

# **REPUBLIC OF KENYA**

## **Public Administration Country Profile**

Division for Public Administration and Development Management (DPADM)  
Department of Economic and Social Affairs (DESA)  
United Nations

January 2004

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Table of Contents .....	1
Kenya .....	2
1. General Information .....	3
1.1 People.....	3
1.2 Economy .....	3
1.3 Public Spending .....	4
1.4 Public Sector Employment and Wages.....	4
2. Legal Structure .....	5
2.1 Legislative Branch.....	5
2.2 Executive Branch .....	5
2.3 Judiciary Branch .....	6
2.4 Local Government.....	7
3. The State and Civil Society .....	8
3.1 Ombudsperson .....	8
3.2 NGOs .....	8
3.3 Civil Society .....	8
4. Civil Service .....	9
4.1 Legal basis.....	9
4.2 Appointment .....	9
4.3 Training.....	10
4.4 Remuneration .....	10
4.5 Gender.....	11
5. Ethics and Civil Service .....	12
5.1 Corruption .....	12
5.2 Ethics.....	13
6. e-Government .....	15
6.1 e-Government Readiness .....	15
6.2 e-Participation .....	16
7. Links .....	17
7.1 National sites .....	17
7.2 Miscellaneous sites.....	17



# KENYA

[Click here](#) for detailed map



Source: [The World Factbook - Kenya](#)

Kenya was a British colony and protectorate from the late 1890s until independence in December 1963. Jomo Kenyatta, the country's first president, ruled the country until his death in 1978. He was succeeded by Daniel Arap Moi, who remained in office for twenty-four years.

On December 27, 2002 Kenyan voters elected the country's third president, Mwai Kibaki, ending the political monopoly held by the Kenya African National Union (KANU) since independence.

Kenya has been and remains a relatively stable country. Kenya is multi-ethnic and administrative arrangements closely parallel ethnic boundaries.

Although it has not experienced the major ethnic and civil conflicts that have wracked most of its neighbors, politically instigated ethnic clashes took place in the early 1990s

Source: [World Bank - Kenya \(edited\)](#)

## Government type

Republic

## Independence

12 December 1963 (from UK)

## Constitution

12 December 1963, amended as a republic 1964; reissued with amendments on eight different occasions. The latest amendment in 2001 ([click here](#))

## Legal system

Based on Kenyan statutory law, Kenyan and English common law, tribal law, and Islamic law; judicial review in High Court; accepts compulsory International Court of Justice jurisdiction, with reservations; constitutional amendment of 1982 making Kenya a de jure one-party state repealed in 1991

## Administrative divisions

7 provinces and 1 area (Nairobi Area); Central, Coast, Eastern, North Eastern, Nyanza, Rift Valley, Western

Source: [The World Factbook - Kenya](#)

# 1. General Information

1.1 People	Kenya	Tanzania	Uganda	1
<b>Population</b>				a
Total estimated population (,000), 2003	31,988	36,977	25,827	
Female estimated population (,000), 2003	16,164	18,661	12,987	
Male estimated population (,000), 2003	15,824	18,316	12,840	
Sex ratio (males per 100 females), 2003	98	98	99	
Average annual rate of change of pop. (%), 2000-2005	1.45	1.93	3.24	
<b>Youth and Elderly Population</b>				b
Total population under age 15 (%), 2003	41	45	50	
Female population aged 60+ (%), 2003	4	4	4	
Male population aged 60+ (%), 2003	4	4	4	
<b>Human Settlements</b>				c
Urban population (%), 2001	34	33	15	
Rural population (%), 2001	66	67	85	
Urban average annual rate of change in pop. (%), '00-'05	5.69	4.64		
Rural average annual rate of change in pop/ (%), '00-'05	0.38	0.73	2.74	
<b>Education</b>				d
Total school life expectancy, 2000/2001	7.8	5	..	1
Female school life expectancy, 2000/2001	7.8	5	..	1
Male school life expectancy, 2000/2001	7.9	5.1	..	1
Female estimated adult (15+) illiteracy rate (%), 2000	24 <sup>i</sup>	33.5	43.2 <sup>ii</sup>	2
Male estimated adult (15+) illiteracy rate (%), 2000	11.1 <sup>i</sup>	16.1	22.5 <sup>ii</sup>	2
<b>Employment</b>				e
Unemployment rate (15+) (%), 2000	..	..	..	1
Female adult (+15) economic activity rate (%), 2000	71 <sup>i</sup>	..	..	2
Male adult (+15) economic activity rate (%), 2000	81 <sup>i</sup>	..	..	2

Notes: <sup>i</sup> 1989; <sup>ii</sup> 1991

1.2 Economy	Kenya	Tanzania	Uganda	2
<b>GDP</b>				a
GDP total (millions US\$), 2002	12,140	9,383i	5,866	
GDP per capita (US\$), 2002	387	267i	251	
PPP GDP total (millions int. US\$), 2002	31,081	19,589	31,681 <sup>i</sup>	
PPP GDP per capita(int. US\$), 2002	992	557	1,354 <sup>i</sup>	
<b>Sectors</b>				b
Value added in agriculture (% of GDP), 2003	16.6	43.4	33.1	
Value added in industry (% of GDP), 2003	19.1	16.9	21.8	
Value added in services (% of GDP), 2003	64.2	39.8	45.1	
<b>Miscellaneous</b>				c
GDP implicit price deflator (annual % growth), 2003	11.4	5.7	10.1	
Private consumption (% of GDP), 2003	73.9	79.1	78.2	
Government consumption (% of GDP), 2003	17.9	11.4	15.2	

Notes: <sup>i</sup> Estimate is based on regression; other PPP figures are extrapolated from the latest International Comparison Programme benchmark estimates (for Tanzania: Data refer to mainland Tanzania only)

<sup>1</sup> [United Nations Statistics Division](#):

<sup>a</sup> [Statistics Division and Population Division of the UN Secretariat](#); <sup>b</sup> [Statistics Division and Population Division of the UN Secretariat](#); <sup>c</sup> [Population Division of the UN Secretariat](#); <sup>d1</sup> [UNESCO](#); <sup>d2</sup> [UNESCO](#); <sup>e1</sup> [ILO](#); <sup>e2</sup> [ILO/OECD](#)

<sup>2</sup> [World Bank - Data and Statistics](#):

<sup>a</sup> [Quick Reference Tables](#); <sup>b</sup> [Data Profile Tables](#); <sup>c</sup> [Country at a Glance](#)

1.3 Public Spending	Kenya	Tanzania	Uganda	
<b>Public expenditures</b>				c
Education (% of GNP), 1985-1987	7.1	..	3.5 <sup>i</sup>	a
Education (% of GNP), 1995-1997	6.5	..	2.6 <sup>ii</sup>	a
Health (% of GDP), 1990	2.4	1.6	..	
Health (% of GDP), 1998	2.4	1.3	1.9	
Military (% of GDP), 1990	2.9	2 <sup>iii</sup>	2.5	b
Military (% of GDP), 2000	1.8	1.3 <sup>iv</sup>	1.8	b
Total debt service (% of GDP), 1990	9.3	4.2	3.4	
Total debt service (% of GDP), 2000	4.6	2.4	2.6	

Notes: <sup>i</sup> Data refer to a year or period other than that specified; <sup>ii</sup> Data refer to the ministry of education only; <sup>iii</sup> 1991; <sup>iv</sup> 1999

1.4 Public Sector Employment and Wages						
<i>Data from the latest year available</i>		Kenya 1991-1995	Kenya 1996-2000	Sub-Saharan Africa average <sup>d</sup> 1996-2000	Non- Francophone Africa average <sup>d</sup> 1996-2000	Low income group average <sup>d</sup> 1996-2000
<b>Employment</b>						
Civilian Central Government <sup>e</sup>	(,000)	225	184.7			
	(% pop.)	0.86	0.63	0.30	0.38	0.46
Sub-national Government <sup>5</sup>	(,000)	50	77.1			
	(% pop.)	0.19	0.26	0.30	0.38	0.46
Education employees	(,000)	223	247.7			
	(% pop.)	0.85	0.84	0.62	0.78	0.91
Health employees	(,000)	34	29.4			
	(% pop.)	0.13	0.10	0.29	0.20	0.62
Police	(,000)	..	..			
	(% pop.)	..	..	0.07	..	0.30
Armed forces	(,000)	24	24.2			
	(% pop.)	0.09	0.08	0.26	0.31	0.33
SOE Employees	(,000)	156	..			
	(% pop.)	0.59	..	..	..	13.1
Total Public Employment	(,000)	712	..			
	(% pop.)	2.70	..	..	..	..
<b>Wages</b>						
Total Central gov't wage bill	(% of GDP)	10.3	8.5	6.1	6.9	5.4
Total Central gov't wage bill	(% of exp)	46.3	..	28.9	26.4	24.7
Average gov't wage	(LCU)	75,730	950			
Real ave. gov't wage ('97 price)	(LCU)	93,030	870			
Average gov't wage to per capita GDP ratio		4.97	0.04	4.8	2.8	4.4

Source: [World Bank - Public Sector Employment and Wages](#)

<sup>c</sup> [UNDP - Human Development Report 2002](#)

<sup>a</sup> Data refer to total public expenditure on education, including current and capital expenditures.

<sup>b</sup> As a result of a number of limitations in the data, comparisons of military expenditure data over time and across countries should be made with caution. For detailed notes on the data see SIPRI (2001).

<sup>d</sup> Averages for regions and sub regions are only generated if data is available for at least 35% of the countries in that region or sub region.

<sup>e</sup> Excluding education, health and police – if available (view [Country Sources](#) for further explanations).

## 2. Legal Structure

For most of Kenya's first three decades as a nation, power moved continuously to the presidency and away from parliament. Kenya's independence constitution divided powers among the three branches of government, allocating to the Parliament an important role in balancing Executive power. But beginning immediately after independence, first President Kenyatta, and later President Moi, progressively concentrated what became almost dictatorial powers in the office and person of the President, making Kenya's Parliament little more than a rubber stamp. In the last years of President Moi's rule the President's margin remained a comfortable one, however, members of Parliament showed themselves increasingly free to make their own choices on a number of measures.

Source: [The State University of New York - Rising Legislative Assertiveness in Uganda and Kenya 1996-2002](#)

### 2.1 Legislative Branch

Unicameral National Assembly or Bunge (224 seats; 210 members elected by popular vote to serve five-year terms, 12 so-called "nominated" members who are appointed by the president but selected by the parties in proportion to their parliamentary vote totals, 2 ex-officio members).<sup>f</sup>  
*Women in parliament:* 16 out of 224 seats (7%)<sup>g</sup>

The legislative power of the Republic is vested in the Parliament of Kenya, which consists of the President and the National Assembly.

The President may at any time prorogue and dissolve Parliament.

Source: [Constitution of Kenya - Chapter 3](#)

The unicameral assembly consists of 210 members elected to a term of up to 5 years from single-member constituencies, plus 12 members nominated by political parties on a proportional representation basis.

The attorney general and the speaker are ex officio members of the National Assembly.

Source: [U.S. Department of State - Background Notes](#)

Parliament is the supreme authority in formulating Laws and representing the interests of Kenyans. In the exercise of the legislative power of the Republic of Kenya, bills are passed by the National Assembly and become law on the President appending his assent, thus becoming styled, Acts of Parliament.

Source: [The National Assembly](#)

#### Fact box:

*elections:* Last held 27 December 2002 (next to be held by early 2007)

*election results:* Seats by party - NARC 125, KANU 64, FORD-P 14, other 7; ex-officio 2; seats appointed by the president - NARC 7, KANU 4, FORD-P 1

### 2.2 Executive Branch

*cabinet:* Cabinet appointed by the president.

*elections:* President elected by popular vote for a five-year term; in addition to receiving the largest number of votes in absolute terms, the presidential candidate must also win 25% or more of the vote in at least five of Kenya's seven provinces and one area to avoid a runoff; election last held 27 December 2002 (next to be held December 2007); vice president appointed by the president

Kenya set off at independence with the dual Executive: the Queen (represented by the Governor-General) (as Head of State and Commander-in-Chief of the Armed Forces), and the Prime Minister (Head of Government and leader of the largest

<sup>f</sup> Source of fact boxes if nothing else stated: [The World Factbook](#) - [The World Factbook](#)

<sup>g</sup> [Inter-Parliamentary Union - Women in National Parliaments](#)

political party in the National Assembly). This contained an element of check-and-balance: the Head of State held a ceremonial position while the Head of Government was the "efficient" Executive organ. Yet the instruments of constitutional action were in the custody of the Head of State. Therefore, the real power -holder had to work in consultation with the constitutional Head (the Head of State).

All the thirty-some constitutional changes that took place from the date of inauguration of Republican Status (December 12, 1963) boil down to one reality, in terms of governmental power: the pluralistic check-and-balance constitutional model of 1963 was debunked, and replaced with a monolithic constitutional structure in which Head of Government merged with Head of State, in the person of an Executive President with the fullest control over government, and very substantial influence and control over Parliament, in addition to constitutional authority over the make-up of the judiciary. This scenario is indeed the very kernel of the agenda of Kenya's current process of constitutional reform.

Source: [Constitution of Kenya Review Commission](#)

There shall be such offices of Minister of the Government of Kenya as may be established by Parliament or, subject to any provisions made by Parliament, by the President. The President appoints the Ministers from among the members of the National Assembly.

The Cabinet consists of the President, the Vice-President and the other Ministers. The function of the Cabinet is to aid and advise the President in the government of Kenya.

The powers of constituting and abolishing offices for the Republic of Kenya, of making appointments to any such office and terminating any such appointment, is vested in the President.

Source: [Constitution of Kenya - Chapter 2](#)

## 2.3 Judiciary Branch

Court of Appeal (chief justice is appointed by the president); High Court

The judiciary is headed by a High Court, consisting of a chief justice and High Court judges and judges of Kenya's Court of Appeal (no associate judges), all appointed by the president.

Source: [U.S. Department of State - Background Notes](#)

It is not clear today, under the Constitution, whether the highest court, namely the Court of appeal, has a final authority in constitutional interpretation. The term "constitutional court" is used loosely and largely informally to refer exclusively to the High Court of Kenya, which falls at the second level in the hierarchy

Source: [Constitution of Kenya Review Commission](#)

The Kenyan Constitution provides for an independent judiciary; however, the judiciary is said to be subject to executive branch influence. The President has extensive powers over appointments, including those of the Attorney General, the Chief Justice, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special presidentially appointed tribunal. Although judges have life tenure (except for the very few foreign judges who are hired by contract), the President has extensive authority over transfers.

### Fact box:

*chief of state:* President Mwai KIBAKI (since 30 December 2002) and Vice President Moody AWORI (since 25 September 2003)  
*head of government:* President Mwai KIBAKI (since 30 December 2002) and Vice President Moody AWORI (since 25 September 2003)

The court system consists of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Chief Justice is a member of both the Court of Appeals and the High Court. Military personnel are tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appoints attorneys for military personnel on a case-by-case basis.

There are no customary or traditional courts in the country. However, the national courts use the customary law of an ethnic group as a guide in civil matters so long as it does not conflict with statutory law. This is done most often in cases that involve marriage, death, and inheritance issues and in which there is an original contract founded in customary law.

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and for defendants to have the right to attend their trial, to confront witnesses, and to present witnesses and evidence. Civilians also can appeal a verdict to the High Court and ultimately to the Court of Appeals. Judges hear all cases. In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors are taken from all walks of life and receive a sitting allowance for the case. Although the assessors render a verdict, their judgment is not binding. Lawyers can object to the appointments of specific assessors.

Source: [U.S. Department of State - Human Rights \(2001\) \(edited\)](#)

## **2.4 Local Government**

Local administration is divided among 69 rural districts, each headed by a commissioner appointed by the president. The districts are joined to form seven rural provinces. The Nairobi area has special status and is not included in any district or province. The government supervises administration of districts and provinces.

Source: [U.S. Department of State - Background Notes](#)



## 3. The State and Civil Society

### 3.1 Ombudsperson

Kenya has only three basic organs of government (legislative, executive and judiciary), and this sets her apart from many countries, including neighboring Tanzania and Uganda. In both these countries the Constitution provides for an Ombudsman institution, to protect the citizen in their attempts to access and to make use of administrative services. Disputes and complaints invariably arise in this sphere because, whereas administrative assistance and support to be ordinary citizen is ever so important, bureaucrats generally assume for themselves informal privileges and Immunities that render them abusive or inaccessible, and the ordinary citizen becomes the victim.

Source: [Constitution of Kenya Review Commission](#)

### 3.2 NGOs

NGOs did not play an active role in the activities of government before the advent of multi-party politics in the 1990s. Most NGOs confined their activities to development work and welfare issues, especially the provision of social services such as education and health care. One of the reasons for this was simply that under one-party rule, the government did not allow non-state actors to question what the government did. Indeed, the relation between the state and the NGOs and other non-state actors were characterized by suspicion and mistrust. It was only with the opening up of the political space in the 1990s that NGOs and other civil society organizations began to question the activities of government and to point out the failures and weaknesses of government—including the conduct of public officials. Since then, many NGOs operate as effective watchdog institutions for the general public, especially over the conduct of public officials.

But whereas NGOs are currently among the severest critics of public service performance in the country, their general image and individual operations could undermine the promotion of public service ethics in the civil service. In Kenya, it is widely acknowledged that a significant number of NGOs, both international and local, are guilty of a number of misdeeds. First, they are accused of receiving huge amounts of funds annually for development purposes for which they rarely account effectively. Second, they are blamed for conducting their operations in a non-transparent manner. Third, some of their officials are blamed for colluding with public officials and private business people in shoddy deals. Recently, in a rare acknowledgement of this fact, the Chairman of the Kenya NGOs Council admitted that his organization was reviewing complaints that have been leveled against a number of its members.

Source: [UNDESA - Public Service Ethics in Africa](#)

### 3.3 Civil Society

Source: [Institution - Title](#)

## 4. Civil Service

Public service in Kenya is 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 regulate the public service. 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.

Source: [UNDESA - Public Service Ethics in Africa \(edited\)](#)

The Public Service Commission was established under Section 106 of the Constitution which provides for a Chairman, Deputy Chairman and 15 Commissioners. After it was established in 1954 as Civil Service Commission, it commenced its operations on 1st January, 1955. The current strength comprises the Chairman and 13 Commissioners.

The role of the Commission is therefore to:

- Ensure that the Civil Service is manned by qualified personnel for efficient and effective delivery of quality services to the public through recruitment, promotion and retention of the right personnel; and
- Promotion of impartiality, equity, justice and objectivity in the recruitment, advancement and discipline in the public service.

Source: [The Republic of Kenya - The Public Service Commission](#)

### 4.1 Legal basis

#### Terms and Conditions of Employment (Code of Regulations, Section E).

*Code of Regulations, 1992, pp. 1-30*

Deals with various aspects of civil service employment. Makes provision for job groups applicable in the Public Service, categories of appointment, powers of appointment and procedures to be followed, reporting of vacancies, overseas recruitment, form of application, record of previous employment and qualifications, medical examination of candidates, general conditions of employment, letters of appointment, date of appointment, employment of pensioners, employment of non-Kenya citizens, appointment on probation to the pensionable establishment, age of admission to pensionable establishment, confirmation in appointment and admission to pensionable establishment, procedure of confirmation in appointment, appointment on agreement terms, appointment on temporary terms, address of an officer's next-of-kin, certificate of service, certificate of long service for members of subordinate service, testimonials and commendatory letters, schemes of service, promotions, dates of promotion, release of officers selected for promotion in other ministries, transfer of officers from one ministry or department to another, transfers to and from the public service of Kenya, secondment of officers to statutory boards or similar organisations, and subordinate service.

Source: [International Labour Organization - NATLEX](#)

### 4.2 Appointment

Kenya's civil service was originally designed along the Westminster model; it was intended to be a permanent civil service that is non-partisan and could therefore serve any political party that formed a government at any given time. The highest-

ranking officer in each ministry was supposed to be a Permanent Secretary. The holder of the office of the Permanent Secretary was supposed to be literally permanent in that position. This means that once an officer reached this position, he/she could not simply be shoved off at will.

Source: [UNDESA - Public Service Ethics in Africa](#)

Section 107 of the Constitution of Kenya vests in the Public Service Commission the power to appoint persons to hold or act in offices in the Public Service, including Local Authorities, the power to exercise disciplinary control over persons from office.

The examination and promotion of excellence department is charged with the responsibility of administering the following examinations: Administrative officers, Proficiency Examination for clerical officers and occupational tests for telephone operators.

Apart from administering the examinations, the department is currently involved in designing and implementing the Civil Service Entrance Examinations for graduates.

The examinations are designed to equip officers with the skills necessary for an effective and efficient public service. They test the officers knowledge in aspects related to their functions and facilities their promotion in accordance with their respective scheme objectives. This is aimed at getting to the right position and developing performance-related pay in order to retain and motivate professionals and managers in the civil service.

The re-introduction of Entrance and Upgrading examination by the Public Service Commission of Kenya is in response to the objectives of the Civil Service Reform Programme which demand, among other things, effective and timely response to delivery of services.

Source: [The Republic of Kenya - The Public Service Commission \(edited\)](#)

In practice, appointments and promotions in the civil service in Kenya have for a long time depended on nepotism, tribalism and political patronage. The office worst affected by these negative values is the office of Permanent Secretary. For a long time, most of the officials recruited into this office have not been career civil servants who climbed the ranks in the same ministry or were within the civil service. A number of them have been imposed into the office, sometimes even from outside the civil service.

Source: [UNDESA - Public Service Ethics in Africa](#)

### **4.3 Training**

Source: [Institution - Title](#)

### **4.4 Remuneration**

Civil servants in particular and public servants in general are paid very low salaries. Over the years, this has forced many civil servants to look for other ways of supplementing their meager incomes in order to make ends meet. Many, as a result, spent less and less time doing official work. This situation was legalized in 1971, when a government appointed commission, under the chairmanship of a former governor of the Central Bank, allowed civil servants to engage in private business.

Source: [UNDESA - Public Service Ethics in Africa](#)

Before July 1, 2004, the lowest paid civil servant at Job Group A earns Sh2,580 a month while the highest unionisable employee at Job Group R is paid Sh28,435. The Government has initiated a pay rise for its 130,000 civil servants effective July 1, 2004.

Source: [allAfrica.com](#) - "Pay Rise for Civil Servants" (27 July 2004)

As of June 2004, a Permanent Secretary's salary was, on average, Sh400,000, including a House Allowance of Sh80,000 and a Medical Allowance of Sh2,490. Some Permanent Secretary's are not paid the medical allowance. The Secretary to the Cabinet and Head of Public Service basic pay was Sh330,120, a House Allowance of Sh100,000 and Medical Allowance of Sh249,000. The Permanent Secretary for Governance and Ethics had a basic pay of Sh302,298 with a gross pay being Sh568,580. The Permanent Secretary and Director of Personnel Management upheld a monthly basic pay of Sh180,066.

Source: [East African Standard](#) - "Hefty pay rise for top civil servants" (13 July 2004)

#### **4.5 Gender**

Source: [Institution - Title](#)

## 5. Ethics and Civil Service

### 5.1 Corruption

2003 CPI Score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (highly clean) and 0 (highly corrupt).

Corruption Perceptions Index							
		2003 CPI Score	Surveys Used	Standard Deviation	High-Low Range	Number Inst.	90 percent confidence range
Rank	Country						
1	Highly clean	9.7	8	0.3	9.2 - 10.0	4	9.5 - 9.9
122	Kenya	1.9	7	0.3	1.5 - 2.4	7	1.7 - 2.0
133	Highly corrupt	1.3	8	0.7	0.3 - 2.2	6	0.9 - 1.7

Source: [Transparency International - Corruption Perceptions Index 2003](#)

**Surveys Used:** Refers to the number of surveys that were used to assess a country's performance. 17 surveys were used and at least 3 surveys were required for a country to be included in the CPI.

**Standard Deviation:** Indicates differences in the values of the sources. Values below 0.5 indicate agreement, values between 0.5 and c. 0.9 indicate some agreement, while values equal or larger than 1 indicate disagreement.

**High-Low Range:** Provides the highest and lowest values of the sources.

**Number Institutions:** Refers to the number of independent institutions that assessed a country's performance. Since some institutions provided more than one survey.

**90 percent confidence range:** Provides a range of possible values of the CPI score. With 5 percent probability the score is above this range and with another 5 percent it is below.

During the Moi regime, the public's confidence in the Judiciary and other key actors in the legal and judicial sector fell to an all time low, as, all too often, judges and lawyers were perceived to be corrupt or incompetent.

Source: [World Bank - Justice and Integrity Project](#)

Kenya has been engaged in a protracted process of putting in place an anti-corruption body since the high court declared the Kenya Anti-corruption Authority (KACA) unconstitutional in December 2000. The bill to create the Kenya Corruption Control Authority was tabled before parliament in April 2002. Also before parliament is the Public Officers Ethics Bill, which will make it mandatory for public servants, including the president, to declare their wealth every year. The introduction of the new bills followed a report by a team of British anti-graft experts who had been commissioned by the government; the effort was criticized as being primarily a donor relations exercise.

Source: [Global Corruption Report - East Africa](#)

Taking into account the code of regulations for civil servants, professional associations and the general public and the watchdog institutions, it can be said that Kenya has officially developed a relatively elaborate legal and institutional framework for the promotion of public service ethics and anti-corruption initiative in the sub-region. The key parliamentary watchdog institutions, namely the Public Accounts and Public Investments Committees, have also become more vocal in their fight against corruption in high places in the country.

Although there is a code of regulations for civil servants and several other legal instruments which spell out a number of sanctions against public officials with wrongdoing in the course of their official duties, these regulations and legal instruments are not effectively disseminated to the public officials. Moreover, the instruments dealing with the set of standards expected of public officials appear not to be comprehensive enough. At the same time, channels for lodging complaints and

obligations on the part of ordinary citizens to report wrongdoing about public officials appear not to be provided for adequately.

Source: [UNDESA - Public Service Ethics in Africa](#)

## 5.2 Ethics

The Government of President Mwai Kibaki, elected into office in January 2003, has pledged to reintroduce ethics and integrity into public life and is addressing problems of governance and corruption as a key prerequisite to its economic growth and wealth creation strategy. It has determined that integrity must start with the Judiciary as a corrupt judiciary hinders the Government's efforts to address corruption elsewhere, and impressive reforms are already underway. Additionally, a Commission of Inquiry has been established to probe into economic scandals that occurred during the previous regime, the anti corruption commission has been revitalized, and a task force set up to explore the need for other mechanisms to deal with economic crimes and human rights abuses.

Source: [World Bank - Justice and Integrity Project](#)

More specific, in July 2003 President Mwai Kibaki launched the National Campaign Against Corruption. According to the President, the aim of this campaign is to take the fight against corruption beyond law, crime and punishment. It aims at changing the very culture of people, where corruption is concerned. Over the next five years, the aim is to stigmatize corruption in Kenya.

The National Campaign will particularly focus on the youth. In this respect, the National Campaign is being planned in partnership with our education and religious leaders. The second pillar of the government's strategy against corruption is institutional reform. According to the President, institutions such as the Judiciary, the Executive, Parliament and Security Services must undergo reform. The Judiciary sits at the apex of all the governance institutions. An independent, impartial and informed Judiciary holds the central place in the realization of just, open and accountable government.

To address the issue of bad governance and poor economic management, the parliament has enacted the Public Officer Ethics Act:

Source: [Transparency International Kenya - ADILI \(edited\)](#).

### **Public Officers Ethics Act, 2003 (No. 4 of 2003).**

*Official Gazette, Acts, 2003-05-02, No. 42, pp. 113-138*

Sets forth Code of Conduct for public servants. Divided into 6 parts. Part 1 (s. 1-4) contains preliminary provisions. Part 2 (s. 5-6) provides for specific codes of conduct and ethics; Part 3 for general code of conduct and ethics (s. 7-25). Part 4 (s. 26-34) regulates declarations of income, assets and liabilities. Part 5 (s. 35-39) deals with enforcement of code of conduct and ethics. Part 6 (s. 40-42) contains general provisions.

Source: [International Labour Organization - NATLEX](#)

Parliament has also enacted the Anti-Corruption and Economic Crimes Act. The two key integrity instruments of the Public Officer Ethics Act are a Code of Conduct and the Annual Declaration of Wealth by public officers. Those who do not make the declaration will not only lose their jobs, but will also be liable to imprisonment.

Under the Anti-Corruption and Economic Crimes Act, the Kenya Anti-Corruption Commission has been established. This will be the premier anti-corruption institution. It will investigate corruption cases, organize prevention of corruption through public education and arrange civil recovery of ill-gotten assets.

In pursuit of efficiency, transparency and accountability in the public service, the government has placed in parliament, for debate and passage, the Public

Procurement Bill, the National Audit Bill and the Financial Management Bill. An important pillar of the government's anti-corruption strategy is to bring about legal reforms that facilitate the institutional changes mentioned above. To this end, the most important process currently taking place is that of constitutional reform. Two of the three pillars of the anti-corruption strategy are: First, the intension is to collaborate with, and create an enabling environment for, both the civil society and the media.

Second, the international community is considered a key stakeholder in the fight against corruption. Indeed, several activities of the government's anti-corruption war contain many elements, developed in partnership with our development partners.

Source: [Transparency International Kenya - ADILI \(edited\)](#).

## 6. e-Government

### e-Government Readiness Index:

The index refers to the generic capacity or aptitude of the public sector to use ICT for encapsulating in public services and deploying to the public, high quality information (explicit knowledge) and effective communication tools that support human development.

The index is comprised of three sub-indices: Web Measure Index, Telecommunications Infrastructure Index and Human Capital Index.

### Web Measure Index:

A scale based on progressively sophisticated web services present. Coverage and sophistication of state-provided e-service and e-product availability correspond to a numerical classification.

### Telecommunications Infrastructure Index:

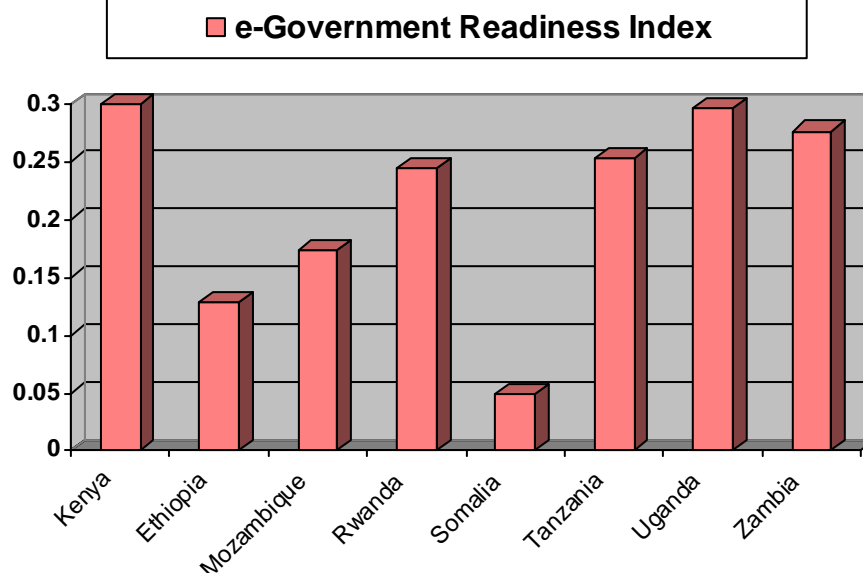
A composite, weighted average index of six primary indices, based on basic infrastructural indicators that define a country's ICT infrastructure capacity.

Primary indicators are: PC's, Internet users, online population and Mobile phones.

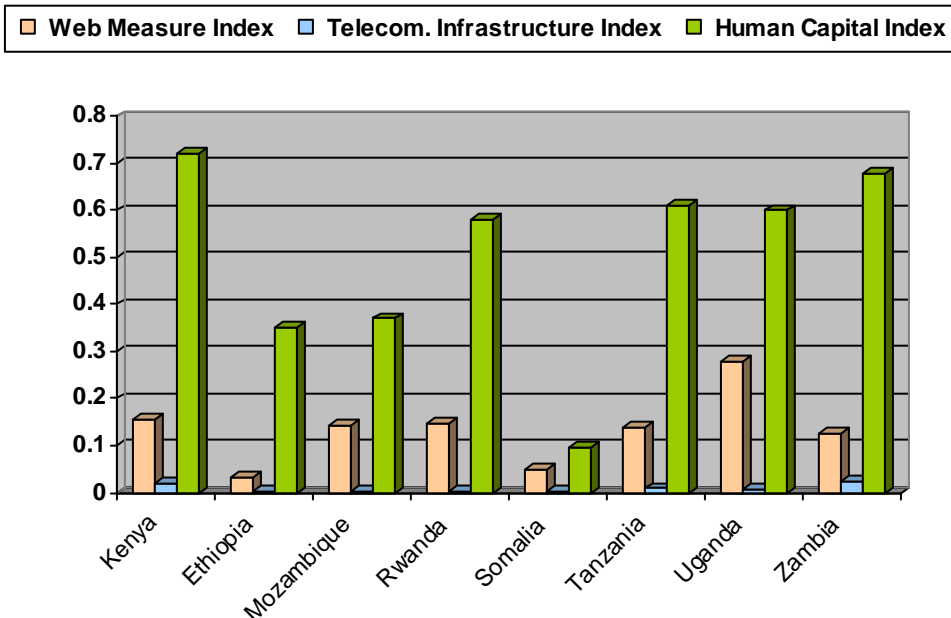
Secondary indicators are TVs and telephone lines.

### Human Capital Index:

A composite of the adult literacy rate and the combined primary, secondary and tertiary gross enrolment ratio, with two thirds of the weight given to adult literacy and one third to the gross enrolment ratio.



Source: United Nations – World Public Sector Report 2003



Source: United Nations – World Public Sector Report 2003



**e-Participation Index:**

Refers to the willingness, on the part of the government, to use ICT to provide high quality information (explicit knowledge) and effective communication tools for the specific purpose of empowering people for able participation in consultations and decision-making both in their capacity as consumers of public services and as citizens.

**e-information:**

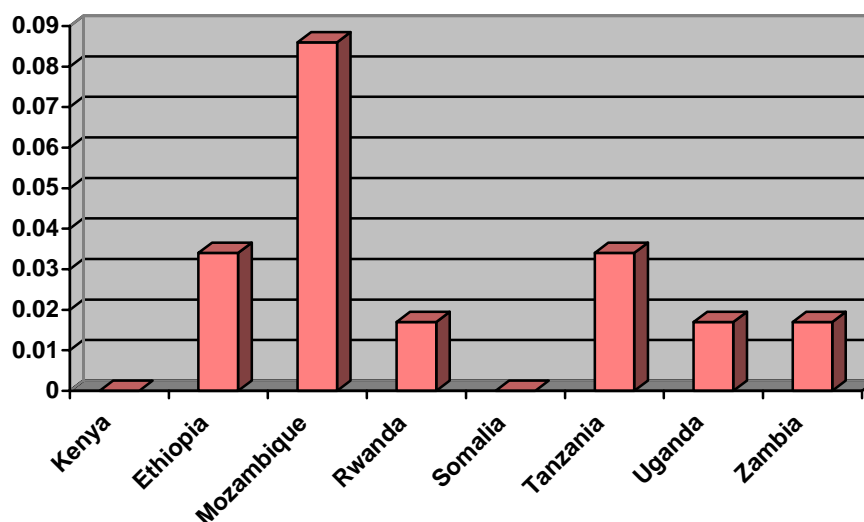
The government websites offer information on policies and programs, budgets, laws and regulations, and other briefs of key public interest. Tools for disseminating of information exist for timely access and use of public information, including web forums, e-mail lists, newsgroups and chat rooms.

**e-decision making:**

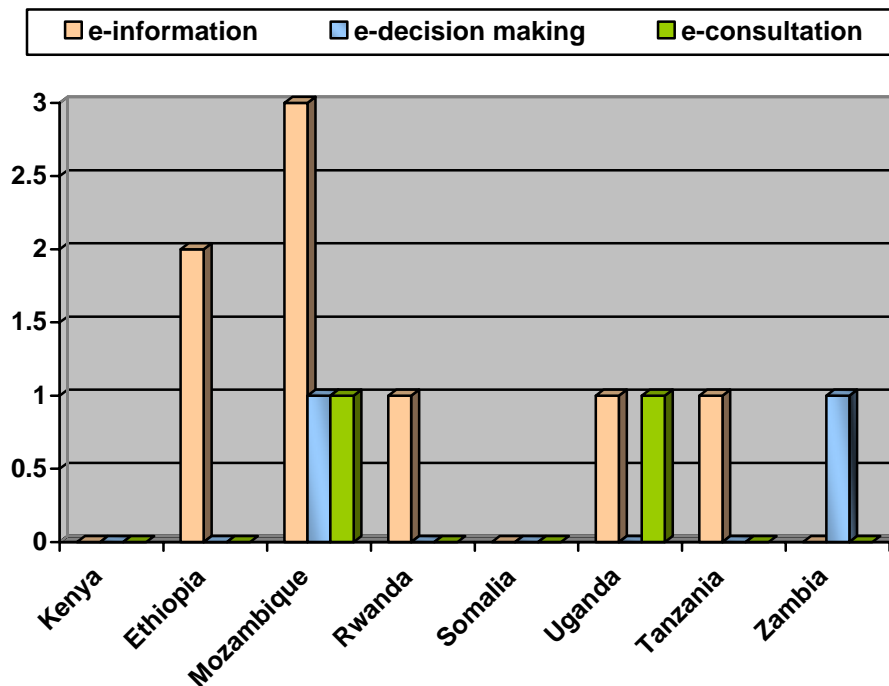
The government indicates that it will take citizens input into account in decision making and provides actual feedback on the outcome of specific issues.

**e-consultation:**

The government website explains e-consultation mechanisms and tools. It offers a choice of public policy topics online for discussion with real time and archived access to audios and videos of public meetings. The government encourages citizens to participate in discussions.

**e-Participation Index**

Source: United Nations – World Public Sector Report 2003 d



Source: United Nations – World Public Sector Report 2003 d

## 7. Links

7.1 National sites	
Authority	Topic
President	<a href="http://www.officeofthepresident.go.ke/">http://www.officeofthepresident.go.ke/</a>
Statehouse	<a href="http://www.statehousekenya.go.ke/">http://www.statehousekenya.go.ke/</a>
Parliament	<a href="http://www.parliament.go.ke/">http://www.parliament.go.ke/</a>
Government (ministries)	<a href="http://www.kenya.go.ke/">http://www.kenya.go.ke/</a>
Statehouse (ministries)	<a href="http://www.statehousekenya.go.ke/government/ministries.htm">http://www.statehousekenya.go.ke/government/ministries.htm</a>
Judiciary	<a href="http://www.judiciary.go.ke/">http://www.judiciary.go.ke/</a>
Electoral Commission	<a href="http://www.electoralcommission.go.ke/">http://www.electoralcommission.go.ke/</a>
Public Service Commission	<a href="http://www.publicservice.go.ke">http://www.publicservice.go.ke</a>
Constitution of Kenya Review Commission	<a href="http://www.kenyaconstitution.org/">http://www.kenyaconstitution.org/</a>
Kenya Law	<a href="http://www.kenyalaw.com/mainpage.htm">http://www.kenyalaw.com/mainpage.htm</a>
Law Society of Kenya	<a href="http://www.lsk.or.ke/">http://www.lsk.or.ke/</a>

7.2 Miscellaneous sites	
Institution	Topic
African Development Bank (ADB)	<a href="http://www.afdb.org/">http://www.afdb.org/</a>
African Institute for Economic Development and Planning (IDEP)	<a href="http://www.unidep.org/">http://www.unidep.org/</a>
African Training and Research Centre in Administration for Development (CAFRAD)	<a href="http://www.cafrad.org/">http://www.cafrad.org/</a>
African Union (AU)	<a href="http://www.africa-union.org/">http://www.africa-union.org/</a>
Centre for Public Service Innovation (CPSI)	<a href="http://www.cpsi.co.za/default.htm">http://www.cpsi.co.za/default.htm</a>
European Union (EU)	<a href="http://europa.eu.int/comm/development/ACP_countries">http://europa.eu.int/comm/development/ACP_countries</a>
International Labour Organization (ILO) - NATLEX	<a href="http://www.ilo.org/dyn/natlex/natlex_browse.home">http://www.ilo.org/dyn/natlex/natlex_browse.home</a>
New Partnership for Africa's Development (NEPAD)	<a href="http://www.nepad.org/">http://www.nepad.org/</a>
Transparency International	<a href="http://www.tikenya.org">http://www.tikenya.org</a>
United Nations Development Programme (UNDP)	<a href="http://www.ke.undp.org/">http://www.ke.undp.org/</a>
United Nations Economic Commission for Africa (ECA)	<a href="http://www.uneca.org/">http://www.uneca.org/</a>
UNPAN	<a href="http://www.unpan.org/virtual_library-byregion.asp">http://www.unpan.org/virtual_library-byregion.asp</a>
USAID	<a href="http://www.usaid.gov/locations/kenya">http://www.usaid.gov/locations/kenya</a>
World Bank (WB)	<a href="http://www.worldbank.org/ke">http://www.worldbank.org/ke</a>