

KENYA KWANZA'S FIRST YEAR IN OFFICE FAILS TO INSPIRE HOPE TO KENYANS

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KENYA Kwanza's first year in office brings to light a series of unfulfilled promises, a prevailing culture of impunity, a continuation of the campaign posture and the discordant governance experienced in the previous administration. Despite the initial efforts to rectify past governance errors, these attempts are overshadowed by deliberate constitutional violations, empty rhetoric, abuse of human rights and perpetuation of state demagoguery.

Corruption

Leading up to the 2022 general elections, the Ethics and Anti-Corruption Commission (EACC) publicly identified 245 potential candidates with pending graft cases. With Ruto being sworn in as president, the Office of the Director of Public Prosecution (ODPP) withdrew the cases of certain individuals who were soon after appointed to public office, contrary to Kenya Kwanza's pledge to uphold the rule of law. The ODPP provided an implausible explanation, asserting lack of evidence to pursue these cases. Corruption therefore remains at the core of this administration's operations. Reports have also emerged indicating that the government has incurred massive financial losses amounting to billions of shillings through various scandals, spanning from the National Health Insurance Fund to the Kenya Medical Supplies Agency (KEMSA).

Capture of Independent Offices

Kenya Kwanza promised to institutionalize political parties and depersonalize and depoliticize state institutions including state institutions. The regime has an insatiable appetite to capture political parties and independent commissions and offices contrary to Art 250 of the constitution. A case of point is the president attack on the role of the National Land Commission (NLC) on valuation and compulsory acquisition of land contrary to the provisions of the constitution and the Land Act 2012. The regime interfered with the appointment of the Inspector General of Police, the Directorate of Criminal Investigation and created many illegal offices.

National Unity – Country of shareholders?

The president, his deputy and other key officers are taking irresponsible actions and using illiberal language in clear breach of Art 10 of the constitution. The assertion that Kenya operates as a country of shareholders is a violation of Articles 4 and 27

of the constitution has increasingly led to divisions along ethnic lines and regional lines. This is an entrenchment of the language of exclusion in public service delivery. The appointments to public offices are clearly skewed into ethnic hegemonies. This has further evidenced the extent to which independent commissions like the NCIC have been weakened and have shied away from condemning such actions. This threatens the much-sought nationhood anticipated in Article 10 of the constitution on national values and principles of governance.

Uncontrollable public debt

Kenya Kwanza committed not to borrow more, and not to burden Kenyans with more debt. As of September 2022, Kenya's public debt reached Sh8.7 trillion, equivalent to about 69.4 percent of the GDP. In just the first seven months of the current government's tenure, the public debt ballooned to Sh9.63 trillion, comprising Sh4.54 trillion in domestic debt and Sh5.09 trillion in external debt. These figures reflect a total borrowing of Sh933 billion, with Sh176 billion sourced domestically and Sh757 billion externally under the Kenya Kwanza administration.

The high cost of living has burdened Kenyans, and the regime promised to implement measures to alleviate their suffering. The cost of food and other basic needs has skyrocketed, and the regime continues to use the language of tokenism to appease hungry and angry citizens. The regime does not want to subsidize goods and services to Kenyans living in abject poverty. Instead, the Treasury introduced provisions like the Finance Act of 2023, which imposed additional taxes on Kenyan citizens, further exacerbating their financial hardships. The government is likely to increase more taxation avenues for Kenyans.

Many state-owned enterprises continue to grapple with financial distress and poor governance, forcing the government to provide substantial bailouts. This has severely eroded public trust in entities like Kenya Power, amongst others. Additionally, there is growing concern among Kenyans about the escalating public wage bill, which consumes a staggering 69.3 percent of the government's expenditure in the fiscal budget for 2023/2024, leaving only a meager portion for critical development projects.

Police Brutality

Civil society documented over 75 cases of extrajudicial killings, enforced disappearances during the period between March and August 2023. Shockingly, police killings have become normalized in this administration, with President Ruto

publicly endorsing these extrajudicial executions, commending the officers responsible for their actions. The utterances of the president especially the infamous “mambo ni matatu” is a confirmation of the regime’s hand in perpetuating police brutality.

After swearing in, the president condemned extra judicial executions and promised to put a stop to police killings and institute public inquiry into the same. It is becoming apparent that there has been a reconstitution of a police killer squad that has been targeting innocent Kenyans. The deployment of police to suppress protests was perceived as an endorsement by the political leadership to employ excessive force, including injuring and killing protesters. These constraints undermine the very principles of democracy and hinder the free exchange of ideas essential for a vibrant and progressive society.

Freedom of Media

Article 34 of the Constitution safeguards press freedom, yet this regime, following in the footsteps of its predecessor, has consistently infringed upon it. Since September 2022, the government has repeatedly disregarded this constitutional provision by subjecting the media to physical and verbal attacks, harassment, and intimidation during public protests including in protected spaces like the courts. Police have tear-gassed journalists, leading to physical injuries and fostering an atmosphere of self-censorship that hampers reporting critical and sensitive issues.

The assault on the media is not the culmination of this administration's actions; it has now extended to weaponizing the criminal justice system. President Ruto has adopted a notably more aggressive strategy, resorting to threats against suspects and exerting pressure on litigants to withdraw cases from the courts. Recently, Ruto issued a stark ultimatum to individuals he labeled "cartels," presenting them with three options: leave the country, face imprisonment, or embark on what he metaphorically described as a journey to heaven, in other words, a death wish.

Stifling devolution

Ruto's administration opted to allocate a reduced sum of Sh385.4 billion as shareable revenue to counties, a departure from the Commission of Revenue Allocation's (CRA) recommended figure of Sh407 billion. This decision raises concerns about the government's commitment to devolution and the equitable distribution of resources. While the allocated amount represented an increase compared to the previous budget, Parliament failed to provide a clear rationale for deviating from the CRA's recommended formula. By allotting less than the recommended amount, the government's choice contradicts its constitutional duty to ensure access to essential

services, including healthcare, education, and water, as outlined in Article 43 of the Constitution, at the county level. This shortfall in funding hampers citizens' access to these fundamental rights, potentially exacerbating poverty and inequality.

Education

The public education system is on the brink of collapse. The much-hyped presidential working party reform initiative that was to help fix the problems in education has instead exacerbated the problem from basic education to tertiary level. The right to education as articulated in Art 43 and 53 has been turned on its head. The curriculum review process is haphazard, the infrastructure development is lopsided, and financing is wanting. The higher education financing framework is a tool to block the children from poor families from accessing tertiary education.

Land and Natural Resources

The national land management information system continues to be a mirage shrouded in secrecy – for example in Isiolo, the Ngaremara. The implementation of the Community Land Act has hit a snag and there is an aggressive annexation of community land for mega projects. There are increases cases of forced evictions for communities and there is no mechanism for resolution of historical land injustices as required by the Constitution and land laws. The statements lifting ban on logging and comments that seem to reinstate the shamba system are antithetical to the constitutional principles around forestation and conservation and goes against Kenya's commitment to combat climate change.

Youth

In this regime, youth have been victims of multiple exclusion, receiving a piece of governance misfortune daily – from unemployment, police brutality, increasing cost of living to uncertainty with regard to what the future holds. The youth find themselves suffering perpetual depression.

Civic Space

The Kenya Kwanza regime promised in their plan to commence the PBO Act immediately on ascendancy to office. Contrary to this, they have purported to issue a letter to all NGOs in Kenya requiring them to align their programming and activities to their bottom-up agenda. This directive is both unconstitutional and uncalled for and negates democratic principles and ideals. Human rights defenders have been unjustly targeted through threats, profiling, arbitrary arrests, and killings in an attempt to curtail their civic freedom and stop them from doing their work.

Signed;

1. Kenya Human Rights Commission (KHRC)
2. Katiba Institute
3. Transparency International – KE
4. ICJ Kenya
5. Defenders Coalition
6. CRECO
7. Kenya Land Alliance
8. Elimu Bora Working Group
9. Inuka Kenya Ni Sisi!
10. Siasa Place
11. Social Justice Working Group
12. The Institute of Social Accountability - TISA
13. Informaction
14. Pamoja Trust