

**PUBLIC SERVICE ETHICS IN AFRICA:  
REPORT OF THE DISSEMINATION WORKSHOP ON KENYA**

**HELD ON 29<sup>TH</sup> AUGUST 2002  
NAIROBI, KENYA**

**BY**

**DR. PETER WANYANDE AND DR. C. ODHIAMBO MBAI**

**NATIONAL CONSULTANTS**

## **BACKGROUND**

The study on *Public Service Ethics in Africa* was conducted in 10 countries in Sub-Saharan Africa in 1999 and 2000. The countries were Cameroon, Gabon, Ghana, Kenya, Madagascar, Namibia, Nigeria, Senegal, South Africa and Uganda. The project was implemented by the United Nations Department of Economic and Social Affairs in cooperation with the United Nations Development Programme, Regional Bureau for Africa.

## **OBJECTIVES OF THE STUDY**

The main objectives of the study were to document current public service ethics legislation, policies and practices in Africa. This information is intended to:

- Assist African government and non government actors to introduce or improve public sector ethics policies and programmes;
- Support international organizations such as the UN and UNDP and other development partners in determining priorities, drafting recommendations and making funding decisions;
- Be produced in a set of reports and set up in an electronic database, which could be updated and available to public administration scholars and practitioners through designated websites;
- Serve as a pilot study to be enlarged by the inclusion of other countries in the region, and
- Provide a basis for ‘benchmarks’ of best practices against which individual countries can make improvements.

## **SUMMARY OF THE FINDINGS OF THE KENYAN STUDY**

The United Nations Department of Economic and Social Affairs published reports of the findings from the participating countries in *Public Service Ethics In Africa* in two volumes. This present report provides a summary of the dissemination workshop on the Kenyan study, including the reactions and recommendations from the participants and the Government of Kenya. The highlights of the workshop were as follows:

- Public service ethics in Kenya are governed by a number of instruments. These include the Code of Regulations for Civil Servants, Public Service Commission Act cap 185, the Penal Code cap 63, the Prevention of Corruption Act cap 65, Financial Regulations, the Exchequer and Audit Act cap 412, the Presidential and Parliamentary Elections Act and Professional Associations / Complaints Committees.
  
- Besides the above-mentioned instruments, there are also other watchdog institutions that also regulate public service ethics. These are the Office of the Controller and Auditor General, the Public Accounts Committee and the Public Investment Committee, Inspector of State Corporation and the Kenya Police Anti Corruption Unit.

It was observed during the dissemination workshop that despite the existence of the above instruments and institutions, the level of public service ethics in Kenya is still very low. There was unanimous agreement that this is due to the following reasons:

- Outdated instruments;
  
- Inaccessibility of the instruments;
  
- Poor or lack of induction training of civil servants ;

- Failure by Government to implement recommendations made by the watchdog institutions;
- The reluctance of ordinary citizens to report wrongdoing and unethical behaviour of civil servants, due to mistrust of the police;
- A decline of professionalism in the civil service; and
- Ineffective enforcement of the Code of Regulations and other legal instruments guiding the conduct of civil servants.

## **GOVERNMENT RESPONSE**

After the presentation of the report by the consultants, the Government representative from the Directorate of Personnel Management responded. In his response, the Government representative concurred with most of the findings of the study. He observed, however, that since the study has been conducted, the Government has taken a number of initiatives to address some of the shortcomings identified by the study. The major initiatives undertaken by the Government are the following:

- The appointment of an Integrity Officer in the Office of the President to monitor the integrity of public servants;
- The launching of the Public Service Integrity Programme to create awareness of what is expected of civil servants;
- Steps to avail and disseminate the Code of Regulations to civil servants. In this regard, the Government has circulated over 5000 copies of the Code of Regulations to civil servants;
- The Government has also committed itself to improving the terms and conditions of employment for civil servants;

- The Government has also reactivated the police anti corruption unit;
- The publication and tabling of the Anti Corruption Bill in Parliament and the National Code of Conduct Bill; and
- The publication and tabling of the Economic Crimes Bill.

### **THE UGANDAN EXPERIENCE**

During the workshop, the Honourable Mr. Augustine Ruzindana, Member of Parliament and former Inspector-General of Government and former Chair of the Public Accounts Committee of Uganda shared with the participants his country's experience on public service ethics. The highlights of the presentation were the following:

- Although Uganda has had a long period of instability, Kenya and Uganda share very similar public ethics problems. However, Uganda began to address the problem of public service ethics much earlier than Kenya. In this connection, Uganda has taken the following initiatives:
  1. Established the Office of the Inspector General of Government to monitor and fight corruption; this office is independent and responsible to Parliament;
  2. Strengthened the Office of the Auditor General by increasing its independence, improving the salary structure and enabling them to hire their own staff;
  3. Formulated the Leadership Code Act to guide all senior public officials;

4. Established the Directorate of Integrity and Ethics in the Office of the President with a Minister of Integrity and Ethics; and
  5. Embarked on a vigorous civil service reform; this includes downsizing of the civil service, computerization of payroll, improvement of terms and conditions of service, updating and disseminating of code of conduct for public servants, commitment to control systems, improved record management and delegation of supervision of civil servants at the local level to local authorities.
- According to the Ugandan representative, the liberalization of the media and the involvement of NGOs are essential for the improvement of public service ethics.

## **RECOMMENDATIONS**

The workshop came up with the following recommendations:

1. Public service ethics requirements need to be effectively enforced.
2. Public service ethics documents should be made easily accessible to public servants.
3. Professionalism in the appointment and promotion of civil servants should be restored.
4. The size and structure of the civil service should be rationalized for effective management and supervision.
5. The terms and conditions of civil servants should be improved regularly in order to enhance their morale.
6. Public service ethics documents should be continuously updated.

7. The government should formulate and implement the national code for all public servants and politicians.
8. The Government should establish a complaints body e.g. an ombudsman or an anti-corruption authority.
9. All watchdog institutions e.g. the Public Accounts Committee and the Public Investment Committee should be made more effective.
10. The Government should formulate a curriculum on public service ethics that can be taught at the various levels of the education system.
11. The continuing democratization of the political system is likely to be the most effective way of improving public service ethics.