



Chapter 3

Responsibilities and rights

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38. To develop, engrain and implement our national ethos, every individual Kenyan is going to need to embrace, in our personal conduct, the responsibilities and rights we have as citizens. To investigate the status of responsibilities and rights in Kenya, the Taskforce had the privilege to speak to Kenyans who make immense sacrifices for us all.
39. We heard of our young Kenyan soldiers bravely fighting, and sometimes making the ultimate sacrifice, to protect our homeland from murderous terrorists. Just across the border, as the Taskforce consulted with Kenyans on our side of the border with Somalia, we were protected by police officers who undertake daily patrols in search of militants who regularly try to waylay them with improvised explosive devices.
40. The Taskforce learned that Kenya is sustained by many actions that are not captured by the television cameras or lauded by headlines. Across the length and breadth of Kenya, many patriots rise to heal, encourage, rescue, and sacrifice, all because of their profound feeling of responsibility. If it were not for their efforts, and those from others who have since passed on, Kenya may possibly not even exist in the form we know it.
41. However, the Taskforce was also told of deep concerns by many Kenyans that there are still far too many who do not know what their responsibilities to the country are. The point was frequently made that lacking a sustained civic education, and given the lack of trust among Kenyans, our national sense of responsibility to the public good and Kenya is far from where it should be. The Taskforce heard from Kenyan after Kenyan that we are increasingly a nation of distinct individuals instead of an individually distinct nation; and that we have placed too much emphasis on what the nation can do for each of us — our rights — and given almost no attention to what we each must do for our nation: our responsibilities. Our sense of being *wenye inchi* is not strong enough for many of us to resist the lure of corruption and dishonesty that compromise Public Service, leading to insecurity and even disasters.
42. Our attitudes to responsibilities and rights are rooted in our history, which must be understood if we are to forge an approach to these two key pillars of citizenship that allows us to craft a strong national ethos.

A history of responsibilities and rights in Kenya

43. **Responsibilities and rights in pre-colonial times** — For most of our histories, African nations were egalitarian in nature and founded on the understanding that 'I am because you are'. This sharing of responsibilities created a system in which the right to enjoy food and protection was reliant on the duties undertaken by members to ensure the continuity of the community. In pre-colonial African society, the taking up of responsibilities was a dominant feature of becoming an adult and a citizen. There

is important work that needs to be undertaken in documenting this aspect of our history.

44. **Responsibilities and rights during colonialism** — Under colonial rule, our pre-colonial system of responsibilities and duties was replaced by a Western model of formalised education which was established and reproduced for the sake of maintaining the domination and hegemony of the British. This new foreign system of social relations altered many of our socio-economic, cultural and political structures. We adopted modernisation as a project to eject our indigenous knowledge systems as they came under ferocious ideological and even violent assault from the coloniser.
45. **Responsibilities and rights in post-independence Kenya** — Our independence in 1963 led to the introduction of formal (legal) rights in Kenyan society, beginning with the enactment of our inaugural Constitution in 1963. As was the case under colonial rule, the 1963 Constitution failed to acknowledge the responsibilities that had always existed in and held together our communities in African society. Instead, the 1963 Constitution over-emphasised the place of rights, setting in motion the challenge of a responsibility-light and rights-heavy society which we currently face in Kenya today.
46. **Under the Constitution of Kenya, 2010** — An exploration of our responsibilities must begin with an assessment of the Preamble to the 2010 Constitution. The word 'preamble' stems from the Latin word *praeambulus*, which means 'to walk before'. It follows that the framers of our 2010 Constitution envisaged that the long journey of progressively implementing our current Constitution in its true essence must begin with the set of key steps which we agreed to and set out in the Preamble. While often overlooked, the Preamble paints a vivid picture of the range of fundamental behaviours and attitudes which we each must embrace as our individual and collective duties to one another, if we are to give life to the letter and spirit of our current Constitution. Reflecting the underlying spirit, philosophy, intent, facts, and assumptions in our Constitution, the Preamble contemplates a society in which we the people of Kenya previously held and will perpetually hold to the following individual and collective duties, that:
 - We acknowledge the supremacy of the Almighty God of all creation;
 - We hold in high esteem people who struggled to procure our nation's freedom and justice;
 - We celebrate and tolerate our ethnic, cultural and religious diversity and in so doing endeavour to live peaceably as a nation;
 - We respect and sustain our environment as a bequest which we received and will impart to future generations;
 - We uphold a commitment to nurturing and protecting our individual and collective well-being;

- We recognise the aspirations of all our fellow Kenyans towards a humane Government, predicated on equality, freedom, democracy, social justice, human rights and the rule of law; and
 - We exercise our sovereign and inalienable right to determine the form of governance in Kenya.
47. Kenyans can be proud of the inalienable rights they have won and articulated in Chapter 4's Bill of Rights, which also recognises that with every right there are responsibilities. Article 24 provides the general principles on the limitation of those rights.
 48. Despite being tucked away in our Constitution's Preamble, this set of expectations are essential pre-conditions which we meet if we, as citizens of Kenya, are to enact our Constitution not just into law but into our lives and if we are to ultimately bequeath it to future generations of Kenyans in both letter and spirit.
 49. Whereas the 2010 Constitution briefly outlines the above-mentioned expectations of Kenyan citizens, it nevertheless remains heavily skewed towards articulating the rights of citizens, many of which are consistent with those set out in rights previously guaranteed under the 1963 Constitution.
 50. **Other legal responsibilities and rights rooted in the Constitution** — There are laws that enhance Constitutional provisions in areas such as the payments of taxes; political participation; electoral conduct; public participation in legislation, policy-making and public financing; and the responsibility to hold public institutions and offices accountable. Wider individual responsibilities to which we are all beholden as citizens include responsibilities towards other individuals, our families, communities and country.
 51. At the institutional level, the responsibilities of our private institutions as corporate citizens pertain to the promotion of the rights of employees and engagement in corporate social responsibility. Correspondingly, all private actors have duties that include honouring their contractual obligations; preventing the facilitation of corruption; and, as employers, in ensuring employees enjoy their employment rights.
 52. A huge part of the work of strengthening citizens' embrace of both responsibilities and rights dovetails with the Taskforce's consultations and recommendations on national ethos. They should ideally be read together.

MAJOR RECOMMENDATIONS

53. **Recognise that the responsibilities and rights of Kenyans are rooted in the individual and enable the knowledge and attitudes that strengthen responsible citizenship** —

- A. For you to enjoy your rights, another Kenyan must discharge their responsibility. This means that every one of us must also accept our responsibilities if the rights we argue for so strongly are to ultimately be respected for all of us.
 - B. This responsible attitude must be ingrained in the behaviour of every one of us, from the youngest possible age.
 - C. Kenyans have God-given rights that must now stand alongside a Kenyan Charter of Citizen Responsibilities that is inspired by the National Anthem and the National Values, and includes a Patriot's Pledge to the Nation and the Constitution of Kenya (for schools, workplaces, and official national and public events)
 - D. We must ensure that the mechanisms and attitudes in the Public Service protect Kenyans to safely exercise their responsibilities, for instance when willing to whistleblow or report a crime. That means there should be strong whistleblower protections and responsive and accessible communication channels, manned by reliable and trustworthy personnel.
 - E. There is an urgent need for continuous and widespread civic education on rights and responsibilities. Civic education should be prioritised in Government policies and initiatives, both nationally and in Counties. This includes a specific ongoing civic education campaign that is continuous and is based on innovative approaches that do not utilise the typical workshopping model; for instance, the use of barazas. Citizenship education should be provided at all stages of education through to the undergraduate level.
 - F. Develop a responsibility and execution culture because there is a national deficit in execution and the acceptance of individual responsibility. To build a culture of responsibility and effective implementation is not intuitive, it must be deliberately inculcated in people from their upbringing, our communal and national ethos, and in their training and education.) To this end, Kenyan schools should draw all students into chores and responsibilities that uplift and provide for the school and the broader community. This will help to develop a culture of responsibility, and getting tasks done. Schools, at every level, should also actively encourage and enable volunteering for those in need in the communities or institutions close to the school.
 - G. The citizen's responsibilities and rights should be incorporated in the cultural, religious, and communal processes of initiation and religious and cultural education (based on all religions having expectations of engaged citizenship).
54. **'Skin in the game' and responsibility of leadership** — Part of choosing to be a Cabinet member or to be a Principal Secretary, and their equivalent in the Counties, is to be ready to have 'skin in the game' in using the services that you develop and manage on behalf of all Kenyans. If it is good enough for Kenyans, it should be good

enough for you. The Ministerial Code should include Ministers making use of services for their own personal and family needs. For instance, the children of the Education Minister should make use of public schools; the Health Minister should use public healthcare; and so forth. All Ministers should use public facilities and services. These principles should be reflected in the Counties with the County Executives.

55. **Effective parenting is learned** — Educated parenting is important to raise healthy and responsible children in an increasingly complex and fast-changing Kenya. Like the classes many churches insist be taken by couples planning to wed, to ensure that they know how to uphold marriage, there should be similar efforts to strengthen parenting. To put this into action, an inter-ministerial Taskforce should be formed to develop a generic and simple parenting curriculum and make it available to religious and cultural institutions, health centres, and sub-chiefs and chiefs for the widest possible dissemination.
56. **Entrench ethics awareness, training and accountability in the workplace** — Every Public institution, non-governmental organisation, and company should develop an integrity and ethics strategy that includes training and safe ways to report infractions and make it part of evaluating departments and managers.
57. **Growing through being of service** — All Kenyans should voluntarily give six months of their lives to national service between the ages of 18 and 26 as a means of developing personal responsibility through service to others. All Kenyans should be encouraged to give their time to volunteering and service. There should be a national volunteer network that allows efforts that need volunteers to sign on and be connected to those who want to serve; this network should also offer certification of completed volunteering stints. Incentives, including by making this a requirement of applying for Public Service jobs, should be considered.
58. Utilise the duties articulated in the **African Charter on Human and Peoples Rights to develop civic training on responsibilities** — Every Kenyan citizen, in upholding our responsibilities and rights shall be guided by the African Charter on Human and Peoples Rights, to which Kenya is a party, and specifically the Articles below:

Article 27 —

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28 — Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29 — The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.