

# Report on the Status of National Values and Principles of Governance in Kenya, 2015

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**KENYA INSTITUTE FOR PUBLIC POLICY  
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(KIPPRA)**



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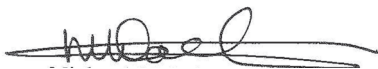
## **Acknowledgements**

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Finally, while every effort has been made to verify the contents of this Report at the time of writing, the authors take responsibility for the accuracy of the views expressed and the evidence presented.



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SECRETARY, NATIONAL COHESION AND VALUES

## **THE STATUS OF NATIONAL VALUES AND PRINCIPLES OF GOVERNANCE IN KENYA, 2015**

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 Kenyan 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 (SDGs).

To enhance the promotion of NV&PG, the Government developed Sessional Paper No. 8 of 2013, which was operationalized in 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 functions of the President of Kenya listed in Article 132, is reporting on all measures taken and progress achieved in the realization of the NV&PG. Consequently, the President has to date delivered reports for the years 2014, 2015 and 2016.

For the effective and efficient realization of the NV&PG, the Government committed in the President's report on Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance for 2013, released on 27th March 2014, to conduct a baseline survey on NV&PG. Thus, in the 2014/15 performance contracting year, the Cabinet Secretary, Ministry of Interior and Coordination of National Government, through the Directorate of National Cohesion and Values, committed to conduct a baseline survey on NV&PG. This is an abridged version of the survey report commissioned by the Ministry, and undertaken by the Kenya Institute for Public Policy Research and Analysis (KIPPRA).

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 instruments of data collection. A 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 (KNBS) provided the sample design. Additionally, the study obtained information through focus groups discussions (FGDs), key informant

interviews (KIIs), and regional consultations.

The baseline report covered the following areas: (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; and (v) The national values and principles of governance index.

## **i) Awareness of National Values and Principles of Governance**

The Constitution and various laws and policies mandate the conduct of civic education and facilitation of citizen participation, which are important channels for creating awareness about Government policies, laws and strategies in general, and NV&PG in particular. The baseline study findings indicate that awareness of NV&PG stands at 59 per cent, compared to awareness of values in general, which stands at 75 per cent. Females were more aware than males, and awareness declined with age, but rose with education. It was greater in the private compared to informal sector. This relatively modest NV&PG awareness status may be attributed to weak civic education, and similarly weak compliance and enforcement mechanisms.

Awareness of the President's report, and measures to realize NV&PG stood at 48 per cent. It was greatest in the National Government (65%) and lowest in the informal sector (25%). However, the respondents who were aware of NV&PG reported relatively high achievements among the measures taken towards the realization of the same. For NV&PG to be properly entrenched in the country, there is need for their effective communication to citizens for awareness creation, and their subsequent enforcement.

## **ii) Compliance of National Values and Principles of Governance**

The Constitution obliges all State organs, State officers, public officers and all persons (including those in the non-government sectors) to abide by the NV&PG, whenever they interpret the Constitution, legislation, and make or implement policies. Further, the Constitution mandates the President and the Public Service Commission (PSC) to report on the status of NV&PG.

The survey found that only 47 per cent of the staff in all public and private institutions had been sensitized and trained on NV&PG on a regular basis by 2015. The share of such trained and sensitized staff was greater in the public sector (59%) than private (formal and informal) sector (44%).

Among the NV&PG is patriotism; a national value that implies love for, and loyalty and devotion to one's country. It can be inculcated in individuals directly, or indirectly, such as through good governance that promotes human rights and non-discrimination. When these latter principles are lacking, patriotism tends to wane. The NV&PG Survey 2015 found that 81 per cent of Kenyans consider themselves 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.

Compliance with the equity principle usually fosters national unity and patriotism. Asked to compare equity in public resource use by the National Government in 2013 versus 2015, on aggregate about 39 per cent of the NV&PG respondents thought the situation was much better. Among National and County government respondents, the respective shares adjudging the situation much better were 42 per cent and 47 per cent. However, 42 per cent of informal sector respondents adjudged the situation to have deteriorated.

The overall findings from the baseline survey were that the rule of law is generally followed, 'but there were major gaps.' These perceptions were indicative of the need for improvement with respect to compliance with the principles/values on the rule of law across public sector institutions. Among the four national level institutions listed, the Judiciary had the highest score (47%), while the National Executive scored about 46 per cent. Both Parliament (including the Senate and National Assembly) and the National Police Service (NPS) had scores of 30 per cent. 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,

showing that the perception of most respondents is that there is either low adherence to the rule of law, or major gaps in adherence.

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 per cent, suggesting relatively low perceptions on accountability over administrative acts. Among the respondents, 71 per cent and 69 per cent found there were no such checks and balances in the County Assemblies and County Executive, respectively. On compliance with integrity issues, over 80 per cent found corruption to be 'a significant problem... pervasive' in the NPS and in the County Assemblies and Executive. A majority of respondents reported deterioration in NV&PG, like Transparency at the National and County government levels (69% and 78%, respectively), and openness (58%). Among the various arms of government, less than 40 per cent of respondents perceived the existence of ensuring accountability to the electorate.

Nepotism (68%) and patronage (72%) were seen to be rampant in County governments. However, 83 per cent of respondents' perceived great efforts to embrace ethnically diverse workforces, with the private sector (87%) leading the National Government (79%). The National Executive was perceived to render the best services ('good or excellent') by 59 per cent of respondents, in contrast to County Assemblies (20%) and County Executives (25%).

## **Challenges Impacting on Compliance**

Some of the challenges relating to compliance were:

***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.

***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, the survey pointed out that the Leadership and Integrity Act is weak and prone to manipulation.

***Inadequate participation of the people:*** There are gaps in the Government efforts to effect public participation in policy making that is deeply entrenched in the Constitution, which is in itself, a compliance failure. However, the failure to effect participation also undermines the citizens' knowledge of how the National and County governments should, and actually, operate, which would enhance their opportunities for complying with governance provisions.

***Weak management of diversity:*** While the goal of affirmative action is to increase the participation of marginalized groups in decision making, there are gaps of policy and practice. In many counties in Kenya, women and persons with disability (PWDs) 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, opportunities and historical injustices.

There were also instances where the conduct of National and County governments impeded awareness; hence compliance with national values, including: lack of political goodwill, insufficient budgetary allocation for awareness campaigns, and lack of cooperation/harmony across the governments.

### **iii) Enforcement of National Values and Principles of Governance**

The Constitution obliges all individuals and all public and private institutions to observe the NV&PG and related public service ethics in Kenya. Consequently, the enforcement frameworks are in various policies and laws, creating bodies to monitor the NV&PG. Such laws include: the Leadership and Integrity Act, Commission on Administrative Justice Act, Ethics and Anti-Corruption Act, Public Procurement and Asset Disposal Act, amongst many others. Among the key institutions responsible for enforcement are: Parliament, the Executive, NPS, Independent Police Oversight Authority (IPOA), Ethics and Anti-Corruption Commission (EACC), Efficiency Monitoring Unit,



Auditor General (AG), Controller of Budget (COB), Ombudsman, and Judiciary. The survey identified the following key challenges in enforcement of NV&PG: low awareness of the values and principles; ineffective institutions; corruption in the public sector; inadequate citizen participation in county decision-making; and inadequate provision for diversity.

#### **iv) Impact of the President's Reports on National Values and Principles of Governance**

The NV&PG study found relatively weak awareness of the President's report (32%), and similarly, weak awareness of measures taken towards the realization of the values and principles (37%). Awareness was greater among females, and grew with education, but declined with age. Some of the specific measures taken towards realizing the NV&PGs were on: creation of a national identity and exercise of sovereign power (77%), and attainment of sustainable development (76%). 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&PG not only among the public, but also 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's performance contracting. Further, the government has launched initiatives to integrate the marginalized communities, fight corruption and improve national security.

#### **v) National Values and Principles of Governance Indices**

The National Values Index comprises of five sub-indices, and was estimated at 57 per cent in 2015. The sub-indices were adopted from the 5 key thematic areas contained in the annual report on Measures Taken and Progress Achieved in the Realization of NV&PG. The scores of the national and county level sub-indices must be read in conjunction with the respective sub-categories and indicators, provided in the main report. The sub-indices and respective scores are: 73 per cent for patriotism and national unity, with a range from Elgeyo Marakwet County (60%) to Embu County's 80 per cent; and 38 per cent for sharing and devolution, ranging from Isiolo's 23 per cent

to Laikipia's 71 per cent. Others are: 71 per cent for protection of the bill of rights, with Garissa at 46 per cent compared to Kericho's 95 per cent (lead score). Governance was at 57 per cent, with Kericho leading (83%), while Turkana trailed (28%). Sustainable development was at 42 per cent, ranging from Nairobi's 93 per cent to Wajir's 16 per cent. The relatively low scores for the sharing and devolution and sustainable development sub-indices suggest that individuals perceive inequity to be high across counties.

The study also estimated a four-component NV&PG in the public service indices for the National and County governments. For the National government, the NV&PG in public service index score was estimated at 42 per cent, meaning that the components have relatively low scores. The ethical component is 39 per cent, democratic (37%), professional (55%), and people component is 38 per cent.

The County governments' scores on all the four components of the NV&PG in public service index are also relatively low, with the ethical component averaging 37 per cent, while the democratic component averaged 30 per cent. The professional and people components averaged 43 per cent and 38 per cent, respectively.

## **Policy Suggestions**

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 curricula, starting from pre-primary to tertiary level, and nurture NV&PG by integrating them in the mandate of tertiary education institutions and universities.
- ii) Create more awareness about the role of 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; and targeting role models, community elders and mentors.
- iii) Design and implement comprehensive and targeted civic education programmes on NV&PG across all counties through:

barazas, radio, social media, information communication and technology, flyers, community-based organizations (CBOs), non-government organizations (NGOs), faith based organizations (FBOs), amongst other feasible approaches. Also pay special attention to the formal private sector, the informal sector, and self-provisioning agriculture, which together, dominate employment. These initiatives should also target trade unions, youth and women groups, cooperative societies, and councils of elders, amongst other such groupings.

- 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. Also, identify champions for the non-government sector.
- v) Develop and brand an NV&PG awareness programme. The annual President's speech on State of the Nation should be a culmination of the period of campaign activities across all counties and sectors promoting NV&PG. Also, 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, and budgets; and establish monitoring and evaluation frameworks for the same.

### **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

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

### **Strengthen enforcement mechanism(s)**

- i) Introduce rewards for exemplary NV&PG conduct, and sanctions for those who violate the same
- ii) Curb corruption by strengthening public financial management frameworks, while enhancing the use of other related provisions, such as over procurement

### **Develop and institutionalize monitoring and impact evaluation mechanisms**

- i) Ensure adequate funding for training, enforcing and monitoring of NV&PG; and evaluation of effectiveness of various interventions
- ii) Undertake 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 President's report, the Constitution, and related policies and legislation
- (ii) Focus subsequent reports on issues that relate directly to NV&PG,

that is nationhood, rather than all interventions of MDAs

- (iii) Besides the Kenya Gazette, there should be an attempt to produce and circulate widely a popular version of the report
  
- (iv) Publicize the existence of the report prior to its being read before Parliament by the President

### **National values index and public service values indices**

- (i) Monitor progress of NV&PG by regularly computing the national values index and the NV&PG in public service indices
- (ii) Identify and focus initiatives to improve the performance of 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 Index means that urgent attention is necessary to deal with equity issues
- (iii) The NV&PG in public service indices suggest the need to promote all the four components of public service; that is, ethical, democratic, professional, and people component

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