



THE NATIONAL COUNCIL OF CHURCHES OF KENYA

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FOR WANANCHI

GENERAL SECRETARIAT

Dialogue for a Better Kenya

Communique of the NCCK 63rd General Assembly

Introduction

The 63rd General Assembly of the National Council of Churches of Kenya has been held here at *Jumuia Conference and Beach Resort, Kanamai, Kilifi County*, from 28th – 30th August 2018. The General Assembly was guided by the theme **“That We May Be One (Jeremiah 32: 38 – 39)”**, which reads:

And they shall be my people, and I will be their God. And I will give them one heart, and one way, that they may fear me for ever, for the good of them, and of their children after them.

The Assembly recognized that there is need to build oneness of mind and identity that all Kenyans can embrace, which is premised on our submission to God as is stated in the Preamble to the Constitution of Kenya 2010 –

“We the people of Kenya – Acknowledging the supremacy of Almighty God of all creation”

This General Assembly recognized that when the people of Kenya adopt a common identity and purpose by defining what it means to be Kenyan, then the social political evils that have afflicted us for many decades will be resolved.

With this understanding, we wish to share the following message with the people of Kenya:

1. Council Officials

This General Assembly is honored to announce that in exercise of its statutory business, it elected Archbishop Dr Timothy Ndambuki from the Africa Brotherhood Church to be its Chairperson and Right Reverend Julius Guantai Mwamba from the Presbyterian Church of East Africa as the Vice Chairperson of the Council. The two officials will serve for a renewable term of three years. This follows the expiry of the term of office of Rev Canon Dr Rosemary

Mbogo and Archbishop Dr Timothy Ndambuki as Chairperson and Vice Chairperson respectively. It also re-appointed Sam Mwale as the Honorary Treasurer.

2. Commendation to Kenyans

This General Assembly wishes to commend all Kenyans for their resilience and patient forbearance in the face of intense provocations that climaxed during and after the 2017 General Elections. Kenyans have a tireless commitment to peaceful coexistence, and we urge all to maintain this demeanour always. However, it is tragic that different editions of government have taken this character of Kenyans for granted and oppressed and suppressed them while exploiting them and subjecting them to perpetual poverty and suffering.

3. State of the Nation

This General Assembly recognizes that since the last time we met, Kenya has gone through a turbulent electoral process. The electoral process began with a standoff between the government and the opposition regarding the credibility of the leadership of the Independent Electoral and Boundaries Commission (IEBC) to manage the 2017 General Elections, and religious leaders had to step in to mediate a solution to the crisis.

The nation then went to elections on 8th August 2017, and we note that the voting went on peacefully across the country. The runners up in the Presidential Poll filed a petition in the Supreme Court of Kenya, and secured a nullification of the result, thus necessitating a Fresh Presidential Election on 26th October 2017 which the petitioners boycotted.

Whereas President Uhuru Kenyatta was sworn in for a second term on 28th November 2017, Rt Hon Raila Odinga lived up to his threat and was also sworn in on 30th January 2018 as “the People’s President”.

The period between 9th August 2017 and 30th January 2018 remains one of the most volatile and violent in our recent history, having witnessed violent clashes between demonstrators and security agencies on a daily basis. More than a hundred Kenyans lost their lives, and an unknown number were injured, some left with permanent disabilities.

We therefore appreciate the handshake and agreement between His Excellency President Uhuru Kenyatta and former Prime Minister Raila Odinga which provided relief for the nation and gave Kenyans a chance to move on from the 2017 General Elections.

However, the electoral process revealed the glaring reality that Kenyans have been unwilling to face up to the fact that the primary problem facing our nation is that politicians have successfully set themselves as the creators and solvers of every crisis we go through. Kenyans must reverse this trend and take back their country from the grip of ethnic, grievance and fear driven politicians.

4. Embrace National Dialogue

This General Assembly recalls that the driving desire of Kenyans for many years was for a Constitution that “*strengthens national integration and unity and commits Kenyans to peaceful resolution of national issues through dialogue and consensus*”, as was declared in Sub Article (g) of the Constitution of Kenya 2010 Promulgation Statement.

It is in this regard that we appreciate the appointment of the Building Bridges Initiative (BBI) Task Force by President Kenyatta and Rt Hon Odinga. However, that process is not adequate to address the issues facing Kenyans, especially because of the following factors:

- a) The establishment of the BBI was not inclusive, and it is inaccurate to imply that the entirety of Kenya’s problems are to be resolved through an agreement between two leaders only
- b) The BBI process is primarily a gentleman’s agreement as it lacks legislative or constitutional mandate, yet Kenyans have an experience of being disappointed in the past when similar agreements collapsed
- c) The BBI team left out key constituencies, most notable being women, youth and persons with disabilities
- d) There is no set structure for implementation of the recommendations that may arise from the BBI process
- e) Kenyans do not have an independent channel and mechanism to hold the BBI team to account

Understanding this, this General Assembly has endorsed the decision by the Executive Committee to partner with other religious institutions under the Dialogue Reference Group and spearhead a National Dialogue Process. This will be the basis of NCCK engagement with the BBI team and other stakeholders.

The General Assembly considered the Framework for National Dialogue that was developed and adopted by the Dialogue Reference Group, and wishes to make the following recommendations on the 7 dialogue issues:

(i) *Bringing a Closure to the 2017 Elections and making elections credible and acceptable*

Problem Statement:

Elections in Kenya have for many years been turned into cut-throat competition in which the winner-takes-all and the losers-lose-all. Individuals invest colossal sums of money to be elected, and willingly engage in any legal or criminal activity to destroy their opponents, believing that once elected they will recoup their “investment”. This is the reason why both National Assembly and Senate have refused to activate Chapter Six of the Constitution, and why both houses are riddled with allegations of corruption.

Proposed Remedies:

This General Assembly recommends the following measures:

- (a) Diminish the stakes in the presidential election by expanding the Executive and dignifying the opposition. The NCKK Executive Committee has spoken to this matter in the past
- (b) Have the work of the IEBC devolved and hold the individual officers criminally liable for electoral offences that are committed by the IEBC
- (c) The Office of the Director of Public Prosecutions takes up cases of individuals suspected of interfering with elections and have them punished severely
- (d) The Office of the Director of Public Prosecutions orders for investigations and speedy prosecution of individuals who engage in hate speech or incitement to violence. Any person found guilty should be barred from holding any public or state office for life
- (e) Institute an independent audit of the 2017 General Elections to identify gaps, weaknesses and points of strength, and legislate measures to seal the loopholes
- (f) Resolve the current leadership crisis at the IEBC by having the vacant positions filled
- (g) Enact laws to institutionalize political party primaries to ensure they meet the democracy standards set in the Constitution of Kenya 2010
- (h) Enact laws to provide for continuous civic education, vetting of candidates and campaign finance management
- (i) Appropriately fill up the position of Registrar of Political Parties

Our Commitment

On her part, the NCKK is willing to participate in the consultations and drafting of laws to effect these proposals. We are also committed to using our structures to continually deliver civic education to Kenyans.

(ii) Decisive Action to Deal with Corruption

Problem Statement:

Corruption is an immoral, legal and behavioral practice that only exists where it is rewarded. It is driven by the entitlement mentality of the ruling class who capture the state and use its resources to enrich themselves, but expect others not to do it. As such, there is usually no commitment to fighting corruption until the President considers such a fight important for his legacy, and the fight goes only that far. The NCKK Executive Committee recently noted that according to the Ethics and Anti Corruption Commission, and the admission by treasury bureaucrats, a third of Kenya's national budget is lost to corruption. This means that by July 2019, Kenyans will have lost upwards of 700 billion Kenya Shillings to corruption within a space of 12 months. This must be stopped.

Proposed Remedies

This General Assembly recommends the following remedial measures:

- (a) Draw a line between old corruption and new corruption, and deal with old corruption by offering an amnesty from prosecution for those who engaged in corruption in the past and who must restore what they stole and declare their accomplices. This is the lesson we learn from Luke 19: 1 – 9, where Zaccheus declared he would pay back 4 times whatever he had stolen, and Jesus declared this was sign of acceptance of confession and salvation
- (b) Those who do not take advantage of the amnesty, and those who engage in new corruption, be prosecuted and jailed for life
- (c) Seize the assets and proceeds of corruption into a fund that can be used to pay off public debt
- (d) Enhance civic education and also introduce ethics and moral values in the school curriculum to enable Kenyans redefine success and so reject corruption as a way of life
- (e) Stop persons who breach Chapter 6 of the Constitution from holding public offices

- (f) Strengthen devolution and punish corruption at that level as well
- (g) Apply the same standards in the fight against corruption in the private and all other spheres of public life

Our Commitment

This General Assembly commits that the NCKK will carry forward, and intensify, the campaign against corruption. We will also endeavor to have ethics, morals and values embedded in the educational curricula at all levels. At both national and county levels, church leaders will spearhead accountability forums and will empower worshippers to actively participate in governance and hold leaders to account.

(iii) Constitutional and Legal Reforms

Problem Statement:

Questions have been raised regarding the efficacy of a Presidential system of government that excludes some sections of society. Sentiments have been aired as well that Kenyans are over-represented, which has made political positions to be considered business options rather than opportunities to serve. The country is also grappling with the failure to implement the not-more-than-two-thirds gender rule.

Proposed Remedies

To remedy the sense of exclusion that pervades the nation, this General Assembly recommends the following actions:

- (a) Review the structure of government to either:
 - a. Expand the Executive to make it more inclusive. On this, the General Assembly affirms the NCKK Executive Committee recommendation for the creation of the position of Prime Minister and two deputies, who would be appointed by the President from within his or her party or coalition to drive government business in Parliament, and who would have to come from different ethnic communities
 - b. Embrace a Parliamentary system which has worked in different nations and is found to be more inclusive
 - c. Create similar accountability structures at the county government level

- (b) Dignify the opposition by equipping the runners up in a presidential poll with a position in Parliament and a funded office to enable them effectively hold the government to account
- (c) Strengthen and deepen devolution
- (d) Strengthen state and constitutional institutions to ensure they function well and thereby safeguard the Bill of Rights
- (e) Undertake affirmative action to regions and communities that have been systematically marginalized
- (f) Legislate processes and structures to inculcate the national values in all people, highlighting that Kenyans have both rights and responsibilities

Our Commitment

On our part, this General Assembly commits that we will use our structures to promote inculcation of values and morals by Kenyans, even as we advocate for relevant and appropriate constitutional and legal reforms to stabilize the nation.

(iv) Security Sector Reforms

Problem Statement:

Security in Kenya is state centric, not people centric. The result is a heavy level of politicization of security, coupled with securitization and militarization of politics. There is therefore a great need for the security sector to be reformed so that it is dignity, equality and human rights oriented in line with Article 28 of the Constitution.

Proposed Remedies

This General Assembly recommends the following measures to carry forward the security sector reforms:

- (a) Consider a medium term strategy to merge the Administration and Regular police services and increase their capacity of policing
- (b) Enhance the welfare of security officers
- (c) Develop and implement a policy and strategy to end corruption in the police services
- (d) Implement the National Action Plan for Gender Sensitive Peace, Conflict and Peace
- (e) Re-orient the security officers to stop use of lethal force in crowd control

- (f) End extra judicial killings which target poor young men and women in slums
- (g) Competitively recruit the new Commissioners of National Police Service Commission when the current team's term expires

Our Commitment

This General Assembly commits to continue supporting the promotion of the welfare of security officers, and will use our structures to promote community policing. We will continue to advocate for intensification of the police reforms.

(v) National Cohesion

Problem Statement:

Kenya is yet to be a nation. Instead, it is a collection of many tribes each of which behave as a nation. As a result, the elite have instrumentalized ethnic identity and use it to capture and dispense state resources. This is the reason why the poorest of the poor among Kenyans are often convinced that they are safe because their tribe-mate is holding a position of power, even though the individual does nothing to alleviate their suffering. Worse still, the ethnic identity has been used to divide Kenyans so that the elite continue to hold positions of power. To remedy this, there must be deliberate measures to build a national identity, cohesion and integration.

Proposed Remedies

This General Assembly recommends the following measures to remedy this:

- (a) Criminalize the use of violence. Any person inciting or sponsoring violence against another Kenyan due to their ethnic background should be held criminally liable and punished severely
- (b) Institute measures to ensure that formal arrangements and institutions have preference over informal arrangements between the ruling elite
- (c) Address the historical injustices as identified in the Truth, Justice and Reconciliation Commission (TJRC) report
- (d) Address the issue of land reform once and for all
- (e) Reform electoral laws to among others have continuous civic education

- (f) Have inclusion at all levels whereby the face of Kenya must be seen in all institutions and processes
- (g) Facilitate intra and inter ethnic dialogue processes to enable Kenyans across the board to deal with disputes and tensions between communities and have common understanding of issues and common determination to address them

Our Commitment

This General Assembly commits that the NCKK will continue to advocate for national cohesion and integration, and will do everything that is humanly possible to have the historical grievances resolved so as to give Kenya the impetus for a rebirth. We will especially carry on with intra and inter ethnic dialogue forums.

(vi) Accelerated Service Delivery

Problem Statement:

Service delivery is the primary need of the people and the main reason why they elect governments. A government that falters on the implementation of policies, strategies and programmes to enable citizens access better services, security, opportunities and welfare is a failed government. Over the decades, corruption and ineptitude have replaced service delivery within the Kenyan civil service, which has disenfranchised the citizenry.

Proposed Remedies

This General Assembly recommends the following measures to remedy the situation:

- (a) Pass Sessional Papers to empower the National Government to make different counties, including Turkana, Marsabit and Isiolo, industrial and agricultural centers
- (b) Make devolution work as outlined in the Constitution
- (c) Ensure tax justice by broadening the tax base, reducing tax rates, and ensuring value for money where tax money is spent
- (d) Invest in the people first by focusing on healthcare, education and housing, before heavy investment in infrastructure
- (e) Create Sessional Papers to institutionalize the Big Four Agenda to ensure success and continuity

- (f) Stop tenderpreneurship which creates millionaires whose only activity is stealing public money
- (g) Support the private sector so that it drives trade and productivity and job creation by reducing cost of doing business
- (h) Ensure prompt prosecution of corruption cases
- (i) Ensure prompt disbursement of resources to county governments
- (j) Provide civic empowerment so that citizens are made aware of their rights and so that they can monitor the delivery of the services
- (k) Development of National and County government policies and strategies should be premised on assessment of local needs and priorities

Our Commitment

This General Assembly commits that the NCK will use its structures to advocate for better service delivery at all levels. We will also endeavor to make our churches and institutions centers of excellence to serve as models in service delivery. We shall increase our investment in health, education and food production.

(vii) Strengthening Devolution, Institutional Performance and Governance

Problem Statement:

Devolution is the core revolution introduced by the Constitution of Kenya 2010. It is meant to quicken social-economic transformation through effective planning and service delivery. However, devolution has not worked. Resources transfer to the counties is very low, disbursement is done on the whims of the national government, corruption is rampant in the counties, and nepotism is prevalent.

Proposed Remedies

This General Assembly recommends the following measures to enhance devolution:

- (a) Emphasize patriotism and goodwill
- (b) Increase funds channeled to the counties
- (c) Enhance public participation in matters devolution
- (d) Ensure all functions that the Constitution requires to be devolved are actually devolved and the national government does not interfere with such

- (e) Make counties centers of production rather than consumption, so that they excel in wealth creation and revenue generation
- (f) Enhance capacity building for county staff by establishing formal structures to devolve the Kenya School of Government to the counties
- (g) Institute multi sectoral anti corruption and accountability structures at the county level
- (h) Enhance Inter Governmental Relations to end the constant disputes between the national and county governments

Our Commitment

This General Assembly commits that the Council will use its structures to support devolution and will work closely with county governments to enhance service delivery to the citizens.

5. Engendering the Dialogue Process

This General Assembly calls upon the government and all stakeholders to deliberately engender national and dialogue processes. This is in recognition of the key role that women play in society, and the fact that they suffer the most during crisis and violence. On our part, we have committed that the NCKK will support the initiative to establish a platform for Women of Faith Mediators. We will also use our church structures to create spaces for women in dialogue processes at all levels. The NCKK will also continue to rally religious leaders to progress the National Dialogue Conference to consider these proposals and others.

6. Address the Cost of Living

This General Assembly has taken note of the skyrocketing cost of living. The cost of goods and services is on an upward trajectory, yet the incomes of Kenyans are dwindling. This has in part been caused by the ever-increasing public debt. We call upon the government to reverse this trend to end the suffering of Kenyans. We note that a first step in this direction is reduction of the taxes and tariffs that citizens are required to pay, and rationalizing the aptitude of government to borrow colossal amounts of money to set up roads and other service infrastructure in light of national capacities to shoulder the burden.

7. Review the Basic Education Act 2013

This General Assembly reiterates the call we made three years ago for Parliament to review the Basic Education Act 2013. The Act effectively grabbed and nationalized church-owned schools without consultation or compensation.

We further continue to reject the proposed Comprehensive Sexuality Education curriculum noting that at its core, it promotes unfettered sexual promiscuity, abortion and sexual aberrations.

This General Assembly further reiterates the call we made back in 2015 for a review of the disciplinary measures guidelines to reinstate the power of teachers to discipline students. This will curb the high levels of indiscipline we are witnessing today, which have now escalated to malicious burning of school facilities.

At the same time, we call for enhancement of Technical Vocational Education and Training (TVET) in the country to equip Kenyans with life skills. This will break the current enchantment that young Kenyans have with white collar jobs, and thereby live disappointed and frustrated lives. We strongly support the devolvement of TVET facilities to the constituency level to enhance the access by all Kenyan youth.

8. Streamline the Extractives Industry

This General Assembly calls upon Parliament to legislate a law to provide and secure meaningful public and stakeholder participation in the extractives sector. Of key focus in such laws and policies is adequate compensation of citizens who are disenfranchised by the extractives ventures, and the benefit that community members derive from the exploitation of resources found in their locales.

This Assembly in addition strongly recommends that a body be established to facilitate mediation and resolution of disputes that emerge touching on extractives. It is our hope that extractives will be a blessing to our nation, not a curse.

9. Conclusion

We conclude by thanking God for the favour He continues to bestow on Kenya. We urge all Kenyans to take advantage of the peace and calm that is prevailing to develop themselves academically, socially and financially, knowing that persistent politicking is a tool used by

politicians to keep people poor and therefore open to manipulation. We now speak the words of Numbers 6: 24 – 26 upon all Kenyans:

The Lord bless you and keep you; the Lord make His face shine upon you and be gracious to you; the Lord turn His face toward you and give you peace.

Signed on this 30th day of August 2018 at *Jumuia Conference and Beach Resort, Kanamai.*



Archbishop Dr Timothy Ndambuki
Chairperson



Rev. Canon Peter Karanja
General Secretary