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# Public Sector Reforms in Kenya: Challenges and Opportunities

Alfred Ong'era and Beverly Musili

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THE KENYA INSTITUTE FOR PUBLIC POLICY RESEARCH AND  
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# **Public Sector Reforms in Kenya: Challenges and Opportunities**

Alfred Ong'era and Beverly Muthoki Musili

Kenya Institute for Public Policy  
Research and Analysis

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## **Executive Summary**

Public sector reforms in Kenya have seen efforts directed towards cost-saving, enhancing efficiency, and improving productivity to ensure people-centred public service delivery. The key cross-cutting issues in the public service sub-sectors that formed the focus of this study include administrative capacity building; strengthening the policy process; institutional reforms; and right-sizing of the civil service. Public sector reform is a process and not a one-time event, prompting the need to identify and address emerging opportunities and prevailing challenges to facilitate successful implementation of reforms. A detailed literature review and key informant interviews were conducted to establish the challenges and opportunities in maintaining momentum in implementing the reforms.

In deepening administrative capacity building, notable progress has been made including the introduction of results-based management, establishment of the Kenya School of Government, and enhanced role of the Public Service Commission anchored in the new Constitution. Some challenges, though, have emerged including: resource constraints in fully exploiting the benefits of performance contracting; lack of a measuring index to adequately evaluate the impact of the various initiatives on improving professionalism; weak coordination of public service institutions at national and county government levels; and the yet to be fully implemented Capacity Assessment and Rationalization of the Public Service. That said, there are opportunities to continue deepening these reforms, including: development of the National Capacity Building Framework (NCBF) in 2013; development of Public-Sector Transformation Framework (2017-2022); and the human resource demands in implementing the Kenya Vision 2030.

Until recently when stakeholders are now consulted in the policy making process, public policy formulation in Kenya had been a top-down approach, with the State being the principal actor in the policy-making arena. The public participation provisions in the 2010 Constitution of Kenya provide an opportunity to strengthen the collaborative role of key stakeholders in enhancing the public policy process. Among the key challenges that need attention include the absence of a policy, legal and institutional framework to guide public participation; and persistent friction between national and county governments despite the inter-governmental framework.

Institutional reforms in Kenya are aimed at making the State more open, accountable and efficient. The 2010 Constitution of Kenya provides for establishment of various institutions to support the devolved system of government. More importantly, there is significant political support in the fight against corruption to leverage in pushing the reform agenda. The key challenges include overlaps in the roles of some

government agencies; delays in developing regulatory frameworks for related Acts of Parliament to smoothen implementation; weak monitoring of implementation of key strategies to ensure emerging issues are taken into account; inadequate capacity at county level to implement the reform agenda; corruption; and the fact that some of the institutions have not devolved their services to county level.

The massive growth of the civil service made it difficult for the government to respond to the needs and aspirations of its citizens. Ultimately, civil service downsizing became inevitable as more efficiency and productivity were sought in the civil service. However, poor performance of the economy, and devolved system of government are major challenges in right-sizing the civil service. That said, a key opportunity is embracing ICT and finalizing with the pending parastatal reforms.

Overall, for successful implementation of public sector reforms, it is important to view the reforms as a process rather than a one-time event and, therefore, continuity is critical. Establishment of an autonomous body to coordinate the process will help to harmonize the activities across the two levels of government and across the various agencies. Reforms are expensive and therefore the role of development partners cannot be ignored. In addition, for the county governments, it is necessary to consider conditional grants from the national government to support public sector reforms. While Kenya has embraced the New Public Management, it is time to move towards the “New Public Service” (NPS) ideology. Other aspects that will support successful implementation of the reform agenda include: having personnel who are dedicated, appropriately oriented for the specific tasks, and fully committed towards serving the interests of the organization and the public at large; inculcating the visionary leadership aspects at all levels of government; and engaging key stakeholders in the policy process.

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## **Abbreviations and Acronyms**

AU	African Union
CARPS	Capacity Assessment and Rationalization of the Public Service
CPSB	County Public Service Board
DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
ERS	Economic Recovery Strategy
ERSWEC	Economic Recovery Strategy for Wealth and Employment Creation
GHRIS	Government Human Resource Information System
GTI	Government Training Institutes
HELB	Higher Education Loans Board
ICT	Information and Communication Technology
IFMIS	Integrated Financial Management Information System
JSC	Judicial Service Commission
KIA	Kenya Institute of Administration
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KRA	Kenya Revenue Authority
MTEF	Medium-Term Expenditure Framework
MTP	Medium Term Plan
NARC	National Rainbow Coalition
NCBF	National Capacity Building Framework
NPS	New Public Service
PFM	Public Finance Management
PRSP	Poverty Reduction Strategy Paper
PSC	Public Service Commission
PSR	Public Sector Reforms
RARMP	Revenue Administration Reform and Modernization Programme
RBM	Results Based Management
RRI	Rapid Results Initiative
TSA	Treasury Single Account





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## Table of Contents

Executive Summary.....	v
1 Introduction.....	1
2 Challenges and Opportunities in Public Sector Reforms .....	5
2.1 Administrative Capacity Building Reforms .....	6
2.1.1 Results-based management .....	8
2.1.2 Role of Public Service Commission .....	10
2.1.3 Capacity building and training.....	11
2.2 Institutional Reforms .....	13
2.2.1 Public finance management reforms .....	13
2.2.2 Public procurement reforms .....	15
2.2.3 Strengthening transparency and accountability.....	16
2.3 Downsizing of the Civil Service .....	17
2.4 Strengthening the Public Policy Process.....	20
3 Factors to Consider in Maintaining the Momentum for Public Sector Reforms .....	23
3.1 Lessons from Aspirant and Comparator Countries .....	23
3.2 Learning from Practitioners.....	26
3.2.1 Ownership of the reforms among key stakeholders .....	27
3.2.2 Established structures of coordinating public service reforms .....	28
3.2.3 Institutions relevant to public sector reforms .....	28
3.2.4 Government policy and public participation .....	28
3.2.5 Embracing technology (ICT) in delivery of public service .....	29
3.2.6 National and county leadership on public sector reforms .....	30
4 Conclusions and Policy Recommendations .....	31
5 References.....	34



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# 1. Introduction

The public sector plays a crucial role in attaining sustainable development. As such, it is important that it has adequate capacity in regard to policy making to make sure that services are delivered in the most effective, efficient and accountable way. Therefore, public sector reforms (PSR) are critical in strengthening such capacity. The philosophy behind PSR provides that new standards, a sense to undertake their purpose and mission which entails strong sense of competence are all essential to making sure that significant changes and improvements are achieved for the benefit of citizens. For this reason, those individuals working in the public sector are required to adopt approaches that are likely to achieve positive results in line with laid down government strategic policies.

A high quality of public services enables citizens to engage productively and better their lives. This has led into a significant pressure and demand for reforms from ordinary citizens and civil society organizations in demanding better services commensurate with tax paid. The private sector also calls for reforms to ensure an enabling environment for their businesses to thrive. Further, donors demand for reforms of public institutions to reflect the value for money they offer in supporting the development process. This demonstrates the diversity of stakeholders in the PSR process.

In Kenya, the overall significance of the public sector especially in the socio-economic development of the country is very essential and, therefore, cannot be underrated. According to the World Development Report released in 1997, it is clearly noted that a country that is effective is very important in regard to the provision of essential goods and services, and in setting up state rules and other significant institutions to make sure that markets are flourishing and citizens are leading happier and healthier lives. This means that without an effective public sector, such sustainable development cannot be achieved in any way. As a result, the Government of Kenya has constantly undertaken public sector reforms in line with the dynamic socio-economic and political environment. This has seen efforts towards administrative capacity building; strengthening public policy making process; building institutional capacity; and right-sizing the civil service as indicated in Table 1. The aim is to improve the way State departments and other related agencies work internally; their interaction amongst themselves, elected leaders in politics, and the citizens to whom they are required to serve, and the manner in which they are able to make essential goods and services available to all citizens.

After attaining its independence from Britain in early 1960s, the new government of Kenya embarked on undertaking comprehensive public sector reforms transform

the sector from the colonial administration into a local independent administration. For example, Kenyanization was pursued as a personnel development policy to ensure Kenyans could takeover positions of the exiting colonial government staff. Additionally, the new independent State made significant changes that were intended to transform the paradigm of the public sector from that which was based mainly on maintenance of law and order to also incorporate essential State development and independent administration. For this reason, the public service became a significant national prestige tool for strengthening patriotism among Kenyans, a fact that allowed the sector to attain remarkable growth.

**Table 1: Key aspects of public sector reforms**

		<b>Push</b>	<b>Entails</b>
1	Administrative Capacity Building	Poorly managed and inefficiently structured civil service	<ul style="list-style-type: none"> <li>• Organizational restructuring and renewal.</li> <li>• Strengthening linkages between government agencies.</li> <li>• Improving quality of human resources through training and addressing management challenges.</li> </ul>
2	Strengthening Policy Making Process	To develop rational and effective public policies	<ul style="list-style-type: none"> <li>• Rationalizing and standardizing the decision-making process.</li> <li>• Improving the flow of policy-relevant information.</li> <li>• Strengthening capacity for policy analysis.</li> </ul>
3	Institutional Reform	Making the State more open and accountable	<ul style="list-style-type: none"> <li>• Support for civil service codes of conduct.</li> <li>• Strengthening safeguards concerning public procurement.</li> <li>• Strengthening institutions and procedures of accountability on the executive.</li> </ul>

4	Civil Service Downsizing	A combination of fiscal discipline – governments trying to reduce the costs of public administration – and a desire to move toward a more market-oriented economy	<ul style="list-style-type: none"> <li>• Workforce size reductions such as voluntary early retirement, hiring freezes.</li> <li>• Compensation schemes including lump-sum severance payments and job re-training.</li> <li>• Wage policy reforms such as wage-bill caps, wage freezes and monetization of non-cash allowances and benefits.</li> </ul>
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In Sessional Paper Number 10 of 1965, a structured institutional PSR framework was outlined by the Government of Kenya, which was intended to ensure effective governance and enhance a State performance culture in regard to delivering quality services to Kenyans. Immediately after independence, the civil service was established and the manner in which it operated was so effective it was ranked among the best performing public services in Sub-Saharan Africa. However, by the end of the 1970s, its performance started to decline due to overstaffing, deteriorating efficiency and quality of service rendered, poor remuneration, declining staff morale, indiscipline and unethical behaviour and attitudes, and bureaucratic red tape. As a result, the situation in the public service had gone out of control in the final years of 1970s, which prompted urgent need for reforms. In the era of structural adjustment programmes, Kenya embarked on a phased public sector reform path.

The first phase saw implementation of the Civil Service Reform Programme (1993-1998). The programme was focused on downsizing through early retirement based on the premise that a lean civil service was more effective in delivering public services. The second phase of the Civil Service Reform Programme (1998-2002) entailed government-owned enterprises being transferred to private individuals so as to improve performance, while at the same time minimizing the size of public sector. In the third phase (2003-2008), a comprehensive public sector reform programme was implemented under the New Public Management approach to enhance productivity of the sector. The fourth phase (2008 to date) is guided by the Kenya Vision 2030 and the 2010 Constitution of Kenya, and has seen emphasis placed on the transformation of the public sector for people-centered service delivery. The various Medium-Term Plans have attempted to harmonize the long-term development agenda, with governance structures introduced by the 2010 Constitution of Kenya.

The reform path has, however, not been without challenges, but opportunities can also be identified to support the maintenance of the momentum for implementing

Kenya's public sector reform agenda. This study reviews the implementation process focusing on cross-cutting aspects in all sub-sectors, including administrative capacity building; strengthening policy process; institutional reforms and right-sizing of the civil service. It identifies the key challenges and brings out the opportunities that the government can exploit in continuing to deepen the reform agenda. In addition, the study conducted key informants' interviews to learn from experience in the process of public sector reforms.

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## **2. Challenges and Opportunities in Public Sector Reforms**

Public sector reforms (PSR) in Kenya can be traced back to 1960s. Sessional Paper No. 10 of 1965 was the key institutional framework to guide the reform process. Commissions and committees were appointed by the government to identify priority reforms and measures that were to be undertaken to improve public service efficiency and its productivity. Additionally, numerous taskforces, working groups and parties were appointed by the government and were tasked with reviewing the major operations of the government. It was not until under the structural adjustment programme that phased civil service reform programme was put in place as part of the strategies to achieve fiscal stability.

The promise to advance the good governance agenda, fight corruption and improve service delivery provided an opportunity for the National Rainbow Coalition (NARC) government to deepen public sector reforms. It immediately embarked on a more comprehensive public sector reform agenda. Unlike the previous reform initiatives that had a significant focus on size, this public sector reform agenda saw the government introduce the New Public Management (see Box 1). This was intended to establish a performance-based culture in regard to the operations of the State institutions so as to increase their effectiveness, efficiency while at the same time making sure that they are well managed. In simple, the NPM was instituted to make sure that the needs of both the Kenyan citizens and those of the government are well served through effective delivery of public services so as to better Kenyans livelihoods, minimize poverty levels in the country and also to make sure that the country is well governed.

The other opportunity to deepen public sector reforms came with the launch of the Kenya Vision 2030 and the passing of the new Constitution of Kenya in 2010 that strengthens the legislative framework for PSR to support implementation of the development blueprint. In addition are the commitments of the government to sustainable development goals (SDGs) especially in strengthening the mobilization and effective use of domestic resources. Goal 16 of the SDGs Agenda 2030 recognizes the need to “build effective, accountable and inclusive institutions to achieve sustainable development at all levels”. Therefore, reforming public institutions is paramount for realization of the SDGs. The AU 2063 Agenda also emphasizes having accomplished institutions and effective leadership in its Third Aspiration for “An Africa of good democracy, governance, human right respect, rule of law and justice for all”. It also recognizes that change readiness, ability to shift mind-sets and the pooling of expertise and specialized skills training are essential ingredients in building institutional capacities to successfully implement the Agenda, all requiring having “capable institutions” in place.



The Third Medium Term Plan 2018-2022 (MTP III), guided by the Vision 2030, prioritizes public sector reforms as among the key foundations and enablers. The plan seeks to enhance public sector reforms by implementing the National Capacity Building Framework to entrench devolution, strengthen the county governments' capacity for efficient and effective delivery of their mandate and functions and ensuring effective national and county governments' coordination to safeguard the delivery of quality services to citizens. In this regard, the plan seeks to strengthen oversight institutions to ensure service delivery and proper utilization of public resources.

## **2.1 Administrative Capacity Building Reforms**

Capacity building can be defined as the procedure through which people, government, organizations and communities improve their overall abilities to perform their tasks, solve problems, attain their goals, and comprehend and deal with their growth in a broader framework and in a justifiable manner. Normally, both the institutional and administrative capacity building are based on three key distinguishable elements which are people, systems and policies (including structure).

With independence, the new Kenya government adopted the Kenyanization/Africanization policy which saw Kenyans replace the whites in the civil service. But significant civil service expansion brought forth various challenges. These included decline in productivity of the civil service and unequal distribution of staff within ministries and across grade levels and regions, resulting in overstaffing of lower cadre employees and understaffing of management staff, which created supervision and coordination problems (Lorete, 2002). To address these challenges, the Government of Kenya put in place a number of commissions to advise on how to streamline the operations of the civil service; for example, the Pratt Commission (1963), Adu Review Committee (1964) and Millar-Craig Commission (1967).

The recommendations of the Pratt Commission focused on setting remuneration and terms of service in civil service and saw rapid increase in salaries among the top echelon. The 1964 Adu Review Committee focusing on training recommended the expansion of the curricula offered by the Kenya Institute of Administration by introducing new programmes to continue improving performance and productivity of public servants. The Millar-Craig Commission of 1967 noted that in comparison with smallholders' income, the public servants' income levels had significantly improved, a fact that prompted the commission to recommend a salary increase for low income earners only (Government of Kenya, 1967).

In the 1970s the public service had developed new challenges that constrained its effectiveness. Public servants were viewed as corrupt and lacked accountability. This necessitated the government to launch reviews of the terms of service of public servants by setting up various commissions. These included the Ndegwa (1971), Wamalwa (1972-80), Waruhiu (1979) and Ramtu (1985) commissions. These commissions focused on various challenges, including lack of political will in implementing the various recommendations that emanated from their findings.

The key finding with these commissions/committees was that productivity, performance, and the manner in which civil servants rendered their services required to be improved. For instance, it was noted by the commission chaired by Ndegwa that the structure of civil service in Kenya was a key barrier towards effective performance. There was poor communication and coordination and lack of clarity on job roles. Recommendations made focused on governance structures, salary structure, and staff training. Despite implementation of the commissions/committee's recommendations, they failed to produce results. The government felt that earlier recommendations had not reversed the deterioration in the performance among civil servants. For instance, the Ndegwa Commission was faulted for failing to provide a framework on how the government was going to ensure that civil servants did not abuse office.

The Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) of 2003 for the first-time embedded public service reforms in a national development strategy. Immediately after taking office, the National Rainbow Coalition Government (NARC) started a procedure of an Economic Recovery Programme (ERP), which focused on reviving the economy and creating employment opportunities especially in the private sector. This strategy entailed incorporating the various policies contained in the previous government, especially those in the Poverty Reduction Strategy Paper (PRSP) that was issued in 2001. In addition, the strategy also took into account the various policy aspects as detailed in the manifesto of the new government. The ERP detailed various strategies and policies to be executed in regard to development the new government intended to undertake by 2008. The ERS sought to cut the cost associated with conducting business in the country and reduce poverty levels by providing various opportunities to Kenyans from which they could be able to earn some income.

Between 2003 and 2008, various reforms were undertaken by the government, such as efforts to nurture and instil significant changes in the public service, improving civil servants' performance and extending of Results-Based Management (RBM). Also, the government instated a scheme aimed at improving, attracting and retaining highest performing staff into the civil service, which is being implemented by the current government.

### **2.1.1 Results-based management**

During the third phase of PSR and transformation (2004), a Results-Based Management (RBM) strategy was introduced with the intention of changing the public sector culture through a programme that was known as ‘Results for Kenya’. This entailed enhancing the performance effectiveness in all ministries and other departments. Also, the programme was intended to reform the public service which had been negatively looked upon. To achieve this, a performance management system was developed and aligned to accountability and decision-making authority. The performance management systems included: annual work plans that indicated what needs to be achieved over a specified period; performance contracts for all accounting officers; and streamlining registries in ministries through automation of records management, training of registry personnel and improving the work environment to end the culture of delayed decision making, poor service delivery and corruption.

To achieve this, the government developed a scheme aimed to attract, reward and retain individuals in civil service who performed best. Further, implementation of the Government Human Resource Information System (GHRIS) was completed, a performance appraisal instrument incorporated, and guidelines on operation of Ministerial Performance Appraisal Management Committees developed. During MTPII (2013-2017), there was institutionalization of Results-Based Management (RBM) in the civil service, which gave significant focus on the county governments to make sure that Kenyans are in a position to access quality services as stipulated under the Constitution.

A Public Sector Transformation Framework (2017-2022) was developed, aimed at meeting high expectations of the public service within the limited resources. The framework gave public institutions an opportunity to re-look and review their policies, regulations and administration structures and align them to the Constitution and the Kenya Vision 2030, thus implying that public entities at both levels of government were expected to use RBM tools to achieve their goals and transform their existing situations.

Since 2003, Rapid Results Initiative (RRI) was implemented with the key aim being achievement of targets made in regard to Economic Recovery Strategy (ERS) targets. After a successful pilot programme, all ministries and departments were strictly instructed by the government to make sure that they utilize the RRI as a tool, as it is essential in achieving results-based management in the civil service. Going forward with the Public Sector Transformation Framework (2017-2022), every public service entity is expected to develop its own specific transformation

plan to facilitate achievement of goals from the existing state to a desired state by continuous use of approaches such as RRI.

Signing of performance contracts between the Kenyan government and its associated agencies has a long history. The first and one of the most notable performance contract was signed in April 1989 between the government and the Kenya Railways, followed closely by another performance contract between the government and National Cereals Board in November 1990. The initiative, however, floundered because of lack of political goodwill to accomplish it. In 1991, a fresh need to re-introduce performance contracts was made when strategy papers were issued to the Cabinet, but it also lacked political good will and collapsed as well. However, from 2004, systematic performance contract implementation was achieved in the civil service through a Performance Contract Steering Committee which was founded in 2003, and the promulgation of the State Corporations Performance Regulations under Legal Notice No. 93 of 2004. During this stage, new reforms were introduced with the aim of eradicating corruption and reducing the amount of wastage. These included the enactment of the Anti-Corruption and Economic Crimes Act 2003 and the Public Officer Ethics Act 2003, which solely focused on issues to do with corruption and ethics in the civil service. The enactment of the Public Procurement and Disposal Act 2005 helped to strengthen these initiatives. From this stage, the focus of the government was to measure the civil service performance.

The attainment of full benefits of performance contracting is, however, hampered by various challenges. For instance, resources that are very essential in coordinating and implementation of performance contracts within government ministries, departments and agencies (MDAs) are inadequate. Among these resources is sufficient finances to aid in activities facilitation at each and every phase of the performance contract process, thus hindering efforts such as training of officers in the public service on matters to do with performance contracts. This is usually the case because the amount of money allocated is critically insufficient while at the same time the release of these funds is usually delayed. Further, the human resource capacity is very limited, especially in supervising the whole process of performance contracting. The situation is further worsened by the fact that there is constant staff transfer, which in turn affects the process. Further, cascading performance contracts becomes a significant issue due to the fact that most low-level managers are not trained on performance contracts. As such, it is clear that the uptake of training appointments on performance contract is very slow, a fact which is greatly limiting its overall success. Further, some sectors of the public sector are yet to accept performance contracting.

### **2.1.2 Role of Public Service Commission**

It is the overall mandate of the Public Service Commission (PSC) to professionalize the public service and improve the civil service staff motivation. In its endeavor to professionalize the public service, various requirements have been stipulated by the PSC, particularly in regard to integrity and ethical conduct of each and every individual who applies for advertised positions. One of the major requirement of all those who apply for positions in the civil service is for them to provide a relevant certificate of good conduct issued within the last one year by the office of the Directorate of Criminal Investigations (DCI), Higher Education Loans Board (HELB) clearance certificate, Credit Rating Bureau (CRB) clearance certificate, Kenya Revenue Authority (KRA) tax compliance certificate, and Ethics and Anti-Corruption Commission (EACC) clearance certificate. Producing all these certificates is intended to act as proof that the person applying for a civil service position is of good ethical standing, thus allowing only individuals with unquestionable professionalism to join civil service. Additionally, individuals joining professional positions within the civil service are required to produce a subscription certificate from their relevant professional bodies and prove they are in good standing with such organizations.

Although PSC has initiated such reforms, real need to professionalize, inspire and improve staff morale within the civil service in the country is not well functioning. It has been observed that despite the fact that the issue to do with professionalism within the civil service is not easy to measure, issues such as morale and motivation which are easily measurable still do not have any measurable goal baseline. For this reason, the actual impact of the strategies being employed currently is not well known.

With the coming into effect of the 2010 Constitution of Kenya, the Public Service Commission Act 2017 further lays down the key provisions to do with administration, powers and the roles of officers within the civil service. Similarly, County Public Service Boards (CPSB) for each and every county across Kenya are established under Section 57 of the County Governments Act 2012. The key roles of both the CPSB and PSC at both levels include creating and managing an effective system that is able to deliver efficient services to members of the public. State organs are required under Article 6(3) of the Kenyan Constitution to make sure that their services are accessible to all, whereas devolved governments are required under Article 176(2) to make sure that their roles are decentralized and are able to render their services to all practicable and lowest efficient units. At both levels of government, it is required under the Constitution to make sure that all public institutions are able to offer effective and efficient services to the citizens. Therefore, the values and the principles of both the Constitution and the Public

Service Act 2015 relating to service delivery to Kenyan citizens are well stipulated, though the same remains a major challenge to date.

### **2.1.3 Capacity building and training**

While the Africanization policy (as explained above) saw Africans placed in senior and middle level positions, these positions required a civil service that is competent and knowledgeable in matters of public administration. This prompted the idea of establishing a training institute for public servants. The Kenya Institute of Administration (KIA) was established in April 1961 as the first training institution in Kenya to offer courses on management and public administration with the aim of promoting a polite, hardworking, honest, competent, and accountable culture in the country's civil service. Further, Government Training Institutes (GTIs) were also established in Mombasa and Embu, where training was offered exclusively to senior and middle level government officers. KIA successfully trained competent civil service staff who applied their knowledge in their respective positions.

However, irrespective of recruitment and training policy having been developed with the key aim of ensuring effective development and supply of essential skills in the civil service, the capability and capacity that existed at the time were not sufficient enough to ensure effective service delivery of government services, which are key in the transformation of the country as foreseen under the Kenya Vision 2030. The key reason for this was seen as unavailability of modern human resource management (HRM) systems that advocated for value-driven and competency-based HRM principles and practices.

The Kenya Vision 2030 proposed the establishment of the Kenya School of Government (KSG). This institution was intended to teach values and ethics relating to public service matters while at the same time enhancing transformative leadership. The KSG Act No. 9 of 2012 mandated KSG to build the capacity and provide specialized and targeted training, induction programmes and consultancy and research services to the civil service. Under MTP II (2013-2017), funds were allocated to upgrade the facilities at KSG and enhance the capacity of the faculty. A National Capacity Building Framework (NCBF) 2013 was instituted to ensure that county governments capacity building was supported.

Further, the Capacity Assessment and Rationalization of the Public Service (CARPS) was crafted to address challenges in human resource management in a harmonized approach and delivered within the legal and regulatory framework. The aim was to enhance effectiveness and efficiency in regard to government service delivery, and cost reduction through unnecessary wastage of resources as a result of duplication of roles. The programme was as a result of the changes in

governance that the Kenyan public service went through due to: (i) The passing of the Constitution of Kenya 2010; (ii) Reduction of state ministries from 44 to 18; (iii) Revoke of the Local Government Act Cap. 265 and abolition of the Local Authority governments; (iv) Establishment of county governments with full powers; and (v) Establishments of various offices as stipulated under the Constitution.

Although CARPS is yet to be fully rolled out, it was able to assess human resource capacity at counties and audit their skills against their roles. The programme further incorporated institutional reviews for all ministries and counties, workload analysis to determine optimal staffing, and development of options and incentives for those who may be affected by the rationalization and staff re-deployment exercise. Rationalization and redeployment of staff is in progress (Phase 2: ongoing) and Planning for Re-engineering and Capacity Building (Phase 3) is yet to commence.

The Human Resource Management, Development and Service Delivery Programme under MTP III aims to achieve civil service strengthening and rationalization of the functions of human resources at both levels of government through execution of applicable Capacity Assessment and Rationalization of the Public Service (CARPS) endorsements; coming up with key laws intended to establish a pension scheme at county levels, and supporting the implementation of the thirty percent inclusivity rule. It also involves ensuring that there is a strong partnership between PSC and County Public Service Boards; establishing various norms and harmonized standards especially in making sure that HRM works in the same manner to boost performance; and allocating at least one percent from research so as to document lessons at the county level in regard to best practices.

The Third Medium Term Plan further seeks to implement the National Capacity Building Framework to entrench devolution with the aim of safeguarding the delivery of quality services to citizens. The framework will focus on providing introduction and teaching, providing critical assistance to county governments, ensuring implementation of inter-governmental sectoral forums, enhancing public awareness and civic education, and ensuring that strong institutional pillars are established. Further, the Third Medium Term Plan seeks to enhance technical assistance and capacity building at county governments particularly on physical planning, in which case the national government will offer support to the county governments in terms of necessary tools, physical planning and standards and guidance. Additionally, the national government aims to offer technical support and also conduct sensitization of the public in regard to procedures and processes related to effective physical planning.

## **2.2 Institutional Reforms**

The rules and norms of both formal or informal institutions are very significant since they are core in creating various initiatives that normally shape the overall organizational behaviour. Some of the salient features of institutional reforms in Kenya include: strengthening safeguards on public finance management and procurement; strengthening institutional procedures so as to act as the benchmark for allowing accountability in regard to top-level management, independent observatory institutions and the judiciary; deepening democracy, public participation and access to information; and enhancing transparency and accountability.

### **2.2.1 Public financial management reforms**

The public financial management (PFM) reforms are aimed at improving the overall public sector financial governance to make sure that utilization of available resources is most effective and efficient to enable achievement of economic growth within a country and to reduce the level of poverty. As part of institutional reforms, the Public Finance Management Act 2012 (PFM Act), which covers all government activity from revenue mobilization, fund allocations to expenditure and accounting, was put in place. It includes changes in budgeting, accounting systems and in management practices. Some of the reasons for public financial management reforms included ensuring credible and realistic budgets. Secondly, there were concerns over budget oversight and public accountability, the cost implications of policy, execution of budget, accounting and reporting of finance functions and finally external audit. According to the World Bank, there is need to improve public financial management to the stage where it will be considered to be above normal processes while at the same time making sure that it has actual impact on the performance of the civil service.

The “Revitalization of Public Financial Management System in Kenya” strategy covering 2006-2011 was the first PFM reform. The key aim of this strategy was to transform the political priorities in the country and allocate them into national yearly budget. Additionally, the strategy aimed to ensure overall budget credibility through reviews of budget procedures for the appropriateness of the integration of the budget formulation process with the fiscal strategy, and accuracy of financial reports to improve reporting and accountability through regular reporting of flows in and out of government accounts. Further, the strategy was focused on establishment of Integrated Financial Management Information System (IFMIS) and combining it with other PFM systems. In addition, the strategy aimed to ensure effective tax collection, and accounting for revenue generated from non-



tax undertakings. The aim was also to enhance the Medium-Term Expenditure Framework (MTEF) process and ensure adequate policy, budget and planning coordination by laying them as per the acknowledged national development priorities.

However, as the implementation period came to an end, most of the reforms were yet to be completed. Additionally, the significant changes that were introduced by the new Constitution provided additional opportunities for key legal and institutional reforms in the PFM systems. Among these changes was the establishment of county governments through the devolution policy, and also the creation of new institutions with significant roles to play. Further, the passing of the Public Finance Management Act 2012 and other PFM rules made sure that the demand for reforms in the PFM institutions was required. To achieve this, another reform strategy that covered the period 2013-2018 was formulated to capitalize on the significant gains that were introduced in the new set institutions. Among the key reforms are county and national governments Treasury Single Account (TSA), reforms relating to pension and payrolls, National treasury reforms, and integration and expansion of PFM systems.

Irrespective of the fact that major reforms in Kenya were initiated in 1986, administrative reforms did not commence until 1995 after the tax authority (Kenya Revenue Authority - KRA) was formed. With the establishment of KRA, the Revenue Administration Reform and Modernization Programme (RARMP) was initiated during the fiscal year 2004/05. The key aim of these new reforms was to transform KRA into a modern, client-focused and fully integrated tax authority. Tax administration reforms were critical as part of the 2003-2007 Economic Recovery Strategy for Wealth and Employment Creation. With this, the Kenyan government promised to promote good governance, fight against corruption and improve service delivery. Owing to the commitment by the new government, government agencies targeted to undertake several reform projects. Implementation of these projects required government resources yet revenue from tax, the main source of government revenue, was inadequate. Improvement in tax administration was needed to ensure some increase in revenue. The government put in place specific actions such as: (i) reduction of the scope of tax evasion by resuming import duties and discretionary duty exemptions; (ii) optimization of the use of PIN and VAT registration systems; (iii) expansion of the tax base with a particular target of the informal sector; (iv) harmonization of Kenya's tax regime with the East African Community; (v) rationalization of personal income tax by raising the tax threshold and reducing the number of tax brackets; and (vi) plans to modernize the tax administration infrastructure of KRA.

Tax reforms have continued over the years with an aim to improve taxation efficiency and increase the amount of revenue raised to finance the ever-rising government expenditure. The tax reforms were meant to ensure that the desired tax needs of stakeholders were easily and adequately achieved, such as cost effectiveness, timely, attainment of goals and other deliverables, external and internal support and ensuring proper documentation of client tax issues. With this, KRA has achieved significant milestones on its tax matters, especially on amount of tax payment, However, there have also been shortcomings especially on the time it takes to file and pay taxes. Despite the fact that the amount of time it takes for Kenyan companies to file and pay tax matches the Sub-Saharan Africa average, it is much higher than the OECD high-income country benchmark. The government is yet to finalize reviewing key tax policies, including the income tax. In addition, there are challenges in enhancing mobilization of own-source revenue at county level.

### **2.2.2 Public procurement reforms**

Public procurement reforms were necessitated by evidence that public procurement was conducted through corruption, resource wastages and nepotism. People from marginalized communities, women, youths and persons living with disabilities were not effectively empowered to exploit reservations and preferences in public procurement. However, this aspect changed after the passing of the new Constitution in 2010, whereby Article 227 (2) provides that all government agencies and other related public institutions are required to conduct their procurement as per the stipulation of the Constitution, with due regard for transparency, fairness, equitability, cost-effectiveness and competitiveness. Further, it is required under this Article that procurement and disposal law should provide preferred categories in regard to contract allocation and to protect or advance of individual, categories of individuals or groups previously disadvantaged by unfair discrimination or competition in public procurement. It envisages that Parliament will prescribe a framework within which policies relating to procurement and asset disposal will be undertaken.

The Public Procurement and Asset Disposal Act 2015 was enacted and the Public Procurement Oversight Authority was established. However, the attendant regulations are yet to be finalized. Public procurement reforms were further deepened through establishment of the Integrated Financial Management Information System (IFMIS), which is an integrated automated system designed in such a way that it is able to improve the overall efficiency in terms of public procurement, budget allocation, management of expenditure, as and ensuring thorough government reporting at both government levels in Kenya. However,

there needs to be a coordination framework to enhance productivity between IFMIS, National Treasury and the Public Procurement and Oversight Authority. An e-procurement and interactive system has been developed and implemented to maintain key information of all suppliers who prequalify, and the prevailing market prices of goods and services. This is intended to allow for transparent tendering process by intended suppliers, thus being able to avert the issue of corruption during the procurement process. However, the process of adopting and implementing e-procurement has been slow despite government initiatives to have them implemented by the procuring institutions.

### **2.2.3 Strengthening transparency and accountability**

To ensure increased accountability levels in public institutions, it is very essential to tackle the issue of corruption for both demand and supply. Integrity is the key to addressing corruption and reducing its overall effects in the society, thus contributing to the attainment of the laid down development objectives. Several initiatives have been instituted and laws enacted, including: Anti-Corruption and Economic Crimes Act 2003, Public Officer Ethics Act 2003, Leadership and Integrity Act 2012, Bribery Act 2016, and the Code of Ethics for suppliers undertaking public procurement. Despite the government putting in place several initiatives to fight corruption, the problem of corruption is worsening in the country. Corruption is among the key issues undermining national security, access to various services and the overall accountability system in the country. Despite the various initiatives implemented and put in place to combat corruption, effective coordination, competency and sufficient financing is still needed to make sure that positive results are obtained.

The 2010 Constitution of Kenya lays the foundation for a transformative and effective Judiciary. Several administrative reforms have seen efforts to deal with backlog of legal cases, including computerization of the Judiciary, digitization of records, and publications of declarations by judges and magistrates on pending rulings and judgements. Today, judicial officers visit prisons to make sure criminal justice becomes a focus of urgent attention to ensure that nobody is in prison due to a wrong conviction, and that appeal cases logged for criminal cases are tracked faster. To achieve this, the Judicial Service Commission (JSC) has over the years been expanded to make sure that all the key stakeholders are well represented, especially the judiciary, public sector, and the Law Society of Kenya.

Despite these attempts, the Judiciary faces several challenges, such as inconsistent and at times contradictory judgments about governance; insufficient justice; poor dispute solving mechanism; violation of human rights; conflicts; injustice;

rights abuses; and absolute crime when it is considered in perspective of the post-election crisis that was experienced after the 2007 national elections.

The issue of ensuring maximum deepening of the national police reforms agenda in the country took a significant turn following the crisis experienced after the 2007 elections. A non-judicial commission was set up and tasked to carry out comprehensive investigation regarding the facts and circumstances that prompted the acts of violence after that presidential election. Upon completion of its investigation, comprehensive police reforms were recommended by the commission. To act on the recommendations, the government constituted a National Taskforce on Police Reforms in 2009 that was chaired by Philip Ransley, a retired judge. Many other recommendations were also made by the taskforce. Among other things, the taskforce recommended that the government should ensure that it tracks and coordinates the overall implementation of all the laid down recommendations. The Police Reform and Implementation Committee (PRIC) was established by the President, which demonstrated that the government was committed to undertake the police reforms agenda.

The post-election violence gave impetus to deepen electoral reforms. It brought out questions on national values, nationalism, norms and values that entail good governance and cohesion in regard to individuals, organizations, national level rule of law institutions, and the public. Subsequently, reforms focused on the establishment of the Independent Electoral Review Committee (IREC) in the 2007/08, with the mandate to investigate all aspects of the 2007 Presidential election. The Waki Commission and the Kriegler reports on the 2007 elections highlighted key institutional reforms. For example, to restore public confidence in the electoral management body, the Electoral Commission of Kenya was dissolved and replaced with an interim structure, the Interim Independent Election Commission (IIEC). Since the 2007 elections, the Kenyan electoral legal and institutional frameworks have been completely overhauled with the intention of promoting competitive politics. The Constitution and other laws needed to be replaced with new regulations and laws especially those governing political parties, laying down new regulatory rules to govern national elections, and conducting educational programmes that are intended to expound on Kenyans knowledge to allow them to participate more in national activities. These included the Elections Act 2011 which defined the conduct of elections.

### **2.3 Downsizing of the Civil Service**

Containing the overall cost in regard to public sector employment has been the key issue whenever reforms in the civil service are anticipated. This is aimed at

downsizing the number of employees in civil service through retrenchment and other restructuring strategies. However, today the issue of civil service reforms has gone an extra mile as not only entailing downsizing of the workforce but also focusing on other possible long-term strategies aimed at establishing a civil service workforce of the most appropriate size, with appropriate competency and expertise, well-motivated, with professionalism ethos, that is client-focused and an accountable one. With the expanded role of the government, from maintenance of law and order to incorporating development administration, a larger and more pervasive public service was required to provide public services at the grassroots level and supervise and manage industrial and commercial activities that the government was getting involved in. This led to massive growth of the civil service to enable the government respond to the needs and aspirations of its citizens. Challenges with the growth of the civil service emerged when it was realized that the wage bill was unsustainable, and disproportionate to the individual remuneration.

In the 1990s, Kenya's public sector reform agenda increasingly revolved around the imperative of downsizing its civil service. The government needed to ease the wage bill to lighten the financial burden that it was struggling with. Evidence shows that it is necessary to downsize gradually, but downsizing by itself will not improve service delivery without an improvement in the skills of remaining civil servants, particularly talented managers. Therefore, under the initial phase of Civil Service Reforms Programme of 1993-1998, five key policies were examined: i) Civil service organization; ii) Employment levels in which case reduction of employees through an incentive for civil servants to go on early retirement due to redundancy; non-replacement of officers leaving the service through natural attrition, ban on recruitment and guaranteed employment, ensuring that the most effective employment levels exist in regard to all government services that are offered, and making sure all the mechanisms that relate with staff employment are well controlled and also improving the payroll; iii) Market rates pay and benefits; iv) Personnel management and training; and v) Financial and performance management.

The Civil Service Reform Programme (1993-1998) had limited impact on overall enhancement of the performance of the Kenyan civil service sector. This is because it was only a limited number totalling to 86,516 employees from the civil service who retired voluntarily through the voluntary early retirement scheme, while the number of ghost employees cleared from the government payroll was only 4,000. There were still challenges in relation to linking allocation of resources to core functions and priority areas; duplication and overlap of functions; inadequate budget for operations and maintenance; competitive pay and benefits; and optimal staffing levels. The limited impact was attributed to the fact that the programme

was not based on a comprehensive long-term strategic plan that would have entailed government functioning reforms, and it being a single reform initiated but never allocated any financing through the annual budget. For this reason, it is clear that the whole undertaking could in no way have given the required positive impact of reducing the overall wage bill.

The second phase of Civil Service Reform Programme (1999-2002) was a more comprehensive and integrated reform programme that focused on performance improvement. Under CSRP II, the prioritized areas were: i) Rationalization of roles and structure of the ministries through articulation of the respective mission and definition of core functions, identification of non-core activities, identification of overlapping and duplicating functions for commercialization, outward contracting and privatization. The success of reforms during this period was mainly attributed to the privatization of state-owned enterprises that characterized the public sector reforms, and this led to a further reduction of public employees.

There were, however, challenges to achieving the objectives of this initiative. For example, a weak economy, affected government revenues and influenced government-spending decisions. The Directorate of Personnel Management (DPM) which was the agency tasked with its implementation and which CSRP fell did not receive sufficient funding and necessary political backing necessary for implementation of the intended reforms. Additionally, the reform activities also experienced lack of effective sequencing and planning. Since the key objective of CSRP II was based on improving civil service performance, plans were initiated for a possible CSRP III which was to focus solely on consolidation and sustaining of any gain that may have been earned in CSRP I and CSRP II.

Considering the challenges that limited the achievement of the reform initiatives under CSRP II, the government with the CSRP III (2003-08) accelerated its efforts to downsize the public sector and enhance its efficiency and investor friendliness for the promotion of private-sector led growth and poverty reduction. Key components of the civil service strategy included development of an ICT policy for the civil service to progressively transform into an e-government for efficient service delivery and cost savings; operationalization of the ICT policy; and full implementation of all ICT programmes for the civil service and teachers service; accelerate ongoing ministerial rationalization and development of strategic plans for ministries; introduction and institutionalization of performance-based management practices; and developing and installing clearly benchmarked and standardized service charters. In 2017, the National Treasury placed a moratorium on new recruitment and promotions with the exception of essential services such as security, health and education to enable the government reduce its recurrent expenditure in the 2019-20 financial year. By suspending recruitment of new staff

in the public service, the National Treasury sought to contain the ballooning public wage bill and avoid creating a bloated workforce in the public service. The Public Service Commission noted that the embargo on recruitment could detrimentally affect management succession in the public service.

## **2.4 Strengthening the Public Policy Process**

Policy making is the process by which government translates its vision into achievable actions and programmes to attain desirable results. During the policy process, there are various significant elements of good policies that need to be observed. These include ideas that are open based on the generation, clarifying the government objectives, external participation through extensive appraisal, clarifying on the national government roles and its accountability, and making sure that effective feedback mechanisms have been established to allow for evaluation. This is so because every government is normally judged as a result of the choice it makes in regard to laid down policies and their ultimate results, which therefore means that policy making is a premium process that must be desired in such a way that desirable results are able to be achieved.

Policy implementation gaps sometimes do exist due to lack of continuity of policies on the part of the government, insufficient resources both human and materials and corruption incidences which widen the distance between the stated goals and their ultimate attainment. Attitude is another major factor that tends to impact on overall implementation of government policies. This means that majority of those tasked with policy implementation may exercise substantial discretion as a result of either their independence from their executives from whom the policies are implemented, or as a result of the policies being extensively complex in nature. Nevertheless, the manner in which those implementing policies exercise their discretion in most cases depends largely on their individual disposition towards the policies. Without a clear framework of monitoring and tracking bills and other policies, policy duplication sets in.

Until recently, the government was the principal actor in the policy making arena in Kenya, in what is widely referred to as the 'top-down' approach in policy formulation. The processes and the institutional framework for policy making were mainly characterized by issuance of policy statements by the government, which were then debated in parliament to become government policies. Regulative policies were handled by the Attorney-General's office or the relevant government ministry through the Cabinet and Parliament, whereas development policies were associated with the Ministry of Planning and National Development (MPND) and

Presidential Commissions. There was therefore minimal consultation with non-State actors in the formulation of policies.

Domination of the Executive in policy making process and neglect of non-state actors in policy formulation has in some cases resulted in the policies lacking wider public support. But with time, there has been a realization that non-state actors are critical to successful formulation and implementation of policies. Additionally, the government has limited capacity and resources to implement policies. Therefore, opening to non-state actors is an important channel to enhance implementation of policies. Lastly, there is also the notion that the results of implementation will enhance the government's legitimacy as policies are deemed to have been strengthened by participation from all sectors of the society. Because of these factors, there has been a gradual opening up of the policy making arena to a wide range of non-state actors, who could exercise influence on both the formulation and implementation of important policies in different ways. This approach is regarded to as the 'bottom-up' approach.

Public participation in regard to policy and law-making process and other processes that entail reforms and governance is among the key fundamental gains that Kenyans have been able to attain as a result of the 2010 Constitution. Additionally, the concept of "people centered and politically engaged open society" is a key underscore of the Kenya Vision 2030. In regard to this, the key objective of MTP II was to come up with appropriate operational policies and other institutional and legal frameworks that are necessary for the enhancement of public participation. Among these key strategies were to pursue legal and other constitutional reforms that are essential in devolved governments and supporting local administration, encouraging both formal and informal programmes relating to civil education, and promoting proper and open engagement between the private sector, civil society and the State.

The gains so far on public participation is that public participation has encouraged and enhanced various stakeholders to participate in national debates, thus rendering them to be more transparent than it was before. With this, agencies that are tasked with reforms are required to reach an agreement, make sure that reforms are fully published under various platforms to make sure that such information can be freely accessed by members of the public for them to contribute through public comments. Therefore, it is clear that the reform process has been changed significantly as it has gone from top down procedure to now bottom up process.

However, despite the fact that the public is guaranteed under the law to be involved through participation, the rate at which members of the public have been involved at both levels of the government has been low. This fact clearly illustrates that a significant gap still exists between the actual practices and what



has been provided for by the law. This is understood to result from the fact that many people still lack proper understanding in regard to public participation principles. As for now, there is no single legal or policy framework that has been established clearly stipulating how public participation should be conducted. Although legislations regarding public participation are there among counties, the legislations are ineffective and weak, thus not being able to promote the aspect of public participation effectively. As per the requirement of the County Governments Act 2012, devolved governments should implement and design suitable civil training programmes and establish some units of civil training. Overall, it has been observed that the approaches in regard to civil education training are not well coordinated between the government and non-governmental actors due to lack of rationalized civil training curriculum and appropriate accreditation when it comes to non-governmental actors.

The Intergovernmental Relations Act 2012 is well designed to create an effective framework for discussion and collaboration between the two levels of the government and amongst the devolved governments. It is also aimed at establishing mechanisms in regard to dispute resolution that are likely to emerge between the two levels of government as stipulated under Articles 6 and 189 of the Constitution. The Act also gives provision for the National Government Coordination Act 2013 and the Urban Areas and Cities Act 2011. Intergovernmental structures established include National and County Government Coordinating Summit, the central body for intergovernmental relations, Intergovernmental Relations Technical Committee and Council of County Governors to spearhead the mandate of this Act. These structures have further enhanced relations for better operations within the two levels of government. For instance, the Council of Governors meets annually to deliberate on services. The Council of Governors has been a very powerful forum that governors have used in engaging with the national government.

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### **3 Factors to Consider in Maintaining the Momentum for Public Sector Reforms**

Several factors go into making implementation of public sector reforms successful and yield the expected outcomes. They include a collaborative role among key stakeholders including the government, market and civil society; and prioritizing initiatives that are inclusive and pro-poor, including investments in social and promote human development. Furthermore, the environment within which the reforms are implemented matters, including ownership, coordination, leadership and participatory policy making process. In this section, we look at what we can learn from aspirant and comparator countries. Further, we present findings from interviews carried out with key players involved in different regimes in implementation of public sector reforms (see Appendix 1 for details on the methodology used).

#### **3.1 Lessons from Aspirant and Comparator Countries**

Studies on implementation of public sector reforms globally demonstrate that each country has its own peculiarities. In addition, the operations of the public sector need to be constantly evaluated as per the changes occurring across the globe to make sure that the organizational structures are appropriate and can deliver services to the citizenry at optimum levels. An examination of how some countries have navigated through public sector reforms would help place Kenya in context.

In China, before 1978, government, highly egalitarian and highly planned, overly controlled public service reforms. Less effort was employed to ensure that civil services were improved despite the fact that a significant gap had existed in China between the needs of its citizens and the public services offered. In 1978, China embarked on reforms classified into three sub-stages: (1978–1984) Educational and National medical system reforms; and (1985–1992) reforms to break the government’s monopoly in public service. There were comprehensive reforms between 1992 and 2000 to improve the education system, housing, and healthcare reforms to convert a fully government-funded system into a three-party contribution mechanism. Public sector reforms since 2000 have positioned public service delivery as a major element of national development, reflecting collaborative roles of the State, market and civil society. Through these initiatives, China has made progress in areas of performance management system, contract based on merit, capacity development, downsizing organizations and staff, growing initiatives of local governments stimulated by non-institutional decentralism, and weakened control over the society by the State. Consequently, developing

countries may copy lessons from China by designing their public sector reform initiatives to be inclusive, pro-poor, prioritize investments in social development and promote human development.

In Singapore, public sector reforms were largely driven by government, which was engaged in every aspect relating to national development, highly competent and least corrupt public administration. Effective administration reform process was initiated by the government to rationalize the procedure and structure of the public administration and promote the effectiveness of the sector to be able to attain significant development objectives. As a result of this, there was significant public sector reorganization in Singapore; new statutory bodies were established and change of the previous colonial mentality was instituted among those in civil service, and their insignificance to the needs of the citizens. Singapore also adopted policies such as decentralization of public service commission, strong and enforceable anti-corruption measures, and competitive civil service remuneration that enabled her to achieve success in sustained economic growth. The government also established a specialized unit dubbed “Public Service for the 21<sup>st</sup> Century” (PS21) in 1995 that was intended to foster high standards and excellence of the civil service effectiveness and responsiveness and ensure overall innovative environment and subsequent improvement on continuous basis.

Today, Singapore’s civil service is best recognized for its high level of meritocracy, a strong focus on integrated strategic planning, a high capacity to support the public and private firms, limited corruption levels, and ability to ensure a high level of technical, scientific and humanistic knowledge through an innovative educational system. The success can be attributed to sustained political will with a clear vision of national development, integrity and strong anti-corruption measures, meritocracy, results-orientation and contribution to innovation and policy results, competitive remunerations for civil service, autonomy for boards, viable policy direction and the practice of continuous innovation and exemplary leadership.

In the case of Mauritius, reform programmes were initiated as a result of the positive and more lucrative opportunities associated with globalization and the “Africa Rising” narrative. The government constantly tried to revive the State economy by promoting both businesses and investments in both traditional and modern sectors so as to act as the major engines of economic development. The government adopted the policy of “putting people first” which empowered the people, and through delivery of services. The Ministry of Civil Service and Administration spearheads reforms to allow quality and timely delivery of public services.

As a result of these reforms, Mauritius government has been awarded best international benchmarking awards for scoring highly in public sector improvement. In recognizing the need to set realistic goals, Mauritius is today following in the footsteps of the US, Britain, Australia, New Zealand and is moving towards a post-regulatory State that depends very little on direct provision and more on State for self-regulation and partnerships with non-governmental institutions.

Before 1994, the public service in South Africa was characterized by crumbling of structures, uncoordinated framework policies, unequal human resource and financial allocation and more importantly to note the disregard for democratic aspect when it comes to public accountability. In 1994, the Public Service Act was passed. It represented a significant reform that was intended to establish a new public sector that was well integrated so as to represent the outlook of the society of South Africa. With this, the government was able to establish appropriate institutional frameworks that made it effectively develop policies and deliver its services more efficiently. Democratization of South Africa and instituting various legislative reforms characterized the first twenty years of post-colonial South Africa, all of which was intended to maximize the State development capacity. Public service transformation agendas were clearly illustrated in the Constitution together with the necessary reforms' key principles and which were also expounded in the Public Service Act of 1997. A White Paper which was based purely on the public service delivery transformation later followed the constitution of 1996. The White Paper expounded on the policy framework, which was intended to guide the operations of the public service. For this reason, the policy framework in regards to operation of the public service is perceived as the most significant and comprehensive reform in the entire Africa.

In Ghana, unexpected results were established when civil service reforms were initiated. This is because the civil service in Ghana immediately after independence was acknowledged as as the “finest, most relevant and performance-oriented institutions in Africa.” It must be noted that no progress was recorded in this first phase of reforms as things turned bad to the point that the civil service was described as a “moribund, paper-pushing institution.” The Civil Service Reform Programme (CSRP) was introduced by the government in 1987 to act as the major element of Structural Adjustment Programme. However, the reforms did not achieve much as they were viewed as non-participatory. The National Institutional Renewal Programme (NIRP) was introduced in 1994 for capacity building purposes. The Civil Service Performance Improvement Programme (CSPIP) was launched in March 1995 to replace the CSR. Its main objective was to ensure departments developed performance improvement plans (PIPs) that were results-oriented, merit-based and supported stakeholder participation. Currently, the civil

service in Ghana is well established due to its code of conduct, its service delivery development, introduction of performance improvement plans, digitization of its staff records, its Medium Term Expenditure Framework (MTEF), formulation of policy separation framework from the aspect of its implementation through managerial agencies, and independent State revenue service credited as being the first independent revenue body to be established across the entire continent.

These administrative reforms produced mixed results. By 1995, the public service was largely national, constrained by unnecessary procedures, lacked enticements, was unfair against civil servant training, and its management fell under the Public Services Commission (PSC) which was used to ignoring the recommendations of the government.

The overall developments of these global scenes is a clear demonstration that having appropriate civil service is important when initiating and implementing public sector reforms. It is important to mention also that from the international experiences, evaluating the ever-changing international environment is very essential to make sure that the overall organization and management structures are effective to achieve efficient service delivery to citizens.

### **3.2 Learning from Practitioners**

The key informant interviews brought out the following:

#### **3.2.1 Ownership of the reforms among key stakeholders**

Public servants are a significant component in implementation of various PSR as they often form the principal tangible link between governments and the people. However, to ensure they are a *sine qua* known for speedy and effective execution of government policies, they need to be adequately equipped. Considering that PSR is an ongoing process, skills and competencies are continuously enhanced through training and capacity building to facilitate the attainment of the expected outcomes of the reform process.

That said, not all public servants are adequately prepared for PSR. This was mainly attributed to inadequate training prior to reforms, limited involvement of public servants in both PSR design and implementation, and inadequate understanding of the key code regarding the civil service in relation to service delivery to citizens. It was also observed that there was inadequate engagement of the public (public participation) resulting in some policies not reflecting the expectation and aspirations of the people. Finally, rampant corrupt practices and poor leadership were a challenge in the civil service. Functional, effective,

efficient and well-distributed human capital are recognized as critical ingredients and determinants of better public service delivery. Most counties in Kenya lack human resources that possess expertise and competencies in relevant fields despite the bloated staffing. There is a need to build capacities through training of human resources to reflect the evolving needs of public service, and hiring of appropriately skilled staff. Furthermore, embracing the essentials of New Public Management reinforces the need to prioritize the expectations of the citizenry in service delivery.

Citizens, private sector and civil society have significant roles which they are required to perform in regard to refining civil service and attaining the social outcomes The State cannot do it alone; stakeholder engagement is important. The civil society complements the government in carrying out civic education, creating awareness and as a watchdog to hold the government accountable on public sector reforms. However, there is need to remain vigilant that the civil society does not push the agenda of their funder. The private sector is well known for its innovation and creativity, coupled with sector-specific expertise, and potential contribution to public sector reforms cannot be underscored.

### **3.2.2 Established structures of coordinating public service reforms**

To ensure effective and sufficient PSR reforms implementation, proper coordination and consistency of PSR structures is very essential. Consistency of PSR reforms involves methodical promotion entailing mutual policy reinforcement in each and every departments to create mutual coordination so as to achieve desired goals. The structures of coordinating public sector reforms in Kenya are not sufficient and effective, and there is lack of a standard procedure for coordinating the PSR initiatives.

The 2010 Constitution of Kenya saw the inception of county governments in 2013. Devolution has seen phased transfer of functions such as service delivery and policy formulation and implementation to county governments. Devolution is also about democracy at the grassroots, which empowers residents to express themselves to determine their future. Majority of the respondents agreed that transition to devolved governance system had an impact on the reform process. Some felt that devolution has enhanced the efficiency, accountability and transparency and increased socio-economic development as development was brought close to the grassroots level.

This notwithstanding, the transition has its challenges. For example, some of the new institutions and offices formed under the new constitution are not well spread at the county level, which affects service delivery. In addition, there are

no standardized ways of doing things between the two levels of government. The two levels are required to interact effectively to ensure smooth implementation of policies. Coordination between the two levels of governments in regard to policy formulation has been marred with struggle for power at the county level. The naming of devolved units as “County Governments” seems to have inflated sense of power and widened the separation from the national government. Further, the powers of Governors are too concentrated, which has been demonstrated through their functions and control. Delivery charters in the two levels of government are well captured, but transforming the provision of the delivery charters into practice and/or action remains an impediment to the ongoing reform initiative.

### **3.2.3 Institutions relevant to public sector reforms**

To ensure the success of PSR, there is need to ensure that each and every department within the government is able to make decisions in a fair and appropriate manner. The 2010 Constitution of Kenya introduced county governments with the aim of enhancing efficiency, transparency and accountability in regard to public service delivery. The new institutions of governance are effective in promoting public sector reforms for effective service delivery by enhancing transparency and accountability. For example, EACC has done well in terms of creating awareness and empowering citizens to report incidents of corruption. The creation of the Judicial Service Commission (JSC) has enhanced judicial reforms while tax administration reforms have seen many Kenyans remotely file returns, notwithstanding one’s geographical location.

There are, however, challenges including lack of a coordination secretariat, the dysfunctional operations of the Office of the Ombudsman, incidents of bias and widespread nepotism at the county level, and lack of adequate staff from sensitive office in counties. Vibrant institutions determine the nature of services that the government renders to its citizens. Therefore, to sustain the contribution of various institutions to the reform agenda, various aspects need attention. These include: building capacity and enhancing the independence of the institutions for effective service delivery; deepening collaboration among the institutions to help in coordinating activities across the public sector; devolving activities of the various institutions to county level; and addressing duplication of roles.

### **3.2.4 Government policy and public participation**

The State has an extensive role in implementation of policy initiatives aimed at reforming the public sector. Ultimately, every government is judged by its policy choices and their outcomes, which in turn places a high premium on policy making

as a process to achieve desired results. The policy framework should be able to adapt to changes in the environment the reforms are being undertaken. It is not possible to achieve reforms that will apply once and for all in perpetuity; one can only monitor progress of reforms as they are implemented, for continuous review.

While devolution was created as a basis of enhancing service delivery, counties have turned to be avenues for patronage exchanges and rampant corruption. Policies do not relate to the needs of the local people given the minimal representation in public participation. Further, there is duplication of roles among the new constitutional offices and institutions, resulting in public wastage of resources. There is also constant political interference in the operations of these offices and institutions, thus hindering effective implementation of their mandate.

Public participation provides a platform for engaging the stakeholders. It is a critical aspect of governance structure especially in a devolved system of government. Engaging citizens in the development process ensures that the specific needs of the people are prioritized, with a view to enhancing service delivery. This also serves to entrench a culture of transparency and openness, enhance the ownership and legitimacy of the reform process, and symbolise the aspirations of the citizens.

### **3.2.5 Embracing technology (ICT) in delivery of public service**

Introduction of ICT in civil sector changes how institutions function by influencing the basic norms and also the incentives critical to behaviour shaping within an organization as opposed to the structure, processes and regulations of these formal institutions. As such, ICT has been accepted as a significant factor in regard to coordination and oversight of government institutions for effective service delivery. Generally, ICT was viewed as instrumental in reforming delivery of public service. With ICT, service delivery has speeded up both at the point of service in government institutions and through remote access of government services. For example, this has enabled citizens and non-citizens to make payments easily using online platforms. That said, poor network coverage, lack of power and lack of trained ICT personnel could inhibit the gains that accrue from use of ICT.

In the civil service, adoption of ICT has made service delivery easier by downsizing the civil service. Considering the nature of government activities that normally require critical procedures to be followed, ICT adoption has become very essential in any single department. Internationally, governments have increasingly invested in various innovations pertaining to ICT, which are simply known as e-government or e-governance. Governments are now using technological advancements together with fewer well-trained workforce to better service delivery. ICT has introduced



the use of technological advancement, which require fewer skilled staff for better and efficient output. As a result, the public sector workforce has reduced.

### **3.2.6 National and county leadership on public sector reforms**

Effective leadership is essential to successful implementation of government policies because it is normally characterized by elaborate vision of achieving laid down results and other policy strategy critical to achieving development. The leadership at both levels of governance is expected to engage constantly and consistently to respond appropriately and in a timely manner to dynamics of modern management. For example, devolution is a new system of governance; therefore, more time is needed for effective changes, and to institutionalize counties. That said, the national leadership is not reflected, enforced or felt at the county level due to contradictory dissemination of information to the public by political leaders, and the public do not seem to attach much respect or prestige to Cabinet Secretaries as they have no political power.

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## **4. Conclusions and Policy Recommendations**

Public sector reforms in Kenya date back to the independence period and have seen efforts made towards cost-saving, enhancing efficiency, and improving productivity to ensure public service delivery is people-centered. These are key cross-cutting issues in the public service and formed the focus of this study; that is administrative capacity building; strengthening policy process; institutional reforms and right-sizing of the civil service. Considering that public sector reform is a process and not one-time event, exploiting emerging opportunities helps to overcome the challenges and deepen the reforms.

Administrative capacity building is the procedure through which people, governments, organizations and communities advance their own abilities in regard to task performance, problem solving and setting attainable goals. Notable progress has been made, including introduction of results-based management; establishment of the Kenya School of Government; and extended role of the Public Service Commission under the Constitution of Kenya 2010. However, some challenges have emerged, including: resource constraints in exploiting fully the benefits of performance contracts; lack of a measuring index to adequately evaluate the impact of the various initiatives on improving professionalism; weak coordination of public service institutions at national and county government levels; and yet to be fully implemented Capacity Assessment and Rationalization of the Public Service. That said, there are opportunities to continue deepening these reforms including: development of the National Capacity Building Framework (NCBF) in 2013; development of Public-Sector Transformation Framework (2017-2022); and the human resource demands in implementing the Kenya Vision 2030.

Until recently when stakeholders are consulted in the policy making process, public policy formulation in Kenya had been a top-down approach with the state being the principal actor in the policy making arena. The public participation provisions in the 2010 Constitution of Kenya provide an opportunity to strengthen the collaborative role of key stakeholders in enhancing public policy process. Among the key challenges that need attention include the absence of a policy, legal and formal outline to guide public participation; and persistent friction between national and county governments despite the intergovernmental framework.

Institutional reforms in Kenya are aimed at making the State more open, accountable and efficient. The 2010 Constitution of Kenya provides for establishment of various institutions to support the devolved system of government. More importantly, there is significant political support in the fight on corruption to leverage on in pushing the reform agenda. Key challenges include overlaps in the roles of some government agencies; delays in developing regulatory frameworks for related

legislations of parliament to smoothen implementation; weak monitoring of implementation of key strategies to ensure emerging issues are taken into account; inadequate capacity at county level to implement the reform agenda; corruption; and some of the institutions have not devolved their services to county level.

The massive growth of the civil service made it difficult for the government to respond to the needs and aspirations of its citizens. Ultimately, civil service downsizing became inevitable as more efficiency and productivity was sought in the civil service. However, performance of the economy and devolved system of government are major challenges in right-sizing the civil service. That said, a key opportunity is embracing ICT and finalizing with the pending parastatal reforms.

Overall, for successful implementation of public sector reforms, it is important to view the reforms as a process rather than a one-time event and therefore continuity is critical. Establishment of an autonomous body to coordinate the public sector reform process will help to harmonize the activities across the two levels of government and across the various agencies. This will also enable appropriate sequencing of reforms, identifying areas for skills and competence development, and promoting targeted research to be able to respond appropriately to emerging issues.

In addition, adequate financial resources are key in implementing the reforms. Reforms are also expensive and therefore the role of development partners cannot be ignored. Further, it is necessary for county governments to consider conditional grants from the national government, with certain reporting and purchasing requirements.

While Kenya has embraced the New Public Management, it is time to migrate to “New Public Service” (NPS). This entails various responsibilities of civil administration towards governance by solely focusing on the well-being of the public. With this, employees in the civil service are able to strictly focus on their core roles of serving and empowering members of the public while undertaking their assigned duties of managing public institutions and implementing various public policies. As such, by focusing first on the welfare of members of the public, the key focus is concerned purely on establishing public institutions which are run with high levels of integrity.

Ownership of the reform programmes in the civil sector is crucial. It requires having civil staff who are dedicated in their duties to perform and who are devoted to members of the public, and fulfilling the needs of the institution they are assigned to. This means that public servants need to be adequately prepared to understand what the reform agenda entails. It is also important to have effective capacity building to equip them with necessary skills and competences. Assessing

and monitoring succession plans will ensure continuity. Moreover, paying competitive market salaries to attract and retain the best candidates in the public sector will enhance their productivity. Setting standards of performance and other compliance mechanisms are imperative to ensuring scarce resources are deployed effectively in attaining the purpose, direction and goals of the reform agenda.

Leadership is central to successful implementation of PSR at both national and county level. Inculcating the visionary leadership aspects at all levels of government is necessary, with a focus on promoting integrity, professionalism and having an incentive structure that encourages reform-minded and visionary leaders by, for example, observing meritocracy in appointments. There is also need to ensure that the Leadership and Integrity Act 2012 passed pursuant to Article 80 of the Constitution, along with other laws enacted under the Constitution, sets out appropriate mechanisms and procedures that are appropriate in ensuring that civil employees respect and uphold principles and values as stipulated under the Constitution as they undertake their assigned public service duties.

Engagement of key participants in the policy procedure will support effective execution of the reform agenda, considering that people-centered delivery of public services is desirable. It allows sharing and accessing adequate information to contribute effectively in prioritizing the peoples' needs. It also enables all to know the resources available especially when full participation in the budget making process. There is therefore need to strengthen public participation, which is also a clear channel for monitoring the implementation of the reforms.

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