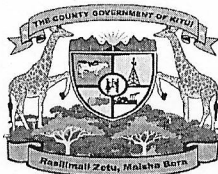


COUNTY ASSEMBLY OF KITUI



TEL: (044)22914
Email:
kituiassembly@gmail.com
www.kituicountyassembly.kenya

Clerk's Office,
Kitui County Assembly,
P.O. Box 694-90200,
Kitui, Kenya.

OFFICE OF THE CLERK

TO: Ag. CLERK OF ASSEMBLY
THRO: PRINCIPAL CLERK ASSISTANT
FROM: CLERK ASSISTANT II
REF: CAK/9/12/VOL I (43)
DATE: 13TH MAY, 2025

2 Ag. Clerk

This report is ready for
tabling once allocated time
by the house business
committee.


13/05/2025


SUBJECT: REPORT ON A TRAINING WORKSHOP ON
ADMINISTRATION OF LAW AND JUSTICE IN DEVOLVED UNITS
INCLUDING ELECTIONS WITHIN THE ASSEMBLY, GOOD
GOVERNANCE, ANTI-CORRUPTION, AND HUMAN RIGHTS, HELD IN
ADDIS ABABA, ETHIOPIA.


The above subject matter refers;

Forwarded herewith, please find the report by a delegation of members from the Justice and Legal Affairs Committee on a study visit and a training workshop Administration of Law and Justice in Devolved Units Including Elections Within the Assembly, Good Governance, Anti-Corruption, and Human Rights, held in Addis Ababa, Ethiopia from 17th to 22nd February, 2025.

The training workshop and the study visit was in furtherance to the mandate of the Committee and in line with the Committee's annual work plan. The overall objective of the visit was to enhance the capacity of the County Assembly Committee to administer Law and Justice in the County.

The following were some of the lessons learnt from the workshop.

If Hon. Speaker
You may approve this
report for tabling in the
house

13/5/25

clerk
Approved

14/5/2025

- i. The training equipped members with vital knowledge of the key principles of good governance in the public sector which will enable the committee to effectively exercise its oversight mandate for improved performance and accountability.
- ii. The governance process enabled them to forge stronger partnerships with their stakeholders and foster a better working environment where good governance is exercised.
- iii. It equipped members with effective strategies to institutionalize the regulation, monitoring, and enforcement of government projects and programs.
- iv. It sharpened their oversight skills to ensure that organizations conduct themselves within the dictates of good governance and observe prudence in the expenditure of public funds.
- v. It enabled members to overcome barriers they face in their work when dealing with other organizations and increased their decision-making agility.
- vi. It equipped members with strategies to reduce systemic corrupt practices in government operations

Having undergone this training successfully and owing to the lessons learnt from the presentations and the experience obtained through site visits, the committees' delegation recommends THAT: -

1. Understanding & Separation of Roles between the Assembly & the Executive - The County Assembly must take its roles under Article 185 of the Constitution of Kenya 2010; Legislative power, Budget approval, Oversight function, Approving County development planning, public representation and Approving appointments.

2. Enhanced Transparency and Accountability – the County Ministry on Finance, Planning and Revenue Management should;

- i. Publish county budgets, procurement information, and audit reports online.

- ii. Establish a public portal for accessing government services and information.
- iii. Create platforms for citizens to participate in decision-making processes, including civic education frameworks such as: Town hall meetings and public forums.
- iv. Provide for online consultations and feedback mechanisms,

3. Anti - Corruption Measures- the County Assembly should Strengthen anti-corruption institutions and mechanisms, including independent audit and oversight bodies such as the County Assembly Committee on Public Investments and Accounts, Whistleblower protection policies, public procurement reforms to ensure transparency and competition.

4. Improved Public Service Delivery – the County Government through the County Assembly should;

- i. Develop and implement service charters that clearly define the standards and timelines for public services, such as: Healthcare, Education and Water.
- ii. Establish a performance management system to track and evaluate the performance of county government departments and staff, including: Key performance indicators (KPIs), Regular performance reviews, Incentives and sanctions based on performance.

5. Promote Citizen Participation and Inclusion – the County Government through the Department of Administration and Coordination of County Affairs should;

- i. Prepare the Civic Education Frameworks in Line with Section 98-101 of CG Act, 2012 to empower citizens with knowledge of their rights and responsibilities.
- ii. Establish mechanisms for regular dialogue and engagement with communities, including: Community development committees, public forums and barazas.

- iii. Ensure that marginalized and vulnerable groups are included in decision-making processes and have access to public services.

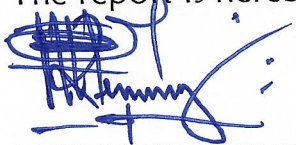
6. Performance Tracking, Monitoring and Evaluation – the County Government through the department of Monitoring and Evaluation should;

- i. Develop Performance Indicator to track progress in governance improvement.
- ii. Practice Regular Monitoring to identify areas for improvement.
- iii. Establish feedback mechanisms to gather input from citizens and stakeholders
- iv. Prioritize the action plans based on their potential impact and feasibility.
- v. Allocate adequate resources to support the implementation of the action plans.
- vi. Partner with relevant stakeholders.

7. Capacity Building – the County Government should Invest in leadership development programs for county officials to improve their leadership and management skills. In addition, also Provide training and development opportunities for county Assembly/government staff to enhance their skills and knowledge.

8. Training the Entire Members of Assembly- The delegation recommends for the training of the entire county Assembly so that all understand their roles; Induction for newly elected members on the need for separation of powers and also training on Budget and Procurement management.

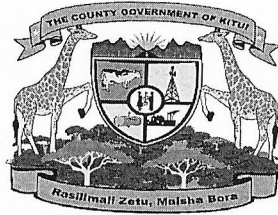
The report is hereby forwarded for your action.



.....
KENNEDY MWENDWA

COUNTY ASSEMBLY KITUI

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (FOURTH SESSION)

COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON A TRAINING WORKSHOP ON ADMINISTRATION OF LAW AND JUSTICE IN DEVOLVED UNITS INCLUDING ELECTIONS WITHIN THE ASSEMBLY, GOOD GOVERNANCE, ANTI-CORRUPTION, AND HUMAN RIGHTS, HELD IN ADDIS ABABA, ETHIOPIA.

CLERK'S CHAMBERS,
COUNTY ASSEMBLY OF KITUI,
P.O. BOX 694-90200.
KITUI.

FEBRUARY, 2025

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good
Governance, Anti-Corruption, and Human Rights

COUNTY GOVERNMENT OF KITALE



THE COUNTY ASSEMBLY

THIRD ASSEMBLY - FOURTH SESSION

COMMITTEE ON JUSTICE AND LOCAL AFFAIRS

REPORT ON A TRAINING WORKSHOP ON ADMINISTRATION OF LAW
AND JUSTICE IN DEVOLVED UNITS INCLUDING ELECTIONS WITHIN
THE ASSEMBLY, GOOD GOVERNANCE, ANTI-CORRUPTION, AND
HUMAN RIGHTS, HELD IN ADOIS ABABA, ETHIOPIA

CLERK'S CHAMBER,
COUNTY ASSEMBLY OF KITALE,
P.O. BOX 604-00200

FEBRUARY 2022

KITALE

Information of law and justice in devolved units including elections within the Assembly, Good
Governance and Corruption and Human Rights

TABLE OF CONTENTS	
ABBREVIATIONS	3
ANNEXURES	4
EXECUTIVE SUMMARY.....	5
CHAPTER ONE.....	7
1.0 PREAMBLE	7
1.1 Committee Mandate	7
1.2 Composition of the Delegation	8
1.3 Acknowledgement.....	9
CHAPTER TWO.....	10
2.0 BACKGROUND INFORMATION	10
2.1 Justification for The Training.....	11
CHAPTER THREE.....	14
3.0 OVERVIEW OF GOVERNANCE AND DEVELOPMENT IN ETHIOPIA.....	14
3.1 Highlights of the Training.....	16
3.1.1 Devolution and Government Structures.....	16
3.1.2 Historical perspective of Devolution.....	17
3.1.3 Objectives and Impacts of Devolution.....	18
3.1.4 Principles of Good Governance.....	21
3.1.5 The Added Value of Governance.....	20
3.1.6 Governance Framework	20
3.1.7 Key Principles of Good Governance in the Public Sector	20
3.1.8 External and Internal Parties Involved in the Governance Process.....	21
3.1.9 Benefits of Integrating Governance Activities.....	22
3.2 Public Participation.....	23
3.2.1 Tools for Public Participation.....	23
3.2.2 Organizing Public Participation.....	25
3.3 Conduct of Elections.....	26
3.3.1 Conduct of Internal Elections.....	26
3.3.2 How to make Elections better.....	27
3.3.3 Leadership Responsibilities in conducting elections.....	28
3.4 Human Rights in Governance.....	29
3.4.1 Principles of Human Rights.....	30
3.4.2 Indivisibility and Interdependence of Human Rights.....	29
3.4.3 Integrating Human Rights into Legislative Actions.....	30
CHAPTER FOUR.....	31
4.0 COMMITTEE FINDINGS AND LESSONS LEARNT	32
4.1 Committee Findings.....	32
4.2 Lessons Learnt	33
CHAPTER FIVE	34
5.0 RECOMMENDATIONS.	34
CHAPTER SIX	37
6.0. CONCLUSION.....	37

ABBREVIATIONS

ACECA - Anti-Corruption and Economic Crimes Act

EACCA - Ethics and Anti-Corruption Commission Act

ESG - Environmental, Social, and Governance

G20 Common Framework- known as the Common Framework (CF), was launched in November 2020. Its main aim is to strengthen the international debt architecture for the world's poorest countries

IDPs - Internally Displaced Persons

IMF - International Monetary Fund

POCAMLA -Proceeds of Crime and Anti-Money Laundering Act

SDGs - Sustainable Development Goals

ANNEXURES

Annexure 1: Members' Adoption

Annexure 2: Pictorial

Annexure 3: Study Tour Program

Annexure 4: Invitation Letter

Annexure 5: Approval to Travel to Ethiopia

Annexure 6: Copies of Passports, Boarding Passes and Air tickets

Annexure 7: Training Attendance Register

EXECUTIVE SUMMARY

This report presents the findings of the sectoral Committee on Justice and Legal Affairs following the recent training workshop and study visit to Addis Ababa Ethiopia held from 17th – 22nd February, 2024.

The purpose of the visit was to improve members' knowledge on administration of law and justice in devolved units including elections within the assembly, good governance, anti-corruption and human rights.

The administration of law and justice is a cornerstone of effective governance and democracy, particularly in devolved units. It is also critical for fostering democracy, good governance, and the protection of human rights. It outlines the key areas of focus for enhancing the administration of law and justice in putting emphasis on county assembly elections, governance, anti-corruption measures, and the protection of human rights. This will create a more just and equitable society by ensuring;

1. Electoral processes are reviewed and strengthened to be transparent, fair and inclusive. Also implement comprehensive voters education programs to inform them on their rights and the electoral process.
2. That power is effectively decentralized to promote local governance and accountability.
3. Active citizen participation in governance through public forums, consultations, and feedback mechanisms.
4. Strong anti-corruption laws and policies at the county level, ensuring they are enforced effectively.

5. Establishment of mechanisms to protect whistleblowers and encourage reporting of corrupt practices. Conduct campaigns to raise awareness about the impact of corruption and the importance of integrity in public service.
6. that local laws protect human rights in accordance with national and international standards.

Based on the findings, the committee recommends the following:

1. Understanding & Separation of Roles between the Assembly & the Executive
2. Enhanced Transparency and Accountability.
3. Promotion of Anti - Corruption Measures
4. Improved Public Service Delivery
5. Strengthening of Public Financial Management
6. Promotion of Citizen Participation and
7. Performance Tracking, Monitoring and Evaluation
8. Capacity Building
9. Training the Entire Members of Assembly

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

CHAPTER ONE

1.0 PREAMBLE

Mr. Speaker,

On behalf of the Members of the Committee on Justice and Legal Affairs and pursuant to the provisions of Standing Order 190(5) (g), it's my pleasure to present to the House, the committee report on the workshop on administration of law and justice in devolved units including elections within the assembly, good governance, anti-corruption, and human rights held in Addis Ababa, Ethiopia.

The workshop took place from 17th to 21st February, 2025 and was organized by the East and South Africa Management Institute (ESAMI), an organization specializing in training on Leadership and Management of Public and private sector organizations.

1.1 Committee Mandate

Mr. Speaker,

Pursuant to Standing Order no. 190(5), the Committee is bestowed with the following mandates-

- i) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operation, and estimates of the assigned departments;
- ii) Study programmes and policy objectives of departments and the effectiveness of the Implementation; Study and review all County Legislation referred to it;

- iii) Study, assess, and analyze the relative success of departments as measured by the results obtained as compared with their stated objectives;
- iv) Investigate and inquire about all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- v) To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments) and;
- vi) Make reports and recommendations to the County Assembly as often as possible, including recommendations for proposed legislation.

1.2 Composition of the Delegation

Mr. Speaker,

The delegation comprised the following who had a successful training session on Administration of Law and Justice in Devolved Units;

- | | |
|----------------------------------|------------------------|
| 1. Hon. Dominic Isumaili Mwamisi | - Leader of Delegation |
| 2. Hon. Stephen Ileve Katana | - Member |
| 3. Hon. Benjamin Ndambu Mulandi | - Member |
| 4. Hon. Grace Syoindo Mulandi | - Member |
| 5. Hon. Ciambutra Karigi | - Member |
| 6. Hon. Joseph Kasungi Kavula | - Member |
| 7. Mr. Kennedy Mumo Mwendwa | - Committee Clerk |

1.3 Acknowledgement.

Mr. Speaker,

The delegation wishes to thank the Office of the Speaker and the Clerk of Assembly for allowing the Committee to conduct the study visit in Ethiopia, for facilitating, planning, and organizing the travel and the necessary logistical arrangements. The delegation also appreciates the Ministry of Devolution for facilitating travel approval.

The delegation also thanks the ESAMI for organizing the visit and dispatching Mr. Kennedy Nyamolo to facilitate the study sessions and also the representatives of the various places visited by the delegation.

Mr. Speaker,

On behalf of the Committee, I now wish to table this report and urge the House to adopt the same and the recommendations therein.

SIGNED BY: 

DATE: 

HON. DOMINIC MWAMISI,

LEADER OF DELEGATION, COMMITTEE ON JUSTICE AND LEGAL AFFAIRS
COUNTY ASSEMBLY OF KITUI.

CHAPTER TWO

2.0 BACKGROUND INFORMATION

Mr. Speaker,

The County Assembly is mandated pursuant to the County Government Act, 2012 Section 8 and Article 185 of the Constitution of Kenya (2010) to ensure proper governance of public institutions within their jurisdiction and prudence in using public resources through oversight and policy formulation. To ensure that, at the national level, Kenya has developed a robust legal framework to address the prevalence of bribery and corruption. Among these include; the Public Officer Ethics Act, 2003, the Anti-Corruption and Economic Crimes Act, 2003 (ACECA) (with a pending Anti-Corruption and Economic Crimes Amendment Bill, 2021), the Ethics and Anti-Corruption Commission Act, 2011 (EACCA), the Public Finance Management Act, 2012, the Leadership and Integrity Act, 2012, the Public Service Commissions, Act, 2017, the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA), 2009 and the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act, 2023.

Mr. Speaker,

Articles 2(5) and 2(6) of the Constitution provide that the general rules of international law form part of the laws of Kenya, and any treaty or convention ratified by Kenya forms part of the laws of Kenya. In this regard, Kenya has ratified the following conventions which effectively form part of the laws of Kenya on bribery and corruption; the United Nations Convention against Corruption, the International Code of Conduct for Public Officials, and the African Union Convention on Preventing and Combating Corruption.

Mr. Speaker,

The foundation of this framework is the Constitution of Kenya (2010), which is the supreme law of the Republic. Article 10 of the Constitution provides for Kenya's national values and principles of governance, which bind all State organs, State officers, public offices, and all persons whenever any of them apply or interpret the Constitution, enact, applies or interpret any law, or make or implements public policy decisions. The national values and principles of governance include good governance, integrity, transparency, and accountability.

2.1 Justification for The Training

Mr. Speaker,

Members of the County Assembly are bestowed with the mandate of legislation, budgetary allocation to different County sectors, and oversight to ensure the effective working of the County Ministries and Departments. A County Assembly Committee is designated to do the detailed work of the County Assembly and as such Members can form membership to various committees in the Assembly. This advanced administration of Law and Justice training course is a cornerstone of effective governance and democracy, particularly in devolved units.

Mr. Speaker,

Therefore, this training covered Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human rights functions to achieve cooperation among these functions and improve the Administration process within the organization and the organizations they oversee. The training course shows how effective

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

administration and implementation of law and justice enables the assessment, monitoring, and reporting of governance to support decision-making, business performance, and adherence to regulations, policies, and mandates. This knowledge is useful, especially in their oversight role to county departments and other county government entities.

Mr. Speaker,

Important to note is that Members are mainly new entrants into the public service. It is necessary to expose them to the appropriate programs to equip them with knowledge of organizational strategic practices and the required skills to execute their core mandate at the committee level.

Mr. Speaker,

Further, Members of the County Assembly are expected to work together towards a common goal and this training is underpinned in this to ensure members understand the goals of the organizations and plan accordingly as well as conduct themselves accordingly in the execution of their mandate.

Mr. Speaker,

It is in light of this that the Committee deemed it imperative to pursue this training to enhance the Members' knowledge of Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

2.2 Objectives of the Training

Mr. Speaker,

The study tour's objectives were;

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

1. To ensure that the legal frameworks are robust, clear, and aligned with national laws and international standards.
2. To promote free, fair, and transparent elections in county assemblies, ensuring that electoral processes are conducted with integrity and inclusivity.
3. To foster good governance practices within devolved units, ensuring accountability, transparency, and citizen participation in decision-making processes.
4. To implement effective anti-corruption strategies that deter corrupt practices and promote integrity within devolved units.
5. To ensure that the rights of all citizens are protected and promoted within the framework of devolved governance, with particular attention to marginalized and vulnerable groups.

CHAPTER THREE

3.0 OVERVIEW OF GOVERNANCE AND DEVELOPMENT IN ETHIOPIA

Mr. Speaker,

Good governance and administration of law and justice is at the heart of democratic values and principles in Ethiopia including participation, effectiveness and efficiency, transparency, accountability, and rule of law. In the Ethiopian context, good governance encompasses representativeness, consistency transparency, responsiveness, and accountability. Similarly, and in the Kenyan context, Article 10 of the Constitution of Kenya (2010) defines the values and principles of governance in the public service.

Mr. Speaker,

On the development front and in line with the 2019 Home-Grown Economic Reform Agenda to shift towards more private-sector-driven and sustainable growth, the Ethiopian government announced major reforms in late July 2024. This included an immediate shift to market-determined exchange rates, the removal of most current account restrictions, and the modernization of the monetary policy framework. These reforms are supported by an IMF program, World Bank Development Policy Financing, and proposed debt relief through the G20 Common Framework. Ethiopia's challenge now is to sustain and deepen these reforms to translate economic improvements into tangible benefits for people vis higher incomes, more jobs, and better public services.

Mr. Speaker,

As of September 30, 2024, the World Bank's portfolio in Ethiopia consisted of 44 active projects, with a total commitment of \$16.33 billion, complemented

by \$1.14 billion in trust fund financing. These projects span critical sectors, including macro-economic reforms to support sustainable growth, and initiatives for conflict-affected communities and internally displaced persons (IDPs). Key areas of focus include agriculture, sustainable land management, healthcare, education, water, and sanitation, as well as energy, transportation, digital development, and trade logistics. As a growing economy in the African region, Kenya has a lot to earn from these developments.

Mr. Speaker,

Some of the best practices that Kenya can earn from Ethiopia's governance and administration of law and justice are;

i. Integrated ESG program

Launched in November 2023, this program aims to promote environmental, social, and governance (ESG) best practices in Ethiopia. The program will help private sector actors adopt ESG standards and codes of conduct. It will also support regulators to improve their ability to integrate, monitor, and enforce ESG requirements.

ii. National Bank of Ethiopia directives

The National Bank of Ethiopia published two directives to ensure that Ethiopian companies apply best practices in corporate governance. The directives include rules for corporate bodies, the composition of board committees, and the minimum content of a company's code of conduct.

iii. Governance and Democratic Participation Program

This program aims to strengthen public institutions and processes to promote good governance and democratic participation. The program's goals include making political processes more inclusive, making governance systems more

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

accountable and transparent, empowering citizens to participate in decision-making, and strengthening systems to manage diversity and prevent conflicts.

3.1 Highlights of the Training

Mr. Speaker,

The training was divided into Six (6) sections ;

1. Devolution & Governance Structures
2. Public Participation
3. Conducting Internal Elections
4. Leadership Responsibilities and Accountability
5. Anti-Corruption Measures and Good Governance
6. Human Rights in Governance

3.1.1 Devolution & Governance Structures

Mr. Speaker,

During the training, the facilitator defined Devolution refers to the transfer of power, resources, and responsibilities from a central government to regional or local authorities. In the context of Kenya, devolution is a key feature of the 2010 Constitution, establishing a decentralized system where power and resources are transferred to the 47 counties. This process aims to promote local governance, enhance participation, and improve service delivery.

Mr. Speaker,

Devolution in Kenya, was implemented in 2010 through the 2010 Constitution, marking a significant shift from a centralized, one-party state to a decentralized system with 47 elected county governments. This change aimed to address historical inequalities, improve service delivery, and increase

citizen participation in governance. While devolution has led to tangible improvements in some areas, it has also faced challenges, including capacity issues, resource allocation disparities, and political dynamics.

3.1.2 Historical Perspectives on Devolution in Kenya.

Mr. Speaker,

- i. **Pre-Independence:** The push for decentralization and local autonomy emerged even before independence, driven by concerns about equitable resource distribution and power imbalances.
- ii. **Post-Independence:** While initial attempts at decentralization were made, they were short-lived and lacked substantial political support.
- iii. **The 2010 Constitution:** The 2010 constitution enshrined devolution, establishing 47 county governments with legislative and executive powers, aiming to decentralize decision-making and resource allocation.

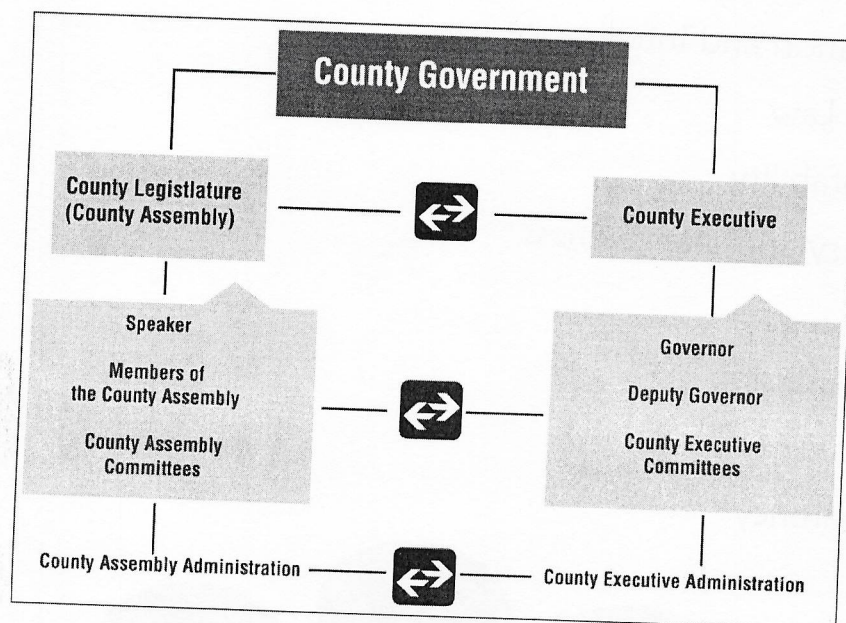
3.1.3 Objectives and Impacts of Devolution in Kenya

Mr. Speaker,

- i. **Improved Service Delivery:** Devolution is expected to improve access to basic services like healthcare, education, and infrastructure at the local level.
- ii. **Increased Citizen Participation:** By bringing government closer to the people, devolution aims to foster greater participation in decision-making and accountability.
- iii. **Economic Development:** Devolution is seen as a means to stimulate local economic growth by empowering county governments to manage resources and develop local economies.

Devolution in Kenya is a complex and ongoing process with both successes and challenges. While it has brought about significant changes in governance and service delivery, addressing the challenges of capacity building, equitable resource distribution, and political stability remains crucial for realizing the full potential of devolution.

Diagram 1 below is a demonstration of a Structure of Governance as a result of Devolution.



Mr. Speaker,

The diagram above shows how county governments are structured with two main arms: the executive and the legislative. The executive arm is headed by the County Governor and includes the County Executive Committee, responsible for policy implementation and service delivery. The legislative arm, the County Assembly, has oversight responsibilities and creates laws as well.

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

3.1.4 Principles of Good Governance

Mr. Speaker,

The training highlighted ten (10) principles of good governance as follows;

- i. Equity
- ii. Responsiveness
- iii. Information and Intelligence
- iv. Rule of Law
- v. Accountability
- vi. Efficiency and Effectiveness
- vii. Ethics
- viii. Strategic Vision
- ix. Participation
- x. Transparency

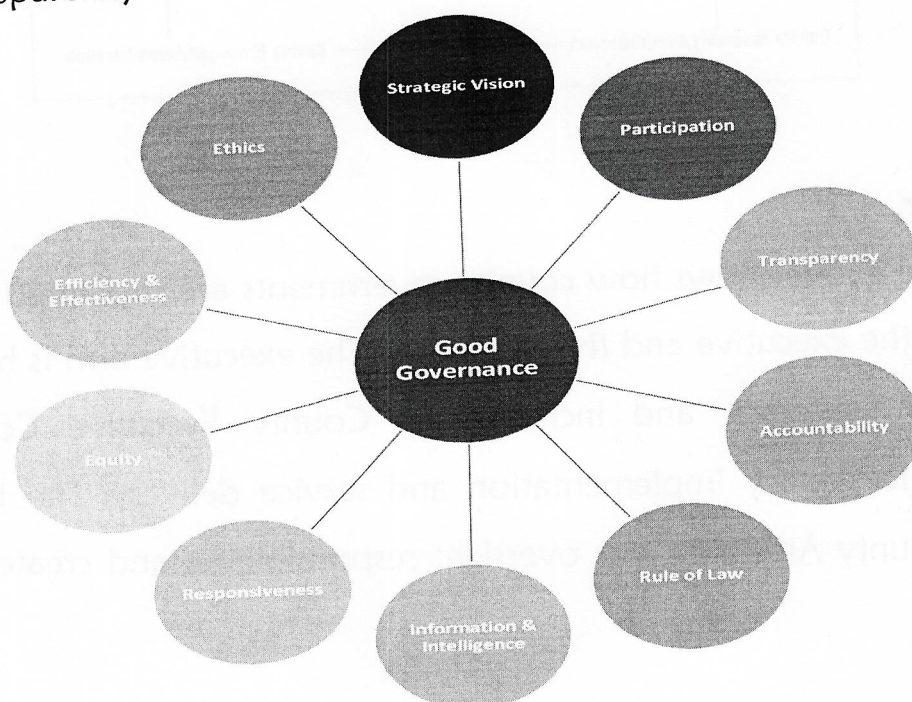


Diagram 2: Principles of good governance (Source: Training notes)

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

3.1.5 The Added Value of Governance

Mr. Speaker,

Effective governance has the following benefits to an organization:

- i. Promotes accountability and integrity.
- ii. Increases efficiency and reduces waste.
- iii. Supports risk management and compliance.
- iv. Enhances decision-making and strategic planning.
- v. Builds public trust and stakeholder confidence.
- vi. Fosters innovation and adaptability.

3.1.6 Governance Framework

Mr. Speaker,

The facilitator defined the governance framework as a general framework that defines the organizational structure, roles and responsibilities of the board of directors, executive management, performance monitoring mechanisms, decision-making processes, and other elements related to good governance, transparency, and accountability.

3.1.7 Key Principles of Good Governance in the Public Sector

Mr. Speaker,

The training set out the following key requirements in the public sector to achieve good governance;

- i. Transparency and openness.
- ii. Accountability and ethical standards.
- iii. Participation and inclusivity.
- iv. Rule of law.
- v. Efficiency and effectiveness.

- vi. Strategic vision and mission alignment.
- vii. Responsiveness and adaptability.
- viii. Risk management and control systems.
- ix. Competent leadership and skilled workforce.
- x. Continuous improvement and innovation.

3.1.8 External and Internal Parties Involved in the Governance Process.

Mr. Speaker,

Diagram 3 below elaborates on the internal and external factors that determine the effectiveness of the governance process along with the key actors and players. On the internal factors, the regulatory framework which includes the company codes, and standard operating procedures plays a vital role in determining the effectiveness of the governance process. The key actors in the internal factors are the shareholders, the board of directors, and the management. On the other hand, the external regulatory framework includes codes, laws, regulations and accounting and audit standards. The key players in the external environment are competitors, foreign investors and reputational agents. It is the incorporation of these factors that determine the quality of governance.

CORPORATE GOVERNANCE

INTERNAL VS EXTERNAL

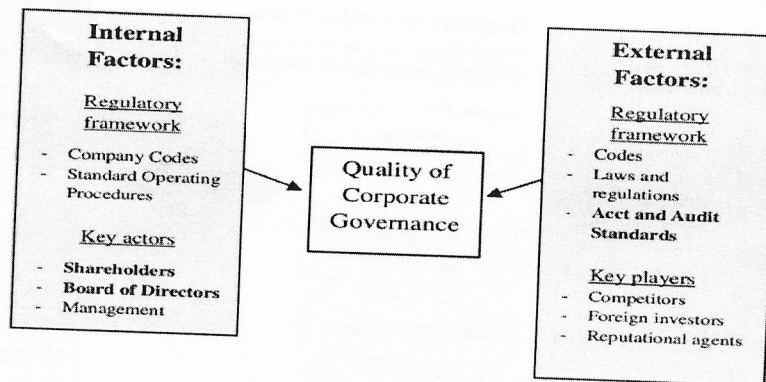


Diagram 3: External and Internal Parties Involved in the Governance Process
 (Source: Training notes)

3.1.9 Benefits of Integrating Governance Activities.

Mr. Speaker,

Integrating governance activities in organizational management has various benefits including;

- i. Enhanced efficiency and coordination.
- ii. Better risk management.
- iii. Improved compliance and accountability.
- iv. Increased transparency and trust.
- v. Cost-effectiveness.
- vi. Strategic alignment and agility.
- vii. Enhanced organizational culture.

Diagram 4 below shows an integrated governance framework

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

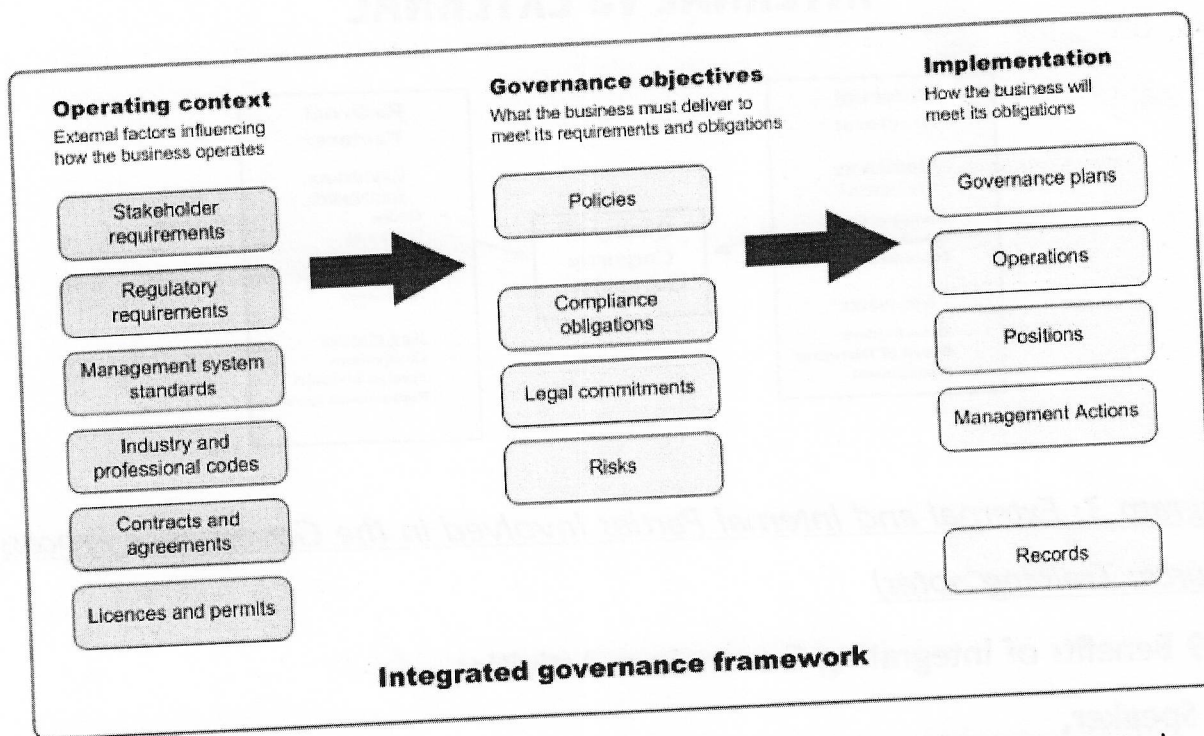


Diagram 4: Integrated Governance Framework (Source: Training notes)

3.2 Public Participation

Mr. Speaker,

The Facilitator defined public participation as the involvement of citizens in decision-making processes, particularly those affecting their lives. It's a way for the public to have a voice in shaping policies, programs, and projects, contributing to more democratic governance and equitable outcomes. Essentially, it's about empowering citizens and making them active participants in their communities.

The Constitution of Kenya 2010 mandates public participation as a national value and principle of governance, binding on all state organs and public servants. Article 1(2) states that all sovereign power belongs to the people of Kenya, who can exercise it directly or through elected representatives. In

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

addition, public participation is enshrined as a national value and principle of governance in Article 10. This means citizens have the right to be involved in decision-making processes and to have their opinions heard on matters of national importance. The constitution also emphasizes public access and participation in legislative and other parliamentary business.

3.2.1 Tools for public participation

The public can engage the Legislature and give its views orally or in writing through: -

- i. Petitions –This is provided for under Article 119 of the Constitution. The public can petition Parliament on any matter under its authority including enacting, amending or repealing legislation, removal of public officers from office under Article 251 of the Constitution.
- ii. Submissions/ memoranda –When the National Assembly is considering Bills, statutory instruments, budget estimates or conducting an inquiry, the general public may make submissions on the subject matter. When conducting approval hearings or processing removal from office the public is invited to present Memoranda on the suitability or otherwise of the concerned public officer.
- iii. Public forums -Provide an opportunity of face-to-face engagement between Members of Parliament and citizens through which instant feedback and observation of state of affairs can be received. Committees can undertake public hearings through meetings in and outside Parliament and inspection visits of projects. Members of the public are free to attend committee meetings.

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

3.2.2 Organizing public participation

(a) Steps in organizing public participation

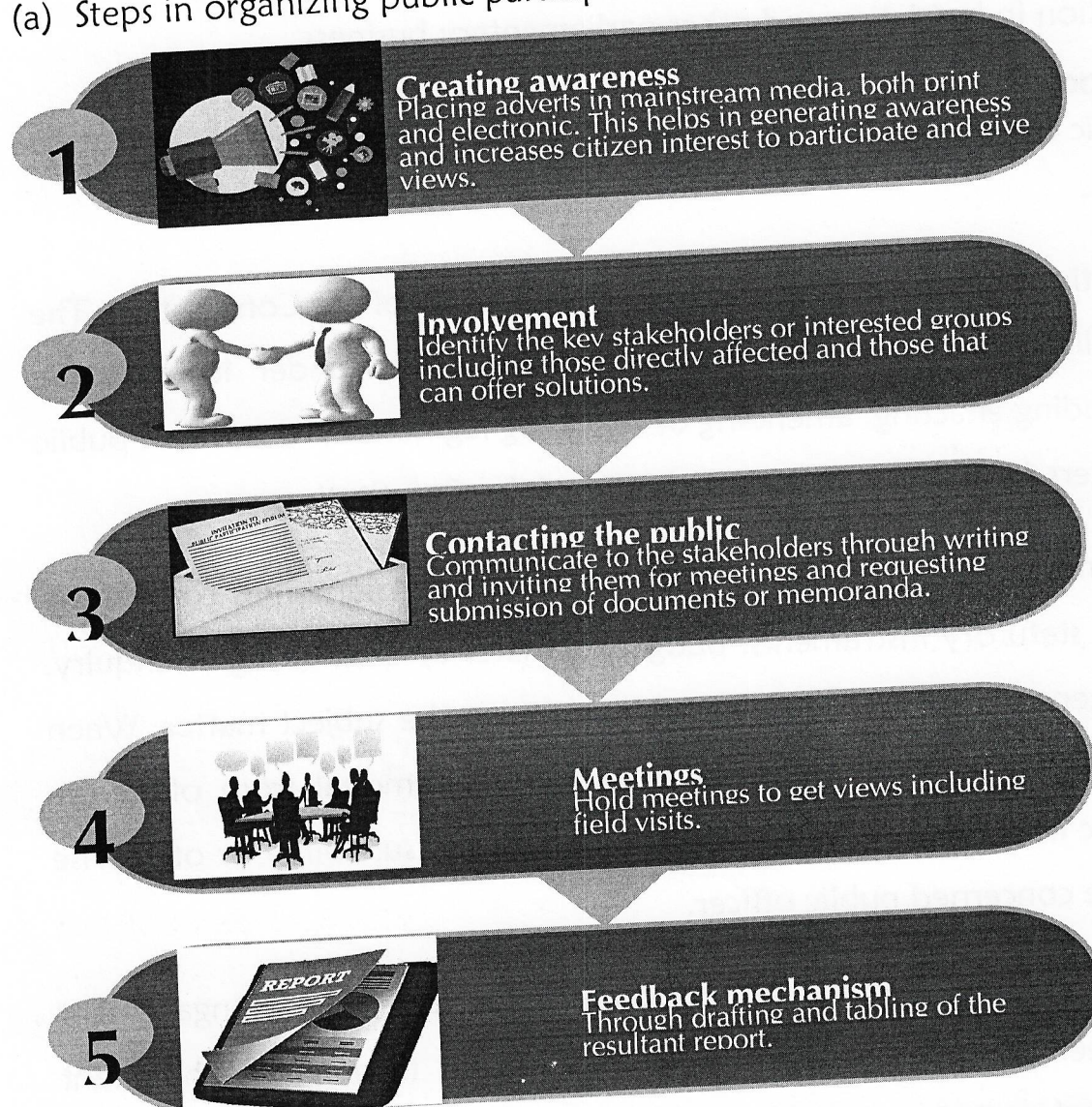


Diagram 5 above demonstrates steps involved in organizing public participation exercise. (Source: Training notes)

(b) Public Participation Session

When conducting the actual public participation sessions, the action plan must be effectively carried out for accountability purposes. The stakeholders should

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

be provided with the necessary information so as to enhance credibility. Witnesses are invited in time and allowed sufficient time to prepare their oral or written submissions.

(c) Exclusion of the public and the Media in exceptional circumstances

In exceptional circumstances, in-camera sessions can be held within the confines of Article 118 (2) of the Constitution. The Speaker should be satisfied that there are sufficient grounds to exclude the public and the Media in any committee activity. The person requesting for incamera sessions should indicate the reasons for such a request.

3.3 Conduct of Elections

Mr. Speaker,

An effective and credible electoral process is the cornerstone of any democracy. It ensures that citizens can freely express their will and choose their representatives.

3.3.1 Conduct of Internal Elections

Mr. Speaker,

In looking at the County Assembly Framework the training emphasized that the Kitui County Assembly Standing Orders provides for the Code of Conduct for internal elections in the Assembly.

They provide procedures and key Considerations in election of the Speaker Sectoral, the Deputy Speaker, Chairpersons and Vice Chairpersons of House Committees and how an effective and credible internal electoral process can be built.

3.3.2 How to make internal elections better

Mr. Speaker,

- i. Changing the Political culture: A culture of impunity and lack of respect the rule of law can contribute to electoral malpractices.
- ii. Ensuring Transparency and Accountability for Promoting Inclusivity and openness in Preparations
- iii. Having access to information related to the electoral process- reduce speculation and anxiety
- iv. Conducting civic education programs to promote tolerance, respect for diversity, and peaceful participation in elections

3.3.3 Leadership Responsibilities and Accountability in Conduct of Elections

Mr. Speaker,

Duty Bearers and Responsibilities of internal elections include;

- i. EMBS- Election officials are expected to be impartial and conduct elections fairly. Offences include manipulating results, delaying the announcement of results, or engaging in other forms of malpractice.
- ii. Political Parties and Candidates: Political leaders have a crucial role in shaping the electoral climate, conducting campaigns with integrity and respect for democratic principles, avoiding hate speech, misinformation, and violence Respecting the outcome of the elections
- iii. The Voters: The MCAs (now voting in the Assembly) also have a responsibility to participate actively and responsibly in the electoral process, becoming informed about candidates and issues and respecting the democratic process and the outcome of elections.

The training underscored that Transparency and Accountability are not mere formalities but crucial aspects of ensuring free and fair election

3.3 Human Rights in Governance

Mr. Speaker,

The training underscored the importance of protecting and advocating for human rights, aligning local policies with broader human rights frameworks. Chapter 4 of the Kenyan Constitution (Bill of Rights) highlights that human rights are inherent to all individuals and apply equally, regardless of nationality, race, sex, religion, or any other status. They are not granted by any state and are considered universal. These rights include the right to life, liberty, and security of person, as well as freedom of expression, thought, and religion.

Inherent and Universal: Human rights are not privileges given by governments; they are inherent to every human being simply because they exist. They apply to everyone, everywhere, without any distinction or discrimination.

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, is the foundation of international human rights law. It sets out the fundamental human rights to be universally protected. The UDHR, along with the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social and Cultural Rights, form the International Bill of Rights.

3.4.1 Principles of Human Rights

Mr. Speaker,

Principles of Human Rights include;

- i. Universality and Inalienability
- ii. Indivisibility
- iii. Interdependence and Interrelatedness
- iv. Equality and Non-discrimination
- v. Participation and Inclusion
- vi. Accountability
- vii. Rule of Law

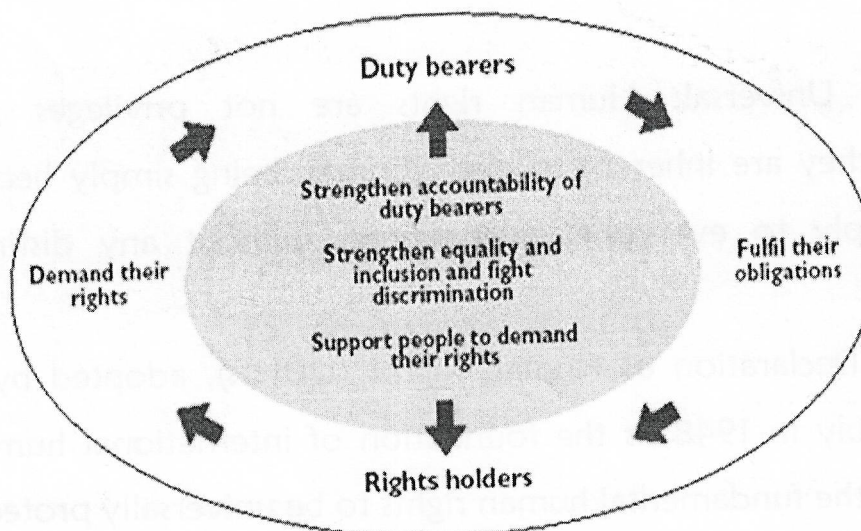


Diagram 6 above shows: State, Individuals, organizations, or groups that have a responsibility to uphold human rights. (Source: Training notes)

3.4.2 Indivisibility and Interdependence of Human Rights.

Mr. Speaker,

The training provided a linkage of human rights and helped to improve understanding of members on how human rights relate. For example;

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

- i. Lack of Proper Water and Sanitation, Stingy, homeless and no access to school, may make a person feel turned away and discriminated
- ii. Economic-social vulnerability leads to the vulnerability of civil and political rights and reduced participation in democratic spaces.
- iii. Marginalized and excluded populations, whose rights have been violated, have greater difficulty in participating in decision-making processes.
- iv. Denial of economic freedom, in the form of extreme poverty, renders the person vulnerable to violations of other forms of freedom

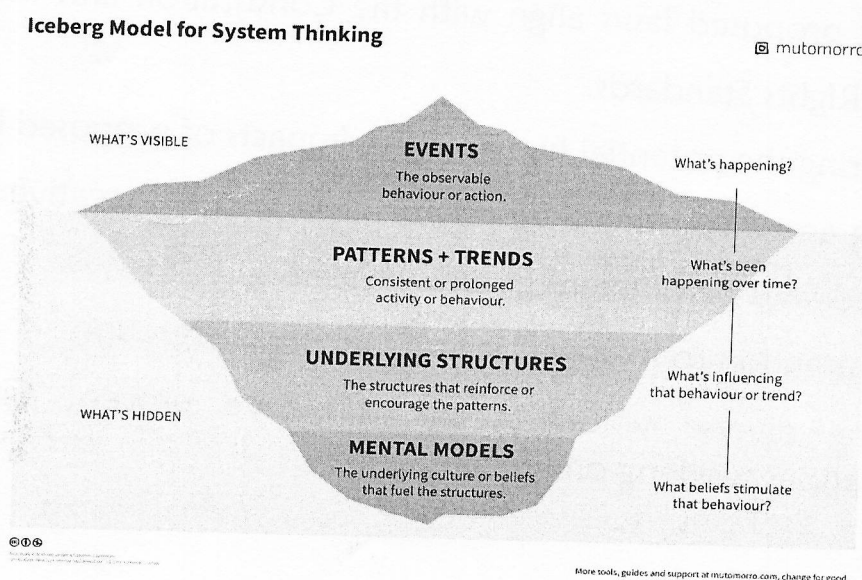


Diagram 7 above demonstrates how human rights relates considering different events, patterns, underlying structures and existing cultural beliefs. Source: (Training notes)

3.4.3 Integrating Human Rights into Legislative Actions

Mr. Speaker,

The training provided ways into which members of the Assembly would take into consideration to integrate human rights into legislative actions. These include;

- i. Incorporating Human Rights Principles into all Stages of Legislative Development.
- ii. Ensuring proposed laws align with the Constitution and International Human Rights Standards.
- iii. Considering the potential human rights impacts of proposed laws.
- iv. Tracking and evaluating the potential positive and negative impacts of proposed laws on different groups within Kitui County.
- v. Paying attention to marginalized and vulnerable groups.
- vi. Involving diverse voices in the legislative process, Civil society organizations working on human rights

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

CHAPTER FOUR

4.0 COMMITTEE FINDINGS AND LESSONS LEARNT

4.1 Committee Findings

Mr. Speaker,

Following a successful workshop in Ethiopia, the delegation was exposed to proven efficient approaches that improve the performance and delivery of government services, create higher levels of citizen satisfaction, end bureaucratic inefficiencies, and improve fiscal responsibility and accountability. The delegation gained crucial capacity and knowledge in the following general areas namely; Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

Mr. Speaker,

Some of the best practices that Kenya can learn from Ethiopia's governance are the Integrated ESG program that aims to promote environmental, social, and governance, the National Bank of Ethiopia directives to ensure that organizations and companies apply best practices in corporate governance for financial prudence and healthy financial practices, and the Governance and Democratic Participation Programme to strengthen public institutions and processes to promote good governance and democratic participation through inclusive political processes, accountable and transparent governance systems, empowering citizens to participate in decision-making and the strengthening of systems to manage diversity and prevent conflicts.

Administration of Law and Justice in Devolved Units including elections within the Assembly, Good Governance, Anti-Corruption, and Human Rights

4.2 Lessons Learnt

Mr. Speaker,

The following are the specific lessons learnt;

- i. The training equipped members with vital knowledge of the key principles of good governance in the public sector which will enable the committee to effectively exercise its oversight mandate for improved performance and accountability.
- ii. The governance process enabled them to forge stronger partnerships with their stakeholders and foster a better working environment where good governance is exercised.
- iii. It equipped members with effective strategies to institutionalize the regulation, monitoring, and enforcement of government projects and programs.
- iv. It sharpened their oversight skills to ensure that organizations conduct themselves within the dictates of good governance and observe prudence in the expenditure of public funds.
- v. It enabled members to overcome barriers they face in their work when dealing with other organizations and increased their decision-making agility.
- vi. It equipped members with strategies to reduce systemic corrupt practices in government operations
- vii. It also equipped members with knowledge on how to interpret financial statements and assess the financial health of organizations and make accurate recommendations on the same.

CHAPTER FIVE

5.0 RECOMMENDATIONS.

In light of the Committee's findings and lessons learnt, the following recommendations were made and will go a long way in enhancing governance and financial management in Kitui County.

Mr. Speaker,

The committee recommends THAT: -

- 1. Understanding & Separation of Roles between the Assembly & the Executive** - The County Assembly must take its roles under Article 185 of the Constitution of Kenya 2010; Legislative power, Budget approval, Oversight function, Approving County development planning, public representation and Approving appointments.
- 2. Enhanced Transparency and Accountability** – the County Ministry on Finance, Planning and Revenue Management should;
 - i. Publish county budgets, procurement information, and audit reports online.
 - ii. Establish a public portal for accessing government services and information.
 - iii. Create platforms for citizens to participate in decision-making processes, including civic education frameworks such as: Town hall meetings and public forums.
 - iv. Provide for online consultations and feedback mechanisms,

3. Anti - Corruption Measures- the County Assembly should Strengthen anti-corruption institutions and mechanisms, including independent audit and oversight bodies such as the County Assembly Committee on Public Investments and Accounts, Whistleblower protection policies, public procurement reforms to ensure transparency and competition.

4. Improved Public Service Delivery – the County Government through the County Assembly should;

- i. Develop and implement service charters that clearly define the standards and timelines for public services, such as: Healthcare, Education and Water.
- ii. Establish a performance management system to track and evaluate the performance of county government departments and staff, including: Key performance indicators (KPIs), Regular performance reviews, Incentives and sanctions based on performance.

5. Promote Citizen Participation and Inclusion – the County Government through the Department of Administration and Coordination of County Affairs should;

- i. Prepare the Civic Education Frameworks in Line with Section 98-101 of CG Act, 2012 to empower citizens with knowledge of their rights and responsibilities.
- ii. Establish mechanisms for regular dialogue and engagement with communities, including: Community development committees, public forums and barazas.
- iii. Ensure that marginalized and vulnerable groups are included in decision-making processes and have access to public services.

6. Performance Tracking, Monitoring and Evaluation – the County Government through the department of Monitoring and Evaluation should;

- i. Develop Performance Indicator to track progress in governance improvement.
- ii. Practice Regular Monitoring to identify areas for improvement.
- iii. Establish feedback mechanisms to gather input from citizens and stakeholders
- iv. Prioritize the action plans based on their potential impact and feasibility.
- v. Allocate adequate resources to support the implementation of the action plans.
- vi. Partner with relevant stakeholders.

7. Capacity Building – the County Government should Invest in leadership development programs for county officials to improve their leadership and management skills. In addition, also Provide training and development opportunities for county Assembly/government staff to enhance their skills and knowledge.

8. Training the Entire Members of Assembly- The delegation recommends for the training of the entire county Assembly so that all understand their roles; Induction for newly elected members on the need for separation of powers and also training on Budget and Procurement management.

CHAPTER SIX

6.0. CONCLUSION

Mr. Speaker,

Precedence dictates that the majority of the Members of the County Assembly are mainly new entrants into the County Assembly and the public service. It is, therefore, necessary to expose them to the appropriate programs to equip them with the appropriate skills to execute their mandates effectively. The County Assembly should make this training an integral part of the organization for Members of the County Assembly because it lays the foundation for the effective execution of their constitutional mandates.





Besides, Committees are an integral part of the conduct of Assembly business. Members are bestowed with the responsibility of ensuring the effective oversight of the County Ministries and Departments. Members need knowledge of how these ministries function effectively and what is expected of them to oversee them effectively.

Mr. Speaker,

The overall success of a committee can often be directly linked to the effectiveness of the committee members. In this regard, equipping committees with knowledge on how to handle matters that come before them during their oversight role is vital. Following a successful workshop in Ethiopia, the delegation was exposed to proven efficient approaches that improve the performance and delivery of government services, create higher levels of citizen satisfaction, end bureaucratic inefficiencies, and improve fiscal responsibility and accountability.

ANNEXURES

ANNEXURE 1: CONSIDERATION AND ADOPTION OF THE REPORT BY THE DELEGATION

S/NO	NAME	DESIGNATION	SIGNATURE
1.	Hon. Dominic Mwamisi	Chairperson	
2	Hon. Stephen Katana	Member	
3.	Hon. Joseph Kasungi	Member	
4	Hon. Benjamin Mulandi	Member	
5	Hon. Grace Mulandi	Member	
6	Hon. Ciambtura Karigi	Member	

ANNEXURE I: CONSIDERATION AND ADOPTION OF THE REPORT BY THE DELEGATION

Sl. No.	NAME	DESIGNATION	SIGNATURE
1	Hon. Dominic Mwanishi	Chairperson	
2	Hon. Stephen Katsina	Member	
3	Hon. Joseph Kariuki	Member	
4	Hon. Benjamin Mutahi	Member	
5	Hon. Chris Mutahi	Member	
6	Hon. Catherine Kariuki	Member	