

**THE 6<sup>TH</sup> ANNUAL GOVERNANCE &  
ETHICS CONFERENCE- 21<sup>ST</sup>- 23<sup>RD</sup> MARCH  
2018**

**TOPIC: UNDERSTANDING  
GOVERNANCE AND ETHICAL  
DILEMMAS FACING COUNTY  
GOVERNMENTS AND WAY FORWARD**

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# INTRODUCTION

- **WHAT IS DEVOLUTION?**
- **WHY DEVOLUTION?**
- **WHERE ARE WE 5 YEARS DOWN THE LINE?**

## GOVERNANCE

- ❑ Governance is concerned with the processes, systems, practices and procedures; the formal and informal rules that govern institutions, the manner in which these rules and regulations are applied and followed, the relationships that these rules and regulations determine or create, and the nature of those relationships. Essentially, governance addresses the leadership role in the institutional framework.
- ❑ Good governance is founded upon the attitudes, ethics, practices and values of the society.

# NEED FOR GOOD GOVERNANCE

- Efficient, effective and sustainable governments that contribute to the welfare of society by creating wealth, employment and solutions to emerging challenges
- Responsive and accountable county governments
- Legitimate governments that are managed with integrity, probity and transparency
- Recognition and protection of stakeholder rights
- An inclusive approach based on democratic ideals, legitimate representation and participation

# PILLARS OF GOOD GOVERNANCE

- Accountability
- Efficiency and Effectiveness
- Participatory
- Responsiveness
- Transparency
- Equity and inclusiveness
- Consensus oriented
- Rule of law
- Ethical conduct

# HOW DEVOLUTION CAN CONTRIBUTE GOOD GOVERNANCE

- Decentralization of power promotes good governance and in turn enhances development and service delivery at the local level.
- Devolution is promoting good governance by involving the people in decision making and managing of local resources hence fostering good governance
- Devolution enhances good governance by improving participation of the people in governance.
- It promotes democracy by bringing government closer to the people; provides mechanisms for protecting democracy through checks and balances.

# LEGAL BASIS FOR GOOD GOVERNANCE IN COUNTIES

- To insulate devolution from bad governance, the **Constitution** made very elaborate good governance provisions to ensure openness in the running of public affairs relating to public finance, integrity, accountable exercise of power, oversight and separation of powers among others.
- Parliamentary legislations such as the **County Government Act 2012, Public Finance Act 2012, Leadership and Integrity Act 2012** and the **Public Officer Ethics Act 2003** provide a strong legal framework on good governance in Kenya at the County level.
- County legislations, regulations, policies & procedures
- Periodic published reports by OCOB, Auditor General and EACC

# GOVERNANCE/ETHICAL CHALLENGES

- ◉ Political supremacy battles - interference from MCAs, MPs, senators, DGs Vs Governors
- ◉ Balancing competing interest - communal/clan Vs competence. Personal interest Vs societal interest. Re election Vs legacy. Paying political debts or chart new agenda
- ◉ It's our time to eat syndrome - pressure from the society, tenderpreneurs, opinion leaders and busy bodies



# GOVERNANCE/ETHICAL CHALLENGES CONT'D

- ◉ Inability to attract and attain competent & qualified staff - should they hire locals or hire from outside
- ◉ Lack of institutional memory at the policy level - each governor wanting to come with his own people - bloated staff not adding value
- ◉ Lack of systems and infrastructure - weak institutions- is there a political will?

# GOVERNANCE/ETHICAL CHALLENGES CONT'D

- ◉ Constitutional requirements e.g the third rule in appointments against negotiated democracy demands
- ◉ Overlapping functions - county finding itself doing national government functions and vice versa e.g security, education, water
- ◉ Politically influenced projects - lack of prioritization. Marginalization within devolution

# GOVERNANCE/ETHICAL CHALLENGES CONT'D

- ◉ Entrenched Nepotism - mismatch of skills and the job because of lack of trust & favouritism
- ◉ Democracy pitfalls - tyranny of numbers vs competent/servant leadership
- ◉ Pervasive culture corruption - runaway greed, opulence in the midst of poverty, glorification of the rich irrespective of the source, failed institutions.
- ◉ Poor leadership by governors

# RECOMMENDATIONS & WAY FORWARD

- Good governance is well entrenched and recognized under the Constitution of Kenya and the legal framework and this calls for the need to strengthen the legal and institutional framework. Spirit of the law, not just the letter
- Devolution provides an enabling environment in which good governance can thrive and hence the need to implement devolution fully. Commitment
- Attitudinal transformation of the society. We must rise to face the vice of corruption, nepotism and other ills
- Strengthen the oversight bodies like the senate n county assemblies. Strengthen county legal & institutional framework.

# WAY FORWARD CONT'

- Need to reinvent public service management through innovative reforms to address challenges of inefficiency, lack of accountability, transparency and pervasive rule of authority.
- Need for paradigm shift on civil service thinking ,organizational culture ,work ethics ,policy quality management and evaluation.
- Executive commitment to enhance good governance in public service
- Cultivate political will towards good governance ethical practices

Political influence should be delinked with the public

◎ **THANK YOU!**