Further, it amends the Act to exempt loanees without a source of income, upon application to the Board, from paying interest on the loans advanced to them, till such time when the loanees shall start earning an income.

**3. THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL, 2020**

The Bill seeks to amend the Micro and Small Enterprises Act, 2012 which provides for the promotion, development and regulation of micro and small enterprises. The amendment obligates the Micro and Small Enterprises Authority, the responsibility of registering and certifying enterprises owned by youth, women and persons with disabilities, for purposes of accessing government procurement opportunities.

In addition, the Bill authorises the Micro and Small Enterprises Authority to establish business incubation centres in Kenya, for purposes of nurturing businesses in their early stages, in order to overcome barriers related to early stages of business development.

Additionally, the Bill proposes to give youth-owned enterprises a seven-year tax break, and empowers the Cabinet Secretary to make regulations to give effect to this requirement.

#### **4. THE ETHICS AND INTEGRITY LAWS (AMENDMENT) BILL, 2020**

The Ethics and Integrity Laws (Amendment) Bill, 2020 seeks to amend various statutes relating to ethics and integrity. The Bill contains proposed amendments to the following statutes—

##### **(a) The Leadership and Integrity Act (No. 19 of 2012)**

The Bill proposes to amend the Leadership and Integrity Act which provides for procedures and mechanisms for effective administration of Chapter six of the Constitution. The Bill provides for Public Personal, Wealth and Financial Declaration for state officers to ensure that they make declaration on income, assets and liabilities before, during and after leaving office. The Bill prohibits state officers and public officers by themselves or through proxies from engaging in business with a public entity. It further introduces an offence and penalty for those who contravene the provision. Additionally, the Bill bars state offices from participating in public collections, and gives them a leeway to give contributions to registered charitable organizations or non-governmental organizations.

The Bill provides for safeguarding information issued to the Commission under this Act and criminalising divulging the information without proper reason and procedure. Lastly, the Bill provides that a petition of an alleged violation of Chapter Six of the Constitution shall be submitted to the appointing Authority.

##### **(b) The Public Officer Ethics Act (No. 4 of 2003)**

The Bill proposes to amend the Public Officer Ethics Act, which provides for a Code of Ethics for public officers. The amendments align the definition of the word, 'Public officer' with the Constitution. The Bill bars public offices from participating in public collections and gives them a leeway to give contributions to registered charitable organizations or non-governmental organizations.

#### **5. THE ELECTION LAWS (AMENDMENT) BILL, 2020**

The Election Laws (Amendment) Bill, 2020 seeks to make amendments to various election related laws. This is done so as to deliver an electoral system that is transparent, accountable, democratic and promotes the will of the people. The Bill contains amendments to the following statutes—

##### **(a) The Elections Act, 2011 (No. 24 of 2011)**

The Bill amends the Elections Act which provides for the conduct of elections, conduct of referenda, and election dispute resolution. The amendment proposes to set out the criteria for eligibility for registration as a voter to bring further clarity to Article 83 of the Constitution. Additionally, the Bill proposes to limit registration of voters to at least one hundred and twenty

days prior to an election. This will afford adequate time to the Independent Electoral and Boundaries Commission (Commission) to verify and audit the information contained in the register of voters.

To enhance privacy of data disclosed by citizens during voter registration and the voting process, the Bill obligates the Commission to omit the full details of the voter's national identification, and passport registration details during the publication of the voter register.

To facilitate effective planning and budgeting of the elections, the Bill obligates the Commission to publish an elections timetable in the *Gazette*, at least eighteen months to an election. The election timetable should specify the activities to be undertaken during the electoral cycle, the duration of each activity and the final day of each activity.

The Bill proposes to extend the duration of conducting nominations by political parties from the current ninety days to at least one hundred and twenty days to an election. This is aimed at allocating additional time to political parties to resolve disputes arising out of the nomination exercise.

In recognition of the pivotal role played by candidate agents in promoting free and fair elections, the Bill spells out the rights and responsibilities of agents during an election.

Additionally, the Bill provides for the procedure and appointment of presiding officers, returning officers and other election officers through an open, transparent and competitive process. The Bill also provides for the procedure for accreditation of election monitors and observers including the grounds and procedure for revocation of election monitors and observers.

On recall of Members of Parliament, the Bill seeks to clarify on the procedure for recall of nominated members.

#### **(b) The Political Parties Act, 2011 (No. 11 of 2011)**

The Bill proposes amendments to the Political Parties Act, 2011 which provides for the registration, regulation and funding of political parties. The amendments seek to redistribute the Political Parties Fund to promote the Constitutional rights under *Article 27 on equality and freedom from discrimination*.

*The Bill further obligates every political party to establish an Internal Dispute Resolution Committee with a defined membership. This Committee will resolve disputes within a political party, including disputes arising out of the nomination process.*



**(c) The Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011)**

The Bill proposes to amend the *Independent Electoral and Boundaries Commission Act, 2011* which provides for the composition of the Independent Electoral and Boundaries Commission. The amendment redefines the word, “chairperson,” removes reference to “vice- chairperson” and limits the holder of the office of the chairperson to be a person appointed in line with Article 250(2). This is in light of the decision of the court in *Katiba Institute & 3 others v Attorney General & 2 others [2018] eKLR* which the court found that only a person who possessed the qualifications of a chairperson prescribed under the Act should qualify to be appointed as a chairperson of the Commission.

Further, the Bill obligates the Commission to apply financial resources in designing, planning and managing elections in a prudent and responsible manner. In addition, the Commission is to report to Parliament, within six months of a general election, on the cost of the election.

**(d) The Election Campaign Financing Act, 2013 (No. 42 of 2013)**

The Bill proposes amendments to the Election Campaign Financing Act, 2013 which provides for the regulation, management, expenditure and accountability of election campaign funds. The amendments define the term, “campaign financing period” and obligates the Commission to consider the remuneration and benefits expected from the electoral office to which the limit relates, when prescribing the spending limits that a candidate, political party or referendum committee may spend during an expenditure period.

**(e) The Election Offences Act, 2016 (No. 37 of 2016)**

The Bill proposes to amend the Election Offences Act, 2016 which provides for election offences. The amendments seek to prohibit any person from offering material incentives, tricking, deceiving or using violence in order to induce or compel a voter to transfer their registration from one electoral area to another. In addition, the Bill prohibits harassment and use of violence against candidates, during an election period.

**6. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL, 2020**

The Bill seeks to amend the Anti-Corruption and Economic Crimes Act, No. 3 of 2003 which provides for the prevention, investigation and punishment of corruption, economic crimes and related offences. The amendments delete the definition of the words, “Advisory Board” and “Assistant Director” as the principal provisions have been repealed. Further, the Bill enhances the penalty for economic crimes and corruption offences. Additionally, it provides for the procedure of sentencing hearing in economic crimes and corruption matters. It further introduces the offence

of concealment of corruption, and provides for duty to report any knowledge or suspicion of instances or acts of corruption or economic crimes. Lastly, it gives the Cabinet Secretary power to make regulations on the protection of whistle-blowers.

Further, the Bill provides for room for public officers to amend declarations as well as limit the period for making amendments to six months. It also provides for electronic platform for submission, retention, storage, archiving and accessing of declarations.

#### **7. THE CONTRIBUTION TO CHARITY BILL, 2020**

This Bill seeks to regulate public collections or *harambees*. It provides a clear demarcation between public collection for charitable purposes and public collection for private benefit. This Bill puts in place a robust legal architecture for addressing issues pertinent to public collections.

The Bill seeks to repeal the Public Collections Act, CAP 106 which regulates collections of money and property from the public. The shortcomings of this Act, which assented to in 1960, includes not being aligned to the Constitution. For instance, it not only refers to Provincial Administration and former administrative structures, but also fails to recognise the devolved structures and their involvement in public collections or public fundraising appeals as envisaged under the Constitution. Further, the Act fails to substantively regulate public collections for charitable purposes. Again, it does not provide proper safeguards to curb corruption that may arise in voluntary collections.

#### **8. THE DEVOLUTION LAWS (AMENDMENT) BILL, 2020**

The principal object of this Bill is to amend the County Governments Act, 2012 and the Intergovernmental Relations Act, 2012, to align various provisions of the Acts with court decisions, and to incorporate lessons learnt in the implementation of the Acts.

##### **(a) The County Governments Act, 2012 (No. 17 of 2012)**

The Bill proposes to amend the County Governments Act which provides for the structure of county governments. The amendments seek to require the county governors to designate the deputy governors with a department within the county executive, similar to portfolios assigned to other members of the County Executive Committee. Again, the Bill provides for the process to be followed in the transfer of county headquarters from one town to another. Lastly, it provides for a Ward to be considered as the lowest level of planning, for purposes of development and budgeting.

##### **(b) The Intergovernmental Relations Act, 2012 (No. 12 of 2012)**

The Bill proposes to amend the Intergovernmental Relations Act which provides for a framework for consultation and co-operation between the national and county governments on the one hand,

and amongst county governments on the other hand. The amendment adds to the scope of the Act, issues relating to concurrent jurisdictions between both levels of government, and the coming together of county governments to form associations and partnerships. Moreover, it provides for the Cabinet Secretary to make over-arching Regulations for the sector. It further qualifies that Regulations under the Act shall be made in consultation with the Council of Governors as opposed to the Summit, to enhance efficiency of making the Regulations under the Act.

#### **9. THE PUBLIC PARTICIPATION BILL, 2020**

The principal object of the proposed Bill is to provide a framework for effective public participation in view of the constitutional provisions that places the people at the centre of governance. The Bill seeks to ensure public processes ranging from policy making, legislative processes and ultimate decision making adhere to the participation of the people of Kenya.

The Bill therefore provides a standardised mechanism to facilitate an effective and coordinated public participation process in both levels of government. This will include the introduction of the Registrar of the Public Participation Registry under the Office of the Attorney General.

Further, the Bill provides for the role of the County Attorney in the public participation process in the county government and requires reports on any such exercise to be regularly shared and archived with the Registrar.

#### **10. THE NATIONAL ECONOMIC AND SOCIAL COUNCIL BILL, 2020**

The Bill proposes to establish the National Economic and Social Council which shall be responsible for coordinating the preparation, implementation and review of national development policies. The Council, to be chaired by the Prime Minister, shall oversee the development of short- and medium-term plans.

The Bill further proposes to establish the secretariat of the Council to be headed by a secretary who will be competitively recruited by the Public Service Commission and appointed by the President for a non-renewable term of six years. The transitional provisions transit the existing secretariat of the Council from the National Treasury to the office of the Prime Minister.

#### **11. THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL, 2020**

The Statute Law (Miscellaneous Amendment) Bill, 2020 seeks to amend various laws which do not merit the publication of separate Bills. The Bill contains amendments to the following statutes:

##### **(a) The Interpretation and General Provisions Act (Cap.2)**

The Bill proposes to amend the Interpretation and General Provisions Act (Cap. 2) to harmonise the definition of ‘Cabinet Minister’ with the proposed Constitutional Amendment.

##### **(b) The Judicial Service Act, No.1 of 2011**

The Bill proposes to amend the Judicial Service Act, 2011 to harmonise with the proposed amendments of the Constitution on the Secretary of the Commission.

**(c) National Intelligence Service Act, No. 28 of 2012**

The Bill proposes to amend the National Intelligence Service Act, 2012 to expand the definition of vettable position to ensure the Service vets all applicants to public offices for purposes of providing background checks.

**(d) The Mutual Legal Assistance Act, No. 36 of 2011**

The Bill proposes to amend the Mutual Legal Assistance Act, 2011 in section 2 to harmonise the list of mainstream competent authorities with the provisions of section 7(2) of the Act. It further proposes to amend section 3 for clarity purposes, as well as to harmonise it with Article 2(6) of the Constitution of Kenya and section 4, to provide for clear legal basis for innovative ways of direct cooperation between competent authorities.

**(e) The Commission on Administrative Justice Act, No. 23 of 2011**

The Bill proposes to amend the Commission on administrative Justice Act, to provide that after having concluded an investigation or inquiry and found a Public officer guilty of gross violation of the constitution or the law, the Commission to be able to recommend that such an officer is unfit to hold public office. It further proposes to enforce the Court of Appeal Ruling in **No. 141 of 2015** where the Court held that the recommendation of the Commission has force of law and are binding.

**12. THE HEALTH (AMENDMENT) BILL 2020**

The bill seeks to amend the Health Act to establish the Health Services Commission; to provide for its composition, functions, qualifications and procedure for appointment of the members.

It also outlines the role of the commission as follows: make recommendations to the National Government on national policies for management of health care workers; monitor implementation of national policies for management of health care workers by County Governments and recommend appropriate action; set and regularly review norms and standards on—

- (i) training of health care workers;
- (ii) recruitment of health care workers;
- (iii) welfare, career development and schemes of service for health care workers;
- (iv) inter-country and inter-county transfer of health care workers;
- (v) transfer of health workers from one level of government to the other; and
- (vi) national distribution of highly skilled health care workers;

Further, the Commission shall subject to Article 234(2)(i) of the Constitution, facilitate resolution disputes between employers and health care workers in public service both at the national and county levels and accredit health institutions.

# ANNEX E.: GAZETTE NOTICE APPOINTING THE STEERING COMMITTEE ON THE IMPLEMENTATION OF THE BUILDING BRIDGES TO A UNITED KENYA TASK FORCE REPORT

## **SPECIAL ISSUE**



# THE KENYA GAZETTE

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GAZETTE NOTICE NO. 264

THE STEERING COMMITTEE ON THE IMPLEMENTATION OF THE BUILDING BRIDGES TO A UNITED KENYA TASK FORCE REPORT

### APPOINTMENT

IT IS notified for general information of the public that His Excellency Hon. Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces, has appointed the Steering Committee on the Implementation of the Building Bridges to a United Kenya Taskforce Report, which shall comprise of:

Mohamed Yusuf Haji (Sen.)  
Lawi Imalhiu (Bishop)  
Maison Leshomo  
James Matudura  
Rose Moseu  
Agnes Kavindu Muthama  
Saeed Mwanguni (Prof.)  
Peter Njenga (Bishop)  
Zaccheaus Okoth (Archbishop Emeritus)  
Adams Oloo (Prof.)  
Amos Wako (Sen.)  
Florence Omose (Dr.)  
Morompi ole Ronkei (Prof.)  
John Seii (Rtd) Major

### Joint Secretaries

Martin Kimani (Amb.)  
Paul Mwangi

1. The Terms of Reference of the Steering Committee shall be to:

- (a) conduct validation of the Task Force Report on Building Bridges to a United Kenya through consultations with citizens, civil society, the faith-based organizations, cultural leaders, the private sector, and experts; and
- (b) propose administrative, policy, statutory or constitutional changes that may be necessary for the implementation of the recommendations contained in the Task Force Report, taking

into account any relevant contributions made during the validation period.

2. In the performance of its functions, the Steering Committee shall—

- (a) appoint its chairperson and vice-chairperson from among its members;
- (b) regulate its own procedure within confines of the law and the Constitution;
- (c) privilege bipartisan and non-partisan groupings, forums and experts;
- (d) form technical working groups as may be required in the achievement of its terms of reference;
- (e) hold such number of meetings in such places and at such times as the it shall consider necessary for the proper discharge of its functions;
- (f) shall solicit, receive and consider written memoranda or information from the public; and
- (g) may carry out or cause to be carried out such assessments, studies or research as may inform its mandate.

3. The Joint Secretaries shall to be responsible for all official communication on behalf of the Steering Committee.

4. The Joint Secretaries may co-opt any other persons as may be required to assist in the achievement of the terms of reference of the Steering Committee.

5. The Steering Committee shall submit its comprehensive advice to the Government by 30th June, 2020 or such a date as the President may, by notice in the Gazette, prescribe.

Dated the 3rd January, 2020.

JOSEPH K. KINYUA,  
*Head of the Public Service.*

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, NAIROBI

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## ANNEX F.: GAZETTE NOTICE APPOINTING THE BUILDING BRIDGES TO UNITY ADVISORY TASK FORCE

1658 THE KENYA GAZETTE 31st May, 2018

### CORRECTIONS

**IN Gazette Notice No. 2874 of 2018, amend the Cause No. printed as "55 of 2017" to read "55 of 2018".**

**IN Gazette Notice No. 4246 of 2018, Cause No. 72 of 2018, amend the deceased's name printed as "Teresia Wainima" to read "Teresia Wainima Njai".**

**IN Gazette Notice No. 4804 of 2018, Cause No. 17 of 2018, amend the date of death printed as "7th August, 1970" to read "2nd April, 2013".**

**IN Gazette Notice No. 2267 of 2018, Cause N. 1948 of 2015, amend the petitioner's name printed as "Lucy Mathemi Maina" to read "(1) Nelius Murguru Maina and (2) Dennis Mwangi Maina".**

**IN Gazette Notice No. 2268 of 2018, amend the Cause No. printed as "128 of 2018" to read "218 of 2018".**

**IN Gazette Notice No. 6977 of 2007, Cause No. 1305 of 2007, amend the second petitioners name printed as "Markus Obonyo" to read "Markus Obonyo Mubinya".**

### GAZETTE NOTICE No. 5154

#### ESTABLISHMENT OF TASKFORCE ON BUILDING BRIDGES TO UNITY ADVISORY

IT IS notified for the general information of the Public that H. E. Hon. Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces has established a Taskforce to be known as the Building Bridges to Unity Advisory Taskforce.

The Taskforce shall comprise—

- Adams Oloo (Dr.),
- Agnes Kavindu (Ms.),
- Senator Amos Wako,
- Florence Ombeno (Ms.),
- Saeed Mwanguni (Prof.),
- James Mahoundra,
- Major (ret) John Soi,
- Bishop Lawi Inaitui,
- Mason Leshomo,
- Senator Mohamed Yusuf Haji,
- Moromp ole Rankai Prof.,
- Bishop Peter Njenga,
- Rose Maseu,
- Archbishop Zacharias Oloo

#### Joint Secretaries

- Amib. Marun Kimani
- Paul Mwangi

1. The Terms of Reference of the Taskforce are to—

- (a) evaluate the national challenges outlined in the Joint Communiqué of 'Building Bridges to a New Kenyan Nation, and having done so, make practical recommendations and reform proposals that build lasting unity;
- (b) outline the policy, administrative reform proposals, and implementation modalities for each identified challenge area; and
- (c) conduct consultations with citizens, the faith based sector, cultural leaders, the private sector and experts at both the county and national levels.

2. In the performance of its functions, the Taskforce—

- (a) shall regulate its own procedures including appointing revolving co-chairs from among its members;
- (b) regulate its own procedure while working within confines of the Constitution;
- (c) shall privilege bipartisan and non-partisan groupings, forums and experts;
- (d) shall form technical/working groups as necessary;

- (e) shall outline the policy, administrative reform proposals, and implementation modalities for each identified challenge area;
  - (f) shall consider and propose appropriate mechanisms for coordination, collaboration and cooperation among institutions to bring about the sought changes;
  - (g) shall pay special attention to making practical interventions that will entrench honourable behaviour, integrity and inclusivity in leading social sectors;
  - (h) shall hold such number of meetings in such places and at such times as the committee, in consultation with its secretaries, shall consider necessary for the proper discharge of its functions;
  - (i) shall solicit, receive and consider written memoranda or information from the public; and
  - (j) may carry out or cause to be carried out such assessments, studies or research as may inform its mandate;
3. The Joint Secretaries will be responsible for official communication on behalf of the Taskforce.
4. The Joint Secretaries may co-opt any other persons, as and when necessary, to assist in the achievement of the terms of reference.
5. The Taskforce shall make periodic written recommendations for action by the Government and will submit its comprehensive advice not later than twelve (12) months from the date of its official launch. His Excellency the President may, if necessary, extend the period.

Dated the 24th May, 2018.

JOSEPH K. KINYUA,  
*Head of the Public Service.*

### GAZETTE NOTICE No. 5155

#### THE COUNTY GOVERNMENTS ACT

(No. 17 of 2012)

#### COUNTY GOVERNMENT OF MACHAKOS

#### APPOINTMENT

IN EXERCISE of the powers conferred by section 44 (2) of the County Governments Act, 2012, I, Alfred N. Mutua (Dr.), Governor, Machakos County, appoint—

- George Kioko Luka—(*Chairperson*)
- Dennis Mung'nia Mwanzi—(*Secretary/Member*)

#### Members

- Scholasticah C. Mutui Mboi
- Hyakup Paul Ipu
- Bernadette M. Nzoka

to be members of the selection panel for the selection of nominees for appointment as the County Secretary and Head of Public Service, County Government of Machakos.

Dated the 17th May, 2018.

A. N. MUTUA (Dr.),  
*Governor, Machakos County.*

MR/4794519

### GAZETTE NOTICE No. 5156

#### THE LAND REGISTRATION ACT

(No. 3 of 2012)

#### ISSUE OF A PROVISIONAL CERTIFICATE

WHEREAS Jane Wainira Kimunya, of P.O. Box 168-00515, Nairobi in the Republic of Kenya, is registered as proprietor/lessee of all that piece of land known as L.R. No. 8826/253 (original number 8826/13/103), situate in the south east of Thika Municipality in Machakos District, by virtue of a certificate of title registered as L.R. 175283/1, and whereas sufficient evidence has been adduced to show that the said certificate of title has been lost, notice is given that after the expiration of sixty (60) days from the date hereof, I shall issue a provisional certificate of title provided that no objection has been received within that period.

Dated the 31st May, 2018.

G. M. MUYANGA,  
*Registrar of Titles, Nairobi.*

MR/4807155

## ANNEX G.:THE JOINT COMMUNIQUÉ OF ‘BUILDING BRIDGES TO A NEW KENYAN NATION’



### **BUILDING BRIDGES TO A NEW KENYAN NATION**

#### **1. Background.**

In the fifty-five years since independence, Kenya has constantly sought to live up to its promise and the dreams its founding mothers and fathers had for us. We have strived to build a great nation that is responsive to the urgent need for prosperity, fairness and dignity for all Kenyans. We have achieved a lot but also fallen short of our goals. Our people are crying out for leadership that shows the path to dignity, prosperity and security.

There are changes that are required in our system of governance for us to succeed, and we have been in a process of reform to deal with them for the last 20 years. Yet despite all the reforms, we continue to have deep and bitter disagreements. Ethnic antagonism and divisive political competition have become a way of life.

#### **2. Where we came from**

Just a little over a century ago, the country that would become independent Kenya was made up of different nations and peoples, organised along different linguistic and ethnic lines, and that traded and had rich relationships with each other. Unfortunately, they were colonised and brought under the yoke of a foreign power. Their subsequent agitation for freedom came through a nationalist anti-colonial struggle. They became Kenya. A country of diverse peoples committed to rising to greatness together.

We are grateful for our fathers, we stand on their shoulders. Yet we can also see that the promise of our nation has not been met as fully as it should have been; we know there are different measures our founding fathers should have taken as they forged this young nation.

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Over the last fifty-five years, since independence, the people, and their leaders, have sometimes taken sharply differing positions regarding the best road to travel towards this commonly agreed destination. This has led to the lack of a collective approach in the management of public affairs, and has fostered feelings of exclusion, and, ultimately, animosity.

Kenya has come full circle and appears to be re-living the same divisive experiences the country underwent after 1963. In this respect, the political leadership in Kenya today is thrust into the same dangerous political dynamics that have played out over the years, and that if not altered will result in the same kinds of calamities we have experienced in the past.

### **3. Where we are going**

We must courageously face our challenges, and openly and honestly discuss our successes and failures if we are to formulate and implement the necessary corrective measures.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga are the two leaders who symbolise the many ways in which the country has gone full circle in its divisions. They were witness to the unity and hope that was followed by discord and division.

Intent on not witnessing the country suffer similar future cycles of the same tribulations it has since 1963, they are determined to offer the leadership that prevents future generations inheriting dangerous division and offers them a path to a bright future for all. Both H.E. President Uhuru Kenyatta and H.E. Raila Odinga have agreed to launch this initiative that aims to create a united nation for all Kenyans living today, and all future generations





#### 4. The issues

##### **a. Ethnic antagonism and competition**

Kenya is witnessing a continued deterioration of relationships between ethnic communities and political formations. These relationships are too often characterised by aggressive antagonism and competition. A strong nation cannot develop in this way. H.E. President Uhuru Kenyatta and H.E. Raila Odinga are standing together to urge every Kenyan, every political leader and formation to compete without using ethnic profiling or by promoting disdain for any group.

The two leaders respect one another. They have been competitors and even used hard language at times, but they have always been friends and respected one another. They respect each other as individuals and as as leaders,. They respect each other's communities. They respect Kenyans, and they respect our nation. Every single Kenyan knows and needs respect. Respect should not mean that we tolerate what is wrong. However, the two leaders want to say to all Kenyans: the sins of individuals should not be visited on groups. We must reject and censure anyone who conducts themselves in a negative and hateful way.

##### **b. Lack of a national ethos**

Kenya is today increasingly being defined internationally by its negative politics and the challenges that they create. Corruption and violence are the main characteristics by which Kenyans are defined by the international community. Despite the many positive attributes of our country, we are yet to define and promote its national ethos. Nationhood and patriotism requires that people feel they enjoy a commonality beyond the sharing of residency in a country, and that they feel they have common characteristics, beliefs and aspirations.



### **c. Inclusivity**

Inclusivity is one of the greatest challenges Kenyans face. We as Kenyans have failed to appreciate our God-given differences in how we think, the languages we speak, the regions we come from, and the way we worship. We have failed to appreciate that we are as the fingers of the hand: weak alone, and as strong as a fist when folded together. Our political system has been unable to respond to feelings of alienation in sections of our people. Many feel alienated from the mainstream national development initiatives and political activity. Such real and imagined exclusion is anathema to effective nation-building.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga commit themselves to make the strongest efforts to find the right skills and attitudes from as many backgrounds and identities as possible.

They both commit to fight hard for inclusivity and to make sure, in an accountable and impactful way, that public institutions work to deliver to all Kenyans at the national and county level. And, crucially, they will work together to guarantee that all Kenyans are served equally by public institutions, no matter who leads them.

### **d. Devolution.**

Devolution has so far been the most successful story in the recent process of building a strong nation. Yet a lot remains to be done in enhancing its political viability and economic sustainability.

Politically, devolution has led to exclusivity in counties where some local communities have found themselves isolated and excluded by the more populous ones creating marginalisation.

Economically, the viability of counties is a matter of concern. It is imperative that the recent efforts by counties to coordinate their



development plans in clusters defined by geography and economic sectors should be strongly encouraged both politically and practically.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga will work together to bring counties together regardless of the political affiliation of their Governors, Senators and MCAs. They will make sure that counties are delivering to the people. They will work together to hold all county governments accountable to the people.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga will continually promote a common approach that helps citizens understand the role of devolution in creating the Kenyan nation and its significance to their development.

**e. Divisive elections.**

Elections in Kenya have now become a threat to lives, our economy and our standing as a nation. Every four years, the country almost comes to standstill as elections are prepared for. Investment and economic activity slow, losing Kenyans precious jobs and livelihoods, while political competition often escalates beyond vibrant debate into ethnic polarisation. Personal security becomes uncertain, and often there is violence.

Kenyans need to overcome this negative cycle by acting on the understanding that elections on their own are not the solution to our national challenges. By faithfully adhering to the Constitution and the law, halting ethnic antagonism and profiling, by promoting inclusivity, by strengthening devolution, by fighting corruption, and caring about safety and security, we will have elections that are not marred by mistrust and conflict.

We have been in institutional reform mode for many years now, and for sure that there will be more to come in the future. But today, it is time to

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acknowledge the other critical items we have not put enough work into. We must seek to shift our terms of engagement as leaders, as individuals and as citizens, if we are to have competitive and constructive elections. That should be our first priority.

**f. Safety and Security**

Too many Kenyans lives are afflicted by natural and man-made disasters. Today, there is a long drought that has settled over the country, risking the lives of many Kenyans and their livelihoods. H.E. President Uhuru Kenyatta and H.E. Raila Odinga will come together to aid Kenyans at this time of great need. They are asking all leaders, no matter at what level, in every part of the country, to stand up and demonstrate their leadership by making a practical effort to ensure that those who are hungry or in distress are aided. The two leaders will work together to ensure that all warring communities in Kenya reject violence as a way of settling inter-communal conflict or advancing any political, ethnic or religious cause. They urge every leader to join us in this critical work.

For those who launch terrorist attacks on our people, H.E. President Uhuru Kenyatta and H.E. Raila Odinga will work with Kenyans to unite them to stand against terrorists as a united people.

**g. Corruption**

Corruption is an existential threat to our Kenya. It is destroying lives, public trust and prosperity. It is being passed to the young generation, making a mockery of their hopes and their need to forge an honest and proud living. It is undermining our public and private institutions, and will destroy them and our aspirations as a nation.

The fight against corruption has to be carried out from a wide and common front to eliminate any sanctuary for perpetrators. H.E. President Uhuru Kenyatta and H.E. Raila Odinga will strongly support efforts to

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support whistleblowing from all Kenyans, and they urge all of you to loudly report the corruption you witness no matter where it is. Our fighting and reporting corruption should itself not be corrupt, it must not be a witch hunt but instead should reflect integrity. H.E. President Uhuru Kenyatta and H.E. Raila Odinga will stand together to ensure that political affiliation shall not be used to shield those who are found to be corrupt.

#### **h. Shared Prosperity**

In parts of the country, there are many who are doing well, and Kenya continues to be a leading destination for investment into the region. Yet too many Kenyans lack decent income, and our investment lags behind those parts of the world that have developed broadly shared prosperity in the last few decades. We have to do much better. There are blockages, and perverse incentives against innovation, growth and job creation in our economic system. The two leaders will work together to clear them from every part of the country so that prosperity comes to us all.

Every level of government should be pressed to properly integrate and regulate value and supply chains if every Kenyan, in every part of the country, is going to be lifted out of poverty.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga will stand together to ensure that the shared prosperity agenda is never forgotten and that it is mainstreamed as a priority objective in our development.

#### **i. Responsibilities and Rights**

Kenyans must have their human and civil rights respected and enforced. There is no Kenyan whose rights should be compromised no matter the interests against them. Kenyans have struggled hard for these rights and they are not for anybody to take for granted. At the same time, to attain

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and protect our rights, we must embrace our responsibilities. The two can never be separated if we are to have either.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga standing here before the country today reflects their responsibility as leaders, as parents, and as friends. They urge every leader, and every Kenyan, to embrace the responsibilities you know are yours.

#### **5. How it will work**

H.E. President Uhuru Kenyatta and H.E. Raila Odinga have agreed to roll out a programme that will implement their shared objectives. The programme shall establish an office and retain a retinue of advisors to assist in this implementation. They have mandated both Ambassador Martin Kimani and Mr. Paul Mwangi to oversee the establishment of this programme. An official launch shall be held soon.

H.E. President Uhuru Kenyatta and H.E. Raila Odinga are proud to be Kenyans, to stand here together as friends and compatriots in the great work of building a strong and united Kenya.

H.E. President Uhuru Kenyatta, CGH

H.E. Raila Odinga, EGH

## **ANNEX H.: LIST OF STAFF, PROGRAMME OFFICERS, EXPERTS AND DRAFTERS OF THE BBI STEERING COMMITTEE**

### **TECHNICAL EXPERTS**

1. Mr. Tom Macharia
2. Prof. Ben Sihanya
3. Hon. Priscilla Nyokabi
4. Oduor Ong'wen
5. Faith Waigwa
6. Hon. Judith Sijeny
7. Harriet Njoki Mboce
8. Dorothy Jemator
9. Hamida Kibwana
10. Seth Kakusye Mutua
11. Joy Mdivo
12. Beatrice M Mwamidi
13. Kissinger Kakai Francis
14. Singo Stephen Mwachofi
15. Njiiru Ndegwa
16. Patrick Onyango
17. Dr. Ken Nyaundi
18. Dr. JME Simekha
19. Henry Mien
20. Paul Leringato
21. Kamau Mbugwa
22. Stephen Wandeto
23. Ken Rotich
24. Julius Okara
25. Dr. Patrick M Kiliku
26. Achoki Awori
27. David Anyona
28. Prof. Lawrence Gumbe
29. David Anyona
30. Issa Mahat
31. James Mamboleo
32. Jackson Kalla
33. Koimatet Ole Kina
34. Prof. Isaiah Wakindiki
35. Moses Kipkoge

### **DRAFTERS**

1. Linda Murila
2. Jeremiah Ndombi
3. Justice Thurania Gatuyu
4. Peter Musyimi
5. Damaris Mbaki Mukala
6. Christabel Kaiwa Wekesa
7. Michael N Karuru
8. Antony Otieno

### **SECRETARIAT STAFF**

1. Dann Mwangi
2. Sarah Yamo
3. Rachel Kamweru
4. Milka Obusuru
5. Winifred Malombo
6. Bertha Odhiambo
7. Zulfa Hakim
8. Hosea Munyi
9. Milka Mogoi
10. Amer Balala
11. Samuel Mwaniki
12. Edwin Oyugi

### **PROGRAMME OFFICERS**

1. Ruth Muthui
2. Salome Owuonda
3. Hassan Diriye
4. Caesar Amagoro

## ANNEX I.: THE INSTITUTIONS/INDIVIDUALS THAT PARTICIPATED DURING VARIOUS TASK FORCE REPORT VALIDATION ENGAGEMENTS

### A. INSTITUTIONS/INDIVIDUALS THAT PRESENTED AT THE NATIONAL STAKEHOLDER VALIDATION FORUMS HELD AT KICC, LAICO REGENCY HOTEL AND THE COMMITTEE'S OFFICE AT NAIROBI

S/NO.	INSTITUTION/INDIVIDUAL	DATE PRESENTED / TO PRESENT
1.	Ministry of Public Service and Gender/. Common Women Agenda (COWA)	13/02/2020
2.	The National Cohesion and Integration Commission	13/02/2020
3.	Women in Business	13/02/2020
4.	The Multi-Sectorial Forum	13/02/2020
5.	Youth 4 BBI	14/02/2020
6.	The County Assembly Forum	14/02/2020
7.	Political Parties Liaison Committee	14/02/2020
8.	Kenya University Students Association, KUSO	18/02/2020
9.	Amani National Congress (Presented by Hon. Musalia Mudavadi)	18/02/2020
10.	Kenya Institute of Public Policy and Research, KIPRA	18/02/2020
11.	Central Organization of Trade Union, COTU	19/02/2020
12.	Young People Welfare Association	19/02/2020
13.	Wiper Democratic Party ( Presented by Hon. Stephen Kalonzo Musyoka E.G.H.)	19/02/2020
14.	Deputy Governors' Forum	19/02/2020
15.	Maendeleo Chap Chap Party (Presented by H.E. Dr. Alfred Mutua, E.G.H.)	26/02/2020
16.	The Kenyan Deaf community	26/02/2020
17.	Orange Democratic Movement ( Presented by ODM, Chairman John Mbadi, Secretary General Edwin Sifuna, Executive Director Oduor Ongwen and Hon. Florence Mutua)	26/02/2020
18.	Kenya Society of Geophysicists	26/02/2020
19.	Elections Observation Group	25/02/2020
20.	County Governance Watch	25/02/2020
21.	Pastoralists Parliament Group	25/02/2020



22.	Kenya Private Schools Association & Kenya Association of International Schools	25/02/2020
23.	Kenya Institute of Supplies and Management	04/03/2020
24.	Kenya Medical Practitioners, Pharmacists and Dentist Union	04/03/2020
25.	Ford Kenya Party ( Presented by Senator Moses Masika Wetangula	04/03/2020
26.	Kenya National Fire Brigades Association (KENFIBA)	04/03/2020
27.	Kenya Law Students Society	05/03/2020
28.	Chapter 15 Commissions (CRA)	05/03/2020
29.	Wajir North Constituency Community	05/03/2020
30.	Kuria Community (Presented by Hon. Marwa K Maisori )	05/03/2020
31.	United Clergy Alliance	05/03/2020
32.	Institution of Surveyors	06/03/2020
33.	Council of Governors	06/03/2020
34.	Nairobi Elected leaders Caucus (Presented by Senator Johnson Sakaja)	06/03/2020
35.	The Nubian Community	06/03/2020
36.	National Council of People Living with Disability	09/03/2020
37.	Kenya National Union of Teachers	09/03/2020
38.	National Association of Retired Police Officers, Kenya (NARPOK)	09/03/2020
39.	Kenya Young Members of County Assembly	09/03/2020
40.	Kenya Association of Retirees	09/03/2020
41.	Mental Health Care Taskforce	10/03/2020
42.	Ogiek and other Minorities ( Led by Senator Prengei Victor)	10/03/2020
43.	Peace Building an Disaster Response Directorate	10/03/2020
44.	Ijara/Huluko Community	10/03/2020
45.	47 Women Representative Caucus	10/03/2020
46.	Media Council of Kenya	10/03/2020
47.	Wajir South Community	10/03/2020
48.	Suba Community	10/03/2020
49.	The Senate – ( Lead by Senator Orengo and Senator Kipchumba Murkomen	10/03/2020

50.	Maendeleo Ya Wanawake Kenya	10/03/2020
51.	Military Veterans	10/03/2020
52.	Kenya Young Members of County Assembly	10/03/2020
53.	Sabaot Community	10/03/2020
54.	Hon. Paul Koinange, M.P., Kiambaa	10/03/2020
55.	Thirdway Alliance Party	10/03/2020
56.	Hon. Justice Muturi - Speaker of The National Assembly	10/03/2020
57.	Institute of Economic Affairs	10/03/2020
58.	Association of Future Maa Community – (Lead by Senator Ledama Ole Kina)	10/03/2020
59.	Narok County Minority Group Association ( Lead by Hon. Joseph Manje, M.P., Kajiado North)	10/03/2020
60.	African Institute for Peace and Human Rights	10/03/2020
61.	Endoris, Sengwer, Waayi, Awer, Yaaku, Elmolo and Ilchamas Minority Groups	10/03/2020
62.	Sengwer Ethnic Minority and Marginalized Indigenous Community	10/03/2020
63.	Kipsigis, Ogiek and Dorobo	10/03/2020
64.	Ministry of Defence	20/03/2020
65.	County Government of Bomet ( Presented by H.E. Governor Dr. Hillary Barchok)	20/03/2020
66.	County Government of Nakuru ( Presented by H.E. Governor Lee Kinyanjui)	20/03/2020
67.	County Government of Elgeyo Marakwet Presented by H.E. Governor Alex Tolgos)	20/03/2020
68.	County Government of Turkana ( Presented by H.E. Governor Josphat Nanok)	20/03/2020
69.	County Government of Kericho (Presented by H.E. Governor Paul Chepkwony	20/03/2020
70.	County Government of Uasin Gishu (Presented by Deputy Governor H.E. Hon. Daniel Kiprotich Chemno.)	
79.	Hon. Caleb Hamisi, M.P., Sabaot	
80.	State Department of Housing and Urban Development	
81.	Directorate of Criminal Investigation	
82.	National Treasury	
83.	Office of The Director of Public Prosecution	

84.	President's Delivery Unit	
86.	State Department for Crop Development and Agricultural Research.	
87.	Inspector General of Police	
88.	National Development Technical Implementation Committee (NDTIC)	
89	State Department of Co-Operatives	
90.	Ministry of Interior and Coordination of National Government	
91	Ministry of Industrialization, Trade and Enterprise Development	
92	Kenya Medical Practitioners and Dentist Union	
93.	Senate Standing Committee on Finance and Budget	

#### **B. REGIONAL DELEGATES MEETING ATTENDED BY COMMITTEE'S EXPERTS**

<b>S/NO.</b>	<b>REGION</b>	<b>DATE HELD</b>
1	Coast	23/01/2020
2	Nyanza	17/01/2020
3	Lower Eastern Counties Delegates' Meetings	1/01/2020
4	Western Kenya Leaders Forum	12/01/2020
5	Kajiado, Samburu and Narok counties	21/02/2020
6	North Eastern Region Delegates	22/02/2020
7	Mount Kenya Delegates Forum	28/02/2020

**C. REGIONAL PUBLIC MEETINGS ATTENDED BY THE STEERING COMMITTEE MEMBERS**

<b>S/NO.</b>	<b>REGION</b>	<b>VENUE</b>	<b>DATE</b>
1	Coast	Tononoka Stadium, Mombasa	24/01/2020
2	Nyanza	Kisii Sports Club, Kisii	18/01/2020
3	Western Kenya	Bungoma Town	12/01/2020
4	Lower Eastern	Kitui Stadium - Kitui	01/02/2020
5	Kajiado, Samburu and Narok counties Joint Rally	William ole Ntimama Stadium, Narok	22/02/2020
6	North Eastern	Garissa Primary Ground	23/02/2020
7	Mount Kenya	Kinoru Stadium, Meru	29/02/2020

**D. Individuals and organisations who (e)mailed or hand delivered memoranda to the Steering Committee**

1. Ministry of ICT, Innovation and Youth
2. Ministry of Public Service and Gender
3. Hon. Dr. A. A. Moody Awori
4. Chief Justice D. K. Maraga
5. Hon. Senator Beth Mugo
6. Hon. Dr. James Nyikal
7. Hon Godfrey Osotsi, M.P.
8. Hon Rashid Kassim Amin, M.P.
9. Hon (Prof) Mohamud Sheikh Mohammed (Omar) M.P.
10. Senator Okongo Omogeni, SC
11. Andrew Ndambiri Muriuki, Commissioner, Public Service Commission
12. Betting Control and Licencing Board, National Office
13. Betting Control and Licensing officers, Mombasa Office
14. Kenya Association of Private Universities (KAPU)
15. Kenya Christian Lawyers Fellowship
16. Kenya Former Councilors Association
17. Kenya Health Professionals Society
18. Kenya Institute of Supplies Management
19. Kenya National Federation of Sugarcane farmers
20. Kenya National Private Security Workers
21. Kenya National Union of Medical Laboratory Officers
22. Kenya Pharmaceutical Association
23. Kenya School of Government
24. Kenya Union of Post Primary Education Teachers
25. Kenya Veterans for Peace
26. Kenya Women Teachers Association
27. Office of the Registrar of Political Parties
28. Alex Matere, Y4BBI
29. Herman Bond Manyora
30. State Department of Early Learning and Basic Education
31. African Youth, Kenya Chapter
32. Lembus Advocacy and Welfare Community and Council of Elders
33. Abagusii Cultural and Development Council
34. African Network for Prevention and protection against Child Abuse
35. Ali and Company Limited
36. Arid Society
37. Atheists in Kenya Society
38. Bureti Elders Stakeholders Forum
39. Busia Stakeholders Caucus
40. Centre for Land Acquisition and Resettlement Studies, University of Nairobi
41. Christian Medical and Dental Association of Kenya
42. Concerned Members of Embu Community

43. Deliverance Church International
44. Democratic Renaissance Alliance
45. Diaspora Proposal on Constitutional Amendments
46. Eastlands Pastors on BBI
47. Evaluation Society of Kenya (ESK)
48. Federation of Public Transport Sector
49. Fire and Rescue Service Management
50. Former Members of County Assembly
51. Gatundu South Forum
52. Grace Agenda
53. The Independent Electoral and Boundaries Commission
54. Ijara Business Community
55. Institute of Certified Public Accountants of Kenya
56. Institute of Human Resource Management
57. Kandara Residents Association
58. Kiambu County Churches
59. Kibra Deaf Social Activity Association of Kenya
60. Kipawa Movement
61. Kisii–Nyamira counties Internally Displaced
62. Koony Council of Elders
63. Lagdera/Dadaab Leaders
64. Law Society of Kenya
65. Law Students Association, Moi University
66. LGBTI Kenya
67. Libertarians/ Young Africans for Opportunities
68. Mageta Island People/Dr. Noah Migudo Winja
69. Markets Traders association of Kenya
70. Members of Displaced Maragoli Community
71. Members of The International Council of Nurses
72. Minorities and Marginalised Communities in Kenya
73. Nairobi CBD Business Group
74. Nandi BBI Ad-Hoc Committee
75. National Citizens Assembly
76. National Hospital Insurance Fund
77. National IDPs Network
78. National Integrated Forest Evictees
79. National Steering Committee on Peace building and Conflict Management
80. North Eastern Women Professionals
81. Northern Kenya Youth League
82. Nyagudi Nyagudi
83. County Government of Nyandarua
84. Nyanza BBI Proposal
85. Nyanza Leaders Resolution
86. Ogaden Community of Wajir County
87. Ogiek Independent Council of South West Mau
88. Ogiek People Secretariat, Environment, Cultural and Development Organisation
89. Association of Professionals of East Africa

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| 90. Pwani Community Based Organisation  | 113. Tusawazishe Team                                   |
| 91. Rendille Professionals Association  | 114. Union of Kenya Civil Servants                      |
| 92. Residence of Embakasi South Sub County                                    | 115. Union of Veterinary Practitioners, Kenya (UVPK)    |
| 93. Sauti Moja Initiative   | 116. United Disabled Person of Kenya                    |
| 94. Society of Forensic Science Researchers and Experts Association (SOFOREA) | 117. Urban Poor on the State of Housing Rights in Kenya |
| 95. South Rift CSO Consortium   | 118. Wamama Maendeleo, Nakuru                           |
| 96. South Rift Professional Group   | 119. Wanga Kingdom                                      |
| 97. Spigo Institute   | 120. Wazee hukumbuka book club, Gilgil                  |
| 98. The Endorois and Ilchamus Communities                                     | 121. Western Kenya Human Rights Watch                   |
| 99. Myoot Welfare Association   | 122. Wren TV Raw 1on1                                   |
| 100. Kipsigis Talai Community   | 123. Youth United on BBI                                |
| 101. Kericho People Living with Disability                                    | 124. Chama Cha Mashinani                                |
| 102. Kipkelion District Cooperative Union Limited                             | 125. Ford Asili   |
| 103. Members of Displaced Maragoli Community                                  | 126. People's Empowerment Party                         |
| 104. Ogiek Independent Council of South West Mau                              | 127. Hon. Kabando wa Kabando                            |
| 105. South Rift Professional Group  | 128. Senator Johnson Muthama                            |
| 106. United Youth Assembly  | 129. FCPA, Edward R.O Ouko                              |
| 107. Youth Inclusion Policy   | 130. Joseph Mboya Nyamuthe                              |
| 108. The Institute of Certified Public Accountants of Kenya                   | 131. Albert M Itunga                                    |
| 109. The Primary School Curriculum Trans Nzoia                                | 132. Alex Situma  |
| 110. The Vine Elderly Care Foundation   | 133. Mwangi Mary  |
| 111. The Youth Congress   | 134. Alfrick Sungu                                      |
| 112. Trained Eye Teachers Association   | 135. Ambrose Kimutai Tonui                              |
|   | 136. Ambrose Migwi                                      |
|   | 137. Amosi Chilai                                       |
|   | 138. Ariaro Silvester                                   |
|   | 139. Ayub Asamba  |

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| 140. Baaru Kaberia            | 168. David Okello               |
| 141. Barbara G Koech          | 169. Dickens Oboge              |
| 142. Ben Nyamosi              | 170. Dickson Gachucho           |
| 143. Ben Onyango Osuga        | 171. Domenic Munyi              |
| 144. Benson Murage Kibe       | 172. Dorcas Muthoni             |
| 145. Bernard Lavusa           | 173. Dr Nasri Omar              |
| 146. Brenda Nderitu           | 174. Dr. Jeff Kaluyu, PhD       |
| 147. Catherine Wanjiku        | 175. Dr. Noah Migudo Winja      |
| 148. Charles Ochola           | 176. Dr. Okoth Okello           |
| 149. Charles K Arap Kese      | 177. Dr. Stanley Serser Sonoiyu |
| 150. Charles K Arap Kese FCPA | 178. Dr. Stephen Ondimu         |
| 151. Charles Nyaga            | 179. Edwin Irungu Kariuki       |
| 152. Charles Ocholla          | 180. Edwin Munene               |
| 153. Charles Olizah           | 181. Edwin Ndirangu             |
| 154. Chaungo Barasa           | 182. Elly Ochola                |
| 155. Chief Nancy Chebelyon    | 183. Eng. James Ayugi Adagi     |
| 156. Christopher Karitu       | 184. Ephantus Rugendo           |
| 157. Christopher Sirengo      | 185. Erastus Imende             |
| 158. Cletus Miheso            | 186. Eratus Githaiga Njuguna    |
| 159. Constant Sabwami         | 187. Ernest Peter Ndeya         |
| 160. Cyprian MM Wekesa        | 188. Eunice Umanzi              |
| 161. Daniel Kipnetich Mutai   | 189. F. Mwaura Karanja          |
| 162. Daniel Mutai             | 190. F.M Egunza                 |
| 163. Darius Walume            | 191. Francis Ndunda Mutuku      |
| 164. David Kithinji           | 192. Feisal Hussein             |
| 165. David Nyongesa           | 193. Frank Ndungu               |
| 166. David O Gesicho          | 194. Frankline Andrew Njage     |
| 167. David Ochwangi           | 195. Fred Ndegwa                |



196. Fred Oketch Jonam
197. Fred Sagwe
198. Fredrick Muraya
199. Fuchaka Waswa
200. Gatuyu Cosmos
201. George Ojema
202. Gerald Cheruiyot
203. Goldfield Toroitich
204. Grace Muburi
205. Henry Indindi
206. Henry Malan Sawe
207. Hesbon Malova
208. Hussein Bagaja
209. Isaac Mumo Daniel
210. Isaac Sambu
211. Issah Basil Mathews
212. Jacqueline Muthoni
213. Jacqueline Namuye Mutere
214. James Mugo
215. Jerry Edwards
216. John Ekiru
217. John G. Kirai ( Mbutura)
218. John Karani
219. John Kariuki
220. John Mugwana Wathuu
221. John Mwaniki
222. John Njogu
223. John Ochere
224. John Tabu Irungu
225. John Were Onundo
226. Joseph C Chumo
227. Joseph Lister Nyaringo
228. Joseph Manyala
229. Josephate Ngichabe
230. Joshua Okinyi Onyango
231. Joshua Opondo
232. Joshua Oyengo Onyino
233. Joyce Kamau
234. Joyner Okonjo
235. Julian Okiri Pacho
236. Julius Kithia Nai tuli
237. Julius Nyapoya
238. Kennedy Odary
239. Kevin Wanjala
240. Kirui Eric
241. Koech Kipyegon
242. Kute Osano
243. Lairuka Sindani
244. Lawi Sultan Njeremani
245. Lawrence Wachira Kabuthi
246. Leonard Matiri
247. Linus Rakula
248. Makhulo B Oduori
249. Martin Mutwiri
250. Mathew Mutangili
251. Maurice Okumu

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| 252. Mbaabu Mwenda   | 279. Okello David                       |
| 253. Mbatia Alfred   | 280. Ongaga Obiero                      |
| 254. Mbuki Mburu, Judy Achieng, Shikoh<br>Kihika and Deogratius Magero | 281. Otieno Okanja                      |
| 255. Mercy Clapet  | 282. Pastor Daniel Iuseno               |
| 256. Mercy Thanji  | 283. Pastor John Kinuthia               |
| 257. Michael kaniaru   | 284. Paul Chanzu                        |
| 258. Miriam Opondo   | 285. Paul Kipyegon Chepsoi              |
| 259. Miriti Elijah   | 286. Paul Mokau                         |
| 260. Mkenya Mzalendo   | 287. Paul Mugambi                       |
| 261. Molu Mato   | 288. Peter Kemei                        |
| 262. Morris Nzomoi Mulwa   | 289. Peter Kirimi                       |
| 263. Moses makokha   | 290. Peter Kisiang'ani Masibayi         |
| 264. Kibor Bundotich   | 291. Peter Mutitu                       |
| 265. Mugambi Kiai  | 292. Philip Seron                       |
| 266. Murimi Karani   | 293. Prof. Dr.-Eng. Francis W. O. Aduol |
| 267. Musa Adan Ali   | 294. Raphael Mutuku                     |
| 268. Musyoka Kiliku  | 295. Richard Barno                      |
| 269. Mwalagho kililo   | 296. Robert K. Kilimo                   |
| 270. Mwiti Murithi   | 297. Robert Ochuka                      |
| 271. Napas Immanuel  | 298. Rose Wangui                        |
| 272. Nelson Sawe   | 299. Roy Mugiira                        |
| 273. Nephath Gikonyo   | 300. Saad Abajano                       |
| 274. Newton Lumala   | 301. Salma Ochieng                      |
| 275. Njuki Gatheru   | 302. Samuel Gachuhi                     |
| 276. Nobert Kemei  | 303. Seem Oore                          |
| 277. Norberts Ma'Koche   | 304. Seth Adams Anunda                  |
| 278. Ogola Willis Okendo   | 305. Shailesh Patel                     |
|  | 306. Siasa Place (SP)                   |

307. Silas Otuke
308. Silvester Muigah
309. Simon K Macharia
310. Simon Mundu
311. Simon Njoroge
312. Stephen Kinuthia
313. Stephen N. Kinuthia
314. Stephen Wainaina
315. Steven Simba
316. Tabitha Wanza
317. Thomas Kormom
318. Timothy Oluchiri
319. Timothy Waituika
320. Timothy Waruinu
321. Valentine Salima Halake
322. Veronica Ndunge Musau
323. Vincent Woods
324. Wainaina Ngata
325. Wakungwi Wa Sakwa
326. Zeddy O. Hadieda
327. Anonymous
328. Anonymous

#### E. MEETINGS FACILITATED BY TECHNICAL EXPERTS

S/NO.	INSTITUTIONS/GROUP	DATE
1.	Joint Conference meeting of the Ministry of Foreign Affairs and Ministry of Defense	19/02/2020
2.	Religious Groups Meeting – Jesus Is Alive Ministries (JIAM)	13/02/2020
3.	Constitution and Reform Education Consortium (CRECO)	22/02/2020
4.	Laikipia County Leaders Forum	26/02/2020
5.	Kiambu County Leaders Forum	26/02/2020
6.	Former Members of Parliament Association( FOPA)	27/02/2020
7.	Kirinyaga County Leaders Forum	27/02/2020
8.	Tamco Savings and Credit Co-Operatives Society Limited	27/02/2020
9.	Center for Multi-Party Democracy	2/03/2020
10.	Center for Multiparty Democracy	05/03/2020
11.	Nakuru County Maendeleo Ya Wanawake	05/03/2020
12.	Maendeleo Ya Wanawake National Council	06/02/2020
13.	Institute of Certified Public Accountants of Kenya (ICPAK)	10/03/2020
14.	Bomet Town Hall Meetings.	10/03/2020
15.	Kericho Town Hall Meetings	11/03/2020
16.	Nakuru Town Hall Meetings	9/03/2020
17.	Uasin Gishu Town Hall Meeting	12/03/2020
18.	National Youth Convention	13/03/2020
19.	Kenya Medical Training College (KMTC) Hall Meeting – Elgeyo Marakwet	13/03/2020

## References

### A. Constitutional

- 1) The Constitution of Kenya, 2010
- 2) The Constitution of Kenya (repealed)
- 3) The Bomas Draft
- 4) The Constitution of Uganda
- 5) The Constitution of Tanzania
- 6) The Constitution of Ghana
- 7) The Constitution of Nigeria
- 8) The Constitution of South Africa
- 9) The Constitution of the United States of America
- 10) The Constitution of Canada
- 11) The Constitution of Australia
- 12) The Constitution of China
- 13) The Constitution of Switzerland
- 14) The Constitution of France
- 15) The Constitution of Belgium
- 16) The constitution of Vietnam

### B. Constitution Amendment Bills

- 1) The Constitution of Kenya (Amendment) (No. 2) Bill, 2013 (26 of 2013)
- 2) The Constitution of Kenya (Amendment) Bill, 2013 (15 of 2013)
- 3) The Constitution of Kenya (Amendment) (No. 2) Bill, 2015 (2 of 2015)
- 4) The Constitution of Kenya (Amendment) (No. 4) Bill, 2015 (38 of 2015)
- 5) The Constitution of Kenya (Amendment) (No. 6) Bill, 2015 (64A of 2015)
- 6) The Constitution of Kenya (Amendment) Bill, 2015 (18 of 2015)
- 7) The Constitution of Kenya (Amendment) Bill, 2016 (17 of 2016)
- 8) The Constitution of Kenya (Amendment) Bill, 2016 (6 of 2016)
- 9) The Constitution of Kenya (Amendment) Bill, 2017 (3 of 2017)
- 10) The Constitution of Kenya (Amendment) (No. 2) Bill, 2018 (5 of 2018)
- 11) The Constitution of Kenya (Amendment) Bill, 2018 (40 of 2018)
- 12) The Constitution of Kenya (Amendment) Bill, 2018 (4 of 2018)
- 13) The Constitution of Kenya (Amendment) Bill, 2019 (53 of 2019)
- 14) The Constitution of Kenya (Amendment) (No. 5) Bill, 2019
- 15) The Constitution of Kenya (Amendment) Act, 2019

### C. Pending Bills

- 1) The County Wards (Equitable Development) Bill, 2018

- 2) The Land Registration (Amendment) Bill, 2020
- 3) The Statute Law (Miscellaneous Amendment) Bill, 2020
- 4) The Independent Electoral and Boundaries Commission (Amendment) Bill, 2019
- 5) The Food Security Bill, 2017
- 6) The Kenya National Commission on Human rights (Amendment) Bill, 2020
- 7) The County Wards Development Equalisation Fund Bill, 2018
- 8) The Independent Electoral and Boundaries Commission (Amendment) (No. 2) Bill, 2019
- 9) The Conflict of Interest Bill, 2019
- 10) The Lifestyle Audit Bill, 2019
- 11) The National Sovereign Wealth Fund Bill, 2014
- 12) Government Owned Entities Bill, 2014

#### **D. Statutes**

- 1) The Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003)
- 2) The Bribery Act
- 3) The Commission on Administration of Justice Act, 2011 (No. 23 of 2013)
- 4) The County Governments Act, 2012 (No. 17 of 2012)
- 5) The Criminal Procedure Code (Cap. 75 of the Laws of Kenya)
- 6) The Elections Act, 2011 (No. 24 of 2011)
- 7) The Election Campaign Financing Act, 2013 (Act No. 42 of 2013)
- 8) The Ethics and Anti-Corruption Commission Act, 2011 (No. 22 of 2011)
- 9) The Fugitive Offenders Pursuit Act, (Cap. 87 of the Laws of Kenya)
- 10) The Equalization Fund Appropriation Act, 2017
- 11) The Equalization Fund Appropriation Act, 2018
- 12) The Extradition (Commonwealth Countries) Act (Cap. 77 of the Laws of Kenya)
- 13) The Extradition (Contiguous and Foreign Countries) Act, (Cap. 76 of the Laws of Kenya)
- 14) The Fair Administrative Action Act, 2015 (No. 4 of 2015)
- 15) The Health Act, 2017
- 16) The Independent Electoral and Boundaries Commission Act, 2011 (No. 9 of 2011)
- 17) The Inter-Governmental Relations Act, 2012 (No. 2 of 2012)
- 18) The Judicature Act (Cap. 8 of the Laws of Kenya)
- 19) The Judicial Service Act, 2011 (No. 1 of 2011)
- 20) The Kenya Defence Forces Act, 2012 (No. 25 of 2012)
- 21) The Leadership and Integrity Act, 2012 (No. 19 of 2012)
- 22) The Mutual Legal Assistance Act, 2011 (No. 36 of 2011)
- 23) The Nairobi City County Public Participation Act, 2015
- 24) The Office of the Attorney-General Act, 2012 (Act No. 49 of 2012)
- 25) The Office of the Director of Public Prosecutions Act, 2013 (No. 2 of 2013)
- 26) The National Police Service Act, 2011 (No. 11A of 2011)

- 27) The Penal Code (Cap. 63)
- 28) The Political Parties Act, 2011 (No. 11 of 2011).
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- 2) In the Matter of the Speaker of the Senate & Another [2013] eKLR
- 3) In the Matter of the National Land Commission [2015] eKLR
- 4) In Re Speaker, County Assembly of Embu [2018] eKLR
- 5) Council of Governors & 47 Others V Attorney General & 3 Others (Interested Parties); Katiba Institute & 2 Others (Amicus Curiae) [2020] eKLR
- 6) Raila Amolo Odinga & another v Independent Electoral and Boundaries Commission & 2 others [2017] eKLR
- 7) John Harun Mwau & 2 others v Independent Electoral and Boundaries Commission & 2 others [2017] eKLR
- 8) Alfred Nganga Mutua & 2 others v Wavinya Ndeti & another [2018] eKLR
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- 2) Sessional Paper No.1 of 1986 on renewed economic growth
- 3) Sessional Paper No. 2 of 1992 on Small enterprise and Jua Kali development in Kenya;

- 4) Poverty Reduction Strategy Paper for the period 2001-2004, June 2001
- 5) Sessional Paper No. 3 of 2009 on National Land Policy
- 6) Sessional Paper No. 8 of 2012 on National Policy for the Sustainable Development of Northern Kenya and other Arid Lands
- 7) Sessional Paper No. 9 of 2012 on the National Industrialization Policy Framework for Kenya: 2012 – 2030
- 8) Sessional paper No. 10 of 2012 On Kenya Vision 2030
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- 11) The Economic Recovery Strategy (ERS) for Wealth and Employment Creation
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- 13) Policy on Devolved System of Government prepared by the Government of Kenya
- 14) Kenya Youth Development Policy 2019: Empowered Youth for Sustainable Development - November, 2019
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- 17) The Kenya National Patients' Rights Charter, 2013
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## **G. Commission and Task Force Reports**

- 1) Report of the constitution of Kenya review commission
- 2) Report of the Land Commission of Inquiry into the Illegal or Irregular Allocation of Land, 2004
- 3) Report of the Land Commission of Inquiry into the Illegal or Irregular Allocation of Land, 2004 Annexes Volume I
- 4) Report of the Land Commission of Inquiry into the Illegal or Irregular Allocation of Land, 2004 Annexes Volume II
- 5) The Final Report of the Constitution of Kenya Review Commission, 2005
- 6) Report of the Judicial Commission of Inquiry into the Goldenberg Affair
- 7) Report of the Committee of Eminent Persons on the Constitution Review Process
- 8) Report of the Independent Review Commission on the General Elections held in Kenya on 27th December, 2007
- 9) Report of the Committee of Elders on National Cohesion and Integration
- 10) Report of the Judicial Commission Appointed to Inquire into Tribal Clashes in Kenya
- 11) Report of the Truth, Justice and Reconciliation Commission
- 12) Report of the Taskforce on the Review of the Legal, Policy and Institutional Framework for fighting Corruption in Kenya
- 13) Report of The Presidential Taskforce on Parastatal Reforms, October 2013
- 14) County Governments Budget Implementation Review Report (First Half FY 2019/2020) prepared by the Controller of Budget
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3. Model Law on Judicial Service Commissions
4. Sustaining High Performance Beyond Public Sector Pilot Projects by McKinsey & Company
5. SDG's Readiness Report Fact Sheet prepared by the Kenya Association of Manufacturers in February 2020
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8. Brief on the 3rd Cabinet Meeting Held on 14th August, 2018
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17. The Long View: How will the Economic Order Change by 2050, a paper prepared by PricewaterhouseCoopers in February 2017
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20. Small matters: Global evidence on the contribution to employment by the self-employed, micro-enterprises and SME's, a report by the International Labour Organization.
21. Peelian Principles of Law Enforcement - <https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent>
22. Estimates of Revenue to Expenditure from the Equalization Fund for the year ending 30<sup>th</sup> June 2017
23. List of proposed Projects submitted by Ministries, State Departments, Agencies and Various County Leadership for Funding from Equalization Fund for FY 2016/17
24. Resolutions of the National Wage Bill Conference held on 26th–28th November, 2019 at the Kenyatta International Convention Centre
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35. Kenya Demographic and Health Survey, 2014
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37. Client, Employee Satisfaction and Work Environment National Survey Report by the Ministry for Health

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