PUBLIC INTEGRITY IN THE CONTEXT OF DEVOLVED GOVERNMENT

How can we hold our county officials accountable for their actions and decisions?
It is supposed that in the early 1960’s, Kenya and Korea were both poor countries, each having a gross domestic product (GDP) per capita of around $100. Fifty years down the line, Korea is currently classified as a high-income country by the World Bank with a GDP per capital of about $23,000. Kenya’s current per capita income, of about $1,700 according to International Monetary Fund, places Kenya at Number 154 out of 183 world countries. Now, if someone asked why Kenya’s peer countries during the early years of independence such as Korea are significantly ahead presently, perhaps the first thing that comes to mind is the nature of leadership.

Indeed, history proves that countries advanced not just because of their great visions and dreams, but how their leaders set to drive their citizens in realising these goals. The role of leadership qualities such as integrity can never be underrated in explaining the differing nature of governance. Accountability for instance, as an element of integrity, is not only an essential component for proper governance practice but also inevitable in the realisation of the objects of the devolved governments in Kenya.

Kenya’s Constitution outlines good governance, integrity, transparency and accountability as some of the national values and principles of governance which must be applied by all public officers at all levels of government. Other pieces of legislations such as the Public Officers Ethics Act, Leadership and Integrity Act 2012, Public Finance Management Act 2012, and the County Governments Act 2012 goes further to operationalise these provisions by setting up frameworks and mechanisms to ensure that provisions are adhered to.

It is therefore patent that accountability as an aspect of integrity is an element that our county governments can never disregard if at all they hope to thrive and achieve the real intent of decentralisation of resources and power.
However, the thought of integrity as a requirement for any public officer remains somewhat elusive to many, perhaps due to the past trends and vices in public offices where accountability was not revered as it ought to, and also due to the gradual distortion and corruption of our unsullied, reputable and altruistic African culture and spirit of leadership. It is therefore of essence that we Kenyans understand and embrace the need for public integrity, not just for the prosperity of our counties, but also as a valued leadership practice of our magnanimous African culture.

The Youth Agenda seeks to enable the young people maintain engagement with their elected leaders through informed understanding of integrity and accountability. The Public Integrity in the Context of Devolved Governments Handbook provides pertinent knowledge to the youth aimed at enabling them monitor the performance of the elected representatives and engage on the impact the representatives have had on their communities. It also provides a quick reference material for public officers, the youth being part of the citizenry, and other stakeholders in leadership and accountability.

The Handbook starts by describing integrity as a philosophical idea, its significance in public life and its constitutive elements in which accountability is one of them. It consolidates knowledge and critical information relating to leadership and accountability and demonstrates the significance of applying the mechanisms to the Kenyan situation and particularly the devolved governments. It also illustrates the challenges in measuring integrity and ends with a set of questions which could guide young leaders in developing own county assessment tools to gauge the accountability and transparency of their county governments as crucial elements of integrity.

Through the use of this handbook by the young leaders, Youth Agenda looks forward to meaningful youth participation at the counties and the incorporation effective accountability systems by the county governments that will result to a “just, equitable and progressive society in which young people fully enjoy social, economic and political rights and opportunities’-
as stated in our Vision - which is grounded in the belief that it is possible
to realize a globally competitive and prosperous nation with a high quality
of life in the near future, as envisaged by Kenya’s Vision 2030.

We are grateful to everyone who was involved in the development of this Handbook. First, we would like to acknowledge, with great appreciation
the invaluable contribution of Marko Tomicic - a Governance, Public Sector and Development Specialist – who provided his service in developing the content of this Handbook. Special thanks go to our Project Officer Gilford Kimathi who led the process of the development of the handbook and the Youth Agenda Staff who offered support tirelessly to see successful completion of the process. Finally, Youth Agenda wishes to express gratitude to the UNDP for their generous support and continued Partnership through Amkeni Wakenya.

It is our delight to present this Public Accountability in the Context of Devolved Governments Handbook to the young leaders of our great Nation who will promote the establishment of accountable and responsive devolved governments through utilization of proper and adequate information in exercising their right to participate in the governance of their counties.

Susan Mwongera
Chief Executive Officer
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1. Introduction

Kenya is currently going through a very exciting period in its history. A number of processes are happening simultaneously – adaptation of the country to the new political division into 47 counties, the devolution process through which the new administrative units are acquiring significant responsibility for service delivery at the local level, a slow yet unstoppable process of moving towards issue-based politics, new opportunities offered by economic growth and development and an open public debate about pressing issues in the country.

On the other hand, Kenya is also facing a number challenges that seem as if they will never go away – deep poverty across all sections of Kenyan society, rampant corruption present in every segment of people's lives, economic and political problems faced by “traditional” professions, such as teachers, doctors or police officers, lack of civility and empathy for the needy in everyday life, and a greedy cast of politicians who all too often forget why they have been elected to serve the Kenyan people.

In such a socio-economic and political context, the most important question is how to address this complex reality. What is the essential value that we have to look for in order to assess the preparedness of our society for such big challenges? In our opinion, this value is public integrity. For this purpose, this handbook provides an overview of the most relevant constitutive elements of integrity examines its importance for normal functioning of our society and provides a methodology that could be used to assess integrity of public officials.

In focus of this handbook is public integrity in the context of the devolution process as seen by the young leaders in the country. Namely, given the high percentage of people under the age of 35 in Kenya, it is essential that the youth be provided with a tool that will help it hold its leaders to account for their actions and decisions.

Kenya is a beautiful country with much potential in many fields, but in
order for all Kenyans to start enjoying them, the ideas of ethics, professionalism, civility, transparency and accountability – or in one word integrity – need to start being the guiding principles for all public activities in the country.
2. Executive Summary

The handbook starts by providing a definition, or better said, description of integrity as a philosophical idea. Further, it examines the idea of integrity in the public life and its constitutive elements – accountability, competence and ethics. Civility in relation to integrity is also discussed.

As is the case with all abstract and complex phenomena, integrity is difficult to define. It is certain that integrity is one of the fundamental values that we seek in people that we elect. Primarily, it is the hallmark of a person who demonstrates sound moral and ethical principles.

Public integrity usually includes the following four factors: accountability, competence, ethics, and corruption control. Integrity is a prerequisite for the advancement of equitable and sustainable development. Without integrity, measures to safeguard human rights, protect the environment, strengthen democracy, promote social equity and reduce poverty are compromised. In the absence of integrity, corruption flourishes.

A broader conceptualization of corruption as a synonym for all violations of moral norms and values leads almost automatically to the concept of integrity, which has become prominent in the discussion in many countries. Yet, despite a common understanding of what it means for someone’s integrity to be called into question or damaged, integrity is a difficult concept. What is clear is that the grounds for trust have disappeared when someone’s integrity is damaged, so that, in the case of functionaries, they can no longer function credibly.

The importance of civility for proper functioning of a society cannot be overstated. Civility, primarily meaning kind and courteous interaction between members of a society, is certainly an integral part of the broader concept of integrity, but also an essential element for development of a functional
society. In this context, civility, integrity, and professionalism are the hallmarks of an organized and functional society.

In a country as “young” as Kenya, the youth has a very important role to play in public affairs. The youth is the immediate beneficiary of public integrity, but also one of the most important contributors to it. Integrity education is crucial in the fight for more transparency and accountability and less corruption. Wherever it occurs, corruption can only be eradicated in the long term if the generations who are to inherit the future are well-informed regarding its manifestations and consequences.

Leaders are essential in disseminating the idea of public integrity as the guiding principle in a society. Without their guidance and personal examples, it is nearly impossible for the wider public to internalize these values and replicate them in their everyday lives. Of course, exceptions are possible, but leaders are in the unique position to create public opinion and formulate norms and standards for the whole society.

There are a number of reasons why public integrity is important. Overall atmosphere in the society, accountability to citizens, adequate provision of public services, are just a few of them. Public integrity is especially important in the context of the government devolution process. Discrimination on ethnic basis, nepotism, cronyism and patronage, or lack of professionalism or civility in communication with the electorate can no longer be tolerated.

Like all abstract and individual concepts, integrity is very hard to measure and rather than trying to measure the immeasurable, we are trying to focus on the constitutive elements, such as accountability.
CATs are based on the existing Kenyan legal framework governing the issues related to devolution and the youth in Kenya, as well as other potential sources relevant for proper “measurement” of county officials’ accountability. The legal framework is presented in detail in the chapter 6 of the handbook.

CATs are meant to provide the young leaders around the country with an actionable tool that will help them to both hold their elected county officials to account for their decisions and actions and organize campaigns around the issues covered in this handbook.

Once the integrity of county officials has been tested, the youth organisations can engage in a number of activities, ranging from communication with county officials, over facilitation of public fora and organisation of local or national campaigns, to legal actions, in order to push for necessary reforms in their counties.
This chapter examines the concept of integrity as a theoretical concept, but also its practical implications in our daily lives. It starts by providing a definition, or better said, description of integrity as a philosophical idea. Further, it examines the idea of integrity in the public life and its constitutive elements – accountability, competence and ethics.

Often times difficult abstract concepts can be best understood when put in the opposition to their theoretical antonyms. Therefore, this chapter also analyzes the violations of integrity, such as corruption, nepotism or conflicts of interest.

Since it is impossible to create a functional society without civility, this concept is also being mentioned as a prerequisite for public integrity. Finally, the chapter provides a brief examination of the role of youth and leaders in creating society rooted in personal and public integrity of its leaders and fellow citizens.

3.2 Integrity as a philosophical concept

As is the case with all abstract and complex phenomena, integrity is difficult to define. It is certain that integrity is one of the fundamental values that we seek in people that we elect or hire. Primarily, it is the hallmark of a person who demonstrates sound moral and ethical principles.

A person who has integrity lives his or her values in relationships with fellow citizens, co-workers, customers, and stakeholders. Honesty and trust are central to integrity. Acting with honour and truthfulness are also basic characteristics of a person with integrity.
People who demonstrate integrity draw others to them because they are trustworthy and dependable. They are principled and can be counted on to behave in honourable ways even when no one is watching.

Integrity is a fundamental value that we recognize when we see it in the behaviour of a fellow citizen, a leader or a co-worker. However, it is hard to describe it adequately to provide a picture that produces common meaning.

In big ways and small ways, in visible or invisible situations, we have the opportunity to demonstrate our integrity - or lack of it - every day. If we elected the right people, their integrity should shine forth.

For the term integrity, the antonym is dishonesty and the synonym is honour. This paints a fairly clear picture within these two words. Honesty is a pure ethical principle through which a person can earn respect and honour. Respect and honour from others help build lasting personal and business relationships, which leads to long-term success.

Ethics and success are deeply linked. Ethics is the foundation on which long-term success is built. Integrity is defined as the adherence to moral and ethical principles. Integrity is, therefore, the result of strong ethics. It is a quality we should strive to uphold.

The guiding principle is powerful. It stresses the importance of accountability as a part of maintaining integrity. By taking leadership roles in our activities, not only do we need to be accountable to the others – we are entitled to hold the others accountable as well.

3.3 Integrity in the public life

The term public ethics refers to the collection of values and norms, of moral standards or principles that form the foundation of integrity. In general, ethics is a set of principles frequently defined as a code of conduct;
that is, a framework for actions (Lawton 1998, 16).

Public or organisational integrity is the set of characteristics that justify trustworthiness and generate trust among stakeholders. Integrity creates the conditions for organisations to intelligently resist corruption and to be more trusted and efficient.

Public integrity usually includes the following four factors:

- Accountability
- Competence
- Ethics, and
- Corruption control

Accountability is both the ability of key stakeholders to check that we do what we say we do, and responsiveness to legitimate internal and external claims. Public institutions have to be held to account.

Competence is the ability to do something well. If an organisation doesn’t deliver good infrastructure, healthcare or education for example, it would not, ultimately, be acting with integrity.

Ethics can be defined as behaving with honour and public purpose. Engaging with values and issues such as the environment, access to justice, public infrastructure is intrinsically bound to the question of organisational integrity.

The final factor that undermines organisational integrity is corruption – the abuse of entrusted power for private gain. Eliminating corruption requires dedicated resources and institutional mechanisms that must be complemented by other institutions.

Hence public integrity can be plastically explained through the following equation:
Integrity is a prerequisite for the advancement of equitable and sustainable development. Without integrity, measures to safeguard human rights, protect the environment, strengthen democracy, promote social equity and reduce poverty are compromised. In the absence of integrity, corruption flourishes.

3.4 Violations of integrity

In order to understand the concept of integrity fully, it is important to understand its constitutive elements. And whereas the moral nature of these elements, or principles, refers to what is judged to be right, just, or good (conduct), integrity or ethical behaviour means much more than not being corrupt or fraudulent. Rather, integrity is a quality or characteristic of individual or organizational behaviour that denotes the quality of acting in accordance with the moral values, standards, and rules accepted by a society’s or organization’s members. Thus, integrity violations can be defined as violations of these moral values and norms.

The starting point for this observation is the unethical behaviour of elected officials and public servants, which becomes visible in the incidence and prevalence of integrity violations. Thus, whereas corruption and fraud are a significant manifestation of integrity violations, so are discrimination and intimidation, stealing, and careless use of public properties.

Based on such manifestation, we can distinguish the following categories of integrity violations:

- Corruption, including bribing, kickbacks, nepotism, cronyism, and patronage (actions that benefit the individual, family, friends, or party);
• Corruption, including bribing, kickbacks, nepotism, cronyism, and patronage (actions that benefit the individual, family, friends, or party);
• Fraud and theft of resources, including the manipulation of information to cover up fraud;
• Conflict of (private and public) interest through promises, gifts, or discounts;
• Conflict of interest through jobs and activities outside the office;
• Improper use of violence towards citizens and suspects;
• Improper (investigative) methods of policing (including improper means for noble causes);
• Abuse and manipulation of information (unauthorized and improper use of police files; leaking confidential information);
• Discrimination and (sexual) harassment; indecent treatment of colleagues or citizens;
• Waste and abuse of public resources, including time; and
• Misconduct at leisure (such as domestic violence, drunken driving, use of drugs, etc.).

A broader conceptualization of corruption as a synonym for all violations of moral norms and values leads almost automatically to the concept of integrity, which has become prominent in the discussion in many countries. Yet, despite a common understanding of what it means for someone’s integrity to be called into question or damaged, integrity is a difficult concept. What is clear is that the grounds for trust have disappeared when someone’s integrity is damaged, so that, in the case of functionaries, they can no longer function credibly.

In this context, integrity literally means being whole, being sound, or not being damaged. Thus, an indirect analogy can be drawn with fruit: just as a spot on an apple may indicate a rotten spot under the otherwise sound peel, so too does an individual’s abuse raise questions about that person’s
character; most particularly, when the abuse indicates a behavioural pattern. Thus, the central question in the integrity approach concerns the effort, the motives involved. Is the individual concerned with expressing responsibilities as well as possible or are other motives, like self-interest, playing a role? When other motives do play a role, it calls into question the person’s integrity or wholeness; it is no longer clear to the onlooker which motive determined the action.

3.5 Integrity and civility

The importance of civility for proper functioning of a society cannot be overstated. Civility, primarily meaning kind and courteous interaction between members of a society, is certainly an integral part of the broader concept of integrity, but also an essential element for development of a functional society. In this context, civility, integrity, and professionalism are the hallmarks of an organized and functional society.

Despite the rise of voluntary civility codes and calls for professionalism, incivility persists everywhere around us, and as such, it undermines our attempts at achieving more integrity in our society as a whole. The time for mandatory civility, however, has long come, and in the context of Kenya this means that citizens need to exercise civility primarily between themselves, even before they expect accountability from public officials. In a country where people don’t treat each other with respect, where they mind just their own business even when see the other in need, where cars and matatus don’t stop for pedestrians to cross the street or where there is no enough communication discipline or where lack of punctuality is the order of the day, it is very difficult to expect for integrity to blossom. And all these are Kenya’s real problems and challenges.

Hence, rather than being a concept required just from politicians, civility is an essential fundament for behaviour of each one of us.

3.6 The Youth and Public Integrity

In a country as “young” as Kenya, the youth has a very important role to
play in public affairs. The youth is the immediate beneficiary of public integrity, but also one of the most important contributors to it.

However, the situation is often paradoxical as in reality majority of people believe that young people may play a role in combating corruption and increasing public integrity, yet just as many people agree that nobody cares about the opinions of young persons. The consequence of this position is that they cannot change the prevailing opinion that fraud and bribery are concomitants of everyday life, so they must be accepted.

These two issues could also have been interpreted by respondents that youngsters should play a role in fighting against corruption (as young generations growing up will have considerable power to form opinions), but they feel that they cannot resort to this vehicle today as nobody takes them seriously, which makes their fight quasi useless.

Of course, this is not true. The youth is important in disseminating new and positive values in the country. The youth must be brought into the dialogue about transparency, ethics, accountability, and honesty. This is especially the case with young leaders across the country. It is essential for young people to be involved into an interactive conversation about what corruption is, how it can be combated, and what it means to be honest. The youth, when asked for opinion and treated fairly, proposes good solutions to various situations, and looks for answers to controversial questions.

Integrity education is crucial in the fight for more transparency and accountability and less corruption. Wherever it occurs, corruption can only be eradicated in the long term if the generations who are to inherit the future are well-informed regarding its manifestations and consequences. In order to strengthen the understanding amongst the youth of how personal integrity is crucial for countering corruption, it is important for the young people of all ages to get acquainted with the concept of integ-
rity. It is equally important to keep the focus on public integrity throughout one’s life, since much of what has been achieved can easily get lost.

The youth’s foremost task is to set the standards of excellence in everything they do. In the public sphere, this excellence refers to setting integrity as the supreme guiding principle of all activity. The efforts to achieve this need to include four important dimensions:

- **Morals and ethics**: This dimension relates to the status of moral and ethical standards among the youth.
- **Righteousness**: This dimension relates to the ability of youth to differentiate between what is right and what is wrong.
- **Compliance with the law**: This dimension relates to the degree to which the youth are able to comply with the legal framework set forth by society.
- **Intolerance to corruption**: This dimension relates to the ability to resist corrupt practices.

### 3.7 The role of leaders in promoting public integrity

Leaders are essential in disseminating the idea of public integrity as the guiding principle in a society. Without their guidance and personal examples, it is nearly impossible for the wider public to internalize these values and replicate them in their everyday lives. Of course, exceptions are possible, but leaders are in the unique position to create public opinion and formulate norms and standards for the whole society.

If leaders do not behave according to the aforementioned standards for public integrity, the immediate response of the public can be defeatist acceptance of *status quo*, or even deterioration of the overall atmosphere in the country.

One important example for Kenya is the issue of ethnicity. Basing their
If leaders do not behave according to the aforementioned standards for public integrity, the immediate response of the public can be defeatist acceptance of status quo, or even deterioration of the overall atmosphere in the country.

appeal to potential voters on the concept of ethnicity, or tribalism, our leaders directly contribute to perpetuation of national disunity which, in turn, costs the county its intellectual energy and positive vibrancy. In the context of Kenya still being a developing economy, it is irresponsible to think solely about one own’s gains, rather than the common good and welfare for the whole of society. The 2013 elections once more showed how difficult it is to move from the position of tribe-based to issue-based politics. And this shift is essential if we still want to achieve the goals so boldly defined in the Vision 2030.

Furthermore, it is irresponsible to demand higher salaries when majority of population lives in dire poverty. This was the case with the members of parliament right after the 2013 general election when they staged a row with the independent Salaries and Remuneration Commission over their pre-established pay-checks, threatening that they will stall the legislative process in the country lest their demands are met. In a country where so many people have huge difficulties making their ends meet, and where teachers, doctors or police officers are dramatically underpaid and as such more likely prone to corruption, the absence of understanding for reality shows even lack of civility, let alone public integrity.

These examples do not relate to anyone in particular and they have become a common place of the entire political cast. And if elected leaders behave without the respect for the needs of the neediest in our society, it is nearly impossible to expect that the leaders at the local level will behave differently.

In this section, it is also important to mention the role of the youth leaders. Their most important role is to promote the values of integrity, primarily in the form of public responsibility for all Kenyans, regardless of
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In this section, it is also important to mention the role of the youth leaders. Their most important role is to promote the values of integrity, primarily in the form of public responsibility for all Kenyans, regardless of their ethnic or economic background. They have to hold the national leaders and public officials to account for their actions and decisions.

This handbook is primarily meant to provide guidance on how to do this.

3.8 Conclusion

Integrity is a very difficult concept to define. This is due to the variety and complexity of elements that form it. However, by enumerating and defining these constitutive elements, we can come to a conclusion as to what integrity means. Maybe the best definition, based on this approach, is that integrity means doing the right thing in the right place and at the right time, when no one is watching us.

Possible violations of integrity, such as corruption, lack of professionalism or misuse of public resources, are many and the society needs to safeguard public integrity by addressing these challenges resolutely. The fight against integrity violations needs to start from the top – the elected officials – but is not limited to them. Everyone has a stake and responsibility to uphold integrity in private and public life, and the role of Kenyan youth may be crucial in this regard.

Finally, there can be no integrity for as long as Kenyans don’t treat their own fellow citizens with courtesy and respect, or when their close their eyes to the needs of those who need assistance and help. This is civility, or primordial integrity, which is not dependent on the role of leaders and elected officials. It is something we all need to embrace if we want to build a functional society.
4. Why is Public Integrity Important?

4.1 Introduction

This chapter tries to answer the question why is public integrity important for proper functioning of a society. Being a very complex and abstract concept, as we saw in the previous chapter, public integrity manifests itself in various forms.

The chapter talks about the atmosphere of trust or lack thereof that presence or absence of public integrity can be contributing to in a society. It also opens the issue of accountability of elected officials to the public.

Public integrity is especially important in the context of Kenyan devolution process, so we are looking into why is that the case.

Finally, the chapter provides some positive and negative examples involving public integrity – the ones where integrity is held in high esteem and violations of integrity.

4.2 Overall atmosphere in the society

Having integrity is something that defines a person. If a person says what s/he says they will do, this is integrity. If a person lives up to commitments, that is integrity.

The importance of integrity in public life is that society operates more smoothly. For example, if there is no integrity, we cannot rely on public officials because of the high risk of malpractice, such as bribery, which translates to lost revenue or higher costs of doing business or undertaking any other activity. Without integrity, it is more difficult to do anything because of the overall feeling of absence of reliability and trustworthiness.

Without integrity, the government has to step in and pass very expensive
laws that cost billions of shillings per year just to show that they are acting appropriately. Without integrity, lawyers make more money and everything costs more for us because those fees get rolled into the goods and services we use every day.

In short, lack of integrity and trust in others slows life down and makes it more expensive.

4.3 Accountability to citizens

In current debates, many developmental problems are attributed to the failure of leadership and, in particular, to the absence of either ‘ethical leadership’ or ‘integrity in leadership’. But what is ‘ethical leadership’? What is ‘developmental integrity’? How is it achieved? And what are the conditions for sustaining it?

The core argument is that integrity and ethical leadership for development are not simply a matter of defining and enforcing codes of conduct (or of combating corruption). Instead, developmental integrity is the outcome of the interaction between (1) individual integrity (i.e. the moral choices of individuals); (2) institutions of integrity (the moral ‘codes’ and norms of behaviour, including legal rules); and (3) the integrity of institutions (institutions that are coherent, perceived as legitimate and that effectively promote development).

The central idea for ethical leadership is accountability of elected officials to their electorate and the public in general. All too often the politicians perceive the end of the election cycle as the end of their responsibility to those who elected them into public office. However, this is when the real test of their integrity starts – it is then when they have to realize the promises given during the election campaign.

The sooner Kenya breaks free from the chains of ethnicity-based politics,
the sooner will also accountability of public officials become the most important guiding principle for their public performance.

The devolution process could be a very good basis for this process since the services rendered at the local level, for which the county governments are responsible, are of primary importance for everyday lives of our fellow citizens and they can observe them more closely.

Accountability, unlike integrity, is not an abstract concept. Thus, it lends itself as a good concept for observation, monitoring and assessment. This makes it easier for the civil society organizations, especially the youth organisations, to organize themselves, research the relevant areas of observation and hold their leaders to account for their actions and decisions.

### 4.4 Provision of Services

The most important function of the central state and local governments is to provide Kenyan citizens with adequate public services. The prerequisite for this, however, is public integrity with all the constitutive elements it brings along, including professionalism, competence, accountability and ethics.

![Public integrity with all the constitutive elements, is a prerequisite for adequate provision of public services](image)

If public officials do not pay respect to their public integrity, there is a serious threat that the services provided will not be of adequate quality for the public. Of course, there is no ultimate evidence for this conclusion, but it is certain that decrease in public integrity results in lesser trust that the public has in institutions and, consequently, the quality of services may drop.

In the context of development, the need for faster and higher growth of Kenya’s economy, prevalent poverty and new political division of the country, the trust in institutions is *conditio sine qua non* for quality provision of public services, and the essential component of this, as we already
mentioned, is public integrity of elected officials.

For example, if people lose trust in the provider of power and officials who are in charge for proper functioning of the power sector due to lack of professionalism or corruption, this is a violation of public integrity.

In this and similar cases, it is very difficult to regain the trust of the public once it has been lost. This brings us back to the waste of time and scarce resources aimed at winning back the trust of the public. It all may seem like a vicious cycle with ordinary Kenyans being the primary victims of such unfortunate chain of events.

4.5 Importance of public integrity in the devolution process

The Kenyan process of devolution is without precedent, not only in Kenyan history. Namely, most countries that went through devolution, or any other form of decentralisation, simply needed to devolve some functions of the central government to the already existing local units, and already this was cumbersome enough.

In the case of Kenya, the devolution process has been happening simultaneously with the creation of the new local units – the counties. In other words, two difficult processes have been going on at the same time. In addition the new constitutional reality has produced many new issues at the national level which threaten to slow down the devolution process in its entirety.

The content of this handbook focuses primarily on accountability of local officials, hereinafter referring to all public officials at the county level, including governors and members of the county assembly.

The Constitution is quite deliberate in targeting civic participation in public affairs. For instance, it lists one of the objects of devolution is “to
give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them”.

However, this does not mean that this self-governance will be exercised through the various forms of direct democracy, such as public decision-making or referenda. The local units’ governments have similar structure to the national government and most of the aforementioned “self-governance” will be happening in the county assemblies.

Article 196 of the Constitution, however, provides for public participation in the proceedings of the County Assembly. This should enhance responsible governance and accountability to the people in the counties. As a consequence, integrity of local officials will come to the fore of public interest, since the local population will require greater responsibility from the leaders who are physically closer to them and who are responsible for ordinary functioning of public services at the local level.

There are many areas where integrity and accountability will be demanded and they are enumerated in Schedule IV of the Constitution which enumerates the functions of the national and county governments. This issue is dealt with in greater detail in the chapter dealing with legal framework, but it is important to mention that the absence of ethics, civility, competence or accountability could have a devastating effect on the execution of powers at any level of government.

4.6 A few concrete examples of public integrity (or lack thereof)

Discrimination on ethnic basis

More colloquially referred to as “tribalism”, this socio-political approach
neglects the positive side of complexity and ethnic richness of Kenya. On the contrary, it misuses this wealth of Kenya for selfish, short-sighted purposes which do not take into account the common good of all Kenyans. In this context, and given the current socio-political context of Kenya, it is unacceptable to discriminate one ethnic group over the other. “Kenyaness” should become the first and foremost ideal of every politician and at every level of government. As young leaders, we need to say enough to ethnic divisions and form a new paradigm where personal and political parties’ qualities and issue-based politics play an ever more important role in the public discourse.

**Nepotism, cronyism and patronage**

Politics should be an honourable and noble discipline where primary interest to take care of should be the one of the electorate, and ultimately, the Kenyan public as a whole. Misusing the acquired position for personal gains, or gains of one’s family, relatives or proxies, is behaviour that cannot be tolerated anymore. Kenya has suffered for all too long from the manifestations of power abuse. We cannot request more integrity in day to day lives of ordinary citizens if elected leaders do not serve as positive examples. This means eradication of every unlawful “criterion” for advancement on socio-economic ladder of the country. The ongoing devolution process offers many opportunities for a new approach to this problematic, yet it also requires much more control over public resources given the complexity of the new government structure. Young leaders can play an important role in ensuring that the right approach is used in relation to these issues.

**Women, youth and people with disabilities**

In a country where these vulnerable groups need maximum support from the elected officials, especially in the form of affirmative programmes aimed at abolishing the old stereotypes of a patriarchal society, public integrity can be perceived as support for more progressive thinking. In this context, “progressive” does not relate to any particular doctrine of political economy, or even the traditional values deeply rooted in our society. Rather, it refers to understanding that every Kenyan, young or
old, female or male, healthy or with disabilities has the same rights. In case these rights are not respected, the state needs to step in and help affirm them. Fully affirming the good old African values of kindness, support for the elderly, courteous behaviour in the public but also domestic affairs, Kenya needs to move from the past and affirm the intellectual qualities of all its citizens. Our country is still a developing one and the income gap between our people is unacceptably large. In such an atmosphere, offering fertile grounds for corruption and integrity violations, everyone’s support and assistance is needed. And everyone is an indispensable element of “Kenyanness”. We need to expect from our leaders to affirm this approach and hold them accountable for affirmative programmes for vulnerable groups.

Public civility
The elected or public officials – from the President to village representatives – are first and foremost servants of their constituents, their electorate and the people. The state cannot be before people’s justified interests and needs. Treating your own people “from above”, basing that approach on an understanding that there are enforcement mechanisms in place which can enable the ruling elite to position itself above the “ordinary Kenyan”, should no longer be a common place in our country. Of course, this by no means implies lawlessness. Quite to the contrary, laws must be implemented, but they must not be implemented selectively, based on whom we know, who is of the same ethnic or clan background as ours or who is ready to provide the service “for a fee”. This leads to legal insecurity and lack of public integrity. At the same time, such behaviour is a severe example of the lack of civility to our fellow citizens. Many of them are poor, do not have any influence in political decision-making and try to make their ends meet in a very harsh reality they live from day to day. Showing off your position of power in such an atmosphere is tasteless and rude. The true public officials, again, will understand their role primarily as those of servants. And they will also be judged for their actions based on this premise. To put it simply, it is better to try your best to be a good public servant, working for the common good, and fail, than not try at all. Kenya does not have time anymore for so many examples of public misuse
of common money, for political elites estranged from the rest of the popula-


tion or for the absence of civility for its own people. Such behaviour of


the public officials may trickle down to the everyday lives of our citizens


who then imitate it, rendering public reforms unrealistic or impossible.

(Un) professionalism

Lack of professionalism in the public affairs may manifest itself in two


ways. It is either the absence of education and skills essential for successful


exercising of one’s duties, or inadequate approach to one’s task and


responsibilities. There are huge discussions going on in the various parts


of the world whether the governments should consist of politicians


elected on the basis of political programmes or technocrats and experts


appointed based on their expertise in a particular area. This handbook


does not aim to provide an ultimate answer to this important question.

What is important to internalize in our system, however, is the idea that


whichever way public officials assumed their positions, they have to use


the maximum of their abilities to exercise their duties as vigilant profes-


sionals. This means that they have to follow both written (formal) laws


and the good practices of a professionally responsible individual. This will


be especially important in the context of devolution, with all the services


that the new local governments are acquiring in the process. This behav-


iour needs to be observed in every other area of human, professional and


public interaction as well. For example, being on time, keeping the time,


responding to emails and citizens’ request for information may be


enshrined in formal laws, but these are also requirements of decent and


professional behaviour. Our elected officials cannot choose who will ask a


question or whom they wish to respond to – everyone is entitled to equal,


professional approach of the public officials. This includes new means of


communication. For example, it has become a common place not to


respond to emails in our communication. Such situation is virtually unim-


aginable, for example, in the South Asian countries that we so very often


like to compare ourselves with. And our country, as well as our counties,


has to be run as an enterprise – with all due diligence and responsibility


for its well-being.
4.7 Conclusion

Public integrity is an essential ingredient of a functional society. It contributes to the overall atmosphere in the country by providing behavioural templates for both public officials and the public in general.

Lack of integrity in public affairs can contribute to the absence of trust in institutions and leadership, and this may have negative consequences in all segments of public life – the state institutions may become dysfunctional, the cost of private enterprise may skyrocket and the public may resort to alternative ways of dealing with its everyday problems which directly undermine the community as a whole, such as bribes or non-institutional ways of solving problems.

Public integrity is especially important in the context of such a complex process as devolution. With the dichotomy of governments – national and local – and the large number of areas that will fall under the portfolio of county governments, it is especially important to insist on transparency, accountability and professionalism of elected officials.

We all learn through experience and a number of positive and negative examples can help us understand which are the most important areas that we need to focus on, in order to uphold public integrity as the guiding principle of functioning in the public sphere.
5. How can we Measure Integrity of Public Officials?

5.1 Introduction

Like all abstract and individual concepts, integrity is very hard to measure and rather than trying to measure the immeasurable, we are trying to focus on the constitutive elements of corruption, such as professionalism, transparency or corruption. This chapter is trying to provide some concrete examples of tools used for this exercise.

It provides an overview of some best practices in this field and focuses on both the personal and public integrity. An emphasis in put on “actionability” of measurement tools, that is, the applicability of the assessed indicators in reality.

The chapter further touches on the role of public integrity in the devolution process and touches on the issue why the political elites do not always respond positively to demands for greater role of integrity in the public life.

5.2 Is it possible to “measure” integrity?

Integrity, like most other moral and ethical standards, is defined by the society one lives in. While there are some constant truths to what integrity actually is (or should be) the standard will only rise to accepted norm. What is meant by this is as societal morals and ethics change so will the standards of the characteristics that define our moral viewpoint as a whole. In this context, integrity means doing what is morally responsible and upholding ones personal beliefs and values at all times, whether someone is watching or not. Standing up for what one thinks is right or moral regardless of any contributing environmental influences.

As moral standards in our society continue to change, our standard of comparison changes along with them. Take something like an Olympic
event. Let's say running. The sport is defined by the people who participate. The best runner can only be as good as the best runner is, and all others competing are more or less compared to him or her. So imagine years of progressively inferior performances. The standard will lower.

Eventually a seeming less than extraordinary physical ability becomes the gold medal standard. This might seem like an oversimplified example but the principle of the nature of social decline is still applicable. When measuring moral or ethical values it is important for us to use an appropriate standard as oppose to what is socially accepted or tolerated. In the midst of overall social decline it is vital to rise above and beyond the actions of others to create a benchmark for our personal idea if what is right and what is wrong.

It is also important to pay attention to cultural relativism when we talk about integrity. Namely, integrity may have its roots in beliefs and customs of particular country, region, town/village, ethnicity, etc. Often we can hear about the “old African” values, in particular in our villages. This handbook focuses primarily on the existing laws of the country, especially in so far as they relate to the process of devolution and county governments. However, often one-size-fits-all approach is not good and we need to adapt to the specificities of different parts of our country. Many would claim that in the past, there was more honesty and respect, especially towards the elderly. This is an important source of information for young leaders as well, and it should not be neglected. However, new times and ever greater challenges in our developing society require greater diligence on the part of the civil society and youth groups in the process of establishing personal and public integrity. Let us just keep in mind that this may be a very important aspect to consider.

Integrity is more or less a personal truth. In a world so abundant with different cultures and belief systems it goes without saying that people will
not always agree or share the same viewpoints. Having integrity cannot be misconstrued into an issue of right or wrong. Having integrity is defined more by a person possessing high moral principles or professional standards and holding fast to them. Two political figures who have very different political views and agendas can both have integrity.

Improving your integrity, like all personal growth and improvement, is a process. The first step is to determine what your personal moral and ethical values are. For a lot of people these choices are hugely impacted and influenced by religious and cultural beliefs and practices. We need to be thoughtful in our chosen outlook on issues, keeping in mind that a very key aspect of integrity is being steadfast and unwavering. We need to educate ourselves on issues that we feel we have a very strong opinion on so that we can defend our positions and not be so easily influenced by others. The more we learn the more likely we are to discover whether or not we are truly comfortable with our initial impression or idea and we can alter our stance on a topic before making a declaration of where we stand.

In our society, there is a wide variety of highly controversial issues. It is best to avoid affiliation with either side of one of these issues until we are sure about the way we feel about it. Frequently changing our mind on big issues is something that can greatly affect our level of integrity. Politicians are constantly accused of having little or no integrity because they change their viewpoint or "flip-flop" to try to please the public or special interest groups. Being easily swayed is a definite indicator of a person having flexible standards that might not hold up to the challenge of making truly important decisions and sticking to them regardless of opposing popular opinion.

Having integrity is also about truth. Taking part in an animal rights "Meat is Murder" protest and then later being seen eating a hamburger would present a contradiction between our public actions and our private actions. We need to choose views and take a stand on issues that we can
Basic principles of leadership

5.3 Possible tools to measure integrity

Personal integrity

Most people would say that integrity is a quality, a personality trait, a testament of character. More than this however, integrity is a way of being, a consistent pattern of action. The word integrity stems from the Latin adjective “integer,” meaning “complete” – it is the sum of one’s actions, some would simply call it virtuousness. A person with integrity lives by a certain code – s/he knows his limits, s/he has drawn a line between what is acceptable and unacceptable and s/he walks that line. How do we know that we have it?

Some questions that can help us find the answer to this question are:

Do you listen to your conscience?

A person of integrity follows her or his conscience, and will not be coerced or provoked into acting otherwise. Simply following traffic rules, despite the absence of any cameras or traffic enforcers, is a sign of integrity. At
work, if you do not agree to a policy that would be harmful to the company, or unfair to its members, you have integrity. If you do not take part in a cover-up of a corporate blunder, you have integrity.

**Do you keep your promises?**
A person with integrity hardly ever breaks a vow – and only does so under extreme duress or given extenuating circumstances. Part of her or his value system would be to commit to something and to see it through, despite potential personal sacrifice. There is a purity of intention in someone with integrity; whether or not s/he succeeds, s/he will make a great effort. At work, if you deliver exactly on your commitments, then you are regarded as a person with integrity.

**Do you believe in the higher principle?**
Integrity is about telling the truth when it is called for, and when it is necessary. Say, a confidence is divulged that could possibly cause harm to the confidant or harm someone else. The person with integrity could convince the person away from her or his destructive path, convince that person to act with integrity. Or s/he may decide to break the confidence (thereby saving a life) and may still keep his integrity. A devotion to the higher principle is part of having integrity.

**Do you give credit where credit is due?**
A person with integrity acknowledges the contribution of other people, even if it downplays her or his own accomplishments. The person with integrity will not steal an idea or pretend that s/he was the source; instead s/he will deflect attention from her or him and give credit where credit is due.

**Do you correct a mistake made?**
A person with integrity, quite simply, apologizes if s/he has committed a
For most of us, integrity is an aspiration – something that we work hard to maintain, as we grapple with everyday decisions. It is a continuous struggle. One way to develop a sense of integrity is to confront your own actions head-on. See your way clear to what purpose drives your everyday life. You are who you are because of the choices you made in the past, but you can become someone else, someone much better, because of the choices you make in the present and in the future.

Institutional integrity assessment tool

The Global Integrity Report provides a qualitative and quantitative scorecard of governance practices in many countries around the world. The report assesses the institutions and practices that citizens can use to hold their governments accountable to the public interest. The report does not measure corruption itself, but rather the opposite of corruption: the extent of citizens' ability to ensure their government is open and accountable. Each country's score is based on six category scores. The Global Integrity Report assesses the existence, effectiveness, and citizen access to key national-level anti-corruption mechanisms used to hold governments accountable. Rather than examining the "cancer" of corruption, the report investigates the "medicine" being used against it - in the form of government accountability, transparency, and citizen oversight.

The Africa Integrity Indicators, a new initiative of Global Integrity undertaken in collaboration with the Mo Ibrahim Foundation, assesses key social, economic, political and anti-corruption mechanisms at the national level in over 50 African countries.

The project evaluates both legal frameworks and the practical implementation and enforcement of those frameworks across various categories, including safety and rule of law, sustainable economic opportunity, and human development. Each country assessment contained in the African
Integrity Indicators is comprised of a quantitative scorecard with 123 discrete indicators. A team of researchers, journalists and academics prepare the project through a double-blind peer review process. More than 150 contributors are participated in preparing the first annual assessment. The project provides an original data source for the Ibrahim Index of African Governance, informing and empowering citizens, civil society, parliaments and governments to measure progress on various aspects of governance. The project also aims to build a community of research practitioners across the continent and to ensure that African experts who are rooted in the local context of each country generate governance data on Africa.

The World Bank’s Public Accountability Mechanisms (PAM) Initiative covers four distinct sets of institutional mechanisms for enhancing transparency and accountability of public administrations and public officials:

**Freedom of Information/Right to information**

The right to information guarantees access to information or records held by government bodies. It may also prescribe proactive disclosure of official data or documents, specify the procedures for access, and outline exemptions for purposes of national security and other concerns. These obligations establish a method of accountability for governments that is upheld by civil society and individual citizens.

**Immunity Provisions**

Most public officials are shielded from prosecution for duties performed in the capacity of the state. However, sweeping immunity laws prevent governments from holding corrupt actors to account and serve as obstacles to preventing further misconduct from taking place.

**Conflict of Interest Restrictions**

Conflict of interest refers to a situation in which an individual is in a position to exploit an official capacity for personal benefit, but has not done so yet. In short, the presence of a conflict of interest is not an indicator of improper conduct, but rather a warning of its possibility. The operat-
The purpose of obtaining the declarations of public officials depends on the aim of the overall accountability regime. When focusing on conflict of interest, disclosures can be used to identify potential bias in public activities. For regimes that aim to prevent illicit enrichment, disclosures may be used to identify assets or incomes that are not attributable to salary, gift, or loan. These types of disclosure regimes aim to prevent the occurrence of financial misconduct in public office, such as bribery or theft, while also maintaining records of the financial activities of public officials for future use in prosecution.

Transparency International (TI) has developed and put into practice a number of tools to fight corruption. However, TI has chosen not to investigate and expose individual cases of corruption. It views its role not as a watchdog of the government, but more as a facilitator of the National Integrity System. TI works to make National Integrity Systems stronger and more effective. TI has identified seven categories of tools that it and its national chapters use. The categories are: Awareness Raising; Procurement; Election Campaigns; Access to Information; Public Institutions; Business Ethics; and Diagnostics.

TI publishes a toolkit that documents how national chapters have used tools in each of these categories to fight corruption. Awareness raising tools bring the issue of corruption to the public’s attention. They remind the public that corruption is a problem and inform the public about actions that individuals can take to fight corruption. TI chapters have carried out awareness raising campaigns through publications, advertisements, and classes. TI's Toolkit is itself an awareness tool, informing people of other’s successes in fighting corruption.

TI’s Integrity Pact tool is a powerful example. For a particular competitive
procurement, all participants, private and public, agree to abide by a set of rules for honest behaviour as set out in an integrity pact. An independent third party monitors their behavior and has the power to punish violations of the rules. TI is now implementing integrity pact projects in several countries.

**Free and fair election campaigns** are fundamental to vertical accountability. TI chapters have developed tools that monitor media coverage and political spending and encourage accountability among the political parties.

**Access-to-information tools** take many forms. For the ordinary citizen, TI chapters have produced educational materials on what to expect of government and how to get government services. The chapters have encouraged adoption of stronger transparency laws, and they have encouraged and protected whistleblowers.

**The “Publish What You Pay”** campaign, begun by Global Witness, TI, and other NGOs, advocates that corporations disclose what they pay for the right to exploit public resources, such as forests. This information is a starting point for citizens who want to track what happens to that income.

**Public institutions tools** focus on particular arms of government. TI chapters have set up watchdog projects to provide the public with information on the activities of legislatures, courts, and municipal governments. They have done studies comparing the activities of bureaucracies such as customs agencies with similar agencies in nearby countries. They have produced citizen manuals for monitoring social programs.

**Business ethics tools** aim at the private sector and the professions. One of the most promising of these tools is TI’s Business Principles for Countering Bribery, developed with Social Accountability International and a group of other interested businesses and civil society organizations. As more and more enterprises are putting corporate social responsibility management systems in place, these stand out as one of the few sets of manage-
ment principles that directly address corruption and abuse of power.

**Diagnostics** include two of TI’s best-known tools: the Corruption Percep-
tion Index and the Bribe Payers Index. The first documents the reputation of
governments for honest practice, and the second documents the reputa-
tion of private enterprises from particular countries for willingness to pay
bribes. TI produces international versions of these surveys. TI chapters
have used surveys to document corruption on the national and local level.

### 5.4 The Actionable Approach to Governance Indicators

In contrast to broad measures of governance, actionable governance indicators (AGIs)
focus on the constitutive systems of governance that contribute to overall good govern-
ance in a country.

Rather than trying to capture information on broad concepts such as corruption, voice, or
rule of law, AGIs provide information on the underlying systems of governance within a country, such as financial management, access to information, and oversight effectiveness.

These systems are not considered proxies for governance. The assumption is that these governance systems comprise part of the governance in a country, and that measurement will not only help to explain what is happening, but will also shed light on how to improve systems in some meaningful way. In fact, any kind of reliable and valid data (e.g., subjective/objective) can be considered actionable, as long as it provides insight into the actions that governments can adopt to improve certain systems of governance.

Actionable governance indicators (AGIs) focus on specific and narrowly-defined aspects of governance, rather than broad dimensions. These
actionable indicators are clearly defined, providing information on the discrete elements of governance reforms. They provide greater clarity regarding the actions that governments can take to achieve better results on assessments of certain areas of governance.

5.5 What is there to be looked at in the devolution process?

The process of devolution opens up many questions that need to be addressed in the light of increased demands for more transparency and accountability, and public integrity in general.

The insight into whether the elected officials respond positively to such demands can shed the first light on the possible conclusion on the plausibility of the whole process. There are a number of issues that need to be taken into account.

Firstly, we need to look at the political willingness and support for the devolution. The devolved system of government is a constitutional category in Kenya and there should be no discrepancies as to how dedicated our leaders are to the devolution process. This is required from both the national and county governments.

Further, it is important to see whether the functions of the national and county governments have been clearly defined and whether these governments adhere to their new roles. The central government needs to accept that some of its former prerogatives now fall under the portfolio of local governments. Likewise, the county governments need to accept responsibility for the provision of adequate services to their citizens without using the national government as excuse for failures. This, of course, is dependent on an adequate resource sharing agreement to be reached between the two levels of government.
Integrity – ethics, professionalism and accountability – will play an ever more prominent role as the country is getting used to the new political organisational scheme. Since providers of basic services are now closer to their constituencies, their responsibility to their electorate is greater and more closely felt.

This doesn’t mean that there is no role for the civil society, and especially the youth organizations. Quite to the contrary – the increased number of functions at the local level means that there is a higher risk for power abuse at the local levels of government. This is a particularly important area that will have to be addressed in the years to come.

In the context of the devolution process in Kenya, there are a few issues of particular importance that we have to pay our attention to. They primarily relate to sound, accountable and transparent functioning of the county governments. The Kenyan laws provide a solid background for such functioning of the local officials, but the focus will increasingly be on the implementation of the norms and regulations guaranteeing that the devolved system of government fulfils its foremost objective – work for the common good and benefit of the local populations.

In this sense, it will be especially important to ensure that the sequence and procedures in the planning and budgeting process at the local level be adhered to. Planning and budgeting is the most powerful tool that the new county governments have at their disposal. In the first phase of the devolution, it was clear that this will have to be done by understanding and supporting the functionality of the complex budget system in the country. Namely, with the dichotomy of the national and local governments, with both levels trying to control maximum resources, this will probably always be a challenging task, but this is not unusual for democracies, especially if they are undergoing such thorough systemic changes as Kenya.

In order to ensure public integrity in allocating funds as well as maximum benefits for the local population, our local officials have to carefully strike the balance between what is doable in the context of limited resources, great needs of their counties and high expectations of the local population.
For these reasons, it is essential that local officials implement best possible ways for ensuring the adequate local budget items prioritization techniques. In other words, in order to ensure public integrity in allocating funds as well as maximum benefits for the local population, our local officials have to carefully strike the balance between what is doable in the context of limited resources, great needs of their counties and high expectations of the local population. The focus needs to shift from form to content. Political and symbolic issues will inevitably lose its appeal once provision of services becomes priority for the local officials.

For example, the question whether the governors can waive the national flag on their official vehicles or how they are addressed in official communication is not entirely irrelevant, but the issue whether the county has the right priorities regarding the budgeting of its citizens’ needs is certainly far more important. Our country in general needs to move from the issues of form to substance and issue-based politics. Only then shall we be able to decide whether the things done in the name of people are the right ones and, ultimately, how to hold our local officials to account for their actions.

It should be unacceptable that in a reality of poverty and poor services, the officials and governments purchase luxurious goods and equipments, neglecting the needy. Bringing water and power to our citizens is more important than yet another expensive car in the fleet of our governor. Rather than on wasteful spending, the focus will inevitably have to be on the local development. This may mean educational programmes for local populations, securing clean water and ensuring the proper level of services in the county hospitals.

Similarly, sustainability of such projects must be ensured as well. One-time solutions that benefit only the political elite need to become the thing of the past. In addition to determining the right socio-political and economic priorities for the county, every development planning needs to address the
In addition to determining the right socio-political and economic priorities for the county, every development planning needs to address the issue of sustainability. For this purpose, it is important that all projects of vital interest for the local population include sustainability plans, thus ensuring their functionality long after the end of the project. Many well-intended projects lose their value over time because this element is neglected. For example, the water supply system must not be designed to provide flow of potable water for one season only, especially not right before an election. That is playing with objective needs of our fellow citizens rather than constructive policy approach to objective problems.

As youth in a very “young country”, we are especially interested in seeing the implementation of affirmative programmes for youth. This goes especially for creating employment opportunities for the young people. Youth unemployment remains one of the greatest challenges of this generation and, whereas we realize the role that the central government will need to play in order to resolve this problem, the local governments who have the opportunity to create conditions for development of trade, especially for small and medium-sized enterprises, will also need to do their utmost to help the young people achieve their personal aspirations in the counties. Of course, we also strongly support affirmative programs for women and people with disabilities, who also very often happen to be young and in need of government support, at least at the beginning of their professional lives. We will be holding our local officials accountable for allocating sufficient funds for such affirmative programmes, and whether these programmes indeed give priority to empowering youth and professionals within the counties.

The County Governments Act, the Public Finance Management Act and the County Public Finance Management Transition Act provide for a good legal framework on what can be expected from the local officials in the context of the mentioned above. We analyze the legal framework further in the separate chapter of this handbook.
5.6 Possible responses of the ruling elite to demands for greater integrity

The more developed a country is, the more responsive public authorities are to demands for a greater role of integrity in public affairs. However, all too often we see that in less developed countries there may be many obstacles to the increased role of integrity in the public sphere.

The reasons for this may be many – historical, cultural, personal, etc. The standardized perception of African societies is the one of long-lasting rulers who stage rigged elections just to legitimize their political longevity. They are often supported by their respective militaries and special interests and people’s will is the last thing that worries them.

Thanks to the new Kenyan Constitution as well as understanding that this should not be the case in Kenya, our country now has limited time that one individual can spend in the highest office in the country. There are many exquisite individuals in Kenya and many of them can be excellent leaders. The new constitutional order is a guarantee that this will indeed be the case.

However, the vigilance of the public and civil society must not stop with this. There are still too many potential risks for abuse of power, at all levels of government. In a devolved system of government, this risk has significantly risen. At the same time, some important safeguards have been put in place that should guarantee that abuses of power will not happen too often.

In this context, public integrity of elected officials is becoming ever more important. The elected officials should not forget about the common good once the election cycle has ended. Quite to the contrary, they have to embrace the elements of transparency and accountability even stronger once they have been elected into public office.
5.7 Conclusion

Rather than trying to measure abstract concepts and ideas, such as integrity, ethics or even corruption for that sake, we need to focus on what can be measured. In most cases, these are the less abstract constitutive elements of integrity – transparency, accountability, professionalism and other good governance mechanisms.

It is important that the results of our monitoring produce actionable conclusions, applicable in everyday life and deployable in realistic reforms. A number of world’s international NGOs, such as Global integrity and Transparency International, or international organisations, such as the World Bank, offer some good practices on how to address the complex issue of integrity in the public life.

The role of youth in assessment of politicians and holding the elected officials to account is very important. In this, there may be many obstacles, most often posed by the political elite itself. It is the role of the civil society, including the youth organizations, to overcome these and keep pressure for greater role of integrity in the public life at all levels of government in the country.
6. Legal Framework

6.1 Introduction
With the adoption of the 2010 Constitution, Kenya has embarked on a challenging, but promising path of thoroughly changing its legal and socio-political landscape. The Constitution provided an excellent opportunity to refurbish some of the old political concepts and internalize some new ideas in the social tissue of the country.

In addition, Kenya has adopted a number of laws aimed at protecting integrity in the public life, in particular in the field of leadership and public accountability.

This chapter talks about these issues and tries to enumerate and explain the most important legal norms governing the area of leadership and accountability, as well as the role the youth can have in this context.

It further talks about some challenges that need to be addressed and which are important for adequate political and legal approach to the issue of integrity in our society.

6.2 Most important laws governing devolution and public integrity

6.2.1 The Constitution 2010
The Kenyan Constitution opens a new chapter in the country’s history by providing the basis for a devolved system of government and enumerating some core values and principles of good governance at all levels of government. With the Constitution, Kenya has gained the chance to build strong institutions governed by principles of good governance unprecedented in the country’s history.

The Constitution in its Article 6 talks about the division of the country into the counties, defines the relationship between the governments at the
With the Constitution, Kenya has gained the chance to build strong institutions governed by principles of good governance unprecedented in the country’s history.

national and county levels, and provides for establishment of a national organ tasked to ensure access to the government’s services in all parts of Kenya:

“Devolution and access to services.

1) The territory of Kenya is divided into the counties specified in the First Schedule.

2) The governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation.

3) A national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service. “

The concept of devolved government is explained in Chapter 11 of the Constitution, which speaks about objects and principles of devolved government, structure, functions and powers of county governments, the boundaries of counties, relationship between national and county governments, suspension of county governments, as well as a number of general provisions related to the functioning of county governments.

Furthermore, the Constitution, in its Schedule 1 enumerates the Kenya’s 47 counties, and in the Schedule 4 describes the distribution of functions between the national government (part 1) and the county governments (part 2). Even though very comprehensive, there have been criticisms that the list of devolved functions is not presented entirely clearly and that this may cause confusion with regard to which level of government is responsible for which functions. We discuss this further later in the handbook.

The Constitution also speaks strongly about the national values and
principles of governance. In its Article 10, it states:

“National values and principles of governance.

10. (1) The national values and principles of governance in this Article bind all State organs, State officers, public officers and all persons whenever any of them—

(a) applies or interprets this Constitution;
(b) enacts, applies or interprets any law; or
(c) makes or implements public policy decisions.

(2) The national values and principles of governance 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.”

For the purpose of this handbook, of special importance is the stipulation from the Article 10-2 (c) above that speaks about good governance, integrity, transparency and accountability as being among the core values and principles of governance in the country. However, the other provisions in Article 10 to a great extent feed into the concept of integrity as previously defined in the handbook.

The concept of integrity is addressed in greater detail in Chapter 6 of the Constitution – Leadership and Integrity – further confirming its importance in the new Kenyan public order. The Chapter, in its Articles 73 through 80 speaks, among others, about the responsibilities of good leadership, conduct of state officers, financial probity of state officers, and restriction on activities of state officers. The chapter provides for establishment of an ethics and anti-corruption commission tasked with ensuring that provisions of the chapter are complied with and enforced. Likewise, adoption of a lex specialis on leadership
The concept of integrity is addressed in greater detail in Chapter 6 of the Constitution – Leadership and Integrity – further confirming its importance in the new Kenyan public order.

Article 73 prescribes that a state officer must exercise her or his authority in a manner that “is consistent with the purposes and objects of this Constitution; demonstrates respect for the people; brings honour to the nation and dignity to the office; and promotes public confidence in the integrity of the office”, and it points out that the authority “vests in the State officer the responsibility to serve the people, rather than the power to rule them.”

It further defines the guiding principles of leadership and integrity which include: “selection on the basis of personal integrity, competence and suitability, or election in free and fair elections; objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices; selfless service based solely on the public interest, demonstrated by honesty in the execution of public duties and the declaration of any personal interest that may conflict with public duties; accountability to the public for decisions and actions; and discipline and commitment in service to the people.”

Article 75 – Conduct of State Officers – states that a State officer “shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids (a) any conflict between personal interests and public or official duties; (b) compromising any public or official interest in favour of a personal interest; or (c) demeaning the office the officer holds. The article also talks about sanctions for state officers that do not comply with these constitutional requirements.

The provisions of Chapter 6 of the Constitution are further elaborated in the Leadership and Integrity Act of 2012.
The Constitution has a number of provisions related to the youth and its position in the socio-political order of Kenya.

Defining “youth” (in Article 260 – Interpretation) as the collectivity of individuals in the Republic between the ages of 18 and 35, the Constitution in its Article 21 says that “all State organs and all public officers have the duty to address the needs of vulnerable groups within society”, where it includes youth, among other groups.

Of special importance for youth is Article 55, comprised in Chapter 4 – The Bill of Rights, which stipulates that:

“The State shall take measures, including affirmative action programmes, to ensure that the youth—

(a) Access relevant education and training;
(b) Have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
(c) Access employment; and
(d) Are protected from harmful cultural practices and exploitation.”

The Constitution further requires (Article 98) that two members of the Senate, “being one man and one woman”, will be representing the youth, and it tasks the Parliament (Article 100) to “enact legislation to promote the representation of youth in Parliament”. In the context of devolved government, the Constitution (Article 177) requires that a county assembly consists of “the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament”.

Defining “youth” (in Article 260 – Interpretation) as the collectivity of individuals in the Republic between the ages of 18 and 35, the Constitution in its Article 21 says that “all State organs and all public officers have the duty to address the needs of vulnerable groups within society”, where it includes youth, among other groups.
6.2.2 The County Governments Act, 2012

This Act provides for county governments’ powers, functions and responsibilities to deliver services (implementation of Chapter 11 of the Constitution). It also contains other regulations important for functioning of the county governments.

In the words of the Act itself, its object and purpose is to:

   a) Provide for matters necessary or convenient to give effect to Chapter Eleven of the Constitution pursuant to Article 200 of the Constitution;
   b) Give effect to the objects and principles of devolution as set out in Articles 174 and 175 of the Constitution;
   c) Give effect to Article 176(2) of the Constitution in respect of further decentralization;
   d) Provide for the removal from office of the speaker of the county assembly in accordance with Article 178 of the Constitution;
   e) Provide for the powers, privileges and immunities of county assemblies, their committees and members under Article 196 of the Constitution;
   f) Provide for public participation in the conduct of the activities of the county assembly as required under Article 196 of the Constitution;
   g) Seek to ensure that the community and cultural diversity of a county is reflected in its county assembly and county executive committee as contemplated in Article 197 of the Constitution;
   h) Prescribe mechanisms to protect minorities within counties pursuant to Article 197 of the Constitution;
   i) Prescribe additional requirements in respect of the publication of county legislation as contemplated in Article 199 of the Constitution;
   j) Provide, pursuant to Article 200 of the Constitution, for—

   i) the manner of nomination or appointment of persons to, and their removal from, offices in county governments, including the qualifications of voters and candidates;
ii) the procedure of assemblies and executive committees including the chairing and frequency of meetings, quorums and voting; and
iii) (the suspension of assemblies and executive committees;

k) Prescribe, pursuant to Article 235 of the Constitution, uniform norms and standards, for—
   i) establishing and abolishing offices in the county public service;
   ii) appointing persons to hold or act in those offices, and confirming appointments; and
   iii) exercising disciplinary control over and removing persons holding or acting in those offices; and

l) Provide for the promotion, evaluation and reporting on the compliance by county public officers with the values and principles in Articles 10 and 232 of the Constitution.”

In its fifteen parts and two schedules, the Act addresses, among others, the following issues important for functioning of the county governments:

- Functions and powers of county governments;
- Membership and the role of the county assembly;
- Role and recall of members and speaker of the county assembly;
- Legislative procedures and technical aspects of function of the county assemblies;
- Number and delimitation of electoral wards;
- Functions, responsibilities and powers of the county governor;
- Procedures for removal of the county governor;
- Role and functions of the executive committee;
- Organizations and functioning of decentralized units (cities and villages);
- Composition and functions of the county public service;
- Citizen participation in the county affairs;
- Public communication and access to information;
- Inclusion and integration of minorities and marginalized groups;
- Principles, purpose and objectives of civic education;
- County planning, incl. county integrated development plan,
sectoral plans, spatial plans, and city or municipal plans;
• Principles, standards and norms for delivery of county public services;
• Procedure for suspension of county government;
• Financial provisions;
• Protection against personal liability;
• Transitional provisions.

6.2.3 The Intergovernmental Relations Act, 2012

The Intergovernmental Relations Act establishes a framework for consultation and cooperation between the national and county governments and amongst county governments, as well as the mechanisms for the resolution of intergovernmental disputes.

The Act establishes that the intergovernmental relations shall be based on the following principles:

a) Recognition of the sovereignty of the people as provided for under Article 1 of the Constitution;
b) Inclusive and participatory governance;
c) Respect for the functional and institutional integrity of the two levels of government;
d) Promotion of national values and principles of governance provided under Article 10 of the Constitution;
e) Respect for the constitutional status of the levels of government and the institutions of government established at either level of government;
f) Promotion of equality and equity in service delivery;
g) Objectivity and impartiality in decision making;
h) The requirement for consultation and cooperation as provided under Article 6 (2) of the Constitution;
i) The need to minimize intergovernmental disputes while cooperating in exercising their functions;
j) Promotion of accountability to the people in decision making and actions taken; and
k) Institutionalized protection of marginalized groups.”
The structures for intergovernmental relations include:

a) National and County Government Coordinating Summit – the apex body for intergovernmental relations comprising the President (or Deputy President) as chairperson, and the governors of 47 counties. The Chairperson of the Council of Governors is the vice-chairperson of the Summit. The Summit meets twice a year and reports annually to the National Assembly, the Senate and the county assemblies, within three months after the end of every financial year.

b) Intergovernmental Relations Technical Committee – it comprises a chairperson and not more than eight members who are competitively recruited and appointed by the Summit; and the Principal Secretary of the State department for the time being responsible for matters relating to devolution. The committee is responsible for the day to day administration of the Summit and of the Council, as well as the implementation of the Summit and Council’s decisions.

c) Intergovernmental Relations Secretariat – headed by the competitively recruited Secretary, it is responsible for the implementation of decisions of the Summit, the Council and the Technical Committee. The Secretary is further responsible for the establishment and development of an efficient administration of the Secretariat; the organization, control and management of staff of the Secretariat; maintaining accurate records on financial matters and resource use; ensuring the preparation and approval of the budget for the required funding of the operational expenses of the Summit, the Council and the Technical Committee; and performing any other duties as may be assigned to him by the Summit, the Council and the Technical Committee.

d) Council of County Governors – consisting of the governors of 47 counties, it serves as the forum for consultation amongst county governments; sharing of information on the performance of the counties in the execution of their functions with the objective of learning and promotion of best practice and where necessary, initiating preventive or corrective action; considering matters of common interest to county governments; dispute resolution between counties within the framework provided under this Act; facilitating capacity
building for governors; receiving reports and monitoring the implementation of intercounty agreements on inter-county projects; consideration of matters referred to the Council by a member of the public; consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of counties; and performing any other function as may be conferred on it by this Act or any other legislation or that it may consider necessary or appropriate.

e) Joint committees – the national and county governments may establish a joint committee with a specific mandate where such a committee is necessary for the achievement of the objects and principles of devolution and the objects and purposes of the intergovernmental relations.

f) Intergovernmental Budget and Economic Council – The Public Finance and Management Act 2012 provides for the establishment of the Intergovernmental Budget and Economic Council. The council provides a forum for consultation and cooperation between national and county governments on matters related to budgets, economy, financial management and related legislations among others.

In the event of disputes between governments, the governments shall make every reasonable effort to settle the dispute amicably by alternative dispute mechanisms including negotiation, mediation and arbitration. This Act provides that all agreements between national and county governments will include an appropriate dispute resolution mechanism with judicial proceedings as the last resort. The rationale is to apply and exhaust the mechanisms for alternative dispute resolution before resorting to judicial proceedings. Parties are encouraged before formally declaring the existence of a dispute to take necessary steps to amicably resolve the matter by initiating direct negotiations with each other in good faith. Where all efforts of resolving a dispute fail, a party to the dispute may submit the matter for arbitration or institute judicial proceedings.

The Senate represents county governments and serves to protect their interests. It does this in its law-making function, where it considers,
debated and approves bills concerning county governments. It also determines the allocation of national revenue among counties and exercises oversight over that revenue. The Senate, therefore, is an important organ for intergovernmental relations and dispute management and resolution.

6 2.4 The Leadership and Integrity Act, 2012

Chapter Six of the Constitution outlines the basic principles of leadership and integrity for all state officers in their public and private lives. State officers are to conduct themselves in a manner that:

- Demonstrates respect for the people
- Brings honour to the nation and dignity to the office that they serve; and
- Promotes public confidence in the integrity of the office that they serve

The Leadership and Integrity Act seeks to enforce the provisions of Chapter Six of the Constitution. It is the most important law regulating this important area and, besides the Constitution, *sedes materiae* for all issues related to leadership and integrity in Kenya.

The most important component of the Act is Part II – General Leadership and Integrity Code – which puts together a number of regulations, principles and values for public leadership rooted in the concept of public integrity, such as the rule of law, performance of duties and professionalism, financial integrity, and moral and ethical requirements.

Regarding “moral and ethical requirements”, the Act (Article 13) prescribes that:

“For the purposes of Articles 99(1)(b) and 193(1)(b) of the Constitution, a person shall observe and maintain the following ethical and moral requirements—
a) demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);

b) not to engage in activities that amount to abuse of office;

c) accurately and honestly represent information to the public;

d) not engage in wrongful conduct in furtherance of personal benefit;

e) not misuse public resources;

f) not discriminate against any person, except as expressly provided for under the law;

g) not falsify any records;

h) not engage in actions which would lead to the State officer’s removal from the membership of a professional body in accordance with the law; and

i) not commit offences and in particular, any of the offences under Parts XV and XVI of the Penal Code (Cap. 63), the Sexual Offences Act (No. 3 of 2006), the Counter-Trafficking in Persons Act (No. 8 of 2010), and the Children Act (Cap. 141).”

The Act further regulates some very important issues related to public integrity of State officer and public officials, such as gifts or benefits in kind, wrongful or unlawful acquisition of property, conflict of interest, participation in public tenders, foreign bank accounts of public officials, acting for foreigners, care of public property, misuse of official information, political neutrality and impartiality of State officers, as well as a number of other issues relevant for professional and dignified behaviour of public officials.

The Act comprises the norms for its enforcement; it enumerates offences against the Act, and prescribes penalties for the breaches of law.

6.2.5 The Ethics and Anti-Corruption Commission Act, 2011

This Act establishes the Ethics and Anti-Corruption Commission pursuant to Article 79 (Chapter 6 – see above) of the Constitution, to provide for the functions and powers of the Commission, the quali-
The Act further regulates some very important issues related to public integrity of State officer and public officials, such as gifts or benefits in kind, wrongful or unlawful acquisition of property, conflict of interest, participation in public tenders, foreign bank accounts of public officials, acting for foreigners, care of public property, misuse of official information, political neutrality and impartiality of State officers, as well as a number of other issues relevant for professional and dignified behaviour of public officials.

The Act comprises the norms for its enforcement; it enumerates offences against the Act, and prescribes penalties for the breaches of law.

This Act establishes the Ethics and Anti-Corruption Commission pursuant to Article 79 (Chapter 6 – see above) of the Constitution, to provide for the functions and powers of the Commission, the qualifications and procedures for the appointment of the chairperson and members of the Commission, and for connected purposes.

Maybe the most important element of the Act is Article 13 which talks about the powers of the Commission:

1) The Commission shall have all powers generally necessary for the execution of its functions under the Constitution, this Act, and any other written law.
2) Without prejudice to the generality of subsection (1), the Commission shall have the power to:
   a) educate and create awareness on any matter within the Commission’s mandate;
   b) undertake preventive measures against unethical and corrupt practices;
   c) conduct investigations on its own initiative or on a complaint made by any person, and
   d) conduct mediation, conciliation and negotiation.”

It is especially important that, according to the Act, the Commission has the right to independently conduct investigations within the scope of its work, which is a very strong tool for its efficient work.

The Commission is independent in its functioning. This is best visible in the Article 20 of the Act, which says that “nothing done by a member of the Commission or by any person working under the instructions of the Commission shall, if done in good faith for the purpose of executing the powers, functions or duties of the Commission under the Constitution or this Act, render such member or officer personally liable for any action, claim or demand.

The Commission has been very active thus far in informing the public about its activities and given the sensitive matter it deals with, it is the guardian of public integrity in the country. The Commission has been pushing for inclusion of the ethics and integrity curriculum in all primary
and secondary schools in the country, which is especially important for future generations of Kenyans and their understanding of proper functioning of the national and local governments.

6.2.6 The Public Officer Ethics Act, 2003

Dating from the time before the adoption of the Constitution 2010, this Act still regulates a number of ethics-related issues relevant for public officers in exercising their duties. The Act aims to advance the ethics of public officers by providing for a Code of Conduct and Ethics for public officers and requiring financial declarations from certain public officers. As such, it may serve as a “backup” law for legal loopholes observed in the previously mentioned legal acts.

Its major stipulations are comprised in the parts II through IV: Specific Codes of Conduct and Ethics, General Code of Conduct and Ethics, and Declarations of Income, Assets and Liabilities.

Part II requires that each Commission establishes a specific Code of Conduct and Ethics for the public officers for which it is responsible. The Act enumerates the following commissions: The committee of the National Assembly; The Public Service Commission; The Judicial Service Commission; The Parliamentary Service Commission; The Electoral Commission; The Teachers Service Commission; The Defence Council and The National Security Intelligence Council. The Act defines which state bodies are controlled by which of these commissions. The Act further stipulates that “until a Commission has established a specific Code, the general Code of Conduct and Ethics under Part III shall apply as though it were the specific Code established by the Commission”.

Part III sets out a general Code of Conduct and Ethics for public officers. It includes the following elements: Performance of duties; professionalism; rule of law; no improper enrichment; conflict of interest; collections and harambees; acting for foreigners; care of property; political neutrality; nepotism; giving advice; misleading the public; conduct of private affairs; sexual harassment; submitting of declarations; selection of public officers;
acting through others and reporting improper orders.

Part IV regulates the issue of declarations of income, assets and liabilities. According to the Act, every public officer shall, once every two years submit to the responsible Commission for the public officer a declaration of the income, assets and liabilities of himself, his spouse or spouses and his dependent children under the age of 18 years.

The contents of a declaration or clarification under this Act shall be accessible to any person upon application to the responsible Commission in the prescribed manner if the applicant shows to the satisfaction of the responsible Commission that he or she has a legitimate interest and good cause in furtherance of the objectives of this Act. However, no information obtained shall be published or in any way made public except with prior written authority of the responsible Commission, and publishing of this information is punishable in accordance to the provisions of the Act.

The Act also regulates the enforcement of the Code of Conduct and Ethics.

### 6.2.7 Other significant laws and sources of law

For the purpose of this handbook, and in the context of a devolved government, the following laws (or bills) and legal documents may be of significance:

1. The Transition to Devolved Government Act, 2012
2. Public Finance Management Act, 2012
3. The Division of Revenue Act, 2013
4. The County Allocation of Revenue Bill, 2013
5. The National Cohesion and Integration Act, 2011
7. The Penal Code and the Criminal Procedure Code
8. Civil Procedure Code, Cap 75
10. The Elections Act, 2011
6.3 Some challenges of the current legal and political context

Following the adoption of the Constitution in 2010, the country has put in place a vast legal framework aimed at answering the foremost challenges for efficient and orderly functioning of elected officials.

No law is perfect and, consequently, no legal framework is perfect either. A legal framework is more than simply a sum of its parts and, as such, subject to imperfections and inconsistencies, as well as additional co-related consequences, of legal sources that form it.

This handbook does not try to provide a thorough analysis of just everything that can be included in such complex areas as devolution, involvement of youth or public integrity. Likewise, the presentation of some of the critical points with the legal framework is not systematized. Rather, the handbook points to a number of issues that should be rectified in order for the country’s new constitutional order to function more efficiently and be of benefit to all Kenyans.

Speaking of the devolution, in the aftermath of the 2013 elections, we have witnessed the confusion with regard to the distribution of functions

11. The Political Parties Act, 2011
12. The Electoral Code of Conduct
13. The Political Parties Code of Conduct
14. The Communication Commission of Kenya Act
15. The Kenya Broadcasting Commission Act
16. The Public Order Act
17. Preservation of Public Security Act
18. The Election Offences Act
between the national and the county governments. Whereby the Constitution tried to provide an exhaustive list of functions for the both, some open issues remain. For example, the issue of health care is not clearly defined – whereas it seems that the counties are responsible for the health services, the health policy is still a prerogative of the central government. There are other examples of similar nature which can cause confusion as to who will be responsible for what, and then it is very difficult to hold decision makers to account. It would be important to have the roles and functions defined in a clearer way, so that the other laws, in particular those regulating ethics and integrity in public affairs, can be fully implemented.

A very similar situation is with the role of the Senate in budget-related issues for the counties. It remains unclear whether the Senate, as a guardian of devolution at the national level, ought to have a say in discussions on the division of revenue between the national and local governments. Without answering this question (the role of the Senate), it will be impossible to implement the principles of transparency and accountability in the context of devolved government.

There is a clear need for more legislative action oriented towards the youth, including enacting legislation that will guarantee participation of youth in the Parliament, but also more youth-oriented policies that would effectively implement Article 55 of the Constitution. The youth need to hold their elected officials to account for implementation (or lack thereof) of this important constitutional provision.

The Leadership and Integrity Bill of 2012 was much more comprehensive in its scope than the adopted Act. Unfortunately, The Act, passed by MPs, paved the way for those with pending criminal court cases to contest elective posts, it stripped EACC of powers of getting information from
Government bodies on individuals seeking leadership positions and denied the commission prosecutorial powers and ability to offer compliance certificate to candidates. Such watered down act caused significant controversy in the run-up to the 2013 election and these issues need to be rectified before the next election cycle. Otherwise, impunity may remain legalised via a para-constitutional instrument.

In order for the Ethical and Anti-Corruption Commission to function properly, more funds and human power is needed. This needs to be clearly expressed in the national budget and actions of major political actors.

Both the national and county governments need to propose more aggressive education campaigns in the field of public integrity. This needs to include all elements of integrity – civility, professionalism, ethics, transparency, accountability and good governance. Without it, much of the potential provided in the legal framework will be lost in social entropy.

It is very important for the government to take a closer look into why laws are not being implemented. Kenya has undergone huge and complex reforms, but sometimes it is important to remain realistic and seek plausible solutions. The implementation gap often happens because of unrealistic reforms, but the reasons may be elsewhere as well (often in special interests of individuals).

6.4 Conclusion

Kenya has a great chance to make use of the solid legal framework it has put in place to promote integrity in the public life. The Constitution, The Leadership and Integrity Act and other related laws form a good basis for this.

Many of these documents put emphasis on integrity as the supreme value and principle of behaviour in the public arena. The Constitution and the lex specialis are a proof of this.

However, some challenges still remain and they need to be resolved before
significant progress can be expected. This relates primarily to some insufficiencies in the legal documents, but also in the most dangerous manifestation of the absence of the rule of law – lack of implementation or enforcement of already adopted laws.
7. County Accountability and Transparency Indicators (CATS)

7.1 Introduction

The County Accountability and Transparency Indicators (CATS) are a unique instrument designed to provide a combination of quantitative and qualitative assessment of the quality of governance at the county level of government. Carefully selected from a comprehensive review of relevant literature and other democratic governance, stakeholder and public sources, as well as Kenya’s concrete reality, the CATS can be used to "score" the institutional framework that exists at the county level to promote public integrity and accountability, and prevent abuses of power.

This chapter provides an overview of methodology that can be used to assess the quality of legal framework and performance of national and local governments, as well as the ways we can use to develop a set of applicable CATS.

Various aspects of the indicators problematic are tackled, including some challenges that we can experience when crafting a viable set of indicators for the purpose of assessing integrity and performance of public officials.

7.2 How to develop a set of indicators for public integrity

In the previous chapters, we have seen how difficult it is to provide an ultimate definition of public integrity. Too many of its constitutive elements depend on the legal framework, cultural background, public and individual perceptions, and other components that need to be taken into consideration when we contemplate developing a set of indicators that should help us hold our leaders to account for their actions.

Likewise, indicators that are relevant for one county or region do not have
Indicators are important, but need to reflect reality on the ground. For this purpose, local knowledge is of special importance.

In order to address this challenge, the best method is to avoid relying on “universally applicable” standards, but to try defining county- or region-specific set of indicators that young leaders, politicians, but also the public as a whole will be able to identify with.

For this purpose, it is advisable to conduct interviews with major stakeholders and members of the public in your county to see what they think are important issues that indicators should assess.

These major stakeholders can involve a variety of actors in local affairs – from elected officials, public servants, civil society, private sector and ordinary people who most intimately experience good and bad sides of political decisions.

Conducting such a research is sometimes a cumbersome task, but it results in multiple benefits for the exercise of testing the quality of political decisions, as well as the overall work of the elected officials – there is no “input from the outside” which sometimes may be characterized by lack of understanding for local problems, all major stakeholders are acquainted with the evaluation scheme and the results of the assessment will represent the original, home-grown knowledge that can be easily replicated in the future assessments and observed over time.

The number of potential integrity indicators is by no means limited. For example, the indicators can assess the existence of laws, regulations, and agencies/entities or equivalently functioning mechanisms that are in place in a particular county, such aspects of public integrity as protection from political interference, appointments that support the independence of elected officials or an agency, professional full-time staff and funding,
independently initiated investigations, imposition of penalties, or citizen access to public information or the ready availability of public reports to citizens and public information within a reasonable time period and at a reasonable cost. Again, the choice of indicators lies with the local youth leaders and they will determine their relevance in the particular local context.

Perhaps the best way to tackle such a complex matter is to mobilize a team of highly motivated local young leaders, serving as “researchers”, to generate quantitative data and qualitative reporting on the health of governance framework in the counties. Each county assessment contained in the resulting report will be used to generate the so called Integrity Indicators scorecard.

It is always advisable to organize your indicators into clusters or thematic areas for easier assessment and orientation among them. This will further enable the public to measure progress or lack thereof in variety of areas that local officials function within.

Given the fact that there is no such thing as the “final set of indicators”, and taking into account the complexity of forms and ways in which concrete county reality manifests itself, the examples provided in this handbook are simply that – examples, and they can be modified as deemed necessary by the local young leaders.

Personality, language, and culture can all affect the interpretation of a particular indicator and, in case such method is being used, the score assigned to it. To minimize this effect and maximize inter-coder reliability, the assessment should provide local young leaders with scoring criteria for every single Integrity Indicator. The scoring criteria anchor each indicator and sub-indicator to a predefined set of criteria that is further discussed in this handbook.

7.3 “In law” vs. “in practice indicators”

It is clear that a good legal framework is essential for proper functioning
of local governments. Without it, much of decision making can happen in an atmosphere of lawlessness and arbitrariness which happens all too often even with laws already in place.

The rule of law in this context means that there are laws and regulations that adequately address most imaginable situations in the local context, from the statutory organization of power to the provision of public services. All people, including elected officials, need standardized guidelines for their behaviour and actions, and a good legal framework is the basis for it.

This means that the first question that needs to be asked is whether there are provisions on the books that regulate the structure of local governments and actions of local officials. Such “in law” indicators ask what is spelled out in laws, what is on the books, and what is not covered by the existing legal framework. The questions posed in the realm of “in law” indicators can be easily answered with a “yes” or “no”, that is, whether adequate legal regulations exist or not. These indicators are usually also the basis for another kind of indicators – the “in practice” indicators.

Namely, after we have established the set of rules of the game that all public officials need to follow and obey, the question that needs to be answered is whether and how effectively these regulations are implemented in practice. All too often we witness that the laws are complex and comprehensive, but that reality does not correspond to what had been envisaged in their provisions. And this is where most reform efforts fail. Having a good legal framework does not suffice – it must find its corresponding effect in the ability of officials and the public to safeguard its implementation.

In other words, "in practice" indicators address de facto issues, such as implementation, effectiveness, enforcement, and citizen access. As these usually require a more nuanced assessment, the "in practice" indicators
require a greater variety of possible answers. It is up to the local leaders to determine what is the best way to record this variety.

For example, Global Integrity, the world’s leading NGO in assessment of governance mechanisms, usually provides scores along an ordinal scale of zero to 100 with possible scores at 0, 25, 50, 75 and 100. In only a few cases, the “in practice” indicators are scored with “yes” or “no”, as is the case with “in law” indicators.

In addition, it is good to measure the so called “implementation gap”, that is, the difference between what is on the books (“in law” indicators) and the concrete reality (“in practice” indicators). This measurement can reveal many things – from how realistic the laws and resulting reforms are, over readiness of major stakeholders to implement laws to reasons why there is a gap in the first place. The most important task is to determine the best way to measure this gap – by using mathematical methods or more qualitative analysis of this important problematic.

7.4 Combining integrity, leadership and youth in a set of indicators

Since the focus of our work is on public integrity, accountability of public officials and the role the youth can play in assessing these, it is important to take all these elements into account when deciding on the number, structure and content of integrity indicators.

This means that we shouldn’t be wasting the usually limited human and financial resources asking questions that maybe some other institutions, organizations or individuals already deal with.

These may include broader political issues, such as political options and party platforms, everyday politics or provision of some services that function regardless of who is in power and who elected officials are. On the other hand, one needs to be careful not to neglect the implications of these and similar issues, for they may be relevant for assessment of local
governments and evaluation of integrity of local officials.

The youth and young leaders need to play an important role in holding public officials to account. The reason for it is not simply in the large number of young people in our society, but primarily in the freshness of ideas that new and younger generations bring to the fore.

In the context of the new constitutional organization of the country’s governments, ongoing progress and development of the country and new ideas that we can acquire from all over the world, the youth can significantly contribute to improvement of living conditions for our fellow citizens. The essential prerequisite for this, however, is that the youth itself internalizes the fundaments of personal integrity in their actions and behaviour.

The youth and young leaders need to play an important role in holding public officials to account, not just due to the large number of young people in our society, but primarily in the freshness of ideas that new and younger generations bring to the fore.

It is impossible to require competence, knowledge, professionalism, transparency and accountability from elected officials unless we are ourselves determined to follow these principles in our own lives. Sound ethics and personal integrity should be the guiding principles in our right to hold politicians to account for their actions.

7.5 Potential problematic points

Besides the already discussed problem of “measurement of public integrity”, there are a number of issues that can be preventing us in our efforts to hold public officials to account.

The first such obstacle may be ourselves. Namely, if we don’t lead lives according to the principles of personal integrity, it is impossible to require the same from others, including the public officials. This means that the true measure of our ability to hold public officials to account must be
The true measure of our ability to hold public officials to account must be self-examination, that is, an introspective assessment of our own values, beliefs and goals.

Further problems include the lack of relevant legal framework (it is important to note, however, that certain behaviours can exist in practice without the correlating legal framework), absence of public interest in our activity, and inadequately posed questions or wrong indicators altogether.

One especially complex problem may be the irresponsiveness of public officials that we are trying to assess. In order to resolve this problem, an assessment campaign needs to have clear goals and strong message that will motivate the public officials to take it seriously.

### 7.6 Top-bottom vs. bottom-top approach

This dichotomy refers to the way the local reality is being assessed – from the national or local level. Both approaches have both positive and negative sides.

Top-bottom approach is used when one national organization determines the set of indicators based on which the local government is being assessed. This approach ensures uniformity among the observed units and provides for an easier comparison among the counties. In the case when units share common characteristics, this can be useful for determining best practices used in some counties and their replication in the others. On the other hand, this method does not pay enough respect to geographical, historical and cultural differences among regions and counties, and as such is not best-suited for an in-depth qualitative analysis of the counties’ socio-political reality.

Bottom-top approach implies home-grown, local knowledge about the socio-political context of the counties. People from different parts of the country know their counties and local community, as well as their needs
The true measure of our ability to hold public officials to account must be self-examination, that is, an introspective assessment of our own values, beliefs and goals. Farther problems include the lack of relevant legal framework (it is important to note, however, that certain behaviours can exist in practice without the correlating legal framework), absence of public interest in our activity, and inadequately posed questions or wrong indicators altogether.

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This dichotomy refers to the way the local reality is being assessed - from the national or local level. Both approaches have both positive and negative sides. The top-bottom approach is used when one national organization determines the set of indicators based on which the local government is being assessed. This approach ensures uniformity among the observed units and provides for an easier comparison among the counties. In the case when units share common characteristics, this can be useful for determining best practices used in some counties and their replication in the others. On the other hand, this method does not pay enough respect to geographical, historical and cultural differences among regions and counties, and as such is not best-suited for an in-depth qualitative analysis of the counties’ socio-political reality.

The bottom-top approach implies home-grown, local knowledge about the socio-political context of the counties. People from different parts of the country know their counties and local community, as well as their needs and problems, best, and can contribute maximum knowledge in determining the optimal set of indicators to be tested at the local level. Bottom-top approach lends itself as the best method for thorough qualitative analyses of socio-political developments and public officials’ behaviour at the local level. In addition, it provides essential information about the real state of things at the local level to national organizations or the central government. The major problem with this approach is that it makes a comparative analysis between counties more difficult.

Since counties are not countries and share the same organizational structure, but at the same time have their own distinct histories and economic interests, the best solution to the dilemma which approach to take lies in the combination of the two. For this purpose, it would be best to organize a meeting of young leaders from all parts of the country and agree on the common set of indicators, allowing the individual counties to determine additional, specific indicators relevant for them. The first, common set of indicators could provide for a comparative analysis between the counties, whereas the other indicators could serve the local observers in monitoring the local officials in specific areas over a protracted period of time.

### 7.7 Importance of the local knowledge

As previously explained, the importance of local knowledge cannot be overstated. Young leaders and people residing in local communities know best what are their needs and problems. Our neighbours are therefore our most valuable source of first-hand information about what indicators need to be tested to improve the quality of governance at the local level.

When organizing ourselves for the complex work on testing the integrity of public officials, we have to explore all sources of such local
Young leaders and people residing in local communities know best what are their needs and problems.

In practice, this means conducting interviews with local officials, public servants, public employees (such as teachers, doctors, etc.), as well as ordinary people in determining the final and as inclusive as possible list of questions to be asked for the evaluation of public officials’ integrity.

In other words, “common sense” does not suffice in determining which the most important issues at the local level are. We all have different wishes, hopes, desires, and problems, and on occasions they coincide. However, these coincidences can be determined only through research, and as such they form the basis for the final set of integrity indicators.

7.8 Set of CAT indicators (CATS)

The number of possible indicators is not limited. Our laws, socio-political context and day to day reality offer endless opportunities for drafting a set of plausible indicators. In addition, the current political circumstances in Kenya – the new Constitution and legal framework, devolved system of government, multiple neuralgic points as well as the virtual absence of “measurement of public integrity” – offer much space for establishing a set of plausible and actionable integrity indicators.

As we don’t aim at “measuring” the immeasurable, that is, such abstract phenomena as “integrity” or “corruption” (explained in the previous chapters), we focus in this section on the set of indicators that should help us assess or “measure” the constitutive elements of integrity.

However, in order for our efforts to hold our leaders to account to be truly useful, we need to be realistic about what we want to measure. The focus of this handbook is on accountability or, in other words, one’s obligation or willingness to accept responsibility for her or his actions.
This definition of “accountability” is very important for it shows that acceptance of responsibility may be of voluntary or obligatory nature. This doesn’t mean that our indicators have to measure only the obligatory accountability. Quite to the contrary, the politicians who accept responsibility for both their good and bad actions voluntarily usually have more integrity that those forced to do so, either by legal or political means (such as elections).

By choosing to focus on accountability, we seemingly accept to forego assessment of other constitutive elements of integrity – competence, ethics and absence of corruption (see Chapter 3). However, the concept of accountability offers a larger playfield than the other constitutive elements, especially when it comes to qualitative and quantitative analysis of public integrity.

For example, if someone is not competent enough for the job s/he has been elected to, either she or he can be held accountable for the absence of relevant knowledge, skills or experience, or the public body that nominated and/or elected them. Similarly, the lack of ethics in someone’s behavior can be tested via indicators on accountability, e.g. measuring accountability for an unethical act.

It is possible to think of the opposite, but such approach does not satisfy the postulates practical needs. For example, someone’s refusal to accept responsibility can be perceived as unethical, but we don’t have much from understanding and accepting this fact – we can only conclude that the person should accept responsibility. It is even harder to imagine a similar situation involving the variables “competence” and “accountability” or for someone to be perceived as incompetent because of absence of responsibility.

So, this section offers some questions that can be asked in order to hold the public officials at the local level to account for their actions.
and decisions, which means that we are focusing on one indicator – “accountability”. These questions are based on the previously explained dichotomy between “in law” and “in practice” indicators, as well as the legal framework explained in Chapter 6.

Since Kenya’s new laws on devolution and integrity provide lots of regulations, it is easy to anticipate that the number of “in law” questions will be substantially smaller than the number of “in practice” questions. Surely, we are interested in closing the legal loopholes and improving our legal framework, but for the purpose of holding our local officials to account, we are even more interested in the practical reality or how our current laws are being implemented in practice.

This will enable us to see what the real problems at the political level are and what can we do to rectify the situation. It can also provide us with an overview of causes for implementation gap, one of the biggest problems for every reform.

In order to remain realistic as to what can be done, and since we are focusing on one indicator only (accountability), it is advisable not to overdo with the number of questions to be posed. Concrete and precise questions can provide much more grounds for action and changes than a large number of incoherent questions.

Once more, since we are basing our research on the legal framework that is already in place in Kenya, in this section we offer a set of questions related to practice. It is important to mention that the set of indicators can be expanded as necessary, by adding “in law” questions and other constitutive elements of public integrity. It can also be expanded to include the national government. Such set of questions makes it possible to compare results achieved in different counties.

7.9 Indicator “Accountability”

1) Do governments at the national and county levels conduct their
mutual relations on the basis of consultation and cooperation (Constitution – Art. 6)?

a) Score 100 – The governments at the national and county levels conduct their mutual relations on the basis of consultation and cooperation.

b) Score 50 – The governments at the national and county levels conduct their mutual relations on the basis of consultation and cooperation, but there may be some open issues, such as collision of functions or occasional absence of consultation and cooperation.

c) Score 0 – The governments at the national and county levels do not conduct their mutual relations on the basis of consultation and cooperation.

2) Do public officers at the county level respect and adhere to the national values and principles of governance, as defined in the Constitution (Const. / Art. 10)?

a) Score 100 – Public officers at the county level respect and adhere to the national values and principles of governance, as defined in the Constitution.

b) Score 50 – Public officers at the county level mostly respect and adhere to the national values and principles of governance, but some problems remain. For example, their acts and decisions sometimes do not correspond to the provisions of the Constitution.

c) Score 0 – Public officers at the county level do not respect and adhere to the national values and principles of governance. Their behavior is regularly in opposition to the national values and principles of governance, as described in the Constitution.

3) Does the local official exercise her or his authority in a manner that is consistent with the purposes and objects of the Constitution; demonstrates respect for the people; brings honour to the nation and dignity to the office; and promotes public confidence in the integrity of the office (Const. / Art. 73)?
a) Score 100 – The local official upholds the Constitution fully.
b) Score 50 – In most cases, the local official upholds these provisions of the Constitution, but some shortcomings may be occasionally observed.
c) Score 0 – The local official regularly disregards these provisions of the Constitution.

4) Does the local official behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids (a) any conflict between personal interests and public or official duties; (b) compromising any public or official interest in favour of a personal interest; or (c) demeaning the office the officer holds (Const. / Art. 75)

a) Score 100 – The local official upholds the Constitution fully.
b) Score 50 – In most cases, the local official upholds these provisions of the Constitution, but some shortcomings may be occasionally observed.
c) Score 0 – The local official regularly disregards the provisions of the Constitution on the conduct of state officers.

5) Does the local official adhere to the moral and ethical requirements described in the Article 13 of the Leadership and Integrity Act (the requirements to be listed in their entirety here)?

a) Score 100 – The local official adheres fully to these provisions of the Leadership and Integrity Act.
b) Score 50 – In most cases, the local official adheres to these provisions of the Leadership and Integrity Act, but some shortcomings may be occasionally observed.
c) Score 0 – The local official regularly disregards the provisions of the Act related to the moral and ethical requirements.

6) Does the local official adhere to the stipulations of the Leadership and Integrity Act related to public integrity of State officer and public officials, such as gifts or benefits in kind, wrongful or unlawful
neutrality and impartiality of State officers, as well as a number of other issues relevant for professional and dignified behavior of public officials?

a) Score 100 – The local official adheres fully to these provisions of the Leadership and Integrity Act.
b) Score 50 - In most cases, the local official adheres to these provisions of the Leadership and Integrity Act, but some shortcomings may be occasionally observed.
c) Score 0 - The local official regularly disregards the provisions of the Act related to the moral and ethical requirements.

7) In the case of allegations of the breach of law by the local officials, does the Ethics and Anti-Corruption Commission initiate adequate independent investigation (Article 13 of the Ethics and Anti-Corruption Act)?

a) Score 100 – The Commission independently starts adequate investigation in the case of allegations of the breach of law by the local officials.
b) Score 50 - In most cases, the Commission initiates adequate independent investigation, but some shortcomings may be occasionally observed. These may include inadequate techniques or procedures, or selective approach to this problematic.
c) Score 0 - The Commission does not independently start adequate investigation in the cases of the breach of law.

8) Does the local official adhere to the specific Code of Conduct and Ethics established by the Public Service Commission?

a) Score 100 – The local official adheres to the specific Code of Conduct and Ethics established by the Public Service Commission
b) Score 50 – The local official mostly adheres to the Code, but some shortcomings may be observed.
c) Score 0 – The local official regularly breaches the Specific Code
of Conduct and Ethics established by the Public Service Commission.

9) Do the local officials hold enough open meetings to discuss the county development priorities with the interested public?

a) Score 100 – The local officials hold regular open meetings to discuss the county development priorities with the interested public.

b) Score 50 – The local officials hold meetings that are mostly open to the public, but this is either not on a regular basis or it does not involve all interested representatives of the public.

c) Score 0 – The local officials do not hold open meetings to discuss the county development priorities with the interested public.

10) Do the local officials adhere to the laid out procedures and sequence in the planning and budgeting process?

a) Score 100 – The local officials always adhere to the laid out procedures and sequence in the planning and budgeting process.

b) Score 50 – The local officials mostly adhere to the laid out procedures and sequence in the planning and budgeting process, but some problems may be observed. These may relate to discard for some procedures or sequence in the budgeting process.

c) Score 0 – The local officials do not adhere to the laid out procedures and sequence in the planning and budgeting process.

11) Do the local officials pay enough attention to prioritization of the budget items in the local budget?

a) Score 100 – The local officials have established adequate procedures for determining budgetary priorities in the county.

b) Score 50 – The local officials have adequate procedures in place, but they either do not follow them strictly or they are not adequate for determining budgetary priorities at the county level.
c) Score 0 – There are no established procedures for establishing budgetary priorities at the local level.

12) Do the local officials allocate enough funding for affirmative programmes for vulnerable groups (women, the youth and people with disabilities) at the county level?
   
a) Score 100 – The local officials allocate adequate funds for vulnerable groups at the county level.
b) Score 50 – The local officials do not allocate adequate funds for vulnerable groups at the county level, but some programmes do exist.
c) Score 0 – No funds are allocated for affirmative programmes for vulnerable groups at the county level.

13) Is the issue of youth (un)employment addressed at the county level?
   
a) Score 100 – The local officials have established comprehensive programmes addressing the problem of youth (un)employment at the county level.
b) Score 50 – The local officials often discuss the problem of youth (un)employment at the county level and offer solutions, but a comprehensive plan for how to address this issue has not been adopted yet.
c) Score 0 – The problem of youth (un)employment is not addressed at the county level.

14) Is there youth representation in boards and county committees?
   
a) Score 100 – The youth is well represented in boards and county committees.
b) Score 50 – There are youth representatives in boards and county committees, but their number should be increased.
c) Score 0 – There are no youth representatives in boards and county committees.
15) Is the issue of youth (un)employment addressed at the county level?

a) Score 100 – The local officials have established comprehensive programmes addressing the problem of youth (un)employment at the county level.
b) Score 50 – The local officials often discuss the problem of youth (un)employment at the county level and offer solutions, but a comprehensive plan for how to address this issue has not been adopted yet.
c) Score 0 – The problem of youth (un)employment is not addressed at the county level.

16) Do the local officials use the public money for common good rather than unnecessary spending, e.g. purchase of luxurious goods?

a) Score 100 – The local officials use the public money for common good.
b) Score 50 – The local officials mostly use the public money for common good, but some unnecessary purchases have been made during the reporting period.
c) Score 0 – Wasteful spending is a common practice of the local officials.

17) Are the targeted projects at the county level adequately designed to empower local youth and professionals?

a) Score 100 – The targeted projects at the county level are adequately designed to empower local youth and professionals.
b) Score 50 – The targeted projects have been designed adequately, but some shortcomings may be observed. These may relate to inadequate component of essential empowerment of the local youth and professionals or to the absence of the element of sustainability.
c) Score 0 – There are no projects designed to empower local youth and professionals.
18) Are the youth considered in procurements in the county by the county assembly, thus adhering to the Presidential directive requiring that 30 per cent of all public tenders be set aside for youth, women and persons with disabilities?

    a) Score 100 – The youth is considered in procurements at the county level as per the Presidential directive.
    b) Score 50 – The youth is often considered in procurements at the county level, but the Presidential directive is not always adhered to.
    c) Score 0 – The Presidential directive on tenders is not adhered to at the county level.

19) Do the local development projects comprise the element of sustainability?

    a) Score 100 – The local development projects comprise the element of sustainability, e.g. in the form of a sustainability plan.
    b) Score 50 – The local development projects include the element of sustainability, but not all relevant factors contributing to it had been considered when the project was adopted.
    c) Score 0 – There are no local development projects or they do not include the element of sustainability.

20) Do the local officials disclose to the public their personal assets, prior to assuming their duties and at the end of their mandate?

    a) Score 100 – The local officials disclose their personal assets to the public both prior to assuming their duties and at the end of their mandate.
    b) Score 50 – The local officials mostly disclose their personal assets to the public, but they either not to do it both prior to assuming their duties and at the end of their mandate, or some
information provided).

21) Do the local officials disclose the content of all agreements or contracts that they enter or conclude on behalf of the county?

   a) Score 100 – The local officials disclose the content of all agreements or contracts that they enter or conclude on behalf of the county.
   
   b) Score 50 – The local officials mostly disclose the content of agreements or contracts that they enter or conclude on behalf of the county, but some shortcomings may have been observed. For example, some agreements or contracts are not released to the public.
   
   c) Score 0 – The local officials do not disclose the content of agreements or contracts that they enter or conclude on behalf of the county.

22) Do public procurements at the county level follow an open and competitive bidding process?

   a) Score 100 – The public procurements at the county level follow an open and competitive bidding process.
   
   b) Score 50 – The public procurements at the county level mostly follow an open and competitive bidding process, but some exceptions may happen.
   
   c) Score 0 – The public procurements at the county level do not follow an open and competitive bidding process.

23) Are decisions on the public procurement at the county level made readily available to the public?

   a) Score 100 – The public procurement decisions at the county level are made readily available to the public.
   
   b) Score 50 – The public procurement decisions at the county level are mostly made available to the public, but some exceptions may happen.
c) Score 0 – The public procurements at the county level do not follow an open and competitive bidding process.

24) Do the local officials provide requested information on the functioning of the county government to the public?

a) Score 100 – The local officials provide all requested information to the public in a reasonable time.
b) Score 50 – The local officials provide requested information to the public, but this may be after some time delay (two weeks would be an acceptable norm; everything after that is unwanted delay).
c) Score 0 – The local officials do not provide requested information to the public.

25) Do the local officials stick to their political platforms and promises given in the election campaign?

a) Score 100 – The local officials stick to their political platforms and promises given in the election campaign.
b) Score 50 – The local officials mostly stick to their platforms and/or promises given in the election campaign, but some exceptions have been observed.
c) Score 0 – The local officials do not stick to their platforms and/or promises given in the election campaign.

26) Do the local officials treat every Kenyan equally (regarding the due procedure) and with respect, regardless of her or his gender, age, ethnic or economic background, political affiliation, religious and personal beliefs, physical and mental condition?

a) Score 100 – The local officials treat every Kenyan equally and with respect, regardless of her or his gender, age, ethnic or economic background, political affiliation, religious and personal beliefs, physical and mental condition.
b) Score 50 – The local officials typically treat every Kenyan
equally and with respect, regardless of her or his gender, age, ethnic or economic background, political affiliation, religious and personal beliefs, physical and mental condition, but some exceptions (primarily in the form of slight biases) may have been observed.

c) Score 0 – The local officials do not treat every Kenyan equally and with respect.

27) Are the local officials open to new ideas, the dialogue with political opponents and constructive problem-solving at the county level?

a) Score 100 – The local officials are open to new ideas, the dialogue with political opponents and constructive problem-solving at the county level.

b) Score 50 – The local officials are mostly open to new ideas, the dialogue with political opponents and constructive problem-solving at the county level, but this approach is sometimes hindered either by theirs, or the actions of their political opponents.

c) Score 0 – The local officials are not open to new ideas or the dialogue with political opponents and constructive problem-solving at the county level.

28) Do the local officials perform their duties in a professional, transparent and accountable manner?

a) Score 100 – The local officials perform their duties in a professional, transparent and accountable manner.

b) Score 50 – The local officials mostly perform their duties in a professional, transparent and accountable manner, but some exceptions may be noticed. This relates in particular to their communication in the public sphere, punctuality, responsiveness, upkeep of civility in their contact with their fellow citizens, transparency in their functioning and use of public assets.
c) Score 0 – The local officials do not perform their duties in a professional, transparent and accountable manner.

29) Are the local officials leaders of personal and public integrity, as understood by the Constitution, the relevant legal framework and customs and traditions of Kenya and their counties?

a) Score 100 – The local officials are leaders of personal and public Integrity.

b) Score 0 – The local officials are not leaders of personal and public integrity.

7.10 So, what next?

Once we have such a strong tool as CATs in our hands, we can tweak, adapt and rearrange these questions so that they fit the concrete realities and diversity of our counties. Again, if we want to make a comparative analysis across counties, we will keep them as uniform as possible. On the contrary, if we are more interested in a qualitative analysis of particular counties, we will craft a set of questions capturing specific qualities of individual counties.

The question that is now being logically posed is – how can we hold our leaders accountable based on these and similar questions.

These and similar questions provide us with a snapshot of reality in our counties. Rather than being a set of merely statistical facts, they are highly actionable, in that they provide ground for further actions by the local young leaders.

Primarily, young leaders need to create the sense of unity around the common goal of holding the local officials to account. In order to achieve this goal, they need to avoid unnecessary ruptures among the youth. Public integrity of our elected officials is important and beneficial to all of
us and if we have this in mind, not even political differences – that are essential for a democratic society, such as Kenyan – will be an insurmountable obstacle in this endeavor.

The first step that needs to be tried is to talk to the local officials in order to improve the situation in the county. The (local) governments and citizens, or the civil society, are not enemies, but ultimately partners in creation of a more tolerant, open and effective society. The one that caters for all its citizens. The one that can help move Kenya forward.

As we already mentioned, often times we can be confronted with discard of our findings or suggestions for improvement by political officials. This should by no means discourage the youth from requiring more transparency, accountability, civility and professionalism from our public servants. This is our country and our home, and we cannot allow to go back now that so much has already been achieved in the legislative and political arenas.

In the case of an outright dismissal of our work by the public officials, we can organize excellent public campaigns, aimed raising awareness among the county populations of the importance to continuously check the level of their personal and public integrity. The can be confined to the county level or created at the national level, with participations of many of our colleagues. Once more, we are talking about public integrity and not political preferences. Despite being such an abstract concept, integrity has the quality of universalism – almost everyone can agree that it is important. And especially in our times of new communication means, we will be happier if politicians whom we consider to be closest to our political perception also emanate the quality of integrity in the public life.

The campaigns can be organized in many forms – from individual contacts with our fellow citizens, over publishing leaflets and brochures, to various pressure groups and national campaigns. Whatever we decide to do, we must never forget what prompted us to engage in such actions
in the first place – better life for us and all Kenyans. By asking our elected officials for more integrity, we must not lose the thought of our own. That would be application of the Golden rule in the everyday public affairs.

Organizing dialogue between citizens at the county level is a very important task. One excellent way to do this is to use or facilitate citizen fora at the county (as well as town and village levels) to discuss the issues related to public integrity of county officials. Such fora could provide invaluable first-hand insights from people who are most vitally interested in the issues directly related to their daily lives.

Of course, if direct communication or public campaigns do not bear wanted fruits, there is always room for legal action. However, this should be the last resort. The judiciary must not become an arbiter in just every situation in Kenya. As an alternative, we need to build the sense of personal integrity in our leaders. We all make mistakes, and so do the politicians – admitting them and accepting consequences is the ultimate purpose of democracy. Sometimes we cannot wait until the next election for these consequences to happen. In order for our politicians to accept them even before that, however, there is much work that will need to be done.

7.11 Conclusion

Because of their trustworthiness, absence of perception as predominant assessment element and actionability, the integrity indicators can be an excellent instrument of holding the public officials to account.

Since the number of indicators is unlimited, this handbook provides only a few examples of questions that can be posed to generate a score for particular indicator.

Once we have all the questions in place, the assessment and scoring of performance of public officials can begin. The results may be used as a form of pressure for change at the local level, but also as a basis for a
nation-wide campaign on the neuralgic points in the political system.

Of course, all indicators for local authorities can mutatis mutandis be adapted for the purpose of assessment of the national government.

Once we have a solid and powerful instrument in place, we can organize various activities that will propel the issue of public integrity of our elected public servants to the spotlight of the public. By doing so, we must always be aware of the importance to maintain our own integrity.
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