The Status of National Values and Principles of Governance in Kenya, 2015

Report by:

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Acknowledgements

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Executive Summary

The Constitution of Kenya (2010) recognizes that the realization of National Values and Principles of Governance (NV&PG) articulated in Article 10 is essential for national development. Once grounded in all facets of Kenya's society, the NV&PG should transform Kenya's socio-economic and political landscape towards the attainment of both the Kenya Vision 2030 and the global Sustainable Development Goals.

To enhance the promotion of NV&PG, the Government developed Sessional Paper No. 8 of 2013 on National Values and Principles of Governance, which was operationalised in late 2015. The policy pillars that guide the operationalization of NV&PG are: (i) the creation of a strong national identity; (ii) effective representation and leadership; (iii) equitable allocation of resources and opportunities; (iv) good governance; and (v) promotion of sustainable development. Among the President's functions listed in Article 132 is reporting on all measures taken and progress achieved in the realization of the NV&PG. The President has so far delivered on report for 2014, 2015 and 2016. For the effective and efficient realization of the NV&PG, the Government committed in the 2013 *President's Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance*, released on 27th March 2014, to conduct a baseline survey. Consequently, in the 2014/15 performance contracting year, the Cabinet Secretary Ministry of Interior and Coordination of National Government, through the Directorate of National Values and National Cohesion, committed to conduct a baseline survey on NV&PG, which has resulted in this report.

The State Department of the Interior and Coordination of National Government commissioned the Kenya Institute for Public Policy Research and Analysis (KIPPRA) to undertake this NV&PG baseline study with a view to making feasible policy recommendations.

Specifically, the baseline survey focused on the following key aspects of the NV&PGs:

(i)   Measurability of values;

(ii)   Level of Awareness of National Values;

(iii) Aspect of Compliance with Legal Provisions;

(iv)   Enforcement Mechanism;

(v)   Prioritization of Values; and

(vi)   Impact of the 2013 Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance.[1]

The baseline survey used various methods of data collection, starting with a review of secondary data to enable the development of the study approach, and the

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[1] At the onset of this baseline survey, only the 2013 report, published in 2014, was available. However, the study also covered the 2014 report released in 2015.

instruments of data collection. The nation-wide survey covered 4,290 households, about 800 multi-level educational institutions, and about 500 national and county level institutions in the public and private sectors. The Kenya National Bureau of Statistics provided the sample for respective surveys. Additionally, the study obtained information through focus groups discussions, key informant interviews, and regional consultations.

Key Findings

The findings of the baseline survey are reported under the following headings: (i) Awareness and Prioritization of National Values and Principles of Governance; (ii) Compliance with National Values and Principles of Governance; (iii) Enforcement and Challenges Arising; (iv) Impact of the President's Reports; (v) The National Values and Principles of Governance Index; and (vi) Principles of Public Service.

i)   Awareness, compliance and enforcement of National Values and Principles of Governance

The study findings indicate that awareness of NV&PG stands at 59 percent, compared to awareness of values in general, which stood at 75 percent. This NV&PG status was attributed to weak civic education, compliance and enforcement mechanisms. Of the respondents, 36.7 percent indicated that the mechanisms for checks and balances were effective, while 46.3 percent indicated there was adherence to the rule of law.Awareness of the President's Report, and of measures to realize NV&PG stood at 47.6 percent. However, the respondents who were aware of NV&PG reported relatively high achievements of the measures taken towards the realization of the same. It is, however,important to note that the President's Report focuses onthe state of the ***Nation***, rather than the Government or ruling party.

For NV&PG to be properly entrenched in the country there is need for effective communication of the value and principles, awareness creation, and subsequent enforcement. Conformity to values depends on the kind of enforcement mechanisms and sanctions imposed for violations. Unless behaviour is monitored and sanctions are imposed for failure to conform, the desired behaviour is unlikely to occur.

In most traditional African communities, violators of laid down norms and value systems suffered loss of prestige and were shunned by other community members. Others were subjected to ridicule and/or fines, among other sanctions. In contrast, those who conformedenjoyed cooperation from other community members, retained prestige in the group, and received positive rewards, such as praise from within the community.

The Constitution obliges all individuals and public and private institutions to observe the NV&PG and related public service ethics in Kenya. Among the key institutions responsible for enforcement are Parliament, the Executive, National Police Service, Independent Police Oversight Authority, Ethics and Anti- Corruption Commission, Efficiency Monitoring Unit, Auditor General, Controller of Budget, the Ombudsman, and the Judiciary. The survey identified the following key challenges in enforcement of NV&PG: low awareness of the values and principles; weak institutions; corruption in

the public sector;inadequate citizen participation in county decision-making; and inadequate provision for diversity.

Impact of the President'sReports on National Values and Principles of Governance

Much has been done to deliver on the recommendations of the 2013 and 2014 President's reports on NV&PG. Moreover, civic education has continued to raise the level of awareness of the issues surrounding NV&PGamong the public in general, but also targeting public servants. The integration of NV&PG into national education curricula and their mainstreaming in institutional frameworks are ongoing,and NV&PG are listed in public sector performance contracting. Further, the government has launched initiatives to integrate the marginalized communities, fight corruption and improve national security.

The Constitution mandates the Public Service Commission (PSC) to evaluate and report on compliance with NV&PG and public service values. Among the PSC's review themes was improvement in **Good Governance, Transparency and Accountability**. The PSC has reported that boards of directors have been instituted where none had existed in 2013. Staff declaration of assets improved, althoughinduction on NV&PG focused on board members rather than the general staff.The age structure of staffing was such that a mere 1 percentwas between 18 and 24. While initiatives targeting **Professionalism and Ethics in the Public Service** had earlier focused on senior staff, there was a re-alignment in policy and budgets towards other staff. Only 4 Ministries, Departments and Agencies (MDAs) transgressed on **Human Rights**, but maladministration cases more than doubled, making the launch of the Fair Administrative Act (2015) welcome.

Additional to PSC guidelines on **Diversity**, 55 percent of the MDAs reviewed had developedpolicies towards the achievements of NV&PG, but employment of people with disabilities lagged far behind the constitutional threshold of 5 percent, and minorities and marginalized groups made up a mere 2 percent.Women remained in low level jobs, except in the Constitutional Commissions (CC) and Independent Offices (IO). Ethnic inequities have persisted,and only 29 percent of Kenyan communities are fairly represented. On **Fair Competition and Merit in Staffing Matters**, 70 percent of the MDAs had appropriate frameworks, and while opportunities were advertised in the media, exclusive internal adverts persisted. Men dominated promotions, except in the CC and IO where women prevailed.

Various problems have persisted over **Efficiency, Effectiveness and Economic Use of Resources**, such as the bias towards Recurrent spending (with 60% of MDAs in violation) and Personnel spending (with 73% of MDAs in violation). In general, the 2014/15 review found underperformance with respect to ISO certification (59%), performance contracting (32% fall), and budget management. Into the future,**Service Delivery** should improve, with 85 percent of MDAs adopting ICT-based systems, service charters and service desks, but the survey found that operationalization of the systems was weak. **People Participation in Policy-making**had been institutionalized by only 14 percent of MDAs, while only 44 percent had held stakeholder forums. Performance towards **Sustainable Development** was below expectations, with the

budget deficit doubling, a record high since 2009/10. The National Environment Management Authority rejected 51 percent of applications for clearance, mainly because they fell below legislated standards.

ii) National Values and Principles of Governance Indices

The National Values Index is made up of 5 sub-indices as illustrated below, and is estimated at 57 percent. The sub-indices are: Patriotism and National Unity (73.0%),Sharing and Devolution (37.7%), Protection of the Bill of Rights (70.7%), Governance (56.6%),and Sustainable Development (41.5%). The relatively low scores for the Sharing and Devolution sub-Index and the Sustainable Development sub-Index suggest that individuals perceive inequity to be high.

The study estimated a five-component Public Service Values (PSV) Index each for the national and county levels of governments. The national Public Service Index score is estimated at 42 percent, meaning that the components have relatively low scores. TheEthical component is39 percent, Democratic component37 percent, Professional component 55 percent, and People component 38 percent.

The County Governments' scores on all the four components of thePSV index are also relatively low,with the Ethical component averaging 37 percent while the Democratic component averaged 30 percent. The Professional and People components averaged 43 percent and 38 percent, respectively.

Policy Suggestions and Proposals

Enhance Awareness and Prioritization of National Values and Principles of Governance

i) Focus on value formation at family and school levels by deepening inclusion and delivery of NV&PG in school curriculum, starting from pre-primary to tertiary level, andnurture NV&PGby integrating themin the mandates of tertiary education institutions and universities.

ii) Create more awareness about the roleof families, households, communities and their elders, religious institutions, learning institutions, sports organizations, and the media in the formation of personal values that subsequently feed into NV&PG. This can be achieved by institutionalizing the roles of change agents in formation and prioritization of personal values,targeting role models, community elders and mentors.

iii) Design and implement comprehensive and targeted civic education programmeson NV&PG across all counties through *barazas*, radio, social media, information communication technology, flyers, community-based organizations, non-government organizations (NGOs), faith-based organizations, amongst other feasible approaches. There is also need to pay special attention to the formal private sector, the informal sector, and self-provisioning agriculture, which dominate employment. These initiatives

should also target trade unions, youth and women groups, cooperative societies, and councils of elders, amongst others.

iv) Identify champions for NV&PG at all levels, such as parliamentarians, county executives and legislatures, cabinet secretaries, principal secretaries, and chiefs, to enhance NV&PG awareness through public *barazas* and other forums.

v) Develop and brand an NV&PGawareness programme.The annual President's Speech on State of the Nation should be the culmination of a period of campaign activities across all counties and sectors promoting NV&PG.There is need to ensure dissemination of a people-friendly (popular) version of the President's speech.

vi) Promote the role of political leadership in enhancing NV&PG by, *inter alia*, emphasizing the need for continued development in spite of electoral outcomes. The capabilities of all leadership at various levels should be enhanced to improve its adherence to NV&PG.

vii) Enforce adherence to constitutional and legislated provisions on public employment and deployment at the national and county levels, as this will uplift compliance with, and respect for, NV&PG.

viii) Develop and mainstream standards for national values in all formal and informal private and public sector institutional frameworks, including legislation, policies, strategic plans, budgets,and establish monitoring and evaluation frameworks.

Ensure Compliance of Actors to Legal Provisions

i) There is need for stronger commitment to integrity, ethical values and the rule of law among all citizens, both in formal and private sectors.Elected and appointed officers of the National and County governmentsshould enhance this objective by setting a good example in relation to these issues.

ii) Ensure openness and comprehensive stakeholder engagement towards the common goal of attaining the set standards on NV&PG.

iii) Create awareness of policies and legislation on NV&PG standards, such as Sessional Paper No. 8 of 2013 on National Values and Principles of Governance, and the Leadership and Integrity Act.Such awareness would enhance compliance.

iv) Strengthen the capacity of the actors to comply through training, while also encouraging compliance through merit-based recognition of attainments. Compliance with NV&PG should be integrated into the State Commendations awards.

Strengthen Enforcement Mechanisms

i) Familiarize and encourage institutions to take up and implement their constitutional and legislated roles with respect to NV&PG.

ii) Encourage whistle blowing by members of the public on violations, especially by public officers, on issues touching on NV&PG.

iii) Introduce rewards to those who adhere, and sanctions for those who violate the NV&PG.

iv) To curb corruption, the National Government and County Governments should continue putting in place measures to strengthen public financial management. There is also need to manage the governance risks and public sector performance through robust internal controls and ensuring effective service delivery.

Develop and Institutionalize Monitoring and Impact Evaluation Mechanisms

i) Invest in regular research on NV&PG to ensure their monitoring and evaluation across the country.

ii) Ensure adequate funding for training, enforcement, monitoring of NV&PG and evaluation of the effectiveness of various interventions.

iii) Continuous monitoring and valuation of programmes topromote NV&PG at national, county and sub-county levels.

iv) Develop and implement positive practices in transparency and reporting on NV&PG in order to ensure effective accountability among the leadership and citizenry at National and County governments, and across the public, private and informal sectors.

Abbreviations and Acronyms

EACC	Ethics and Anti-Corruption Commission
AU	African Union
EPSM	Equal Probability Selection Method
CAJ	Commission on Administrative Justice
CC	Constitutional Commission
CIC	Constitution Implementation Commission
FGD	Focused Group Discussion
ICT	Information Communication Technology
IEBC	Independent Electoral and Boundaries Commission
IO	Independent Offices
KII	Key Informant Interviews
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
MDA	Ministries, Departments and Agencies
NASSEP	National Sample Survey and Evaluation Programme
NCIC	National Cohesion and Integration Commission
NV	National Values
NV&PG	National Values and Principles of Governance
OCOB	Office of Controller of Budget
PAC	Public Accounts Committee
PG	Principles of Governance
PIC	Public Accounts Committee
PSA	Public Service Administration
PSC	Public Service Commission
PSV	Public Service Values
PWDs	Persons with Disabilities
RPP	Registrar of Political Parties
UNDP	United Nations Development Programme

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Chapter 1: Introduction and Context

1.1   Introduction

The Constitution of Kenya2010 recognizes that the realization of National Values and Principles of Governance (NV&PG) is essential for overall national transformation.[2] Once grounded in all facets of Kenya's society, NV&PG should transform Kenya into a prosperous and stable nation. It is thus important that the value systems exhibited by Kenyans be aligned with the social and political conditions required to support timely attainment of Kenya Vision 2030 development blueprint[3]and the delivery of the global Sustainable Development Goals (SDG).[4]

'Values' are an abstract set of personal and social qualities about life to which individuals and societies may subscribe. They help to shape conduct, defining that which is, firstly, desirable or undesirable to the individual or society, and that which is feasible in a particular context, as opposed to another context, and over time. From the very large set of considerations labeled as values, individuals may determine their respective hierarchies of values, adjudging some more important than others. But, values can also be imposed by circumstances, such as the dictates of social obligations, such as religion. Thus, some values reflect ideals while others reflect expediency.

Article 10 of the Constitution distinguishes a set of everyday values as National Values (NV), and relates these to globally acknowledged approaches to governance, hence the Principles of Governance (PG). The only significance of NV&PG, in comparison to the larger set of general values and governance approaches, is that the set in Article 10 have been adjudged to have the greatest relevance to delivering national development in Kenya. The decades long constitution review process in Kenya was designed to, among other things, address the impediments to national development in Kenya since independence.[5] The perception during the review process was that many of the scourges holding the country back arose from a lack of national values and governance principles set to guide and inspire nation building. What in effect Article 10 does is to fortify the place of particular values as means of delivering national development in the spirit of Kenya Vision 2030 and the global SDGs.

To enhance the promotion of NV&PG, the Government of Kenya developed 'Sessional Paper No. 8 of 2013 on National Values and Principles of Governance' – sub-titled

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[2] For the avoidance of doubt, the Constitution's National Values and Principles of Governance in Article 10 are rendered with capital letters as highlighted, and adopt the acronym NV&PG. This will not be the case for other values and principles, unless the word opens a sentence.

[3] Details of Kenya Vision 2030 are available at http://www.vision2030.go.ke/An easy-to-read version of the document titled 'The Popular Version' is available at http://www.vision2030.go.ke/wp-content/uploads/2015/12/Vision2030_Abridged%20%28Popular%20Version%29.pdf   Both   sites accessed 10/02/2016.

[4] The SDGs number 17 with 169 targets. They succeed the Millennium Development Goals, which had numbered eight. Consequently, there have been debates on whether countries might more effectively focus on a manageable number of the Goals and targets.

[5] For a discussion of the long-drawn constitution review process, see Mutua, Makau (2008). Also see various chapters in Murunga et al. (2014).

INUKA, literally meaning *ARISE*, which was operationalised in 2015. The policy pillars that will continue to guide the operationalization of NV&PG are (i) the creation of a strong national identity, (ii) effective representation and leadership, (iii) equitable allocation of resources and opportunities, (iv) good governance, and (v) promotion of sustainable development. The Sesssional Paper gives responsibility for the delivery of NV&PG to an all-inclusive group of Value Carriers, Value Drivers and Change Agents, including individuals, their families and communities, educational institutions, religious and faith-based organizations, State organs and their officers, and the public service and its officers. Others include the private sector, professional associations, media (including art, music and entertainment), civil society, political parties, and sports associations.

Separately, the first pillar of the Jubilee Manifesto, *Umoja* (Unity), has reiterated the need to enhance the promotion of National Values.[6] Consequently, the Government has committed to uniting Kenyans, creating equal opportunities for all, eliminating all forms of discrimination, and promoting policies that will make Kenya more cohesive.

To supplement the above policies, the Strategic Plan 2013-2017 of the Directorate of National Cohesion and National Values – hereafter, the Directorate, has highlighted the promotion of NV&PG as a strategic objective towards the realization of its current mandate.[7] The plan identifies low appreciation of NVs in society as a major strategic issue which warrants immediate attention. In this regard, the Directorate has undertaken to design and execute programmes and activities that seek to promote NV&PG within the next five (5) years.

Among the President's functions listed by Article 132 of the Constitution, is reporting on all measures taken and progress achieved in the realization of the NV&PG of Article 10, with reports to date having been submitted in 2014, 2015 and 2016. In order to facilitate the effective and efficient realization of NV&PG, the Government committed in the 2013 *President's Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance* released on the 27th March, 2014, to conduct a baseline survey on the status of NV&PG. The proposed baseline survey would cover the three arms of government, the Executive, Legislature and Judiciary, the two levels of government, and the non-government sectors. Besides showing the status of the realm, the survey would provide data with which to design strategies for the implementation of interventions that enhance NV&PG. Consequently, the 2014/15 performance contracting year saw the Cabinet Secretary, State Department of Interior and Coordination of National Government, through the Directorate, committed to conduct abaseline survey whose findings are the subject of this report.

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[6] The official title of the manifesto is 'Shared Manifesto of the Coalition between The National Alliance (TNA) The United Republican Party (URP), The National Rainbow Coalition(NARC) and The Republican Congress Party (RC)'.

[7] The Strategic Plan of the Directorate is available at http://www.cohesionandvalues.go.ke/?page_id=45 Accessed 10/04/2016

1.2   Rationale of the Baseline Study

Before carrying out any major programme/project, good practice requires the conduct of a baseline study, to provide benchmarks as reference points for identifying suitable interventions. Also, this report responds to Sessional Paper No. 8 of 2013's demand for a baseline survey, and will enable the Government to coordinate the implementation of NV&PG into the future. Further, the study confirms priority areas for NV&PG interventions as provided for in the Directorate's Strategic Plan. The findings of the survey highlight the relative needs for attention of aspects of programme/projects relating to NV&PG.

Thirdly, the survey findings provide the Government with the means to monitor the impacts of its NV&PG programmes.Lastly, the report contributes towards the realization of the commitment in the 2013/14 President's Report to undertake a baseline survey on the status of NV&PG in the country.

1.3   Terms of Reference

The terms of reference for the consultant, the Kenya Institute for Public Policy Research and Analysis (KIPPRA), included the following:

(i)   Provide input into the draft Concept Paper generated by the Directorate;
(ii)   Provide a clear roadmap for the entire baseline survey process;
(iii)   Propose a methodology for conducting the baseline study;
(iv)   Generate a database of stakeholders relevant to the study;
(v)   Develop a comprehensive work plan complete with itemized budget for the entire baseline survey process;
(vi)   In liaisonwith the Directorate develop the data collection instrumentsfor use in the baseline survey;
(vii)   Develop a standard presentation guide for use during stakeholder engagements;
(viii) Compile and submit a comprehensive draft report on the findings of the baseline survey to the Directorate for perusal and input;
(ix)   Prepare the final report;
(x)   Make a presentation on the report findings during the launch of the report; and
(xi)   Ensure that the overall baseline procedures and processes are guided by National Values espoused in Article 10 (2) of the Constitution.

As this report shows, KIPPRA has delivered all the above outputs.

1.4   Study Objectives

Specifically, the baseline survey focused on the following key aspects of national values and principles of governance:

(i)   The measurability of values;

(ii)   The level of awareness of national values;

(iii)   The aspect of compliance with legal provisions;

(iv)   The enforcement mechanism;

(v)   The prioritization of values; and

(vi)   The impact of the 2013 Report on measures taken and progress achieved in the realization of National Values and Principles of Governance.

1.5   Country Context

The role of governments should be to provide a stable social, political and economic environment in which private and public enterprises thrive. Globally, government policies should aim to promote fiscal responsibility, remove barriers to enterprise, ensure a sound legal framework for property rights and regulatory oversight, and ensure transparency of laws and policies. The sustainability of such aspirations links closely to the values and governance principles that a country espouses in relation to its policies and plans.

Since Kenya's independence in 1963, the country has largely ignored the need for attention to the idea of a set of official values and principles with which to govern the country. That challenge has been manifest in the persistence of bad governance practices evident in internal evaluations, such as successive reports of the Auditor-General and anti-corruption commissions. This indictment has also been evident in external evaluations, such as the corruption and governance indices under Transparency International,[8] Ibrahim Index of Governance,[9] and Global Gender Gap Report.[10] However, the violence that followed in the wake of Kenya's disputed 2007 presidential elections focused the spotlight on a context of contested and neglected governance issues. The internationally mediated Kenya National Dialogue and Reconciliation Forum that ended that violence in February 2008, included an 'Agenda Four' which identified long-term reform issues necessary for improved governance, implicitly including the need for specific governance values and principles.[11] The realization of the National Dialogue ideals is critical for the country's long-term development, notably the realization of Kenya Vision 2030 and the global SDGs.

1.6   The Constitutional Provisions

A country's constitution provides the backdrop against which to develop policies, laws and strategies. In Kenya's case, the Constitution's preamble recognizes the aspirations of all citizens for a government based on the fundamental values of human rights, equality, freedom, democracy, social justice and the rule of law. Further, Article 4 (2)

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[8] For example, see http://www.tikenya.org/index.php/press-releases/330-kenya-s-performance-in-corruption-perception-index-casts-doubt-on-reforms Accessed 20-08-2015.

[9] See http://www.moibrahimfoundation.org/iiag/ Accessed 20-08-2015.

[10] See http://reports.weforum.org/global-gender-gap-report-2014/ Accessed 20-08-2015.

[11] For background information on Agenda Four, go to http://reliefweb.int/report/kenya/kenya-national-dialogue-and-reconciliation-building-progressive-kenya-background-note   Accessed   20-08-2015. Briefly, Agenda 1focused on stopping the violence; Agenda 2 addressed the humanitarian crisis arising from the violence; and Agenda 3 focused on resolving the political crisis.

emphasizes the importance of national values and provides that "the Republic of Kenya shall be a multi-party democratic state founded on the national values and principles of governance."

'Democracy' is about the freedom – or obligation, some might argue – to participate in choosing leadership, for example. At an ideal level, 'multi-partism' implies a diversity of strategies for realizing the democratic development state, so that citizens not only have options on the individuals to lead, but also on the strategies for delivering desired development. The foregoing are important concerns: independent Kenya has had little success in transforming its 42 ethnic groups into a cohesive nation-state, and party politics invariably reduces to the politics of ethnic and other parochial identities. This reality underscores the need for governance values and principles that raise the bar in politics and governance, to weld Kenyans into a nation-state in the spirit of republicanism.

Article 10 of the Constitution outlines a total of seventeen (17) NV&PG, which bind all State Organs, State Officers, Public Officers *and all persons* (emphasis added) whenever any of them:

(i)   Applies or interprets the Constitution;

(ii)   Enacts, applies or interprets any law; or

(iii)   Makes or implements public policy decisions.

The NV&PG are:

1.   Patriotism
2.   National Unity
3.   Sharing and Devolution of Power
4.   Rule of Law
5.   Democracy and Participation of the People
6.   Human Dignity
7.   Equity
8.   Social Justice
9.   Inclusiveness
10. Equality
11. Human Rights
12. Non-discrimination
13. Protection of the Marginalized
14. Good Governance
15. Integrity
16. Transparency and Accountability
17. Sustainable Development

Article 132 (1)(c)(i) requires the President to report annually on progress over NV&PG, with the details being published in the Kenya Gazette. Additionally, Article 234(h) requires the Public Service Commission to evaluate and report to the President and Parliament on the extent of public service compliance with the values and principles

referred to in Articles 10 and 232. Further, Article 249 (1) (b) requires all constitutional commissions and independent offices to ensurethe observance of democratic values and principles by all State organs. Therefore, all public institutions and officers are required to play a primary role in the operationalization of NV&PG.

Additionally, the NV&PG "*bind all persons*" (emphasis added) when negotiating the Constitution, legislation or public policies. This clause provides the cross-over into the non-government sector, the private sector – both formal and informal –whose conduct the Government does not directly mandate in the same way that it can, and does, the public sector. This focus of NV&PG on the private and non-government sectors is apt: in employment terms, for example, they are the home of a large majority of Kenyan households. While the people are sovereign (Article 1), every person is obliged to respect, uphold and defend the Constitution and its provisions, notably the democratic basis of the State (Article 3).

While the old constitution had provided for political and civic rights, these were often violated.[12] Thus, adherence to NV&PG strengthens the imperatives over implementation of the Basic Rights of Chapter Four, relating to: life (Article 26), discrimination (Article 27), human dignity (Article 28), personal security (Article 29), slavery, servitude and forced labour (Article 30), and privacy (Article 31). Others relate to conscience, religion, belief and opinion (Article 32), free expression (Article 33), media (information) (Article 34), (government) information (Article 35), assembly (Article 37), politics (Article 38), movement (Article 39), property (Article 40), environment (Article 42), economic and social rights (Article 43), and language and culture (Article 44). Others still relate to family (Article 45), consumer rights (Article 46), fair administration (Article 47), justice (Articles 48 to 51), and disadvantaged groups (Articles 53 to 57). NV&PG are critical for adherence to these rights by individuals, communities and the State, who can also champion compliance with governance values and principles. In other words, the State, and private and corporate citizens are synergistic Change Agents, Value Drivers and Value Carriers, as defined in *INUKA*.

The myriad challenges Kenya is currently grappling with are a reflection of the status of thevalue system. Some of the challenges include negative ethnicity, impunity and corruption, which define social relations and the conduct of politics, governance systems and business. The context has generated a *laager* or siege mentality in which 'everybody else is guilty except my/our own'. The resulting impunity undermines institutions' capacities to fulfill their mandates towards realizing the Kenya Vision 2030, because of political interference, intimidation and/or coercion. A critical role of any set of values and principles is to bind those sharing them; and that of NV&PG is no different for State institutions in exercising – or restraining – their powers, towards achieving shared national goals and aspirations.

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[12] For example, while the old constitution provided for multi-partism, Kenya remained a *de facto* single party state between 1969 and 1982. Many of such violations are the subject of 'The Final Report of the Truth Justice and Reconciliation Commission of Kenya (2013).' Available at http://www.acordinternational.org/silo/files/kenya-tjrc-summary-report-aug-2013.pdf Accessed 10/04/2016.

To enhance the promotion of governance values and principles, the Government facilitated the participatory development of *INUKA,* Sessional Paper No. 8 of 2013 on National Values and Principles of Governance. Among *INUKA*'s strategies for operationalizing NV&PG is the latter's mainstreaming in all facets of life, including all the activities of private and corporate citizens, and the State. To supplement the above initiatives, the Directorate's Strategic Plan 2013-2017 has identified various impediments to NV&PG uptake, and has incorporated various ameliorative strategies.

1.7   Directorate of National Cohesion and National Values

Administratively, oversight of NV&PG issues falls under the Directorate in the Ministry of Interior and Coordination of National Government. The Directorate's mandate is to spearhead and coordinate mainstreaming of national cohesion, national values, national reconciliation and healing. The mission of the Directorate is to spearhead the building of a harmonious, cohesive and integrated society with shared values through national cohesion and integration programmes. Annex Box A–1 presents a summary of the core functions of the Directorate.

The Directorate's Strategic Plan has highlighted the promotion of NV&PG as a strategic objective towards the realization of its current mandate. In anticipation of low appreciation of NV&PG in society, the Government has undertaken to design and execute various sequenced promotional programmes and activities in all segments of society. Specifically, the Plan's Strategic Theme No. 3, under the sub-strategy on Research and Documentation, identifies the need to "undertake national and county baseline survey on national values and principles of governance." This report is the product of that intent, and it will inform initiatives towards the promotion of NV&PG.

1.8   Recent Initiatives Relating to National Values and Principles of Governance

The President had by the year 2016 released threereports to the nation in response to the obligation at Article 132 (1)(c)(i)on measures taken to realize NV&PG. All the reports identified challenges to the implementation of the imperatives of Articles 10 and 232, and identified potential remedial actions (see Chapter 6). However, the three reports focused broadly on development initiatives undertaken by the Government, regardless of whether they have a proximate impact on the attainment of the 17 NV&PG.

Secondly, the reports paid little attention to the implication of Article 10's provision that the NV&PG (also) apply 'to all persons whenever they apply or interpret the Constitution, enact, apply or interpret any law, make or implement public policy decisions'. These provisions also oblige the private sector and the non-government sector to espouse the said values and principles, since the sectors also interpret the Constitution and legislation and implement Government policies. Consequently, the President's reports to not evaluate these sectors, yet these sectorshave more households than the public sector, making them a better locus for disseminating NV&PG. The outputs of these President's Reports justified the need for the NV&PG baseline survey reported here, which would provide guidance on the substantive issues to be monitored in delivering the values and principles.

The Government has also invested in various other initiatives that havethe potential for promoting NV&PG, most notably their mainstreaming across Ministries, Departments and Agencies (MDAs).Indeed, the "values and principles of public service" of Article 232 (1) interpret the NV&PG in an operational way: for example, while NV&PG merely mention "sustainable development", Article 232 (1) transforms that into "efficient, effective and economic use of resources". This is why Article 234 (2)(h) mandates the Public Service Commission (PSC) to undertake an annual evaluation of the progress of such Value Carrying MDAs in related areas.[13] However, the statutory mandates of a number of MDAs also define them as Change Agents, which gives them responsibility for driving the NV&PG agenda. Indeed, as noted above, the various elements of the NV&PG exist in everyday life in all societies, and existed in various MDAs' mandates even before the 2010 constitution designated certain values and principles as NV&PG. For example, the Kenya National Commission on Human Rights (KNCHR) was legislated into existence in 2003, with its statutory functions including 'human rights', 'equality', and 'non-discrimination', which in 2010 became elements of the Constitution's NV&PG. Consequently, the appropriate implementation of the KNCHR Act will deliver several NV&PG.

More broadly, however, the Sixth Schedule of the Constitution established the Commission for the Implementation of the Constitution (CIC), whose five-year mandate ending in 2016 was to monitor, facilitate and oversee the development of legislation and administrative procedures required for the Constitution's full implementation. Thus, CIC interrogated all policies, laws and strategies for compliance with the Constitution, and oversaw the establishment of various agencies necessary for implementation of the imperatives of the document. The fulfillment of the CIC mandate effectively encapsulates all recent initiatives on the Constitution, including NV&PG.[14]

1.9   Outline of the Report

In the rest of thisreport, Chapter 2 provides the methodology of the study, which is based on qualitative and quantitative approaches, as well as primary and secondary data sources. The measurability section also presents a method for developing NV&PG indices at the national and county levels. Chapter 3 focuses on the formation, awareness and prioritization of values in general, and National Values.Chapter 4 discusses compliance by Change Agents, Value Drivers and Value Carriers with NV&PG, while Chapter 5 covers enforcement of NV&PG. Chapter 6 addresses the President's Report on NV&PG, focusing on content, and responses to the recommendations in those reports. The study develops NV&PG indices at the national and county levels, which Chapter 7 reports on. Chapter 8 discusses the performance of the public service, looking at issues surrounding the National Government and the

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[13]For the 2013/14 report, see Republic of Kenya (2014). Available at http://www.shitemi.com/wp-content/uploads/2015/01/Public-Service-Evaluation-Report-2014.pdf Accessed 10/04/2016. The 2015 report is also available.

[14] For CIC's attainments, see Commission for the Implementation of the Constitution (2015). Available at http://www.docfoc.com/download/documents/cic-end-term-report-28th-dec-2015 Accessed 20/07/2015

County Governments. The foregoing issues are summarized in the final chapter (9), which also presents the basic policy suggestions emanating from the study.

Chapter 2: Methodology of the Study

To address the six objectives stated in section 1.3, this study implemented a nationally representative survey, amongst other sources of data. The details of the survey design and other data sources are discussed in the subsequent sub-sections.

2.1   Sample Design and Survey Coverage

This section discusses the target population, the sampling frames, sample sizes, data collection tools, data collection procedure, data analysis and the report writing process. The survey targeted households, education institutions, and both public and private sector national and county level institutions.

2.1.1   Sampling frame for households

The National Values and Principles of Governance household survey used the fifth National Sample Survey and Evaluation Programme (NASSEP V) frame, which is a household-based sampling frame developed and maintained by the Kenya National Bureau of Statistics (KNBS). The frame was implemented using a multi-tiered structure, in which a set of 4 sub-samples (C1, C2, C3, C4) each containing 1,340 clusters were developed. It was based on the list of enumeration areas (EAs) from the 2009 Kenya Population and Housing Census. The frame is stratified by County as the first level stratification and further into rural and urban components.

During the 2009 Population and Housing Census, each sub-location was sub-divided into census EAs, i.e. small geographic units with clearly defined boundaries. The primary sampling unit for NASSEP V master sampling frame, adopted by the NV&PG survey, is a cluster that constitutes one or more EAs, with an average of 100 households per cluster.

The survey used two-stage stratified cluster sampling design where the first stage selected the 328 clusters from NASSEP V. The second stage randomly selected a uniform sample of 15 households in each cluster from a roster of households in the cluster using systematic random sampling method.

2.1.2   Sample size and allocation

A sample of 4,920 households was estimated for the survey. This sample was distributed to the counties and rural and urban strata of these counties in accordance with their population sizes. Table 2.1 shows the distribution of the sample to the counties.

Table 2.1: Distribution of the national values survey sample

County	Clusters			Households			County	Clusters			Households		
	Rural	Urban	Total	Rural	Urban	Total		Rural	Urban	Total	Rural	Urban	Total
Nairobi	0	13	13	0	195	195	Narok	5	2	7	75	30	105
Nyandarua	4	2	6	60	30	90	Kajiado	4	4	8	60	60	120
Nyeri	5	3	8	75	45	120	Marsabit	3	1	4	45	15	60
Kirinyaga	5	2	7	75	30	105	Isiolo	2	2	4	30	30	60
Murang'a	6	3	9	90	45	135	Meru	7	2	9	105	30	135
Kiambu	5	7	12	75	105	180	TharakaNithi	3	2	5	45	30	75
Kisii	6	3	9	90	45	135	Embu	4	2	6	60	30	90
Nyamira	4	2	6	60	30	90	Kitui	5	2	7	75	30	105
Siaya	5	2	7	75	30	105	Machakos	4	5	9	60	75	135
Kisumu	4	5	9	60	75	135	Makueni	5	2	7	75	30	105
Homa Bay	5	2	7	75	30	105	Kakamega	7	3	10	105	45	150
Migori	4	3	7	60	45	105	Vihiga	4	3	7	60	45	105
Turkana	4	2	6	60	30	90	Bungoma	6	3	9	90	45	135
West Pokot	4	1	5	60	15	75	Busia	5	2	7	75	30	105
Baringo	4	2	6	60	30	90	Garissa	3	2	5	45	30	75
ElgeyoMarakwet	3	1	4	45	15	60	Wajir	3	2	5	45	30	75
TransNzoia	5	3	8	75	45	120	Mandera	4	2	6	60	30	90
UashinGishu	4	4	8	60	60	120	Tana River	3	1	4	45	15	60
Nandi	5	2	7	75	30	105	Lamu	2	1	3	30	15	45
Samburu	3	1	4	45	15	60	Mombasa	0	7	7	0	105	105
Kericho	4	3	7	60	45	105	Kwale	4	2	6	60	30	90
Bomet	5	2	7	75	30	105	Kilifi	5	3	8	75	45	120
Laikipia	4	2	6	60	30	90	TaitaTaveta	3	2	5	45	30	75
Nakuru	6	6	12	90	90	180	**Total**	195	133	328	2,925	1,995	4,920

Source: KNBS, Sampling frame

2.1.3 Selection of clusters

The clusters were selected using the Equal Probability Selection Method (EPSEM). The clusters were selected systematically from NASSEP V frame with equal probability independently within the counties and urban-rural strata. The EPSEM method was adopted because,during the creation of the frame, clusters were standardized so that each could have one Measure of Size defined as having an average of 100 households.

2.1.4 Household selection

From each selected cluster, a uniform sample of 15 households was selected systematically, with a random start. The systematic sampling method was adopted as it enables the distribution of the sample across the cluster evenly and yields good estimates for the population parameters. During data collection, there was allowance for replacement of non-responsive households.

2.1.5 Education institutions sampling frame, sample size and allocation

The sampling frame for the educational institutions sample was the list of all education institutions as at 2014, which was obtained from the Ministry of Education, Science and Technology. The sampling frame was categorized by type of institution, i.e. Primary, Secondary, Tertiary College or University. These were further stratified by ownership, whether private or public.

A sample size of 822 learning institutions was estimated to be sufficient to provide reliable estimates for the desired indicators. This sample was drawn using the systematic random sampling method and was distributed as shown in Table 2.2.

Table 2.2: Distribution of the institutions sample

S/No	Category of learning institutions	Private	Public	Total
1	Primary	96	418	**514**
2	Secondary	46	141	**187**
3	Tertiary College	42	28	**70**
4	University	20	31	**51**
Total		**204**	**618**	**822**

2.1.6 Institutions sampling frame

Data collection for the baseline survey engaged the National Government and County Governments, and involved the public and private sector institutions (covering about 500 respondents) as well as the citizenry. The following institutions/organizations were engaged:

(i)   National and County governments
(ii)   Constitutional Commissions, Independent Offices, and other Statutory Commissions
(iii)   County Public Service Boards
(iv)   Directorate of National Cohesion and National Values
(v)   Performance Contracting Secretariat
(vi)   State Corporations
(vii)   Value Systems Implementation, Enforcement and Anti- Corruption Agencies
(viii) Educational institutions, academia and curriculum developers
(ix)   Professional associations
(x)   Private sector and media
(xi)   Faith-Based Organizations
(xii)   Civil Society Organizations
(xiii) Non-Governmental Organizations
(xiv)   Community-Based Organizations
(xv)   Political Parties
(xvi)   Sports Associations

(xvii)   Youth, Women and Persons with Disability groups;

(xviii)   Independent Offices

(xix)   Art, Music and Entertainment sector

2.2   Data Collection Tools

Quantitative research used structured questionnaires, which were administered to the public through a household-based approach, while an interview guide was used among key informants in the selected institutions and regions within the country. The data collection survey was conducted during the period between September and October 2015.

It is also important to note that public participation is a constitutional requirement as provided for in various parts of the Constitution and legislation, such as Article 10 of the Constitution, in which participation of the people is a national value and principle of governance. Information was also gathered through focus group discussions, whose issues were based on the information generated from the literature review. Finally, the Directorate organized nine regional consultation workshops in January 2016 attended by various stakeholders, which interrogated the preliminary findings of the survey. Table 2.3 offers a summary of information captured through the various tools.

Table 2.3: Summary of data collected by instrument type

Instrument	Type of data collected
1.Individual Questionnaire	(i) Individuals' socioeconomic characteristics, including education and labour (ii) Knowledge and understanding of national values and principles of governance (iii) Attitudes and perceptions (iv) Practices
2.Institutional (implementers and enforcers) Questionnaire	(i) Perceptions on priority national values and principles of governance (ii) Awareness of the annual President's report on measures taken and progress towards the achievement of national values (iii) Accountability, transparency and integrity (iv) Adherence to the rule of law (v) Existence and effectiveness of system of checks and balances (vi) Performance of public sector in terms of national values and principles of governance (vii) Sustainable development indicators
3.EducationQuestionnaire	(i) Perceptions on priority national values and principles of governance (ii) Acquisition and nurturing of values (iii) Role of curriculum and co-curriculum activities in value formation (iv) Experiences on national value challenges in learning

Instrument	Type of data collected
	institutions (v) Contribution of internal and external factors on value formation (vi) Corrective measures in dealing with negative factors that affect institution's values (vii) Guidance and counseling initiatives (viii) Role of stakeholders in value formation and their effectiveness (ix) Role of media in value
4.Focused Group Discussion and Key Informant Interviews	(i) Understanding and prioritization of national values and principles of governance (ii) Level of awareness of national values and principles of governance (iii) Legal framework issues including guidelines, levels of implementation, monitoring and evaluation (iv) Measures taken towards realization of national values and principles of governance (v) Existence and impact of various interventions and measures towards promoting national values and principles of governance

2.3 Data Processing

Data obtained from the fieldwork was processed shortly thereafter. Duly completed data instruments were edited and then data captured using *SPSS* software. All entered data was checked for consistency and verified before the analysis. Most of the analysis was performed in *Stata* software.

2.4 Constructing National Values Index

Figure 2.1 illustrates the framework of generating the NV&PG index (discussed in Chapter 7). The framework provides a summary of the five sub-indices, sub-categories and indicators used in generating the National Values Index. The measurement process proceeds from the identification of categories or sub-indices (or key thematic areas), to sub-categories and subsequently indicators of national values. The sub-categories encompass the National Values contained in the Constitution. The indicator list was generated from a review of pertinent literature and intuition.

Figure 2.1: Synthesis of framework of measuring national values
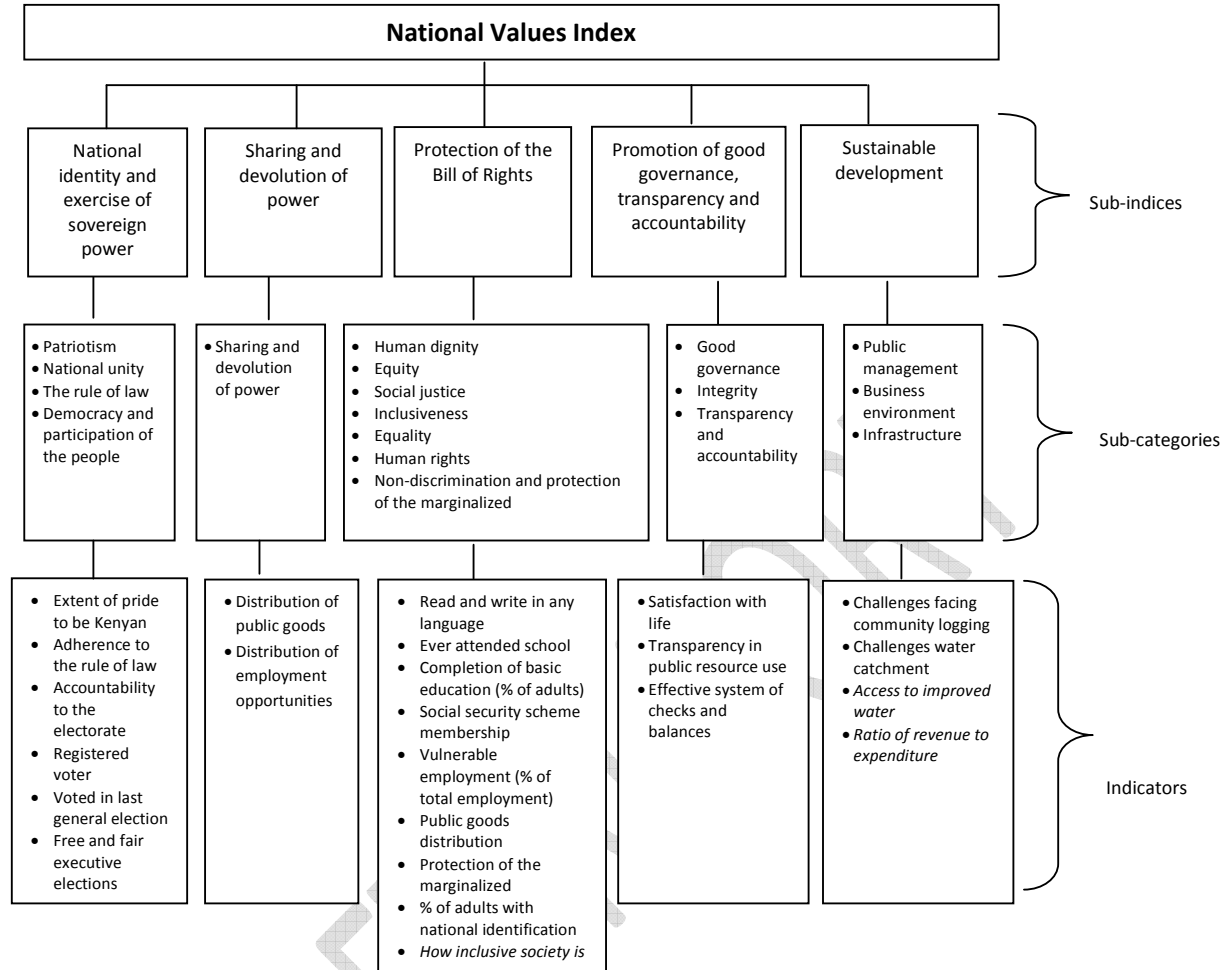
The information presented in the above framework yields one broad measure of "National Values and Principles of Governance" and five sub-index measures corresponding to the key thematic areas. In addition, measures of dozens of indicators were generated. The data used in the measurements were from:

(i)   Knowledge, Attitude, Practices and Perceptions public opinion survey (through an individual questionnaire).

(ii) Secondary data for some indicators (such as data on sustainable development indicators).

2.5   Measuring Public Service Values Using an Index

The process of measuring public service values using an index began by identifying and categorizing variables or indicators of public service performance. Over seventeen (17) indicators were identified, largely encompassing the public service values and principles outlined in the Constitution. The public service values indicators were

categorized into four groups deemed most appropriate for this study.[15] The four overarching value categories were: 'ethical', 'democratic', 'professional', and 'people'. The public service values categories and indicators are summarized in Table 2.4.

Table 2.4: Public service values, categories and indicators

Categories			
Ethical	**Democratic**	**Professional**	**People**
Indicators			
Accountability	Accountability	Effectiveness	Decency
Honesty	Rule of law	Efficiency	Fairness
Integrity	Transparency	Service	Opportunity
Respect (dignity)	Openness		
Trust	Representativeness		
	Participation		

2.6   Data Sources

Data used for this part of the study was generated from both primary and secondary sources. Primary data was generated from a national survey. The survey was conducted within the two (2) levels of government, i.e. the National and County governments and involved the public and private sectors, as well as the citizenry. Further, the Value Carriers and Change Agents provided for in the Sessional Paper No. 8 of 2013 were engaged. These included individuals, the family, educational institutions, religious and faith-based organizations, Government, private sector, professional associations, media, civil society, political parties, arts, music, entertainment and sports.

Secondary sources of data included the Constitution, National Cohesion and Integration Act2008, Kenya Vision 2030, National Cohesion and Integration Policy (2012), and Sessional Paper (Policy) No. 8 of 2013, amongst other sources. The work involved continuous consultations with the staff of the Directorate and other relevant stakeholders. The next chapters present findings from the baseline survey.

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[15] See Kernaghan, K. (2003: 712), Integrating Values into Public Service: The Values Statement as Centerpiece. *Public Administration Review*, 63: 711–719.

Chapter 3: Awareness and Prioritization of National Values

3.1 Formation of Values

The formation of general values begins in childhood, whereby character, beliefs, principles and personality are molded through the attitudes and behaviour of parents, siblings, peers and community members interacting with children. Additionally, social factors, such as culture and personality traits have a bearing on the values that an individual acquires. The consistency and coherence of the behaviour of parents are some of the key determinants of values that people acquire. More generally, those who have leadership positions in society play a powerful role in imparting values to communities and their members. In the most general sense, leaders include parents, siblings, relatives, teachers, peers, supervisors, among others. However, children can behave and express themselves in ways that can affect values of adults.

Individuals can acquire positive or negative attitudes as they grow up in society, and these determine the values and principles they cherish most, with interventions to change in later life having little or no effect. Values are neither equally important to an individual, nor between or among individuals. While these espousal of a value by an individual – such as a role model – might influence other people's acquisition of that value, it is also possible, and indeed commonplace, to market values one does not necessarily espouse, such as through the media.

3.2 Evidence on Formation and Transmission of Values

3.2.1 Sources and transmission of values

Data from the survey conducted for this report are presented in Figure 3.1, and show that 23 percent of respondents acquire their values in the home environment. The other main sources of values included self-teaching (22.7%) and the school environment (17.7%).[16] For respondents aged below 18 years, value formation and acquisition mainly takes place in schools. Figure 3.1 shows how individuals learnt about the values they uphold.

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[16] Section 3.2.2 summarizes the content of the values framework for different levels of the education system.

Figure 3.1: Sources of values upheld by individuals, 2015 (n=3,511)
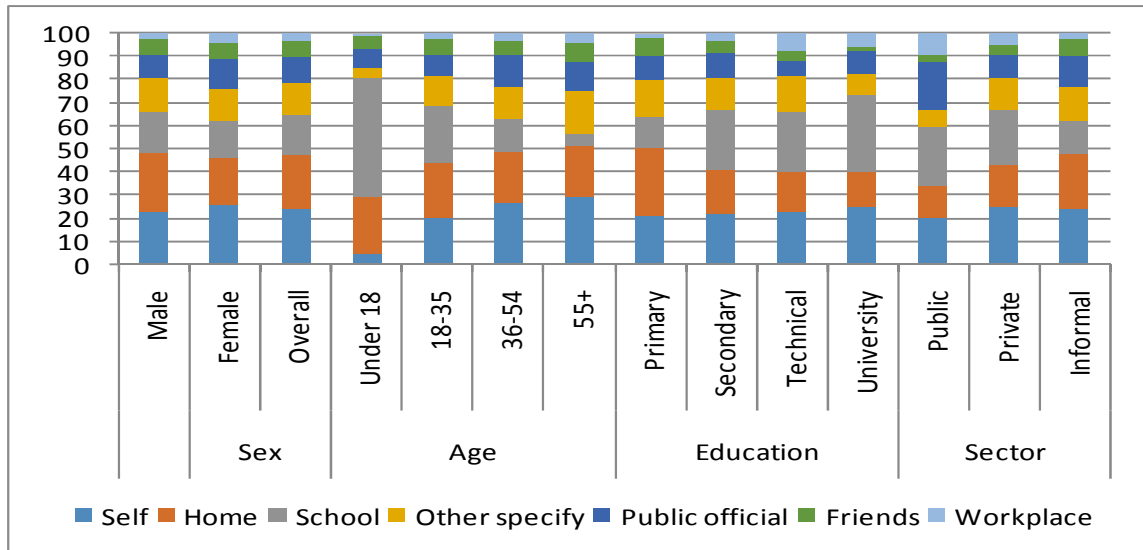
The trend remains similar even among those who have attained primary, secondary, technical and university education. This is a pointer to the fact that education institutions are important avenues for value acquisition. A notable pattern is that the public sector is also an important source of value acquisition, with the highest impact being associated with the public sector itself, with spillover effects across all the various groups, including the informal sector. As individuals grow older, they tend to teach themselves the importance of upholding the values they possess. The least impact for this category is among those aged below 18 years who, as observed, mainly acquire their values from home and school.

As seen above, values are shaped through associations in life, and the contexts in which people live, study and work. The survey established that 72.5 percent of respondents had a role model in their lives. Role models include anyone interacted with in real life, or in publications, the media, among others. Interestingly, as Figure 3.2 shows, 23 percent of the respondents were either self-taught on values, or acquired them from within the family. Despite the heavy emphasis on integrating values in the education curricula, only 18 percent of respondents acquired their values through school. A most significant finding in this respect is that only 12 percent of the respondents acquired their values through interaction with public officers. This might be due to the perceived unfairness in the distribution of public goods (58%) and public employment (67%).

Figure 3.2: Selected influences on personal values, 2015
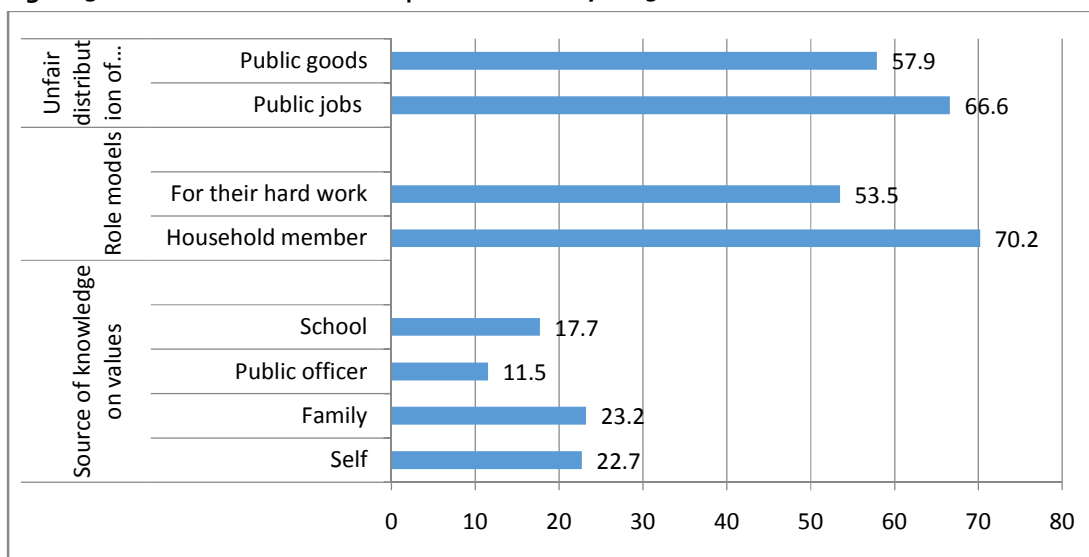
Asked whether disciplined upbringing fosters integrity, Table 3.1 shows that a greater share of males than of females strongly agreed – 58 percent relative to 51 percent. The overall level of disagreement was narrower – 8.5 percent and 9.9 percent, respectively. Overall, agreement was 90 percent across all the age groups, while it grew marginally with education status, from 92.5 percent at the primary level to 94 percent at the university level.

Table 3.1: Disciplined upbringing fosters development of integrity, 2015

8.9.1	Sex		Age				Education			
	Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Strongly agree	58.0	51.4	51.0	54.0	54.6	55.8	54.4	56.5	58.6	59.1
Agree	33.5	38.7	38.0	37.7	35.2	34.8	38.1	36.1	34.6	34.9
Disagree	6.0	6.4	10.0	5.5	7.1	6.02	5.5	5.3	5.1	3.8
Strongly disagree	2.5	3.5	1.0	2.8	3.1	3.5	2.04	2.1	1.7	1.5

NB: n=3,331

In the survey, the family and its immediate environs provided 70 percent of role models in value formation, as shown in Figure 3.2, with details appearing in Table 3.2. Parents accounted for 34 percent of role models, while friends accounted for 19 percent. Siblings and neighbours accounted for 8 percent each. The importance of parents as role models declined with the age of respondent, but rose with the level of education attained. While neighbours and teachers performed poorly overall (9%and 5%), they were most important among primary and university level respondents (13% and 10%, respectively). The most admired trait of role models was 'hard work' for 53.5 percent of respondents, followed by 'responsibility' for 8.7 percent of them.

Table 3.2: Respondents' relationships to role models, 2015

Relationship of role model	Percentage share
Parents	34.0
Friends	19.2
Sibling	8.3
Neighbour	8.8
Workmate	3.8
Schoolmate	1.0
Teacher	5.1
Other	10.6
None	9.2

Asked about role models, males were marginally more likely to have one, as shown in Table 3.3. Possession of a role model declined sharply with age, the level being 93.1 percent among the under 18s, compared to a modest 56.5 percent for the 55+ age group. The association with education attainment was, however, remarkably different: rising education attainment was associated with possession of a role model, with a level of 69 percent for the primary level compared to 94 percent for the university level.

Table 3.3: Whether respondent had a role model, 2015

	Sex		Age				Education attainments			
	Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Yes	74.1	71.1	93.1	78.5	74.2	56.5	68.9	82.4	84.5	93.5
No	25.9	28.9	6.9	21.5	25.8	43.5	31	17.6	15.5	6.5

NB: n=3,327

Figure 3.3 shows the shares of males compared to females in the various categories of role models. Greater shares of females than males had parents, siblings, neighbours and schoolmates as role models. However, a greater share of males had no role model, while males also drew proportionately more for role models, on friends, workmates and teachers.

Figure 3.3: Male compared to female shares across role model categories, 2015
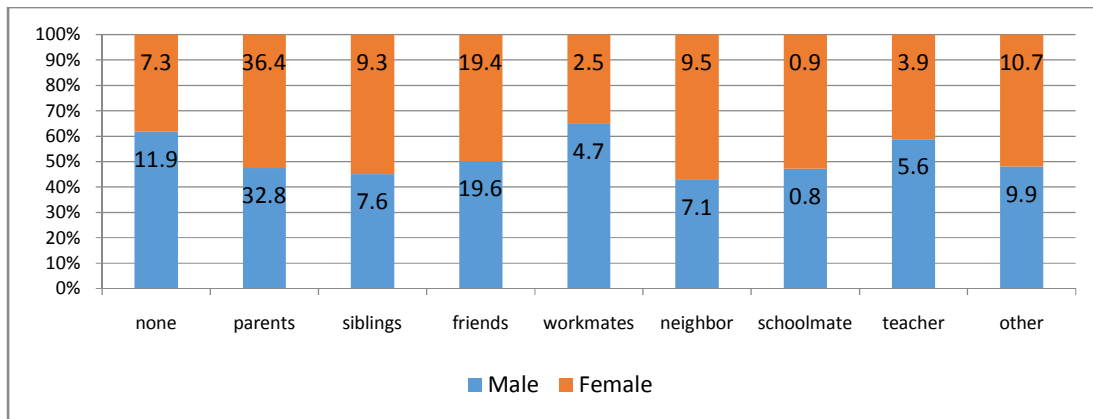
According to the survey data reported in Figure 3.4, only 40 percent of individuals interviewed said they were satisfied with how people embrace the values they come across in the society they live in. About 31.9 percent were fairly satisfied whereas 14 percent were dissatisfied. The share of satisfied males was marginally greater than of satisfied females, and satisfaction rose marginally with age. The greatest dissatisfaction was among those with higher education. The public and private sector employees were equally unhappy with society's value system, but the level was marginally lower for the informal sector.

Figure 3.4: How satisfied are you with the way people embrace values in your society?, 2015
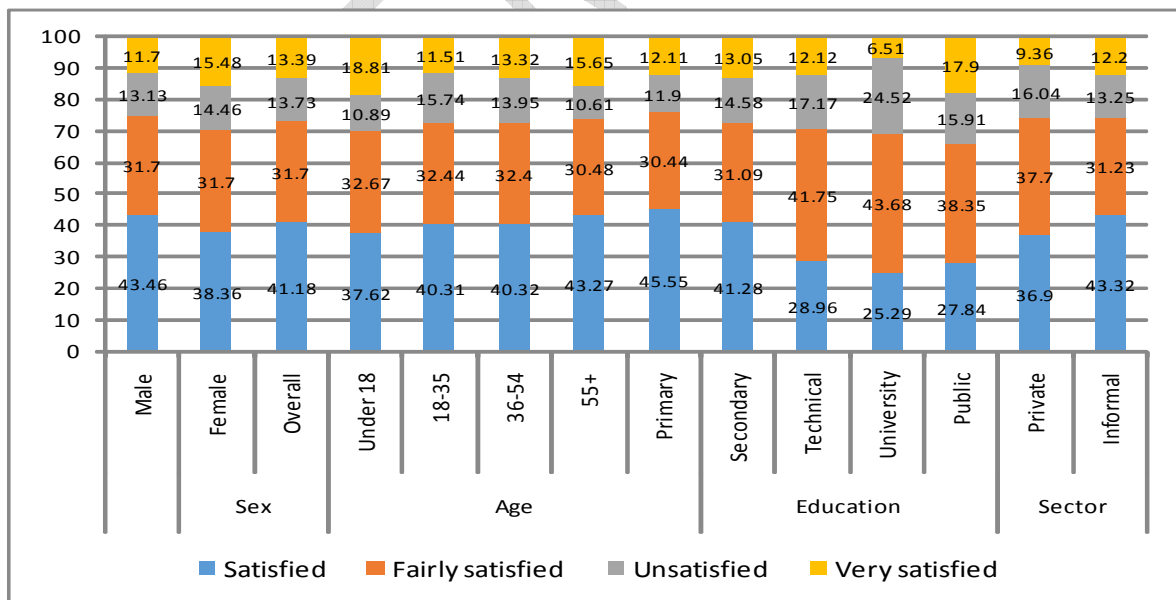
3.2.2 Values frameworks in education system

Kenya has a long history of inculcating moral values through the education system. For example, the national goals of education in Kenya provide curriculum developers

with the general intended outcomes of education, with five out of eight goals providing opportunities for developing national values. These include:

(i) Fostering nationalism, patriotism, and promotingnational unity (Goal 1);
(ii) Promoting social, economic, technological and industrial needs for national development (Goal 2);
(iii) Promoting sound moral and religious values (Goal 4);
(iv) Promoting social equality and responsibility (Goal 5); and
(v) Promoting respect for and development of Kenya's rich and varied cultures (Goal 6).

Seven secondary levelobjectives provide for opportunities and mechanisms for developing and fostering national values, including:

(i) Acquiring necessary knowledge, skills and attitudes for the development of self and the nation (Objective 1);
(ii) Promoting love for and loyalty to the nation (Objective 2);
(iii) Promoting harmonious coexistence among the people of Kenya (Objective 3);
(iv) Developing mentally, socially, morally, physically and spiritually (Objective 4);
(v) Enhancing understanding and respect for own and other people's cultures and their place in contemporary society (Objective 5);
(vi) Developing into responsible and socially well-adjusted persons (Objective 10); and
(vii) Promoting acceptance of and respect for all persons (Objective 11)(MEST 2002b).

Kenya's education curricula also provide opportunities through which the following values are passed over to young learners:

(i) Moral values,

(ii) Integrity,

(iii) Social responsibility,

(iv) Child and human rights,

(v) Gender responsiveness, and

(vi) Rights and responsibilities of citizens.

About 79 percent of the learning institutions interviewed admitted that rules and regulations observed in their institutions contributed greatly in the acquisition and nurturing of values among the pupils and students. Other important factors include the behaviour and attitudes of teachers (76%), religion (68%) and the Constitution (65%).

3.3 Awareness and Promotion of National Values and Principles of Governance

Awareness of constructs such as values is a pre-condition for compliance. To gauge the levels of public awareness on matters of NV&PG, several questions were posed to respondents, ranging from: awareness of values; the values that are most important to them; and the values they would like to experience.

Figure 3.5 shows that about 76 percent of the respondents had heard of the concept 'values' (*maadili*), but only 59 percent and about 50 percent, respectively, had heard of the 'National Values'(NV) and 'Principles of Governance' (PG) of Article 10 of the Constitution. Female respondents were more likely to be familiar with the three concepts than the males. Across all the age-groups, the knowledge of NV&PG was less than 70 percent. A smaller share of those with primary level of education knew of NV (54%) and PG (41%), compared to those with more education, with respective awareness peaking among those with university education (91% and about 82%). A similar trend was noted across the employment sectors, with informal sectors accounting for 56 percent for NVs, while the levels in the public and private sectorsare 83 percent and 73 percent, respectively. Their respective PG awareness isproportionately lower.

Figure 3.5: Knowledge of 'Values' , 'National Values' and Principles of Governance, 2015 (n = 3,666)
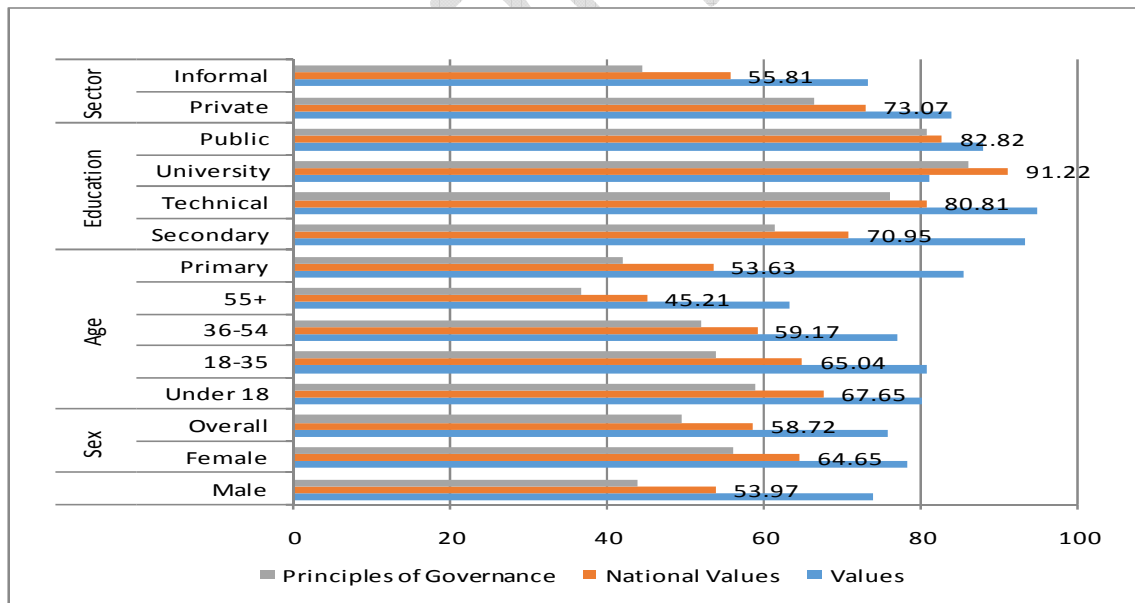
The effective enforcement of values and governance principles requires that State officers and the public, whom they serve, are familiar with the concepts and their meaning. Consequently, the survey investigated respondents' familiarity with the idea of 'values' – *maadili*, and found that 76 percent of them had heard of it, with a similar proportion understanding what it means. But the idea of 'governance' did not do as well, with only 50 percent of respondents having heard of it, among which 63

percentunderstood its meaning. The first challenge facing adherence to NV&PG is, therefore, lack of understanding of these concepts surrounding them. Citizens must first understand what principles of good governance are in order to act and speak in ways that promote good governance.

The finding reported in Figure 3.6that only 38 percent of the respondents were aware of the measures taken to promote NV probably reflects the poor quality of civic education undertaken on the Constitution, and on the Values specifically. However, 79 percent of those aware of the NVs subscribed to them.

Figure 3.6: Awareness of national values and their promotional initiatives (%)
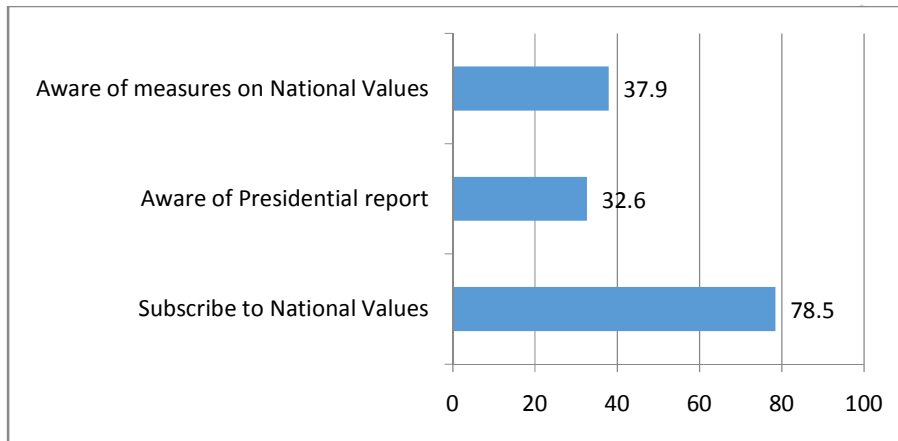
One of the channels that have been influential in creating awareness on matters of values, NV&PG is the mass media. The question of how children or young adults are affected by the movies and television programmes they watch, the radio programmes they hear, the newspapers, magazines and books they read, is important. There are fears as to the content of media – violence, lawlessness, breakdown in moral values, just to mention but a few. However, there are also positive values in mass media thatare equally significant. For instance, mass media brings information, inspiration and enrichment that potentially improves the quality of lives.The survey found that 83 percent of respondents agree on the significance of the media over the nurturing of values. Of those agreeing on this, about 38 percent felt the influence was large, while the rest (63%) felt the influence was limited.

The Constitution leaves the dissemination of NV&PG to policies, legislation and strategies, but it specifies the roles in this respect for the President (Article 132) and the PSC (Article 234)and, in any case, make them binding on all State organs and Officers, public officers and all persons. Consequently, the survey examined the extent of awareness of the annual report the President makes on NV&PG. The survey found that a mere 33 percent of respondents were aware of the Report (Figure 3.5), which once again highlights the challenges facing civic educators.

The study reviewed perceptions on the various measures taken to promote NV&PG, with Figure 3.7 reporting the findings. The approval ratings with the measures taken to promote NV&PG were low, with approval for Transparency and Good Governance, and Patriotism and National Unity and Sovereignty all scoring a modest 20 percent.

Measures to promote Sustainable Development and the Bill of Rights scored highest, about 22 percent each. While the range of the scores is 20 percent each, cross-tabulating these returns with other aspects of the study suggest challenge areas and opportunities.

Figure 3.7: Promoting national values and principles of governance, 2015 (%)
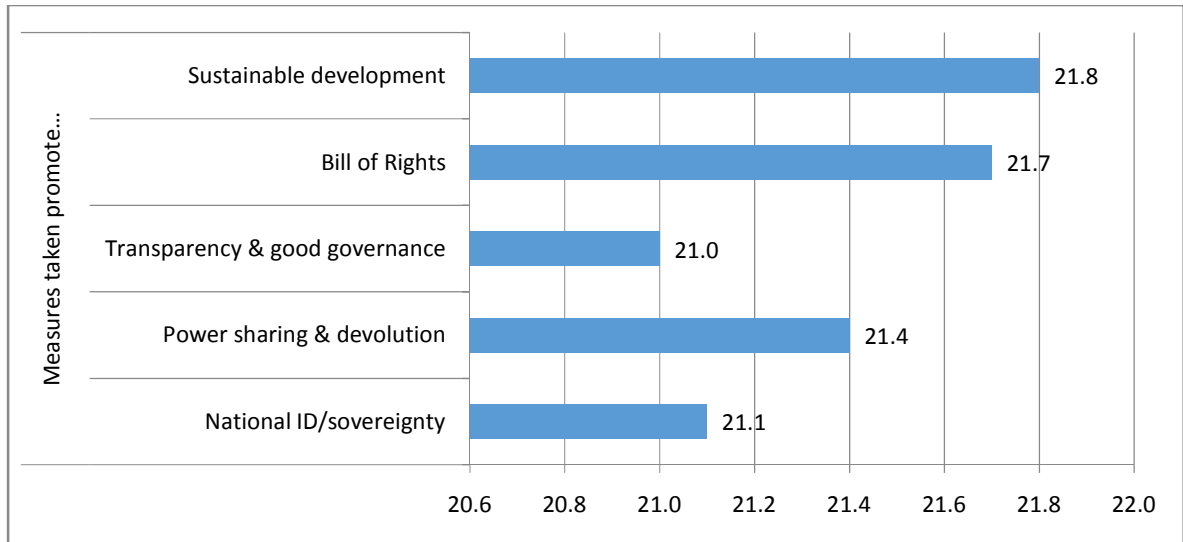
Sessional Paper No. 8 of 2013 mandated awareness roles among public officers. Consequently, the study assessed such officers' awareness of the President's Reports, as well as awareness of the same among other employed persons, with the findings reported in Figure 3.8. The figure shows that, among such working people, awareness of the Report stood at 48 percent. Awareness was highest in the National Government (65%), but this rate was surprising given that most MDAs contribute directly to the development of the Report. Awareness levels in County Governments and the Private Sector were about equal – respectively 47 percent and 46 percent, while the informal sector performed quite modestly at 25 percent.

Figure 3.8: Awareness of the President's Report on the promotion of NV&PG, 2015 (%)
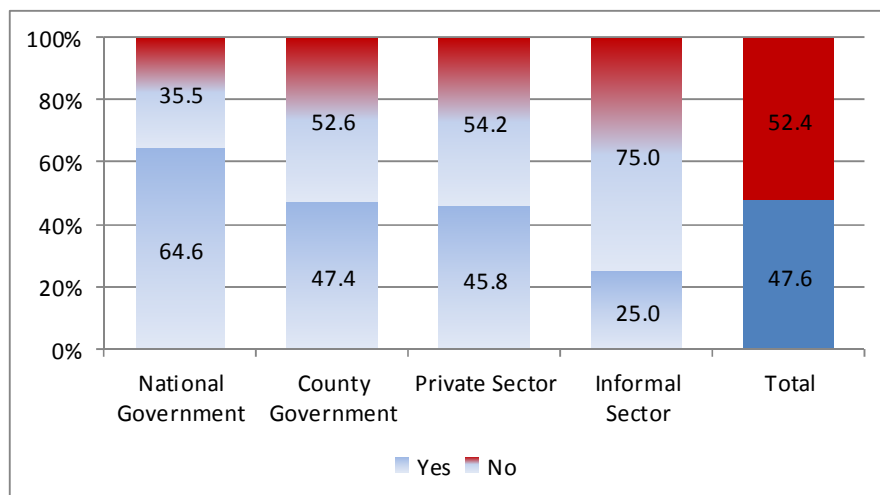
The study assessed the levels of awareness with respect to the various NV&PG in the Constitution. On a scale of 1 (lowest) to 5(highest), only Patriotism and Democracy and Participation scored '3', as shown in Table 3.4.

Table 3.4: Levels of awareness of national values and principles of governance, 2015

	Level of Awareness 1 (poor awareness) to 5 (high awareness)
Patriotism	3
National unity	1
Sharing and devolution of power	1
Democracy and participation of people	3
Human dignity	1
Discrimination of marginalized	2
Transparency and accountability	2
Sustainable development	1
Good governance	2

The factors associated with low levels of NV&PG awareness include: low access to information; weak enforcement mechanisms; and discrimination in prioritization of the NV&PG. Some values have greater exposure than others: for example, for Patriotism, the national anthem was sung regularly in schools. Other challenges include: confusion on whose role is it to prepare the organization's report on national values, misinterpretation of the reporting tool, and repetition of the same measures and progress in almost all the values.

Among the schools interviewed, several challenges were identified as moderate issues, while the rest were not a problem at all. Among the prominent challenges in schools were student pregnancies (60.1%), drug and substance abuse (48.5%), fighting among students (62.7%), bullying among students (48.9%), and stealing from each other (56.3%). Findings also show that most teachers involved students in

different leadership roles in the school, and that there was limited space in the school timetable to teach issues of values. However, the perception was that teachers were properly trained to teach about values and governance principles.

3.4   Prioritization of Values and National Values

Respondents were asked to list the values they were aware of, and came up with about ten priority values. To some extent, this point concerns the discretion invoked by the drafters of the Constitution (2010) in arriving at a mere 17 NV&PG to include in Article 10. When respondents were asked which of the many values identified they considered most important for children to acquire at home, an average 42 percent picked 'Hard Work', compared to 16 percent who picked 'Obedience', and an even 14 percent each respectively picking 'Religion' and 'Tolerance'. As Figure 3.8 shows, comparatively more females chose Hard Work, while comparatively more males opted for Obedience, Religion and Tolerance. A dominant half the Under-18s also opted for Hard Work, but placed comparatively little premium on Tolerance. Hard Work dominated for all the other age groups, which distributed their preferences equally over the other three dominant qualities. The same pattern of priorities applies with respect to varied levels of education attainment even if there is a wide spread in aggregate terms: the most favoured four qualities account for 86 percent of primary level respondents compared to only 68 percent for university graduates.

Figure 3.8: Qualities most important for children to acquire at home(%), 2015
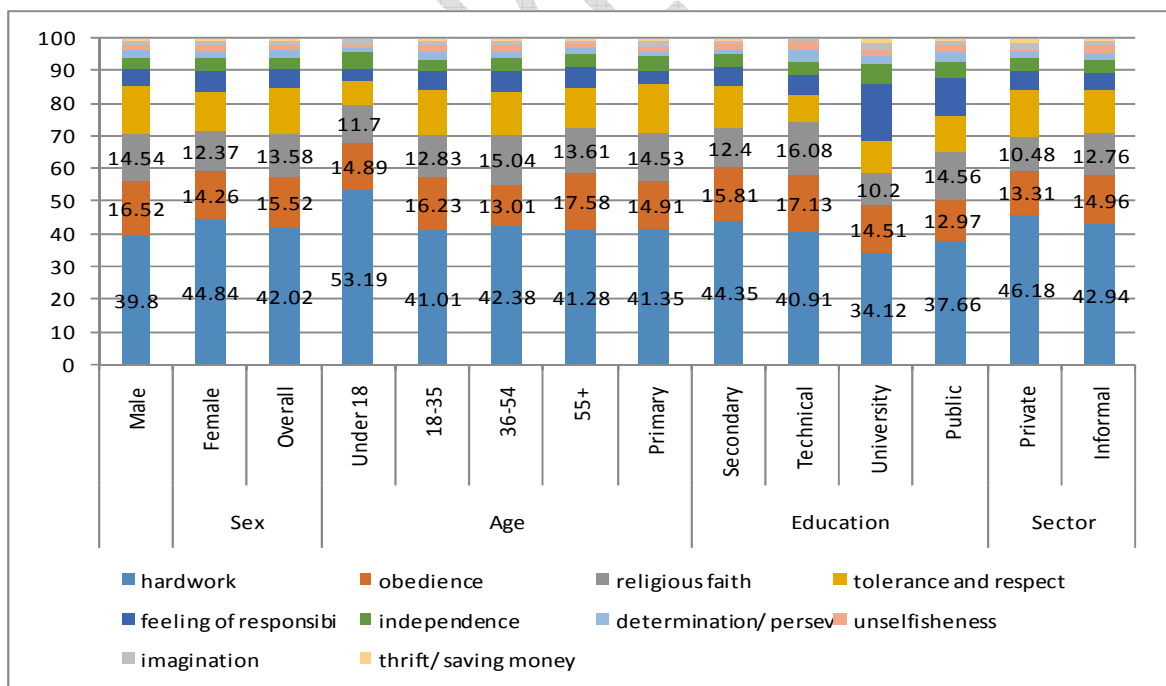
Although the meaning of the concepts of "values" and "national values" may not be clear to nearly one quarter of Kenyans, most easily relate to specific value concepts, such as Honesty or Patriotism. Overall, Patriotism was identified as the foremost value for 27 percent of the respondents (Figure 3.9). National Unity accounted for 17

percent of respondents while Honesty had 10.5 percent. There was parity in the prioritization of main values across most of the respondent categories surveyed, as reflected in the figure. The two outlying respondent groups included the under 18s, whose cumulative subscription to the top two values was 68 percent, which could be a reflection of the emphasis put on the two values in the education system. The other outlier is the 55+ category for whom the two categories accounted for 47 percent. Patriotism is an emotional attachment to a nation, which an individual recognizes as their homeland,and can be viewed in terms of different features relating to one's own nation, including ethnical, cultural, political or historical aspects. People who identify themselves with their country view national values as personally meaningful, and translate these beliefs and values into daily practices.

Figure 3.9: Which do you think are the most important values/principles of governance (%)
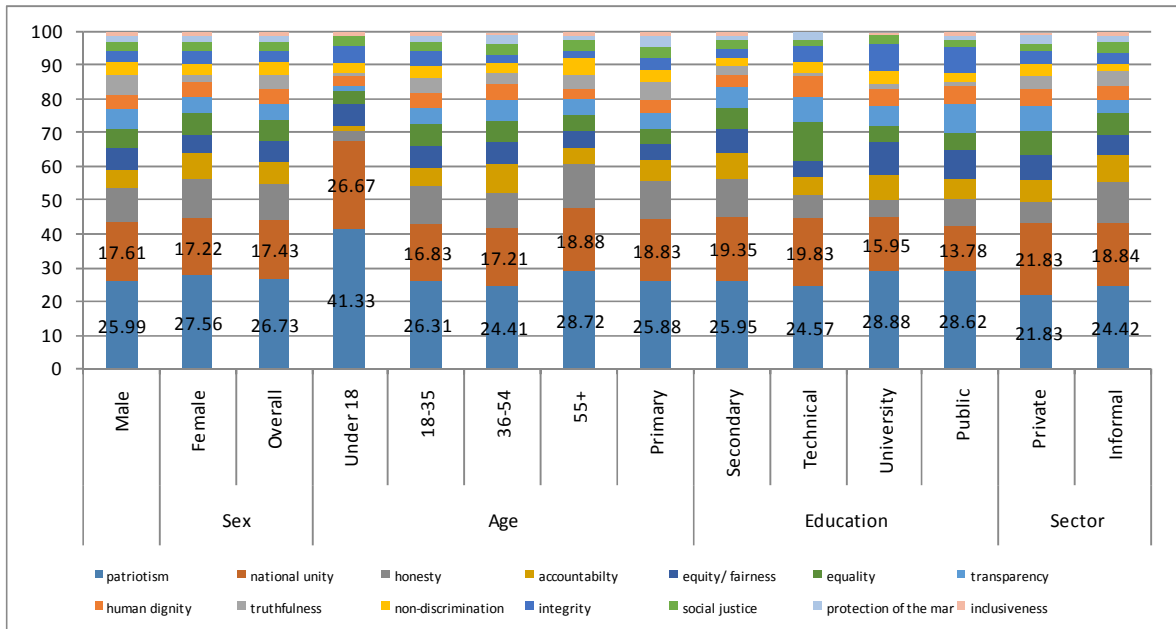
According to the survey, Equality has a low prioritization. Kenyans reported to have strong patriotism. However, the low level of patriotism at lower education levels could be construed in many different ways. The main causes could be that lack of education creates a barrier in skills acquisition, employment, and better social economic status. Therefore, those with lower educational status have a negative attitude towards becoming patriotic citizens because of the low prospect of living a better life.

During the regional forums organized by the Directorate, the perception was that the 17 NV&PG provided an adequate framework for transforming the wide array of personal values and principles into instruments of national development. They were adjudged inclusive because they touched on all aspects of Kenyan lives, but there were no adequate frameworks for their operationalization.

Further, participants debated various aspects of the values. For example, participants debated whether NV&PG should be hierarchical, or whether they undermined local values and cultures such as female circumcision. Further, some speakers noted the failure to mention inequality involving specific groups, such as women and persons with disabilities. The NVs ranked most important included Patriotism, Sharing and Devolution of Power, Rule of Law, and Democracy and Participation. However, the resolution of the plenary was that creating hierarchies would allow selective implementation of the NV&PG, based on localized considerations, and yet the Values and Principles required nationwide compromise for nationwide development. Further, the resolution was that the mention of specific groups – of people, for example – was not necessary, as all the NV&PG require the broadest conceptualization that incorporates all aspects of society. The need was emphasized for cooperation between the National Government and County Governments, and among County Governments, in implementing the Values and Principles.

The survey found an equal large majority of respondents of both sexes – about 94 percent – to be proud of being Kenyans, with the rate being greatest among those aged less than 18 years, and lowest among the 18-35 age group. Pride at being Kenyan diminished with higher education attainments (Table 3.5).

Table 3.5: Proud of being Kenyan, 2015 (%)

	Sex		Age				Highest Educational Attainment			
	Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Proud of being Kenyan	93.5	93.6	98.3	92.6	93.6	94.5	94.2	94.4	92.6	89.8

When asked to gauge their level of pride, males were more likely to be 'extremely proud' (56.3%) than females (52.5%), but the two groups averaged 96 percent rate when all the positive perceptions are aggregated, meaning only an average 3.6 percent were not proud at all. Across the age groups, 97 percent of those aged under 18 were extremely proud or just proud, compared to 82 percent for the 18-35 age group. While pride among respondents without education and those with university education were a high 94 percent, it was lower for the other education attainment categories.

Table 3.6: Extent of pride at being Kenyan, 2015 (%)

	Sex		Age				Highest Educational Attainment				
8.1.1	Male	Female	Under 18	18-35	36-54	55+	None	Primary	Secondary	Technical	University
Extremely proud	56.3	52.5	64.7	51.6	53.2	58.3	47.1	68.2	51.6	53.2	58.3
Proud	26.9	32.6	32.4	30.7	31.6	26.4	47.1	29.4	30.7	31.6	26.4
Moderately proud	12.8	11.6	1.9	13.5	11.9	11.8	5.9	1.2	13.5	11.9	11.8
Not proud at all	3.9	3.3	0.9	4.2	3.3	3.6	0	1.2	4.2	3.3	3.6

The level of disagreement with respect for human dignity was negligible – consistently below 1 percent as shown in Table 3.7, meaning that, consistently, 99 percent of respondents either agreed or strongly agreed. However, females were more likely to strongly agree than males, as were individuals aged under 18, compared to the other age groups. Across the education attainment categories, strong agreement increased noticeably with education attainment: strong agreement stood some 20 percentage points higher for university compared to primary level education, while mere agreement was the exact opposite.

Table 3.7: Respect for human dignity, 2015 (%)

| | Sex | | Age | | | | Highest Educational Attainment | | | |
	Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Strongly agree	66.8	71.9	78.6	69.4	67.4	70.7	65.4	68.7	75.7	84.1
Agree	32.4	27.2	20.4	29.9	31.4	28.6	33.8	30.4	23.2	15.9
Disagree	0.6	0.7	1.0	0.5	1.0	0.4	0.7	0.6	0.7	0
Strongly disagree	0.2	0.2	0	0.2	0.2	0.3	0.1	0.3	0.3	0

NB: n=3,337

NV&PG focus on uplifting the confidence in the government of the day; confidence in which is drawn from perceptions – or where data is available, realities – of fairness to all citizens. A major gauge of a government's fairness is its scorecard in the distribution of public goods, which are funded by national revenues drawn from the taxes paid by citizens. Table 3.8 shows that consistently across the citizen categories analyzed, there is disagreement that public goods are distributed fairly. For example, 57 percent of the males compared to 60 percent of females felt distribution was not fair. Across the age groups, grievance was greatest among the 18-35 age group (61.5%), and lowest among the under 18s (50.1%). Dissatisfaction grew with education attainment, standing at 56 percent for the primary level respondents compared to 71 percent among university graduates.

Table 3.8: The distribution of public goods is fair, 2015 (%)

| | Sex | | Age | | | | Highest Education attainments | | | |
	Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Strongly agree	17.7	13.7	27.5	12.9	15.8	17.1	15.2	14.1	11.5	8.7
Agree	24.8	27.6	22.6	25.6	28.1	26.4	29.3	24.8	25.4	20.5
Disagree	36.7	36.1	37.3	38.4	35.3	31.9	34.1	39.2	39.7	48.9
Strongly disagree	20.7	23.5	12.8	23.1	20.9	24.5	21.4	22.0	23.4	21.9

NB: n=3,322

A special category of public goods is public employment, about which perceptions reflected in Table 3.9 are even worse than about public goods in general. For example, 66 percent of males and females felt that employment opportunities are not fairly distributed, compared to an average 58 percent for public goods. The 18-35 age group

felt most aggrieved about employment opportunities (71%) while the 55+ age group was least aggrieved (61%). Dissatisfaction rose with education, with a 64 percent level among primary school respondents compared to 79 percent for university level respondents.

Table 3.9: Distribution of public employment opportunities is fair (%), 2015

	Sex		Age				Highest Education attainments			
	Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Strongly agree	13.4	10.3	13.9	8.9	12.8	14.2	11.8	9.2	8.1	8.3
Agree	20.4	23.4	22.8	20.4	22.5	24.9	24.6	18.9	17.2	12.9
Disagree	36.7	37.0	42.6	38.9	37.8	30.7	36.9	41.5	40.9	49.2
Strongly disagree	29.5	29.3	20.8	31.8	26.9	30.2	26.8	30.5	33.8	29.6

NB: n=3,645

Chapter 4: Compliance with National Values and Principles of Governance

Introduction

One of the objectives of this report was to examine compliance of actors with legal provisions on National Values and Principles of Governance (NV&PG), which the Constitution refers to at various points other than Article 10. For example, Article 4(2) emphasizes their importance and provides that "the Republic of Kenya shall be a multi-party democratic state founded on the National Values and Principles of Governance." Article 132 (1) requires that the President reports annually on progress over their espousal, with details being published in the Kenya Gazette. Additionally, Article 234 (h) mandates the Public Service Commission (PSC) to evaluate and report to the President and Parliament on the contents of Articles 10 and 232.

Both the President and the PSC have complied with their respective sections of the law. To date, the President has presented three reports while PSC has produced two, which Chapter 6 of this report shall briefly assess. The development of Sessional Paper No. 8 of 2013 was a further aspect of compliance, alongside the focus of the Directorate's Strategic Plan (2013-2017). Furthermore, many policies, laws and regulations pre-dating the Constitution and its Article 10 already championed elements of NV&PG. For example, as noted in Section 1.7, the 2003 legislation founding the Kenya National Commission on Human Rights (KNCHR) listed among its functions, attention to 'human rights', 'equality', and 'non-discrimination'. Yet, underlying all these initiatives are the foundations of the Kenya Vision 2030 which are, for example, anchored in macroeconomic stability (which addresses NV&PG's Sustainable Development), governance reforms (all NV&PG), and equity and wealth creation for poverty reduction, amongst others.

The following sub-sections assess the extent of compliance with NV&PG. Compliance depends on the extent to which individuals and institutions are aware of the frameworks they are required to comply with. Therefore, the extents of compliance are indicators of the extents of awareness. To that end, Sessional Paper No. 8 requires that State organs "establish continuous training, awareness and dissemination programmes on the National Values and Principles of Governance;" and public officers are charged with the responsibility of committing "to continuous learning in order to advance knowledge and proper application of the National Values and Principles of Governance."

Yet, 39 percent of respondents in public institutions reported that their organizations do not conduct regular sensitization and training on constitutional provisions on NV&PG (Table 4.1). Among private sector institutions, more than half of the respondents (55%) reported that their employers do not conduct regular sensitization among their staff. On average, among respondent employees, 47 percent reported a lack of sensitization, and therefore low compliance with the imperative that NV&PG should underlie all activities involving public policy. The study's finding that only 47 percent of respondents were aware of the President's Report on measures to promote

NV&PG is evidence of weak compliance with exhortation of Session Paper No. 8 on 'continuous training, awareness, dissemination and learning'.

Table 4.1: Staff sensitized and trained on national values and principles of governance (on a regular basis), 2015 (%)

	Total	Public	Private*
Yes	47.4	59.1	43.6
No	50.9	39.4	54.6
Don't Know	1.6	1.5	1.6

*Includes both formal and informal organizations

Patriotism and human dignity

Patriotism is love, loyalty and devotion to one's country. It can be inculcated in individuals, such as through good governance that promotes human rights and non-discrimination. When these principles are lacking, patriotism tends to wane. Based on the results of the NV&PG Survey2015, about 81 percent of Kenyans consider themselves to be patriotic.

Nevertheless, the country continues to face challenges relating to Patriotism, partly emanating from weaknesses in compliance with proximate principles and/or values. Examples of such challenges include the observable low levels of human dignity (as measured by the high poverty levels), and the weak attention to equity in managing public resources, given the high levels of inequality. There are also widespread feelings of exclusion and marginalization among various groups, including the youth, women, and some regions (such as the coastal region) and ethnic groups.

These governance challenges exert negative impacts on Patriotism, observable through increasing drug and substance abuse, and radicalization and crime especially among the youth. To enhance Patriotism, the Value Carriers, including the National and County governments, need to enhance compliance with values that promote Human Dignity and at the same time dampen feelings of marginalization and exclusion.

National Unity, Sharing and Devolution of Power, and Equity

Unity is the deliberate decision to work with others in pursuit of common goals. National unity abounds when citizens are not adversely divided by their diversity (age, sex, religion, region, ethnic group, or race).National unity results from complying with, and practicing several of the other NV&PG, including Equity, Social Justice, Inclusiveness, Equality, and Non-discrimination and Protection of the Marginalized. Unmistakably, national unity is an outcome of good governance. Sustained peaceful relations across diversity are a good indicator of national unity.

With respect to peace, Kenya has experienced intermittent conflicts related to governance issues. Recent examples include the ongoing war on terrorism and the related youth radicalization, as well as the frequent ethnic clashes (especially in the run up to national elections). These conflicts are usually soon brought under control,

resulting in an overriding perception that the country is peaceful and/or united. Nevertheless, sectarian politics remains one of the most significant threats to national unity. Poverty and inequality, and perception of high inequities across regions, also pose a threat to national unity.

Compliance with the equity principle usually fosters national unity. The NV&PG Survey 2015 gauged the level of compliance with equity principles by asking respondents to compare equity in public resource use by the National Government in 2013 versus 2015. On aggregate, about 39 percent thought equity in public resource use was much better, as seen in Figure 4.1. About 31 percent thought it was just about the same while 30 percent thought it had deteriorated slightly or largely. The ratings are generally comparable across employees in the various sectors, but a notable divergence is that on improved equity between County Government employees and informal sector employees. That County Government employees see an improvement is unsurprising, since devolved funds go directly to them, but the informal sector's greater dissatisfaction might be evidence that County Governments do not adequately disseminate information on their receipts from national revenues.

Figure 4.1: Employee perceptions on equity of public resource use, 2015 (%)
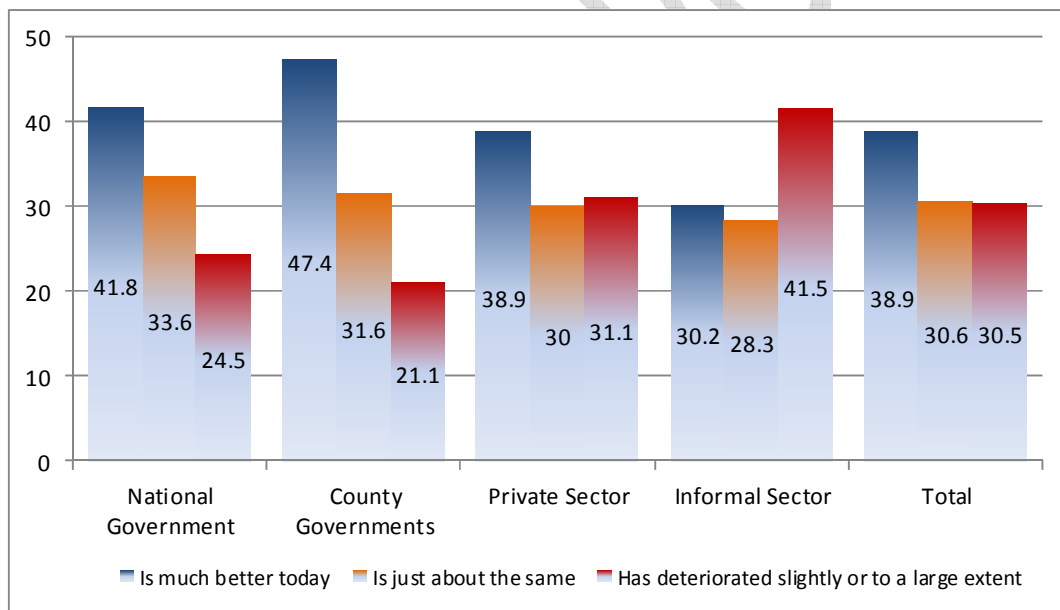
Democracy, Rule of Law, Participation of the People, Transparency and Accountability

Democracy is a system of governance in which power and civic responsibility are exercised by all adult citizens. It is characterized by principles, such as human rights, freedom of speech, transparency, accountability, tolerance, equality before the law, inclusiveness, and participation of the people. Rule of law is a characteristic of democracies, providing that states should be governed by laws rather than by arbitrary decisions of individual government officials. On the other hand, participation

of the people is the practice of involving all persons in making decisions, which ensures mutual respect for, and ownership of such decisions.

This survey on NV&PG asked respondents to assess the performance of several institutions in relation to democratic practices and in adhering to the rule of law. The overall findings are that the rule of law is generally followed, "but there are major gaps." These perceptions are indicative of the need for improvement with respect to compliance with the principle/values on the rule of law across public sector institutions (Figure 4.2). Among the four national level institutions listed, the Judiciary had the highest score of about 47 percent, while the national Executive scored about 46 percent. Both Parliament (including the Senate and National Assembly) and the National Police Service had scores of 30 percent. The County Executives and County Assemblies rank lower than their corresponding national level institutions. An overall score for 'rule of law' of 39 percent was generated by averaging the individual measures, a score which shows that the perception of most respondents is that there is either no adherence to the rule of law, or that there are major gaps in such adherence.

Figure 4.2: Actors' assessment of adherence to the "rule of law" by public sector institutions (%)
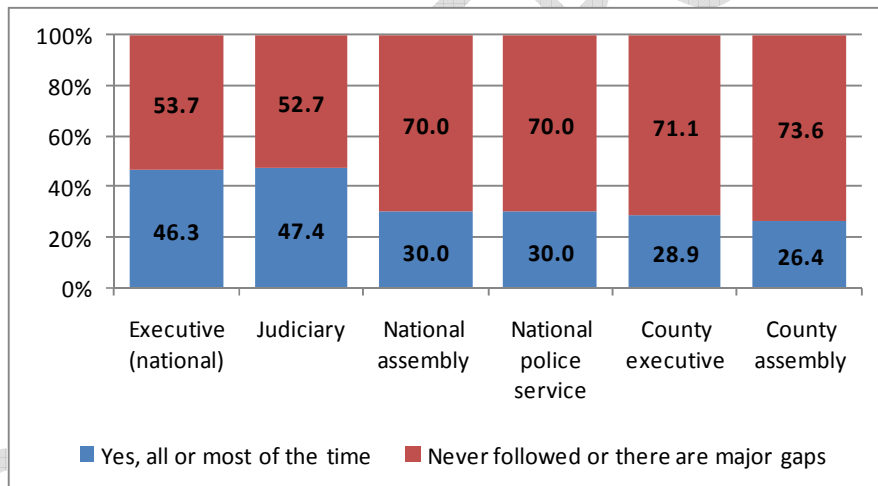
Adherence to the rule of law, and the extents to which democratic principles (such as accountability) are adhered to, can be partially gauged by the levels of integrity and accountability, i.e. the status of corruption, exhibited by public institutions. On average, 79 percent of respondents perceived corruption to be a pervasive problem. The results tabulated in Table 4.2 indicate that less than one-third of the individuals surveyed perceive corruption not to be a major problem, with the National Police Service reflecting the least integrity. The County Government institutions are also perceived to be more corrupt than the corresponding national level institutions. This is an indicator of low levels of compliance with the principles/values of integrity, accountability and transparency.

Table 4.2: Actors'* perceptions on corruption across public institutions (%), 2015

	Corruption is a significant problem or corruption is pervasive (%)	Corruption is not a major problem (%)	Number of observations
National Executive	73.5	26.5	457
Judiciary	76.0	24.0	455
National Assembly	77.2	22.8	443
National Police Service	81.5	18.5	448
Education sector in general	73.4	26.6	448
National registration (of persons)	71.0	29.0	448
County Executives	80.2	19.8	576
County Assemblies	81.4	18.7	579

*The actors included respondents from the public sector, formal and informal private sector as well as NGOs

About 58 percent of the respondents feel that dignity in handling members of the public who visit Government institutions has not improved. On the issue of respect for human rights, about 28 percent perceive it as a serious problem while another 40 percent perceive it as a moderate problem. The overall score on dignity (or respect) was about 47 percent, suggesting much room for improvement with respect to protection of rights and dignity in handling members of the public.

Although about 31 percent of respondents indicated that transparency by the national government is much better today, 69 percent perceive a deterioration in the level of transparency (Table 4.3). Public perception on the level of transparency by the county governments was lower than that of the national government at about 22 percent.Nearly 42 percent of respondents perceive that the level of public trust (a measure of openness) in public sector institutions is much better today. Overall, on a scale of 0 percent (worst) to 100 percent (best), the democratic category or component (which includes accountability, transparency, rule of law and openness) had a national score of 37 percent. This suggests relatively weak scores for values related to accountability, transparency, rule of law, and openness.

Table 4.3: Assessment of transparency and openness national government (%), 2015

Indicator		Is much better today (%)	Has deteriorated (slightly or to a large extent) (%)	Number of observations
Transparency (national government)	Transparency of public resource use by the national government	31.1	68.9	456
Openness (trust)	Public trust in public sector institutions	41.8	58.2	457
Transparency (county government)	Transparency of public resource use by the national government	22.3	77.7	449

As a means of gauging accountability, respondents were asked to express their opinion on the effectiveness of the systems of checks and balances on the exercise of authority within selected public sector institutions. For the selected national level institutions, the average score was 39 percent, suggesting relatively low perceptions on accountability over administrative acts. As illustrated in Figures 4.3, perceptions of lower levels of accountability were greater for the County Executives and Assemblies relative to their corresponding national institutions. The Judiciary was perceived to have the most effective checks and balances.

Figure 4.3: Effectiveness of checks and balances in selected public sector institutions (%), 2015
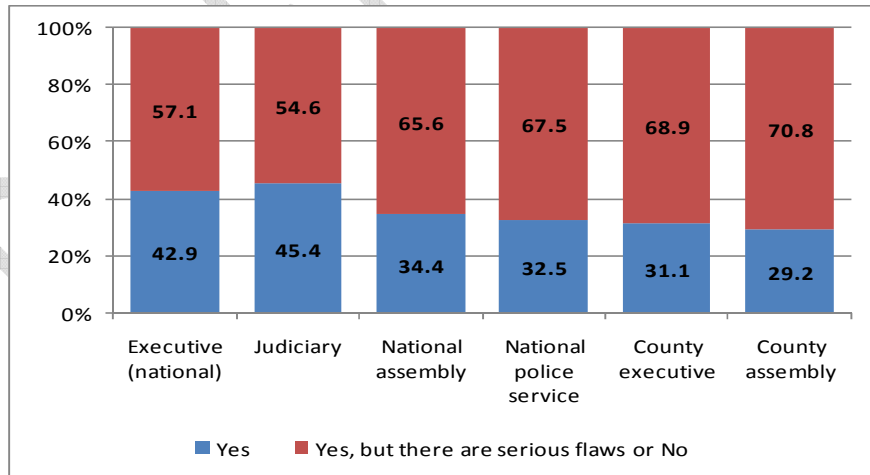
The survey also inquired into perceptions on the mechanisms for ensuring accountability to the electorate in between elections, with the findings reported in Figure 4.4. The returns are quite comparable to those on checks and balances, with National Government institutions perceived to perform better than related County

Government institutions. On checks and balances, the Judiciary was perceived to best account to the electorate in between elections.

Figure 4.4: Are there mechanisms for ensuring accountability to the electorate, 2015 (%)
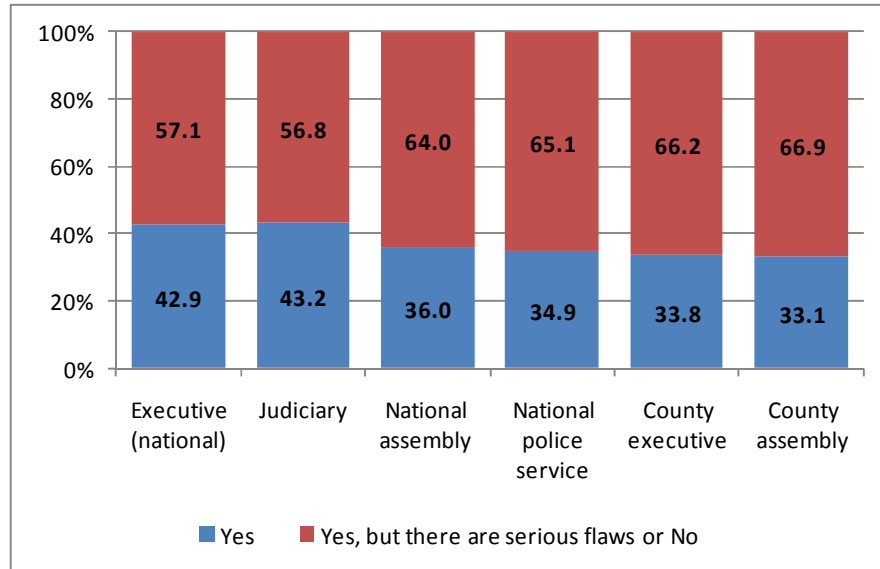
Inclusiveness, Non-discrimination and Protection of the Marginalized

Inclusiveness, non-discrimination and protection of the marginalizedrequires that diversity is embraced while concurrently shunning nepotism and patronage in public and private sector organizations. Article 27(4) stipulates that a person shall not be discriminated against on the basis of their ethnic, social, religion, culture, conscience dress or language. Article 27(6) calls on the Legislature and other governance structures to deliberately put in place affirmative action policies and programmes that will redress any disadvantaged individuals, communities or regions from past discrimination. Thus, the Constitution prohibits both direct and indirect discrimination, with Article 56 envisaging the application of affirmative action programmes targeting minorities and marginalized groups. These programmes are supposed to ensure that the marginalized and minorities have access to opportunities in education, employment, economic production, health, among others.

In this respect, the survey assessed employees' agreement with the statement that nepotism was rampant within their organizations. Nearly 42 percent of those in the National Government and 68 percent of those in the County Governments either agreed or strongly agreed that nepotism is rampant within their organizations, as seen in Figure 4.5. This contrasts quite starkly with the formal private sector organizations and the informal sector, where the perceived levels of nepotism were less than 25 percent.

Figure 4.5: Agreement that "nepotism is rampant in your organization" and "there is excessive patronage" (%)
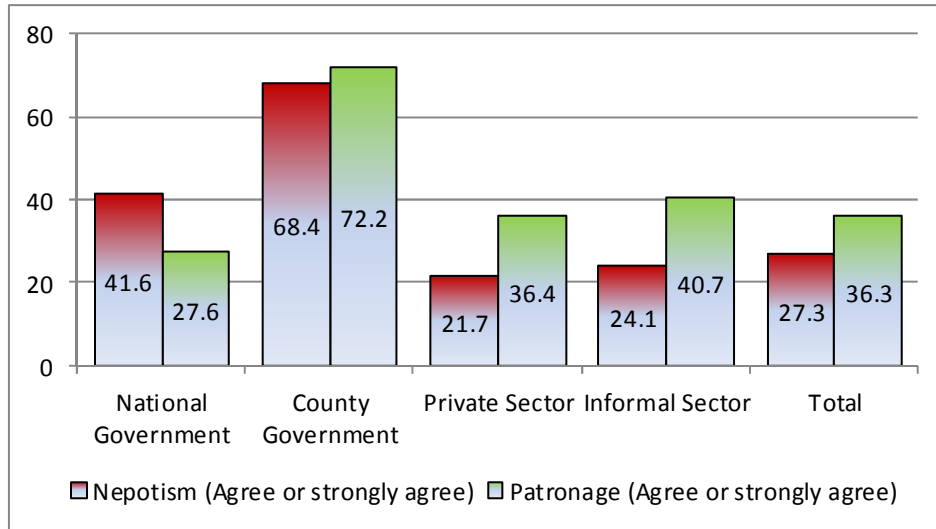
Employees were also asked to evaluate their employers on patronage, with the findings also presented in Figure 4.5. While over 27 percent of National Government employees agreed or strongly agreed that patronage was excessive in their organization, this was the case with 72 percent of County Government employees. Perceived excess patronage in the private sector stood at 36 percent, compared to 41 percent for the informal sector. Overall, the share of respondents perceiving excessive patronage was greater than the share perceiving nepotism (36% vs. 27%).

The relatively large percentages of respondents agreeing that there is nepotism or excessive patronage within the public sector indicates poor compliance with the National Values on integrity, inclusiveness, and, non-discrimination and protection of the marginalized. Although there are large shares of employees in the National and County Governments who perceive nepotism to be large and patronage excessive, the data of Figure 4.6 show that a significant proportion agree that great efforts are put in place to embrace an ethnically diverse workforce within their organizations.

Figure 4.6: There are great efforts to embrace an ethnically diverse workforce within organization (%)
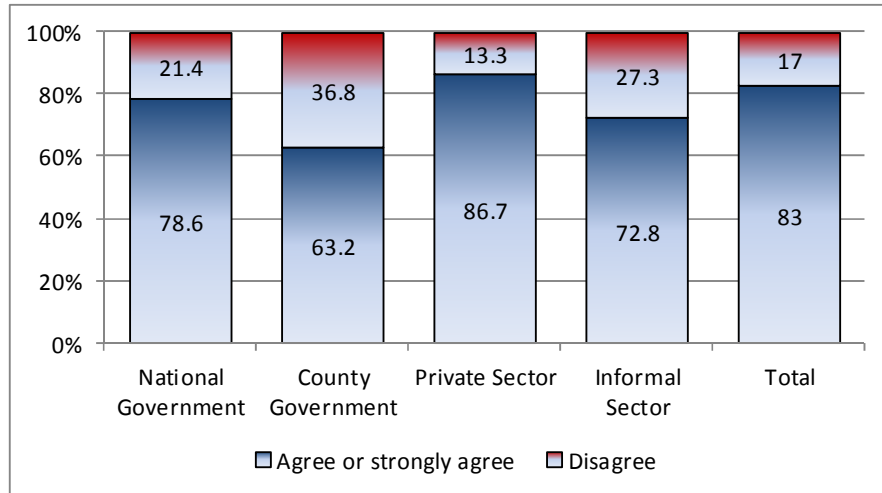
Integrity

Integrity refers to honesty and truthfulness in one's conduct, and results from a strong will that abhors or detests morally questionable and corrupt behaviour. Transparency and accountability generally refer to "openness" and availability of full information required, as well as the assumption of responsibility for outcomes.

The NV&PG Survey explored respondent perceptions on the honesty of public sector employees, as a good indicator of integrity. Most respondents (55%) are of the opinion that honesty and dishonesty evened out, as seen in Table 4.4. About 23 percent perceive that most public sector employees are dishonest while 22 percent perceive dishonesty.

Table 4.4:Levels of honesty among employees in public sector organizations

Indicator	Percent
Honest	22.4
Average	55.1
Dishonest	22.5
Total	100.0

The survey established that managers and supervisors are highly accountable for their actions. Ninety-three (93) percent of the respondents felt that managers are highly accountable for their actions, whereas about 6 percent felt that managers are not accountable. These data point to strong compliance with related values and principles of governance.

The overall score for services rendered by a cluster of selected national level institutions was 55 percent, which amounts to a 'fair' rating on professionalism in the

national public service. As Figure 4.7 shows, the National Executive had the highest share of respondents adjudging it 'good' or 'excellent', at 59 percent, far superior to the score attributed to the County Executive of about 25 percent. The data show parity of perceptions for the National Executive and Judiciary.

Figure 4.7: Rating of services rendered by various national institutions (%), 2015
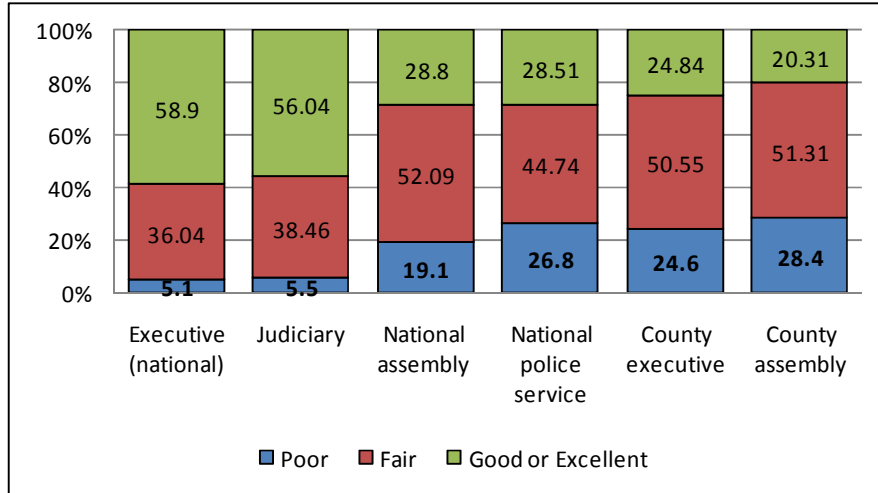
Challenges Impacting on Compliance

Some of the challenges relating to compliance were identified during the focus group discussions (FGDs).

(i)   Weak institutions

There was a perception among respondents that the country has weak institutions, hence compromising establishment and compliance with NV&PG. A commonly cited example is that of the National and County governments, whose officers have been cited in corruption cases despite the introduction of various measures to ensure accountability.

(ii)   Some laws are weak (or not enforced)

Although the Constitution provides an adequate framework for establishing good institutions and laws, there are loopholes in the creation and application of laws. As an example, FGD respondents pointed out that the Leadership and Integrity Bill in its current form is weak and is prone to manipulation.

(iii)   Inadequate participation of the people

The Government has failed to effect the participation of the people that is deeply entrenched in the Constitution, which is itself a compliance failure. However, the failure to effect participation also undermines the citizens' knowledge of how the

National and County government should, and actually, operate, which would enhance their opportunities for complying with governance provisions.

(iv)   Weak management of diversity

While the goal of affirmative action is to increase the participation of marginalized groups in decision-making, there still exist gaps between policy and practice. In many counties in Kenya, women and persons with disability are yet to be adequately represented in governance structures, as is stipulated in the Constitution. In other counties, particular ethnic groups disproportionate shares of prime county government positions to the detriment of others. This usually breeds conflict.

Other challenges affecting compliance with NV&PG include:

- Impunity, which has tended to fuel corruption, nepotism, tribalism and patronage;

- Inadequate civic education and the related problem of ignorance by various actors;

- Poverty and illiteracy; and

- Inequitable distribution of resources and historical injustices

There are also instances where the conduct of National and County governments impedes awareness and hence compliance with National Values, including: lack of political goodwill, insufficient budgetary allocation for awareness campaigns, and lack of cooperation/harmony across the governments.

This chapter has demonstrated weak compliance with NV&PG, despite the existence of relevant institutional frameworks – including laws, which are poorly operationalized.

Chapter 5: Enforcement Mechanisms, Challenges and Emerging Issues

The National Values and Principles of Governance (NV&PG) bind all State organs and institutions in the exercise of the powers conferred on their offices towards the achievement of national development goals. The same NV&PG must also be espoused by the citizenry that interacts with such State officers. For example, people participation requires that State officers go to the people to seek their inputs into proposed activities, but the people must also be willing and be adequately informed to attend forums on which State officers seek their opinions, and be proactive in demanding that State officers offer such forums.

In most traditional African communities, violators of laid down norms and value systems were subjected to sanctions, such as loss of prestige and ostracization by other community members, and ridicule and fines. In contrast, those who conformed to laid down norms and values enjoyed co-operation from other community members, maintained prestige in the group, and received positive rewards, such as praise from within the community.

Conformity to prescribed or accepted values depends initially on individual willingness to do so, failing which it becomes necessary to institute enforcement mechanisms with attendant sanctions. Conformity by leaders sets an example for others to follow. Unless behaviour is monitored and sanctions are imposed for failure to conform, some members will not comply with such values. For example, supervision of examinations enables the disqualification of cheating candidates, which is necessary for stamping out the scourge.

5.1   A Case Study of Existing Legal Provisions for the Enforcement of National Values and Principles of Governance

As already noted, the Kenyan Constitution makers simply selected some among the many values and principles in society, and packaged them as NV&PG. Since the selected values and principles are commonplace ideals of social conduct, some if not all of them were evident in Kenya's independence Constitution, and various national policies, laws and strategies – including administrative and institutional frameworks – before the 2010 promulgation of the new Constitution. For example, corruption – thereby, integrity – has been in the statutes – the Penal Code – since colonial Kenya, and the 1999 legislation of the Kenya Anti-Corruption Authority merely raised its profile. In addition, the specific attention to human rights dates back to the 2001 legislation establishing the Kenya National Commission on Human Rights.

However, the Constitution (2010) provided a five-year period within which to align all existing policies, laws and strategies to its provisions, or create new frameworks as necessary for the realization of its imperatives. This alignment was a key role of the Commission on Implementation of the Constitution (CIC), whose tenure expired in December 2015. In its end term report, CIC notes that, "...much still remains to be done in (the) journey (towards the full implementation of the Constitution)."[17]

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[17] Commission on Implementation of the Constitution (2015:177). The report for example, notes that at least 65 pieces of legislation still require alignment to the Constitution.

The frameworks for the full implementation of the Constitution, whose development CIC has been overseeing, (should) provide the means by which to enforce its provisions, including adherence to NV&PG. The rest of this section reviews the frameworks of a random sample of laws and institutions to illustrate that the realization of their mandates will effectively amount to the enforcement of NV&PG.

5.1.1 Ethics and Anti-Corruption Commission Act, No. 22 of 2011

This Act creates the Ethics and Anti-corruption Commission (EACC) pursuant to Article 79 of the Constitution. Some of the functions of EACC include:

a)   In relation to State officers:

(i)   Develop and promote standards and best practices in integrity and anti-corruption; and

(ii)   Develop a code of ethics

(b)   Investigate and recommend to the Director of Public Prosecutions (DPP), the prosecution of individuals who engage or abet any acts of corruption, economic crimes or violation of codes of ethics or other matters prescribed under the Act or any other law enacted pursuant to Chapter Six of the Constitution (on Leadership and Integrity);[18]

(c)   Enforce codes of ethics prescribed for State officers;

(d)   Receive complaints on a breach of the code of ethics by public officers; and

(e)   Create public awareness on the negative effects of corruption and other forms of economic crimes, among other functions.

These functions relate very directly to enforcement of several NV&PG, such as integrity, openness and transparency. However, EACC has not had adequate political support to enable its implementation of Chapter Six, as stipulated under Article 79. EACC does not have prosecutorial powers, and is instead obliged to forward all corruption cases it has investigated to the DPP. Further, the National Assembly denied EACC the powers to conduct lifestyle audits for all public and State officers – a fundamental approach to monitoring unjust earnings. Additionally, EACC's mandate would benefit from an improved devolution of its services to the counties.

5.1.2   Public Procurement and Disposal Act

The Constitution outlines the principles for Public Procurement and Disposal to be Fairness, Equity, Transparency, Competitiveness and Cost-effectiveness. Public procurement management frameworks have improved since the enactment of the

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[18] The chapter addresses the responsibilities of, and legislation for, leadership, and the conduct, financial probity and restricted activities of State officers, among other issues.

Public Procurement and Disposal Act in 2005, and subsequent operationalization through the Public Procurement and Disposal Regulations in 2006. These frameworks champion various aspects of integrity, including prudent public finance management and, thereby, sustainable development. However, successive Auditor General reports document blatant violations of the constitutional principles, such as in the theft and embezzlement of tax payers' funds through public procurement. Such violations occur in the Ministries, Departments and Agencies (MDAs), as well as in the newly launched County Governments. As with EACC, the Auditor General has no prosecutorial powers, and merely forwards findings, in this instance, to the Clerk of the National Assembly.

5.1.3 Judges and Magistrates Vetting Act

The Vetting of Judges and Magistrates Act, 2011 which was operationalized on 22nd March2011 established the autonomous Judges and Magistrates Vetting Board. Section 23(1) of the Sixth Schedule to the Constitution mandated Parliament to enact law establishing mechanisms and procedures for vetting judicial officers who were in office at the promulgation of the Constitution on 27 August 2010to determine their suitability to continue in office. This was meant to instill integrity in the judiciary. The Judges and Magistrates Vetting Board was thus legally mandated to determine the suitability of judicial officers to remain in office after the new Constitution was promulgated in 2010. In vetting judicial officers, a major yardstick of the board has been integrity and professionalism of official – and indeed, private – conduct. While the Board has found some judges and magistrates to be unfit for Judiciary service, and have consequently left the service, others appealed against the Board's decisions and have been reinstated. Section 23(2) of the Sixth Schedule to the Constitution states "[a] removal, or a process leading to the removal of a Judge from office by virtue of the operation of legislation contemplated under subsection 1shall not be subject to question in, or review by, any Court."

5.1.4 Leadership and Integrity Act, 2012

This Act addresses Article 80 of the Constitution in establishing mechanisms for enforcing Chapter Six of the same Constitution. The mechanisms should ensure that State officers uphold and respect NV&PG and other requirements of the Constitution while discharging public duty.

These include:
(i)   National Values and Principles of Governance
(ii)   Rights and fundamental freedoms
(iii)   Responsibilities of leadership and principles governing the conduct of State officers
(iv)   Educational, moral and ethical requirements for persons seeking elective office
(v)   Objectives of devolution
(vi)   Values and principles of public service

The Act is enforced by the EACC and other State agencies, such as the National Police Service and National Assembly. Chapter Six lists ethical standards and requires State

officers to be objective and impartial in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices. Officers should be selfless while rendering service solely in the interest of the public, and always act in public interest through honesty in the execution of public duties. The Act also provides that "every person has the responsibility of implementing this Act." However, the Act does not define integrity comprehensively, apart from the legal backing in Chapter Six of the Constitution and other bills enacted by Parliament.

5.1.5 Commission on Administrative Justice (CAJ)

The Commission on Administrative Justice (CAJ) – the Ombudsman– was established in September 2011 through the enactment of the Commission on Administrative Justice Act, 2011, as part of the restructuring of the Kenya National Human Rights and Equality Commission under Article 59(4) of the Constitution. CAJ handles grievances over misuse of office, corruption, unethical behavior, breach of integrity, maladministration, and delay in provision of necessary services, any form of injustice, discourtesy, incompetence, incompetence or ineptitude on the part of state officials. The core values of the Ombudsman include fairness, accountability and diversity.

The main functions of the Ombudsman are, but not limited to:

  (i)   Report on complaints investigated and take remedial action[A.59(2)(j)];

 (ii)   Inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehavior, inefficiency or ineptitude within the public service;

(iii)   Facilitate the setting up of, and build complaint handling capacity in, the sector of public service, public offices and State organs;

(iv)   Work with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration;

 (v)   Recommend compensation or other appropriate remedies against persons or bodies to which the Act applies;

(vi)   Provide advisory opinions or proposals on improvement of public administration, including review of legislation, codes of conduct, processes and procedures;

(vii)   Publish periodic reports on the state of administrative justice in Kenya;

(viii)   Promote public awareness of policies and administrative procedures on matters relating to administrative justice;

(ix)   Take appropriate steps, in conjunction with other State organs and Commissions responsible for the protection and promotion of human rights, to facilitate promotion and protection of the fundamental rights and freedoms of the individual in public administration; and

(x)   Work with the Kenya National Commission on Human Rights to ensure efficiency, effectiveness and complementarity in respective activities and to establish mechanisms for referrals and collaboration.

The CAJ needs capacity building to ensure that it offers its services in all the 47 counties across the country. Its main limitation is that it only deals with cases involving public officers, and not those involving the private sector.

5.1.6 Parliamentary Committees

The link between the committees of Parliament and public participation is Article 94 of the Constitution, which states that "legislative authority of the Republic is derived from the people." Two prominent committees in Kenya's Parliament are the Public Accounts Committee (PAC) and the Public Investments Committee (PIC). The two committees review the reports on the public audit of government spending, thereby promoting openness, transparency and accountability, and by extension, sustainable development. Parliament has a number of sectoral committees with a broader mandate than PAC and PIC, in that they review policy, legislative and spending proposals, and thereby promote openness, transparency and accountability. County Assemblies too have similar committees to regulate and check on the conduct of the County Executive.

The sector committees in the Legislature at the national and county level have a greater capacity to realize adherence to NV&PG than do PAC and PIC. This is because the sector committees intervene at the development stage of policy, legislation and budgets, and can block proposals violating NV&PG entirely, or have them revised to conform to the NV&PG. The PAC and PIC highlight violations of NV&PGbased on Auditor General reports, summon Accounting Officers to explain such violations, and recommend remedial actions which, however, they have no capacity to enforce. Indeed, PAC members have been accused of accepting bribes and engaging in other unethical conduct, contrary to their mandates.

5.1.7 Political Parties Act 2011

Section 7(2)(e) of the Political Parties Act 2011 compels the Registrar of Political Parties to only give full registration to a political party whose governing body has met the requirements of Chapter Six of the Constitution. At Article 1, the Political Parties Act 2011obligates all registered political parties to subscribe to, and observe the code of conduct in pursuance of Articles 91 and 92 of the Constitution, and section 8 of the Act. Political parties are required to recruit no fewer than 1,000 members who are registered voters in more than half of the 47 counties. They are also required to promote the participation of women, youth, and persons with disabilities in their structures and political processes.

These measures would promote various NV&PG, such as the rule of law, democratic participation, social justice, inclusion and non-discrimination, among others. However, these frameworks have yet to instill discipline in political parties, which continue to violate the law with impunity, especially with regard to the constitutional

requirements on representation designed to redress historical marginalization of women and other minority groups.

5.1.8 Independent Electoral and Boundaries Commission (IEBC)

Article 88 of the Constitution establishes IEBC as the independent body responsible for conducting and supervising referenda and elections of any elective body or office established by the Constitution, and any other elections as prescribed by law. The IEBC's handling of the procurement of biometric voter registration (BVR) kits and its unwillingness to enforce rules on political parties during their registration, and the two-thirds gender rule on political nomination lists before an election, somehow erodes its reputation as an enforcer of NV&PG.

5.1.9 Registrar of Political Parties

The Political Parties Act establishes the office of the Registrar of Political Parties (RPP), which is the principal officer in charge of regulating political parties. The Registrar is empowered by law to deregister any party that violates the Constitution and the Code of Conduct for political parties. Meanwhile, most political parties' nominations are marred by electoral fraud, and by violence, which disproportionately targets women. However, the RPP is yet to sanction any political party or individuals who engage in criminal activities during party elections and nominations, which undermine participation, democracy and inclusion. When the RPP puts in place mechanisms for the public to verify their membership status in political parties, many people discovered they had been included as party members without their knowledge or consent. The RPP never took any action against the offending political parties. This shows that the office of RPP is unwilling to enforce the Political Parties Act.

5.1.10 Kenya National Commission on Human Rights (KNCHR)

KNCHR **i**s an autonomous national institution established under Article 59 of the Constitution, with the core mandate of furthering the promotion and protection of human rights in Kenya. The core values of KNCHR as stated on its website are Independence, Integrity, Accessibility, Inclusiveness and Impartiality. However, KNCHR has not adequately championed the promotion of NV&PG, since in many instances it has remained silent when public officers violate the rights of citizens and abuse their offices.

Finally, the Constitution and policies and legislation arising have established various other public agencies whose mandates are critical for enforcing NV&PG. These include the Independent Policing Oversight Authority, National Committee on the Administration of Justice, National Police Service Commission, and National Gender and Equality Commission, among other institutions. The establishment of these institutions is evidence of a significant forward leap in strengthening the institutional structures for accountability and in entrenching good governance in the country at all levels of government.It was not meant to give citizens the freedom to violate the law or dis-empower police officers. KNCHR has also not reacted appropriately in defence of legal authority, such as when citizens have attacked police officers. KNCHR ought to be at the forefront in championing NV&PG. Article 27(4) stipulates that a person

shall not be discriminated against on the basis of their ethnic, social, religion, culture, conscience dress or language.

5.2 Effective Checks and Balances on the Exercise of Authority

Sanctions are either positive or negative, and can be useful companions in the endeavor to enforce NV&PG. Positive sanctions are essentially pleasant or rewarding, such as praise, promotions at work, honorary State awards and naming public facilities after virtuous individuals, among others. Negative sanctions are unpleasant: they inflict pain and/or cause suffering. Negative sanctions range from disapproval of one's conduct to fines, banishments or jail terms.

Sanctions may also be formal or informal. Informal sanctions are illustrated by the influence that customs, morals and public opinion bear on the conduct of individual or groups. Formal sanctions are carried out by legally established agencies, such as the courts, police and correctional centers (jails), amongst other such institutions. In order to enhance compliance of actors, be they individuals or institutions, with given conditionality, such as NV&PG, it is important that proper sanctions be instituted and enforced without fear or favour.

The survey for this report inquired into respondents' perceptions on the effectiveness of checks and balances imposed on the authority of the National Executive. As Figure 5.1 shows, the perceptions varied widely across employment sectors, but that checks and balances are flawed.Of the respondents in the National Executive, 33 percent found the checks and balances to be effective, while the rest either did not find them effective (11%), or said they had loopholes (56%). Interestingly, a greater share of private sector respondents found the checks and balances to be effective (44%), compared to the share of National Executive respondents (33%). The informal sector had the greatest share declaring the checks and balances ineffective (24%).

Figure 5.1: Effectiveness of checks and balances on the National Executive Authority (%)
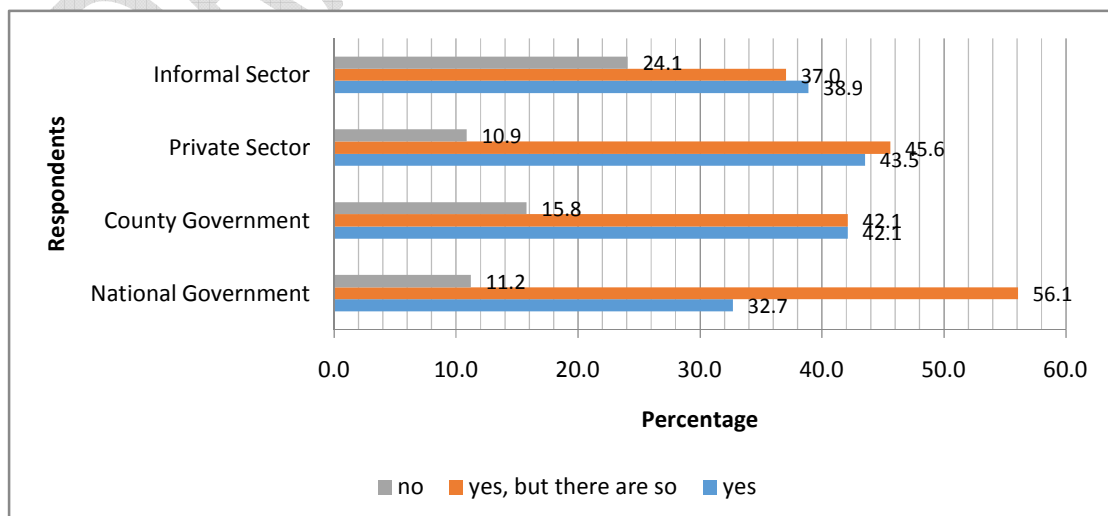
The Judiciary is one of the institutions that is critical in enhancing enforcement through the use of negative sanctions. The perception across institutional respondents is that checks and balances against judicial authority are more effective than against the National Executive, as presented in Figure 5.2.For example, at least 40 percent of the respondents across all the employment sectors reported effectiveness. Additionally, only in the informal sector did outright ineffectiveness stand above 10 percent. As with the National Executive, many respondents declared that serious flaws undermined the effectiveness of Judiciary checks and balances. Respondents from the National Government accounted for the highest share declaring flaws (52.3%), closely followed by county government respondents (47.4%), private sector (44.9%) and informal sector (37.0%).

Figure 5.2: Effective of checks and balances in the exercise of Judicial Authority (%)
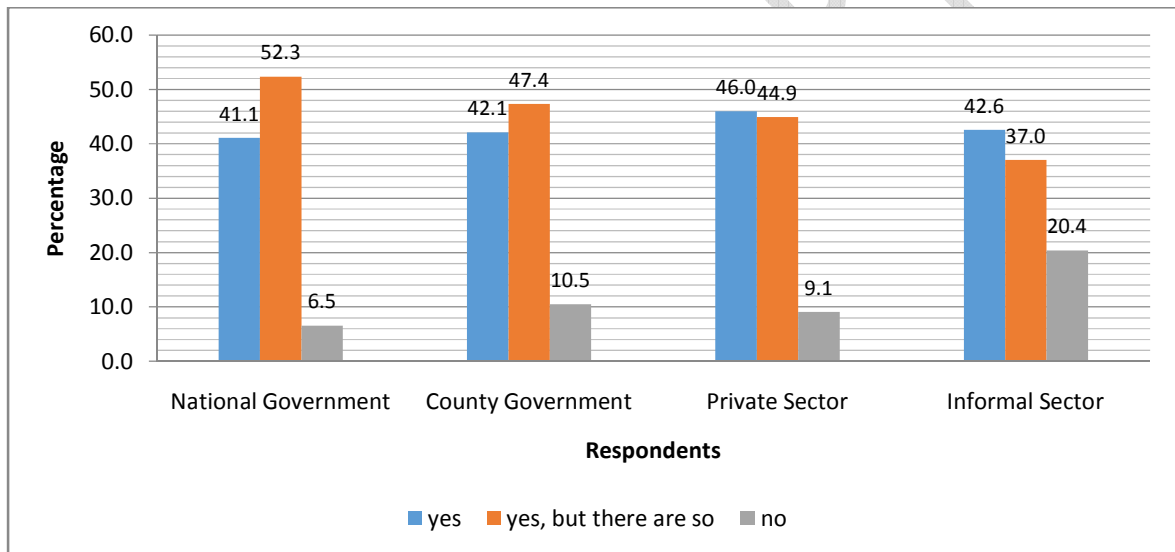
When institutional respondents were asked whether Parliament had effective system of checks and balances in the exercise of authority, 32.1 percent of respondents at National Government level said yes, compared to 36.8 percent at County Government level, 34.6 percent from the private sector and 33.3 percent of the respondents from the informal sector (Figure 5.3).As seen in the Figure, 51.4 percent of the respondents at National Government level said that parliamentary checks and balances was effective but with serious flaws, compared to 36.8 percent of County Government respondents, 46.4 percent of private sector respondents and 37.0 percent of informal sector respondents. The respondents declaring outright ineffectiveness ranged between the National Government's 16.5 percent and the informal sector's 29.6 percent.

Figure 5.3: Effectiveness of checks and balances on the exercise of authority by Parliament (%)
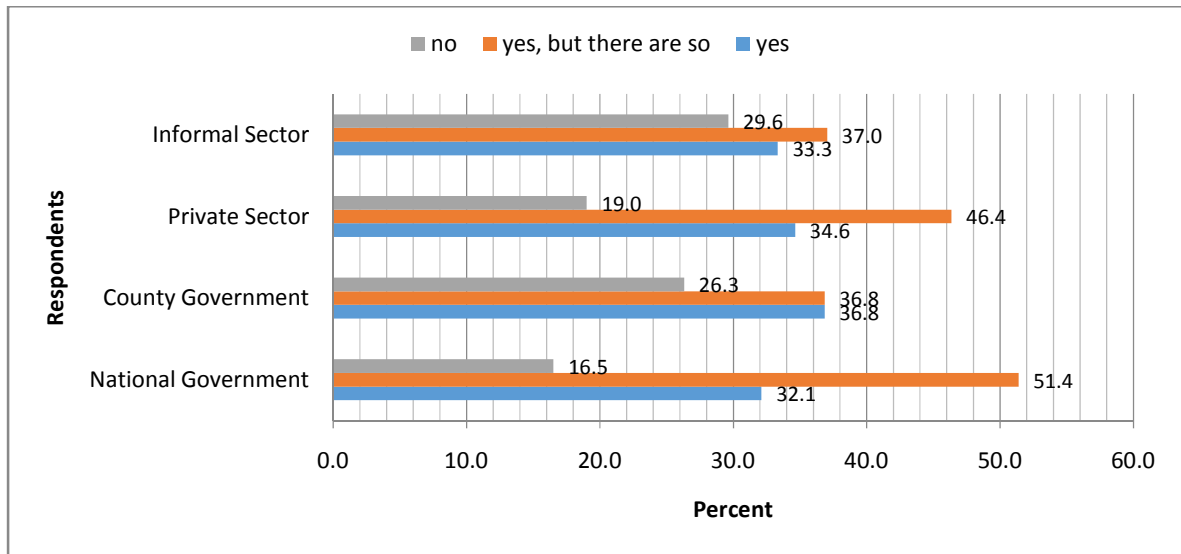
5.3   Accountability

The concept of accountability entails answerability and responsibility over one's actions. Under answerability, government and public officers are mandated by the Constitution to be answerable to citizens in public affairs. Under enforcement, the institutions responsible for ensuring that there is accountability in public finances and conduct include Office of the Controller of Budget (OCOB), Commission for Revenue Allocation, Public Procurement Oversight Authority, Criminal Investigation Department, and Parliament'sPAC and PIC. These institutions have the mandate to work closely with the Judiciary and other government agencies to sanction any offending individuals or groups. The Judiciary also plays a critical role in making sure that those officers involved in corruption, both at the national level and at the county level, account for their actions.

As far as accountability in organizations is concerned (institutional questionnaire), the survey established that managers and supervisors in organizations are highly accountable for their actions while at work. Nearly 94 percent of the respondents felt that managers are highly accountable for their actions while at work as shown in Table 5.1. Because more respondents felt that managers are held accountable for their actions, this in essence means that enforcement of NV&PG is bearing fruits, since every person with responsibility is held responsible for their actions at work.

Table 5.1: Managers held accountable for their actions at work (%)

	Percentage
Yes	93.3
No	6.4
Total	99.7.0

Other institutions such as Parliament, County Assemblies, National Police Service, the OCOB, and the Auditor General, among others, were created by the Constitution to ensure that there is accountability at all levels of government. When respondents at various institutions were asked if they believe there were sufficient mechanisms and institutions in place for ensuring accountability to the electorate in between elections, the responses varied as reflected in Table 5.2.Respondents at the County government had the highest rate of confidence (47%) in the mechanisms and institutions in place for assuring the national executive is accountable to the electorate in between elections, compared to 39.8 percent at the National Government, 42.6 percent for the private sector, and 44.4 percent for the informal sector. The informal sector had the highest share of respondents – 22.2 percent – believing mechanism were inadequate.

Table 5.2: Belief in mechanisms to ensure accountability by the National Executive to the electorate (%)

	National Government	County Government	Private Sector	Informal Sector	Total
Yes	39.8	47.4	42.6	44.4	42.4
Yes, but.........	40.7	36.8	41.3	33.3	40.3
No	19.4	15.8	16.0	22.2	17.3
Total (n)	108	19	387	54	568

Article 135 of the Constitution compels the presidency to ensure that all the president's decisions are in writing and bear the seal and signature of the President as one mechanism for ensuring that the Executive is accountable to the citizenry. This provision protects against executive impunity that has condoned violation of human rights and economic crimes.

When institutional respondents were asked about the sufficiency of mechanisms and institutions for ensuring Judiciary accountability to the electorate in between elections, the responses were as seen in Table 5.3.About 46 percent of respondents from the National Government agreed on the sufficiency of mechanisms and institutions, compared to 42.1 percent for County Governments, 44.1 percent for the Private sector and 38.9 percent for the informal sector.

Table 5.3: Belief in mechanisms to ensure accountability by the Judiciary to the Electorate (%)

	National Government	County Government	Private Sector	Informal Sector	Total
Yes	45.5	42.1	44.1	38.9	43.8
Yes, but………	39.1	26.3	40.2	37.0	39.2
No	15.5	31.6	15.8	24.1	17.0
Total (n)	110	19	381	54	564

The private sector had the highest share of respondents – 40.2 percent – who agreed on the sufficiency of mechanisms and institutions regarding the Judiciary, but found them with some serious flaws, which was the case with 39.1 percent of National Government respondents, 37 percent of informal sector respondents, and 26.3 percent of County government employees. The County government had the highest share of respondents at 31.6 percent who found insufficient mechanisms and institutions regarding the Judiciary, while the National Government had the least share (15.5%).

5.4   Non-discrimination

The Constitution compels all public office holders to be objective and impartial in their decision making, to bring honour and dignity to those offices. Article 233(1) establishes the Public Service Commission (PSC) among whose aims is the instillation of professionalism, work ethic and accountability in government operations. PSC is also mandated to provide the public with accurate information in a transparent accountable way, thereby entrenching good governance. Article 28 states that each citizen has an inherent dignity that should be respected and protected at all times. Article 27 bars discrimination along gender lines when it states that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Further, Article 41 outlaws discrimination at work place, with every citizen having a right to fair labour practices, including the right to fair remuneration and reasonable working conditions.

Article 27(4) stipulates that a person shall not be discriminated against on the basis of their ethnic, social, religion, culture, conscience dress or language. Article 27(6) calls on the Legislature and other governance structures to put in place affirmative action policies and programmes that will redress any disadvantaged individuals, communities or regions from past discrimination. Thus, both direct and indirect discrimination are prohibited by the Constitution. Article 56 of the Constitution also envisages the application of affirmative action programmes targeting minorities and marginalized groups. These programmes are supposed to ensure that the marginalized and minority have access to opportunities in education, employment, economic production, and health care, among other aspects of society. However,

while the goal of affirmative action is to increase the participation of marginalized groups in decision-making, there still exist gaps between policy and practice.

Respondents were asked if nepotism is rampant within their organizations at the various levels, their responses were varied as already discussed in relation to Figure 5.4. Respondents were also asked whether patronage was prevalent within their institutions, and their responses were presented in the discussion around Figure 5.4. From the figure, it is evident that enforcement mechanisms in County governments need to be stepped up given they reported the highest rates of patronage and nepotism.

The Government has put in place various mechanisms to ensure that there is zero discrimination. When respondents were asked if great efforts have been put in place to embrace cultural/ethnic diversity within their organizations, 35.7 percent of National Government respondents strongly agreed compared to 31.6 percent of respondents from County Governments, as seen in Figure 5.4. The scores were 41.2 percent for the private sector and 36.4 percent for the informal sector. Disagreement on efforts for cultural diversity stood at 36.8 percent for County Governments, the highest across the groups, while the lowest disagreement rate was 13.3 percent for the private sector.

Figure 5.4: Efforts in place to embrace cultural diversity within organizations (%)
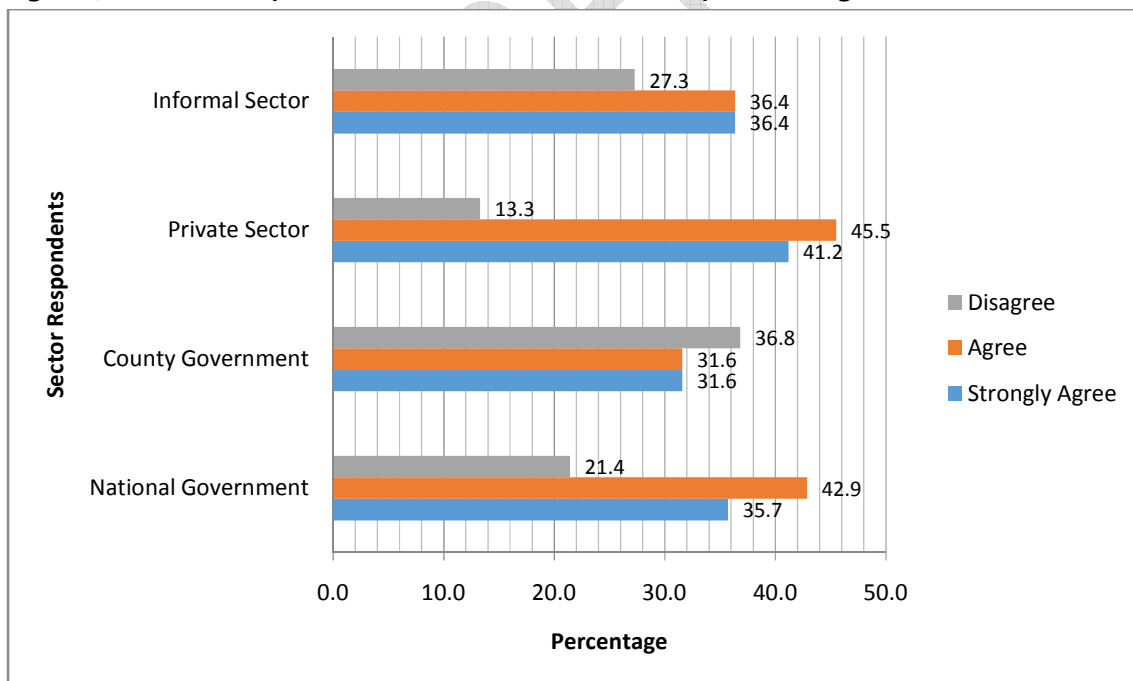
The effective enforcement of NV&PG requires that State officers and the public whom they serve are familiar with the concepts and their meaning. The survey established that 51.4 percent of male respondents strongly agreed that disciplined upbringing fosters integrity development, compared to 58.0 percent of the female respondents, as shown in Figure 5.5. An additional 38.7 percent of the male respondents simply

agreed with disciplined upbringing fostering integrity, compared to 33.5percent of the female respondents. These findings suggest that female view the family unit as a base for integrity development slightly more than males do.

Figure 5.5: Disciplined upbringing fosters integrity development
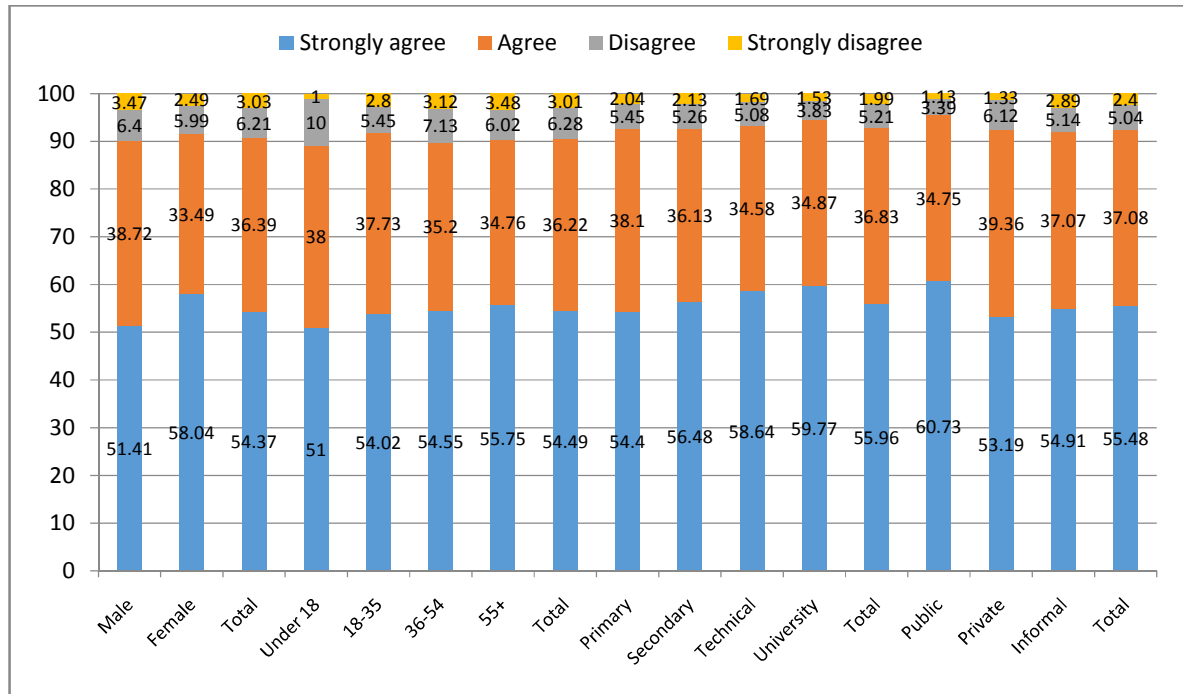
Among the important institutions in upholding NV&PG is the Judiciary, which interprets the Constitution and the laws arising to ensure that the legality and legitimacy of the conduct of citizens, State officers, and the non-government sector.

FGD respondents across the country shared illuminative views on enforcement mechanisms.One overriding view was that enforcement mechanisms that promote NV&PG are not effective. Corruption and impunity were cited as a significantly undermining justice as well as accountability. Consequently, the rich and influential members of society benefitted from the system by perverting justice. Participants also cited the lack of penalties for violations as a major factor undermining enforcement.

5.5 Key Findings on Enforcement Mechanisms of National Values and Principles of Governance in Counties

From the discussion, this survey highlights the following as key findings:

5.5.1 Weak institutions

From FGD responses across all the counties, this survey established that the country still has weak institutions, hence making it hard for NV&PG to be established. For example, despite the National and County Governments introducing various

measures to ensure accountability, respondents felt that some public officers stillcontinue to mismanage public resources through misplaced priorities and the general lack of transparency and accountability in the public finance management system.

5.5.2 Corruption in public sector

In the FGD sessions, majority of respondents across the counties expressed concern over rampant corruption, which was manifest in the award of tenders, nepotism, tribalism and misplaced expenditures. It emerged that the Leadership and Integrity Bill is perceived as weak in its current form. The weaknesses included its failure to directly address vetting of political candidates and declaration of wealth to minimize the risks of embezzlement of public funds.

5.5.3 Weak citizen participation in county decision making

The Constitution mandates both the National and County governments to ensure that there is public participation in government, particularly within the devolved government structure. As an example, citizens are supposed to participate in budget making process for the county government and the national government. Most participants during the FGDs felt that the governments have not involved citizens effectively.

5.5.4 Exclusion within counties

Devolution was partly meant to address problems of historical marginalization and promote inclusion in Kenya. Despite the reference of the County Governments Act (No. 17) of 2012 on the need for County Assembly and Executive representation to reflect the cultural diversity within the county and protect minorities, numerous FGD sessions decried the widespread evidence of discrimination and outright hostility against those perceived to be 'outsiders' within some Counties. Ethnic tensions created by the competition for resources and opportunities were now major issues within counties.

Key informants pointed at cases of tribalism and nepotism, resulting in inclusion of only one community in governance structures. Yet, in other cases, special interest groups such as the youth and women were excluded in key positions.

Recommendation

There is a need for Parliament to enact a law that provides a clear framework for enforcing Chapter Six of the Constitution. This can include vetting and removal of errant elected leaders.

Chapter 6: The Impact of the Presidential Reports on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance

Article 132 (1)(c)(i) requires the President to: "report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10." To that effect, Artice234 (2) (h) mandates the Public Service Commission (PSC) to: "evaluate and report to the President and Parliament on the extent to which the values and principles mentioned in Articles 10 and 232 are complied with in the public service." In fulfillment of these constitutional imperatives, the President has to date issued four such reports – covering 2013,2014, 2015 and 2016, as noted in section 2.3 of this report. Item 5 of the TOR for this report required attention to "the impact of the 2013 Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance."

While the TOR asks specifically about actions arising from the 2013 President's Report, it is also useful in 2016 to review the impact of at least the 2014 report. For as Table 6.1 shows, some of the issues arising from the two reports were specific to each year while others were common for the two years. Various government – and non-government – agencies have reviewed issues related to NV&PG, and it would be useful to compile a compendium of findings, especially because such findings often vary depending on the methodology used in evaluation.[19]However, the current analysis focuses primarily on PSC's reports, since the agency has a constitutional mandate on the matter.

Table 6.1: Recommendations from the President's Reports on National Values and Principles of Governance

2013	2014
▪ Fully implement the Constitution ▪ Undertake a forensic audit of all policies and legislation for compliance with national values and principles of governance ▪ Conduct a baseline survey on national values and principles of governance ▪ Integrate national values and principles of governance in education curricula ▪ Entrench the imperatives of national values and principles of governance in (public sector) performance contracting	▪ Heighten public awareness on devolution ▪ Adopt a coordinated approach to values and principles that fosters strong institutional capacity in the realm ▪ Generate trust on values and governance so that people are confident to report abuse ▪ Adopt a multi-sectoral approach to values and principles, which has greater potential for social transformation ▪ Ensure inclusion of the marginalized ▪ Fight corruption ▪ Develop a national security strategy
Both 2013 and 2014 reports	

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[19] For example, the National Cohesion and Integration Commission has developed national and county level cohesion indices, while the Office of Controller of Budget has studied the management of county revenues. The Auditor General's regularly reviews integrity in public finance management, while the Transition Authority and Commission on Revenue Allocation have also studied the transition to devolution.

2013	2014
• Undertake civic education on the Constitution – specifically on national values and principles of governance –in government institutions and among the public • Fast-track the integration of values and principles into other governance frameworks	

Before moving to PSC's evaluation framework, a few remarks are appropriate on the issues identified in Table 6.1. For the 2013 issues, various aspects of the Constitution are yet to be implemented as evident, for example, in outstanding legislation mandated by the Constitution's Fifth Schedule (Article 261 (6)),[20] and outstanding functions of the defunct Transition Authority, and is superseded by the Intergovernmental Relations Technical Committee. Indeed, debates in late 2015 on a two-year extension of the life of the Commission for the Implementation of the Constitution (CIC) was evidence of outstanding work to align all policies, laws and strategies with the Constitution, with CIC noting that the Attorney General had in instances ignored its inputs into aligning legislation to the Constitution.[21] On a baseline survey on NV&PG, this report is the product of that very exercise. Extensive reforms have occurred to align education curricula to the Constitution,[22] and guidelines issued for the integration of NV&PG into performance contracting,[23] hitherto monitored by CIC.

For the 2014 President's Report, despite the extensive work on civic education on the Constitution and its implications, the evaluations of CIC and PSC are among the many that highlight the need for enhanced civic education for improved public participation in governance.[24] CIC and PSC encourage the standardization of instruments for civic education for improved people participation and the continuing institutionalization of NV&PG. On security strategies, much has been done, such as integrating the public security agencies at the national and county levels under a central command, but persisting insecurity events suggest lapses and/or inadequacies arising from weak coordination of resources, corruption and a weak understanding of threats and their implications.[25]

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[20] See Commission for the Implementation of the Constitution (2015)

[21] See Commission for the Implementation of the Constitution (2015: 168-9). In the event, CIC's term ended as scheduled in December 2015, its outstanding work being redirected to the Kenya Law Reform Commission.

[22] See Kaimenyi (2015). Available at
http://www.education.go.ke/home/images/cs_speeches/Education%20Reforms%20in%20Kenya.pdf Accessed 20-11-2015.

[23] See The Presidency/Ministry of Devolution and Planning (2015). At:
http://www.devolutionplanning.go.ke/wp-content/uploads/2015/04/200001.pdf Accessed 20-11-2015.

[24] See for example, The Institute of Social Accountability's Draft Public Participation Bill 2014, at http://www.tisa.or.ke/images/uploads/county_public_participation_bill_%281%29_%281%29.pdf The Kenya Law Reform Commission has also developed the Draft County Model Law on Public Participation.

[25] For example, see Kabongah (2014). At http://www.asset-ssr.org/blog_details.php?recNo=26 Accessed 10-11-2015. Also see Kenya National Commission of Human Rights (2014). At http://www.undp.org/content/dam/kenya/docs/Democratic%20Governance/State%20of%20Security%20in%20Kenya%20-Occassional%20Report.pdf. Finally, see McGregor (2015).

In March 2015, the government took the unprecedented step of publicly announcing the names of State officers implicated in corrupt dealings, consequently requiring them to step aside, paving way for investigations.[26] However, the initiative promptly faced challenges due to the suspension of three top officials of the Ethics and Anti-Corruption Commission (EACC), who all resigned rather than face a tribunal. Since then, the President has instituted far-reaching measures to fight the vice, partially based on the recommendations of the *Task Force on the Review of the Legal, Policy and Institutional Framework for Fighting Corruption in Kenya,*[27] as well inputs from leading players in the private sector.[28] Additionally, January 2016 saw new EACC commissioners sworn in, which should enhance capacity to expedite anti-corruption measures, especially if suggestions materialize to give prosecutorial powers to the agency.[29]

PSC 2013 Report on National Values and Principles of Governance

Turning to PSC's 2013 report on implementation of NV&PG,[30] the approach adopted was to review performance across ten themes. The institutional coverage extended to 168 Ministries, Departments and Agencies (MDAs), including nine government ministries, five Independent Commissions, 16 departments and 138 commercial and non-commercial state corporations.

On the principles of *Good Governance, Transparency and Accountability,* concern focused on whether MDAs had: (i) reviewed their organization structures and managed succession management; (ii) review of management policies; (iii) governance of State corporations; (iv) procurement practices; (v) accountability; (vi) anti-corruption measures; and (vii) transparency. Overall, the PSC found MDA compliance to be "Fairly good", the exceptional area being accountability, in contrast to the Auditor General's finding that public finance management is "far from ideal". A major problem in that regard for State corporations was that several had no statutory management boards. The report lamented the non-viability of prosecution as an anti-corruption strategy, given the acquittal of 77 percent of corruption cases. The evaluation recommended universal staff appraisal alongside civic education on staff roles and obligations, which could improve attitudes to public finance management accountability.

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[26]See BDAfrica.com REPORTER, Senate reveals the secrets of EACC 'List of Shame' report. *Business Daily*, Tuesday, March 31 2015

[27] See GoK (2015a), Statement by His Excellency Hon. Uhuru Kenyatta, C.G.H., President and Commander in Chief of the Defence Forces of the Republic of Kenya on a National Call to Action Against Corruption, State House, Nairobi, 23rd November, 2015. At http://www.president.go.ke/2015/11/23/statement-by-his-excellency-hon-uhuru-kenyatta-c-g-h-president-and-commander-in-chief-of-the-defence-forces-of-the-republic-of-kenya-on-a-national-call-to-action-against-corruption-state-house/Accessed 02-12-2015.

[28] See GoK (2015b), We have opened a new chapter in war against graft, President Kenyatta says. At http://www.president.go.ke/2015/11/23/we-have-opened-a-new-chapter-in-war-against-graft-president-kenyatta-says/ Accessed 02-12-2015.

[29]The persisting argument by the various mutations of Kenya's anti-corruption agency has been that the lack of prosecutorial powers hampers effectiveness.

[30]Republic of Kenya (2014).

On **Professionalism and Ethics in the Public Service**, the assessment indicators included: (i) code of conduct and ethics for officers in the public service; (ii) training for professionalism; (iii) membership to professional bodies; and (iv) declaration of income, assets and liabilities. For all the indicators, the lowest compliance rate was 75 percent, the peak 95 percent score being for declaration of incomes, assets and liabilities. However, the report laments the focus of training only on the more senior officers, and also recommends greater membership of international and peer organizations. It recommended training for all levels of personnel, and the integration of ethics in education curricula.

A further evaluation criteria was **Provisioning for diversity in recruitment, promotions, training and opportunities for persons from marginalized communities and persons living with disabilities.** The four indicators used included the existence of gender representation and diversity management policies, and the actual representation of ethnicities and people with disability in the public service. Nearly half the MDAs augmented PSC guidelines on these issues with their own frameworks, yet five ethnic groups were over-represented in public employment compared to their share of the population, while another five were severely under-represented. However, the 2013/14 data reflected an improvement in representation, and the significance of qualifications for employment means that some ethnic groups might have no candidates. However, the report also noted the need to improve databases on diversity, especially relating to gender and people with disabilities, which is the focus of an on-going nation-wide study commissioned by the National Gender and Equality Commission.

Under the related criterion of **Fair competition and merit in appointments and promotions**, the evaluation found that the human resources policies of 84 percent of the MDAs were aligned to the Constitution, and vacancies were duly advertised in the media.

On **efficiency, effectiveness and economic use of resources,** over four out of five MDAs' budgets were aligned to their strategic plans and performance contracts. While the evaluation resisted a blanket assessment of budget absorption rates, because of disparate databases, absorption of the development budget was a mere 52 percent compared to 87 percent for the recurrent budget, which undermines project implementation, including of Vision 2030 flagship projects. On **allocative efficiency**, two-thirds of ministries and State departments had complied with the development/recurrent 30/70 structure of their budgets, but 60 percent of State corporations fell short. While 91 percent of ministries and state departments complied with 40:60 personnel emoluments to rest of budget ration, only 59 percent of State corporations met the criteria. An audit of self-reported compliance with performance contracts found attainments to be over-estimated. The report recommends the establishment of a common framework across MDAs for assessing resource management.

On *sustainable development*, the deficit as a percentage of GDP grew marginally in the economic dimension, and the report noted the need for a better understanding of the likely impacts of growth in the national debt. Analysis of the social dimension reflected a fair distribution of investments across sectors, while there was also adherence to sound environmental management standards.

Five indicators were used to evaluate *responsive, prompt, impartial and equitable services*, and reflected a "positive progression towards compliance" with ICT-based service delivery, most notably the highly innovative Huduma Centres. The conduct of service satisfaction surveys was entrenched. Public participation in policy guidelines and in stakeholder forums were the indicators gauging *participation in policymaking and implementation*. On participation, the Kenya Law Reform Commission had developed a draft model law for use by county governments. Several ministries, departments and corporations had developed their own participation policies, while some have also held public forums for policy formulation and implementation. Further investment in IT use in government is recommended, alongside the conduct of more standardized customer surveys.

Data from the Kenya National Commission on Human Rights enabled assessment of the *upholding of human rights in the public service, with violations found to be low while redress was "fairly good".* Curiously, the reports did not take into accountcritical data from other statutory bodies such as the Commission on Administrative Justice and the National Gender and Equality Commission.

Finally, the assessment of *devolution and sharing of power* was based on the extent of the transfer of devolved functions, resources, capacity building and technical support for county public service. The review found significant progress made in operationalizing the principle. However, other studies seem to better rationalize the status of devolution, such as the periodic reports of Office of Controller of Budget, Auditor General and Commission on Implementation of the Constitution.

PSC 2014/15 Report on Public Service Compliance with NV&PG[31]

The sample for the 2014/15 report was better, covering 256 MDAs compared to the 168 of the previous year, but the thematic areas of evaluation remained the same. The exercise involved four internal evaluators and seven external ones led by a public servant, a composition that could raise concerns of objectivity. The study found that unlike the previous year, various instruments had been established with which to improve compliance with NV&PG. Among these were the Public Service Values Act, Fair Administrative Action Act, Leadership and Integrity Act, and the Public Service Code of Ethics and Conduct.

On *Diversity Management*, the evaluation found that 55 percent of MDAs had promulgated relevant policies, compared to 45 percent during the previous exercise. However, employment of people with disabilities (PWD) had declined from 1 percent of the service to 0.8 percent - well below the constitutional threshold of 5 percent, calling for an enforcement mechanism. Minorities and marginalized groups

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[31] Republic of Kenya (2015),

constituted a mere 2 percent of the workforce, while the women's share remained a constant 36 percent. Women primarily occupied the lower and middle employment cadres, but they dominated Job Group U and above (56%) in the Constitutional Commission and Independent Offices (CC/IO).Inequity persisted in the ethnic distribution of public jobs compared to ethnic shares of the national populations: 11 out of 49 ethnic groups (22%) were *over*-represented, 24 (49%) were *under*-represented, meaning that only 14 (29%) were fairly represented. PSC recommended "deliberate corrective hiring policies" along the lines recommended by the 'Human Resource Policy and Procedures Manual' – which might also address gender imbalances.

Efficiency and Effectiveness examined strategic planning, ISO certification, performance contracting, and observance of budget ceilings, which were overall found to be "average or below average". Performance contracting had dropped 32 percentage points to 57 percent, while ISO certification stood at 59 percent. Of commercial State corporations, only 53 percent made profits, and while 50 percent of the non-commercial corporations ran a budget deficit, only 5 percent balanced their budgets. Six out of every 10 MDAs violated the 30: 70 Development/Recurrent budget ratio; and 73 percent violated the personnel emolument share of Recurrent spending ratio. PSC recommended attention to the compliance obstacles, since these various measures are instrumental in other areassuch as performance contracting role with regard to procurement favoring the youth, women and PWDs.

On *Governance, Transparency and Accountability*, 67 percent of MDAs had duly reviewed their organizational structures, and e-procurement adoption rose 15-fold to 75 percent. While statutory boards remained at a high 87 percent, only two-thirds of the chief executives held substantive posts, but with less than one-third of the corporations having succession management plans in contexts where one-third of employees are over 50 years of age while a mere 1 percent is between 18 and 24. While board members' induction was high (88%), that of staff was dismal (8%). Asset declaration was good among both MDAs (91%) and individual officers (84%), and various performance appraisals also reflected improvements, including declining surcharges (20%), queried procurement (3%), and queries from the parliamentary Public Accounts and Public Investments Committees (18%).

The evaluation found "good progress" over *Fair Competition and Merit in Staffing Matters*, with 70 percent of MDAs appropriately aligning their human resource policies, and 49 percent with reviewed schemes of service. While 64 percent of MDAs advertised in the media, internal adverts (23%) limited competition. Men enjoyed greater promotions (58%), but CC/IOs favoured women over training (54%)

Service Delivery witnessed great improvements through the useof IT-based platforms, with 85 percent of MDAs instituting IT policies, 77 percent automating core functions, and using ICT for service delivery. Customer satisfaction and grievance reporting improved 14 and 36 percentage points, respectively, to stand at 74 percent and 78 percent for the review year. Most MDAs had client service charters (87%) and customer service desks (84%), but operationalization was weak. On *People Participation in Policy-making*, however, only 14 percent of the 336 reporting MDAs

had institutionalized the PSC-developed framework, with only 44 percent involving them in stakeholder forums.

About eight out of 10 MDAs had staff capacity policies towards **Professionalism and Ethics in Public Service**, while 90 percent allocated budgets for the same, but only 2.3 percent of the Recurrent budget was committed to the same. Performance for leadership training (60%), management courses (68%) and registration with relevant professional bodies (49%) fared averagely, with 84 percent developing institutional codes of ethics and conduct. Performance relating **Human Rights** improved, with only 4 MDAs reportedly transgressing, but maladministration cases increased 240 percent to 64,492, with a rate of 387 percent among State corporations. The survey suggested improvements were based on the operationalization of the Fair Administrative Act (2015).

Sustainable Development is gauged by various macroeconomic parameters over three financial years, with the budget deficit doubling to 10 percent, reflecting low sustainability. The budget deficit grew 14 percentage points to 49 percent in 2014/15, the highest change since 2009/10. On environment management, the National Environment Management Authority rejected 51 percent of applications for falling below legislated standards.

Among the recommendations contained in the 2014/15 report was the need for a rewards and sanctions framework to enable compliance and enforcing, and the establishment in MDAs of a senior officer in charge of compliance. Under Good governance and transparency, PSC recommended the institution of measures to manage succession.

The baseline survey, which partially fed into the current report, inquired into various aspects of respondent interaction with the President's Reports on NV&PG, with Table 6.1 presenting the findings.Overall, 32 percent of respondents were aware of the President's Reports on NV&PG, the rate being much higher among females (39%) than males (26%). Awareness diminished with age, standing at 41 percent for the under 18s, compared to 24 percent for the over 55s. It was lowest among primary level respondents (26%) and highest among graduates (49%). Awareness of measures taken towards realizing NV&PG stood at 37 percent, with females again outdoing the males by 14 percentage points. Awareness of interventions grew with age, but increased sharply with education attainments, with 30 percent for the primary education level compared to 63 percent for university education level.

Table 6.1: Awareness of the President's Report and NV&PG initiatives by category (%)

	Overall	Sex		Age				Education			
		Male	Female	Under 18	18-35	36-54	55+	Primary	Secondary	Technical	University
Awareness of…											
… President's Reports	31.7	26	38.9	41.1	32.8	33.5	24.4	26.3	41.8	37.5	48.8
… measures taken towards realization of NV&PG	36.9	30.7	44.7	42.3	40.1	39.6	25.5	30	47	46.8	63.4
Measures taken towards the realization of NV&PG led to the….											
… creation of national identity and exercise of sovereign power	76.7	75.7	77.7	92.1	77.5	77.4	71.6	74	83.2	81	84.9
… sharing of devolution andpower	73.3	71.5	75.2	83.3	74.1	73.9	68.6	72.1	79.9	74.8	77.2
… promotion of good governance, transparency and accountability	68.4	67.5	69.4	75.6	69.2	70.2	61.9	68.6	74.8	68.9	72.3
… promotion of Bill of Rights	73.7	72.6	74.8	87	75.4	75.1	65.4	73	80.4	74.8	78.8
… achievement of Sustainable Development	75.5	74.7	76.5	88.5	76.5	76.6	68.8	68.6	74.8	68.9	72.3

The study sought respondent perceptions on the impacts of the various measures taken on various aspects of the nation-statehood. The measures were most effective in creating a national identity and promoting sovereignty (77%), compared to their enhancement of devolution and power-sharing (73%), or promotion of good governance, transparency and accountability (68%). For all three intended outcomes, a greater share of females than the share of males perceived success, which declined with rising age. However, rising education status increased the share of respondents perceiving success. Similar trends were evident on the impacts of the measures on the promotion of the Bill of Rights, and the achievement of Sustainable Development.

Chapter 7: Kenya National Values Index

The previous sections have alluded to the importance of developing a method of measuring National Values and Principles of Governance (NV&PG), partly to establish a baseline or reference level with which to subsequently monitor progress over Article 10 of the Constitution. The process of estimating an overarching NV&PG Index (referred hereinafter as the National Values Index (NVI)) is briefly outlined in the sub-section that follows, after which estimates are presented. This fulfills the first objective of this assignment, as listed in Section 1.3 of the report.

7.1   Measuring National Values and Principles of Governance

The measurement approach used to generate a National Values Index is identical to the methods used in practice by well-established indices, such as the Ibrahim Index of African Governance[32] and the Worldwide Governance Indicators of the World Bank.[33]This section should be read in conjunction with Section 2.4, which presents a synthesis of a measurement framework. The process of estimating an overarching NV&PG index proceeded as follows:

(i)   The first step in the measurement process identified the "categories" of the numerous concepts used to define values. The concepts are conveniently clustered into the five key thematic areas already contained in the annual *Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance* (2015).[34] Specifically, the five conceptual categories (or key thematic areas) initially presented in Figure 2.1, are: (i) Patriotism and national unity; (ii) Sharing and devolution of power; (iii) Protection of the Bill of Rights; (iv) Promotion of good governance, transparency and accountability; and (v) Sustainable development. In the subsequent discussions, these five conceptual categories will be referred to as sub-indices. One of the advantages of retaining these sub-indices (or thematic areas) is to ensure comparability over time.

(ii)   Since the five sub-indices represent rather broad concepts, the next logical step was to identify sub-categories under each of the five sub-indices. The primary source of the sub-categories of each of the five sub-indices was the concepts constituting NV&PG listed in Article 10 of the Constitution. As an example, among the sub-categories identified under the Protection of the Bill of Rights sub-index were equality, human dignity and social justice (Table 7.1).

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[32]See http://www.moibrahimfoundation.org/iiag/ Accessed 20-08-2015.

[33] See http://data.worldbank.org/data-catalog/worldwide-governance-indicators.

[34] The five categories are the same ones used by the 2013 and 2014 progress reports, and have been retained for comparison over time. Values that reinforce the mission of an organization have a direct and positive effect on the performance of that organization. Having a list of values does not mean they exist in an organization. Advocating value sets but not acting on them is even counter-productive. Senior managers are a key cohort in the realization of a value-based organization, as their activities send out fundamental signals concerning the relevance of values within the organization. See MacCarthaigh, Muiris (2008).

(iii) Since a majority of the concepts identified within the sub-categories are not directly measurable, e.g. human dignity or good governance, proxies or indicators that are measurable were identified. For some of these sub-category concepts, more than one indicator was identified. Examples of identified indicators for human dignity (a sub-category) include literacy rate (whether an individual can read and write in any language) and percentage of adults completing basic education. As another example, the sub-category, good governance was measured by "satisfaction with life" among other indicators. The indicators were mainly generated from responses of household members on a national survey conducted in 2015. Other secondary data, such as child mortality and poverty rates, were also used.

(iv) The units of measure for the indicators varied, necessitating their transformation into comparable scales before their inclusion in computing the sub-indices. In particular, the data for each indicator was put in a standardized range of 0 to 100 percent (or 0 to 1) where 100 percent was consistently the best possible score and zero the worst score.

(v) Each sub-category score was a simple average of all the respective normalized or standardized indicator scores. In turn, each sub-index was the average of its sub-category scores. The overall National Values Index is the average of the five category scores.

In total, there were a number of indicators grouped into the five clustered sub-categories, which in turn were mapped into the five sub-indices. The process of identifying indicators followed a number of guidelines, most importantly, the need to useindicators that are widely used in similar tasks, and data availability. A complete definition of the sub-indices, sub-categories and selected indicators is included in Table 7.1.

Table 7.1: Kenya National Values Index, sub-Indices, sub-Categories and indicators

Sub-indices	Sub-categories	Indicators
Patriotism and National Unity and Exercise of sovereign Power	Patriotism and national unity	• Proud to be Kenyan • Extent of pride to be Kenyan • Extent to which one trusts people of other ethnicity
	Rule of law	• Adherence to rule of law • Accountability to the electorate
	Democracy and participation of the people	• Registered voter • Voted in last general election • Free and fair executive elections
Sharing and Devolution of Power	Sharing and devolution of power	• Public goods distribution • Employment opportunities distribution
Protection of the Bill of Rights	Human dignity	• Extent to which society protects human dignity, including such rights listed below • Read and write in any language • Ever attended school • Completion of basic education (% of adults) • Life expectancy • Youth access to employment • Literacy rate • Maternal mortality • Child mortality • Access to sanitation • Social security scheme membership • Vulnerable employment (as percent of total employment)
	Equity	• Public goods distribution • Access to portable water • Access to sanitation • Income share held by lowest 20% income quintile
	Social justice	• Extent to which society exercises fairness and social justice. • Protection of marginalized • Proportion with Patriotism and National Unity Cards (as % of total number of adults)
	Inclusiveness	• How inclusive is society you live in
	Equality	• Protection of marginalized • Gender parity index (education) • Gender equality • 2/3rds gender rule (elective and appointive posts)
	Human rights	• Freedom of expression • Press freedom • International human rights conventions
	Non-discrimination and protection of human dignity	• Protection of marginalized
Good Governance, Transparency and Accountability	Good governance	• Satisfaction with life • Access to information
	Integrity, Transparency and accountability	• Extent to which society upholds values of integrity, transparency, honesty, truthfulness and accountability • Transparency in public resource use • Transparency in public resource use • Effective system of checks and balances
Sustainable Development	Public management Business environment Infrastructure Environmental protection	• Challenges facing community logging • Challenges facing water catchment • Access to improved water • Gross Domestic product per capita • Human development index • Proportion of paved roads • Proportion of the non-poor • Access to electricity (% of population)

Once identified and measured, the indicators enable the implementation of three broad interrelated activities. These are:

(i)   Enable an objective assessment of current values within the Kenyan context. Feasible outcomes include development of a *values scorecard* or a set of sub-indices for various conceptual categories of values and/or sub-indices for the key thematic areas of NV&PG.
(ii)   These outcomes (values scorecard or indices) can provide initial ideas of improvement areas.
(iii) Once improvement areas are isolated, it is feasible to analyze the gaps and develop action plans to close the "value" gaps.

The next sub-section focuses on the estimated measures of NV&PG in Kenya. First, we discuss the NV&PG sub-indices before presenting the overall index. The five sub-indices are:Patriotism and National Unity, Sharing and Devolution of Power, Protection of the Bill of Rights, Good Governance, and Sustainable Development.

7.2   Patriotism and National Unity sub-index

Patriotism entails taking pride in, and protecting and having special affection for one's country. It involves a unified approach in confronting external national threats while demonstrating commitment to national ideas expressed through a sense of shared belonging and positive management of a country's diversities. National unity enhances political stability and contributes towards the development of common attitudes, and a positive philosophy that is beneficial to the country in stimulating national interests. Further, national unity enhances the sense of belonging that is engendered in feelings of patriotism.

The Patriotism and National Unity sub-index included four sub-categories, namely patriotism, national unity, rule of law, democracy and participation of people. The sub-categories are consistent with the respective four N&PG. The indicators thatwere considered likely to influence the degree to which citizenry uphold national unity include complete (generalized) trust in people of other ethnic groups, the incidence of pride at being Kenyan, and extent of being proud to be Kenyan (Table 7.1). The rule of law was captured through the question on level of adherence to the rule of law, and accountability to the electorate. Democracy and participation of the people was captured through indicators of voter registration, voting, and perceptions on the extent of free and fair elections.

The measures of Patriotism and National Unity sub-index were constructed based on the individual responses during a household survey. National unity was measured based on responses to the questions: "How much do you trust people of other ethnicity?" We combine those who 'trust somewhat' and those who 'do not trust at all' (a score of zero) against those who "trust completely" (a score of 100). The incidence of pride in being Kenyan is constructed based on the responses to the binary question "Would you say you are proud to be Kenyan?", while the extent was constructed by combining the responses to the question "To what extent would you say you are

proud to be Kenyan". Democracy and participation of the people was captured through responses to the questions: "are you a registered voter?" and "did you vote in the previous elections?"

The Patriotism and National Unity sub-index was the highest among the sub-indices with a score of 73 percent. The index ranged from a high of 80.1 percent for Embu County and a low of 60 percent for ElgeyoMarakwetCounty (Figure 7.1). The shortfall from the ideal score of 100 percent suggests that there are Kenyans who do not trust people of other ethnicities, and/or are not (adequately) proud of being Kenyans, and/or are adults but are not registered voters, and/or are registered voters who do not exploit the opportunity. The complex mixture of such individuals averaged about 27 percent of the population, as evident from the National score in Figure 7.1.

Figure 7.1: Patriotism and National Unity sub-index by county, 2015 (%)
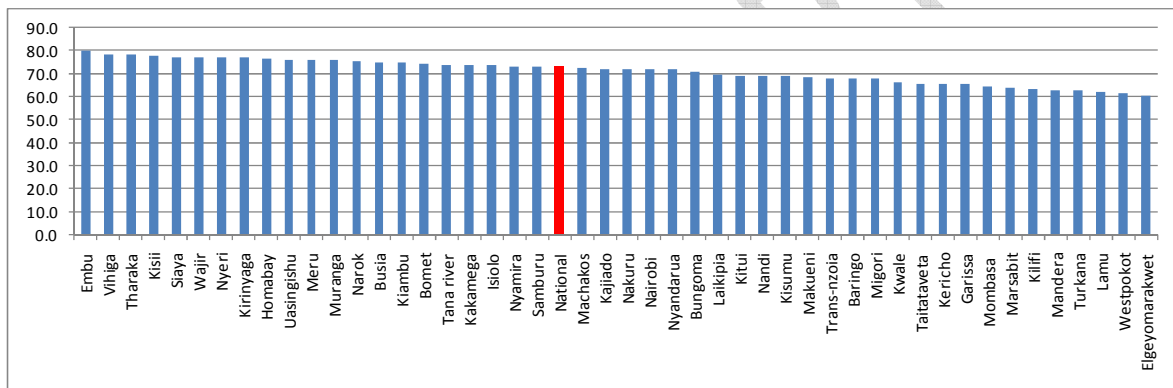
7.3   Sharing and Devolution of Power sub-index

The Constitution provides for a two-level system of government, the national and the county levels. It also provides for a system of governance in which all segments of society are provided a share of power in terms of representation, opportunities, and right to participate in decision-making on issues of importance. The political, social and economic benefits of sharing and devolution of power include citizenry assurance through local accountability, which inculcates a sense of ownership and belonging. As an example, through stakeholder participation, devolution provides minorities with a voice, while strengthening communities. Further, the sharing and devolution of power provides a stimulus for citizens to commit and invest in their locality, while bringing a sense of identity and self-empowerment, which is critical for nation-building.

Sharing and devolution of power indicators/elements included perceptions on the extent to which public goods and services were equitably distributed, and fairness in the distribution of public employment. Examples of such public goods include public schools and health facilities. The measures of the index were constructed based on individuals' responses during the household survey. Fairness in public goods distribution was based on responses to the questions: "public goods are distributed fairly across all counties in Kenya" and "employment opportunities are fairly distributed in the public sector". Individuals who "strongly agreed" and those who

"agreed" were assigned a value of one (100%). On the other hand, those who either "disagreed" or "strongly disagreed" were assigned a value of zero.

The national and county level Sharing and Devolution of Power sub-indices are presented in Figure 7.2. This sub-Index had the lowest relative national average measure of about37.7 percent. The sub-index also had a very wide range, from a low of 23.2 percent for Isiolo County to a high of 71.4 percent for Laikipia County. Clearly, although the National and County governments have allocated substantial resources and implemented various programmes aimed at ensuring equity across counties, it would be critical to focus on actual service delivery within and across counties. The relatively low score suggests strong perceptions of inequity.

Figure 7.2: Sharing and Devolution of Power sub-index by county, 2015 (%)
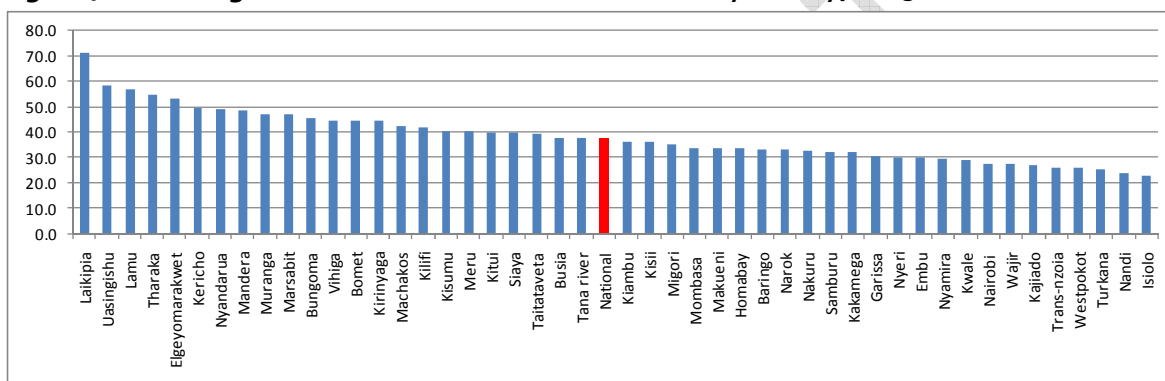
7.4   Protection of the Bill of Rights sub-index

The Constitution has a wide-ranging Bill of Rights whose realization would greatly transform the quality of lives of Kenyans. According to the Constitution, human rights are essential freedoms and inherent entitlements that should reflect the dignity and worth of every individual. Kenya is also a signatory of various international conventions on fundamental rights, which the Constitution makes part of the country's laws. Human rights are also important because they enable citizens to maximize their potential in all aspects of life. It also entails ensuring that every individual has access to resources and right to participate in decision-making, while at the same time benefiting from reduced poverty, inclusion, andefficient and effective utilization of basic social service resources.

The Bill of Rights sub-index also entails such values as equality, equity, social justice, non-discrimination and protection of the marginalized. From the survey, the human dignity sub-category was captured through responses to the question on protection of the marginalized, society's level of inclusiveness, non-discrimination in the society one lives in, and the extent to which individuals experienced fairness and social justice in the society they lived in.

The Protection of the Bill of Rights sub-index was the second highest of the sub-indices, estimated at 70.7 percent (Figure 7.3). The sub-index also had a wide range, from a high of 95 percent for Kericho County to a low of 46 percent for Garissa

County. The relatively high score implies that the country's performance with respect to protecting the Bill of Rights is good.

Figure 7.3: Protection of the Bill of Rights index by county, 2015 (%)
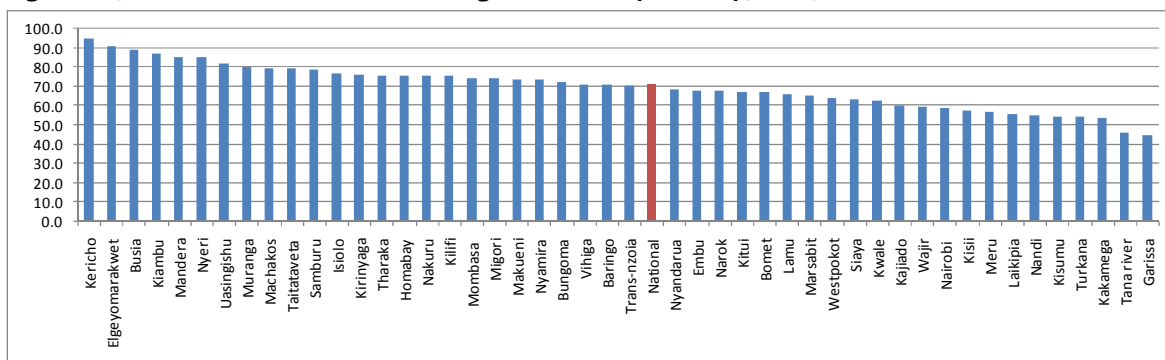
7.5   Governance and Integrity sub-Index

Good governance is a process through which societies and organizations make their social, economic and political decisions. Good governance involves transparent and accountable management of resources for purposes of equitable and sustainable development. In Kenya, the institutions charged with promoting good governance include the Executive, Legislature, Judiciary, and both the National and County governments. Integrity, on the other hand, entails: consistency between values and actions; adherence to morals and ethical principles; sound character; and fidelity and honesty. Good governance helps promote community confidence and helps citizens believe that government decisions and actions are made in their interest, such as in improved service delivery.

In this survey, the Governance and Integrity sub-index captures the NV&PG on good governance, integrity, transparency and accountability. Transparency and accountability entail openness, honesty, frankness and sincerity. Accountability, on the other hand, entails acknowledgement and responsibility for individual decisions and actions. In governance, public accountability entails the obligations to report on the outcomes of management and to be answerable to these outcomes, including effective service delivery. Consequently, where transparency and accountability exist, trust is assured and is built between government and citizenry. This then culminates in a State where citizens increase their public participation in decision-making, identify a sense of ownership of programmes, and enhance cohesion and harmony, which leads to political stability and democracy.

To measure good governance, indicators such as the extent to which individuals were satisfied with life, and the extent to which communities and individuals upheld values of integrity, were used.

The Governance and Integrity sub-Index was estimated at 56.6 percent, with a high of 83.3 percent for Kericho County and a low of 28.3 percent for Turkana County, as shown in Figure 7.4. This sub-index was measured using such indicators as satisfaction with life, access to information, integrity, transparency and accountability. The

modest score for the sub-index is indicative of the need to enhance the country's interventions towards improving good governance.

Figure 7.4: Governance and Integrity sub-index by county, 2015 (%)
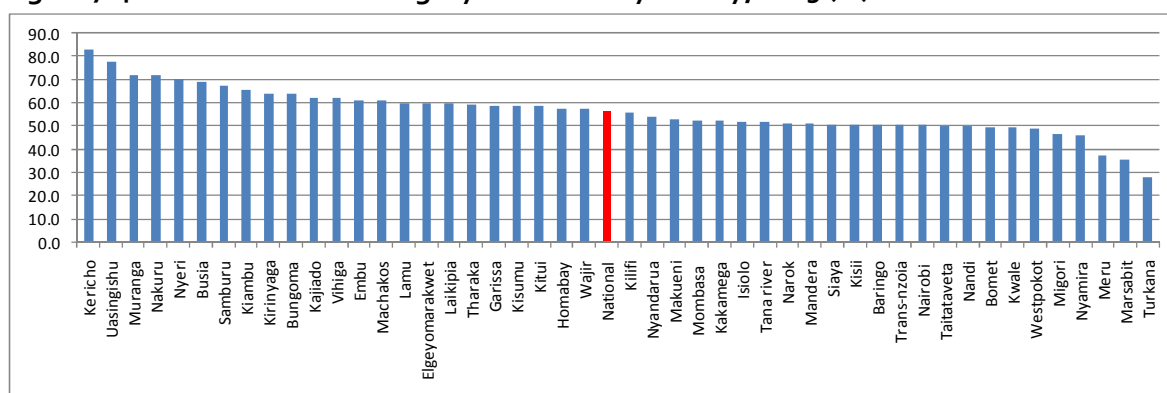
7.6   Sustainable Development sub-index

Sustainable development is critical as an imperative for long-term growth. Sustained development is important because it enables people to realize their potential and improve their lives while sustaining the environment. Further, sustainable development depends on situations such as climate, human capital development, security, and traditions and beliefs.

In this baseline survey, sustained development was measured through such indicators as GDP per capita, human development measure, proportion of non-poor, access to clean water, access to electricity, and extents or length of paved roads in counties. The data was obtained from secondary sources.

The results are presented in Figure 7.5. The overall score for the Sustainable Development sub-Index was 41.5 percent. There were also wide variations across the counties. Nairobi County recorded the highest score at 92.6 percent. Wajir had the lowest score of 16.4 percent, which should be interpreted as suggesting that the county had the lowest GDP per capita and human development index. The proportion of its non-poor population was also large and its education index low. It had also the lowest access to such amenities as clean water and electricity. Given the indicators constituting this sub-index, it reflects the levels of inequality across the country, and it is unsurprising that the bottom 10 counties are arid and semi-arid areas of Kenya. The level of inequality is further illustrated by the fact that two-thirds of the counties fall below the national mean index. This can be interpreted as a depiction of not only low levels of sustained development but also wide inequalities in sustained development across the country.

Figure 7.5: Sustainable Development sub-index by county, 2015 (%)
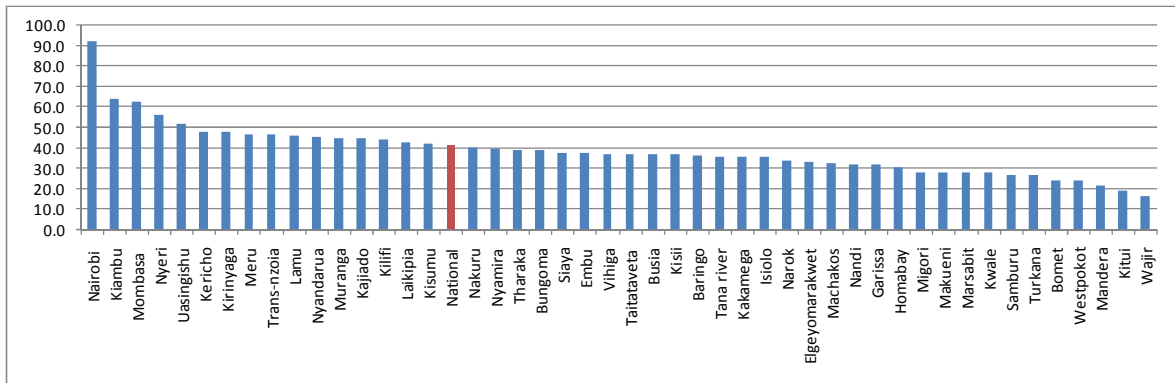
7.7   National Values Index

The overall NV&PG index for each county was a simple arithmetic mean of the five sub-indices. Thus, the county NV&PG indices assumed an equal weight for the sub-indices/components. The national and county level NV&PG indices are illustrated in Figure 7.6. The aggregate NV&PG Index was estimated at 57 percent, while the county indices vary widely around that national mean, from a high of 89.6 percent for Kericho County to a low of 38.9 percent for Turkana County. When the county indices are arranged in descending order, the national mean is close to the median, with 23 counties below it and 24 counties above it.

Figure 7.6: The National and County level NV&PG indices, 2015
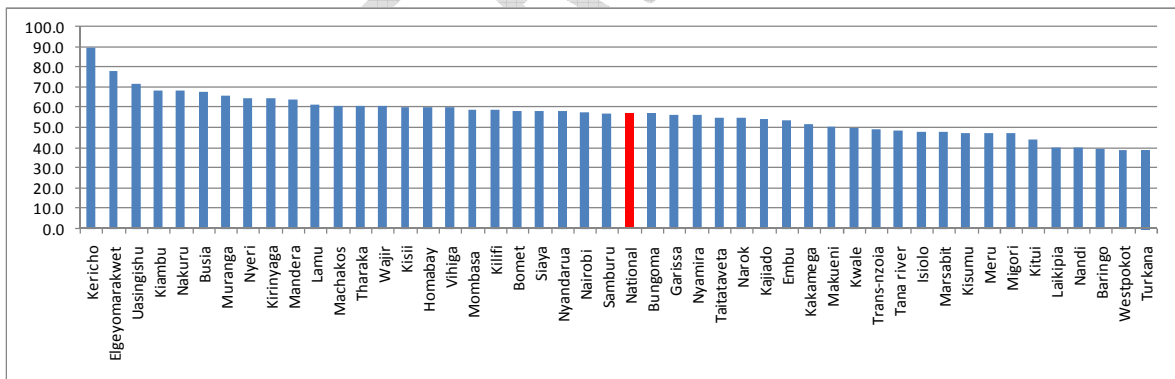
The sub-indices already reported above (sections 7.2 to 7.6) are now aggregated in Figure 7.7 to graphically illustrate them and the meaning of the aggregate NV&PG of 57 percent.[35] About 23 counties recorded a mean index of less than 57 percent, while 24 counties were above the national average. The lowest sub-index was the Sharing and Devolution of Power sub-Index (averaging 37.7%) whose indicators were: perceptions on the extent to which public goods and services (specifically public schools and employment) were equitably distributed. The scores suggest that improvement in equity across the country with respect to distribution of public goods

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[35] In effect, the area under the blue pentagon is 57 percent of the greater pentagon, representing a hypothetical 100 percent score for each sub-index, which leads to a 100 percent score for the aggregated NV&PG index.

has a high potential of improving the NV&PG score. It suggests a high return to cohesion from investments that promote equity.

Figure 7.7: Component scores of National Values, 2015 (%)
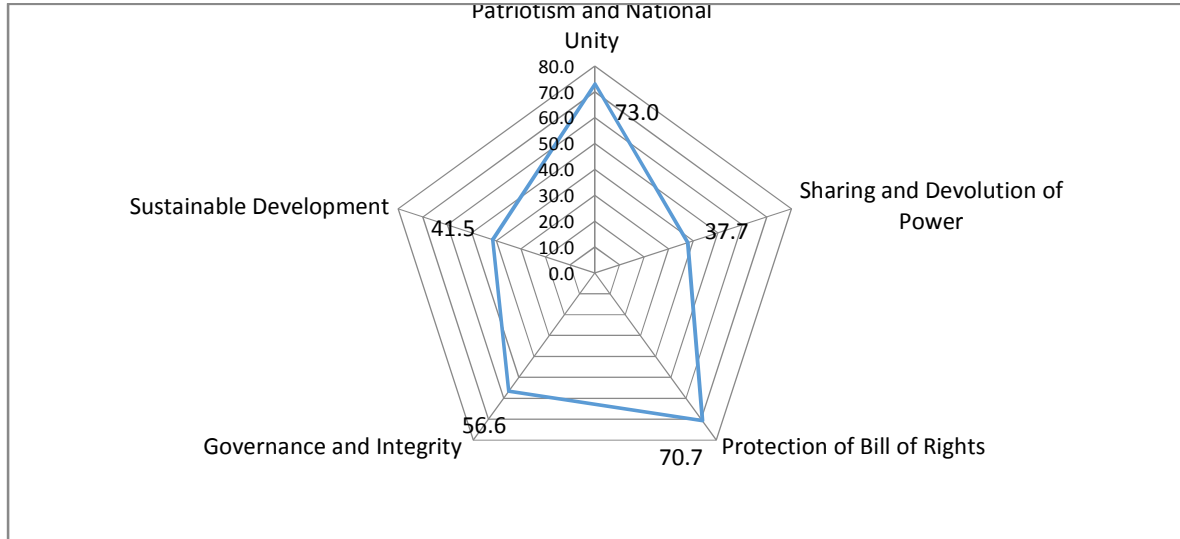
The Sharing and Devolution of Power sub-index score is intuitively expected to be correlated to that of Sustainable Development sub-index, which amalgamates indicators of developmental outcomes. Even so, the measure of association indicates the two sub-indices do not have a statistically significant correlation. The Sustainable Development sub-index (encompassing indicators such as the GDP per capita, proportion of non-poor, and access to infrastructure) is the second lowest, which can be interpreted as reiterating the need to embark on enhanced investment programmes that promote equity. Indeed, the only statistically significant correlations were the Governance and Integrity sub-index, with Sharing and Devolution of Power (r = 0.374**), and with Protection of the Bill of Rights sub-index (r = 0.533**). Table 7.2 lists the respective overall County Values Index and the measures of its sub-indices, and the National Values Index and its sub-indices.

Table 7.2: The National and County Values Index and related sub-indices, 2015 (%)

	National and County Values Indices	Patriotism and National Unity sub-Index	Sharing and Devolution of Power sub-index	The Bill of Rights sub-Index	Governance and Integrity sub-Index	Sustainable Development sub-index
Nairobi	57.8	72.0	27.8	58.8	50.5	92.6
Nyandarua	58.0	72.0	49.3	68.8	54.3	45.6
Nyeri	64.7	77.5	30.4	85.1	70.1	56.7
Kirinyaga	64.5	77.1	44.5	76.4	64.0	47.9
Muranga	65.7	75.9	47.4	80.2	72.3	45.1
Kiambu	68.4	74.8	36.6	87.2	65.7	64.2
Mombasa	59.0	64.5	34.0	74.5	52.6	62.6
Kwale	49.8	66.6	29.2	62.8	49.4	27.9
Kilifi	58.9	63.2	42.1	75.6	56.0	44.0
TanaRiver	48.6	74.1	37.7	46.5	51.9	36.2
Lamu	61.3	62.0	56.8	65.7	60.2	46.3
TaitaTaveta	55.4	65.9	39.5	79.3	50.0	37.3
Marsabit	47.9	63.8	47.1	65.5	36.0	28.0
Isiolo	47.9	73.6	23.2	76.9	52.0	35.6
Meru	47.3	76.2	10.5	57.1	37.5	47.0
Tharaka	60.9	78.3	54.8	75.9	59.3	39.4
Embu	53.6	80.1	30.3	68.2	61.0	37.5
Kitui	44.2	69.4	10.2	67.3	59.0	19.4
Machakos	61.0	72.7	42.6	79.5	60.9	33.0
Makueni	50.4	68.4	33.9	74.0	53.2	28.5
Garissa	86.4	65.7	30.8	46.0	59.1	31.8
Wajir	60.6	77.5	57.5	59.4	57.4	16.4
Mandera	64.4	63.1	48.5	85.5	51.1	22.0
Siaya	58.1	77.5	40.0	63.7	50.9	37.9
Kisumu	47.7	69.2	40.6	54.8	59.1	42.1
Migori	47.2	68.0	35.2	74.1	46.8	28.5
Homabay	60.4	76.8	33.7	75.9	57.8	30.6
Kisii	60.5	77.8	36.4	57.9	50.8	37.1
Nyamira	56.3	73.4	29.9	73.5	46.3	39.7
Turkana	38.9	63.0	25.5	54.6	28.3	26.7
WestPokot	39.2	61.8	26.3	64.0	49.0	24.6
Samburu	57.3	73.0	32.3	78.6	67.6	26.7
Trans-Nzoia	49.4	68.2	26.4	70.8	50.6	46.5
Baringo	39.9	68.2	33.3	70.9	50.7	36.6
UasinGishu	72.0	76.3	58.5	82.3	77.6	52.0
ElgeyoMarakwet	78.4	60.6	53.4	90.7	60.0	33.6
Nandi	40.5	69.2	24.0	55.0	50.0	32.3
Laikipia	40.5	69.7	71.4	56.0	60.0	43.0
Nakuru	68.4	72.0	32.9	75.8	72.2	40.1
Narok	54.9	75.6	33.3	67.9	51.6	34.2
Kajiado	54.2	72.1	27.1	60.1	62.5	45.0
Kericho	89.6	65.7	50.0	95.0	83.3	48.0
Bomet	58.5	74.2	44.6	67.2	49.4	24.6
Kakamega	51.8	73.8	32.1	53.8	52.5	35.7
Vihiga	60.4	78.5	44.8	71.4	62.1	37.4
Bungoma	56.9	70.7	45.5	72.7	64.0	39.0
Busia	67.9	75.1	38.1	88.9	69.0	37.1
National	**57.0**	**73.0**	**37.7**	**70.7**	**56.6**	**41.5**

Chapter 8: Public Service Values

8.1   Introduction

Besides measuring NV&PG as done with the indices in the preceding chapter, it is also important to track and measure performance relating to the *public service values*(PSV) of Article 232 (1),which in effect operationalize the NV&PG for the public service. The public service in Kenya, based on Article 232(2) of the Constitution, means "(a) all State organs in both levels of government, and (b) all State corporations."

In the international context, the United Nations Development Programme (UNDP) champions the promotion of ethics and values in the public service through the economic, legal and behavioural entry points.[36] However, UNDP emphasizes the behavioural approach for providing common features of embedding transformational civil service changes, containing combined elements of compliance and integrity adapted for the cultural, political and administrative traditions of the country context. Additionally, the approach focuses on the roles of well-publicized codes of conduct, citizen charters, education, training and mentoring in enhancing ethical conduct.

At the regional level, Kenya is a signatory to the African Union's (AU) *African Charter on Values and Principles of Public Service and Administration*.[37] Its principles governing the Public Service and Administration (PSA) and its interactions with users include the following (italics added):

(i)   *Equality* of all users of PSA

(ii)   The *prohibition of all forms of discrimination* on any basis, including place of origin, race, gender, disability, religion, ethnicity, political opinion, membership in a trade union or any other lawful organization

(iii)   *Impartiality, fairness and due process* in the delivery of public services

(iv)   *Continuity of public services* under all circumstances

(v)   *Adaptability of public services* to the needs of users

(vi)   *Professionalism and ethics*in Public Service and Administration

(vii)   *Promotion and protection of rights* of users and Public Service Agents

(viii) *Institutionalizing a culture of accountability and integrity and transparency* in Public Service and Administration

(ix)   *Effective, efficient and responsible* use of resources

These international principles mirror those in the Kenyan Constitution's Article 232 (1), as well as those espoused in various publications or guidelines, including the Service Charters and Codes of Conduct of public service institutions. As noted above, Part 1 of Chapter 13 of the Constitution identifies *values and principles of public service.* It is also

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[36] See Capacity Development Group-UNDP (n.d.)
[37] See African Union (2011). At http://www.right2info.org/resources/publications/instruments-and-standards/africa_charter_on_values_principles_of_public_service_en Accessed 01-12-2015
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expedient to note that the values, as stated in the Constitution, are what would typically be found (or should be included) in a service charter of any public service Ministry, Department, and Agency. Given the provisions of the Constitution, which bind *all persons*, these values should also be evident in the private sector and other non-government sector institutions. The values include:

(a)   High standards of professional ethics
(b)   Efficient, effective and economic use of resources, prompt, effective, impartial and equitable provision of services
(c)   Involvement of the people in the process of policy making
(d)   Accountability for administrative acts
(e)   Transparency and provision to the public of timely, accurate information
(f)   Fair competition and merit as the basis of appointments and promotions
(g)   Representation for Kenya's diverse communities
(h)   Affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service of:(i) Men and women; (ii) members of all ethnic groups; and (iii) persons with disabilities.

The Constitution's definition of the public service encompasses numerous MDAs, as reflected in the Public Service Commission (PSC) reports evaluating compliance with NV&PG. This report only computes two distinct PSV indices, one for the National Government, and an aggregate one for the County Governments. The intention here is to venture into an approach that can enrich the work already done by the PSC. Given the emphasis that public sector reforms place on instruments such as the Customer Satisfaction Survey, the method used in this chapter could enable the development of an index for individual or clustered MDAs, and indeed for individual County Governments. Consequently, such indices would enable comparison across MDAs and County Governments, and comparison of performance over time.

Following the basic methodology of the previous chapter, the index is based on four components, namely: Ethical component, Democratic component, People component, and Professional component.[38]In addition, to the independent assessments by various stakeholders of the performances of the National and County Governments, discussions are also provided on a self-assessment made by a representative sample of public service employees. These latter comparisons provide public servants with a reality check on their work.

8.2   Public Service Values – National Government

This sub-section focuses on National Government institutions. Each of the four PSV components; that is Ethical, Democratic, Professional and People, is discussed separately.

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[38] The components were a result of extensive literature review. The components could increase or decrease depending on one's interpretation of the AU principles and PSV of the Kenyan Constitution, as well as the core functions of targeted institutions.

8.2.1 Ethical component

The public sector is required to have high standards of professional ethics. In our measurement approach, the Ethical component had four indicators, which were: accountability; honesty; integrity; and respect.

To measure accountability, non-public sector employees were asked to assess public sector employees. Accountability was defined as being "responsible for one's actions." The accountability scores ranged from zero (0) if a respondent thought most public sector employees are not accountable, to 100 percent if a respondent thought "most public sector employees are accountable." A 50 percent score was given if the respondent thought "the honest and dishonest persons are about the same."The average national score was about 44 percent, suggesting that less than half of all public sector employees were perceived to be accountable.

Honesty – "free of deceit" – was measured on a similar scale, with respondents indicating whether "most public sector employees are dishonest" (a score of zero) or if "most employees are honest" (a score of 100). The national average was 45 percent, suggesting that on aggregate respondents perceive that honest public sector employees are slightly outnumbered by the dishonest ones.

The third Ethical component indicator was integrity, which was measured by asking respondents the extent to which they perceive corruption to be a problem across four broad institutions. These institutions were the National Executive, the Judiciary, Parliament (the National Assembly and Senate), and the National Police Service. The overall score was thus an average score covering several indicators on corruption in these broad institutions. The lowest possible score was zero for those who perceive corruption to be "pervasive" or "a significant problem", while a score of 100 percent was given to those who perceived corruption not to be a major problem.

The last Ethical component indicator, respect (or dignity), was measured by two questions. In the first question, respondents were asked about public sector institutions' "dignity in handling the public." Reponses could be"Much better today compared to 2013" scoring '100 percent', or "No change, or has deteriorated", scoring 'zero'. In the second question, respondents evaluated "protection of rights of local communities", whether it was a serious problem ('zero') or not a problem (100%).

When all the four indicators of the Ethical component are given equal weight, the overall score was about 39 percent. This suggests that with respect to Ethics, as measured by accountability, honesty, integrity and respect (or dignity), the National Government's performance is generally weak.

8.2.2 Democratic category

The Democratic component encompassed a number of PSVs contained in the Constitution, including accountability, transparency, representativeness, rule of law, and participation. Some of the suggested values were not easy to measure, such as involvement of people in policy-making, and were consequently excluded. A measure of openness was included.

Accountability was measured by asking respondents to assess if there was an "effective system of checks and balances", and if there was "accountability to the electorate in between elections." The scores ranged from 100 percent if the responses were "yes" and zero if the response was "no." For the selected national level institutions (the National Executive, Judiciary, National Assembly, and National Police Service), the average score was 39 percent for both questions, suggesting relatively low perceptions for National Government accountability for administrative acts.

In adherence to the rule of law, respondents were asked to assess the National Executive, the Judiciary, the National Assembly, and the National Police Service for adherence. Possible scores were 100 percent if the institutions were perceived to "follow the rule of law all the time" or "most of the time" and zero if the "rule of law was never followed" or "major gaps were perceived." The rule of law indicator score was an average of the scores of each of the four institutions.

To measure transparency, respondents were asked to assess whether public resource use by the National Government "is much better today compared to 2013", or otherwise. Openness, on the other hand, was measured by the level of public trust in public sector institutions in general (without specifying particular institutions).

8.2.3 Professional category

An attempt was made to measure professionalism within the public service. Respondents were asked to "rate the services rendered by" a number of broad institutions (the National Executive, the Judiciary, Parliament, and the National Police Service). The scores ranged from poor (assigned a score of zero) to fair, good and excellent (assigned scores of 50, 75 and 100 percent, respectively).The overall score was 55 percent. The ratings for the National Executive and the Judiciary were 64 percent while that of Parliament and the National Police Service were 47 and 45 percent, respectively.

To measure professionalism, the rating of services can be complemented by other indicators. Though relatively difficult to measure, the use of efficiency and effectiveness scores is highly recommended.

8.2.4 People category

The public service "people values" reinforce the other public service values. Herein are included indicators that measure decency and fairness. Other indicators that could be used are those that gauge: involvement of the people in the process of policy-making; "equality of opportunity" and "respect for diversity." Besides decency and fairness, the other indicators would be sourced from secondary data.

Decency was measured by asking respondents to "evaluate or rank challenges facing their communities." Two of the challenges used were the incidences of land grabbing, and the destruction of water catchment areas. Possible scores ranged from zero if land grabbing or destruction of water catchment areas were perceived to be "a serious problem," to 100 percent if they were perceived to be "not a problem." The findings indicate that about 46 percent of respondents thought land grabbing is a serious

problem, and about 47 percent thought destruction of water catchment areas is a serious problem. Overall, the decency score was about 39 percent.

Figure 8.1: Ranking of challenges facing community (%)
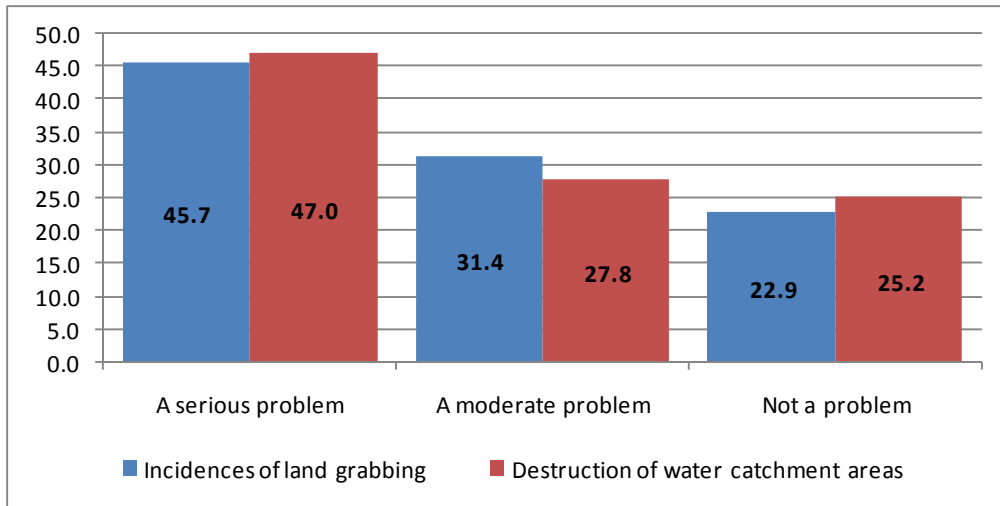
The second indicator, fairness, was measured by "equity of public resource use" by the national government. Scores ranged from zero for those who thought equity of public resource use by the national government "has deteriorated" relative to 2013 to 100 percent for those who thought it "is much better today." The aggregate score was about 38 percent, on a scale of zero (worst) to 100 percent (best).

The two variables, decency and fairness, were combined using a simple arithmetic mean to obtain a single indicator value for people index. The overall people index was about 38 percent. This suggests weak scores with respect to decency within the public service.

Table 8.1 summarizes the results of the scores of the various PSV components, indicators and variables already discussed earlier. The scale is adjusted to run from 0 (worst possible score) to 100 percent (the best possible score). The deviation of a score from 100 can be interpreted as a measure of the degree or scope of improvement required to achieve ideal levels of performance.

Table 8.1: Public service values, components, indicators, variables and their scores - National Government

| Components or sub-indices	Indicators	Variables, questions or sub-indicators (Scored: zero (poorest to 100% (best).	Score (%)
Ethical			39
	Accountability	Most public sector employees (0 = not accountableto100% = are accountable)	44
	Honesty	Most public sector employees (0 = are dishonest to 100% = are honest)	45
	Integrity	To what extent is corruption perceived to be a problem (0 = pervasive or significant problemto100% = not a major problem) National executive – 26% The judiciary – 24% Parliament (National Assembly and Senate) –23% The national police service – 19% Education sector in general – 27% National registration – 29%	24
	Respect (dignity)	Dignity in handling the public (0 = has deteriorated to 100% = is much better today – relative to 2013) Protection of rights of local communities (0 = a serious problem to 100 = not a problem)	42 52
Democratic			37
	Accountability		39
		Is there an effective system of checks and balances (0 = No to 100% = Yes) National executive – 43% The judiciary – 45% Parliament (National Assembly and Senate) – 34% The national police service – 33%	39
		Accountability between elections (0 = Noto100% = Yes) National executive – 43% The judiciary – 43% Parliament (National Assembly and Senate) – 36% The national police service – 35%	39
	Rule of law	How would you access adherence to rule of law (0 = never followedto100% = followed) National executive – 43% The judiciary – 43% Parliament (National Assembly and Senate) – 36% The national police service – 35%	39
	Transparency	Transparency of public resource use	31
	Openness (trust)	Public trust in institutions (0 = has deterioratedto100% = is much better)	42
Professional			55
	Effectiveness	Absorption in the public sector (%) -	-
	Efficiency	Variance of development to recurrent expenditure to guideline (0 = not achieved30:70 rule to 100% = achieved 30:70 rule)	-
	Service	Rating of services rendered (0 = poorto100% = excellent) National executive – 64% The judiciary – 64% Parliament (National Assembly and Senate) – 47% The national police service – 45%	55
People			38
	Decency	Land grabbing incidences (0 = a serious problemto100% = not a problem) Destruction of water catchments (0 = a serious problem to 100% = not a problem)	39
	Fairness	Equity of public resource use (0 = deterioratedto100% = much better)	38

The overall National Government PSV index was computed as a simple arithmetic mean of its four components. This assumes equal weighting of all the four components. The respective component scores were 39 percent for the Ethical component, 37 percent for the Democratic component, and 55 percent and 38 percent

for the Professional and People components, respectively. This resulted in a National Government PSV index score of 42 percent. The score implies relatively modest but low achievement in the four broad PSV components.

Figure 8.2: Component scores of Public Service Values, National Government, 2015 (%)
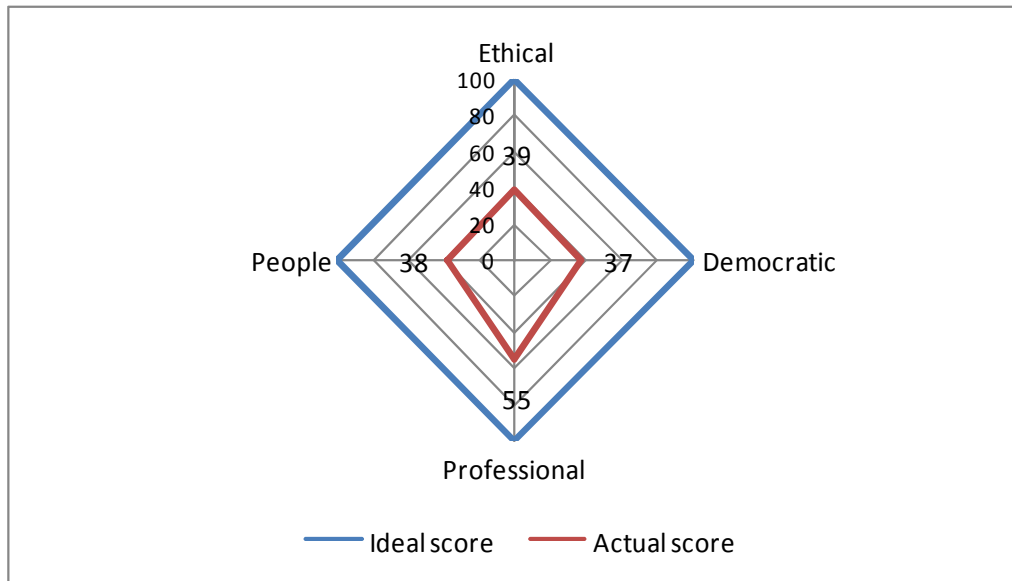
8.3   Public Service Values – County Government

The components and indicators of PSV index that relates to County Governments are summarized in Table 8.2. The slight difference from the development of the PSV index of the National Government is that the institutions referred to are specifically the County Executive and the County Assembly. However, the respondents were the same set for both levels of government.

The broad highlights are that the perceptions on all the four components of the County Government PSV index are relatively low (ranging between 30 and 43 percent). The Ethical component has an average score of 37 percent, while the Democratic component has an average score of 30 percent. The relatively low scores would suggest that the overriding perceptions of the respondents is that corruption is a problem and most public sector employees are perceived as dishonest and not accountable (low score for Ethical component). In addition, the system of checks and balances is perceived to be weak and adherence to the rule of law poor (low Democratic component score).

The other two components, Professional and People, had average scores of 43 percent and 38 percent, respectively. This resulted in an overall County Government PSV index of 37 percent. Besides the fact that these scores arise from comparative perceptions on the National and County Governments, the scores are also not comparable since the institutions referred to at the two levels of government are dissimilar. The component scores for the county government public service values are summarized in Table 8.2 and illustrated in Figure 8.2.

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Table 8.2: Public service values indices - County Government, 2015(%)

Components	Indicators	Question	Score (%)
Ethical			**37**
	Accountability	Most public sector employees (not accountable = 0 to are accountable = 100%)	44
	Honesty	Most public sector employees (are dishonest = 0, to are honest = 100%)	45
	Integrity	To what extent is corruption perceived to be a problem (100% = not a major problem, ..., 0 = pervasive) County executive – 21% County assembly – 21%	21
	Respect (dignity)	Dignity in handling the public (100% = is much better, ..., 0 = has deteriorated)	30
		Protection of rights of local communities (100% = not a problem, ..., 0 = a serious problem)	52
Democratic			**30**
	Accountability	Is there an effective system of checks and balances (100% = Yes,..., 0 = No) County executive – 31% County assembly – 29%	30
		Accountability between elections (100% = Yes,..., 0 = No) County executive – 34% County assembly – 33%	33
	Rule of Law	How would you access adherence to rule of law (100% = followed,..., 0 = never followed) County executive – 29% County assembly – 26%	27
	Transparency	Transparency of public resource use by county government	22
	Openness	Public trust in institutions (100% = is much better, ..., 0 = has deteriorated – relative to 2013)	42
	Representative ness	Public sector employment by diversity - ethnicity *[PSC Report public service compliances…]*	
	Participation		-
Professional			**43**
	Effectiveness	Absorption in the public sector (%) -	
	Efficiency	Variance of development to recurrent expenditure to guideline (1=achieved 30:70 or 0=not achieved) – data source OCOB, PSC,	
	Service	Rating of services rendered (100% = excellent, to 0 = poor) County executive – 45% County assembly – 42%	43
People			**38**
	Decency	Land grabbing incidences (0 = a serious problem,..., 100% = not a problem)	39 **1.3**
		Destruction of water catchments	39
	Fairness	Equity of public resource use (100% = is much better, ..., 0 = has deteriorated – relative to 2013)	38
	Opportunity		-
	Respect	Dignity of handling the public	39

Figure 8.3: Component scores of Public Service Values, County governments, 2015 (%)
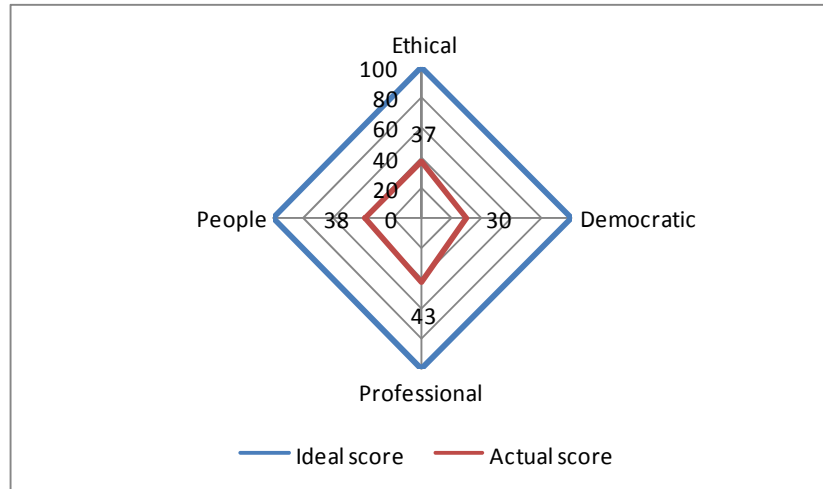
Beyond the foregoing assessment of the public service by outsiders, this study also undertook a self-assessment by public service staff. Table 8.3 summarizes the results of a self-assessment, which brings out the diverse views that can emanate from such exercises. A few things are noteworthy from the self-assessment.

The self-assessment scores are generally higher – as an example, whereas about 75 percent of public sector workers perceive that "most of their employees" are accountable, only 44 percent of recipients of public services think so. Despite the relatively higher scores, there are a few weak areas that need to be flagged out.

Although 83 percent of public officers agree there is fairness in decision making, a large proportion (about 44%) suggests nepotism is rampant. This may undermine the values and principles of fair competition and merit, representativeness, and adequate and equal opportunities for appointment, training and advancement. It may also act as a demotivator. This is definitely an area requiring improvements.

In addition, only 46 percent of public officers knew of any scheme to award officers for outstanding performance in relation to NV&PG. This would suggest that the pursuit of excellence in relation to PSV does not seem to be extensively rooted in the Kenyan context.

Another relatively low score for self-assessment results was on accountability. Public officers were asked to respond to the issue whether "corruption is a significant problem" or otherwise. A large proportion (about 53%) thought corruption is indeed a significant problem or a pervasive problem.

Table 8.3: Public service values - self assessment indicators and related questions and/or data sources, 2015

Indicators	Question	Score (%)
Ethical		
Accountability	Most of our employees (100%=are accountable, …, not accountable)	75
	Exploit offices for private gain without consequences (100%=disagree, …, 0 = agree)	76
	Exploit offices for private gain without consequences (100%=disagree, …, 0 = agree)	80
	Effective system of checks and balances (100% = Yes; 0 = No)	97
	Accountability between elections (100% = Yes; 0 = No)	88
Honesty	Most of our employees (100%=are honest, …, are dishonest)	76
Integrity	Integrity in your organization (is much better, …, has deteriorated)	66
	Not using office for private gain	88
	Payment of bribes (agree, disagree)	75
	Corruption exists	75
	Corruption a problem (1=not a problem,…, 0=pervasive)	47
Respect (dignity)	Value of respect (strongly agree, … , disagree)	90
Commitment	Your institutions commitment	96
Democratic		
Accountability	Managers held accountable (Yes,…,No)	93
Rule of law	Bound by National Values in decisions (agree,…, disagree)	95
	Complies with relevant legislations	*80*
	Your organization (follows the rule of law,…,never followed)	79
Participation	Supports participation of the people (agree… disagree)	97
	Adequate participation by the people (agree…disagree)	87
Openness	Trustworthiness (strongly agree, … , disagree)	92
	Open portal and website (yes,…, No)	80
	Open access to data and information (agree,…, disagree)	90
Professional		
Service	Diligent (strongly agree, …, disagree)	91
	Your organization's service rating(excellent,…,poor)	76
Excellence	Awards on National Values (Yes No)	46
Leadership	Sensitization and training	62
	Initiatives on awareness	73
People		
Fairness	Fairness (strongly agree, … , disagree)	83
	Nepotism is rampant (disagree=100%, …, strongly agree=0)	56
	There is excessive patronage	64
Courage	There is moral courage and assertiveness (strongly agree, …, disagree)	87

Chapter 9: Conclusion and Policy Suggestions

The baseline study had set to assess the status of National Values and Principles of Governance (NV&PG) in Kenya. The analysis covered the following objectives: Assessment of the levels of awareness of NV&PG and prioritization; compliance of actors with legal provisions; enforcement mechanism(s); evaluation of the impact(s) of the 2013 *Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance*; and measurement of NV&PG. Besides developing an index for National Values the report also measured Public Service Values.

9.1   Key Findings and Conclusions

9.1.1   Value Formation, Awareness and Prioritization

Value formation begins in the family and is built upon by environmental factors in the home, at school and at the work place. The role models in the society have massive influence on values an individual acquires in life. Individuals aged below 18 years mainly acquire their values from home and school. Only 12 percent of the respondents acquired their values through interaction with public officers. One of the channels that has been influential in creating awareness on matters of values and National Values is the mass media. Although respondents expressed fears as to the content of the media (such as violence and lawlessness), they highlighted positive values in mass media, which are equally significant.

On awareness, only 38 percent of the respondents were aware of the NV&PG. About 79 percent of those aware subscribed to the National Values – which is unsurprising since they are a subset of the larger set of values an individual can subscribe to. In a related vein, knowledge of National Values was generally low at 59 percent. There were wide variations across groups and some of the groups that exhibited less knowledge were: the less educated, and those working within the informal sector. There is need to establish more effective methods of imparting knowledge on National Values.

Only 40 percent of individuals interviewed said they were "satisfied with how people embrace the values they come across in the society they live in." The greatest dissatisfaction is noted among those who have attained higher education. Both the public and private sector employees are equally unhappy with the value system in the society compared to the informal sector. The overall implication is that there is room for putting in place mechanisms to instill proper value systems in the society. it emerged that National Values are not just important for the public sector, but also the homes and learning institutions.

Although the concepts of "values" and "national values" may not be clear to nearly one quarter of Kenyans, nearly all could be related to specific value concepts such as honesty or patriotism. At individual level, patriotism was isolated as the foremost priority value and was identified by nearly 26 percent of the respondents. It was followed by national unity (17.0%) and honesty (10.5%). The focus should therefore be

on ensuring that citizens align their national values based on Chapter Six of the Constitution and Article 10(2).

The factors associated with low levels of awareness of National Values and Principles of Governance include: low access to information, weak enforcement mechanisms, unclear linkage of national values, to individual MDAs' core mandates.

9.1.2 Compliance with NV&PG

Compliance with National Values and Principles of Governance seems to be stifled by a combination of factors. Fundamentally, lack of awareness of National Values stifles compliance. In addition, enforcement of existing regulations and laws is weak, and there is hardly any penalty for transgressing the laws. This, combined with no ongoing system of incentivestoreward National Values champions, has compromised compliance.

The role of some institutions can be harnessed to revamp compliance. This may include the elders and the faith-based institutions. Awards, including the National Awards and private sector awards, can be used more effectively to motivate compliance with NV&PG.One of the possible strategies is to be able to link some of the awards to National Values. Penalties should be introduced for individuals who do not live up to the tenets espoused by the NV&PG.

9.1.3 Enforcement mechanisms

For NV&PG to be properly entrenched in the country, they have to be enforced. Conformity to values depends on the kind of enforcement mechanisms and sanctions imposed to those who violate the said values. Unless behaviour is monitored and sanctions are imposed for failure to conform to laid down values that promote the collective good of a community, the desired behaviour is unlikely to occur. In most traditional African communities, violators of laid down norms and value systems suffered loss of prestige and were shunned by other community members. Others were subjected to ridicule, fines, among other sanctions.

In contrast, those who did conform to lay down norms and values did enjoy the expected co-operation from other community members, maintained good prestige in the group and received positive rewards such as praise from within the community. There are numerous institutions charged with the responsibilities of controlling public service ethics in Kenya, including: Executive, Parliament, National Police Service, Independent Police Oversight Authority, Ethics and Anti- Corruption Commission, Efficiency Monitoring Unit, Auditor General, Controller of Budget, Ombudsman and the Judiciary. These institutions need to ensure effective enforcement of values and principles of governance in the country.

9.1.4 President's reports

Overall, there was very low awareness of the President's Reports on NV&PG progress estimated at 33 percent. Awareness was also low on the measures taken to champion NV&PG. This situation is, however, the product of multiple problems, such as the

weak targeting of civic education on the Constitution and related legislation in general. Interestingly, awareness of the impacts of measures to instill NV&PG was greater for all categories of respondents interviewed.

The 2013 and 2014/15President's *Report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance* lacked an adequate focus on issues that relate directly to NV&PG, the coverage being more on all the interventions of all MDAs. Additionally, the presentation of the reports does not make them accessible to the common citizen, who rarely, if ever, reads the Kenya Gazette. There has been hitherto little initiative to publicize the report.

9.1.5 National Values Index and Public Service Values Indices

With respect to measurement of NV&PG, this report developed an index for National Values and Principles of Governance (referred to as National Values Index) as well as a separate index measuring Public Service Values.

The National Values Index was estimated at 57 percent relative to an ideal score of 100 percent. Its five components scores were: the National Identity sub-index at 73 percent; the Devolution and Sharing of Power sub-index at 37.7 percent; the Protection of the Bill of Rights sub-index at 70.7 percent; the Governance sub-index at 56.6 percent; and the Sustainable Development sub-index at 41.5 percent.

The Devolution and Sharing of Power sub-index had the lowest score among the five components. One of its indicators was the perception on the extent to which public goods (such as public schools and public health facilities) and services were equitably distributed. The relatively low score is indicative of widespread perceptions of inequity in the distribution of national resources across the populace.

Public Service Values indices were estimated for the national and county governments. The national Public Service Values index score was estimated at 42 percent relative to a possible score of 100 percent. Its four components had scores of: Ethical component (39%), Democratic component (37%), Professional component (55%), and People component (38%). In a similar vein, the County Governments' scores on all the four components of the public service values index were also relatively low. The County governments' Ethical and Democratic components had scores of 37 percent and 30 percent, respectively. The Professional and People components had average scores of 43 percent and 38 percent, respectively. The relatively low scores for both tiers of government indicate that the governments are way off the ideal scores of 100 percent for each of the identified indicators and components of Public Service Values.

9.2   Policy Suggestions

Enhance awareness and prioritization of National Values and Principles of Governance

i)   Deepen inclusion and delivery of national values in school curriculum starting from pre-primary to tertiary level. Nurturing of National Values and Principles of Governance should be included as part of the university's mandate.

ii)   Create more awareness about the roles of family, individual households, community elders, religious institutions, learning institutions and media in formation of national values. Institutionalize the role of change agents for national values including role models, community elders, and passage of rites.

iii)   Design and implement a comprehensive and targeted civic education programme across all counties through public meetings or *barazas*, radio, social media, information communication technology, flyers, community-based organizations, NGOs.

iv)   In addition, strengthen wide stakeholder networks for implementing civic education. Networks may include institutions such as: the civil societies, church and schools.

v)   Identify and award champions for NV&PG at all administrative levels such as cabinet secretaries, directors and chiefs to enhance awareness.

vi)   Brand the National Values and Principles of Governance awareness programme and ensure the Annual President's Speech on State of the Nation is a process preceded by a one week campaign across all counties and sectors towards promoting NV&PG.

vii)   Develop, institutionalize and mainstream National Values Standards for Kenya in all formal and informal private and public sector institutions' frameworks, includinglegislation, policies, strategic plans, budgetsand accompanying M&E frameworks

Ensure compliance of actors to legal provisions

i)   Legislate NV&PV standards and punish those who violate national values and ensure appropriate feedback mechanisms
ii)   Strictly enforce the rule of law such as the two thirds (2/3) gender rule
iii)   Strengthen the capacity of the actors through training
iv)   Harness the role of institutions such as elders and the faith-based institutions
v)   Introduce and or use awards and penalties more effectively, including the National Awards and private sector awards, to motivate compliance with NV&PG

Strengthen enforcement mechanism(s)

i)   Introduce rewards and sanctions for those who violate the NV&PG

ii)   Curb corruption, by strengthening public financial management

Develop and institutionalize monitoring and impact evaluation mechanisms

i)   Ensure adequate funding for training, enforcement, monitoring of NV&PG and evaluation of effectiveness of various interventions
ii)   Continuous monitoring and evaluation of programmes that promote national values at national, county and sub-county levels

President's Reports

(i)   Strengthen targeting mechanism of civic education to raise awareness of the report, the Constitution and related legislation
(ii)   Focus subsequent reports on issues that relate directly to National Values and Principles of Governance rather than on all the interventions of all MDAs
(iii)   Besides the Kenya Gazette, there should be an attempt to produce and circulate widely a popular version of the report
(iv)   Publicise the report prior to its reading by the President before Parliament.

National Values Index and Public Service Values Indices

(i)   Monitor progress on NV&PG by continually computing the National Values Index and the Public Service Values Indices
(ii)   Identify and address indicators/components of the indices with particularly low scores. The relatively lower score on the Devolution and Sharing of Power sub-index in the 2015 National Values indexneeds to be addressed in order to deal with equity issues.
(iii)   Public Service Values indices suggest the need to promote all the four components of public service; that is Ethical, Democratic, Professional, and People components.

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Annex Box A-1: Core functions of the Directorate of National Cohesion and National Values

Core functions

i. Providing strategic leadership and policy direction on matters of national cohesion and National Values;

ii. Formulating and developing short term and long term policies, strategies and plans for the achievement of national cohesion and reconciliation;

iii. Preparing and compiling annual report on all measures taken and progress achieved in the realization of National Values stated in Article 10 of the Constitution of Kenya, 2010;

iv. Developing short term and long term policies, strategies and plans for the promotion of National Values in liaison with stakeholders;

v. Coordinating the implementation of policies, strategies and plans for the promotion of National Values;

vi. Formulating, coordinating and implementing programmes for the promotion of national cohesion and reconciliation in liaison with other stakeholders ;

vii. Coordinating and implementing policies, strategies and plans for the achievement of national cohesion and reconciliation;

viii. Liaising with other Ministries, Departments and Agencies (MDAs) in mainstreaming national cohesion and reconciliation within the public service;

ix. Promoting national unity, social justice and national interests;

x. Creating networks and a database of national cohesion stakeholders and actors;

xi. Advocacy, public education and sensitization on national cohesion, reconciliation and National Values;

xii. Conducting research on national cohesion, reconciliation and National Values;

xiii. Conducting periodic baseline surveys on the status of national cohesion and National Values in the country;

xiv. Establishing the necessary legal, institutional and policy frameworks for the promotion of national cohesion, reconciliation and National Values;

xv. Undertaking monitoring and evaluation of national cohesion, reconciliation and National Values programmes and their impact in the country and taking corrective measures;

xvi. Preserving and institutionalizing cohesion and National Values memory through establishment of research and memorialization centres;

xvii. Developing guidelines for training in cohesion, reconciliation and National Values to ensure technical competence and knowledge among stakeholders;

xviii. Spearheading the identification and recognition of cohesion champions;

xix. Sourcing and mobilizing resources for the promotion of national cohesion, national unity and National Values; and

xx. Lobbying for media support in the promotion of national cohesion and National Values.

Annex Table 1: A review of National Values and Principles of Governance analysis

Kenya, Akech M. (2011), Abuse of Power and Corruption in Kenya: Will the New Constitution Enhance Government Accountability?	
Values Issue addressed	Abuse of Power and Corruption
Values component	Government accountability, abuse of power, democracy, governmental power, principles on leadership and integrity
Indicators	- Existence of effective regulatory principles and mechanisms. - Programs for promoting principles of good governance - Level of implementation of regulatory principles and mechanisms in institutions - Implementation of laws on corruption - Level of accountability in government institutions - Level of citizen participation in government projects - Level of abuse of power by administrative officers - Transparency and procedural fairness - Implementation of principles on leadership and integrity
Methodology	Secondary literature reviews and desktop research
Value Measures	Corruption, integrity, accountability, democracy, justice
Key Findings	Poor implementation of laws on corruption, abuse of power by the executive , legislature and the judiciary, inadequate citizen participation, poor implementation of principles on leadership and integrity. Poor government accountability
Bangladesh: Anowar S. M. (2010),Impact of Good Governance on Development in Bangladesh	
Values Issue addressed	The impact of good governance on development. Accountability, transparent decision-making process. Corruption
Values component	Good governance framework, public sector management, rule of law, transparency and information, accountability and financial management, citizenparticipation, rule of law, and consensus orientation
Indicators	Political accountability, cultural values, effective administration gender equality Promoting policy process that foster participation Substantial funding and technical assistance for governance reforms and capacitybuilding Accountability, citizenparticipation, rule of law, consensus oriented decision-making , respect for human rights, judicial independence, transparency, freedom of information, administrative competence , administrative neutrality Present situation of good governance Transparency in decision making, voice and accountability, political stability and absence of violence, government effectiveness, Regulatory quality, control of corruption

Methodology	Factor analysis and descriptive statistics
Value Measures	Transparency, policy formulation, accountability, human rights
Key Findings	The indicators showed lowest ranking of Bangladesh. There is poor institutional governance coupled with low transparency, poor access to and control of information, weak policy formulation and implementation, inadequate capacity and skills, unclear lines of accountability, centralized power and discriminative culture against women
China. Joseph Chan and Elaine Chan (2006), "Charting the State of Social Cohesion in Hong Kong". *The China Quarterly*, No. 187 (Sept., 2006), pp. 635-658	
Social-economic Issue addressed	Social Solidarity
Social component	Social solidarity and networks. Social solidarity encompasses both individual attitudes and structural arrangements; it includes the sense of belonging to a community, equality of opportunity in a market society, recognition of pluralistic values, and the existence of public and private intermediary organizations that bridge different social sectors Networks chiefly concern social interaction and involvement
Indicators	Survey data is used on: General trust, willingness to help, sense of belonging to and political institutions
Methodology	Two-stage, door-to-door survey based on a stratified random sample of the entire territory
Social Solidarity Measures	Ranking is done at the country level
Key Findings	Findings suggest that Hong Kong presents a mixed picture with regard to social cohesion. While the people of Hong Kong feel quite positive about fellow members of society and usually have a respectable sense of belonging to society, such positive sentiments are to some degree offset by the inertia in social engagement. The opposite seems to be true of vertical cohesion. The lack of confidence in the government is accompanied by a relatively high degree of conventional political participation. What holds the society of Hong Kong together is an elusive sense of belonging and identity
Nicola Dempsey (2007), Are Good-quality Environments Socially Cohesive? Measuring Quality and Cohesion in Urban Neighborhoods	
Values Issue addressed	How the urban form and features of the built environment influence social cohesion in local neighborhoods
Values Components	High residential density, mixed land uses, accessibility,connectedness and permeability, legibility, attractiveness, inclusiveness, maintenance, natural surveillance, character, and perceived quality of the neighborhood
Indicators	A combination of objective and subjective indicators was used where

	subjectivity was required to (for example) define the character of a neighborhood, the opinions of the residents were sought, rather than the researcher making an assessment of a place about which she may have very little knowledge
Methodology	Probabilistic approach was required to allow for the possibility of a range of factors (not simply the built environment) having an influence on social cohesion. A large-scale cross sectional investigation was conducted, employing quantitative and qualitative research methods
SCI (Value)	Six neighbourhoods were selected in two English cities, Oxford and Sheffield
Key Findings	The findings show a number of significant relationships between features of quality and dimensions of social cohesion, particularly those that are reliant on residents' perceptions of where they live. This suggests a real need for neighbourhood renewal, urban planning and design policy and practice to focus on increasing residents' satisfaction with, and perceptions of, their neighbourhood, alongside improvements to the physical environment
Kenya, Waweru N. M. (2014), Determinants of Quality Corporate Governance in Sub-Saharan Africa: Evidence from Kenya and South Africa	
Values Issue addressed	Quality of corporate governance
Values component	Good corporate governance practices, role of good corporate governance in corporate performance, firm size, leverage, investment opportunities and audit quality
Indicators	Performance of the firm, firm size, leverage, investment opportunities and quality of audit
Methodology	Content analysis and multiple regression analysis
Value Measures	Improvements in corporate governance practices, minimization corporate failure and protect the well-being of the minority shareholders Furthermore, the study contributes to the understanding of the variables affecting the quality of corporate governance in developing economies of Africa
Key Findings	Audit quality and firm performance as the main factors influencing the quality of corporate governance in Kenya and South Africa. There are also differences in the quality of corporate governance between the two countries
United States. Arjoon S. (2006), Striking a Balance between Rules and Principles-Based Approaches for Effective Governance: A Risks-Based Approach	
Values Issue addressed	Rules and Principles-Based Approaches for Effective Governance,
Values component	Effective corporate governance, culture of trust, intellectual honesty, abuse of high corporate offices, insider trading, ethics and corporate governance
Indicators	Elements of good corporate governance, compliance to rules, obstruction of justice, challenges to effective corporate governance,

	challenges to maintaining intellectual honesty, existence of transparency strategies and their implementation, existence and implementation of laws and regulations, management responsibilities in maintaining ethical governance, existence of effective compliance and programmes
Methodology	Review of secondary literature and content analysis
Value Measures	Ethics, integrity, justice, law and order, criminal activity, perjury
Key Findings	Trust-based principles such as solidarity, subsidiarity and covenantal relationships can help in addressing risk factors to effective corporate governance Rules and regulations are necessary for fair conduct of business in a society Ethical failures are responsible for major business scandals There are insufficient rules and regulations for effective corporate governance Principle based approaches provide sufficient conditions to have effectivecorporate governance programme to install compliance and ethical behaviour
Canada. ShipleyG. R. and Kovacs J. F. (2008), Good Governance Principles for the Cultural Heritage Sector: Lessons from International Experience	
Values Issue addressed	Principles of good governance
Values component	Cultural heritage, corporate ethics, good citizenship, importance of cultural heritage in economic development, political and social culture, heritageconservation practice openness in fund raising, good financial accountability and fairness in its employee performance evaluation, conflict of interest
Indicators	Legitimacy, voice, direction, performance, citizen participation, accountability and fairness, conflict of interest
Methodology	Secondary literature review and content analysis
Value Measures	Accountability and fairness, performance
Key Findings	A set of good governance criteria and principles including legitimacy and voice, direction, performance, accountability, and fairness, is developed The set of principles of good governance is recommended for use in creating new cultural heritage organizations or setting up the administration, in monitoring the activities of existing bodies and the management of current cultural sites and in evaluating the performance of all cultural heritage. Within the interplay of governance issues, the various principles need to be carefully balanced. Information and new knowledge derived from the study of heritage matters needs to be shared and that the traditions of all people in any given area should be respected

Nigeria. Okechukwu N. D.and Ogochukwu I. J. (2014), Good Governance and National Values: Where Does Nigeria Stand At 53?	
Values Issue addressed	Good governance and national values, cultural, social, political and individualpatriotism, loyalty, honesty, lack of dedication to duty
Values component	Epileptic social service, exam malpractice, ethno religious conflict, hostage taking and unequal allocation of funds, self- reliance and respect for national symbols
Indicators	Equitable and inclusive, participatory, rule of law, effective and efficient, accountable loyalty, honesty, political instability
Methodology	Review of secondary data and content analysis and Path-Goal-Theory Leadership
Key Findings	Government should revive national values and build on Nigerian concept to have a united plural society Good governance depends on the socio-economic, political and culture of individuals and collective national value system; this has virtually affected all spheres of Nigerian society negatively
Demmke C. and Moilanen S. T. (2011), Effectiveness of Good Governance and Ethicsin Central Administration: Evaluating Reform Outcomes in the Context of the Financial Crisis	
Values Issue addressed	Good governance and ethics
Values component	Ethicscodes, ethical standards, rule of law
Indicators	Gift taking, political patronage, transparency and accountability. Ethics policies, rules and standards, codes of ethics, accountability mechanisms, ethics bureaucracy
Methodology	Case studies, comparative and empirical approach
Key Findings	More rules are needed in a given political, economic, legal and institutional context characterized by low levels of public trust Deregulation of ethics rules seems to be politically impossible and also seemsto be lacking support of the general public Ethics policies are mostly scandal-driven. They emerge, flourish, are reformed and expanded as a result of scandals and media attention. Hence, some issues such as corruption and fraud attract a lot of media and political interest, whereas others are not discussed publicly to the same extent (e.g., mobbing and disrespect for core values) Leadership and openness are deemed the most effective instruments, followed closely by ethics legislation and ethics training in promoting good governance
USA, Kaplanet al. (2013), Human resource governance: What does governance mean for the health workforce in low and middle-income countries	
Values Issue addressed	Health workforce and governance, governance principles ethics policies and ethics instruments
Values	Strategic vision, accountability, transparency, information

component	generation, efficiency, equity/fairness, responsiveness and citizen voice and participation
Indicators	Participation, transparency, accountability, equity. Responsiveness, Information generation, challenges to governance. Employment policies
Methodology	Qualitative analysis, secondary literature reviews andrapid indicator-based methodology
Key Findings	Challenges facing the health workforce requires strengthening health governance as well as human resource systems in order to effect change in the health system Challenges in strategic plan implementation in health workforce governanceare due to limited financial and human capacity; weak endorsement of the vision at the leadership level; and poor coordination between the public and private sectors and donors
Any Other issues	Further research into the effectiveness of specific interventions that enhance the link between the health workforce and governance are warranted to determine approaches to strengthening the health system