



The Constitutional threshold for Public Service & Leadership in Kenya

Staff Sensitization
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Group Members



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UoN as Leader



- * **We led in birthing of the Constitution & want to lead in implementation thro' 100 days RRI**
 - * ***We are A world-class University committed to scholarly excellence***
 - * **Breeding ground of distinguished leaders in the public and private sectors**
 - * **Critical partners in modelling values in CoK**
 - * **Check abuse of power; corruption; non-accountability in use of resources, impunity etc**
- Q: What is your role in helping UoN to achieve this?**



Leadership and Integrity



* Each one of us is a leader

- * Home/family
- * Neighbourhood
- * Community
- * Church/mosque
- * Workplace

Leadership roles

- Role modeling: setting an example
- Influence
- Decision making
-



Ethical Leadership



Leadership with integrity:

“Doing the right thing even when no one is looking”

Qualities of integrity:

- * Wholeness
- * Consistency
- * Excellence

Two perspectives of integrity:

- **Legal aspect: compliance with rules and regulations**
- **Moral aspect: informed by values, principles, having a moral compass**



Ethical Leadership



- * **Ethical leadership is about beliefs and values that leader brings to leadership encounter**
- * **It includes:**
- * **Teamwork**
- * **Community**
- * **Caring behaviour**
- * **Service**
- * **Stewardship**
- * **Excellence**



Leadership and integrity



1. Personal level

- * **Honesty and truthfulness**
- * **Loyalty; fair dealings with those close to you: spouse, children; family members; neighbours**
- * **Temperateness: self-control (anger, greed,)**
- * **Financial integrity**
 - * **Fair business dealings;**
 - * **Living within your means (keeping up with the Joneses?)**
 - * **Paying back debts (personal loans, SACCO, HELB etc)**
 - * **Declaring and paying taxes**



Ethical Leadership



2. At the workplace

- * **Faithful stewardship of resources entrusted to you, e.g. money, equipment**
- * **Trustworthiness**
- * **Punctuality**
- * **Diligence – actually working when at work**
- * **Following institutional policies/regulations;**
- * **Adhering to code of conduct**
- * **Respecting co-workers**
- * **Responsible behaviour**



- * **Being accountable (imprests; petty cash; per diems)**
- * **Service oriented**
- * **Keeping to fiscal controls e.g. budgets; procurement plans**
- * **Ensuring procedures are followed: e.g. financial standards; procurement regulations**



Ethical Leadership



- * **Being accountable for one's actions**
- * **Promote adherence to code of conduct Service oriented**
- * **Keeping to fiscal controls e.g. budgets; procurement plans**
- * **Ensuring procedures are followed: e.g. financial standards; procurement regulations**



Virtuous Leadership



* Cardinal virtues

* Justice

* **Prudence: To choose appropriate ends & adequate/proportionate means to pursue them (Vs Keeping up with Jones's)**

* **Temperance: Self control with respect to passions and desires**

* **Intemperance or "human greed" influential cause of corruption**

* **Need for sobriety in food and drink**



Virtuous Leadership (2)



- * **Fortitude: Courage to persevere through a chosen course of action despite hurdles & difficulties**
 - * Telling Truth; Owning up; Saying NO
 - * Without truth no justice
 - * Need for humility
- * **Magnanimity - greatness of heart**
 - * Think of others and how to develop them as persons
 - * Against WIIFM (what's in it for me)
 - * Servant leadership VS lording or exercise of authority over the people.



The Constitution



- * **CoK 2010 a bold step towards reforms in leadership & public service**
 - * **A new leadership code founded on ethics, national values, integrity & good governance**
- * **It recognises fact that integrity & ethics critical for good governance**
 - * **Basis of relationship between those who govern and the governed**
- * **CoK informed by huge cost of lack of integrity in governance**



The Constitution (2)



- * **Binding on all people**
- * **Governance based on essential values & moral standards:**
 - * **National values and principles of governance**
 - * **Chapter 6 a comprehensive chapter on the leadership and integrity of State officers**
- * **Public officers hold office as a trust**
 - * **Exercise authority in manner that promotes dignity of office; public confidence in integrity of the office**



- * **Article 10: National values and principles of governance**
- * **Chapter 6: Leadership and Integrity chapter**
- * **Art. 232: Values and Principles of Public Service**
- * **Public officers hold office as a trust**
 - * **Exercise authority in manner that promotes dignity of office; public confidence in integrity of the office**



The Constitution (3)



- * **Be accountable to the public for decisions and actions**
- * **Professional ethics and integrity among public officers**
 - * **Independence & impartiality in public service**
- * **The Constitution protects public officers in the performance of their function and exercise of powers in an ethical manner**
 - * **Against intimidation, victimization , discrimination**
 - * **From dismissal, removal from office, demotion in rank or disciplinary action without due process of law.**

Constitutional Standards of Ethical Public Service



- * **Constitution establishes “rule of law” as a national value & principle of governance.**
- * **Essence of rule of law ideal – people should be governed by law.**
- * **Rule of law mandates adherence to principles and procedures.**
- * **This is what lawyers mean when they talk of “fidelity to law” or the “culture of legality.”**



Standards of Ethical Public Service



- * **i.e., we should follow rules because it is the right thing to do.**
- * **But following rules also has instrumental value –**
 - * **It enhances fairness and legitimacy of administration – since following rules means we get equal treatment.**



Constitution & Rule of Law



- * **Constitution establishes principles that can facilitate attainment of rule of law, including:**
- * **(1) Right to fair administrative action.**
- * **(2) Principles directed to state organs, public officers and state officers to guide the exercise of power – including public participation, transparency & accountability.**



Constitution & Rule of Law (2)



- * **(3) public trust principle – authority assigned to a state/public officer is a public trust.**
- * **This means state/public officers are directly accountable to the public for exercise of the authority assigned to them.**
- * **It also means they owe a higher duty to the public to observe the rule of law.**
- * **They should therefore ensure RoL is respected.**



UoN & Rule of Law



- * **The University has an elaborate governance regime consisting of statutes, regulations, codes, policies, systems and practices of governance.**
- * **It is necessary to review UoN's governance regime so as to align it to the Constitution's principles, particularly those that deal with the rule of law.**



Conclusion



- * **There are plurality of values & diversity of motivations in leadership**
 - * **One's moral obligations grounded in broader conception of individuals within community & related social norms and cultural beliefs**
- * **CoK provides the standard for ethical leadership**
- * **Ethics & integrity are not variable**
 - * **Do not depend on where we are**
 - * **Are not different for public & private spheres**
- * **'Everybody is doing it' is not good enough**



Conclusion (2)



- * **Ethics not just about fiscal discipline**
- * **Ethical leadership, good governance takes all of us**
- * **It calls us to a higher order – virtue, morality, conscience etc**
- * **Call to public leadership a ministry**
 - * **Like Caesar's wife, public officers must be above reproach**