

## **Eradicating Poverty for Inclusive Development in Kenya**

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### **Abstract**

*The sustainable development goals as captured under the United 2030 Agenda for Sustainable Development (SDGs) seek to ensure that natural resources are managed in a way that balances the needs of human beings and the need for conservation of these resources for the sake of present and future generations. The SDGs acknowledge the complex relationship between economic, social and environmental elements of development. They also set goals and targets that states must meet by the year 2030 using these resources. SDG Goal 1 thereof seeks to ensure that countries end poverty in their all its forms in their territories as part of a prerequisite for the realisation of sustainable development. It is an open secret that world is still struggling with abject poverty and huge inequalities. Kenya is no exception since a huge number of its population are still considered to be living below poverty line. Thus, even when the country boasts of impressive economic growth, this class of people have little, if anything, to celebrate since the gains do not trickle down to positive touch their lives. As such, they often feel marginalised and sidelined as far as national development agenda is concerned.*

*This paper discusses how the SDG Goal 1 can be achieved in Kenya especially in the aftermath of Corona Virus Disease pandemic (COVID 19) which has affected the global economy, with the developing countries suffering the greatest. The paper offers some recommendations that may be considered for the sake of ensuring poverty in all its form is eradicated, consequently allow all sections of the society to feel that they belong, and that that the government's development agenda is inclusive. The recommendations range from financial support for empowerment, to climate change and gender equality and equity, among others. Poverty eradication is an important step towards ensuring that every person's inherent dignity and the right to have that dignity respected and protected is realised as guaranteed under the Constitution of Kenya.*

## 1. Introduction

The sustainable development agenda is mainly informed by an anthropocentric approach to development. The concept of sustainable development seeks to combine growing concerns about a range of environmental issues, socio-economic issues to do with poverty and inequality and concerns about a healthy future for humanity.<sup>1</sup> This is an approach that puts the needs of the human beings at the centre of development activities with a view to ensuring that their needs are fully satisfied while protecting and conserving the environment for the sake of future (human) generations.<sup>2</sup>

The anthropocentric approach to environmental management and development, both of which form the basis of sustainable development agenda, include poverty eradication, food security, environmental democracy, environmental justice, environmental security, public participation, gender equity, access to information and conflicts management, amongst others.<sup>3</sup> Sustainable development seeks to promote and ensure the fulfilment of the basic needs of the world's poor without compromising the capacity of the environment to provide similar benefits for future generations.<sup>4</sup> In this respect, the sustainable development debates revolve around how natural and environmental resources can be utilized to

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<sup>1</sup> Hopwood B, Mellor M and O'Brien G, 'Sustainable Development: Mapping Different Approaches' (2005) 13 *Sustainable development* 38, 39.

<sup>2</sup> See generally, Muigua K, *Nurturing Our Environment for Sustainable Development*. Glenwood Publishers Limited, 2016; see also Howarth RB, 'Sustainability, Well-Being, and Economic Growth' (2012) 5 *Minding Nature* 32.

<sup>3</sup> See Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

<sup>4</sup> Mbote, P.K. & Cullet, P., 'Environmental Justice and Sustainable Development: Integrating Local Communities in Environmental Management,' *ELRC Working Paper 1996 – 1*, (International Environmental Law Research Centre, 1996), p. 7 < <http://www.ielrc.org/content/w9601.pdf> > accessed 24 December 2020.

alleviate human suffering and poverty.<sup>5</sup> The United Nations Environmental Assembly (UNEA) asserts that this development path should maintain, enhance and, where necessary, rebuild natural capital as a critical economic asset and source of public benefits, especially for poor people whose livelihoods and security depend strongly on nature.<sup>6</sup>

This is important considering that ‘more than one billion people in the world live in abject poverty on less than \$1.25 per day while the richest 1% people have almost half of the world’s wealth, leading to the conclusion that there is a huge gap and inequality in the distribution of the world economy’.<sup>7</sup> Thus, while many countries across the world, including Kenya, have been working towards eradication of poverty, huge inequalities have persisted and progress has been uneven.<sup>8</sup> The high rates of poverty have especially been more pronounced in developing countries mainly in the African continent.<sup>9</sup> This is despite the fact that Africa as a continent is endowed with immense natural and human resources as well as great cultural, ecological and economic

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<sup>5</sup> ‘The Relationship between Poverty and the Environment’ (*Voices of Youth*) <<https://www.voicesofyouth.org/blog/relationship-between-poverty-and-environment>> accessed 24 December 2020.

<sup>6</sup> ‘What Is an “Inclusive Green Economy”? | UNEP - UN Environment Programme’ <<https://www.unenvironment.org/explore-topics/green-economy/why-does-green-economy-matter/what-inclusive-green-economy>> accessed 24 December 2020.

<sup>7</sup> ‘Poverty Is a Human Rights Violation | Apolitical’ (17 June 2020) <[https://apolitical.co/en/solution\\_article/poverty-is-a-human-rights-violation](https://apolitical.co/en/solution_article/poverty-is-a-human-rights-violation)> accessed 24 December 2020.

<sup>8</sup> ‘Poverty Eradication: Sustainable Development Knowledge Platform’ <<https://sustainabledevelopment.un.org/topics/povertyeradication>> accessed 25 December 2020.

<sup>9</sup> ‘Poverty in Africa Is Now Falling—but Not Fast Enough’ <<https://www.brookings.edu/blog/future-development/2019/03/28/poverty-in-africa-is-now-falling-but-not-fast-enough/>> accessed 25 December 2020; Chandy L, ‘Why Is the Number of Poor People in Africa Increasing When Africa’s Economies Are Growing?’ (*Brookings*, 30 November 1AD) <<https://www.brookings.edu/blog/africa-in-focus/2015/05/04/why-is-the-number-of-poor-people-in-africa-increasing-when-africas-economies-are-growing/>> accessed 25 December 2020; ‘On the Poorest Continent, the Plight of Children Is Dramatic’ (*SOS-US-EN*) <<https://www.sos-usa.org/SpecialPages/Africa/Poverty-in-Africa>> accessed 25 December 2020; ‘Poverty and Development in Africa’ <<https://www.globalpolicy.org/social-and-economic-policy/poverty-and-development/poverty-and-development-in-africa.html>> accessed 25 December 2020.

diversity.<sup>10</sup> Some of the causes of poverty in Africa include, *inter alia*, population growth, war and crises, climate change, illnesses, inadequate agricultural infrastructure, and unjust trade structures.<sup>11</sup> This is however not to say that poverty is only to be found in developing countries because, as it has been pointed out by one scholar, ‘extreme poverty prevails in all countries of the world, regardless of their economic, social, and cultural situation and seriously affects the most vulnerable and disadvantaged individual’s families and groups who are hindered in the exercise of their Human Rights and fundamental freedom’.<sup>12</sup>

The United Nations 2030 agenda for Sustainable Development which contains 17 Sustainable Development Goals (SDGs) has some goals and targets that are specifically meant to address poverty and inequalities in the world. SDG Goal 1 seeks to ensure that State Parties end poverty in all its forms everywhere by the year 2030.<sup>13</sup> This is supposed to involve targeting

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<sup>10</sup> ‘Poverty and Development in Africa’ <<https://www.globalpolicy.org/social-and-economic-policy/poverty-and-development/poverty-and-development-in-africa.html>> accessed 25 December 2020; Muigua K, *Utilizing Africa’s Natural Resources to Fight Poverty* (2014)

<<http://kmco.co.ke/wp-content/uploads/2019/06/Utilizing-Africas-Natural-Resources-to-Fight-Poverty-26th-March2014.pdf>> accessed 25 December 2020.

<sup>11</sup> ‘On the Poorest Continent, the Plight of Children Is Dramatic’ (*SOS-US-EN*) <<https://www.sos-usa.org/SpecialPages/Africa/Poverty-in-Africa>> accessed 25 December 2020.

<sup>12</sup> Dr Dharmendra Kumar Singh, ‘Poverty and Human Dignity: A Human Rights Approach’ (2017) 22 *IOSR Journal of Humanities and Social Science* 48; see also ‘Goal 1: No Poverty | UNDP’

<<https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-1-no-poverty.html>> accessed 25 December 2020.

<sup>13</sup> SDG Goal 1, United Nations, *Transforming our world: the 2030 Agenda for Sustainable Development*, Resolution adopted by the General Assembly on 25 September 2015, A/RES/70/1.

The related targets include:

*1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day.*

*1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.*

the most vulnerable, increasing basic resources and services, and supporting communities affected by conflict and climate-related disasters.<sup>14</sup>

## **2. The Definition of Poverty: Meaning and Scope**

While there is no single meaning of the term ‘poverty’ due to the varying elements associated with the same, there exists a number of definitions that ably captures the scope of the term as intended to be used in this paper. One author has observed that:

“Poverty is commonly understood as the state of one who lacks a certain amount of material possessions or money. It is a human condition where people do not have adequate access to their

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*1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.*

*1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, 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, including microfinance.*

*1.5 By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.*

*1.A Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions.*

*1.B Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions.*

<sup>14</sup> ‘Goal 1: No Poverty | UNDP’

<<https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-1-no-poverty.html>> accessed 25 December 2020.

fundamental needs such as income, food, clothing, shelter, health care, security, education etc.”<sup>15</sup>

Poverty can also be conceptualized in a broad manner which may include, inter alia, the recognition that it is not limited to lack of income only, but comprises of deprivations in areas of health, education, participation and security.<sup>16</sup> Furthermore, human poverty may also be perceived as a denial of human rights as it arguably infringes on, among others, human freedom and destroys human dignity. It is viewed as an intrusion into human dignity.<sup>17</sup>

Basic human rights are an integral part of human rights and their violation has been seen as sabotage of human dignity.<sup>18</sup> Indeed, in the Kenyan case of *M W K v another v Attorney General & 3 others [2017] eKLR*<sup>19</sup>, the High Court referred to South African jurisprudence and stated as follows:

49. Article 28 provides no definition of dignity. However its role and importance as a foundational constitutional value has been emphasized in a number of cases. In the South African case of *S v Makwanyane, [18]* O'Regan J pointed out that "without dignity, human life is substantially diminished" and pronounced the prime value of dignity in the following terms:-

*“The importance of dignity as a founding value of the ... Constitution cannot be overemphasized. Recognizing a right to dignity is an acknowledgment of the intrinsic worth*

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<sup>15</sup> ‘Poverty Is a Human Rights Violation | Apolitical’ (17 June 2020) <[https://apolitical.co/en/solution\\_article/poverty-is-a-human-rights-violation](https://apolitical.co/en/solution_article/poverty-is-a-human-rights-violation)> accessed 24 December 2020.

<sup>16</sup> Gordon, D., Chapter 1, ‘Definitions of Concepts for the Perceptions of Poverty and Social Exclusion’ [www.bris.ac.uk/poverty/downloads/.../pse/99-Pilot/99-Pilot\\_1.doc](http://www.bris.ac.uk/poverty/downloads/.../pse/99-Pilot/99-Pilot_1.doc) accessed 24 December 2020.

<sup>17</sup> Rukooko, A.B., ‘Poverty and human rights in Africa: historical dynamics and the case for economic social and cultural rights’, *The International Journal of Human Rights*, Vol. 14, Iss. 1, 2010.

<sup>18</sup> *Vienna Declaration and Programme of Action*, Article 25, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993.

<sup>19</sup> *M W K v another v Attorney General & 3 others [2017] eKLR*, Constitutional Petition 347 of 2015.

of human beings: human beings are entitled to be treated as worthy of respect and concern. The right is therefore the foundation of many of the other rights that are specifically entrenched in Chapter 3.<sup>20</sup> (Emphasis added)

Sustainable development, as defined in the *Brundtland Commission* Report, includes human development.<sup>21</sup> One of the ways of achieving human development which empowers people, both men and women, is addressing poverty in order to empower people to contribute positively towards national development with dignity, without solely relying on the Government to do so.<sup>22</sup>

The view that poverty is a shortage of income should also be discarded and instead embrace that perceives poverty as ‘unfreedoms’ of various sorts: the lack of freedom to achieve even minimally satisfactory living conditions.<sup>23</sup> This is because while low income can contribute to poverty, lack of schooling facilities, absence of health facilities, unavailability of medicines, the suppression of women, hazardous environmental features and lack of jobs do also play a major role.<sup>24</sup> Thus, as long as these factors exist, then poverty cannot be said to have been eliminated. Poverty is viewed as a socio-economic phenomenon.<sup>25</sup> It is therefore arguable that while the Constitution of Kenya guarantees right to dignity for everyone, this right goes beyond freedom from being treated or punished in a cruel, inhuman or degrading

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<sup>20</sup> Ibid, Para. 49.

<sup>21</sup> Costantini, V. & Monni, S., “Measuring Human and Sustainable Development: an integrated approach for European Countries,” *Working paper No. 41*, 2004. p. 8 <<http://host.uniroma3.it/dipartimento/economia/pdf/WP41.pdf> > accessed 24 December 2020.

<sup>22</sup> Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

<sup>23</sup> Green, D., *From Poverty to Power: How active citizens and effective states can change the world*, (2nd ed., 2012), p. IX (Foreword by Amartya Sen), Rugby, UK: Practical Action Publishing and Oxford: Oxfam International <[http://www.oxfamamerica.org/static/media/files/From\\_Poverty\\_to\\_Power\\_2nd\\_Edition.pdf](http://www.oxfamamerica.org/static/media/files/From_Poverty_to_Power_2nd_Edition.pdf) > accessed 24 December 2020.

<sup>24</sup> Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

<sup>25</sup> Dr Dharmendra Kumar Singh, ‘Poverty and Human Dignity: A Human Rights Approach’ (2017) 22 IOSR Journal of Humanities and Social Science 48, 48.

manner; it must be guaranteed through ensuring that the ‘unfreedoms’ mentioned above are addressed. Certainly, there is no dignity in living in abject poverty. Indeed, it has been posited that abject poverty conditions are not only a violation of the right to human dignity but in some circumstances, it is actually a threat to right to life.<sup>26</sup> The State must protect its people from descending into such circumstances where their human dignity becomes compromised through deprivation of basic needs or even reaches a point of threat to right to life. Some scholars have rightly argued that ‘poverty is not only deprivation of basic needs or material resources but a violation of human dignity. The most injurious and debilitating characteristic of poverty is loss of dignity’.<sup>27</sup> Arguably, social economic rights as guaranteed under Article 43 of the Constitution of Kenya<sup>28</sup> are critical for enjoyment of the right to life.

### **3. International and National Legal Frameworks on Poverty Eradication**

There exists a number of international and regional legal instruments that are geared towards eradication of poverty.

#### **3.1. International Human Rights Legal Instruments**

The central aim of the *Agenda 21*<sup>29</sup> as adopted in 1992 was combating poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which the human race depend for their well-being. It also sought to deal with the integration of environment and development concerns and greater attention to them which would lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future.<sup>30</sup> Thus, the aim

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<sup>26</sup> Ibid, 48.

<sup>27</sup> Ibid, 48.

<sup>28</sup> ‘Kenya Law: The Constitution of Kenya’

<<http://www.kenyalaw.org/kl/index.php?id=398>> accessed 25 December 2020.

<sup>29</sup> (A/CONF.151/26, vol.II), United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, Agenda 21.

<sup>30</sup> Ibid, Preamble.



was to achieve a global consensus and political commitment at the highest level on development and environment cooperation.<sup>31</sup>

Article 2 of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*<sup>32</sup> states:

*“Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”*

*Agenda 21*<sup>33</sup> also rightly pointed out that managing resources sustainably requires an environmental policy which not only focuses on the conservation and protection of resources but also takes due account of those who depend on the resources for their livelihoods as a way of addressing poverty and achieving long-term success in resource and environmental conservation.<sup>34</sup> In order to ensure that biological diversity management takes care of the needs of the people especially those living around them, the *Convention on Biological Diversity*<sup>35</sup> was negotiated with the objective of promoting the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.<sup>36</sup>

The 2002 World Summit on sustainable Development in Johannesburg adopted a plan of implementation reiterating the Rio principles and establishing poverty eradication, sustainable consumption and production

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<sup>31</sup> United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, Agenda 21, Preamble (para. 1.3).

<sup>32</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

<sup>33</sup> (A/CONF.151/26, vol.II), United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992, Agenda 21.

<sup>34</sup> *Ibid*, Clause 3.2.

<sup>35</sup> 1992 Convention on Biological Diversity, [1993] ATS 32 / 1760 UNTS 79 / 31 ILM 818 (1992).

<sup>36</sup> Article 1.

patterns and protection of the natural resource base for economic and social development as the three prime objectives (Johannesburg Plan).<sup>37</sup>

The *United Nations Conference on Sustainable Development* ("Rio+20")<sup>38</sup> which took place in Rio de Janeiro, Brazil in June 2012, also involved governments committing to sustainable development and to ensure the promotion of an economically, socially and environmentally sustainable future for the planet and for present and future generations. The participants would ensure that they work towards eradicating poverty which they recognised as the greatest global challenge facing the world today and an indispensable requirement for sustainable development, thus creating the need for freeing humanity from poverty and hunger as a matter of urgency.<sup>39</sup> At the Rio+20 Conference, world leaders, participants from governments, the private sector, NGOs and other groups, deliberated on how they can reduce poverty, advance social equity and ensure environmental protection.<sup>40</sup>

The *2030 Agenda for Sustainable Development*, includes a set of 17 Sustainable Development Goals (SDGs) to end poverty, fight inequality and injustice, and tackle climate change by the year 2030.<sup>41</sup> The 2030 Agenda for Sustainable Development<sup>42</sup> is a plan of action for people, planet and prosperity. It also seeks to strengthen universal peace in larger freedom and was formulated in recognition that eradicating poverty in all its forms and

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<sup>37</sup> World Summit on Sustainable Development, *Johannesburg Declaration on Sustainable Development*, A/CONF.199/20, Annex: Plan of Implementation of the World Summit on Sustainable Development.

<sup>38</sup> United Nations, *Report of the United Nations Conference on Sustainable Development*, Rio de Janeiro, Brazil 20–22 June 2012, A/CONF.216/16.

<sup>39</sup> *Ibid*, Article 1.2; Article 1.8.

<sup>40</sup> United Nations Conference on Sustainable Development  
<<http://www.uncsd2012.org/about.html>> accessed 24 December 2020.

<sup>41</sup> United Nations Development Programme, 'Sustainable Development Goals (SDGs),' < <http://www.undp.org/content/undp/en/home/mdgovoverview/post-2015-development-agenda.html> > accessed 24 December 2020.

<sup>42</sup> *Transforming our world: the 2030 Agenda for Sustainable Development*, Resolution adopted by the General Assembly on 25 September 2015, [without reference to a Main Committee (A/70/L.1)], Seventieth session, Agenda items 15 and 116, 21 October 2015.

dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development.<sup>43</sup>

The *Sustainable Development Goals, Agenda 2030* (SDGs) define sustainable development broadly to cover issues such as poverty, inequality, gender equality, health, education, governance, climate change and environmental protection.<sup>44</sup>

The *African Convention on the Conservation of Nature and Natural Resources*<sup>45</sup> seeks: to enhance environmental protection; to foster the conservation and sustainable use of natural resources; and to harmonize and coordinate policies in these fields-with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programmes.<sup>46</sup>

Under the SDGs and other legal instruments and policies, poverty eradication efforts have since adopted a human rights approach due to its complex relationship with the basic human rights. The Office of the High Commissioner for Human Rights (UN Human Rights) rightly observes that:

*A human rights definition and understanding leads to more adequate responses to the many facets of poverty, responses that do not trample on rights in the pursuit of growth and development. It gives due attention to the critical vulnerability and subjective daily assaults on human dignity that accompany poverty. Importantly, it looks not just at resources but also at the capabilities, choices, security and power needed for the enjoyment of an adequate standard of living and other fundamental civil, cultural, economic, political and social rights.*<sup>47</sup>

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<sup>43</sup> Ibid, Preamble.

<sup>44</sup> See United Nations, *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1, Resolution adopted by the General Assembly on 25 September 2015.

<sup>45</sup> African Union, *African Convention on the Conservation of Nature and Natural Resources*, OAU, 1001 UNTS 3.

<sup>46</sup> Ibid, Article I.

<sup>47</sup> 'OHCHR | Human Rights Dimension of Poverty'

The main objective of all the major international legal instruments, policies and actions on human rights is the alleviation of human suffering and to promote the total wellbeing of all, the absence of which wellbeing is usually perceived to be poverty.<sup>48</sup>

### 3.2. National Policy and Legal Frameworks on Poverty Eradication in Kenya

The Constitution of Kenya 2010 stipulates that ‘the national values and principles of governance include, inter alia, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised’.<sup>49</sup> The Preamble also recognises the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice and the rule of law.<sup>50</sup> In addition, the Constitution states that ‘the Bill of Rights is an integral part of Kenya’s democratic state and is the framework for social, economic and cultural policies’.<sup>51</sup> It also states that ‘the purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realisation of the potential of all human beings’.<sup>52</sup> Article 28 of the Constitution also guarantees that ‘every person has inherent dignity and the right to have that dignity respected and protected’.<sup>53</sup>

One of the ways that human dignity is violated or lost is through poverty. Indeed, it has been argued that the loss of dignity is worse than poverty itself.<sup>54</sup> The Court of Appeal at Mombasa in *COI & another v Chief*

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<<https://www.ohchr.org/en/issues/poverty/dimensionofpoverty/pages/index.aspx>>  
accessed 23 December 2020.

<sup>48</sup> Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

<sup>49</sup> Article 10 (2) (b), Constitution of Kenya, 2010.

<sup>50</sup> Preamble, Constitution of Kenya 2010.

<sup>51</sup> Article 19 (1), Constitution of Kenya, 2010.

<sup>52</sup> Article 19 (2), Constitution of Kenya, 2010.

<sup>53</sup> Article 28, Constitution of Kenya, 2010.

<sup>54</sup> ‘The Saddest Thing in the World Is Not Poverty; It’s Loss of Dignity | Jonathan Glennie’ (*the Guardian*, 28 January 2015) <<http://www.theguardian.com/global-development/2015/jan/28/dignity-sustainable-development-goals>> accessed 23 December 2020.

*Magistrate Ukunda Law Courts & 4 others* [2018] eKLR<sup>55</sup> quoted with approval the Constitutional Court of South Africa in *Dawood and Another vs. Minister of Home Affairs and Others* (CCT35/99) [2000] ZACC 8 :-

*“Human dignity informs constitutional adjudication and interpretation at a range of levels. It is a value that informs the interpretation of many, possibly all, other rights. Human dignity is also a constitutional value that is of central significance in the limitations analysis.”* [Emphasis added].<sup>56</sup>

The Court Appeal went on as follows:

26. *It is thus apparent, regardless of one’s status or position or mental or physical condition, one is, by virtue of being human, worthy of having his or her dignity or worth respected. In addition, the South African Constitutional Court in Mayelane vs. Ngwenyama and Another (CCT 57/12) [2013] ZACC 14 stated that: -*

*“...the right to dignity includes the right-bearer’s entitlement to make choices and to take decisions that affect his or her life – the more significant the decision, the greater the entitlement. Autonomy and control over one’s personal circumstances is a fundamental aspect of human dignity.”*<sup>57</sup>

The place of human dignity in the Bill of rights has also been acknowledged in both the *International Covenant on Civil and Political Rights (ICCPR)*<sup>58</sup> and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*<sup>59</sup> provide in their preambles which are similar as follows:

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<sup>55</sup> COI & another v Chief Magistrate Ukunda Law Courts & 4 others [2018] eKLR, Civil Appeal 56 of 2016.

<sup>56</sup> Ibid, para. 25.

<sup>57</sup> Ibid, para. 26.

<sup>58</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

<sup>59</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

*“Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, recognizing that these rights derive from the inherent dignity of the human person...” [Emphasis added].<sup>60</sup>*

The Constitution also guarantees that ‘every person has the right—to the highest attainable standard of health, which includes the right to health care services, including reproductive health care; to accessible and adequate housing, and to reasonable standards of sanitation; to be free from hunger, and to have adequate food of acceptable quality; to clean and safe water in adequate quantities; to social security; and to education.<sup>61</sup> It also guarantees that no person shall not be denied emergency medical treatment.<sup>62</sup> It also obligates the State to provide appropriate social security to persons who are unable to support themselves and their dependants.<sup>63</sup>

The Constitution obligates all State organs and all public officers to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.<sup>64</sup>

Going by the elements of poverty that were discussed hereinabove, it is arguable that the denial of any of these social economic rights in Kenya

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<sup>60</sup> See also the *African Charter on Human and People’s Rights* whose Article 5 provides that:

*“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”*

<sup>61</sup> Article 43(1), Constitution of Kenya 2010.

<sup>62</sup> *Ibid*, Article 43(2).

<sup>63</sup> *Ibid*, Article 43(3).

<sup>64</sup> *Ibid*, Article 21(3).

places one on a direct path to poverty. For instance, in the case of *Githunguri Residents Association v Cabinet Secretary - Ministry of Education, Attorney General & 5 others* [2015] eKLR<sup>65</sup>, the Court affirmed the relationship between education and alleviation of poverty by citing a South African case as follows:

*Why is education such an important right? In Constitutional Law of South Africa/Commentary /Part 11, <http://iproducts.jutaland.co.za>, Ste Woolman and Michael Bishop quoted the opening lines of the Committee on Social, Economic and Cultural Rights' General Comment on the Right to Education to make the point that education is empowerment. The Committee stated thus;*

*“Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical; a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.”<sup>66</sup>*

*I agree with the above sentiments.....<sup>67</sup>*

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<sup>65</sup> *Githunguri Residents Association v Cabinet Secretary - Ministry of Education, Attorney General & 5 others* [2015] eKLR, Petition 464 of 2013.

<sup>66</sup> *Ibid*, Para. 30.

<sup>67</sup> *Ibid*, Para. 31.

The Kenyan Court went on as follows:

*It is therefore the conviction and strong view of this Court that the right to basic education is not to be progressively realised as seems to be the expectation of school management bodies. That right is to be enjoyed now and to argue otherwise would be to cheapen the Constitution and even in a society where we live with great wealth disparities and million wallowing in abject poverty, only education can give everyone the chance and opportunity to realise their dream and aspirations. That opportunity was not granted in the circumstances obtaining in this Petition (emphasis added).*

While the Constitution affirms that the State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43<sup>68</sup>, and courts have also ruled in the past that some of the social economic rights are to be progressively realised,<sup>69</sup> it is also true that ‘in applying any right under Article 43, if the State claims that it does not have the resources to implement the right, a court, tribunal or other authority shall be guided by the following principles—it is the responsibility of the State to show that the resources are not available; in allocating resources, the State shall give priority to ensuring the widest possible enjoyment of the right or fundamental freedom having regard to prevailing circumstances, including the vulnerability of particular groups or individuals; and the court, tribunal or other authority may not interfere with a decision by a State organ concerning the allocation of available resources, solely on the basis that it would have reached a different conclusion.’<sup>70</sup> While striving towards progressive realisation of social economic rights in Kenya, the Government should thus work towards ensuring that the most basic needs of people are met or such people are empowered enough to access the same, as a step towards fighting poverty.

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<sup>68</sup> Article 21(2), Constitution of Kenya 2010.

<sup>69</sup> *In the Matter of the Principle of Gender Representation in the National Assembly and the Senate* [2012]eKLR, Advisory Opinions Application 2 of 2012.

<sup>70</sup> Article 20(5), Constitution of Kenya 2010.



*Sessional paper No. 10 of 2012 On Kenya Vision 2030*<sup>71</sup> is a long-term development blueprint for Kenya which aims to transform the country into “a newly-industrialising, middle-income country providing a high quality of life to all its citizens in a clean and secure environment”.<sup>72</sup> Kenya Vision 2030 was launched in 2008 as Kenya’s development blueprint covering the period 2008 to 2030.<sup>73</sup>

The social pillar of the Vision 2030 seeks to invest in the people of Kenya.<sup>74</sup> The social pillar forms the basis of transformation in eight key social sectors, namely: education and training; health; water and sanitation; the environment; housing and urbanisation; as well as in gender, youth, sports and culture.<sup>75</sup> The Blueprint has very forward looking strategies meant to address poverty in the country. However, as at 2020, only ten years shy of the deadline to achieve Vision 2030, the same is threatened by lack of funds, lack of political good -will and corruption.<sup>76</sup> There is a need for the Government to renew its commitment towards ensuring that the same is achieved.

The Presidency’s *Big Four Agenda* which is a 5-year development plan under 4 key pillars, namely: food security, affordable housing, manufacturing, and affordable healthcare for all.<sup>77</sup> The Agenda thus mainly

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<sup>71</sup> Republic of Kenya, *Sessional paper No. 10 of 2012 On Kenya Vision 2030*, (Government Printer, 2012).

<sup>72</sup> ‘Sessional Paper No. 10 of 2012 on Kenya Vision 2030 - Welcome to Foresight for Development’ <<http://www.foresightfordevelopment.org/sobipro/54/1263-sessional-paper-no-10-of-2012-on-kenya-vision-2030>> accessed 25 December 2020.

<sup>73</sup> ‘Towards 2030 | Kenya Vision 2030’ <<https://vision2030.go.ke/towards-2030/>> accessed 25 December 2020.

<sup>74</sup> ‘Sessional Paper No. 10 of 2012 On Kenya Vision 2030 - Welcome to Foresight for Development’, chapter Four.

<sup>75</sup> *Ibid*, 93.

<sup>76</sup> ‘Viewpoint: Will Corruption Kill off Kenya’s Vision 2030 Plans?’ *BBC News* (18 October 2012) <<https://www.bbc.com/news/world-africa-19980173>> accessed 25 December 2020; KIBATI M, ‘Corruption, Impunity Blocking Vision 2030’ (*The Standard*) <<https://www.standardmedia.co.ke/commentary/article/2001284573/corruption-impunity-blocking-vision-2030>> accessed 25 December 2020.

<sup>77</sup> ‘The Big 4 - Empowering the Nation’ <<https://big4.delivery.go.ke/>> accessed 25 December 2020.

focuses on social economic rights. It is expected to advance the goals of Vision 2030.<sup>78</sup> Specifically, the Third Medium Term Plan will be driven by the Big Four Agenda, implemented on the foundations that have been put in place during the First and Second Medium Terms Plans.<sup>79</sup>

The above national constitutional, policy and statutory instruments are not exhaustive as they are implemented through various government policies, programmes, plans and actions. Also noteworthy is the fact that Article 2 (5) (6) of the Constitution provides that the general rules of international law shall form part of the law of Kenya<sup>80</sup> and to this end, they thus inform the government actions and measures geared towards eradication of poverty, in line with the United Nations 2030 Agenda on Sustainable Development.

#### **4. Poverty Eradication in Kenya: Challenges and Prospects**

A sustainably managed environment is seen as a prerequisite for socio-economic development and poverty reduction. This is because the natural environment supplies ecosystem goods and services that provide income, support job creation, poverty alleviation, contribute to safety nets and reduce inequity.<sup>81</sup>

As at 2019, that is, pre-COVID 19 period, it was reported that Kenya experienced robust economic growth from 2005-06 to 2015-16, growing at an average annual rate of 5.3%, higher than the average in Sub-Saharan Africa.<sup>82</sup> The result was accelerated gains in the fight to reduce poverty, with about 4.5 million Kenyans escaping poverty, a decline from 46.8% to 36.1% of the population.<sup>83</sup> This growth was however inequitable since not every

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<sup>78</sup> 'Towards 2030 | Kenya Vision 2030' <<https://vision2030.go.ke/towards-2030/>> accessed 25 December 2020.

<sup>79</sup> Ibid.

<sup>80</sup> See also *Treaty Making and Ratification Act*, No. 45 of 2012, Laws of Kenya.

<sup>81</sup> Environment UN, 'GOAL 1: No Poverty' (*UNEP - UN Environment Programme*, 3 October 2017) <<http://www.unenvironment.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-1-no>> accessed 24 December 2020.

<sup>82</sup> 'More than Just Growth: Accelerating Poverty Reduction in Kenya' <<https://blogs.worldbank.org/african/more-than-just-growth-accelerating-poverty-reduction-in-kenya>> accessed 25 December 2020.

<sup>83</sup> Ibid.

segment of the population benefited from the same.<sup>84</sup> While rural areas have been experiencing some growth due to economic diversification, it was reported that urban poverty rate remained statistically unchanged, where the absolute number of urban poor increased from 2.3 million to 3.8 million due to high population growth, increasing living costs, especially because of high housing costs as well as high food prices, paired with scarce job opportunities thus reducing the disposable income for urban households.<sup>85</sup>

While the World Bank observes that the poverty rate in Kenya had been on a downward trend over the past 15 years before 2020, the rate of poverty in Kenya cannot still be ignored, especially with the numbers rising due to the Corona Virus Disease pandemic (COVID-19).<sup>86</sup> According to the World Bank, an additional two million people in Kenya have been pushed into deprivation as the coronavirus pandemic increased poverty levels by four percentage points, with the country experiencing a situation where Kenya's poor population was predominantly rural and less well educated pre-Covid-19.<sup>87</sup> However, Covid-19 created a new group of 'newly' poor Kenyans with different demographic characteristics," such as urban with household heads who are younger and more educated.<sup>88</sup> As at November, 2020, it was also estimated that Kenya's unemployment rate almost doubled to 10.4% in the second quarter.<sup>89</sup>

Thus, as things stand, the situation is getting worse and all the gains of yesteryears are quickly being undone. This therefore calls for the Government to work even harder than before to not only stabilize the

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<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> 'Pandemic Created New Class of Kenyan Poor, World Bank Says' *Bloomberg.com* (25 November 2020)

<<https://www.bloomberg.com/news/articles/2020-11-25/pandemic-hit-created-new-class-of-kenyan-poor-world-bank-says>> accessed 25 December 2020.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid; 'Pandemic Pushes 2 Million Kenyans into Poverty' (*The East African*) <<https://www.theeastafrican.co.ke/tea/business/pandemic-pushes-2-million-kenyans-into-poverty-3216566>> accessed 25 December 2020.

<sup>89</sup> Ibid; 'Kenya: Rising Unemployment Leads People to Line for Dirty Jobs' <<https://www.aa.com.tr/en/africa/kenya-rising-unemployment-leads-people-to-line-for-dirty-jobs/1965212>> accessed 25 December 2020.

economy, which has been shrinking<sup>90</sup>, but also to ensure that the same gets back on track and the efforts towards eradication of poverty are given maximum attention.

## **5. Eradicating Poverty for Inclusive Development in Kenya**

The SDGs ought to inform the efforts of member states in achieving sustainable development, poverty eradication, and environmental conservation and protection. They offer an integrated approach, which is environmentally conscious, to combating the various problems that affect the human society as well as the environmental resources.<sup>91</sup>

It has rightly been argued that a development strategy anchored in inclusive growth can have two mutually reinforcing strategic focuses, namely: high, sustainable growth which can create and expand economic opportunities; and broader access to these opportunities which can ensure that members of society can participate in and benefit from growth.<sup>92</sup> This is meant to ensure that growth reaches the impoverished who remain excluded by circumstance, poor governance, and other market-resistant obstacles.<sup>93</sup>

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<sup>90</sup> ‘Kenyan Economy Shrinks for the First Time since September 2008 - Citizentv.Co.Ke’ <<https://citizentv.co.ke/business/kenyan-economy-shrinks-for-the-first-time-since-september-2008-347867/>> accessed 25 December 2020; ‘Kenyan Economy Shrinks for First Time in 17 Years Due to Virus’ <<https://www.bloombergquint.com/business/kenyan-economy-shrinks-for-first-time-in-17-years-due-to-virus>> accessed 25 December 2020; ‘Kenya’s Economy Shrinks by 5.7% in 2020 Q2 as Pandemic Hits Key Sectors - Kenyan Wallstreet’ <<https://kenyanwallstreet.com/kenyas-economy-shrinks-by-5-7-in-2020-q2/>> accessed 25 December 2020.

<sup>91</sup> Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

<sup>92</sup> Elmer, ‘Inclusive Growth and Poverty Reduction’ (*Asian Development Bank*, 6 January 2015)

<<https://www.adb.org/themes/social-development/poverty-reduction/inclusive-growth>> accessed 25 December 2020.

<sup>93</sup> Ibid; see also ‘Africa: Poor Excluded From Benefits of High Economic Growth’ <<https://www.globalpolicy.org/social-and-economic-policy/poverty-and-development/poverty-and-development-in-africa/50363-africa-poor-excluded-from-benefits-of-high-economic-growth.html?itemid=id#969>> accessed 25 December 2020; ‘Growth Without Equity Roils South Africa’ <<https://www.globalpolicy.org/social-and-economic-policy/poverty-and->

## 5.1 Gender Sensitive Approaches to Poverty Eradication

Poverty affects males and females in varying ways and as such, any efforts geared towards its eradication should bring on board all the affected parties in order to come up with effective mechanisms that will not only reflect and address the needs of all sections of the society, but will also facilitate participation of all.<sup>94</sup> This is also important as it helps generate social acceptance of the government's policies while are geared towards addressing the real issues affecting its people.<sup>95</sup> In most parts of the world, women comprise the largest group among those excluded from the benefits of economic expansion and thus ought to be closely involved in development agenda to address their unique needs and ensured that they are also empowered in all spheres of life.<sup>96</sup> One of the main reasons why it is critical to empower women is the fact that women are considered as economic actors: they produce and process food for the family; they are the primary caretakers of children, the elderly and the sick; and their income and labour are directed toward children's education, health and well-being.<sup>97</sup> If both men and women are empowered, then households will get closer to eradicating poverty and focus on self-actualization and national development.<sup>98</sup>

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[development/poverty-and-development-in-africa/52239-growth-without-equity-roils-south-africa-.html?itemid=id#44653](https://development/poverty-and-development-in-africa/52239-growth-without-equity-roils-south-africa-.html?itemid=id#44653)> accessed 25 December 2020.

<sup>94</sup> 'Chapter 1: Women and Poverty – Global Women's Issues: Women in the World Today, Extended Version'

<<https://opentextbc.ca/womenintheworld/chapter/chapter-1-women-and-poverty/>> accessed 25 December 2020.

<sup>95</sup> Muigua, K., *Nurturing Our Environment for Sustainable Development*, Glenwood Publishers, Nairobi – 2016).

<sup>96</sup> elmer, 'Inclusive Growth and Poverty Reduction' (*Asian Development Bank*, 6 January 2015) <<https://www.adb.org/themes/social-development/poverty-reduction/inclusive-growth>> accessed 25 December 2020.

<sup>97</sup> 'Chapter 1: Women and Poverty – Global Women's Issues: Women in the World Today, Extended Version'

<<https://opentextbc.ca/womenintheworld/chapter/chapter-1-women-and-poverty/>> accessed 25 December 2020.

<sup>98</sup> Lefton R, 'Gender Equality and Women's Empowerment Are Key to Addressing Global Poverty' (*Center for American Progress*, 11 March 2013) <<https://www.americanprogress.org/issues/poverty/news/2013/03/11/56097/gender-equality-and-womens-empowerment-are-key-to-addressing-global-poverty/>> accessed 25 December 2020.

## 5.2. Eradicating Poverty for Environmental Sustainability

Poverty deprives people of the choice about whether or not to be environmentally sound in their activities.<sup>99</sup> The 1987 *Brundtland Commission Report* stated: ‘those who are poor and hungry will often destroy their immediate environment in order to survive: They will cut down forests; their livestock will overgraze grasslands; they will overuse marginal land; and in growing numbers they will crowd into congested cities. The cumulative effect of these changes is so far-reaching as to make poverty itself a major global scourge.’<sup>100</sup> This may result in climate change, which again, has the reverse effect of contributing to poverty due to dwindling natural resources. Thus, poverty eradication should go hand in hand with climate mitigation measures. Notably, the *2030 Agenda for Sustainable Development* acknowledges this interrelationship as it seeks to end poverty, fight inequality and injustice, and tackle climate change by the year 2030.<sup>101</sup>

## 5.3 Value Addition Model versus Commodity Export Model for Africa

It has been pointed out that one of the greatest unresolved challenges facing Africa’s agribusiness sector is the lack of value addition.<sup>102</sup> As a way of addressing poverty in Kenya and Africa in general, there is a need for governments to adopt and develop the value addition model as opposed to a commodity export model, as a way of promoting the use of the resources as

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<sup>99</sup> Beder, S, ‘Costing the Earth: Equity, Sustainable Development and Environmental Economics,’ *New Zealand Journal of Environmental Law*, Vol. 4, 2000, pp.227-243 at p.230; See also generally, Emas, R., ‘The Concept of Sustainable Development: Definition and Defining Principles,’ Brief for GSDR 2015,

p3<[https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015\\_SD\\_concept\\_definiton\\_rev.pdf](https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015_SD_concept_definiton_rev.pdf)> accessed 25 December 2020.

<sup>100</sup> Beder, S, ‘Costing the Earth: Equity, Sustainable Development and Environmental Economics,’ *New Zealand Journal of Environmental Law*, Vol. 4, 2000, pp.227-243, p.230).

<sup>101</sup> United Nations Development Programme, ‘Sustainable Development Goals (SDGs),’<<http://www.undp.org/content/undp/en/home/mdgoverview/post-2015-development-agenda.html>> accessed 25 December 2020.

<sup>102</sup> ‘Why is so Little Value Added in Africa’s Soft Commodity Value Chain?’ (*Global Trade Review (GTR)*) <<https://www.gtreview.com/supplements/gtr-africa-2019/little-value-added-africas-soft-commodity-value-chain>> accessed 25 December 2020.

anchors for regional growth clusters and consequently ensuring that they attract value-addition industries for job creation.<sup>103</sup>

Notably, most processing of cash crops in Africa is basic where the majority of cash crops go through the bare minimum required for export or sale to the next part of the value chain and the results are that while African farmers and processors put in all the work to make a fungible commodity that is easy to trade, all of the value add goes to those further down the chain.<sup>104</sup>

There is a need to change this practice as way of ensuring that African farmers and processors get value for the African resources and also get an opportunity for job creation which will ultimately help in alleviation of poverty. The lack of an efficient marketing infrastructure in Africa which prevents farmers and processors from getting full value from their crop, even in its raw form ought to be addressed in order to reverse this trend.<sup>105</sup> Such initiatives as the African Union's African Commodity Strategy, a part of Agenda 2063, should be fully exploited in order to find strategic measures to address price volatility and to use Africa's wealth of natural resources and absolute advantage in the commodities market to ensure that Africa's commodities are used for its industrialisation.<sup>106</sup>

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<sup>103</sup> Ngwenya, S., "Africa has to Shed off the Resource Curse Stigma" *The Star Newspaper*, Friday January 3, 2014.

<sup>104</sup> 'Why is so Little Value Added in Africa's Soft Commodity Value Chain?' (*Global Trade Review (GTR)*) <<https://www.gtreview.com/supplements/gtr-africa-2019/little-value-added-africas-soft-commodity-value-chain>> accessed 25 December 2020; 'Development Aid to Africa Negligible in Comparison to Illicit Outflows' <<https://www.globalpolicy.org/component/content/article/211-development/52662-development-aid-to-africa-negligible-in-comparison-to-illicit-outflows-.html>> accessed 25 December 2020.

<sup>105</sup> 'Why is so Little Value Added in Africa's Soft Commodity Value Chain?' (*Global Trade Review (GTR)*) <<https://www.gtreview.com/supplements/gtr-africa-2019/little-value-added-africas-soft-commodity-value-chain>> accessed 25 December 2020; Muigua K, *Utilizing Africa's Natural Resources to Fight Poverty* (2014) < [kmco.co.ke/wp-content/uploads/2019/06/Utilizing-Africas-Natural-Resources-to-Fight-Poverty-26th-March2014.pdf](http://kmco.co.ke/wp-content/uploads/2019/06/Utilizing-Africas-Natural-Resources-to-Fight-Poverty-26th-March2014.pdf)> accessed 25 December 2020.

<sup>106</sup> 'African Commodity Strategy | AUDA-NEPAD' <<https://www.nepad.org/agenda-2063/flagship-project/african-commodity-strategy>> accessed 25 December 2020.



Notably, increased participation in international trade can catalyse economic growth and foster sustainable development. As such, promoting value addition and enhancing domestic productive capacity is therefore of continuing importance in developing countries as they seek to participate beneficially in global trade.<sup>107</sup>

There is also a need for diversification of economic activities in the country as this may cushion the communities and national economy generally from unforeseen disruptions or a decline in the agricultural sector production which is prone to climate change yet it is considered to be the backbone of Kenya's economy.<sup>108</sup> The need for diversification has been witnessed in rural areas where it was reported in 2019 that poverty declined considerably in rural areas, from about 50% in 2005-06 to 38.8% in 2015-16, largely attributed to the increasing importance of non-agricultural income (particularly commerce) to supplement agricultural income for rural households, which has been aided by the expansion of mobile money and the telecommunication revolution.<sup>109</sup> There is therefore a need for the Government to work closely with stakeholders in different sectors to create opportunities for the Kenyan people, as a channel for diversification.

#### **5.4. Population Control**

Notably, while African economies are generating more income, that income has to be shared among an ever-increasing number of people, thus causing a

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<sup>107</sup> United Nations, 'Promoting value addition and the enhancement of domestic productive capacity through local economic empowerment,' *Note by the UNCTAD secretariat*, Expert Meeting on Promoting Value Addition and Enhancement of Domestic Productive Capacity through Local Economic Empowerment Geneva, 16 October 2019 Item 3 of the provisional agenda <[https://unctad.org/system/files/official-document/ciem10d2\\_en.pdf](https://unctad.org/system/files/official-document/ciem10d2_en.pdf)> accessed 25 December 2020.

<sup>108</sup> 'Kenya at a Glance | FAO in Kenya | Food and Agriculture Organization of the United Nations' <<http://www.fao.org/kenya/fao-in-kenya/kenya-at-a-glance/en/>> accessed 25 December 2020; Jowi E, 'Is Agriculture Still the Backbone of Kenya's Economy?' [2016] Natural Resource Modelling.

<sup>109</sup> 'More than Just Growth: Accelerating Poverty Reduction in Kenya' <<https://blogs.worldbank.org/african/more-than-just-growth-accelerating-poverty-reduction-in-kenya>> accessed 25 December 2020.



slower rate in poverty reduction than population growth.<sup>110</sup> The result has been that as more people leave the poverty class, others are joining that reducing the rate of poverty eradication in the continent.<sup>111</sup> For instance in Kenya, in 2009, it was estimated that Kenya had a population of 37.7 million people and the figure grew to about 47.6 million people in 2019.<sup>112</sup> As already pointed out, high population growth comes with extra expenditure and stretched out incomes thus undoing all the gains made in eradication of poverty. There is a need for the Government to work closely with other stakeholders such as religious organizations, civil societies and Non-Governmental Organizations (NGOs) to educate the communities on the need for birth control. This will not only ease strain on the particular households but also on the national economy.

### **5.5. Need for Increased Access to Finance for Communities Empowerment**

It has been pointed out that eradicating deprivations, building capabilities and opening up opportunities require investment and as a result, governments should not only increase public spending towards empowerment programmes and measures but should also work closely with the private sector in order to help increase access and offer new approaches to provisioning.<sup>113</sup> While there has been a number of Kenyan Government funded initiatives aimed at financing youth and women groups for

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<sup>110</sup> Chandy L, 'Why Is the Number of Poor People in Africa Increasing When Africa's Economies Are Growing?' (*Brookings*, 30 November 1AD) <<https://www.brookings.edu/blog/africa-in-focus/2015/05/04/why-is-the-number-of-poor-people-in-africa-increasing-when-africas-economies-are-growing/>> accessed 25 December 2020.

<sup>111</sup> Ibid.

<sup>112</sup> '2019 Kenya Population and Housing Census Volume II: Distribution of Population by Administrative Units' (*Kenya National Bureau of Statistics*) <<https://www.knbs.or.ke/?wpdmpro=2019-kenya-population-and-housing-census-volume-ii-distribution-of-population-by-administrative-units>> accessed 25 December 2020.

<sup>113</sup> Independent Group of Scientists appointed by the Secretary-General, *Global Sustainable Development Report 2019: The Future is Now – Science for Achieving Sustainable Development*, (United Nations, New York, 2019), 45 <[https://sustainabledevelopment.un.org/content/documents/24797GSDR\\_report\\_2019.pdf](https://sustainabledevelopment.un.org/content/documents/24797GSDR_report_2019.pdf)> accessed 25 December 2020.

empowerment,<sup>114</sup> and commendably so, there is a need for the Government to also consider the men folk especially in the villages and informal urban settlements especially where the man is the head of the household. This will not only ensure that there is equity and equality but will also empower these households financially especially where the man has children and no wife or the wife is not in a position to work for gain for one reason or the other. Empowered households are able to tackle poverty without waiting for government handouts and donations and this also safeguards their dignity as human beings. This is also likely to spur economic diversification through investments in non-agricultural sectors such as information technology and science and technology in general, in line with the Constitution of Kenya 2010<sup>115</sup>. The Government should thus continually work with financial institutions to ensure that financing is available to all those who need it. This should target both formal and informal sectors in both urban and rural areas for accelerated eradication of poverty in Kenya.

However, the Government should also ensure that as these groups of people make their investment, there is a conducive tax regime to promote growth

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<sup>114</sup> ‘Youth Enterprise Development Fund’ <<http://www.youthfund.go.ke/>> accessed 25 December 2020; ‘Home’ <<https://www.wef.co.ke/>> accessed 25 December 2020; ‘Women Empowerment in Kenya Organizatione. (WEIKE) - Kenya - 50 Million African Women Speak’ <[https://www.womenconnect.org/web/kenya/empowerment/-/asset\\_publisher/aV6bGKqYx8gS/content/women-empowerment-in-kenya-organizatione-weike-](https://www.womenconnect.org/web/kenya/empowerment/-/asset_publisher/aV6bGKqYx8gS/content/women-empowerment-in-kenya-organizatione-weike-)> accessed 25 December 2020.

<sup>115</sup> The Constitution provides as follows:

### *11. Culture*

*(1) This Constitution recognises culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation.*

*(2) The State shall—*

*(a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;*

*(b) recognise the role of science and indigenous technologies in the development of the nation; and*

*(c) promote the intellectual property rights of the people of Kenya.*

and development as well as ready markets both within the country and outside Kenya for the marketing of the end products, whichever the sector.

## **5.6. Promotion of Regional and International Trade**

Trade is one of the most critical driving forces of economic development for all countries, usually aimed at development and the eradication of poverty.<sup>116</sup> The World Bank asserts that countries that are open to international trade tend to grow faster, innovate, improve productivity and provide higher income and more opportunities to their people. In addition, open trade also benefits lower-income households by offering consumers more affordable goods and services.<sup>117</sup> The Government of Kenya should continually take advantage of the regional and international trade agreements and deals that will ensure that they get markets for goods and services produced or offered in the country and also ensure that the market remains affordable for the average Kenyan especially for goods and services that may not be available locally. This has the twin effect of not only ensuring that Kenyans earn money but also ensuring that they get the best deals when making purchases. The increased disposable income and the potential savings by consumers from an expanded market has the potential to address poverty and ultimately contribute to national development.<sup>118</sup>

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<sup>116</sup> ‘The Link between Trade and Development: What Role for the EU Trade Policy?’ AIF Conference, Christiansborg, 12 September 2000; See also Preamble, World Trade Organization. "Marrakesh Agreement Establishing the World Trade Organization. Annex 1A: Multilateral Agreements on Trade in Goods-Agreement on Trade-Related Investment Measures", The Results of the Uruguay Round of Multilateral Trade Negotiations: The Legal Texts (World Trade Organization, Geneva, 1995), pp. 163-167; ‘Stronger Open Trade Policies Enable Economic Growth for All’ (*World Bank*) <<https://www.worldbank.org/en/results/2018/04/03/stronger-open-trade-policies-enables-economic-growth-for-all>> accessed 25 December 2020.

<sup>117</sup> ‘Stronger Open Trade Policies Enable Economic Growth for All’ (*World Bank*) <<https://www.worldbank.org/en/results/2018/04/03/stronger-open-trade-policies-enables-economic-growth-for-all>> accessed 25 December 2020.

<sup>118</sup> ‘Global Trade Liberalization and the Developing Countries -- An IMF Issues Brief’ <<https://www.imf.org/external/np/exr/ib/2001/110801.htm>> accessed 25 December 2020.

## **6. Conclusion**

Sustainable development mainly involves the integration of environmental, social, and economic concerns into all aspects of decision making.<sup>119</sup> Arguably, ending poverty can be achieved if sustainable economic growth, social protection, and environmental health and stewardship are considered together.<sup>120</sup> Even as Kenya seeks to become a newly industrialising middle income country, there is a need to adopt empowerment measures that will ensure that this development is inclusive of all groups in the society. It is possible for Kenya to achieve Vision 2030 in a way that not only promotes and upholds the principles of sustainable development but also one that embraces all communities for inclusive development that benefits all. Economically and socially empowered people are able to appreciate the import of political and civil rights and therefore, they will be more likely to participate meaningfully in the governance of the country. Eradication of poverty therefore potentially holds the key to the economic, social, economic and political prosperity of the country.

Eradication of Poverty For Inclusive Development in Kenya is goal and a dream that is achievable through concerted effort by all.

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<sup>119</sup> Emas, R., ‘The Concept of Sustainable Development: Definition and Defining Principles,’ *Brief for GSDR 2015*, p.3<[https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015\\_SD\\_concept\\_definiton\\_rev.pdf](https://sustainabledevelopment.un.org/content/documents/5839GSDR%202015_SD_concept_definiton_rev.pdf)> accessed 24 December 2020.

<sup>120</sup> Environment UN, ‘Eradicating Poverty through an Inclusive Green Economy : UNEP Post 2015 Note 6’ (*UNEP - UN Environment Programme*, 16 September 2017) <<http://www.unenvironment.org/resources/report/eradicating-poverty-through-inclusive-green-economy-unesp-post-2015-note-6>> accessed 25 December 2020.

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