



COUNCIL OF GOVERNORS

KEY NOTE ADDRESS FOR H.E. JOSPHAT NANOK, CHAIRMAN COUNCIL OF GOVERNORS

CELEBRATION OF THE 70TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT THE UNIVERSITY OF NAIROBI 10TH DECEMBER, 2018

Ambassador Stefano A. Dejak, Head of European Union Delegation to Kenya
Ms. Safina Kwekwe, Principal Secretary, Ministry of Public Service, Youth and Gender,
Mr. Siddharth Chatterjee, United Nations Resident Coordinator in Kenya
Ms. Marcella Favretto, United Nations Senior Human Rights Adviser
Ms. Renee Ngamau, Amnesty International Chairperson
Mr. George Morara, Vice Chairperson of the Kenya National Commission on Human Rights
Mr. Steve Chege, Chief Corporate Affairs Officer of Safaricom
Representative of the Attorney General/Secretary Department of Justice
Distinguished Guests,

Ladies and Gentlemen,

1. We meet at an important moment. A moment when we, as nations, take stock of how far we have come in the realization of human rights. All of us here acknowledge that since the proclamation of the Universal Declaration of Human Rights in 1948, huge strides have been witnessed in making the world a better place. The proportion of people living in extreme poverty has fallen significantly. I'm proud to be a leader in a country that has made a contribution towards this extraordinary progress. Today, here, we commit to go even further.
2. The Council of Governors is deeply honored to be part of this occasion. Kenya has come a long way. The freedoms and rights enjoyed today are a culmination of years of struggle by fellow countrymen who sacrificed their lives, their time and their resources so that we could gather in occasions like these to celebrate the milestones we have made in ensuring that human rights are anchored in law

and aggressively protected. We may not be there yet but sure enough we have made tremendous growth. Media is freer; more women have garnered political seats though a lot more needs to be done on this front; more girls are in school; elections are regular and predictable; more Kenyans can purchase property freely; and we all have an opportunity to join political parties of choice. Of course the road ahead requires that we put more effort in securing human rights- whether political, economic or social- for all citizens, but we should laud the successes thus far.

Ladies and Gentlemen,

3. The segregation from political power, alienation from participation in governance, and unequal distribution of resources contributed immensely to the promulgation of the Constitution 2010 whose drafters took a human rights centered approach to addressing the historical injustices occasioned since 1963. The new constitutional dispensation aims at Article 10 to inculcate values and principles, among others, of democracy, human dignity, equity and inclusiveness in all public institutions at both levels of government.
4. The recognition of socio-economic rights at Article 43 demonstrates that the Constitution envisages the highest standards of living for all Kenyans through quality healthcare, adequate housing, reasonable standards of sanitation, adequate food, clean and safe water, social security and education. These are basic rights that could markedly contribute in the alleviation of poverty in the country. Without food, shelter, water and accessible health services, our people cannot work in the farms, in the industries, in civil service, and in all those other institutions that our economy depends on to thrive.

Ladies and Gentlemen,

5. With a new Constitution came a new system of governance- devolution. Devolution is by itself a vessel to deliver basic human rights to all Kenyans, as seen through its objects canvassed in Article 174 of the Constitution which are: recognition of diversity; community participation; protection and promotion the interests and rights of minorities and marginalized communities; promotion of social and economic development and the provision of proximate, easily accessible services throughout Kenya; and ensuring equitable sharing of national and local resources throughout Kenya.

6. For the last five (5) years, County Governments have played a key role in delivering vital services, developing local economies and empowering communities through robust public participation. The skeptics may think otherwise, but the successes that have been witnessed in the forty-seven (47) Counties are proof that devolution is the real deal- real power, real resources and real engagement of communities has come with devolution. For a snapshot of the gains that the devolved system of governance has achieved, you may visit the Council of Governors website and peruse the State of Devolution Address that we made in July 2018.
7. Building an extra ward in a health facility is not just development, it is a way of making more citizens access better healthcare. It is saving lives. Digging of boreholes and dams are not just projects; it is a way of protecting human life through provision of clean and safe water for households. All our functions, at both levels of government, contribute in one way or another in guaranteeing human rights for Kenyans.
8. We are aware that the achievement of human security in our Counties- economic security, food security, health security, environmental security, personal security, community security and political security- is dependent on the continuous protection and promotion of human rights. With this in mind, the Council of Governors was part of the team convened by the Kenya National Commission on Human Rights, that developed the Eco-soc Rights Training Curriculum and Manual aimed at equipping all public officers at both the National and County levels with knowledge on mainstreaming of eco-soc rights in planning and budgeting.
9. Public participation is another important ingredient of democratic governance and service delivery. We recognize the need for citizens to be included in development planning, budgeting and policy and law making. The Council believes that active and regular participation of the public in local affairs is pivotal in reducing conflict as it enhances dialogue between the electorate and their representatives. The kind of governance we want is the kind where citizens are placed right at the center of decision-making, and feedback mechanisms are formulated to allow for the citizens inform the duty-bearers on the quality of services being provided. Currently, twenty-five (25) Counties have Public Participation laws.

10. Additionally, taking cognizance of the need to mainstream human rights protection in legislation, policy and service delivery, in the Legislative Drafting training for County Attorneys which is coordinated by the Council, a component on ‘*Drafting Human Rights Legislation*’ is included.

Ladies and Gentlemen,

11. County Governments are collaborating with the Judiciary on a number of fronts in the administration of justice. First, County Governments and the Council of Governors are part of the National Council on Administration of Justice (NCAJ) Inter-agency framework that brings together both state and non-state actors to collaborate in the provision of justice to citizens. Secondly, Counties continue actively support and participate in Court Users Committees. Thirdly, to promote Article 48 of the Constitution on access to justice, there has been meaningful cooperation between the Judiciary and the County Governments wherein the latter donate land for the construction of courts.

12. With respect to refugees, Turkana and Garissa Counties have been instrumental in providing services in refugee camps. We have seen close collaborations between the office of the United Nations High Commissioner for Refugees (UNHCR) and these two Counties. To concretize this partnership, the Refugee Affairs Secretariat brought the Council of Governors to the table during the review of Kenya’s Comprehensive Refugee Response Framework (CRRF). Currently, there is a pilot refugee and host integration programme being implemented in Laloberyo in Turkana County aimed at mitigating conflicts over delivery of humanitarian assistance among the refugees and the hosts on one side and the aid agencies on the other.

13. On physical security, the National Government and County Governments are collaborating to handle security challenges related to porous borders and resource based conflicts that are still rampant in pastoral areas. We have seen loss of lives, livestock and property and unintended migration. But we do admit that more efforts need to put to ensure arrest of perpetrators and recovery of stolen property. Both levels of government are cooperating in peace-building initiatives. Nevertheless, we realize that to completely eliminate cycles of violence and banditry, we should empower these communities economically and socially through education, provision of services and development of infrastructure in remote and inaccessible regions to lift the most vulnerable out of poverty. And in this second phase of devolution, the National Government

and County Governments will work towards strengthening County Policing Authorities and community policing committees in order to bolster security.

Ladies and Gentlemen,

14. The interface between the Universal Declaration of Human Rights and the Sustainable Development Goals (SDGs) is undeniable. The Council takes delight in the fact that ending extreme poverty is at the heart of the SDGs. All the other goals are pegged on this first one. The achievement of political, economic, and social development could only have one consequence- uplift the lives of the very poor to acceptable global standards through the increase of income per capita, better healthcare and access to social protection systems. We are guided by the motto- put the poorest, weakest and most marginalized first – *Leave No-One Behind*.
15. For County Governments, the elimination of poverty is a top most priority. Our Constitution anticipates that with devolution, national and local resources will be shared equitably and that all men and women in particular the poor and the vulnerable, will have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services. Many of the SDGs touch directly on the core functions of Counties. This is the reason why implementation of the SDGs is being undertaken within strategic and visionary partnerships with County Governments.
16. And we cannot fail to talk about corruption. Rotten government. No rule of law. These are some of the vices that have constantly kept tying us in poverty. With SDGs, every country in the world is committing to tackle corruption, to promote the rule of law and access to justice, to reduce illicit financial flows and to strengthen the return of stolen assets. As stakeholders we have committed to build accountable and transparent institutions and representative decision making to ensure everyone has a legal identity and access to information and to protect basic freedoms. For a long time, these issues were off the global agenda. Now they are at the top of it. And everyone has signed up. We must build systems that are immune to corruption. We must, and we are, at both levels of government, building systems that allow for responsive, inclusive, participatory and representative decision-making at all levels.

Ladies and Gentlemen,

17. As I conclude, allow me to convey special appreciation for all those Kenyans who tirelessly and zealously stand up for human rights every day. Our teachers, health workers, upright police officers, children officers, judges who work with integrity, public servants dedicated to service and activists who courageously defend the rights and freedoms of Kenyans. Your efforts may remain unsung, but your results will continue to promote the actualization of human rights in Kenya. Yours is a cause that will change generations. We cheer you on and support you.

18. A clarion call to of us here. Respect for human rights starts with every one of us. Whether at home, in school, at work- we can all make a difference by including more women, children, persons with disabilities in decision-making; by speaking up against inequality; and by condemning violations of human rights. Civil society and the media need to recapture their space and be felt in defending human rights in this country.

19. As leaders, we should inspire the world with what we want to achieve - to reduce preventable deaths to zero, to eliminate illiteracy and malnutrition and to eradicate extreme poverty in this generation. But actualizing human rights will take action, not words. So I say to leaders in government, business and communities here today: let us cooperate, collaborate and consult to ensure that all the rights and freedoms enshrined in the Universal Declaration of Human Rights are realized, for the sake of our nations, for the sake of our people. I assure you all of our strong commitment as County Governments to respect, promote and preserve human rights.

20. Thank you all and God bless.

H.E. Josphat Nanok
Chairman, Council of Governors