

Press Release

Katiba Day: Sixty Years of Failure of Secular Constitutionalism

The 27th of August 2025, marks the fifteenth anniversary of the promulgation of the 2010 Supreme Law. Kenya's 2010 Constitution was hailed as transformative as it introduced fundamental political, social, and economic reforms aimed at ending decades of instability under the previous constitution.

In this regard, we would like to expound the following:

Since the promulgation, Kenya's constitutional crises have mostly revolved around implementation gaps, electoral disputes, separation of powers, gender rule and amendment process. As Dr. Willy Mutunga, Kenya's first Chief Justice often said that the Constitution of Kenya 2010 is a progressive document that would take at least 20–30 years to fully implement. The idea that a new constitution would be able to address the problems that the colonial constitution failed to address, 15 years is more than enough evidence of superb failure of secular constitutionalism, the only successful story is the prolonging of miserable livelihood and heightened levels of corruption, harsh economic situation, extra-judicial killings and many others.

Man-made Constitutions are easily manipulated by political entity since political interests are given priority over even the principles (laws) and constitution.

The basis of the new Constitution voted by Kenyans after the referendum of 2010 is the same in essence to the old colonial constitution in giving man the absolute sovereignty and denying the same to Creator of Man, Life and Universe as the only source of guidance and legislation. The reality of secular based constitutions manifest the weak human nature in determining the guidance of humankind as often is subject to manipulation and amendments or even complete drafting of a new document. Ultimately, history has proven time and again that man cannot be the source of guidance.

To realize the true liberation from the flaws of Democratic constitutions that the evil Capitalist ideology flourishes. Indeed, we call upon people from all different walks of life including the intellectuals, academics and politicians to work in establishing the divine guidance which is not prone to amendment and prey to self-centered leadership. Certainly, Man needs guidance that emanates from Allah (swt). This liberation was well elaborated by Rabi'u bin Amri's address to Rustom the Persian Empire Commander: **"Allah has sent us to bring out whoever He wills from the worship of servants to the worship of the Lord of servants; and from the narrowness of this world to its vastness; and from the oppression of ideologies to the justice of Islam."**

Constitution is a vital document that defines the shape of the ruling system and forms a contract between the rulers and the citizens as well as being an expression of the ideology and values of the people that defines all spheres of life. Islam as a comprehensive ideology, demands a constitution that explicitly based on the divine law. This constitution can only be implemented through Khilafah (Caliphate), a state that by the will of Allah will be established soon in one of the Muslim countries.

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