

Keynote address by Okiya Omtatah at PBI Kenya's 10th Anniversary

Ladies and Gentlemen, human rights belong to human beings because they are human beings. But in every society that you look at, human beings have tended to treat each other differently. In all societies, the right to an identity, you know what used to happen in our traditional societies when a child is born; the elaborate procedure that they went through, naming a child. Today, we have people who are stateless, even in this country, who can't access IDs, who can't be anybody. This call to human rights is a very important call.

Standing here today, I'm happy that the German government through the embassy is on the forefront because the constitution of Germany and the constitution of Kenya share a lot in common. Without saying it, we borrowed a lot from there, and the jurisprudence that has come out of the German courts on human rights is very dominating. I think a better embassy would be places for the Kenyan situation, to push advocacy on human rights. I stand here to acknowledge that because we are human beings, we have rights. We don't have rights because of what we are or what we own. We don't have rights because of the offices we occupy. We don't enjoy rights because of anything else, but because we're human beings. And because we are human beings and our rights are universal, then we need to take the question of human rights very seriously. And it's a saddening affair that human rights, for human beings also require a certain level of material well-being, to be fully enjoyed. If you can't access a house or you can't access shelter, you can't access food, you can't access essentials, you can't access sanitation, then you have a big challenge with human rights. And that's why then, spaces like this must help us formulate policy or come up with policy frameworks that will then enable politicians to come up with the structures that help organize society in a manner that allows at least to give the room to everybody to have a chance in life.

Our society has a lot of challenges which you can trace back to the fact that when the missionary came to our shores, they were concerned about saving souls, not very much about the bodies that contained those souls. When the settler came and wanted to establish a state to govern the territories, they seemed to have been very interested in the extraction of resources, and so they organized states that allowed them to dominate, oppress, and exploit. So, their idea of the state was not the idea that ended Tribal Wars in Europe because it was not modelled on the Westphalian idea of a state. We had all the ingredients except one, in the colonial state, there were no people. You had the territory, you had security, but you had no people. It was an open space that the settler could then run roughshod and they dominate, oppress, or exploit. Now, that state has not been totally dismantled. The colour of the settler or the colour of the oppressor may have changed. But not that state and that's the challenge we have today.

To make sure that the predatory state is destroyed and how do you destroy it? You destroy it by making the people the centre of the state. What do the people want? What are the needs of the people and how do you address them? When you come into a country like ours and you look at the budget and for those of you who follow the last fight I had with the government over the budget for 2023, you would say where a lot of these problems are coming from. When you come

across hospitals without medicine, you come across so many things that are not working. You come across universities that cannot impart knowledge. You go down and see that if you looked at our budget, then you understand what's wrong with this country. Right now, as we are speaking, I have just received news that the commander of the Kenya Defense Forces has crashed in one of the helicopters. Now, what is the history of these helicopters? Those of you who have followed the space in this country, what have been the history of these helicopters that came from Jordan? Were they new helicopters? Did we pay for new helicopters? Why were junk delivered and why should somebody like the commander of the defense forces be riding in one of these death traps? That's where the problem of this country is. The problem of this country is in management. And the call upon us is to wake up and manage this country and if you want to be developed, there is no other way but to imitate those who have been developed. What did they do?

The call upon us is to begin moving out of these spaces where we preach to the choir and get to the streets and say we want our country back. The song sung on this stage this afternoon is the marching song I would like to see sung across the streets of Nairobi from Mombasa to Madera to Busia to wherever. When you sing it in these managed spaces, it ends here and that is the tragedy. The struggle in civil society fits nowhere. If it does not feed directly into the political processes of this country and therefore is ignored. You are unable to threaten power and therefore power ignores you. But if you can threaten power, power will listen. Power will bend and do what you want it to do.

My call today is that these spaces are incubators. But we cannot stay in an incubator forever. The civil society movement in this country has to remain stuck in an incubator. Even a baby put in an incubator from the mother's womb, grows and leaves. We have had very good friends, who have supported us, given us good ideas, that all end up here. I've never had this song sung at political rallies. *Mnataka mashamba yenu yarudishwe, mnataka haki zenu, mnataka nchi yenu irudishwe*. I never hear those words. Instead, the political space is filled with platitudes that make no sense. But that is how it's going to be because nature abhors a vacuum. If you leave the political space as a vacuum, the idiot will take it over. Remember the words of Plato "The price good men pay for indifference to public affairs is to be ruled by evil men."

I pray that these incubation spaces must find a way of informing the national narrative. You have so many good ideas I've read those pamphlets, so many individuals doing a lot of good work. Why can't these people become leaders? That can become even MCs, why can't they? It is because we have not thought of organizing those among ourselves to become leaders.

There is even something very bad in civil society. You think that politics is for the dirty people. When I decided to run as Senator for Busia, I was vilified. I was told to forget about them when I go into politics prisms, but politics is how things are done. You can't assign yourself a career to be on the margins to be complaining. We must mainstream the issues that affect civil society. That's what the West has done. Look at their political narratives, they are largely issues of human rights. In our country, human rights are not a mainstream narrative. They're a narrative on the periphery. I doubt even if it makes it to the fireplace. So, this idea of saying that you will live in an

incubator should die. We should move out. Right now, we are having a struggle for the progress of this country. And if you allow me to use an allegory of a prison.

When I look at the traditional political classes, Raila Odinga, William Ruto, et al, their fight is not to destroy the prison. Their fight is who becomes the chief warden. Their agenda when you listen to their manifesto, they tell you that when you make me the chief warden, I will allow you more time in the sun. I will fumigate the rooms will not have bedbugs. I'll give you larger rations. Make me the chief warden. And they fight viciously about who becomes the chief warden.

Some of us want to destroy the prison. The prison is not our business. Emancipation of the people is what we need to see happening. The seeds of emancipation are the things we're pronouncing here. But you're pronouncing them in spaces where they should have left. They should germinate and be transplanted in the field. So, I really pray that with the kind of knowledge we have, let us try to get our country back. Let us take over the political spaces. Am I a single voice, an independent voice? I did not join Kenya Kwanza. I did not join Azimio. They said you won't make it. I said, Well, I don't have to make it. But I'll give people a choice. That's my purpose. And we got the highest votes in Busia? So, let us find a way of identifying leaders from amongst ourselves who can stand up for something and who can liberate this country. But if you sit back those who are worse than you will take over and they will rule you and they'll make decisions that bind you. I'm very happy for what I have heard here.

When I read that pamphlet about the group I see a lot of good leaders. Who if you put their names in a county assembly will be able to make a difference. If you put in Parliament they'll make a difference. I am one voice but I believe I'm making a difference. Because in this game, it's not just numbers, conviction. Conviction is what moves mountains in this space. The latest case I have filed, 21 other senators have joined me because they're seeing what we're supposed to be doing. And I'm very honoured for that because it is changing the narrative to see that the issues I'm articulating and prosecuting are not the product of a madman's idle mind that issues need to be addressed in this country. Like these issues must be addressed. My prayer to you is that this beautiful work that you have done, like Christ says in the gospels, no man lights a lamp and puts it under the bed or a bushel. You have a very beautiful lamp in civil society. You've got issues here that need to come out and I think if we think further, forget about politics wanting money. Money comes afterward if you really are organized. I had no money. I ran against people with money. I had a microphone and I spoke my mind and people listened and they gave me votes. so, let us look at this space here and say how do we get this beautiful thing that we are doing here?

Our friends from Germany from wherever can only help us. They can only plant the mustard seed but we must water the tree. We must walk the walk. If we came up and said that Nairobi must be captured in the next elections. Civil society leaders must capture Nairobi and run Nairobi. We can't be defeated unless you unless you're scared of nothing. We should think of this and work hard some of you are very well-known people here. They're well-networked in this area but probably lack the formula to expand their influence. Let us put our act together. Our brothers have helped us our sisters from the West have helped us it's time to get out of the incubator. Learn how to crawl and walk and take this country over because complaining will take us nowhere. We must mainstream these narratives we must learn how to fight back. We must

get our country back. And right now, when you go to the policy framework, you find that the country is becoming a basket case. And we may need to meet and discuss which is the best way to run this country. For me, I believe that the prison must go. The question of allowing people to fight on who becomes the chief Warden must end. We must break down the prison. We must get the people walk free and we must keep give people emancipation not liberation. We must retribute our people.

Today, I was listening to a speech by Malema and he talked about one thing that really touched me. We don't agree on everything he says but it is one thing that really affected me in terms of the question of security guards. Why should institutions not hire security guards directly? Why should an institution or a businessman 15,000 shillings per guard only for that guard to be paid 4500 shillings at the end of the month and the businessman pockets 15,000 shillings. This culture of cartels is something Malema was addressing today in his speech and saying that these are among the things that are driving poverty because a few people come up they call themselves businessmen and they stand between you and your government. Malema say when you elect a government you go and you go to vote, you don't vote through a middleman. You vote directly we had a contract with that government. Why should the government be encouraging these middlemen middleman to come up when it is delivering services? Where can we deliver services directly? These are the kinds of narratives that I would like us to be engaging in, in these spaces and see how we can help ourselves get out of this problem.

We live with the security people in their house in their homes. We know how they suffer. There is one I know who wakes up at around 4 every morning to begin work at his place of work. He works until 6 pm, walks back, he finds his children asleep. He just changes and begins walking back. The fellow who is employing him is earning about 20,000 shillings per guard, he is being paid 9000 shillings for doing the work. Why can't this institution just employ this guy and pay him a living wage? These are the things we need to talk about so that we can talk about poverty in a way that you can give it solutions. You know about these so-called informal settlements. Why can they be made habitable? Even if we don't even address the question of ownership. So, all these things can be done and I am very happy and honoured that you invited me here. I know that the struggle is long, but we are equipped for the struggle.

The final word, in our narratives, stresses one thing. We stress a lot about integrity. But when I look at the story of David in the Bible, he was a multi-talented individual. King David had two very important things about him. He had integrity and he had skills. He had integrity, but he had skills he could bring down Goliath with a sling. Within civil society, how are we skilling ourselves? Are we people of integrity? Do we have any programs within our civil society set up that skills us, that equips us to engage? So that when we enter the narrative space, we may want to look at skilling and I pray that our friends who are trying to help us from Europe, and wherever, to consider the question of skilling people; giving people skills so that if they want to become MCs, MPs, or whatever, they walk into those spaces with skills that will enable them to use integrity to deliver on the convictions they carry. So, let us try to work around skilling. That's one area to find in civil society really lacking. I have been offering my friends, I say now that we are in the Senate, I use 'we' deliberately not it's not my seat it's our seat. Come let us use it. Bring motions,

let us destabilize the system. I'm there for conviction, I'm not there to make money. I'm there for conviction. When I pack my small car, my Demio, and my neighbors pack their big Mercedes. Some get offended and I like it. What makes you think that a V8 defines me, it does not. I ride matatus and it doesn't stop me from being a senator. Let us try to skill up people to be able to come into these spaces come and make use of this seat that I have. And I promise you *sibanduki*. *Kama mbaya, mbaya. Lakini sibanduki.*

This small space that we have in the Senate, we should go there and expand. Use it like an anchor for climbing and pull ourselves up. I would like to see most of us come up and take over the majoritarian spaces. That's the only way our message will have traction in this country. We cannot be developing beautiful ideas and giving them to conmen, crooks, and cockroaches. They will do what a cockroach does, turning around a rotten tomato. They will not walk the walk. So please my plea is that those who are supporting us should find it inside themselves to see how they can go the extra mile by skilling our people. Even just in small things like public speaking, ability to analyze and interrogate issues and budgets, etc.

When you go on a platform, talk about things that are close to the people. I've spoken for a long time I promise that if I've offended you, I'll offend you more, because people are dying in this country. In a country where people cannot afford 50 shillings to buy tablets for malaria, you get some people using public funds to buy watches worth a million. We are not going to allow that. And we must work for a way of putting these people in jail during their lifetime. There has been so much abuse of the resources of this country that unless we put some of these top people in jail, this country will not move. We need shock therapy. But we cannot do that with our integrity alone. We must have skills. Like King David we must have the skills to set a sling that can bring down Goliath.

We stay humble, and so when they have numbers, let us equip ourselves to have a tyranny of brains. And contain them. I read the beautiful posts on social media by you people and myself interrogating issues in a way that is so refreshing. But, the bad thing with social media, it makes you feel you have done it yet have done nothing. It is like shadow boxing. Before social media came around, when you called for a demo, people would come out. Today, you call for a demo and people will post on social media and they feel they've done something about it. So those brilliant things I see on social media should come and inform our policies and society. The opportunities are there, please let us take our country back nobody else is going to do that for us. Our friends from Europe, from the west, can only point the way out to us, but we must walk it. And I don't see why we can't walk it.

If I look at the I look around this room. Very many of you are young people. I think the majority are youth under 35. Sometimes you go into meetings and you feel everybody around you is about to die. So, you discuss things about buying coffins and things, because they have no interest in living. But here you are people with more than 50 years in this country. What kind of life you had to live that 50 years so please let us get up and do what you're supposed to do. I see it in you. Let us take these beautiful songs out of halls, to the streets. Let us influence the politics of this country. Let us take over the politics of this country and do the right thing.

Note: Okiya Omtatah is the Busia County Senator, a public litigant and veteran human rights defender, widely recognized for his relentless advocacy for citizen rights and his pivotal role in challenging governmental overreach within Kenya's legal framework.

This anniversary was supported by the Basque Agency for Development Cooperation

