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ELEVENTH PARLIAMENT – THIRD SESSION

JOINT PARLIAMENTARY COMMITTEE ON NATIONAL COHESION AND
EQUAL OPPORTUNITY

REPORT ON THE CONSIDERATION OF SESSIONAL PAPER NO. 9 OF 2013
ON NATIONAL COHESION AND INTEGRATION

Paper Laid -
By Hon. J. SAKWA JAK, MP
Chair JC on National Cohesion & Integration
Integration en Ned. 05.08.2015 (pm)
MW

Parliament of Kenya
Parliament Buildings
Nairobi.

AUGUST, 2015

ABBREVIATIONS

NCNV National Cohesion and National Values

TJRC Truth and Justice Reconciliation Commission

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PREFACE

Mr. Speaker Sir,

Establishment and mandate of the Committee

The Joint Committee on National Cohesion and Equal Opportunity is established under standing orders 214 and 217 of the National Assembly and the Senate Standing Orders respectively in order to, among others:

- (a) monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;*
- (b) investigate, inquire into and report on all matters relating to inter-community cohesion;*
- (c) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground; and*
- (d) investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub- paragraph (c); and examine the activities and administration of all Ministries, departments and statutory bodies in so far as they relate to the rights and welfare of the groups referred to under paragraph (c).*

Mr. Speaker Sir,

Membership of the Committee

The Committee is comprised of the following members-

- 1. Hon. Johnson Sakaja, MP - **Chairperson**
- 2. Sen. Hargura Godana - **Vice-Chairperson**
- 3. Sen. Abdirahman Hassan
- 4. Sen. Christopher M. Obure
- 5. Sen. Karue Muriuki
- 6. Sen. Moses Kajwang'

7. Hon. James Gordon Rege, MP
8. Hon. Mohamed Elmi, MP
9. Hon. Maison Leshoomo, MP
10. Hon. Elijah Memusi, MP
11. Sen. Peter Mositet
12. Sen. Emma G. Mbura
13. Sen. Mike Mbuvi Sonko
14. Hon. Kimani Ngunjiri, MP
15. Sen. Stephen Sang'
16. Hon. Roba Duba, MP
17. Sen. Ali Bulle
18. Hon. Francis Mwangangi, MP
19. Hon. Moses Injendi, MP
20. Sen. Beatrice Elachi
21. Sen. Isaac Melly
22. Hon. Zipporah Jesang, MP
23. Hon. Grace Kipchoim, MP
24. Sen. (Dr.) Agnes Zani
25. Hon. Mohamed Diriye, MP
26. Sen. Henry Tiolo Ndiema
27. Hon. Rose Museo Mumo, MP
28. Sen. Godliver Omondi
29. Hon. George Omondi Mallan
30. Hon. Peris Tobiko, M.P.

Acknowledgement

The Committee wishes to thank the offices of the Speakers and the Clerks of both the National Assembly and the Senate for the logistical and technical support accorded to it during its Sittings. The Committee wishes to thank all the stakeholders for their participation in scrutinizing the Sessional Paper.

We also wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the activities of the Committee in preparation of this Report.

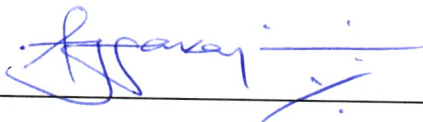
Lastly, the Committee wishes to express its appreciation to the Ministry of Interior and Coordination of National Government and in particular, the Directorate of National Cohesion and National Values.

Mr. Speaker Sir,

The Members of the Committee appreciated the content of the Sessional Paper as having been well done in analyzing the situation of cohesion in the country in outlining strong proposals regarding the appropriate interventions to take Kenya to the next level and unanimously resolved to adopt it.

Mr. Speaker Sir,

It is my pleasant duty to present the Report of the Joint Committee on National Cohesion and Equal Opportunity on Sessional Paper No. 9 of 2013 on National Cohesion and Integration for consideration by the House.

Signed:  _____ Date: _____

HON. JOHNSON SAKAJA, MP

Chairperson

Joint Parliamentary Committee on National Cohesion and Equal Opportunity.

Signed:  _____ Date: _____

SEN. HARGURA GODANA

Vice-Chairperson

Joint Parliamentary Committee on National Cohesion and Equal Opportunity.

EXECUTIVE SUMMARY

Sessional Paper No. 9 of 2013 from the Ministry of Interior and Coordination of National Government was tabled on 31st July, 2014 and 16th June, 2015 in the National Assembly and the Senate respectively and thereafter, referred to the Joint Committee on National Cohesion and Equal Opportunity.

Mr. Speaker Sir,

On 16th June, 2015, the Joint Committee received submissions from the Ministry of Interior and National Coordination through the Directorate of National Cohesion and National Values (NCNV) which was instrumental in the formulation of the Sessional Paper. The Director, NCNV Dr. Francis Owino, (Ph.D), in his submission to the Committee, took Members through the road map on the formulation process for the Sessional Paper No. 9 of 2013 on National Cohesion and Integration. The formulation process reflected an elaborate public participation process which culminated in the National Stakeholder's Validation Forum held at the Bomas of Kenya on 8th December, 2011.

Mr. Speaker Sir,

The Report has six sections, the first is the Preface that outlines the establishment, membership and acknowledgement to all those who participated during the deliberation of the Sessional Paper. The Second part is introduction that narrates the brief on the formulation of the Sessional Paper, its framework and aims. The third part is the Analysis of the Sessional Paper describing the overall objective and fourth the National Cohesion and Integration Policy Strategies that outlines the key strategies for successful implementation of the policy on national cohesion and integration. The Report fifth part is the Committee Observation and Recommendation. The last part of the Report comprises of the appendices. The Committee thus recommends the implementation of the Sessional paper with the following amendments as outlined in the report-

- 1. Addressing historical injustices related to unequal distribution of land;*
- 2. Ensuring equity in employment in the public service;*
- 3. Promoting the use of the national language; and*
- 4. Addressing issues of marginalization affecting various communities in the country.*

1.0 INTRODUCTION

Sessional Paper No. 9 of 2013 on National Cohesion and Integration was prepared by the Presidency through the Office of the Cabinet Secretary in the Ministry of Interior and Coordination of National Government pursuant to Article 131(2)(c) which provides that the President shall promote and enhance the unity of the nation. The Constitution further enhances the theme of national cohesion and integration in Article 10 by providing for national values and principles of governance key among them being patriotism and national unity.

The Sessional Paper provides a more definite framework within which challenges to national cohesion could be addressed in a structured way. Further, it seeks to address the key challenges and threats to national cohesion and integration which the policy classifies under three broad dimensions-

1. The institutional dimension;
2. The equity dimension; and
3. The perspective dimension.

This Sessional Paper provides a policy, which is a more definite framework that seeks to complement other interventions such as the Constitution and the National Cohesion and Integration Act, No. 12 of 2008 and the Public Service (Values and Principles) Act, 2015. The National Cohesion and Integration Act seek to encourage national cohesion and integration by outlawing discrimination based on ethnic grounds. In addition, the Public Service (Values and Principles) Act, 2015 that was assented to by the President on 14th May 2015 gives effect to the provisions of Article 232 of the Constitution regarding the values and principles of public service.

This policy is specifically aimed at-

1. Fostering the general understanding of national cohesion and integration;

2. Guiding the efforts of all stakeholders towards a cohesive and integrated society for nation building;
3. Enhancing the consistency and efficiency with which the government and other stakeholders design and implement appropriate interventions aimed at promoting national cohesion and integration;
4. Enhancing stakeholders' compliance with legal and regulatory requirements regarding national cohesion and integration; and
5. Mitigating the risks that predispose the country to conflict and promoting sustainable economic growth and development.

2.0 ANALYSIS OF THE SESSIONAL PAPER

1. The overall objective of the policy on national cohesion and integration is to **guide the building of a just, cohesive and integrated society that enjoys equitable social, economic and political development;**
2. The intermediate objectives of the policy are to-
 - (i) Address causes of ethnic discrimination, negative ethnicity, feelings of discrimination, unequal distribution of resources and opportunities;
 - (ii) Foster equity and social justice by building on, or complementing other ongoing national processes aimed at addressing nationhood, national cohesion and integration;
 - (iii) Foster a general understanding of the concepts of National Cohesion and integration, especially in relation to the Constitution of Kenya, 2010;
 - (iv) Identify principles, policies and strategies that should guide the process of national cohesion and integration and reconciliation;
 - (v) Provide a schedule of roles for various stakeholders in the operationalization of the national cohesion and integration process and establish how these stakeholders can be mobilized to play their roles effectively;
 - (vi) Provide a framework for the implementation of the policy's strategic objectives while mainstreaming national cohesion and integration objectives into national development programmes, projects and activities; and
 - (vii) Unify and integrate Kenyans into a cohesive society guided by national values and the principles of governance contained in Article 10 of the Constitution.

3.0 NATIONAL COHESION AND INTEGRATION POLICY STRATEGIES

The key strategies for the successful implementation of the policy on national cohesion and integration are outlined as follows-

1. *Strengthening and transforming political and governance institutions, the Executive, the Legislature and the Judiciary, which have over time been characterized by excessive centralization of power and patronage, resulting in exploitation, exclusion and the promotion of ethnic and regional inequality;*
2. *Implementing and popularizing the Constitution of Kenya and constitutionalism as foundations for good governance and respect for the rule of law. This is to be achieved through effective and timely implementation of the Constitution to extensively reform Kenya's governance frameworks;*
3. *Strengthening the Judiciary and restoring its independence to ensure the rule of law, guarantee fundamental rights and efficient dispute resolution across the whole country;*
4. *Strengthening the National and County legislative institutions to ensure that the constitutional authorities bestowed upon the Legislature are fully realized. The successful implementation of the constitutional provisions governing the management of political parties will also go ahead in ensuring that these legislative institutions focus on issues that foster national cohesion and integration;*
5. *Building an inclusive Public Service that reflects Kenya's Diversity;*
6. *Addressing regional and socio-economic inequalities exclusion across groups and regions;*
7. *Managing ethnic and other socio-cultural diversities;*
8. *Preventing and managing conflict and promoting reconciliation;*
9. *Ensuring the rule of law, security and order prevail throughout the country;*
10. *Entrenching positive value systems in all segments of society;*
11. *Addressing the unemployment challenge; and*
12. *Establishing mechanisms for communication and information sharing.*

4.0 OBSERVATIONS

The Joint Committee on National Cohesion and Equal Opportunity in considering the sessional paper highlighted the following key strategies-

- (a) Strengthening vital institutions for cohesion and integration;*
- (b) Addressing socio-economic inequalities;*
- (c) Managing ethnic and other socio-cultural diversities more effectively;*
- (d) Preventing, managing and reconciling conflict situations;*
- (e) Ensuring the rule of law, security and order;*
- (f) Addressing the unemployment challenge;*
- (g) Entrenching national values in all segments of society; and*
- (h) Establishing mechanisms for participative communication and information sharing.*

Further, members observed that the Sessional Paper flags out the roles of key stakeholders and linkages for instance the State, political leaders, non-governmental organisations, faith-based organisations, the media, the informal sector, community-based groups and individuals. The Sessional Paper identified the Ministry of Interior and Co-ordination of National Government as the Ministry responsible for the overall coordination of the policy at the national level.

The Sessional Paper expressly provides that upon its adoption, there will be a review of the National Cohesion and Integration Act, No. 12 of 2008, which is the main legal framework for the implementation of the policy.

Further, on monitoring and evaluation, the Sessional Paper provides that cohesion and integration indices shall be developed at the national and county levels to link the strategies suggested in the policy to their actual implementation. The relevant government agencies will be identified to develop and monitor one or more of such indices of national cohesion and integration and social transformation to keep track of the level of progress.

Finally it was noted that National Cohesion initiatives will be financed by National Government, non-state actors, communities and individuals.

5.0 CONCLUSIONS

The Committee appreciated the contents of the Sessional Paper which analysed the situation of cohesion in the country especially with regards to national cohesion. This aspect and making strong proposals regarding the appropriate interventions to take Kenya to the next level. To fortify the Sessional Paper, members made several recommendations.

Specifically, the committee noted as follows. That-

1. There is need to pragmatically deal with historical injustices perpetrated on some communities and regions in the country especially with regards to national cohesion. This aspect principally relates to land use and ownership in areas where communities feel that they were dispossessed of their ancestral land after the end of colonial rule in Kenya;
2. The manner in which internal and administrative boundaries were drawn at independence and afterwards have had significant impact on the state of national cohesion. Most boundaries followed settlement patterns of ethnic communities reinforcing the feeling of ownership for the regions to the exclusion of other communities;
3. There is need for equitable sharing of the available employment opportunities in the public service both at the national and county levels for all Kenyans across all communities and regions. This principle of public service should be applicable both at the National and County Government levels as enumerated in Article 232(1) of the Constitution which provides as follows-

232. (1) The values and principles of public service include—

- (a) High standards of professional ethics;*
- (b) Efficient, effective and economic use of resources;*

- (c) *Responsive, prompt, effective, impartial and equitable provision of services;*
- (d) *Involvement of the people in the process of policy making;*
- (e) *Accountability for administrative acts;*
- (f) *Transparency and provision to the public of timely, accurate information;*
- (g) *Subject to paragraphs (b) and (i), fair competition and merit as the basis of appointments and promotions;*
- (h) *representation of Kenya's diverse communities; and*
- (i) *affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—*
 - (i) *men and women;*
 - (ii) *the members of all ethnic groups; and*
 - (iii) *persons with disabilities.*

4. National cohesion be promoted through the education system can also be an effective means of promoting national cohesion. There is need for deliberate efforts to be made in instilling patriotism at an early age which can be achieved by re-designing school curriculum to reflect national interests;
5. There is need to regulate the use of vernacular language in the public spaces. This can be achieved by promoting the use of the national and official languages; and
6. There is need to capture and implement the views and findings set out in the Truth, Justice and Reconciliation Commission (TJRC) Report.

However the members appreciated the content of the Sessional Paper as having been well done in analyzing the situation of cohesion in the country in outlining strong proposals regarding the appropriate interventions to take Kenya to the next level and unanimously resolved to adopt it.

6.0 COMMITTEE RECOMMENDATIONS

The Committee recommends that:-

1. The National Assembly approves the Sessional Paper No. 9 pf 2013 on National Cohesion and Integration.
2. The National Cohesion and Integration Commission (NCIC) fast-tracks the review of the National Cohesion and Integration Act (NCI Act) with a view to align it to the provisions of the Constitution of Kenya 2010.

6.0 APPENDICES

- a. Minutes**
- b. Cabinet Memo**
- c. Letter of the Cabinet Secretary**
- d. Sessional Paper**

SECRET

APPENDIX (A)

MIN.212/12 - THE SESSIONAL PAPER ON NATIONAL
COHESION AND INTEGRATION

The Minister for Justice, National Cohesion and Constitutional Affairs presented Cabinet Memorandum CAB(12)112, which sought Cabinet approval for the publication and tabling in Parliament of the **Sessional Paper on National Cohesion and Integration**.

Cabinet **considered** the contents of the Memorandum and:

- i) **Approved** the publication and tabling in Parliament of the **Sessional Paper on National Cohesion and Integration**.
- ii) **Directed** the Minister for Justice, National Cohesion and Constitutional Affairs and the Attorney General to take the necessary action.

ACTION: *The Minister for Justice, National Cohesion and Constitutional Affairs.*
The Attorney General.

CAP XI 10/11/12

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REPUBLIC OF KENYA

CABINET OFFICE

NAIROBI

To: PS-Justice
Attorney-General

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26/12/12

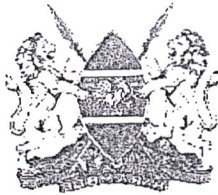
CABINET

The Secretary to the Cabinet has the honour to enclose the undermentioned Action
20th December, 2012
Extract from the Minutes of the meeting held on

Minute No: 212/12
Subject: THE SESSIONAL PAPER ON A NATIONAL COHESION AND
INTEGRATION

Memorandum No. CAB (12)112

Copies have also been sent to:—
.....
.....
.....



APPENDIX B

THE PRESIDENCY

OFFICE OF THE CABINET SECRETARY

Ministry of Interior and Co-ordination of National Government

Telephone: 020 - 2227411
Fax: +254-20-341938

Harambee House
P.O. Box 30510 - 00100
Nairobi, Kenya

Ref. No. OP/PA/17/12A

6th May, 2014

Mr. Sylvester Migwi
Government Printer
Government Press
NAIROBI

Dear *Sylvester*

RE: PUBLICATION OF POLICY SESSION PAPER NO. 9 ON NATIONAL
COHESION AND INTEGRATION

Forwarded herewith is a copy of Sessional Paper No. 9 on National Cohesion and Integration for you to publish.

Yours,

Sincerely
[Signature]
Joseph Ole Lenku
Cabinet Secretary

INTERIOR AND COORDINATION OF NATIONAL GOVERNMENT

Copy to: M.M. Ndung'u, HSC
Secretary, National Cohesion and National Values
NAIROBI

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Republic of Kenya

Sessional Paper No. 9 of 2013

on

National Cohesion and Integration

The Presidency

MINISTRY OF INTERIOR AND COORDINATION
OF NATIONAL GOVERNMENT

September, 2013

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI



**Sessional Paper No. 9 of 2013 on National
Cohesion and Integration**



FOREWORD

The broad mandate of promoting and enhancing the unity of the nation is vested in the Presidency as espoused in Article 131 2(c) of the Constitution. Further, the Kenya Vision 2030 which asserts Kenya's aspiration to be a middle income country espouses the importance of equity and national cohesion for long term development prospects and sustained nationhood. Despite its importance on national development, national cohesion and integration, has remained a challenge for the country as demonstrated by among other things, the 2007/2008 post-election violence. Some of the specific impediment to national cohesion and integration prior to the enactment of the Kenya Constitution 2010 included the over-concentration of state powers on the Executive, weak respect for the rule of law in the context of a weak institutional framework, widespread abuse of human rights, insecurity, proliferation of illegal arms and cattle rustling, lack of transparency and accountability in the electoral processes, inequitable distribution of opportunities and public resources, poor management of natural resources such as land, and primary of ethnic identity over national identity and citizenship. These broad challenges eroded the sense of belonging, nationhood and public trust in political and governance institutions. Although the government has put in place interventions that will address the aforementioned challenges to national cohesion and integration – such as the National Cohesion and Integration Act (2008) and the Constitution of Kenya 2010 – there is need for a more definite framework within which interventions can be streamlined and rationalized.

It is against this background that the policy on National Cohesion and Integration now Sessional Paper No. 9 of 2013 on National Cohesion and Integration was developed in 2012 through a broad participatory process to provide a more definite framework within which interventions to these impediments to national cohesion could be structured. Specifically the Sessional paper No. 9 of 2013 on National Cohesion and Integration aims at fostering a general understanding of realization of a cohesive and integrated society for nation building, enhancing the consistency and efficiency with which the government and other stakeholders design and implement appropriate interventions aimed at promoting national cohesion and integration, enhancing stakeholders' compliance with legal and regulatory requirements regarding national cohesion and integration, mitigating the risks that predispose the country to conflict and promoting sustainable economic growth and development.



The policy is meant to strengthen vital institutions for the promotion of cohesion and integration which will encompass the transformation of the political and governance institutions, address to socio-economic inequalities, management of ethnic and other socio-cultural diversities more effectively, prevention, management and reconciliation of conflict situations, ensuring the rule of law, security and order, addressing the unemployment challenge, entrenchment of national values in all segments of society and establishment of mechanisms for participative communication and information sharing.

The policy vision is an equal opportunity, peaceful, prosperous and united nation which is proud of its diversity. Its mission is to spearhead the building of a harmonious and equitable nation through strategies that achieve national reconciliation, healing, justice, cohesion and integration.

The expected outcomes of this policy will include socio-economic inequalities across all citizens and regions entrenched positive value systems in all segments of society, strengthened institutions for national cohesion and integration, improved employment creation for the youth, effective management of ethnic and other socio-cultural diversities, improved conflict prevention, management and reconciliation among Kenyan communities, strict adherence to the rule of law and improved mechanisms for communication and information sharing. The expected impact is the building of a just, cohesive and integrated society that enjoys equitable social, economic and political development as espoused in the Constitution of Kenya (2010).

The policy applies to all state organs, state and public offer, the private sector, non-state actors, development partners involved in national cohesion and reconciliation initiatives and all persons.

The policy document shall take effect upon adoption and may be reviewed from time to time as may be necessary.



Joseph Ole Lenku,
Cabinet Secretary,
Ministry of Interior and Co-ordination of National Government.

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MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NARC	National Alliance Rainbow Coalition
NCIC	National Cohesion and Integration Commission
NEPAD	New Partnership for Africa's Development
NESC	National Economic and Social Council
NGO	Non-governmental Organisation
NIMES	National Integrated Monitoring and Evaluation System
NSA	Non-State Actors
NSC	National Steering Committee
NYS	National Youth Service
PRSP	Poverty Reduction Strategy Paper
SAGA	Semi-Autonomous Government Agencies
SAP	Structural Adjustment Programme
SMART	Specific, Measurable, Achievable, Reliable and Time-bound
SWOT	Strengths, Weaknesses, Opportunities and Threats
TJRC	Truth, Justice and Reconciliation Commission
UNCD	Universal Declaration on Cultural Diversity
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

BACKGROUND

The Kenya Vision 2030, which asserts Kenya's aspiration to be a middle income country, espouses the importance of equity and national cohesion for long term development prospects and sustained nationhood. Despite its importance for national development, national cohesion and integration, is a challenge for the country as demonstrated by among other outcomes, the 2007/2008 post-election violence. The Kenya National Dialogue and Reconciliation Agreement (2008), which restored order following the post election crisis, identified the broad factors to be responsible for the lack of cohesion and integration to include: constitutional, institutional and legal challenges, lack of consolidation of national unity, and mismanagement of diversities. These broad challenges have eroded a sense of belonging, nationhood, and public trust in political and governance institutions.

This policy links the key challenges to national cohesion and integration to three broad dimensions: the institutional dimension, the equity dimension and the perspectives dimension. Some of the specific impediment to national cohesion and integration identified by this policy under these dimensions include: (i) the over-concentration of state powers on the Executive; (ii) weak respect for the rule of law in the context of a weak institutional framework; (iii) widespread abuse of human rights (iv) insecurity, proliferation of illegal arms and cattle rustling; (v) lack of transparency and accountability in the electoral processes; (vi) inequitable distribution of opportunities and public resources; (vii) poor management of natural resources such as land; and (viii) primacy of ethnic identity over national identity and citizenship. These challenges can nonetheless, be effectively addressed by policy interventions. Although the government has put in place interventions that will address some of the aforementioned challenges to national cohesion and integration – such as the National Cohesion and Integration Act (2008) and the Constitution of Kenya – there is need for a more definite framework within which interventions can be streamlined and rationalised.

The Rationale for National Cohesion and Integration Policy

National cohesion and integration as used in this policy means *a process and an outcome of instilling and enabling all citizens to have a sense as well as a feeling that they are members of the same community engaged in a common enterprise, facing shared challenges and opportunities*. This policy is aimed at: (i) fostering a general understanding of national cohesion and integration; (ii) guiding the efforts of stakeholders towards a cohesive and integrated society for nation building; (iii) enhancing the consistency and efficiency with which the government and other stakeholders design and implement appropriate interventions aimed at promoting national cohesion and integration; (iv) enhancing stakeholders' compliance with legal and regulatory requirements regarding national cohesion and integration; (v) mitigating the risks that predispose the country to conflict and promoting sustainable economic growth and development.

The aim, vision and mission of the policy

The *aim* of this policy is to ensure that Kenya becomes an equitable society that is politically, economically and socially cohesive and integrated where the citizens have a shared vision and sense of belonging while appreciating diversity. The *vision* of the policy is that Kenya shall be an equal opportunity, peaceful, prosperous and united nation, which is proud of its diversity while the *mission* is to spearhead the building of a harmonious and equitable nation through strategies that achieve national reconciliation, healing, justice, cohesion and integration.

Policy formulation approach

The development of this policy was a consultative process involving a team of experts and representatives from relevant government ministries, department and agencies. Inputs and formal submissions from the public and a wide range of stakeholders were sought and received through written memoranda from individuals and institutions, and consultative regional meetings.

Principles and policy strategies for promoting national cohesion and integration

The essential principles for achieving national cohesion and integration in Kenya include strong institutions, good governance, equity across citizens and regions, inclusion and non-discrimination, and a value driven society. Broad intervention areas include policies and strategies that shall seek to: (i) strengthen the institutional environment; (ii) lessen socio-economic inequalities; and (iii) effectively manage perspectives of the citizens. A summary of the policies, strategies and/or interventions for promoting national cohesion and integration is presented below.

- (a) ***Strengthen vital institutions for cohesion and integration.*** This shall encompass the transformation of the political and governance institutions – and in particular the Executive, Legislature and Judiciary and civil society. To strengthen institutions both at the national and county levels, the government shall, among other interventions: (i) redefine and/or reinforce the mission of the State and its organs to include promotion of national cohesion and integration of the citizenry; (ii) implement and popularise the Constitution of Kenya and constitutionalism as foundations for good governance; and (iii) strengthen the Judiciary for efficient dispute resolution and conflict management across the country.
- (b) ***Address socio-economic inequalities.*** To address regional and socio-economic disparities, the government shall, among other interventions: (i) develop and implement social investment programmes that systematically uplift all regions of the country and all segments of society, particularly those currently afflicted by high poverty rates; (ii) improve natural resource management practices to address inequity in access to resources including land; and (iii) develop a social

protection policy and implement interventions towards addressing youth unemployment.

- (c) ***Manage ethnic and other socio-cultural diversities more effectively.*** Kenya has rich diversity that has not been effectively managed to foster national cohesion and integration. These diversities include ethnicity, heritage, race, language, religion, and culture. The government shall among other interventions: (i) promote national associational life across diversities; and (ii) establish and support community cultural centres in all constituencies/counties as focal points for promotion of inter-cultural dialogue and national cohesion and integration.
- (d) ***Prevent, manage and reconcile conflict situations.*** Conflict prevention, management and reconciliation strategies are important for enhancing national cohesion and integration. In order to strengthen conflict prevention mechanisms, the government in collaboration with other stakeholders shall among other interventions: (i) strengthen ongoing efforts to develop early warning systems; (ii) enhance the institutional capacity of the judiciary and the national security organs; (iii) strengthen traditional institutions such as the institution of community elders in conflict early warning processes; and (iv) form strong early warning networks and linkages at local, national and international level.

To enhance conflict management, the government and other stakeholders shall among others: (i) establish adequate legal foundations to specify the jurisdiction, procedures, and enforcement of the alternative dispute resolution mechanisms; (ii) instil conflict management and reconciliation ethos among citizens; and (iii) enhance the mainstreaming of peace education at all levels of education. In addition, conflict reconciliation processes will be enhanced by: (i) expeditiously implementing recommendations made by the commissions and agencies set up to investigate conflict situations; and (ii) revitalizing traditional reconciliation processes.

- (e) ***Ensure the rule of law, security and order.*** To address security and order related challenges, the government shall, in the context of policing and judicial reforms launched since 2010: (i) strengthen all the institutions necessary for the implementation of the Constitution of Kenya; (ii) sensitize members of the public on the benefits of maintaining law and order; (iii) facilitate the adoption of best practices in the enforcement of law, order and provision of security; (iv) create awareness on the importance of national values; and (v) take or enhance measures to clear the judicial backlog. The government shall also enhance the use of intelligence information among all stakeholders involved in conflict management by among other interventions (i) strengthening the linkage between intelligence information and early warning systems and networks; and (ii) streamline the flow of communication among the various security agencies and decision making bodies to enhance early action.

- (f) *Address the unemployment challenge.* To address the challenge of unemployment, and in particular youth unemployment, the government shall: (i) accelerate and sustain high rates of economic growth by keeping political and macroeconomic risks low; (ii) enhance technical and vocational skills development of the youth to not only improve their likelihood of employment but also to improve their prospects for gainful self-employment; (iii) expand opportunities for the youth by: providing targeted job training and employment; imparting life skills; expanding internships, industry attachments and volunteerism; increasing access to basic business skills training; improving access to credit; and job search skills; and (iv) enhance the role of the National Youth Service (NYS) to rehabilitate, train and engage the youth.
- (g) *Entrench national values in all segments of society.* Value systems, when entrenched as a way of life, can foster national unity, cohesion and integration. To ensure that national values are mainstreamed in everyday life of Kenyans the government shall: (i) uphold, nurture, foster and promote national values and principles of governance as espoused in the Constitution; (ii) establish systems, structures, programmes and guidelines for the promotion of national values; (iii) sensitise all stakeholders on national values; (iv) recognise, reward and memorialise national values champions to foster national cohesion and integration; and (v) develop and implement a rewards system for espousal of national values.
- (h) *Establish mechanisms for participative communication and information sharing.* Effective participative communication will be an important tool to promote national cohesion and integration. To promote participatory communication, the government shall: (i) develop and implement a participatory communication strategy to facilitate sharing of information, dialogue, and feedback on national cohesion and integration; (ii) encourage other relevant stakeholders to develop and implement participatory communication strategies for enhancing national cohesion and integration; and (iii) strengthen grassroots structures such as community leaders and the institution of community elders, in participatory communication.

Role of stakeholders and coordination

There are many actors involved in national cohesion and integration activities in the country. These include the state, non-government organisations, faith-based organisations, media, non-formal sector, communities, community-based groups and individuals. However, their activities are weakly coordinated resulting into duplication of efforts, competition, conflict and inefficient utilisation of scarce resources. Consequently, clear identification of responsibilities, mandate and roles of each actor is necessary to enable monitoring by the Ministry responsible for national cohesion and reconciliation and by all stakeholders. At the national level, the central government through the Ministry responsible for national cohesion and

reconciliation will coordinate pertinent initiatives in the country. Further, the ministry will monitor sector performance of various government ministries, departments and agencies to ensure that cohesion and integration is mainstreamed.

Other state actors, including ministries, departments, state agencies, parastatals and semi-autonomous state agencies shall mainstream and infuse national cohesion and integration into their policies, strategies and activities. Non-state actors and private sector shall also be involved in advocacy, resource mobilisation for cohesion and reconciliation activities, training, sensitisation, monitoring, evaluation and reporting. All these stakeholders shall ensure equity in employment practices. On the other hand, citizens shall be encouraged to embrace Kenya's national values and the principles espoused in this policy so as to strengthen national cohesion and integration.

Legal framework and enforcement mechanism

The policy recognises, and indeed, draws its strength from the supremacy of the Constitution of Kenya (2010), which recurrently invokes equity and justice as fundamental principles. The implementation of this policy will also be linked with other relevant policies. However, the adoption of this policy will require a review of the National Cohesion and Integration Act (2008), which is part of the legal framework for the implementation of this policy.

Monitoring and Evaluation

Monitoring and evaluation of outputs, outcomes and impacts will play a critical role in realizing the results envisaged by this Policy. The Indicator Handbook for Monitoring and Evaluation and the National Integrated Monitoring and Evaluation System (NIMES) shall form effective frameworks for monitoring important medium term goals and indicators relating to some of the socio-economic aspects of national cohesion and integration. In addition, cohesion and integration indices shall be developed at national and county levels to link the strategies suggested in this policy to their actual implementation. Relevant government agencies will be identified to develop and monitor one or more such indices of national cohesion and integration and social transformation to keep track of the level of progress. Indicators could include aspects of social values, social capital, social integration, expectations for the future, ethnic distance, and trust. Identification of indicators will involve the establishment and adoption of specific national cohesion and integration targets by government ministries, departments and agencies. Monitoring and evaluation performance indicators shall be reviewed and updated periodically.

Financing of national cohesion and integration initiatives

Broadly, the national cohesion and reconciliation initiatives will be financed by government, non-state actors, communities and individuals. In the initial stages of policy implementation, government financing will be critical for the establishment

of the basic infrastructure for instilling national cohesion and integration. Development partners and the private sector will be encouraged to support the national cohesion and integration initiatives at all levels both in the short term and into the long term.

CHAPTER 1

INTRODUCTION

1.1 BACKGROUND

1. At Kenya's independence in 1963, the government identified illiteracy, ignorance, and poverty as major socio-economic challenges facing the nation.¹ At that time, Kenya's development model focused primarily on growth and poverty reduction, which was in tandem with the generally accepted development models. The focus on growth and poverty reduction is presently viewed as necessary for development, but not sufficient to ensure equity and national cohesion and integration - which are necessary for long term development prospects and sustained nationhood. Indeed, national cohesion and integration, which encompasses unity, social inclusion, freedom, democracy and the rule of law have been a challenge for Kenya. Part of the evidence for this is that the country has had progressively more challenging forms of conflict, the most recent example being the 2007/2008 post-election violence.

2. The challenges to enhancing national cohesion and integration date back to the colonial era. During colonialism, race was a major determinant of status, and thus there was neither desire nor concern for achieving a nationally cohesive and integrated society. The Kenyan state was a mere appendage of the British state, and the policy of "divide and rule" within the colonial state sustained the colonial endeavour. Numerous challenges have however, undermined the process of enhancing national cohesion and integration, even into independence.

3. A major impediment to the achievement of national cohesion and integration has been the mismanagement of national diversities and heritage. These forms of diversities include culture, ethnicity, race, religion, gender, age and socio-economic status. These diversities have interacted with intervening factors, such as the criteria designed by the state to share or access scarce resources and opportunities, to create circumstances and outcomes that on the whole hurt national cohesion and integration. While successive independence era governments have apparently sought after *nation statehood*, an inadequate policy framework, poor governance, lack of visionary and transformative leadership, among other factors, have continued to undermine national cohesion and integration.

4. Some of the policy measures designed and implemented by the government that were expected to promote national development and nationhood have had outcomes that hamper national cohesion and integration. For example, Sessional Paper No. 10 of 1965 championed nationwide reduction of poverty, disease and

¹ See Republic of Kenya (1965), Sessional Paper No. 10 of 1965 On African Socialism and its Application to Planning in Kenya.

ignorance.² Its focus on public investments in “areas with the greatest absorptive capacity” and weak implementation of distributive policies however widened the inequalities inherited from colonial-era investments. Even so, several efforts have been directed towards reversing the negative outcomes that have hitherto predisposed the country to conflict. Recent efforts include the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) 2003-07,³ and the *Kenya Vision 2030*⁴ and its First Medium Term Plan 2008-12.⁵ The Vision 2030, for example, recognises significant pockets of abject poverty as a risk to national cohesion and consequently aims for “a just and cohesive society that enjoys equitable social, political and economic development in a clean and secure environment.”

5. Recent socio-political events such as the 2007/2008 post-election violence ignited greater attention to matters that have a bearing on national cohesion and integration. As part of the National Accord, which restored order after Kenya’s post-2007 election violence, Parliament enacted the National Cohesion and Integration Act (2008).⁶ The Act outlaws discrimination on ethnic and other social grounds, and provides for the establishment of the National Cohesion and Integration Commission (NCIC). The Constitution of Kenya promulgated in 2010 has a number of provisions that touch specifically on national cohesion and integration.⁷ Article 10 of the Constitution emphasises the national values and principles of governance, including *national unity, social justice, inclusiveness, and equity*. Its Bill of Rights provides for equality and freedom from discrimination, guaranteeing the basic economic and social rights of all, while encouraging respect for diversity and fostering a sense of belonging.

6. The foregoing discussion is the context within which a desire has arisen to move from the hitherto *ad hoc* management of national cohesion and integration to a more substantive policy framework within which the measures above will be rationalised, and others identified to enhance national cohesion and integration for sustainable development.

² See Republic of Kenya (1965). Sessional Paper No. 10 of 1965 On African Socialism and its application to Planning in Kenya.

³ See Republic of Kenya (2003). Economic Recovery Strategy for Wealth and Employment Creation. Nairobi: Ministry of Planning and National Development.

⁴ See Republic of Kenya (2008a). *Kenya Vision 2030*. Nairobi: Government Printer.

⁵ See Republic of Kenya (2008b). First Medium-Term Plan 2008-2012. Nairobi: Government Printer.

⁶ All Kenyan legislation can be accessed at <http://www.kenyalawreports.org>

⁷ See Republic of Kenya (2010). The Constitution of Kenya. Laws of Kenya 2010.

1.2 RATIONALE FOR NATIONAL COHESION AND INTEGRATION POLICY

7. The need for a policy to enhance national cohesion and integration that resonates with all other national efforts towards the same course is crucial for Kenya. Such a policy will be important for Kenya's development agenda for a number of reasons:

- (i) One of the primary reasons is that Kenya's history is characterised by factors that predispose the country to conflict, which need to be addressed in order to enhance national cohesion and integration. The Kenya National Dialogue and Reconciliation Agreement (2008) that ended the post-2007 elections violence articulated these factors to include: constitutional, institutional and legal challenges; unresolved land issues; poverty, inequality and regional imbalances; youth unemployment; lack of consolidation of national unity; and impunity combined with a lack of transparency and accountability. These factors have eroded a sense of belonging, nationhood, and public trust in political and governance institutions. The inherent risks resulting from these circumstances could be ameliorated by formulating and implementing a national cohesion and integration policy.
- (ii) The achievement of Kenya's development goals for improving its people's socio-economic status is based on the existence of a just and cohesive society. There is growing recognition that sustainable development models should not only be based on growth and poverty reduction alone but also on social inclusion, wider participation and a sharing of common goals and visions. Consequently, a national cohesion and integration policy will guide the efforts of stakeholders towards a cohesive and integrated society for nation building.
- (iii) A national cohesion and integration policy is expected to enhance the consistency and efficiency with which the government and other stakeholders design and implement appropriate interventions aimed at promoting national cohesion and integration. The policy shall guide all stakeholders in realizing synergies and achieving the desired changes.
- (iv) The policy will enhance compliance with legal and regulatory requirements by all stakeholders including the government. These requirements comprise the values and principles of governance espoused in the Constitution which include: national unity, devolution of power, the rule of law, democracy and participation of the people; equity, social justice, human rights, non-discrimination and protection of the marginalised, good governance, transparency and accountability; and sustainable development. It will thus serve as a tool for quality improvement within the government and its agencies.

- (v) A Particularly important justification for a national cohesion and integration policy is its close linkage to peace building and conflict management. Lack of cohesion and integration is associated with disruption of both economic and social activities. It results in disruptions to social networks and undermines the government's capacity to deliver crucial services, while also dismantling avenues for important resource pooling activities. Absence of national cohesion and integration usually results in the diversion of vast resources from interventions that generate and sustain development, to those interventions targeting among others: conflict management and reconciliation, management of Internally Displaced Persons (IDPs), and the restoration of damaged infrastructure. The policy will be one of the important tools to guide conflict management and enhance peace in Kenya. Thus, a national cohesion and integration policy shall have positive impacts on human capital development, the flow of foreign investments, and consequently, on economic growth and development.

1.3 THE SCOPE OF THE POLICY

The National Cohesion and Integration Policy applies to all state organs, state and public officers, the private sector, non-state actors, development partners involved in national cohesion and reconciliation initiatives and all persons.

1.4 DEFINING NATIONAL COHESION AND INTEGRATION

8. National cohesion and integration and its related phrases or words such as 'inclusion', 'equity' and 'justice' are commonly used in national discourse, legal, and policy documents. Nevertheless, the meanings of these phrases and words are rarely provided within these contexts. Often, this omission is due to a perception that 'cohesion', 'integration' and their related concepts lack ambiguity and are concepts that have a clear and unmistakable meaning to the stakeholders, including the general population.

9. Lack of a conceptualisation and a definition of national cohesion and integration is a considerable omission because the phrases or words do not in themselves automatically imply the direction, substance or amount of change that would bring about welfare improvements.⁸ While the concepts are assumed to call for progressive change, they can easily be used to achieve the very opposite. As an example, Nazi Germany's Holocaust occurred in the pursuit of national unity and purity. In the Kenyan context, calls to exclude "intruders" in a particular region usually breed conflict. Consequently, precise definitions and characterisations are

⁸ Jenson Jane (1998), Mapping Social Cohesion: The State of Canadian Research. Canadian Policy Research Networks Inc. No. F/03. Renouf.

necessary for effective diagnosis of the challenges related to national cohesion and integration, and for developing effective interventions.

10. National cohesion and integration is an evolving concept whose definition varies with context. As an example, in more developed societies, the notion stresses economic and social gaps but assumes existence of democracy and strong institutions. In developing countries such as Kenya, the concept goes beyond economic and social gaps to include issues such as belonging, the rule of law, democracy and institutional strength.

11. National cohesion and integration entails – not an event, but – a *process* of constructing an integrated citizenry with a sense of belonging amongst members of different groups and across different regions. This is achieved through the regulation and reconciliation of differences and competing interests and demands. The ultimate goal of national cohesion and integration is to create an overarching national community, rendering irrelevant or at least secondary any loyalty to identities such as ethnicity, race, region, class and religion. It embraces unity of purpose in the citizens' participation in economic, social and political processes. It calls for equity in the generation and sharing of the country's resources, places priority on existence of peace and security, and supports inclusive development that takes into account social, cultural, political and economic realities. It thus goes beyond concepts such as peace-keeping and conflict management and reconciliation, which essentially deal with security assurance and the transformation of conflict.

12. National cohesion and integration is distinct from *social order*, which may exist without cohesion and/or unity. This occurs when social practices are reproduced coercively. In effect, national cohesion does not merely imply absence of war within the nation. National cohesion involves “the process of building shared values and communities of interpretation, reducing disparities in wealth and income, and generally enabling people to have a sense that they are engaged in a common enterprise, facing shared challenges, and that they are members of the same community.”⁹

13. From the foregoing perspectives on national cohesion and integration, this policy *defines national cohesion and integration in the Kenyan context as a process and an outcome of instilling and enabling all citizens to have a sense as well as a feeling that they are members of the same community engaged in a common enterprise, facing shared challenges and opportunities.* National cohesion and integration encompasses unity, equality, freedom, democracy, absence of war,

⁹ Maxwell, Judith (1996), *Social Dimensions of Economic Growth*, Eric John Hanson Memorial Lecture Series, Volume VIII, University of Alberta. As quoted by Jenson Jane (1998), *Mapping Social Cohesion: The State of Canadian Research*. Canadian Policy Research Networks Inc. No. F/03. Renouf.

just peace, social justice and the rule of law. Thus, the essential tools and processes for achieving national cohesion and integration in Kenya include: good governance, reducing disparities in wealth and income across citizens and regions, instituting non-discriminatory practices, and in the process enabling citizens to embrace Kenya's national values. This instills inclusion, which entails the realization of opportunities for full and equitable participation of diverse groups in economic, social, cultural and political institutions. It is based on the notions of belonging, acceptance and recognition.

1.5 DIMENSIONS OF NATIONAL COHESION AND INTEGRATION

14. Policy management and control will require the translation of the concept of national cohesion and integration in a manner that can be operationalised. For this purpose, three broad areas that encompass the dimensions of national cohesion and integration are identified. These are the institutional dimension, the equity dimension and the perspectives dimension. These broad dimensions can also be viewed as the broad principles that will guide policy interventions to enhance national cohesion and integration. These dimensions not only allow the operationalization of the concept but also help in evaluating the history and current status of national cohesion and integration. These dimensions will also guide the development of policies, strategies and programmes to enhance national cohesion and integration.

(a) Institutional dimension

15. The institutional dimension encompasses economic, political, legal and social institutions and organisations. Although transformation of all forms of institutions is important for national cohesion and integration, the transformation of political and governance institutions are especially important in the Kenyan context. The areas of concern encompass the roles of the Executive, Legislature, Judiciary, and the conduct of national politics.

(b) Equity dimension

16. The equity dimension recognizes that a country cannot achieve true national cohesion and integration if socio-economic disparities persist. This requires attention to vertical and horizontal equity, in effect implying affirmative action or positive discrimination. Vertical equity requires, for example, that people with unequal welfare assets are treated appropriately wherever they reside. In turn, horizontal equity requires the equal treatment of equals wherever they are. These approaches mean that affirmative action is practised in favour of the disadvantaged members of society across regions in the country. Consequently, communities whose development has been neglected for historic or other reasons should not be treated in the same way as communities that have previously been advantaged.

17. The conduct of governance has great implications on whether service delivery and its outcomes will be equitable or not. Communities in a country, more

likely than not, start off (at independence, for example) with divergent natural and non-natural asset bases, which has implications for the capacities of people to attain desirable welfare status. One obligation of governance is to reduce the extent to which inherited inequalities remain a significant determinant of attained welfare. The equity dimension obliges the government to effect policies that systematically address initial inequalities in a way that reduces regional imbalances, especially those in human welfare. Indeed, it is usually the case that wide disparities across groups in society are evidence of policies of exclusion, weak institutions and/or weak governance structures.

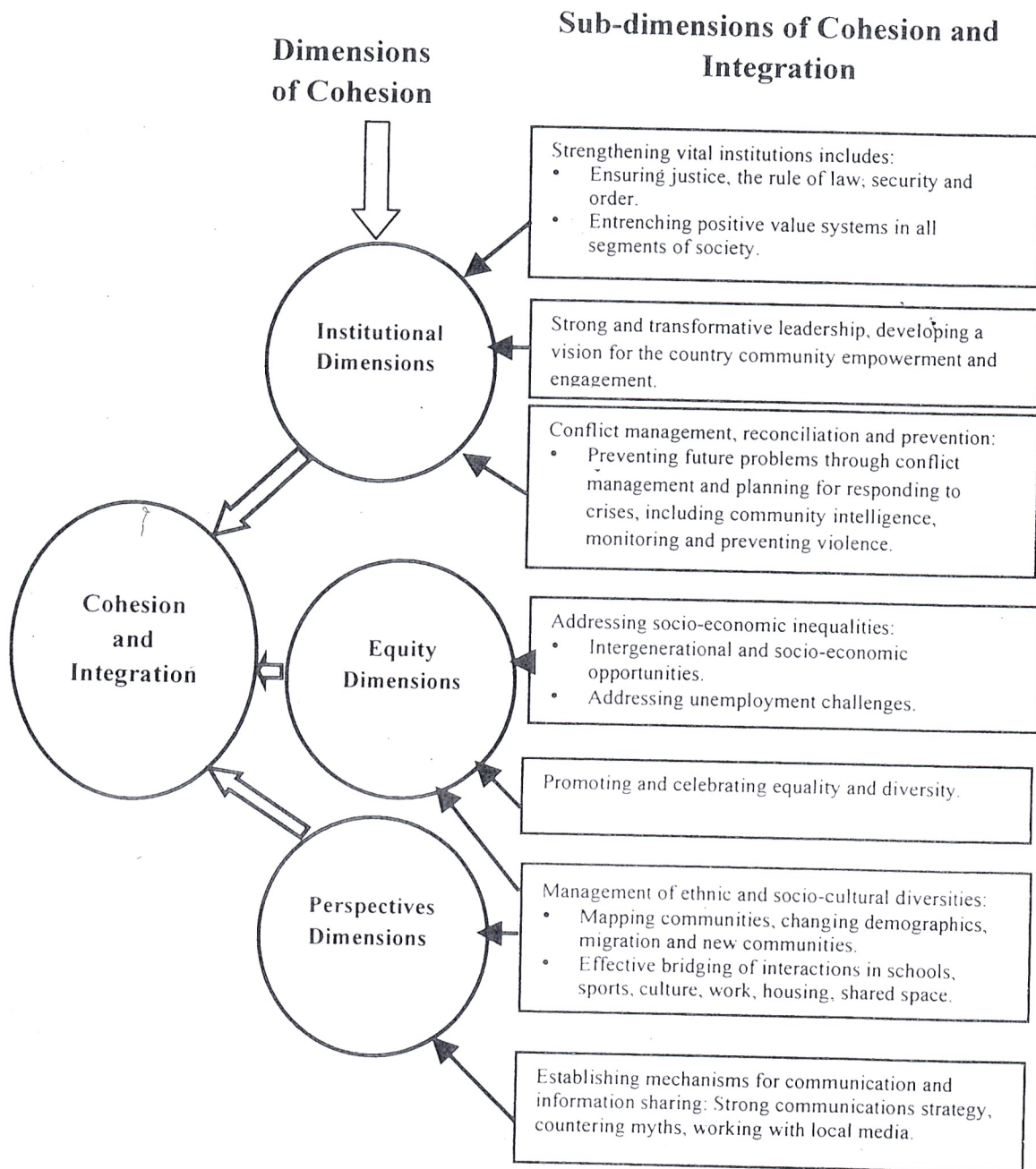
(c) Perspectives dimension

18. The perspectives or subjective dimension relates to the extent to which members of society feel that they are a part of both the society in which they live and work, and its processes of integration. This dimension is especially important because it is perspectives, rather than objective realities, that often determine political outcomes and the degree of cohesion and integration.

19. Apart from the definition and conceptualization of national cohesion and integration, there is also need to identify a comprehensive set of qualitative indicators and/or indices to enable movement from definition and conceptualization to practical policy applications or interventions. These indicators and/or indices will also enable policy makers, policy implementers, and the society at large to monitor national cohesion and integration processes.

Figure 1.1 presents these different dimensions, their respective sub-dimensions, and their link to national cohesion and integration:

Figure 1.1: Dimensions and Sub-dimensions of National Cohesion and Integration

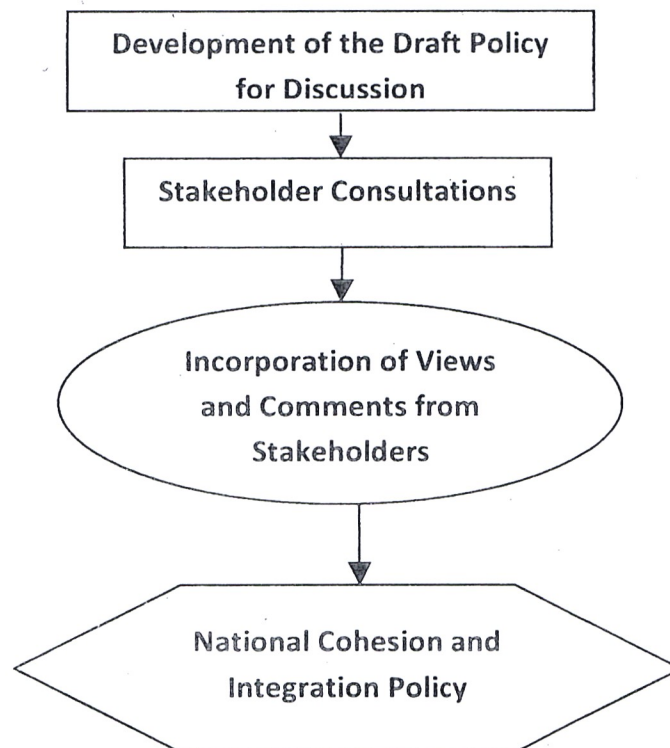


1.6 FORMULATING THE NATIONAL COHESION AND INTEGRATION POLICY

20. The policy formulation process was implemented in three main phases. In the first phase, a draft policy on National Cohesion and Integration was developed. The second phase involved comprehensive regional forums based on the draft policy. The public participated at two levels - the national and the County level.¹⁰ All the consultations involved teams of experts and representatives from relevant government agencies, the private sector, civil society, development partners, academia, faith based organisations, the media and other stakeholders.

21. The draft policy was disseminated to all stakeholders and posted on the websites of the then Ministry of Justice, National Cohesion and Constitutional Affairs (MoJNCCA), Kenya Institute for Public Policy Research and Analysis (KIPPRA), and the National Cohesion and Integration Commission (NCIC). This provided an avenue for the public to submit comments and written memoranda on the draft policy. The broad process of formulating this policy is summarised in Figure 1.2.

Figure 1.2: National Cohesion and Integration Policy Formulation Process



¹⁰ The regional consultations were hosted at Isiolo, Kakamega, Kisumu, Kitale, Machakos, Mombasa, Nairobi, Nakuru, Nyeri, and Wajir.

CHAPTER 2

2 SITUATIONAL ANALYSIS AND DIAGNOSIS OF COHESION AND INTEGRATION CHALLENGES IN KENYA

2.1 OVERVIEW

21. Kenya's challenges over national cohesion and integration are associated with political, social and economic disparities and the manner in which diversities have been managed before and into independence. Indeed, diversity often forms the basis of discrimination, impeding national cohesion and integration. As previously noted, the forms of social diversity in Kenya include culture, race, ethnicity, language, religion, gender, marital status, health status, age, and disability. Besides these social aspects of diversity, an important basis for socio-economic differentiation is the diverse agro-ecological heritages across the country.

22. As will be elaborated in the subsequent discussions, some of the impediments to national cohesion and integration in the past include the following:

- (i) The over-concentration of state powers on the Executive;
- (ii) Weak respect for the rule of law in the context of a weak institutional framework;
- (iii) Competition over poorly distributed national resources, which underscores ethnic privileges;
- (iv) Inequitable distribution of opportunities and public resources;
- (v) Poor management of resources, notably land and other natural resources;
- (vi) Insecurity, proliferation of illegal arms and cattle rustling;
- (vii) Widespread abuse of human rights;
- (viii) Lack of transparency and accountability in the electoral processes; and
- (ix) Primacy of ethnic identity over national identity and citizenship.

The Pre-independence Period

23. During the colonial era, there was extensive land expropriation and resettlement by the colonialists from the indigenous communities. Land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence. The expropriation was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted indigenous groups to the Native Reserves. These realities raised the

profile of land ownership and required extensive attention into independence to reduce their adverse impact on national cohesion and integration in Kenya. Land-related issues continue to be a lingering source of conflict to date.

24. Infrastructural development and other investments by the colonialists were skewed, and resulted in inequities across Kenya's regions. Colonial investments were denied to the reserves created for the indigenous communities to ensure a steady supply of labour from them to the settler farms. The colonial focus of social and physical infrastructure investments in the White Highlands was noticeable in key sectors such as education, health and water supply. These measures built on natural heritages to set the stage for the development of inequalities persisting across Kenya's regions to date.

25. The measures adopted by the colonialists to perpetuate their rule, such as restriction of indigenous communities in the Native Reserves, and the structure of colonial administration of dividing the country into administrative provinces and districts, which coincided with ethnic groupings, undermined the process of nation building. The measures ensured that indigenous Kenyans would not unite and rebel against the colonialists. Such measures were very effective in undermining the scope for indigenous communities mobilising across the ethnic divides, and entrenched their distinct ethnic identities. The colonial strategy of dividing and ruling its subjects infused pronounced divisions across the indigenous ethnic groups, causing the earliest attempts at social and political organisation to invariably have ethnic leanings or bases.

26. Even so, the very policies designed to entrench colonialism – such as land expropriation and restricted movement of the indigenous groups – led to grievances among the indigenous Kenyans, and to the rise of nationalism and the struggle for independence.

The independence period

27. The attainment of independence in 1963 ushered in great expectations among Kenyans of countrywide changes that would reduce poverty, disease and ignorance, thereby raising the level of national cohesion and integration. There were however several challenges in meeting a number of targets including the slow process of land resettlement programmes. As early as 1966, there was a falling out within the ruling party Kenya African National Union – (KANU) based on a number of grievances including land ownership. This resulted in the formation of the opposition party, the Kenya People's Union (KPU).¹¹

¹¹ See Odinga, O. (1965), *Not Yet Uhuru*. Nairobi: Oxford University Press; and Kaggia, B. (1975), *Roots of Freedom 1921-1963: The Autobiography of Bildad Kaggia*. Nairobi: East African Publishing House.

28. Although there was need for massive land redistribution, this was not implemented effectively and equitably. Land redistribution initiatives were generally mismanaged and resulted in unequal access to land. The mismanagement heightened conflict between various societal groups, given the importance of land as a source of wealth.

29. Weak governance and leadership presented a major challenge to national cohesion and integration. As examples, public appointments paid little attention to Kenya's diversity; there was creeping mismanagement of public financial resources, and an increasingly autocratic and repressive presidency. These and other governance challenges, such as political assassinations in 1965, 1969 and 1975 negatively impacted on national cohesion and integration during the 1963-1978 period.¹²

30. Socio-cultural challenges included negative ethnicity and inequitable provision of social services. There were no specific effective nation building policies to support provision of social services. Moreover, national development policies, such as the Sessional Paper No. 10 of 1965 whose thrust was to focus public investment resources on "areas with the highest absorptive capacity" – and whose implementation ignored redistributive policies – resulted in the concentration of resources away from the areas largely ignored during colonialism.

31. The period beginning from 1978 presented hope for Kenyans of a more inclusive regime that would pay attention to national cohesion and integration. Efforts that could potentially build national cohesion and integration included: the *Harambee* and *Nyayo* philosophies; the District Focus for Rural Development (DFRD); and the re-introduction of political pluralism. However, despite the *Nyayo* philosophy of peace, love and unity, there was insufficient attention to past grievances among Kenyans in the 1980s through to the 1990s. Specifically, there was: (i) lack of decisive land reforms, and land-based conflicts persisted; (ii) little regard to Kenya's diversity in employing or appointing public sector employees; (iii) inequitable distribution of budgetary resources; (iv) mismanagement of public resources; and (v) autocratic governance; among other challenges. In addition, constitutional changes centralised more power in the presidency. Budgetary resources remained overly centralised and development remained unequal despite the 1983 launch of the grassroots-based District Focus for Rural Development (DFRD) and the fifth National Development Plan's (1984-88) theme of 'mobilising resources for equitable development.' The Sessional Paper No. 1 of 1986 that espoused Structural Adjustment Programmes (SAPs) further deepened vertical and

¹² See Kanyinga, K. (2006), Governance Institutions and Inequality in Kenya. In Society for International Development (2006), *Readings on Inequality in Kenya: Sectoral Dynamics and Perspectives*. Nairobi: SID.

regional inequalities. The net effect of the political governance challenges of the 1980s and 1990s was that an estimated 57 per cent of the 1997 national population lived in poverty.

32. Undemocratic practices, lack of the rule of law, and abuse of human rights, which were mainly political challenges, continued to be major sources of disunity and national conflict. The return to single party state on 3rd June 1982, the 1982 abortive military coup, ethnic-based land clashes from the year 1991, political assassinations, and perceptions of little political space were other challenges. These challenges partly explain the clamour for multi-partyism in the early 1990s and the associated "ethnic clashes" of 1991, 1992, and 1997. During this period, the widespread unemployment among the youths predisposed them to easy mobilisation by politicians for criminal activity.

33. Besides political governance concerns, social issues and their management also posed challenges to national cohesion and integration in Kenya. Persistence of crimes such as cattle rustling and the infiltration of small arms undermined security and national cohesion and integration. The public education enrolment quotas – which curtailed the interaction of students across ethnicities – and the deployment of teachers was widely perceived as weakening national cohesion and integration. Other related challenges included the growing culture of greed, negative ethnicity, and inequitable provision of social services.

34. The feelings or reality of exclusion among various groups in society led to increasing internal demands for democratic governance, and hence call for a new constitutional dispensation in the 1990s through to the new millennium. Contemporaneous developments included: the 1999 launch of the Poverty Reduction Strategy Paper (PRSP); the launch of the Medium Term Expenditure Framework (MTEF) budgeting approach to improve the links between policies, plans and budgets; and the Millennium Accord which spawned the Millennium Development Goals (MDGs) designed to reduce poverty by half by 2015. Implemented fully, all the foregoing initiatives had the scope for increasing inclusion and enhancing national cohesion and integration in Kenya.

35. The elections in 2002 ushered in the National Alliance Rainbow Coalition (NARC) party government, which enjoyed massive goodwill from the citizenry. The goodwill yielded some positive momentum towards national cohesion and integration but this was not sustained. At the onset, the NARC government scored a few notable achievements, including the re-introduction of Free Primary Education (FPE) scheme and the Economic Recovery Strategy for Wealth and Employment Creation 2003-07 (ERSWEC),¹³ which ushered in reforms whose impact included rising growth rates and declining poverty, the latter decreasing to

¹³ See Republic of Kenya (2003), Economic Recovery Strategy for Wealth and Employment Creation. Nairobi: Ministry of Planning and National Development.

46 per cent by 2005/06 from about 56 per cent in 2002. The other major effort was the development of the Kenya Vision 2030 blueprint.

36. During the NARC regime, there were circumstances that created or perpetuated nationally divisive conditions such as the inadequate attention to regional and other inequalities, which kept alive feelings of selective exclusion. Other nationally divisive circumstances or processes in the run up to the 2007 elections were the slow pace of socio-political reforms – including the dragging of the constitution making process and the unabated corruption within the Government; the rejection of the proposed constitution in the 2005 referendum; the weak integrity within Kenya's justice system; the persisting concentration of state powers in the presidency; and the primacy of ethnic identity over national identity. The 2007/08 post-election violence was partly a culmination of an escalation of inter-ethnic rivalry and feelings of exclusion and marginalisation. While the violent outbreaks of the 2007/08 crisis were largely localised – primarily in western Kenya, the Rift Valley and Nairobi – they nonetheless impacted adversely on the already fragile state of national cohesion and integration.

37. The Government that was formed in 2008 has had a few achievements that have impacted positively on national cohesion and integration. These include the promulgation of the Constitution of Kenya in 2010, and the development of the National Land Policy. Like the other preceding regimes, the post-2007 regime faces a number of challenges including: political disagreements, the International Criminal Court (ICC) process of prosecuting suspected key perpetrators of the Post-Election Violence (PEV), and ethnicisation of the civil service. As an example, the National Cohesion and Integration Commission (NCIC) has documented extensive ethnic inequity in the distribution of public sector employment.¹⁴

38. Apart from the broad governance challenges discussed above, equity issues presented, and continue to present, a major challenge to national cohesion and integration. A key concern relates to the issue of wide regional inequalities. Disparities within and between regions are reflected in income inequalities and access to resources, opportunities and services. This can be illustrated using rural sample data from the Kenya Integrated Household Budget Survey (KIHBS) collected in 2005/6. In education, Kenya had a national literacy rate of about 71 per cent, with the leading and lagging community groups having literacy rates of about 83 per cent and 21 per cent, respectively. The time taken to get drinking water varies by region, with the worst off community spending about four times the time taken by the best placed community. The extents of disparity can also be illustrated by poverty rates, the national level being 46 per cent with regional variations

¹⁴ See National Cohesion and Integration Commission (2011), Report on Ethnicity in the Civil Service.

ranging from 27.5 to 66.9 per cent. These disparities have led to feelings of exclusion for the regions lagging behind and, hence, have undermined national cohesion and integration.

39. An important aspect of disparities relates to spatial distribution of the population in both urban and rural areas. In urban areas, different socio-economic groups may face various inter-related forms of segmentation, including labour market segmentation, residential segmentation, and segmented provision of essential services. This is usually a direct result of differences in households' purchasing power. A particularly important dimension of segmentation is the problem of urban informal settlements, or slums, whose residents earn low incomes, and face higher concentrations of crime, violence and victimization. Spatial segregation of services entrench poverty, strengthen mechanisms of the intergenerational reproduction of poverty, weaken harmonious coexistence, and generally foster inequality. The precarious livelihoods of slum dwellers results in an additional jeopardy in relation to the authorities. Their informal occupations are subjected to constant disruption by the local authorities, and their comparatively higher levels of delinquency are a perpetual attraction to law enforcers. The consequent feelings of exclusion among slum residents inevitably undermine cohesion and integration.

40. Besides the above inequities, Kenya has yet to fully integrate people of diverse abilities in socio-economic activities. As examples, Kenya has yet to mainstream provisions for people with disabilities in areas such as its housing building codes. Education for people with speech and hearing disability is similarly inadequate. With respect to gender inequality, Kenya remains an essentially patriarchal state despite having a history of women activism. This is evidenced by, among others, a relatively low Gender Equity Index, a composite measure of women's economic activity, empowerment and education¹⁵ and a low level of representation of women in leadership positions. The Constitution of Kenya contains provisions that are likely to address the gender imbalances, given its imperative that not more than two-thirds of employees in a public institution should be of one gender.

41. The foregoing discussion provides a broad picture of the historical context of the issues related to national cohesion and integration in Kenya. Most of the interventions with a potential to promote national cohesion and integration were actually targeting broader development goals such as growth and poverty reduction – and were thus indirect interventions. Currently, especially since the 2008 National Accord, there are various measures that have been instituted to address

¹⁵ Kenya's 2009 index score of 59 compared badly with the scores of Rwanda (84), Tanzania (72) and Uganda (67).

issues of cohesion and integration more directly. The related policy, legal and institutional context is discussed below.

2.2 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK FOR NATIONAL COHESION AND INTEGRATION

42. Apart from this policy, there are other policies, laws, and institutional frameworks upon which national cohesion and integration processes will be anchored. Some of the key policies that will promote the realization of national cohesion and integration include those on: peace building and conflict management; national values; culture and heritage; land; education; agriculture; gender; youth and those targeting persons with disabilities. These and other policies will be fortified by this policy to achieve national cohesion and integration more effectively and efficiently.

Legal and Institutional Framework

43. The legal and institutional framework refers to the system of rules, regulations and guidelines that are enforceable to govern behaviour or actions of agents. The key legal and institutional frameworks include the Constitution, Acts of Parliament such as the National Cohesion and Integration Act 2008, and international agreements, conventions and treaties. The Constitution in its first chapter and Article 2 and sub-articles 5 and 6 provides that "the general rules of international law shall form part of the law of Kenya" and that "any treaty or convention ratified by Kenya shall form part of the law of Kenya under [the] Constitution." This gives international conventions/treaties prominence in the management of national affairs. These and other provisions of the Constitution as well as other legislations will be built upon by the National Cohesion and Integration Policy.¹⁶

44. At the international level, Kenya is obligated under the international law regime to put in place measures that manage conflict and promote national cohesion and integration. Some of the key international conventions, treaties and agreements include: the Rome Statute of the International Criminal Court (ICC) of 1998, which Kenya ratified in 2005 and has great potential in restoring the rule of law by taming impunity and subversion of justice in Kenya; the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Kenya in 2001 and which requires its parties to outlaw hate speech; and the 1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified in 1997 and which is an international human rights instrument that aims to prevent torture. Some of the other pertinent conventions and treaties are listed in Appendix Box 1.

¹⁶ Some of these conventions and treaties are listed in Appendix Box 1.

45. Regional institutions such as the New Partnership for Africa's Development (NEPAD), the Inter-Governmental Authority for Development (IGAD) and the East African Community (EAC) have also established regional conventions and institutions that seek to promote security, durable peace and stability in the region. Regional conventions include: the 1981 African Charter on Human and Peoples' Rights ratified by Kenya in 1992, and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. These regional conventions seek to promote inclusion and prevent abuse of human rights, and have potential in enhancing national cohesion and integration. Some of the key challenges relating to the international and regional conventions, treaties and initiatives relate to the coordination of activities and lack of harmonisation with national legislation. The government will domesticate relevant international laws and treaties to align them with the national legislation for the promotion of national cohesion and integration.

46. At the national level, there are many provisions in the Constitution that provide the scope for promoting national cohesion and integration. There are also various legislations that provide additional frameworks. Key among the latter include the: National Cohesion and Integration Act No. 12 of 2008; the Political Parties Act No. 11 of 2011; Ethics and Anti-Corruption Commission Act No. 22 of 2011; National Gender and Equality Act No. 15 of 2011; Persons with Disabilities Act No. 14 of 2003; and the Truth Justice and Reconciliation Act No. 6 of 2008. There are also sector-specific laws such as the Environmental Management and Coordination Act No. 8 of 1999, laws relating to land, and labour laws that contain provisions that address conflict that affect those sectors. The foregoing frameworks give rise to sectorial policies that have the scope for promoting national cohesion and integration.

47. A key challenge facing the aforementioned laws is their weak implementation and/or disregard in the rule of law. As an example, corruption is still endemic despite the existence of anti-corruption laws and institutions. Overall, there is need to strengthen implementation mechanisms and also adopt transformative leadership styles that espouse the rule of law. Since some of the national level laws/legislations pre-dated the Constitution, it will be necessary to review them to ensure harmony. The rest of this section reviews some of the laws, policies and/or institutions that have a significant bearing on Kenya's attainment of national cohesion and integration.

National Cohesion and Integration Act 2008 and the National Cohesion and Integration Commission

48. The National Cohesion and Integration Act established the National Cohesion and Integration Commission (NCIC) whose mandate is to: "facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic and racial communities of Kenya, and to advise the Government on all aspects thereof." The Act is the most explicit

mechanism that has been set up to encourage national cohesion and integration by outlawing discrimination on "ethnic grounds", where ethnicity is defined to include race, religion, tribe and culture. The Act also criminalizes harassment, hate speech, threatening, abusive or insulting conduct, and discrimination in employment based on ethnicity. In outlawing the distribution of resources by a public officer in an ethnically inequitable manner, the Act sets 30 per cent as the maximum share of employees of a public office that may come from one ethnic group. The Act present a mechanism to effectively manage the effects of hate speech, skewed employment in the public service, and discrimination on ethnic grounds, which have presented significant challenges to the achievement of national cohesion and integration in Kenya since the attainment of independence in 1963. The National Cohesion and Integration Commission shall promote equality of opportunity, good relations, harmony and peaceful coexistence among Kenyans.

49. To make the National Cohesion and Integration Act a more effective tool for promoting national cohesion and integration, there are a number of issues that shall be addressed. These include: (i) the need to review the Act to recognise and/or encompass other actors/institutions in national cohesion and integration processes, so as to maximise on synergies; (ii) the need to review, re-align or rationalise institutions that are likely to overlap in their mandates to avoid duplication of effort; (iii) the need to extend the physical presence of the institutions to local levels for effective monitoring system; and (iv) the need to review the Act based on the provisions of the Constitution. Apart from creating laws on "ethnic" related offences, there is also need to create a wider array of laws that relate to cohesion. One set of laws that would be important for cohesion and integration would be more effective consumer laws and competition or Antitrust Laws. These include laws that prohibit anti-competitive behaviour and unfair business practices. These laws are important in addressing market failure in a number of key sectors in Kenya, which if not addressed could harm national cohesion and integration.

The Truth, Justice and Reconciliation Act No. 6 of 2008 and the Truth Justice and Reconciliation Commission

50. The Truth, Justice and Reconciliation Act 2008 provides for the creation of the Truth Justice and Reconciliation Commission. A key concern that led to the Act and the Commission was the realisation that unresolved past violations and abuses of human rights continued to undermine national cohesion and integration. The Commission was established "to promote peace, justice, national unity, healing, and reconciliation among the people of Kenya." Its functions included: investigation of gross violations and abuses of human rights; identify and specify the victims of the violations and abuses and make appropriate recommendations for redress; and make recommendations with regard to the creation of institutions conducive to a stable and fair society.

51. The Commission was mandated to make recommendations on the promotion of healing, reconciliation and co-existence among ethnic communities. Some of the

key challenges that the TJRC faced include: high expectation of stakeholders, the complex relationship between the TJRC and parallel processes such as the ongoing ICC process, and grassroots reconciliation efforts. Even so, TJRC's findings and recommendations shall inform the development of strategies aimed at promoting national cohesion and integration, healing and reconciliation.

Kenya National Commission on Human Rights Act 2011 and the Kenya National Commission on Human Rights

52. The Kenya National Commission on Human Rights (KNCHR) was originally established by the Kenya National Commission on Human Rights Act 2002 and more recently transformed into a constitutional body under the Kenya National Commission on Human Rights Act 2011. The mandate of the KNCHR is to enhance the promotion and protection of human rights in public and private institutions. The Commission is further mandated to monitor, investigate, research and report on human rights issues. Further, it is tasked with formulating programmes that enhance the profile of human rights in society. In these endeavours, the law requires it to liaise with the commissions on Gender and Equality and Administrative Justice (The Ombudsman) to ensure efficiency, effectiveness and complementarity. Given the history of gross violations of human rights in Kenya, the KNCHR is a crucial institution for restoring public confidence in the rule of law.

The Constitution of Kenya, 2010

53. The Constitution of Kenya provides a strong platform for the promotion of national cohesion and integration with many provisions that touch on national unity, harmony and peaceful coexistence. The Constitution exalts equity and diversity, including cultural diversity, and espouses the general principles of multiculturalism. As an example, the Constitution states in its preamble that "*We, the people of Kenya... [are] proud of our ethnic, cultural and religious diversity, and determined to live in peace and unity as one indivisible sovereign nation.*"¹⁷ It further espouses national values and principles of governance in Article 10 "*(which) bind all State organs, State officers, public officers and all persons...*" The national values and principles as well as Chapter 6 on Leadership and Integrity embrace the elements that will ensure a cohesive and integrated nation. These values and principles include national unity, devolution of power, the rule of law, democracy and participation of the people; equity, social justice, human rights, non-discrimination and protection of the marginalised; good governance, transparency and accountability; and sustainable development. These aforementioned principles build on various current and future legislations including the Ethics and Anti-Corruption Commission Act No. 22 of 2011 and the Anti-Corruption and Economic Crimes Act, 2003. A key challenge in the conduct of

¹⁷ The Constitution of Kenya, 2010

national affairs in the manner aspired by the Constitution is a general lack of constitutionalism. Continued momentum and vigilance to uphold the rule of law on the part of all stakeholders, including the government, will be important to sustain the aspirations of the Constitution.

54. The Constitution presents guidelines for tackling the challenges related to the institutional dimension of national cohesion and integration. These include the potential to enhance good leadership as it provides for a broadly popular Kenyan president who must have more than half of all votes cast in an election and at least 25 per cent of the votes cast in more than half of the 47 counties detailed in Article 138 (4). The Constitution also provides checks and balances over key public appointments that cease to be the exclusive prerogative of the President. For example, Article 152 (2) provides that the President nominates individuals who are non-parliamentarians for the positions of Cabinet Secretaries, which must, however, be approved by Parliament. Other key public appointments are similarly guarded, including: the Attorney General – Article 156 (2); the Director of Public Prosecutions – Article 157 (2); the Chief Justice and Judges – Article 166 (1); the Public Service Commissioners – Article 233 (2); the National Security Organs – Article 239 (6); the Inspector General – Article 245 (2); and Commissions and Independent Offices – Article 250 (2). Effectively, then, the Constitution shall enhance good governance, which has been a major challenge since independence in 1963.

55. Issues related to the equity dimension are also taken into account by the Constitution. As an example, the Constitution provides for semi-autonomous counties that will receive *equitable* grants from Treasury based on the recommendations of the constitutional Commission on Revenue Allocation.¹⁸ The Constitution also provides for the Equalisation Fund, which is set aside “only to provide basic services including water, roads, health facilities and electricity to marginalised areas to the extent necessary to bring the quality of those services in those areas to the level generally enjoyed by the rest of the nation, so far as possible” in Article 204 (2). In addition, the Constitution provides for the representation of minorities and marginalized groups in governance, and to provide access to employment and special opportunities in educational and economic fields. Therefore, the Constitution provides impetus to diminish Kenya’s regional inequalities, which continue to be a recipe for national disharmony and dissatisfaction among the citizenry.

56. Other major historical grievances that have undermined national cohesion and integration, such as land management and the abuse of human rights, are also addressed effectively in the Constitution. On land management, the National Land

¹⁸ Allocating resources *equitably* – not equally – is the correct strategy for redressing the vast levels of welfare inequality across Kenyan Counties.

Commission is established to manage public land on behalf of the national and county governments, and to provide the national government with recommendations on land. Article 60 (1)'s principles of land management include equity and efficiency of use, and sustainable production.

57. On abuse of human rights, the Bill of Rights provides for equality and freedom from discrimination. In addition, it guarantees the basic economic and social rights of all, while encouraging respect for diversity, and fostering a sense of belonging. Article 59 provides for a strong Kenya National Human Rights and Equality Commission, which should oversee adherence to the Bill of Rights contained in chapter Four. The Commission on Administrative Justice shall promote respect for people's rights. Overall, if implemented effectively, the Constitution of Kenya holds great promise in reversing past grievances related to the management of national resources and in upholding the rule of law.

Kenya Vision 2030

58. *Kenya Vision 2030* is built on three pillars: social, economic and political. The Vision evokes equity, emphasising the need to focus interventions on the arid and semi-arid lands, high poverty areas, unemployed youths, women and vulnerable groups. The Vision is a statement of broad principles to be transformed into five-year medium term plans and annual work plans. Yet, since the devolution legislation provides for autonomous Integrated County Development Plans as the basis for the release of development resources, there will be a great need to synchronise national and county objectives to promote development and enhance national cohesion and integration.

59. The social pillar envisions the building of a just and cohesive society that enjoys equitable social development in a clean and secure environment. The Vision lists the key social sectors to be transformed to include: education and training; health; water and sanitation; housing and urbanisation; gender; youth; sports; and culture. These sectors are conventionally accepted to be important for national cohesion and integration, and for sustainable development. An overarching theme that ought to be emphasised is the need to reverse inequalities across regions and social groups. This will require the monitoring of the impacts of the Vision's interventions on inequities.

60. The economic pillar strives for macroeconomic stability as the foundation for greater economic growth that creates wealth, and reduces poverty and inequality in order to enhance national cohesion and integration. The Vision also centres attention on, among others, infrastructure and land reforms. This is pertinent, given that vast regions in Kenya lack adequate infrastructural facilities including in sectors such as energy, transport and communication, health, and education. Improved infrastructure and land management, especially in marginalised regions, has the potential to enhance security, the inflow of investments, employment

opportunities, and livelihoods. This would provide greater scope for national cohesion and integration.

The political pillar envisions a democratic political system whose foundation is provided through the implementation of the Constitution. While the Vision did not anticipate the elaborate governance reforms necessitated by the Constitution, the reforms are nevertheless good for the delivery of the Vision, since they are designed to enhance transparency, accountability and efficiency. For example, the constitutional limitation of the size of the Cabinet should save resources and enhance the efficiency of service delivery. Further, the Vision anticipates judicial, public service and policing reforms that should improve delivery to regions previously marginalised in these respects.

Ministry of Interior and Coordination of National Government

61. The mandate of the Ministry of Interior and Coordination of National Government encompasses the national government coordination, citizenship and immigration policy, management of refugee services, small and light weapons management, internal security affairs, national cohesion and reconciliation management, and national peace building and conflict management. The ministry shall ensure comprehensive implementation of this policy.

62. Under the Ministry of Interior and Coordination of National Government is the Directorate of National Cohesion whose function entails the development of policies, strategies and plans for the achievement of national cohesion and reconciliation; spearheading the promotion of national values management and coordination of nationwide cohesion programs and preparation of legal, institutional, economic, cultural and other strategies for addressing societal divisions in Kenya. In addition, the Directorate is responsible for facilitating the setting up of structures and institutions for promotion of national values and infusing national cohesion in the public sector.

Further, the Directorate is mandated to create a database of national cohesion stakeholders, conduct research, advocacy, public education and sensitization on national cohesion and national values, undertaking monitoring and evaluation of cohesion programmes in the country and their respective impact, and encouraging responsible media coverage for achievement of national cohesion. The Directorate shall spearhead the effective implementation and review of the policy.

63. The mandate of the National Steering Committee on Peace building and Conflict Management, also under the Ministry, is to create peace where there are threats to peaceful coexistence as a result of insecurity, breakdown of law and order and proliferation of small arms. The National Steering Committee's objective is to instil community ownership of peace processes, and has consequently established district and community level interventions for which it has build capacity for dialogue, peace advocacy and conflict monitoring. The Committee

serves as the point of reference for the peace building and conflict management. The National Steering Committee has domesticated IGAD's Conflict Early Warning and Response Mechanism, and it has a documentation centre that enables experience sharing. NSC shall provide prompt and rapid response to threats to peace and security.

Other Public Sector Institutions

64. Apart from the Ministry of Interior and Coordination of National Government, most of the other government ministries have mandates that have a direct or indirect bearing on national cohesion and integration. The office of the Attorney General and Department of Justice will develop appropriate policies for the promotion of justice and oversee the implementation of the truth and justice components of the Truth, Justice and Reconciliation Commission (TJRC) report. The Directorate of Public Prosecutions will institute and undertake criminal proceedings for the promotion of cohesion and integration.

Other key institutions include the Ministry of Education – given that education can be used as a tool to foster nationalism, patriotism, and national unity as well as to promote sound moral values; the Ministry of Devolution and Planning, whose mandate encompasses youth empowerment; and the Ministry of Sports, Culture and Arts, given that culture and heritage can be used to promote national cohesion and integration. One of the key challenges that this policy seeks to address is the lack of coordination of the various interventions by the different players/agencies. Fundamentally, there is lack of appreciation of the synergies that can be created if the activities are coordinated by a single agency. Although the various institutions have some link to the promotion of national cohesion and integration, there is usually no explicit objective or mandate in these key bodies related to national cohesion and integration. Mainstreaming national cohesion and integration within government agencies and in policies shall be a key intervention going forward.

In closing this contextual review, the table below summarises initiatives and policies that have had a positive or negative effect on national cohesion and integration in Kenya.

Table 2.1: Policies and Interventions and their Effects on National Cohesion and Integration

Year	Intervention or Development	Status and Concern(s)
1925-1963	Colonial divide and rule policies and tactics	(i) Inherently anti nation-building; (ii) Successful in delaying the emergence of nationwide political initiatives until the late 1950s; (iii) Build on agro-ecological differentiation to sow the seeds of unequal development.
1963-1978	The first post-independence government	(i) Repressive governance style; (ii) Abuse of human rights, e.g. political detention without trial; (iii) Poor governance.
1960s-1970s	Land reforms and the operations of the Agriculture Settlement Fund	(i) Involved ineffective attempts at settling the landless; (ii) Poorly implemented and resulted in expropriating land; (iii) Perpetuated land inequities.
1960s to 1980s	Persisting exclusion of sections of the republic	(i) Insecurity and lack of social and physical infrastructure and other amenities, leading to weak/no delivery of public services; (ii) Persisting human rights abuses.
1960s	Sessional Paper No. 10 of 1965 on African Socialism and its application to planning in Kenya Sessional Paper No. 10 of 1967 development blueprint	(i) Repeatedly invoked poverty reduction and welfare enhancement; (ii) Exacerbated inequality by focusing investment resources on areas with the 'highest absorptive capacity' without adequate redistributive policies; (iii) Consequently exacerbated inequalities.

Year	Intervention or Development	Status and Concern(s)
1963- 1969	<p>Betrayal of the KANU nationalist ideals, especially on land reforms</p> <p>Ad hoc constitutional changes</p>	<ul style="list-style-type: none"> (i) 1966 split in KANU, creating opposition Kenya People's Union; (ii) Land mismanagement including land grabbing; (iii) Parochialism in public appointments; (iv) Heightening of abuse of human rights including political repression and detentions without trial; (v) Centralisation of power in the presidency.
1960s and 1970s	Kenyanisation of public service, trade and industry	<ul style="list-style-type: none"> (i) Established the Industrial Development Bank, Industrial and Commercial Development Corporation, Agricultural Finance Corporation, amongst other state agencies; (ii) Benefited mostly the political class, thus sowing seeds of inequalities.
1973-1979	<p>First and second international oil crises</p> <p>Emasculation of Parliament, especially with respect to its oversight of public spending</p>	<ul style="list-style-type: none"> (i) High inflation, which undermined the welfare of the poorest; (ii) Decline of public spending scrutiny and the emergence of large corrupt dealings; (iii) The rise of <i>harambee</i> as the basis of social infrastructure investment.
1978-2002	The second independence regime	<ul style="list-style-type: none"> (i) The attempted coup leading to the constitutional change into the <i>de jure</i> single-party state; (ii) Continuing abuse of human rights including detentions without trial, the Wagalla massacre, and others; (iii) District Focus for Rural Development (DFRD) to devolve resources; (iv) 1991 return to multi-partyism; (v) 1997 Inter-Parties Parliamentary

Year	Intervention or Development	Status and Concern(s)
		Group (IPPG) platform, which opened up greater political space.
2003	Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC)	(i) Revamped economic growth after a period of economic slowdown; (ii) Interventions reduced poverty incidence.
2008	Truth, Justice and Reconciliation Act 2008– to create the Truth, Justice and Reconciliation Commission	(i) Mandated to investigate past violations and abuses of human rights and to make recommendations to avoid a recurrence.
2008	Life Skills Curriculum Developed by the Ministry of Education	(i) Implemented in primary schools but too early to assess its effects.
2007	Vision 2030	(i) Focused the country to long term development; (ii) Identified broad social, economic and political challenges facing the nation.
2011	Kenya National Human Rights Commission Act 2011	(i) Operationalises the Bill of Rights that supports realisation of national cohesion
2008	MoJNCCA	(i) Mandate expanded to include policy on national cohesion; (ii) Department of National Cohesion created to guide policy formulation and implementation processes on national cohesion.
2008	National Cohesion and Integration Act 2008, which created the National Cohesion and Integration Commission	(i) The Act outlaws all forms of ethnic discrimination; (ii) Created the NCIC which, among other functions, educates/mobilizes the population on matters relating to national cohesion and integration; (iii) The NCIC ethnic composition audits in public institutions have the potential to improve ethnic diversity in public sector

Year	Intervention or Development	Status and Concern(s)
		appointments.
2010	Constitution of Kenya 2010	(i) Shall improve all aspects of governance in Kenya; including legal and institutional; the promotion of National Values; and leadership and integrity; (ii) Introduces adequate checks and balances.

2.3 SWOT ANALYSIS

65. In developing this policy, it was necessary to assess the context of national cohesion and integration in the country by conducting a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis. The analysis looked at the internal environment (strengths and weaknesses) and matched it with the external environment (opportunities and threats) to develop a list of strategically significant actions. Consequently, a SWOT analysis for national cohesion and integration in Kenya is presented in Table 2.2 and thereafter discussions are presented on: (i) how strengths can be used to take advantage of opportunities; (ii) how to take advantage of strengths to avoid real and potential threats; (iii) how to use opportunities to overcome weaknesses; and (iv) how to minimise weaknesses and avoid threats.

Table 2.2: SWOT Analysis of National Cohesion and Integration in Kenya

Strengths	Weaknesses
<ul style="list-style-type: none"> (i) Constitution of Kenya (2010) (ii) Friendly and sociable people (iii) General stability of the economy (iv) Relatively rich natural resources including quality agricultural land (v) Stable government and long history of peace and stability (vi) Strong religious attachments for most of the population (vii) Lessons learned from the 2007/08 PEV experiences (viii) The National Cohesion and Integration Act, 2008 (ix) Vibrant civil society 	<ul style="list-style-type: none"> (i) Weak leadership (ii) Mismanagement of ethnic and other diversities (iii) Undeveloped inter-agency collaboration in enhancing cohesion and integration (iv) Unequal distribution of resources across regions (v) Weak implementation of policies (vi) Weak institutions to prevent and/or resolve conflict (vii) Weak political will among leaders (viii) Weak recognition of the rule of law (ix) Weak value systems
Opportunities	Threats
<ul style="list-style-type: none"> (i) Decentralization and county governments (ii) Educated population (iii) Ethnic and cultural diversity and potential growth of cultural tourism (iv) Geopolitical advantages (v) National emblems and music and drama festivals (vi) Optimistic society in the context of the new constitutional dispensation and related legislative and institutional reforms (vii) Reforms in the country's governance institutions (viii) Regional integration processes (ix) Society based on the rule of law and respect for human rights (x) Substantial support from development partners (xi) The prowess of Kenyan sporting personalities 	<ul style="list-style-type: none"> (i) Avaricious political elite (ii) Deep rooted negative cultural beliefs, practices, myths and stereotypes (iii) Drought and climate change (iv) Feelings of marginalisation and exclusion that could breed radicalisation (v) Hate speech, stereotyping and discrimination (vi) High and rising cost of living (vii) High unemployment rates especially among the youth (viii) Impunity and lack of accountability (ix) Influx of refugees and proliferation of arms (x) Large/widening socio-economic gaps (xi) Public mistrust of political and governance institutions (xii) Terrorist activities (xiii) Economic crimes (xiv) Weak implementation of reform policies (xv) Weak value systems

66. In utilising the identified strengths to take advantage of the listed opportunities, the following strategically significant actions or issues can be conceived from the SWOT analysis:

- (i) The effective implementation of the Constitution can be used as an anchor to reap the benefits from overall development associated with wide optimism of the Kenyan society and maximise the benefits associated with decentralisation and county governments.
- (ii) The sociability and friendliness of Kenya's peoples can be exploited to promote positive acceptance of various diversities as well as a more conscious and gainful celebration of Kenya's diversity. Efforts will be directed towards the promotion and development of domestic and foreign cultural tourism, among other interventions. The use of Kenya's relatively conspicuous sporting personalities, and sports in general, presents a strategic entry point to create pride and positive synergies in appreciating diversity. The national symbols, as well as songs and drama festivals will be used to enhance national cohesion.
- (iii) Kenya's relatively rich natural resources can be used more effectively to realize gainful investments. Investments can be enhanced by exploiting Kenya's geopolitical advantages and its educated population more proactively.
- (iv) The stable government and general stability is a strength that can be exploited, for example in sustaining support from development partners in national cohesion and integration processes and to maintain Kenya's strong geo-political status in the region.
- (v) The vibrant civil society can serve as a watchdog to ensure that there is sustained momentum to guarantee that the society is based on the rule of law and respect for human rights, especially in the context of the Constitution. The civil society can play a significant role in ensuring that the envisaged reforms in the governance institutions are kept on track. The strong religious attachment of most of the population presents good prospects for the religious institutions, in collaboration with other stakeholders, to inculcate values such as tolerance, respect for persons, equality and the rule of law.

67. Kenya can use its strengths to make sure that the threats listed above never eventuate. Some of the major preventive actions that will be taken include:

- (i) The effective implementation of the Constitution, which has the potential to address a number of threats including: curbing the excesses of the political elite in particular those related to bad governance and impunity; reducing socio-economic gaps – e.g. through the equalisation

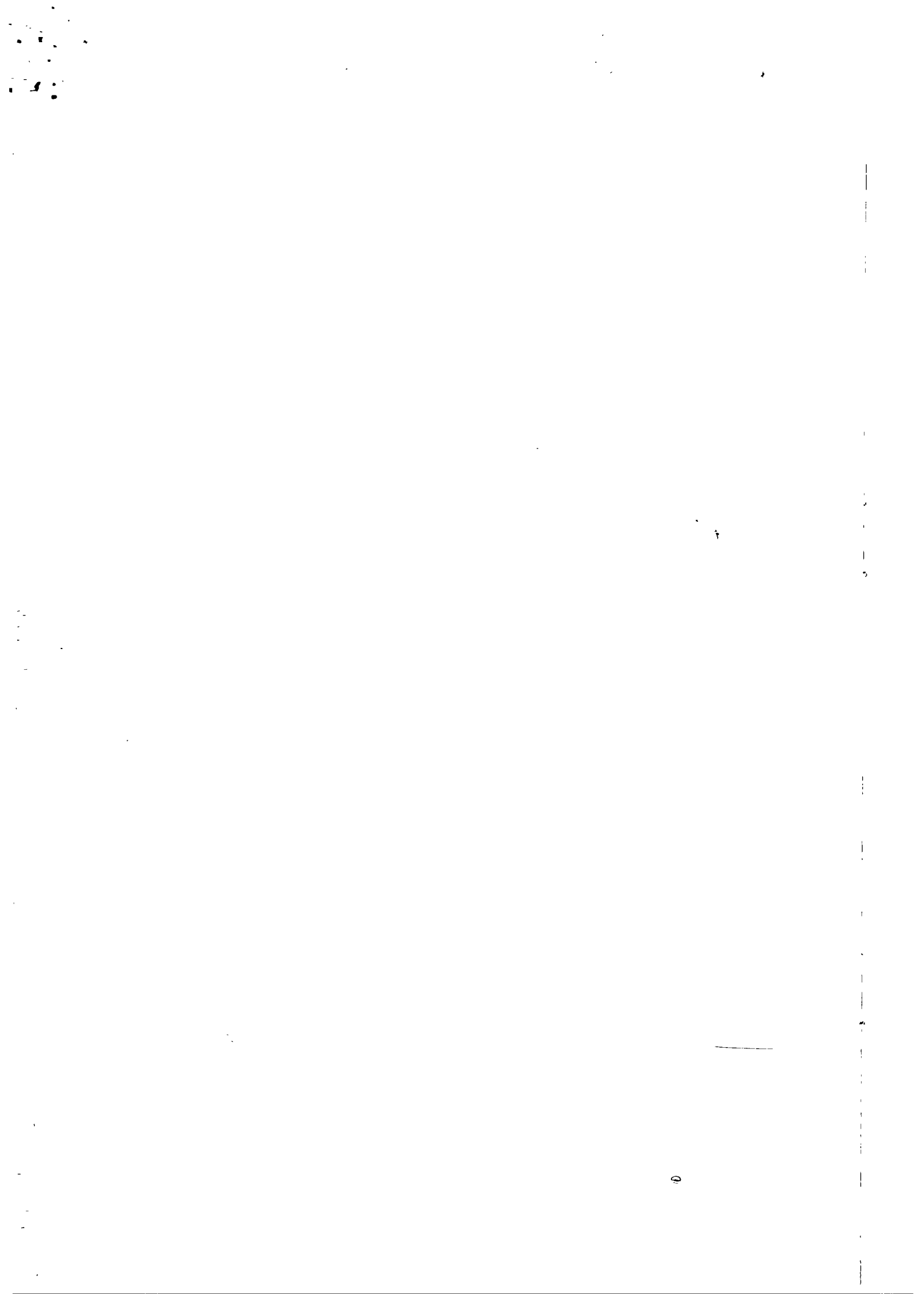
fund; creating more trust for political and governance institutions, e.g. through actualisation of the national values; do away with impunity and lack of accountability as well as feelings of marginalisation and exclusion; and to some extent address weak nationalistic values.

- (ii) The threat of high unemployment among the youth will be addressed by effectively harnessing Kenya's natural resources, including her natural diversity and heritages. To some extent, effective harnessing of resources can ease the threat of the high and rising cost of living.
- (iii) The deep rooted negative cultural beliefs, practices, myths and stereotypes could be partly addressed by scaling up or directing the efforts of the vibrant civil society organisations towards more civic education in these areas. The civil society organisations are an important watchdog in addressing the threat of weak implementation of reform policies in Kenya.
- (iv) The threat of hate speech can be diminished by effective implementation of the Constitution and the National Cohesion and Integration Act, 2008.

68. The identified weaknesses mainly relate to issues that can be corrected by the Constitution and development plans. It follows that the dominant action open to all stakeholders – to ensure that the weaknesses identified above do not prevent the country from taking advantages of the opportunities open to it – shall be to effectively implement the Constitution and Vision 2030. The provisions in the Constitution can effectively deal with weak recognition of the rule of law; weak value systems; weak leadership; weak implementation of policies; mismanagement of diversity and weak institutions of conflict prevention, management and reconciliation.

69. The stakeholders should ensure that the weaknesses do not cause the threats to occur. Some proposed actions include:

- (i) The need to become more open about the causes of lack of national cohesion and weak integration and to resolve the issues expeditiously.
- (ii) Development of effective sanctions against members of the society who undermine cohesion and integration.
- (iii) The need to identify and implement innovative ways to accelerate and maintain high economic growth with redistribution, paying attention to interventions that offer better economic opportunities to poor people. Such strategies must incorporate investment programmes that systematically uplift all regions of the country and all segments of society, particularly those currently afflicted by high poverty rates.



CHAPTER 3

3 NATIONAL COHESION AND INTEGRATION POLICY FRAMEWORK

70. The Policy framework includes broad goals, aim, vision, mission, objectives, policies and strategies the government will strive to achieve in relation to enhancing national cohesion and integration in Kenya.

3.1 GOALS

71. The major goal of this policy is to ensure that the Kenyan society is cohesive and integrated. This shall be achieved by:

- (i) Enhancing a clear understanding of the concepts of national cohesion and integration;
- (ii) Identifying, understanding, and addressing the historical and contemporary causes of weak national cohesion and integration;
- (iii) Developing strategies for mainstreaming national cohesion and integration into all national development programmes, projects and activities;
- (iv) Integrating Kenyans in terms of political, economic and social activities as guided by the national values and principles of governance contained in Article 10 of the Constitution of Kenya (2010); and
- (v) Objectively monitoring and evaluating the country's performance towards achieving national cohesion and integration.

3.2 AIM

72. The aim of the Policy is to ensure that Kenya becomes an equitable society that is politically, economically and socially cohesive and integrated, where the citizens have a shared vision and sense of belonging while appreciating diversity.

3.3 VISION

73. An equal opportunity, peaceful, prosperous and united nation, which is proud of its diversity.

3.4 MISSION

74. To spearhead the building of a harmonious and equitable nation through strategies that achieve national reconciliation, healing, justice, cohesion and integration.

3.5 OBJECTIVES OF THE NATIONAL COHESION AND INTEGRATION POLICY

75. The overriding objective of the Policy is to guide the building of a just, cohesive and integrated society that enjoys equitable social, economic and political

development as espoused in the Constitution of Kenya (2010). The intermediate objectives are to:

- (i) Address causes of ethnic discrimination, negative ethnicity, feelings of discrimination, unequal distribution of resources and opportunities;
- (ii) Foster equity and social justice by building on, or complementing other ongoing national processes aimed at addressing nationhood, national cohesion and integration;
- (iii) Foster a general understanding of the concepts of national cohesion and integration, especially in relation to the Constitution of Kenya (2010);
- (iv) Identify principles, policies and strategies that should guide the process of national cohesion and integration, and reconciliation;
- (v) Provide a schedule of roles for various stakeholders in the operationalisation of the national cohesion and integration process, and establish how these stakeholders can be mobilized to play their roles effectively;
- (vi) Provide a framework for the implementation of the policy's strategic objectives while mainstreaming national cohesion and integration objectives into national development programmes, projects and activities;
- (vii) Unify and integrate Kenyans into a cohesive society guided by national values and the principles of governance contained in Article 10 of the Constitution.

3.6 NATIONAL COHESION AND INTEGRATION POLICY STRATEGIES

76. This section focuses on the policies, strategies and interventions aimed at improving national cohesion and integration. The implementation of these interventions will involve a wide array of sectors and stakeholders. Apart from the public sector, the private sector will be a critical player that should be engaged to develop and/or support its own initiatives towards the achievement of national cohesion and integration. The importance placed on transformative leadership and values suggest that the interventions will need to not only target institutions but also individuals and family units. At the onset, it should also be clear that there will be need to streamline the proposed interventions into a wider development policy agenda.

77. At all stages of the implementation process, it will be critical that the interventions settled upon are amenable to effective monitoring and evaluation to gauge their effectiveness. This will include the identification of Specific, Measurable, Achievable, Reliable and Time-bound (SMART) indicators. The priority areas of policy intervention include:

- (i) Strengthening vital institutions for cohesion and integration;
- (ii) Addressing socio-economic inequalities;
- (iii) Management of ethnic and socio-cultural diversity;
- (iv) Conflict prevention, management and reconciliation.
- (v) Ensuring the rule of law, security and order;
- (vi) Addressing the unemployment challenge;
- (vii) Entrenching positive value systems in all segments of society; and
- (viii) Establishing mechanisms for communication and information sharing.

3.6.1 Strengthening Vital Institutions for Cohesion and Integration

78. Institutions in general - and mechanisms of governance in particular - form an important framework as well as dimension in enhancing national cohesion and integration in Kenya, given the country's history of having weak and ineffective institutions. The transformation of the political and governance institutions – that is, the Executive, Legislature and Judiciary – is particularly important for the achievement of national cohesion and integration.

79. Since independence, Kenya's political and governance institutions have been characterized by excessive centralization of power and patronage. This has resulted in exploitation, exclusion, and the promotion of ethnic and regional inequality. Efforts have, however, been made to restore the role institutions can play in enhancing national cohesion and integration. In particular, the Constitution provides for devolution to county governments, whose grassroots presence makes them ideal for spearheading national cohesion and integration initiatives, as well as monitoring and evaluating the impacts of such initiatives.

80. The role of leadership, and particularly transformative leadership, will be indispensable in enhancing national cohesion and integration. Given the past leadership challenges related to lack of vision, there is need for the country to transform its approach to leadership. Specifically, the leadership approach should cause positive change in individuals and social systems. Various policies shall be implemented at the national and county levels. The government shall:

3.6.1.1 Redefine and/or Reinforce the Mission of the State and its Organs to Include Promotion of National Cohesion and Integration of the Citizenry.

The government shall:

- (i) Mainstream national cohesion and integration in all development policies and strategies;

- (ii) Ensure diversity in employment and management in public and private establishments. Approaches involving results-based management and performance contracting shall be used to effect this transformation;
- (iii) Embrace capacity building and training in transformative leadership for the national government and county government state officers and employees;
- (iv) Create and operationalise continuous community dialogue forums, such as are provided for under the Devolved Government Bill, to discuss causes and solutions to issues affecting national and local cohesion and integration;
- (v) Define and operationalise the roles of community leaders, including the institution of community elders, in promoting national cohesion and integration; and
- (vi) Incorporate or expand/deepen national cohesion and integration issues into education curricula and civic education programmes. This shall include policy review and interventions to encourage greater student interaction across diversities, regions and counties; and enhance civic education in diversity awareness, anti-sectarianism, attitude change, and patriotism.

3.6.1.2 Implement and Popularise the Constitution of Kenya and Constitutionalism as Foundations for Good Governance and Respect for the Rule of Law.

This shall be achieved through the effective and timely implementation of the Constitution to extensively reform Kenya's governance frameworks, which have been bedevilled by impunity. While the Constitution in its entirety is designed to promote national cohesion and integration, it is worthwhile to highlight certain aspects, including to:

- (i) Emphasise the sovereignty of the people, their culture, languages, and beliefs;
- (ii) Disseminate and promote widely the elements of the national values and principles of governance (see Article 10 and Chapter 6 of the Constitution of Kenya, 2010) and ensure their operationalisation. This calls for the effective management of the instruments of statehood provided in Article 9 of the Constitution, including the national anthem, national flag, coat of arms and public seal and the national holidays. Attention shall also be paid to other factors that enhance national identity, such as merit in the issuance of national awards;

- (iii) Implement and enforce measures in the Constitution and in related legislation that govern the management of party politics (Article 91-2; Political Parties Act); and
- (iv) Implement and enforce sanctions through legislation against individuals or groups that hinder national cohesion and undermine integration.

3.6.1.3 Strengthen the Judiciary and Restore its Independence to Ensure the Rule of Law, Guaranteeing Fundamental Rights and Efficient Dispute Resolution across the Whole Country.

The government and other stakeholders shall:

- (i) Build on the reforms that promote transparency and accountability in the judicial system. This shall include instituting improvements in the operations and working modalities of the judicial system countrywide. The introduction or improvement of alternative dispute resolution mechanisms, through legislation, will be crucial in reducing court-based workloads. In the latter respect, recognising and strengthening the capacities of traditional structures, such as well designed community elders councils, will be critical;
- (ii) Ensure a satisfactory working environment, including an adequate physical infrastructure for the efficient delivery of judicial services;
- (iii) Undertake civic education on the judicial system to enable better public understanding of its role, obligations, as well as its rights. While engaging civic education initiatives, such as popular television series, it will also be necessary to incorporate judicial issues in education curricula at all levels to realise the constitutional provisions that seek to ensure access to justice by all, including the poor (Article 48).

3.6.1.4 Strengthen National and County Legislative Institutions.

The government shall:

- (i) Ensure that the constitutional authorities bestowed upon the Legislature are fully realised. This should include the development of a framework for operationalising the county assemblies created by the Constitution and elaborated upon by the Devolved Government Bill, and ensuring their capacities to perform their roles;
- (ii) Ensure the full implementation of the constitutional provisions governing the management of political parties to ensure that these institutions focus on issues that foster national cohesion and integration, rather than divisive issues.

3.6.1.5 Build an Inclusive Public Service that Reflects Kenya's Diversity.

There are various ongoing efforts to improve the efficiency of the public service, such as the Rapid Results Initiative and the Performance Contracting. The government shall build on these initiatives to ensure that public service delivery reflects the three core values of representativeness, inclusiveness and quality. Consequently, the government shall:

- (i) Carry on and expand the diversity audits in public institutions at both national and county levels;
- (ii) Establish goals for equity in diversity in all national and county governance institutions such as ministries, agencies and departments. The goals should be specific, measurable, agreed-upon, realistic, and time-bound;
- (iii) Subsequently, incorporate the goals into formal institutional and/or legislative frameworks to ensure workplace diversity to encourage national cohesion and integration, and to discourage all forms of exclusion and/or ethnically-based discriminatory practices. The frameworks shall incorporate sanctions and rewards for performance;
- (iv) Encourage and adopt diversity training in the workforce as a way of enhancing not only productivity but also the management of diversity in both the public and private sector establishments;
- (v) Implement affirmative action through laws, executive orders, or other mandates to enhance inclusion of previously excluded groups;
- (vi) Develop a framework that encourages the private sector to develop modes through which diversity in employment shall be extended into the non-government sector, especially through workplace and employment practices. The institutional and/or legal frameworks shall include incentives to induce private sector compliance in promoting diversity in employment and deployment of employees;
- (vii) Endeavour to counter the envisaged risks in the establishment of county governments. The county public service shall work closely with the national public service to ensure diversity in the workplace at all (county and national) levels. This shall be based on the principles of inclusion, competence and results-based performance contracting. The county and central governments shall encourage recruitment at county level and deployment from the central level;
- (viii) The private sector should be encouraged to adopt similar principles of inclusiveness.

3.6.2 Addressing Socio-Economic Inequalities

81. The forms of inequality discussed earlier create feelings of superiority side by side with feelings of social exclusion. In many instances, these differences represent the mismanagement of diversity, as well as of national resources, transforming them into impediments to national cohesion and integration. The focus of the strategies enumerated in this section shall be to eliminate disparities and feelings of socio-economic exclusion across groups and regions. To address regional and socio-economic disparities, the government shall implement the following strategies and interventions:

- (i) Develop and stick to social investment programmes that systematically uplift all regions of the country and all segments of society, particularly those currently afflicted by high poverty rates. In this respect, the government should ensure enhanced implementation of Vision 2030, including enhanced investments in schools, health centres, and other social amenities such as water for regions lagging behind;
- (ii) Hasten the development of special economic zones provided for under *Kenya Vision 2030* to raise the scope for identifying constraints to development at that level, and developing appropriate interventions that can raise their respective socio-economic profiles;
- (iii) Ensure the full implementation of the constitutional and legislative provisions for devolution. This will both assure the entry of grassroots priorities into development plans and strategies, and the mandated flow of the equitable resources recommended by the Commission on Revenue Allocation to the counties for the implementation of own priorities;
- (iv) Based on the provisions of the Constitution of Kenya (2010) and the National Land Policy (2010), improve land management practices to address inequity in access to land, so as to enhance national cohesion and integration;
- (v) Establish a labour management information system and implement interventions towards addressing youth unemployment and other forms of socio-economic exclusion.

The specific strategies for actualising the above measures include:

3.6.2.1 Implementation of the Constitution and Kenya Vision 2030

In regard to the implementation of the Constitution, the government shall pay special attention to proper implementation of the funding mechanism for county governments, including equitable sharing of resources (Article 203) and Equalisation Fund (Article 204).

In regard to Kenya Vision 2030, the government shall be committed to achieving sustainable growth and equity across regions. Specific interventions shall encompass:

- (i) Enhanced investment in infrastructure, especially on roads, electricity and safe water in ASALs and other marginalised areas;
- (ii) Enhanced and equitable investments in social and economic amenities, such as education and training institutions, health centres, food, and security, focusing on areas that have hitherto lagged behind.

3.6.2.2 Improve on the Management of Natural Resources

In regards to the management of natural resources, the Government shall:

- (i) Ensure equitable allocation, distribution and exploitation of natural resources; and
- (ii) Promote alternative livelihoods, especially in regions with natural resource-based conflicts.

In regard to operationalising the National Land Policy (2010) to address land inequalities, the Government shall:

- (iii) Expeditiously resolve competing land claims through specialized land courts, mediation and arbitration, and/or utilization of a claims commission; and
- (iv) Develop, activate and improve land lease markets.

3.6.2.3 Ensure that Market Institutions Protect the Poor and Vulnerable Members or Groups of Society from Further Marginalization.

Forms of inequality are exacerbated when market institutions do not work as they should, or work in a manner that victimises marginalised groups. This has the potential of selectively worsening welfare and undermining national cohesion and integration. The government shall:

- (i) Build on the existing experiments with compensating mechanisms encompassing a set of social safety nets that will include a social protection policy;
- (ii) Target activities where majority of the poor participate, especially programmes and projects that enhance productivity in agriculture, pastoralism and urban informal sectors;
- (iii) Enhance investments in the widespread accumulation of social capital and human capital;
- (iv) Use established institutions to monitor and evaluate the performance of the markets on a regular basis to prevent opportunities for

marginalization, as well as monitoring the rate of success against the phenomenon;

- (v) Ensure competition laws are effective in protecting the consumers, and especially the vulnerable groups.

3.6.2.4 Guide Rural and Urban Development by Appropriate Policies

To address the spatial dimensions of inequality, the government in partnership with other stakeholders shall implement the provisions on the National Land Commission (Article 67), the Urban Areas and Cities Act 2011 and the Devolved Government Act (which address the relations between counties and urban areas and cities). It will further be necessary to:

- (i) Establish a clear strategy for reversing the growth of informal settlements;
- (ii) Through appropriate land management reforms, develop a strategy that will improve the capacities and ensures opportunities for gainful employment in rural areas. This shall involve the delivery of amenities to rural areas that presently make urban areas more attractive.

3.6.3 Management of Ethnic and other Socio-cultural Diversities

82. Forms of diversity such as ethnicity, race, language, religion, and culture of the peoples of Kenya have not been deliberately managed to foster national cohesion and integration. In particular, Kenya's ethnic and racial diversity has generally been mismanaged in a manner that has conceived ethnic/racial mistrust, tension, and conflict. Some of the drivers of ethnic tension and conflict include socio-economic and political economy factors. These factors include: the conduct of politics along ethnic lines; income inequality and other socio-economic disparities; competition for scarce natural resources such as land, pasture and water; unresolved or poorly resolved land issues; poverty and poor economic performance; youth unemployment and exclusion, such as political exclusion; ethnic divisions and negative cultural practices; corruption and patronage; weak and unaccountable institutions; and lack of specific nation building policies.

83. In order to deepen better management of ethnic/racial diversity in fostering national cohesion and integration, the government shall apply a number of principles. The first principle is to recognize that people fall back on ethnicity when ethnic/racial discrimination abounds, and thus there is need to forge purely civic identities and symbols as opposed to community or ethnic/racial identities. The second is to appreciate that different positive cultural practices and symbols may be used to arrive at the country's national identity. The government in collaboration with other stakeholders shall:

- (i) Promote national associational life, including: the establishment of exchange programmes across diverse groups; promotion of inter-

diversity study tours; promotion of dialogue and openness in discussing diversity related problems and their causes:

- (ii) Strengthen institutions that promote and enforce zero tolerance in respect of politicians and other members of the society who encourage negative ethnicity;
 - (iii) Include content on positive ethnicity in school curricula;
 - (iv) Establish and implement an annual calendar of cultural events across the country. Such events could be linked to the schools' music or drama festivals, national day celebration or even to the regional agricultural shows;
 - (v) Promote inter-ethnic and inter-community sports activities such as athletics, football and others;
 - (vi) Promote entrepreneurial and business ventures across diverse groups;
 - (vii) Encourage inter-ethnic and inter-community charity initiatives and volunteer activities;
 - (viii) Provide public subsidies to organisations promoting links across diversities such as culture and ethnicity;
 - (ix) Promotion of issue-based reporting by the media and effectively monitor all media to discourage use of any form of incitement;
 - (x) Improve data collection and management to address existing data gaps. In this respect, there is need for secondary data that is disaggregated by diversities (e.g. ethnicity) in all the sectors. Some of the priority areas include education; health; water; infrastructure; and employment in the public, private and civil society sectors. This might provide background information for effective implementation of Article 118 of the Constitution on ensuring equity in public access and participation, and will make the management of diversity issues more effective;
 - (xi) Promote and encourage public and private sector capacity building programmes in managing diversity as a way of improving productivity and enhancing cohesion in the country;
 - (xii) Design a communication strategy on cohesion and integration that promotes inter-ethnic and inter-racial dialogue.
84. The government shall also promote inter-religious dialogue by:
- (i) Encouraging interactions between itself and individual umbrella religious organisations in a manner that builds mutual confidence; and
 - (ii) Facilitating periodic forums for consultations among the umbrella religious organisations.

85. Culture plays a fundamental role in fostering identity and providing a sense of security through the provision of orientation and tolerance, and most importantly directing individuals' behaviour. It is through culture that the strengths and weaknesses of a society are discerned, and national identity, cohesion and patriotism among the citizens are promoted. Contrary to popular perceptions that cultural diversity causes instability, it is becoming clear that diversities and other forms of cultural expression act to reduce instability. Cultural activities bring people together, providing an opportunity for issues of national importance to be profiled and messages of cohesion and integration communicated, while promoting mutual coexistence and respect.

86. Elements of culture and heritage, such as the institution of community elders, have been vital for building structures for alternative dispute resolution at the community level. Conflicts involving sections of the population or within families and communities are easily settled by the elders and community leaders, thus promoting reconciliation, peace and stability. Media instruments such as newspapers, magazines, motion pictures and films have also been used to promote peace and positive co-existence. Dance, music, drama and sports have also been used to generate cohesion and integration in society. The consequence of such cultural initiatives is a more positive appreciation of each other, irrespective of differences, leading to better integration. These activities also provide opportunities and frameworks for positive leadership and good governance at the local levels. Cultural performances, especially when linked to specific events, are critical aspects of encouraging and supporting the values of integrity, honesty, chastity, humility, hard work, community service and dedication to the nation.

87. In order to deepen the role of culture and heritage in fostering national cohesion and integration, the government shall effectively implement the National Policy on Culture and Heritage (2009) and promote national cross associational interaction. Specifically, the government in collaboration with other stakeholders shall:

- (i) Promote culture as the centre-piece and driving force behind human, social and economic development, and shall encourage cultural pluralism;
- (ii) Establish and support community cultural centres in all constituencies/counties as focal points for promotion of inter-cultural dialogue, national cohesion and expression of cultural heritage;
- (iii) With respect to language, the government shall abide by the letter and spirit of the Constitution, and thereby: (a) promote and protect the diversity of language of the people of Kenya, as enshrined in Article 7 of the Constitution, and also seek to utilize language as a unifying factor; (b) encourage the use of Kiswahili and English as unifying languages in work places and public places in Kenya; (c) ensure that Kiswahili remains a compulsory subject in basic education curricula in

all schools in Kenya; and (d) encourage Kenyan households to ensure children learn their mother-tongue, but also develop interest in learning and/or appreciating other ethnic languages.

3.6.4 Conflict Prevention, Management and Reconciliation

88. Conflict prevention, management and reconciliation strategies are important for enhancing national cohesion and integration. Some of the key challenges that hamper conflict management in Kenya include institutional weakness, bad governance and a focus on reactionary rather than proactive interventions. In order to strengthen conflict prevention mechanisms, the government in collaboration with other stakeholders shall:

- (i) Strengthen ongoing efforts to develop early warning systems. This shall include developing models for conflict early warning and capacity building;
- (ii) Sensitise the media on conflict early warning systems;
- (iii) Enhance institutional capacity as a way of providing means of resolving disputes. This shall include: strengthening the rule of law institutions such as the judiciary, the security sector, and development of alternative dispute resolution mechanisms;
- (iv) Promote continuing preventive actions and train actors to not only appreciate early warning but also take timely action on potential conflict;
- (v) Engage and build the capacity of traditional institutions such as the institution of community elders in conflict early warning processes; and
- (vi) Form strong early warning networks and linkages at local, national and international level.

89. The main institutions and/or processes used in dispute resolution and conflict management are the mainstream justice system (that operates through a court system) and the alternative dispute resolution mechanisms. The mainstream justice system faces a number of challenges that undermine its effectiveness, including inaccessibility mainly due to high costs, perceptions of lack of transparency, and delay. The alternative dispute resolution mechanisms and practices, such as use of the institution of community elders, have immense potential to augment conflict management if supportive institutional and organisational frameworks are put in place or enhanced. The alternative dispute resolution mechanisms can augment conflict management by: (i) reducing the costs of justice for users, especially the poor; (ii) increasing access to justice; (iii) reducing delay in the resolution of disputes; and (iv) helping resolve disputes and manage conflict. To enhance conflict management, the government and other stakeholders shall:

- (i) Assess conflict management needs and develop strategies for the management of current conflicts and the prevention of future conflict;
- (ii) Establish adequate legal foundations to specify the jurisdiction, procedures, and enforcement of the alternative dispute resolution mechanisms;
- (iii) Continuously design, develop and implement preventive measures;
- (iv) Strengthen local participatory processes by enhancing the involvement of communities in developing interventions and identifying priorities;
- (v) Establish effective procedures for selection, training, and oversight for conflict management professionals;
- (vi) Instill conflict management and reconciliation ethos among citizens;
- (vii) Provide safe and secure environment conducive for administering dialogue forums;
- (viii) Enhance the mainstreaming of peace education at all levels of education;
- (ix) Conduct peace education with groups of influential opinion shapers in conflict environments, aimed at discouraging the use of force in solving disputes;
- (x) Encourage diverse groups to turn away from cultural practices that fan conflict;
- (xi) Ensure balanced economic growth and development of the various regions.

90. To enhance reconciliation processes the government shall:

- (i) Implement (judiciously and expeditiously) recommendations made by all the commissions and agencies set up to investigate conflict situations;
- (ii) Carefully analyze conflict processes to inform reconciliation interventions;
- (iii) Develop quick mechanisms of identifying post-conflict victims;
- (iv) Improve access to counseling and rehabilitation mechanisms;
- (v) Sensitize stakeholders on the cost of conflict and benefits of peace;
- (vi) Revitalize traditional reconciliation processes.

3.6.5 Ensuring the Rule of Law, Security and Order

91. Kenya has remained a relatively stable country since independence. However, the major security concern has been the escalation of violent and non-violent crime

in both urban and rural areas. For instance, urban areas are plagued by burglary, armed robbery, and vehicle hijackings. The major driving force of urban crime is youth unemployment and deterioration of social and moral values. The most prevalent rural crime is livestock rustling, which is linked to ethnic feuds occurring mostly among pastoral communities. Cases of livestock rustling are more rampant in some parts of Rift Valley, Eastern, and North Eastern regions. Terrorism has also become a major security threat to Kenya, especially since the 1998 bombing of the United States embassy in Nairobi. Kenya is also plagued by white collar crime and corruption that often goes unpunished. This has created a culture of impunity.

92. Among the security agencies, the police service is the main agency that is tasked with the maintenance of law and order, preservation of peace, protection of life and property, and the prevention and detection of crime. There are wide perceptions by the public that the police service is brutal, corrupt, criminal, inefficient and politicised. To address these and related challenges, the government shall, in the context of policing and judicial reforms launched since 2010, implement the following related interventions:

- (i) Strengthen all the necessary institutions for the implementation of the Constitution of Kenya (2010) because it provides for the rule of law, security and order;
- (ii) Sensitise members of the public on the benefits of maintaining law and order;
- (iii) Provide access to improved training opportunities for law enforcers and pursue effective reforms of the security agencies;
- (iv) Facilitate the adoption of best practices in the enforcement of law, order and provision of security;
- (v) Create awareness on the importance of values, especially those related to negative vices that encourage crime; and
- (vi) Take or enhance measures to clear the judicial backlog.

93. Other security agencies, such as the National Intelligence Service (NIS), have important roles to play in ensuring the rule of law and order by among others: gathering information, identifying threats to security, and reporting and advising on these threats to security. Some of the challenges facing the security agencies include: political interference; institutional weaknesses; poor linkages with other institutions mandated to maintain the rule of law, security and order; and weak decision making structures. To enhance the efficiency of the security agencies the government shall:

- (i) Enhance the use of intelligence information among all stakeholders involved in conflict management by among other interventions strengthening their inter-linkages;

- (ii) Strengthen the linkage between intelligence information and early warning systems and networks;
- (iii) Streamline the flow of communication between security agencies and decision making bodies to enhance early action.

3.6.6 Addressing the Unemployment Challenge

94. The high rate of unemployment, especially among the youth, is a major obstacle to national cohesion and integration in Kenya. Unemployment may be viewed as one of the forms of social exclusion, and is thus one of the social drivers of conflict. As an example, unemployment usually drives individuals to seek socially offensive and unacceptable avenues to obtain skills, rewards, and identity within the society. These avenues include involvement with gangs, criminal organisations, or even armed rebel groups. Usually, national cohesion and integration is adversely affected when unemployment interacts with other adverse factors such as hate speech and negative media influences. Employment creation for the youth is thus particularly crucial for enhancing and sustaining national cohesion and integration. To address the challenge of unemployment, and in particular youth unemployment, the government shall:

- (i) Accelerate and sustain high rates of economic growth by keeping political and macroeconomic risks low;
- (ii) Enhance technical and vocational skills development for all Kenyans to not only improve their likelihood of employment but also to improve their prospects for gainful self-employment;
- (iii) Expand opportunities for the youth by: providing targeted job training and employment; imparting life skills; expanding internships, industry attachments and volunteerism; increasing access to basic business skills training; improving access to credit; and job search skills;
- (iv) Enhance the role of the National Youth Service (NYS) to rehabilitate, train and engage young people who have limited access to education and training to be competitive in the labour market.

3.6.7 Entrenching Positive Value Systems in all Segments of Society

95. Value systems, when entrenched as a way of life, can foster national unity, cohesion and integration. There are factors or indicators that show that the values exhibited by Kenyans are not in consonance with a stable progressive nation. These factors include: abuse of human rights, misappropriation of public funds, and emphasis on materialism, moral decay and low levels of social etiquette. These factors may undermine the attainment of national cohesion and integration as well as the aspirations of development as envisaged in Vision 2030. It is against this background that the Vision 2030 recognized the importance of values towards the achievement of economic, social and political aspirations. To reaffirm the importance of values, Article 10 of the Constitution identifies national values and

principles of governance to include the rule of law, human rights, integrity, transparency and accountability among others.

96. To ensure that national values are mainstreamed in everyday life of Kenyans the government shall:

- (i) Uphold, nurture, foster and promote national values and principles of governance as espoused in the Constitution;
- (ii) Establish systems, structures, programmes and guidelines for the promotion of national values;
- (iii) Sensitise all stakeholders (including individuals, teachers, religious leaders, the media) on national values;
- (iv) Identify and use role models in promoting national cohesion and integration;
- (v) Recognise, reward and memorialise values champions to, foster national cohesion and integration;
- (vi) Develop and implement a rewards system for espousal of national values at various levels of society.

3.6.8 Establishing Mechanisms for Communication and Information Sharing

97. Effective participative communication will be an important tool to promote national cohesion and integration. Participatory communication is important in: promoting change in attitudes and social behaviour, sharing information, spreading awareness about rights and obligations, and resolving conflicts. Often, communication is rendered less effective by several barriers including language, age, and cultural diversity which give rise to different perceptions, values, norms, customs and traditions. The government, through the establishment of mechanisms for communication, will have an important role to play in enhancing participative communication among all stakeholders.

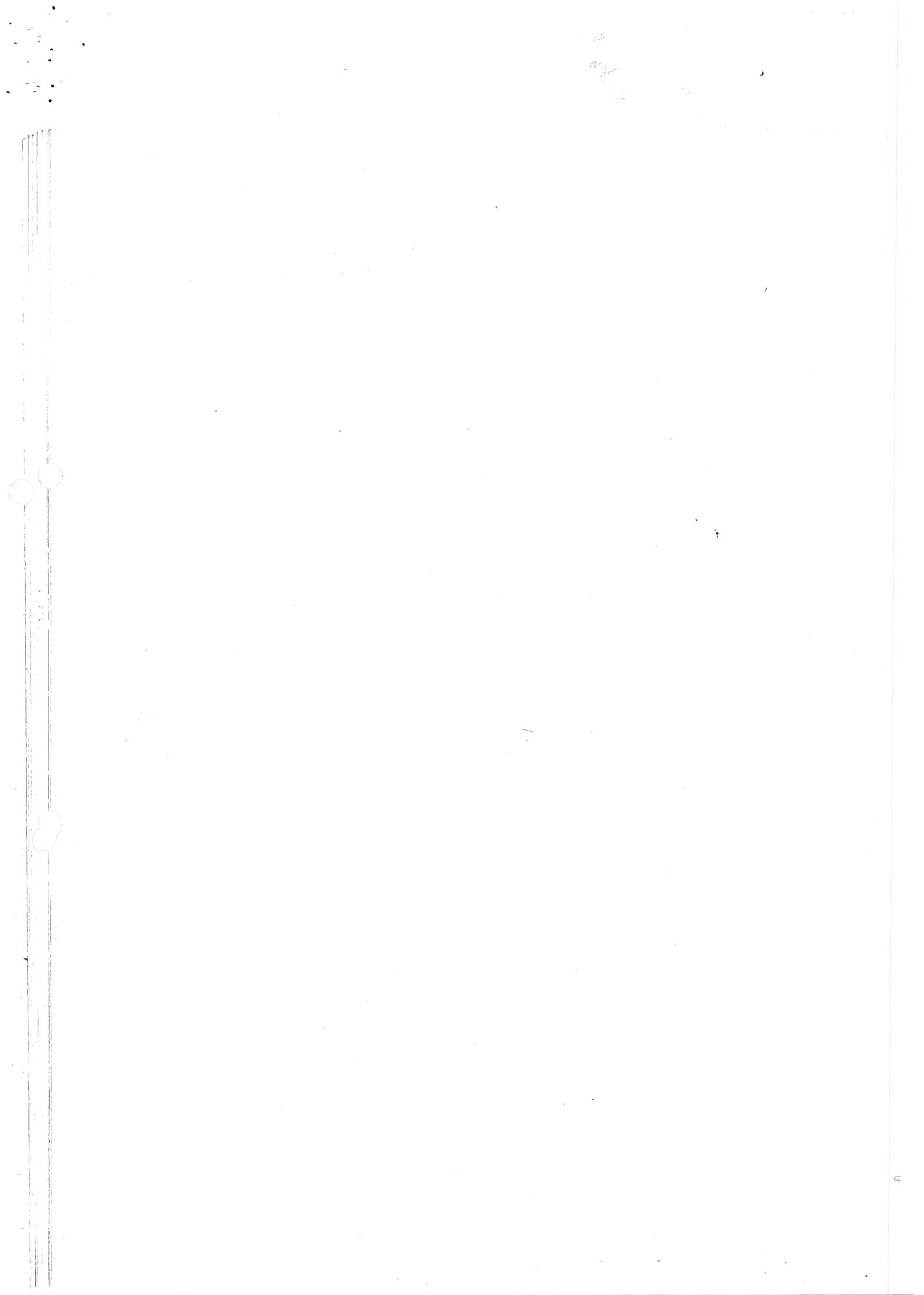
98. To promote participatory communication, the government shall:

- (i) Develop and implement a participatory communication strategy to facilitate sharing of information, dialogue, and feedback on national cohesion and integration. The aim of the strategy will be to achieve the objectives of this policy;
- (ii) Encourage other relevant stakeholders to develop and implement participatory communication strategies for enhancing national cohesion and integration;
- (iii) Monitor and evaluate the impact of the communication strategies;

- (iv) Strengthen grassroots structures such as community leaders and the institution of community elders, in participatory communication for the promotion of national cohesion and integration.

In some instances, societal members, such as the youth feel excluded from economic, political and social processes. Apart from unemployment and underemployment other forms of exclusion that may increase the likelihood of conflict are discrimination and political exclusion. In order to address exclusion of hitherto affected social groups the government shall support and guide participation of the youth and other marginalised groups in all spheres of life including:

- (i) Enhance and guide participation of the youth in constructive political processes;
- (ii) Expand and support fora and avenues that allow for the exercise of the freedom of expression through various media;
- (iii) Encourage or sponsor cross-cultural study tours and exchange programmes.



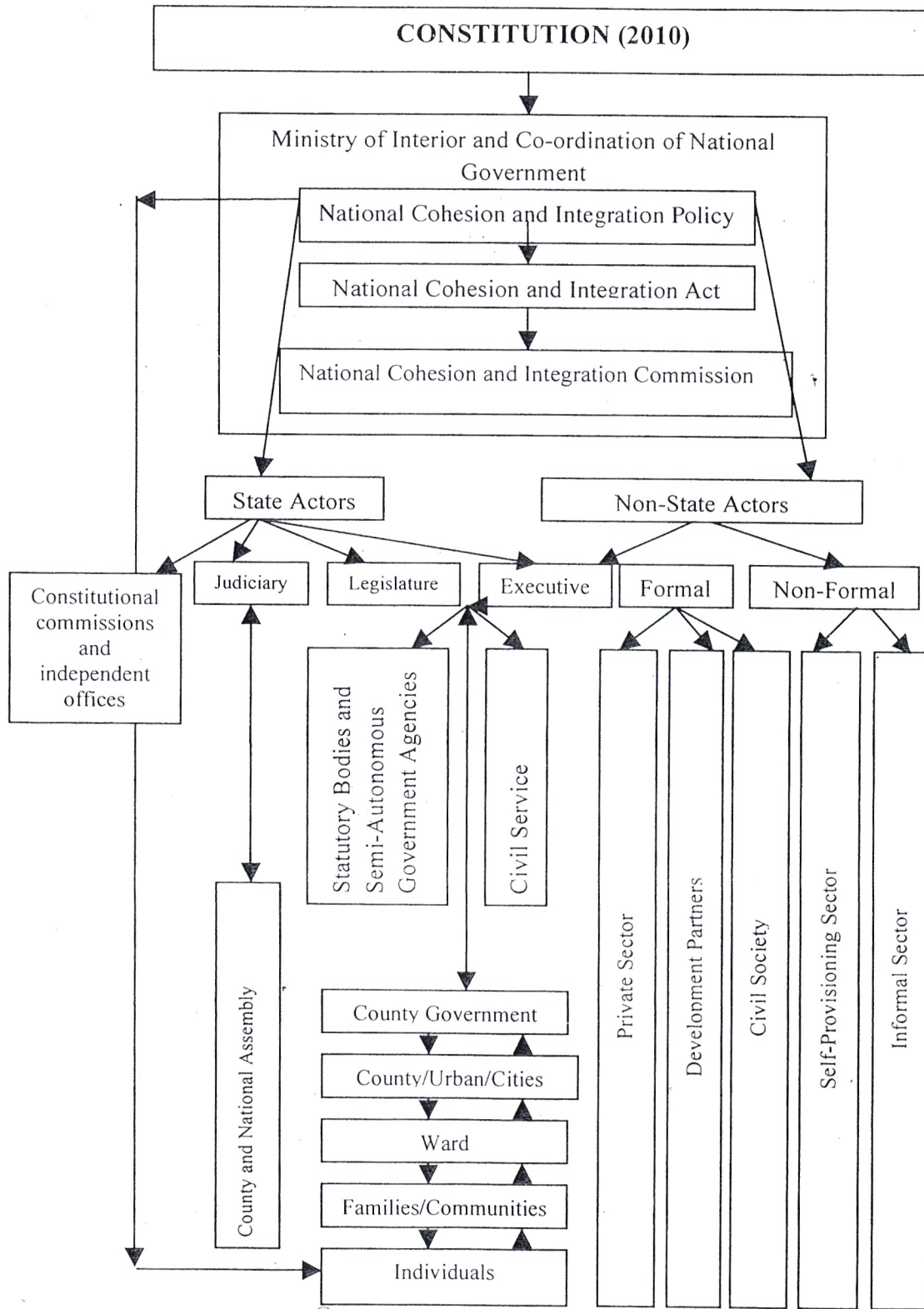
Chapter 4

4 IMPLEMENTATION, CO-ORDINATION AND ROLE OF STAKEHOLDERS

99. Achieving national cohesion and integration requires the participation of a wide array of state and non-state actors. The roles of some of the key players presented in this section reflect the feedback obtained from wide stakeholder consultations. Since these roles were highlighted by the stakeholders themselves, there is effective ownership, which should give strength to the implementation process.

100. Figure 4.1 summarises the categories and linkages among stakeholders in the implementation of the National Cohesion and Integration Policy. The policy will be implemented by state and non-state actors. The Ministry responsible for national cohesion and reconciliation will be the key implementing agent of the policy. The state actors will include the Judiciary, Legislature and the Executive. Implementation under the Legislature will be through Parliament and the County Assembly. Under the Executive, implementation will be through the civil service (of government departments), statutory bodies and semi-autonomous government agencies (SAGAs), and County Governments. Implementation by non-state actors will comprise the formal and the non-formal stakeholders. The formal stakeholders include the private sector, development partners and civil society organisations. The non-formal actors include the self-provisioning and community based organisations. In all the aforementioned linkages, the role of communities, families and individuals will be crucial in the effective implementation of this policy.

Figure 4.1: Linkages among National Cohesion and Integration Stakeholders and Institutions



4.1 Co-ordination Mechanisms

101. As Figure 4.1 illustrates, there are many actors involved in cohesion and integration activities in the country. Improved coordination requires that the responsibilities, mandate and roles of each actor and stakeholder be established and monitored by the Ministry responsible for national cohesion and reconciliation. Enhanced coordination will be made possible through a defined coordination structure. The structure will include:

- (i) National level: National cohesion and integration activities will be coordinated by the Ministry responsible for national cohesion and reconciliation.
- (ii) Sectoral level: various ministries, departments and agencies (MDA's) will ensure the mainstreaming and coordination of national cohesion and integration in their respective sectors.
- (iii) County level: County governments will work in liaison with the Ministry responsible for national cohesion and reconciliation to establish a coordinative structure within and between Counties.
- (iv) The Ministry responsible for national cohesion and reconciliation working together with stakeholders will develop instruments and structures to ensure effective implementation and co-ordination of national cohesion and integration activities.

4.2 ROLES OF STATE ACTORS

102. Figure 4.1 recognises the constitutional distinction between the three arms of government, i.e. the Executive, Legislature and Judiciary. There shall be need for enhanced cooperation between the three arms of government, the Executive investigating and prosecuting while the Judiciary arbitrates based on good laws made by the Legislature. Broadly, the three arms of government must design laws and institutions that are just across the whole country. To the extent that national and county level politicians and their political parties are given voice through Parliament and the County Assemblies, these categories are subsumed under the Legislature.

103. The Ministry responsible for national cohesion and reconciliation will ensure the full implementation of this policy, in addition it will provide the overall national coordination of sectoral and non-state actors initiatives geared towards the promotion of national cohesion and reconciliation. The ministry will undertake public education, research, monitoring, evaluation and reporting on national cohesion processes and ensure periodic review of this policy.

104. The judiciary shall ensure effective administration of justice to enhance national cohesion and integration.

105. The NCIC shall promote equality of opportunity, good relations, harmony and peaceful coexistence among Kenyans.

106. Besides promoting opportunities for alternative livelihoods, the provision of adequate security within and along Kenya's international borders will be important. This will require involvement of an improved police and military presence, respectful of human rights. Improved security will synergise development prospects across the country as security and stability are crucial in attracting both domestic and foreign investments, including in the hitherto marginalised regions. Both the Kenya Defence Forces and the National Police Service will be responsible for their mandate as espoused in the Constitution and will also promote the national leadership values and principles (Article 10) in their practices. It will be important that these agencies embrace the principles and strategies of this policy including recruitment practices that reflect the national face of Kenya

107. Other state actors, including ministries/departments, state agencies, and semi-autonomous state agencies shall mainstream and infuse national cohesion and integration into their policies, strategies and activities.

4.3 ROLES OF NON-STATE ACTORS

108. As illustrated in Figure 4.1, the Non-State Actors (NSAs) include a wide array of entities across the formal and informal sectors. To the extent that ethnicised employment can undermine national cohesion and integration, the Non-State Actors are a very important category of employers. It shall therefore be important that the NSAs embrace the interventions that promote diversity in their workplaces. Non-State Actors shall be involved in advocacy, resource mobilisation for cohesion and integration activities, training, and sensitisation and monitoring. They shall also ensure equity in employment practices and participate in implementing the National Cohesion and Integration Policy and strategies.

4.3.1 Formal Sector

109. Among the Non-State Actors in the formal sector are the private companies, development partners, civil society and charitable foundations. Within civil society is a mixture of different sized organisations, such as Non-Government Organisations (NGO's), faith-based organisations, Community-Based Organisations (CBO's), the print and electronic media, among others. These formal sector operators form an important channel through which national cohesion and integration can either be enhanced or undermined. Besides the actual ethnic and regional distribution of employment opportunities, the private sector can also foster national cohesion and integration by instituting wide representation in management boards. Investors and entrepreneurs will ensure mainstreaming and infusion of national cohesion principles in their employment and investment policy. Further, joint business ventures across ethnic and other divisive lines can be beneficial in fostering integration.

Non-government Organisations and Faith-based Organisations

110. Non-Governmental Organisations, faith-based organisations and Community-Based Organisations represent special categories within the private sector with respect to national cohesion and integration. This is because they have been involved in a number of interventions in that realm, including the resettlement of displaced groups, conflict management, peace building, and capacity building on issues related to national cohesion. Indeed, such organisations received development partner support to initiate the earliest peace building and conflict management initiatives, such as the ASAL water user associations. The implementation of the National Cohesion and Integration Policy will provide a formal framework within which such organisations can continue their work. The accumulated experience of such organisations makes them an indispensable partner in this policy endeavour, and also enables them to monitor and evaluate the policy's progress.

Media

111. The print and electronic media have an important role to play in promoting national cohesion and integration through responsible journalism. This can be achieved by: highlighting positive trends and developments; ensuring fair and balanced reporting; and in relation to national politics, emphasizing national issues over sectarian issues such as ethnic-based politics. Consequently, the media shall be a key ally to the government and other stakeholders in promoting awareness of the activities alluded to in the National Cohesion and Integration Policy, and cooperation with other organisations in promoting national cohesion and integration. The media shall also be instrumental in monitoring, evaluating and reporting national cohesion building progress and threats.

4.3.2 Non-Formal Sector

112. This sector includes the informal sector and self-employed individuals, who also form very large urban and rural groups that must be involved in implementing the policy. Often, the concern is expressed over youth unemployment. Yet, an equally important area of concern should be youth underemployment, whereby small, but erratic incomes raise expectations, but also generate frustrations that trigger feelings of exclusion and marginalisation. Community-based organisations are formalised by registration to enable them access development resources. However, these never occupy their patrons fully, who must therefore straddle into other informal self-employment or self-provisioning. These groups are critical and must be incorporated for effective implementation of national cohesion and integration initiatives.

Communities and Community-based Groups

113. There are observations that national cohesion and integration can be realized through participation of local communities in key government policies aimed at managing diversity. The bottom-up approach with fusion of top-bottom approach

where the government is seen as the facilitator will enable the communities to perceive different initiatives as their own solutions to peaceful existence, and thus shunning divisive and segregated ways of perceiving other groups.

114. Important groups in this category include youth groups, women groups, men groups and community opinion leaders. Many conflicts have in the past been addressed within the framework of government, civil society and community partnerships, where the attempts have focused on building peace pacts between communities, training leaders on peace and conflict management, and providing frameworks for sharing the much needed resources.

Individuals

115. As noted above, the dividing line between members of community-based organisations and individual citizens is very thin, as people move freely between the two categories in response to emerging or disappearing opportunities. However, the individual is the most important category in the endeavour to espouse national cohesion and integration. They also contribute towards attitude change in society, which can strengthen the campaign for the espousal of national cohesion and integration.

Table 4.1 presents a detailed account of specific roles of the various actors in promoting cohesion and integration in the country.

Table 4.1: Roles of stakeholders in promoting national cohesion and integration

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
State Actors	
Executive – Public Service	
<p>At the National level, this includes the entire civil service, which is responsible for:</p> <ul style="list-style-type: none"> (i) the development of national policies across all sectors; (ii) the development of national and sectorial plans; (iii) the implementation of all national and sectorial plans; and (iv) monitoring the outputs and impacts of all development interventions. 	<ul style="list-style-type: none"> (i) Ensure the full implementation of the Constitution (2010), with emphasis on continuing civic education for optimal people participation. (ii) Provide visionary leadership for all development interventions, e.g. <i>Kenya Vision 2030</i> and its successive Medium Term Plans. (iii) Ensure implementation of the National Cohesion and Integration Policy and its strategy, starting with its entrenchment and mainstreaming into all national policies, strategies and interventions.

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
	<ul style="list-style-type: none"> <li data-bbox="751 495 1366 730">(iv) Ensure equitable delivery of all services in a manner that promotes national cohesion and integration. Consequently, pay special attention to the youth, women, marginalised communities/regions and minorities, including people with special needs. <li data-bbox="751 745 1374 887">(v) Uphold the rule of law, and eradicate the scourges of impunity and corruption that undermine objective and just governance. <li data-bbox="751 902 1342 969">(vi) Promote security inside and across the national boundaries. <li data-bbox="751 985 1342 1088">(vii) Promote inter-ethnic/inter-community interactions, such as through inducements for joint trade initiatives. <li data-bbox="751 1104 1334 1207">(viii) Respect the constitutional mandate to update the country on the state of National Values. <li data-bbox="751 1223 1374 1491">(ix) Promote positive values through education and training: Abolish quarter system in admission to secondary education. Learning institutions should provide a platform for creating diversity awareness, facilitating attitude change, promoting loyalty and patriotism towards the nation. <li data-bbox="751 1507 1270 1574">(x) Provide role models for national cohesion and integration. <li data-bbox="751 1590 1390 1805">(xi) Develop appropriate monitoring and evaluation frameworks for national cohesion and integration, possibly linked to the Planning ministry's National Integrated Monitoring and Evaluation framework. <p data-bbox="847 1821 1286 1888">Implement the findings of the monitoring and evaluation work.</p>

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
<p>At the County level (The County Government will be responsible for:</p> <p>(i) Civic education through citizen platforms to ensure grassroots capacity to participate in all aspects of development planning, budgeting, implementation, monitoring and evaluation;</p> <p>(ii) The development of respective integrated county development plans; and</p> <p>(iii) Implementation of plans, monitoring and evaluation reports and taking appropriate remedial measures.</p>	<p>(i) Develop an objective cohesion and integration baseline for the county.</p> <p>(ii) Domesticate national policies and legislation to suit local needs.</p> <p>(iii) Enact county assembly legislation that reflects the needs of the county and its entire population, including the youth, marginalised groups and minorities.</p> <p>(iv) Develop an integrated county development plan reflecting the priority needs of all, including the marginalised and minority groups.</p> <p>(v) Infuse national cohesion and integration principles and strategies in all county departments, their plans and strategies</p> <p>(vi) Ensure that public hiring/recruitment reflects the socio-ethnic face of the County.</p> <p>(vii) Design and conduct effective civic education on the Constitution, specifically on devolution and public finance.</p> <p>(viii) Institute effective citizen forums with a capacity to monitor and evaluate the County Government's performance.</p> <p>(ix) Ensure frameworks for transparent and accountable governance, ensuring public information is available to <i>wananchi</i> at all times.</p> <p>(x) Allocate all county resources equitably, based on the established needs.</p>
<p>The Kenya Defence Forces are charged with the responsibility of:</p> <p>(i) Securing the country's international borders;</p>	<p>The Kenya Defence Forces should:</p> <p>Espouse the provisions of the Constitution (2010) with respect to the Forces themselves, but also with respect to the national leadership values and principles (Article 10);</p>

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
<ul style="list-style-type: none"> (ii) Mitigate disaster and emergencies; and (iii) Community development work. 	<ul style="list-style-type: none"> (iv) Espouse the principle of equity in recruitment to enable the Forces to reflect the ethno-social face of Kenya; (v) Deploy forces in a manner that secures the national borders and promote national cohesion and integration; and <p>Engage the Forces in community work to nurture rapport with civilians.</p>
<p>The other security agency is the National Police Service which is mandated to:</p> <ul style="list-style-type: none"> (i) Be professional and disciplined in the maintenance of law and order; (ii) Detection, deterrence and prevention of crime; (iii) Observe human rights and fundamental freedoms; and (iv) Foster and promote relationships with the broader society. 	<p>Besides fostering constitutionalism, which the National Police Service are mandated to do by Article 244 of the Constitution, they should:</p> <ul style="list-style-type: none"> (i) Embrace the principles of national cohesion and integration; (ii) Conduct recruitment that reflects the national face of Kenya; (iii) Deploy equitably to enable the effective fulfilment of their mandates; (iv) Observe human rights standards, including those of minorities and marginalised communities; and (v) Build confidence among local communities to enhance the scope for community policing.
Executive – Statutory Bodies, Semi-Autonomous Government Agencies (SAGAs), Constitutional Commissions and Independent Offices	
<p>Statutory bodies, SAGAs, constitutional commissions, and independent offices account for a large share of public sector employment. They are also major providers of key services such as education, banking, telecommunications, power, water, roads, transportation, among many others</p>	<p>Statutory bodies, SAGAs, constitutional commissions, and independent offices shall:</p> <ul style="list-style-type: none"> (i) Espouse the principles of national cohesion and integration contained in the policy document; (ii) Ensure equitable employment across all diversities such as gender, age, ethnicity and persons with special needs;

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
	<p>(iii) Move towards a service delivery network that considers all regions while heeding the efficiency/profit imperative; and</p> <p>(iv) Sponsor award schemes that enhance national cohesion and integration, such as music, drama and sports festivals in learning institutions</p> <p>under their respective corporate social responsibility docketts.</p>
Judiciary	
<p>At the national level, the Judiciary is responsible for the dispensation of justice through the:</p> <ul style="list-style-type: none"> (i) Supreme Court (ii) Court of Appeal (iii) High Courts (iv) Magistrates' Courts (v) <i>Kadhis</i> ' Courts (vi) Courts Martial (vii) The Industrial Court (viii) Tribunals 	<p>The Judiciary shall ensure respect for the rule of law across the country. This will be done by:</p> <ul style="list-style-type: none"> (i) Reforming the Judiciary and instilling professionalism and integrity; (ii) Fulfilling the Judiciary's role as a counter-balance to the Executive and Legislature; (iii) Improving the accessibility of judicial services, so as to restore people's confidence in the law as the basis of dispute resolution; (iv) Conducting civic education to make judicial processes more user-friendly to restore people's confidence in the system; (v) Delivering timely judgements (taking advantage of ICT systems, for example) to enable judgements to act as a deterrent to future activities that undermine national cohesion and integration; (vi) Attending to the backlog of cases, especially those involving people residing outside urban areas; and (vii) Promoting effective and widespread frameworks for alternative dispute resolution.

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
Legislature	
<p>The roles of Parliament – the National Assembly and the Senate – are to:</p> <ul style="list-style-type: none"> (i) Enact legislation; (ii) Protect the Constitution; (iii) Promote democratic governance; and (iv) Provide checks and balances to the Executive. 	<p>Parliament shall:</p> <ul style="list-style-type: none"> (i) Oversee the full and timely implementation of the Constitution; (ii) Enact legislation that supports the realisation of national cohesion and integration; (iii) Ensure a watchdog role over all functions of the Executive and Judiciary; (iv) Nurture and underline goodwill for national cohesion and integration, such as by ensuring the Executive espouses equity as a basis for national development; (v) Ensure the timely passage of any bills arising from the adoption of the National Cohesion and Integration Policy; (vi) Exploit any opportunities available for the effective implementation of the National Cohesion and Integration Policy; and (vii) Ensure parliamentary integrity that enables the institution to be model on good governance.
<p>The County Assembly's functions include:</p> <ul style="list-style-type: none"> (i) Domesticating national legislation; (ii) Legislating for the County Government's generation of county revenues and delivery of services; and (iii) Keeping the operations of the County Government in check. 	<p>It has the following roles:</p> <ul style="list-style-type: none"> (i) Promote constitutionalism at the County level; (ii) Ensure the County Assembly reflects the diversity of the county; (iii) Ensure that laws and other county level frameworks, including employment, promote national cohesion and integration; and (iv) Monitor and evaluate the performance of the County Executive to ensure it promotes equitable development.

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
Non-State Actors – Formal	
Private Sector	
<p>The formal private sector generates the bulk of the economy's profits, and is therefore a major source of taxation revenues. Its operations cover manufacturing, industry and services. Through its umbrella bodies, such as the Federation of Kenya Employers (FKE), Kenya Association of Manufacturers (KAM) and Kenya Private Sector Alliance (KEPSA), it works closely with government in policy-development and is a major employer.</p>	<p>The private sector is among the major formal employers, but the distribution of its activities is also significant for national cohesion and integration. It should therefore:</p> <ul style="list-style-type: none"> (i) Espouse the principles contained in the National Cohesion and Integration Policy; (ii) Use its constituent agencies to negotiate with the government on benchmarks for enhancing national cohesion and integration; (iii) Develop internal sector specific mechanisms for mainstreaming national cohesion and integration, and for monitoring adherence to agreed goals; (iv) Espouse recruitment practices that enable the entire Kenyan market to feel represented; (v) Adopt positive discrimination for previously marginalised communities and wherever feasible, target youth, women, persons with disabilities, marginalised groups and minorities; (vi) Balance the pursuit of profit and distribution of capital investments to spread opportunities; (vii) Practice sincere, well designed and targeted corporate social responsibility; and (viii) Offer skills and partnerships to hitherto excluded groups as a means of enabling them to enter into mainstream economic activity.

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
<p>These have hitherto provided the backbone of public investment spending across all sectors, both in terms of financing projects, and of technical assistance. They have also been involved in financing the operational costs of many such projects.</p>	<p>Development partners should continue to support the country to implement the National Cohesion and Integration Policy. Specifically:</p> <ul style="list-style-type: none"> (i) Assist in monitoring and evaluation of performance regarding national cohesion and integration interventions; (ii) Rationalise conditionalities to ensure effective use of resources, but appreciate the constraints and priorities faced by recipients; (iii) Diversify focus to non-traditional areas that can open up hitherto marginalised parts of the country; and (iv) Adopt national cohesion and integration principles in their internal policies.
Civil Society – General	
<p>Civil society has been involved in a wide range of activities among ordinary Kenyans, as well as with government. Indeed, given Kenya's history of weak political frameworks, it is the civil society which has been at the forefront of the successful struggle for governance reforms, including the conduct and completion of the constitution review process.</p>	<p>Civil society should:</p> <ul style="list-style-type: none"> (i) Continue its work of mobilisation and sensitisation on national cohesion and integration. (ii) Continue to support community- and faith-based organisations working on national cohesion and integration. (iii) Continue to monitor all arms of the government on matters affecting the status of national cohesion and integration. (iv) Rationalise interventions to focus on the needy areas.
Civil Society – Faith-Based Organisations	
<p>These have traditionally been linked to specific faiths/religions, but many have in practice, worked across entire communities, irrespective of the religious convictions of targeted populations. Their work covers the breadth of the development agenda.</p>	<p>Faith-based organisations can contribute to national cohesion and integration by:</p> <ul style="list-style-type: none"> (i) Espousing the provisions of the Constitution. (ii) Applying the religious approach of tolerance and inclusivity to issues of cohesion and integration;

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
	<ul style="list-style-type: none"> (iii) Avoiding using religion as a vehicle of exclusion. (iv) Instilling moral values in respective congregations. (v) Providing society with role models. (vi) Remaining impartial and acting as an arbiter in conflict/potential conflict situations; and <p>Championing the rights of the voiceless and participating in capacity building initiatives that promote cohesion and integration.</p>
Civil Society: Community-Based Organisations	
<p>These carry out a wide range of activities, and are alive to local cohesion issues within grassroots communities.</p>	<p>To promote national cohesion and integration, they should:</p> <ul style="list-style-type: none"> (i) Espouse the national values and principles of leadership contained in the Constitution; (ii) Assist in mobilising citizens for national cohesion and integration initiatives; (iii) Shun negative ethnicity while embracing socio-cultural diversity; (iv) Always consider the impact of interventions on cohesion and integration; (v) Promote dialogue, arbitration and other forms of dispute resolution; and (vi) Champion a revamped system of elders' councils that also promotes representation across various age groups, dialogue, peace and reconciliation.
Civil Society: Print and Electronic Media	
<p>Traditional functions include:</p> <ul style="list-style-type: none"> (i) Dissemination of news (ii) Entertainment 	<p>Through aforementioned functions, the media can also influence national cohesion and integration, but must use its vast capacity to impact positively, in the following ways:</p>

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
<ul style="list-style-type: none"> (iii) Shaping opinion (iv) Research (v) Interviews (vi) Advertising/marketing 	<ul style="list-style-type: none"> (i) Espouse the contents of the Constitution, specifically the national values and principles of governance ; (ii) Ensure objective, balanced reporting that does not antagonise components of society; and (iii) Avoid propaganda and incitement. (iv) Correct undesirable misconceptions and misrepresentations; (v) Use respective platforms to educate citizens on national cohesion and integration; (vi) Campaign for the positive implementation of devolution as a means to cohesion and integration; (vii) Engage all communities irrespective of their socio-economic and cultural differences; and (viii) Root for minorities and marginalised individuals and communities.
Politicians	
<p>Politicians shape national thinking on many issues.</p>	<p>Politicians should:</p> <ul style="list-style-type: none"> (i) Champion the full implementation of the Constitution and Kenya Vision 2030; (ii) Champion the enactment of just laws and the rule of law; (iii) Espouse the national values and principles of leadership in the Constitution; (iv) Monitor and evaluate the three arms of government, and ensure participation at all their levels; (v) Promote parties and politics that focus on issues not personalities; (vi) Exploit capacity to shape <i>wananchi</i>'s opinion by educating them on the virtues of national cohesion and integration;

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
	<ul style="list-style-type: none"> (vii) Educate on the virtues of peaceful coexistence, dialogue, arbitration and reconciliation; (viii) Avoid hate speech and other inflammatory pronouncements; (ix) Pay special attention to the values being inculcated in, and espoused by, the youth especially during electioneering periods; (x) Espouse effective sanctions against breaches of leadership principles; and <p>Promote grassroots public participation in politics and governance.</p>
Individual Citizens	
<p>Individual citizens are important because it is from amongst them that all the actors above are drawn.</p>	<p>Individuals must acquire the following attributes and promote them in their own communities:</p> <ul style="list-style-type: none"> (i) Read and understand the Constitution, and the various legislation relating to national cohesion and integration and related issues; (ii) Respect the Constitution and the laws emanating from it; (iii) Acquire and promote national values and patriotism; (iv) Espouse respect for, and positively and vocally appreciate diversity and harmony; (v) Travel and interact extensively to know other Kenyans and how they live; (vi) Espouse and respect inter/multi-culturalism, such as through intermarriage; (vii) Espouse respect for human rights and basic needs (be your brother's keeper); (viii) Fight negative ethnicity, nepotism and violence; (ix) Be fully accountable for own conduct;

Stakeholder/Current Responsibilities	Roles in National Cohesion and Integration
	<ul style="list-style-type: none"> <li data-bbox="687 416 1302 517">(x) Participate fully in the governance of their locality, such as through civic education and citizen forums; <li data-bbox="687 528 1302 562">(xi) Respect and nurture the environment; <li data-bbox="687 573 1302 674">(xii) Uphold value systems in society including trust, patriotism, hard work, among others; and <li data-bbox="687 685 1302 799">(xiii) Respect each others' culture and values, and promote positive coexistence amongst different ethnic groups.

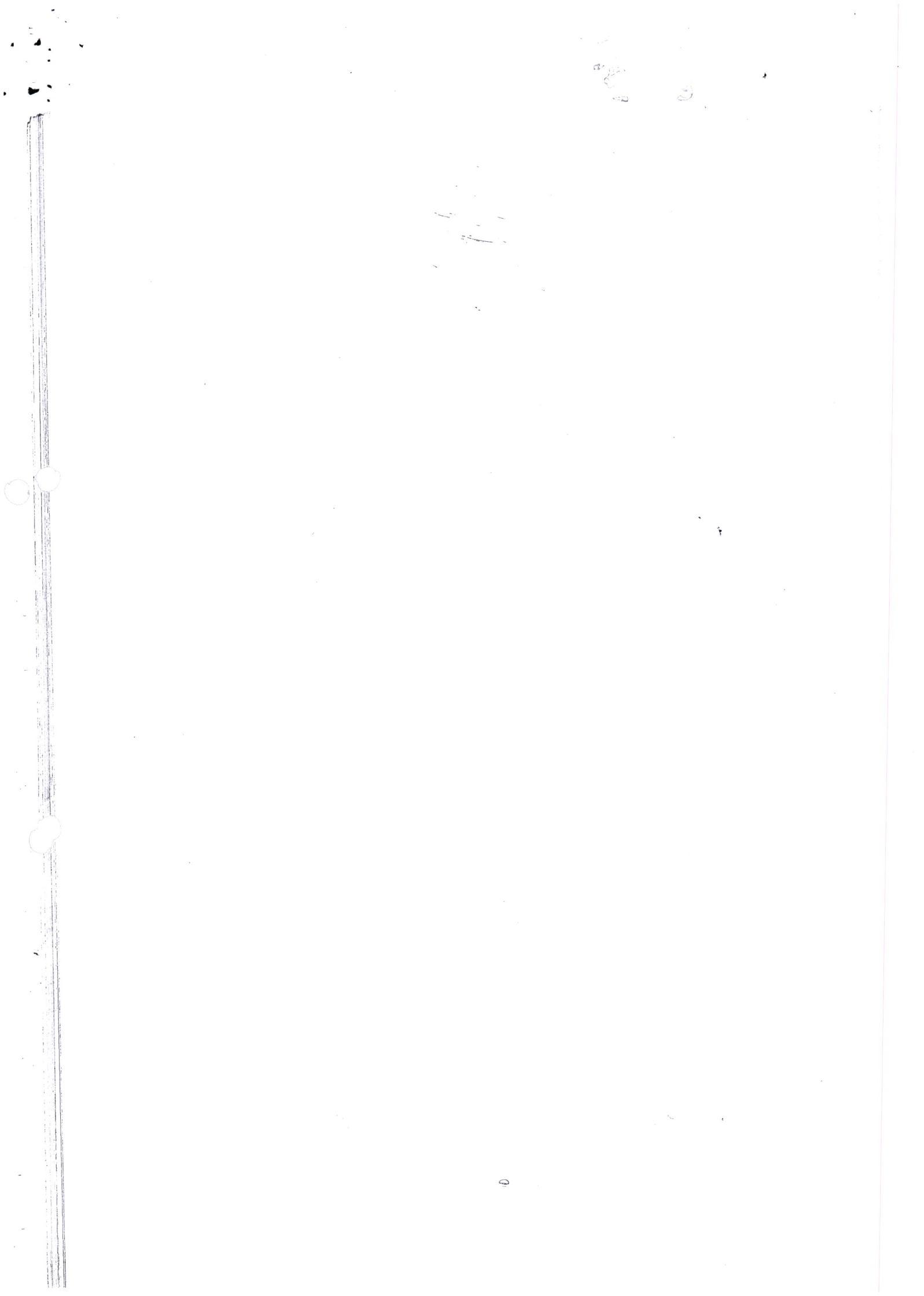
CHAPTER 5

5 LEGAL FRAMEWORK AND ENFORCEMENT MECHANISM

116. The National Cohesion and Integration Policy recognises, and indeed, draws its strength from, the supremacy of the Constitution of Kenya (2010), which recurrently invokes equity and justice as common concepts underlying this policy. Under normal circumstances, the logical sequence would have been to develop this cohesion and integration policy as the basis for enacting the National Cohesion and Integration Act. However, under the strained circumstances of the post-election violence of 2007/08, it became necessary to institute the Act to enable the establishment of the Commission. However, it should now be possible to review the Act in the context of this policy.

117. The implementation of this policy will also be linked with other relevant national policy documents such as on culture, peace-building, heritage, land, education, and most significantly, *Kenya Vision 2030*. It shall be necessary to align the various policies to the issues addressed by the National Cohesion and Integration Policy. In effect, therefore, the policy and its legislation will provide the context of interventions, but the specific interventions will be implemented under various sectoral policies and laws.

118. The National Cohesion and Integration Policy recognizes that its implementation is the responsibility of a wide range of stakeholders inside and outside the government, most notably individual Kenyans. It is the capacity of individual Kenyans to espouse the concept of national cohesion and integration that will enable the realisation of the policy's objective. These individuals shall consequently, in their roles as actors in state and non-state institutions, effect their patriotic duty of promoting the realisation of national cohesion and integration as envisaged in the Constitution.



CHAPTER 6

6 MONITORING AND EVALUATION

119. Monitoring and evaluation (M&E) of outputs, outcomes and impacts shall play a critical role in realizing the results envisaged by the National Cohesion and Integration Policy. Monitoring and evaluation serves several purposes. The process aids in ascertaining whether the objectives of this policy are being achieved as planned and the corrective action is taken where necessary. M&E relate to pre-identified objectives of the National Cohesion and Integration Policy. Findings from monitoring shall be used to guide improvements or reinforce national cohesion and integration programmes.

120. A good M&E framework should clarify what is to be monitored and evaluated, the activities needed to monitor and evaluate, who is responsible for M&E activities, when M&E activities are planned (timing), how M&E are carried out (methods), and what resources are required and where they are committed. In addition, relevant risks and assumptions in carrying out planned monitoring and evaluation activities should be seriously considered, anticipated and included in the M&E framework. These issues are discussed below, and an illustrative example of a monitoring and evaluation planning matrix is provided in Appendix Table 6.1. The columns of the illustrative planning matrix for monitoring in Appendix Table 6.1 could be modified to cover results elements such as outcomes, outputs, indicators, baselines, risks and assumptions, separately.

121. The Ministry of Devolution and Planning has launched the National Integrated Monitoring and Evaluation System (NIMES) to undertake continuous data collection for a database worthy of analysis and evidence-based policy making. Alongside the Indicator Handbook for Monitoring and Evaluation, the two documents form useful frameworks for monitoring important medium term goals and indicators relating to some of the socio-economic aspects of national cohesion and integration.

122. Apart from the Indicator Handbook, other useful reports in identifying SMART indicators include: the Annual Progress Report on Vision 2030 Medium Term Plan (MTP) Outcomes; the Quarterly Flagship Project Reports; and the Semi-annual Constituency Reports. These reports cover a number of targets, including existing socio-economic indicators of disparity, such as poverty and inequality targets at individual and regional levels, employment, education, and health.

123. Beyond the foregoing indicators, it shall be possible to develop at both national and county levels, cohesion and integration indices that will be important in moving the strategies suggested in this policy to a practical level. It is proposed that a suitable government agency develops and monitors one or more such indices of national cohesion and integration and social transformation to keep track of the level of progress. Some of the indicators could include aspects of social values,

social capital, social integration, expectations for the future; ethnic distance,¹⁹ and trust.

124. In the context of SMART analysis, this policy proposes the establishment and adoption of specific national cohesion and integration targets by government ministries, departments and agencies. The same shall be developed with the rest of the non-state actors listed in Figure 4.1. It will be important for the concerned agencies to promote the development of these targets. As an incentive, the extent of attainment of these targets shall provide the basis of an annual award to be established and given to organisations that lead in the adoption of best practices for national cohesion and integration. M&E framework shall be reviewed and updated periodically.

¹⁹ Ethnic distance refers to the inclination to avoid social contact with other ethnic groups or sometimes ethnic minorities.

CHAPTER 7

7 FINANCING OF NATIONAL COHESION AND INTEGRATION INITIATIVES

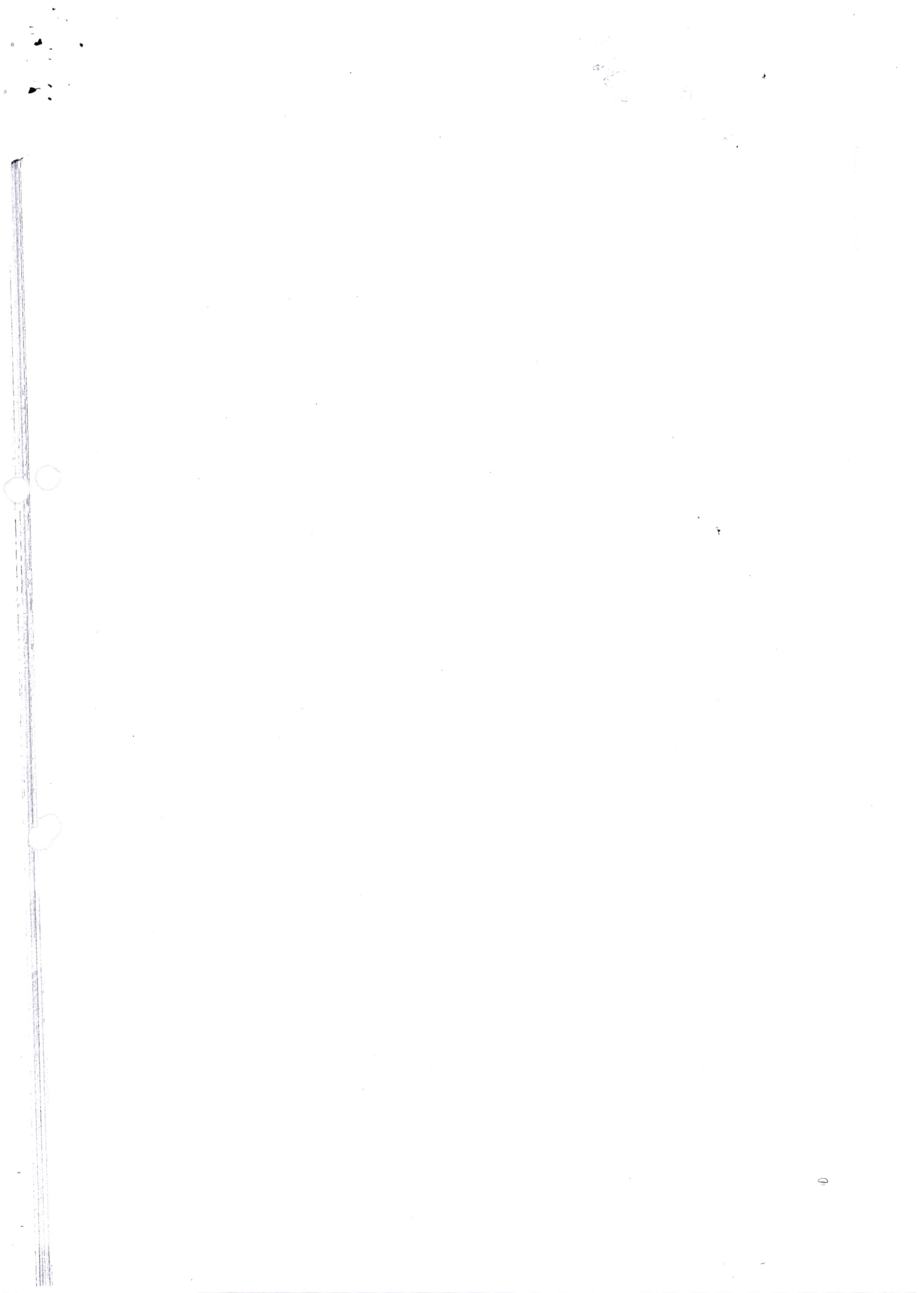
125. The initiatives identified in the preceding chapters will be financed by government, non-state actors, individuals and communities. In the initial stages of policy implementation, government financing will be critical for the establishment of the basic infrastructure for instilling national cohesion and integration, as well as the initial recurrent expenditure. Development partners and the private sector will be encouraged to support the national cohesion and integration initiatives at all levels both in the short term and into the long term.

126. During the initial stages of implementation of the policy, great investments will be necessary in the production and delivery of information, education and communications (IEC) materials. The IEC materials will include print and electronic media initiatives, sponsorship of civic education and awareness-raising campaigns, such as through the music, drama and sports festivals of schools and colleges, and the production of promotional materials.

127. A further potential source of financing will be the private sector, possibly in the context of their corporate social responsibility initiatives and public-private partnership frameworks. As previously noted, the private sector – especially its formal component – stands to lose from the absence of national cohesion and integration. Consequently, it should have a great interest in championing sustained national cohesion and integration. Further, since the work place is a major arena for gauging national cohesion and integration, and the private sector is a greater employer than the public sector, the former's espousal of national cohesion and integration values will internalise much of the costs of the initiative.

128. Other potential financiers will include local and international charitable foundations. As with the private sector, these could be quite instrumental in sponsoring the national cohesion and integration awards discussed above. Consideration could also be given to the establishment of a cohesion and integration fund from which counties could draw resources based on current needs.

129. However, since national cohesion and integration will essentially be the product of successful attitude-change, its greatest implicit financier is the individual in society. The conceptualisation of cohesion and integration as a 'sense' and 'feeling' of belonging focuses attention squarely on individuals who become the private and public sector employers or employees among whom sense and feeling are important, and among whom the campaign for national cohesion and integration will be played out. Their espousal of cohesion and integration means they will internalise the recurrent costs of perpetuating the National Cohesion and Integration Policy.



CHAPTER 8

8 POLICY REVIEW

130. National cohesion and integration was conceptualised as a process rather than an event. This approach recognises that the context in which the National Cohesion and Integration Policy will be implemented is a dynamic one. Consequently, the policy will be reviewed as the need arises to take into account any emerging issues on national cohesion and integration.

Appendix Box 1: Kenya's Adherence to International Law and Ratification Dates

Regional Conventions

- 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (Ratified on 23.06.92)
- 1977 Convention for the Elimination of Mercenaries in Africa (Signature only on 17.12.03)
- 1981 African Charter on Human and Peoples' Rights (Ratified on 23.01.92)
- 1990 African Charter on the Rights and Welfare of the Child (Ratified on 25.07.00)
- 1995 African Nuclear Weapon Free Zone Treaty (Ratified on 15.11.00)
- 1998 Protocol to the African Charter on Human and Peoples' Rights, establishing an African Court on Human and Peoples' Rights (Ratified on 04.02.04)
- 1999 OAU Convention on the Prevention and Combating of Terrorism (Ratified on 28.11.01)
- 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Signature only on 17.12.03)

International Conventions/Treaties

- The Universal Declaration of Human Rights
- The United Nations International Covenant on Economic, Social and Cultural Rights (Accession in 1972)
- The United Nations International Covenant on Civil and Political Rights (Accession in 1976)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- International Convention for Protecting All Persons from Enforced Disappearance (2007)
- Convention on the Rights of Persons with Disabilities (2008)
- 2007 Declaration on the Rights of Indigenous People
- 1998 ICC Rome Statute (2005)
- 1989 Convention on the Rights of the Child (2000)
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1997)
- 1979 Convention on the Elimination of All Forms of Discrimination against Women (1984)

Appendix Box 1: Kenya's Adherence to International Law and Ratification Dates—(Cont'd.)

- 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (1972)
- 1967 Protocol relating to the status of Refugees (1981)
- 1966 International Convention on Economic, Social and Cultural Rights (1972)
- 1966 International Convention on Civil and Political Rights (1972)
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination (2001)
- 1951 Refugee Convention (1966)
- 1951 Convention on the Prevention and Punishment of the Crime on Genocide

Appendix Table 6.1: Example of a M&E Planning Matrix

Guide the Building of a Just, Cohesive and Integrated Society that Enjoys Equitable Social, Economic and Political Development as Espoused in the Constitution of Kenya (2010)								
National Goal/Priority	Expected Results & Outcomes (Outputs)	Indicators (with Baselines & Indicative Targets) and other Key Areas to Monitor	M&E Event with Data Collection Methods	Time or Schedule and Frequency	Responsibilities	Means of Verification: Data Source and Type	Resources	Risks
Outcome 1: Strengthened institutions for cohesion and integration	Worldwide Governance Indicators (WGI) – (Baseline and Target) Corruption Perception Index	Annual Surveys Annual Transparency International Reports (Surveys)	Annual Annual reports	National and County governments National and county governments	Annual reports Annual reports	External partners External partners		
Outcome 2: Reduced socio-economic inequalities	Gini index	Annual progress report	Annually	National government	Annual progress reports			
Outcome 3: Reduced unemployment and underemployment across regions and socio-economic groups	Unemployment rate and Underemployment	KNBS Surveys	Ideally, at least once every 5 years	National government	KNBS reports	National government with donor assistance	Funds	

Appendix Table 6.2: National Cohesion and Integration Policy Implementation Matrix

Policy Objective	Strategies	Activities	Indicators	Responsibilities	Timeframe
1. Address causes of ethnic discrimination, negative ethnicity, feelings of discrimination, and the unequal distribution of resources and opportunities	<ul style="list-style-type: none"> Enact relevant legislation Establish and build capacity relevant institutional frameworks Engagement of stakeholders and key actors Implement the constitutional and legislative provisions on devolution 	<ul style="list-style-type: none"> Review of relevant legislation Operationalize the relevant structures and institutions Mobilization of resources Formation of partnerships and networks 	<ul style="list-style-type: none"> Numbers of legislations reviewed/enacted Numbers of institutions/structures created and operationalized. Number and diversity of stakeholders mobilised. Number of MoUs signed and partnerships formed. implement the constitutional and 	<ul style="list-style-type: none"> All government ministries Parliament All statutory bodies and SAGAs County governments COTU KEPSA Umbrella religious bodies Umbrella students' organisations Umbrella sports organisations 	Continuous
2. Foster equity and social justice by building on, or complementing other ongoing national processes aimed at addressing nationhood, national cohesion and integration	Develop an understanding of equity (as distinct from equality) and social justice and the modes of their operationalization	<ul style="list-style-type: none"> Disseminate information on fundamentals of equity and social justice and their operationalization. Instil the principles of equity and social justice in ongoing national governance processes. Develop equity and social justice goals including ongoing reforms in national governance institutions 	<ul style="list-style-type: none"> Extents of reviews on equity and social justice and their operationalisation undertaken. Extents of dissemination of the information on equity and social justice and their operationalization Extents to which the principles of equity and social justice are instilled in ongoing national 	<ul style="list-style-type: none"> Ministry of Interior and Coordination of National Government NCIC All government ministries All statutory bodies and SAGAs County governments COTU FKE KEPSA Umbrella 	Continuous

Appendix Table 6.2: National Cohesion and Integration Policy Implementation Matrix—(Cont'd.)

Policy Objective	Strategies	Activities	Indicators	Responsibilities	Timeframe	
3. Foster a general understanding of the concepts of national cohesion and integration, especially in relation to the Constitution of Kenya (2010).	(i) Disseminate the Constitution and the role of other legislation and institutions in promoting NC&I, such as through the rule of law, affirmative action, and devolution, among others. Introduce NC&I principles in all workplaces, both in public and private sectors.	<ul style="list-style-type: none"> Develop and distribute people friendly English and Kiswahili versions of the Constitution and pertinent legislation Develop and distribute people friendly English and Kiswahili versions of the key tenets of good governance, such as the rule of law, affirmative action, devolution, etc 	<ul style="list-style-type: none"> Based on the goals above, develop SMART indicators for M&E. Highlight the best practices in, and gains made towards, n ongoing national governance processes. 	<ul style="list-style-type: none"> Develop and distribute people friendly documents developed, printed and distributed Numbers of grassroots forums sponsored and conducted Numbers of reports giving feedback on such forums 	<ul style="list-style-type: none"> Ministry of Interior and Coordination of National Government MoE; Ministry of Sports, Culture and Arts NCIC County governments COTU FKE KEPSA Umbrella religious bodies Umbrella students' organisations Umbrella sports 	Continuous

Appendix Table 6.2: National Cohesion and Integration Policy Implementation Matrix—(Cont 'N)

Policy Objective	Strategies	Activities	Indicators	Responsibilities	Timeframe
	<p>(ii) Involve the print and electronic media in promoting NC&I</p>	<ul style="list-style-type: none"> • Sponsors grassroots forums at which to discuss the NC&I promoting elements of the various legislations • Develop NC&I guidelines for workplaces • Introduce NC&I guidelines at all workplaces. • Develop a curriculum for training the media on NC&I issues • Conduct workshops on causes, consequences and 	<ul style="list-style-type: none"> • NC&I guidelines developed for workplaces • NC&I guidelines launched at all workplaces • Numbers and quality of feed-back on use and impact of NC&I guidelines at all workplaces • Curriculum for training media on NC&I issues developed • Numbers of workshops on NC&I issues conducted with the media • Framework for monitoring NC&I issues in the media developed • Regularity of reports 	<p>organisations CCK</p> <ul style="list-style-type: none"> • Media Council • Media Owners Association • Kenya Union of Journalists 	

Appendix Table 6.2: National Cohesion and Integration Policy Implementation Matrix—(Cont'd.)

Policy Objective	Strategies	Activities	Indicators	Responsibilities	Timeframe
4. Identify principles, policies and strategies that should guide the process of national cohesion and integration, and reconciliation.	<ul style="list-style-type: none"> Research on international principles, policies and strategies for national cohesion, integration and reconciliation 	<p>remedies for weak NC&I for all aspects of the media</p> <p>Develop a framework for monitoring NC&I issues in the media</p> <ul style="list-style-type: none"> Undertake research on international principles, policies and strategies for national cohesion, integration and reconciliation Identify areas of persisting disharmony and disintegration Develop frameworks for promoting national cohesion and integration 	<ul style="list-style-type: none"> produced on NC&I issues in the media Promptness of remedial action taken on media violation of NC&I principles Research undertaken Areas of disharmony identified Framework developed 	<ul style="list-style-type: none"> Ministry of Interior and Coordination of National Government NCIC All government ministries Universities 	Continuous
5. Provide a schedule of roles for various stakeholders in the operationalisation of national cohesion and integration process, and establish how	Develop a schedule of stakeholder roles	<ul style="list-style-type: none"> Organise stakeholder consultations to impart the principles of, and strategies for, national cohesion and integration Undertake broad-based stakeholder consultations on roles and responsibilities in operationalisation of cohesion and 	<ul style="list-style-type: none"> Number of stakeholder consultations organised. Manual on stakeholder roles and participation modes developed. Numbers of dissemination workshops conducted 	<ul style="list-style-type: none"> Ministry of Interior and Coordination of National Government NCIC Development partners All government ministries All statutory bodies and 	Medium term

Appendix Table 6.2: National Cohesion and Integration Policy Implementation Matrix—(Cont'd.)

Policy Objective	Strategies	Activities	Indicators	Responsibilities	Timeframe
these stakeholders can be mobilised to play their roles effectively.		<ul style="list-style-type: none"> integration processes. Develop a manual distinguishing the framework for stakeholder roles and participation modes. Disseminate the manual on the roles and participation modes of stakeholders in national cohesion and integration. 		<ul style="list-style-type: none"> SAGAs County governments COTU FKE KEPSA Umbrella religious bodies Umbrella students' organisations Umbrella sports organisations 	
6. Provide an organisational framework for the implementation of the policy's strategic objectives while mainstreaming national cohesion and integration objectives into national development programmes, projects and activities.	<ul style="list-style-type: none"> Continually update the policy strategic implementation framework 	<ul style="list-style-type: none"> Develop a time-bound strategic implementation framework Conduct periodic review of the strategic implementation framework 	<ul style="list-style-type: none"> A strategic implementation framework developed Number of reviews conducted. 	<ul style="list-style-type: none"> Ministry of Interior and Cordination of National Government NCIC All government ministries All statutory bodies and SAGAs County governments COTU FKE KEPSA Umbrella religious bodies Umbrella students' organisations Umbrella sports organisations 	Continuous