



**siasa**  
PLACE

We the people...inventing the future

# *Siasa Members Lecture Report*

---

*#SPMembersLecture*

*24th August 2018*

*held at The August 7th Memorial Park,  
Nairobi.*



## **List of Abbreviations:**

**CJ:** Chief Justice

**CSOs:** Civil Society Organizations

**EBV:** Electoral Based Violence

**KBC:** Kenya Broadcasting Corporation

**MCA:** Member of County Assembly

**MPs:** Members of Parliament

**PMV:** Politically Motivated Violence

**TI:** Transparency International

**UoN:** University of Nairobi



# Contents

List of abbreviations	2
Introduction and objective setting	4
Structure of the discussions	5
Summary of panel discussion	6
Key remarks by Dr. Willy Mutunga	6
Key remarks by Lawyer Steve Ogolla	6
Enablers to meaningful political participation	7
Barriers to meaningful political participation	8
Participation from Audience/Participants	9
Other identified Challenges in Implementing the 2010 Constitution included	9
Conclusion and Key considerations	10
Closing remarks	10



## Introduction and objective setting:

The Members' lecture is Siasa Place's way of creating a platform for its members to learn, share and engage on critical issues that affect them. It is a platform that brings together specific experts to an information hungry audience to mold their involvement and build their capacities. In light of the 8th year celebrations since the promulgation of the 2010 Constitution, the theme of this particular meeting read ***"Implementation of the Kenyan constitution 2010, 8 years' after Promulgation"***.

The session was moderated by Mr. Dominic K. George, a TV host with Y254TV, a youth-based TV on KBC.

The welcoming remarks were given by Mr. Grayson Marwa, the Communications Officer at Siasa Place. He was delighted to welcome all attendees to the event, and also took time to reiterate the organization's commitment to putting the youth at the heart of development and transformational programs. Mr. Marwa stated that "there was serious need to increase the number of young people participating in political matters, and this can be done by creating enabling environments that are also attractive for the youth."

Mr. Marwa's opening remarks were followed by a panel discussion that included former CJ, Dr. Willy Mutunga and renowned advocate of the High Court, Mr. Steve Ogolla. The two highlighted the achievements that have been made since 2010, and what changes still need to take place to ensure the full implementation of the Constitution. Areas where many young people failed to take advantage of in the last elections were also brought to light by both the panelists and participants. Finally, the youth present were given advice on how they can use the Constitution to their advantage.



## Structure of the discussions:

1. Introduction and opening remarks by SP Staff.
2. Panel discussion on “The process and progress towards the implementation of the 2010 Constitution of Kenya”.
  - Key remarks by Panelists
    - Dr. Willy Mutunga
    - Lawyer Steve Ogolla
  - Meaningful political participation:
    - Enablers
    - Barriers
3. Engagement with the Members: Q&A session
4. Conclusions and Key Considerations.
5. Closing remarks and refreshments



## Summary of panel discussion

### Key remarks by Dr. Willy Mutunga

**Implementation of the Constitution:** The most important thing about the Constitution is how the people themselves breathe life into it. The people need to stick to a part of it and hold those accountable to ensure it is fully implemented.

**Education (Civic Education):** Our young people need to develop a culture of Self-Education to help them become critical thinkers. This is how they learn issues that are not covered in their syllabus. Through self-teaching, they can be able to draw lessons from revolutionaries, as well as borrow solutions used by other countries with similar problems to those of Kenya.

Civic education can also help young people counter big money and the culture of hand-outs. As a result of public participation, they eventually understand their power as a People.

**Setbacks in implementation:** Politicians and office holders are unfortunately the ones that limit the implementation of the Constitution. They control resources, which only remain within their circles, leaving citizens deprived of national resources, which they should have access to, as in accordance to the law.

**Way forward:** To redefine politics, young people have to start a social movement that thinks differently, and also offers alternative leadership to the people.

### Key remarks by Steve Ogolla, a lawyer by profession

**Progress of the Constitution:** We haven't fully realized the practical effectiveness of the Constitution. There is a lot more that needs to be done.

**Initial Problem:** We began reforming the law without having reformed our mindsets and attitudes. We still lack moral values, and we need to map this deficit as soon as possible.

Otherwise, the Constitution will not be implemented if the leaders of our institutions continue to engage in corrupt activities and steal public funds, without having to face any consequences for abusing the People's offices.

**Way forward:** Democracy requires vigilance and resilience, and the following can help us become the democratic nation we want to be:

**Neutrality of the Law/ Constitution-** The law should not be manipulated to ensure partisan gains.

**Self-evaluation:** If we want to implement change, we must start with ourselves and then influence those around us. This way, in 20 years there will be a critical mass of people with a new mindset. Let us also be aware of who we are and what is happening around us.

## **Enablers to meaningful political participation**

### **The Constitution:**

Dr. Willy Mutunga explained that the Constitution was the main enabler of all political activities and any aspirations that the youth had, and still have. He noted that real change is still an elusive dream in Kenya because politicians are largely the ones controlling national resources. He added that a lot more impacts and change could have now been seen around the country, if leaders were genuine about real change.

He further went on to urge members present to strive to embrace and agitate for the full implementation of (Chapter 4, Article 55) on Youth, if their voices and concerns were to be heard.  
Political Parties:

On political parties, Dr. Mutunga noted that political party selection and general activities was key in the success or failure of young peoples' political interests.

According to him, politicians emphasized the importance of loyalty to political parties, irrespective of party ideology, as a prerequisite to political survival and development. More or less like the situation is in communist regimes that care less on ideology or principles. On his part, Lawyer Ogolla argued that the law should not be manipulated to ensure partisan gains. He explained that the formation of smaller political parties provided better platforms and opportunities for nominations for the youth, as they are more likely to be transparent. Moreover, the challenges faced by such smaller parties are not similar to those of the bigger ones. Dr. Mutunga emphasized that political parties "should become institutions based on ideology, not a power hungry platform."

He also noted that there are still serious hurdles towards the full implementation of the Political Parties Act 2010. In this Act, clear provisions are made as well as under what circumstances political parties are to be financed, based on: (1) their numerical strength in parliament, and (2) national constituency.

Dr. Mutunga added that the smaller political parties suffered an unfortunate fate of not having adequate finances to enable them operate effectively in comparison to their larger counterparts.

## **Barriers to meaningful political participation**

### **Politically Instigated Violence/Intimidation:**

Lawyer Ogolla explained that more often than not, well connected and established political actors resorted to violence/intimidation as a way of manipulating their political competitors/opponents. Despite this being contrary to the law, the resultant effect was that, many people, with the youth included took a back seat from active involvement in politics as a result of fear.

### **Socio-Cultural Practices:**

A number of traditional and cultural practices seriously restricted roles that young people played in society. Instead of using tradition as a fallback avenue, many leaders tended to selectively manipulate it to suit their own interests as opposed to that of the entire society, noted Dr. Willy Mutunga. When it came to politics, the older generation were naturally expected to be leaders not the youth who are instead are confined to the box of “future leaders”. This narrative cuts across various communities and continues to exclude the youth, as leadership responsibility is only put into the hands of the older generation.

Dr. Mutunga also explained that many African cultures did not have democracy and constitutionalism within them, hence the challenges being experienced today.

### **Corruption:**

Lawyer Ogolla described how corruption was a cancer that continued to erode the efficacy of public service delivery. He noted that despite the fact that the Constitution had gone a long way to provide provisions as well as bodies to deal with graft, many failed to invoke such clauses whenever the occasion to do so came calling.

### **Lack of a Strong Opposition:**

According to Dr. Mutunga, Kenya has always progressed when there was a strong opposition, and so the opposition in Kenya “died” after the handshake between Raila Odinga and President Uhuru Kenyatta.

He, therefore, advised the youth to be well organized and embrace alternative political leadership. He recommended that young people should start early political careers at the lowest level i.e that of MCA, and also join youth progressive political parties such as UKWELI.

### **Youth influence and Empowerment:**

Lawyer Ogolla highlighted that it is too early to measure the full impact of the Youth affirmative action as clearly enshrined in Chapter 4, Articles 55 of the Constitution. Even though the number of young people competing for political spaces had increased significantly, there were still

serious setbacks that come with the inconsistent implementation of Constitutional Articles. However, even with these challenges, the youth remain determined to engage and lead in transformational politics and leadership.

### **Participation from Audience/Participants:**

Some of the issues raised by participants included:

#### **Lack of awareness/empowerment:**

Young people are in environments in which they are deliberately marginalized. This automatically reduces their ability to actively be involved in transformative alternative leadership. This was also coupled with other challenges such as youth economic marginalization, for purposes of political and economic manipulation.

#### **Politically Motivated Violence (PMV):**

Young people in political spaces endure violence from the older politicians and security institutions. PMV is not taken seriously by the institutions that are supposed to check them. As a result, young people continue to suffer, which in turn, discourages them from actively taking part in politics.

#### **Capacity Building/Patriotism:**

Many times, there is talk about capacity building before and during elections. However, this does not continue once elections/political party primaries have taken place. The continuity of capacity building is what is going to equip the youth with the right knowledge and skills that allow them to engage effectively in all aspects of politics, democracy and governance.

Mr. Tirop, who was also a participant, informed the attendees that every generation had to find its solutions. He further noted that young people needed to come together and interrogate leadership. He advised that the main challenge for this generation was to ensure that the Constitution 2010 was fully implemented.

#### **Increased Dialogue Spaces:**

It was noted that there was a need for increased spaces where young people could have open dialogues on their role in politics. Many other youth-based civil society organizations/NGOs were urged to emulate SP in ensuring that there was adequate space (and empowerment) aimed at enabling the youth realize their aspirations through agitation for full implementation of the Constitution 2010.

### **Other identified Challenges in Implementing the 2010 Constitution included:**

- Greed
- Ignorance
- Lack of Transparency/Accountability
- Tribalism
- Lack of political goodwill (from the political class)
- Deliberate marginalization of the youth
- Lack of Constitutionalism/Rule of Law
- Lack of empowerment and civic engagement spaces

## **Conclusion and Key considerations:**

In his concluding remarks, Dr. Willy Mutunga and Lawyer Steve Ogolla cited the following key recommendations as possible solutions in addressing the challenges affecting young people in Kenya as well as the full implementation of the 2010 Constitution:

### **Training and supporting young politicians and leaders:**

- Train youth in leadership positions in national and political party levels on the systems and processes.
- Profile achievements by young people more through the media.
- Facilitate meetings and exchanges between youth in National and County governments, civil society organizations, and private sector leaders.

### **Support and Fully Embrace the rule of law:**

- Youth must ensure cases on Youth Based & Politically Motivated Violence are prosecuted and made public.
- Youth must ensure Parliament fully complies with Chapter 4, (Article 55) of the Constitution.
- Proper monitoring of compliance by the Equality Commission in Political Parties and Government.

### **Reduce Economic barriers to access and influence within and outside Political Parties:**

- Proper Regulation of political parties finances.
- Evaluate the laws governing access to resources by both nominated and elected older leaders.

### **Constantly Challenge perceptions about Youth and Alternative Leadership:**

- Encourage and unbiased inclusive media.
- Promote initiatives that raise profiles of young transformative leaders.
- Continue to educate the public about the Constitution and the role of young people in bringing transformation and reforms to Kenya.

### **Press for Political Reform:**

Promote the development of a code of conduct for Political Parties that includes the youth.

## **Closing remarks:**

The concluding remarks was given by Mrs. Nerima Wako-Ojiwa, the Executive Director at Siasa Place. She thanked all participants that were present for their active contribution, and urged them to continue working together to strengthen transformative leadership and influence of young people in politics, governance and democracy in Kenya.

## Some picture from #SiasaMembersLecture



For more information, please contact us on:

 [support@siasaplace.com](mailto:support@siasaplace.com)

 Siasa Place  @siasaplace

Development House, 8th Floor  
Nairobi, Kenya

[www.siasaplace.com](http://www.siasaplace.com)