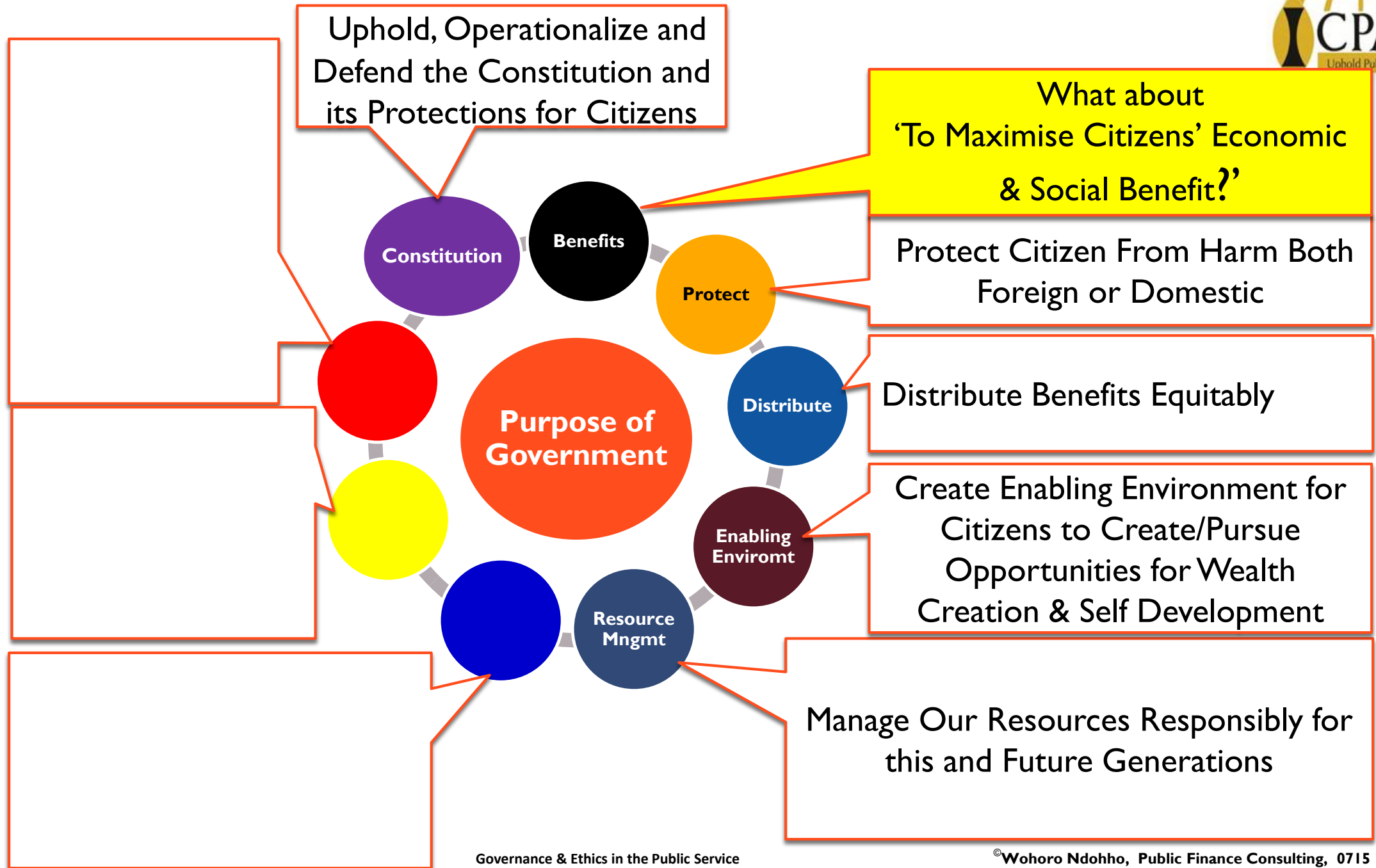


BEST PRACTICE
GOVERNANCE AND ETHICS
IN PUBLIC SERVICE

KISUMU COUNTY

WHAT IS THE PURPOSE OF GOVERNMENT?



What is **GOVERNANCE**? Greek – Kubernao – “to steer”



World Bank in its World Governance Indicators publication ..

“...the manner which power is exercised in the management of a country’s economic and social resources for development

“...the traditions and institutions by which authority in a country is exercised”

“...the use of institutions, structure of authority and even collaboration to allocate resources and coordinate or control activity in society or the economy”

Therefore, Governance is:

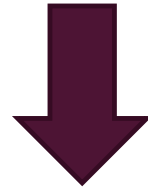
- the manner which power is exercised in the management of a country’s economic and social resources for development, including...**
- traditions and institutions by which authority in a country is exercised and....**
- the structures of authority including collaborative ones to allocate resources and coordinate or control activity in society or the economy”**

GOVERNANCE is about..

Running...

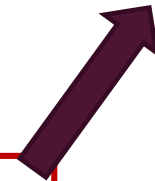
- An Organization
- An Entity
- A Corporate Body
- A GOVERNMENT

Well!



INTERNATIONAL BENCHMARKS:

6 World Governance Indicators
used by the **WB** to define best
practice & thus to measure the
quality of **Governance**



1) Voice & Accountability

2) Political Stability & Lack of Violence

3) Government Effectiveness

4) Regulatory Quality

5) Rule of Law

6) Control of Corruption

a) Kenya?....

What are KENYA-SPECIFIC Governance Benchmarks?



Chapter 10 - Constitution of Kenya 2010 – requires:

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.

What are they?

What are the implications for applying them in Kenya?

What are KENYA-SPECIFIC Governance Benchmarks?



Chapter 10 - Constitution of Kenya 2010

a) Patriotism

b) National unity

c) Sharing and devolution of power

d) The rule of law

e) Democracy and participation of the people

f) Human dignity

g) Equity

h) Social Justice

i) Inclusiveness

j) Equality

k) Human rights

l) Non-discrimination

m) Protection of the marginalised

n) Good governance

o) Integrity

p) Transparency & accountability

q) Sustainable development

Would you add anything to them?

q) Responsiveness to Citizens concerns?

r) Financial Transparency?

s) Whistleblower protection?

t) _____

u) _____

v) _____

w) _____

x) _____

y) _____

z) _____

What are Ethics?

Webster Dictionary:

The discipline dealing with what is good and bad and with moral duty and obligation

Oxford Dictionary:

Moral principles that govern a person's behavior or the conducting of an activity

So Ethics

- **Deal with the 'Self' – the person**
- **Are rooted in morality**
- **Govern Behaviour**
- **Determine Choices in an activity**

In Philosophy:

Aristotle:

Virtues are dispositions to act in ways that benefit both the person possessing them and that person's society

Kant:

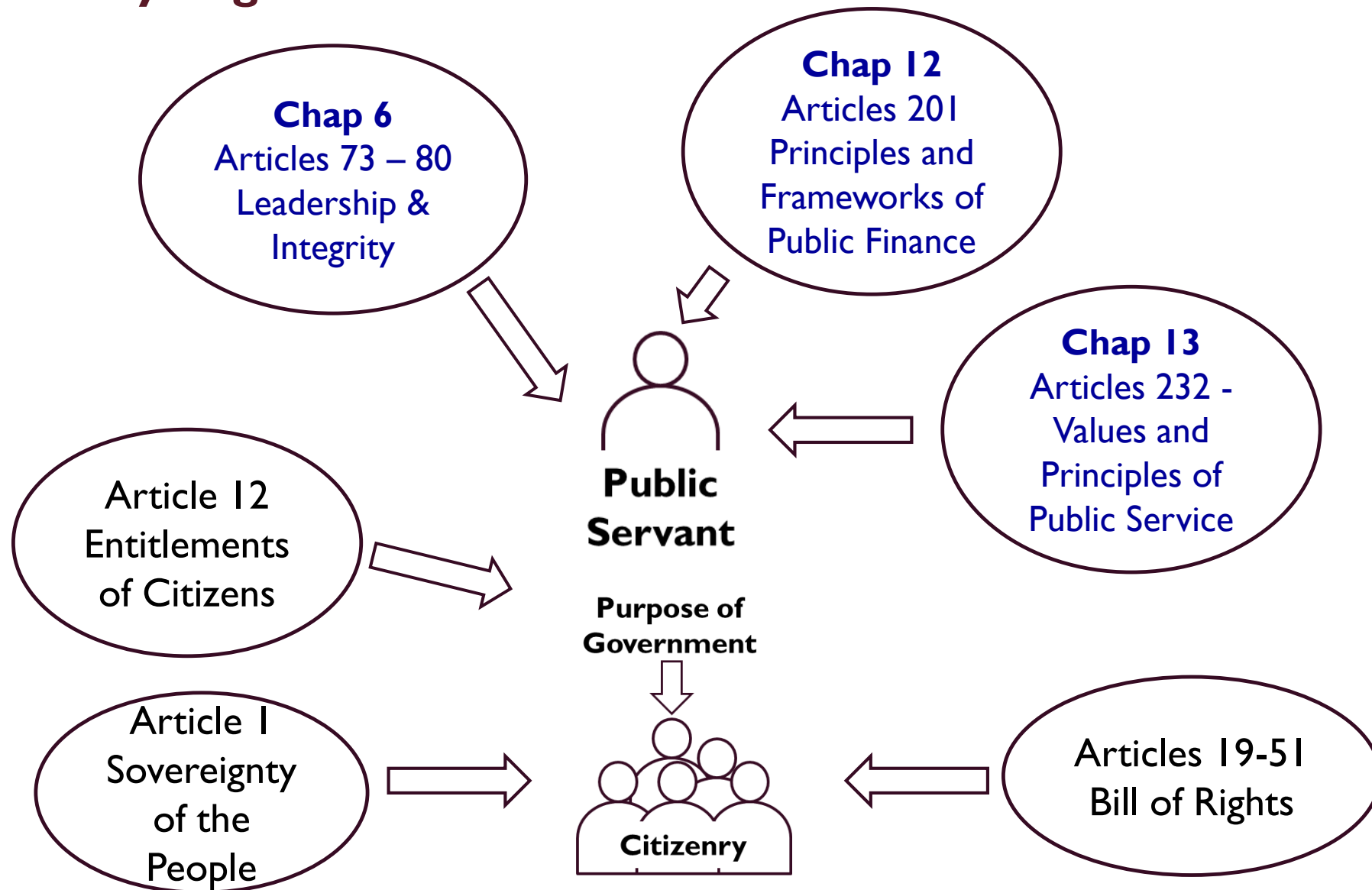
“Duty is central to morality”

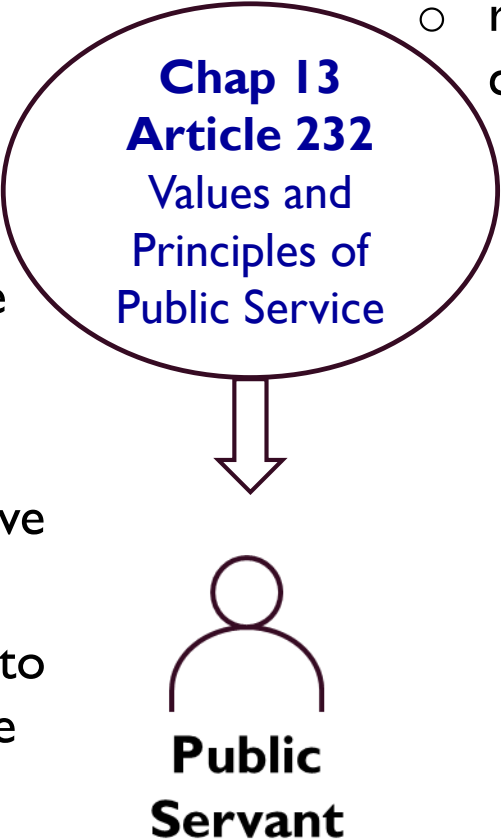
le we are bound from our knowledge of our duty as rational beings to obey categorical imperatives to respect other rational beings

Jeremy Bentham (Utilitarianism)

The guiding principle of human conduct should be the greatest happiness or benefit of the greatest number

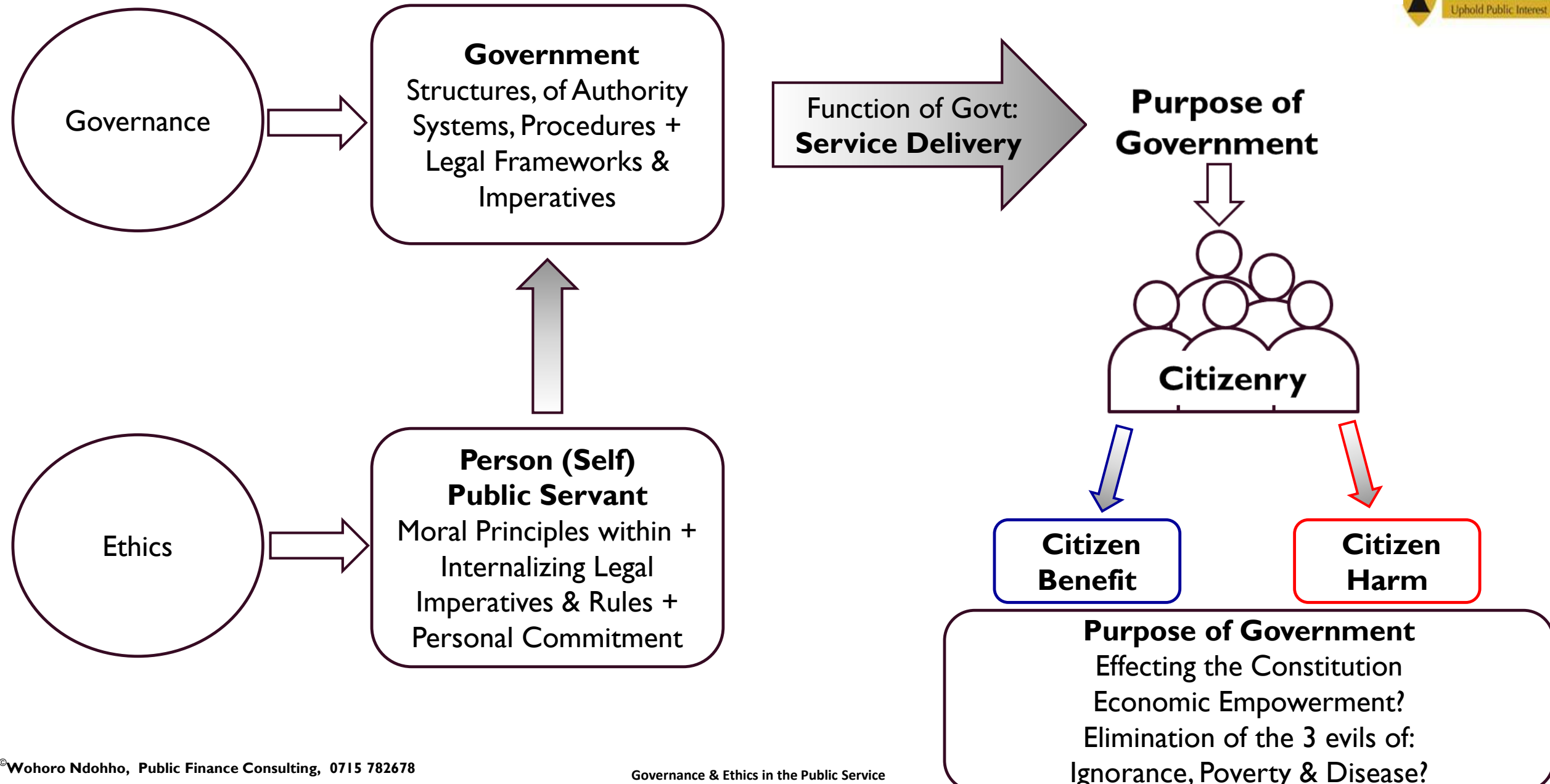
Ethics in Public Service Should Impact Governance where Standards of Behaviour for Public Servants are Set by the Constitution and Given Effect in Subsidiary Legislation



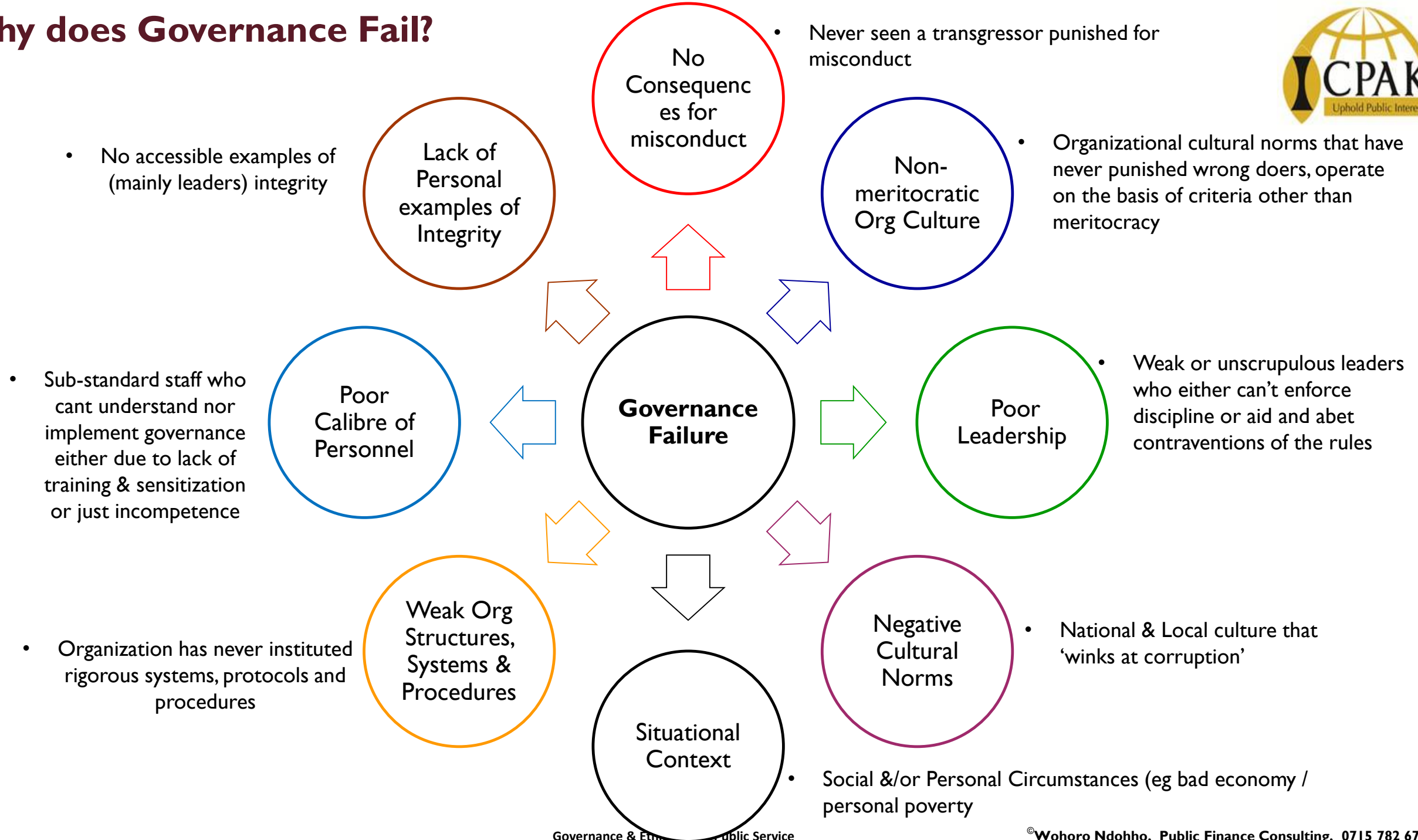
- high standards of professional ethics;
 - efficient, effective and economic use of resources
 - responsive, prompt, effective, impartial and equitable provision of services
 - involvement of the people in the process of policy making (public participation)
 - accountability for administrative acts;
 - transparency and provision to the public of timely, accurate information;
- fair competition and merit as the basis of appointments and promotions, subject to...
 - representation of Kenya's diverse communities; and
 - affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—
 - (i) men and women;
 - (ii) the members of all ethnic groups; and
 - (iii) persons with disabilities.
- 
- Chap 13**
Article 232
Values and Principles of Public Service
- Public Servant**

These values and principles of public service apply to the public service in **all State organs** in both levels of government; and State corporations.

Governance is only as good as the quality of and Strong Adherence to Ethics in the Daily Conduct of the Public Servant



Why does Governance Fail?



Incentive & Punishments? What is a better motivator for Governance?

Remember this?

Which one applies to Govt/Institutions? & Is it different for Individuals?

In Philosophy:

Aristotle:

Virtues are dispositions to act in ways that benefit both the person possessing them and that person's society

Kant:

“Duty is central to morality”

le we are bound from our knowledge of our duty as rational beings to obey categorical imperatives to respect other rational beings

Utilitarianism (Jeremy Bentham)

The guiding principle of human conduct should be the greatest happiness or benefit for the greatest number. **I.e. while motivation for good governance for governments/organizations is mainly utilitarian; For individuals, it is largely about the fear of adverse consequences**

IN ESSENCE:

Common Good incentive to ethics

Inherent/innate affinity to ‘do the rational thing’

Transactional, reductionist
(for Governments not Individuals)

Incentive vs Punishments? Which is more effective in ensuring compliance?



Fear of Adverse Consequences

It is evident that Fear of Adverse Consequence is a stronger incentive to governance compliance than the promise of reward. It is therefore reasonable to invest in ***stronger governance enforcement mechanisms*** to make good governance the norm rather than the exception

Other Motivating factors for Staff and Organizations including Government:

- Religion, Culture and Personality => Strong role in determining inner moral compass that directs action. Awareness of this helps growth
- However, Quality education, Strong Professional Training and Leadership Training greatly enhances the caliber of public servant to enforce good governance.
- Commitment to personal legacy, professional standing, community stature, strong role models (including ongoing mentoring arrangements),
- Commercial & Social necessity: Market Credibility and Customer loyalty. A strong promise-keeping reputation undergirds share holder value better than necessarily strong marketing structures.
- Personal & commercial Appreciation of the opportunity cost of bad governance in lost opportunities and customer mistrust especially at a time of falling incomes
- Intergenerational Equity reasons for safeguarding resources

I

***Thinking => Behaviour
Behaviour => Thinking
The place of Law & Systems in
Changing Behaviour***

II

***Constitution 2010:
Defines what being Kenyan is.
Powerful if practiced daily***

III

***Culture & Religion
Understanding the interplay
between
the Rule of Law and Culture***

IV

***Thought => Action => Habit
=> Character => Destiny.
Governance is a CHOICE!***

Finally
Knowing One's Purpose
is the “Why” to Good Governance
- Whether in Government or Private Sector -

For
KISUMU COUNTY

Vision:

A peaceful and prosperous County where all citizens enjoy a high-quality life and a sense of belonging.

Mission:

To realize the full potential of devolution and meet the development aspirations of the people of Kisumu County

THANK YOU!