



Strategy for Establishing National Disability Multiparty Caucus (NDMC)



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Foreword

WFD through KIPP III seeks to strengthen the ability of political parties and strategic actors to maintain momentum on disability issues as part of the political agenda. KIPP intends to support the political parties to establish a multiparty caucus that will be committed to strengthening inclusive multi-party democracy and to strengthen inclusive multi-party democracy and the engagement of persons with disabilities in political parties.

Informed of this, WFD supported the engagement meetings aimed at drafting a strategy for the establishment of an innovative National Disability Multiparty Caucus (NDMC). The strategy is a critical guide to the NDMC in rationalizing its existence, membership and leadership structure and spells out its entity and mandate. Also, the strategy provides ideas on the sustainability strategies, identifies the potential risks and mitigation strategies, and identifies the stakeholders who are critical to the success of NDMC. Lastly, it provides the timelines for key activities that will be undertaken to aid in the take-off of the NDMC.

The development of this strategy was highly participatory. The first step involved holding an engagement meeting with a technical team from the 20 political parties. The workshop was held for a day on 21/02/2024 which led to the development of the first draft. A second meeting was held on 05/03/2024 with the same technical team to validate the first draft. Another validation workshop was held on 12/03/2024 targeting the leadership of the 20 political parties. The Strategy was launched on 19/03/2024 officially marking its inception.

We greatly acknowledge the support of the political parties, and disability leagues who shared their ideas during the development of this strategy. We also acknowledge the financial support from Demo Finland and the administrative support from the WFD team. We thank Wisena Consultancy for the technical support provided in developing this Strategy.

WFD hopes that the stakeholders will highly support this innovative idea that will ensure more meaningful and inclusive participation of persons with disabilities in the political parties.

Maureen Oduori
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1.0. Background

The Westminster Foundation for Democracy (WFD) through funding from Demo Finland is implementing the Kenya Inclusive Political Parties (KIPP) Programme Phase III which seeks to strengthen the ability of political parties and strategic actors to maintain momentum on disability issues as part of the political agenda. KIPP is currently working with 20 political parties to facilitate deliberate strategies aimed at strengthening the ability of political parties, through structural and policy reforms, thus promoting more inclusive political discourse and policy-making.

WFD through KIPP developed a focused and targeted technical support programme delivering core capacity building, training, and mentoring to political party leadership on policies and issues linked to disability inclusion. WFD is providing technical support to targeted political parties towards the realization of inclusive multi-party democracy in Kenya.

Through the continued engagement with the political parties, there has been a notable urge for the establishment of a National Disability Multiparty Caucus (NDMC) that seeks to collectively advocate for political commitment to disability inclusion. To further strengthen inclusive practice within political parties nationally, KIPP intends to support the political parties that share a similar disability-inclusion agenda to establish NDMC. The proposed NDMC will draw membership from the political parties committed to strengthening inclusive multi-party democracy and that strives to set a common agenda that supports the engagement of persons with disabilities in political parties. On request of the 20 political parties, WFD is supporting the contextualization of the NDMC.

2.0. The Rationale of Establishing NDMC

2.1. What is the Problem?

The participation of persons with disabilities in political parties is a right as provided in the international and national legal instruments including the Convention on the Rights of Persons with Disabilities (CRPD), the Constitution of Kenya and the Political Parties Act (2011). These legal instruments promote equality and inclusion of persons with disabilities in political and public matters. Therefore, political parties have a legal and moral obligation to ensure that the needs of members with disabilities are given the attention they deserve towards achieving inclusion.

Persons with disabilities within the political parties acknowledge the efforts that have been made by the political parties and other players towards promoting the inclusion of persons with disabilities. The ORPP and IEBC have been enforcing the legal requirements on the same. Stakeholders such as WFD have been partnering with political parties to build their capacity towards disability inclusion. As a result, one of the key achievements is that many political parties have members of persons with disabilities and have formed disability leagues. Many political parties have made policy commitments to include persons with disabilities in their structures and activities.

However, there are some gaps realized in the inclusion of persons with disabilities in the political parties. Some of these challenges are outlined below.

- a) Inadequate institutionalisation and lack of genuine goodwill from political party leadership. Despite the progress made within the political parties on the inclusion of persons with disabilities in the structures, many feel that most of the political parties included persons with disabilities as a compliance issue rather than as genuine goodwill from the party leadership. It is noted that the challenges are known and universal to all political parties, yet they are not accorded the attention they deserve.
- b) Limited financial support from the Political Parties Fund and the political parties towards the activities of the disability leagues. This leads to limited activities that disability leagues can undertake.
- c) Underrepresentation in elective positions. The underrepresentation of persons with disabilities in elective and nominative positions evidences a lack of genuine support. The political parties ought to have facilitated better

representation of persons with disabilities in the parliament and the county assemblies. Still, the political parties were not keen on facilitating their representation.

- d) Inability to facilitate post-election petitions. Aspirants with disabilities who feel aggrieved from the political competition have a right to file a court case. However, many aggrieved aspirants could not file petitions due to the high cost of filing court cases and the technicalities involved.
- e) Low level of awareness among members of political parties with disabilities. The lack of awareness of their political rights and their respective responsibilities limits their meaningful participation in political party activities.

All these challenges are interlinked and in effect curtail the political ambitions of members with disabilities which are the very essence of being in political parties.

2.2. Legal Justification

The participation of persons with disabilities in the political parties is a right as provided in the international and national legal instruments including the Convention on the Rights of Persons with Disabilities (CRPD), the Constitution of Kenya and the Political Parties Act (2011).

Internationally, the UN Convention on the Rights of Persons with Disabilities (UNCRPD) is the key legal instrument that protects the rights of persons with disabilities. Article 5 obliges the State to recognize the equality of all people before and under the law and equal protection without any discrimination. It also requires the State to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.”

Further, Article 29 provides the right to participate in the political and public life of a country. The CRPD Article 29 (a) requires the State to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives.” In addition, Article 29(b) requires the State to promote an environment in which persons with disabilities can “effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs. Such structures of participation

under Article 29(b)(1) include the participation in non-governmental organizations and associations concerned with the public and political life of the country and the activities and administration of political parties.

Additionally, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, also known as the African Disability Rights Protocol complements the UNCRPD by addressing the rights of persons with disabilities from an African perspective. Article 21(1) provides a person with disability a right to participate in political and public life. Article 21(2) obliges the State Party to take policy, legislative and other measures to achieve political rights.

At the national level, the Constitution of Kenya 2010 provides several political rights to all its citizens. Under Article 10(2)(b), one of the national values and principles of governance is to ensure equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised. Article 38 provides political rights and notes that every citizen is free to make political choices, form, or participate in forming a political party and participate in the activities of, or recruit members for, a political party. Article 54(2) requires that the State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.

The Political Parties Act (2011) guides the registration, regulation and funding of political parties, and for connected purposes. Section 5 (a) and (c) require every political to respect the right of all persons to participate in the political process including youth, minorities and marginalized groups and to be tolerant and inclusive in all their political activities. Further, Section 6(d) requires every political party to respect, uphold and promote human dignity, equity, social justice, inclusiveness, non-discrimination and protection of the marginalized.

The above legal instruments justify the formation of a structure that will lead to better achievement of the right of persons with disabilities to participate in national political and public activities.

3.0. Entity, Mandate and Activities

3.1. Entity

The proposed name of the entity will be “National Disability Multiparty Caucus” abbreviated as ‘NDMC’. The NDMC will be a non-governmental association with no legal status. It will draw its mandate and legitimacy from the disability leagues under the political parties.

3.2. Mandate

The proposed mandate of the NDMC will strengthen inclusive multi-party democracy and the inclusion of people with disabilities across the political parties.

3.3. NDMC Activities

The NDMC will identify some of the key activities that will be aligned with its mandate. Some of the major activities are listed below.

- a) Review the political party's internal policies to establish the specific rules and procedures related to mission, ideologies, membership, leadership, and decision-making processes and agree on how they lead to a shared vision of NDMC.
- b) Assess the legal compliance by political parties with the relevant Kenyan laws on the inclusion of persons with disabilities.
- c) Promote inclusion of persons with disabilities in the political party structures and secretariat.
- d) Appraise the internal governance including the political party leadership (such as the secretariat, top organs, committees and caucuses), and check their level of awareness of their roles and obligations concerning inclusion.
- e) Conduct sensitization on disability inclusion compliance within the political parties.
- f) Members can actively participate in their PP decision-making processes, ensure laws and internal policies are followed and raise concerns or objects when cases of non-compliance are observed.
- g) Support in addressing issues of internal non-compliance by discussing with the political party leadership or committee members in cases where the political parties are adamant about implementing the laws and policies. NDMC members can take legal action when issues cannot be resolved internally.
- h) Conduct periodic monitoring of disability inclusion compliance within the political parties.

- i) Provide technical input into political activities such as party nominations to ensure inclusion.
- j) Harmonize the interventions by political institutions towards the inclusion of persons with disabilities.
- k) Lobby and advocate to resolve the common political issues affecting persons with disabilities within the parties and at the national level.
- l) Link with other interest groups and caucuses e.g. KEPIDA and CADICA to promote political inclusion.
- m) Jointly lobby for the inclusion of persons with disabilities through different mechanisms.
- n) Link with state political actors (ORPP, IEBC, NCWPD) for enforcement and promotion of political inclusion.
- o) Participate in the review of related national disability policies and laws.
- p) Periodically review and report its activities to all its members and the relevant stakeholders.

4.0. Membership, Leadership and Coordination

To ensure proper and coherent function, any organization ought to be clear on its formation, leadership and coordination mechanisms.

4.1. Membership

Below are the general guidelines on the membership of the NDMC.

- a) The NDMC proposed membership will be drawn from the political parties that are committed to strengthening inclusive multi-party democracy and that strive to set a common agenda that supports the participation of persons with disabilities.
- b) The representatives will be drawn from the Disability Leagues of the respective political parties.
- c) Political parties will nominate two consistent representatives for the NDMC.
- d) Nominated representatives should be registered with the National Council for Persons with Disabilities while considering a mix of gender, age, cross-disability and other factors.

4.2. Leadership and Coordination

The NDMC will be led and coordinated by an organized structure. Some of the guidelines for the leadership and coordination structures are provided below.

- a) The members nominated by the political parties will hold their initial meeting. During the initial meeting, they will elect interim officials.
- b) The conventional leadership structure including the President, Vice President, Secretary and treasurer may be adopted.
- c) In the spirit of inclusive participation, the NDMC may be coordinated through the agreed-upon committees.
- d) Rotational and co-leadership models with term limits (to be agreed upon) may be explored while ensuring diversity in leadership. NDMC will explore other models such as the PPLC structure.
- e) The frequency of meetings will be agreed upon by the members.

5.0. Stakeholder Management

Some important stakeholders will be of significance in the formation and running of the NDMC. Each stakeholder will be managed strategically to rally their support.

No.	Key Stakeholder	Role	Engagement Strategy
1.	IEBC	Advisory and enforcement of compliance	Co-option into the process of forming NDMC
2.	ORPP	Advisory and enforcement of compliance	Co-option into the process of forming NDMC
3.	NGEC	Promotes disability inclusion and non-discrimination	Seek support on disability inclusion
4.	Mother Political Parties & DLs	• Guarantee the legitimacy of NDMC • Sensitize other party organs about NDMC • Nominate two representatives to the NDMC • Allow and support the nominated members to participate in the NDMC activities	Strategic communication, sensitization, request to appoint representatives into NDMC
5.	WFD	Capacity building Build linkages and networks	• Support in transition and sustainability strategy • Process review • Interim convener of meetings

			• Introducing the NDMC
6.	Partners	Capacity building and building linkages and networks	Awareness creation
7.	Judiciary	Access to justice related to the representation of PWDs Sensitization of members of PP on the court process	Engage the Judiciary to review the court fees to become friendly Sensitization on the role of NDMC
8.	Media	Awareness creation, credibility	Inviting media in strategic meetings
9.	Parliament and County Assembly	Legislation on relevant inclusion laws	Review of PPA to increase funding for PWDs and other SIGs Implementation of 5%
10.	KEDIPA	Lobby groups on the rights of persons with disabilities	Partner in lobbying for legislation
11.	CADICA	Lobby groups on the rights of persons with disabilities	Partner in lobbying for legislation
12.	Organizations of Persons with Disabilities	Lobby groups on the rights of persons with disabilities	Networking and advocacy for disability inclusion
13.	MDAs (e.g NCPWD)	Monitoring, implementation and enforcement of disability-related inclusion policies	Engagement and partnership

6.o. Potential Risks and Mitigation Strategies

Just like any other formation, there are potential risks that might derail the formation and the success of the NDMC formation and its activities. The table below provides an analysis of the risks of the respective mitigation strategies.

Potential Risk	Potential impact to NDMC	Likelihood (high, medium, low)	Mitigation Strategy
Political interference from PP that are not members of NDMC	May derail NDMC from achieving its role	Medium	• Create awareness and sensitization on the roles of NDMC • Develop TOR for the NDMC
Lack of goodwill from some political parties	The backlash from PP leadership with the claim that NDMC IS isolating and creating another centre of power	Low	• Strategic transition management including communicating intentions and awareness • Create allyship with influential stakeholders and players
Lack of legitimacy and recognition of NDMC by ORPP and IEBC	NDMC may lack backing to implement its activities	Low	• Engagement with ORPP and IEBC to advise on the legitimacy • Seek enforcement of inclusion of persons with disabilities in the political parties
Differences in party ideologies	May derail the functions of NDC	Medium	Analyse and consolidate the common interests across the PP
Peer and unhealthy infighting and struggle for leadership with the NDMC	Slow the activities of NDMC	Medium	• Develop a criterion for leadership that considers parameters of integrity, diversity and merit • Agree on the terms of elections

7.0. Sustainability of NDMC

The NDMC needs to sustain its existence by undertaking several strategies listed below.

- a) Develop clear terms of reference that outline the mandate of the NDMC
- b) Develop a strategic advocacy framework to engage the political parties and state actors like ORPP, IEBC, NCWPD and the Judiciary.
- c) Form and strengthen individual political party disability leagues
- d) Draw a transition plan and WFD to intermediate the transition
- e) Seek recognition and legitimacy from the respective political parties
- f) Work with key stakeholders such as ORPP to support its activities
- g) Establish a well-structured and vibrant leadership that will ensure accountability to its members and the political parties
- h) Strategize for resource mobilization that will garner resources for NDMC operations. The NDMC can explore development partners such as WFD, CMD, NDI, and Oslo Centre, for fundraising.
- i) Continuously build the capacity of members to achieve agency through training, benchmarking, etc.

8.o. Timelines for Establishing the NDMC

The table below provides the key activities that will be undertaken to aid in the take-off of the NDMC.

No.	Key action	When will it be done?	How will it be done?	Who will lead	Requirements
1.	Development of the NDMC strategy	Drafting workshop 21/02/2024	Day engagement with a technical team from DL	Consultant	
2.	Validation of the NDMC strategy with the technical team	05/03/2024	Half-day consultative meeting	Consultant	Copies of the draft strategy
3.	Validation with the PP leadership	12/03/2024	Breakfast meeting	Technical members	Copies of the draft strategy
4.	Launch of NDMC and election of interim officials	19/03/2024	Invite NEC, ORPP and IEBC	WFD	Copies of the final strategy
5.	Meeting for the NDMC members on the inception of the activities			Interim officials	
6.	Develop TOR for NDMC		Workshop	NDMC members	