

## **What next for leadership with integrity in Kenya?**

In the last 6 months, since the political party primaries were conducted leading to the clearance of aspirants ahead of the August elections, and the actual elections, and ongoing formation of the new government now, a question posed to me time without number has been, 'does chapter 6 of the Constitution on leadership and integrity really count?'. This concern jolted by the quality of leaders churned out from the election and public appointments processes.

Many pronounced our leadership and integrity provisions dead and buried after the elections; and some who held hope that they can still be resuscitated, aver that Parliament drilled the final nail on the coffin during the vetting of the cabinet secretaries.

The Committee on Appointments and the National Assembly at large made a mockery of the constitutional provisions on leadership and integrity by disregarding key concerns raised on the suitability of some of the individuals, in line with the ethical and integrity standards set in the Constitution. Some of the individuals are under investigation or have been charged with criminal cases touching on murder, attempted rape, economic crimes and corruption, while others have been adversely named in parliamentary reports, commissions of inquiry among other competent public fact-finding institutions. Some even volunteered more information on cases that were unknown in the public domain. Arguably, these cases cast aspersions on their integrity regardless of the principle of presumption of innocence. And while everyone is entitled to fair hearing, it is only logical that one who has been accused of corruption or other criminal offences, should be given time off from public office when they have a case(s) to answer. What time or focus does one facing a barrage of cases have for public service? Is leadership or public appointment in Kenya such an enormous personal entitlement that it can only be accorded to certain individuals, even when they face high gravity cases? Would there have been any harm in recusing some of the concerned individuals in these appointments and consider them later if they are cleared through due process? Why are the standards of ethics and integrity for public office continuously lowered? While in our private spaces, including our homes, the bar stands high. Truth be told, most of us would never hire a guard or nanny being investigated or charged with an offence.

There have been several judicial and quasi-judicial pronouncements which have either barred or proposed the barring of individuals from occupying public office in Kenya, even without being convicted, on the basis that they do not meet the threshold of chapter six. In the previous administrations, there were cabinet secretaries and other executive appointees that had to step aside after being implicated in corruption cases. It was therefore expected that the National Assembly would rise to the occasion in defense of the values and principles enshrined in the Constitution.

In essence, Members of the National Assembly abrogated their oath to uphold and defend the Constitution, including provisions of Chapter 6 which require personal integrity and the attainment of moral and ethical requirements as key criteria for the election or selection of individuals to public office.

So what next for Chapter 6? I do not belong to the school of thought that believes it is dead because there are several Kenyans who still aspire to live in the full promise of the Constitution and many who embody what chapter six stands for. As this government takes shape, more appointments will be made. The President should only consider appointing individuals who mirror the aspirations of Kenyans on leadership and integrity.

With the National Assembly having grossly missed the opportunity to reconstruct the moral fibre of Kenya, our focus should largely shift to the Judiciary, to interpret constitutional provisions on leadership and integrity, including addressing the question whether individuals who have been charged in court for abuse of office, corruption, breach of public trust or any other serious offence should be declared unfit to vie for or hold public office until such a matter is completely exhausted. Cases filed on this before the election, are likely to be advanced. The courts must also speedily and fairly, conclude pending cases against those holding public office – elected or appointed. Several politicians have clutched on to these cases as lifelines to continue seeking or holding public office.

More emphasis on character development, including acculturation on norms and values, is also paramount given the outcome of the August 2022 elections and public appointments. I have not entirely written off the generation before me, or my generation, in the quest for a society that will find its moral compass. However, my hope rests on our young ones, who's lives and wellbeing we are entrusted with, and that means making decisions that favour the common good, otherwise we will have no country or future to hand over to our children.

*By Sheila Masinde*

*Executive Director, Transparency International Kenya*