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# 3rd Annual Report 2015

on

# Measures Taken and Progress Achieved

in the

# Realisation of National Values and Principles of Governance

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

March, 2016

# 3rd Annual Report 2015
# on
# Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance

HIS EXCELLENCY HON. UHURU KENYATTA, C.G.H.
President of the Republic of Kenya and
Commander-in-Chief of the Defence Forces

March, 2016



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**President of the Republic of Kenya**
**and Commander-in-Chief of the Defence Forces**




**The Executive Office of the President**

**State House**

3RD ANNUAL REPORT, 2015

ON

# MEASURES TAKEN AND PROGRESS ACHIEVED IN THE REALISATION OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

March, 2016

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## NATIONAL ANTHEM

| **(Swahili )** | **(English)** |
|---|---|
| Ee Mungu nguvu yetu | O God of all creation |
| Ilete baraka kwetu. | Bless this our land and nation. |
| Haki iwe ngao na mlinzi | Justice be our shield and defender |
| Natukae na undugu | May we dwell in unity |
| Amani na uhuru | Peace and liberty |
| Raha tupate na ustawi | Plenty be found within our borders. |
| | |
| Amkeni ndugu zetu | Let one and all arise |
| Tufanye sote bidii | With hearts both strong and true. |
| Nasi tujitoe kwa nguvu | Service be our earnest endeavour, |
| Nchi yetu ya Kenya, | And our homeland of Kenya |
| Tunayoipenda | Heritage of splendour, |
| Tuwe tayari kuilinda. | Firm may we stand to defend. |
| | |
| Natujenge taifa letu | Let all with one accord |
| Ee, ndio wajibu wetu | In common bond united, |
| Kenya istahili heshima | Build this our nation together |
| Tuungane mikono | And the glory of Kenya |
| Pamoja kazini | The fruit of our labour |
| Kila siku tuwe na shukrani. | Fill every heart with thanksgiving. |

# THE NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE

The national values and principles of governance under **Article 10 (2)** include:

(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;

(b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised;

(c) good governance, integrity, transparency and accountability; and

(d) sustainable development.

# PREFACE

It gives me great pleasure to launch the 2015 Annual President's Report on the measures taken and progress achieved in the realisation of National Values and Principles of Governance. **Article 4(2)** of the Constitution provides that the Republic of Kenya shall be a multi-party democratic state founded on the National Values and Principles of Governance referred to in **Article 10.** National Values exert influence on the way individuals relate with each other, how communities engage with one another, and how citizens and government structures interact, hence defining a people's identity. National Values therefore impact on the pace and direction of national growth and development.

This Report is pursuant to **Article 132(1)(c)(i)** that requires the President to report annually on all the measures taken and the progress achieved in the realization of the National Values and Principles of Governance, referred to in **Article 10**.

The National Values and Principles of Governance as enshrined in **Article 10(1)** bind all State organs, State officers, public officers and all persons whenever any of them: applies or interprets the Constitution; enacts, applies or interprets any law; or makes, or implements public policy decisions. Further, **Article 10(2)** of the Constitution highlights the National Values and Principles of Governance, which include: (*a*) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; (*b*) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized; (*c*) good governance, integrity, transparency and accountability; and (*d*) sustainable development.

The objective of this Report is to assess the extent to which public institutions implemented the National Values and Principles of Governance during the year under review. The Report further highlights Government commitments and the way forward in the realisation of the National Values and Principles of Governance.

The specific objectives of this Report are to:

a) Outline the progress made in relation to the 16 commitments contained in the 2014 Annual President's Report;

b) Outline the measures taken in the realisation of National Values and Principles of Governance by MCDAs in 2015;

c) Highlight the progress achieved in the realisation of the National Values and Principles of Governance by MCDAs in 2015; and

d) Outline the Government's commitments, strategic actions and way forward towards enhancing the promotion and mainstreaming of National Values and Principles of Governance.

I appreciate that in the preparation of this Report, MCDAs provided detailed reports on the measures they have taken to promote the National Values and Principles of Governance and the progress made thereof. I wish to commend reporting institutions for their commitment in promoting National Values and Principles of Governance.

Overall, the Government has taken various measures to promote and mainstream National Values and Principles of Governance in public institutions. These measures include the requirement for all MCDAs to mainstream National Values and Principles of Governance in their projects, programmes and activities, and to report on the progress made in promoting the same in their institutions. In addition, National Values and Principles of Governance have been incorporated in the performance contracting process to ensure compliance by institutions under the performance management system. These initiatives have bolstered National and County Governments' efforts in addressing social and economic inequalities, management of ethnic and other socio-cultural diversities as well as prevention, management and reconciliation of conflict situations.

Through Executive Order No. 6 of March, 2015, I directed all public institutions to prioritize programmes and projects that have direct impact on citizens' welfare. In addition, these institutions were required to base implementation of their programmes and operations on the provisions and tenets of **Article 10** of the Constitution. This was meant to among other things entrench the promotion of National Values and Principles of Governance in public institutions.

During the period under review, the country faced challenges including terrorism, youth radicalization, cattle rustling, cyber crimes, burglary and money laundering. To address these challenges the Government adopted various strategies including: implementation of the Security Amendment Laws, 2014; placement of the Kenya Forest Service (KFS) rangers, Kenya Wildlife Service and the National Youth Service under the Inspector General of the National Police Service (NPS); launch of an operation to clear Boni Forest of Al Shabaab militants; continuation of Operation *Linda Nchi* and participation in the African Union Mission in Somalia (AMISOM); mopping up illegally held guns in the North Rift; and equipping the National Police Service. Further, the Government announced an amnesty for returnees who had been trained on terror in

Somalia and engaged religious leaders and scholars to develop a counter-radicalization narrative to the one advocated by Al Shabaab.

The promotion of integrity, good governance, transparency and accountability is a key agenda of my Government and will continue to be our main focus in 2016. In November, 2015, I declared corruption a threat to national security; directed that all enterprises doing business with the Government sign the Business Code of Conduct through the Public Procurement Oversight Authority (PPOA); announced that Banks used to launder proceeds of corruption will lose their operating licenses; instructed the Ethics and Anti- Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI) and the Asset Recovery Agency (ARA) to institute proceedings to recover monies from companies which had in the past supplied goods, services and works to Government above the price reference lists in collusion with public officials. In addition, I directed the National Intelligence Service (NIS) to investigate cases of economic crimes and report periodically to me for action. These bold initiatives and structural changes have seen a marked increase in the reporting and public discourses on the status of corruption and strategies for addressing the vice.

During my address to the Nation in Parliament in March 2015, I directed the Hon. Attorney General to coordinate efforts towards a comprehensive review of policy, legal and institutional framework to curb corruption. Further, to enhance collaboration and partnership in the fight against corruption, the Government adopted a multi-agency approach that brings together law enforcement agencies including the Judiciary, OAG & DoJ, ODPP, DCI, NIS, KRA, NPS and the Asset Recovery Agency. In addition, the Government operationalised the Asset Recovery Agency and the Financial Reporting Centre to implement the proceeds of Crime and Anti Money Laundering Act, 2009. These initiatives have enhanced transparency and accountability in the implementation of Government programmes and projects.

During the second State of the Nation Address, I submitted to Parliament a list of 175 names from various Ministries, Counties, Departments and Agencies (MCDAs) suspected to have engaged in corruption and directed the EACC to conduct further investigations and take appropriate action. Tremendous progress has been made in processing these cases with administrative action being taken in some and prosecution commencing in others. For instance, 6 Cabinet Secretaries stepped aside and were subsequently replaced while other high-ranking government officials were relieved of their duties. Other officials including top managers from the

Geothermal Development Company, Kenya Meat Commission, Ministry of Devolution and Planning are facing corruption charges. In addition, the National Assembly passed the Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2014 which is now being implemented to curb the twin challenges of corruption and terrorism that thrive on money transfers through formal and informal means.

During the year under review, the country received high profile visitors including President Barack Obama of the United States of America and Pope Francis. These two visits fortified our identity and raised our profile internationally. Kenya is the first country in Africa that the Pope visited since the start of his papacy in 2013. In addition, Kenya hosted the 10th World Trade Organisation (WTO) Ministerial Conference, between 15th and 19th December, 2015. This conference was the first of its kind in Sub-Saharan Africa. The 7,000 delegates from 160 countries in attendance secured a landmark deal to eliminate tariffs on 201 information technology products valued at over US$1.3 trillion per year; and injected over Ksh.3billion into Kenya's economy through hospitality, travel, tourism and purchase of goods.

To enhance and entrench sharing and devolution, the Government developed the draft Devolution Policy to guide the devolution process. The objectives of this Policy are to: clarify the status, roles and relationships between the two levels of government and the different actors; strengthen the participation and contribution of non-state actors in governance; enable quality public service delivery; promote public participation and citizen engagement in governance and encourage a rights–based orientation to development at all levels. It is envisaged that the policy will address the conflicting institutional mandates, conflicts between National and County Governments and between county assemblies and county executives.

To demonstrate commitment to the promotion and protection of the Bill of Rights, the Government through the Kenya National Commission on Human Rights (KNCHR) reviewed the Equality Policy and Equality Bill, Human Rights Defenders Policy and Gender Diversity Mainstreaming Policy, 2015. In addition, the Commission received and processed alleged human rights complaints; monitored State compliance with international and regional human rights obligations and audited the Status of Police Reforms (2008-2015). Further, the Commission partnered with key institutions to conduct sensitization and distribution of Information, Education and Communication (IEC) materials on the Bill of Rights and

strengthened the Integrated Public Complaints Referral Mechanism and KNHCR referral partner's network.

My Government continues to pursue the promotion of sustainable development as required by **Article 10(2) (d)** of the Constitution. In 2015, I attended the 70th United Nations General Assembly (UNGA) which marked the transition from the Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs) that will guide the global socio-economic development for the next 15 years. At this Summit, UN Member States adopted the 2030 Agenda for Sustainable Development, which includes a set of 17 sustainable development goals to end poverty, fight inequality and injustice, and tackle climate change by 2030. Further, my Government embarked on the implementation of key flagship and high profile projects that will ultimately improve the economic wellbeing of Kenyans. These projects include among others, Phase 1 of the Standard Gauge Railway (SGR) which covers 471kms from Mombasa- Nairobi; the construction of the 10,000kms of tarmac roads country wide through the annuity programme with tenders of the first 2,000kms having been awarded in January, 2016.

Youth empowerment remains a key focus of my administration. In 2013, I directed that 30% of procurement for goods, services and works be reserved for the youth, women and people with disabilities. This directive is now a legal provision in the Public Procurement & Asset Disposal Act, 2015 and is being implemented by all MCDAs. Further, the Government through the National Youth Service (NYS) engaged 16,000 youths in upgrading of slums including Kibra (Nairobi) and Nyalenda (Kisumu). The Ksh. 550million that the youths saved in SACCOs has contributed to sustainable sources of family incomes and thus contributed to poverty alleviation.

The Government increased the Youth Enterprise Development Fund (YEDF) to Ksh. 12.7billion in the 2015/2016 financial year to be loaned out to the youths at low interest rates. The *Uwezo* Fund was increased to Ksh. 6.4billion to assist the youth, women and people with disability to start or run the existing business enterprises and thus generate household incomes. To enable the youth acquire skills, the Government has continuously upgraded Technical Institutes and Polytechnics and established new ones. These will be key in imparting technical, vocational skills and competencies to the youth that will be instrumental in the realisation of Kenya Vision 2030 goals. Ministries, Departments and Agencies have also been asked to absorb the university, technical,

polytechnic students seeking for attachment and internships so as to equip them with necessary work knowledge, skills and attitudes.

To promote the realisation of National Values and Principles of Governance, the Government initiated several measures. The State Department of Interior and Coordination of National Government is currently undertaking a baseline survey on the status of National Values and Principles of Governance. The survey focuses on: measurability of values; level of awareness of national values; compliance with legal provisions; enforcement mechanisms; prioritization of values; and the impact of the 2013 Report on Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance. This survey will inform the programmes, projects and activities that will be rolled out to implement the provisions of **Article 10(2)** of the Constitution.

Further, the Government is in the process of developing the Kenya National Values Standard (KNVS) which will play a vital role in ensuring compliance, promotion and mainstreaming of national values. The KNVS will be instrumental in assisting the Government to address fundamental challenges that face the country including: insecurity; terrorism; radicalization; ethnocentric attitudes; and corruption among others that continue to hinder socio-economic and political development in Kenya. In addition, KNVS will focus on equality and diversity in the critical organizational areas of recruitment, employment, service delivery, and access to resources, communication, and procurement, policy making and planning.

The Government recognizes the key role played by community elders in dispute resolution, promotion of harmony, reconciliation, cohesion and augmenting institutional and organizational frameworks on conflict management and resolution within the diverse ethnic, religious and racial groups residing in the country. Elders are key carriers and drivers of traditional values such as forgiveness, respect, honesty, responsibility, communication, love, team spirit, dialogue, integrity, commitment, faithfulness and loyalty which they pass over to the youths and children. My Government is working towards the institutionalisation of Councils of Elders from the village to the national level to enable them effectively play their role.

As outlined in the various reports from MCDAs, the Government continues to encounter various challenges such as terrorism, radicalization of the youth, corruption, unemployment, general insecurity, ethnic clashes, abuse of the social media and adverse climatic conditions. This Report provides the way forward in confronting these challenges and other factors

that negatively affect the realisation of National Values and Principles of Governance and Kenya's socio-economic and political development as outlined in Kenya Vision 2030 and the Harmonized Jubilee Manifesto.

In view of the above security challenges that continue to militate against our capacity to realise our socio- economic development potential, I commit to ensure that my Government will strive to secure our country from both domestic and external threats. This will be done through the enhancement of the *Nyumba Kumi* programme, the security forces creating synergy in the fight against crime and the continued stabilisation of parts of Somalia still under the control of Al Shabaab militants especially Jubaland. Further, my Government will in 2016 continue to implement the Security Amendment Laws, 2014, recruit additional security officers and equip the security agencies, and will continue to be part of international efforts aimed at counter-terrorism. All these measures are aimed at enhancing our homeland security thus making our country an important investment and travel destination.



**HIS EXCELLENCY HON.UHURU KENYATTA, C.G.H.**
**President of the Republic of Kenya and Commander-in-Chief of the Defence Forces**

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## LIST OF ABREVIATIONS AND ACRONYMS

| | |
|---|---|
| APS | Administration Police Service |
| AMISOM | African Union Mission In Somalia |
| AFC | Agricultural Finance Corporation |
| AFFA | Agricultural Food and Fisheries Authority |
| AVS | Agriculture and Veterinary Sciences |
| ADC | Agriculture Development Corporation |
| ACA | Anti-Counterfeit Agency |
| ASAL | Arid and Semi- Arid Land |
| APCs | Armoured Personnel Carriers |
| ARA | Asset Recovery Agency |
| AMIS | Assets Management Information System |
| AWSB | Athi Water Services Board |
| BCLB | Betting Control and Licensing Board |
| BKB | Brand Kenya Board |
| CS | Cabinet Secretary |
| CARPS | Capacity Assessment and Rationalisation of the Public Service |
| CMA | Capital Markets Authority |
| CBK | Central Bank of Kenya |
| CSOs | Civil Society Organisations |
| CRI | Coffee Research Institute |
| CIC | Commission for the Implementation of the Constitution |
| CUE | Commission for University Education |
| CAJ | Commission on Administrative Justice |
| CRA | Commission on Revenue Allocation |
| CAK | Communications Authority of Kenya |
| CBOs | Community Based Organizations |
| CAK | Competition Authority of Kenya |
| CVE | Counter Violent Extremism |
| CIDPs | County Integrated Development Plans |
| CDACC | Curriculum Development Assessment and Certification Council |
| DLP | Digital Literacy Programme |
| DCI | Directorate of Criminal Investigations |
| DPSM | Directorate of Public Service Management |
| DRR | Disaster Risk Reduction |
| DFZs | Disease Free Zones |
| DCIOs | District Criminal Investigation Officers |
| ECD | Early Childhood Development |

| | |
|---|---|
| ECDE | Early Childhood Development Education |
| EAC | East African Community |
| EAPCC | East African Portland Cement Company |
| ESP | Economic Stimulus Programme |
| ESD | Education for Sustainable Development |
| ERC | Energy Regulatory Commission |
| ESIAS | Environmental and Social Impact Assessment Studies |
| EMS | Environmental Management System |
| EACC | Ethics and Anti-Corruption Commission |
| EU | European Union |
| EPZA | Export Processing Zones Authority |
| FBOs | Faith Based Organizations |
| FGM | Female Genital Mutilation |
| FPE | Free Primary Education |
| GBV | Gender Based Violence |
| GHRIS | Government Human Resources Information System |
| GoK | Government of Kenya |
| G-United | Greatness United Programme |
| GDP | Gross Domestic Product |
| HVDC | High-Voltage Direct Current |
| HIV/ AIDS | Human Immunodeficiency Virus/ Acquired Immunity Deficiency Syndrome |
| HRBA | Human Rights Based Approach |
| IEBC | Independent Electoral and Boundaries Commission |
| IPOA | Independent Policing Oversight Authority |
| ICT | Information and Communication Technology |
| IEC | Information Education and Communication |
| IRA | Insurance Regulatory Authority |
| IFMIS | Integrated Financial Management and Information System |
| IPPD | Integrated Personnel Pay Data |
| IPRS | Integrated Population Registration System |
| IGAD | Inter-Governmental Authority on Development |
| IDPs | Internally Displace Persons |
| ISO | International Organisation for Standardisation |
| JKF | Jomo Kenyatta Foundation |
| JKIA | Jomo Kenyatta International Airport |
| JKUAT | Jomo Kenyatta University of Agriculture and Technology |
| KAA | Kenya Airports Authority |
| KAGRC | Kenya Animal Genetic Resources Centre |
| KBC | Kenya Broadcasting Corporation |

| | |
|---|---|
| KEBS | Kenya Bureau of Standards |
| KCPE | Kenya Certificate of Primary Education |
| KCSE | Kenya Certificate of Secondary Education |
| KECOBO | Kenya Copyright Board |
| KDB | Kenya Dairy Board |
| KDF | Kenya Defence Forces |
| KEMI | Kenya Education Management Institute |
| KEP | Kenya Electricity Expansion Programme |
| KETRACO | Kenya Electricity Transmission Company |
| KFCB | Kenya Film Classification Board |
| KFS | Kenya Forestry Services |
| KIRDI | Kenya Industrial Research and Development Institute |
| KICD | Kenya Institute of Curriculum Development |
| KIPPRA | Kenya Institute for Public Policy Research and Analysis |
| KenInvest | Kenya Investment Authority |
| KLRC | Kenya Law Reform Commission |
| KLB | Kenya Literature Bureau |
| KEMSA | Kenya Medical Supplies Authority |
| KMTC | Kenya Medical Training College |
| KNCHR | Kenya National Commission on Human Rights |
| KNEC | Kenya National Examinations Council |
| KeNHA | Kenya National Highways Authority |
| KNVS | Kenya National Values Standard |
| KEPTAP | Kenya Petroleum Technical Assistance Programme |
| KPC | Kenya Pipeline Company |
| KPA | Kenya Ports Authority |
| KenGen | Kenya Power Generation Company |
| KRC | Kenya Railways Corporation |
| KRA | Kenya Revenue Authority |
| KRB | Kenya Roads Board |
| KeRRA | Kenya Rural Roads Authority |
| KESAL | Kenya School of Adventure and Leadership |
| KSG | Kenya School of Government |
| KESSHA | Kenya Secondary Schools Heads Association |
| KTCPSA | Kenya Teachers Colleges Principals Association |
| KENTTEC | Kenya Tsetse and Trypanosomiasis Eradication Council |
| KUCCPS | Kenya Universities and Colleges Central Placement Service |
| KURA | Kenya Urban Roads Authority |
| KEWI | Kenya Water Institute |
| KWS | Kenya Wildlife Service |

| | |
|---|---|
| KYEP | Kenya Youth Empowerment Programme |
| KV | Kilovolt |
| KW | Kilowatt |
| LVNWSB | Lake Victoria North Water Services Board |
| LAPSSET | Lamu Port South-Sudan-Ethiopia Transport Corridor |
| LPG | Liquefied Petroleum Gas |
| LAN | Local Area Network |
| MTEF | Medium Term Expenditure Framework |
| MTP | Medium Term Plan |
| MW | Mega Watt |
| MoU | Memorandum of Understanding |
| MDGs | Millennium Development Goals |
| MDCAs | Ministries, Departments, Counties and Agencies |
| MoALF | Ministry of Agriculture, Livestock and Fisheries |
| MOEP | Ministry of Energy and Petroleum |
| MCS | Monitoring, Control and Surveillance |
| NACC | National AIDS Control Council |
| NACADA | National Authority for the Campaign against Alcohol and Drug Abuse |
| NCBF | National Capacity Building Framework |
| NCPB | National Cereals and Produce Board |
| NCIC | National Cohesion and Integration Commission |
| NCA | National Construction Authority |
| NCAJ | National Council for Administration of Justice |
| NCPD | National Council for Persons with Disabilities |
| NCPD | National Council for Population and Development |
| NDMA | National Disaster Management Authority |
| NEMA | National Environment Management Authority |
| NGAO | National Government Administration Office |
| NHIF | National Hospital Insurance Fund |
| NIS | National Intelligence Service |
| NLC | National Land Commission |
| NOCK | National Oil Corporation of Kenya |
| NPS | National Police Service |
| NPSC | National Police Service Commission |
| NYS | National Youth Service |
| NGOs | Non-Governmental Organizations |
| NCIP | Northern Corridor Integrated Project |
| NWSB | Northern Water Services Board |

| | |
|---|---|
| OAG &DoJ | Office of the Attorney General & Department of Justice |
| OAG | Office of the Auditor General |
| OCOB | Office of the Controller of Budget |
| ODPP | Office of the Director of Public Prosecutions |
| OJO | Office of the Judicial Ombudsman |
| OP- CT | Older Persons Cash Transfer |
| OV-CT | Orphaned and Vulnerable Cash Transfer |
| PWDs | People With Disabilities |
| PWSD-CT | Persons With Severe Disability Cash Transfer |
| PVC | Photovoltaics |
| PVoC | Pre- Export Verification of Conformity |
| PWC | Price Water Coopers |
| PAPs | Project Affected Persons |
| PPPs | Public Private Partnerships |
| PPOA | Public Procurement Oversight Authority |
| PSC | Public Service Commission |
| PSIP | Public Service Integrity Programme |
| PURES | Pupils' Reward Scheme |
| RIA | Regulatory Impact Assessment |
| RTI | Research, Technology and Innovation |
| REA | Rural Electrification Authority |
| SRC | Salaries and Remuneration Commission |
| SACCOs | Savings and Credit Cooperatives |
| SAGAs | Semi-Autonomous Government Agencies |
| SGBV | Sexual and Gender Based Violence |
| SGR | Standard Gauge Railway |
| SCAC | State Corporations Advisory Council |
| SEA | Strategic Environment Assessment |
| SFRTF | Strategic Food Reserve Trust Fund |
| SDGs | Sustainable Development Goals |
| TSC | Teachers Service Commission |
| TTC | Teachers Training College |
| ToTs | Trainer of Trainers |
| TA | Transition Authority |
| TJRC | Truth Justice and Reconciliation Commission |
| UFAA | Unclaimed Financial Assets Authority |
| UAE | United Arab Emirates |
| UK | United Kingdom |
| UN | United Nations |

| | |
|---|---|
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organization |
| UNGA | United Nations General Assembly |
| UNHCR | United Nations High Commissioner for Refugees |
| UNICEF | United Nations International Children's Emergency Fund |
| UNISDR | United Nations International Strategy for Disaster Reduction |
| UNFPA | United Nations Population Fund |
| USD | United States Dollars |
| USA | United States of America |
| UACA | Urban Areas and Cities |
| UFOB | Uwezo Fund Oversight Board |
| VAT | Value Added Tax |
| VDS | Vision 2030 Delivery Secretariat |
| VCT | Voluntary Counseling and Testing |
| WRMA | Water Resources Management Authority |
| WRUA | Water Resources Users Association |
| WASREB | Water Service Regulatory Board |
| WEF | Women Enterprise Fund |
| YEDF | Youth Enterprise Development Fund |

# EXECUTIVE SUMMARY

**Article 132(1)(c)(i)** of the Constitution requires the President to once every year report in an address to the nation, on all measures taken and progress achieved in the realisation of National Values and Principles of Governance referred to in **Article 10**.

The 2015 Annual President's Report broadly outlines the various measures taken and progress made by public institutions in the realisation of National Values and Principles of Governance in conformity with the Kenya Constitution. The measures and progress are in the context of policy, legal, institutional and administrative actions taken by MCDAs and which facilitate compliance with **Article 10** of the Constitution.

Further, the Report analyses the programmes, projects and activities that have been put in place in a bid to enhance the promotion of National Values and Principles of Governance in the public sector. It also highlights the landmark progress the Government recorded in 2015 on the realisation of National Values and Principles of Governance.

The 2015 Report is the third on the measures taken and progress achieved in the realisation of National Values and Principles of Governance by the Government. The Report comprises of five chapters that illustrate the measures taken and progress achieved in terms of policy, legal, institutional and administrative frameworks put in place by public institutions to promote National Values and Principles of Governance. The Report also documents the Government's efforts towards the implementation and progressive realisation of the commitments made in the 2014 Annual President's Report.

**Chapter one** presents the introduction and background, highlighting the Report preparation process, legal and policy foundations and coordination process of mainstreaming National Values and Principles of Governance by the State Department of Interior and Coordination of National Government through the Directorate of National Cohesion and National Values.

**Chapter two** outlines the progress made by Government in implementing the commitments made in the 2014 Annual President's Report on Measures Taken and Progress Achieved in the Realisation of National Values and Principles of Governance. MCDAs were required to implement these commitments and report separately on specific actions taken.

**Chapter three** documents the measures taken, during the period under review by public institutions towards the realisation of National Values and Principles of Governance. The measures comprise of policy, legal, regulatory and/or administrative actions.

**Chapter four** outlines and illustrates the progress made by reporting institutions in the realisation of National Values and Principles of Governance. The chapter analyses the impact of policy, legal, regulatory and administrative actions outlined in Chapter three on the realization of National Values and Principles of Governance.

**Chapter five** of the report highlights the Government's commitments and strategic actions to be undertaken to promote National Values and Principles of Governance. These include: implementation of key policies and review of legislations to enhance positive ethnic relations and prevent abuse of social media; prioritisation of resource allocation for continual promotion of National Values and Principles of Governance; strengthening governance enforcement agencies; fast tracking judicial processes; and continuous civic education to inculcate National Values and Principles of Governance.

# CHAPTER ONE: INTRODUCTION AND BACKGROUND

1. The Government continues to appreciate the importance of National Values and Principles of Governance as espoused in **Article 10** of the Constitution in achieving socio-economic and political transformation. The Constitution recognizes the aspirations of Kenyans for a Government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law.

2. The Government has identified and prioritized the need to enhance the promotion of National Values and Principles of Governance in the first Pillar of *Umoja (*Unity) of the Jubilee Manifesto to realize Kenya Vision 2030 goals. The attainment of the Kenya Vision 2030 will rely not only on capital investment but also largely on the promotion and inculcation of National Values and Principles of Governance. National Values and Principles of Governance remains an important element in the development agenda as a nation. This report is an important tool in evaluating the performance of Government in realizing National Values and Principles of Governance.

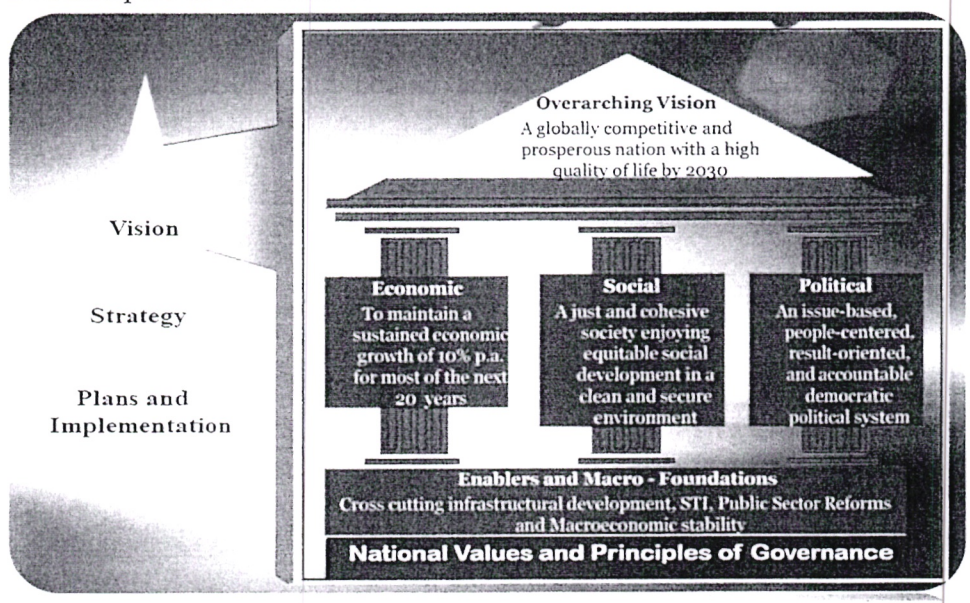


*Figure 1: Kenya Vision 2030*

**Source: Vision 2030 Delivery Secretariat**

3. The Constitution outlines provisions to guide the processes of National Values and Principles of Governance. **Article 4(2)** provides that "The Republic of Kenya shall be a multi-party democratic state founded on the

national values and principles of governance referred to in **Article 10**." Under **Article 10(1),** the national values and principles of governance bind all State organs, State officers, Public officers and all persons whenever any of them applies or interprets the Constitution, enacts, applies or interprets any law and makes or implements public policy decisions. The national values and principles of governance under **Article 10(2)** include:

(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;

(b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;

(c) good governance, integrity, transparency and accountability; and

(d) sustainable development.

4.**Article 132(1)(c)(i)** requires the President to once every year, report in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in **Article 10**. Consequently, and in order to meet the above constitutional provisions, this Report documents the measures taken and the progress achieved in the realization of the national values during the period. The President is further required to publish in the Kenya Gazette the Report. Similarly, **Article 234(h)** requires the Public Service Commission to evaluate and report to the President and Parliament the extent to which the values and principles referred to in **Articles 10** and **232** are complied with in the public service. In addition, **Article 249(1)(b)** requires all Constitutional Commissions and Independent Offices to secure the observance of democratic values and principles by all State organs.

5. This Report gives an analysis of the policies formulated, legislations reviewed or enacted and administrative measures put in place and progress achieved in the realization of **Article 10** of the Constitution. In addition, the report highlights projects, programmes, and activities undertaken towards the promotion of National Values and Principles of Governance. In conclusion, the Report documents challenges encountered and makes recommendations for interventions.

6. Ministries, Counties, Departments and Agencies (MCDAs) are required to make annual submissions indicating the extent of mainstreaming and promoting National Values and Principles of Governance in their projects, programmes, and activities. During the reporting period, the State Department of Interior and Coordination of National Government through

the Directorate of National Cohesion and National Values received 193 submissions compared to 120 in the previous reporting year. The increased number of submissions demonstrates increased appreciation and commitment by MCDAs towards the promotion, mainstreaming and reporting processes. This may be attributed to increased awareness, advocacy, sensitization and training on National Values and Principles of Governance by the Directorate.

7. The State Department of Interior and Coordination of National Government collaborated with MCDAs in the promotion of National Values and Principles of Governance. For the second successive year, the State Department ensured National Cohesion and National Values targets were incorporated in the performance contracting platform. This gave impetus to MCDAs to implement **Article 10** and make timely submissions towards the compilation of the Annual President's Report.

8. In fulfillment of the President's Commitment on the need to conduct a Baseline Survey on national values in the 2013 Report, the State Department of Interior and Coordination of National Government contracted Kenya Institute for Public Policy and Research Analysis (KIPPRA) to conduct the Survey to determine the status of compliance, awareness and enforcement of National Values and Principles of Governance in the country. The survey seeks to:

i. To establish the current status of National Values and Principles of Governance;

ii. To identify attitudes, perceptions and knowledge gaps which are critical in the designing and execution of programmes and activities geared towards the promotion of National Values and Principles of Governance across the country;

iii. To provide useful insight for the successful promotion and realization of National Values and Principles of Governance;

iv. To establish a benchmark that will provide the standards for measuring future progress of implementation of National Values and Principles of Governance; and

v. To assess the impact of existing policies, legal frameworks and administrative actions in inculcating and enforcing National Values and Principles of Governance.

9. Additionally, the State Department of Interior and Coordination of National Government through the Directorate of National Cohesion and National Values initiated the process of developing the Kenya National

Values Standard (KNVS) which will provide guidelines for implementation, enforcement, compliance and reporting on National Values and Principles of Governance. The KNVS is designed to deliver an integrated program for inculcating National Values and Principles of Governance in all sectors of the society.

10. This Report also focuses on the implementation of the commitments made in the 2014 Annual President's Report. During the period under review, MCDAs were required to implement 5 out of the 16 commitments. An analysis of the status of implementation of the commitments is provided in chapter two of the Report.

11. During the reporting period, there was heightened focus on enforcing compliance with **Article 10** by both public and state officers. Public institutions were required to enforce compliance and provide details of officers who flouted the National Values and Principles of Governance and the action taken against them.

12. In promoting the National Values and Principles of Governance, MCDAs faced various challenges including inadequate capacity and budgetary allocation for the promotion of National Values and Principles of Governance. For instance, the Directorate of National Cohesion and National Values that is mandated to coordinate the promotion of National Values and Principles of Governance had its budget reduced from Ksh.270million to Ksh.69million.

13. Although the Government achieved considerable progress in creating public awareness on the National Values and Principles of Governance, lack of sustained and coordinated civic education on these constitutional principles led to low levels of awareness among the public. An analysis of the challenges reveals the need for increased investment, collaboration and more coordinated approaches towards the realization of National Values and Principles of Governance. The Report further highlights commitments and strategic actions on the way forward.

# CHAPTER TWO: PROGRESS ON 2014 REPORT COMMITMENTS

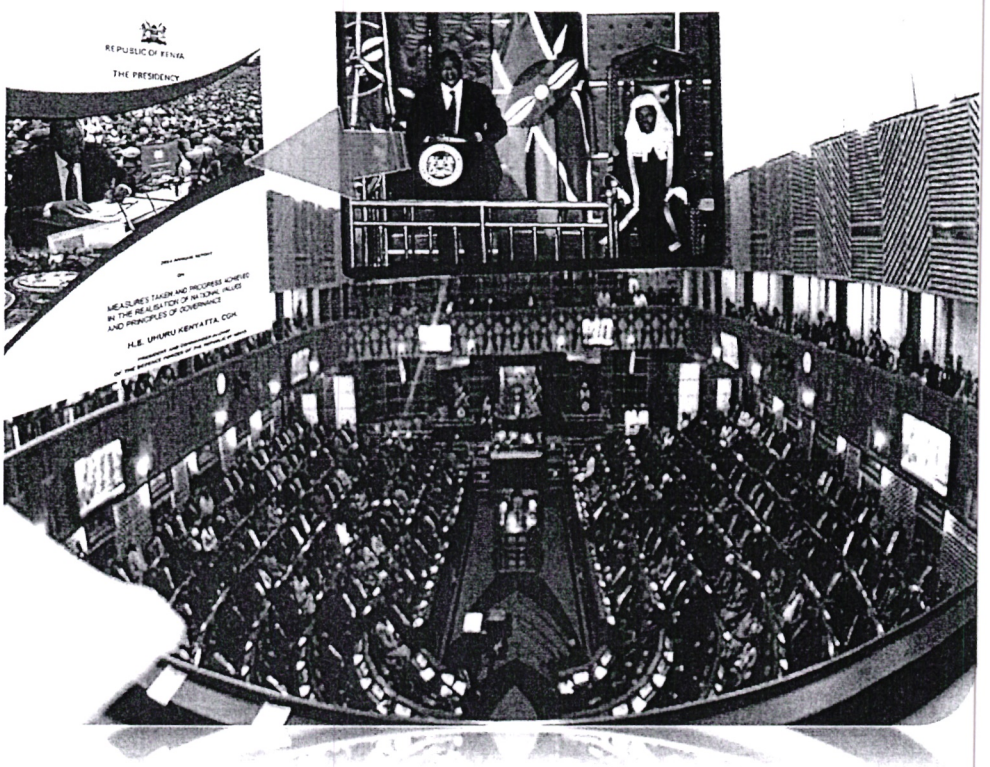


*Figure 2: State of the Nation Address 2015*

14. During the 2015 reporting period, MDAs were required to implement 5 out of the 16 commitments arising from the 2014 Annual President's report and the State of the Nation Address delivered on 26th March 2015. The following is an analysis of the status of implementation of the commitments:

**a. Fast-track the fifth-year Schedule V and the outstanding fourth–year legislations in the Constitution**

15. The Constitution provides for phased enactment of legislations by Parliament under the Fifth Schedule in relation to culture, family, community land, land use and property, natural resources and representation of marginalized groups.

16. In order to comply with **Article 261(1)** of the Constitution as read with the Fifth Schedule, the Government enacted the Kenya Heroes Act No. 5

of 2014, the Marriage Act No. 4 of 2014, the Victim Protection Act No. 17 of 2014 and the Protection against Domestic Violence Act, No. 2 of 2015.

17. In addition, the Government developed the Community Land Bill, 2015 and the Natural Resources (Benefit Sharing) Bill, 2015 that are currently under consideration by Parliament. To enhance the representation of the marginalized groups under **Article 100** of the Constitution, the Government is in the process of finalizing the Two-Third Gender Rule Laws (Amendment Bill), 2015 as well as the Gender Equality Bill, 2015.

18. In regard to the outstanding Fourth Year legislations, the Government enacted the Fair Administrative Action Act No. 4 of 2015 and the Persons Deprived of Liberty Act No. 23 of 2014. The Government also developed the Legal Aid Bill, 2015 which was passed by the National Assembly and is awaiting Presidential assent.

**b. Fast-track the discussion of Truth, Justice and Reconciliation Commission (TJRC) Report in Parliament and commence Restorative Justice Processes and Setting a part of Ksh.10billion for Restorative Justice**

19. The Government through the State Department of Interior and Coordination of National Government conducted two stakeholder consultative forums to initiate the process of formulating the policy framework for the implementation of the TJRC Report. Consultations on the way forward to address the restorative justice process are at an advanced stage.

**c. Review of Legislative and Policy frameworks to ensure effective discharge of constitutional provisions on integrity and to implement Executive Order No. 6 on Ethics and Integrity in Public Service**

20. During the period under review, the Government through various institutions reviewed Legislative and Policy frameworks to ensure effective discharge of constitutional provisions on integrity. The Government initiated review of the Leadership and Integrity Act (Cap. 182) and the Public Officers and Ethics Act, 2003.

21. To promote integrity in the public service, the Government through the Public Service Commission revised the Code of Ethics and Conduct for Public Servants to align it with the Leadership and Integrity Act (Cap. 182). The Government through the Office of the Attorney General and Department of Justice (OAG& DoJ) is spearheading the formulation of the

National Ethics and Anti-Corruption Policy. The draft policy is currently awaiting stakeholder consultation and validation.

22. To implement Executive Order No 6, Government institutions continued to mainstream **Article 10** of the Constitution, adhered to Public Financial Management Act, 2012, Public Officer and Ethics Act, 2003 and the Leadership and Integrity Act (Cap. 182) as well as comply with basic tenets of Corporate Governance in their operations. In addition, all state agencies transferred their procurement systems to the e-Procurement and e-payment platform.

**d. Ensure full implementation of the commitments made in the 2013 President's Report including: fast-tracking through the National Assembly the policies on National Values and Principles of Governance and National Cohesion and Integration; fast-tracking the Baseline Survey on national values; continuous review of the education curriculum to incorporate national values and principles of governance**

23. The Sessional Paper No.9 of 2013 on National Cohesion and Integration and Sessional Paper No 8 of 2013 on National Values and Principles of Governance were approved by National Assembly during the period under review. Further, the State Department of Interior and Coordination of National Government conducted a Baseline Survey to determine the status of compliance, awareness and enforcement. The findings and subsequent recommendations of the Baseline Survey will guide future programming on National Values and Principles of Governance. Separately, the State Department of Basic Education undertook a needs assessment on curriculum reforms to incorporate National Values and Principles of Governance.

**e. Enhance inclusivity, equity, equality, non-discrimination and protection of the marginalized through policies, legislations and regulations and developing a coordinated sectoral framework.**

24. Through the formulation of new and review of existing policies, legislations and regulations, the Government committed to enhance inclusivity, equity, equality, non – discrimination and protection of the marginalized. The Government through the National Council for Persons with Disabilities (NCPD) reviewed the Persons with Disabilities Act, 2003 through the Persons with Disabilities (Amendment) Bill, 2015 currently before Parliament for consideration. The Commission for the Implementation of the Constitution (CIC) processed the Two-thirds

Gender Principle Bill, 2015 which was submitted to Parliament for consideration. The State Department of Basic Education reviewed the policy framework for Nomadic Education of Kenya. The Salaries and Remuneration Commission (SRC) developed the Sector Remuneration and Benefits Policy that ensures all public sector employees are compensated fairly and equitably for their labour while ensuring fiscal sustainability of the public wage bill.

25. Other interventions include the review and implementation of internal gender and disability mainstreaming policies, enforcement of internal HIV/AIDS policies for protection against stigmatization and discrimination, continuous compliance with the 30% provision on procurement for special groups, provision of equal opportunities in recruitment of new employees, equitable distribution of resources as guided by National Values and Principles of Governance.

**f. Enhance budgetary allocation and capacity in public institutions for effective implementation of Programmes, Projects and Activities for the promotion of National Values and Principles of Governance**

26. The Government enhanced budgetary allocations to MCDAs that enabled them commit more funds to the promotion of National Values and Principles of Governance. For instance, the Ministry of Defence set aside Ksh.84,681,765 for capacity building for effective implementation of programmes and activities for the promotion of National Values and Principles of Governance.

**g. Continuous formulation and review of policies, enactment and review of legislations and regulations to operationalise Article 10 of the Constitution**

27. The Government formulated and reviewed policies aimed at operationalizing **Article 10** of the Constitution. These include:

i) The draft Devolution Policy was formulated to promote public participation in decision making, strengthen accountability and effectiveness in the delivery of public service, and enhance the capacity of all levels of Government to deliver on their mandate.

ii) National Policy for the Sustainable Development of Northern Kenya and other Arid Lands was reviewed to provide a framework for consultation and cooperation between National and County Governments as well as other stakeholders in

addressing developmental gaps for sustainable development of Northern Kenya and other Arid Lands.

iii) The Mining Policy was formulated to give effect to **Articles 60, 62 (1) (f), 66 (2), 69** and **71** of the Constitution in so far as they apply to minerals. The policy provides a framework for prospecting, mining, processing, refining, treatment, transport and any other dealings in minerals.

iv) Kenya Veterinary Policy, 2015 was formulated to provide a framework to professionally safeguard animal health and welfare, increase animal production and productivity and promote trade in animals and animal products for sustainable food security, food safety and economic prosperity.

28. The Government initiated the development of Bills and the enactment of legislations to incorporate the provisions of **Article 10** of the Constitution. These Bills and Acts include among others:

i. Draft Employment Act (Amendment) Bill, 2015 which declares and defines the fundamental rights of employees;

ii. The Energy (Amendment) Bill, 2015 which seeks to consolidate the law relating to energy;

iii. Prisons Act (Cap.90) which seeks to consolidate and amend the law relating to prisons;

iv. Borstal Institutions Act (Cap.92) to make provision for the establishment of borstal institutions for youthful offenders and for the detention of youthful offenders;

v. The Labour Institutions Act, 2007 to establish labour institutions, to provide for their functions, powers and duties;

vi. The Labour Relations Act, 2007 to consolidate the law relating to trade unions, trade disputes and to provide for the registration, regulation, management and democratization of trade unions and employers organizations or federations;




*Figure 3: Commitments on the 2014 Report*

vii. The Occupational Safety and Health Act, 2007 to provide for the safety, health and welfare of workers and all persons lawfully present at workplaces;

viii. The Work Injury Benefits Act, 2007 to provide for compensation to employees for work related injuries and diseases contracted in the course of their employment; and

ix. Review of the Anti-Counterfeit Act, 2008 to prohibit trade in counterfeit goods.



*Figure 4: H.E the President Assenting to Bills*

29. The Government developed and reviewed relevant regulations and guidelines towards operationalization of **Article 10** of the Constitution. These include:

a) Public participation guidelines;

b) Internal policies including Sexual and Gender Based Violence Policy, HIV/AIDS Workplace Policy, Corruption Prevention Policy, Gender Mainstreaming Policy, Disability Mainstreaming Policy, Alcohol and Drug Abuse Prevention Policy, Whistle Blowing Policy, Conflict of Interest Policy, E-Waste Disposal Policy, Recruitment and Training Policy;

c) Institutional customer service delivery charters;

d) Institutional codes of conduct;

e) Regulations such as Financial Management Regulations, Appliances' Energy Performance and Labeling Regulations 2015; and

f) Institutional manuals including Human Resource and Cash Management.

**h. Enhance collaboration between and among National and County Governments to facilitate continuous and seamless transition to the devolved system of Government**

30. The Government undertook several measures aimed at concretizing collaborations between and among national and County Governments and facilitating continuous and smooth transition to the devolved system of government as required by **Article 189** of the Constitution. These measures include:

i. Establishment of the Inter-governmental Relations Technical Committee to facilitate and co-ordinate the transition to the devolved system of government as provided under Section 15 of the **Sixth Schedule** of the Constitution;

ii. Implementation of the Inter-governmental Relations Act, No.2 of 2012 to provide a framework for consultation and cooperation between the National and County Governments; provide a framework for consultation and cooperation amongst County Governments; establish institutional structures and mechanisms for intergovernmental relations; provide a framework for the inclusive consideration of any matter that affects relations between the two levels of government and amongst County Governments; give effect to **Articles 187** and **200** of the Constitution that provide mechanisms for the resolution of intergovernmental disputes;

iii. Continued support for the Transitional Authority (TA) to facilitate and finalize transfer of functions from national to the devolved structures of government as required by **Article 187** of the Constitution;

iv. Convening meetings of the National and County Governments Coordinating Summit as required by Inter-governmental Relations Act, No. 2 of 2012 section 9. The meetings have been instrumental in:

a. Facilitating consultation and co-operation between the national and County Governments;

b. Promotion of national values and principles of governance, promotion of national cohesion and unity;

c. Evaluating the performance of national or County Governments and recommending appropriate action;

d. Receiving of progress reports and providing advice as appropriate;

e. Monitoring the implementation of national and county development plans and recommending appropriate action; and

f. Coordinating and harmonizing the development of county and national governments policies.

v. Other measures taken include convening of Intergovernmental Sectoral forums through the Ministry of Devolution and Planning, and establishment of county service delivery committees.

**i. Facilitate deepening and continuous capacity building on national values and principles of governance at both levels of Government**

31. The State Department of Interior and Coordination of National Government through the Directorate of National Cohesion and National Values conducted training and sensitization workshops for MCDAs. A total of 2,596 participants from 80 public institutions were sensitized during the period under review.



*Figure 5: Training and Sensitization Workshop on National Cohesion and National Values*

**j. Enact legislation to operationalise Article 10 of the Constitution**

32. The Government through the State Department of Interior and Coordination of National Government is developing the Kenya National

Values Standard (KNVS) to operationalize and enforce the National Values and Principles of Governance under **Article 10**.

**k. Develop innovative ways of improving public service delivery to actualize specific values**

33. Government agencies have developed interactive websites and social media platforms to allow for increased engagement with the public. In addition, Government Agencies have also put in place electronic systems to cut down bureaucratic bottlenecks in service delivery.

34. To ensure good governance in the administration of cash transfer programmes, the Ministry of Labour and East African Affairs automated payment of cash transfer funds, introduced biometric registration and a toll free line for beneficiaries of cash transfer programmes to report complaints. Further, the Ministry is finalizing the establishment of a Labour Market Information System to ease access to labour related information.

35. The Kenya Tsetse and Trypanosomiasis Eradication Council domesticated the use of Sticky Panels in Tsetse eradication. These Sticky Panels are effective in areas where tsetse population is low. This initiative protects the environment, enhances human dignity and promotes sustainable development through eradication of Trypanosomiasis pandemic in affected areas.

36. The Unclaimed Financial Assets Authority continued to leverage use of ICT infrastructure to enhance tracing of unclaimed financial assets. This platform allows members of public to search for their assets. Additionally, the Authority drafted a Communication Policy to facilitate orderly conduct of business with both internal and external customers. Further, Kenya Investment Authority launched an electronic system for streamlining investment application that aims at creating a database on investment related regulations and procedures in Kenya.

37. To enhance access to employment by Persons with Disability, the National Council for Persons with Disability is in the process of developing an online registration form for persons with disabilities seeking employment. This online registration will secure a database that employers will utilize to get potential workers among persons with disabilities.

38. The Water Resource Management Authority adopted an MPESA payment platform to enhance efficiency and effectiveness of payment of

bills. This has reduced costs on payment follow-ups and the risk of loss of revenue.

39. Energy Regulatory Commission drafted the user requirements for the Online Energy Consumption Designation Calculator that would assist facilities to know their energy consumption to determine whether they are complying with the Energy Management Regulations, 2012. In addition, The Kenya Industrial Research and Development Institute developed a virtual technology and business framework that ensures access to the Institute's services from all parts of the country.

40. The National Hospital Insurance Fund (NHIF) implemented the Health Insurance Subsidy programme for the poor and those in need of free maternity care thus improving service delivery and equality. The program registered 17, 491 households, 82,282 beneficiaries in all counties. NHIF also registered over 198, 440 elderly beneficiaries.

41. The Government through the Ministry of Mining developed and operationalized an online Transactional Mineral Cadaster Portal, digitized 40% of records, procured a mobile laboratory and automated explosive licensing.

42. The Government through Kenya Bureau of Standards (KEBS) continued to utilize the SMS platform on **20023** and the toll free line **0800221350**. This enabled consumers to easily verify authenticity of KEBS permits and quality marks hence minimizing counterfeiting of KEBS marks and impersonation of its staff.

**l. All State Corporations board members to sign the Mwongozo Code of Governance for State Corporations**

43. To ensure good governance in State Corporations, the Government developed the Mwongozo Code to entrench principles and values of public service and address the challenge of governance in State Corporations. So far, 1,600 Board members from various State Corporations have been trained on the Mwongozo Code of Governance.

**m. Relentless targeted and sustained multi-sectoral campaign against corruption**

44. To escalate the fight against corruption, the Government brought on board other players including the National Police Service (NPS), Ethics and Anti-Corruption Commission (EACC), Office of the Director of Public Prosecution (ODPP), Office of the Auditor General (OAG) and the Asset Recovery Agency. In contribution to the fight against corruption, the Private Sector presented a proposed Bribery Bill, 2015 which when

enacted would among other things blacklist businesses engaging in corruption. In 2015, the President signed the Mutual Legal Assistance agreements with a number of countries to trace ill-gotten wealth hidden in foreign countries. In addition, the Government collaborated with the United Nations in hosting a United Nations Global Compact 17th Anti-Corruption Working Group Meeting and International Corruption Conference.

45. The campaign also involved formulation and implementation of corruption prevention policies by MCDAs, carrying out corruption risk assessment as well as developing and implementing risk management plans. In addition, MCDAs established corruption prevention committees, formulated internal whistleblowers policies and continued to enforce codes of ethics. Further, the Government continued to sensitize staff on Leadership and Integrity Act (Cap.182) as well as the Public Procurement and Asset Disposal Act, 2015 towards corruption prevention.

**n. Formulate innovative strategies for economic growth and employment creation**

46. The Government through the Agricultural Finance Corporation collaborated with the National Irrigation Board to finance maize production in Bura and Hola irrigation schemes. Loans advanced to the schemes stands at Ksh.60,000,000 against a target of Ksh.96,000,000.

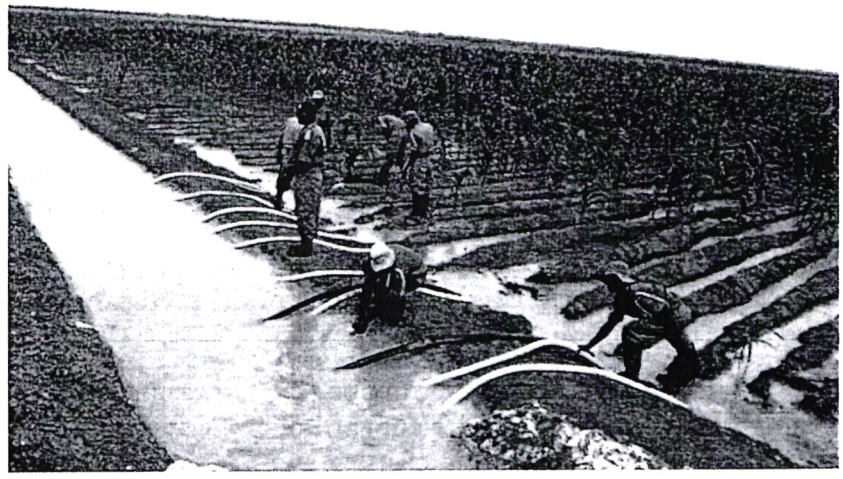

*Figure 6: Irrigation Maize Production in Bura Irrigation Scheme*

47. The Government through the Kenya Rural Roads Authority is implementing a Low Volume Sealed Programme that will lead to the

construction of 7,000km of roads by 2018. This construction will ease movement of people, goods and services for economic development.

48. County Governments put in place various strategies to enhance economic growth and reduce unemployment. For instance, Lamu County Government undertook to upgrade 2 markets; purchased 5 tractors, 83 boat engines and fishing equipment as a strategy for employment creation. The County Government hosted the Lamu Cultural Festival and Annual Maulid Celebrations to promote tourism and investment. Further, the County Government of Kisumu developed a strategy paper whose aim is to enhance economic growth through investing in agricultural transformation by encouraging farm mechanization, availing fertilizer and approved seeds to farmers, encouraging value addition, promoting irrigation, reducing cost of doing business and improving competitiveness among farmers.

49. The Government through Ministry of Defence is constructing a food processing factory at Gilgil for sustainable food supply at reduced costs. In addition, to promote innovation in the Defence Forces, the Military finalized domestication and commercialization of Defence Forces Field Kitchen for both local and export markets.

50. In addition, the Capital Markets Authority is implementing the Capital Markets Master Plan by launching a national policy for Diaspora investments and developing initial documentation to support Direct Market Access and Securities Lending and Borrowing.

**o. Design a National Security Strategy to address current and emerging security threats, secure the nation and provide a conducive environment for sustainable development**

51. The Government through the Ministry of Defence and other security agencies conducted joint security operations that include implementation of a Border Security programme and development of a National Counter Terrorism Strategy for de-radicalization in affected areas. In addition, a multi-agency team of coast guards was put in place to facilitate rapid response to security threats in the country.

52. The Government continued to modernize and increase the capacity of the National Police Service (NPS) in fighting terrorism through acquiring modern equipment.



*Figure 7: Modern Security Vehicles*

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

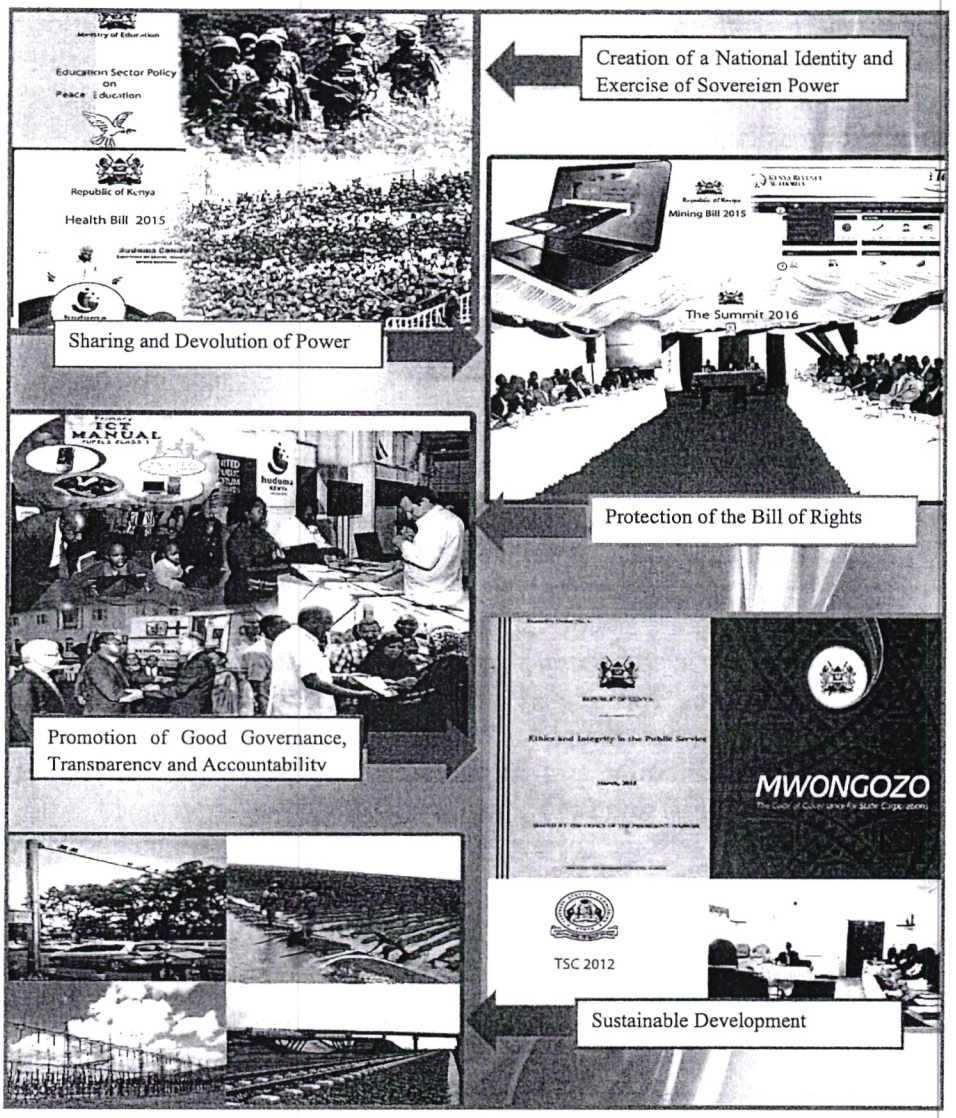


*Figure 8: Measures Taken in the Realization of National Values*

53. This chapter outlines various measures undertaken by MCDAs to promote the realisation of National Values and Principles of Governance during the period under review. These measures include formulation of policies, enactment of legislations, development of regulations as well as implementation of programmes, projects and administrative actions as in thematic areas below:

### 3.1 Measures taken towards creation of a National Identity and Exercise of Sovereign Power Article 10(2)(a): Patriotism, National Unity, the Rule of Law, Democracy and Participation of the People.

54. To promote the creation of a national identity and exercise of sovereign power, the National Assembly approved Sessional Paper No. 9 of 2013 on National Cohesion and Integration and Sessional Paper No. 8 of 2013 on National Values and Principles of Governance. The Sessional Papers seek to ensure that Kenya becomes a cohesive, integrated and values based society with a shared vision and a sense of belonging.

55. The State Department of Education formulated the Education Sector Policy on Peace and Education which provides an institutional framework for coordination, management, implementation, monitoring and evaluation of peace education in the sector. The National Policy on Small Arms and Light weapons was formulated to address the proliferation of illicit firearms. The National Equality Policy was formulated to address the patterns of discrimination and inequalities. The draft National Asylum Policy was formulated and the Refugees Bill, 2015 was developed to align refugee protection with the security challenges facing the country.

56. The OAG & DoJ formulated the Draft Public Participation Policy, the Draft National Ethics and Anti-Corruption Policy and reviewed the implementation of the African Union Convention on Preventing and Combating Corruption.

57. The Prisons Act, (Cap. 90) was reviewed in 2015 to provide for youth corrective training centres and extramural penal employment among other matters. The Government enacted the Victim Protection Act, No.17 of 2014 whose objective is to safeguard the interests of victims of crime. The Victims of Offences Bill and Bail Information and Supervision Bill, 2011 whose objective is to safeguard the interests of victims of crime in bail decisions were developed. The Rights of Persons Detained or held in Custody or in Prison, Persons Deprived of Liberty, and Transfer of Prisoners Acts were aligned to the Constitution and enhanced to include the prisons reform programme.

58. Through the Kenya Law Reform Commission (KLRC), the Government enacted the Fair Administrative Action Act, 2015 and the Magistrate's Courts Act, 2015 that incorporates the National Values and Principles of Governance under **Article 10 (2)** of the Constitution. The Government is also reviewing the National Crime Research Centre Act, (Cap.62) to align it with the Constitution. The Cyber Crime and Computer Related Crimes Bill, 2014 was developed to address the inadequacies in the existing legal framework.

59. The Government through the OAG& DoJ enacted the Marriage Act, 2015, the Protection Against Domestic Violence Act, No. 2 of 2015, the Ethics and Anti-corruption (Amendment) Act 2015, the Kenya Hero's' Act No, 5 of 2015, and the Insolvency Act, No. 18 of 2015. The Government also developed the Witness Protection Bill, 2015, the National Legal Aid Bill, 2015, Classes of Transaction Subject to Ratification Bill, 2015, Election Laws (Amendment) Bill, 2015, the Two-Third Gender Rule Laws (Amendment) Bill, 2015 and reviewed the Public Officer Ethics Act, 2003 and the Public Trustee Act (Cap.168). The Small Arms and Light Weapons Control and Management Bill, 2014 was drafted to replace the Firearms Act (Cap.114) Laws of Kenya.

60. In addition, the Government formulated various land laws including the Historical Land Injustices Bill, 2015 that provides for investigation and adjudication of claims arising out of historical injustices; and review of Alternative Dispute Resolution (ADR) Bill, 1995 to enhance resolution of land disputes by means other than litigation. The Government also initiated amendments to the Land Registration Act, 2012 and National Land Commission Act, 2014 in order to harmonize and to bring clarity into the various functions of the National Land Commission and Ministry of Land.

61. The Government developed various regulations and guidelines to operationalize legislations. These included the Discipline Manual developed by the Public Service Commission (PSC) to guide public sector institutions in management of human resources. Peer Bargaining Rules and Regulations were developed to allow victims to participate in the administration of justice. The Kenya Electricity Grid Code was developed to separate commercial functions from policy setting, regulatory and coordinating functions, to create competition in the electricity supply industry and to require other sector companies to operate strictly on commercial basis.

62. To operationalize the Kenya Information and Communications (Amendment) Act, 2013, the Government through the Ministry of Information Communication and Technology developed six regulations as follows: the 1998 Cyber Security; Universal Service and Access; Electronic Transactions; Electronic Certification and Domain Name Certification and Information Sharing and Broadcasting Regulations. Guidelines were also developed to facilitate and guide budgeting in counties. In addition, the Government developed Regulatory Impact Assessment guidelines to enhance public participation.

63. In addition to policy, legislation and regulatory measures, the Government undertook administrative actions, implemented programmes and projects to enhance creation of a national identity and exercise of sovereign power. During the 2015 *Jamhuri* Day celebrations, the Executive Office of the President awarded 380 Kenyans with National Honors for acts of patriotism and exemplary service to the nation.

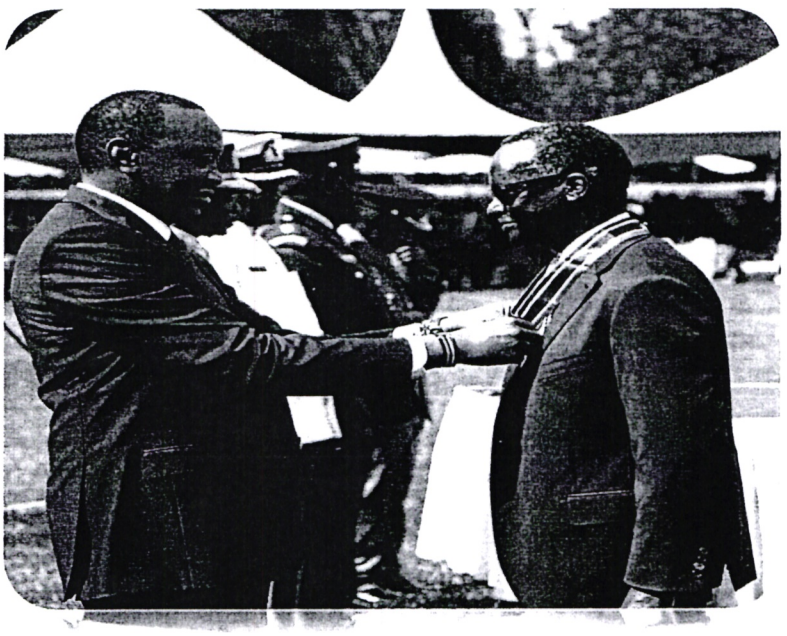

*Figure 9: President Awarding National Honours*

64. Further, three garden parties were held during *Madaraka, Mashujaa* and *Jamhuri* Days where Kenyans and guests from all walks of life were invited. Other celebrations were held in all counties hosted by Governors and County Commissioners where patriotic songs were presented. Further, the Executive Office of the President operationalized the Pupils' Reward

Scheme programme under the Office of the First Lady. The programme is geared towards mentoring pupils and fostering patriotism and leadership. Under this programme, 637 students/pupils from different parts of the country were hosted at State House, Nairobi.

65. To enhance national unity, democracy and participation of the people, the Executive Office of the President maintained an interactive website and social media accounts (**www.president.go.ke**, Twitter: **@StateHouseKenya** and Facebook:**@StateHouseKenya**) for public opinion and feedback on matters of public interest. The website and media accounts are updated regularly and any issues raised by the public are responded to or addressed. Further, the Executive Office of the President held 5 Consultative Round Table meetings with the Kenya Private Sector Alliance to deliberate on issues relating to investments and ease of doing business.

66. The Judiciary initiated the process of establishing a Judiciary Museum at the Supreme Court which is to showcase and safeguard diverse patriotic achievements in regard to the Kenyan Judiciary. The Kenya Vision 2030 Delivery Secretariat developed an integrated marketing and communication campaign to drive ownership of Vision 2030 through radio and digital media. The campaign targeted Nairobi, Western, Nyanza and Central regions.

67. In addition, the Judiciary increased the number of judges and judicial officers as well as enhanced access to law reports for stakeholders and the public. The Judiciary constructed rehabilitated, refurbished and/or prefabricated courts across the country and addressed both internal and external complaints on the rule of law. Further, the Judiciary continued to hold consultative National Council on Administrative Justice meetings for coordination and collaboration on the rule of law. All these measures were geared towards enhancing access to justice.

68. The Judiciary fostered participation of all key players in the justice system through the formation of additional Court User's Committees. The Judiciary also organised and participated in open days and public clinics to allow the public to participate and gather information on various issues in the justice system. In addition, the Judiciary engaged members of the public through radio programmes in the discussion of diverse judicial and legal issues.

69. In promoting patriotism, Members of Parliament represented Kenya in several international forums where they championed Kenya's national interests. Parliament considered and adopted motions commending

Kenyans who had excelled in various fields, such as athletics and the arts. In addition, Parliament conducted the National Prayer Breakfast that brings together all organs of Government and members from across the political divide to pray for the nation.

70. To promote national unity, Parliamentary Committees responded to petitions and statements received, carried out investigations on various issues affecting Kenyans, and made recommendations on how the same may be addressed. Among these issues were the resolutions of boundary disputes between various counties. The Senate published the County Boundaries Bill, 2015, to provide a mechanism for the peaceful resolution of county boundary disputes, and to establish an independent County Boundaries Commission.

71. In enhancing democracy and participation of the people, Parliament facilitated public hearings and other forums through which members of the public were involved in the legislative processes in line with **Article 118 (1) (*b*).** Parliament also implemented **Article 35** that gives every Kenyan the right to access information through live broadcasting of Parliamentary Sessions and timely production, printing and uploading of the Hansard and other information. In addition, Parliament continued to hold the Parliamentary Week that is a public outreach programme aimed at improving public engagement and involvement in the democratic process in Kenya.

72. The State Department of Interior and Coordination of National Government through the Directorate of National Cohesion and National Values conducted four (4) county level training and capacity building forums in Kisii, Nyamira, Migori and Homa Bay Counties for Faith Based Organization (FBO) leaders on national cohesion and national values. Two consultative forums were held for the National Government Administration Officers and Islamic clerics in the Coast region to develop strategies for addressing the challenge of youth radicalization. Further, two dialogue forums with stakeholders were held to formulate a policy framework for implementation of the TJRC Report. The State Department through the Directorate conducted inter-community exchange forums, county consultative forums and spearheaded the mainstreaming of national values and principles of governance under the Performance Contracting Framework. The Directorate convened a Community Councils of Elders' consultative meeting at Kisii University in October, 2015 as part of the process of empowering the institution of community elders to effectively participate in the promotion of national harmony.

73. The State Department of Correctional and Rehabilitation Services through the Betting Control and Licensing Board enforced compliance with the Betting, Lotteries and Gaming Act (Cap.131). They in effect confiscated 15 illegal gaming machines in Nairobi County. The Board continued with impromptu and regular inspections in casinos and other authorised vetting premises to deter underage gambling and money laundering. In an effort to improve public participation on security matters, the State Department of Interior and Coordination of National Government through the office of the County Commissioner Nakuru, established an SMS code reporting system dubbed '*Mulika Uhalifu'* aimed at enhancing team work among the security agencies.

74. To enhance security in major towns, the Government through the State Department of Correctional and Rehabilitation Services deployed Prisons Officers to complement the National Police Service. The Directorate of Criminal Investigation (DCI) entered into an MOU with Kenyatta University to build the capacity of officers serving in the forensic specialised unit. To enhance participation of the people, the National Police Service Commission involved members of the public in key activities including vetting of police officers, development of policies and regulations on appointment, recruitment and promotions. Further, the National Police Service (NPS) established hot lines and officers shared telephone contacts with the public to enhance security. The hotlines - **053-8010531/2** - are toll free and operate on a 24 hour basis. Similarly, the Directorate of Criminal Investigations created a website to interface between members of the public and the DCI.

75. The Government through the State Department of Interior and Coordination of National Government convened consultative forums with political leaders from areas prone to cattle rustling under BOMA I and BOMA II and also KAREN I and KAREN II which have resulted in marked peace and stability in the North Rift, North Eastern and Upper Eastern. The Government improved the management of small arms and light weapons by launching the voluntary registration of illicit firearms in July 2015 at Katilia, Turkana County.

76. To promote public participation, the State Department of Interior and Coordination of National Government established Email, Twitter, Facebook and Whatsapp accounts for information sharing on security and intelligence gathering with members of the public. Members of the public are encouraged to use email: **cs@interior.go.ke** or **ps@interior.go.ke**; twitter: **@GenNkaiserry** or **@kibichokaranja**; Facebook: **@GenNkaiserry** or **Drkaranjakibicho**; Instagram: **@Genkaiserry** or

**@kibichokaranja**: Whatsapp and SMS: **+254719777719** and/or **+254780719750**.

77. Further, the State Department of Interior and Coordination of National Government through the National Focal Point on Small Arms and Light Weapons Unit initiated National Policy on Small Arms and Light Weapons to address proliferation of illicit firearms. The Unit also drafted the Small Arms and Light Weapons Control and Management Bill, 2015 which aims at replacing the Firearms Act (Cap.114) Laws of Kenya. The Unit continues to undertake marking of state and civilian owned firearms.

78. National Administration Officers from the State Department of Interior and Coordination of National Government disseminated and sensitized the public on the provisions of Sessional Paper No. 8 of 2013 on National Values and Principles of Governance and the Sessional Paper No. 9 of 2013 on National Cohesion and Integration in public forums in their areas of jurisdiction. They mobilized citizens to participate in national day celebrations during which members of the public were sensitized on the need for peaceful co-existence. Kenyans from diverse backgrounds participated in Government programmes and in public decision making committees to foster national unity in the county. The National Government Administration Officers implemented the *Usalama Kwa Msingi* and *Nyumba Kumi* initiatives in which members of the public shared information with security agencies on security matters in their respective areas.

79. The State Department of Interior and Coordination of National Government through the Public Service Commission recruited Assistant County Commissioners from all the 47 counties. To ensure participation of the people, National Government Administration Officers (NGAO) involved all stakeholders in the composition of committees and other major decision making forums.

80. During the period under review, the Government stepped up the campaign against portable spirits, illicit brews, drugs and substance abuse. This campaign was launched by H.E. the President on 2nd July, 2015. To provide further policy direction, the Cabinet Secretary, Ministry of Interior and Coordination of National Government gazetted a taskforce to undertake an audit of all alcoholic drinks, portable spirits and illicit brews in the country vide Gazette Notice No. 5069 of 10th July 2015. Further, National Authority for the Campaign against Alcohol and Drug Abuse (NACADA) procured an additional 18 breathalysers for use in anti-drunk driving campaign. NACADA also developed a draft Handbook and an

abridged version of all laws relating to alcohol and drug offences for law enforcement officers to compliment their appreciation of the law.

81. The National Cohesion and Integration Commission (NCIC) conducted reconciliation forums in Samburu, Turkana, West Pokot, Isiolo, Baringo, Bungoma, Nandi, Kakamega, Kisumu, Laikipia, Kilifi, Lamu, Mombasa, Kwale, Taita Taveta among others. The target audience included representative communities from the counties comprising of council of elders, community members, security officials and County Government officials among others. The NCIC through Amani Clubs continued to conduct trainings amongst young people with the intention of making the education sector more responsive to national cohesion.

82. The Commission on Administrative Justice (CAJ), in promoting national unity conducted mediation, conciliation and negotiations on complaints lodged or in situations that threatened peaceful coexistence and service delivery. Through Alternative Dispute Resolution (ADR) mechanism, the Commission brought together institutions that are critical in governance.

83. The Government through the Kenya Defense Forces (KDF) put up a steadfast defense of the sovereignty and territorial integrity of the Republic of Kenya through the deployment of troops to Somalia under African Mission in Somalia (AMISOM). Further, KDF conducted recruitment of service men and women at County level where each Sub County was given equitable share of slots. This ensured all Kenyans were given equal chances of joining KDF and enhanced inclusion and the promotion of national unity.

84. The Government though the Ministry of Transport and Infrastructure, State Department of Shipping and Maritime Affairs continued to ensure that all ships/vessels registered in Kenya carry the national Flag. In promoting rule of law, Kenya Rural Roads Authority (KeRRA) undertook environmental and social impact assessment studies and audits for all rural roads as per the requirements of the Environment Management and Coordination Act, No. 8 of 1999.

85. The Kenya Roads Board (KRB) set up Constituency Roads Committees to engage the citizens before prioritizing road works and developed a scheme to recognize and reward staff who observe national values. Similarly, Kenya Rural Roads Authority (KeRRA) engaged Constituency Roads Committees in the 290 constituencies comprising of local representatives in identifying the roads projects to be undertaken. On the other hand, Kenya Urban Roads Authority (KURA) integrated the

environmental and social impact assessment processes in project implementation through public consultation and participation.

86. To realize the Constitutional requirement on public participation, Kenya Urban Roads Authority (KURA) held a total of 32 public forums in developing and implementing the Resettlement Action Plans for Nairobi Eastern Missing Links, Outer Ring Road, Eastleigh Phase II, Ngong Road, Junctions Improvements, Chuka and Meru Bypass.

87. The Ministry of Information, Communication and Technology disseminated the official map of Kenya and the official National flag to Government Institutions. The Ministry also produced and circulated 4,000 copies of the official portrait of the President of the Republic of Kenya to Government Institutions and the public. Similarly, the National Council for Population and Development (NCPD) invigorated their choir which composed and recorded a song on patriotism.

88. The Government through the Ministry of Sports, Culture and the Arts participated in the 15th International Amateur Athletics Federation (IAAF) World Championships in Beijing, China. The Kenyan athletes showcased their prowess by garnering 7 gold, 6 silver and 3 bronze medals. In addition, Brand Kenya Board awarded plaques to athletes in 16 categories during the Sports Personality of the year Awards. These were the athletes who represented and won medals for Kenya at the World Championships in Beijing in August 2015 where Kenya emerged at the top.

89. Brand Kenya Board convened Inter-County Youth Forums held in Nyahururu, Laikipia and Pwani University Campuses as well as in fourteen counties that included Uasin Gishu, Baringo, Samburu, West Pokot, Turkana, Elgeyo Marakwet, Nandi, Trans Nzoia, Taita Taveta, Tana River, Kwale, Kilifi, Lamu and Mombasa. The forums brought together youth from the targeted institutions and regions for sensitization on national pride, patriotism and national unity. Similarly, the Tourism Fund (TF) financed the marketing of Kenya as a high end tourist destination. Further, the fund financed tourism products and services, tourism sector safety as well as a communication and crisis management center.

90. The State Department of Education admitted students from all 47 Counties to Public Teachers' Training Colleges. In addition, the Department continued implementing the Greatness United (G-United) Programme that aims to promote national cohesion and integration and to improve education outcomes in selected primary schools through mentoring and focus on early grade reading and numeration.

91. To promote national unity, the Commission for University Education (CUE) opened up admission of students to public universities and colleges through the Kenya Universities and Colleges Central Placement Services (KUCCPS). Students from all regions in the country were given equal opportunities for joining universities and colleges in a manner that promotes national unity. The University of Nairobi provided expertise in tackling the challenges Kenya faces as a nation through organizing Peace forums in conjunction with the United Nations (UN) where religious extremism and other issues affecting the youth were discussed.

92. Chuka University hosted the Agribusiness summit for Eastern and Central Kenya Counties and a Farmer's field day in the reporting year. These forums brought together farmers and members of the community who were sensitized on national values. Dedan Kimathi University of Technology hosted Sr. Irene Stefani 'Nyaatha' beatification ceremony, a global event and first of its kind in Kenya that involved people from all walks of life; National Government, County Government and the Church. This event brought the people of Kenya together, hence enhancing national unity. Embu University College held 3 university and community meetings that involved 60 Kangaru community elders and the county administration to enhance good relations among the community to ensure there is peaceful co-existence and social cohesion.

93. Jomo Kenyatta University of Agriculture and Technology (JKUAT) incorporated studies on national values and national cohesion into their Development Course which is taught to all students. Separately, the Jomo Kenyatta Foundation offered scholarships to needy and bright students from all counties in Kenya with special regard to applicants from arid and semi-arid areas to promote national unity.

94. The Ministry of Devolution and Planning rebranded *Huduma* Centres and the National Youth Service (NYS) using the National Flag colours. The Ministry also build the capacity of women and youth by Community Empowerment and Institutional Support Programme on participatory planning and entrepreneurship. The Ministry through the NYS recruited service men and women from all Counties and partnered with communities on slum upgrading and involved community leaders in the identification and distribution of Humanitarian Aid. The Public Service Commission of Kenya launched the Public Service Excellence Award Scheme where deserving public officers are given the Public Servant of the Year Awards to promote patriotism.



*Figure 10: Slum Upgrading by the National Youth Service*

95. Ministry of Public Service, Youth and Gender Affairs through the State Department of Gender Affairs involved stakeholders in gender sector working groups involving County executives in charge of youth, gender and Persons with Disabilities (PWDs) in the development of National Equality Policy and National Women Economic Empowerment Strategy. The Public Service Commission developed guidelines for public participation in policy formulation and a discipline manual to guide public sector institutions in management of their human resource.

96. To promote Democracy and Participation of the people, the Ministry of Water and Irrigation held the World Water Day, Mara Day, and the Annual Water Resources Day which provided platforms for continuous engagement with stakeholders. Similarly, the Ministry of Industry, Investments and Trade through the State Department of Cooperatives enhanced social economy of the population by reducing economic disparities among members through the SACCOs which mobilized Ksh.502billion with an asset base of Ksh. 540billion.

97. To promote the rule of law through the conduct of free and fair elections, the Independent Electoral and Boundaries Commission (IEBC) spearheaded the review of electoral laws to align with the Constitution.

The Commission also developed rules to guide review of boundaries in response to court decisions. IEBC embarked on a one month national voter registration exercise between 15th February and 15th March, 2016 that targeted 4 million new voters and enhanced continuous voter and civic education to all Kenyans. The Commission through the OAG & DoJ facilitated the publication of the Elections (Amendment) Bill, 2015 to give effect to **Article 81(b)** of the Constitution.

98. The State Department of National Water Services through the Water Regulatory Management Authority (WRMA) established nine (9) Water Resource Users' Associations (WRUA's) as a platform for participation in water resources management to reduce illegal abstraction of water resources. Kenya Water Institute (KEWI) advertised training opportunities in newspapers with a wide coverage. The institute has a student population of 1,200 from across the country. The Water Service Regulatory Board (WASREB) ensured public participation in the water tariff setting process for all applications received from water services providers as per section 107 of the water Act 2002 and also facilitated consumer engagement in water services delivery. The Athi Water Services Board in collaboration with The National Environment Management Authority (NEMA) held public hearing meeting for the proposed Northern Collector Tunnel phase 1 in Kangema and Kigumo sub-counties in Murang'a. NEMA involved the public in assessing and awarding approvals to individuals and organizations on environmental impact of projects.

99. The Ministry of Water and Irrigation through the Water Services Regulatory Board (WASREB) issued advisories on cross county cooperation in utilization of shared water resources within the counties of Kericho, Bomet, Kakamega, Busia, Muranga and Nairobi. The advisories are meant to enable citizens to enjoy shared water services to minimize conflicts over resources.

100. The National Council for Persons with Disabilities supported persons with disabilities to participate in cultural and sporting activities in Tanzania and Qatar. Kenya Film Classification Board (KFCB) represented Kenya in the *Udada* International Film Festival from 15th to 20thOctober, 2015 held in Nairobi. Further, the Board promoted the rule of law by carrying out its mandate as stipulated in Cap. 222 Laws of Kenya by classifying films meant for public viewing, licensing film operators, as well as enforcing watershed principles to all broadcasters.

101. The State Department of Housing and Urban Development through the National Construction Authority (NCA) hosted the first Annual Construction Research Conference and Exhibition which brought together

representatives from both public and private sectors, financial, academic and research institutions in order to rejuvenate the construction industry by jointly discussing key innovations. The National Land Commission (NLC) undertook a verification exercise to establish rightful ownership of parcels of land hence resolving disputes and misunderstanding between two settlement schemes at Chembe Kibambamche and Kiboko B. The NLC revoked land titles of grabbed public land and restored them to the intended public utilities such as schools, Government MCDAs, urban public spaces, wetlands, forests and riparian, and road reserves.

102. The State Department of Energy through Rural Electrification Authority (REA) ensured equitable connectivity of electricity in marginalized and off grid areas. REA continued to engage the County Governments and members of the public in project identification and implementation. Kenya Electricity Generating Company (KENGEN) involved the Olkaria community in the Resettlement Action Plan (RAP) programmme for Olkaria IV and Olkaria I U 4 and 5 in respect to land acquisition. KENGEN similarly involved the affected community members in land acquisition for the Meru Wind Power Project. The Government through ERC engaged stakeholders in the development of the draft Kenya Electricity Grid Code.

103. The National Treasury reviewed the Pensions Act (Cap.190) and Widows and Children's Act (Cap.195) to align them with the Constitution of Kenya 2010. In addition, the Treasury is in the process of developing regulation to operationalize the Public Procurement and Asset Disposal Act, 2015. Similarly, Central Bank of Kenya developed the CBK Bill, 2015 which seeks to align its operations to the Constitution.

104. The Kenya Revenue Authority (KRA) applied the principle of 'non-interference' with audits, to ensure that cases proceed as they should within the confines of the law and without 'external' interference to promote the rule of law. Further, during the Taxpayers' week the Authority sensitized taxpayers on various tax issues to inculcate patriotism in the period under review.

105. To promote democracy and enhance participation of the people, the Office of the Controller of Budget (OCB) held two public forums on financial reporting. In addition, the Office set up an interactive website to enable the public access information, regulations, guidelines and manuals on budget implementation as well as interact with the Office on any budget implementation issue. To ensure adherence to the rule of law, the OAG published, publicized and posted in its website all audit reports for different Government entities.

106. Commission on Revenue Allocation (CRA) promoted the rule of law and enhanced participation of the people by engaging the public, the Council of Governors, the Senate, professional bodies, County Executive members, religious organizations, Civil Society Organizations (CSO), youth organizations, the academic community and trade unions, among others, in the review of the second generation formula of sharing revenue among the 47 Counties and the National Government. It further facilitated the drafting of County revenue laws in all 47 Counties. The Commission in conjunction with International Budget Partnership developed guidelines and facilitated training of County Budget and Economic Forum members in all 47 Counties to sensitize them on their roles in the identification, implementation and monitoring of county programmes. Further the Commission involved County Governments and assemblies in collaboration with the Kenya Association of Manufacturers and consultants to draft legislations on rates, trade, public participation, finance and policies.

107. The Government through the Ministry of Health developed the Health Bill (2015) to establish a unified health system; to coordinate the inter-relationship between the national and County Governments' health systems; to provide for regulation of health care service and health care service providers, health products, and health technologies and for connected purposes. Other health related laws being reviewed are: the Clinical Officers' Council (Amendment); the Biomedical Engineering Bill and the Kenya Quality Improvement Policy. Similarly, National Hospital Insurance Fund revised section 4 of NHIF Act on the constitution of the board through the Statute Law (Miscellaneous Amendments) Act, 2014 to ensure wide representation of all stakeholders in the NHIF Board. To promote patriotism, the Communication Authority of Kenya established a monthly national patriot day, marked on the last Friday of every month. On this day, members of staff are sensitized on national values awareness and mainstreaming.

108. Kenya Copyright Board (KECOBO) conducted raids and inspections across the country on copyright and related rights infringement. This was to increase awareness and protect copyright owners from infringement and socio-economic disempowerment. The Export Processing Zones Authority in its compliance with **Article 10** of the Constitution reviewed EPZ Act, cap 517 and EPZ regulations. Similarly, the Engineers' Board of Kenya approved and accredited programmes in both private and public universities and colleges through implementing the Engineers' Act, 2011.

109. The CAJ, in promoting the rule of law, conducted inquiries and investigations on complaints of maladministration in the public sector. CAJ also issued advisory opinions on various Bills of Parliament including frameworks for cooperation between the Senate and Governors, and on boundary disputes between Counties.

110. The EACC in enhancing public participation, implemented community outreach, public education and awareness programmes through county and regional programmes, public *barazas*, and trade fair exhibitions to enlist more Kenyans in the fight against corruption and the promotion of ethics.



*Figure 11: Officials from EACC in a civic education exercise*

111. The Privatisation Commission organized and facilitated stakeholders' forums with respect to the privatization of approved sugar companies to promote participation of the people in the decision making process. Similarly, Competition Authority of Kenya (CAK) involved stakeholders to give input in the development of the Regulatory Impact Assessment (RIA) guidelines launched in December, 2015.

## 3.2 Measures Taken to Enhance Sharing and Devolution of Power

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

112. **Article 174** of the Constitution lists the objectives of devolution as: the promotion of democratic and accountable exercise of power; fostering national unity by recognizing diversity; giving powers of self-governance to the people and enhancing the participation of the people in the exercise of the powers of the State and in making decisions affecting them; recognizing the right of communities to manage their own affairs and to further their development; protecting and promoting the interests and rights of minorities and marginalized communities; promotion of social and economic development and the provision of proximate, easily accessible services throughout Kenya; ensuring equitable sharing of national and local resources throughout Kenya; facilitating the decentralization of State organs, their functions and services, from the capital of Kenya; enhancement of checks and balances and the separation of government powers. During the reporting period, the Government continued to undertake various measures to enhance sharing and devolution of power.

113. The Government through the Senate developed the Division of Revenue Bill, 2015. The object and purpose of this Act is to provide for the equitable division of revenue raised nationally between the national and county levels of government for the financial year 2015/2016 in accordance with **Article 203(2)** of the Constitution; and the financing and continuation of on-going services in accordance with **Articles 187(2)** and **203(l) (d)** of the Constitution. Further, the Senate developed the County Allocation of Revenue Bill 2015, whose object and purpose is to provide, pursuant to **Article 218(1)(b)** of the Constitution, for the allocation of an equitable share of revenue raised nationally among the County Governments, in accordance with the resolution approved by Parliament under **Article 217** of the Constitution for the financial year 2015/2016; provide, pursuant to **Article 187(2)** and **202(2)** of the Constitution, for conditional allocations for the financial year 2015/2016; and facilitate the transfer of allocations made to counties under this Act from the Consolidated Fund to the respective County Revenue Funds.

114. In the period under review, Parliament initiated and facilitated continuous engagement with various agencies involved in facilitating the transition to and strengthening devolution, among them the Council of Governors, the County Assemblies Speakers Forum, the Transition Authority, the Commission for the Implementation of the Constitution, the Controller of Budget, the office of the Auditor General, and the

Commission on Revenue Allocation. Further, Parliament also facilitated capacity building of County Governments through attachment and on the job training for staff of county assemblies. As a result, 26 County Assemblies visited Senate on attachment or benchmarking activities. In addition, Senate Committees made 79 visits to various County Governments and engaged them on finding solutions to emerging devolution challenges. These activities were coordinated by the County Legislative Staff Attachment programme at the Senate and the Senate County Liaison Office in the Office of the Speaker.

115. The CRA guided the County Governments' expenditure processes by costing the various devolution functions, and further made recommendations for the 2015/16 financial year as shown in Table 1 below.

*Table 1: Financing of County Government Functions (Ksh. billions)*

| No. | Devolved Functions | Allocation to Counties 2014/2015 | CRA Recommendation 2015/2016 |
|---|---|---|---|
| 1 | Health Services | 62,780 | 82,143 |
| 2 | Planning and Development | 54,091 | 56,796 |
| 3 | Agriculture, Livestock and Fisheries | 16,103 | 19,435 |
| 4 | Culture, Public Entertainment & Public Amenities | 2,849 | 2,992 |
| 5 | Youth Affairs and Sports | 3,380 | 6,699 |
| 6 | Trade, Cooperative Development and Regulation | 4,404 | 4,624 |
| 7 | Roads and Transport | 38,164 | 43,537 |
| 8 | Lands, Housing and Public Works | 5,868 | 6,419 |
| 9 | Natural Resources and Environment Conservation | 6,734 | 7,070 |
| 10 | Pre-Primary Education | 2,059 | 5,565 |
| 11 | County Emergency Fund | | 4,400 |
| 12 | **Sub Total Devolved Functions** | **196,433** | **239,680** |
| 13 | New County Structures (County Assembly, County Executive) | 30,233 | 42,766 |

| | | | |
|---|---|---|---|
| **14** | **Total Devolved Functions** | **226,666** | 282,445 |
| | **Conditional Allocations** | **1,800** | 65,231 |
| **15** | Level 5 Hospitals | 1,800 | 3,600 |
| **16** | Resources for Devolved function being performed by the National Government | - | 61,631 |
| | **TOTAL** | **228,466** | **347,676** |

*Source: Commission for Revenue Allocation, 2015*

116. **Article 216(5)** requires the Commission on Revenue Allocation to submit recommendations on sharing of revenue to the Senate, National Assembly, the National Executive, County Assemblies and the County Executives. During the reporting period and in accordance with the provisions of **Article 216(1)(a)** and **Article 203(1)**, the Commission recommended that out of the shareable revenue of Ksh.935, 653billion for the financial year 2013/2014, Ksh.331, 765billion be allocated to County Governments as equitable share and Ksh.45, 752billion as conditional transfers for financial year 2016/2017. The recommended equitable share allocation to County Governments is equivalent to 35.5 percent of the shareable revenue for 2013/14 amounting to Ksh.935,653billion. In making this recommendation, the Commission used the allocation to County Governments for financial year 2015/2016 of Ksh.259,775billion as the base. This base was increased by Ksh.39, 200billion using a three year revenue growth rate of 15.09 percent. The years considered were 2012/13; 2013/14 and 2014/15.

117. The Government through the National Treasury has continued to increase funding to County Governments in excess of the constitutional requirement of 15% in an endevour to support full implementation of devolution programmes and projects. County Governments received a total of Ksh.210billion during the 2013/2014 financial year, Ksh.227billion during the 2014/2015 financial year and Ksh.294billion in the 2015/2016 financial year. It is projected that the County Governments will receive a total of Ksh. 307billion in 2016/2017 financial year. By the end of the financial 2016/2017 the Government will have cummulatively allocated Ksh. 1.038trillion.

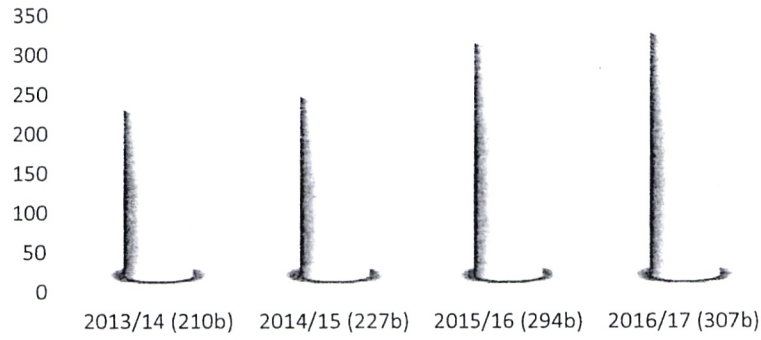


*Figure 12: County Allocation by National Treasury (in billions)*

***Source: The National Treasury, 2015***

118. The Ministry of Devolution and Planning developed a draft Devolution Policy to guide the devolution process in Kenya. The objectives of this Policy are to: clarify the status, roles and relationships between the two levels of government and the different actors; strengthen the participation and contribution of non-state actors in governance; enable quality public service delivery; promote public participation and citizen engagement in governance; encourage a rights–based orientation to development at all levels. This policy will address issues such as the conflicting institutional mandates, conflicts between national and County Governments and between county assemblies and county executives.

119. In addition, the Ministry of Devolution and Planning offered technical support on the development of strategic plans for Nairobi, Mombasa, Kisumu, Kakamega, Eldoret, Wajir, Mandera, Kitui, Mwingi, Nakuru and Garissa. The Ministry also prepared the Strategic Integrated Physical Development plans along LAPSSET corridors and Integrated Development Plans for designated urban areas as defined by Urban Area Act 2011. In addition, the Ministry offered technical assistance and support to County Governments.

120. The Government through the Ministry of Devolution and Planning conducted civic education, held sectoral forums, developed public participation guidelines, and undertook capacity building programmes to enhance devolution processes in all counties. The Ministry also formed the Intergovernmental Sectoral forums on devolved functions, operationalized the Intergovernmental Technical Committee and Secretariat for the Summit, and finally convened the Intergovernmental Summit. To improve co-ordination of development planning, policy formulation and budgeting,

the Ministry supported County Governments through provision of planning support services, development of relevant devolution policies as well as development and implementation of relevant institutional frameworks.

121. Further, the Ministry through the Transition Authority (TA) continued to oversee the transfer of County Government functions and services for effective service delivery. The TA established the relevant systems and processes necessary for the operationalization of county functions including the Public Finance Management, Procurement and Human Resource Management among others. The Authority continued to provide guidance on emerging challenges following transfer of functions and facilitated a consultative forum on the secondment of Early Childhood Development (ECD) officers to County Governments. The objective of the forum was to build consensus on the secondment of the ECD Officers to the County Governments to continue performing the devolved pre-primary education function.

122. In line with **Article 187** of the Constitution, the Authority provided the requisite guidance to the Teachers Service Commission (TSC) which facilitated the release of the ECD officers to the County Governments. The Authority also facilitated a consultative forum on the future position of the Centre for Training and Integrated Research in ASAL Development. The purpose of the forum was to forge a mutual understanding on the future of CETRAD in view of its core mandate of research and training. In addition, TA spearheaded the transfer and absorption of Youth Polytechnic instructors under the Economic Stimulus Programme (ESP) by the County Governments.

123. The Authority publicized the moratorium on transfer of public assets which was meant to secure assets and liabilities during the transition period. The Authority also facilitated the transfer and sharing of equipment held under the Mechanical and Transport Fund to County Governments. The Authority further developed and publicized the procedures for disposal of boarded public assets during the transition period and granted approvals for disposal of boarded public assets by MDAs. The Authority continued to offer advisories to ensure effective management of public assets and liabilities in all counties during the transition period.

124. The Government through the TA developed a National Capacity Building Framework (NCBF) meant to guide the management of capacity building initiatives for devolved system of governance. The framework has an inbuilt monitoring and evaluation mechanism for the capacity

building activities. The NCBF addresses three broad areas namely: human resource development which aims at ensuring both levels of government and especially counties have adequate skilled and competent staff to perform the assigned duties effectively; organisational development which focuses on strengthening and developing strategies, structures, systems, processes, procedures and infrastructure; and other activities that include institutional development aimed at creating an enabling legal, policy and regulatory environment which include laws and regulations, norms and standards necessary for effective implementation of functions and delivering services.

125. To provide a mechanism for closure and transfer of public records, TA in conjunction with the Inter-Agency Committee endeavored to establish all the records previously held by the abolished/restructured institutions. This was to inform on records requiring to be transferred to the relevant units and agencies for institutional memory and preservation and to determine which of those records should be closed or disposed. This process will lead to proper management of records which is vital in ensuring efficiency in the management of the National and County Governments.

126. In partnership with the Public Financial Management Reform initiatives, TA undertook fiduciary mock reviews. The reviews provided first-hand information on the status of transition to devolved governments and further information on the possible gaps and challenges that might require urgent intervention by the stakeholders. The findings informed the capacity building efforts to support the County Governments in the areas of budget and audit. The outcomes of the mock reviews informed the preparation of the county budgets and internal audit manuals for training of the county treasury officers. In addition, the mock reviews established the status of operationalization of County Governments and facilitated the assumption of the functions assigned.

127. The Authority organized capacity building workshops for specific assemblies as well as for specific caucuses. For instance, the TA organized training for all members of the County Assembly Budget Committees. The TA also conducted two training programmes for legal officers in legislative drafting and interacted with speakers with a view to building their capacity to carry out their functions. Individual Counties were also trained on various topics on request. In addition, TA developed Transfer of Public Assets and Liabilities regulations on transfer of assets and liabilities between the two levels of government.

128. To address the gaps of the Urban Areas and Cities Act, 2011 on classification of urban areas and cities, the TA constituted a technical committee that developed the Urban Areas and Cities (Amendment) Bill, 2015 which was forwarded to Parliament.

129. The Ministry of Devolution and Planning through the *Uwezo* Fund continued to disburse interest free loans to youth groups, women groups and people with disabilities in various constituencies. Further, the *Uwezo* Fund Oversight Board facilitated establishment of *Uwezo* Fund structures at the constituency level and gazetted all the 290 Constituencies *Uwezo* Fund Management Committees. The Board also engaged 21 Capacity Building Service Providers in the 290 constituencies to train all beneficiary groups.

130. **Article 6 (3)** of the Constitution requires national state organs to ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service whereas **Article 46(1) (a)** and **(b)** provides the consumers the right to goods and services of reasonable quality and to information necessary for them to gain full benefit from goods and services. To safeguard these provisions, the Government through the Ministry of Devolution and Planning continued to establish *Huduma* Centres as service delivery channels in different parts of the country. The services that are currently provided include application and renewal of passports, land title deeds, national identity cards, business name search and registration, application for birth certificates, issuance of personal identification numbers, driving licenses and certificates of good conduct.

131. The Government through the Ministry of Devolution and Planning, with the assistance of United Nations Development Programme (UNDP) and the United Nations International Strategy for Disaster Reduction started rolling out Disaster Risk Reduction (DRR) platforms to the counties. The programme was rolled out in Tana River, Turkana and Garissa Counties and, the Ministry continued to work closely with the TA and the Council of Governors Secretariat to roll out the Programme in the remaining counties. The Government also mainstreamed the Disaster Risk Reduction programme in the 47 County Integrated Development Plans. Further, the Ministry continued to facilitate the transfer of personnel records for civil servants in ministries whose functions were devolved to County Governments. The transfer of records programme was to ensure that County Governments are in full control of the staff performing devolved functions. 63,200 members of staff performing devolved

functions have since been transferred to the counties following the transfer of functions in line with the Constitution.

132. The Government through the Ministry of Devolution and Planning with the support of UNDP under the Economic Empowerment Programme rolled out implementation of *Biashara* Centres Initiative in counties. The role of the Ministry was to build the capacities of counties to establish and run the centres. The Ministry also coordinated the National Government agencies and other actors at the national level to support and provide services through the centres. The services and programmes that will be on offer at the centres include: skills and entrepreneurial training; capacity building for groups and entrepreneurs; access to affordable credit from government agencies and other actors; access to technology, inputs, services and markets; and access to information. The centres will be managed by the County Governments but will involve National Government agencies, private and non-state actors under Public Private Partnerships (PPPs) arrangement.

133. Some of the National Government agencies that will set up and provide services through the Centres include: *Uwezo* Fund, Youth Enterprise Development Fund, Women Enterprise Fund and Micro and Small Enterprise Authority among others. The Government established two *Biashara* Centres in Kwale and Taita Taveta counties. The Ministry also launched the second phase of the Youth Empowerment Programme in informal settlements in Mukuru Kwa Njenga, Korogocho, Mathare, Kiandutu and Nyalenda. This is in line with the government's plan and the Harmonized Jubilee Manifesto to create transformative youth empowerment under the National Youth Service, and specifically the Youth Re-Socialization Programme.

134. In the fight against Alcohol and Drug Abuse (ADA), the State Department of Correctional and Rehabilitation Services through NACADA developed a catalogue on verified manufacturers, brands, stakeholders and players in the alcohol industry. The Authority strengthened capacity of County Governments on surveillance and enforcement, strengthened community outreach on ADA, supported County Governments to carry out research on alcohol and drug abuse and conducted training for County Community Health Coordinators.

135. In compliance with **Article 6** of the Constitution, MDAs devolved their functions to facilitate access of services by the citizens. For instance, the Agricultural Finance Corporation (AFC) increased the number of branches in the counties to 44. Further, the Communications Authority of Kenya (CAK) opened two regional offices in Eldoret and Mombasa to

support the counties in Western and Coastal regions while plans are underway to open additional regional offices in Nyeri and Kisumu to serve Central/Eastern and Nyanza regions respectively. The Anti-Counterfeit Agency (ACA) opened regional offices in Kisumu and Eldoret, conducted outreach programmes in Turkana County and conducted market research in Mombasa, Meru, Nyeri, Embu and Kiambu counties.

136. The Kenya Dairy Board (KDB) opened and operationalised 2 new branch offices in Bungoma and Tharaka Nithi Counties and convened bi-annual regulatory/stakeholders meetings in 5 counties. The National Industrial Training Authority opened training levy collection centres in Nyeri and Eldoret. The Pest Control Products Board increased coverage of its services by opening 5 regional offices to facilitate access of services and reduce response time during emergencies while the EACC continued to devolve services by opening 3 additional regional offices and 2 satellite offices. This was aimed at facilitating the fight against corruption and economic crime in the country.

137. The Government continued to support decentralization of functions to facilitate access to services by the citizenry. For instance, the Ministry of Labour and East African Affairs decentralized its services to various counties and regions in the country. The National Council for Persons with Disabilities decentralized its services to all counties and facilitated recruitment and deployment of staff, allocation of resources including equipment, financial and personnel for effective and efficient service delivery. In addition, the IEBC enhanced decentralization of electoral operational activities by recruiting election officials from county level and established political party liaison offices in the counties. The Commission further established collaboration with county commissioners among other relevant state actors including ODPP and the National Police Service.

138. The Government through the Ministry of Foreign Affairs and International Trade sensitized County Government officials on foreign policy, foreign engagements and international travel. It conducted training for county officials from Uasin Gishu, West Pokot, Turkana, Baringo, Elgeyo Marakwet, Bomet, Nandi, Narok Trans Nzoia, Nakuru and Kericho counties on Protocol and Kenya's international obligations. In addition, the Government through the Ministry of Sports, Culture and the Arts partnered with County Governments in construction, rehabilitation and management of sports infrastructure in the Counties. The collaboration accelerated development of three stadia namely Mombasa Municipal Stadium, Moi-Kisumu Stadium and Kipchoge Keino Stadium in Eldoret. The continued development of such infrastructure facilitated

sporting activities that are instrumental in promoting intra and inter county cohesion. Further, the Ministry collaborated with Tharaka Nithi, Turkana, Taita Taveta, Busia and Marsabit Counties in organizing community festivals.

139. The Government through the Retirement Benefits Authority (RBA) established the Retirement Benefits Authority Appeals Tribunal to hear and resolve disputes arising in the management and administration of pensions across the counties. The Authority also continued to engage with County Governments by conducting sensitizations on pensions savings. Separately, the National Oil Corporation of Kenya (NOCK) partnered with County Governments to expand its retail network across all counties in Kenya with the aim of bringing petroleum products closer to the people. Since January 2015, the Corporation has grown its retail network to 99 service stations.

140. The Lake Victoria South Water Services Board partnered with County Governments under the Board's jurisdiction to design and implement various water and sanitation development projects. The Board also transferred delivery of water services function to the respective County Governments in line with the **Fourth Schedule** of the Constitution. The Lake Victoria North Water Services Board devolved water services to create sustainable partnerships with the County Governments in water/sanitation development projects and a widened stakeholder base in water resource protection and management. The WARMA decentralized its operations to regions and sub-regions based on water basins in the country.

141. During the reporting period, the National Environment Management Authority (NEMA) continued to devolve its services to regions and counties to facilitate access to services such as issuing of licenses and also decentralized medium and low risk enforcement. The REA opened 5 regional offices at the Coastal, Nyanza, Western, North Rift and Central regions to enhance devolution of its functions and services. It also decentralized its services by deploying project supervisors to each county. The Authority deployed 47 members of staff to each county to ensure adequate monitoring, supervision and implementation of projects. Additionally, the Authority signed MoUs with various Counties in order to promote collaboration in project implementation. The Ministry of Agriculture, Livestock and Fisheries through the Kenya Tsetse and Trypanosomiasis Eradication Council (KENTTEC) also devolved some of its functions to County Governments as advised by the TA.

142. The OAG established regional offices and deployed its staff to those offices across the country in order to devolve its services fully. The Office posted auditors who are required to audit County Government entities and projects in a bid to support devolution. Separately, the Export Processing Zones Authority established regional offices in order to facilitate devolution of their services. The Ministry of Education, Science and Technology through Kenya Education Management Institute (KEMI) conducted trainings in all the 47 Counties. The ODPP continued to establish offices in all counties as well as in the sub-counties. The State Department of Interior through the Civil Registration Directorate installed Local Area Network and Wide Area Network Infrastructure in 10 Sub-Counties as part of computerization of the functions of the Department.

143. The Government through the National Police Service devolved forensic services to counties and formations. The WASREB revised its communication strategy to align it with the devolved structure of government and provided technical advice to County Governments. The Government through Athi Water Services Board spearheaded the development of three MOUs for Nairobi, Kiambu and Murang'a Counties for coordination of water services between the Counties and National Government.

144. The State Department of Interior and Coordination of National Government through the National Government Administration Officers in collaboration with County Governments undertook joint initiatives such as holding national day celebrations, public barazas and disaster management committee meetings. They also collaborated in the fight against alcoholism and illicit liquor, management of land disputes, development of county security systems, capacity building and establishment of the County Service Delivery Committees, formulation, implementation and enforcement of alcoholic regulations.

145. The Government through the Higher Education Loans Board (HELB) availed higher education loans and also offered management of County and Constituency Higher Education funds on a revolving basis. Further, HELB devolved its services through Huduma Centres and financial institutions e.g. banks in payment, collection of funds and application forms across the country. In addition, the State Department of Education through Kisumu National Polytechnic partnered with the County Government of Kisumu to establish the garment clusters and incubators to create awareness among stakeholders on the inherent potential in the garment making subsector. The garment project will provide employment

opportunities to the youth and therefore additional income for Kisumu County residents and the region at large.

146. The Government, in its endeavor to provide access to affordable and quality higher education, continued to support public and private universities to ensure establishment and sustainability of satellite campuses in the Counties. Universities including the University of Nairobi, Chuka, Moi, Kenyatta, Egerton among others have continued to create and operationalize satellite campuses in other parts of the country to promote access to quality education. Separately, Egerton University has signed MoUs on seed bulking with Nakuru, Baringo, Elgeyo Marakwet and Bomet County Governments on modalities towards enhancing sustainable agricultural production.

147. Further, the Government through the Commission for University Education (CUE) continued to monitor and enforce regulations that guide the operations of universities in the counties as witnessed in the continuous inspection of both public and private universities and their campuses across the country. In addition, the Commission awarded a Charter and Letters of Interim Authority to new universities established in line with its guidelines and regulations.

148. The Teachers Service Commission (TSC) continued to decentralize its functions to the counties and sub-county levels in line with Section 3(2) of the TSC Act, 2012. During the reporting period, the Commission recruited and deployed sub-county directors of education. Further, the Commission enhanced its ICT connections and service delivery at the counties and set up Committees to strengthen governance and provide guidance on the implementation of its programmes in the counties. The State Department of Education strengthened the school boards of management as guided by the Basic Education Act No.14 of 2013. The PSC and the CRA continued to support County Governments on performance management, planning and budgeting in preparation of CIDPs respectively. The Unclaimed Financial Assets Authority (UFAA) formulated a strategy on engagement of County Governments under the Stakeholder Education and Awareness Strategic Objective of the Authority's Strategic Plan which is to be implemented in the course of the 3 year plan period.

149. The Kenya Rural Roads Authority (KeRRA) devolved its services and involved each constituency in the decision making process in its 290 Constituency Road Committees to identify the road projects to be undertaken at the Constituency level. The Authority also involved its 290 Constituency Roads Tender Committees in the procurement of the road

projects at the constituency level identified and earmarked to be undertaken by the Constituency Roads Committee.

150. The Central Bank of Kenya (CBK) rolled out the Internet Banking System to both National and County Governments including the County Assemblies to enhance utilization of government resources. Further, CBK launched the Treasury Mobile Direct platform to facilitate investment in government securities at all levels. The Kenya Roads Board (KRB) continued to provide funding for County roads, conducted outreach to the Counties and guided on road classification.

151. The State Department of Infrastructure through Kenya Urban Roads Authority (KURA) prepared work plans in consultation with the County Governments and signed Memoranda of Understanding (MoU) with 6 County Governments on development of roads. Further, the State Department developed the Kenya Roads Bill, 2015 to review the Roads Act, 2007 to align it with the Constitution so as to define national and county roads.

152. The State Department of Mining provided policies, laws and regulations to govern the mining industry in all Counties. It also provided data and information for planning, policy making and decision making in the mining processes at the Counties. The Ministry also signed MoUs with County Governments in mining areas on land use and land cover mapping and also engaged County leadership in decision-making on mining issues.

153. The State Department of Agriculture and Fisheries through the Agricultural Food and Fisheries Authority (AFFA) established offices in at least 22 Counties and partnered with the County Governments to ensure that resource allocation to farmers was done in a transparent manner. The Authority further employed strategies to ensure increased coverage to all counties. It also carried out stakeholder consultations and meetings in the counties. The State Department of Water handed over devolved functions and manpower to counties and conducted water sector transition and reforms consensus building forums. In addition, KRA introduced a mobile payment system as a means towards enhancing revenue payment / collection.

154. The Ministry of Information, Communication and Technology in collaboration with County Governments developed ICT 5 Years' Development Plans for all the 47 Counties and aligned them to the National ICT Master Plan. Further, the Ministry formulated the Public Sector Communication Policy to standardize public communication

guidelines and procedures. It also developed crises and risk management guidelines for both National and County Governments to streamline public communication during crises and emergencies and increase access to radio and TV at the Counties.

155. The Government through Agricultural Development Corporation (ADC) enhanced collaboration between National and County Governments by holding farmers' open days in Kitale and Molo in Trans Nzoia and Nakuru Counties respectively. During the open days, farmers and other stakeholders were sensitized on the need for national cohesion and national values for sustainable agricultural production. The State Department of Industry and Enterprise Development through the Kenya Investment Authority (KenInvest) organized investment forums and business clinics in Busia, Laikipia, Meru, Machakos, Malindi, Baringo, North Rift, Turkana and Narok. The Authority also formulated the National Investment Policy and held county stakeholder consultations with the County Government officials to discuss the national investment policy development process.

156. To enhance the devolution process, the Kenya Vision 2030 Delivery Secretariat (VDS) signed MoUs with Taita Taveta, Laikipia, Turkana, Narok, Lamu and Uasin Gishu Counties aimed at sensitizing the public on alignment of County Integrated Development Plans to the Vision 2030 blueprint and implementation of key flagship projects in the counties. Separately, the Kenya Medical Supplies Authority (KEMSA) facilitated service provision to the counties through the Logistics Management Information System on commodity management and ordering.

157. The Kenya Animal Genetic Resources Centre (KAGRC) established satellite centres for distribution of their products and signed MoUs with County Governments as their agents. The OAG & DoJ through the Kenya Copyright Board (KECOBO) undertook training programmes on copyright and related rights in 9 Counties.

158. The Government through the National Treasury continued to undertake preparation and implementation of the Medium Term Expenditure Framework (MTEF) which involved stakeholders in the entire budgetary cycle as provided for in the Public Financial Management Act No. 18 of 2012. In addition, the National Treasury issued the 2015 Budget Policy Statement that outlined 5 pillar transformation programmes covering: creation of a conducive business environment; investing in agricultural transformation and food security; investing in first class transport and logistics; investing in quality and accessible healthcare services and quality education as well as strengthening the social safety

net to reduce the burden on households; and supporting devolution for better service delivery and enhanced economic development.

159. Further, the National Treasury issued guidelines for preparation of the 2016/17-2018/19 Medium Term Budget in accordance with section 36 (2) of the Public Finance Management Act, 2012. A key aspect to these guidelines was the directive that where MDAs policy objectives are best achieved by channeling resources to County Governments through conditional or unconditional grants accounting officers should consult with the target County Governments and include such grants in the budget estimates of the MDA. The Export Promotion Council adopted a county engagement programme to enlist the support of County Governments in prioritizing export agenda throughout the country, prioritize products for export and nurture enterprises to engage in export business. The Council visited 37 counties under this initiative and the visits and follow-ups are ongoing.

160. The Office of the Controller of Budget (OCOB) continued to advise counties on resource management. Further, the Office continued to monitor and approve release of the resources due to County Governments. It also ensured that the budgets met the requirements of the law before approval of releases from the Exchequer. In addition, the Office facilitated capacity building programmes for the general public to participate effectively in the budget process. The Salaries and Remuneration Commission (SRC) continued to facilitate the smooth transition to devolved government by advising on the salary structure for County Governments.

161. The Government through the State Department of Agriculture developed regulations and standards, involving County Governments in redistribution of fertilizers and signed MoUs to support identified county programmes. The Northern Water Services Board (NWSB) continued to engage with the County Governments in the 7 arid and semi-arid counties of Isiolo, Laikipia, Garissa, Mandera, Marsabit, Samburu and Wajir periodically and on need basis.

162. The Government through the Ministry of Health separated roles of execution of health services and policy making to ensure checks and balances and allow the county health facilities and other institutions to determine their priorities. Further, the Ministry formulated policies and developed standards for quality health services geared towards the improvement of health services. The Ministry also ensured that the county departments of health respond to the needs of the population through direct service delivery.

163. The State Department of Correctional and Rehabilitation Services collaborated with County Governments to facilitate acquisition of land to build new prisons to enhance rehabilitation services. Further, the State Department facilitated provision of free labour services from prisoners to County Governments' public projects and programmes. County Governments also promoted prison programmes by buying products from prison industries and farms. They also funded some of the rehabilitation programmes such as establishment of Drugs and Alcohol programmes for prisoners. In addition, the County Governments facilitated the reintegration process by assisting released prisoners to seek employment or self-employment. The Government through Probation and Aftercare Service partnered with County Governments to provide relevant services in the administration of criminal justice.

164. The Kenya National Library Service (KNLS) unbundled functions to be devolved to the County Governments and also developed a draft devolution and implementation plan for public libraries which was forwarded to County Governments for information, input and action. Separately, the Kenya Literature Bureau (KLB) partnered with 2 County Governments to supply educational materials at preferential rates and carried out capacity building programmes for bookshop attendants.

165. The State Department of Gender Affairs undertook capacity building on gender mainstreaming for County Youth and Gender Officers and involved County Executive Officers in charge of Youth, Gender and Persons with Disabilities in formulating the National Equality Policy and National Women Economic Strategy Plan. Further, the State Department convened a consultative forum on the Women Economic Empowerment Strategy for Kenya that brought together the Directorate of Gender, County Youth & Gender officers and officers from the County Governments of Machakos, Makueni, Nairobi, Kajiado, Kirinyaga, Nyandarua, Murang'a, Kiambu and Nyeri.

166. The National Council for Population and Development (NCPD) held advocacy meetings to sensitize county leadership on the benefits of managing population alongside the economy and how to include population programmes such as family planning in County Integrated Development Planning (CIDP) process and budget. The Council also set aside a budget for County Population Coordinators to facilitate implementation of programmes.

167. Further, the Council organized forums to sensitize media and build their capacity for population management and information dissemination at the county level. The forums were aimed at enhancing the mass media's

capacity as an avenue for dissemination of the Population Policy for National Development and provision of accurate information to support population advocacy programmes at the counties. The Council organized media forums in Uasin Gishu, Nakuru, Kitui, Bungoma and Nairobi to enlist the media's support in explaining how population, reproductive health and family planning programmes lay the groundwork to strengthen families, improve the health of mothers and children, and achieve county and national development goals such as Kenya's Vision 2030.

168. The Council launched a national survey on adolescents and youth to identify county specific opportunities for investing in health, education and economic environment that is conducive to accelerate the realisation of a demographic dividend at the county level. The NCPD intends to conduct the survey in collaboration with key stakeholders to identify prevailing issues that affect young persons in 47 Counties. The survey will help to analyze some of the ongoing initiatives by the Government and other stakeholders towards empowering young people to inform policy and programmes so as to enhance the impact of these initiatives.

169. The Government through the KLRC continued to accord technical assistance to County Governments with preparation, review and harmonization of their respective legislative frameworks with the Constitution according to the County Governments Act, 2012 and the Kenya Law Reform Commission Act, 2013. In addition, the Commission developed a guide to the legislative process 2015 and carried out 10 cluster sensitizations for County Government staff on the legislative process. The Commission further developed and disseminated over 50 County Model Laws based on the functions of County Governments as captured in the **Fourth Schedule** of the Constitution for customization by the respective County Governments. The county model laws were disseminated to all the 47 Counties. These activities were carried out in line with the requirement under the National Capacity Building Framework to build the capacity of County Governments.

170. The Ministry of Devolution and Planning put in place the Inter-Governmental Relations Technical Committee to succeed the Transition Authority whose role was to facilitate and co-ordinate the transition to the devolved system of government as provided for under Section 15 of the **Sixth Schedule** of the Constitution. The Inter-Governmental Relations Technical Committee is responsible for the day to day administration of the National and County Government Coordinating Summit and in particular implementing the decisions of the Summit. In addition, the Ministry through the Kenya School of Government, and specifically the

Centre for Devolution Studies developed a series of Working Papers on Devolution that will help to distil practical findings and lessons regarding devolution and participation. The Working Papers focus on how to implement public participation approaches in county operations to improve county budgeting, fiscal and revenue planning and accountability.

171. The CAJ issued advisory opinion on expenditure by County Governments on foreign trips where they recommended that County Governments should exercise fiscal discipline by ensuring that public money is used in a prudent and responsible manner. Further, the Commission recommended that County Governments embrace a participatory approach in identifying the specific areas requiring interventions in terms of best practices from other countries. In addition, the Commission advised County Governments to ensure prudent allocation of resources during the budgeting process based on the constitutional and statutory requirements. Further, the Commission trained the Members of County Assemblies on alternative ways of learning best practices in other countries through the use of available literature or engaging local and international experts.

172. To further entrench the devolution process, the Government facilitated 4 meetings of the Summit to resolve issues that were of concern to the National and County Governments. Among the issues resolved was the management of health services including provision of equipment to county hospitals. The PSC supported County Public Service Boards in the implementation of their respective mandates through provision of technical assistance and sharing experiences and best practices in human resource management. To actualize these, the Commission organized workshops for all the 47 Counties to interact and share experiences on best practices on Human Resource Management with the Chairpersons, Members and Secretaries of County Public Service Boards. The PSC also provided technical assistance to County Governments by putting in place mechanisms for consultation, cooperation, collaboration and partnership with County Governments in the discharge of human resource management functions for efficient and effective service delivery. These initiatives contributed to improved service delivery in the counties.

173. The Judiciary held dialogue meetings with the heads of devolved units and facilitated dialogue between the National Council on Administration of Justice (NCAJ) and the Council of Governors. During these forums, diverse devolution issues were discussed with the aim of facilitating support for administration and access to justice at the county level.

## 3.3 Measures Taken for the Protection of the Bill of Rights

***Article 10(2)(b): Human Dignity, Equity, Social Justice, Inclusiveness, Equality, Human rights, Non-discrimination and Protection of the Marginalised.***

174. The Government through Ministries, Counties, Departments and Agencies (MCDAs) progressively implemented policies, legislations, programmes and undertook administrative actions to actualize the Bill of Rights for social, economic and political transformation.

175. The Government through the Kenya National Commission on Human Rights (KNCHR) developed the Equality Policy and Equality Bill, Human Rights Defenders Policy and Gender Diversity Mainstreaming Policy, 2015 to promote the Bill of Rights. Further, the Commission received and processed alleged human rights complaints; monitored State compliance with international and regional human rights obligations; audited the Status of Police Reforms (2008-2015) and continued to advocate for the implementation of the Internally Displaced Persons Act, 2012. In addition, the Commission partnered with key institutions to conduct sensitization and distribution of Information, Education and Communication (IEC) materials on the Bill of Rights and strengthened Integrated Public Complaints Referral Mechanism and KNHCR referral partner's network.

176. Further, the Commission participated in the review of legislations to align them with the Bill of Rights. The reviewed legislations included: the Kenya Defence Forces Amendment Bill, 2015; Access to Information Bill, 2015; Petitioning Nairobi County Assembly (Procedure) Bill, 2015; Draft Water Bill, 2013; Health Bill, 2015; Traditional Health Practitioners Bill, 2014; Persons with Disabilities Bill, 2015; Witness Protection Amendment Bill, 2015; the Agreements Relating to Natural Resources (Ratification by Parliament) Bill, 2015; the Constitution of Kenya (Amendment) Bill, 2015; National Coroners Bill, 2013; National Registration and Identification Bill; Review of the Amended Prisons Act (Cap. 90) and Borstal Institutions Act (Cap. 92).

177. KLRC facilitated review of the Prisons Act (Cap.90) which seeks to uphold human rights and dignity. The Commission participated in the development of the Burial Bill, 2015 to promote human dignity. To promote human rights, the Commission developed the Health Bill, 2015 whose objective is to establish a unified health system and realize the highest attainable standard of health. The Commission further facilitated review of the Universities Act, No. 42 of 2012 and the Basic Education

Act, No. 14 of 2013 to enhance inclusivity. In addition, the Commission reviewed the Kadhis Court Act (Cap.11) and the Persons with Disabilities Act (Cap.133) to promote the values of non-discrimination and protection of the marginalized. The Office of Attorney General and the Department of Justice reviewed the Public and Ethics Regulations, 2011 to enhance equity.

178. To promote social justice, the Government reviewed the Pensions Act (Cap.190) and Widows and Children's Act (Cap.195) to align them with the Constitution. Further, the Health Bill, 2015 was developed to establish a unified health system to coordinate the inter-relationship between the National and County Governments' health systems to provide for regulation of healthcare service and healthcare service providers, health products and health technologies and for connected purposes. In addition, the National Hospital Insurance Fund Act (Cap. 255) was revised to address the composition of the Board through the Statute Law (Miscellaneous Amendments) Act, 2014 to ensure that the NHIF Board is both representative and inclusive.

179. To support and enhance implementation of the Bill of Rights, the Judiciary enhanced policy environment on diverse matters namely; promotion of consistency on issuance of bail and bonds, reduction in sexual and gender based violence, non-discrimination and consistency in sentencing. Further, the Judiciary opened new courts and operated mobile court stations in marginalized areas and protected the rights of the children. In addition, the Judiciary promoted human dignity by visiting prisoners and addressing their challenges in relation to courts, resolved human rights disputes and created redress platform and mechanisms where all Kenyans can raise issues affecting them in the justice sector.

180. The ODPP continued to promote the Bill of Rights by prosecuting offenders irrespective of their status, religion or social affiliation and promoted human rights by evaluating corruption cases before they are taken to court. Further, the Office continued to facilitate the fight against human trafficking and Female Genital Mutilation (FGM) and took charge of prosecution of offenders and sensitization of the public. To enhance fair administration of justice, the ODPP operationalized the plea bargaining rules, and promoted equality and non-discrimination in recruitment of staff.

181. The CAJ established offices at specific *Huduma* Centres countrywide for ease of accessibility to members of the public to enhance inclusiveness. The Commission participated in the Judiciary Taskforce on Sentencing, which developed the guidelines that enhances human rights.

The Commission also established complaints handling mechanism to address equity, equality and non-discrimination in public service. This enabled the Commission to handle and resolve complaints related to unfairness and administrative injustices in the public sector. These included salaries disparities, discrimination in disciplinary actions, employment by County Governments, transfers, training and computation and processing of pension dues.

182. To promote human rights and human dignity, the CAJ facilitated administrative justice through handling of complaints. These complaints covered violation of individuals and collective rights, disciplinary action in public sector or right to fair administrative justice, processing of land documents on right to own property, delay in processing of vital documents, delay in determination of matters before the court on right to fair trial and access to justice and failure by police to act on reports made to them.

183. The Government promoted the Bill of Rights by resettling squatters on Waitiki farm in Mombasa County and also resettled landless persons in TaitaTaveta County. The resettlement of squatters and IDPs enhanced their human dignity by according them access to housing and property. In addition, the Office of the First Lady continued to implement the Beyond Zero Campaign Programme to promote the right to health for mothers and children across the country.



*Figure 13: H.E the President Issuing Title Deeds to Squatters in the Coast Region*

184. The Executive Office of the President promoted social justice, equity and protection of the marginalized by initiating the Pupils Reward Scheme (PURES) Programme, which invited pupils with disability and those from disadvantaged backgrounds to State House for various activities.

185. The Governments of Kenya and Somalia in conjunction with United Nations High Commissioner for Refugees (UNHCR) continued with the voluntary repatriation of Somali refugees which started in December, 2014 and repatriated over 10,000 refugees. Separately, Kenya was represented at the Ministerial Pledging Conference on repatriation of Somalia Refugees in Brussels in October, 2015. The Conference was convened by the United Nations High Commissioner for Refugees and the European Union where donors pledged a total of 105.8 Million USD for the process. In collaboration with other stakeholders, the Government facilitated repatriation into the country of over 1,340 Kenyan refugees from Uganda in May, 2015 following the signing of a MoU between the Kenya and Uganda Governments and UNHCR in March, 2015.

186. The State Department of Interior and Coordination of National Government enhanced the security situation in the Country by formulating a draft policy on Restructuring and Transformation of Provincial Administration, 2015 to enhance security effectiveness, efficiency and responsiveness to the needs of the people which enabled the enjoyment of the right to freedoms for the people. Through collaboration among security agencies and members of the public, the State Department was able to deter numerous terrorist attacks that would have disrupted the enjoyment of the Bill of Rights in the Country. Further, the State Department in collaboration with the Judiciary enhanced the prosecution of terrorism cases to safeguard the rights of the people while administering justice to the offenders. To protect the rights of the youths, the State Department partnered with local, regional and international partners to protect the youth from radical ideology, indoctrination, drugs and substance abuse. The State Department further, in liaison with other MCDAs and development partners, instituted measures to counter human trafficking and slavery activities in the region.

187. The State Department of Correctional and Rehabilitation Services supported sector agencies and stakeholders in capacity building, sensitization and dissemination of key human rights strategies and plans to the public. The State Department also coordinated County activities and worked with the police to ensure all persons held for various offences were kept in safe and non-dehumanizing conditions to uphold their human dignity.

188. The State Department of Interior and Coordination of National Government through NGAO supported social support programmes including the Cash Transfer for Orphaned and Vulnerable Children, Older Persons Social Protection Fund and Bursaries for Orphaned and Vulnerable Children. NGAO continued to identify most deserving cases to benefit from these programmes through an inclusive participatory process. Further, NACADA promoted the Bill of Rights by committing funds for establishment and refurbishment of 13 treatment and rehabilitation centres across the country. To promote human dignity and inclusivity, the Authority also developed a catalogue on verified manufacturers, brands and outlets for use by enforcement officers, stakeholders and players in the alcohol industry. The catalogue also enabled the County Governments to strengthen the capacity on surveillance and enforcement against alcohol and drug abuse. To support anti-drug abuse campaign, the National Transport Safety Authority (NTSA) is undertaking the anti-drunk driving campaigns to reduce the loss of lives on the roads.

189. The State Department of Housing and Urban Development developed, reviewed and enforced policies and legislations to promote the Bill of Rights. To ensure accessible and adequate housing, the State Department developed the National Urban Development Policy, National Policy on Metropolitan Areas and Metropolitan Development Policy. It also developed the Metropolitan Areas Bill, 2015 and the Urban Areas and Cities (Amendment) Bill, 2015 to promote human dignity, equity, social justice and inclusivity.

190. The State Department further facilitated the realization of the Bill of Rights by undertaking the Administrative Tenure regularization of informal settlements in 14 counties. The administrative actions included the Identification, Planning and Survey; Registration and Vetting of Beneficiaries; Planning and Survey for Mariguini Slums; Preparation of Slum and Informal settlement database; and Preparation of Housing Data base to promote the right to accessible housing, clean environment and sanitation.

191. The State Department of Education undertook various measures towards the protection of the Bill of Rights which included upgrading of some secondary schools to national schools and created extra county secondary schools countywide. In addition, the State Department formulated a National Policy on Curriculum Reform and further implemented the National Education Sector Plan (2013-2018). To promote equity, the Government scrapped examination fees for KCPE and KCSE candidates in public schools and introduced ASAL grants to needy schools

to enhance access and alleviate poverty. The State Department finalized Early Childhood Development and Education Policy, and also reviewed the Education Sector Policy on HIV and AIDS to promote the right to health. It also reviewed the policies on Gender in Education and Training and the Framework for Nomadic Education in Kenya and gazetted the Basic Education Regulations.

192. Further, the State Department of Education selected 9,731 candidates of whom 5,009 were male and 4,722 female to join the 24 Primary Teacher Training Colleges in the year 2015. This selection was undertaken on merit and based on zonal quotas allocated for the 47 Counties. In addition, the TVETs offered internships and apprenticeship to youths who required such offers during the period under review.

193. The State Department further provided sanitary towels to mitigate against existing regional gender disparities in access, equity, retention, transition and achievements in education. In addition, it introduced mid-day meal to pupils from arid and semi-arid sub-counties under the school feeding programme to ensure pupils stay in school and thus access basic education. The State Department also provided Free Primary Education (FPE) funds (Ksh 3,070 per child per year) were given to low cost boarding schools and mobile schools to cater for boarding expenses and salaries of support staff. Further, the State Department disbursed school improvement grants to selected schools to ensure pupils learn in a dignified environment. The State Department continued to offer Free Day Secondary Education grant and also lowered the teachers training college entry grade to C- (minus) for Totally Deaf and Blind students to access equal opportunities.

194. The Government overcame the challenges which faced the initial tendering process and awarded the tender to the consortium of Moi University and JP SA Couto firms and JKUAT and POSTIVO BGH for the provision of equipment to facilitate the implementation of the Digital Literacy Programme. The State Department of Education through the Kenya Institute of Curriculum Development (KICD) developed interactive digital content for class one and two in five subjects namely Mathematics, English, Kiswahili, Social Studies and Science. This content is devices-friendly and can run on any platform and the adoption of the content for learners with special needs is on course.

195. The University of Nairobi promoted the Bill of Rights by increasing the number of students and implemented the Kenya Vision 2030 flagship project by constructing a 22 storey building at a cost of Ksh 2.8billion. Upon completion, the Tower will impact on teaching, learning and

research as well as enable access to higher education through modern facilities and technology. The tower is expected to accommodate extra 5,000 students in various sizes of lecture halls. It will also host a centre of performing Arts Amphitheatre with the latest technology with regard to audio-visual facilities that will accommodate over 500 students/artists.

196. To enhance literacy level in lower primary schools, the University promoted the Bill of rights by improving reading skills through a joint collaborative programme funded by Economic and Social Research Council (ESRC). The University partnered with the University of York in the United Kingdom and the University of Concordia in Canada and distributed 14,400 books including 24 book titles to 12 schools in Nairobi and Machakos Counties. The schools provided with the reading materials will use the books for class 3, 4, 5 and 6 pupils during the research project duration.

197. The Commission for University Education implemented the following measures to promote the Bill of Rights: revision of the Human Resource Policy, transparency and fairness in recruitment, deployment process and peer reviewers training. The Teacher Service Commission (TSC) implemented the Safety Health and Environment Policy to promote the right to clean water and environment by establishing and training Safety Health Committee members and fire marshals. Further TSC sensitized employees on HIV/AIDS stigma reduction; Alcohol and Drugs Abuse (ADA); child protection and disability issues among the staff. Separately, the Higher Education Loans Board (HELB) continued to award higher education loans and scholarships to all Kenyans without discrimination to enable them access education. To facilitate this, HELB developed the Mean Testing Instrument (MTI) in loans and scholarship awarding which gives special consideration to orphans, vulnerable children, those with physical disabilities and gender.

198. The Jomo Kenyatta Foundation implemented the Policy on Disability Mainstreaming and also partnered with *Inua Dada* Foundation and Rotaract in the provision of sanitary towels to girl child to promote human dignity. The State Department of Trade implemented entrepreneurship training programme in all counties to empower the youth, women and PWDs to enhance equality. The Chuka University partnered with the National Government and the County Governments to sensitize the communities against Female Genital Mutilation (FGM) cultural practices.

199. The State Department of Agriculture formulated and reviewed policies to address inequality, discrimination, marginalization and food insecurity. The policies include; the Veterinary Policy 2015, the Cereals

Policy 2013, the draft Livestock Breeding Policy 2008, the draft Animal Feed Policy 2015, the Agricultural Mechanization Policy 2006 and the National Agricultural Soil Management Policy. The State Department of Agriculture, the University of Nairobi Seed Company (UNISEED) and the Seed Enterprise Management Institute (SEMIs) increased productivity of crops through direct research.

200. In addition, the State Department of Fisheries reviewed the Oceans and Fisheries Policy 2008 and developed the Fishing Management and Development Bill, 2015 which was passed by National Assembly and it is currently before the Senate. Maximum investment in fishing industry will create employment; improve food security and equitable development which enhance implementation of the Bill of Rights. The State Department of Fisheries developed the Deep Sea Fishing Fleet Plan and Sustainability of the Fisheries Sub-Sector as an enterprise for promoting food security and employment for the youth. The KENTTEC has initiated tsetse fly and Trypanosomiasis eradication activities in the Coastal region; this will directly contribute to the creation of Disease Free Zones (DFZ). Further, the State Department of Livestock created the Livestock disease free and export zones, supplied milk bulking and cooling plants, livestock insurance scheme and improved genetic resources.

201. The Government through the National Cereals and Produce Board promoted the Bill of Rights by procuring 2,584,105 x 50 kg bags of various fertilizers for improving crop production. The State Department distributed 17,316 MT of fertilizer to farmers in the months of October to December 2015. Further, to promote the Bill of Rights through food security, the Board procured 2,806,250 x 50 Kg bags of grains from areas with surplus, stored it and distributed to the areas with shortages of grains under the strategic food reserves initiatives during the reporting period.

202. The State Department of Fisheries Management developed Lake Turkana Fisheries Management Plan, Delineation and Protection of Fisheries critical habitats. The State Department through KENTTEC undertook sleeping sickness surveillance and created awareness that promoted the Bill of Rights. Through the Kenya Tsetse and Trypanosomiasis Eradication Council, the State Department promoted the protection of the marginalized by forming new farmers' groups in marginalized parts of the country. The Council distributed insecticides and pumps for spraying their animals and trained groups on how to spray the animals based on laid down guidelines.

203. The Agricultural Finance Corporation supported employment creation by designing alternative collateral mechanisms for lending low

interest rates loans. This enabled the Corporation to finance small farm households to create jobs. Further, the Corporation improved work environment and social welfare of staff to promote social justice.

204. The Ministry of Health formulated the Kenya Health Improvement Policy, which establishes norms and standards for human resources and infrastructure which enhance the capacity of the public to enjoy the right to health. These standards provided clear specifications on how to attain the highest standard of health care. The Ministry developed and forwarded to the National Assembly the Health Bill, 2015 to promote the right to health. Further, the Ministry reviewed health related laws which included the Clinical Officer Council (Amendment) Bill, 2015 and the Biomedical Engineering Bill, 2015.

205. The NHIF promoted the Bill of Rights by implementing the Health Insurance Subsidy programme for the poor, enhanced maternity care and the Health Insurance of Elderly and Persons with Disabilities. Further, NHIF enhanced inclusivity, equity, equality, non-discrimination and protection of the marginalised by accreditation of health facilities in underserved areas. It also implemented the government policy on affirmative action for PWDs and gender mainstreaming to promote protection of the marginalized and non-discrimination.

206. The National Treasury continued to avail funds for implementation of social and economic development programmes, projects and activities to safeguard the Bill of Rights. Further, National Treasury spearheaded the operationalization of Unclaimed Financial Assets Act through legal notice No. 40, 2011 and developed draft Unclaimed Financial Assets regulations. It also established the Unclaimed Financial Assets Authority to promote human rights by searching for unclaimed financial assets, safeguarding the assets and reunite the assets to rightful owners.

207. The National Treasury continued to promote equity by availing 0.5% of the national revenue to counties as equalization fund in the financial year 2014/2015 to support services in marginalized areas. It also reviewed the Pensions Act, (Cap.190) and Widows and Children's Pensions Act (Cap.195) to align them with the new Constitution to promote human rights. The National Treasury continued to facilitate implementation of key Kenya Vision 2030 MTP II Projects that promote the Bill of Rights. It implemented the financial capability through development of a policy and legal framework and implementation strategy for financial consumer protection.

208. The Ministry of Information Communication and Technology streamlined the mobile SIM registration process to protect human rights. The Ministry supported production of '*Vioja Mahakamani,*' a local TV show with a theme on legal topics to sensitize the public on human rights. The Ministry also enhanced equity through expansion of fibre cables to cover unserved areas. To promote equality, the Ministry developed and launched a national broadband strategy and also improved social justice by successfully migrating from analogue to digital TV broadcasting. The Ministry rolled out the Universal Service to provide access to unserved areas utilizing the Universal Service Fund and sponsored a Monday to Friday interactive show 'Good Morning Kenya' on KBC TV to ensure inclusiveness.

209. The State Department of Social Security and Services and the National Council for Persons with Disabilities promoted the Bill of Rights by reviewing the Persons with Disabilities Act, 2003. The National Persons with Disability Bill, 2015 was reviewed and forwarded to the Attorney General for submission to the Cabinet for approval. Further, the Ministry reviewed the Employment Act, 2007, the Occupational, Safety and Health Act, 2007 and the Work Injury Benefits Act, 2007 to promote the Bill of Rights. In addition, the State Department of Labour and East African Affairs offered tax exemption for 36 (20 male and 16 female) PWDs officers to enhance equitable access to opportunities and resources. It also promoted human dignity by implementing Cash Transfer Programmes which ensured that the poor and vulnerable persons were supported to improve their living standards.

210. The Council for Persons with Disabilities launched the National Action Plan on Accessibility and Disability Rights. This document obligates all government ministries and agencies to ensure that their programmes are accessible and inclusive of all disability concerns in order to achieve equality in service delivery. Further, the Council promoted human dignity by providing assistive devices, scholarships, economic empowerment grants and infrastructure equipment to persons with disabilities. It also ensured fairness by putting in place processes that guaranteed equity in awarding of grants towards promoting educational and socio-economic development among PWDs. The Council further ensured equal access to services for all categories of PWDs through targeted interventions administered by the National Development Fund for Persons with Disabilities.

211. The National Council for Persons with Disabilities promoted social justice by initiating diverse programmes to deal with matters of albinism.

These included provision of sunscreen lotions, sun protective clothing and eye care to mitigate against exposure to sunlight hazards that can cause cancer. The programme involved sensitization of society against discrimination, stigma and misunderstandings surrounding persons with albinism. The Council also supported disability mainstreaming in government services delivery through engagement in performance contracting process through which the Council monitors MCDAs implementation of disability mainstreaming plans.

212. The Ministry of Tourism promoted inclusivity by involving and engaging various stakeholders from all parts of the country in the promotion of tourism on rotational basis. This ensured that every circuit of Kenya was recognized and involved as a tourism destination apart from the popular zones. For instance, the Ministry held the United Nations World Tourism Week/Day celebrations in Meru County and conducted the Africa Travel Association's (ATA) 40th annual world congress in Nairobi to discuss tourism trends and how to grow business in key source markets. This helped to grow linkages between Kenyan tour operators and the world market, thus alleviating poverty and promoting human dignity.

213. WASREB promoted human dignity by ensuring access to water at affordable prices by providing tariffs with pro-poor component and monitored affluent quality. The WASREB in promotion of inclusiveness implemented the 30% preference and reservation in public procurement to youth, women and PWDs and submitted quarterly reports to PPOA.

214. The State Department of National Water Services through WASREB developed tariffs for water and sewerage companies such as Nairobi, Nyahururu, Amatsi, Nyasare, Tachasis, Nyeri, Embu, Kirinyaga, Othaya, Mukurweini, Kahuti, Mathira, Homabay and Nzoia. WASREB further facilitated and held public forums in Nairobi, Mavoko, Embu, Garissa, Kakamega, Mombasa, Kisumu and Nakuru where pending consumer complaints were tabled for resolution.

215. The Athi Water Service Board (AWSB) promoted the Bill of Rights by implementing the gender, PWD, Drug Abuse and Alcohol and HIV policies. The AWSB provided water and sanitation facilities to communities in the informal settlements through construction of water kiosks, ablution blocks and upgraded water and sewer lines to improve human dignity. The Board implemented and continuously monitored the 30% requirement on tenders in the public procurement to youth, women and persons with disabilities. The Board also put in place measures for coordinating collection of Water Regulation Information System

(WARIS) data that ensures equitable distribution of water connection amongst households.

216. Further the Board published the complaints handling procedure in the Bomba Newsletter and uploaded it on the website. The Board also trained staff in resolution of public complaints to enable them deal with public complaints effectively. The Water Resource Management Authority (WRMA) established Water Resources Users Associations (WRUAs) as a platform for participation in water resource management and involvement of the Catchment Area Adversary Committees.

217. The State Department of Gender Affairs developed the National Equality Policy 2000, the National Equality Bill, 2015, the National Gender and Development Policy and Status of Women in Kenya Report to promote equality. Further, the State Department promoted equality through empowerment of women, youth and PWDs by providing funds, entrepreneurship training and transfer of skills. The State Department also promoted inclusivity by involving women, youth and PWDs in decision-making processes.

218. The Government through the Ministry of Devolution and Planning facilitated the closure of Internally Displaced Persons (IDP) camps in Narok, Turkana and Baringo. It improved the social and physical infrastructure in informal settlements to uplift living standards for low income people and developed a programme on Disaster and Emergency Management to provide supplies to drought and flood prone areas across the country.

219. The Government through the Ministry of Defense promoted the rights to adequate and accessible housing by constructing the service-members' and officers' single accommodation housing projects in Kabete and Embakasi military camps, Moi Airbase and Defence Headquarters. The Ministry formulated the Kenya Defence Forces (KDF) Standard Operating Procedures (SOPs) and implemented the Public Service Commission guidelines on recruitment, training, deployment, promotion and administrative actions. KDF adhered to the principles of law of armed conflict and international humanitarian law to protect human rights. To enhance non-discrimination and protection of the marginalized, the Ministry conducted humanitarian and development activities among marginalized communities including drilling of boreholes, construction of water dams and military camps at Baragoi in Baringo County among others.

220. The Government is progressively constructing the Standard Gauge Railway (SGR) from Mombasa to Nairobi. In addition, a commercial contract for the extension of the SGR from Nairobi to Naivasha was signed in September, 2015. The completion of the SGR will enhance mobility, reduce cost of goods and services and create employment. This will improve equity, equality and human dignity of Kenyans who will benefit directly or indirectly from the Standard Gauge Railway.

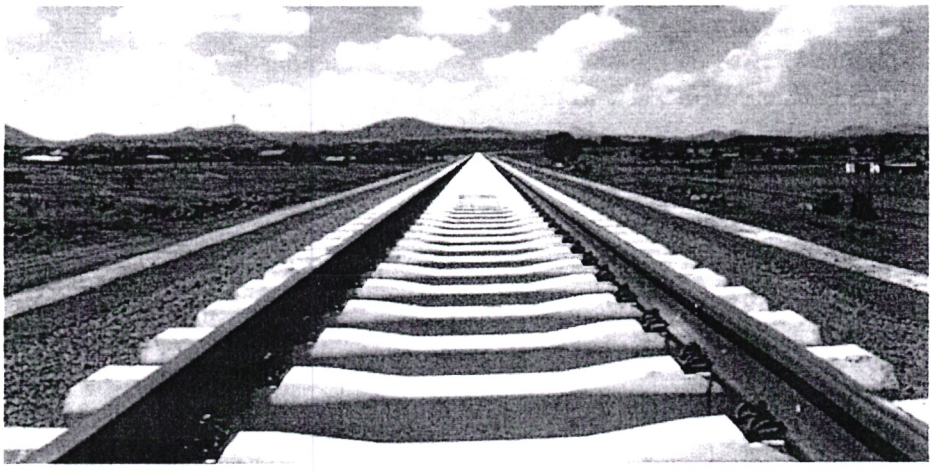

*Figure 14: A Section of the Standard Gauge Railway*

221. The Kenya Urban Roads Authority (KURA) promoted the Bill of Rights by maintaining 2,633km of road in Coast, Lower Eastern, Upper Eastern, North Eastern, Central, Nairobi City, South Rift, North Rift, Western and Nyanza Regions which improved access and mobility of citizens. To enhance equity, the Authority constructed roads in the informal settlements and identified roads in all counties for construction under Low Volume Seal Programme. The Authority disbursed funds equitably for road projects to all 290 constituencies which opened up various parts of the country leading to improved accessibility. The Authority also adhered to social and environmental laws in road construction programmes and embraced equal opportunity in employment and business hence promoting human rights and non-discrimination. To promote equity and equality, KeRRA awarded contracts for road works to youth, women and PWD and disbursed funds to all constituencies for road maintenance.

222. The Engineers' Board of Kenya promoted human rights and human dignity by developing the human resource policy and the Graduate Engineers Internship Programme. It also enhanced the realization of equity, equality and inclusiveness by putting in place measures that

guaranteed equal treatment of staff and customers, provision of quality engineering services, uniformed application of engineering standards and regulations in all parts of the country.

223. Parliament promoted the Bill of Rights by considering Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate); and the National Government Constituencies Development Fund Bill, 2015 to promote equity and equality. To promote inclusiveness and equality, Parliament considered the Persons with Disabilities (Amendment) Bill, 2013; and the Two Thirds Gender Rule (Amendment) Bill, 2015. These Bills seek to promote the rights of special interest groups (youth, women, persons with disabilities) and the marginalized across the country.

224. Parliament promoted inclusivity by holding the Parliamentary Week which was open to members of the public to encourage public participation in the law making process. Further, Parliament published the Parliamentary Magazines to provide public information and engagement mechanisms with Parliament. Parliament in consultation with NGEC, KEWOPA, Office of the Registrar of Political Parties, KNCHR among others developed a formula for addressing representation of minorities and marginalized groups in decision–making processes.

225. Parliament promoted human rights by addressing petitions and requests for statements received, conducting investigations on various issues affecting Kenyans and making recommendations for appropriate actions. These issues included among others: the plight of Kenyan domestic workers in Saudi Arabia; the disappearance of twin babies at the Pumwani Maternity Hospital in Nairobi; the welfare of small-scale tea farmers in various parts of the country; and the plight of fishermen along Lake Victoria in the Western part of the country. Further, Parliament constituted parliamentary caucuses including KEWOPA, Pastoralist Parliamentary Caucus, MDGs caucus among others, which have been at the forefront in pushing specific agenda and legislation in these areas in Parliament.

*Source: CRA 2015*

226. The Commission on Revenue Allocation (CRA) promoted equity by reviewing the formula for equitable sharing of national revenue among County Governments. The reviewed formula had the following parameters: population 45%, equal share 25%, poverty 18%, land area 8%, fiscal responsibility 2%, development factor 1%, and personal emolument 1% as shown in the Figure below. The CRA also developed criteria for

identification of the marginalized area and developed a policy on marginalization.

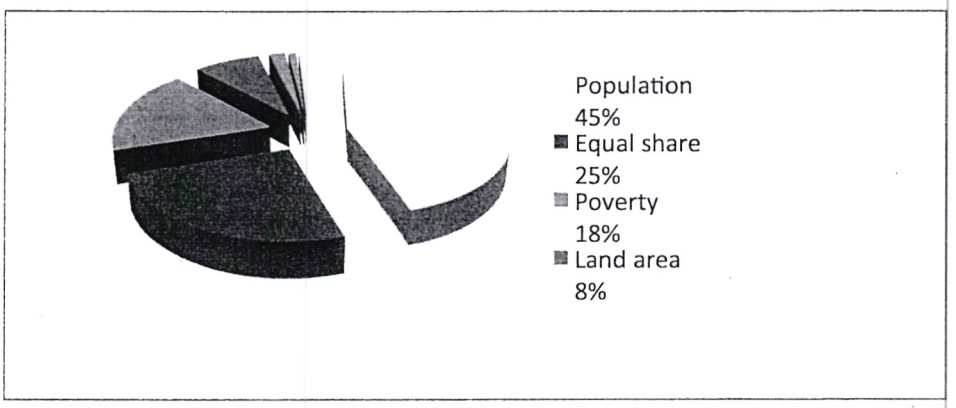


*Figure 15: Revenue Allocation Parameters*

227. EACC conducted trainings for the County Governments on social justice, human dignity, human rights, equity, equality, inclusivity, non-discrimination and protection of the marginalized. Further, the Commission implemented community outreach, public education and awareness programmes through county and regional forums, public barazas, and trade fair exhibitions to enlist more Kenyans in the fight against corruption and the promotion of ethics. The Commission mainstreamed and integrated national values and principles of governance through Kenya's formal and co-curricula school activities as carriers of values and principles of governance. It further implemented a recruitment policy that included affirmative action on gender and marginalized communities.

228. NPSC promoted the Bill of Rights by developing policies and regulations on appointment, recruitment, transfers and promotions which enhanced equality, inclusivity and social justice for police officers. The Commission promoted inclusivity by observing ethnic, gender and regional balance in recruitment of police officers. Further, the Commission continued to uphold human dignity and human rights by involving the members of the public in key activities such as allowing the police officers to be vetted in public or in camera.

229. The Independent Policing Oversight Authority (IPOA) initiated various measures to promote the Bill of Rights in its oversight mandate. To enhance effective and efficient delivery of services, the Authority established a Public Complaints Receiving Forum for complaints and

cases referred for investigation. To promote inclusivity in decision making, the Authority engaged public participation through partnerships and public fora. In ensuring compliance with the Constitution on the Bill of Rights during daily operations of the police, the Authority undertook inspections of police premises and progressive monitoring.

230. KRA implemented various policies such as diversity, gender based violence, disability mainstreaming and gender mainstreaming policies to enhance human dignity. The Authority engaged stakeholders in the development of iTax proposals and policies to promote inclusiveness in its activities and programmes. To promote equality, KRA implemented the Taxpayer's Charter which provides for rights and obligations of both the tax payers and KRA and also externally advertised jobs to ensure equal treatment of taxpayers. The Authority also put in place mechanisms that ensured equitable access to opportunities, resources and services and minimized discrimination, favoritism, regionalism, clannism and ethnicity.

### 3.4 Measures Taken for the Promotion of Good Governance, Transparency and Accountability

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

231. Good governance, integrity, transparency and accountability are essential in achieving social, economic and political development espoused in Kenya Vision 2030. During the period under review, the Government through various institutions put in place diverse measures to promote the realisation of good governance. One of the key measures was the appointment by the Office of the Attorney General and Department of Justice (OAG& DoJ) of a Task Force to review the legal, policy and institutional framework for fighting corruption in Kenya as directed by H.E the President during the State of the Nation Address to Parliament on 26th March 2015. The Task Force recommended various interventions which are being implemented by relevant institutions.

232. One of the recommendations of the Task Force was to review various legal frameworks for promotion of good governance and integrity. The OAG& DoJ consequently initiated the review of the Leadership and Integrity Act (Cap.182) and the Public Officers and Ethics Act, 2003 among other anti-corruption related laws. The Office also developed the draft Whistleblowers Protection Bill, 2015 which is currently undergoing technical review at the KLRC. The Bill seeks to protect whistleblowers or persons who report incidents of corruption within the public service against reprisals, retribution, dismissals, threats and other adverse actions.

233. In exercising its oversight role in the promotion of good governance and integrity, Parliament issued invitations and summons to individuals and institutions on various matters of public interest and tabled reports in the House on their recommendations. Parliament further vetted H.E the President's nominees to various State and Public offices and considered petitions from members of the public. In addition, Parliament passed various Bills related to the promotion of good governance, integrity, transparency and accountability. The Senate presided over impeachment proceedings of Governors during the period under review.

234. To promote ease of doing business in the country, the OAG & DoJ facilitated the development of the Companies Act, 2015 and the gazettement of the Companies (General Regulations), 2015 which simplifies the process of incorporating companies consequently reducing the time taken to register businesses. The Act consolidates and reforms the law relating to management and regulation of companies in order to enhance the country's competitiveness by creating a more conducive business environment. The OAG &DoJ further developed the Business Registration Service Act, 2015 which established the Business Registration Service to ensure effective administration of the laws relating to incorporation, registration, operations, management of companies, partnerships and business names. The Board members of the Service were appointed by the Attorney General and inaugurated into office. The Office also developed the Insolvency Act, 2015 which provides for alternatives to bankruptcy such as payment of creditors in installments; entry into voluntary arrangements and the no asset procedure for ease of resolving insolvency.

235. The Government further through the KLRC developed other legislation aimed at promoting good governance in different sectors of the economy. These include the Kenya Roads Bill, 2015 whose object is to provide for the classification, management, construction and maintenance of public roads; to establish the Kenya National Highways Authority (KeNHA) and Kenya National Secondary Roads Authority and to provide for their functions and powers. The Bill also seeks to repeal the Kenya Roads Act (Cap.408) as well as to amend the Kenya Roads Board Act (Cap.408A). The Commission in addition, facilitated the development of the Public Service (Values and Principles) Act, 2015 which gives effect to the provisions of **Article 232** of the Constitution on values and principles of public service. The Act aims to promote integrity and enhance efficiency in the public service.

236. To promote transparency and accountability in the electoral process, the Government through the KLRC reviewed the Political Parties Act, 2011 and the Elections Act, 2011 to align to the Constitution of Kenya, 2010 by developing the Political Parties (Amendment) Bill, 2015, the Elections (Amendment) Bill, 2015 and the Constitution of Kenya (Amendment) Bill, 2015 which are being considered by the National Assembly. The Commission further facilitated the development of the Central Bank of Kenya Bill, 2015 whose object is to provide for capital and reserves and profit allocation; the establishment and functions of the Board; governance and accountability; external relations; international matters; relations with banks and public entities and foreign exchange dealings.

237. The Government through the OAG & DoJ also facilitated the refinement of the Draft National Ethics and Anti-Corruption Policy. The gaps identified in the initial Draft were addressed through the recommendations made by the Task Force on the review of the Legal, Policy and Institutional framework for fighting corruption. The draft policy is currently being aligned to the recommendations and will be subjected to further stakeholder consultations and validation process by May, 2016.

238. To promote integrity in public procurement, the Government through the Public Procurement Oversight Authority (PPOA) drafted a Code of Ethics for Suppliers in Public Procurement and Disposal, conducted assessments and investigations on procurement issues at both levels of Government. The Authority also established a tender portal and conducted 11 procurement investigations during the year under review. The Authority further published contract awards in their website and the print media on quarterly basis and undertook compliance assessment in 102 public entities.

239. The Judiciary established a High Court Division on Corruption and Economic Crimes to fast track dispensation of applications made in the High Court in relation to corruption cases under prosecution in the Magistrates' Courts. This Division is meant to ensure expeditious determination of corruption and economic crimes related cases. The Judiciary also launched the Traffic Policy Guidelines with a view to combating and preventing corruption in the handling of traffic offences. In addition, the Judiciary operationalized the Transfer Policy for Judges and Magistrates and the Transfer Policy for staff whose objective is to ensure transparency and prevent corruption in the transfer of judicial officers.

240. In order to promote integrity in the public service, the Government through the Public Service Commission revised the Code of Ethics and Conduct for Public Servants to align it with the Leadership and Integrity Act, (Cap.182) which operationalized Chapter 6 of the Constitution. In addition, NACC developed the Leadership and Ethics Code of Conduct for Board and Staff members. This Code establishes standards of integrity and ethical conduct expected of the Board members and employees of the organization. The KLRC also developed a Code of Ethics for veterinary surgeons and veterinary paraprofessionals which was submitted to the Veterinary Board for implementation.

241. During the period under review, EACC undertook several measures to promote good governance and integrity. Among these measures were the carrying out of pro-active investigation into corruption and economic crimes that involved intelligence probes and integrity testing of public officers aimed at disrupting corruption networks and avert loss of public funds. The Commission also conducted re-active investigations into economic crimes, evidence analysis on completed investigation files, recovery and return of corruptly acquired public funds. It further partnered with other law enforcement agencies in the implementation of **Chapter 6** of the Constitution and the Leadership and Integrity Act (Cap.182). During the period under review, 228 cautions were issued to various State and Public officers for violation of provisions of **Chapter 6** of the Constitution and Leadership and Integrity Act (Cap.182). Reasons for cautions included irregular recruitment, unethical conduct in the national and county assemblies, use of forged certificates to obtain employment, salary overpayment, failure to observe political neutrality and failure to seek approval to operate bank accounts outside the country.

242. To enlist the support of Kenyans in the war against corruption and promotion of good governance, the EACC conducted community engagement forums in different counties. The Commission further developed and disseminated information, education and communication materials on integrity and good governance and held training forums for County Governments. In addition, the National Anti-Corruption Campaign Steering Committee (NACCSC) sensitized religious, women and youth leaders in different sectors on the legal provisions for the fight against corruption; detecting and reporting corruption; records management as a tool to fight corruption; collaboration and networking among stakeholders in combating corruption. The Committee also enhanced public awareness on transparency and accountability through radio, television and public barazas. The EACC also provided advisory services to public officers in the National and County Governments on prevention of corruption and

mainstreaming of good governance in their respective institutions' programmes, projects and activities to enhance service delivery. Further, the Commission conducted a national survey to assess the levels of corruption in the country and developed policy briefs to guide policy makers and other stakeholders on reform measures to mitigate corruption in service delivery.

243. The OCB through the statutory quarterly budget implementation reports identified and raised concerns on financial management of MCDAs on high expenditures on non-core activities such as foreign travels and conferences. The implementation of these reports led to a reduction of expenditures in several non-core activities. The Office further reviewed the 2015/2016 financial year County budgets and noted huge deficits and allocation of resources to national institutions without proper frameworks. To address this anomaly, the Office of the Controller of Budget reviewed budgets by the affected County Governments in order to rationalize funding for non-core items and to ensure that they are balanced in line with realistic revenue targets and also to eliminate huge budget deficits.

244. To entrench good governance in the management of teachers, TSC implemented the provisions of Section 11 (c) and (f) under the Teachers Service Commission Act, 2012 which provides for monitoring the conduct and performance of teachers. This was achieved through the development of contracts for heads of public learning institutions and rolling out of performance appraisals for teachers. The Commission further reviewed the recruitment guidelines for teachers to mainstream principles of transparency during the recruitment process.

245. The Government through the National Treasury undertook several measures to promote transparency and accountability in the utilization of public funds. Among these were the continued implementation of the Integrated Financial Management Information System (IFMIS) at both levels of Government and training of staff of the County Treasuries on budgeting and internal audit practices. Implementation of IFMIS at both levels of Government enhanced fiscal discipline in the management of public funds. In addition, the National Treasury trained accounting personnel from various MCDAs on IFMIS re-engineering. The National Treasury also developed and disseminated budget and internal audit manuals to guide County Treasuries in executing their budget and audit functions. Further, the National Treasury implemented the Pensions Management Information System in order to improve service delivery to pensioners through automation and integration of all pension payroll

systems. The System facilitated wiring of payments to pensioners directly to their accounts held in various commercial banks through the Electronic Funds Transfer system.

246. The Government through MDAs initiated several administrative actions to promote good governance, transparency and accountability. These included the setting up of a multi-agency team comprising of all the law enforcement agencies in the war against corruption as directed by H.E the President to facilitate better coordination, collaboration and co-operation in the investigations and prosecution of corruption and economic crimes. Consequently, the Asset Recovery Agency and the Financial Reporting Centre were operationalized to implement the Proceeds of Crime and Anti- Money Laundering Act, 2009.

247. In addition, the Government through MDAs strengthened existing corruption prevention committees through capacity building programmes facilitated by EACC to enhance implementation of anti-corruption initiatives. These committees facilitated training of integrity officers, conducted corruption risk assessments, developed, implemented and monitored corruption risk mitigation plans in their respective institutions. The committees further developed and implemented initiatives aimed at enhancing integrity in public procurement, promoting high standards of ethical culture and protecting whistleblowers on corruption and unethical conduct. The Commission continues to monitor and oversee implementation of these initiatives by MDAs through their quarterly reporting.

248. Other administrative measures instituted by the Government included training of all Board members of State Corporations on good governance and signing of the Mwongozo Code of Governance for State Corporations developed by the State Corporations Advisory Committee. These initiatives led to organizations such as the Rural Electrification Authority to review its Code of Conduct and Board Charter to align them with **Article 10** of the Constitution. In addition, the Privatization Commission reviewed its Board Charter and aligned it with the Mwongozo Code of Governance. Further, to entrench good governance in the water sector, the Government through the Ministry of Water and Irrigation developed corporate governance guidelines for the water sector. The Ministry of Health also developed health inspection checklists which were used to conduct joint health inspections leading to improved service delivery in healthcare institutions.

249. In their effort to ensure zero tolerance to corruption, public institutions continued to implement the Executive Order No. 6 on ethics

and integrity in the public service. Towards this end, the Privatization Commission in collaboration with the National Treasury conducted training of 115 pre-qualified suppliers to enable them register and use the e-procurement system. WRMA developed self-declaration forms for senior managers which were filled and submitted to EACC for vetting. In addition, Chuka University introduced a common core course on Ethics and Integrity to inculcate the basic principles of integrity among the students.

250. Other measures undertaken by public institutions in the promotion of integrity and good governance included, continued vetting of police officers by NPSC. Employees of institutions such as the Communication Authority of Kenya (CAK) were required to sign personal integrity commitments during recruitment. In addition, the Commission for University Education and the Energy Regulatory Commission (ERC) developed whistle blowing policies whose purpose is to enable employees to raise corruption concerns without fear of retribution, reprisals and to provide for a transparent framework to deal with fraudulent and corrupt acts. Public institutions also opened gift registers to monitor and register gifts received by officers while on duty as required by the Public Officers Ethics Act, 2003. KRA developed the Gifts Policy and Conflict of Interests' Policy to entrench integrity in their operations and maintained a corruption reporting hotline and email to facilitate reporting on corruption among its staff.

251. In its effort to promote accountability in County Governments, OAG deployed staff to 47 counties to undertake special audits meant to ensure that the funds disbursed to counties were utilized appropriately. In addition, public institutions constituted audit committees and developed financial manuals to enhance internal controls and encourage prudent utilization of allocated funds. Similarly, the Kenya Roads Board Committee conducted periodic audits of programmes, projects and activities that enhanced the realization of good governance.

252. The use of Information Communications Technology (ICT) by public institutions significantly enhanced the realization of transparency leading to improved service delivery. For instance, the State Department of Trade in collaboration with trade stakeholders developed an interactive e-Trade Portal to promote trade in the country. This Portal will serve as a primary site to obtain up to date and reliable trade related information from National Government Ministries, County Governments, business service providers and other stakeholders. In addition, the adoption of a Single Window System for exports and imports by the Kenya Dairy Board

provided a single point of access for the country's trading community to electronically submit and receive approvals from regulatory agencies. This system facilitated easier, faster and a more transparent process and significantly reduced operational costs.

253. The WRMA enhanced revenue collection by adopting internet and mobile banking through the Mpesa platform. The Authority also developed and implemented an ICT Policy to enhance transparency in the sharing of information. Another institution that embraced ICT in its operations is the State Department of Social Security and Services which established a toll free line to enable beneficiaries of the cash transfer programme to report any complaints and complements. KURA also installed the Enterprise Resources Planning System which integrated various areas of their operations while the Higher Education Loans Board continued to communicate loan awards to beneficiaries online.

254. Further, to promote transparency, the ERC revised the Kenya Electricity Grid Code to provide for a transparent regulatory framework as well as the Energy (Appliances' Energy Performance and Labelling) Regulations, 2015 intended to facilitate use of energy through minimum energy performance standards. In addition, TSC formulated an Open Teacher Appraisal and Development Tool to enhance performance, transparency and accountability in the management of teachers in public educational institutions. The Commission further updated its website to provide for operational information including approved study leave cases, circular on medical scheme, pension cases, advertisement of recruitment of additional and replacement of teachers and posting names of successful candidates.

255. In addition, the Ministry of Defence engaged key stakeholders in the governance and law enforcement sector such as the EACC, National Intelligence Service (NIS) and NPS in their recruitment processes to enhance transparency and prevent corruption. To further promote transparency in the implementation of its programmes in the counties, the State Department of Interior and Coordination of National Government engaged religious leaders, business community, civil society organizations and other stakeholders in community engagement programmes and projects aimed at improving community ownership and awareness of Government programmes and projects among the targeted communities.

256. Other measures in the promotion of transparency by public institutions included development and updating of websites and disclosure of services through advertisement in the print media by the Unclaimed Financial Assets Authority and the National Council of Persons with

Disabilities as well as publication of the annual public roads programme by the Kenya Roads Board. To facilitate access to information on the scope of the HIV epidemic, the NACC coordinated the launch of the HIV Situation Room to provide up to date information to stakeholders on logistics and service delivery. To further enhance transparency in the implementation of its programmes and activities, the Betting Control and Licensing Board digitized its records for efficient management of returns and records from betting and gambling premises. In addition, National Cereals and Produce Board (NCPB) implemented an e-fertilizer programme to enhance accountability and transparency in the Government subsidized fertilizer distribution activities.

### 3.5 Measures Taken for the Realisation of Sustainable Development

### Article 10(2) (d): Sustainable Development

257. The Government formulated policies, enacted laws, undertook administrative actions and implemented programmes, projects and activities as measures for realisation of sustainable development. These endeavours were geared towards sustainable democracy, devolution and improved service delivery for the present and future generations.

258. The Government through the Ministry of Transport and Infrastructure continued the construction of the Standard Gauge Railway from Mombasa to Nairobi. The construction of the 472km Standard Gauge Railway (SGR) will pass through seven counties namely Mombasa, Kwale, Taita Taveta, Makueni, Kajiado, Machakos and Nairobi. The Kenya Railways Corporation (KRC) undertook sensitization programmes for the Project Affected Persons (PAPs) before release of land compensation funds and developed resettlement action plans. The company monitored the performance of Rift Valley Railways to ensure compliance with the concession document.

259. The State Department of Transport continued to construct, expand and modernize roads, ports, airports and airstrips to promote sustainable development in the country. The KRB initiated the Road Sector Investment Programme, undertook Axle Load monitoring, road asset management and conducted research and development on the road sub-sector. Further, the Board increased the Road Fund rate, labour based technology for the road works (Roads 2000), audited road works to address environmental concerns and trained the small-scale contractors.

260. KURA embarked on proper planning for projects, prioritization of the implementation of Vision 2030 projects, utilization of locally available

resources in the works, enforcement of axle load limit compliance and improved road safety.

261. KeRRA constructed 7,000km of roads to bitumen standards under the low volume seal programme. Kenya Rural Roads Authority undertook Environmental and Social Impact Assessment Studies (ESIAS) and Audits for all roads constructed and maintained as per the requirements of the Environment Management and Coordination Act. The Authority undertook Environmental Audits for the various infrastructural projects and reported to NEMA. Further, KeRRA signed a MoU with the Kenya Forestry Services (KFS) on tree planting in the various counties to promote sustainable development through afforestation and re-afforestation.

262. The Kenya Airports Authority (KAA) continued with airstrips' rehabilitation and maintained 6,000 acres of Eldoret International Airport land under trees. The Communication Authority of Kenya revised the corporate strategy to incorporate aspects of sustainable development goals relating to ICTs. Further, through the National Youth Service (NYS), the Ministry of Devolution and Planning embarked on the Slum upgrade in Nairobi and Kisumu. The project involved the construction of toilets, showers, and gabions as well as cleaning up sewers.

263. The Government through the Ministry of Energy and Petroleum is implementing the 5000+MW newly installed capacity comprising of 1,920 MW from coal; 1,691 MW from Geothermal; 1,050 MW from Liquefied Natural Gas; 630.4 MW from wind; 250MW from Medium Speed Diesel; 24 MW from Hydro; 18 MW from cogeneration; and drilling of geothermal wells. Under Rural Electrification Programme, KETRACO is developing 150MW of stalled electricity capacity from renewable sources. The implementing agencies are Ken Gen-844MW; GDC-wells drilling; Kenya Power Offtaker; and Independent Power Producers (IPPs). To evacuate 5000+MW power capacity, the Government through KETRACO is implementing the following transmission lines: 13km 132 kV double circuit Menengai-Soilo; 25km 400kV double circuit Menengai-Rongai; 150km 400kVdouble circuit Silali-Rongai; 50km 400kV Dongo Kundu-Mariakani; 620km Lamu-Kitui-Nairobi East Line; and Mariakani substation.

264. In addition, KETRACO is also implementing the following transmission projects: 127km 400kV double circuit Lessos-Tororo line (Kenya side); 612km 500kV HVDC bipolar interconnector and 400/220kV substation (Kenya side); 96km 400kV double circuit Isinya-Namanga (Border with Tanzania); 67km 132kV Kilimambogo-Thika

Transmission Line; 40km 132kV Thika-Nyaga (Kiganjo) transmission; 482km 400/220kVdouble circuit Mombasa-Nairobi line and substation at Rabai and Embakassi; 328km 220kV Rabai-Malindi-Garsen-Lamu line and 3No. 23MVA sub-stations at Rabai, Malindi, and Garsen; 25km 220kV double circuit Olkaria I-Suswa and 18km 220kV Olkaria IV-Suswa lines; 335km 132kV Kenya Electricity Expansion Programme (KEP); 100km 400kV double circuit Nairobi Ring; Suswa-Isinya line and associated substations at Suswa, Isinya, Athi River and Ngong'; 96 km 132kV single circuit Meru-Isiolo-Nanyuki line; 428km/400kV double circuit Loyangalani-Suswa line; 431km 132kV Power Transmission Improvement Projects; 153km 132kV single circuit Machakos-Konza-Kajiado-Namanga and 4 substations at Machakos, Konza, Kajiado, and Namanga and 300km 400/220kV double circuit Olkaria-Lessos-Kisumu line and substations at Olkaria, Lessos and Kisumu.

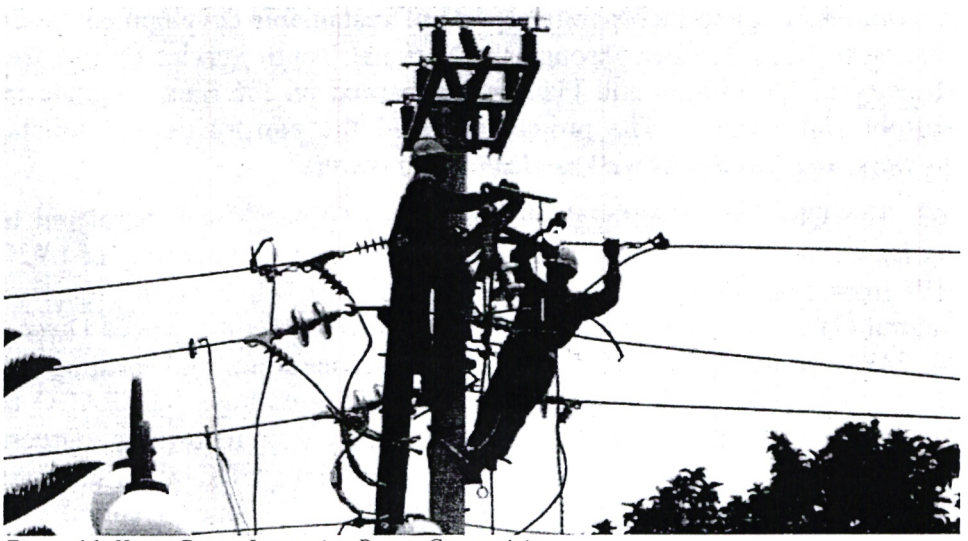

*Figure 16: Kenya Power Increasing Power Connectivity*

265. Power connectivity and power demand creation projects that were operationalised by Kenya Power (KP) include: connecting all public primary schools to electricity grid and solar Photovoltaics Systems (PVS); Last Mile Electricity project; construction of 12,000km of Low Voltage (LV) power distribution lines; and connected electricity to 284,200 residential households and 30,000 commercial customers. Kenya Power and REA further undertook the Kenya Electricity Modernization Project with the objective of achieving electricity connectivity to 70% of the country's households by 2017. Kenya Power is upgrading and expanding electricity connectivity network and associated sub-stations to help

improve connectivity and system stability. To make electricity accessible to a majority of citizens, the Government reduced connection fees from Ksh.35,000 to Ksh.15,000. To further improve security and support the 24 hour economy, Kenya Power continued to undertake the street lighting project through the installation of street lights in Nairobi City and other major towns in Kenya.

266. Under Rural Electrification Programme, REA is connecting public facilities to the electricity grid and Solar PVC. In preparation for the Digital Literacy Programme, the Government is finalizing the connection of all the 22,599 public primary schools in the country to electricity. Other connections include; 205 secondary schools, 2,706 trading centres, and 3,179 health and tea buying centres, factories and water projects. For Kenya to meet its future high energy demands, the country is pursuing a nuclear development programme. This includes: development of national Nuclear Policy and Legislation; development of a national policy for nuclear Strategy and Safety; development of Nuclear Fuel Cycle and Reactor Technology Assessment; development of a national criteria for nuclear power plant site selection; development of a National Policy and Strategy for capacity building and Institutional Infrastructure and Nuclear Procurement; development of a National Policy and Strategy for the Management of Kenya Nuclear Power Programme; capacity building for the nuclear power programme; Public and Advocacy; Nuclear Knowledge Management; and Strategic Environmental Assessment (SEA) for Kenya's nuclear power programme.

267. The State Department of Energy is updating national wind atlas, small hydro power plants atlas and their associated feasibility studies. Other initiatives include: hybrid power generation systems, biogas resources development; construction of new energy centres and rehabilitation of the existing ones; re-afforestation of water towers; promotion of improved cooking stoves; sustainable wood fuel production at county level; energy audits; an updated renewable energy database; and bio-fuel value chain development.

268. The State Department of Energy is carrying out pre-feasibility studies on coal viability in the Karoo system of Kwale and Kilifi counties; monitoring, supervising, supporting, and reporting on Mui Basin Coal Blocks A (Zombe-Kabati), block B (Mutitu-Ituku), Block C (Yoonye-Katelko) and Block D (Karunga-Isekele) concessions in Kitui county; undertaking Geothermal Exploration in Morendat East and Elmentaita-Otutu areas, Naivasha, Nakuru County; and monitoring, supporting and reporting on Geothermal Development.

269. The Government through the State Department of Petroleum is driving Oil and Gas Exploration, development and production; through the Kenya Petroleum Technical Assistance Programme (KEPTAP) build capacity and put in place necessary structures and institutions prior to commencement of oil and gas development and production in Kenya. The Kenya Pipeline Company (KPC) is constructing projects that include: 482 km 20 inches diameter Mombasa-Nairobi refined petroleum oil products pipeline (Line5); 354km/20inch diameter; Eldoret-Kampala-Kigali refined petroleum products Oil Pipe line; 120km/10 inch diameter pipeline parallel to existing one from Sinendet to Kisumu; 4 tanks each with storage capacity of 33,328 cubic metres; 72,000 cubic metres Jet A-1 aviation fuel capacity at JKIA; 2,200MT Bulk LPG Storage and Bottling facilities at Nairobi; 6 additional loading; and installing a 3rd mainline pump set and all associated facilities at Samburu, Maungu, Manyani, Mtito-Andei, Makindu, Sultan Hamud and Konza Pump stations.

270. The National Oil Corporation of Kenya (NOCK) developed Mombasa Oil and Gas Trading Hub Offshore jetty and 740,000 MT of storage tank farms. The Government restructured NOCK as a key agency in petroleum and natural gas exploration. NOCK will further set up a world class petroleum laboratory to provide upstream support services to companies in Kenya and across Africa; modernise the National Petroleum Data Centre; develop the National Seismic Processing Centre and Data Visualization Facility to provide specialized seismic data visualization support services to oil and gas exploration companies operating locally and within the region thus reducing costs and turnaround time. Further, NOCK is establishing a Petroleum and Natural Gas Drilling Services Unit to position Kenya as an oil and gas services hub and to lower the cost of petroleum drilling in Kenya. In addition NOCK is expanding Market share to ensure security of petroleum supply.

271. Energy Regulatory Commission undertook the promotion and piloting of Green Energy programmes in Makueni and Kilifi Counties. Further, REA implemented projects to facilitate sustainable development in the rural areas targeting health centres, markets, schools, and community watering points.

272. To stabilize food supply and market prices the State Department of Agriculture held 2.8 Million of 90kg bags of maize purchased through the Strategic Food Reserve Trust Fund (SFRTF) among other food commodities like rice, beans, powder milk, fish products and canned beef. Further, the Ministry of Agriculture, Livestock and Fisheries through NCPB continued procurement and distribution of Government-subsidized

fertilizer for improving crop production hence agribusiness development. The Government through the State Department of Agriculture in collaboration with Toyota Tsusho Company is in the process of constructing a fertilizer industry in Eldoret aimed at reducing the cost of farming and hence increasing the profit margins from crop farming.

273. The State Department of Fisheries fast-tracked the procurement of offshore patrol vessel to curb unregulated and unlicensed fishing in Kenya's deep waters. In addition, the State Department developed the deep sea fishing fleet plan and the sustainability of the fisheries sub-sector as an economic enterprise and regulated the sustainable exploitation of capture fisheries through the building of Monitoring, Control and Surveillance (MCS) capacity. The State Department embarked on selective breeding programme for Nile Tilapia and African Catfish and restocked dams and rivers with fish fingerlings. Further, the State Department is constructing three national fish laboratories in Nairobi, Mombasa and Kisumu.

274. The Government through State Department of Irrigation continued to run the Galana- Kulalu food security project with the intention to develop one million acres in the Galana- Kulalu ranches covering 1.75million acres. The implementation is being carried out jointly by the National Irrigation Board (NIB) and the Agricultural Development Corporation (ADC), in three phases with 10,000 acres model farm, 100,000 acres pilot farm and later the entire 1 million acres.

275. Kenya Dairy Board improved the quality of Kenya dairy produce and promoted mini dairy processing, milk dispensing technology and value addition. The board conducted stakeholder forums on milk production and processing. The board put in place global positioning system mapping of dairy business units to guide the planning and decision making by stakeholders and investors. The Board promoted consumption of milk and milk products through school milk programme, consumer education, and generic milk consumption campaign alongside environmental sustainability. In addition, the Board put stringent measures through dairy industry regulations to curb illegal importation and promotion of exports to protect the local dairy industry from unfair competition.

276. The Agriculture, Fisheries and Food Authority (AFFA) established an Environmental committee that ensured sustainability of its operating environment through good husbandry practices and promotion of sustainable development through planting trees. Agricultural Finance Corporation (AFC) contributed to the development of agriculture and agricultural industries by advancing loans to individuals, farmers, groups,

private companies, public bodies, local authorities and other persons engaging in agricultural activities. Further, in the year under review AFC continued to maintain quality service delivery by sensitizing its customers on the existence of complaints handling mechanism.

277. The National Treasury facilitated the financing agreement with Development Partners to address the issues of the project sustainability after Overseas Development Agency developed a Kenya External Policy. In addition, the National Treasury encouraged the Development Partners to embed their support to Vision 2030 and County Integrated Development Plans (CIDPs) and other sectoral plans and it also established a standing committee on Aid effectiveness and donor harmonization and facilitated bi-annual donor consultative meetings and established project steering Committees. Further, the National Treasury facilitated the leasing of vehicles to the National Police Service. The Government has institutionalized and operationalised the Public Private Partnerships (PPPs) framework to address the public sector funding gaps. PPPs' regulations for partnering with both the National and County levels of government are underway based on the Public Private Partnerships Act No. 15 of 2013. The PPPs' framework targets substantial private investment, transfer of risk to the private sector, improving access to infrastructure, creating higher quality assets with better operation as well as maintenance to realise higher value for money.

278. Further, the Treasury identified key infrastructural sectors to be involved in PPPs and also developed a National Priority list on PPPs for 47 projects. The PPPs projects include Kenyatta University students' Hostels, 960MW Coal Fired Power Plant (Lamu), 105MW Menengai Geothermal Power Plants, Civil Servants Housing, Phase 1 of Mombasa Container Terminal 2, Multi Storey Car Park and Commercial Facility with the Nairobi Central Business District (CBD), Phase I Roads Annuity Programme, and the commencement of six Transaction Advisors (TA) within the Ministry of Transport and Infrastructure.

279. The CBK continued to support the development of conceptual framework and institutional structure to make Kenya a regional hub. The Bank published the CBK Annual Report, Monthly Economic Review, Bi-annual Statistical Bulletin, Financial Stability Report and Weekly Bulletin for Parliament and Public consumption. Further, the Bank undertook publication of Annual Bank Supervision Report detailing performance and developments in the Banking Sector. The Capital Markets Authority implemented the Capital Market plan and new innovations.

280. CRA gave recommendations for inclusion into the Mining Act and the Petroleum (exploration, development, and production) Bill, 2014 during review to ensure inclusivity culminating in sustainable development. The Commission offered technical advice to Kitui County regarding natural resource revenue enhancement and management. The Commission also offered technical advice to National Lands Commission (NLC) in developing National Land Use policy. The Commission implemented Kenya Petroleum Technical Assistance Project (KEPTAP) as a technical assistance project funded through World Bank credit to strengthen capacity of the Kenya Government to manage its petroleum sector and wealth creation for sustainable development.

281. The OCB developed a monitoring and evaluation framework to enable the Office track the implementation of the National and County Governments' budgets effectively and efficiently. This was intended to curb pilferage of public finances through embezzlement and misappropriation and hence spur socio-economic development in the counties and at the national level. The SRC strove to ensure that the public wage bill is fiscally sustainable in keeping with the requirement of the Constitution.

282. The KRA recruited custom inspectors and acquired land at border stations for future development of office spaces. In addition, KRA undertook regular training of technical staff in various aspects of taxation. The Unclaimed Financial Assets Authority (UFAA) undertook deliberate measures to implement the Unclaimed Financial Assets Act, 2011 to enable Kenyans access their unclaimed financial assets as a way to assist the country realise sustainable development.

283. The Ministry of Industry, Investment and Trade, through the State Department of Trade, developed wholesale Hubs and Tier One Retail markets to improve the supply chain efficiencies. Kenya Industrial Research and Development Institute (KIRDI) formulated an Occupational Health, Safety and Environment policy to guide its operations and contribute to the realisation of sustainable development. In addition, KIRDI is in the process of upgrading its Research, Technology and Innovation (RTI) laboratories (a Vision 2030 flagship project) to ensure that Modern Clean Technology is applied in development projects and hence the achievement of sustainable development. Numerical Machining Complex continued the production of machinery and industrial equipment such as water pumps for national development and thus tracking on the realisation of Kenya Vision 2030 flagships. The Jomo Kenyatta

Foundation (JKF) donated Ksh. 497,640.00 and contributed to improved reading culture among primary school children.

284. The East African Portland Cement Company (EAPCC) enhanced environmental sustainability by implementing the Environmental Management System (EMS) 14001:2004. In addition, EAPCC continued undertaking environmental conservation initiatives including tree planting, installed a new dust emission control system, use of two-sided paper printing, reduced printing and minimised electrical lighting during daytime. Further, the Company carried out investment grade energy audits in line with energy management regulations.

285. The Government, through the Ministry of Foreign Affairs and International Trade, continued to engage in bilateral and multi-lateral talks to promote sustainable peace and socio-economic development, through meetings and engagements with high ranking officials in the region to discuss security and socio-economic matters. National and regional peace is necessary for the realisation of the Kenya Vision 2030 and hence sustainable development.

286. The State Department of Water through WRMA involved Water Resource Users' Association in water resource management thereby mitigating water use conflicts and adopting an integrated water resource management. The Authority rehabilitated and protected water springs besides establishing an Integrated River Basin Flood Management Plans and flood monitoring and data collection. The Authority instituted Flood Early Warning System and established Water Quality and Pollution Control Compliance with Effluent Discharge Control Regulations for Nyando River Basin. In addition, The WASREB in conjunction with the World Bank conducted a study and published a Water Service Provider Toolkit for commercial financing of water and sanitation sector. The Board also implemented Non-Revenue water standards and developed investment planning for the devolved water services sub-sector.

287. The Athi Water Services Board carried out skills/ competency assessment and intervention programmes to identify and address competency gaps. The Board also carried out a television campaign to sensitise the public on water conservation and preventing vandalism of water infrastructure and protect the environment and also trained staff on Green Growth, Safeguards and Climate Change. Further, the Board procured a consultant to conduct a feasibility study on harnessing of methane gas from Dandora Waste Water Treatment Process and ensured that projects and programmes were carried out based on environmental impact assessment for all projects.

288. The Lake Victoria North Water Services Board (LVNWSB) signed a MoU with the County Governments of Uasin Gishu and Elgeyo Marakwet for Eldoret Water and Sewerage Services (ELDOWAS) to extend water service provision to Chebara and Chebiemit towns in Elgeyo Marakwet from the Chebara Dam. The Board collaborated with the County Governments of Trans Nzoia, Uasin Gishu and Elgeyo Marakwet to develop a proposal for a cross County water project of Tenden- Mosongo-Barsombe and also collaborated with the County Governments of Kakamega and Uasin Gishu to extend water and sanitation services to informal settlements in the towns of Mumias and Eldoret.

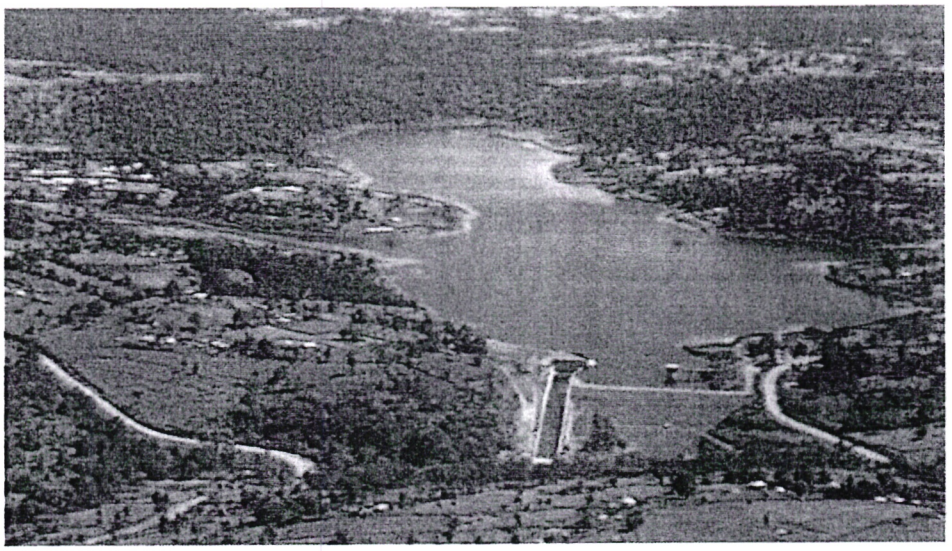

*Figure 17: An Aerial View of Chebara Dam*

289. The Ministry of Mining continued to provide its customers with data and information on mining, land use/ land cover, animals and crops production for planning and policy making for sustainable development. The Ministry prepared a Mining Policy and National Remote Sensing Policy to promote sustainable use of natural resources.

290. The Government through the Ministry of Tourism participated at the World Travel Awards and took advantage of the increasing investor confidence in Kenya and initiated strategies to increase the foreign direct earnings that stood at Ksh.60.6 billion as at 2013. The Small and Micro Enterprises continued growing and generated employment opportunities that contributed to the overall national economy. The Tourism Fund undertook to finance Tourism Protection activities, implemented Tourism Fund, and domesticated environmental policy. The Africa Travel Association (ATA) 40th Annual World Congress was held in Nairobi to

discuss tourism trends and how to develop business in the key source markets. This helped to grow linkages between the Kenyan tour operators and the world market.

291. The Government through the Ministry of ICT provided broadband (access to internet) to all public institutions, and rolled out digital broadcast infrastructure for quality signal reception. This initiative enabled Kenya to migrate from analogue to digital broadcast. Further, the State Department of Broadcasting and Telecommunications is modernizing Kenya Broadcasting Corporation and Kenya Institute of Mass Communication. The State Department promoted e-government for online services and developed digital content for wider access to governmental services.




*Figure 18: An Illustration of Digital Broadcasting Infrastructure*

292. H.E the President and Haile Mariam Desalegn, Prime Minister of Ethiopia, launched the Kenya-Ethiopia Integrated Cross Border Programme covering counties along the Kenya Ethiopia border on 7th, December, 2015. This programme endeavours to promote sustainable development on both sides of the Kenya-Ethiopia border.

293. The Government through the State Department of Correctional and Rehabilitation Services provided programmes and projects through the

Community Services Orders programme of afforestation and environmental cleaning that contributed to sustainable development. The Executive Office of the President prioritized programmes for the development of Northern Kenya and other arid lands.

294. In addition, the Government finalised the installation of the Closed Circuit Television Cameras (CCTV) aimed at setting up an integrated security surveillance systems in Kenya and the promotion of the 24 hour economy. Separately, the State Department of Interior and Coordination of National Government through NGAO facilitated the dissemination of the Sessional Paper No. 8 of 2013 on National Values and Principles of Governance in public forums hence promoting peaceful coexistence and harmony among the resident communities.




*Figure 19: Closed Circuit Television Cameras (CCTV) in Nairobi*

295. The State Department of Interior and Coordination of National Government through NGAO liaised with the Kenya Forest Service (KFS) and the Kenya Wildlife Service (KWS) to ensure the protection of forests from human encroachment and engaged in active campaigns and civic education on environmental conservation and management. Further, NGAO implemented environmental conservation projects through tree planting, banning charcoal burning, controlled sand harvesting, and land use management. In addition, NGAO were also involved in settling land disputes, issuance of title deeds and chairing of Land Control Boards.

Further, the ODPP established the Wildlife Unit charged with enhancing prosecution of wildlife crimes and combating poaching.

296. The State Department of Interior and Coordination of National Government through the Anti-Counterfeit Agency implemented programmes on enforcement, awareness and research geared towards enhancing the ease of doing business and innovations by reducing counterfeits that cause unfair competition. The State Department of Correctional and Rehabilitation Services continued to provide programmes and projects through Community Service Orders Programme that contributed to sustainable development. The Betting Control and Licensing Board continued to regulate gaming and betting premises to ensure compliance with the requirements.

297. The State Department of Social Security and Services promoted sustainable development by registering community development groups to enable them access government development funds set up for vulnerable persons like women, youth, and persons with disabilities. Further, the State Department awarded tenders to youth, women, and persons living with disabilities, and also disbursed funds to children, persons with disabilities and older persons through the cash transfer programmes.

298. Public universities partnered with the National and County Governments and undertook various measures to promote National Values and Principles of Governance through sensitization of local communities against retrogressive cultural practices like FGM, early marriages and cattle rustling through sporting and community activities. Universities reported various measures geared towards water and environmental conservation such as research, tree planting and preservation. Further, institutions of higher learning introduced courses meant to inculcate National Values and Principles of Governance among the scholars.

299. TSC integrated ICT into teaching and learning activities and automated teacher management processes. The Commission advised the National Government on the supply and demand of teachers for sustainable development and also undertook wellness programs to ensure it maintained a healthy workforce. The Kenya Education Management Institute (KEMI) established an Education for Sustainable Development (ESD) Centre and integrated ESD into their training programmes.

300. University of Nairobi developed and operationalised its environmental policy as a sustainable development initiative. In addition, the University established research and development of renewable energy systems and capacity building on environmental issues. Similarly, the

University developed waste management measures, established Botanical Garden and Sino-Africa Joint Research Centre and put in place a system for rice intensification for water saving in rice growing areas. The University also undertook continuous sensitization of staff and students on matters related to environmental sustainability and construction of bio-digester plant in collaboration with the Ministry of Environment and Natural Resources at the College of Agriculture and Veterinary Sciences (CAVS).

301. The University of Nairobi continued to implement projects, programmes, and activities geared towards enhancing innovation in research and produced graduands in various faculties. Further, the University enrolled students into Science Technology Engineering and Medicine (STEM) programme and enhanced levels in lower primary schools besides constructing University of Nairobi Towers. Separately, the Jomo Kenyatta University of Agriculture and Technology established Environmental Management System (EMS) based on ISO14001:2004, while the Higher Education Loans Board (HELB) created revolving funds for financial sustainability.

302. The JKF printed National Environment Trust Fund Entry forms 2015 for environment conservation projects. Further, the Foundation did 11 book reviews in the local dailies on education and social behaviour thus impacting valuable information to the public. The Dedan Kimathi University of Technology continued to maintain a wildlife conservancy and planted trees at the institution.

303. The National Council for Population and Development (NCPD) undertook the first ever *National Adolescents and Youth Survey* in 2015 whose reports will provide data on young people indicating County specific opportunities for investment in demographic, health economy and job creation for sustainable development. The Government continued to increase the Youth Enterprise Development Fund (YEDF), Women Enterprise Fund (WEF) and *Uwezo* Fund in order to benefit the youth, women and people living with disability to assist them establish business enterprises and thus spurring sustainable development.

304. The PSC reviewed organizational structures and staffing levels to manage the wage bill to sustainable levels and improve service delivery. The PSC continued to establish offices and recommended to H.E the President persons for appointment to those offices, besides continued recruitment, promotion, sensitization and training of officers in the public service to improve sustainable service delivery.

305. The Government through the Ministry of Devolution and Planning continued to support the slum upgrading programme by NYS and transfer of skills to the youths. Further, the Ministry sensitised the public on the efficient and sustainable use of natural resources in western Kenya and collaborated with the KSG to develop and launch County Result Based Monitoring and Evaluation training manuals. Officers from 38 counties benefitted as Trainer of Trainers (ToTs). In addition, the Ministry conducted training of officers on monitoring and evaluation (M&E) at both the counties and national level.

306. The Judiciary facilitated the creation of a platform where business community can interact with the legal actors to deliberate on how social economic issues interrelate with the legal environment. Further, the Judiciary improved trade environment through the resolution of commercial, environmental and land disputes for sustainable development. Parliament debated and approved Bills, Motions and Sessional Papers aimed at promoting sustainable development in the country. Separately, the Ministry of Sports, Culture and the Arts rehabilitated and maintained sports and arts facilities, provided infrastructure for training, competition and talent development in music and dance.



*Figure 20: A Session of Creative Dramatised Dance*

307. The Ministry of Health through the NACC participated in the 2015 United Nations General Assembly (UNGA) side event on total eradication

of HIV/AIDS worldwide by the year 2030. Further, NACC held meetings with the chairpersons of Health and Finance Committees of the County Assemblies to discuss the integration of HIV/AIDS issues into the County Strategic Plans.

308. The NEMA formulated Education for Sustainable Development Policy that was approved by Parliament in November, 2015. Further, the NLC carried out the verification exercise at 2 settlement schemes to ascertain the ownership of the parcels of land thereby ending disputes and misunderstanding among beneficiaries.

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

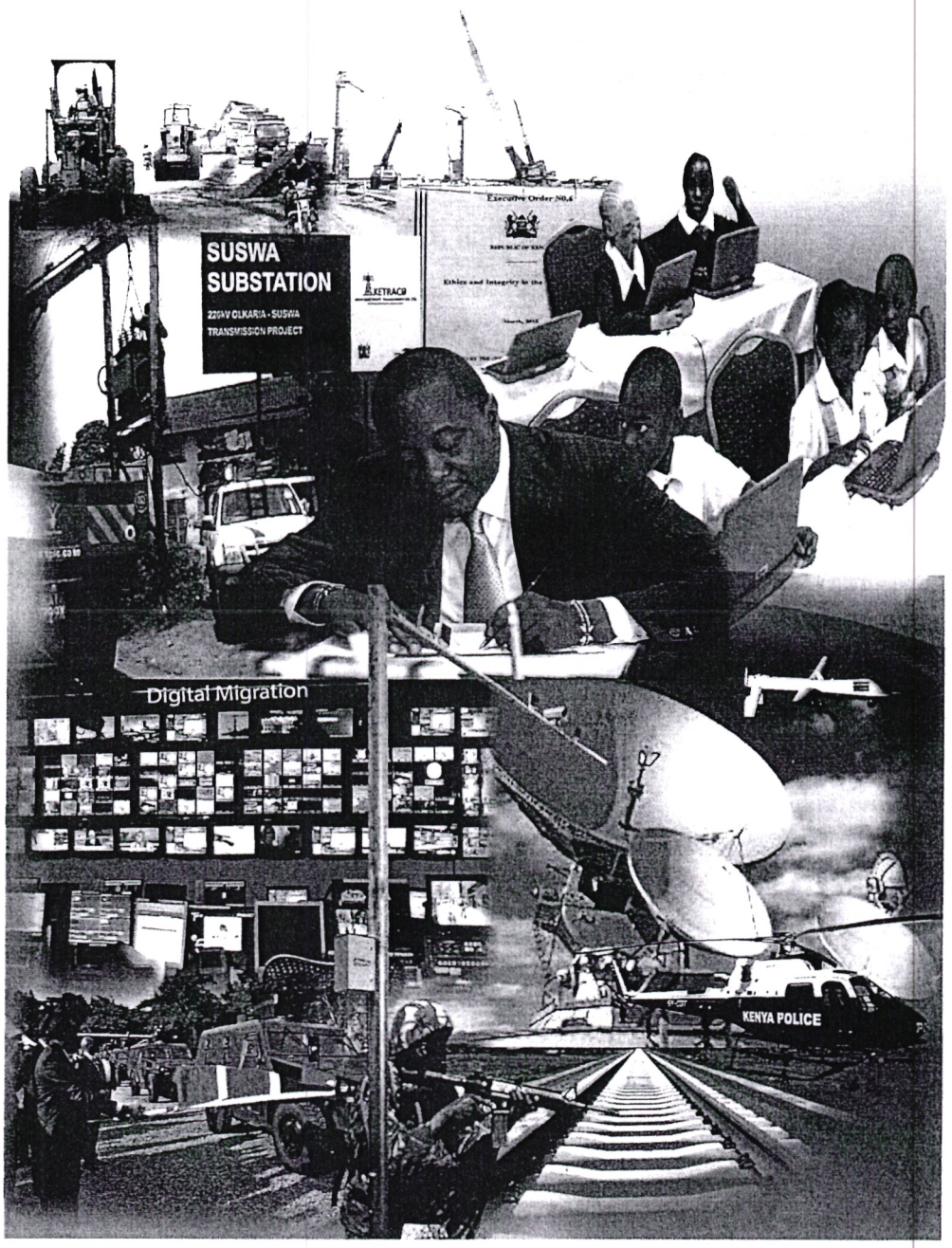


*Figure 21: Progress Made in the Realization of National Unity and Good Governance*

309. The Government made significant progress in the promotion of national values and principles of governance as outlined in **Article 10** of the Constitution during the period under review. This was realised through formulation and review of policies, review and enactment of laws as well as development of regulations and guidelines. Further, the Government through MCDAs registered significant milestones through the implementation of programmes, projects and activities. Progress achieved is reported under the following five thematic areas.

## 4.1 Creation of National Identity and Exercise of Sovereign Power

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

310. Measures taken by Government in the creation of national identity and exercise of sovereign power led to significant progress by way of policy, legislation, regulations and administrative actions.

311. Approval of Sessional Paper No. 9 of 2013 on National Cohesion and Integration and Sessional Paper No. 8 of 2013 on National Values and Principles of Governance by the National Assembly provided the country with a policy framework to guide the design and implementation of appropriate projects, programmes and activities aimed at promotion of national cohesion and inculcation of national values.

312. In fostering patriotism, Members of Parliament participated in international meetings, for example in the African Union (AU) and the Assembly of State parties (ASP) where matters regarding ICC were discussed. The members also represented Kenya in meetings held by other International Organizations such as Inter Parliamentary Union (IPU), Commonwealth Parliamentary Association (CPA), and Asia-Africa Legislative Conference (AALCO) among others.

313. Towards promotion of national unity, the Parliamentary Prayer Fellowship Group organized the Annual National Prayer Breakfast that was held at the Safari Park Hotel in May 2015. Parliament also received and adopted Sessional Paper No. 5 of 2014 on Peace building and Conflict Management and; Sessional Paper No. 9 of 2013 on National Cohesion and Integration, and in the promotion of the rule of law, Members of the National Assembly considered 121 Bills, 195 Motions, 65 Petitions, 23 Delegated legislation and 133 Questions in the period under review.

314. The State Department of Interior and Coordination of National Government in promoting national unity and exercise of sovereign power enhanced security as evidenced by growing confidence from both within

and outside the country. Examples include; the recovery of the tourism industry from less than 25% bed occupancy during the 2014 festive season to over 75% hotel bookings in 2015 at the coast and other tourist destinations in the country. The country also successfully hosted high profile visits by the US President and the Pope, and hosted the Global Entrepreneurship Summit and the World Trade Organization Ministerial Conference, the first WTO Ministerial Conference in Africa.

315. The State Department of Interior and Coordination of National Government, through the Directorate of National Cohesion and National Values held 8 intercommunity exchange forums that brought together 400 participants from different counties to appreciate Kenya's diversity and peaceful coexistence. Further, a total of 25 county consultative forums were held to promote national unity. The forums involved a total of 2,500 participants comprising of community leaders from among the youth, women, elders, civil society and FBO sectors plus National and County Government representatives who met and discussed the status of cohesion in their respective counties. Training forums to empower and expand the pool of change agents in the promotion of national cohesion and national values were conducted involving 150 participants in 3 counties for the FBO sector, and 80 participants from the agricultural sector in 2 counties. In addition, the State Department, working with the Directorate of Performance Contracting, had all MCDAs undertake to mainstream promotion of National Cohesion and National Values as a performance target. In this respect, the State Department conducted capacity building trainings for a total of 80 public institutions involving 2,596 officers.

316. The State Department of Interior and Coordination of National Government facilitated Members of National Assembly Lady Spouses Association (NALSA) to a conference in April, 2015 to promote national unity. The conference further sensitised the participants on their role in promoting national cohesion, enlightened them on their participation in promoting national values and received feedback from the participants on the status of cohesion in their respective constituencies.

317. The Draft National Policy for the National Police Reserves was developed as well as a curriculum and training guide. Other policies that are at advanced stages of formulation include the National Community Policing Policy and the National Policy on Small Arms and Light Weapons. The National Policy on Small Arms and Light Weapons, and Draft Small Arms and Light Weapons Control and Management Bill initiated by the National Focal Point on Small Arms and Light Weapons were forwarded to the Cabinet for approval.

318. The Government and the Regional Centre for Small Arms and Light Weapons acquired two new arms marking/branding machines to fast track marking of state owned and civilian owned firearms in view of improving firearms accountability and controlling proliferation of illicit small arms and light weapons in the country. A server with software was installed at Kenya Police Service Headquarters to capture data for all firearms under the charge of the National Police Service for easy tracing and record keeping.

319. The Government also undertook monitoring and evaluation of the National Police Reserves in Baringo, Isiolo, Marsabit, West Pokot and Trans Nzoia, organized and conducted round table meetings with development partners. In the fight against terrorism, Kenyans demonstrated unity during the Mandera bus attack in December 2015 as an indication of success on awareness levels which the Government has created amongst the public.

320. The NPS, through the Police Reforms Implementation Committee instituted reviews to the National Police Service Amendment Act, 2014, National Security Amendment Act, 2014 as well as the Police Accountability Reforms to promote the creation of national identity and exercise of sovereign power.

321. In the fight against alcohol, drugs and substance abuse, the State Department of Interior and Coordination of National Government through NACADA carried out an inspection of premises manufacturing alcoholic drinks and recommended closure of 156 premises. The Authority further embarked on review of the various laws governing the regulation of production and consumption of alcoholic drinks. In an operation that lasted three months, the Government destroyed over 17,000,000 litres of illicit alcohol and over 13,000 persons were charged in court with various offences related to illicit alcohol. In addition, H.E. the President oversaw the destruction of vessels intercepted for bringing narcotics into the country and the State Department supervised the destruction of a drugs yacht 'Baby Iris' which was intercepted with narcotics worth Ksh.22 million.

322. In partnership with local, regional and international partners, the Government continued to make good progress in protecting the youth from being indoctrinated with radical ideology. Some of the key initiatives included participation of Kenya in the White House initiative on Counter Violent Extremism (CVE) in February 2015, the Rome Italy Colloquium of Regional Conferences on CVE in July 2015 and the New York High level meeting on CVE sponsored by the President of the United States of

America in September 2015 on the sidelines of the 70th session of the United Nations General Assembly.

323. In addition, Kenya hosted a Regional CVE Conference in June 2015 and developed the National Strategy to Counter Violent Extremism which is set to be launched together with establishment of a CVE Fund. In partnership with stakeholders, the Returnee Amnesty Programme facilitated the rehabilitation of more than 3,000 returnees.

324. The State Department of Interior and Coordination of National Government is overseeing police reforms which have contributed to the reduction of crime rate in the country by 20%. The reforms included: acquiring police vehicles and other assorted security equipment; established and operationalized a Command and Control Centre and 24 hour call center at Jogoo House with emergency numbers 999 & 112 fully operational and embarked on the construction of a Forensic Laboratory which is currently 65% complete. The Government also improved police welfare through provision of Group Life Insurance to Police officers; and constructed and leased housing units across the country.

325. To enhance the capacity of National Government coordination services, security and conflict resolution, the Government through the State Department of Interior and Coordination of National Government acquired vehicles and motorbikes for County Commissioners, Deputy County Commissioners, Assistant County Commissioners and Chiefs. In addition, the Government operationalized *Nyumba Kumi* initiative in all counties, implemented targeted peace dividend through the provision of alternative livelihood projects in conflict prone counties; completed the construction of 28 sub-county headquarters and recruited over 700 Assistant County Commissioners. The State Department of Interior and Coordination of National Government continued to implement the *Nyumba Kumi* initiative which led to the establishment of various county monitoring committees throughout the country.

326. In general, Kenya has witnessed a significant reduction in crime rate by more than 20% across board. The response time to distress calls has been reduced to real time as evidenced in December, 2015 during the emergency landing of an Air-France aeroplane at the Moi International Airport in Mombasa.

327. The various administrative actions taken by Government in the creation of a national identity and exercise of sovereign power have made significant impact. The Executive Office of the President during the National Day celebrations of *Madaraka, Mashujaa* and *Jamhuri,* invited

100 *Mashujaas,* at least 2 per County, from all the 47 Counties. The Executive Office of the President organized Round Table Meetings between the Executive and the private sector to enhance the voice of the private sector in the management of the national economy.

328. In promoting the rule of law, the Marriage Act, 2015, and the Protection against Domestic Violence Act, 2015 were enacted. The Natural Resources (Classes of Transaction Subject to Ratification) Bill, 2016, and Election Laws (Amendment) Bill, 2015, together with the Two Third Gender Rule Laws Amendment Bill, 2015 are all in Parliament awaiting enactment. Transfer of Public Assets and Liabilities regulations on transfer and sharing of assets and liabilities between the two levels of Government is awaiting *gazettement* to become law.

329. The TSC *gazzetted* the Code of Regulations for Teachers and the Code of Conduct and Ethics on 7th August and 25thSeptember, 2015 respectively. In addition, in the month of July 2015, the TSC revised the hand book on Decentralized Teacher Management functions. The National Police Service (NPS) drafted the NPS Standing Orders and developed the NPS Corruption Prevention Regulations.

330. The Judiciary held two (2) National Council meetings on Administration of Justice in the period under review to enhance coordination and collaboration by the various actors on the rule of law, dispensation of justice as well as challenges affecting the judicial system and recommended appropriate interventions. In addition, the Judiciary facilitated establishment and operationalization of 121 Court Users' Committees (CUCs) to foster democratic approach in addressing the challenges affecting the justice system. The Office of the Judicial Ombudsman (OJO) took part in 4 open days in Nairobi, Mombasa, Kabarnet and Nyeri in which an estimated 5,000 members of the public participated. The OJO participated in Citizen Radio talk shows weekly for 6 months under the programme "*Mizani ya haki*" where members of the public inquired on judicial matters and other legal issues. A communication platform accessible throughout the country with liaison officers in all counties was developed whereby a total of 2,000 complaints from stations outside Nairobi were received. Further, the Judiciary addressed 1,302 complaints while 698 cases are still pending. In addition, the Judiciary held open days in Maralal, Isiolo, Kilgoris, Marsabit and Kapenguria Industrial Area Prison.

331. In promoting patriotism and national unity, the State Department of Interior and Coordination of National Government through Civil Registration Services issued 1,016,677 certificates of births and 97,219

certificates of deaths representing animprovement of 62.2% and 45.8% respectively. In addition, a Local Area Network and Wide Area Network Infrastructure was installed in 10 Sub Counties as part of computerization of the functions of the Department. This enabled conversion of 30million records of birth and death from manual to electronic format which has widened access to the services provided and decongested the civil registries. In addition, 62million historical records of births and deaths were scanned to create a back-up. Further, civil registration points were set up at all *Huduma* Centres across the country.

332. In addition, the Department of Immigration Services upgraded its passport system as per the East African Community Heads of State Tripartite agreement to internationalize the East African passport and adopt e-Passport regime. The new common EAC e-Passport is based on a chip technology and will have enhanced security features which will minimize challenges of identity theft, passport forgery and improve regional border surveillance mechanisms. The process of purchase of the e-Passport books has been completed with 30,000 e-Passport Booklets delivered. During the period under review, the Department processed and issued 165,518 passports, 135,000 Temporary Passes, 12,776 Visas and 20,133 Work Permits;

333. To bring together several population databases into a Single National Population Master Database for ease of verification of identity, the State Department of Interior and Coordination of National Government through the National Registration Services Bureau migrated 25.4 million records to the Integrated Population Registration System by the end of 2015. In addition, a total of 1,384,334 Kenyan citizens were issued with the 2nd Generation Identity Cards in the year 2015. A further 5,206 Kenyans in the diaspora, particularly in U.K, U.S.A, U.A.E and South Africa were issued with National Identity cards. Finally, live capture ID card system was introduced and the services cascaded to *Huduma* Centres. In addition, conversion of 21million Manual Archival Record (Register 136A) into soft data through scanning and indexing of records was completed.

334. The NCIC endorsed five peace agreements through dialogue and reconciliation forums. These included the Abbey Resort resolution that brought representatives from the Mt. Elgon communities; the Lewa Downs Resolutions that sought to reconcile the Turkana and Samburu communities residing in Isiolo County; the Chemelil Declaration that brought together the Nandi and Luo communities residing along the Nandi-Kisumu Counties border areas; the Sportsman Arm Hotel ceasefire agreement that was endorsed by the leaders from the Turkana and

Samburu communities; Amoran Peace Declaration that was endorsed by morans from Isiolo, Samburu and Turkana.



*Figure 22: Reconciliation Meeting Between Communities*

335. The NCIC spearheaded the formation of peace and reconciliation committees between the communities in Nandi and Kakamega Counties. In addition, the Commission through the Amani Clubs trained over 500 teachers and educational stakeholders in Kwale, Mombasa, Migori, Kisumu, Embu, Nairobi and Muranga Counties on establishment and operationalization of Amani Clubs in their respective counties. As a result of the trainings, over 3,000 clubs were formed, enabling youth in, and out of schools to inculcate appreciation of diversity amongst ethnic, racial and religious communities and learn non-violent dispute resolution mechanisms. In respect to Isiolo-Meru County boundary disputes, a Multi-Agency Team was set up to gather facts on the disputed boundary. The team has presented a report detailing the disputes and recommendations. In addition, the Commission sensitized over 4,000 principals under the Kenya Secondary Schools Heads Association (KESSHA) and Kenya Teachers Colleges Principals Association (KTCPA) on their role in

promoting peace, national cohesion and integration in their respective institutions.

336. NCIC received, investigated and processed 137 complaints on hate speech and discriminatory practices during the period under review. The Commission recommended prosecution of 5 persons with the offence of hate speech contrary to Section 13 of the National Cohesion and Integration Act No.12 of 2008 and the offence of ethnic contempt contrary to Section 62 of the National Cohesion and Integration Act, 2008. Among those prosecuted were prominent politicians and personalities from across the political divide.

337. The Ministry of Information, Communication and Technology developed and operationalized the Government Information Portal which is accessible via *www.myGov.go.ke*. The Kenya Dairy Board (KDB) enhanced the performance of the local dairy industry by regulating the importation of dairy products that recorded an annual growth of 5%. Jomo Kenyatta Foundation (JKF) issued a total of 450 scholarships worth Ksh.33,138,168 for the financial year 2014/2015 to beneficiaries throughout the country.

338. KRA trained more than 500 taxpayers on taxation during the taxpayers' week in October 2015 and held Tax Club Conventions in all regions of the country. Further, children below the age of 10 years drawn from different parts of the country, ethnic groups/backgrounds, religions and PWDs were invited to participate during the taxpayers' week activities.

339. In promoting national unity, LAPSSET continued to implement the Presidential Scholarship Programme in which 200 students were selected to join Universities and Colleges across the country in 2015. The scholarship proved useful in the integration of Lamu youths by enabling them to experience and appreciate the expanse and diversity of Kenya.

340. In addition, the State Department of Education admitted a total of 10,901 students from the 47 Counties (5,000 male and 5,901 female) to join 25 Public Teacher Training Colleges. In addition, the Department completed upgrading of 26 new national schools infrastructure programme at a cost of Ksh.625,000,000 where each school received Ksh.25,000,000. Similarly, the Jomo Kenyatta Foundation offered scholarships to 461 students in secondary schools at a total cost of Ksh.33,138,160 in the period under review.

341. The TSC in collaboration with Kenya Commercial Bank sponsored a special category in the 2015 Kenya Music Festivals whereby competitors

presented originally composed songs and poems under the title "the invaluable role of a teacher in promoting ethical culture" aimed at creating awareness on national values and principles of governance. In implementing the PSC Public Service Excellence Award Scheme, ten officers were celebrated in the Public Servant of the Year Award during the period under review.

342. The NLC reviewed 4,680 land grants and disposition which resulted to revocation of a total of 2,063 illegally acquired titles during the reporting period. Further, NLC settled 28 land disputes using the ADR mechanism. To promote the rule of law, the CAJ facilitated the administration of justice through resolution of over 80% of the complaints lodged by the public. Their advisory opinions formed the basis of action in certain respect thereby improving public administration.

343. To enhance public participation, the Privatization Commission organized four stakeholders' forums /meetings that included Ministries and Departments and Agencies, shareholders and board of directors of the sugar companies, area Members of Parliament, Governors from cane catchment counties, farmers, employees and related unions and national leaders of the Kenya National Federation of sugar cane growers identified as key stakeholders in the privatization of sugar companies.

344. Through the public awareness programmes, EACC sensitized over 1,165,950 people through public outreach programmes and 2.6 million Kenyans through media messaging in local media channels. Further, the Commission exhibited at the Mombasa ASK International Trade Fair in August, 2015 where 6,000 people visited the stand and Kenya Broadcasting Corporation (KBC) media covered the event reaching more than 5,000,000 people.

## 4.2 Sharing and Devolution of Power

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

345. To enhance collaboration between the two levels of Government and facilitate seamless transition to the devolved system of Government, Parliament ensured that Bills concerning Counties were considered by both Houses in accordance with **Articles 110, 111, 112 and 113** of the Constitution. The Senate passed 21 Bills out of which 11 originated from the National Assembly. Parliament also passed the County Governments (Amendment) Bill, 2014 with the objective of consolidating gains made under devolution. In addition, Parliament also enacted the Division of Revenue Bill, 2015 and the County Allocation Revenue Bill, 2015 whose

objective is to provide for equitable division of revenue raised nationally between the National and County Government.

346. Guided by the Division of Revenue Bill, 2015 and the County Allocation Revenue Bill, 2015, the National Treasury allocated and disbursed Ksh.226.66billion to County Governments during the 2014/2015 financial year. During the 2015/2016 financial year, the county allocation was increased to Ksh.259.77billion which registered an additional Ksh.33.11billion to facilitate the operations of County Governments as stipulated by the existing devolution legislations, regulations and guidelines.

347. The State Department of National Water Services developed guidelines for smooth transition of provision of water and sanitation services by County Governments. In addition, the Department held 6 consensus forums with clusters of 6-10 counties and collaborated with the respective County Governments on related projects implementation.

348. The WRMA decentralized its operations to regions and sub-regions based on Water Basins in the country and established Catchment Area Advisory Committees (CAACs) in each of the 6 catchment areas to offer advisory services in issuance of Class 'C' and 'D' permits. The Authority also established and conducted capacity building for Water Resources Users Associations (WRUAs) within sub-catchments to facilitate issuance of water use permits and resolved conflicts related to water catchment and conservation. Lake Victoria North Water Services Board devolved water supply services to Trans Nzoia, Bungoma, Elgeyo Marakwet, Nandi, Kakamega, and Busia counties. These counties embraced the strategy of clustering water supplies into a viable entity run autonomously as envisaged in the National Water Strategy.

349. WASREB offered technical support to diverse counties on clustering water services. For instance, the Board issued policy advice to Busia County Government against the splitting of Kakamega-Busia Water Company. The Board also advised Meru and Tharaka Nithi Counties against splitting of Imetha Water Service Providers to safeguard sustainability of the water service provider and improve the service levels in the 2 counties. Further, the Board offered technical advice to Murang'a County on water supply to Nairobi County.

350. The Kenya Animal Genetic Resources Centre (KAGRC) posted staff to their satellite centres in Eldoret and Nyahururu while Meru, Sotik and Kirinyaga centres will soon be established. Betting Control and Licensing

Board devolved some functions to the counties and facilitated the secondment of 170 members of staff to 7 counties with gaming operations.

351. The Government continued to convene Summit meetings to discuss among other issues: the promotion of national values; national cohesion and unity; consideration and promotion of matters of national interest including health matters and evaluating the performance of National or County Governments and recommending appropriate actions. In order to facilitate implementation of issues and recommendations made in the Summit, the respective annual reports were submitted to the National Assembly, the Senate and the County Assemblies as required by Section 10(1) of the Intergovernmental Relations Act No.2 of 2012. During the reporting period, one Summit meeting was held in February 2016.

352. The State Department of Interior and Coordination of National Government through the NGAO collaborated with County Governments in convening public forums in their areas of jurisdiction to address matters related to security, alcoholism and drug abuse, development projects, disaster management and national cohesion. In regard to the fight against alcohol and drug abuse in the counties, NACADA developed profile data for 18,479 alcohol drinks outlets in 40 counties to facilitate uptake of the devolved function of liquor licensing. The Authority also strengthened the capacity for Alcohol and Drug Abuse (ADA) community outreach by training 47 Community Health Coordinators and 45 Prevention Coordinators and Specialists on Prevention Science from February 2015. Further, the Authority supported Busia, Uasin Gishu and Bomet counties to undertake baseline surveys to determine the level of ADA.

353. The Government through the State Department of Education developed a draft Early Childhood Development and Education Policy which is awaiting validation. The TSC deployed 47 Deputy County Directors and an additional 97 Sub-county Directors were appointed in December 2015. The University of Nairobi established 6 colleges headed by Principals and operationalized extra-mural centres in several counties.

354. The Government through Kenya Roads Board (KRB) allocated Ksh.3.3billion to counties to facilitate road maintenance out of which Ksh1.665billion was released in the second quarter of the 2015/2016 financial year. In addition, KRB issued guidelines to 25 counties for prioritization of road works for maintenance. Road registers for all counties were also prepared and are awaiting adoption of the Roads Bill, 2015. The KURA developed a draft Roads Policy and the Kenya Roads Bill, 2015. The Kenya Roads Bill, 2015 categorizes all roads into 15 classes and assigned 8 classes to the County Government and 7 to the

central government for effective management. The Authority further finalized and initiated implementation of the objectives of MoUs signed with Baringo, Turkana, Wajir, Bomet, Garissa, Isiolo, Nairobi, Embu and Uasin Gishu Counties.

355. Ministry of Information, Communication and Technology connected 12 public buildings to Broadband Infrastructure in Migori, Vihiga, Bungoma and Bomet Counties. The Ministry also produced and aired an interactive talk show known as 'The Governor' that focused on county development agenda. The show increased feedback from members of the public through the KBC SMS lines, emails and formal response letters. Further, the Ministry showcased investment opportunities available in counties through the production of counties investment booklets.

356. The Government facilitated the application of Certificate of Police Clearance at *Huduma* Centres. The Kenya Vision 2030 Delivery Secretariat (VDS) signed a MoU with Taita Taveta, Laikipia, Turkana, Narok, Lamu and Uasin Gishu Counties to assist in unlocking bottlenecks in the implementation of flagship projects in the counties.

357. The Pest Control Products Board initiated the review of the Pest Control Products Act CAP 346 in order to align it with **Articles 10, 132** and **Chapter 6** of the Constitution. Further, the Board established offices in Nairobi, Kisumu, Mombasa, Embu and Nakuru and accredited 42 institutions in different regions of the country to carry out efficacy, toxological, residue, physical and chemical studies. The Kenya Medical Supplies Authority (KEMSA) facilitated the procurement and supply of medical supplies to all the 47 counties amounting to Ksh.593,271,589 by 31st December, 2015. The Authority also introduced the Logistics and Management Information System (LMIS) in 32 counties to enable placement of online orders and receipt of reports including pro-forma invoices to enhance service delivery.

358. The NCPD reached 25 counties through seminars, conferences and public meetings. The Council also increased its regional offices from 10 to 11 and funding from Ksh.800,000 to Ksh.1.2million. The NCPD organized a media forum with journalists in Uasin Gishu County and formed a caucusing group to ensure media coverage of population issues and how they affect personal and county development. A similar Group was formed at a media event held in Nakuru in February, 2015. During the reporting period, the EACC opened 3 regional offices in Malindi, Isiolo and Kisii, and also opened 2 Satellite offices at the Jomo Kenyatta International Airport and the Malaba border. In addition, the Commission operationalized its desks at GPO-Nairobi, City Square, Makadara,

Eastleigh, Mombasa, Wajir, Kitui, Kajiado West, Embu, Bungoma, Makueni and Siaya *Huduma* Centres.

359. The National Anti-Corruption Campaign Steering Committee (NACCSC) held workshops in 12 counties in which 1,453 persons from diverse sectors of society were trained on diverse topics. The topics included understanding corruption and the legal provision for the fight against corruption; the role of various participants in the fight against corruption; detecting and reporting corruption; social audit and corruption in the project cycle; records management as a tool to fight corruption; collaboration and networking between various stakeholders in the fight against corruption; and communicating anti-corruption messages.

360. The State Department of Agriculture through Agriculture Sector Development Support programme approved 143 Value Chain Projects in all the 47 Counties. The State Department also supported undertaking of the feasibility study on how to operationalize agri-value chain incubators in Nandi, Makueni and Siaya Counties. Further, to enhance agricultural production in the counties, the Fertilizer Quality and Regulatory Standard in Kenya Project trained 18 fertilizer analysts at the Coffee Research Institute (CRI). The State Department also held 3 Intergovernmental Thematic Working Group meetings, for Policy Standards and Legislations, Food Security, Extension and Capacity Building and Monitoring, Evaluation and Communication.

361. The Government through the State Department of Correctional and Rehabilitation Services incorporated officials of County Governments in the Probation and Community Service Orders Case Committees in all the Sub-counties as provided for in the Probation of Offenders Act (Cap.64) and Community Service Orders Act No. 10 of 1998. The State Department also developed a strategy framework for working with the County Governments. Kenya Literature Bureau (KLB) supplied books worth Ksh.6,130,816.00 to Homa Bay and Elgeyo-Marakwet Counties and conducted training workshops in Embu, Meru, Mombasa, Taita Taveta and Nyeri Counties on customer care management. To enhance collaboration between the two levels of governments, the Capital Markets Authority formulated a policy framework which was submitted to the National Treasury on county financing options through capital markets and project finance. Further, the Authority is implementing a County Investor Education Strategy to ensure all regions and counties are aware of the capital market investment opportunities. During the reporting period, the Authority facilitated sensitization of staff in 9 counties.

362. The NYS constructed several dams and water pans under the 5-point vision in Arid and Semi-Arid Lands (ASALs) across the country. The dam construction project has so far benefited more than 485,000 residents and 880,000 livestock in Makueni's Kathonzweni and Kilome constituencies as well as 25,000 people and 20,000 livestock in Kitui County. The NYS also constructed dams and water pans in 14 counties, namely; Baringo, Garissa, Homabay, Isiolo, Kajiado, Laikipia, Meru, Nakuru, Narok, Nyandarua, West Pokot, Samburu, Taita-Taveta, and Wajir.

363. The CAJ opened 3 branch offices in Mombasa, Eldoret and Isiolo and established desks at Huduma Centers in Nakuru, Kakamega, Embu and Kisii. The Commission also partnered with Bomet, Siaya, Makueni, Kajiado and Kiambu County Governments to establish County Ombudsman offices. Further, the Commission visited Homa Bay, Baringo, Kajiado, Trans Nzoia, Bungoma, Makueni, Kitui and Samburu Counties and engaged a total of 2,000 people during which 59 complaints were received.

364. As guided by its powers and functions, the PSC heard and determined appeals in respect of County Governments' Public Service, facilitated and finalized appeals lodged by members of staff from various County Governments. During the year under review, the Commission received a total of 18 appeal cases, 5 from institutions and 13 from individuals. Out of the 18 cases received, 6 were heard and determined while 12 are yet to be concluded. Out of the 6 appeals determined, 3 were accepted while 3 were rejected and decisions conveyed to the appellants. Further, the Commission organized workshops for the chairpersons, members and secretaries of County Public Service Boards for all the 47 counties on best practices on Human Resource Management.

365. The CBK rolled out the Internet Banking System to both National and County Governments and by January 2016, 51 National Government Ministries and Departments and 41 County Governments were already on the platform. The Government through the Ministry of Devolution and Planning established *Huduma* Centres in Machakos, Wajir, Siaya, Bungoma, Isiolo, Kwale, Nyamira, Thika, Kitui, Turkana and Makueni bringing their total to 26. An estimated 7.5 million Kenyans can now access services at the operational *Huduma* Centers of which an estimated 35,000 people are served daily. A recent customer satisfaction survey at the *Huduma* centers revealed a 95% Excellent Satisfaction Rate.

366. To facilitate implementation of the Transition to Devolved Government Act, 2012, the Ministry of Devolution provided technical assistance on performance contracting, payroll design and management,

including allocation of personal numbers to newly recruited staff in the counties, activation of personal numbers to former public servants who were employed by County Governments and offered support in functional and workload analysis through the CARPS programme. The Ministry also facilitated the convening of the Intergovernmental Summit and operationalized the Technical Committee and Secretariat. In addition, the Government, through the Kenya School of Government conducted capacity building programmes for all counties covering cross cutting management areas in September and October 2015.

367. To promote the principle of sharing and devolution of power, the AFC increased the number of branches in the County Governments to 44 to enhance distribution of available loan-able funds across the country. The Kenya Dairy Board opened and operationalized 2 branch offices in Bungoma and Tharaka Nithi Counties and convened bi-annual regulatory/stakeholders' meetings in 5 Counties. In addition, the State Department of Cooperatives deployed Cooperative Officers and auditors to all the 47 counties whose mandate was to enhance collaboration between National and County Governments in the cooperative sector.

368. The Communications Authority of Kenya opened offices in Eldoret and Mombasa to enable easy access to information and licensing services to Kenyans in those areas. The Anti-Counterfeit Agency (ACA) opened regional offices in Kisumu and Eldoret and conducted outreach programmes in Turkana County and market research in Mombasa, Meru, Nyeri, Embu and Kiambu Counties.The Export Processing Zones Authority (EPZA) established 1 additional regional office in Kisumu to facilitate service delivery. The office initially covered Central, Rift Valley and Western Kenya. The Pest Control Products Board increased access to its services by opening regional offices in Nairobi, Kisumu, Mombasa, Embu and Nakuru.

### 4.3 Protection of the Bill of Rights

**Article 10(2)(b): human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized**

369. The Government through MCDAs formulated, reviewed and enforced policies, laws and programmes which operationalized the Bill of Rights. In addition, MCDAs implemented programmes and activities that recorded remarkable achievement in the actualization of the Bill of Rights. The Government in collaboration with the Kenya National Commission on Human Rights (KNCHR) developed the Equality Policy, the Human

Rights Defenders Policy and the Gender Diversity and Mainstreaming Policy, 2015. These policies are under implementation and will enhance the enjoyment of human rights among the citizenry.

370. KNCHR received a total of 2,559 complaints on human rights violations out of which 865 were on violations of civil and political rights, 319 were group rights and the highest number on economic, social and cultural rights accounting for 1,375 complaints.

371. In promoting human rights, the Judiciary prepared and launched the Sentencing Policy Guidelines (2016) which provided a framework within which courts can exercise their discretion during sentencing in a manner which is objective, impartial, accountable, transparent, consistent and which would promote social justice. The Judiciary further launched Bail and Bond Policy Guidelines which will ensure there is non-discrimination on bail and bond terms given by the courts and police stations.

372. To promote the Bill of Rights, KLRC in collaboration with relevant MDAs developed and reviewed various legislations. These include the Prisons Act (Cap. 90), Universities Act, No. 42 of 2012, Basic Education Act, No. 14 of 2013 and Kadhi's Court Act (Cap. 11). In addition, the Commission continued to develop the Anti-Torture Bill, 2011 which seeks to give effect to **Article 25** of the Constitution. Further, the Commission also facilitated the development of various Bills including Burial Bill, 2015, the Witness Protection (Amendment) Bill, 2015, the Kenya Defence Forces (Amendment) Bill, 2015, Access to Information Bill, 2015, Water Bill, 2015, Traditional Health Practitioners Bill, 2014, the Agreements Relating to Natural Resources Bill, 2015, Constitution (Amendment) Bill, 2015, the National Registration and Identification Bill, 2015, the Prisons and Borstal Institutions (Amendment) Bill, 2015, the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill, 2015 and the draft Kenya Sovereign Wealth Fund Bill, 2015.

373. The Commission on Administrative Justice, promoted human rights by participating in the development of sentencing guidelines through the Judiciary taskforce on Sentencing. To enhance the value of inclusivity, the Commission established desks in 10 *Huduma* centers to enhance its accessibility to the public.

374. The Government through the Judiciary established a taskforce on Sexual and Gender Based Violence (SGBV) which proposed amendments to the sexual offences to ensure that human rights are observed. Further, the Judicial Review and Human Rights division of Milimani High Court resolved a total of 2,413 Constitutional and human rights related cases

during the period under review. To enhance access to justice, the Judiciary allocated a total of Ksh 4.5 Billion to 54 courts across the country during the financial year 2014/15 for construction, rehabilitation, refurbishment and prefabrication of courts. During the reporting period, 61% of work had been done.

375. To promote access to justice, the Judiciary opened new High Court stations and posted judges to Turkana, Marsabit, West Pokot, Baringo, Tana River, TaitaTaveta, Laikipia, Kajiado, Migori, Tharaka Nithi, Siaya and Nyamira. In addition, the Judiciary is operating mobile courts in various marginalized regions namely Dadaab, Modogashe, Ijara, Bangale, Loitokitok, East Pokot, Zombe/Mtito, Karaba, Faza, Mpeketoni, Laisamis/Merille, Lokichar, Lokitaung, Merti, Archers Post, Kipini, Kapsokwony and Loitokitok. In its effort to protect the rights of children, the Judiciary formed a Task Force in December 2015 on Children to develop mechanisms to deal with juvenile justice. The Judiciary further conducted six prison visits where judicial officials interacted with inmates and addressed a total of 40 human dignity related complaints affecting prisoners. During the reporting period, the Judiciary advertised vacancies for clerical officers where a total of 15,253 were recruited and deployed across the 47 Counties.

376. The ODPP established the Anti-Human Trafficking Unit and participated in the development of the Anti-Trafficking in Persons Manual and Guidelines for effective investigation and prosecution of cases. Further, ODPP established the Anti-FGM Unit and launched a hotline **No. 0770 610505** through which the Unit receives information from the public for quick response. The Unit has also prepared the standard operating procedures and prosecution of the FGM cases.

377. KNCHR also conducted sensitization on Human Rights Based Approach (HRBA) to 593 State Officers, 20 councils of elders, 6,124 community members and 814 corporate persons and distributed 1,281 IEC materials/fact sheets. In addition, the Commission signed MOUs on training on HRBA with Laikipia University and Kenya School of Government. A total of 2,559 complaints on human rights violations were received compared to 1,908 complaints received in the previous year representing a 26% increase in the number of complaints received. Out of the 2,559 complaints received, 1,603 were offered legal advice, 402 admitted for action, 375 referred to other state organs, while 179 are awaiting supporting documents.

378. To promote human dignity, the Government settled over 3,000 squatters in Waitiki farm in Mombasa. In addition, Government through

the Office of the First Lady continued to implement the Beyond Zero Campaign where additional 19 mobiles clinics were given to different Counties to improve access to health services and support the campaign to reduce maternal and child mortality across the country.

379. Further, the Executive Office of the President hosted pupils with disability and those from disadvantaged backgrounds under the Pupils Reward Scheme (PURES). This was meant to promote social justice, inclusivity, human dignity and non-discrimination.

*Table 2: Beneficiaries Under the Pupils Reward Scheme*

| NO. | INSTITUTION | NO. OF PARTICIPANTS | |
|---|---|---|---|
| | | LEARNERS | TEACHERS |
| 1. | Thika Joy Town | 52 | 6 |
| 2. | SOS Village | 60 | 9 |
| 3. | Ghetto Classic Orchestra | 87 | |
| 4. | God's Favor Kayole | 49 | 21 |
| 5. | Top Performing KCPE students from all Counties | 295 | - |
| 6. | Talent Academies | 58 | - |
| | **Total** | **601** | **36** |
| | **Grand Total** | **637** | |

380. IPOA received a total of 2,070 complaints in 2015 out of which 399 cases were referred for investigations. The Authority promoted inclusivity by synergizing relations and stakeholder decision-making engagement as well as holding meetings with various partners. It undertook 15 County outreach fora and held Media briefings and advertisements in 2015. In upholding human rights in the National Police Service, IPOA undertook 159 inspections of police stations and premises and progressively monitored 44 of them. The authority also monitored 11 police operations and functions in 2015.

381. IPOA undertook investigations on complaints related to disciplinary actions or criminal offences stipulated under Section 6 (a) of Independent

Policing Oversight Authority Act, No. 35 of 2011. The Authority also completed investigations on 59 cases from 19 counties. In addition, a total of 27 (22 initial and 5 follow-up) inspections were conducted in 27 police premises. A total of 19 or 70% of the inspections were conducted in police stations, 3 or 11% in Police Posts, 1 or 4% in a Police Patrol Base and 4 or 15% in Administration Police Posts/Camps. The inspections were conducted in 5 counties between January and June 2015. During the inspections, remarkable improvement was noted in Riruta and Bamburi police stations where the cells had good and adequate artificial lighting and efforts had been made to improve ventilation of the cells. The Authority monitored the recruitment exercise in 68 centres (21.3%) in 31 counties (66%) spread across the country. Although there were complaints of discrimination on the basis of ethnicity and undefined physical tests which disqualified the candidates in the final stages, IPOA's verdict was that the 2015 police constables recruitment exercise showed a significant improvement compared to the one conducted in July 2014.

382. The State Department of Interior through Department of Civil Registration promoted the Bill of Rights by issuing a total of 462,946 birth certificates. To promote protection of the marginalized, the Department managed to register 35% of births and 23.9% of deaths in ASAL areas. The Department also set aside Ksh.112million to cater for marginalized groups namely youth, women, PWDs during the period under review.

383. The State Department of Interior and Coordination of National Government, through NACADA promoted the Bill of Rights by committing Ksh 75,468,344.50 to establish and refurbish 13 treatment and rehabilitation facilities in Kakamega Provincial Hospital, Iten County Referral Hospital, Wesu Rehabilitation Centre in Taita Taveta, Kwale Health Centre, Kiriani Health Centre, Gathumbi Health Centre, Muriranja District Hospital, Siakago District Hospital, Cheptallaa Health Centre, Gilgil District Hospital, Kiamwasi Rehabilitation Centre, Kodiaga Prison and Coast Provincial General Hospital.

384. To promote human rights, the Authority procured 18 breathalyzers for use by NTSA to enforce the anti-drunk driving on the roads to promote safety and protect human lives. Further the Authority developed profile data for 18,479 alcoholic drinks outlets in 40 counties to facilitate uptake of the devolved function of liquor licensing, which will enable the County Governments to protect human rights with regard to access to certified alcohol and drugs.

385. The State Department of Housing and Urban Development formulated the National Urban Development Policy, the National Policy

on Metropolitan Areas, and the Metropolitan Development Policy. The State Department further developed the Metropolitan Areas Bill, 2015 and amended the Urban Areas and Cities Act, 2011 to enhance the Bill of Rights and also developed strategic and spatial plans for 6 metropolitan centers along the LAPSSET corridor. In addition, the State Department prepared Integrated Development Plans for designated urban areas as defined under Urban Areas Act, 2011 and offered technical assistance and support to County Governments through training whereby 13 settlements were surveyed and 10 plans approved.

386. The Government through the Ministry of Devolution and Planning resettled a total of 10,443 IDPs, forest evictees and returnees from Uganda at a cost of Ksh.2,000,069,700 and closed 75 camps during the period under review. The Ministry also improved the social and physical infrastructure by upgrading Kibra, Korogocho, Mathare, Mukuru kwa Njenga informal settlements. In addition, the Government also improved response to disaster and emergency management in Narok, Nairobi, Baringo, Turkana and Mombasa and put in place programmes for the provision of supplies to drought stricken and flood areas across the country.

387. The Ministry of Devolution through the *Uwezo* Fund issued interest free loans to 14,986 youth groups, 26,838 women groups and 977 groups of persons with disability in 290 constituencies totaling to Ksh.5,354,400,000 as shown in Figure 1 below. The *Uwezo* Fund Oversight Board approved Ksh.4,240,105,293 for issuance to 42,801 groups or 534,023 individuals nationally.

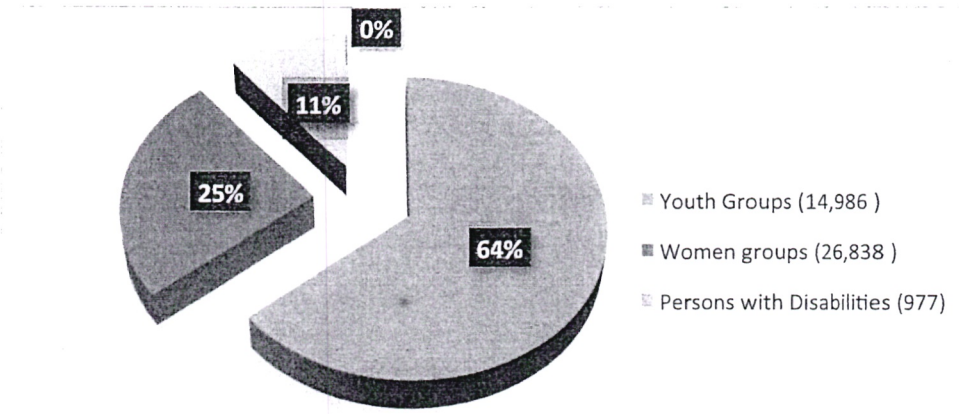


*Figure 23: Distribution of Uwezo funds to Youths, Women and Persons with Disability*

388. The State Department of Education reviewed the Education Sector Policy on HIV and AIDS and disseminated IEC materials to the 47 counties. The Government also reviewed the Gender Policy in Education, 2007 and the Policy Framework for Nomadic Education, 2015 which are being implemented. The State Department promoted the right to education by disbursing Ksh.9,611,356,511.90 which benefited 8,911,928 pupils (100%) under FPE. To promote equity in the provision of education, the State Department upgraded 26 County Secondary Schools to National Schools and established 329 Extra County Secondary Schools. The State Department further disbursed a grant totalling Ksh. 35million to Free Day Secondary School Education and Arid and Semi-Arid Lands programme to mitigate poverty during the reporting period.

389. In addition, the State Department of Education distributed sanitary towels to 1,131,235 million girls in 45 counties and provided mid-day meal to 770,000 pupils on Regular School Meals Programme and 760,000 under the Home Grown School Meals Programme. Ksh.900million was disbursed to purchase food for targeted public Pre-primary and Primary Schools in ASAL counties. Ksh.400million was disbursed to 426 Low Cost Boarding schools to benefit 113,524 pupils and Ksh.31million was disbursed to 117 mobile schools to benefit 13,869 pupils. To promote equality Ksh.135million was disbursed to 203 schools in 47 counties as School Improvement Grants. Separately, the National Sector Plan and the Basic Education regulations are being implemented.

390. The State Department of Education through the Kenya National Examinations Council (KNEC) enhanced the right to education by enrolling and administering the Kenya Certificate of Primary Education (KCPE) examinations to over 927,000 pupils, an increase of 5.37% from the previous year. The Council also enrolled and administered Kenya Certificate of Secondary Education (KCSE) to over 520,000 students an increase of 8.7% from the previous year. Further, the State Department of Education through KNEC paid a total examination fee for 798,991 KCPE pupils amounting to Ksh 641,667,200 and KCSE examination fee for 460,307 students amounting to Ksh 2,525,635,000.

391. To promote equity and access to education, the Government through the State Department of Education and other education agencies is implementing the Digital Literacy Programme. The Government awarded the tender to a consortium of Moi University in partnership with JP SA Couto firm to supply 600,000 digital learning devices and train 23,951 teachers to roll out the programme in 26 counties while JKUAT in partnership with POSTIVO BGH will supply 21 counties. Further, the

Kenya Institute of Curriculum Development (KICD) developed interactive digital content for class one and two in Mathematics, English, Kiswahili, Social Studies and Science. Adaption of this content for learners with special needs is in progress.

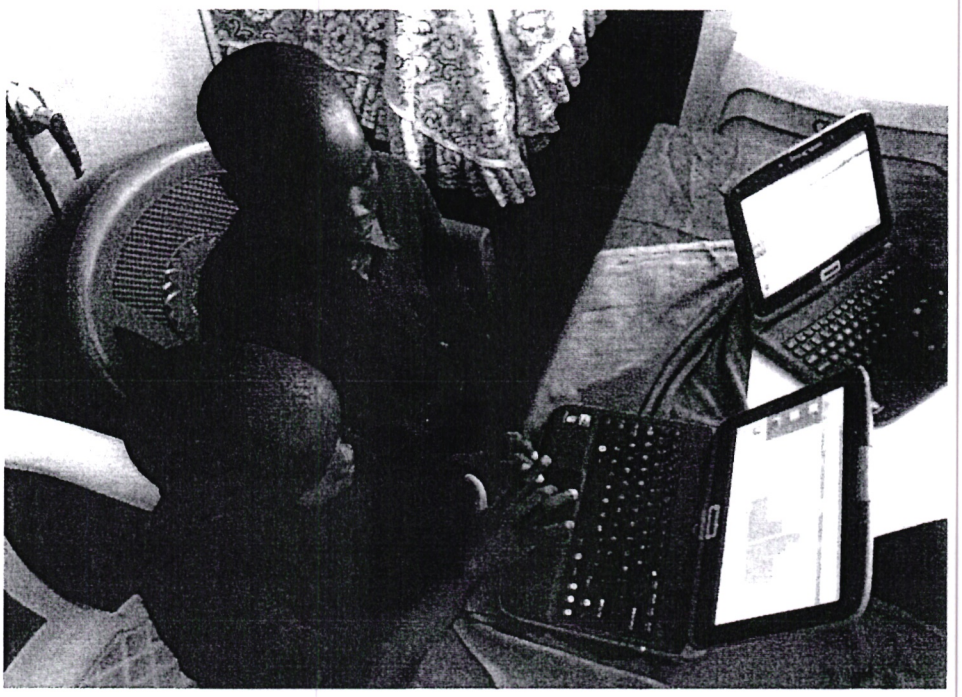

*Figure 24: Piloting of Interactive Digital Content*

***Source: Kenya Institute of Curriculum Development***

392. During the period under review, the State Department of Vocational and Technical Training upgraded 8 TVETs to fully fledged polytechnics, bringing the total number of National Polytechnics to 48. The upgraded institutions were Kabete TTI, Kitale TTI, Meru TTI, Embu TTI, Nyeri TTI, Sigalagala TTI, North Eastern Province TTI and Gusii TTI.

393. The University of Nairobi continued to respond to the ever-increasing demand for quality and holistic human resource in the job market by producing a total of 13,481 granduands in 2015 in various fields including medicine, agriculture, veterinary medicine, environmental studies and nuclear science among others. Further, the University enrolled 20,858 students in science, technology, engineering and mathematics (STEM) disciplines in response to the demand for skilled labour in a new technological, global competitiveness and knowledge-based economy.

394. In addition, the State Department of Higher Education through the Kenya Universities and Colleges Central Placement Service (KUCCPS) selected 67,790 students to pursue degree programmes in the 31 public universities in the 2015. This was an increase of about 10,500 students from the previous year's placement. An additional 11,523 students were selected to join the 50 middle level colleges under the diploma programmes.

395. The State Department of Agriculture initiated formulation and review of policies to address inequality, discrimination, marginalization and food insecurity. The policies include the Oceans and Fisheries Policy, 2008, the Cereal Policy, 2013; Draft Livestock Breeding Policy 2008 and Draft Animal Feed Policy, 2015; Agricultural Mechanization Policy, 2006 and National Agricultural Soil Management Policy. Further, the State Department of Agriculture, the University of Nairobi Seed Company (UNISEED) and the Seed Enterprise Management Institute (SEMI) promoted the right to food by releasing 23 high yielding bean varieties and protected under the Seeds and Plants Varieties Act (Cap. 326) through the Kenya Plant Health Inspectorate Service (KEPHIS). Six of these bean varieties are licensed by the Kenya Seed Company, which has entered into a MoU with the University of Nairobi to commercialize the bean varieties and make them available to farmers countrywide.

396. The State Department of Agriculture through the AFC contributed towards creation of employment opportunities through the designing of alternative collateral mechanisms that financed 65,000 small farm households representing a population of 250,000. AFC also enhanced food security and alleviated poverty by providing loans totaling to Ksh 63.64million to Community Based Organizations (CBOs) with a membership of 5,000. These alternative collateral mechanisms facilitated employment of 25,000 people and cultivation of 5,785 acres that yielded 140,000 bags of 90kgs of maize.

397. NHIF promoted the Bill of Rights by registering 17,491 households under the Health Insurance Subsidy Programme in which a total of 82,282 beneficiaries were registered in all the 47 counties. The Fund also enabled 198,440 elderly and people with severe disabilities to access health insurance services through the Health Insurance of Elderly Persons with Disabilities. The programme enabled 574 people to receive hospital admission while 1,432 sought care on outpatient basis.

398. To adequately bridge the human resources gap in the health sector, the Ministry of Health through the KMTC offered training opportunities for over 22,000 trainees in more than 50 medical courses in its 50

campuses located in various counties. KMTC are currently producing more than 6,000 graduates every year for both the Kenyan public and private health sectors, accounting for more than 80 percent of the staff in health facilities.

399. The Parliament promoted the Bill of Rights by receiving and adopting the Sessional Paper No. 2 of 2014 on the National Social Protection Policy and Sessional Paper No. 3 of 2014 on National Policy and Action Plan of Human Rights. In addition, Parliament also debated and approved the Division of Revenue Bill, 2015; the County Allocation of Revenue Bill, 2015; the Appropriation Bill, 2015; the Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill.

400. The Government continued to implement **Article 204** of the Constitution on Equalization Fund to enhance the Bill of Rights. During the reporting period, CRA in collaboration with the National Treasury allocated Ksh 3.4billion to actualize this requirement. The National Treasury reviewed the Pensions Act (Cap. 189) and the Widows and Children Pensions Act (Cap. 195) to promote human dignity.

401. The Ministry of ICT continued to streamline the mobile SIM registration which resulted in a decrease in cyber crimes. The Ministry enhanced equity through expansion of fibre optic cables to cover unserved areas where they served additional 2,300 kilometres of fibre optic cables covering all the 47 counties. On equality, the Ministry provided all Kenyans with high capacity network connectivity through a national broadband strategy.

402. The Government continued to implement the policy on awarding of contracts to youth, women and persons with disability under the 30% procurement affirmative action initiative. Institutions have allocated substantial amounts of funds towards the same as shown in the table below:

*Table 3: A sample of Tender Allocations to Youth, Women and PWDs*

| No. | MCDAs | Allocation in Kenya Shillings (Ksh.) |
|---|---|---|
| 1 | KURA | 2,656,411,533 |
| 2 | KeRRA | 2,567,411,553 |
| 3 | Ministry of Agriculture | 1,403,484,931 |
| 4 | KENGEN | 540,000,000 |
| 5 | Ministry of Labour | 240,293,059 |
| 6 | National Council for Persons with Disability | 221,183,646 |
| 7 | The University of Nairobi | 165,000,000 |
| 8 | Kenya Bureau of Standards | 64,973,807 |
| 9 | Ministry of ICT | 63,000,000 |
| 10 | Numerical Machining Complex | 62,400,000 |
| 12 | Government Press | 53,935,875 |
| 13 | Privatization Commission | 46,241,041.15 |
| 14 | Retirement Benefits Authority | 33,000,000 |
| 15 | Athi Water Services Board | 31,518,647 |
| 16 | Kenya Roads Board | 26,100,000 |
| 17 | Jomo Kenyatta Foundation | 17,994,625.87 |
| 18 | NACADA | 15,792,858.20 |
| 19 | Kenya Medical Supplies Authority | 11,135,758 |
| 20 | Kisumu National Polytechnic | 10,000,000 |
| 21 | Micro and Small Enterprise Corporation | 1, 310,624 |

***Source: MCDAs Reports 2015***

403. The State Department of National Water Services through Lake Victoria South Water Services Board constructed 4 ablution blocks in Siaya-Bondo project, 4 in Kericho, 5 in Keroka and 5 in Isebania. These establishments enhanced effectiveness in faecal/sludge management and minimized infections.

404. The Ministry of Tourism achieved inclusivity through tourism stakeholders' consultations and local participation in tourism planning and management. The wider consultation enabled the Ministry to undertake

various tourism activities across the country. These achievements can be attested by the several tourism circuits spread over 58 national parks and game reserves offering various attractions.

405. The State Department of Gender Affairs finalized the National Equality Policy and National Gender and Development Policy, 2015. The State Department also finalized the National Women Economic Empowerment strategy while preparation of the report on the Status of Women in Kenya is ongoing in order to promote equality. The State Department developed the National Equality Bill to promote the representation of the marginalized in parliament, held Gender Sector Coordination Group Meeting, and commemorated 16 days of activism against Gender Based Violence and International Women Day. On human rights, the State Department published information on gender in the ministerial magazine and also uploaded in the ministerial website. The State Department also provided Cash Transfers to households in ASAL Counties of Marsabit, Turkana, Mandera and Wajir. Further, the State Department mapped disaster prone areas in Turkana and Isiolo Counties and completed the construction of Turkana IDP houses and toilets.

406. To promote human dignity, KURA procured consultants who were engaged in mapping of narrow roads and set aside a budget of Ksh.500million which facilitated the formulation of a policy on management of roads. The Authority also constructed Muratina Road in Mathare and Kibera Road in Nairobi and considered each county under the Low Volume Seal programme. Further, Ksh.1.6billion was distributed across the country for road maintenance thus enhancing equity in accessibility. On equality, KeRRA disbursed Ksh.6.6billion to all constituencies with each receiving Ksh.23.5million for road maintenance.

407. The State Department of Interior through the Directorate of National Cohesion and National Values sponsored songs and choral verses for both primary and secondary schools during the 89th edition of the Kenya Music Festivals for Schools and Colleges in 2015 under the theme "*Our Values, Our Inheritance, Our Destiny*" at cost of Ksh.3million. Similarly, the EACC sponsored the same event to reach over 10,000 students, teachers and general public with direct messages on values. The Commission also conducted dedicated schools outreach programmes on **Article 10** of the Constitution that reached 79 schools, one TTC, one university with a population of about 31,134 students and non-student communities and facilitated the formation of integrity clubs. The Commission also through the community outreach and public education awareness programmes reached over 1,165,950 people and also 2.6million Kenyans were also

reached through media messaging to promote social justice and human rights.

408. SRC reviewed the terms and conditions of service for public officers to enhance human dignity. The review included house and hardship allowances, medical cover for civil and disciplined service, terms and conditions of service for senior officers in the State Department of Interior and Coordination of National Government. The Commission further reviewed the terms and conditions of service for Sports Registrar and other registrars in the Ministry of Sports, Culture and the Arts and terms and conditions of service for state counsels.

409. To promote equity, PSC in collaboration with SRC is undertaking a comprehensive job evaluation exercise to address disparities in remuneration in public service. To enhance social justice, CAJ spearheaded the development of the Fair Administrative Action Act, 2015 while PSC developed the Public Service (values and principles) Act, 2015 to protect the rights of public officers and ensure justice and fairness in the public service.

410. PSC further formulated the Diversity Management Policy 2015 and an Internship Policy through which 169 officers were recruited by two Ministries under the delegated powers during the period under review. The 169 officers comprised of 131 (77.5%) male and 38 (22.5%) female officers spread across 16 ethnic groups. This was meant to build a public service that is inclusive and representative of the diversity of the Kenyan people for efficient and effective service delivery. In addition, the Commission issued affirmative action guidelines to the service and monitored their implementation through the annual compliance audits.

411. TSC availed Computerized Pension Documents (GP) 178 and 213 forms. This resulted in faster processing of claims and as a result, 5,912 claims were processed of which 1,914 claims that had all the required documents were submitted to the National Treasury for payments. Further, 1,021 death gratuity claims were processed and submitted to the National Treasury for payments. TSC implemented recommendations on employee satisfaction and work environment survey and allowances for employees on wheel chair. Training activities that included sensitization on gender and disability mainstreaming were also undertaken.

412. The KLB partnered with Embu and Bomet Counties to train Early Childhood Development Education (ECDE) teachers and further, conducted two training workshops for bookshop attendants in 8 Counties

namely; Embu, Meru, Nyeri, Mombasa, Kwale, Kilifi, Malindi and Taita Taveta on effective customer care skills.

413. The NCPD provided 2,713 assistive devices and 1,761 scholarships to PWDs. The Council further assisted 24,808 households through cash transfer benefits and 3,000 persons with Albinism with sunscreen lotions to protect them from skin cancer. The Council further registered 294,486 new PWDs and established a permanent National Development Fund managed by a board of trustees.

414. In addition, the Council launched a five year rolling plan designed to guide MDAs in mainstreaming disability in their development programmes. The Council continued to register all persons with disabilities regardless of their geographical location and level of education to ensure non-discrimination. This ensured that all persons with disabilities access the public resources through the various services.

## 4.4 Realization of Good Governance, Transparency and Accountability

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

415. Significant progress was recorded by the Government in the realization of good governance, transparency and accountability. For instance, in accordance with the directive of H.E the President during the State of the Nation Address to Parliament in March, 2015 all State and Public officials who were implicated in corruption related cases stepped aside to allow for investigations by the EACC. 274 files of implicated individuals were forwarded to the ODPP of which 192 persons were charged in court while 71 suspects are still under investigation.

416. Following the gazettement of the Executive Order No. 7 of 2015 by the President on Implementation of Mwongozo Code of Governance for State Corporations, 1,600 newly appointed Board members were inducted on the requirements of the Code. In addition, the requirements of the Executive Order No. 6 of 2015 on Ethics and Integrity in Public Service were implemented in MDAs, with those facing challenges providing explanation. Further, during the period under review, PSC in enforcement of Public Officers Ethics Act, 2003 on financial declarations by public servants, registered 91% of employees in MDAs and 84% of individual public officers complying with this requirement on declaration of income, assets and liabilities. The Commission also recorded 82 initial declarations and 538 exit declarations by public officers. In addition, the Government through the State Department of Cooperatives promoted good governance

in the cooperative sector by ensuring 3,800 cooperatives societies signed code of conduct.

417. One of the major milestones realized by the Government in the promotion of good governance, integrity, transparency and accountability was the enactment of the Ethics and Anti-Corruption Commission (Amendment) Act No. 12 of 2015. The Act provides for the restructuring of the Commission as part of the efforts of Government to strengthen the institutional framework for fighting corruption. Pursuant to the Act, 5 new Commissioners were appointed and assumed office in January 2016. The Government further enacted the Public Procurement and Asset Disposal Act, 2015 whose objective is to strengthen procedures for effective and efficient public procurement and disposal of assets by public entities. Other Bills that were enacted into law by Parliament to promote good governance included the Public Audit Bill, 2014, the Vetting of Judges and Magistrates (Amendment) Bill, 2015, the Magistrates' Courts Bill, 2015,the High Court Organization and Administration Bill, 2015,the Small Claims Court Bill, 2015 and the Court of Appeal (Organization and Administration) Bill, 2015.

418. To promote integrity in the public service, Parliament vetted the President's nominees including: the Inspector General, Commissioners, Governor of the Central Bank of Kenya, Ambassadors, 7 Cabinet Secretaries and 24 Principal Secretaries. Parliament further adopted Sessional Paper No. 4 of 2014 on the Governance, Justice, Law and Order Sector (GJLOS) and Sessional Paper No. 8 of 2013 on National Values and Principles of Governance. Parliament also received an estimated 100 petitions from the public on issues related to integrity and good governance for consideration.

419. During the period under review, the EACC initiated 157 intelligence probes that led to 3 disruptions through which a loss of Ksh. 83,480,000 was averted. In addition, a total of 191 integrity tests were conducted on public officers. In regard to re-active investigations, the Commission undertook 427 forensic investigations involving public property and money with an estimated value of Ksh. 428billion. Out of the 427 cases, 156 files were completed, 220 are under active investigations and 16 were recommended for closure whereas 35 were referred to other agencies for action.

420. The Commission further conducted 270 sting operations involving Ksh.601,142,000. Out of the 270 cases, 143 are before court, 41 are under investigations for additional evidence to support prosecution and suspects in 23 cases have been prosecuted out of which 4 have been convicted. The

Commission further undertook 89 asset tracing investigations involving assets estimated at Ksh. 4.248billion that included public land, government houses and money. During the reporting period, the Commission recovered public assets worth Ksh. 2 billion.

421. The EACC further supported the ODPP in the prosecution of 118 corruption cases which included the arraignment in court of 2 Cabinet Secretaries, 1 Principal Secretary, and other prominent individuals from both public and private sectors. In addition, the Commission recovered and returned to the consolidated fund Ksh. 32,244,678 corruptly acquired funds. In its effort to enhance collaboration and partnership in the fight against corruption, the Commission also held two capacity building fora with other law enforcement agencies including the Judiciary, OAG & DoJ, ODPP, DCI, NIS, KRA and the NPS among others. Separately, the OAG & DoJ through the Asset Recovery Agency filed 5 applications in the High Court preserving movable and immovable assets acquired directly or indirectly with proceeds of crime whose estimated value was Ksh. 726,878,239.

422. In enforcing **Chapter 6** of the Constitution and the Leadership and Integrity Act (Cap. 182), EACC received 285 reports on ethical breaches out of which 32 investigation files were concluded and appropriate recommendations made.

423. In enforcing compliance with leadership and integrity requirements, the EACC further issued 184 advisories to various public entities, State and Public officers and provided advisory services to 10 County Governments, 9 County Assemblies and 280 MDAs. The County Governments and Assemblies issued with advisories included Kitui, Samburu, Trans-Nzoia, Vihiga, Kilifi, Kwale, Nyeri, Isiolo, Laikipia, Kericho and Kisii. This was meant to enhance compliance with the Leadership and Integrity Act (Cap. 182) for improved public service delivery. The Commission also developed a policy brief on public procurement and an advisory on the judicial sector that recommended measures to be put in place to prevent corruption in the two sectors.

424. To enhance integrity in the public service, the Commission further conducted integrity vetting of 11,062 persons who sought appointment into State and Public office. This was aimed at preventing entry into the public service by people who do not meet the requirements of **Chapter 6** of the Constitution. During the reporting period, the NPSC vetted 1,364 officers in the rank of Senior Superintendent of Police, Superintendent of Police, Assistant Superintendent of Police and the Internal Affairs Unit,

out of whom 70 officers were found unsuitable to serve in the National Police Service.

425. To promote public awareness on integrity and good governance, the EACC disseminated 66,150 Information, Education and Communication materials to the public in various forums. The Commission also participated in the review of school curriculum support materials for class 1-8 on values and principles of governance. In addition, the Commission trained 698 members of County Assemblies and Chief Executive Committees in 14 County Governments on good governance, transparency, accountability and integrity. The NACCSC further sensitized a total of 28,633,400 people through 13 radio stations and 1,425,000 through television on good governance and integrity. The Committee further trained 1,453 leaders through 12 capacity building forums on their role in the promotion of good governance and also sensitized 6,280 people through 56 public barazas on various strategies of promoting integrity in public institutions.

426. To enhance entrenchment of good governance and integrity in the public service, the Government through the State Department of Interior and Coordination of National Government continued to coordinate mainstreaming of National Values and Principles of Governance in MCDAs' programmes, projects and activities. This ensured that MCDAs integrate national values in the development and implementation of policies, legislations, programmes and administrative actions. The State Department continues to monitor the inculcation of these values and principles of governance through the quarterly reporting done by MDAs under the performance contracting platform. During the reporting period, the State Department recorded an improved reporting by MDAs from 44 in the previous year to 152. Other measures include the ongoing development of Kenya National Values Standard that will enhance mainstreaming of national values in all facets of society.

427. To promote efficiency and transparency in civil registration services, the State Department of Interior and Coordination of National Government installed Local Area Network and Wide Area Network infrastructure in 10 sub-counties as part of computerization of its services. The State Department further converted 30 million records of birth and deaths from manual to electronic format. This widened access to the services provided and decongested the civil registries. The State Department also scanned 62 million historical records of birth and death to create back-up.

428. The State Department through the National Registration Bureau also facilitated migration of 25.4 million records to the Integrated Population Registration System (IPRS) which was launched in March, 2015 by H.E the President to integrate several population databases into a Single National Population Master Database for ease of verification of identity. Currently, the IPRS database holds up to 30million records from primary registration agencies namely: National Registration Bureau; Immigration Services and Refugee Affairs Department. In addition, through the IPRS, the National Digital Payment System (e-citizen portal) was developed by the National Treasury. This is an initiative for spearheading the Government Digital Payment System that made it possible for electronic payment of services such as passports, drivers' licence, land registry searches, birth certificates among others.

429. To promote transparency and accountability in the immigration services, the Government through the Directorate of Immigration Services facilitated online passport applications through the e-Citizen payment platform which was implemented as part of the President's directive on digital payments. Over 1,000 passport applications are processed weekly through the system which has led to enhanced revenue collection. In addition, the Directorate, through the implementation of an online visa application and processing system, collected revenue of Ksh. 700million with an average of 45,000 visa applications processed monthly. The service is accessible through the e-citizen platform and the revenue collected is paid into a single account.

430. To enlist the support of Kenyans in the promotion of good governance and integrity, EACC sensitized over 15million Kenyans through media campaign on **Chapter 6** of the Constitution and the Leadership and Integrity Act (Cap. 182). The Commission oversaw development of 38 Leadership and Integrity Codes for State officers in accordance with Section 37 of the Leadership and Integrity Act (Cap. 182). The Commission also provided technical assistance to 87 MCDAs to develop Codes of Conduct and Ethics. EACC further provided technical support to 110 public institutions on compliance with the requirement for declaration of income, assets and liabilities as provided under Public Officers Ethics Act, 2003. In addition, the Commission processed and granted approval to 357 State and Public Officers to open or to continue operating bank accounts outside Kenya in line with Section 19 of the Leadership and Integrity Act (Cap. 182).

431. To ensure that systems, policies, procedures and methods of work of public institutions promote good governance, the EACC examined and

reviewed systems and monitored methods of work in four public institutions including PSC, Kenya Ports Authority (KPA), Council of Governors and EACC itself. These audits were meant to ensure that management systems and policies of these institutions remain intolerant to corruption and unethical conduct. As a way of ascertaining the levels of corruption and unethical practices in the country, the Commission also conducted a National Baseline Survey on Corruption and Ethics in selected public service areas. Findings of this survey will inform integrity and anti-corruption strategies and programmes to be developed by the Commission in collaboration with its stakeholders geared towards escalating the war against corruption and unethical conduct.

432. Another milestone achieved in the promotion of transparency and accountability was the signing into law of the Public Audit Act, 2015 in December, 2015 whose object is to provide for the functions and powers of the OAG in accordance with the Constitution. In addition, the Office completed auditing and submitted 2013/2014 report on National Government Financial Operations to the National Assembly. The Office further audited the following financial statements; 101 from National Government, 48 from County Governments where Nairobi County Government had 2 financial statements, 233 from State Corporations, 285 from Constituency Development Funds and 158 from Donor funds.

433. To promote accountability in public institutions, the OAG adopted a three pillar approach to accountability: Fiscal accountability that deals with certification of Government accounts; Managerial accountability that is on continuous audit presence and Accountability on Service Delivery which is in line with **Chapter 4** of the Constitution. The Office also developed and operationalized a system to ensure periodic audits are undertaken and properly targeted using audit methodology. In addition, the Office created linkages with other governance institutions namely: the OCB, Internal Auditor General, Inspector General of State Corporations, Efficiency Monitoring Unit and NACCSC. This was meant to ensure a multi-faceted, coordinated and well-structured approach to the promotion of accountability and prudent utilization of public funds within Government institutions.

434. The EACC trained and certified 376 Integrity Assurance Officers and 1,890 members of Corruption Prevention Committees from 56 public sector organizations. The role of Integrity Assurance Officers and Corruption Prevention Committees as established under the Public Service Integrity Programme (PSIP) is to spearhead the prevention of corruption and promotion of good governance in their respective institutions. Further,

the Commission sensitized over 5,000 State and Public Officers on their leadership and integrity obligations as enshrined under **Chapter 6** of the Constitution and the Leadership and Integrity Act (Cap. 182).

435. In order to promote the realization of good governance in the education sector, the Government through the State Department of Education trained members of the 47 County Education Boards on governance and management of basic education and training. The State Department, in collaboration with the International Institute for Education Planning (IIEP), further trained five staff members on accountability and transparency which enabled them to develop a policy for instructional materials for basic education and training institutions. In addition, the TSC developed the Teacher Appraisal and Development Tool which was rolled out on a pilot basis to teachers in five counties namely: Kwale, Samburu, Nyeri, Uasin Gishu and Kisumu. Separately, the CAJ trained 4,208 Public officers from 112 MDAs on development of complaint handling mechanisms and 250 public institutions were certified for compliance.

436. KRA sensitized 604 staff members and 6,009 stakeholders on integrity and collaborated with KSSHA and TSC in sensitizing 1,500 Principals to equip them with knowledge and skills on ethics, integrity and good governance. In addition, during the reporting period, KRA initiated the generation of e-slips via mobile phone for making payments of not more than Ksh.70,000 on M-pesa and Airtel monies through the KRA M-service, thereby enabling members of the public from all counties to access its services. Further, KenGen in collaboration with EACC trained 778 employees on integrity. To promote awareness on integrity and good governance in County Governments, the Meru County Public Service Board trained 223 middle level officers. Further, the Ministry of Health trained hospital management teams and their respective Boards on leadership and good governance.

437. During the period under review, the Government in demonstration of its commitment to promote good governance, integrity, transparency and accountability sanctioned several officers who undermined its efforts in the promotion of the values and principles of governance. MDAs submitted returns on officers who were sanctioned for flouting the provisions of **Article 10**.

### 4.5 Realization of Sustainable Development

**Article 10 (2) (d): Sustainable Development**

438. The Government through the State Department of Interior and Coordination of National Government finalized the installation of the

Closed Circuit Television Cameras (CCTV) at a cost of Ksh.14.9billion in major urban centres including Nairobi, Mombasa and Kisumu.

439. The State Department of Correctional and Rehabilitation Services through the Betting Control and Licensing Board facilitated over 73 draws conducted by different organizations and firms and over Ksh. 200million cash and over Ksh.150million worth of asset-based prizes were won. In addition, the Board collected Ksh. 230million permit fees in prize promotions which reflected 70% increase from the previous period which had reflected Ksh.134million and Ksh.7.8million fees collected from public lotteries and funfairs. Further, 14 public lotteries gave 25% of their proceeds to support health and education infrastructure.

440. The Government oversaw the development of the ASAL of the Northern Kenya with the launch of the 5year Kenya- Ethiopia Cross Border Programme costing Ksh. 20billion covering frontier counties such as Turkana, Marsabit, Wajir and Mandera along the Kenya-Ethiopia border. The Government also launched a programme to counter violent extremism and radicalization especially among the youth. The Government in partnership with development partners, FBOs, CSOs and the KNCHR conducted 4 regional workshops on issues of violent extremism and radicalization targeting youth from all parts of the country.

441. The construction of the Standard Gauge Railway (SGR) is 65% complete and the Government is in the process of importing 60 locomotive engines, 1,620 wagons and 40 passenger coaches ahead of the launch expected in June, 2017. In addition, the KRC in collaboration with the China Roads and Bridges Corporation (CRBC) is training 200 Kenyans on operations and maintenance of locomotives. To create land for connecting the railway to the freight terminal at the Port of Mombasa, 70 acres of land are in the process of being reclaimed from the Indian Ocean. When fully operational, the Standard Gauge Railway (SGR) will transport 22 million tonnes of cargo annually and contribute to the growth of the Kenyan economy.

442. The State Department of Transport completed the Second Container Terminal at Mombasa Port. In addition, a detailed design of the first three berths in Lamu Port under the LAPSSET corridor was finalized during the period under review. Further, the Government through the State Department of Transport commenced the construction works of the first three berths of Lamu Port while support infrastructure such as port headquarters, power transmission lines and a sub-station, port water supply pipeline and an ultramodern police station has been completed. The construction of port housing complex is at an advanced stage. The LCDA

is currently recruiting a Transaction Advisor who is expected to package the port berths for PPP investors under build and operate terms.

443. Further, the Governments of Kenya and Ethiopia are jointly undertaking the construction of approximately 1,000km in 10 running contracts of the LAPSSET corridor between Isiolo and Moyale (508km on the Kenyan side) and between Moyale and Hawassa in South Ethiopia (approximately 500km). In addition, detailed engineering designs have been completed on the link with South Sudan, between Lokichar - Lodwar - Nakodok on the Kenyan side and Nakodok- Torit– Juba on South Sudan side. The World Bank provided Kenya with a credit of US$ 500million to undertake the construction of the section between Lokichar- Lodwar - Nakodok (approximately 320km).

444. The LAPSSET's preliminary engineering designs and feasibility studies were completed in November, 2015 for the Standard Gauge Railway and have also been undertaken on the Ethiopian side. The Governments of Kenya and Ethiopia signed a bilateral agreement to jointly pursue the development of the LAPSSET Standard Gauge Railway project. In addition, the construction of intermediate airport facilities has been completed for Manda Airport in Lamu while construction is at the completion stage for the Isiolo International Airport.

445. The construction of the 220kV Rabai- Lamu transmission line is complete while the preparation for the construction of 220kV transmission line from Garsen to Garissa, Masinga-Isiolo 132kV transmission line and Kamburu - Isiolo 220kV transmission line is also in progress. The Construction of a 132kV transmission line from Seven Folks/ Kindaruma to Garissa is ongoing and that from Mount Kenya to Isiolo is in progress. Lamu- Garissa - Isiolo- Lokichar 220kV transmission line is at the financial negotiation stage. The Government has awarded concession to Amu Power Ltd to construct and operate a 1000MW coal power plant in Lamu. A MoU between the Governments of Kenya and China was signed for the construction of the High Grand Falls Multipurpose Project.

446. The Lake Turkana wind project was inaugurated in July 2015 by H.E the President and is expected to inject 310MW of sustainable clean energy into the national grid once completed in June 2016. The 310MW will inject low cost wind power and increase sustainable electricity generation and investment opportunities in Kenya. KETRACO with concession funding from the Spanish Government and GoK is constructing a double circuit 400KV, 428Km transmission line to deliver electricity from Lake Turkana to Suswa.

447. The Government is facilitating the acquisition of land required for the LAPSSET project and is currently undertaking surveying of the 500metres wide corridor linking Lamu Port, Moyale and Nakodok. Surveying is complete for both the Lamu – Garissa – Isiolo and Isiolo – Moyale sections. In addition, surveying for Isiolo– Lodwar– Nakodok will be complete in 2016. Further, the LCDA together with all security agencies of Government completed preparing a Security Master Plan for the Corridor to comprehensively address all security concerns of oil companies along the Northern Corridor and is further undertaking consultative discussions with County Governments on way leave acquisition for pipeline, road and railway. Additionally, LAPSSET offered scholarships to 400 students and compensated landowners.

448. Further, the State Department of Transport is rehabilitating 8 airstrips with Mandera and Suneka works having started. The Government through the NYS upgraded 5 slums including Kibra and Nyalenda, a project that involved more than 16,000 youth that impacted on a million plus households. The incomes generated by the youth and the Ksh. 550million funds saved through SACCOs have contributed to sustainable incomes in families.

449. The KRC continued to construct the SGR line Phase 1 of the 478km (Mombasa- Nairobi) and signed the commercial contract for the Nairobi-Naivasha SGR extension in September, 2015. In addition, KRC sensitised and compensated Project Affected Persons (PAPs).

450. In addition, the KRC through the China Roads and Bridges Company capacity built the temporary workers under the project for purposes of obtaining skills from Chinese standards on railway. To ensure that the funds were utilized to alleviate poverty, the KRC undertook sensitization of PAPs just before release of compensation funds to assist in ensuring that the funds would support projects and to alleviate the creation of pockets of poverty along the SGR corridor. On resettlement, the Corporation constructed 9,000 housing units for the informal settlement residents in Mukuru and Kibera which are in the process of being occupied.

451. KRB maintained a total of 31,170kms of roads and through the Roads 2000 strategy created over 5 million person days of employment. KURA completed two Kenya Vision 2030 projects in Eastleigh and Upper Hill Phase 1 and started three more projects; Meru bypass, Konza City and Outer Ring Road. The Authority established an axle load monitoring unit and carried out an axle load monitoring in major towns. Further, the Authority continued to maintain and manage 6 children traffic parks and

carried out 2 road safety campaigns which contributed to the reduction in road carnage.

452. The KeRRA procured contractors for the upgrade of 1,000km of road to bitumen standards using the Low Volume Seal Programme and one contract was signed for Daraja Sita-Dikkr-Chebole-Labotiet D234 road in Bomet County. The Authority disbursed Ksh.4,321,000,000 to the 290 constituencies each receiving Ksh. 14, 900,000 for roads maintenance. Under the Roads Maintenance Levy Fund, Ksh.2,494,000,000 was disbursed to the 290 constituencies each receiving Ksh.8.6million.

453. In addition, KeRRA submitted to NEMA the Environmental and Social Impact Assessment Studies (ESIAS) for: Iten- Kapsowar Road (D329/ D340) Phase 1; Mairi- Gatia- ini- Makomboki- Gituru D414/413, (E511/E512/D414) and Makomboki- Wanyaga- Kimandi Road (E506); 10th EDF Rural Roads Project in the Eastern region; Sigiri Bridge and approach roads (R43); Taveta- Njukini Road (D536); Chogoria-Mutindwa- Weru (D474), Kiriani (E768) link to Chuka Boys High School, Ntemenwe Junction on B6 to D476, Rural Road No. 27; Kosachei- Turbo Road in Uasin Gishu County and Limo Hospital- Illila- Elgeyo Border-Junction C53 (D296/UG 4352/L23105)- Tendwo- Bombo- Junction C54 (12104/D283/D333) Roads.

454. The KeRRA undertook Environmental Audit for Chelolongobei Bridge and prepared Environmental and Social Impact Assessment project report for Premier junction – Kabianga – Taplotin junction (D228) Road project. KeRRA also obtained ESIA Licenses from NEMA for Mukhatari – Siakago – Ugweri (D469/D467) and Jua Kali – Sugoi – Elgon Estate (E306), Junction E306 – Kosachei – (A104) Atlas & Junction. In addition, through the MoU signed between KeRRA and the Kenya Forestry Services (KFS), a total of 3,794 trees were planted in Nakuru, Tana River, Nyeri, Busia, Uasin Gishu and Trans Nzoia counties.

455. The Government is implementing the 5000+MW new energy additional capacity initiatives. A total of 670MW have been added to the national grid to date. This includes 375MW by KenGen while the remaining 295MW will be produced by Independent Power Producers (IPPs). KenGen is in the process of implementing 469MW while three IPPs were procured for the construction of 105MW Menengai Power plant and a contract was awarded for the 981.5MW Lamu Coal Power plant. The overall progress is as illustrated in Table 5.

*Table 4: The Power Sources and Corresponding Capacity*

| POWER SOURCE | CAPACITY (MEGAWATTS) |
|---|---|
| **KENGEN** | |
| Well heads- 10MW (under commissioning) | 25 |
| Olkaria V | 140 |
| Meru Wind Phase 1 | 100 |
| Ol Karia VI | 140 |
| **INDEPENDENT POWER PRODUCERS** | |
| IPP Lamu Coal Power Plant | 981.5 |
| Menengai Power Plant | 105 |
| **TOTAL POWER CAPACITY** | **1,491.5** |

*Source: KenGen, 2015*

456. Transmission lines totaling 13km of 132 kV double circuit Menengai-Soilo is under construction; 25km 400kV double circuit Menengai-Rongai, ESIA and RAP study completed and under review, ESIA for the proposed 400/123kV Rongai substation conducted. Line route selection complete and preparation of bid documents ongoing; 150km 400kVdouble circuit Silali-Rongai, line route selection complete RAP consultant has been procured; 50km 400kV Dongo Kundu-Mariakani, preparation of bid documents complete and ESIA report submitted to NEMA; 620km Lamu-Kitui-Nairobi East Line, procurement of contractor is ongoing; and Mariakani substation, contract negotiations completed.

457. KETRACO is implementing the following transmission lines, 127km 400kV double circuit Lessos-Tororo line (Kenya side) foundation and erection works in progress and is 97% complete; 612km 500kV HVDC bipolar interconnector and 400/220kV substation (Kenya side), 3 firms have been contracted and design review of towers and detailed line survey is ongoing; 96km 400kV double circuit Isinya-Namanga (Border with Tanzania), procurement of contractor is ongoing and a 67km 132kV Kilimambogo-Thika Transmission Line completed and commissioned.

458. Further, the 40km 132kV Thika-Nyaga (Kiganjo) transmission line was completed and commissioned; 482km 400/220kVdouble circuit Mombasa-Nairobi line and substation at Rabai and Embakassi, Lot 1 of the line (Rabai-Tsavo) completed , lot 3 Rabai and Embakasi substations completed, Lot 2 (Tsavo-Embakassi) tower erection and conductor stringing is in progress and at 93% completion; 328km 220kV Rabai-Malindi-Garsen-Lamu line and 3No. 23MVA sub-stations at Rabai, Malindi, and Garsen, line completed and energized up to Garsen sub-station and commissioning tests are ongoing for Lamu substation; 25km 220kV double circuit Olkaria I-Suswa and 18km 220kV Olkaria IV-Suswa lines, all towers are erected except one and stringing is ongoing; 335km 132kV Kenya Electricity Expansion Programme (KEP) construction is ongoing, Eldoret-Kitale line (95%) Kitale substation (89%), Eldoret substation (86%), Kindaruma substation 94%, Garissa substation (82%), Kindaruma-Mwingi line (100%), Mwingi-Garissa line (85.1%), Kisii-Awendo line (84.59%), Kisii substation (75%) and Awendo substation (68%); 100km 400kV double circuit Nairobi Ring: Suswa-Isinya line and associated substations at Suswa, Isinya, Athi River and Ngong', Tower foundation and erection is at 97% and 90% respectively.

459. In addition, Suswa sub-station is 98.9% complete and stringing has began; 96 km 132kV single circuit Meru-Isiolo-Nanyuki line, 26km Isiolo-Meru is 100% complete, 70km Isiolo-Nanyuki is ongoing; 428km/ 400kV double circuit Loyangalani-Suswa line, engineering design testing is ongoing and substation work initiated; 431km 132kV Power Transmission Improvement Projects, sub-stations civil and structural works are ongoing at 89.3%, construction of the lines ongoing, 710 of 1,185 tower foundations completed and 127 towers erected; 153km 132kV single circuit Machakos-Konza-Kajiado-Namanga and 4 substations at Machakos, Konza, Kajiado, and Namanga, construction ongoing; 300km 400/ 220kV double circuit Olkaria-Lessos-Kisumu line and substations at Olkaria, Lessos and Kisumu, contractors have been procured.

460. In regards to the power connectivity and power demand creation, the school laptop project culminated in 14,995 public schools connected to electricity grid and solar PV. In connecting electricity, a total of 1,658,900 new customers were connected as at September 2015. A breakdown of power connectivity is tabulated below.

*Table 5: Breakdown of Power Connectivity*

| Project | 2013/2014 FY | | 2014/2015 FY | | 2015/2016 FY (1st Quarter) | | |
|---|---|---|---|---|---|---|---|
| | **Electricity** | **Solar PV** | **Electricity** | **Solar PV** | **Electricity** | **Solar PV** | **Total** |
| Last Mile | 435,558 | - | 843,899 | - | 379,443 | - | 1,658,900 |
| Schools | 5,084 | - | 6,537 | 2,998 | 299 | 77 | 14, 995 |

***Source: Ministry of Energy and Petroleum, 2015***

461. Kenya Power and REA are undertaking the Kenya Electricity Modernization Project with the objective of achieving electricity connectivity to 70% of the country's households by 2018. The contract negotiations for the procurement of the project's specialist were done while evaluation for the design specialist is ongoing. Kenya Power is upgrading and expanding electricity connectivity network and associated sub-stations to help improve connectivity and system stability, 20 new 33/ 11kV substations have been completed in Kisii, Bamburi Cement, Nyali, New Bamburi, New Industrial Nairobi, and GSU Magadi, Mishomoroni, Kasarani, Mwea, Tala, and Kangema, totaling to 19,674 km of new distribution lines. REA completed and commissioned 6,063 grid and 3,330 off-grid projects during the reporting period.

462. To improve security and support the 24 hour economy, Kenya Power is undertaking the street lighting project in Nairobi City and other major towns in Kenya. The Government through the State Department of Energy launched a Ksh. 7.6 billion street lighting project for 52 major towns in the all the 47 Counties. A total of 24,485 lights were installed at a cost of Ksh. 2.5 billion. Under Rural Electrification Programme, REA is connecting public facilities to the electricity grid and Solar PVC covering 205 secondary schools, 2,706 trading centres, 3,179 health and tea buying centres, factories and water projects. As at September 2015, a total of 175 public secondary schools and 969 other public facilities had been connected to electricity.

463. The Government is pursuing a nuclear development programme and has formulated the Nuclear Energy Policy, a National Policy for Nuclear Strategy and Safety, National Policy and Strategy for the Management of

Kenya Nuclear Power Programme, developed a Draft Nuclear Regulatory Bill and completed development of Nuclear Fuel Cycle and Reactor Technology Assessment. The Government also constituted a technical working group and established SEA, developed a national criteria for nuclear power plant site selection, drafted the terms of reference for the site selection team, developed a National Policy and Strategy for capacity building and institutional infrastructure. Over 100 Kenyans have benefited from trainings, teaching meetings and expert missions sponsored by International Atomic Energy Agency through technical cooperation with the Government of Kenya, and sponsorship of 60 students for masters in Nuclear Science at University. The Government further included nuclear energy in the Draft Energy Bill.

464. In Oil and Gas exploration, development and production, 2D seismic data acquisition is ongoing on onshore blocks L1B and L16 operated by Camac Energy. Acquisition of 3D seismic in offshore blocks 121, 122,123 and 124 operated by Total E &P Kenya and ENI holdings respectively. Also, analysis and interpretation of the already acquired land is ongoing. Price Waterhouse Coopers Limited and its consortium, Channoil Consulting Limited and QED Gas Consulting (PWC Consortium) have finalized final report on a Petroleum Master Plan that has provided recommendations for a detailed roadmap for strategic, policy and institution decisions upon which investments can be designed and implemented in a coordinated manner. A total of 15 exploration blocks were demarcated from the previous 46 to 61 and Ministry of Energy and Petroleum liaised with Survey of Kenya to publish the revised Kenya Exploration Block Map. Badada-1 well Block 2B, Engomo-1 Block 10BA were plugged and abandoned as there were no oil and gas shows. The successful wells include Epir 1 which shows over a 100-m interval of non-reservoir quality rocks demonstrating a working petroleum system; Ngamia 7 shows 132 metres of net oil pay and has expanded the proven extent of oil, and Ekales-2 shows 50 to 70 metres of potential net oil pay.

465. Kenya Pipeline Company is constructing 482 km 20 inches diameter Mombasa-Nairobi refined petroleum oil products pipeline (Line 5); construction of 354km/20inch diameter work commenced in August 2014 and now at 30%; Eldoret-Kampala-Kigali Rwanda refined petroleum products Oil Pipe line, feasibility study done and contractors prequalified; constructing of 120km/10 inch diameter pipeline parallel to existing one from Sinendet to Kisumu, contract awarded to China Petroleum Pipeline Bureau and work commenced in January; construct 4 tanks each with storage capacity of 33,328 cubic metres, project commenced and is at 20% progress; constructing of 72,000 cubic metres Jet A-1 aviation fuel

capacity at JKIA, contract awarded but under review by PPOA; constructing 2,200MT Bulk LPG Storage and Bottling facilities at Nairobi, feasibility study done including preliminary design; 6 additional loading arms, project in progress at 34%; installing a 3rd mainline pump set and all associated facilities at Samburu, Maungu, Manyani, Mtito-Andei, Makindu, Sultan Hamud and Konza Pump stations, project completed under testing and commissioning.

466. Further, the Government reduced the tariff for street lighting from Ksh. 11.25 per Kilowatt hour to Ksh. 4.85 per Kilowatt hour. The Government also made stride in reducing power from Ksh. 7.22 per Kilowatt hour in July, 2014 to Ksh. 2.51 per Kilowatt hour in December, 2015 and Ksh. 2.31 per Kilowatt hour in January, 2016 through indicating an overall drop of 68%. This will in effect reduce the cost of production hence reduce the cost of goods and services and ultimately improve the economic growth in the country. The connectivity of power consumers has increased from 2.3 million in March, 2013 to 4.2 million in January, 2016 representing a connectivity rate of 46% in the country. The Government has a target of 70% power connectivity by the end of 2017 and to attain the 100% universal connectivity by the year 2020. The installed capacity of power was increased by 528.5 megawatts from 1,768 megawatts in March, 2013 to the current 2,211 megawatts representing a rate of 25% as of January 2016. REA completed and commissioned a total of 6,063 grid and 3,330 off- grid projects during the year under review.

467. In the financial year 2015/2016, the State Department of Agriculture's Strategic Food Reserve Trust Fund (SFRTF) was allocated Ksh. 2.24billion to purchase 700,000 bags of dry maize 90kg each. As at January 2016, 402,308 of 90kg bags had been purchased at Ksh. 2,300 per bag. Further, due to the challenge of enhanced rains experienced during the harvest period, the NCPB is subsidizing drying of maize and Ksh.135million has been set aside for the purpose. The Government through the State Department of Agriculture procured an additional 1,744,498bags of 50kg each subsidised fertiliser between March, 2015 and January, 2016 that increased the existing 2,080,000 bags to a total of 3,824,498 bags currently and are stored in the NCPB godowns.

468. The State Department distributed a total of 17,316 metric tonnes of fertilizer during the October- December, 2015 short rains season and finalized the procurement of 115,100 metric tonnes of different brands of fertilizer for the long rain period. Further, the Government established a fertilizer and seed fund of Ksh.3billion. During the March to May 2015 cropping season, the AFC loaned a total of Ksh.810million to farmers.

This will enable farmers obtain fertilizer and enhance food production for sustainable development. Further, AFC increased credit to farmers throughout the country and loan amounts grew from Ksh.6.678billion against a target of Ksh.5.820billion country wide.

469. The Government through the State Department of Agriculture distributed machinery worth Ksh.187million to Mwea Rice Growers Multi-Purpose Cooperative Society and Mutithi Cooperative Society in Kirinyaga County and to Bunyala, West Kano, Pekerra and Wema irrigation schemes in Busia, Kisumu, Baringo and Tana River Counties respectively.

470. The Government through the State Department of Fisheries flagged off a total of 10 fishing vessels and launched Pweza Fishing Company under the deep sea fishing fleet plan and currently 5 generations of Nile Tilapia and 4 of African Catfish have been established at the Sagana Fish Culture farm. A total of 20 private hatcheries located under different ecological zones were supplied with the 5$^{th}$ generation of Nile Tilapia to improve the genetics of fish stocks to ensure that the improved fingerlings reached fish farmers. The State Department stocked Rivers Kipsonoi, Thirirka and Morun with 24,000 trout fingerlings, the Turkwel dam with 45,000 and Lake Jipe with a further 2,700 fingerlings.

471. The State Department of Livestock undertook Phase One of Disease Free Zones and Livestock Export Zones at Bachuma that is 95% complete and the construction of an animal protection trench is complete. The Department also conducted surveys and designs for the Kurawa and Miritini Export Quarantine Stations and documents were forwarded to the Directorate of Works for further action. Requisition for 9 milk bulking and cooling tanks was undertaken and are awaiting delivery. A total of 68 embryos were produced and 45 of them were transferred while 25 samples of semen were tested for quality assurance. A total of 30,072 tropical livestock units in Turkana, Wajir and Marsabit Counties were supported. During the period under review, the State Department reduced the number of days used to process import/ export permits to 2 days with online processing and approval. The construction of the offshore Patrol Vessel is in progress, and the hull has been completed at the assembling site at Chittagong (Bangladesh).

472. In addition, the Galana- Kulalu food security programme 10,000 acre model farm is under implementation. The programme has realized the first harvest of 770 tonnes of local maize from the initial 500 acres. To complete the project, a concessional loan equivalent to Ksh.6.8billion was signed. Further, for the sustainability of the project, a practical technical

personnel training on irrigation for 6 years has been granted to 100 students per year both in Israel and in-country by Israel experts.

473. AFC introduced online credit application through the AFC website www.agrifinance.org and introduced mobile banking to its customers. The Corporation integrated the Loan Origination and Appraisal System into the AFC core banking system (Equinox Banking System). The procurement for installation of Electronic Document Management System in Bura is on-going and the Corporation partnered with Alliance for Green Revolution in Africa to work with farmers in Bura and Hola irrigation scheme. Further, the AFC loaned a total of Ksh.5.1billion in 2014/ 2015 to farmers covering seasonal crops such as maize, wheat and Irish potatoes and farm machinery such as tractors and implements.

474. KDB carried out sensitization of counties to adopt the school milk programme. The Board also developed consumer education concept and submitted environmental audit report and annual workplan. In addition, the Agriculture, Food and Fisheries Authority (AFFA) demonstrated appropriate technologies to take care of changes in climate.

475. The Pensions sector through the RBA had accumulated over Ksh. 850billion in the various retirement schemes that was invested in the economy and impacted positively on the sustainable development of the country. In addition, RBA sensitized 240 people and some became members of the pension scheme by opening "*mbao*" pension account. Under the Public Private Partnerships (PPPs) framework, the National Treasury obtained Cabinet approvals for the 47 PPP project proposals. The status of the PPP Projects pipeline is as outlined below.

*Table 6: Public Private Partnership Projects Status 2015*

| NO. | PROJECTS' PROGRESS STATUS | ESTIMATED VALUES (KSH. BILLION) |
|---|---|---|
| **1.** | Contract Executed | 5.25 |
| **2.** | Under Negotiation | 408 |
| **3.** | Tender Stage | 45 |
| **4.** | Feasibility Study Stage | 1,000 |
| **5.** | Project Proposal/ Concept Stage | 1,100 |
| **TOTAL ESTIMATED PROJECTS' COST (KSH.)** | | **2,558.25** |

***Source: PPP Unit***

476. CMA formulated a policy paper to facilitate counties to raise funds through capital markets. The Authority engaged public institutions to advise them on options for infrastructure financing through the capital markets and was voted the most innovative regulator in Africa for leading the development of the 10 year capital markets master plan; development of responsive regulatory framework and corporate governance reforms including the development of a new code of corporate governance practices for issuers of securities to the public and stewardship code for institutional investors.

477. The CBK enhanced public awareness on inflation management by publishing the weekly, monthly, bi-annual and annual financial reports. The Bank also prepared and uploaded on its website quarterly performance and developments in Kenya's banking sector for reference by the public. Further, the Bank detailed overview of performance of the banking sector as contained in Bank Supervision reports availed through the CBK website to enable the public to make informed financial decisions.

478. The CRA offered technical advice to the two levels of government on how to enhance collection of natural resource revenue and manage resources sustainably. The Commission held an oil and gas workshop for County Executive Committees and Members of County Assemblies in charge of natural resources, revenue, and trade in Mombasa County. In addition, the Commission held several trainings on oil and gas for CRA staff culminating in sustainable management of oil and gas resources. Separately, SRC advised both national and County Governments on sustainability of the wage bill.

479. In the period under review, KRA collected Ksh.1,120, 252million against a target of Ksh. 1,193, 648million reflecting a performance rate of 93.85%. The Authority recruited and deployed 500 custom inspectors to field and border stations. Further, the Authority identified the need for construction of border stations at Hulugho, Amuma, Gerille, Difu and El Wak and set aside Ksh. 21million for surveying and fencing.

480. The UFAA signed a MoU with the Insurance Regulatory Authority (IRA) and Capital Markets Authority (CMA) which led to the surrender of Ksh. 5.2billion to UFAA by the various holders of unclaimed assets to be disbursed to the beneficiaries. Further, UFAA engaged key stakeholders such as the Kenya Bankers Association, Association of Retirement Benefit Schemes, State Law Office, Department of Immigration Services and the holder institutions to develop strategic partnerships on unclaimed financial assets. In addition, the Authority in a newspaper advert requested all the

holders of unclaimed assets to surrender the same in accordance with the Unclaimed Financial Assets Act, 2011.

481. To build and sustain partnerships for development, the Government hosted various dignitaries and high level meetings including: H.E Hon. Jakaya Kikwete, the former President of the United Republic of Tanzania; H.E Hon. Ellen Johnson Sirleaf, President of the Republic of Liberia and H.E Matteo Renzi, Prime Minister of Italy. Further, the Government ratified the Agreement on the Establishment of the Eastern Africa Standby Force which was signed in June 2014 between the Governments of Burundi, Comoros, Djibouti, Ethiopia, Kenya, Uganda, Seychelles, Somalia, Sudan, and Rwanda. The Agreement established an operational structure which enabled member states respond to conflicts in a timely manner thus curtailing threats to sustainable development project implementation.

482. The Government through the Ministry of Mining provided data on mining to potential investors as well as data and information on land use /land cover. The Ministry also provided data and information on animal population to research institutions, policy makers, national and County Governments, and government institutions that contributed to sustainable development in those sectors.

483. The Government through the State Department of National Water Services facilitated an additional population of about 1.1million people to access safe water, which translated to an increase of 1% from 55.9 % in the previous review period to 56.9%. The State Department also ensured that 427,792 people were added to the water coverage by 0.6% from 48.8% in the previous period to 49.4% in the reporting period. Further, the State Department reported that an additional 703,218 people were added to the service in the urban areas during the year under review which raised the coverage by 1.6% from 65.4% in the previous year to 67%. The State Department put 2,470 acres under irrigation serving 2,195 households through smallholder irrigation, and 2,184 hectares put under irrigation serving 6,088 households under Mt. Kenya region. The State Department also constructed 701 small dams/ pans and 149 earth dams across all the counties for sustainable development.

484. WRMA rehabilitation initiatives enhanced ownership of water resource management projects at the grass roots culminating into effective use of water and enhanced revenue collection. The Authority's flood monitoring led to coordination and transmission using near real time flood water levels and impact using Kit software. Sub-regional flood monitoring teams were constituted and placed on alert to undertake measurements and

relay the data to the national database. The Authority issued emergency alerts to Narok residents notifying them of impending dangers of flooding and advised them to take precautions and move to higher grounds. The Authority facilitated refresher water drills offered to the lower Gucha Water Resources Users Association as residents near Nyando got warned of impeding flood and the evacuees received at the Authority's Kamagaga evacuation centre. The Authority also released warning to Budalang'i through water resources users association while the effluent discharge control in Nyando River Basin monitored.

485. The Northern Water Services Board expanded Isiolo water supply as part of the construction of the proposed resort city to support the economic pillar and also expanded Maralal and Moyale town water supply and sanitation services.

486. The Ministry of Industry Investment and Trade, through the State Department of Trade, developed detailed designs of the pilot Tier One Retail Market at Athi River under the Exports processing Zones Authority (EPZA). The Ministry through KIRDI developed state of the art research, technology and innovation laboratories in Kisumu at a cost of Ksh.800million and are being equipped. The Institute is also developing Research, Technology and Innovation laboratories at South B (in Nairobi) at an estimated cost of Ksh. 4billion and the project is 59% complete.

487. EAPCC carried out audits on dust emissions and pollution, noise survey, standardized environmental management and identified energy conservation measures. Separately, Export Processing Zones Authority (EPZA) Enterprises division contributed to the growth of the economy by generating Ksh.65billion in exports, Ksh.69billion in investments and 46,500 employment opportunities in the year under review.

488. The Government through the Ministry of Tourism participated at the World Travel Awards where Kenya won 9 prestigious awards including Africa's Leading Beach Destination and Africa's Leading National Park and this cemented the Country's position as a leading tourism destination in the Continent. Further, the foreign direct earnings increased from Ksh. 60.6billion in 2012/ 2013 year to Ksh. 88billion in 2013/ 2014 and went up to Ksh. 115billion in 2014/ 2015. The Government through the Micro and Small Enterprises Authority (MSEA) contributed 80% of employment opportunities nationally and 45% of the national Gross Domestic Product (GDP).

489. The Government through the State Department of Education disbursed Laboratory Equipment Grants amounting to Ksh.270,000,000 in

the FY 2015/16 to over 1400 secondary schools in 290 Sub-counties. TSC developed a Teacher Management Information System to inject efficiency into teachers' distribution and optimal utilization of teachers. The Commission advertised and filled 1,177 senior positions during the reporting period. In addition, the Commission recruited 5,000 additional and 9,663 replacement teachers to reduce both regional and school staffing disparities and improve on Pupil Teacher Ratio. Further, 95 retired teachers were employed on contract to avert the crisis in the North Eastern Region. A total of 47,929 qualified teachers were registered. Separately, a total of 916 and 3,979 institutional administrators for post primary institutions and primary schools were deployed respectively. The Commission promoted a total of 21, 822 teachers to various grades to enhance performance and boost morale. Higher Education Loans Board (HELB) has less reliance on the exchequer for funding to enable the Board support university and college students with requisite financial resources.

490. The University of Nairobi constructed incinerators at various units of the University, including the Health Services and College of Health Sciences, in addition to establishing the University's environmental sustainability committee to coordinate activities related to environmental sustainability. The University carried out an environmental compliance audit and developed annual work plan to assist in implementation of the recommendations. In addition, University of Nairobi planted over 20,000 trees with a survival rate of 94% over the last two years and established Wangari Maathai Institute for Peace and Environmental Studies. The University also established the Institute of Climate Change and Adaptation to teach postgraduate students drawn from across the Continent alongside mounting of Masters of Arts degree in Peace education. The University introduced a PhD programme in Environmental Law and undertook riparian strategies on Chiromo River.

491. In addition, the University held its inaugural Nairobi Innovation Week in August 2015 to showcase innovations by incubatees and researchers, offered a platform for presentation of academic papers, showcased successful innovation case studies and an opportunity to champion discussions on innovations. The event attracted University of Nairobi innovators, researchers from other universities, entrepreneurs, government institutions, incubation hubs, investors and lead innovators from Israel, USA and China. During the year under review, the University of Nairobi also registered 6 patents, 5 utility models, 14 trademarks, 6 copyrights and 23 crop varieties. To increase productivity of crops through directed research and to help solve societal challenges of food security, the Ministry of Agriculture and the University of Nairobi Seed Company

(UNISEED), in collaboration with the Seed Enterprise Management Institute (SEMIs) project, embarked on breeder seed production of bean varieties bred by scientists at the University. A total of 23 high yielding bean varieties have been released and are protected under the Seeds and Plant varieties Act Cap. 326 through the Kenya Plant Health Inspectorate Service (KEPHIS). Six of these bean varieties are licensed to the Kenya Seed Company (KSC), which entered into a memorandum of agreement with the University of Nairobi to commercialize the bean varieties.

492. To respond to the ever-increasing demand of quality and holistic human resource in the job market, the University of Nairobi produced a total of 13,481 graduands in the academic year 2014/ 2015 in various fields of study including Medicine, Agriculture, Veterinary medicine, Environmental studies, Nuclear science, Technological science, Engineering, Mathematics, Education and Humanities.

493. To respond to the demands for skilled workers and to succeed in the new technological-based economy while benefiting from both global competitiveness and a knowledge-based economy, in FY 2015/2016 the University of Nairobi enrolled 20,858 students in Science, Technology, Engineering and Mathematics (STEM) disciplines. To respond to the demands of Kenya's Vision 2030, the University of Nairobi constructed a 22-storey Vision 2030 Flagship Project, the UoN Towers at a cost of Ksh. 2.8billion. Upon completion, the Tower will accommodate an extra 5,000 students in various sizes of lecture halls.

494. To assist pupils in lower primary schools enhance their reading skills, through a joint collaborative programme funded by the Economic and Social Research Council (ESRC), in October 2015, the University of Nairobi in partnership with the University of York, United Kingdom and the University of Concordia, Canada distributed 14,400 books including 24 book titles to 12 Primary Schools in Nairobi and Machakos Counties for class 3, 4, 5 and 6 pupils where each school received 50 copies of each title, making a total of 1,200 storybooks per school.

495. The Jomo Kenyatta University of Agriculture and Technology (JKUAT) has an Environmental Management System (EMS) based on ISO14001:2004 which promotes sustainable development. The University promoted utilization of renewable energy by establishing a system for fabricating household biogas units; researching on optimization of water hyacinth as a feedback for biogas systems with trials ongoing at Dunga Beach in Kisumu; and developed a wind generator that uses low wind speed (3m/second) with 25watt capacity. The University also trained 1000

Environment Impact Assessment experts and 150 Trainers of Trainers (ToTs) on solar energy who in turn trained 800 technicians.

496. In addition, the University developed and adopted an e-waste policy; established a system for waste separation to facilitate better management; and developed a process of converting plastic to petroleum product. The system saves 30% water and increases yields by 25-50% and reduced mosquito larva survival rate to 0%. The system is being disseminated to other rice growing regions such as Ahero, Kano and Bunyala. The University further established a basic infrastructure for the botanical garden to be used for conversion of indigenous plants resources.

497. Laikipia University together with key stakeholders and residents of Shamanei initiated a programme to conserve the Shamanei Forest Reserve. This included the planting of 5,000 tree seedlings through the programme on re-afforestation. Besides, Dedan Kimathi University of Technology established a conference facility at the wildlife conservancy and planted a total of 570 tree seedlings and 1,140 flower seedlings within the University as well as along the Nyeri-Mweiga road.

498. The Government through the Ministry of Devolution and Planning operationalised the task force on climate change and trained 38 county officers as ToTs for county result based M&E and also developed draft specific indicators to track CIDPs for 47 Counties.

499. The Government through the Ministry of Defence undertook innovation of Defence Forces Field Kitchen (DEFKICH) and domesticated DEFKICH to meet local and export demand. The construction of a food processing factory at Gilgil Barracks is ongoing and is 45% complete. The Ministry planted 1,453,187 trees being nurtured to grow under Environmental Soldier Programme. In addition, the Ministry's project of conversion of waste to produce energy at Moi Air Base is operational.

500. The Government through the State Department of Social Security and Services registered a total of 5,500 self-help groups. In January to June 2015, the Ministry disbursed funds to vulnerable groups including children, persons with severe disabilities and older persons amounting to Ksh.6,435,400,674. Out of the total disbursement, cash transfer to orphans and vulnerable children was Ksh.3,246,445,626; cash transfer to older persons was Ksh.2,801,111,650; cash transfer to Persons with Severe Disabilities was Ksh.387, 843, 399. In July to December 2015 cash transfer to Orphans and Vulnerable Children was Ksh.1,460,071,271; cash

transfer to Older Persons was Ksh. 1,156,488,553; and cash transfer to Persons with Severe Disabilities was Ksh.600,000,000.

501. The Government increased the YEDF to Ksh. 12.7billion, WEF to Ksh. 6.6billion and Uwezo Fund to Ksh. 6.4billion to assist the youth, women and people living with disability to engage in business and thus generate household incomes ultimately ensuring sustainable development. Other initiatives taken by the Government include the enactment of the Business Registration Service Act No. 5 of 2015, Companies Act No. 17 of 2015, and Insolvency Act No. 8 of 2015 to support sustainable development.

502. The PSC discharged its mandate under **Article 234** and established in the Ministry of Industrialization and Enterprise Development, 1 office of Industrialization Secretary, job group T; and also 1 office of Cooperative Secretary. In the OAG & DoJ, the Commission established 577 State Counsel offices. The Commission appointed a total of 453 persons to various positions in the Public Service. Out of these 80 were new entrants into the service while 373 were promotional appointments and 6 of the appointees were persons with disability.

503. The Commission in accordance with **Article 155(3)** recommended to the President 87 persons for appointment to the position of Principal Secretary, out of which 65 translating to 75% and 22 translating to 25% were male and female respectively. Further, the Commission recommended to the President for appointment, 3 persons for each of the positions of Chairperson, Governor and Deputy Governor of the Central Bank of Kenya.

504. In promoting sustainable development, PSC through delegated powers vested in MDAs, promoted a total of four thousand five hundred and twenty (4,520) officers, of whom two thousand six hundred and twenty seven (2,627), 58.1% were male and one thousand eight hundred and ninety three (1,893), 41.9% were female as shown in the Table below:

*Table 7: Public Service Commission Promotions by Gender*

| Gender | No. | Percentage |
|---|---|---|
| **Male** | 2,627 | 58.1% |
| **Female** | 1,893 | 41.9% |
| **Total** | **4,520** | **100%** |

***Source: Public Service Commission, 2015***

505. The Commission, re-designated to various cadres, a total of one hundred and thirty two (132) officers. Out of the total number re-designated, sixty eight (68), 51.5% officers were male while sixty four (64), 48.5% were female. The Commission seconded a total of 595 officers to various government institutions and agencies including County Governments, Government of South Sudan, UNESCO and JICA.

506. The Commission trained a total of 13,695 officers in various courses to address skills gaps leading to improved performance of individual officers. During the financial year 2014/2015, out of a total of 75,114 officers projected for training in the ministries, 3,546, officers attended individual training programmes while 10,149 attended group training.

507. Further, out of the 3,546 officers who attended individual courses, 1,893 representing 53% were male, while 1,653 representing 47% were female. A total of 2,461 officers representing 69.4% were sponsored by the Government of Kenya while 642 representing 18.1% by various development partners while 262, 7.4% were self-sponsored.

508. The Ministry of Health through the NACC lobbied for the support of Prevention of Mother-to-Child Transmission (PMTCT) initiatives and County AIDS Strategic Plan development and implementation. At the side- event during the 2015 UNGA, world leaders called for accelerated and smarter investments in health service delivery to put the world on the course of ending the HIV-AIDS pandemic worldwide by 2030. The UNGA conference led to the adoption of 17 Sustainable Development Goals (SDGs) that replaced the Millennium Development Goals (MDGs) officially launched in September, 2015. Better health outcomes will support the entire Sustainable Development Goals (SDGs) framework and will lead to healthier lives, alleviate poverty, reduce discrimination and improve economic security.

509. The ODPP Wildlife Unit participated in the development of SOPs for investigation and prosecution of wildlife cases. The Unit also held inter–agency trainings involving key enforcement agencies, civil society and the Judiciary.

510. The Judiciary launched the Business Court Users Committees (BCUCs) at the Commercial Division of Milimani Law Courts and conducted trainings on the enforcement manual on illicit trade to the committee on enforcement comprising of officers from various agencies. The training targeted thematic areas of counterfeiting, manufacturing, piracy and standards. The commercial division at Milimani High Court resolved a total of 202 commercial disputes by the end of financial year

2014/2015 thus unlocking otherwise unutilized resources for development due to the disputes. The Environment and the Land Court resolved a total of 2,366 land and environment related disputes.

511. KLRC reviewed some of the national legislations enacted before coming into force of the Constitution of Kenya 2010. The reviewed laws were; the National Museums and Heritage Act, Cap 216, Dairy Industry Act, Cap 336 and the Public Archives and Documentation Service Act, Cap 19 were reviewed in the year 2015. The Commission assisted Kiambu County on reviewing of the County Trade License Bill and the County Trade and Markets Bill, Nairobi County on Regularization of Development Bill, Migori County on Draft Tobacco Growing and Marketing Bill and Kitui County on the Draft Guidelines for Operation of Youth Local Infrastructure, Saving and Investment Programme.

512. In order to ensure sustainability of social-economic development activities, the Government through the National Treasury and Commission for Revenue Allocation progressively increased allocation for the two levels of government as shown in the Table below:

*Table 8: Sharing of Revenue between the National and County Governments*

| Type of allocation | 2013/14 | 2014/15 | 2015/16 |
|---|---|---|---|
| **County Equitable Share** | 190,000,000,000 | 226,660,000,000 | 259,774,500,000 |
| **Conditional Allocations** | 20,000,000,000 | 1,869,999,999 | 20,998,480,000 |
| **Conditional Allocations (Loans and Grants)** | - | 13,898,673,449 | 10,671,205,204 |
| Total County allocation | **210,000,000,000** | **242,428,673,448** | **287,044,185,210** |
| **National Government** | 710,375,000,000 | 797,650,000,000 | 991,892,000,000 |
| Total Share revenue | **920,375,000,000** | **1,040,076,673,448** | **1,570,380,370,414** |

***Source: Commission on the Implementation of the Constitution Report, 2015***

513. The Government through the Ministry of Sports, Culture and the Arts commenced the construction of the Kenya Academy of Sports hostel that can accommodate 200 trainees from various parts of the country and Phase 1 of the project is 45% complete. Further the Ministry trained a total of 93 youths through the National Youth Talent Development Programme.

514. During the period under review, Parliament debated and approved Bills including: Appropriation Bill, 2014; Supplementary Appropriation Bill, 2015; Environmental Management and Coordination (Amendment) Bill, 2014; Climate Change Bill, 2014; and National Drought Management Authority Bill among others. In addition, Parliament discussed and approved various Sessional Papers including the Sessional Paper No. 8 of 2013 on National Values and Principles of Governance, Sessional Paper No. 9 of 2013 on National Cohesion and Integration, Sessional Paper No.11 of 2014 on the National Education for Sustainable Development, Sessional Paper No. 12 of 2014 on the National Wetlands and Conservation Management, and Sessional Paper No. 13 of 2014 on the Integrated Coastal Zone Management (ICZM).

# CHAPTER FIVE: GOVERNMENT COMMITMENTS AND THE WAY FORWARD

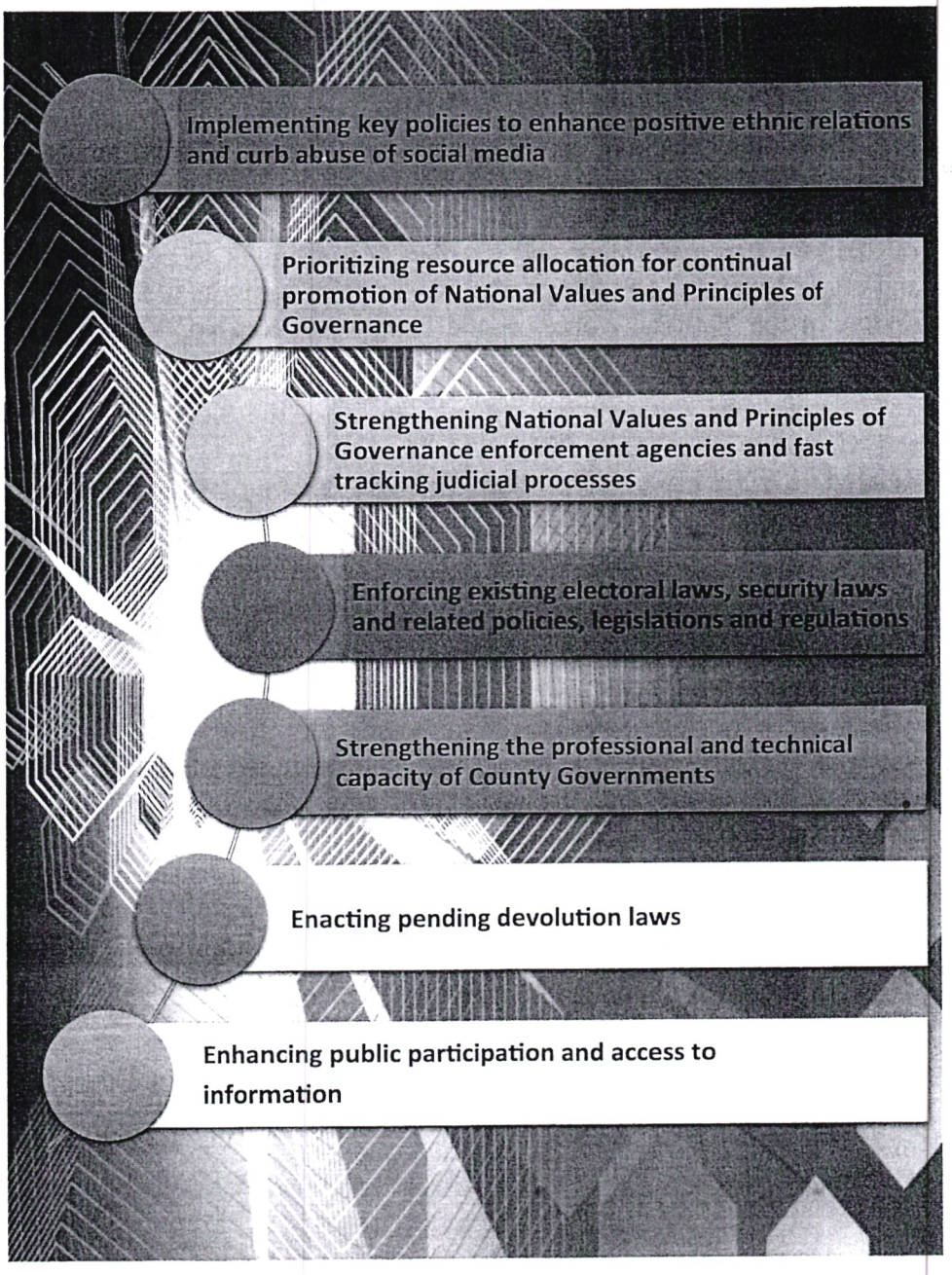


*Figure 25: Government Commitments and the Way Forward*

515. This Chapter highlights the Government's commitments, strategic actions and the way forward in promoting National Values and Principles of Governance as discussed below:

*i) Implementing key policies to enhance positive ethnic relations and prevent abuse of social media*

516. To address negative ethnic relations and abuse of social media, the Government shall implement the provisions of the Sessional Paper No. 9 of 2013 on National Cohesion and Integration and Sessional Paper No. 5 of 2014 on Peace Building and Conflict Management to promote peace and ethnic harmony. In addition, the Government commits to fast track the review of the National Cohesion and Integration Act No. 12 of 2008 to promote ethnic relations and guard against hate speech.

517. Further, the Government commits to enact the Kenya Information and Communication Bill, 2014 and the Cyber and Computer Crimes Related Bill, 2014 in order to ensure the right and freedom to information does not result to incitement, violence and hate speech.

*ii) Prioritizing resource allocation for continual promotion of National Values and Principles of Governance*

518. The Government is committed to continual promotion of National Values and Principles of Governance and shall put in place the necessary infrastructure for this process that will include: development of the Kenya National Values Standard to ensure coordination of implementing agencies, monitoring and evaluation, information, communication and regulation; branding to create awareness among stakeholders and the public; and mainstreaming in all public and private sectors and among the public. Further, the Baseline Survey on National Values and Principles of Governance currently underway will inform on the programmes, projects and activities that will be rolled out to implement the provisions of **Article 10(2)** of the Constitution. The requisite Government agencies are directed to ensure these processes are fast tracked accordingly.

519. Further, the Government shall rationalize budgetary allocation and prioritize resource allocation and ensure prudent utilization of the resources to support implementation of initiatives that promote National Values and Principles of Governance.

*iii) Strengthening National Values and Principles of Governance enforcement agencies and fast tracking judicial processes*

520. To address frequent adjournments, numerous judicial review applications and constitutional references affecting the rule of law, the

Government shall increase the number of judicial officers and open up new courts to fast track determination of cases and enhance positive public perception on judicial processes. In addition, the Government shall upscale the on-going reforms in key law enforcement institutions to strengthen their capacity to discharge their functions effectively. The Office of the Attorney General and Department of Justice is directed to ensure all relevant laws are aligned to **Article 10** of the Constitution.

### *iv) Enforcing existing electoral and related policies, legislation and regulations*

521. Elections and electoral processes coupled with political competition tend to polarize the country along ethnic and political party lines. As the date for the next general election draws near, politicians and persons seeking political leadership positions have commenced activities aimed at mobilizing support that take ethnic and regional inclinations that threaten national unity. The Government through the IEBC, NPS, ODPP, NCIC and Registrar of Political Parties shall vigorously enforce existing electoral and other related policies, legislation and regulations to manage political parties' and political leaders' activities and conduct. The Government shall put in place an inter-agency committee to ensure a peaceful electoral process before, during and after the 2017 general election.

### *v) Enacting pending devolution laws*

522. Several legislations to implement the provisions of **Chapter 11** of the Constitution on devolved government have not been formulated and or finalized by both National and County Governments. This has negatively affected service delivery in the respective areas. The Government in collaboration with County Governments shall fast track the development and enactment of the appropriate legislations and regulations for devolution so as to enhance the implementation of programmes, projects and activities. In addition, the Government shall ensure smooth transition between the TA and the Inter-Governmental Technical Relations Committee to safeguard public assets and complete the devolution process.

### *vi) Strengthening professional and technical capacity of County Governments*

523. Effective implementation of county programmes, projects and activities requires adequate and sustainable professional and or technical capacity especially in specialized areas such as drafting of legislations, procurement, accounting and ICT among others. However, certain

counties continued to experience inadequate technical capacity to professionally guide the devolution processes. In other instances, there were cases of delay in formulation or review of county specific policies, laws and regulations due to limited capacity. To address this, the National Government shall continue to support the existing frameworks for capacity building as provided for in the Constitution. Further, County Governments are encouraged to seek collaborations and partnerships with experts and institutions like the Kenya School of Government (KSG) and Public Universities for capacity building of their human resource.

***vii) Enhancing public participation and access to information***

524. Several factors have limited the scale, and sustainability of public participation and information accessibility at both levels of government. The National and County Governments shall develop clear guidelines and minimum standards on public participation to engage the citizenry in project identification, implementation, monitoring and evaluation. In addition, the National and County Governments shall avail reliable and updated information on priorities, plans, budgets and expenditures, and also establish feedback mechanisms for the citizens.

***viii) Establishing a dispute resolution mechanism***

525. Lack of a negotiating framework to address industrial disputes at the counties results in delays in resolving disputes between the County Governments and workers' unions and thereby affecting service delivery. The Government commits to support the establishment of a negotiating framework to address emerging industrial disputes at the counties.

***ix) Developing mechanisms for addressing intra and inter-county conflicts***

526. Implementation of programmes and activities in the counties has been affected by internal and external conflicts. The Government, through the Summit and the Inter-Governmental Technical Relations Committee shall develop mechanisms for addressing both intra and inter-county conflicts. Further, the Government shall hasten the process of institutionalizing the Council of Elders to provide structures for Alternative Dispute Resolution (ADR) mechanism at the County level.

***x) Enforcing legal mechanisms for the fight against corruption and unethical practices***

527. The Government shall continue to require MCDAs to adhere and implement the provisions of the Executive Order No. 6 of March, 2015 on Ethics and Integrity in the Public Service. To provide a sound policy

framework for a sustained campaign against corruption, the Office of the Attorney General and Department of Justice is directed to expedite the finalization and adoption of the national policy framework on Ethics and Anti-Corruption. This will promote efficiency and effectiveness in the implementation of anti-corruption initiatives and consequently enhance coordination of stakeholders and actors in the promotion of good governance, integrity, transparency and accountability. In addition, the Government shall foster close links and collaboration between key agencies and governance institutions to mount sustainable civic education programmes on corruption prevention and unethical behavior. In future, reporting MCDAs shall be required to submit reports on sanctioned officials who will have flouted the National Values and Principles of Governance.

***xi) Continuous civic education, enactment and enforcement of laws, policies and regulations relating to the Bill of Rights***

528. To ensure full enforcement of the provisions of the Bill of Rights the Government shall fast track the enactment of laws, policies and regulations to strengthen implementation and enforcement of the constitutional provisions. Further, the Government shall adopt a multi sectoral approach to enhance continuous, structured and sustainable civic education on the Bill of Rights.

***xii) Enforcing laws and policies to address retrogressive practices***

529. Retrogressive practices such as Female Genital Mutilation (FGM), early child marriages and child labour, negative attitude towards education, stereotypes, wife inheritance, domestic violence and gender discrimination continued to hinder the implementation of the Bill of Rights. The Government shall adhere to policy and legal frameworks that reduce retrogressive practices and sensitize citizens to embrace and cultivate progressive practices which promote the Bill of Rights. All the agencies charged with ensuring such vices are discouraged are directed to ensure strict adherence to prevailing laws and policies.

***xiii) Addressing legal challenges in the implementation of flagship projects***

530. In addition to enforcing the provisions of the Public Procurement and Asset Disposal Act, 2015, the Government commits to involve stakeholders and to deepen public participation in the identification, design, planning and implementation of flagship programmes, projects and activities for sustainable development. This will ensure disputes are deterred and or resolved prior to the commencement of the projects.

### *xiv) Enhancing resource mobilisation for sustainable development*

531. In its efforts to implement key flagship projects and programmes geared towards sustainable development, the Government strives to ensure strict adherence to laws and policies relating to revenue collection and allocation. Further, the Government commits to enhance private sector participation through the PPP framework to provide additional requisite resources for timely execution of programmes and projects. In addition, the National Treasury, KRA and other public institutions responsible for revenue collection will adopt innovative strategies for efficient and effective revenue collection.

### *xv) Bridging the technological gap*

532. To keep up with frequent technological changes and advancements that affect service delivery, the Government commits to facilitate capacity building for institutions to enable them enhance uptake of appropriate technology for sustainable development. In addition, research institutions should establish concrete technological infrastructure and continually upgrade existing ICT systems and equipment.

### *xvi) Addressing existing and emerging security challenges*

533. Despite the challenges to our national unity arising from terrorism; youth radicalization; inter-community conflicts; intra and inter-county conflicts; cyber-crime; human trafficking; drug abuse and trafficking; and violent extremism, the Government shall continue to ensure elaborate preparedness and collaborative response network. To effectively protect our sovereignty and promote national unity, the Government will continue to invest in capacity building of concerned institutions and equip them to keep pace with emerging security challenges. Comprehensive details on security are available on the National Security Report 2015.

# APPENDIX 1: LIST OF MCDAs THAT SUBMITTED REPORTS

## MINISTRIES/DEPARTMENTS

1. Cabinet Office
2. Civil Registration Services
3. Government Press
4. Kenya Police Service (Office of the Deputy Inspector-General)
5. Ministry of Agriculture, Livestock and Fisheries
6. Ministry of Defence
7. Ministry of Devolution and Planning (State Department of Planning and Statistics)
8. Ministry of Education, Science and Technology
9. Ministry of Energy and Petroleum
10. Ministry of Environment and Natural Resources
11. Ministry of Foreign Affairs and International Trade
12. Ministry of Health
13. Ministry of Information, Communications and Technology
14. Ministry of Industrialization, Investment and Trade (State Department of Trade)
15. Ministry of Interior (Probation and Aftercare)
16. Ministry of Interior (State Department of Correctional and Rehabilitation Services)
17. Ministry of Interior (State Department of Interior and Coordination of National Govt)
18. Ministry of Labour and East African Affairs
19. Ministry of Labour and East African Affairs (State Department of East African Affairs)
20. Ministry of Lands, Housing and Urban Development (State Department of Public Works)
21. Ministry of Mining
22. Ministry of Public Service, Youth and Gender Affairs (DPSM)
23. Ministry of Public Service, Youth and Gender Affairs (State Dept of Gender Affairs)
24. Ministry of Public Service, Youth & Gender Affairs (State Dept of Public Service & Youth)
25. Ministry of Sports, Culture and the Arts
26. Ministry of Tourism
27. Ministry of Transport and Infrastructure (State Dept of Shipping and Maritime Affairs)
28. Ministry of Transport and Infrastructure (State Department of Transport)
29. Ministry of Water and Irrigation (State Department of National Water Services)
30. National Police Service (Directorate of Criminal Investigations)
31. Office of the Attorney General and Department of Justice

32. Parliament
33. State House
34. The Judiciary
35. The National Treasury

**COMMISSIONS AND INDEPENDENT OFFICES**

36. Commission on Administrative Justice
37. Commission on Revenue Allocation
38. Commission for University Education
39. Ethics and Anti Corruption Commission (EACC)
40. Kenya Law Reform Commission
41. Kenya National Commission on Human Rights (KNCHR)
42. National Cohesion and Integration Commission (NCIC)
43. National Gender and Equality Commission (NGEC)
44. National Land Commission
45. National Police Service Commission
46. Office of the Auditor General
47. Office of the Controller General
48. Office of the Director of Public Prosecutions (ODPP)
49. Privatization Commission
50. Public Service Commission
51. Salaries and Remuneration Commission (SRC)
52. Teachers Service Commission

**PARASTATALS /SEMI AUTONOMOUS GOVERNMENT AGENCIES (SAGAS)**

53. Agricultural Development Corporation
54. Agricultural Finance Corporation
55. Agriculture, Fisheries and Food Authority
56. Agro-Chemical and Food Company Ltd.
57. Anti Counterfeit Agency
58. Asset Recovery Agency
59. Athi Water Services Board
60. Betting, Control and Licensing Board
61. Capital Markets Authority
62. Central Bank of Kenya
63. Communications Authority of Kenya
64. Competition Authority of Kenya
65. East African Portland Cement Co. Ltd.
66. Energy Regulatory Commission
67. Engineers Board of Kenya
68. Export Processing Zones Authority
69. Higher Education Loans Board
70. Independent Electoral and Boundaries Commission (IEBC)

71. Independent Policing Oversight Authority
72. Jomo Kenyatta Foundation
73. Kenya Airports Authority
74. Kenya Animal Genetic Resource Centre
75. Kenya Bureau of Standards (KEBS)
76. Kenya Copyright Board
77. Kenya Dairy Board
78. Kenya Education Management Institute (KEMI)
79. Kenya Electricity Generating Company Ltd. (KENGEN)
80. Kenya Film Kenya Classification Board
81. Kenya Industrial Research and Development Institute (KIRDI
82. Kenya Institute of Curriculum Development
83. Kenya Investment Authority
84. Kenya Literature Bureau
85. Kenya Marine and Fisheries Research Institute
86. Kenya Medical Supplies Authority (KEMSA)
87. Kenya National Examinations Council
88. Kenya National Focal Point on Small Arms and Light Weapons
89. Kenya National Library Service
90. Kenya National Shipping Line Ltd.
91. Kenya Power & Lighting Co. Ltd.
92. Kenya Railways
93. Kenya Revenue Authority (KRA)
94. Kenya Roads Board
95. Kenya Rural Roads Authority
96. Kenya Tsetse and Trypanosomiasis Eradication Council (KENTTEC)
97. Kenya Urban Roads Authority
98. Kenya Vision 2030
99. Kenya Wildlife Service
100. Lake Victoria North Water Services Board
101. Lake Victoria South Water services Board
102. Lamu Port South Sudan Ethiopia Transport Corridor (LAPSSET)
103. Local Authority Providence Fund (LAPFUND)
104. National Aids Control Council
105. National Anti-Corruption Campaign Steering Committee
106. National Authority for the Campaign against Alcohol and Drug Abuse (NACADA)
107. National Biosafety Authority
108. National Cereals and Produce Board (NCPB)
109. National Council for Persons with Disabilities
110. National Council for Population and Development
111. National Environment Management Authority
112. National Hospital Insurance Fund (NHIF)
113. National Museums of Kenya

114. National Oil Corporation of Kenya
115. National Water Conservation & Pipeline Corporation
116. Northern Water Services Board
117. Numerical Machining Complex
118. Nyayo Tea Zones Development Corporation
119. Pest Control Products Board
120. Public Private Partnership (PPP)
121. Public Procurement Oversight Authority
122. Retirement Benefits Authority
123. Rural Electrification Authority (REA)
124. Taskforce on Community Policing (*Nyumba Kumi*)
125. Tourism Fund
126. Transition Authority
127. Unclaimed Financial Assets Authority
128. Water Resources Management Authority
129. Water Services Regulatory Board (WASREB)

**UNIVERSITIES AND TERTIARY INSTITUTIONS**

130. Chuka University
131. Co-operative College of Kenya
132. Dedan Kimathi University of Technology
133. Egerton University
134. Embu University College
135. Jomo Kenyatta University of Agriculture & Technology (JKUAT)
136. Kaiboi Technical Training Institute
137. Karatina University
138. Karen Technical Training Institute for the Deaf
139. Kenya Institute of Mass Communication (KIMC)
140. Kenya Institute of Special Education (KISE)
141. Kenya Medical Training College (KMTC)
142. Kenya Technical Trainers College
143. Kenya Water Institute
144. Kiambu Institute of Science and Technology
145. Kibabii University
146. Kirinyaga University College
147. Kisumu National Polytechnic
148. Laikipia University
149. Maasai Mara University
150. Mathenge Technical Training Institute
151. Meru Technical Training Institute
152. Meru University of Science and Technology
153. Musakasa Technical Training Institute
154. Nairobi Technical Training Institute
155. National Industrial Training Authority
156. Nkabune Technical Training Institute

157. Nyeri Technical Training Institute
158. Taita Taveta University College
159. University of Eldoret
160. University of Nairobi
161. Vocational Training Centre for the Blind and Deaf (SIKRI)

**COUNTY PUBLIC SERVICE BOARDS**

162. Embu Public Service Board
163. Kiambu Public Service Board
164. Kilifi Public Service Board
165. Kitui Public Service Board
166. Lamu Public Service Board
167. Meru Public Service Board
168. Taita Taveta Public Service Board
169. Trans Nzoia Public Service Board
170. Turkana Public Service Board

**COUNTY COMMISSIONERS**

171. Bomet County Commissioner
172. Bungoma County Commissioner
173. Busia County Commissioner
174. Embu County Commissioner
175. Kericho County Commissioner
176. Kiambu County Commissioner
177. Kilifi County Commissioner
178. Kirinyaga County Commissioner
179. Kitui County Commissioner
180. Kwale County Commissioner
181. Migori County Commissioner
182. Mombasa County Commissioner
183. Murang'a County Commissioner
184. Nakuru County Commissioner
185. Narok County Commissioner
186. Nyandarua County Commissioner
187. Taita Taveta County Commissioner
188. Trans Nzoia County Commissioner
189. Turkana County Commissioner
190. Uasin Gishu County Commissioner
191. Vihiga County Commissioner
192. Wajir County Commissioner
193. West Pokot County Commissioner

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