



Republic of Kenya

Ministry of Justice, National Cohesion and Constitutional Affairs

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**DRAFT NATIONAL COHESION AND INTEGRATION POLICY**

**(Consultation Draft)**

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## Abbreviations and Acronyms

ASAL	Arid and Semi Arid Land
CBO	Community Based Organization
DFID	Department for International Development
GoK	Government of Kenya
GTZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
IBEA	Imperial British East Africa
ICC	International Criminal Court
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KIHBS	Kenya Integrated Household Budget Survey
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KNCHR	Kenya National Commission on Human Rights
MDG	Millennium Development Goals
MOJCCA	Ministry of Justice, National Cohesion and Constitutional Affairs
MTP	Medium Term Plan
NARC	National Alliance for Rainbow Coalition
NCIC	National Cohesion and Integration Commission
NESC	National Economic and Social Council
NGO	Non-governmental Organisation
NIMES	National Integrated Monitoring and Evaluation System
SAP	Structural Adjustment Programme
SWOT	Strengths, Weaknesses, Opportunities and Threats
TJRC	Truth, Justice and Reconciliation Commission
UNCD	Universal Declaration on Cultural Diversity
UNDP	United Nations Development Programme

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## 1 Preamble

### 1.1 Background

1. The management of Kenya's diversity since independence in 1963 has posed various challenges to enhancing national cohesion and integration. The single major impediment to the achievement of national cohesion and integration has been the mismanagement of national diversities and heritages, mainly for parochial political reasons. Among the primary forms of diversity in Kenyan society are: ethnicity, race, socio-economic status, religion, and natural heritage. During colonialism, race was a major determinant of status, meaning there was no desire for national cohesion and integration. Indeed, under colonialism, the Kenyan state was a mere appendage of the British state, meaning there was no concern with nationhood, let alone cohesive and integrated nationhood. Into independence however, when nationhood becomes a cornerstone for progress, ethnicity – *negative* ethnicity – has arguably been the single aspect of diversity that has generated the greatest difficulties in enhancing national cohesion and integration. While successive independence-era governments have invoked the holy grail of *nation statehood*, the lack of a policy framework has undermined the drive towards this prerequisite for (national) development.

2. The difficulties experienced in Kenya with respect to nation building revolve largely around the failure of governments to conceptualise and espouse multiculturalism, which involves appreciation, acceptance and promotion of cultural and ethnic diversities. In practice, multiculturalism also advocates the espousal of equity as a basis of managing national resources among distinct sub-national entities, such as ethnic groups. Thus, Kenyans have experienced conflicts partly because national leadership has consciously or unconsciously relied primarily on ethnicity to perpetuate dominance, directing national resources disproportionately to such perceived power bases.

3. Various policy measures since independence were argued to be designed to promote nationhood, with outcomes that largely hampered national cohesion and integration. Thus, for example, Sessional Paper No. 10 of 1965 championed the nationwide reduction of

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poverty, disease and ignorance.<sup>1</sup> However, its subsequent focus of public investments in “areas with the greatest absorptive capacity” arguably widened the distance between the areas which had benefitted from colonial-era investments – notably the former *White Highlands* – and those that had been excluded. In the recent past, several efforts have been directed towards reversing the negative outcomes that have hitherto predisposed the country to parochial conflict. Such efforts include the Economic Recovery Strategy 2003-07,<sup>2</sup> and the *Kenya Vision 2030*<sup>3</sup> and its First Medium Term Plan 2008-12.<sup>4</sup> Vision 2030, for example aims for a just and cohesive society that enjoys equitable social, political and economic development in a clean and secure environment, and recognises the risk to cohesion of significant pockets of abject poverty.

4. As part of the National Accord which restored order after Kenya’s post-2007 election violence, Parliament legislated the National Cohesion and Integration Act 2008<sup>5</sup> which, *inter alia*, encourages national cohesion and integration by outlawing discrimination on ethnic grounds, and provided for the establishment of the National Cohesion and Integration Commission (NCIC). Most recently, the progressive Constitution of Kenya promulgated in 2010<sup>6</sup> has a number of provisions that touch specifically on national cohesion and integration. Its Chapter 2 for instance, emphasises national values and heritage, its 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. The foregoing 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 strive towards absolute nation statehood.

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<sup>1</sup> See Republic of Kenya (1965).

<sup>2</sup> See Republic of Kenya (2003)

<sup>3</sup> See Republic of Kenya (2008a)

<sup>4</sup> See Republic of Kenya (2008b)

<sup>5</sup> All Kenyan legislation can be accessed at <http://www.kenyalawreports.org>

<sup>6</sup> See Republic of Kenya (2010).

## 1.2 Rationale for National Cohesion and Integration Policy

5. The need for a policy to promote national cohesion and integration that resonates with all *national efforts* towards this course cannot be overemphasised. Such a policy will be important for Kenya's development agenda for a number of reasons:

- (i) The achievement of Kenya's development goals for improving its people's socioeconomic status is based on the existence of a just and cohesive society. Consequently, a policy will guide the efforts of stakeholders towards a cohesive and integrated society for nation building. The development of such a policy is beneficial in that one of the pre-requisites is an introspection that allows Kenya to identify where in the past it erred with respect to developing the cohesive and integrated nation state.
  - (ii) Policy makers, policy implementers and other actors need to be guided on issues of national cohesion and integration in order to bring about the desired positive change. The existence of such a policy enhances the consistency and efficiency with which the government and other stakeholders design and implement the interventions aimed at promoting national cohesion and integration.
  - (iii) Kenya is characterised by factors that predispose situations to conflict. The Kenya National Dialogue and Reconciliation Agreement (2008) articulates 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. Consequently, the country risks eroding traditional sources of a sense of belonging, and public trust of political and governance institutions. These risks could be circumvented by designing and implementing a national cohesion and integration policy.
  - (iv) 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
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for important resource pooling activities. The existence of a national cohesion and integration policy will impact positively on human capital development, the flow of foreign investments, and consequently, on economic growth and development.

- (v) A particularly important justification for a cohesion and integration policy is that in its absence, vast resources are usually diverted from development interventions to conflict resolution, as well as managing internally displaced persons, and restoring damaged infrastructure.

### 1.3 Defining National Cohesion and Integration

6. The appropriate definition and conceptualisation of national cohesion and integration is important because it helps to diagnose the problem and to subsequently generate efficacious solutions to it. Deliberations on national cohesion and integration are often triggered by a sense of relative deprivation based on mere perceptions by people, or on actual data generated from research, such as household welfare studies. Such discourses and resulting publications employ such variants to ‘cohesion’ and ‘integration’, such as inclusion, equity and justice; yet, the meanings of these words and/or phrases is rarely provided within these policy documents. Often, this omission is due to a perception that ‘cohesion’ and ‘integration’ are concepts lacking in ambiguity.

7. Besides undermining the development of efficacious interventions, the lack of conceptualisation and definitions is also significant because the terms do not in themselves automatically imply the direction, substance or amount of change that would bring about welfare improvements. While the concepts are assumed to call for progressive change, they can easily be used to achieve the very opposite: for example, Nazi Germany’s holocaust occurred in the pursuit of national unity and purity. In the Kenyan context, calls by politicians for “spotlessness” from “outsiders” – that is, a call to exclude “intruders” in a particular region usually breeds conflict. Consequently, precise definitions and characterisations are necessary for effective interventions.

8. Apart from a concise working definition or conceptualisation of *national cohesion* and *integration*, there is also need to identify a related comprehensive set of indicators

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and/or indices to enable policy makers, policy implementers, and the society at large to monitor national cohesion and integration processes.

9. National cohesion and integration have evolved over time and their 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, however, it goes beyond economic and social gaps to include issues such as belonging, rule of law, democracy and institutional strength.

10. National cohesion entails a process of constructing an integrated citizenry with a sense of belonging amongst members of different groups and from different regions, through the regulation and reconciliation of differences as well as competing interests and demands. The ultimate goal of national cohesion is to create an overarching national community that renders loyalty to competing ethnic, racial, regional, class and religious communities secondary and, if possible, irrelevant. National cohesion embraces unity of purpose in the citizenry's 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 building, peace-keeping and conflict resolution and management, which essentially deal with security assurance.<sup>7</sup>

11. National cohesion is distinct from *social order*, which may exist without cohesion and/or unity. This occurs when social practices are reproduced coercively. In effect, social cohesion does not merely imply absence of war, and is not just an issue of social peace. 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. National unity is a feeling of being together (as a country), especially in times of trouble.

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<sup>7</sup> 'Conflict resolution' encompasses a wide range of interventions to resolve a conflict, with 'peace-keeping' involving various initiatives that move a situation from war to peace. In turn, the latter is a sub-set of 'peace building' through which foundations are established to avoid a relapse into war.

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12. Socially cohesive societies are always harmonious, or devoid of political conflict or dissent. Rather, the concept is used to make the general point that the extents to which people work together when crisis strikes or an opportunity knocks is a key factor shaping the fabric of society. Other related concepts include social equity and social differentiation. Social equity refers to fair access to livelihood, education, resources and justice, as well as to full participation in the political and cultural life of the nation. Conversely, social differentiation distinguishes social groups and persons on the basis of physiological and socio-cultural factors such as race, ethnicity, and nationality.

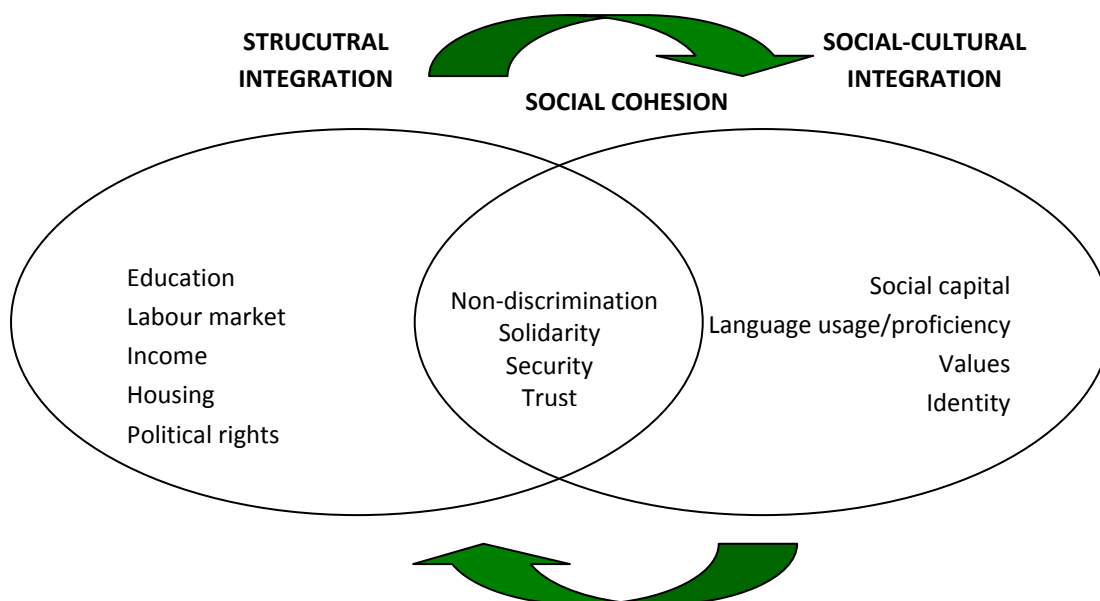
13. From the perspectives given on social cohesion, the working definition of *national cohesion and integration* in the Kenyan context is *a process and an outcome of instilling and enabling all citizens to have a sense as well as a feeling that they are members of the same community engaged in a common enterprise, facing shared challenges and opportunities*. National cohesion and integration encompasses unity, equality, freedom, democracy, absence of war, 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 regions and citizens, instituting non-discrimination practices, and enabling citizens to embrace Kenya's national symbols. This instills inclusion which entails the realization of opportunities for full and equal participation of diverse groups in society in economic, social, cultural and political institutions, and is based on the notions of belonging, acceptance and recognition. In turn, social justice relates to principles of equality and solidarity as extended to the diverse members of a particular society or nation.

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## 1.4 Diagrammatic Representation of National Cohesion and Integration

13. The concepts of national cohesion and national integration tend to overlap, and even appear synonymous in instances. The necessary conceptual clarity can be achieved by giving ‘national cohesion’ a specific content and fitting it into the concept of ‘integration’ as described below. Van-Craen *et al.* (2008) suggests two dimensions of integration, viz. the structural, and the social cultural, illustrated in Figure 1.1. *Structural* integration is the position taken by ethnic-cultural minorities in social-economic stratification. Important sub-dimensions are positions in education, the labour market, income, housing quality and political rights. *Social-cultural* integration is the degree to which minorities distinguish themselves from the society in which they live. Important sub-dimensions of social-cultural integration are: social capital, (majority) language usage and proficiency, values and norms, and identification. In the analysis of the interaction of communities, it would be necessary to consider the sub-dimensions of structural and social-cultural integration as factors that can facilitate or impede social cohesion.

**Figure 1.1: Social cohesion and integration**



Source: Adapted from Van-Craen, Vancluysen and Ackaert (2008)

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14. Although there is a conceptual distinction between structural and social-cultural integration, the two processes are in practice interdependent. For instance, fluency in the language of the host community may improve educational achievement, while inter-ethnic social contacts can help in finding employment. In studies concerning the interaction of ethnic-cultural minorities and majority populations, the concept of ‘social cohesion’ regularly emerges. Often, *social cohesion* is seen as the end product of a successful process of integration. It may not be useful to consider the dimensions of social integration themselves as aspects of social cohesion, as the literature so often does, because the concepts of social cohesion and of integration then become entangled. On the basis of the elements of the definitions discussed above, it seems plausible to measure social cohesion in multicultural societies on the basis of the following:

- (i) Mutual perceptions between immigrant groups and the majority group;
- (ii) The degree to which the minorities are not discriminated;
- (iii) The degree to which members of immigrant and indigenous communities are prepared to repose trust in one another and in social agencies (including governmental);
- (iv) The degree to which different ethnic-cultural groups feel safe (in one another’s neighbourhood); and
- (v) The degree to which ethnically diverse groups actively care for one another’s well-being (solidarity).

There is likely to be mutual influence between some dimensions of integration and certain aspects of social cohesion. The dimensions of integration and social cultural integration may be evaluated on the basis of four sub-themes: social cultural, economic, political, and institutional.

### **1.5 Dimensions of National Cohesion and Integration**

15. The dimensions of national cohesion and integration allow us to operationalise the concept of national cohesion and integration, in order to develop policies, national

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strategies and programmes to enhance the pursuit. Important dimensions for national cohesion in the Kenyan context include: the institutional dimension, equity (or disparities) dimension and the perspectives or subjective dimension. These dimensions are elaborated below.

**(a) Institutional dimension**

The institutional dimension encompasses economic, political, legal and social institutions and organizations. Although transformation of all forms of institutions is important for national cohesion and integration, the development of political and governance institutions are especially important in the Kenyan context. The concerns addressed by the two areas prioritised touch on the roles of the Executive, Legislature, Judiciary, and the conduct of national politics.

**(b) Equity dimension**

16. The conduct of governance has great implications for whether service delivery and its outcomes will be equitable or not. Communities in a country more likely than not start off with divergent natural asset bases, which has implications for the capacities of people to attain desirable welfare status. One obligation of governance is to diminish 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. This dimension recognises that the country cannot achieve true national cohesion and integration if socio-economic disparities persist. This requires attention to vertical and horizontal equity, in effect, affirmative action or positive discrimination. Vertical equity requires, for example, that people with unequal welfare assets are treated appropriately unequally wherever they reside. In turn, horizontal equity requires the equal treatment of equals wherever they are. These approaches mean that affirmative action is practiced 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. Indeed, it is usually the case that wide disparities are evidence of policies of

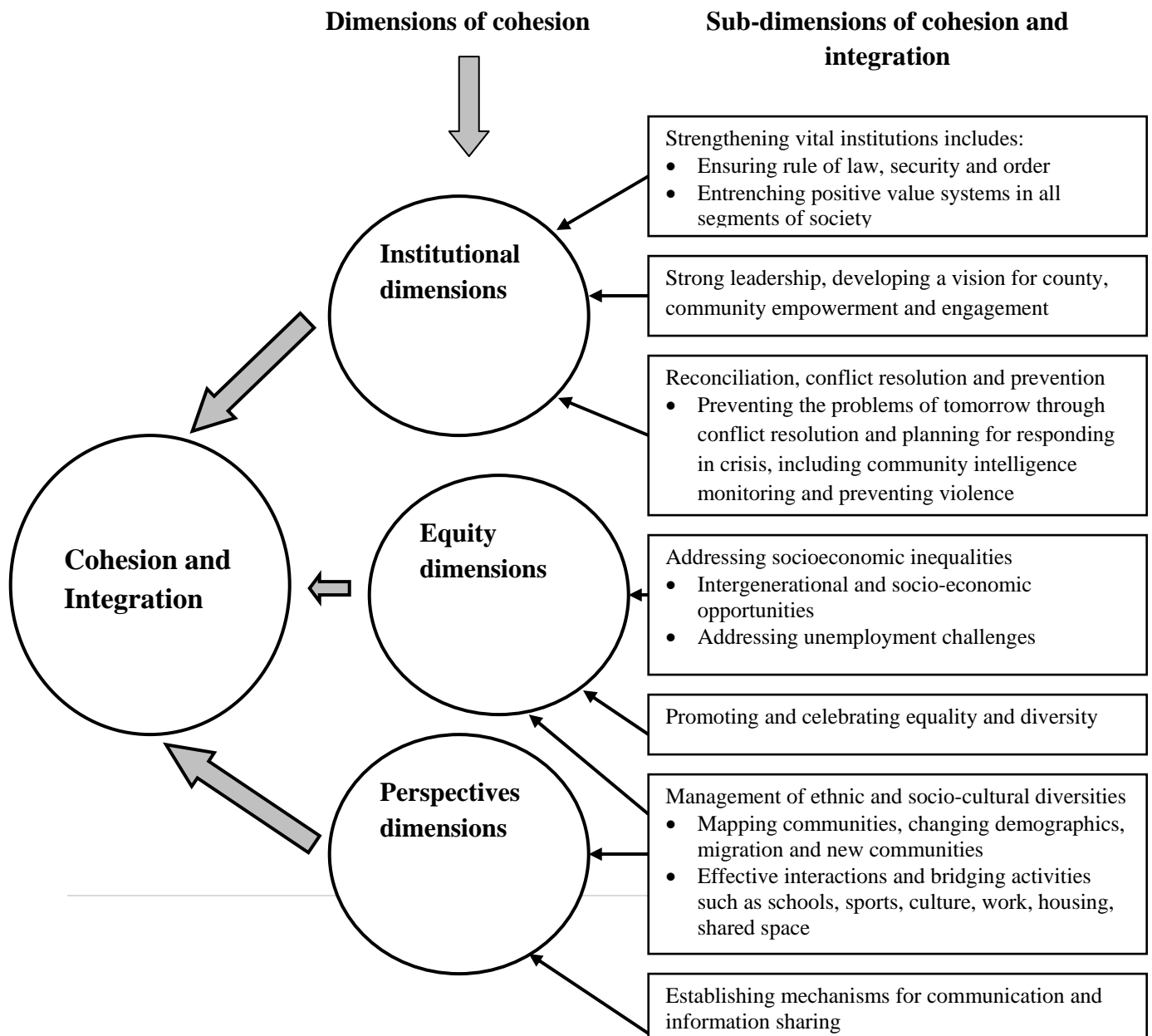
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exclusion, weak institutions and/or weak governance structures. To remedy the situation, both economic institutions and social institutions have a key role to play.

**(c) Perspectives dimension**

17. The perspectives or subjective dimension relates to the extent to which members of society feel that they are a part of both the society and the processes of integration. This dimension implies the need to measure social cohesion and integration through qualitative indicators that can nonetheless be monitored. Figure 1.2 presents these different dimensions and their respective sub-dimensions with respect to cohesion and integration utilised in the context of this policy document are presented.

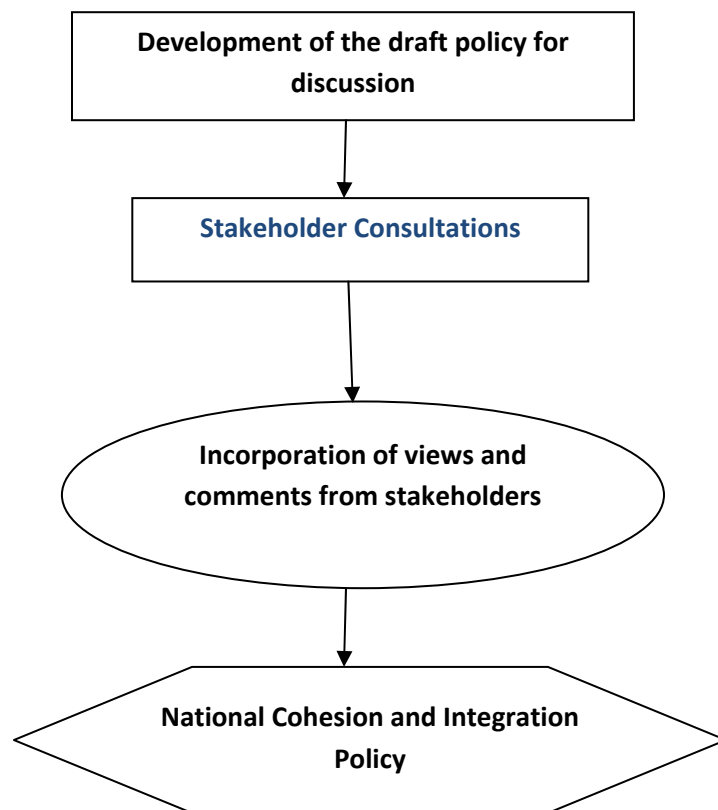
**Figure 1.2: Dimensions and sub-dimensions of cohesion and integration**



## 1.6 Formulating the Cohesion and Integration Policy

The draft policy document was developed by a team of experts and representatives of the Ministry of Justice, National Cohesion and Constitutional affairs and sector stakeholders with technical support from the Kenya Institute for Public Policy Research and Analysis (KIPPRA). Inputs and formal submissions from a wide range of stakeholders were sought and received via individual meetings, consultative workshops and regional workshops through which interested parties were/will be given opportunity to contribute towards the formulation and implementation of the policy.

Figure 1.2 Policy Formulation Process



## **2 Situational Analysis and Diagnosis of Cohesion and Integration Challenges in Kenya**

18. Challenges over national cohesion and integration in Kenya are associated with political, social and economic disparities and the manner in which social diversities are managed. Indeed, diversity often forms the basis of discrimination, impeding national cohesion and integration. As previously noted, Kenya's various forms of social diversity in Kenya include: culture, race, ethnicity, language, colour, religion, conscience, belief, 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 heritage across the country. This nature-based diversity was the basis of the success of the colonial settler enterprise: the Europeans owned the prime agriculture land – dubbed the 'White Highlands' – while the Africans were restricted to the Native Reserves which benefited from negligible colonial investment. This ensured minimal progress in the reserves, especially as youthful Africans were forced to provide their labour to the settler farms in return for modest wages with which they paid the taxes that maintained the colonial machine.

19. As noted before, the colonial Kenyan state was a mere extension of Britain, with no desire for cohesion and integration which would have been antithetical to the colonial strategy of dividing and ruling its subjects. The Europeans perched atop a racial pyramid with Asians in the middle and Africans at the base. But critically for any fledgling African attempts at nationalist consciousness, the colonialists infused pronounced divisions across the African ethnic groups, causing the earliest attempts at social and political organisation to invariably have ethnic bases. Given the arbitrary manner in which the Berlin Treaty brought different ethnic groups under one state – and even divided ethnic groups across states, a key responsibility of an independence government is to reverse these divisive experiences in order to create a viable, cohesive and integrated nation state. In this, the independent Kenyan state's performance has been wanting, as illustrated by the post-2007 election violence.

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## 2.1 Impediments to Cohesion and Integration

20. Conflict in Kenya, including the post-2007 election violence, has often been explained in terms of ethnic diversity interacting with adverse intervening factors, such as real or perceived inequalities. Therefore, reference to national cohesion and integration in Kenya is usually parallel or analogous to inter-ethnic cohesion. Achieving national cohesion and integration is akin to the achievement of social harmony, given the ethnic and resource diversities. Other forms of diversity such as race and religion have been less of a threat to national cohesion or social cohesion. Some of the historical impediments to national cohesion and integration stem from the following:

- i. The over-concentration of state powers on the Executive;
- ii. Weak respect for the rule of law;
- iii. Competition over the poorly distributed national resources, which underscore ethnic privileges;
- iv. Inequitable distribution public resources;
- v. Poor management of resources, notably land;
- 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;
- ix. A weak judicial system; and
- x. Primacy of ethnic identity over national identity and citizenship.

Some of these issues are elaborated below.

### *Unequal development before independence*

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21. Kenya became a British protectorate of the Imperial British East Africa Company in 1895, and a full-fledged colony in 1920. The original British objective in the East African region was to control the source of the River Nile, which was the motive behind the construction of the Kenya-Uganda railway line. The Kenyan colony would soon be different from the other British territories in the region in that it was given up to European settlement concentrated in the mild climates and fertile lands of central Kenya and central Rift Valley expropriated from the Africans. Settler agriculture was designed to finance the maintenance of both the colonial administration and the railway line. To ensure a steady supply of African labour to the settler farms, colonial investments were denied to the African reserves whose occupants were however, literally forced to sell their labour to the settlers.

22. The colonialists meant to develop Kenya as the economic hub of East Africa, and policies were implemented to nearly exclusively guarantee the white settlers' sufficient social and physical infrastructure. Legislative and other measures ensured that indigenous Kenyan would not unite and rebel against the colonialists. The measures included restriction to native reserves from which individuals could only move with permission, undermining the capacity to mobilize across ethnic identities. The balkanization of the indigenous communities to specific areas underscored ethnic identities. 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 to date.

23. Colonial land expropriation was extensive, from 2 million hectares in 1914 to 3 million hectares on the eve of independence, primarily from the Kikuyu, Maasai and Nandi. This was achieved through various laws, ordinances and promulgations, including the Native Trust Bill of 1926 which restricted Africans to Native Reserves. The creation of the White Highlands meant that the growing population of Africans would be confined to densely populated areas, resulting in declining productivity. These realities raised the profile of land ownership during the Lancaster House independence talks: the settler-backed Kenya African Democratic Union feared domination by the 'big tribes' in the

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Kenya African National Union (KANU), successfully arguing for devolution of governance to regional assemblies. These realities would need extensive attention into independence to reduce the extent to which they can nurture weak cohesion and integration.

24. The approach to colonial administration also further undermined the scope for cohesion and integration. The country was divided into administrative provinces and districts that, on the whole, coincided with ethnic groupings. This gave each community a feeling that they were different from the others and, therefore, entrenched ethnic identity. Yet, it is these very policies that were designed to entrench colonialism that led to grievances among the natives, and to the rise of nationalism and the struggle for independence.

### ***Marginalisation into independence period***

25. Independence was attained in 1963, ushering in great expectations among Kenyans of changes that would reduce poverty, disease and ignorance, thereby raising the level of national cohesion and integration. Although the first post-independence government promised to the settlers that land transactions would be based on emerging land markets where willing sellers interacted with willing buyers; this was not achieved. This meant that even the *Mau Mau* freedom fighters who had sacrificed extensively in the hope of reclaiming their lands previously expropriated for European settlement got no special attention. The land transfer efforts of the Agricultural Settlement Fund only processed a mere half a million acres by 1971. This failure by the government to effect substantive land reforms led to private initiatives, whose land-buying companies became a new arena for the exploitation of land-hungry citizens. As early as 1966, these developments on the land ownership front had led to a falling out within ruling party KANU, resulting in key members resigning to form the short-lived opposition Kenya People's Union.<sup>8</sup>

26. Besides land-based inequalities, weak cohesion and integration were also manifest in various other areas during the first post independence government era. Sessional Paper No. 10 of 1965's focus of public investment resources on areas with absorptive capacity

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<sup>8</sup> See Odinga (1967) and Kaggia (1975)

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concentrated resources in the former White Highlands at the expense of areas largely ignored by colonialism. Thus, the vast arid and semi-arid lands (ASAL) of northern Kenya remained the Northern Frontier District whose visitors had to be licensed by the government. Kenyatta's key public appointments were extensively parochial, ignoring the majority of Kenya's 42 ethnic communities.<sup>9</sup> Meanwhile, creeping mismanagement of public financial resources increasingly elevated the role of *harambee* funds-raising as the basis of social sector infrastructure investments, exacerbating inequalities of provisioning and access between areas with a strong fund-raising base and those without.

27. The second era of post independence period in 1978 carried hope among many Kenyans of a more inclusive regime that would pay attention to national cohesion and integration. Yet, despite the *Nyayo* philosophy of peace, love and unity, the government of the day did not address land reforms besides changing the Constitution to centralise power. The launch of the grassroots-based District Focus for Rural Development (DFRD) gave hope for inclusiveness. Yet, despite the fifth National Development Plan's (1984-88) theme of 'mobilising resources for equitable development', the persisting centralisation of budget resources in Nairobi-based ministries amidst rampant public resources mismanagement rendered DFRD a futile exercise of 'planning without money'.

28. Sessional Paper No. 1 of 1986's espousal of structural adjustment programmes and the attendant social sector cost-sharing/recovery deepened inequalities of provisioning and access, especially because rampant taxation indiscretions undermined public revenue. And the sixth National Development Plan's 'Participation for Progress' did little to accelerate agriculture growth and industrial diversification between 1989 and 1993. Meanwhile, education enrolment quotas curtailed the long-standing practice of secondary school students moving out of their home areas. The net effect of the weak governance at the time was that an estimated 57 per cent of the 1997 national population lived in poverty.

29. The growing and increasingly overt dissent to single party rule took advantage of emerging global political liberalism to successfully re-introduce constitutional multi-partyism in 1991. Kenya has always witnessed costly clashes across ethnic and clan lines

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<sup>9</sup> See Kanyinga (2006).

among the pastoralist communities fighting over livestock, water and pasture. However, the re-introduction of multi-party politics witnessed the emergence of a new form of collective violence manifest in the ethnic clashes of 1991, 1992, and 1997. The government-appointed Akiwumi Commission cited incitement and political mobilization by leaders seeking elective posts as causing the clashes. It is clear however, that widespread unemployment among educated youths has predisposed them to easy mobilisation by politicians for criminal activity. But, mass mobilisation was the basis of the 1997 protests that created some space towards a more broadly representative electoral management body, the Inter-Parties Parliamentary Group (IPPG) providing for the proportionate nomination of electoral commissioners by all parliamentary political parties.

30. In 1999, the government accepted the 1999 launch of the IMF and World Bank-sponsored Poverty Reduction Strategy Papers which conditioned country aid eligibility on the production of widely consulted evaluations of poverty. While the same period also saw the launch of the Medium Term Expenditure Framework (MTEF) budgeting approach to improve the links between policies, plans and budgets, the reform has to date not reached the grassroots. Finally, Kenya was among the countries that signed the Millennium Accord which spawned the Millennium Development Goals (MDGs) designed to reduce poverty by half by 2015. Significantly, the attainment of the MDG targets would require anti-poverty interventions across the whole country, involving different approaches to the hitherto politically conscribed approaches that have dominated the Kenyan development debates. Implemented fully, all the foregoing initiatives had the scope for increasing inclusion and enhancing national cohesion and integration.

31. The earliest, most notable achievement of the NARC government was its prompt introduction of Free Primary Education (FPE) scheme, much against the neo-liberal tents that had underlain development assistance since the mid-1980s. While FPE allowed universal enrolment, its equal subvention across the country reflected disregard for well-documented socio-economic disparities that would soon undermine the initial euphoria surrounding the scheme. The Economic Recovery Strategy 2003-07 (ERS)<sup>10</sup> also ushered

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<sup>10</sup> See RoK (2003).

in reforms whose impact would be evident in the rising growth rates of the five years to the eventful 2007 general elections. By 2005/06, national poverty was down to 46 per cent.

32. Other nationally divisive issues in the run-up to the 2007 general elections included: the weak integrity within Kenya's justice system; the persisting concentration of state powers on the presidency; partisanship in the Kenya Police force; and the primacy of ethnic identity over national identity. In all these respects, no decisive action was taken to raise the people's confidence nationwide ahead of the impending general elections.

33. While the violent outbreaks of the 2007/08 crisis were largely localised – primarily in western Kenya, Rift Valley and Nairobi, they nonetheless impacted adversely on the already fragile state of national cohesion and integration. The internationally sponsored mediation between PNU and ODM resulted in a number of efforts to restore the integrity of governance, which were enumerated in the National Accord signed in February 2008. Besides restoring peace, the various agendas of the National Accord also mandated the incorporation of power sharing between PNU and ODM in the Constitution. The Accord established two independent commissions to investigate the circumstances that led to the 2007/08 violence, and to make far-reaching reform recommendations to ameliorate the context.<sup>11</sup> Agenda 4 contained a raft of institutional governance reforms, covering areas such as the elections oversight body, the police, management of land, and youth unemployment. Most significantly, Agenda Four provided a time-bound process for finalising the constitution review process commenced in earnest in 2000.

34. While order was being restored, the government brought ERS to a close, a strategy which had been remarkable in raising the economic growth rate to 7 per cent by 2007, but only brought poverty down to 46 percent. This high growth/low poverty reduction suggests ERS to have been sector selective, and to perpetuate inequalities. The same year saw the launch of *Kenya Vision 2030*, the long-term development blueprint for transforming the country to middle income status. In effect, little has been done in substantive terms to promote national cohesion and integration. For example, prior to the constitutional

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<sup>11</sup> South African Judge Kriegler chaired an investigation into the mismanagement of the 2007 electoral process, while Judge Waki's commission investigated the genesis of the 2007/08 violence. Their respective reports are available at

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devolution to 47 counties, the centre-piece of *Kenya Vision 2030* was to be the Nairobi Metropolitan Area whose modernising projects into neighbouring areas would have raised inequalities across the country even further. Managed justly, however, the Vision should complement the opportunities created by the November 2010 promulgation of a new constitution in addressing persisting challenges, including: low public trust of governance institutions; high poverty levels; wide socio-economic inequalities; land grievances; high unemployment, especially among the youth; and climate change. These are just some of the issues which pose considerable threats to Kenya's national cohesion and integration.

## **2.2 Related Policies, Legal and Institutional Framework**

35. The National Cohesion and Integration Policy, in conjunction with the provisions of the Constitution will build upon, and where necessary, rationalise existing government policies and legislations, while reflecting Kenya's commitments under international conventions and treaties. Besides the Constitution (2010), the other key legislations with implications on national cohesion and integration include: Age of Majority Act; Chiefs' Authority Act; Children Act; Ethics and Anti-Corruption Commission Act; National Gender and Equality Act; Persons with Disabilities Act; and Truth Justice and Reconciliation Act. As for sectoral policies, it will be necessary to revisit them with a view to raising their attention to issues of cohesion and integration. For example, both the Nairobi Urban Metropolitan Act and its strategic plan must be revised to reflect the exclusion of the 12 local authorities originally included from Kiambu, Machakos and Kajiado counties. Finally, national cohesion and integration should benefit from various international laws and conventions to which Kenya has acceded, some of which are listed in Appendix Box 1. The rest of this section reviews some laws and policies that have a significant bearing on Kenya's attainment of national cohesion and integration.

### **Constitution of Kenya (2010)**

36. Kenya's Constitution exalts equity and diversity, including cultural diversity. In its preamble, the Constitution states 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." The Constitution has a number of provisions that touch on national

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cohesion and integration. It states that “Kenya is founded on national values and principles of governance (which) bind all State organs, State officers, public officers and all persons...” The national values and principles include:

- “(a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;*
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non discrimination and protection of the marginalized;*
- (c) good governance, integrity, transparency and accountability; and*
- (d) sustainable development.”*

37. In the context of the ethnic biases in public appointments alluded to in paragraph 36, Article 232 of the Constitution declares “the principles of the public service to include:

- a. efficient, effective and economic use of resources;*
- b. responsive, prompt, effective, impartial and equitable provision of services;*
- c. involvement of the people in the process of policy making;*
- d. accountability for administrative acts;*
- e. transparency and provision to the public of timely, accurate information;*
- f. subject to paragraphs (h) and (i), fair competition and merit as the basis of appointments and promotions;*
- g. representation of Kenya’s diverse communities; and*
- h. affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of men and women; the members of all ethnic groups; and persons with disabilities.*

38. These principles build on various legislations since 2003, notably the Public Officers Ethic Act and the Anti-Corruption and Economic Crimes Act, both of which are designed to curb impunity.

39. The Constitution, under 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.

40. The Constitution obliges the state to provide for the representation of minorities and marginalized groups in governance, and to provide access to employment and special opportunities in educational and economic fields. Effective implementation of constitutional provisions is expected to diffuse the grievances of marginalised groups.

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Additionally, the National Land Commission is established to manage public land on behalf of the national and county governments, and to provide the national government with recommendations on national land policy. Given the public face of the conflicts of 2007/08, and with more than 60 per cent of the population still dependent on land-based livelihoods, it is significant that Article 60 (1)'s principles of land management include equity, efficiency, and sustainable production.

41. The Constitution has many elements that will be critical for fostering greater national unity in the country. Among the most important contributions of the Constitution with respect to promoting harmony is Article 138 (4)'s provision for a broadly popular Kenyan president who must have an absolute majority of votes cast and at least 25 per cent of the votes cast in more than half of the 47 counties. The Constitution also provides checks and balances over key public appointments which 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: Attorney General – Article 156 (2); Director of Public Prosecutions – Article 157 (2); Chief Justice and Judges – Article 166 (1); Public Service Commissioners – Article 233 (2); National Security Organs – Article 239 (6); Inspector General – Article 245 (2); and Commissions and Independent Offices – Article 250 (2). Effectively, then, the constitution allows a diligent Parliament to ensure such positions are distributed broadly across the country.

42. Kenya's regional inequalities are a recipe for national disharmony and dissatisfaction among the citizenry, and are partially the product of the failure of Parliament to instil and oversee equitable governance. Among the ways in which tension-provoking impunity has been manifest is in the skewed allocation of public revenues, and the arbitrary implementation of the legislated budget. The Constitution provides for semi-autonomous counties that will receive *equitable* grants from Treasury based on the recommendations of

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the constitutional Commission on Revenue Allocation.<sup>12</sup> The importance placed on counties is reflected in their being the core function of the Senate. Meanwhile, 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.” Importantly, legislation provides that resources allocated to the counties must be promptly released to the County Revenue Fund, avoiding the previous practice of ministries using their discretion over when and how much money to give to their sub-national levels. This will ensure that the equitable shares determined by the Commission on Revenue Allocation actually reach the counties.

43. Finally, the Task Force on Devolution in Kenya developed six draft bills for operationalising devolution, the sixth one having already been enacted into the Urban Areas and Cities Act. While providing frameworks for the management of relations between the national and county governments, as well as among and within the counties, the legislation pay great attention to issues that can promote national cohesion and integration. Thus, while many counties have a primary ethnic population, the bills mandate the consideration of minority interests in areas such as employment in the County Executive Committee, and representation in the County Assembly. The Devolved Government Bill mandates civic education up to the ward and village level, which should improve the scope for marginalised citizens and minorities to participate in the bottom-up planning, budgeting for, and auditing of development interventions.

### **Kenya Vision 2030**

44. *Kenya Vision 2030* is built on three pillars; viz. the Political, Economic and Social Pillars. As in the constitution (2010), the vision evokes equity, emphasising the need to focus interventions on the arid and semi-arid lands, high poverty areas, unemployed youths, women (gender) and vulnerable groups. The Vision was designed and launched by 2008, two years ahead of the promulgation of the new constitution whose most significant

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<sup>12</sup> Allocating resources *equitably* – not equally – is the correct strategy for redressing the vast levels of welfare inequality across Kenyan counties.

provision in relation to the intentions of the Vision, is the devolution of governance to the counties. 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 sub-national objectives to ensure national cohesion and integration.

45. 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 areas are conventionally accepted to be important for national cohesion and integration, and for sustainable development.

46. 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. Given the large share of the Kenyan population whose livelihoods are based on agriculture, it is pertinent for the Vision to emphasise land reforms the constitution declares to be directed at raising the efficiency in, and sustainability of, land use. Its attention to infrastructure is also pertinent since a primary agency for marginalisation in Kenya is the lack of adequate communications. Improved infrastructure will enhance security, especially in the ASALs, thereby providing opportunity for the inflow of investments and employment opportunities, livelihoods diversification and higher incomes.

47. The Political Pillar envisions a democratic political system whose foundation is being provided through the implementation of the new constitution. While the vision did not anticipate the elaborate governance reforms necessitated by the Constitution, these reforms can only be 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 of professionals 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.

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### **National Cohesion and Integration Act 2008**

48. The National Cohesion and Integration Act establishes the National Cohesion and Integration Commission 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.” This 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 share of employees of a public office that may come from one ethnic group.

49. In the pursuit of its mandate, the National Cohesion and Integration Commission promote the elimination of discrimination while encouraging tolerance for, and acceptance of, all aspects of socio-economic and cultural diversity. It should further research into, investigate and develop educational materials on, all aspects of its mandate while also providing a platform for alternative conflict resolution processes. The Commission finds itself in a strategic place to open up new avenues for striving for cohesion and integration. For example, its research can explore the inadequacies of the national justice system for the pastoral communities of northern Kenya, which cause the latter to resort to traditional means of conflict resolution which violate tenets of the Constitution and other laws.

### **Truth, Justice and Reconciliation Commission Act 2008**

50. The Truth, Justice and Reconciliation Act 2008 grew out of the debates surrounding the genesis of the post-2007 general election violence. Its establishment of the Truth, Justice and Reconciliation Commission (TJRC) harked back to a similar process in South Africa after the onset of majority rule in 1994. Both countries recognised the need to look into their respective closets and address atrocities committed by diverse actors during many

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years of repression.<sup>13</sup> A key concern in Kenya was the realization that gross violations of human rights, abuse of power and misuse of public office had occurred during the independence years. For diverse reasons, some of the transgressions could not be properly addressed by Kenya's judicial institutions; hence the desire to bring closure ahead of the impending reforms that would henceforth ensure respect for people's rights.

51. The Commission was established "to promote peace, justice, national unity, healing, and reconciliation among the people of Kenya." Its functions include: 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. The Commission has the mandate to investigate economic crimes; irregular and illegal acquisition of public land; acts of state repression; and inquire into the causes of ethnic tensions; and make recommendations on the promotion of healing, reconciliation and co-existence among ethnic communities. While its period of coverage is limited only to the independence years to the signing of the National Accord on the 28<sup>th</sup> February 2008, its findings can inform the development of strategies for generating national cohesion and integration. The Commission could for example, focus some of its work on re-integrating the Somalis of North-Eastern Province who have been subjected to multiple injustices that undermine their sense of belonging.<sup>14</sup>

### **Kenya National Commission on Human Rights Act 2002**

52. The Kenya National Commission on Human Rights was originally established by the Kenya National Commission on Human Rights Act 2002. Specifically, the Commission was designed to counter the work of the privately run Kenya Human Rights Commission.

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<sup>13</sup> In the South African case, for example, crimes against people had not only been committed by the *apartheid* regime, but had also been commissioned by luminaries of the now-victorious African National Congress.

<sup>14</sup> The Somalis were forced to become a part of Kenya despite their plebiscite decision to join Somali Republic. Yet, they have since been subjected to perpetual psychological, social and physical ignominies, such as in acquiring national documents. They are the victims of the country's most brazen instance of state-orchestrated ethnic cleansing since independence, the 19Wagalla Massacre.

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53. The Constitution (2010) alluded to the possible merger of the Commission with the National Gender and Equality, and the Commission on Administrative Justice. However, a 2011 review of its statute kept it apart from the other two commissions. Thus, its mandate remains the promotion of respect for, and observance 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 should formulate programmes enhance the raise 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 to ensure efficiency, effectiveness and complimentarity.

54. The Kenyan private sector is a comparatively larger domain than the public sector – certainly in terms of employment, service delivery and indeed, business turn-over. Consequently, the Commission’s statutory oversight role with respect to the private sector is significant because the failure to monitor the sector would expose a very substantial portion of the Kenyan population to potential unchecked violations of human rights. Indeed, this is the context in which the Kenya National Commission on Human Rights undertook its most significant engagement to date, notably the monitoring of the post-2007 crisis, its report greatly enriching the Waki Report, as well as the process that has led some Kenyans to face charges of crimes against humanity at the International Criminal Court in the Hague starting 2011.<sup>15</sup>

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

**Table 2.1: Developments with a Bearing on National Cohesion and Integration in Kenya**

Year	Development and intended impact	Current status and concern(s)
1925-1963	Divide and rule policies and tactics of the colonial government	1. Inherently antithetical to nation-building 2. Successful in delaying the emergence of nationwide political initiatives until the late 1950s 3. Build on agro-ecologic differentiation to sow the

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<sup>15</sup> See Kenya National Commission on Human Rights (2008).

		seeds of unequal development in creating the White Highlands
1960s-1970s	Land reforms/Agriculture Settlement Fund	<ol style="list-style-type: none"> <li>1. Created a new African landed class in the former White Highlands at expense of the masses.</li> <li>2. Involved half-hearted attempts at settling the landless, whose lack of operating capital often caused them to sell out to the <i>kulaks</i> and return to squatter livelihoods</li> <li>3. Spawned private land buying companies patronised by politicians, which became a new platform for expropriating the landless peasants</li> </ol>
1960s to 1980s	<ol style="list-style-type: none"> <li>1. Violation of plebiscite decision to join Somali Republic</li> <li>2. Persisting alienation of northern Kenyan and other arid lands (Northern Frontier District)</li> </ol>	<ol style="list-style-type: none"> <li>1. Betrayal of the plebiscite nurtured guerrilla activities – the Shifta War/Garissa and Wagalla Massacres</li> <li>2. Insecurity and the lack of amenities leads to weak or no delivery of public services despite paying taxes to the government</li> </ol>
1965	Sessional Paper No. 10 of 1965 on African Socialism	<ol style="list-style-type: none"> <li>1. Repeatedly invoked poverty reduction and welfare enhancement</li> <li>2. Exacerbated inequality by focusing investment resources on areas with the ‘highest absorptive capacity’.</li> </ol>
1963 - 1969	<ol style="list-style-type: none"> <li>1. Ad hoc constitutional changes to centralise power in the President</li> <li>2. Betrayal of the KANU nationalist ideals, especially on land reforms: the birth of land grabbing</li> </ol>	<ol style="list-style-type: none"> <li>1. 1966 split in KANU, creating opposition Kenya People’s Union, proscribed in 1969; alienation of especially the Luo</li> <li>2. Parochialism in public appointments</li> <li>3. Heightening of political repression: detentions without trial</li> </ol>
1967	Sessional Paper No. 10 of 1967 development blueprint	The policy may have ignored equity issues and thus propagated inequalities
1960s and 1970s	Kenyanisation of public service, trade and industry: establish Industrial Development Bank, Industrial and Commercial Development Corporation,	Greatest beneficiaries the Kikuyu. For example, acquisition of Asian businesses transformed River Road into ‘Little Muranga’.

	Agricultural Finance Corporation	
1973 and 1979	1. First and second international oil crises 2. Emasculation of Parliament, especially with respect to its oversight of public spending	1. Inflation undermines welfare of the poorest 2. Decline of public spending scrutiny; the emergence of the mega scams (Halal and KenRen) 3. The rise of <i>harambee</i> as the basis of social infrastructure investment
2008	Truth, Justice and Reconciliation Act 2008 – to create the Truth, Justice and Reconciliation Commission	Its work is ongoing. The commencement of its work was preceded by crippling wrangles over its leadership
2008	Life Skills Curriculum Developed by the Ministry of Education	Has already been implemented in primary schools in Kenya
2008	Kenya National Human Rights Commission Act 2011	The commission has a strong record as a champion of human rights in Kenya. Major challenges remain to be human rights violations in Kenya, and internal power struggles.
2008	National Cohesion and Integration Act 2008 – that created the National Cohesion and Integration Commission	This is a promising way forward. The Commission needs a lot of support from all stakeholders to meet its objectives
2010	Constitution of Kenya 2010	Is expected to improve all aspects of governance in Kenya. The government needs to put in place institutional and legal frameworks to ensure full implementation of the constitution

### 2.3 SWOT Analysis

56. In developing a policy of any sort, it is useful to assess the terrain within which the exercise is being undertaken. One way of doing this is to conduct a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis which will highlight the factors that may hamper achievement of an objective, as well as identify opportunities, options or directions for enhancing the same. Consequently, a SWOT analysis for national cohesion and integration in Kenya is reported in Table 2.2.

**Table 2.2: SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Constitution of Kenya (2010)</li> <li>• Stable government and long history of peace and stability</li> <li>• General stability of the economy</li> <li>• Vibrant civil society</li> <li>• Relatively rich natural resources including quality agriculture land</li> <li>• Strong religious attachments for most of the population</li> <li>• Friendly people</li> </ul>	<ul style="list-style-type: none"> <li>• Weak recognition of the rule of law</li> <li>• Weak value systems</li> <li>• Lack of visionary leadership</li> <li>• Weak institutions to prevent and/or resolve conflict</li> <li>• Undeveloped inter-agency collaboration in enhancing cohesion and integration</li> <li>• Mismanagement of ethnic and other diversities</li> <li>• Low productivity among the population</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>• Ethnic and cultural diversity and potential growth of cultural tourism</li> <li>• Optimistic society in the context of the new constitutional dispensation</li> <li>• Educated population</li> <li>• Decentralization and county governments</li> <li>• Society based on rule of law and respect for human rights</li> <li>• Reforms in the country's governance institutions</li> <li>• Kenyan sporting personalities</li> <li>• Geopolitical advantages</li> <li>• Regional integration processes</li> </ul>	<ul style="list-style-type: none"> <li>• High unemployment rates especially among the youth</li> <li>• High and rising cost of living</li> <li>• Large/widening socio economic gaps</li> <li>• Drought and climate change</li> <li>• Public mistrust of political and governance institutions</li> <li>• Deep rooted negative cultural beliefs, practices, myths and stereotypes</li> <li>• Feelings of marginalisation and exclusion</li> <li>• Impunity and lack of accountability</li> <li>• Weak nationalistic values leading to over concentration of some ethnic groups in some private companies</li> <li>• Influx of refugees and proliferation of arms</li> <li>• Hate speech</li> </ul>

57. Kenya can utilise the strengths it has, such as its good constitution, its vibrant civil society and its generally friendly people, to enhance national cohesion and integration. In

particular, the Constitution offers a good opportunity to overcome the institutional weaknesses – such as weak value systems that promote parochialism – that have bedevilled the country for a long time. Strong institutions and observance of the rule of law can also overcome the negative effects of the threats offered by hate speech, impunity and weak attention to accountability. But, it also important to appreciate that some factors perceived to be opportunities, such as the system of county governments, could turn out to be threats to national cohesion and integration if their implementation is not well managed.

58. Overall, Kenya can succeed in enhancing national cohesion and integration by becoming more open about lack of national cohesion and weak integration. This would for instance lead to increased transparency in the manner in which the limited national resources are distributed among communities. It could also enable the development of effective sanctions against members of the society who undermine cohesion and integration, such as by promoting negative ethnicity. While such measures may constitute the immediate initiatives towards acquiring national cohesion and integration, the long term strategy must be to continue searching for innovative ways of accelerating and maintaining high economic growth, promoting potential growth sectors (primarily agriculture, food processing, micro and small enterprises) that offer better economic opportunities to poor people, and by developing and sticking to a social investment programme that systematically uplifts all regions of the country and all segments of society, particularly those currently afflicted by high poverty rates.

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### **3 National Cohesion and Integration Policy Framework**

59. The national cohesion and integration policy framework includes the broad goals, aim, vision, mission, objectives, policies and strategies the government will strive to achieve in relation to enhancing national cohesion and integration in the country. The policy is guided by the following goals, vision, mission and objectives.

#### **3.1 Goals**

60. The major goal of this policy is to ensure that the Kenyan society is cohesive and integrated. The specific goals of this policy are:

- (i) Consolidate and integrate Kenyans in terms of political, economic and social aspects as guided by national values and the principles of governance as espoused in Article 10 of the Constitution of Kenya (2010);
- (ii) Identify and address both historical and current causes of unequal distribution of resources and opportunities as well as weak management of diversities in the country; and
- (iii) Provide a policy framework for mainstreaming national cohesion and integration objectives into national development programmes, projects and activities.

#### **3.2 Aim**

61. The aim of the National Cohesion and Integration Policy is to ensure that Kenya becomes an equitable and socially cohesive society; where the citizens have a shared vision and sense of belonging alongside the recognition of sense of diversity supported with strong and positive relationships among people from various backgrounds.

#### **3.3 Vision**

62. Kenya will be a peaceful and prosperous country, where every citizen has an equal chance to opportunities within its borders and where people from all backgrounds will take

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part in national development, creating a county that is varied, vibrant and proud of its diversity.

### **3.4 Mission**

63. To spearhead the building of a nation reflective of harmony and equity through national reconciliation, justice, integration and social cohesion strategies and programmes.

### **3.5 Objectives of the National Cohesion and Integration policy**

64. The objectives of the National Cohesion and Integration Policy are:

- (i) To guide the building of a just and cohesive society that enjoys equitable social, economic and political development as espoused in the Constitution of Kenya (2010);
  - (ii) To address cases of ethnic discrimination, negative ethnicity, feelings of discrimination, unequal distribution of resources and opportunities;
  - (iii) To consolidate, unify and integrate Kenyans into a cohesive society guided by national values and the principles of governance as espoused in Article 10 of the Constitution;
  - (iv) To foster equity and social justice by building on or complementing other ongoing national processes aimed at addressing nationhood, national cohesion and integration;
  - (v) Establish and promote principles, standards and best practices that should guide the process of national cohesion and reconciliation;
  - (vi) Provide a roles schedule of various stakeholders in the operationalization of national cohesion and integration process and establish how these stakeholders can be mobilized to play their roles effectively;
  - (vii) Provide an organizational structure and framework for implementation of the policy's strategic objectives;
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- (viii) Provide a framework for mainstreaming national cohesion and integration objectives into national development programmes, projects and activities.

### **3.6 National Cohesion and Integration Policies and Strategies**

65. The previous sections have outlined the aim, mission, vision and objectives of national cohesion and integration policy, as well as the factors that affect national cohesion and integration. In this section, we focus on policies and strategies aimed at improving national cohesion and integration in the country. The implementation of the national cohesion and integration strategies will involve streamlining these policies into the wider development policy agenda. The priority areas of policy intervention include:

- (i) Strengthening vital institutions
  - (ii) Addressing socioeconomic inequalities
  - (iii) Management of ethnic and socio-cultural diversities
  - (iv) Reconciliation, conflict resolution and prevention
  - (v) Ensuring rule of law, security and order
  - (vi) Addressing unemployment challenge
  - (vii) Entrenching positive value systems in all segments of society
  - (viii) Establishing mechanisms for communication and information sharing
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### **3.6.1 Strengthening vital Institutions**

66. Institutions in general - and social organisations and mechanisms of governance in particular - form an important framework as well as dimension in enhancing social cohesion. Indeed, the transformation of the political and governance institutions – such as the executive, legislature, judiciary, civil service, local government, public administration, elections, electoral rules, and party composition – is particularly important for the achievement of the objectives of the national cohesion and integration. The importance of these institutions stems from Kenya’s history of having weak institutions of governance.

67. For the most part, post-independent Kenyan political and governance institutions were characterized by excessive centralization of power and patronage, and thus resulting in exploitation and exclusion. This configuration militates against social cohesion and promotes ethno-regional inequality. It should be noted that there are ongoing efforts to restore the role institutions can play in enhancing national cohesion and integration.

68. In identifying policies and the areas of focus, keen attention should be paid to institutional dimensions that identify the essence of the problem of cohesion in Kenya, and that are amenable to policy interventions. In addition, it will be important to pay keen attention to monitorable indicators to translate the policies into practice.

The implementation of the new constitution has seen the formation of devolved governments. The county governments would be very instrumental in spearheading efforts towards national cohesion and integration. They would also be responsible for monitoring and evaluation of cohesion and integration indicators. To address institutional challenges, various policies shall be implemented. 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. This shall be achieved by specific strategies and interventions including:**

- (i) Mainstreaming national cohesion and integration in all development policy;
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- (ii) Adoption of *diversity concepts* in all forms of organizational management at public and private establishments. This shall include mandatory provision through annual performance contracting cycle for infusion of cohesion in all ministries, departments and agencies;
- (iii) Creation, development and/or expansion of local community dialogue forums such as local workshops and *barazas* to discuss solutions to issues affecting national cohesion and integration;
- (iv) Strengthen the role of community leaders in promoting national cohesion and integration;
- (v) Enhanced use of education curricular and civic education to promote national cohesion. This shall be achieved through actions such as: restructuring the quota system of education to encourage greater learner interaction across ethnic and social groups and regions/counties; and massive and enhanced civic education by public private partnerships in diversity awareness, anti-sectarianism, attitude change, and patriotism.

**Responsibilities:** Office of the President; Office of the Prime Minister – Performance Contracting office; Ministry of Justice, National Cohesion and Constitutional Affairs; National Cohesion and Integration Commission (NCIC); Ministry of Planning, National Development and Vision 2030; Ministry of Education; the Teachers Service Commission; and the Attorney General.

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**3.6.1.2 Implement, strengthen and popularise the key tenets of the Constitution of Kenya (2010) and constitutionalism as foundations for good governance and public administration within the rule of law.** This shall be achieved by effective and timely implementation of the Constitution to eliminate Kenya's hitherto fragile and unstable institutional arrangements and unconstitutional practices in the conduct of national leadership and the conduct of public affairs. Important constitutional provisions that need to be implemented to promote national cohesion and integration include:

- (i) Wide dissemination and actualisation of the National Value Systems;
- (ii) Implementation and enforcement of measures in the Constitution that require political parties to have a national image (Article 91);
- (iii) Implementing and enforcing legislation that relate to prosecution of individuals or groups that promote negative ethnicity and hate speech in Kenya;
- (iv) Emphasis on the sovereignty of the people, effective management of indigenous languages; national symbols, national anthem, national days; national values and principles of governance, among others.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Justice, National Cohesion and Constitutional Affairs; Ministry of Education; Ministry of Culture; National Cohesion and Integration Commission (NCIC); Judiciary; Registrar of Political Parties; Director of Public Prosecution; Attorney General; and the Public Service Commission.

Closely related to the implementation of the Constitution, the government and all relevant stakeholders shall also ensure that governance institutions are strengthened. In particular, the government shall:

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**3.6.1.3 Strengthen, restore and support the role of the judiciary of ensuring rule of law, guaranteeing fundamental rights and dispute resolution. This shall be achieved by:**

- (i) Improvement in operations and working modalities of the judicial system. The introduction of alternative dispute resolution will be crucial. An important aspect shall be the strengthening of the capacity of traditional structures – such as community opinion leaders and the envisaged National Police Service - to not only resolve conflicts but also to promote national cohesion;
- (ii) Ensuring a satisfactory working environment, adequate infrastructure and building facilities for the judicial system;
- (iii) Popularising and actualising provisions in Article 48 of the Constitution that seeks to ensure access to justice by all, including the poor.

**3.6.1.4 Strengthen legislative institutions. The government shall:**

- (i) Ensure that the legislature has sufficient constitutional authority and influence to control the excesses of the executive branch;
- (ii) Discourage any form of group or community exclusion from political representation;
- (iii) Strengthening the Political Parties Act in a manner that it facilitates creation of political parties that are not ethnic based.

**3.6.1.5 Build an inclusive civil service or public sector that reflects Kenya's diversity.**

Apart from the ongoing efforts to improve the efficiency of the public service, the government shall also ensure that the public service delivery reflects the three core values of representativeness, inclusiveness and quality. The government shall:

- (i) Conduct *diversity audits* in both public and private institutions at both national and county levels;
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- (ii) Establish goals for *equity in diversity* in all government ministries, agencies and departments. The goals should be specific, measurable, agreed-upon, realistic, and time-bound;
- (iii) Subsequently, develop formal processes to be contained in laws, rules or procedures to ensure *workplace diversity* in all establishments to encourage national cohesion and discourage all forms of exclusion including ethnically-based discriminatory practices;
- (iv) Adopt *diversity training* in the workforce as a way of enhancing a more inclusive public service and citizenry;
- (v) Implement affirmative action through laws, executive orders, or other mandates to enhance inclusion of *excluded groups*.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Justice, National Cohesion and Constitutional Affairs; Judiciary; National Police Service; National Cohesion and Integration Commission (NCIC); Ministry of State for Public Service; and the Public Service Commission of Kenya.

**3.6.1.6 Develop and monitor a set of indicators and indices that capture the role of governance institutions in enhancing cohesion.** These indicators will include: democratic governance; rule of law; reduction in corruption; justice and human security; extent of entrenching and promoting value systems; and public policy.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030 – Monitoring and Evaluation Directorate; Ministry of Justice, National Cohesion and Constitutional Affairs; and the National Cohesion and Integration Commission (NCIC).

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### **3.6.2 Addressing Socio-Economic Inequalities**

69. There are various regional and inter-ethnic inequalities in Kenya. For instance, there are major disparities in access to education and training; health; water and sanitation; housing, as well as in gender among others. These forms of inequality create feelings of social exclusion and may represent forms of mismanagement of diversity apart from being an impediment to national cohesion. Disparities within and between regions have been associated with the feelings of exclusion among many Kenyans. These include income inequalities and disparities in access to resource, 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% with the leading and lagging community groups having literacy rates of about 83% and 21%, respectively. The time taken to get drinking water varies by region, with the worst off community spending about 4 times greater the time taken by the best placed community. This can also be shown using the national poverty rate at 46 percent with regional variations ranging from 27.5 to 66.9 percent.

70. An important aspect of disparities relate to spatial distribution of the population in both urban and rural areas. In urban areas, in particular, different socioeconomic 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 slums. Residents of slums earn low incomes, and contend with higher concentration of crime, violence and victimization. The effects of spatial segregation on services work to entrench poverty, strengthening mechanisms of intergenerational reproduction of poverty, and to weaken patterns of harmonious coexistence and generally foster inequality in the urban environment. To the extent that slum residents may harbour feelings of exclusion, this spatial dimension may undermine cohesion more so in the urban context.

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The focus of the policies and strategies enumerated in this section shall be to eliminate disparities and feelings of exclusion across groups and regions.

**To address regional and socio-economic group disparities,** the government shall implement the following strategies and interventions:

- (i) Hasten the development of special economic zones to improve the socioeconomic profile of less developed regions.
- (ii) Devolve a proportion of government resources to the Counties through equitable and transparent mechanism. Ensure equitable infrastructural development across the country with attention to roads, electricity, water and sanitation among others.
- (iii) Facilitate equitable investments in social and economic amenities: education and training institutions, health facilities, food, security and water, among others.
- (iv) Ensure universal access to fundamental human rights such as basic education, health services, water and food security.
- (v) Improve land management practices, address land inequalities and cohesion challenges related to natural resource mismanagement.
- (vi) Establish a labour management information system and implement interventions towards addressing youth unemployment and other forms of socio-economic exclusion.
- (vii) Establish and institutionalize monitorable indicators of national cohesion and integration that relate to disparities

To address disparities across regions and socio-economic groups, the following strategies, interventions and activities shall be implemented:

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### 3.6.2.1 Implementation of the Constitution and the Vision 2030

In regard to the implementation of the Constitution, the government shall pay special attention to:

- (i) Proper implementation of the funding mechanism for County governments, including the equitable sharing of resources (Article 203) and Equalisation Fund (Article 204).

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

- (i) Enhanced infrastructure investment such as on roads, electricity, airports, and others in ASALs and marginalised regions;
- (ii) Enhanced and equitable investments in social and economic amenities: education and training institutions, health centres, food, security and water, among others – for areas lagging behind;
- (iii) Ensure all societal groups have equal access to development opportunities.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Justice, National Cohesion and Constitutional Affairs; Ministry of Finance; Commission on Revenue Allocation; Ministry of Education; Ministry of Higher Education, Science and Technology; Ministry of Regional Development; Ministry of Northern Kenya and Other Arid Lands; Ministry of Water; Ministry of Public Works; Ministry of Roads; Ministry of Public Health and Sanitation; Ministry of Medical Services and the National Economic and Social Council (NESC).

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**3.6.2.2 Operationalise of the National Land Policy 2010 and improve management of natural resources.** This should address the land inequalities and cohesion challenges related to natural resource mismanagement. Improving access to land shall be achieved by:

- (i) Developing, activating and improving land lease markets;
- (ii) Designing publicly funded irrigation projects, especially in the food basket areas and ASALs;
- (iii) Expediently resolving competing land claims through specialized land courts; mediation and arbitration; and/or utilization of a claims commission; and
- (iv) Promotion of alternative livelihood resources especially in regions with natural resource based conflicts.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Lands; Ministry of Education; Ministry of Higher Education, Science and Technology; Ministry of Environment; Ministry of Regional Development; and the Ministry of Agriculture; Ministry of Livestock.

**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. This has the potential of worsening welfare and undermining national cohesion and integration. The government shall:

- (i) Develop and implement *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 the agricultural sector; and
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- (iii) Enhance investments in social capital and human capital.
- (iv) Monitor and evaluate the performance of the markets on a regular basis through established institutions to prevent opportunities for marginalization.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Finance, Ministry of Agriculture; Ministry of Livestock; Ministry of Higher Education, Science and Technology and the Ministry of Education.

#### **3.6.2.4 Establish and/or reaffirm targets on monitorable indicators of national cohesion and integration that relate to disparities.**

- (i) The targets shall include existing socio-economic indicators of disparity, including: poverty and inequality targets at individual and regional levels; employment; education; and health. These shall be expanded to include indicators on: social protection; consumption and access to services; and the digital gap;
- (ii) To build and monitor a sense of belonging among Kenyans, the government shall ensure the development and monitoring of a social cohesion index/indices. Some of the indicators that shall be monitored include: multiculturalism; social capital; expectations for the future; social integration; social values; ethnic distance; and trust.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Justice, National Cohesion and Constitutional Affairs; and the National Cohesion and Integration Commission (NCIC).

To address the spatial dimensions of inequality, the government in partnership with other stakeholders shall:

- (i) Establish clear guidelines that will guide urban and rural development in Kenya.
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- (ii) Address poverty and its related challenges across the country.

#### **3.6.2.5 Guide rural and urban development by appropriate policies**

- (i) Establish clear processes contained in programmes on how to reverse the growth of informal settlements;
- (ii) Supplement ongoing efforts by various stakeholders by not only creating jobs but also creating decent work for all workers.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Housing; Ministry of Labour; Nairobi Metropolitan Development; Ministry of Environment; and Local Authorities.

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### **3.6.3 Management of Ethnic and Socio-Cultural Diversity**

71. Culture plays a significant and fundamental role in fostering identity and sense of security through the provision of orientation, tolerance and most important, directs individual behaviour. It is through culture that we are able to see a society in its strengths and weaknesses and promote a sense of national identity, cohesion and patriotism among the citizens. Contrary to popular perceptions that diversity causes instability, it is becoming clear that diversities and other forms of cultural expression act to reduce instability. The nature of the activities in cultural sectors naturally brings people together. The performances and cultural products serve to unify people; while participation in some the cultural groups as well as the activities undertaken ensures that issues of national importance are profiled and messages of integration communicated while promoting mutual coexistence and respect.

72. Products of Culture and heritage including the councils of 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 cultural leaders; promotes peace and tranquillity. Media activities through cultural art, newspapers, magazines, motion pictures and film have also been used to broadcast messages of peace and positive co-existence.

73. Traditional performances such as dance, music, drama and sporting activities have been used to facilitate cohesion amongst communities. The consequence is a more positive appreciation of each other and better integration. The activities also provide and enhance opportunities and frameworks for positive leadership and good governance at the local levels. The Councils of Elders are charged with the responsibilities to instil positive values for nurturing leadership, succession and good governance. Cultural performance and the arts especially those that are linked to specific events and national days are critical aspects of encouraging and supporting the values of integrity, honesty, chastity, humility, hard work, community service and dedication to the nation.

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74. The application of language use policies may have implications on national cohesion and integration. Apart from promoting and protecting the diversity of language of the people of Kenya as enshrined in Article 7 of the Constitution, the government shall also seek to utilize language as a unifying factor.

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

- (i) Promote culture as the center piece and driving force behind human, social and economic development, and shall encourage cultural pluralism; and
- (ii) Establish and support Community Cultural Centres in all constituencies/districts as focal points for promotion of intercultural dialogue, national cohesion and expression of cultural heritage.

**76.** To realise the above policies, the government in collaboration with various stakeholders shall:

- (i) Promote the establishment of community exchange programmes;
- (ii) Establish and implement an annual calendar of cultural events across the country;
- (iii) Promote inter-community sports activities such as athletics, football and others;
- (iv) Promote joint entrepreneurial and business ventures;
- (v) Encourage inter-community charity initiatives and volunteer activities;
- (vi) Provide public subsidies to organizations promoting links across diversities such as culture and ethnicity.

With respect to language, the government shall:

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- (vii) Promote diversity in a manner that it encourages use of Kiswahili and English as a unifying language across work and public places in Kenya.
- (viii) Institutionalize use of Kiswahili and English in all public affairs and public offices;
- (ix) Make Kiswahili a compulsory subject in basic education curricular in all schools in Kenya.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Culture; Ministry of Education; Ministry of Justice, National Cohesion and Constitutional Affairs; and the National Cohesion and Integration Commission (NCIC).

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### **3.6.4 Reconciliation, conflict resolution and prevention**

The need for reconciliation, conflict resolution and prevention was much felt after Kenya experienced post election violence in 2007/08. This was the first time elections in Kenya brought about violence that almost stalled economic activities. Previous general elections were marked by some form of ethnic clashes, pitting ethnic communities against each other with aim of tilting the election results. Besides election related violence, some regions of Kenya experience periodic conflict related to water and pasture. With the influx of small arms in Kenya, there is need for concerted efforts to reconcile communities, prevent and resolute conflict. The efforts should concentrate at the grassroots so as to be able to more effectively engage methods of conflict prevention consolidate peace and promote healing among different conflicting communities.

#### **Policies**

1. Strengthen efforts towards information gathering on the sources of conflict in different parts of the country and address the causes of conflict as appropriate.
2. Ensure balanced economic growth and development across regions.

#### **Strategies**

1. Cultivate conflict resolution and reconciliation between ethnic groups in different regions.
  2. Provide conflicting parties with safe and professionally administered forums for dialogue to ascertain their commitment to agreed conflict resolution and reconciliation.
  3. Establish an evidence base for the root causes of interstate and intrastate conflict in the conflict environment and make findings available to all stakeholders
  4. Establish training opportunities for peace building professionals with the requisite skills and techniques for long term conflict prevention and management.
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5. Mainstream peace education in primary and secondary schools.
6. Conduct peace education with groups of influential opinion shapers in conflict environments aimed at delegitimizing the use of force in solving conflicts, and thus fostering a culture of peace and arbitration.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Youth Affairs, Ministry of Education, Ministry of Regional Development , Ministry of Justice, National Cohesion and Constitutional Affairs; and the National Cohesion and Integration Commission (NCIC).

### **3.6.5 Ensuring rule of law, security and order**

77. Since independence in 1963 and before the implementation of the new constitution in 2010, Kenya's rule of law was based on a Constitution that adopted the principles and rational from the British society. The ruling class used the rule of law to balance competing interests of imperialists and the economic aspirations of the people with very high expectations in the context of extreme poverty and ethnic stratification. This scenario was also set in the context of a patriarchal society with discrimination against women and the vulnerable groups. The promulgation of the new constitution in 2010 has seen several major shifts within the rule of law, especially through the strengthened Bill of Rights (Chapter 4). It is the longest chapter setting out the rights of all people including; the right to life, a fair trial, freedom of expression and to be free from torture among others. The bill protects many new rights to include among others: i) Social and economic rights such as healthcare services, housing, freedom from hunger, and social security; ii) The right to fair labour practices; iii) A right to access information so that the government cannot keep secrets from its citizens.

78. Kenya has remained a relatively stable country since independence. However, the major security concern has been the escalation of 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. In some instances, there have been concerns that the police are complacent in illegal activities to supplement their meagre earnings. The most prevalent rural crime is

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livestock rustling which is linked to ethnic feud occurring mostly among pastoral communities. Cases of livestock rustling are more rampant in some parts of Rift Valley, Eastern, and North Eastern and the Coastal regions. Terrorism has also become a major security threat to Kenya, especially after the 1998 bombing of the US embassy in Nairobi. It remains a contentious issue because it normally associated with a particular religion hence the potential of impeding efforts towards national cohesion.

79. To address the above challenges, the government shall implement the following policies:

- i. Strengthen all the necessary institutions for the implementation of the constitution because it provides for rule of law, security and order.
- ii. Provide access to training opportunities for law enforcers
- iii. Facilitate the adoption of best practices in the enforcement of law, order and provision of security
- iv. Create awareness on the importance of values especially those related to negative vices that encourage crime.
- v. Provide the necessary entrepreneurial infrastructures to support business start-ups in order to create employment opportunities for the youth.

80. To realise the above policies, the following strategies shall be implemented:

- i. Ensure proper implementation of the new constitution which specifies the necessary institutions for maintenance of law, order and security.
  - ii. Improve the facilities used for training law enforcers together reviewing their curricular in order to adopt international best practices.
  - iii. Develop business incubation centers together with science parks to nurture young entrepreneurs.
  - iv. Entrench business and entrepreneurial skills into the formal education system.
  - v. Sensitize members of the public on the importance of maintaining law and order
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**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Education, Ministry of Higher Education Science and Technology, Ministry of Justice, National Cohesion and Constitutional Affairs; and the National Cohesion and Integration Commission (NCIC), Commission for Implementation of the Constitution (CIC), Constitution Implementation Oversight Committee (CIOC).

### **3.6.6 Address unemployment and other forms of youth exclusion.**

**81.** 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 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. 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;
- (iii) Expand opportunities for the youth, including the role of culture in promoting livelihoods; and,
- (iv) Support and guide youth led socio-economic networks.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Ministry of Labour; Ministry of Youth Affairs and Sports; Ministry of Culture and National heritage; and the Ministry of Education.

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### **3.6.7 Entrenching value systems**

82. Common values have been associated with cohesive societies across the world. Values are important because they exert influence on the way people relate with each other, as well as the way people serve and engage with members of the other communities. The Vision 2030 recognizes the importance of values towards the achievement of economic, social and political aspirations. Furthermore, the social pillar identifies key interventions to support initiatives to mould the character of the youth through adoption of targeted behavioural and life skills. The necessity of values in the Kenyan context can be seen through the following reasons:

- (i) They determine behaviour, attitudes, relations and perceptions.
- (ii) They have a positive influence on work ethic hence improving productivity.
- (iii) They lead to substantial improvement in the quality of leadership and governance hence reducing mistrust.
- (iv) They promote transparency, accountability, trust, and perceptions amongst Kenyans leading to higher levels of investments, wealth and employment creation.
- (v) They promote national cohesion and integration through the synergies adopted from the aforementioned reasons.

83. To address the above concerns, the government shall implement the following policies:

- i. Promote the adoption of a national value system
- ii. Encourage the uptake of ethics education
- iii. Promote avenues for information sharing between law enforcers and members of society

84. Strategies towards realising the above policies shall include:

- i. Develop a national value system
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- ii. Mainstream education on ethics into the school curricular
- iii. Sensitize members of society on the importance of ethics and its relation to socioeconomic development

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Planning, National Development and Vision 2030; Vision 2030 delivery secretariat, Ministry of Education, Ministry of Youth Affairs, Ministry of Justice, National Cohesion and Constitutional Affairs; and the National Cohesion and Integration Commission (NCIC).

### **3.6.8 Effective communication and information sharing**

85. Communication as a tool can be used in either promoting cohesion and/or disintegration. It is therefore important for the government and other stakeholders to understand societal dynamics and how factual information and reassurance messages are communicated. To this end, cohesion and integration messages should be targeted at both communities in conflict and those at peace. Hate speech and rumours circulated at various levels that cause division should be proactively tackled.

86. To promote effective communication, the following policies shall be implemented

- (i) Strengthen, create, develop and/or expand local community dialogue forums such as local workshops and *barazas* to discuss solutions to issues affecting communities;
- (ii) Strengthen the role of community opinion leaders in promoting national cohesion and integration;

87. Strategies aimed at realisation of the above policies shall include:

- (i) Mount capacity building for local community leaders.
  - (ii) Promote equality and diversity while creating sense of belonging;
  - (iii) Ensure positive use of the media as too of communication.
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Responsibilities: Ministry of Justice, National Cohesion and Constitutional Affairs; National Cohesion and Integration Commission (NCIC); Communications Commission of Kenya; Ministry of Education; non-state actors, local elders; and media.

### **3.6.9 Ensure effective use of use of Kenya’s diverse languages**

The application of language use policies may have implications on national cohesion and integration. Apart from promoting and protecting the diversity of language of the people of Kenya as enshrined in Article 7 of the Constitution, the government in the interest of national cohesion and integration shall:

- (i) Promote diversity in a manner that it encourages use of Kiswahili and English as a unifying language across work and public places in Kenya.
- (ii) Institutionalize use of Kiswahili and English in all public affairs and public offices;
- (iii) Make Kiswahili a compulsory subject in basic education curricular in all schools in Kenya.

**Responsibilities:** Office of the President; Office of the Prime Minister; Ministry of Education; and Ministry of Culture and National Heritage.

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## 4 Implementation, Coordination and Role of Stakeholders

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 are enumerated in this section.

### 4.1 Co-ordination mechanisms

There are many actors involved in cohesion and integration activities in the country but there is weak coordination of the related activities. To address this challenge, the ministry in charge of cohesion and integration in collaboration with the National Cohesion and Integration Commission is responsible for coordination of all cohesion and integration activities and actors in the country. This requires that the responsibilities, mandate and roles of each actor be established and monitored by the ministry. This is also necessary in order to avoid duplication of efforts, competition, conflict and inefficient utilisation of the scarce resources. Enhanced coordination will be enabled through a defined coordination structure. The structure will include:

- i. Nationally: this will involve the central government (Ministry of Justice, National Cohesion and Constitutional Affairs)
- ii. Sector level: this will involve monitoring of sectoral performance to ensure that cohesion and integration is being achieved. For instance, cohesion will be monitored in the education sector through use of monitorable indicators.
- iii. County level: this will involve the establishment of departments at the county level in each of the 47 counties to deal with national cohesion and integration issues.

### State Actors

#### 4.2 Role of Central Government

**The Executive** – will perform roles as indicated in the Constitution. This shall include “report, in an address to the nation,” on measures taken and achievements made in the realization of national values referred to in Article 10 of the Constitution.

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**State Agencies** – will perform duties encompassing planning, policy making and coordination; facilitation and implementation; and regulation and monitoring. Currently, key Ministries that are involved in activities related to national cohesion and integration include: Ministry of State for Internal Security; Ministry of Special Programs; for the Public Service; Ministry of Justice, National Cohesion and Constitutional Affairs; Ministry of Higher Education, Science and Technology and the Ministry of Education. As a way forward, in order to align and strengthen the roles of the existing institutions, the following shall be undertaken:

- (i) Mainstream national cohesion and integration as a key development process in government ministries, agencies and departments.
- (ii) To facilitate (i) above, the government shall comprehensively re-define – in relation to national cohesion – the institutional roles, functions, mandates and structure of its ministries and agencies.

### **Other state actors include:**

Legislature – political leadership

Judiciary – ensure rule of law

County governments – Implementation of policies at local level

Defence forces – security, law and order

Police force – security, law and order

### **Role of Non-State Actors**

The non-state actors include the private sector, NGOs, faith-based organisations, communities and community-based organisations and the media. These actors play important roles in enhancing national cohesion and integration.

## **4.3 Role of the Private Sector**

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The private sector shall play a pivotal role in the implementation of the national cohesion and integration policy. Since the private sector bears major risks associated with lack of cohesion, the sector has an interest and an important role in ensuring national cohesion is achieved. This can be facilitated by encouraging the sector to adopt and implement Codes of Conduct that promote national cohesion and integration for its members. The private sector can also be incorporated as a key partner to the Government. This can be achieved by, among others:

- (i) Incorporating the private sector on the Boards of all relevant public and quasi-public institutions having responsibility for national cohesion and integration. This can be achieved by nominating particular relevant private sector associations.
- (ii) Persuading the private sector to adopt diversity concepts in organizational management, including best practices in diversity management, and employment guidelines.

### **4.4 Role of NGOs and Faith-Based Groups**

Non-governmental organizations (NGOs) and community-based organizations (CBOs) have been involved in a number of interventions that support national cohesion and integration. These include: resettlement of displaced groups, conflict resolution, peace building, and capacity building on issues related to national cohesion.

Like many government interventions, the programmes of NGOs have been largely uncoordinated at national and sub-national levels. There is therefore need for better coordination so as to enhance synergies across the numerous players and also direct efforts to areas of greatest need. The proposed roles of NGOs and faith-based organizations in enhancing cohesion shall include:

- Continue providing assistance – including technical assistance – to communities in their area of specialization;
  - Support the overall policy ideas included in the national cohesion and integration policy;
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- Play a watchdog role to the government and its obligations under this policy; and
- Engaging in sustainable peace building initiatives.

#### **4.5 Role of Communities and Community-Based Groups**

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.

Important groups in this category include youth 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.

#### **4.6 Role of Media**

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; ensure fair and balanced reporting; and in relation to national politics emphasizing national issues over sectarian issues such as ethnic-based politics.

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 co-operation with other organisations in promoting national cohesion and integrations.

Table 4.1 summarises the current roles and what is envisaged as the ideal roles of various stakeholder groups in promoting national cohesion.

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**Table 4.1: Roles of stakeholders in promoting national cohesion**

Stakeholder	Current mandate/roles	Proposed roles
<b>State Actors</b>		
Central government	National policy and planning including education, housing, health, agriculture and language policy; national defence and police services; courts; labour standards; education services; environmental protection, sports; national elections; public investment and disaster management	Provide visionary leadership through the executive; entrench or mainstream national cohesion and integration in national policies; create a unified approach to enhance national healing and cohesion; strengthen vital institutions
Ministry of Justice, National Cohesion and Constitutional Affairs	Its functions include: policy of national cohesion; Legal policy; policy of administration of justice; constitutional affairs; anti-corruption strategies; integrity and ethics; political parties; legal aid and advisory services; elections; human rights and social justice; and the public complaints standing committee (Ombudsman)	<ul style="list-style-type: none"> <li>• Coordinate national cohesion and integration activities;</li> <li>• Ensure rule of law is upheld;</li> <li>• Further a more integrated approach to national cohesion and integration;</li> <li>• Establish mechanisms for information sharing</li> </ul>
County and Local government	Responsibilities include: housing; education (pre-primary, village polytechnics, home-craft centres); natural resource and environmental conservation; and water and sanitation services	<ul style="list-style-type: none"> <li>• Ensure all proposed laws, regulations and interventions do not harm national cohesion;</li> <li>• Create effective interactions and bridging activities in schools, housing, sports, culture and</li> </ul>

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		work.
National Integration and Cohesion Commission	Mandate includes: eliminate discrimination on the basis of ethnicity or race; promote participation of all community groups in national life; resolve disputes; and support of peace and harmony among ethnic and racial groups.	More integrated approach to national cohesion and integration
Judiciary	Dispense justice for just governance	Management and delivery of justice to the citizens of Kenya; Partnership; Credible evidence on cases of ethnic violence and hate speeches
Parliament	Legislation of laws and oversight management; Assessment of volatile situations	Legislation of laws and oversight management; Provide annual reports to parliament on status of peace; Accurate assessment of volatile situations
Other Government Ministries	Various	<ul style="list-style-type: none"> <li>• Integrate national cohesion and integration in sectoral policies</li> <li>• Service delivery; Work in partnership; Information on discrimination by public servants</li> </ul>
State Law Office	Functions include: <ul style="list-style-type: none"> <li>• Principal legal advisor to the Government on Constitutional matters,</li> <li>• Advising on all prosecutions matters,</li> </ul>	Delivery of justice to all; Work in partnership to identify all perpetrators of conflict; Reduce cases of insecurity

	<ul style="list-style-type: none"> <li>• Undertaking civil litigations involving government and its agencies,</li> <li>• Undertaking drafting of bills, subsidiary legislation, notice of appointments to state corporations, constitutional offices and public offices.</li> <li>• Supervision and maintenance of legal standards and ethics.</li> </ul>	
Public Complainants Standing Committee (PCSC)	<p>The mandate of the Public Complainants Committee include: Receive, register, sort, classify and document complaints against public officers.</p> <p>Enquire into allegations of corruption and misuse of resources.</p>	<p>Receive and present to relevant state organs public complaints; Work in partnership; Peace and respect for each other</p>
Ministry of Defence and Internal Security; Police Service	<p>Maintaining peace and security among others</p>	<p>Maintain peace and security; Work in partnership to maintain peace; Relevant information</p>
Truth, Justice and Reconciliation Commission (TJRC), the Kenya National Commission on Human Rights (KNCHR)	<p>The TJRC has the mandate to investigate, analyse and report on violations that occurred between 12<sup>th</sup> December 1963 and 28<sup>th</sup> February 2008. These include:</p> <ul style="list-style-type: none"> <li>• Gross violations and abuses of human rights; economic crimes; irregular and illegal acquisition of public land;</li> </ul>	<p>Investigation of injustices; Shared responsibility; promote stability and peace in the country; facilitate healing and reconciliation initiatives.</p>

	<p>marginalisation of communities; ethnic violence and tensions; provide redress and educate the public.</p> <ul style="list-style-type: none"> <li>• The KNCHR</li> </ul>	
<b>Non-State Actors</b>		
Private sector	<ul style="list-style-type: none"> <li>• Corporate social responsibility</li> </ul>	<p>Uphold the principles of socially responsible; business- Partnership Stable and peaceful environment for business; ensure equitable employment across ethnic groups.</p>
NGOs and faith-based organisations	<ul style="list-style-type: none"> <li>• Peace making or peace programmes</li> <li>• Dispute resolution</li> <li>• Peace runs</li> <li>• Peace building</li> <li>• Capacity building, training and consultancy in peace building</li> <li>• Mapping peace initiatives</li> </ul>	<p>Discipline and oversight responsibility; Partnership; Data base on legal issues regarding conflict</p>
Community and community-based organisations	<ul style="list-style-type: none"> <li>• Peace runs</li> <li>• Dispute resolution</li> <li>• Mapping peace initiatives</li> </ul>	
Special interest community Groups	<ul style="list-style-type: none"> <li>• Monitoring government actions and involved in peace building processes</li> </ul>	<p>Interlocutors at community level; Networking; Peace building</p>
Media	<ul style="list-style-type: none"> <li>• Reporting on issues that touch on cohesion and integration</li> </ul>	<p>Raising of public awareness; Partnership; Stable environment for investment</p>

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<p>Donors and International Organisations: GTZ, UNDP DFID USAID, UNICEF, among others.</p>	<ul style="list-style-type: none"><li>• Funding peace builders and peace building processes</li></ul>	<p>Funding and technical support; Partnership; Information on internal peace</p>
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## **5 Legal Framework and Enforcement Mechanism**

The existing National Cohesion and Integration Act (2008) shall provide the legal framework for the implementation of this policy. The implementation of this policy will also be linked with other relevant policies such as national policies on culture and heritage; land and education.

## **6 Monitoring and Evaluation**

The National Integrated Monitoring and Evaluation System (NIMES) as well as the Indicator Handbook for the Monitoring and Evaluation form useful frameworks and tools to monitor important medium term goals and indicators relating to some of the socio-economic aspects of cohesion referred to in this policy. Apart from the Indicator Handbook, other useful reports shall be: the Annual Progress Report on Vision 2030 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.

There are additional indicators that are not covered by the existing monitoring reports – such as a national cohesion index – which shall be important in moving the activities suggested in this policy to a practical level. It is proposed that a suitable government agency develops and monitors an index or indices of national cohesion and social transformation to keep track of the level of national cohesion and integration. Some of the indicators that shall comprise the national/social cohesion index/indices shall be: social values; social capital; social integration; expectations for the future; ethnic distance; and trust.

This policy proposes adoption of specific cohesion targets by government ministries, departments and agencies. It will be important for the concerned agency to promote the development of these targets. As an incentive, an annual award can be established and

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given to organisations that lead in the adoption of best practices for national cohesion and integration.

## **7 Financing of National Cohesion and Integration Initiatives**

Specific roles for various actors in promoting national cohesion and integration have been provided above. National Cohesion and Integration initiatives will be financed through government sources (National and county), non-state actors and community funding and support initiatives.

## **8 Policy Review**

The policy will be reviewed as need may arise to take into account any emerging issues on cohesion and integration.

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**ANNEX 3: IMPLEMENTATION FRAMEWORK (Work in progress)**

S.No	Policy Objectives	Strategies	Activities	Resources	Indicators	Responsibilities	Timeframe
1	To build a just and cohesive society that enjoys equitable social, economic and political development	<ul style="list-style-type: none"> <li>Promote national cohesion and integration of the citizenry</li> <li>Develop National Value Systems</li> </ul>	<ul style="list-style-type: none"> <li>Conducting nationwide campaigns on national cohesion and integration</li> <li>Adoption of diversity concepts in all forms of organizational management at public and private establishment</li> <li>Mainstreaming of curricular for national cohesion and integration in the education system</li> </ul>	<ul style="list-style-type: none"> <li>Financial resources</li> <li>Human resources</li> </ul>	<ul style="list-style-type: none"> <li>Number of campaign initiatives established</li> <li>Number of meetings held in counties</li> <li>Extent to which curricular integrates national cohesion and integration</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Justice and National Cohesion</li> <li>National Cohesion and Integration Commission</li> <li>Ministry of Education</li> </ul>	<ul style="list-style-type: none"> <li>Short-term</li> </ul>
2	To address cases of ethnic discrimination, negative ethnicity, feelings of discrimination,	<ul style="list-style-type: none"> <li>Develop special economic zones</li> <li>Devolution</li> </ul>	<ul style="list-style-type: none"> <li>Establish and monitor a social cohesion index/indices</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

S.No	Policy Objectives	Strategies	Activities	Resources	Indicators	Responsibilities	Timeframe
	unequal distribution of resources and opportunities;	<ul style="list-style-type: none"> <li>• Equitable infrastructural development /investments</li> <li>• Improve resource management practices including land management</li> </ul>					
		<ul style="list-style-type: none"> <li>• Monitor targets on indicators of national cohesion and integration that relate to disparities.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitor targets on indicators of national cohesion and integration that relate to disparities.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
3	To consolidate, unify and integrate Kenyans in matters of economic and social well being	<ul style="list-style-type: none"> <li>• Champion the importance of common purpose in matters of economic and social good</li> <li>• Align the national value systems to the Vision 2030 and other national objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting nationwide campaigns on importance of common purpose on matters concerning the economy and social well being</li> <li>• Creating public awareness on matters</li> </ul>	<ul style="list-style-type: none"> <li>• Financial resources</li> <li>• Human resources</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in the number of reported inter-ethnic conflicts</li> <li>• Number of campaign initiatives established</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Justice and National Cohesion</li> <li>• Ministry of Finance</li> <li>• Ministry of Planning</li> <li>• National Cohesion and Integration Commission</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term</li> </ul>

S.No	Policy Objectives	Strategies	Activities	Resources	Indicators	Responsibilities	Timeframe
			pertaining to common national goals and objectives				
4	To foster equity and social justice by building on or complementing other ongoing national processes aimed at addressing nationhood, national cohesion and integration;	•	•	•	•	•	•
5	To establish and promote principles, standards and best practices that should guide the process of national cohesion and reconciliation.	<ul style="list-style-type: none"> <li>• Enable access to judicial and security services by all citizens, including the poor.</li> <li>• Promote an all inclusive county level service delivery outfit that reflects Kenya’s diversity</li> <li>• Emphasize on equitable and</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that matters related to national cohesion and integration are attended to in the judicial system</li> <li>• Develop a systematic framework for ensuring that county governments employ from diverse community</li> </ul>	<ul style="list-style-type: none"> <li>• Financial resources</li> <li>• Human resources</li> </ul>	<ul style="list-style-type: none"> <li>• Number of cases on cohesion and integration finalized in our judicial system</li> <li>• A systematic framework for ensuring diversity in employment</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Justice and National Cohesion</li> <li>• Ministry of Finance</li> <li>• Ministry of Planning</li> <li>• National Cohesion and Integration Commission</li> <li>• Ministry of labour</li> </ul>	<ul style="list-style-type: none"> <li>• Short-term and medium term</li> </ul>

S.No	Policy Objectives	Strategies	Activities	Resources	Indicators	Responsibilities	Timeframe
		quality service delivery.	groups and regions <ul style="list-style-type: none"> <li>• Ensure that public services by the county governments are for everyone and not only residents of that county</li> </ul>				
6	Provide a roles schedule of various stakeholders in the operationalisation of national cohesion and integration process and establish how these stakeholders can be mobilized to play their roles effectively;	•	•	•	•	•	•
7	Provide an organizational structure and framework for implementation of the policy's strategic	•	•	•	•	•	•

S.No	Policy Objectives	Strategies	Activities	Resources	Indicators	Responsibilities	Timeframe
	objectives;						
8	Provide a framework for mainstreaming national cohesion and integration objectives into national development programmes, projects and activities.	•	•	•	•	•	•

**Appendix Box 1: Kenya’s Adherence to International Law**

**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**

- 1951 Refugee Convention (1966)
  - 1965 International Convention on the Elimination of All Forms of Racial Discrimination (2001)
  - 1966 International Convention on Civil and Political Rights (1972)
  - 1966 International Convention on Economic, Social and Cultural Rights (1972)
  - 1967 Refugee Protocol (1981)
  - 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (1972)
  - 1979 Convention on the Elimination of All Forms of Discrimination against Women (1984)
  - 1984 Convention Against Torture and Other Cruel, Inhuman, Degrading Treatment and Punishment (1997)
  - 1989 Convention on the Rights of the Child (2000)
  - 1998 ICC Rome Statute (2005)
  - Convention on the rights of Persons with Disabilities (2008)
  - International Convention for Protecting All Persons from Enforced Disappearance (2007)
-