



# Leadership and Integrity

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# Introduction





# Ethical Leadership



*“The supreme quality for leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is at a football field, an army or in an office.”*

Dwight D. Eisenhower



# What does Integrity entails??



**Real integrity is doing the right thing, knowing that nobody is going to know whether you did it or not.**

*Oprah Winfrey*

**“In looking for people to hire, you look for three qualities: *integrity*, *intelligence*, and *energy*. And if they don't have the first, the other two will kill you.”**

Warren Buffet



# Leadership & Integrity



Kenya ranked **139<sup>th</sup>** out of 174 countries in corruption index

Major corruption scandals: Goldenberg, Anglo-leasing etc.

Cost of corruption: Billions of shillings

- **Political:** corruption is a major obstacle to democracy and the rule of law
- **Economic:** corruption depletes national wealth
- **Social:** corruption corrodes the social fabric of society
- **Environmental:** environmental degradation a consequence of corrupt systems



# Leadership & Integrity



**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



# What is Corruption?



- ❖ The abuse of entrusted power for private gain. It hurts everyone who depends on the integrity of people in positions of authority
- ❖ Wrongdoing on the part of an authority or powerful party through means that are illegitimate, immoral, or incompatible with ethical standards. Corruption often results from patronage as is associated with bribery.



# Corruption Prevention

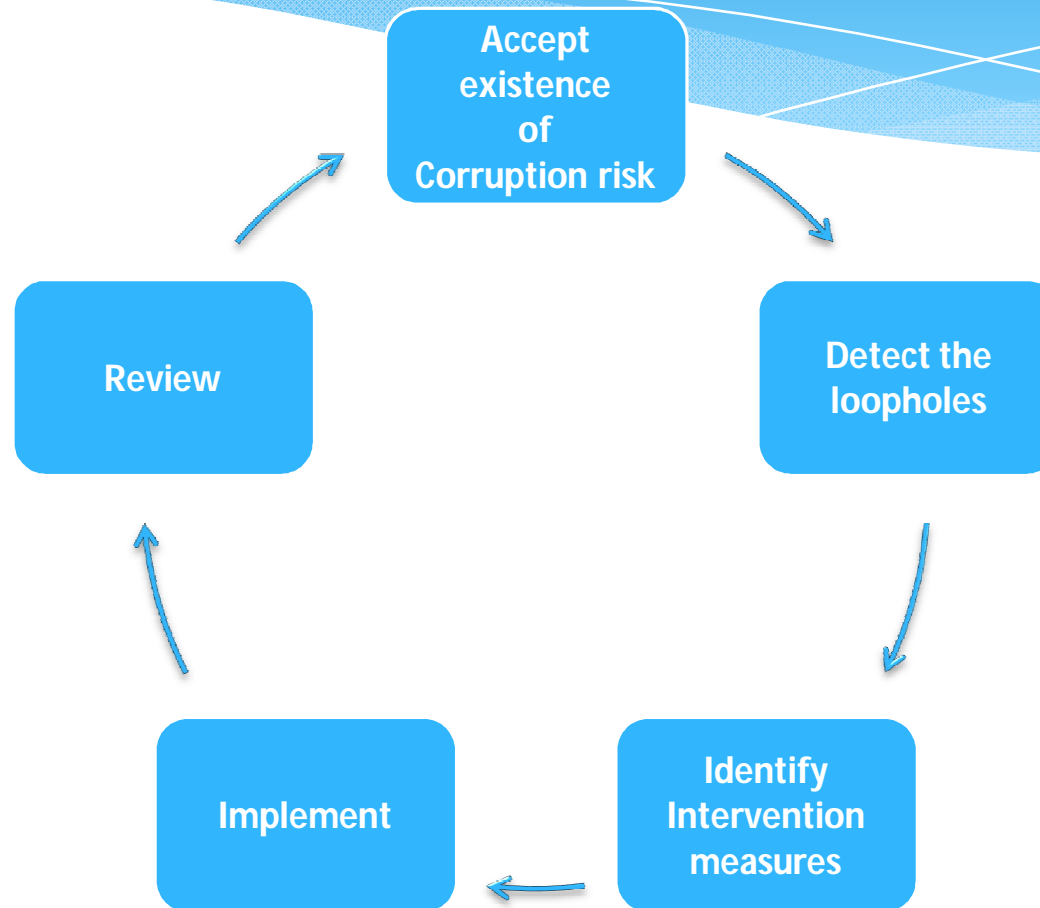


- Is the task of averting or thwarting any threats of corruption to the institution
- Is about changing organisational features that allow corruption to occur.
- It is about strengthening systems of control in organizations through better management systems and closer supervision





# Corruption Prevention Cycle





# Where Corruption Thrives



- Highly technical and specialized areas
- Complex structures and procedures
- Unreasonable requirements
- Service delivery points
- Entry and exit points
- Disaster mitigation and emergency response
- Remote and poorly supervised areas
- Grant procurements



# Where Corruption Thrives



- Recruitment, enrollment, placement and training
- Land and natural resources utilization
- Implementation of new policies, systems/project
- Patronage, Cronyisms & Impunity
- Donor funds, grants, loans, sponsorships



# Leadership & Integrity



The Leadership and Integrity Act, 2012 has sufficiently covered the following areas;

- \* The act has rightfully identified the purpose of the Act in Section 3 which is ***“to ensure that State Officers respect the values, principles and requirements of the Constitution”*** it has gone further to identify the values, principles and the requirements of the Constitution.
- \* The Act has provided for the general Leadership and Integrity Code including the contents of Chapter Six.



# Leadership & Integrity



- ❖ Article 10: National Values and Principles of Governance
  - ❖ The National Values and principles of Governance bind all state organs, state officers, public officers and all persons
  
- ❖ Chapter 6: Leadership and Integrity
- ❖ Article 232 (a): High standards of professional ethics
- ❖ Article 232(e): Leadership accountability for administrative acts



# GENERAL PROVISIONS



- \* The general provisions relate to;
- \* Application of Chapter Six of the Constitution and this Leadership and Integrity Act, 2012 to public officers generally:

**“SECTION 52(1) STATES; PURSUANT TO ARTICLE 80(C) OF THE CONSTITUTION, THE PROVISIONS OF CHAPTER SIX OF THE CONSTITUTION AND PART II OF THIS ACT EXCEPT FOR SECTION 18 SHALL APPLY TO PUBLIC OFFICERS AS IF THEY WERE STATE OFFICERS”**

- \* **Leadership education and training generally.**
- \* **The Act finally expects that the EACC shall make regulations for the better carrying out of provisions of the Act.**



# Chapter Six



## Responsibilities of Leadership (Article 73)

- \* The authority assigned to a State Officer is a public trust and to be exercised in a manner that is :
  - \* Consistent with the purposes and object of the Constitution
  - \* Demonstrates respect for the people
  - \* Brings honor to the nation and dignity to the office
  - \* Promotes public confidence in the integrity of the office



# Chapter Six



## **Responsibilities of Leadership (Article 73)**

- \* Vests in the State Officer the responsibility to serve the people rather than the power to rule them
- \* Article 73(2) provides for the guiding principles of leadership and integrity

## **Oath of Office of State Officers (74)**

It is expected that before assuming a State Office, acting in a State Office, or performing any functions of a State Office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed in the Third Schedule or under and Act of Parliament





# Chapter Six



## Conduct of State Officers (Article 75)

A State Officer shall behave

- ✓ In public
  - ✓ Official life
  - ✓ Private life
  - ✓ In association with other person in a manner that avoids
- Conduct of State Officers (Article 75)
- \* Avoids conflict between personal interest and public or official duties
  - \* Avoids compromising any public or official interest in favour of a personal interest
  - \* Avoids demeaning the office the officer holds



# Chapter Six



## What happens when a State Officer contravenes Article 75(1)?

- \* They shall be subject to the applicable disciplinary procedure for the relevant office.
- \* May, in accordance with the disciplinary procedure be dismissed or otherwise be removed from office.

This provision needs to be read together with 80(b) where Parliament shall enact legislation prescribing penalties in addition to the penalties in Article 75 that may be imposed for a contravention of this Chapter.



# Chapter Six



## **Financial probity of State Officers (Article 76)**

- (1) A gift or donation to State Officer on a public or official occasion is a gift or donation to the Republic and shall be delivered to the State unless exempted under and Act of Parliament
- (2) A State Officer shall not
  - (1) Maintain a bank account outside Kenya except in accordance with an Act of Parliament
  - (2) Seek or accept a personal loan or benefit circumstances that compromise the integrity of the State Officer



# Chapter Six



## Restriction on Activities of State Officers(Article 77)

### A State Officer shall not:

- \* Participate in any other gainful employment
- \* Hold office in a political party

Retired State Officer who is receiving a pension from public funds shall not hold more than two concurrent remunerative positions as a:

- Chairperson
- Director
- Employee

Of a company owned or controlled by the State or a State Organ

And cannot receive remuneration from public funds other than those contemplated in clause (3)



# SO IN ESSENCE WHAT IS CHAPTER SIX ABOUT?



- \* It is about servant leadership
- \* It is about acknowledging the power that one is given is power TO SERVE AND NOT POWER TO RULE!
- \* It is about leading by way of example and this does not stop in the office. It includes one's private life.



## COMPONENTS OF EFFECTIVE LEGISLATIVE FOR ENFORCEMENT OF CHAPTER SIX



The frameworks in general should provide for the vetting candidates and at the very least address the following;

**Public Trust**: Recognize that the authority that is assigned to a State Officer is a public trust (Article 73)

- \* **Means state/public officers are directly accountable to the public for exercise of the authority assigned to them.**
- \* **Also means they owe a higher duty to the public to observe the rule of law.**
- \* **Should therefore ensure rule of law is respected.**



## COMPONENTS OF EFFECTIVE LEGISLATIVE FOR ENFORCEMENT OF CHAPTER SIX



**Selection:** Provide parameters under which a State Officer is elected or appointed and the selection should be based on;

- a) Personal integrity
- b) Competence
- c) Suitability
- d) Elected in free and fair elections



## COMPONENTS OF EFFECTIVE LEGISLATIVE FOR ENFORCEMENT OF CHAPTER SIX



The State Officer should be:

- a) Objective and impartial in decision making (Articles 10, 27, 73(2)(b) and 232)
- b) Ensure that decisions are not influenced by nepotism, favouritism and other improper motives or corrupt practices
- c) Selfless and the service should be based solely on the interest which is evident in ;
  - \* Honesty in the execution of public duties
  - \* Declaration of any personal interest that may conflict with public duties
- d) Accountable to the public for decisions and actions
- e) Disciplined and committed in the service to the people





## COMPONENTS OF EFFECTIVE LEGISLATIVE FOR ENFORCEMENT OF CHAPTER SIX



**Declaration of wealth, income & liabilities:** There should be mechanism in which State Officers should be able to declare their wealth, income and liabilities as part of being accountable and transparent and penalties should be put in place for officers who fail to declare. The Elections Act provides for the declaration of wealth, income and liabilities.

**Conduct of State Officers:** Provide for the conduct of State Officers.

Article 75 specifies that this conduct is not only in public but also in private and the behavior of a State Officer should:

- a) Avoid any conflict between personal interests and public or official duties(Article 75(1)(a))



## COMPONENTS OF EFFECTIVE LEGISLATIVE FOR ENFORCEMENT OF CHAPTER SIX



- b) Avoid compromising any public or official interest in favour of a personal interest; or 75(1)(b)
- c) Demeaning the office the officer holds 75(1)(c)

For Contravention of Article 75(1) (above), 76, 77 or 78(2) the framework should provide for ;

- a) the applicable disciplinary procedure for the relevant office for;
- b) in accordance with the disciplinary procedure provide for dismissal or removal from office
- c) specify that persons who have been removed as a result of contravention to Articles 75(1), 76, 77 or 78(2) is disqualified from holding any other State Office
- d) The framework should provide for Fair Administrative Action (Article 47)



## ENFORCEMENT OF THE LEADERSHIP & INTEGRITY CODE



- ❑ The Act requires that State Officers whether appointed or elected to commit to the specific Leadership and Integrity Code which is relevant to their public entity at the time of taking oath of office or within 7 days of assuming a State Office
- ❑ Section 41 of the Act specifies the action to be taken where there is an alleged breach of the Code by a State Officer
- ❑ Section 41 specifies the process of lodging a complaint and how investigations will be handled.
- ❑ The Act has also provided for the possibility of referral for possible civil or criminal proceedings depending on the outcome of the investigations



## ENFORCEMENT OF THE LEADERSHIP & INTEGRITY CODE



- The Act has provided for a State Officer or a public entity the option requesting for an advisory opinion from the EACC in any matter relating to Chapter Six of the Constitution.
- The Act has obliged the EACC to submit an annual report to the President and Parliament



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# Ethical Leadership



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



# 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.





# Virtuous Leadership



## Why should we follow rules?

- \* **Moral value:** because it is the right thing to do.
- \* **Instrumental value:** enhances fairness and legitimacy of administration –following rules means we get equal treatment.



# Leadership and integrity



## **Personal level**

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



# Ethical Leadership



## **At the workplace**

- \* **Faithful stewardship of resources entrusted to you, e.g. money, equipment**
- \* **Trustworthiness**
- \* **Punctuality**
- \* **Service oriented**
- \* **Diligence – actually working when at work**
- \* **Prompt delivery on assignments/tasks**
- \* **Following institutional policies/regulations**
- \* **Adhering/promoting adherence to code of conduct**



# Ethical Leadership



- \* **Respecting co-workers (whether seniors/juniors)**
- \* **Responsible behaviour**
- \* **Being accountable for one's actions – decisions, finances (imprests; petty cash; per diems)**
- \* **Keeping to fiscal controls e.g. budgets; procurement plans**
- \* **Ensuring procedures are followed: e.g. financial standards; procurement regulations**



# The Constitution



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



# The Constitution



- \* **Binding on all people**
- \* **Governance based on essential values & moral standards:**
  - \* **Art. 10: National values and principles of governance**
  - \* **Art. 232: Values and principles of public service**
  - \* **Chapter 6: Comprehensive chapter on the leadership and integrity of State officers**



# Constitution



## Legal Framework

- Public Officer Ethics Act, 2003
- Anti-Corruption and Economic Crimes Act, 2003
- Ethics and Anti-Corruption Commission Act, 2011
- Leadership and Integrity Act, 2012
- Codes of Conduct



# The Constitution



## Chapter 6, Constitution

### Public officers hold office as a trust

- \* Exercise authority in manner that promotes dignity of office; public confidence in integrity of the office

Accountable to the public for decisions and actions

Professional ethics and integrity among public officers

- \* Independence & impartiality in public service
- \* Avoidance of conflict of interest
- \* Personal financial probity





# The Constitution



- \* **The Constitution protects public officers in the performance of their function and exercise of powers in an ethical manner**
  - \* **Right to fair administrative action**
  - \* **Protection against intimidation, victimization , discrimination**
  - \* **Protection from dismissal, removal from office, demotion in rank or disciplinary action without due process of law.**



# The Constitution



**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.**
- \* Lawyers-talk: “fidelity to law” or the “culture of legality.”**



# UoN as Leader



- \* ***A world-class University committed to scholarly excellence***
- \* ***Leading academic institution in the region***
- \* **Led in birthing of the Constitution**
- \* **Breeding ground of distinguished leaders in public and private sectors**
- \* **Critical partner in modelling values in CoK**
  - \* **Check abuse of power; corruption; non-accountability in use of resources, impunity etc**



# UoN as Leader



## ***Ethical Leadership in UoN***

- \* Need to adhere to ethical standards in research, governance, financial management, human resource management etc.
- \* Need to review UoN's governance regime (statutes, regulations, codes, policies, systems) to ensure alignment with the Constitution's principles.
- \* Mechanisms for monitoring integrity
- \* Need for integrity champions

**IT STARTS WITH ME!!**



# The End

# Thank You!