PRESS STATEMENT

ISSUED BY THE CIVIL SOCIETY ORGANIZATIONS (CSOs) TECHNICAL WORKING GROUP ON NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE ON THIS 25TH DAY OF JULY, 2019

Values are an integral part of every society. The framers of the 2010 Constitution were conscious of this fact and indeed ensured that National Values and Principles of Governance are not only included in the Constitution but also went further to provide for legal and practical mechanisms for the implementation of the same. This is because the mere existence of National Values written in our laws – as much as this may be deemed an achievement, cannot be an end itself.

They were alive to the fact that a purposed execution of these values, driven by a utilitarian logic and actuated by an undying political will actually demonstrates true appreciation of the values.

Civil Society Organizations, under the auspices of the Technical Working Group on the monitoring and implementation of the National Values and Principles of Governance (NVPG) saw the need to annually appraise the government’s performance insofar as the implementation of NVPG is concerned.

The CSO Technical Working Group on NVPG hereby wish to give the following critical recommendations on President’s annual State of The Nation (SOTN) address:

1. The government should engage citizens in structured public participation both as a legal and moral duty to ensure that the public has adequate and accurate information about proposed laws before they can be tabled before Parliament for debate.

2. Whereas the government may have great initiatives aimed at improving the welfare of Kenyans, like the Big Four Agenda, it is incumbent upon the government to ensure that there is demonstrated effort to engage citizens in the spirit of public participation as enshrined in the law. Public participation should not be limited to urban and peri-urban areas but must also include rural communities and stakeholders.

3. A public participation law and framework needs to be enacted at the national level to provide for a more deliberate and meaningful participation of the people with clear structures that would empower the people to engage their representatives and veto unpopular and selfish laws passed in Parliament and County Assemblies.

4. Corruption has reached endemic and crisis proportions in the country. Leadership today seems to be a perfect opportunity for leaders to loot and enrich themselves. The politicization and weaponization of the war against corruption and whipping up of ethnic emotions by the corrupt are a hindrance to the fight against corruption. The war on corruption should be grounded on both the law and the ideals of integrity and ethical aspirations that we all cherish as a people.
5. Parliament, in light of some of the already identified limitations of existing anti-corruption laws, should work with the relevant government organs to amend anti-corruption laws to empower agencies charged with investigating, prosecuting and preventing corruption.

In particular, the legislations should mirror the integrity aspirations of Chapter Six of the Constitution and provide for immediate suspension from office of individuals implicated in scandals.

6. In light of the Public Procurement and Disposal Act and the subsidiary Public Procurement and Disposal Regulations, procurement files and records should be properly managed to avoid incidents of lost or missing files.

7. The failure to have a lifestyle audit for all State officers and the adamant refusal by high ranking government officials to declare their wealth should be treated as sufficient ground for judicial prosecution of these State officers. Where the relevant laws have loopholes, the government should amend the laws to ensure that no State officer continues to stay in office once they have fallen short of the requirements of wealth declaration.

8. Corruption cases before courts generally drag for several years and a verdict is yet to be issued regarding some of the major corruption cases. The Judicial Service Commission should introduce a judicial policy to outline pre-trial and trial proceedings, asset freezing and recovery procedures that ensure that the Judiciary enables rather than impedes the quest for justice.

9. The Asset Recovery Agency should be empowered to carry out its mandate without political interference or pressure from any quarters.

10. The Elections Campaign Financing Act had previously banned politicians and political parties from receiving anonymous contributions (Sections 13 & 14) and demanded that they disclose funding sources (Section 16).

Politicians and State officers should be banned from participating in fundraisers to curb money laundering and use of public resources to appeal for political support.

11. Parliament should enact the requisite laws to make the two-thirds gender principle a reality without further delay to reflect the aspirations of the 2010 Constitution.

12. There is lack of political will from the Executive arm of the government to implement the two-thirds gender rule in appointive positions. The President should implement the two-thirds gender rule for all appointive positions in all government agencies, parastatals and departments without further delay.

13. The National Gender and Equality Commission (NGEC) and the Kenya National Commission on Human Rights (KNCHR) should be allocated adequate budgetary resources to enable them to effectively address rising gaps and challenges in the gender and human rights campaign.
Signed By:

1. Constitution and Reforms Education Consortium-CRECO
2. Amka Space for Women,
4. Civil Society Reference Group – CSRG
6. Transparency International – TI-K
7. Federation of Women Lawyers – FIDA Kenya,
8. Katiba Institute,
9. Youth Agenda,
10. Ecumenical Centre for Justice & Peace – ECJP,
11. International Commission of Jurists – ICJ
12. International Medical Legal Unity – IMLU
13. Article 19 Kenya,
14. Kenya Correspondence Association –
15. KCA
16. Mazingira
17. Mzalendo