

# **Redefining Development in Kenya-Reflections and Lessons from the Coronavirus disease (COVID-19) Pandemic**

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**Kariuki Muigua**

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(COVID-19) Pandemic**

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**Abstract**

*Since the first case of Coronavirus disease (COVID-19) in the world was diagnosed in China some time in December 2019, and has since then become a global pandemic, the resultant economic and social effects have been far greater than anything the world has experienced recently. However, these effects are arguably far much greater felt within the Global South region as compared to the Global North. This paper offers some reflections and lessons to the African countries and Kenya in particular on the need to shift their development goals towards building a better future for their people as far as socio-economic development is concerned. African countries, which are technically beggars as they stand today, need to draw some important lessons from the pandemic and chart a new development path post-Covid-19.*

**1. Introduction**

The first case of Coronavirus disease (COVID-19) in the world was diagnosed in China some time in December 2019, and since then it has become a global pandemic, declared a pandemic by the World Health Organization (WHO) on 11 March 2020, which has continued to spread across the world.<sup>1</sup> The disease has not only caused unprecedented health crisis but has also threatened to bring the global economy to its knees.<sup>2</sup> In addition to this, the pandemic has exposed the underbelly of African economies as far as development is concerned. It is evident

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<sup>1</sup> 'Coronavirus (COVID-19) Events as They Happen' <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>> accessed 22 May 2020.

<sup>2</sup> Fernandes, N., "Economic effects of coronavirus outbreak (COVID-19) on the world economy." Available at SSRN 3557504 (2020); 'Complacency to Chaos: How Covid-19 Sent the World's Markets into Freefall | Business | The Guardian' <<https://www.theguardian.com/business/2020/mar/28/how-coronavirus-sent-global-markets-into-freefall>> accessed 22 May 2020; <https://www.the-star.co.ke/authors/alex-awiti>, 'Covid-19 Triggers Unprecedented Global Economic Turmoil' (*The Star*) <<https://www.the-star.co.ke/opinion/columnists/2020-03-24-covid-19-triggers-unprecedented-global-economic-turmoil/>> accessed 22 May 2020.

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from the reports that most if not all African countries are heavily relying on donor funds to not only fight the pandemic but also to ensure that their economies do not collapse. This has necessitated revisiting the old debate between the Global North and the Global South on what development means for them.

This paper starts on the premise that the Global South has for long relied on the Global North for not only defining what development should mean for them but also dictating how development projects in the Global South are implemented. The main reason for this is that it is the Global North donors and countries that fund these projects and thus retain the powers to dictate what and how these projects should be actualised.

This discourse is important because African countries, which are technically beggars as they stand today, need to learn some important lessons from the pandemic and chart a new development path post-Covid-19. Apart from their weak health systems, it is also arguable that the reason most of the affected African countries have not been able to call for total lockdown as has been the case in countries such as China, United Kingdom, Italy among others, is because their economies may not survive a lockdown at this stage, especially without the donor funds. In addition, their people are too poor to remain indoors for months as most of them survive on wages and live hand to mouth.<sup>3</sup> The existing socio-economic infrastructure and investments in the country cannot support the needs of the Kenyan population and this comes with greater risks of exposure Covid-19 for the general public. This paper proffers the hypothesis that there is hardly enough investment by the Government for socio economic development in the country.

The discourse revisits the widely discussed theme of development with a view to analysing the challenges that face the existing approaches to development, making them inappropriate for the Global South, especially Africa.

The discussion highlights the existing definitions and approaches and how the same differ from the needs and circumstances existing within the third world, as far as development needs are concerned.

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<sup>3</sup> Central Bank of Kenya, Kenya National Bureau of Statistics and FSD Kenya, *The 2019 Finaccess Household Survey– Financial Sector Deepening Kenya*, April 3, 2019 <<https://fsdkenya.org/publication/finaccess2019/>> accessed 22 May 2020; <https://www.the-star.co.ke/authors/amadala>, ‘51% of Kenyans Live Hand to Mouth - CBK Report’ (*The Star*) <<https://www.the-star.co.ke/business/2019-04-03-51-of-kenyans-live-hand-to-mouth-cbk-report/>> accessed 22 May 2020.

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The phrase “Global South” is used to refer broadly to the regions of Latin America, Asia, Africa, and Oceania. It is one of a family of terms, including “Third World” and “Periphery,” that denote regions outside Europe and North America, mostly (though not all) low-income and often politically or culturally marginalized.<sup>4</sup> Notably, the phrase ‘Global South’ is meant to mark a shift from a central focus on development or cultural difference toward an emphasis on geopolitical relations of power.<sup>5</sup>

This paper adopts the term ‘global south’ based on the hypothesis that development is greatly shaped by the power relations between the nations in the north and those in the south. Development is as much an economic as it is a political issue. No country can demand for political freedom when they cannot afford economic freedom.

## **2. Defining Development: Aspects and Theories of Development**

The United Nations *Declaration on the Right to Development*<sup>6</sup> recognises that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.<sup>7</sup> The *Declaration* posits that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.<sup>8</sup> Notably, the term ‘development’ is not defined in the *Declaration* and instead it takes a descriptive approach which entails outlining the various aspects of development.

Development takes many forms and thus defining the term must take into account the various elements of development.

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<sup>4</sup> Dados, N. and Connell, R., "The global south." *Contexts* 11, no. 1 (2012): 12-13.

<sup>5</sup> *Ibid*, p.12.

<sup>6</sup> UN General Assembly, *Declaration on the Right to Development: resolution / adopted by the General Assembly*, 4 December 1986, A/RES/41/128.

<sup>7</sup> *Ibid*, Preamble.

<sup>8</sup> Article 1.1, *Declaration on the Right to Development: resolution / adopted by the General Assembly*, 4 December 1986, A/RES/41/128.

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Some scholars have defined ‘development’ to mean a multi-dimensional process that involves major changes in social structures, popular attitudes, and national institutions, as well as economic growth, reduction of inequality, and eradication of absolute poverty.<sup>9</sup>

Some opine that ‘development, then, is about: change for the better; continuing processes; collectivities of people; growth and prosperity; interrelationships.’<sup>10</sup>

The components of development are considered to be as follows: Growth, in the economy; Equity in the distribution of society’s resources to meet human needs; Participation in decisions about how these resources will be applied.<sup>11</sup>

The international agenda which began to focus on development beginning in the second half of the twentieth century was reinforced by the belief the understanding that economic growth did not necessarily lead to a rise in the level and quality of life for populations all over the world; there was a need to place an emphasis on specific policies that would channel resources and enable social and economic mobility for various layers of the population.<sup>12</sup> Indeed, this view has solidified over the years considering that it forms the foundation upon which the sustainable development agenda is built.

The three essential dimensions of sustainable development agenda are: *Economic*: an economically sustainable system must be able to produce goods and services on a continuing basis, to maintain manageable levels of government and external debt, and avoid extreme sectoral imbalances that damage agricultural and/or industrial production; *Environmental*: an environmentally sustainable system must maintain a stable resource base and avoid over-exploitation of non-renewable resource systems, including maintenance of biodiversity, atmospheric stability and ecosystems services not always looked upon as economic resources; and *Social*: a socially sustainable system must achieve fairness in distribution and opportunity

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<sup>9</sup> Gabriel Antwi, ‘The Theories of Development Studies’, 2019, p.1. Available at <https://www.researchgate.net/publication/331262291> THE THEORIES OF DEVELOPMENT STUDIES [Accessed on 15/5/2020].

<sup>10</sup> Bown, L., *What do we mean by Development?*. Development Education Centre and 80: 20 Educating and Acting for a Better World, 1999, p.4. Available at <https://developmenteducation.ie/media/documents/What.pdf> [Accessed on 15/5/2020].

<sup>11</sup> Bown, L., *What do we mean by Development?*. Development Education Centre and 80: 20 Educating and Acting for a Better World, 1999, p.7. Available at <https://developmenteducation.ie/media/documents/What.pdf> [Accessed on 15/5/2020].

<sup>12</sup> ‘What Is Development?’ <<https://www.sid-israel.org/en/Development-Issues/What-is-Development>> accessed 19 May 2020.

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among all persons with adequate provision of such social services as health, education and gender equity. The social dimension focuses on reconciliation of environment and development, and governance related to provision of social services.<sup>13</sup>

There are four main theories of development namely: modern; dependency; world-systems; and globalization.<sup>14</sup>

The proponents of modernisation theory argued that development involved the process of replicating the changes in social, economic and political systems that developed in western Europe and North America from the 17<sup>th</sup> century to the 19<sup>th</sup> century and have then spread to other countries and in the 19<sup>th</sup> and 20<sup>th</sup> centuries to the South American, Asian and African continents.<sup>15</sup> This would largely be facilitated through colonisation.<sup>16</sup> It was thus a case of the Global North not only imposing their influence upon the Global South but was also exercising their power and setting the development agenda which they would later fund through donor funding. Indeed, some have argued that the reason for the emergence of Modernisation Theory was the freedom of Third World countries from colonization and the strategies employed during the Cold War by Western countries in order to prevent these countries from being controlled by communists.<sup>17</sup>

While the support from the Global North especially in terms of the funds may be welcome to the Global South as it strives to achieve socio-economic development for its people, the downside to this is that over the years, the leaders in these developing countries have had little if any incentive to invest in their institutions and their people as they always have a fall back plan through asking for foreign and donor funds to cushion their economies against shocks such as the current Covid-19 pandemic.

The focus of the modernisation approach on replicating the development model of the now developed nations makes the policymakers in the developing nations lose focus of the real

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<sup>13</sup> Sanginga, P.C., Ochola, W.O. and Bekalo, I., "Natural resource management and development Nexus in Africa." *Managing Natural Resources for Development in Africa: A Resource Book* (2010): 11-43.

<sup>14</sup> Shareia, B.F., "Theories of development." *International Journal of Language and Linguistics* 2, no. 1 (2015): 78-90.

<sup>15</sup> 'The Basic Characteristics of Modernization. 1966' (2006), in: Themenportal Europäische Geschichte, 2006, <<http://www.europa.clío-online.de/quelle/id/q63-28279>> accessed 22 May 2020;

<sup>16</sup> Ibid.

<sup>17</sup> Shareia, B.F., "Theories of development." *International Journal of Language and Linguistics* 2, no. 1 (2015): 78-90, at p.79.

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challenges afflicting their people as they compete to become like the developed world in terms of infrastructural development. It must be appreciated that this theory envisages development as a phased process and different regions of the world must thus realise that they are at different phases of development. The leaders fail to acknowledge that as they seek to modernise the infrastructural systems in the country, the African countries are still struggling with poverty, hunger, disease, illiteracy, inequalities, corruption and other social ills.<sup>18</sup>

The Dependency Theory seeks to improve the Modernisation Theory by combining elements from a neo-Marxist theory and adopting a “revolution of under developed nations’ model”.<sup>19</sup> The theory focuses on the totality of society and social system periphery, which highlights the differences between imperialistic countries in the first world and underdeveloped countries.<sup>20</sup> Dependency Theory explains these differences by focusing on regions and structural conditions in different nation states.<sup>21</sup>

Three main characteristics of dependency theory are summarised as follows: First, the international system is seen as the sum of two sets of states: *dominant* and *dependent*; Second, dependency theory holds that *external forces* are critical in terms of economic activity of dependent states; Third, relationships, based on strongly historical patterns and dynamics (i.e., *internationalization of capitalism*), between dominant and dependent states are a vibrant process, with exchanges taking place between the states playing a considerable role in the reinforcement of patterns of inequality.<sup>22</sup>

Dependency theory is a mixture of various theories, including world systems theory, historical structure theory, and neo-Marxist theory.<sup>23</sup> Some commentators have pointed out the following limitations of the dependency theory: the theory significantly failed to explain the rise of the newly industrialized countries of East Asia (Hong Kong, South Korea, Taiwan, and Singapore), as well as those of Southeast Asia (Indonesia, Malaysia, and Thailand); the theory also presumes

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<sup>18</sup> Handley, G., Higgins, K. and Sharma, B., *Poverty and poverty reduction in sub-Saharan Africa: An overview of the issues*. Overseas Development Institute, 2009;

<sup>19</sup> Shareia, B.F., "Theories of development." *International Journal of Language and Linguistics* 2, no. 1 (2015): 78-90, p. 81.

<sup>20</sup> Ibid, p.81.

<sup>21</sup> Ibid, p. 81.

<sup>22</sup> Scott Romaniuk, ‘Dependency Theory’ in, Joseph, P., ed., *The SAGE encyclopedia of war: social science perspectives*. Sage Publications, 2016.

<sup>23</sup> Ibid.

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that all developing countries share the same traits; and finally, dependency theory is limited in its analytical ability when applied to sectors beyond manufacturing.<sup>24</sup>

The World Systems Theory uses other levels of quantitative analysis, though it admits that there is no set of processes in World Systems Theory that is applicable to all economies.<sup>25</sup> World Systems Theory argues that international trade specialization and transfer of resources from less developed countries to developed countries (known as “core” countries) prevents development in less developed countries by making them rely on core countries and by encouraging peripheralization.<sup>26</sup> In other words, wealth is taken from semi-periphery or periphery zones to economies in the core countries.<sup>27</sup>

Globalisation is a theory of development that uses a global mechanism of greater integration with particular emphasis on the sphere of economic transactions. It is a US- and Europe-centric positive model of development whose feature is the spread of capitalism around the globe.<sup>28</sup>

Notably, these main theories revolve around the impact of the Global North’s policies and systems on the Global South. The bottom line is that the development agenda of the developing countries in the South seem to be inherently tied to that of the developing nations.

### **3. Need for Contextualised Development for the Global South: Prospects and Challenges**

Some commentators have rightly pointed out that encouragement of growth and increase in wealth without safeguards over distribution of wealth leads to poverty for those who are excluded. In this respect, poverty, seen as human distress, becomes more dramatically noticeable

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<sup>24</sup> Scott Romaniuk, ‘Dependency Theory’ in, Joseph, P., ed., *The SAGE encyclopedia of war: social science perspectives*. Sage Publications, 2016., p. 4.

<sup>25</sup> Shareia, B.F., "Theories of development." *International Journal of Language and Linguistics* 2, no. 1 (2015): 78-90, p. 82.

<sup>26</sup> Ibid, p.82.

<sup>27</sup> Ibid, p. 82.

<sup>28</sup> Shareia, B.F., "Theories of development." *International Journal of Language and Linguistics* 2, no. 1 (2015): 78-90, p. 83.



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in societies where there has been a rise in wealth for some but a widening gap between those who have benefited and those who have not.<sup>29</sup>

Notably, while the Western concept of development largely relies on Gross National Product (hereafter GNP) or Gross Domestic Product (GDP) per capita on which, for example, the World Bank bases its typology of development with occasional citation of other measures of development such as caloric intake, access to portable water, infant and maternal mortality, life expectancy, literacy, and so as representative measures of human development, as distinguished from measures of economic development, some scholars have rightly challenged this approach.<sup>30</sup> While it is acknowledged that none of these measures of the development of humanity can be improved without a certain level of economic well-being relative to the society in which one lives, exclusive reliance on economic quantities such as GNP per capita, however, as standards for the economic development of countries exclude, or at least supersede, these more broadly humanitarian issues.<sup>31</sup> Furthermore, economic measures of wealth generally overlook the environmental costs of growth and the social costs incurred by families and communities as well as discrediting the benefits that accrue from non-monetary sources and social networks.<sup>32</sup>

### **3.1 Response to Covid 19:**

Notably, in most developing countries especially within the urban poor living in slums and other informal settlements, the call for social distancing, self-isolation and other restrictive measures by the Government that are meant to curb the spread of Covid-19 remain difficult if not impossible to implement. This is due to the fact that for them it is a tough call to balance between the risk of contracting and spreading disease or putting up with hunger and possible death. Thus, for them it is a catch-22 situation. Poverty and lack of basic necessities have therefore made it harder to implement the Government's directives on combating Covid-19 among these poor and vulnerable groups of people in the country. It is not enough that the Government is receiving donor funding from donors to fight the pandemic; the systemic challenges of poverty, hunger,

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<sup>29</sup> Bown, L., *What do we mean by Development?*. Development Education Centre and 80: 20 Educating and Acting for a Better World, 1999, p.11.

<sup>30</sup> Debra Straussfogel, 'Redefining Development as Humane and Sustainable' (1997) 87, *Annals of the Association of American Geographers*, 280, at p.281.

<sup>31</sup> *Ibid*, p. 281.

<sup>32</sup> *Ibid*, p. 281.

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disease, illiteracy and corruption, among others still pose a greater challenge to combating Covid-19 in the country and the African continent at large. The pandemic has affirmed that it is difficult if not impossible to contain a poverty-stricken populace even in the greatest external danger. Their first instinct is to fight hunger, which is the most basic survival need.

Kenya's development blueprint, Vision 2030 was launched by the Grand Coalition Government in July 2008. It was the first national long-term development vision and its aim was to transform Kenya into a newly industrialising, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. The three key pillars of this vision are: a sustained average economic growth rate of 10% p.a.; just, cohesive and equitable social development in a clean and secure environment; and an issue-based, people-centred, results-oriented and accountable democracy.<sup>33</sup> This is what is supposed to guide the country's development agenda and any investments should be geared towards achieving this.

The World Bank observes that Kenya has made significant political, structural and economic reforms that have largely driven sustained economic growth, social development and political gains over the past decade. However, its key development challenges still include poverty, inequality, climate change, continued weak private sector investment and the vulnerability of the economy to internal and external shocks.<sup>34</sup> Indeed, Covid-19 has demonstrated the extent to which Kenya's economy is vulnerable to external shocks. While data from the World Bank and the United Nations may paint a positive picture of development in a country, the reality on the ground may be different. Some commentators have even suggested that *"the questions to ask about a country's development are three: What has been happening to poverty? What has been happening to unemployment? What has been happening to inequality? If all three of these have declined from high levels, then beyond doubt this has been a period of development for the country concerned."*<sup>35</sup>

Kenya still struggles with giving positive feedback on the three questions and the situation becomes dire when we look at the rural areas as well as the urban informal settlements

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<sup>33</sup> 'National Development Plan in Kenya'

<<http://www.commonwealthgovernance.org/countries/africa/kenya/national-development-plan/>> accessed 15 May 2020.

<sup>34</sup> 'Overview' (World Bank) <<https://www.worldbank.org/en/country/kenya/overview>> accessed 15 May 2020.

<sup>35</sup> Seers, Dudley, 'The meaning of development' in International Development Review, Dec 1969, Reproduced Lehmann, 1979.

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where there are high levels of poverty. Despite some positive reports on notable improvements, there still exist inequalities in Kenya, as far as access to social, economic and political opportunities are concerned.<sup>36</sup> In September 2018, the United Nations' human development index, which is the index used by the United Nations to measure the progress of a country, ranked Kenya as one of the countries still lagging behind as far as human development is concerned as it was ranked position 142 out of 189.<sup>37</sup> Again, according to the UNDP's *Human Development Report 2019*<sup>38</sup> titled "Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century", as at 2018, 38.7 per cent of Kenya's population or 19.2 million people were poor while an additional 34.9 per cent or 17.3 million people were classified as vulnerable. Even more worrisome is the 2019 survey report released by the Central Bank of Kenya to the effect that about 51 per cent of Kenyans are living hand to mouth, a rise from 34.3 per cent in 2016.<sup>39</sup> The implication of these statistics is that this huge percentage risks hunger in case they are completely contained within their houses. Arguably, fighting poverty is the first step towards a healthy nation and attaining economic freedom. As things stand, Kenya's economy and indeed most of other African countries are highly dependent on the generosity of the Bretton woods institutions and other foreign donors. After the Covid-19 pandemic is over, it would therefore be impossible if not outright hilarious for these African countries to warn the

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<sup>36</sup> 'Kenya: Extreme Inequality in Numbers' (*Oxfam International*, 20 October 2019) <<https://www.oxfam.org/en/kenya-extreme-inequality-numbers>> accessed 22 May 2020; Stefania Iilca and others, 'Socio-Economic Inequality and Inequity in Use of Health Care Services in Kenya: Evidence from the Fourth Kenya Household Health Expenditure and Utilization Survey' (2019) 18 *International Journal for Equity in Health* 196; 'Overview' (*World Bank*) <<https://www.worldbank.org/en/country/kenya/overview>> accessed 22 May 2020; 'Kenya Lags behind in Human Development, UN Report Reveals - Daily Nation' <<https://www.nation.co.ke/news/diaspora/Kenya-lags-behind-in-human-development--UN-report-reveals---/2107720-4760978-98afngz/index.html>> accessed 22 May 2020.

<sup>37</sup> 'Kenya Lags behind in Human Development' (*Daily Nation*) <<https://www.nation.co.ke/news/diaspora/Kenya-lags-behind-in-human-development--UN-report-reveals---/2107720-4760978-98afngz/index.html>> accessed 21 May 2020.

<sup>38</sup> Conceição, P. "Human development report 2019." *Beyond income, beyond averages, beyond today: Inequalities in human development in the 21st century*. New York, UNDP (2019). Available at <http://hdr.undp.org/sites/default/files/hdr2019.pdf> [ Accessed on 16/5/2020].

<sup>39</sup> Central Bank of Kenya, Kenya National Bureau of Statistics and FSD Kenya, *The 2019 Finaccess Household Survey– Financial Sector Deepening Kenya*, April 3, 2019 <<https://fsdkenya.org/publication/finaccess2019/>> accessed 22 May 2020; <https://www.the-star.co.ke/authors/amadala>, '51% of Kenyans Live Hand to Mouth - CBK Report' (*The Star*) <<https://www.the-star.co.ke/business/2019-04-03-51-of-kenyans-live-hand-to-mouth-cbk-report/>> accessed 22 May 2020.

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developed countries to keep off their domestic issues as far as decision-making processes on development are concerned. It is a classic case of he who pays the piper calls the tune.

The Covid-19 pandemic has proved that no matter how industrialized a country becomes, as long as they have not invested in their people through socio-economic and human development, they are truly not independent.

The ongoing Covid-19 pandemic has exposed the challenges that are still facing the country and the African continent at large.<sup>40</sup> The economies have been hit hard and it is expected that the effect will be felt for longer.<sup>41</sup>

Most African countries have resorted to giving out food handouts in form of care packages and monthly stipends to the section of their population that is considered poor and vulnerable and the funds to do this have originated from donors.<sup>42</sup> This was reflected by the World Bank Vice President for Africa's comments that they are "rallying all possible resources to help countries meet people's immediate health and survival needs while also safeguarding livelihoods and jobs in the longer term – including calling for a standstill on official bilateral debt service payments which would free up funds for strengthening health systems to deal with COVID 19 and save lives, social safety nets to save livelihoods and help workers who lose jobs, support to small and medium enterprises, and food security."<sup>43</sup> The April edition of *Africa's Pulse*, the World Bank's

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<sup>40</sup> Damian Zane, "Without Food, We'll Die inside Our Homes" *BBC News* (28 April 2020) <<https://www.bbc.com/news/world-africa-52426040>> accessed 22 May 2020; 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020; 'COVID-19 (Coronavirus) Drives Sub-Saharan Africa Toward First Recession in 25 Years' (*World Bank*) <<https://www.worldbank.org/en/news/press-release/2020/04/09/covid-19-coronavirus-drives-sub-saharan-africa-toward-first-recession-in-25-years>> accessed 22 May 2020.

<sup>41</sup> Union, African. "Impact of the Coronavirus Covid-19 on the African Economy." *Addis Ababa: African Union* (2020); Ozili, P.K. "COVID-19 in Africa: socioeconomic impact, policy response and opportunities." *Policy Response and Opportunities (April 13, 2020)* (2020); Bong, C.L., Brasher, C., Chikumba, E., McDougall, R., Mellin-Olsen, J. and Enright, A., "The COVID-19 Pandemic: Effects on Low-and Middle-Income Countries." *Anesthesia and Analgesia* (2020); Gilbert, M., Pullano, G., Pinotti, F., Valdano, E., Poletto, C., Boëlle, P.Y., d'Ortenzio, E., Yazdanpanah, Y., Eholie, S.P., Altmann, M. and Gutierrez, B., "Preparedness and vulnerability of African countries against importations of COVID-19: a modelling study." *The Lancet* 395, no. 10227 (2020): 871-877;

<sup>42</sup> Ibid; See also 'Grants Not Loans Needed in Africa to Fight' <<https://www.theafricareport.com/25870/fighting-covid19-in-africas-most-vulnerable-states-needs-grants-not-loans/>> accessed 22 May 2020; Andrew Mizner, 'ALB - African Law and Business' (*ALB Legal and Business Issues from Africa*) <<https://iclg.com/alb/11307-african-countries-receive-imf-support-for-covid-19>> accessed 22 May 2020.

<sup>43</sup> 'COVID-19 (Coronavirus) Drives Sub-Saharan Africa Toward First Recession in 25 Years' (*World Bank*) <<https://www.worldbank.org/en/news/press-release/2020/04/09/covid-19-coronavirus-drives-sub-saharan-africa-toward-first-recession-in-25-years>> accessed 22 May 2020.

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twice-yearly economic update for the region, recommended that African policymakers pay attention to saving lives and protecting livelihoods by focusing on strengthening health systems and taking quick actions to minimize disruptions in food supply chains. They also recommend implementing social protection programs, including cash transfers, food distribution and fee waivers, to support citizens, especially those working in the informal sector.<sup>44</sup>

In line with this, Kenya's new scheme, known as the *Covid-19 Support Stipend* which was launched by President Uhuru Kenyatta targets only the most poor and vulnerable.

While the initiative is well meaning, it is not clear if the same will be sustained for long should the pandemic continue for longer. It is also worth pointing out that those considered to be poor and vulnerable are largely being picked based on their income. However, it is also true that a good number of the major town dwellers especially in Nairobi and Mombasa are on salaries and wages and with the continued layoffs at workplaces, it is expected that more people will join this category of the vulnerable. Indeed, this is not unique to Kenya as it is estimated that 85% of the continent's urban dwellers do not receive a regular wage.<sup>45</sup>

This leaves the Government with the hard question as to whether the targeted bracket of people will be expanded. What qualifies or disqualifies one from being eligible to receive the government grants? It is not to be forgotten that the Horn of Africa is still suffering an unprecedented locust invasion and subsequent crop failures.<sup>46</sup> The implication of this invasion is that even after the coronavirus pandemic is over, the affected communities and to some extent the whole country will have to fight hunger and famine that will continue ravaging the country.

With the slowed down economic activities, many people have been left at the mercy of relying on aid and handouts. Indeed, even the Government has been relying on aid from donor countries

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<sup>44</sup> Ibid.

<sup>45</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>46</sup> 'Locust Plague Devastates Crops in Horn of Africa - Reuters' <<https://www.reuters.com/article/us-africa-locusts/locust-plague-devastates-crops-in-horn-of-africa-idUSKBN1ZG1GC>> accessed 22 May 2020; Nathaniel Gronewold News E&E, 'Unprecedented' Locust Invasion Approaches Full-Blown Crisis' (*Scientific American*) <<https://www.scientificamerican.com/article/unprecedented-locust-invasion-approaches-full-blown-crisis/>> accessed 22 May 2020; 'East Africa's Plague of Locusts and the Bizarre Climate Science behind It' <<https://www.nationalgeographic.com/science/2020/02/locust-plague-climate-science-east-africa/>> accessed 22 May 2020.

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and organisations in order to take care of its people. While this may not only be limited to Kenya, it is evident that the situation is mostly common with the African countries.<sup>47</sup>

Questions have arisen as to whether, with the rising cases of coronavirus pandemic, donors will continue giving donations to the developing countries, mostly in the global south or they will focus on their own people who are also affected.<sup>48</sup> It has been observed that with countries focusing on their own outbreaks and economic turmoil, they could hesitate to contribute more abroad, potentially allowing the virus to take hold in vulnerable communities.<sup>49</sup> This is an eye opener for the Global South countries as far as over-reliance on donor funding and aid is concerned. Indeed, some African commentators have rightly pointed out that COVID-19 has changed the world especially in relation to donor aid. It is feared that it could lead to significant setbacks in the fight against poverty as developed countries turn inwards, thus changing the nature of aid as we know it.<sup>50</sup> African countries are therefore encouraged to consider this as an opportunity to reset their priorities, where the African countries learn to own their problems and invest in their homegrown lasting solutions.<sup>51</sup>

The mismanagement and/or non-priority utilisation of funds is evident across Africa in terms of Africa's infrastructural deficit, now badly exposed by coronavirus.<sup>52</sup> Reports show that Africa has the lowest number of doctors per capita in the world, with the likes of Uganda limited to just 1 doctor per 10,000 people.<sup>53</sup> It is even surprising that these countries still export doctors

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<sup>47</sup> 'Grants Not Loans Needed in Africa to Fight' (*The Africa Report.com*, 9 April 2020) <<https://www.theafricareport.com/25870/fighting-covid19-in-africas-most-vulnerable-states-needs-grants-not-loans/>> accessed 22 May 2020.

<sup>48</sup> 'Will the Coronavirus Endanger Foreign Aid?' (*Council on Foreign Relations*) <<https://www.cfr.org/in-brief/coronavirus-endanger-foreign-aid-who/>> accessed 22 May 2020.

<sup>49</sup> Ibid.

<sup>50</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>51</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>52</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>53</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020; 'Medical Doctors (per 10 000 Population)' <<https://www.who.int/data/maternal-newborn-child-adolescent/monitor>> accessed 22 May 2020; 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020)

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or allow brain drain due to poor pay and poor working conditions, losing them to the developed world countries despite the shortage and the dire need for their services at home, due to a high disease burden and already fragile health systems.<sup>54</sup> At the same time, they still import doctors from countries such as Cuba<sup>55</sup>, Kenya, Uganda and South Africa being some of the examples.<sup>56</sup>

The sad reality is that while these foreign doctors were expected to facilitate knowledge, skills and technology transfer, and have indeed impacted positively on the recipient countries' health sector, the host countries have not done much to facilitate this by way of investing in the relevant infrastructure.<sup>57</sup>

The statistics paint a grim picture of African countries' priorities as far as development is concerned especially in consideration of the fact the greatest threat to Africa is not posed by the pandemic itself; it is posed by careless African leaders, abdicating the responsibility for development and care for their citizens.<sup>58</sup>

Political leaders and policymakers must take up the challenge and review their priorities when it comes to investments for national development. They must start paying serious attention to

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<<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020; 'Lowest Physicians Density Worldwide by Country 2016' (*Statista*) <<https://www.statista.com/statistics/280151/countries-with-the-lowest-physicians-density-worldwide/>> accessed 22 May 2020; abairdqz, 'Africa Has about One Doctor for Every 5000 People' (*Quartz*) <<https://qz.com/520230/africa-has-about-one-doctor-for-every-5000-people/>> accessed 22 May 2020.

<sup>54</sup> 'Diagnosing Africa's Medical Brain Drain | Africa Renewal' <<https://www.un.org/africarenewal/magazine/december-2016-march-2017/diagnosing-africa%E2%80%99s-medical-brain-drain>> accessed 22 May 2020; Olayinka Stephen Ilesanmi Ibadan University of, 'As Nigeria's Health Infrastructure Crumbles, Doctors Have Become a Key Export' (*Quartz Africa*) <<https://qz.com/africa/1657343/why-nigerias-doctors-are-leaving-in-droves/>> accessed 22 May 2020; Robbert J Duvivier, Vanessa C Burch and John R Boulet, 'A Comparison of Physician Emigration from Africa to the United States of America between 2005 and 2015' (2017) 15 *Human Resources for Health* 41; Alon Mwesigwa, 'Uganda Crippled by Medical Brain Drain' *The Guardian* (10 February 2015) <<https://www.theguardian.com/global-development/2015/feb/10/uganda-crippled-medical-brain-drain-doctors>> accessed 22 May 2020; Akhenaten Benjamin Siankam Tankwanchi, Çağlar Özden and Sten H Vermund, 'Physician Emigration from Sub-Saharan Africa to the United States: Analysis of the 2011 AMA Physician Masterfile' (2013) 10 *PLOS Medicine* e1001513.

<sup>55</sup> 'How Doctors Became Cuba's Biggest Export' (*Time*) <<https://time.com/5467742/cuba-doctors-export-brazil/>> accessed 22 May 2020.

<sup>56</sup> 20/1/2020, 'When Cuban Doctors Leave...' (*Daily Nation*) <<https://www.nation.co.ke/health/when-cubans-leave/3476990-5424908-cv5o0n/index.html>> accessed 22 May 2020; Reuters, 'Cuba Sends Doctors to South Africa to Combat Coronavirus' (*The Standard*) <<https://www.standardmedia.co.ke/article/2001369161/cuba-sends-doctors-to-south-africa-to-combat-coronavirus>> accessed 22 May 2020; 'How Doctors Became Cuba's Biggest Export' (*Time*) <<https://time.com/5467742/cuba-doctors-export-brazil/>> accessed 22 May 2020.

<sup>57</sup> 20/1/2020, 'When Cuban Doctors Leave...' (*Daily Nation*) <<https://www.nation.co.ke/health/when-cubans-leave/3476990-5424908-cv5o0n/index.html>> accessed 22 May 2020.

<sup>58</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

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socio-economic and human development through such initiatives as adequate investment in education and health for inclusive growth and meaningful participation of groups vulnerable to poverty.

**4. Redefining Development in Kenya- Adopting a Customised Global South Perspective on Development**

Historically, the less developed countries have not defined what development means for their societies and are indeed considered as less developed based on the criteria delineated by the so called developed countries; instead, the values of the more developed countries are imposed on those societies which, from the eurocentric perspective, do not possess all the requisite development criteria. These criteria, therefore, become the measures of development denoting progress toward desired goals.<sup>59</sup> This has often led to underdevelopment or white elephant projects at the expense of people-centred development that would actually impact on the livelihoods of their people. Development in Kenya and other African countries should focus on poverty eradication, economic empowerment of people, eliminating illiteracy, strengthening democratic and governance processes and institutions and fighting corruption.

Poverty eradication, sustainable economic growth and environmental sustainability are considered to be the key pillars of development plans in most African countries.<sup>60</sup> In addition, there is consensus that natural resources, especially those of land, soil, water, forest, plant and animal diversity, vegetation, renewable energy sources, climate change and ecosystems services are fundamental for improving livelihoods and achieving sustainable development in Africa.<sup>61</sup> As already pointed out, one of the components of development is participation in decisions about how these resources will be applied. It is therefore arguable that it is not enough in an African country that its natural resources are utilised for what is considered to be national development but the targeted populace must also be included in making such decisions. Appropriation of

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<sup>59</sup> Debra Straussfogel, 'Redefining Development as Humane and Sustainable' (1997) 87, *Annals of the Association of American Geographers*, 280, at p.280.

<sup>60</sup> Sanginga, P.C., Ochola, W.O. and Bekalo, I., "Natural resource management and development Nexus in Africa." *Managing Natural Resources for Development in Africa: A Resource Book* (2010): 11-43, at p.11. Available at <https://www.idrc.ca/sites/default/files/openebooks/506-9/index.html> [Accessed on 17/5/2020].

<sup>61</sup> Ibid, p.11.



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available resources must be done in a way that takes into account the views of those expected to benefit. As already agreed that the development needs of each country differ from the rest, it is also when it comes to the regional parts of the country. What may be pressing for the residents of Nairobi may not be a priority or even a need at all for people living in the Western part of the country.

As an attempt to enhance Kenya's economic development, President Uhuru Kenyatta during his inauguration speech for the second term, unveiled the Big Four Agenda on food security, affordable housing, manufacturing and affordable healthcare. Kenya's current development plans are aligned towards these priorities in which the government plans to create 1.3 million jobs in the manufacturing sector by 2022 in order to pave the way for Kenya's future: moving from a lower middle-income to an upper middle-income economy by the year 2030.<sup>62</sup> Some commentators have however argued that while all the four agenda items are undoubtedly important pillars in enabling the achievement of SDGs, whether they do end up supporting the attainment of SDGs or not will so much depend on the economic strategy chosen; policy choices embedded in such a strategy; as well as the ways and means of implementation.<sup>63</sup> They also observe that an economic growth path that is widening inequalities leaves experts worried whether all these notable efforts would help the country meet its stated Vision 2030 and global ambitions.<sup>64</sup>

It is evident that Kenya is still ravaged by poverty and there is need to relook into what the decision making organs and agencies consider to be poverty. As one commentator has argued, policy makers and governments should look at other dimensions of poverty beyond income because income does not speak to what people can do, or how they can improve their own situation.<sup>65</sup> Interventions must be targeted to the type of poverty they are meant to fix – and

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<sup>62</sup> 'Linking Local Aspirations to Global Frameworks for Sustainable Development | KCIC' <<http://www.kenyacic.org/blog/linking-local-aspirations-global-frameworks-sustainable-development>> accessed 21 May 2020.

<sup>63</sup> 'Linking Local Aspirations to Global Frameworks for Sustainable Development | KCIC' <<http://www.kenyacic.org/blog/linking-local-aspirations-global-frameworks-sustainable-development>> accessed 21 May 2020.

<sup>64</sup> 'Linking Local Aspirations to Global Frameworks for Sustainable Development | KCIC' <<http://www.kenyacic.org/blog/linking-local-aspirations-global-frameworks-sustainable-development>> accessed 21 May 2020.

<sup>65</sup> 'Redefining Poverty in Kenya's Fishing Villages' <<https://rethink.earth/redefining-poverty-in-kenyas-fishing-villages/>> accessed 22 May 2020.

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to unexpected groups that may not seem to be poor at first glance.<sup>66</sup> Arguably, generalized approaches to poverty eradication may not achieve lasting outcomes since some poor groups may be left out of empowerment programmes only for them to fall further into the poverty at a later time, thus counteracting the government's efforts to comprehensively address poverty.

The pandemic lays bare Africa's challenges and inadequacies of its development agenda. The 'investments' meant to boost development over the years were clearly not well thought out. The socio-economic development agenda of the African countries has been neglected. This is closely connected to the human development, which again, has been neglected for many years. Human development heavily relies on the socio-economic development agenda and if any lasting results are to be realised, then the two must go hand in hand. The basic objective of human development should be enlarging people's choices by creating an enabling environment for people to enjoy long, healthy and creative lives, to be educated, and to enjoy a decent standard of living, political freedom, guaranteed human rights and self-respect.<sup>67</sup>

Arguably, the African Continent should be looking at COVID-19 as an opportunity to reset their politics, policies and economies and in response to this, if donors want to be partners to African countries in the long-term, they should reset theirs too.<sup>68</sup> Africa should learn to be self-reliant and move away from the begging mentality that has not only made it become excessively dependent on the generosity of others, but has also made it vulnerable to changes of circumstance such as the current global economic meltdown due to corona virus pandemic.<sup>69</sup> There is a need for these countries especially those in the South to revisit and redefine what they consider development. This may not be as easy as it sounds. It has been pointed out by some scholars that the Global North donors' influence on the agenda setting of Global South recipients cannot be ignored.<sup>70</sup> Indeed, it has been concluded through past evaluations of project aid that it led to: (i) a high administrative burden on recipients due to multiple reporting and

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<sup>66</sup> Ibid.

<sup>67</sup> Kiriti, T. and Tisdell, C.A., *Gender inequality, poverty and human development in Kenya: Main indicators, trends and limitations*. No. 1745-2016-141001. 2003, p. 1.

<sup>68</sup> Ibid.

<sup>69</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>70</sup> Bradley, M., "Whose agenda? Power, policies, and priorities in North-South research partnerships," *Putting Knowledge to Work: Collaborating, influencing and learning for international development* (2017): 37-70.

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accounting requirements; (ii) inefficient spending dictated by donor priorities and procurement arrangements; (iii) highly unpredictable funding levels; (iv) undermining of state systems through parallel structures and staffing; (v) corrosion of democratic accountability through mechanisms to satisfy donor rather than domestic accountability; (vi) difficulties in ensuring sustainability; and (vii) openness to corruption.<sup>71</sup>

It is thus known that when funds are available to a country, there are certain terms and conditions on how the same should be utilised, sometimes to promote the interests of the donor organisations and/or countries. For instance, it has rightly been pointed out that while Africa receives more than \$60 billion every year in aid, much of this is not spent on Africans themselves, of course, but on services from donors, such as Western management consultants. Around one-fifth of total bilateral aid in 2012, for example, went back to donor countries or took the form of debt relief.<sup>72</sup> In addition, much aid, too, is wasted by going to regimes that lack the governance or policies to further development. Rather than using it for the benefit of their populations, this much-needed funding is used instead to shore up political power.<sup>73</sup>

With such outcomes, it is arguable that the solutions for the Global South will not be found within donor funding. The political leaders and policymakers from the African countries must therefore reconsider their approaches to the development agenda in their countries and focus more on approaches that directly benefit their people.

While the Global South encompasses developing countries across different continents including Africa and Asia, African countries seem to be lagging behind other Global South regions as far as taking charge of their development agenda is concerned. While the donors set the agenda in Africa, this is not the case in most Asian countries. For example, it has been observed that in much of Asia, countries took ownership of their own development, setting priorities and leading donors, unlike in Africa, where the countries are led by our donors. As a result, many externally-funded roads, railways and ports – especially in the case of China – are

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<sup>71</sup> Handley, G., Higgins, K. and Sharma, B., *Poverty and poverty reduction in sub-Saharan Africa: An overview of the issues*. Overseas Development Institute, 2009, p. 23.

<sup>72</sup> ‘Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.’ (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>73</sup> ‘Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.’ (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

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motivated by vanity or opportunities for individual profit rather than their benefits for citizens.<sup>74</sup> The positive steps in Asia are further reflected in improvement in human development, where the 2018 UN report on human development noted that South Asia was the fastest growing region over 1990–2017, at 45.3 percent, followed by East Asia and the Pacific at 41.8 percent and Sub-Saharan Africa at 34.9 percent.<sup>75</sup>

Kenya and the African continent need to take charge of their development agenda and truly focus on what will benefit their people. They must ask themselves whether every development project they are carrying out is for selfish interests or for the common good of their people.

Lawmakers and policymakers need to ensure that they put in place governance structures that will uplift the lives of citizens through promoting good governance and holding accountable those charged with utilising public funds. As expected of law in its role to promote development, the Constitution of Kenya 2010 outlines the national values and principles of governance which must bind all State organs, State officers, public officers and all persons whenever any of them—applies or interprets the Constitution; enacts, applies or interprets any law; or makes or implements public policy decisions.<sup>76</sup> These values include: (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people; (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised; (c) good governance, integrity, transparency and accountability; and (d) sustainable development.<sup>77</sup>

These values and principles of governance are geared towards creating a socially just society where all persons equally and equitably enjoy high socio-economic and human development benefits. The inclusion of sustainable development as one of the national values and principles of governance also speaks volumes as to the path that national development agenda is expected to take. It is a path that is supposed to empower the citizens socially, economically and politically

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<sup>74</sup> 'Aid Has Failed. COVID-19 Both Exposes This and Offers the Chance for a Reset.' (*African Arguments*, 16 April 2020) <<https://africanarguments.org/2020/04/16/aid-has-failed-coronavirus-covid-19-both-exposes-this-and-offers-the-chance-for-a-reset/>> accessed 22 May 2020.

<sup>75</sup> UNDP, UNDP. "Human development indices and indicators: 2018 statistical update." (2018): 22-25, at p.22.

<sup>76</sup> Art. 10(2) (d), Constitution of Kenya.

<sup>77</sup> See Art. 10(1), Constitution of Kenya 2010.

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(giving them a voice) while at the same time meeting their basic needs in a sustainable way for the good of the current and future generations.<sup>78</sup>

This is also reflected under Article 43 of the Constitution which guarantees the rights of every person to an adequate standard of living for all and this encompasses right to adequate food, clothing, shelter, clean and safe water, education, health and social security.

Faced with the threat of Covid-19, locusts' invasion and raging floods across the country, these should serve as a wakeup call for the National and County Governments on what really matters for their people. The county governance system was introduced to take development nearer to the people. This also meant that such development should be implemented with closer and frequent consultation and participation of all the affected groups of people. As already pointed out, there have been instances where a large chunk of donor funds is directed towards administrative activities, for both local and the foreign human resource activities, leaving a barely enough percentage to go towards the actual projects. This is a trap that even the national and county governments have often found themselves in. Their primary focus should be to ensure the implementation of Article 43 of the Constitution of Kenya 2010 on socio-economic rights. While infrastructural development across the country is important, the socio-economic

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<sup>78</sup> See also Art. 42-Right to Clean and Healthy environment which includes the right—to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Art. 69; and to have obligations relating to the environment fulfilled under Art. 70.

Article 69 outlines the State and individual obligations in respect of the environment. Clause (1) provides that the State shall—(a) ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits; (b) work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya; (c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities; (d) encourage public participation in the management, protection and conservation of the environment; (e) protect genetic resources and biological diversity; (f) establish systems of environmental impact assessment, environmental audit and monitoring of the environment; (g) eliminate processes and activities that are likely to endanger the environment; and (h) utilise the environment and natural resources for the benefit of the people of Kenya.

Article 70(1) provides that if a person alleges that a right to a clean and healthy environment recognised and protected under Art. 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter. Clause (2) thereof provides that on application under clause (1), the court may make any order, or give any directions, it considers appropriate—(a) to prevent, stop or discontinue any act or omission that is harmful to the environment; (b) to compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or (c) to provide compensation for any victim of a violation of the right to a clean and healthy environment.

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rights of communities deserve equal if not more attention. One cannot negotiate or consult with a hungry person on the best types of roads to put up within the counties. That is not to say that the infrastructural development activities are not important, but they do not fall within the definition of basic needs of human beings.

The various socio-economic rights as outlined under Article 43 may currently be at different stages of realisation by the national and county governments for the different regions and counties. The aspirations and social realities of the different regions may also mean differing priorities. For these reasons, it may be beyond the scope of this paper to offer recommendations on the best way forward on realising the same. However, as held in various domestic court cases, these social and economic rights should be progressively realised. Lady Justice Mumbi Ngugi, J. held in *Mitubell Welfare Society vs. The Attorney General & 2 Others, Petition No. 164 of 2011* that;<sup>79</sup>

*"The argument that socio-economic rights cannot be claimed at this point two years after the promulgation of the Constitution ignores the fact that no provisions of the Constitution is intended to wait until the state feels it is ready to meet its constitutional obligations. Article 21 and 43 require that there should be "progressive realization" of socio-economic rights, implying that the state must be seen to be taking steps, and I must add be seen to take steps towards realization of these rights.....Granted also that these rights are progressive in nature, but there is a constitutional obligation on the state, when confronted with a matter such as this, to go beyond the standard objection....Its obligation requires that it assists the court by showing if, and how, it is addressing or intends to address the rights of citizens to the attainment of the socio-economic rights, and what policies, if any it has put in place to ensure that the rights are realized progressively and how the Petitioners in this case fit into its policies and plans."*

It was also acknowledged in *Isaac Kipyego Cherop v State Ministry of Water & 142 others [2017] eKLR, Petition 348 of 2015*, that “Rights under Article 43 of the Constitution can only be realized progressively. The State cannot realize this right for every Kenyan in one investment”.

The import of this is that the real development should mainly be geared towards making tangible and lasting investments for the realisation of the socio-economic rights as guaranteed under Article 43 of the Constitution. It is the high time that the political leaders and policy makers

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<sup>79</sup> See also *In the Matter of the Principle of Gender Representation in the National Assembly and the Senate [2012]eKLR, Advisory Opinions Application 2 of 2012* .

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realised that the solutions to most of the challenges facing their people during this period of the Covid-19 pandemic will not be solved by the foreign aid and donations but by conscious homegrown solutions developed through people-centred investments. The national development agenda such as the Vision 2030 and other development initiatives should guide their expenditure. Corruption should also be firmly dealt with as it is also a huge threat to achieving these aspirations.

The concept of development in the country as we know it must be revisited so as to ensure that it captures the aspirations of the local people since what they feel about it also matters. Development should offer them the freedom from the shackles of poverty, hunger, illiteracy and other social ills.<sup>80</sup> The concept of development is both objective and subjective and the policymakers must thus always bear this in mind when coming up with development projects and programmes. The Development programmes, plans and projects must start working towards empowering people so that they can stand on their own. The country must start investing in its own people and also work towards building wealth that would not only cushion the national economy against internal and external shocks such as the current pandemic but also cushion the public against abject poverty and the extreme levels of vulnerability. While it may certainly not be feasible for the country to immediately stop their reliance on foreign aid, such funds must be redirected towards building a solid economy that will take the country towards self-reliance in future. The country must aggressively start the aspirational journey towards economic and social freedom of its people in the near future.

## **5. Conclusion**

The Covid-19 pandemic has devastated economies and lives across the world. However, it is arguable that there is no other region that has been hit harder by these adverse effects than the Global South and especially the African continent. This paper urges that the political leaders and policy makers in the African continent and especially Kenya need to learn from the pandemic and focus on redefining their priorities when it comes to development agenda. They must not

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<sup>80</sup> Sen, A., *Development as freedom*. Oxford Paperbacks, 2001; Sen, A., "The concept of development." *Handbook of development economics* 1 (1988): 9-26; Giri, A.K., "Rethinking human well-being: a dialogue with Amartya Sen." *Journal of International Development: The Journal of the Development Studies Association* 12, no. 7 (2000): 1003-1018.

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compete with the developed world in getting to the so called mass consumption stage of development as envisaged by the modernisation theory before they ensure that their people have access to the most basic human rights to food, shelter, education and health. They must acknowledge that development is context-based and differs from country to country. The development agenda of a country must be informed by their local aspirations and the international agenda should only be used to facilitate realisation of the domestic agenda.

We must change our choices as a country and ensure that the period post-covid-19 will mark a new beginning-point towards building a better economy and spurring growth and development that focuses on the local problems of the people. There is certainly a need to reflect on and redefine the concept of development in Kenya. The Covid-19 pandemic has taught us lessons that we cannot ignore.

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