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Editorial Commentary

I am pleased and honored to present **Volume 2, Issue 4 of the Governance Journal**, a continuation of the collaborative initiative between the Institute of Certified Secretaries (ICS) and the University of Nairobi. This journal series is dedicated to advancing the discourse on good governance as envisioned under Article 10 of the Constitution of Kenya, 2010. The articles in this issue critically examine the practical application of these national values and principles within both the public and private sectors, highlighting progress, persistent gaps, and opportunities for reform.

This edition features contributions from seasoned corporate governance professionals and members of the Institute of Certified Secretaries. Their work addresses contemporary governance challenges and reflects on the evolving state of governance in Kenya under the current regime. The articles emphasize key governance principles, including transparency, accountability, fairness, responsibility, independence, and integrity.

Denis Ochako opens the issue with an incisive analysis of the human rights landscape during Kenyan elections, a period historically marked by tension, protests, and post-election violence. His work underscores the need for stronger institutional safeguards to protect rights during electoral processes. In a related governance concern, CS James Gitari examines corruption within devolved units, offering strategies to strengthen accountability across Kenya's forty-seven counties. With the devolution of essential services such as health, corruption risks have become both more decentralized and more consequential.

Gitari proposes mandatory open-data portals, enhanced financial transparency, and structured ethics training for county officials, recommendations aligned with the perspectives of CS Dr. Walter, who argues that professional accreditation and sustained capacity-building significantly enhance financial integrity and governance standards. The final article in this issue advocates for the inclusion of women and youth

in regional leadership and economic frameworks to promote sustainable development and deeper integration within the COMESA region. This resonates strongly with the constitutional commitment to equality and non-discrimination as foundational governance values.

Collectively, the articles in this issue advance a common theme: the urgent need for ethical leadership. I hope that this volume meaningfully contributes to scholarship and practice in corporate governance and inspires continued commitment to principled, accountable, and transformative leadership.

Prof Kenneth Wyne Mutuma, FCS

Vice Chairman, Institute of Certified Secretaries

Editor-in-Chief

Table of Contents

Associate Editors	iii
Advisory Board	v
Council Members.....	xi
Strategy, Research & Capacity Development Committee Members.....	xi
Editorial Commentary.....	xii
Foreword	xvi

Chapter 1

Ghosts of Old Ways in Breaking the Cycle: Analyzing the Level of Protection of Human Rights During Elections in Kenya By <i>Denis Ochako Monari</i>	1
---	---

Chapter 2

Corruption and Governance in Devolved Units: Strategies for Strengthening Institutional Integrity By <i>CS Dr. James Gitari</i>	13
---	----

Chapter 3

Upholding Corporate Governance and Ethical Behaviour in Kenyan Organizations: Addressing Challenges and Exploring Practical Solutions By <i>CS Tom Ndege</i>	22
--	----

Chapter 4

Unmasking Invisibility: Intersectional Justice in Procurement for Trust and Organizational Excellence in Kenya By *CS Peter Mbogo Kimani*39

Chapter 5

Ethical Leadership, Transparency and the Fight Against Corruption By *FCS Dr Fred Wasike*47

Chapter 6

The Kenyan Leaders We Yearn For: Rethinking Leadership for a Just and Prosperous Nation By *CS. CPA. Dr. Ben Samoei, Sum, PhD*55

Chapter 7

Enhancing Organizational Excellence Through Strategic Procurement and Human Capital Acquisition By *CS Eric Sambu*62

Chapter 8

The Role of Accreditation in Strengthening Corporate Governance By *CS Dr. Walter Ongeti*74

Chapter 9

Fostering Women and Youth Inclusivity for Sustainable Development and Regional Economic Integration in the COMESA Region By *CS CPA Dr. Moses Mwenda Muthinja*87

Foreword

I am pleased to introduce **Volume 2, Issue 4 of the Governance Journal**. In its commitment to advancing good corporate governance in Kenya and across the continent, the Institute of Certified Secretaries (ICS) established this journal as a platform for professionals and practitioners to share insights drawn from their experiences in analyzing and implementing governance principles in diverse sectors. The journal offers a window into the evolving landscape of corporate governance, its pillars, frameworks, and real-world applications.

The consistent theme running through this issue is ethical leadership. The contributors examine how governance principles shape critical areas such as elections, devolution, sustainable development, human rights, and public procurement. Their analyses offer not only reflections on current challenges but also guidance on strengthening governance systems.

This journal reinforces the fundamental importance of ethical leadership in both private and public institutions. Article 10 of the Constitution of Kenya (2010) firmly anchors national values such as good governance, the rule of law, transparency, and accountability. Upholding these principles is essential to building functional institutions and a thriving economy. Greater transparency in procurement, elections, and financial management would significantly reduce corruption, electoral violence, and unsustainable public debt, all of which ultimately burden the common mwananchi through increased taxation and diminished public service delivery.

The effects of implementing, or failing to implement, corporate governance principles are far-reaching, especially in emerging economies such as Kenya and many others across the continent. The contributors in this volume not only highlight governance challenges such as corruption, discrimination, lack of accountability, and post-election violence, but also provide pragmatic solutions for addressing them.

One notable recommendation is the adoption of mandatory open-data systems at the county level, a transformative step toward promoting transparency and accountability. With essential services like healthcare devolved to county governments, effective oversight, firmly grounded in constitutional mandates, remains vital to safeguarding service delivery and public trust.

This issue is both illuminating and timely. It contextualizes the principles of good governance within the realities of Kenya today and serves as an important resource for practitioners, policymakers, scholars, and leaders committed to strengthening governance across all sectors.

FCS Jeremiah Karanja, MBS

Chief Executive Officer

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Chapter 1

Ghosts of Old Ways in Breaking the Cycle: Analyzing the Level of Protection of Human Rights During Elections in Kenya

Denis Ochako Monari

Introduction

The Kenyan politics, 2024 was characterized by protests against the Finance Bill and harsh tax measures. It was accompanied by constant criticism of the ruling government through street protests and largely through social media posts. The response from the current regime to these critics has been a topic of discussion in national and international forums. There has been alleged capture, detention, torture, death and even disappearance of some well-known government critics. However, for history lovers, this is not a new occurrence, as a matter of fact, it is a trend throughout the regimes since independence of our country. This article explores the roots of the problem, its impact and what can be done to stop it.

Background and Historical Context

During the reign of Jomo Kenyatta, Kenya was a one-party state and the President wished it to remain so. This explains why Kenya People's Union (KPU) was banned in 1969, after an anti-government demonstration in Kisumu where at least 10 people were killed by security forces. KPU leaders were detained under the 1966 Preservation of the Public Security Act (PPSA), the detention law was passed by Kenyatta to silence critics, according to (Mutua, M. 1994, P.52). In 1969, there was a massacre in

Kisumu where the police shot live bullets at the masses in response to their boos of displeasure to the then Head of state.

Moi's era was the most tainted with abuse of human rights. It was not a secret that the President did not entertain any criticism. In fact, he made it almost impossible to hold rallies that were antigovernment. This was through some legal reforms that allowed detention of people without trial. The Nyayo torture chambers contain unforgettable memories for those who were bold enough to speak against the administration of Kenya's second President. Government critics were held in these chambers and incommunicado, they were beaten, starved, stabbed, tortured and interrogated for endless days before their release to maximum prisons or to freedom for some lucky ones and death for most of them (Nyabola 2017). The infamous case of the enforced disappearance of Dr. Robert Ouko, the Minister of Foreign Affairs in 1990, remains one of the most well-known cases in Kenya's history.

In 2007, abductions were linked to terrorism-related operations, with individuals suspected to be affiliated with groups such as Al-Shabaab or other extremist factions missing after being apprehended by security authorities that is according to Andrews Atta-Asamoah (East Africa Report, 2015). Despite efforts to end such practices, various human rights organizations continue to report cases of enforced disappearances by law enforcement, particularly in underprivileged populations.

During the 2017 elections, there were multiple complaints of police abuses and excesses, including the abduction of opposition supporters, activists, and civil society member (Human Rights Watch, 2017). These abductions were sometimes portrayed as security operations, in which people were detained without due process. In many cases, the government failed to conduct proper investigations into these incidents, and the culprits were not held accountable. This lack of accountability for security forces and law enforcement demonstrates governance weaknesses that allow for ongoing abuses such as abductions and extra-judicial killings.

Arguably, the police have played the biggest role in abductions, extra judicial killings and other violations of human rights throughout Kenyan history. The National Police Service has always been more of a violent squad than a service. The change of name from 'force' to 'service' following the promulgation of the Kenyan Constitution 2010, to reflect that it was more citizen centric did not address the fundamental concerns (Kasina and Ndung'u, 2023). The police force inherited upon independence in 1963 has basically stayed unchanged in operation, and culture, among other things. This is hardly what Kenyans expect from their local police stations, as largely the majority operate with impunity, contempt and with disregard to human rights.

During the precolonial period, the police were used to protect the interests of the colonial masters, matter of fact, they were used to protect the white settlers against the resistance by Africans (Makori, V. (n.d.). There existed a Special Branch that was used to interrogate suspects of the Mau Mau uprising and was later used by President Moi's era to interrogate, torture and intimidate its critics (Museum of British Colonialism, n.d). Throughout history, police officers were also used to harass, pursue, inconvenience, and occasionally briefly detain opposition Members of Parliament (M.P.s), NGO officials, clergy, journalists, and other government critics (U.S Department of State, Bureau of Democracy, Human Rights, and Labor, 1998). Detainees were frequently held for many hours before being released without charge. In some cases, they were detained for weeks or months.

The extent of the damage done by the Police was immense. For instance, KNHRC revealed that between January and September 1997, the police killed 123 people including at least 12 through torture. Human rights groups called out the police's unwillingness to open as well as the government's inability to take sufficient punishment against the majority of officers guilty for deaths. Hundreds of prisoners passed away in detention due to life-threatening prison conditions, such as insufficient food and medical care.

Bill of Rights and the Legal Frameworks

The drafters of the Bill of Rights must have anticipated and envisioned a recurrence of the abuse of human rights that occurred post-independence and intended to protect the citizenry from such harm, specifically, from abductions, enforced disappearance and extra judicial killings (Kenya National Commission on Human Rights, n.d.). These rights may specifically include the freedom of speech and the freedom of security of the person. At this point, it is important to note that the Constitution should be construed as a whole but since time is of the essence, we shall delve deeper into this specific rights.

Article 33 of the Constitution of Kenya 2010 provides for the freedom of speech. The freedom includes the freedom to receive information, to do research and to express oneself artistically. Article 33(2) prohibits people from utilizing this freedom to spread propaganda for war; hate speech, incitement for violence and discrimination. However, article 24 requires all limitations to be reasonable and justifiable while maintaining equality, human dignity and freedom. Further, the state is obligated to observe, protect and fulfill the rights and freedoms in the Bill of Rights, *as* dictated under Article 21(1) Constitution of Kenya, 2010. It should also be noted that human rights are inherent, they belong to an individual and are not granted by the state, to simply put it, human rights are inalienable.

The right to freedom and security of the person, the right to not be detained without trial; the right to not be arrested without just cause and the right to not be subjected to any cruel or inhumane treatment whether physical or psychological not regarding it from a public or a private source. (Constitution of Kenya, Article 29). In close relation to this right, is the non-limitable right to an order of habeas corpus.

Moreover, article 2(5) and (6) of the Constitution of Kenya provides that the rules of international law and all treaties and conventions ratified by Kenya shall form part of the laws of Kenya. This being said, it is important to look

at the provisions of various treaties ratified by Kenya. The International Covenant on Civil and Political Rights (ICCPR) provides for the right to freedom and security of a person, Article 9 of the ICCPR strongly prohibits torture and inhumane treatment. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires all signatory states to criminalize torture in their domestic laws, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 4 obligates states to take all effective measures to prevent torture and other degrading human treatment.

Further, the International Convention for the Protection of All Persons from Enforced Disappearance, defines enforced disappearance in Article 2 as any form of deprivation of liberty of a person by a state agent and the failure to acknowledge the deprivation of liberty or to disclose the whereabouts of the missing person. The treaty proceeds to state that no person should be subjected to enforced disappearance and that there is no justification whatsoever of enforced disappearance which means that the right is non limitable.

The Current Situation

Despite these provisions, Kenya National Commission on Human Rights reports that they have been 82 cases of enforced disappearances and among those 29 are still missing (Mule, 2024). The abducted persons are mostly young people who have been vocal about the shortcomings of the current regime on social media platforms. Recently, a young Kenyan by the name Kibet Bull had been abducted following the creation of silhouettes of the President highlighting inconsistencies of the government (Ombati, 2025). Several political leaders have issued statements that these actions by the young people are an indication of disrespect of leadership and lack of patience by the people for results delivery (Kenya Human Rights Commission, 2025). They seem to reiterate that the abductions are a way to promote respect for leadership, this is irrespective of their existing legal

frameworks prohibiting abductions and providing for steps to be taken during arrests. A statement by the Inspector General of Police on 26th December, 2024 stated that the police officers are not responsible for the ensuing abductions (Cerullo, 2024). The President and other leaders were heard commenting that the government is also not responsible for the abductions. Be it as it may, they seem to forget that the supreme law of the land obligates the government to ensure that the Bill of Rights is protected and fulfilled. It also mandates the Police with the protection of the people; roles in which they are clearly and spectacularly failing at.

The government is convinced that their style of leadership is impeccable. It would be imperative to look at a few features of good governance so that we can make an informed decision. Good governance is characterized by transparency, accountability, participation, rule of law, respect for human rights, effectiveness, responsiveness, equality and inclusivity (United Cities and Local Governments Asia-Pacific, n.d., 2025).

The abductions of the youth when protesting against harsh tax regimes and the ever-rising costs of living fail in all the aspects of good governance. Further, getting enraged by people's opinions about the success or lack thereof of a regime is also a little authoritarian. First, it indicates the complete disregard of well-established rules of law and the lack of compliance within the government. Second, it indicates lack of accountability. So many of these abductions are being conducted in broad day light, without proper investigations, moreover, there has been no measures or little efforts taken against the individuals captured in camera perpetrating human rights violations.

Passing of the Finance Bill and other laws and policies that have received dissatisfactory reviews during the public participation stages is an indicator of the unresponsive nature of the current regime. This power has been expressly provided for under Article 174(1) of the Constitution of Kenya. The same Constitution under Article 1(2) states that all sovereign power belongs to the people of Kenya, which can be exercised directly, or through

their elected representatives. The fact that the people have already elected representatives, the people ought to still exercise their sovereignty by being involved in democratic and governance process. Public participation has become a mere formality rather than a means to assess the situation of the common mwananchi. Article 10 (2) clearly stamps the authority in public participation, that it is among the national values and principles of governance, which basically effects that the citizens have the right to have their opinion heard on matters national importance.

Conclusion

In conclusion, the government needs to sit back and bring its affairs in order. The law envisions a clear balance between the rights of the citizens and their duties to the state. It is about time that the due processes of law are abided by to promote good governance and create an environment for economic growth in the nation. The leaders and the police should act as good role models in abiding by the procedures of the law to right any wrongs in the society. In any case, there should be a clear shift from how things were done at independence and how things are being conducted 61 years down the line. It is vital to not let all those struggles for an open and democratic society go down the drain. The 2010 Constitution has been termed as the most progressive, realistic and one of the best Constitution in the world. If we could only implement it, the stories of bad governance would be a foregone issue.

The government ought to change its priorities with regards to the National Police Service. Uniform reforms and modification of names have failed to impact Kenya's police culture. The well-being of police officers should be given first priority as mental health issues, low wages and poor working conditions, inter alia demoralize the force and/or service from within. These problems have led to the many suicide cases in the force, the increased cases of homicides among police officers, misuse of firearms and involvement in illegal activities such as robbery with violence and collaboration with

criminal networks. There is also need to reform the training requirements and procedures to not only build physical prowess but to also have regards for human rights, ethical conduct pro and professionalism.

There is a need to enhance the independence and effectiveness of oversight bodies such as the Independent Policing Oversight Authority (IPOA) and the Kenya National Commission on Human Rights (KNCHR) to investigate and hold accountable officers involved in abuses. In this regard, it is also important to maintain the separation of powers doctrine and maintain the independence of all arms of government. This would enable the Parliament to make laws that are favorable to the people they represent rather than the Executive. It would also allow other bodies such as the Director of Public Prosecutions to initiate suits against rogue police officers. It will also enable the judiciary and its officers to ensure the ends of justice are met fairly for all citizens regardless of their connection with government, by embracing the rule of law for all.

It is also important to provide public awareness and education to the masses in languages they understand. People deserve to know their rights and procedures they could use to seek redress in case their rights are infringed. It is also important for individuals to understand the limitations each right has, so as not to cause or inhibit the enjoyment of another person's rights, because it has largely been discussed that your rights ends where mine begins.

The National Coroners Service Act, 2017, under Section 3, it provides for its objectives, among those is to provide for investigation of reportable deaths in order to determine the identities of the deceased persons, the times and dates of their deaths and the manner and cause of their deaths, provide for the mandatory requirement to report reportable deaths and establish the procedures for investigations, by coroners of reportable deaths. Since the enactment of the Act in 2017, the office of the coroner-General still falls vacant, and the reason for that, your guess is as good as mine. Many victims of abductions and enforced disappearance end up dead, and their deaths

are unaccountable since neither the police nor the Government is willing to take responsibilities of their actions. All these stinks of bad governance in the Republic.

We cannot police morality, doing the right thing, ethics and good governance. This therefore calls for a collective and consorted efforts from all of us to make sure that fidelity to the Constitution and rule of law, is adhered too to achieve good governance in our Republic. Leaders need to measure whatever actions or omissions they do. Checks and balances a very key fundamental to good governance. Lord Acton once said, “Power tends to corrupt, and absolute power corrupts absolutely”. Might I add the words of Majorie M. Liu, “that power is transient, today you have it, and tomorrow someone else wields that power.” Bad governance, just like cancer will keep on growing if it is not taken care off, our leaders will rule with impunity and contempt with full disregard to the Rule of law. Remember we only have one country that we need to take care off for us and the future generation as well. Let me conclude by saying, God is the ultimate source of all power. All human power is therefore derived, limited, unstable and transient, and in the end, we shall all be accountable to someone. Desmond Tutu said “if you are neutral in situations of injustice, you have chosen the side of the oppressor.”

Good governance in Kenya is not merely an ideal, it is the cornerstone of a prosperous, equitable, and peaceful nation. The responsibility lies not only with the government but with every Kenyan citizen, to hold leaders accountable, demand transparency, and champion integrity at all levels of society. It is through collective will and action that Kenya can rise to its full potential, becoming a beacon of democratic progress and prosperity in Africa. The Constitution of Kenya provides a clear framework for good governance, which is fundamental for the nation’s growth and stability. As stated in Article 10(2), “the national values and principles of governance include transparency, accountability, and the rule of law.” These principles must guide all leaders and public servants in their roles, ensuring that the

government's actions reflect the values that uphold democracy, justice and the well-being of all citizens. Only by adhering to these constitutional principles can Kenya build a prosperous future based on effective, inclusive, and responsible governance. The fourth estate should play a critical role in exposing abuses by reporting objectively and with facts with no fear.

References

Mutua, M. 1994: Human Rights and State Despotism in Kenya: Institutional Problems, Vol 41, pages 50-56

Joseph Karimi, 'Witness recalls the 1969 Kisumu massacre that marked Jomo Kenyatta's visit.' < <https://www.standardmedia.co.ke/article/2000096439/witness-recalls-the-1969-kisumu-massacre-that-marked-jomo-kenyatta-s-visit>>

Nanjala Nyabola, Nyayo House: Unravelling the Architecture and Aesthetics of Torture. Initially published in Desegno Magazine, 15, June-August 2017

Andrews Atta-Asamoah, 'Responses to insecurity in Kenya Too much, too little, too late' Issue 3, April 2015 East Africa Report

'Kill Those Criminal' < <https://www.hrw.org/report/2017/10/16/kill-those-criminals/security-forces-violations-kenyas-august-2017-elections>> accessed on January 08th 2025

Faith Kasina and Gathanga Ndung'u, 'Kenya and Its Unreformable Police Force' < <https://www.theelephant.info/analysis/2023/03/11/kenya-and-its-unreformable-police-force/>>

Makori, V. (n.d) Kenya Police Service Evolution: Colonial Roots to Present < <https://www.linkedin.com/pulse/kenya-police-service-colonial-roots-modern-challenges-makori-va-3fxof/>>

The Museum of British Colonialism. (n.d.) Retrieved from <https://museumofbritishcolonialism.org>

U.S Department of State: Kenya Country Report on Human Rights Practices for 1996, Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998 < https://1998-2001.state.gov/global/human_rights/1997_hrp_report/kenya.html>

‘Kenya Report on Human Rights Practices for 1997’ Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998. < https://1997-2001.state.gov/global/human_rights/1997_hrp_report/kenya.html>

Kenya. (2010). The Constitution of Kenya.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

International Convention for the Protection of All Persons from Enforced Disappearance.

Daniel Mule, ‘Statement on the Recent Surge of Abductions/Enforced Disappearances in Kenya’ < <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1213/Statement-on-the-Recent-Surge-of-AbductionsEnforced-Disappearances-in-Kenya>>

Cyrus Ombati, ‘Kibet Bull whereabouts unknown as two more abducted youths released’ < <https://www.the-star.co.ke/news/2025-01-06-kibet-bull-whereabouts-unknown-as-two-more-abducted-youths-released>>

< <https://khrc.or.ke/press-release/khrc-seeks-resignations-of-ichungwa-allies-for-endorsing-abductions/>>

Timothy Cerullo, ‘IG Kanja Dismisses Allegations of Police Involvement in Abductions’ < <https://www.kenyans.co.ke/news/107613-ig-kanja-dismisses-allegations-police-involvement-abductions>>

United Cities and Local Governments Asia-Pacific. (n.d). Good Governance: Definition and Characteristics <https://uclg-aspac.org/good-governance-definition-and-characteristics/>



Chapter 2

Corruption and Governance in Devolved Units: Strategies for Strengthening Institutional Integrity

CS Dr. James Gitari

Introduction

Devolution in Kenya, established by the 2010 Constitution, aimed to decentralize power and resources to 47 county governments, fostering local development and enhancing public service delivery. While this shift has brought governance closer to the people, it has also introduced significant challenges, notably in the form of corruption within devolved units. Addressing these issues is crucial for strengthening institutional integrity and ensuring sustainable development. Devolution poses substantial opportunities and risks in any country undertaking reforms, but the stakes are arguably even higher in Kenya than in most other African countries. This is due to two factors. First, the devolution in Kenya is substantial and consequential, which is not always the case in Sub-Saharan Africa; the implications of devolution are likely to be much more significant than in less-decentralized countries. Second, Kenya has a volatile political environment, and ethno-regional differences are a sore spot that devolution touches upon directly.

Corruption in County Governments

Since the inception of devolution, county governments have become hotspots for various forms of corruption, including bribery, nepotism, embezzlement, and mismanagement of public resources. Reports from the Ethics and Anti-Corruption Commission (EACC) and Transparency International Kenya highlight the prevalence of these issues. For instance, the National Ethics and Corruption Survey (National Ethics and Corruption Survey, 2023) revealed that 60% of respondents were dissatisfied with integrity, transparency, and accountability in public service delivery.

Additionally, 34.4% of those who sought government services were asked to pay a bribe, with 28.3% complying (National Ethics and Corruption Survey, 2023). The report further indicates that the majority of respondents (57.3%) perceived the corruption level to be high in the country. The main reason given by 24.7 percent of the respondents is the high cost of living. In 2017, Kenya was ranked 143 out of 180 countries on Transparency International's Corruption Perceptions Index, underscoring the severity of the issue. Estimates suggest that Kenya loses approximately \$6 billion annually to corruption, amounting to about a third of its state budget. Further, a 2022 report by Transparency International Kenya revealed that over Ksh 9 billion was lost annually through fraudulent procurement processes in county governments (Transparency International, 2022).

The NECS 2023 report indicated that over a third of citizens seeking government services encountered bribery demands. The most prevalent forms of unethical practices witnessed were: bribery (44%), delay in service provision (16.2%) and abuse of office (6.6%). County Health Services (39.1%); County Transport (11.9%) and Trade Development and Regulation (10.0%) were perceived to be the most corruption-prone County Government departments. Concerning counties, on average, respondents paid the largest amount of bribe in West Pokot (KES 56,695); Nairobi (KES 37,768); Murang'a (KES 18,378); Kisii (KES 16,810); and Uasin

Gishu (KES 11,136) counties (National Ethics and Corruption Survey, 2023).

Institutional Integrity as a Pillar of Devolved Governance

Institutional integrity is a fundamental pillar of good governance and public trust, particularly in Kenya's devolved units. County governments were established to bring services closer to the people and ensure equitable development. However, corruption, weak oversight, and mismanagement have significantly undermined their efficiency. According to the Ethics and Anti-Corruption Commission (EACC) 2023 report, **65% of corruption cases in Kenya originate from county governments**, highlighting the urgent need for reforms (Ethics and Anti-Corruption Commission, 2023). Strengthening institutional integrity in counties requires a comprehensive approach involving legal reforms, transparency measures, capacity building, technology adoption, and public participation (Ethics and Anti-Corruption Commission, 2023).

Institutional integrity is the foundation of effective governance, service delivery, and public trust in Kenya's devolved system. Since the adoption of devolution in 2013, county governments have played a crucial role in bringing governance closer to the people and enhancing socio-economic development. However, issues such as corruption, financial mismanagement, weak oversight, and lack of accountability continue to undermine governance in many counties.

According to the Ethics and Anti-Corruption Commission (EACC), approximately 65% of corruption cases in Kenya originate from county governments, with some counties losing as much as 30% of their budgets to graft. Strengthening institutional integrity at the county level is, therefore, essential for sustainable development and efficient public service delivery. A crucial strategy for strengthening institutional integrity is reinforcing the legal and policy frameworks that govern ethical conduct and financial accountability. Kenya has a robust legal framework that includes the

Leadership and Integrity Act (2012), the Public Finance Management Act (2012), and the County Governments Act (2012), all designed to promote transparency and accountability in county governance.

However, enforcement remains weak, and many county officials continue to exploit legal loopholes to engage in corrupt practices. According to the Office of the Auditor-General (2022), over KES 30 billion in county funds were unaccounted for due to weak financial controls. To address this, county governments need to enhance compliance with existing laws by implementing strict penalties for corruption, increasing the independence of oversight bodies, and ensuring that county anti-corruption strategies are fully aligned with national governance standards. Strengthening internal audit functions, ensuring timely financial reporting, and creating independent county integrity units can further enhance the enforcement of these legal frameworks.

Transparency and accountability are critical components of institutional integrity and must be prioritized in county governance. Many corruption scandals in counties stem from opaque financial practices, lack of public access to budgetary information, and weak procurement processes. A 2021 World Bank report revealed that counties with open-data policies experienced a 25% improvement in financial accountability and a 20% reduction in procurement fraud.

Establishing mandatory open-data portals where financial transactions, procurement records, and budgetary allocations are publicly accessible can significantly reduce corruption. Furthermore, integrating public expenditure tracking systems can enhance transparency in how county funds are allocated and spent. Strengthening the role of county assemblies in budget oversight and promoting participatory budgeting, where citizens have direct input in how county funds are allocated, can also contribute to greater accountability.

Building institutional integrity requires investing in the capacity and ethical training of county officials. A 2023 EACC report found that 40% of county officials lacked formal training in governance, finance, and ethics, making them more susceptible to corruption and mismanagement. Continuous professional development programs focusing on ethical leadership, financial accountability, and public service ethics can equip officials with the knowledge and skills required to uphold integrity in governance. Furthermore, enforcing merit-based recruitment and promotions in county governments can ensure that only qualified and ethical individuals hold public office.

Studies indicate that counties that have implemented robust ethical training programs, such as Elgeyo Marakwet and Nyandarua, have experienced improved service delivery and reduced cases of financial mismanagement (National Ethics and Corruption Survey, 2014). The use of technology in governance has proven to be an effective tool for enhancing transparency and reducing opportunities for corruption. Digital financial management systems, such as the Integrated Financial Management Information System (IFMIS), have been instrumental in curbing fraudulent transactions in counties.

Counties that fully implemented IFMIS saw a 40% reduction in financial mismanagement cases (National Treasury Report, 2022). Expanding the adoption of blockchain technology for secure transactions, e-procurement systems for transparent tendering, and automated revenue collection platforms can further minimize corruption risks. Kisumu County, for instance, introduced a cashless revenue collection system, leading to a 32% increase in local revenue and a decline in revenue leakages. Leveraging technology to digitize land records, business licensing, and payment systems can also eliminate middlemen and reduce the risks associated with manual processes (Odhiambo and Nyariki, 2022).

Public participation is a crucial pillar in strengthening institutional integrity, as an informed and engaged citizenry acts as a strong deterrent against

corruption. Counties should establish mechanisms for public engagement in decision-making processes, including budget hearings, town hall meetings, and social accountability forums. A 2023 Transparency International survey found that counties with active citizen engagement programs recorded a 30% decline in corruption cases. Platforms for whistleblower protection should also be strengthened to encourage the public to report cases of corruption and mismanagement without fear of retaliation. The enactment of strong whistleblower protection laws at the county level can ensure that citizens and public servants who expose corruption are safeguarded from victimization.

Effective oversight institutions play a significant role in ensuring that county governments adhere to ethical and financial regulations. The Office of the Auditor-General (OAG), the Ethics and Anti-Corruption Commission (EACC), and the Controller of Budget are key institutions responsible for monitoring financial management and governance practices at the county level. However, these institutions often face political interference and resource constraints that hinder their ability to function effectively. Strengthening their operational independence, increasing their budgetary allocations, and enhancing their investigative capacities can improve their effectiveness in combating corruption at the county level. Additionally, empowering County Public Service Boards to enforce strict ethical standards in recruitment and promotions can prevent nepotism and favoritism in county employment.

One of the key weaknesses in Kenya's governance system is the lack of severe consequences for corrupt practices. Many public officials implicated in corruption scandals either go unpunished or continue holding public office. This culture of impunity has encouraged the perpetuation of corruption in county governments. A 2022 Kenya Institute for Public Policy Research and Analysis (KIPPRA) study revealed that counties that strictly enforced anti-corruption laws experienced a 50% decline in financial misappropriation cases.

To enhance institutional integrity, county governments must adopt a zero-tolerance policy on corruption, ensuring that implicated officials are suspended and prosecuted. Strengthening asset recovery mechanisms to reclaim stolen public funds and establishing independent anti-corruption courts at the county level can further deter unethical behavior. In addition to legal and institutional reforms, counties must foster a culture of ethical governance among public officials and citizens.

Ethical leadership should be promoted at all levels of county government, with leaders serving as role models in upholding integrity. County executives, Members of County Assemblies (MCAs), and other public officials should be required to sign integrity pledges and undergo regular ethics training. Establishing county integrity awards to recognize ethical leadership and outstanding public service can incentivize good governance. Moreover, integrating ethics education into county government induction programs and local civic education initiatives can create a governance culture that prioritizes integrity and accountability.

The fight against corruption and governance failures at the county level cannot be won in isolation. Strengthening collaboration between county governments, national government agencies, civil society organizations, and development partners can enhance efforts to build institutional integrity. Intergovernmental partnerships can facilitate the sharing of best practices, technical assistance, and capacity-building programs. Collaborative efforts with civil society groups and media organizations can also enhance public awareness and scrutiny of governance practices in counties.

The role of faith-based organizations and community groups in promoting integrity and ethical leadership should not be underestimated, as they can influence societal values and attitudes towards corruption.

Conclusion

Institutional integrity is the bedrock of effective county governance, and its strengthening requires a multi-faceted approach. Enhancing legal and policy frameworks, promoting transparency and accountability, investing in capacity building, leveraging technology, and fostering public participation are key strategies for improving governance at the county level. Strengthening oversight institutions, enforcing consequences for corruption, and promoting ethical leadership will further enhance integrity in county administrations. With devolution playing a crucial role in Kenya's socio-economic development, strengthening institutional integrity in county governments is essential for ensuring that devolution delivers on its promise of equitable and efficient service delivery. By implementing these strategies, county governments can restore public trust, improve governance, and contribute to Kenya's long-term sustainable development.

References

Ethics and Anti-Corruption Commission. (2023). *National ethics and corruption survey report 2023*. Ethics and Anti-Corruption Commission. <https://eacc.go.ke>

Kenya Institute for Public Policy Research and Analysis. (2022). *Public finance management and governance study report*. KIPPRA.

National Treasury. (2022). *County budget implementation review report*. Government of Kenya

Odhiambo, F., & Nyariki, P. (2022). Digital revenue systems and transparency in devolved units: The case of Kisumu County. *Journal of Public Finance and Governance*, 14(2), 45–59

Office of the Auditor-General. (2022). *Annual county governments audit report 2021/2022*. Government of Kenya

Transparency International Kenya. (2022). *Annual corruption report: Procurement and governance in devolved units*. TI-Kenya. <https://tikenya.org>

World Bank. (2021). *Open data for accountability in county governance*. World Bank



Chapter 3

Upholding Corporate Governance and Ethical Behaviour in Kenyan Organizations: Addressing Challenges and Exploring Practical Solutions

CS Tom Ndege

Introduction

Corporate governance has emerged as a critical determinant of organizational success and economic stability in Kenya and across the globe. As Kenya continues to position itself as East Africa's economic hub, the demand for robust governance frameworks has intensified (Ethics and Anti-Corruption Commission, 2023). Despite regulatory advancements, including the enactment of the Companies Act (2015) and various governance codes, Kenyan organizations continue to face significant challenges in implementing effective corporate governance practices.

The rationale for upholding corporate governance extends beyond mere regulatory compliance; it encompasses the protection of stakeholder interests, enhancement of organizational performance, and contribution to broader socio-economic development. As noted by the Institute of Certified Public Accountants of Kenya (ICPAK, 2024), organizations with strong governance structures demonstrate higher performance metrics and resilience during economic downturns. This relationship between governance and performance underscores the importance of addressing existing challenges and identifying practical solutions.

Corporate governance is not merely a legal requirement but a framework for fostering accountability, integrity, and transparency. Ethical behaviour

complements this by creating a culture of trust, where stakeholders, ranging from employees to investors, are assured of fair dealings. In Kenya, recent scandals involving public and private organizations have reignited calls for reforms in corporate governance. Thus, in an environment characterized by systemic corruption, regulatory inefficiencies, and inconsistent enforcement, the need for robust governance frameworks has never been more pronounced (Ethics and Anti-Corruption Commission, 2023).

This paper aims to critically analyze the current state of corporate governance in Kenya, identify key challenges, and propose context-specific solutions. By examining real-world scenarios and drawing from regulatory frameworks and empirical research, this study contributes to the ongoing discourse on enhancing corporate governance in developing economies by exploring the multifaceted nature of governance, focusing on the interplay between oversight mechanisms and accountability frameworks, and examining the role of various governance mechanisms in shaping practices and outcomes (Claessens & Yurtoglu, 2013).

Theoretical Framework and Regulatory Landscape

The theoretical framework in governance is a foundation of theories, models, and concepts that support and guide corporate governance. They include agency theory, stewardship theory, stakeholder theory, and transaction cost theory, among others (Koeswayo, P.S., et al., 2024). Regulatory Landscapes refers to the laws, regulations, guidelines, and policies that govern a particular industry, activity, or issue (Howell, K. E., & Sorour, M. K., 2016). It outlines what is legally required or restricted in a given context. Knowing the regulatory landscape helps governance practitioners and policymakers to avoid legal trouble and align with official standards.

Theoretical Underpinnings

Corporate governance is primarily understood through agency theory, which addresses the principal-agent problem arising from the separation of ownership and control (Jensen & Meckling, 1976). In Kenya, this separation often manifests uniquely due to concentrated ownership structures and significant state participation in various sectors. Additionally, stakeholder theory provides a broader perspective by recognizing the interests of various stakeholders beyond shareholders (Freeman, 1984).

In contrast to agency theory's assumption of self-interested managers, stewardship theory suggests that managers can act as responsible stewards of organizational resources, particularly when their personal values align with organizational goals (Davis et al., 1997). This theory has found application in Kenya's public sector reforms and in organizations with strong leadership ethics. Njoroge and Waithaka (2022) documented how leadership ethics in selected Kenyan organizations fostered governance environments where executives acted as stewards rather than self-interested agents.

Many Kenyan firms appoint politically connected directors to secure access to government contracts, regulatory favors, or protection (Kamau & Nyambura, 2023). While these connections can provide short-term advantages, they often compromise governance integrity and create ethical dilemmas when political and business interests conflict. Institutional theory examines how organizations are influenced by external social structures, norms, and expectations (DiMaggio & Powell, 1983). In Kenya, this theory explains how governance practices are shaped by: Formal institutions (laws, regulations) such as the Companies Act of 2015, which introduced more stringent governance requirements. Informal institutions (cultural norms, traditions) that influence business conduct, including the role of community ties and ethnic affiliations in business relationships (Kiambati, K., 2023).

The stewardship theory, which posits that managers are inherently motivated to act in the best interests of the organization, offers a complementary perspective (Davis et al., 1997). However, the applicability of these Western-centric theories to the Kenyan context requires careful consideration of local cultural, social, and economic factors. These include resource constraints that limit the capacity of oversight bodies, cultural factors that sometimes normalize practices like gift-giving that may conflict with Western governance norms and political interference in both public and private sector governance.

Recent research by Mwanzia & Wong (2025) suggests that successful governance implementation requires adapting theoretical principles to Kenya's institutional context rather than simply importing foreign governance models. In Kenya, the integration of these theories is evident in various corporate governance frameworks and practices. The Mwongozo Code of Governance, for instance, underscores the significance of ethical leadership, accountability, and the consideration of stakeholder interests in promoting sustainable organizational growth.

Despite these frameworks, Kenyan organizations face challenges such as compliance issues, resource constraints, and the need for continuous director training. Addressing these challenges requires a multifaceted approach that includes strengthening regulatory frameworks, enhancing transparency, and fostering a culture of ethical leadership and accountability. These theoretical frameworks face implementation challenges in Kenya due to weak enforcement mechanisms and regulatory capture, where regulators are influenced by the entities they oversee (Koeswayo, P.S. et al., 2024).

Regulatory Framework in Kenya

Kenya has developed a comprehensive regulatory framework for corporate governance, anchored by the Companies Act (2015). This legislation marked a significant milestone by aligning Kenya's corporate law with international standards and introducing provisions specifically addressing governance

issues (The Kenyan Companies Act, 2015). The Capital Markets Authority (CMA) has been instrumental in promoting good governance through its Code of Corporate Governance Practices for Issuers of Securities to the Public (Capital Markets Authority of Kenya, 2024). This code follows a “comply or explain” approach, requiring listed companies to either comply with the provisions or explain non-compliance in their annual reports.

Sector-specific regulations further complement these overarching frameworks. For example, the Central Bank of Kenya has implemented prudential guidelines for the banking industry, while the Insurance Regulatory Authority has established similar rules for insurance companies (ICPSK, 2017). Despite this robust regulatory framework, challenges persist in implementation and enforcement, highlighting the need for more effective governance mechanisms beyond mere regulatory compliance.

Current Challenges in Corporate Governance in Kenya

Corporate governance in Kenya has seen notable advancements, yet several challenges persist, impacting the effectiveness and transparency of corporate practices. Due to poor governance, many have fallen from retail giants to leading financial institutions (Centre of Corporate Governance, 2024).

Weak Board Effectiveness

Board effectiveness remains a significant challenge in many Kenyan organizations. Issues include inadequate board composition, with insufficient diversity in skills, experience, and perspectives (ICPAK, 2024). A study by ICPAK (2024) revealed that only 38% of Kenyan companies have boards with the optimal mix of skills and experience required for effective oversight.

Additionally, the independence of board members is often compromised by personal relationships, political connections, or business ties with

management or controlling shareholders. According to the Ethical Leadership Index, 42% of Kenyan organizations have boards whose independence is questionable (ICPAK, 2024).

The scenario at Kenya Airways illustrates this challenge. The airline has faced years of financial losses, partly attributed to poor corporate governance, including questionable procurement practices and weak oversight by the board, resulting in strategic missteps and financial losses. The subsequent government bailout and restructuring highlighted the consequences of ineffective board governance (Transparency International Kenya, 2023).

The Ethics and Anti-Corruption Commission's *State of Corporate Ethics in Kenya: Annual Report (2023)* highlights corruption as a persistent issue that undermines governance structures. Mismanagement of funds and unethical practices erode public trust. This is exemplified by the National Youth Service scandal, which unfolded in 2015, where several high-profile state officials were implicated. In this scandal, Ksh 791 million was reported to have gone missing from the youth empowerment program (Chimakati, F. M., 2024).

The once-dominant Mumias Sugar Company faced a financial crisis and eventual collapse due to factors including mismanagement, corruption, and a large number of shareholders, leading to its operations grinding to a halt in 2018. Further, poor oversight by the board and regulatory failure allowed fraudulent activities by executives to go undetected, resulting in the Imperial Bank collapse in 2015. Additionally, according to the Centre for Corporate Governance (2024), Nakumatt, once a prominent East African retailer, collapsed due to a combination of factors, including mounting debts, poor management, and a failure to adapt to a changing market, ultimately leading to liquidation in 2017.

Limited Transparency and Disclosure

Transparency and disclosure practices remain inadequate across many Kenyan organizations. The EACC (2023) notes that only 56% of surveyed companies fully comply with disclosure requirements. Common deficiencies include inadequate disclosure of related-party transactions, executive compensation, and beneficial ownership structures.

The collapse of Imperial Bank in 2015 exemplifies this challenge. The bank's failure was attributed to fraudulent activities concealed through creative accounting and limited transparency (ICPSK, 2017). This case underscores how opacity in financial reporting can mask governance failures and lead to significant financial losses for stakeholders (Centre of Corporate Governance, 2024).

Ethical Leadership Deficits

The EACC (2023) report highlights significant ethical leadership deficits across various sectors. The report indicates that 63% of reported corruption cases involve management or leadership, suggesting a substantial gap between espoused values and actual practices. The case of Nakumatt Holdings, once East Africa's largest retailer, demonstrates the consequences of ethical leadership failures. Poor financial management, insider lending, and lack of accountability contributed to the company's collapse, affecting thousands of employees, suppliers, and creditors (Transparency International Kenya, 2023). The *Ethical Leadership Index: Kenyan Organizations (2024)* by the Institute of Certified Public Accountants of Kenya reveals a deficiency in ethical leadership. This results in workplace misconduct, nepotism, and unfair labour practices.

Regulatory Enforcement Challenges

While Kenya has established comprehensive regulatory frameworks, enforcement remains problematic. The CMA faces resource constraints

that limit its ability to monitor compliance and enforce regulations effectively (CMA, 2024). Additionally, legal proceedings related to governance violations often experience significant delays, reducing their deterrent effect.

The protracted resolution of the CMC Motors governance dispute illustrates this challenge. Despite clear evidence of governance failures, regulatory intervention was delayed, allowing the situation to deteriorate further (ICPSK, 2017).

Cultural and Contextual Factors

Cultural factors, including nepotism, tribalism, and deference to authority, sometimes undermine formal governance structures. The EACC (2023) notes that 47% of surveyed organizations reported instances where cultural factors adversely affected governance processes.

The tension between international governance standards and local realities creates implementation challenges. For instance, the emphasis on board independence in governance codes may conflict with ownership structures characterized by family or government control (The Code of Corporate Governance Practices for Public Listed Companies in Kenya, 2016).

Boardroom Inefficiencies and Political Appointments

Boards of state corporations are often appointed based on political affiliations rather than merit. This undermines independence and objectivity. The case of the Kenya Medical Supplies Authority (KEMSA), where procurement irregularities were reported during the COVID-19 pandemic, exemplifies the danger of compromised governance structures (Transparency International Kenya, 2023).

Practical Solutions and Interventions

To address corporate governance challenges in Kenya, companies should focus on building strong boards, fostering transparency and accountability, implementing robust risk management, and ensuring compliance with regulations, while also engaging stakeholders effectively.

Enhancing Board Effectiveness

Enhancing board effectiveness requires intentional efforts to improve board composition, independence, and functioning. Organizations should implement transparent nomination processes that prioritize diversity in skills, experience, and perspectives (CMA, 2024). Regular board evaluations can identify strengths and weaknesses, informing targeted improvement initiatives. According to ICPAK (2024), companies that conduct annual board evaluations demonstrate higher governance ratings and better financial performance.

Sarkar, S. (2016) proposes a “comply-or-explain-plus” model that requires companies not only to explain non-compliance but also provide implementation timelines for remediation. Implementing progressive penalties for repeated non-compliance could increase adherence to governance codes (Makori, 2022). The case of Safaricom PLC illustrates the benefits of effective board governance. The company’s board has maintained a balanced composition of independent directors, executive directors, and non-executive directors representing major shareholders. This balance, coupled with clear governance structures, has contributed to the company’s sustained performance and resilience (Transparency International Kenya, 2023).

Strengthening Transparency and Disclosure

Organizations should go beyond minimum disclosure requirements to embrace comprehensive transparency practices. This includes

detailed reporting on financial performance, governance structures, risk management frameworks, and sustainability initiatives (CMA, 2024). Technology can facilitate enhanced disclosure through digital reporting platforms and data visualization tools. For instance, Equity Bank Group has leveraged technology to improve the accessibility and comprehensiveness of its disclosures, earning recognition for transparency (ICPAK, 2024).

The implementation of integrated reporting, which connects financial and non-financial information, offers a holistic view of organizational performance and value creation. Organizations adopting this approach, such as East African Breweries Limited, have demonstrated improved transparency and stakeholder engagement (The Code of Corporate Governance Practices for Public Listed Companies in Kenya, 2016).

Cultivating Ethical Leadership

Ethics training programs should be conducted regularly, focusing on real-world scenarios and ethical dilemmas specific to the Kenyan context. The EACC (2023) reports that organizations with comprehensive ethics training programs experience fewer ethical violations. The development of strong ethics policies and codes of conduct, aligned with organizational values and regulatory requirements, offers clear guidance for ethical decision-making. KCB Group's comprehensive ethics framework, which includes a detailed code of conduct, ethics training, and reporting mechanisms, exemplifies this approach (ICPAK, 2024).

Leadership by example is crucial for cultivating an ethical organizational culture. When leaders demonstrate ethical behavior and hold themselves accountable, they set the tone for the entire organization. The EACC (2023) notes that organizations where leaders visibly embody ethical values report stronger ethical cultures and fewer governance failures.

Enhancing Regulatory Enforcement

Regulatory agencies require adequate resources and technical capacity to fulfill their mandates effectively. The government should prioritize allocating sufficient resources to bodies such as the CMA, EACC, and the Registrar of Companies (CMA, 2024). Collaboration between regulatory agencies can address the fragmentation that often impedes effective enforcement. The joint investigations conducted by the EACC, CMA, and Central Bank of Kenya in response to governance failures in the financial sector demonstrate the potential of such collaboration (EACC, 2023).

To enhance regulatory enforcement, especially in the context of the Kenya Union of Savings Co-operatives Limited (KUSCCO) crisis (2025), Kenya needs to strengthen oversight of SACCOs, ensuring that the apex body, KUSCCO, is subject to the same scrutiny as its member SACCOs, and that regulatory gaps are addressed, particularly regarding non-remittance issues and data protection. The development of specialized courts or tribunals for corporate governance disputes could expedite resolution and enhance the deterrent effect of regulatory action. The proposed Financial Services Tribunal represents a step in this direction (The Kenyan Companies Act, 2015).

Contextualizing Governance Approaches

While adhering to international standards, governance approaches should be adapted to reflect local realities and challenges. The Code of Corporate Governance Practices for Public Listed Companies in Kenya (2016) acknowledges this need by providing flexibility in implementation while maintaining core principles. Engaging stakeholders, including industry associations, professional bodies, and civil society organizations, in governance reform efforts enhances relevance and acceptance.

The collaborative development of sector-specific governance guidelines by ICPAK and industry associations exemplifies this approach (ICPSK,

2017). Recognition of the role of cultural values in shaping governance practices can lead to more effective interventions. For instance, leveraging indigenous concepts of community responsibility and consensus-building can strengthen accountability mechanisms (EACC, 2023).

Whistleblowing Mechanisms

Whistleblowing mechanisms serve as critical tools for detecting and deterring unethical behaviour in organizations. When properly implemented, these systems can significantly improve organizational integrity and ethical conduct. Whistleblowing systems substantially improve the detection of organizational misconduct.

According to a comprehensive study by the Association of Certified Fraud Examiners (2022), organizations with whistleblowing hotlines detect fraud 50% more quickly and experience 54% less financial damage compared to those without such mechanisms. Near and Miceli (2016) found that whistleblowing tips account for approximately 40% of detected fraud cases, making them the single most effective detection method, more effective than internal audits, management reviews, and external regulators combined.

Case Study: Transformative Governance at Equity Bank Group

Equity Bank Group's governance journey provides valuable insights into successful governance transformation in the Kenyan context. Following governance challenges in the early 2000s, the bank implemented comprehensive reforms that have contributed to its remarkable growth and stability (ICPAK, 2024). Key elements of Equity Bank's governance transformation included:

Board restructuring: The bank reconstituted its board to ensure an appropriate balance of skills, experience, and independence. The board

includes industry experts, representatives of key stakeholders, and independent directors with diverse perspectives.

Transparency initiatives: Equity Bank has implemented comprehensive disclosure practices, including detailed reporting on financial performance, risk management, and sustainability initiatives. The bank's integrated reporting approach connects financial and non-financial information, providing a holistic view of value creation.

Ethics and compliance framework: The bank has developed a robust ethics and compliance framework, including a detailed code of conduct, ethics training programs, and whistleblowing mechanisms. This framework has fostered a strong ethical culture throughout the organization.

Engagement: Equity Bank has prioritized meaningful engagement with various stakeholders, including shareholders, customers, employees, regulators, and communities. This engagement has enhanced accountability and informed governance decisions. The results of these governance reforms are evident in Equity Bank's performance and reputation. The bank has achieved consistent growth, maintained financial stability during economic downturns, and earned recognition for its governance practices (Transparency International Kenya, 2023).

This case demonstrates how targeted governance interventions can transform organizational performance and sustainability. It also highlights the importance of tailoring governance approaches to specific organizational contexts and challenges.

Conclusion and Recommendations

This paper has examined the challenges facing corporate governance in Kenya and explored practical solutions for enhancing governance practices. The analysis highlights the importance of balancing international standards with local realities, addressing both formal structures and informal cultural

factors, and recognizing the role of leadership in driving governance reforms. Based on the findings, the following recommendations are proposed:

Strengthen board effectiveness through transparent nomination processes, continuous director development, and regular board evaluations. Organizations should prioritize diversity in board composition, ensuring an appropriate mix of skills, experience, and perspectives.

Enhance transparency and disclosure by going beyond minimum requirements to provide comprehensive information on financial performance, governance structures, risk management, and sustainability initiatives. The adoption of integrated reporting should be encouraged to connect financial and non-financial information.

Cultivate ethical leadership through comprehensive ethics training programs, robust ethics policies, and leadership by example. Organizations should develop mechanisms for ethical oversight and accountability at all levels.

Improve regulatory enforcement by allocating adequate resources to regulatory agencies, promoting collaboration between regulatory bodies, and establishing specialized tribunals for governance disputes.

Contextualize governance approaches to reflect local realities while maintaining core principles. This includes engaging stakeholders in governance reform efforts and leveraging cultural values to strengthen accountability mechanisms.

These recommendations provide a framework for addressing governance challenges in Kenya, contributing to enhanced organizational performance, investor confidence, and economic development. Future research should focus on evaluating the effectiveness of these interventions and exploring additional strategies for strengthening corporate governance in the Kenyan context.

References

Capital Markets Act CAP 485A of 2016

Code of Corporate Governance Practices for the Issuers of Securities to the Public 2015

Companies Act No. 17 of 2015

Centre of Corporate Governance (2024), Corporate Governance Failure and Examples: Causes and How to Avoid It

Chimakati, F. M. (2024), "Evaluating Corporate Governance Principles and Stakeholder Rights: A Case of Safaricom," African Journal of Emerging Issues (AJOEI) Online ISSN: 2663 - 9335

Claessens, S., & Yurtoglu, B. B. (2013), *Corporate governance in emerging markets: A survey*, Emerging markets review, 15, 1-33

Davis, J. H., Schoorman, F. D., & Donaldson, L. (1997), *Towards A Stewardship Theory of Management*, Academy of Management Review, 22(1), 20-47

DiMaggio, P. J., & Powell, W. W. (1983), *The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields*, American Sociological Review, 48(2), 147-160

Ethics and Anti-Corruption Commission. (2023), State of Corporate Ethics in Kenya: Annual Report, EACC

Freeman, R. E. (1984), *Strategic management: A stakeholder approach*

Howell, K. E., & Sorour, M. K. (2016), *Corporate Governance in Africa: assessing implementation and ethical perspective*. London: Palgrave Macmillan

ICPSK. (2017), History of the Certified Secretaries Profession in Kenya: Governance Milestones, Institute of Certified Secretaries of Kenya.

Institute of Certified Public Accountants of Kenya. (2024), 'Ethical Leadership Index: Kenyan Organizations,' ICPAK

Jensen, M. C., & Meckling, W. H. (1976), 'Theory of the firm: Managerial behavior, agency costs and ownership structure,' *Journal of Financial Economics*, 3(4), 305-360

Kamau, P., & Nyambura, S. (2023), "Political connections and corporate governance: Evidence from Kenyan listed companies," *Journal of African Business Ethics*, 18(2), 134-152

Kiambati, K. (2021), "Influence of Corporate Governance Practices on Financial Performance of Commercial Banks in Kenya," Conference Paper, KABU

Koeswayo, P. S., et al., (2024), "The Impact of Corporate Governance, Internal Control and Corporate Regulation on Employee Engagement: A Moderating Role of Leadership Style," *Cogent Business & Management*. Vol. 11, Issue 1

Koeswayo, P. S., Handoyo, S., & Abdul Hasyir, D. (2024), "Investigating the Relationship between Public Governance and the Corruption Perception Index," *Cogent Social Sciences*, 10(1)

Miceli, M. P., Near, J. P., & Dworkin, T. M. (2008), *Whistleblowing in organizations*, Psychology Press

Mwanzia, M. B. & Wong, P. (2025), "Corporate Governance Practices in Developing Countries: *The Case for Kenya*," *International Journal of Business Administration*, 2(1):37-37

Near, J. P., & Miceli, M. P. (2016), "After the Wrongdoing: What Managers Should Know about Whistleblowing. *Business Horizons*," 59(1), 105-114

Sarkar, S. (2016), The Comply-or-Explain Approach for Enforcing Governance Norms: Change and Continuity, in Corporate Governance in India (pp.64-84)

Transparency International Kenya. (2023). *Annual Report 2023*. Transparency International Kenya



Chapter 4

Unmasking Invisibility: Intersectional Justice in Procurement for Trust and Organizational Excellence in Kenya

CS Peter Mbogo Kimani

Introduction

According to the OECD, trust is a crucial determinant of effective governance in both public and private sector organizations (Murtin, 2018). Trust as a notion of government values involves various norms such as high integrity characterised by low corruption, high standards of accountability, public participation and fair and equal treatment of all persons (Murtin, 2018). In Kenya, public procurement processes are often characterized by favouritism, corruption, and structural bias, which disproportionately exclude marginalized groups.

Despite legal safeguards such as the Public Procurement and Asset Disposal Act 2015 (PPAD), the Access to Government Procurement Opportunities program (AGPO) and the 2010 Constitution seek to regulate public procurement processes, these instruments fail to address deeper systemic injustices embedded in public procurement.

This article applies an intersectional justice lens to examine how multiple forms of discrimination such as gender, ethnicity, culture, age, disability, political affiliation, race and economic status, intersect and overlap to reinforce exclusion in public procurement. It integrates Kimberlé Crenshaw's concept of intersectionality to argue that Kenya's current procurement legal and policy framework reinforces rather than resolves intersectional discrimination (Crenshaw, 1989).

Understanding Intersectionality in Public Procurement

According to Crenshaw, legal and institutional frameworks often fail to account for how multiple factors (e.g., race, gender, class) intersect and overlap to create unique forms of oppression for marginalised people (Crenshaw, 1989). Roig, in an interview about intersectionality in Germany, describes intersectionality as ‘a concept and political movement, a tool to make race visible and to show how race intersects with other identities, like gender, sexual identity and orientation, disability, class, religion and more (Ashoka,2020).

She goes on further to say that intersectionality is about giving visibility and respect for every life fighting discrimination within discrimination, tackling inequalities within inequalities, and empowering minorities within minorities (Ashoka, 2020). Intersectionality is not only about race, but is an analytical approach, a legal and policy tool, and a theoretical concept that focuses on the various advantages or disadvantages that an individual experiences due to social, structural and systemic factors (Motsi-Khatai & Aced, 2020). The above views underscore that intersectionality is not just about recognizing multiple forms of discrimination but about understanding how they interact to produce unique disadvantages.

In Kenya, similar dynamics as discussed above on intersectionality and intersectional discrimination exist in public procurement. Exclusion is shaped by economic status, gender and patriarchy, age and work experience, ethnicity and political affiliation, disability, literacy, county of birth or residence, religion, and more recently, race (which is now being viewed as a facet of internationalisation and valorisation).

While these factors are not exhaustive, two or more factors may simultaneously affect women, youth and the disabled in ways that overlap and intersect, leading to systemic exclusion of these groups from public procurement and processes. However, the current structure of dealing with discrimination and exclusion in Kenya focuses on a single axis, either gender,

age, or disability. This focus on a single axis reinforces the marginalization of women, young people and the disabled because it does not acknowledge that the factors that cause oppression of the aforementioned groups are mutually reinforcing.

Consequently, intersectionality is the only tool that we have to fight inequality, marginalization and promote social justice in public procurement. The following sections illustrate how intersectional discrimination manifests in public procurement and why addressing it is critical for fostering trust and organizational excellence.

Intersectionality and public procurement in Kenya

In Kenya, a number of instruments aim to eliminate discrimination in public procurement. These include the 2010 Constitution (Article 54 on Persons with Disabilities (PWD); Article 55 on youths; Article 56 on marginalised groups; Article 57 on aged; and Article 227 on public procurement); Public Procurement and Asset Disposal Act, 2015 (PPAD) in Section 3 sets guiding principles which reiterates various constitutional and legislative principles of fairness, equity and transparency. Section 55 on eligibility to bid, and Section 157 on participation of bidders in preference and reservation schemes.

Moreover, the Access to Government Procurement Opportunities (AGPO), reserves 30% of government tenders for women, youth, and PWD. However, these instruments contribute to intersectional discrimination by failing to acknowledge the compounded effects of multiple marginalization factors. For instance, the PPAD in Section 156 restricts eligibility for more than one preference category, forcing tenderers to select a single axis of marginalization. This assumes that marginalization only happens along a single axis at a time, ignoring how disadvantages intersect.

The following case studies illustrate the economic, gendered, and age-based barriers created by intersectional discrimination in public procurement.

Economic Status: The Poverty Barrier

While Kenya's Constitution, PPAD and AGPO seek to create a level playing field, access to government contracts remains skewed in favour of large, well-funded companies. According to a report done by the Africa Freedom of Information Centre in 2023, which references the GOK's Public Procurement Information Portal, for the fiscal year 2021/22, 7447 contracts were awarded, totalling KES 590 million, of which, contracts valuing KES 7.4 million were awarded to businesses classified under AGPO (Africa Freedom for Information Centre, 2023).

This represents only 1.3% of the total contract value. While these figures might have been shaped by the COVID-19 dynamics, the situation as of March 2025 is in fact subliminal. From a spot check of the Public Procurement Information Portal on 25 March 2025, it reveals that in the financial year 2024/2025, contracts totalling 81.8 billion have been awarded, of which only 4.27% were awarded to AGPO-persons compared to 95.73% awarded to non-AGPO persons.

Structural barriers limit women, youths and PWDs' access to public procurement. For instance, although the regulations under the PPAD provides that small and medium enterprises particularly those owned by marginalized groups are not required to provide tender security (but instead sign a tender security declaration form), they such enterprises still struggle to compete due to financial constraints resulting from lack of access to financing and affordable loans.

In addition, technical and financial requirements in tender documents generally disproportionately favour large and well-established companies with significantly impressive balance sheets. Consequently, this creates barriers that may exclude women, youth and disabled individuals or businesses controlled by the aforementioned group who may be characterised by multiple disadvantages (poverty, lack of financial literacy, and lack of access to affordable loans, etc). Courts have often observed that

corruption in public procurement is endemic (EACC v Charles Nderitu [2021]), with tenders being awarded based on political connections and kickbacks rather than merit.

Gender and Patriarchy in Public Procurement

Women-led enterprises face systemic challenges in accessing procurement opportunities despite affirmative action programs like AGPO. For example, the spot check of the Public Procurement Information Portal reveals that by proportion, women were awarded 39.53% of the AGPO contracts. This may be partly because women may experience many compounded disadvantages, which include patriarchal networks that control public procurement, a lack of access to affordable loans to enable them to execute tenders, and sexual harassment in the public procurement processes.

This compounded problem of gender, age, poverty, lack of financial capital, ethnic and political affiliations, etc., disadvantages women's participation in public procurement. However, the available discourse on this topic fails to take into account the multiplicity of these compounded disadvantages, which may overlap and intersect in affecting women who may also fall within the categories of youth and may be disabled, but tend to view these discrimination grounds as mutually exclusive.

This highlights the need for public awareness that gender discrimination can no longer be viewed as mutually exclusive of other factors that affect women, such as ageism, economic status, education and disability, culture, etc. However, the lived experience of a young woman in Turkana, Marigat, or Kwale is different from that of a young woman in Runda or Karen in Nairobi. This shows how different social backgrounds experience and face the world, including their experience of discrimination.

Ageism in Public Procurement

Government contracting is generally exclusionary towards the youth, despite them being the majority population in Kenya. While there is no direct litigation on intersectionality in procurement, the High Court in *Kalinga v Independent Electoral and Boundaries Commission & 10 others (Election Petition Appeal E087 of 2023) [2023] KEHC 22171 (KLR)* provides insights into judicial interpretation of intersectionality. In that case, the court held that:

‘It is therefore my finding that in designing the marginalized list, ethnicity and youth on one hand and ethnicity and people with disability are to be taken not as separate fields but intersectionality of youth and ethnicity and disability and ethnicity. However, their slots cannot be limited through intersectionality between youth and people living with disability and reduce representation. Though plausible, it should be taken as one or the other.’

The above decision is fundamentally flawed and reflects a misunderstanding of intersectionality. It forces individuals to fit into a single category (either youth or disabled). This approach fails to acknowledge the compounded disadvantages faced by those who belong to both groups. As a result, it renders individuals at the intersection invisible in policy and representation, undermining efforts toward inclusive and equitable decision-making.

Rethinking Trust: Intersectional Reforms in Public Procurement

Kenya’s current legal frameworks remain insufficient in addressing structural discrimination in public procurement. To build trust and organizational excellence, reforms must go beyond legal compliance to include: amending Section 156 of the PPAD to allow for multiple preference categories by recognising that a person can be disadvantaged along more than one axis; implementing cross-sectoral monitoring and enforcement involving the Public Procurement Regulatory Authority.

Civil society organisations and county procurement boards need to audit the implementation of AGPO and systemic exclusion while providing low-interest credit facilities to marginalized groups; expanding eligibility criteria to recognise intersectionality; and public awareness campaigns aimed at promoting intersectional justice through workshops, media campaigns and civic education to shape perceptions and promote inclusivity in public procurement. Therefore, the government and governmental agencies must take the lead in aligning policy with intersectional justice, while civil societies must act as watchdogs in tracking compliance.

Conclusion: Towards Trust and Equity Through an Intersectionality Lens

Public procurement is a powerful tool for social transformation, but only if its frameworks acknowledge the complex and overlapping forms of disadvantage that many Kenyans face. Intersectionality reveals that exclusion is not a result of singular identities but of intersecting systems of power and discrimination.

To build trust in public procurement and achieve organizational excellence, Kenya must move beyond surface-level inclusion. It must embrace intersectional justice as a transformative approach that ensures no one is invisible, no group is left behind, and all have equal opportunity to participate.

By reimagining procurement through this lens, and through collective responsibility of the state, civil society, private sector, and citizens, Kenya can create a system where fairness is the norm, not the exception—and where trust is not demanded, but earned.

References

Africa Freedom for Information Centre, 'Barriers and solutions to include women-led businesses in public procurement – A synthesis of country reports from Ethiopia, Kenya, Rwanda, Tanzania and Uganda' (2023) 21

Ashoka, 'Outrage as a precursor to justice' <https://www.forbes.com/sites/ashoka/2020/11/25/outrage-as-a-precursor-to-justice/> (2020)

Crenshaw K, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.' University of Chicago Legal Forum (1989) 156-157

Ethics & Anti-Corruption Commission v Charles Nderitu Maitai & 13 others (2021) KEHC 6628 (eKLR)

Motsi-Khatai W & Aced M 'Why intersectionality is relevant for a fairer Europe' Center for Intersectional Justice (2020)

Murtin F et. al. 'Trust and Its Determinants: Evidence from the Trustlab Experiment' OECD Statistics Working Paper No. 89 (2018) 14



Chapter 5

Ethical Leadership, Transparency and the Fight Against Corruption

FCS Dr Fred Wasike

Introduction

On 13th December, 2018, the Institute of Certified Secretaries of Kenya (ICS, Kenya) hosted a Governance summit presided over by Prof. Mervyn King, SC at Safari Park Hotel. Prof. King is an internationally recognized expert on corporate governance and sustainability. His overarching goal is to make corporate governance more accessible and relevant to a wider range of organizations and to be the catalyst for a shift from a compliance-based mindset to one that sees corporate governance as a lever for value creation.

The summit was attended by leading local and international governance professionals. My biggest takeaway from the summit was King's description of a company or body corporate as a "disabled person with no eyes to see, no mouth to speak and no hands to write". Imagine for a moment, you have been employed by someone with this level of disability as his CEO to see, speak and write on his behalf. He cannot see what you are doing, he can't reprimand you and he cannot write a warning letter to you.

This scenario best describes the context and the biggest test for a leader to lead ethically, transparently and demonstrate disdain for corruption. Saying no to unethical practices and corruption despite there being opportunities to do so and no one watching over you. Realization of ethical leadership, transparency and the fight against corruption remain at the centre stage of international and local institutions.

Ethical Leadership under the UN Global Compact

To promote ethical leadership, transparency, and anticorruption practices globally, the then UN Secretary-General, the late Kofi Annan, announced the establishment of the UN Global Compact in an address to the World Economic Forum on 31 January 1999. It was officially launched at the UN Headquarters, New York City on 26 July 2000. The Global Compact Office works based on a mandate set out by the UN General Assembly as an organization that “promotes responsible business practices and UN values among the global business community and the UN System. As a business imperative, the United Nations Global Compact has established four guiding pillars in support of the Sustainable Development Goals.

The first pillar, which falls under ethical leadership, is Human Rights. Businesses should support and respect the protection of internationally proclaimed human rights and make sure they are not complicit in human rights abuses. The second pillar is Labour. Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced and compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation.

The third pillar, environment, falls under ethical leadership, transparency and the fight against corruption. Unchecked environmental degradation is a consequence of these factors. Businesses should support a precautionary approach to environmental challenges, undertake initiatives to promote greater environmental responsibility and encourage the development and diffusion of environmentally friendly technologies. The fourth pillar is Anticorruption. Businesses should work against corruption in all its forms, including extortion and bribery.

Ethical Leadership within the Kenyan Context

In Kenya, the National Ethics and Corruption Survey 2023, conducted by the Ethics and Anti-Corruption Commission (EACC), revealed that corruption was ranked the fourth most pressing problem facing the country after high cost of living, unemployment and poverty (EACC, 2023). According to the report, 34.4% of respondents who sought government services were asked to pay a bribe with 28.3% of the respondents paying.

The fight against corruption in Kenya has largely been through legislative and regulatory processes. Corruption takes several forms, such as bribery, embezzlement, theft and fraud, extortion and blackmail, influence peddling and abuse of discretion. Chapter Six of the Constitution of Kenya, 2010, emphasizes the importance of leadership with integrity. It requires that all state officers, including the President, Deputy President, Cabinet Secretaries, Members of Parliament, and other public officers, adhere to the highest standards of integrity, competence, and diligence. The chapter lays out principles and standards to promote good governance and accountability in Kenya.

To support the enforcement of Chapter Six of the Constitution of Kenya, 2010, the Ethics and Anti-Corruption Commission (EACC) was established under Section 3(1) of the Ethics and Anti-Corruption Commission Act, 2011. This enactment under Article 79 of the Constitution of Kenya. EACC replaced the Kenya Anti-Corruption Commission (KACC).

The mandate of EACC is prevention, investigation and punishment of corruption, economic crimes and related offences. Specifically, this mandate covers (i) protection of public property and revenue, such as taxes, the procurement, allocation, sale, or disposal of property, tendering of contracts, management of funds, or incurring of expenditures (ii) abuse of office: a person who uses his office to improperly confer a benefit on himself or anyone else is guilty of an offence (iii) dealing with suspect property: person who deals with property that he believes or has reason

to believe was acquired in the course of or as a result of corrupt conduct is guilty of an offence (iv) attempting or conspiring: a person who attempts or conspires with another to commit an offence involving corruption or an economic crime is guilty of an offence.

According to the Ethics and Anti-Corruption Commission, Kenya is losing an estimated Ksh. 608 billion (7.8% of the country's GDP) to corruption annually. Reduced corruption is therefore crucial for the country's development. Sustainable Development Goal No. 16 advocates for justice and strong institutions as essential elements to every democratic society. It aims to promote the rule of law at the national and international levels and ensure equal access to justice for all, and substantially reduce corruption and bribery.

Corruption within the Public Sector in Kenya

The Kenya Judiciary has taken regulatory and administrative measures to promote ethical leadership, transparency and anticorruption by establishing court integrity committees in all courts to address service delivery challenges at the grassroots level. On 25th March, 2025, the Chief Justice (CJ) Martha Koome unveiled an anti-corruption strategic guiding framework for Kenya's justice sector that is aimed at fostering a robust, transparent, and accountable justice system that proactively addresses the multifaceted challenges posed by corruption.

CJ Koome emphasized that the framework equips the justice sector agencies with a clear roadmap of well-defined interventions, spanning short-term, mid-term, and long-term efforts in the fight against corruption. She observed that by fostering inter-agency collaboration and partnerships, the Judiciary can effectively combat corruption, enhance service delivery, and restore hope to our nation.

Further, the CJ noted that the National Council on the Administration of Justice (NCAJ) had renewed its commitment to both prevention and

response strategies in the battle against corruption and economic crimes. She acknowledged that the fight against corruption is not only a legal issue but a moral imperative driven by the need to safeguard our national values, ensure justice prevails, and promote transparent and accountable governance.

The legislative and executive arms of government added their voice to the judiciary's initiative. National Assembly Speaker Moses Wetangula noted that the anti-corruption strategic guiding framework for the Justice sector aims to improve the justice sector's efficiency and effectiveness in preventing and responding to corruption and economic crimes and aims to enhance accountability, transparency and public trust, and ultimately foster sustainable socio-economic development in Kenya.

The National Treasury and Economic Planning Cabinet Secretary John Mbadi underscored the pervasive impact of corruption, noting its potential to undermine political, social, and economic stability, erode respect for the law, and empower criminal syndicates and terrorists. He pointed out the intrinsic link between corruption and money laundering, stating that offenses like bribery and theft of public funds are often committed to illicitly amass wealth.

Corruption within the Private Sector

What about the Private sector in Kenya? Is it fanning corruption? The private sector in Kenya has been singled out as one of the key enablers of corruption and has been challenged to work with the public and the civil society sectors to eliminate the vice in the country. This was cited by stakeholders during the Business Integrity Conference convened by Global Compact Network Kenya on 27th May, 2024. The conference brought together the private sector and other players from the East Africa region to collectively identify strategies to combat corruption and ensure a clean business environment in the continent.

The conference highlighted that corruption is a universal issue affecting companies of all sizes globally, with businesses acting as both perpetrators and victims. It sought to inculcate clean business practices by coming up with strategies to rein in the ambitions of businesses to safe limits and ensure that the pursuit of profit is conducted with due regard to business ethics. As the leading coalition for the private sector committed to responsible business conduct, Global Compact Network Kenya is exploring working with other networks across East Africa and in Africa. The collaboration is aimed towards entrenching ethics in regional trade, especially in the African Continental Free Trade Area (AfCFTA), which has 54 member countries. This has the potential to boost the African by approximately \$450 billion.

Conclusion and Recommendations

Ethical leadership, transparency and the fight against corruption should be embraced and spearheaded by all leaders in both the public and private sectors. Winning with integrity is the ultimate definition of ethical leadership. Ethical practices should be embedded in product development. In some countries, quality managers have both internal and external reporting channels. If an organization is compromising on quality-related metrics a quality manager in such a country has direct reporting to a government regulatory authority.

Leaders can promote ethical practices, transparency and the fight against corruption by investing and availing credible toll-free whistleblowing structures and processes. This will facilitate anonymous reporting and escalation of cases of misconduct and corruption. The credibility of this process should be safeguarded by enlisting reputable service providers. The cases reported into such a system and action on the issues should be subjected to annual audits in the same way financial audits are carried out.

The whistleblowing line or telephone number should be conspicuously displayed on the shop floor and website for ease of access and information.

Sensitization on how the line operates should be carried out boldly and transparently. Business and integrity policies guiding matters such as gifting and reciprocal business should be put in place. In many organizations, gifting and discretionary provisions remain key conduits of unethical practices. For example, at Isuzu EA, we have strict controls on gifts.

All gifts received, including those received during the Christmas season, are surrendered to the company and given out through a raffle process at the first staff meeting in the new year. This process serves to remove personal benefit from gifting and resultant unethical conduct with suppliers. Equally, we have elaborate guidelines on travel and entertainment. Limiting personal interactions through IT and digitalization can help mitigate against creating opportunities for unethical conduct and corruption. An empowered Audit and internal controls team is key in creating and sustaining ethical leadership, transparency, and the fight against corruption.

References

The Constitution of Kenya 2010

The Ethics and Anti-Corruption Commission Act, 2011

UN Global Compact, Kenya, <https://www.globalcompactkenya.org>

The Judiciary of Kenya - [Office of the Chief Justice and President of the Supreme Court of Kenya](#)



Chapter 6

The Kenyan Leaders We Yearn For: Rethinking Leadership for a Just and Prosperous Nation

CS. CPA. Dr. Ben Samoei, Sum, PhD

Introduction

Leadership in any society plays a fundamental role in shaping its destiny. In the African context, few figures exemplify the ideal of selfless, visionary leadership better than Nelson Mandela. His words and legacy continue to inspire many, especially in Kenya—a country with enormous potential, yet consistently held back by poor governance, corruption, and self-serving leadership. The current political and socio-economic climate calls for a new breed of leaders: ethical, visionary, courageous, and genuinely committed to the public good.

This article reflects on the qualities of leadership that Kenya desperately needs and outlines practical ways to instil transformative leadership at all levels of governance, in alignment with constitutional values and public expectations.

The Mandate of Leadership: A Vision Inspired by Mandela

Nelson Mandela, a towering figure in the annals of African history, once stated in his autobiography *Long Walk to freedom* (1994), “A leader is a person who can see the future, who can inspire others to see the future, and who can lead them to that future.” This powerful assertion encapsulates the essence of leadership, particularly in the context of a nation striving for progress and freedom. However, it also underscores the immense sacrifices

and selflessness that leaders must be prepared to make to achieve their goals.

Mandela's life, including 27 years in prison, serves as a testament to this principle. He spent decades in prison, enduring hardship, all for the sake of a free and just South Africa. His unwavering commitment to the cause of equality and human rights inspired millions around the world. His legacy is a powerful reminder that true leadership is not merely about holding a position of power but about serving the people and working tirelessly to improve their lives.

Servant Leadership vs. Self-Interest

In Kenya, as the nation continues to position herself towards a more prosperous and equitable future, the words of Nelson Mandela resonate very well. Kenyan leaders, at all levels, have a responsibility to uphold the ideals of democracy, justice, and human rights in compliance with the Constitution of Kenya (2010). This requires a willingness to put the needs of the people above their own personal interests- this is in tandem with the maxim of servant leadership views by Robert K Greenleaf (1977). Conversely, it is quite disheartening to see elected representatives using their positions of influence to pursue their own selfish interests while ignoring the plight of the masses who elected them in anticipation of a better tomorrow, effectively curtailing the immense prospects and opportunities of the electorate. The Standard newspaper (18th October,2024), waded on this topic and reported that 'MPS overlook citizens struggles in favour of partisan, selfish interests'.

The Scourge of Corruption

One of the most pressing challenges facing Kenya today is corruption. Transparency International's Corruption Perception Index (2024) ranks Kenya poorly reflecting systemic ethical failure. This scourge undermines the nation's development and erodes public trust in both public and private

institutions. To combat corruption effectively, therefore, the Kenyan leaders must walk the talk and promote values of governance as enshrined in Article 10 and 232 of the Constitution of Kenya (2010). To eradicate this despicable vice in our society, leaders must set the ethical tone from above and take decisive action against those who engage in corrupt practices, regardless of their rank in society and connections.

It is this concerted effort by all of us that will deter the corrupt head-on. Further, it will disincentivize politicians whose sources of wealth are questionable. Equally, Kenyan leaders should shed their egocentric attitude and wild thoughts that by acquiring and consolidating ill-gotten wealth through unorthodox means with no regard to public good, will guarantee them of unfettered powers and influence. Times are fast changing, and Kenyans must pronounce their stand as Kaman Hassan aptly puts it, ‘that if we don’t take a stand on corruption, we are tacitly supporting it.’

Economic Empowerment Through Ethical Governance

Another critical area where Kenyan leaders can make a significant impact is in addressing the country’s economic challenges. This includes creating jobs, improving access to education and healthcare, and reducing poverty. To achieve these goals, leaders must enact and adopt policies through the confines of the law on public participation that promote sustainable growth and equitable development. This may require making difficult choices, such as implementing reforms that may be unpopular in the short term but beneficial in the long run.

These will only be feasible if Kenyan leaders appreciate that their personal interests are subordinate to those of the public. The culture of ‘what is in it for me’ has persistently eroded public trust in Kenya and goes against the ‘clean hands’ doctrine of equity where leaders only support what benefits them and allow conflicts of interests to override meritocracy in project appraisals and public appointments. Kenyan leaders should not preach water and take wine to restore public trust and inspire confidence.

Social Justice and Inclusion

In addition to economic development, Kenyan leaders must also prioritize social justice and human rights. This means protecting the rights of all citizens, regardless of their ethnicity, religion, or gender. It also means ensuring that everyone has equal opportunities to succeed, their background notwithstanding. To achieve these goals, leaders must promote tolerance, diversity, inclusiveness, human dignity and respect for the will of the people. The analogy of the book ‘The Animal Farm’ authored by (Orwell, 1945) where some animals were more equal than others should be completely debarred by Kenyan leaders to promote a culture of trust and cohesiveness as envisioned by the Constitution of Kenya (2010).

The Electorate’s Role in Leadership Transformation

The electorate has a responsibility to elect leaders who have demonstrated a high sense of integrity and fiduciary responsibility in managing public affairs, whether in public or private enterprise consistently overtime. They should move away from the current practice where those with financial wherewithal, whose source is oftentimes unknown influence the electorate in their favour, effectively trouncing their less-financially endowed rivals who would have otherwise provided sound leadership that is responsive to the needs of the electorates. It is now time for the Kenyan electorates to challenge the status quo of recycling corrupt leaders and elect leaders with good morals and unquestionable integrity with the interest of the country at heart for Kenya to flourish and be prosperous.

Tapping into Kenya’s Professional Talent

Kenya prides itself of highly educated professionals who are held in high esteem across the world(BMC Health Services Research,2006). Kenyan leaders must enact laws that stimulate these professionals to actively participate in national building at will. It goes without saying that huge resources have been invested in the rigorous training of our professionals,

and we need to recognize them and utilize their expertise to spur national discourse.

One of the reasons that has contributed to brain drain in Kenya is the failure by Kenyan leaders to reward professionals for their hard work and utilize their expertise, vividly reported by the Daily Nation Newspaper (4th July 2024), 'Irony of Kenya's brain drain: Taking jobs abroad, suffering at home.' A clear illustration of this is when politicians amend the remuneration laws to award themselves hefty salaries and allowances and disregard professionals who are poorly remunerated (The Standard, 8th October 2012). Kenyan leaders must embrace the professionals and harness their expertise for national development.

Good Governance and Democratic Principles

Finally, Kenyan leaders must be committed to good governance and democratic principles. This includes respecting the rule of law, protecting human rights, and ensuring free and fair elections. By upholding these principles, leaders can help to build a more stable and prosperous nation. Additionally, it is up to the masses as has been demonstrated by Gen Z's that we can demand accountability from our leaders as well as exercising our power through active public participation across whenever we are faced with matters that touch on public interest in the community setting.

Conclusion

In conclusion, Nelson Mandela's call for leaders to be ready to sacrifice all for the freedom of the people is as relevant today as it was during his time. Kenyan leaders have a unique opportunity to build on the legacy of this great African statesman and create a better future for their nation. By demonstrating courage, integrity, and commitment to the public good, they can inspire hope and drive positive change.

Kenya stands at a crossroads. The path forward requires a decisive shift in leadership culture—from self-interest to public interest, from impunity to accountability, and from rhetoric to results. The time for change is now.

References

BMC Health Services Research. (2006). *Article number: 89*.

Constitution of Kenya. (2010). Government of Kenya.

Greenleaf, R. K. (1977). *Servant Leadership: A Journey into the Nature of Legitimate Power and Greatness*. Paulist Press.

Mandela, N. (1994). *Long Walk to Freedom: The Autobiography of Nelson Mandela*. Little, Brown and Company.

Orwell, G. (1945). *Animal Farm*. Secker and Warburg.

Standard Newspaper. (2024, October 18). *MPs overlook citizens' struggles in favour of partisan, selfish interests*.

The Daily Nation. (2024, July 4). *Irony of Kenya's brain drain: Taking jobs abroad, suffering at home*.

The Standard Newspaper. (2012, October 8). *Politicians amend salary laws in their favour*.

Transparency International. (2024). *Corruption Perceptions Index*.

Hassan, K. (n.d). *Public statement on corruption*.



Chapter 7

Enhancing Organizational Excellence Through Strategic Procurement and Human Capital Acquisition

By *CS Eric Sambu*

Introduction

Organizational excellence, characterized by efficiency, sustained customer satisfaction, and effective risk management, is contingent upon the strategic rigor applied to an organization's core input processes. This paper advances the argument that procurement and recruitment, often treated as administrative functions, are, in fact, pivotal strategic activities that fundamentally determine a firm's long-term value creation and competitiveness. By synthesizing quality management methodologies, including Total Quality Management (TQM), Six Sigma, and Lean, with the People-Process-Technology (PPT) framework, this analysis establishes an integrated model for achieving organizational excellence. Furthermore, the paper posits that embedding communal and humanistic leadership philosophies, such as *Ubuntu*, enhances organizational capability by fostering employee engagement, collaboration, and resilience (Yao, n.d.). Effective contract governance, serving as the formal mechanism for risk mitigation and accountability across both procurement and recruitment functions, is identified as the indispensable final layer of this strategic framework (Tucci, 2023). Achieving enduring organizational excellence requires the deliberate strategic alignment of these input functions, prioritizing quality and long-term value over short-term cost minimization (Toma et al., 2023).

Excellence within contemporary organizations is conceptualized through multiple lenses, yet at its core, it represents the sustained capability to

deliver customer satisfaction efficiently, manage risk effectively, and pursue continuous improvement (ASQ, n.d.). Achieving this complex objective necessitates an intrinsic understanding of the overall organizational context, ensuring that all internal activities consistently meet stakeholder needs while adhering to legal and regulatory frameworks. Crucially, the outcome of any organizational process—be it production, service delivery, or innovation, is dictated by the quality and nature of its initial inputs. These key inputs are strategically managed through two indispensable functions: procurement and recruitment.

Procurement is defined as the strategic process encompassing the sourcing, purchasing, receiving, and inspection of all essential goods and services required for organizational operations. Its strategic role lies in cost optimization, ensuring quality, and fostering robust supplier relationships across critical stages, including needs identification, solicitation, evaluation, award, and contract management (Toma et al., 2023). Complementarily, recruitment refers to the proactive process of identifying, sourcing, screening, and hiring candidates for specific roles (Putri & Sari, 2023). The fundamental purpose of recruitment is to secure human capital best suited to fill unique organizational positions, impacting long-term organizational output through the quality and aptitude of the talent acquired.

These two critical processes determine the overall organizational efficiency and adaptability, particularly when viewed through the lens of established quality and management philosophies.

Theoretical Framework and Foundational Principles

The Foundations of Organizational Excellence

The pursuit of organizational excellence relies heavily on established quality management techniques that emphasize systematic identification and elimination of waste and errors. **Total Quality Management (TQM)**, for instance, mandates an organization-wide, integrated system of principles

and tools dedicated to continuous improvement and customer satisfaction (Total Quality Management, n.d.; Deming, 1986). Similarly, **Six Sigma** employs a data-driven, systematic methodology, focused on reducing process variation and identifying root causes of defects, with the ambitious goal of achieving near-perfect quality by limiting defects to 3.4 per million opportunities (Six Sigma Online, n.d.). This framework emphasizes continuously managing and controlling the process by involving and equipping the people performing the work.

Further refinement of quality practices is provided by **Lean methodology** and **Kaizen**. Lean focuses on systematically eliminating non-value-adding activities and waste to improve organizational efficiency and effectiveness, thereby maximizing customer value while minimizing cost (Medina, 2024). This approach is intrinsically linked to **Kaizen**, the Japanese philosophy of continuous improvement, which encourages routine, small, incremental changes to processes sustained over a long period (University of Minnesota Libraries Publishing, n.d.; Imai, 1986). Finally, the **Just-in-Time (JIT)** technique, originally developed in manufacturing, advocates for producing goods or services only when needed to minimize inventory, lead times, and associated costs (Katana MRP, n.d.). To optimize these complex techniques and foster sustained excellence, organizations must strategically balance their human, procedural, and technological resources.

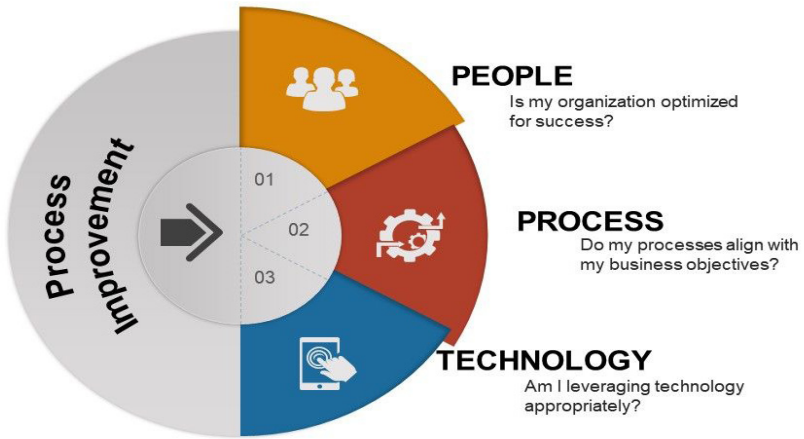
The People-Process-Technology (PPT) Paradigm

The integration of these efficiency techniques is best conceptualized through the People-Process-Technology (PPT) framework, which evolved from Harold Leavitt's Diamond model introduced in the early 1960s (Engagedly, n.d.; Leavitt, 1965). The modern triangular articulation of PPT gained popularity in the 1990s and is often associated with computer security specialist Bruce Schneier (Panda, n.d.; Schneier, 1999). This framework emphasizes the critical interplay among the three elements:

People (human resources), Process (well-defined paths and SOPs), and Technology (tools for implementation).

Figure 1: People-Process-Technology framework

People Process Technology Model of Process Improvement



Source: Leavitt (1965)

The objective of the PPT framework is to establish a synergy where the components mutually reinforce each other, directly improving business outcomes. A fundamental principle of quality management, as codified in ISO 9000:2015, underscores the importance of the *Engagement of People* (ISO 9000:2015, n.d.). This principle asserts that competent, empowered, and engaged personnel are essential for enhancing an organization’s capability to create and deliver value, fostering enhanced collaboration and motivation towards achieving organizational objectives (ISO 9000:2015, n.d.; ASQ, n.d.).

Strategic Integration: Procurement and Recruitment as Value Drivers

Enhancing organizational excellence through procurement and recruitment mandates strategically aligning these functions with the overarching organizational mission, values, and operational requirements (Putri & Sari, 2023).

Strategic Procurement and Resource Alignment

Strategic procurement moves beyond merely minimizing cost, adopting a **Value-Based Procurement (VBP)** approach that evaluates suppliers based on quality, reliability, and long-term contribution to organizational success, rather than solely the initial price (Whalen, n.d.; MedTech Europe, n.d.). This VBP approach ensures that procurement decisions, encompassing the sourcing of materials, services, and technologies, actively support organizational efficiency and innovation goals (Toma et al., 2023). Utilizing procurement software and data analytics further optimizes supplier selection, monitors performance, and identifies opportunities for efficiency and transparency (Sambu, n.d.).

Developing long-term, strategic partnerships and adopting **supplier diversity** initiatives provides crucial competitive advantages (Michigan State University Online, 2025). Smaller, diverse business partners often demonstrate agility, adaptability, and innovative capacity, contributing to improved organizational efficiency (Michigan State University Online, 2025). Furthermore, establishing clear Key Performance Indicators (KPIs) and implementing robust risk mitigation strategies for the supply chain is critical for ensuring sustainable and ethical sourcing practices (Sambu, n.d.).

Strategic Recruitment and Human Capital Management

Effective recruitment must transition from a vacancy-filling exercise to a function dedicated to building sustainable competitive advantage (Putri & Sari, 2023; Sambu, n.d.). This involves anticipating future human capital needs and aligning talent acquisition with long-term strategic goals.

Key elements of strategic recruitment include: prioritizing quality hires based on cultural fit, skills proficiency, and growth potential; leveraging Applicant Tracking Systems (ATS) and data analytics to streamline the hiring process; and cultivating a strong employer brand that showcases the organization's culture and opportunities (Sambu, n.d.). Recruitment teams must actively seek staff who adhere to shared organizational values, thereby reinforcing the ISO principle of engagement and enhancing collaboration and motivation (ISO 9000:2015, n.d.). Continuous professional development and training are crucial for ensuring that personnel maintain high standards and adapt to evolving threats and organizational needs (Sambu, n.d.).

Cultural Determinants: The Role of African Management Philosophies

The human capital component of the PPT framework is significantly enhanced by integrating indigenous African management philosophies that prioritize communal relationships and human dignity. This is best exemplified by the philosophy of **Ubuntu**, a concept meaning “humanness” that emphasizes collectivism, solidarity, and the pervasive spirit of caring and community (Mangaliso, 2001; Yao, n.d.). The philosophy is rooted in the expression, “I am because you are; you are because we are,” underscoring the deep interconnectedness of individual identity and collective well-being (Yao, n.d.; Ezeorah, 2023; Msila, 2015).

Leaders who adopt an Ubuntu approach prioritize a relations-oriented style characterized by servanthood, respectfulness, and humanity (Yao, 2024;

Ezeorah, 2023). This management model is consultative, participative, and inclusive, which engenders commitment and positively impacts leadership effectiveness (Yao, 2024). It contrasts with the often more individualistic or transactional nature of some Western leadership models (Yao, 2024).

Empirical evidence demonstrates the direct, tangible benefits of integrating this ethos into human capital management. For example, a young entrepreneur operating in a challenging environment made altruistic economic decisions, injecting personal funds to retain loyal employees during a financial downturn, reflecting a shift from individualistic economic rationalism to a communal mindset (Uche, 2024; Sambu, n.d.). This decision not only sustained the business but fostered reciprocal loyalty from employees who, in turn, offered to sacrifice parts of their salaries to keep the firm operational (Uche, 2024). Conversely, ignoring these communal values can incur high costs: a South African mining company suffered a costly two-week strike that could have been averted if senior management had simply honoured the employees' request for a face-to-face address, demonstrating respect and care, which are cardinal Ubuntu beliefs (Mangaliso, 2001).

The Nexus of Accountability: Contractual Governance

To solidify the strategic outcomes of both procurement and recruitment, the engagement of all external and internal parties must be formalized through rigorous and carefully guided contracts (Sambu, n.d.). Contracts serve as the foundational mechanism for contractual governance and risk mitigation in both functions, influenced by economic theories that recognize the risk of opportunism in transactions (Tucci, 2023).

Procurement contracts define the terms of engagement with suppliers, ensuring efficiency, compliance, and risk mitigation (Tucci, 2023). They ensure clarity of terms by specifying deliverables, quality standards, pricing, and timelines, and function as key risk management tools by including clauses for penalties, compliance, and force majeure events (Sambu, n.d.).

In the recruitment sphere, contracts govern the employer-employee relationship by outlining clear roles, responsibilities, and performance expectations (Sambu, n.d.). Employment contracts ensure compliance with labor laws and protect core business interests through confidentiality and intellectual property clauses. For instance, probationary periods allow for performance evaluation before full hiring, while termination clauses define notice periods and grounds for exit (Sambu, n.d.). The failure to maintain accurate PSC records or file false information can lead to severe fines, criminal prosecution, and restricted access to financial services, underscoring the necessity of treating contract compliance as a cornerstone of good governance (LegalVision, 2023).

Conclusion and Recommendations

Organizational excellence is not an inherent trait but the predictable result of rigorous, strategic governance applied to a firm's most fundamental inputs. This analysis demonstrates that procurement and recruitment are far more than logistical functions; they are critical drivers of value and competitive advantage. By aligning these activities with strategic organizational goals, prioritizing a value-based approach over simple cost-cutting, and institutionalizing principles of quality management (TQM, Six Sigma, Lean) within the interconnected PPT paradigm, organizations can achieve superior performance. Moreover, adopting human-centric leadership philosophies, such as Ubuntu, fundamentally enhances the "People" component, fostering engagement, collaboration, and resilience necessary for navigating complex environments (Yao, n.d.; Mangaliso, 2001).

The continuous optimization of the value chain is ultimately dependent on the formalized accountability provided by strong contractual governance across both human and material resource acquisition (Tucci, 2023).

Recommendations for Sustained Organizational Excellence

To ensure long-term excellence and competitive advantage, organizations should pursue the following integrated strategies:

Mandate Value-Based Procurement (VBP): Procurement functions must formally transition metrics from cost reduction (price) to total value contribution, emphasizing non-financial aspects such as supplier reliability, innovation potential, and alignment with organizational sustainability and ethical sourcing goals (Whalen, n.d.).

Integrate Excellence Methodologies: Formalize the use of quality management methodologies (e.g., Six Sigma, Lean) within procurement and recruitment processes, ensuring continuous improvement, waste elimination, and the reduction of variation in sourcing and hiring pipelines (Medina, 2024; Six Sigma Online, n.d.).

Embed Human-Centric Leadership: Senior leadership must promote a strategic culture rooted in indigenous philosophies like Ubuntu, prioritizing humanity, dialogue, and employee respect as mechanisms for achieving long-term organizational success and minimizing high-cost incidents associated with alienated workforces (Mangaliso, 2001; Yao, 2024).

Strengthen Contractual Governance: Establish clear, board-approved policies that ensure all procurement contracts and employment agreements contain rigorous clauses detailing performance KPIs, risk mitigation strategies, and accountability frameworks, utilizing contracting as a proactive tool for legal compliance and financial stability (Tucci, 2023; LegalVision, 2023).

Leverage Technology for Strategic Visibility: Fully integrate technology across the PPT framework, specifically utilizing data analytics and advanced systems to monitor P&R metrics, providing leadership with the transparency necessary for evidence-based strategic decision-making (Sambu, n.d.; Panda, n.d.).

References

- ASQ. (n.d.). *ISO 9000:2015 principles of Quality Management*. Retrieved from <https://asq.org/quality-resources/iso-9000>
- Engagedly. (n.d.). *People, Process, Technology: The Leavitt's Diamond Model*. Retrieved from <https://engagedly.com/blog/people-process-technology-framework/>
- Ezeorah, F. (2023). Servant Leadership: A Powerful Paradigm for Effective Leadership in Africa. *Journal of Vincentian Social Action*, 7(1), 89–102. <https://scholar.stjohns.edu/cgi/viewcontent.cgi?article=1176&context=jovsa>
- ISO 9000:2015. (n.d.). *Quality Management Principles: Engagement of people*. Retrieved from <https://www.iso9001help.co.uk/ISO-9000-engagement-of-people.html>
- Katana MRP. (n.d.). *Just-in-Time Manufacturing—A Philosophy and Environment*. Retrieved from <https://katanamrp.com/just-in-time-manufacturing/>
- LegalVision. (2023). *Understanding Persons with Significant Control (PSC) Regulations*. Retrieved from <https://legalvision.co.uk/corporations/psc-regulations/>
- Mangaliso, M. P. (2001). The High Costs of Ignoring Ubuntu. *Academy of Management Executive*, 15(3), 87–91. <https://journals.aom.org/doi/10.5465/ame.2001.5229453>
- Medina, R. (2024). Lean thinking underlies a management model for operational excellence. *Revista de Contabilidade e Organizações*, 18(44). <https://pmc.ncbi.nlm.nih.gov/articles/PMC11095908/>
- MedTech Europe. (n.d.). *Value-based procurement framework*. Retrieved from <https://www.medtecheurope.org/access-to-medical-technology/value-based-procurement/>

Michigan State University Online. (2025). *The Importance of Diverse Suppliers*. Retrieved from <https://www.michiganstateuniversityonline.com/resources/supply-chain/the-importance-of-diverse-suppliers/>

Ndlovu, A. (2024). *Survivalist Organizing in Urban Poverty Contexts*. Retrieved from <https://spiral.imperial.ac.uk/server/api/core/bitstreams/91123407-f1b8-4057-bbd8-f795bad54f55/content>

Panda, A. (n.d.). *People, Process, Technology: Manage PPT with Asset Management Software*. Retrieved from <https://www.assetpanda.com/resource-center/blog/people-process-technology-manage-ppt-with-asset-management-software/>

Putri, G. A., & Sari, T. R. (2023). Strategic recruitment as a source of competitive advantage. *Journal of Business and Management*, 26(10). https://www.researchgate.net/publication/317165687_Democracy_Consensus_and_Africa_An_Investigation_into_Consensual_Democracy's_Contribution_to_African_Political_Philosophy

Sambu, E. (n.d.). *Enhancing organizational excellence through procurement and recruitment*. [unpublished].

Six Sigma Online. (n.d.). *Six Core Principles of Six Sigma*. Retrieved from <https://www.sixsigmaonline.org/six-sigma-principles/>

Toma, S.-G., Marinescu, C., & Pelinescu, E. (2023). Strategic procurement 4.0 performance influences competitiveness under circular economy conditions. *Sustainability*, 15(3), 1–21. <https://www.mdpi.com/2305-6290/7/1/13>

Total Quality Management. (n.d.). *Total quality management (TQM) principles*. Retrieved from [https://pmc.ncbi.nlm.nih.gov/articles/PMC9859297/#:~:text=Total%20quality%20management%20\(TQM\)%20consists,30%2C35%2C37%2C](https://pmc.ncbi.nlm.nih.gov/articles/PMC9859297/#:~:text=Total%20quality%20management%20(TQM)%20consists,30%2C35%2C37%2C)

Tucci, J. (2023). Contractual governance in supply chain relationships. *Supply Chain Management*, 29(1), 125–136. <https://www.tandfonline.com/doi/full/10.1080/14719037.2023.2281973>

Uche, O. K. (2024). In search of Ubuntu in an African SME: A case of a transitional entrepreneur. *Journal of African Business*, 25(2), 1–20. <https://www.tandfonline.com/doi/full/10.1080/23322373.2024.2349482>

University of Minnesota Libraries Publishing. (n.d.). *Kaizen and Continual Improvement*. Retrieved from <https://spiral.imperial.ac.uk/server/api/core/bitstreams/91123407-f1b8-4057-bbd8-f795bad54f55/content>

Vestd. (n.d.). *A Simple Guide to Understanding PSCs (Persons with Significant Control)*. Retrieved from <https://www.vestd.com/help/pscs>

Yao, S. (n.d.). *Ubuntu Leadership: The Essence of Humanness*. Retrieved from <https://www.ubuntuculturecompany.com/case-studies>

Yao, S. (2024). African business leadership: Ubuntu and transformational qualities. *African Journal of Business Management*, 15(3), 83–96. <https://www.mdpi.com/2076-3387/15/3/83>

Zang, J., et al. (2024). *Survivalist Organizing in Urban Poverty Contexts*. Retrieved from <https://ideas.repec.org/p/osf/osfxxx/3mecq.html>



Chapter 8

The Role of Accreditation in Strengthening Corporate Governance

CS Dr. Walter Ongeti

Introduction

Corporate governance is fundamental to the stability and sustainability of economies worldwide, serving as the backbone for the efficient functioning of organizations and the trust of stakeholders (OECD, 2015). It is essential for promoting transparency, accountability, and ethical leadership, which are crucial for maintaining public confidence in both the private and public sectors (Shleifer & Vishny, 1997). In an increasingly complex and interconnected global environment, accreditation plays a pivotal role in strengthening corporate governance.

By ensuring that organizations conform to internationally recognized standards and best practices, accreditation not only enhances operational efficiency but also fortifies the governance frameworks of these entities (IAF, 2020). Accreditation serves as an external validation mechanism that promotes compliance with regulatory frameworks, enhances risk management practices, and provides stakeholders with assurance regarding the credibility and reliability of organizational processes (International Organization for Standardization (ISO), 2017). This paper delves into the ways in which accreditation contributes to improving corporate governance, fostering trust among stakeholders, and elevating the effectiveness of governance structures, ultimately driving organizational success and sustainability.

Understanding Accreditation and Corporate Governance

Accreditation is a formal recognition granted to organizations, institutions, or individuals by recognized accreditation bodies to confirm that they meet specific competency, ethical, and quality standards. These standards often align with international benchmarks such as ISO/IEC 17025, ISO 15189, and ISO/IEC 17020, ensuring that accredited bodies adhere to the highest operational and performance criteria (ISO, 2017). Corporate governance, on the other hand, refers to the structures, policies, and practices that guide an organization's operations and decision-making processes, ensuring accountability, transparency, and ethical conduct (Cadbury Report, 1992).

The intersection of accreditation and corporate governance is significant in several ways. Firstly, accreditation enhances transparency, as accredited organizations are required to demonstrate compliance with predefined standards, thereby ensuring transparency in governance processes. Secondly, accreditation promotes accountability by necessitating periodic assessments of organizational practices, which hold entities accountable for their governance and operational procedures.

Furthermore, accreditation frameworks emphasize the importance of ethical leadership, reinforcing the principles of good governance by prioritizing sound decision-making and leadership. Finally, accredited organizations must adhere to comprehensive risk management systems, which mitigate the vulnerabilities typically associated with governance failures and enhance the overall resilience of the organization.

The Impact of Accreditation on Corporate Governance

Accreditation intersects with corporate governance in several ways. First, it enhances transparency by requiring organizations to demonstrate compliance with predefined standards, ensuring openness in governance processes (ISO/IEC 17011). Accreditation fosters ethical leadership by enforcing adherence to codes of conduct, ethical frameworks, and integrity-

based management systems. Ethical leadership cultivates a culture of responsibility, fairness, and sound decision-making within organizations (Transparency International, 2020).

Additionally, accreditation fosters accountability through periodic assessments and audits that hold organizations accountable for their governance and operational practices (ILAC, 2018). By facilitating compliance with regulatory frameworks, accredited organizations are better equipped to comply with governance regulations, as accreditation aligns with national and international legal frameworks. Compliance reduces legal risks, financial penalties, and reputational damage (World Bank, 2022).

Accreditation frameworks emphasize ethical leadership and integrity-based decision-making, thereby reinforcing good governance principles (IAF/ILAC, 2019). Lastly, accreditation improves risk management, as accredited entities are expected to implement robust risk systems, minimizing vulnerabilities associated with governance failures (ISO 31000, 2018). Accreditation requires organizations to implement effective risk management policies and internal controls. These systems enhance governance by identifying, assessing, and mitigating risks (ISO 31000).

Accreditation encourages stakeholder engagement by requiring organizations to involve employees, customers, shareholders, and the community in decision-making. Participatory governance leads to more inclusive, transparent, and accountable leadership (OECD, 2021).

Accreditation as a Tool for Governance Reform

Governments and regulatory bodies around the world increasingly recognize accreditation as a powerful instrument for governance reform. When integrated into national corporate governance frameworks, accreditation can enhance public sector performance and regulatory oversight. It ensures that institutions operate transparently and are held to measurable standards, improving their efficiency and accountability (World Bank, 2022).

Moreover, the incorporation of accreditation into governance policies encourages private sector entities to comply with best governance practices, fostering a business environment characterized by integrity and ethical conduct (IAF, 2020). By mandating accreditation across critical sectors, governments can stimulate economic growth, reduce corruption, and build public trust in both private and public institutions. As such, accreditation emerges not merely as a quality assurance mechanism but as a catalyst for systemic governance improvements and sustainable development (OECD, 2015; IAF/ILAC, 2019).

Case Study 1: Accreditation in Financial Governance

Accreditation is increasingly becoming a critical pillar in enhancing governance within the financial sector, particularly in emerging economies like Kenya. The Central Bank of Kenya (CBK), as the chief regulatory authority, has embedded standards-based compliance into its regulatory framework. Licensed financial institutions are now required to demonstrate adherence to anti-money laundering (AML) guidelines and maintain robust internal auditing structures (Central Bank of Kenya [CBK], 2022). These requirements have not only improved regulatory compliance but have also opened the door for financial institutions to voluntarily seek internationally recognized accreditations and certifications that support stronger governance practices.

A compelling example of this is Kenya Commercial Bank (KCB) Group PLC, which has obtained ISO 37001:2016 certification for its Anti-Bribery Management System (ABMS). This standard, developed by the International Organization for Standardization (ISO), is awarded through conformity assessment bodies accredited by national or international accreditation bodies under mutual recognition arrangements such as those of the International Accreditation Forum (IAF, 2023). The certification requires institutions to adopt comprehensive anti-bribery policies, implement risk-based due diligence procedures, conduct staff training,

and establish independent monitoring and reporting systems. For KCB, this has translated into more transparent procurement processes, increased public trust, and improved internal oversight mechanisms (KCB Group, 2021).

In addition to anti-bribery efforts, KCB also subjects its internal audit systems to evaluations by third-party auditors accredited to ISO/IEC 17021-1, the standard that governs the competence of bodies conducting management system certification (ISO, 2015). These evaluations ensure that internal audits are impartial, competent, and aligned with international best practices. As a result, KCB has been able to bolster its risk management framework and reinforce the integrity of its financial reporting systems. This level of assurance contributes directly to good corporate governance, as it enhances accountability, promotes ethical behaviour, and reduces opportunities for misconduct.

The broader financial sector in Kenya is beginning to appreciate the value of such accreditations. Standards like ISO/IEC 17020 for inspection bodies and ISO 31000 for risk management are also gaining relevance, especially as institutions seek to strengthen compliance frameworks and meet the expectations of both regulators and investors (ISO, 2018). Although ISO 31000 is not certifiable, it provides a robust framework for risk-based decision-making that complements more formal management system standards.

In contrast, institutions that operate without the support of accredited systems are often more vulnerable to compliance failures, fraud, and reputational damage. The lack of structured oversight and externally validated processes can leave significant gaps in risk management, especially in areas like internal auditing, procurement, and third-party due diligence.

This case underscores the role of accreditation not as a mere technical or operational requirement, but as a strategic tool that reinforces good governance. By integrating accredited systems and certifications into

their operations, financial institutions not only enhance their regulatory standing but also create a culture of integrity and continuous improvement. In doing so, they contribute to a more transparent, stable, and resilient financial sector.

Case Study 2: Accreditation in Healthcare Governance

In the healthcare sector, accreditation plays a pivotal role in reinforcing governance, ensuring patient safety, and enhancing service delivery. One of the most illustrative examples in Kenya is the accreditation of the Kenya Medical Practitioners and Dentists Council (KMPDC) by the Kenya Accreditation Service (KENAS) under the ISO/IEC 17024 standard for certification of persons. This accreditation marked a historic milestone, as KMPDC became the first healthcare regulatory body in Africa to be accredited under this standard, signifying a critical shift toward structured governance and quality assurance in healthcare regulation (KENAS, 2024).

ISO/IEC 17024 is a globally recognized standard that outlines criteria for organizations certifying individuals against specific requirements. Accreditation to this standard assures that the certification processes are fair, valid, and reliable, and that they are carried out by competent and impartial bodies (International Organization for Standardization [ISO], 2012). For KMPDC, this accreditation underscores the integrity of its mandate to certify and regulate medical practitioners and dentists in Kenya. It also enhances public confidence in the competence and professionalism of healthcare workers registered and licensed by the Council.

The accreditation has had tangible impacts on healthcare governance. First, it has formalized KMPDC's internal systems, compelling the Council to adopt standardized procedures for evaluating the qualifications and competencies of practitioners. This has minimized inconsistencies and strengthened transparency and accountability in professional certification. Second, accreditation has introduced independent oversight mechanisms that support effective internal auditing, continuous improvement, and

data-driven decision-making in the Council's regulatory functions. This alignment with global best practices reduces the risks of malpractice, favouritism, and administrative lapses, key threats to ethical healthcare governance (World Health Organization [WHO], 2018).

Moreover, the accreditation of KMPDC has influenced the wider healthcare ecosystem. Accredited certification instils a culture of performance, professionalism, and ethical responsibility among medical practitioners. In turn, this helps healthcare institutions improve service delivery and patient safety by ensuring that their staff are duly certified and subject to robust regulatory oversight. Furthermore, it enhances Kenya's position in international health diplomacy by demonstrating compliance with global norms for professional regulation, a crucial factor in cross-border health workforce mobility and mutual recognition of credentials (African Union, 2022).

Another compelling example of accreditation strengthening healthcare governance is the AMREF Central Laboratory, which has been reaccredited to ISO 15189:2012 by KENAS. ISO 15189 specifies the quality and competence requirements for medical laboratories, and AMREF's reaccreditation signifies its commitment to providing reliable diagnostic services across Africa. The laboratory, which operates within AMREF's extensive continental network, uses its accreditation status to ensure consistent quality in testing procedures, staff competence, equipment calibration, and data management (KENAS, 2024). This directly supports clinical decision-making and public health interventions and strengthens AMREF's ability to implement its people-centred primary healthcare and 'One Health' strategies with integrity and technical reliability (AMREF, 2024).

The case of AMREF demonstrates that when healthcare organizations operate under internationally recognized standards and are evaluated by accredited bodies, they are better positioned to deliver safe, efficient, and equitable services. Accreditation becomes a governance enabler, ensuring

quality assurance, risk mitigation, and accountability in clinical and administrative processes.

In contrast, healthcare regulatory bodies and laboratories that operate without accreditation may struggle to enforce consistent standards, expose patients to unsafe services, and experience challenges in credibility, both locally and internationally. Accreditation thus becomes not merely a technical achievement but a governance imperative, ensuring that regulation, oversight, and service provision in healthcare are effective, transparent, and trustworthy.

Case Study 3: Accreditation in Environmental Governance

Accreditation serves as a foundational pillar in strengthening environmental governance, particularly in verifying the credibility and effectiveness of climate action initiatives. Environmental governance entails the formal and informal institutions, policies, and processes that influence how humans interact with the environment. Within this context, accredited conformity assessment bodies, especially verification and validation bodies, play a pivotal role by ensuring organizations meet global standards for environmental sustainability, such as ISO 14065 and frameworks like the Carbon Offsetting and Reduction Scheme for International Aviation (CORSI A).

A compelling example is the accreditation of Soleil Solutions Africa by the Kenya Accreditation Service (KENAS). This firm is the first African Validation and Verification Body (VVB) accredited under the CORSI A sub-scope, which is an UN-led initiative through the International Civil Aviation Organization (ICAO) designed to reduce carbon emissions in international aviation. Accreditation under ISO 14065:2013, which specifies principles and requirements for greenhouse gas validation and verification bodies, empowers Soleil Solutions Africa to offer credible carbon footprint audits and environmental claims verifications (ISO, 2013).

This accreditation has critical implications for environmental governance. First, it institutionalizes transparency and accountability in climate-related disclosures. Organizations that work with accredited VVBs like Soleil are better positioned to meet both national and international requirements on carbon reporting. For instance, carbon credits, emissions inventories, and offsetting activities undergo standardized verification, ensuring that such data is not only accurate but also auditable and replicable (ICAO, 2020).

Second, accredited environmental verification bodies contribute directly to regulatory enforcement. Governments and policymakers depend on verified data to design evidence-based environmental strategies and enforce compliance. Inaccurate or unaudited environmental reporting can lead to policy distortions, regulatory failure, or reputational harm for both states and corporations. The work of Soleil Solutions Africa bridges this gap by ensuring that carbon management practices align with global climate agreements such as the Paris Agreement and regional sustainability targets (UNFCCC, 2021).

Furthermore, accreditation catalyses corporate environmental governance by embedding environmental responsibility within business strategy. Organizations engaging accredited VVBs are more likely to adopt internal controls for emissions monitoring, risk assessment, and climate resilience. This reduces environmental liabilities, improves investor confidence, and aligns operations with Environmental, Social, and Governance (ESG) performance metrics. It also supports access to international green finance mechanisms, such as climate bonds and sustainability-linked loans, where independent verification of environmental performance is often a prerequisite (Climate Bonds Initiative, 2022).

The accreditation of Soleil Solutions Africa also signals Africa's growing capacity to locally lead climate verification efforts, reducing dependence on foreign verifiers and lowering transaction costs for African businesses and states engaged in carbon markets. This contributes to decentralized and inclusive environmental governance, particularly in the context of

emerging carbon trade platforms and climate financing frameworks across the continent (African Union, 2022).

In contrast, lack of accreditation in environmental auditing can lead to unsubstantiated environmental claims, or “greenwashing,” where organizations exaggerate or fabricate their environmental performance. This erodes public trust and undermines the effectiveness of environmental governance frameworks. Ultimately, the case of Soleil Solutions Africa illustrates how accreditation not only ensures technical competence but also strengthens the institutional integrity and governance of climate actions at both the organizational and systemic levels.

Conclusion

Accreditation plays a fundamental role in strengthening corporate governance by promoting ethical leadership, accountability, transparency, and compliance. As Kenya and other nations strive for governance reforms, accreditation should be embraced as a strategic tool for fostering trust and integrity in organizations. Stakeholders, including policymakers, corporate leaders, and accreditation bodies, must work together to integrate accreditation into governance frameworks for a more transparent, accountable, and sustainable future.

References

African Union (2022), African Climate Strategy Framework 2022–2032 <<https://au.int/en/documents>> accessed on June 4, 2025

African Union (2022), ‘Continental strategy for health workforce education and accreditation (2022–2030),’ < <https://au.int/en/documents>> accessed on June 4, 2025

AMREF (2024), ‘AMREF Central Laboratory reaccredited to ISO 15189:2012,’ <<https://www.amref.org>> accessed on June 4, 2025

Cadbury, A. (1992), ‘Report of the Committee on the Financial Aspects of Corporate Governance,’ Gee Publishing

Central Bank of Kenya (2022), ‘Guidelines on corporate governance for institutions licensed under the Banking Act,’ < <https://www.centralbank.go.ke>> accessed on June 5, 2025

Climate Bonds Initiative (2022), *Sustainability-linked bonds and climate finance verification*. <<https://www.climatebonds.net/>> accessed on June 5, 2025

IAF. (2020), ‘International Accreditation Forum Annual Report 2020,’ International Accreditation Forum.

International Accreditation Forum. (2023), ‘IAF CertSearch: Accredited certifications,’ <<https://www.iafcertsearch.org>> accessed on June 5, 2025

International Civil Aviation Organization (ICAO) (2020), ‘CORSA Verification Requirements and Environmental Integrity Guidelines,’ <<https://www.icao.int/environmental-protection/CORSA>> accessed on June 5, 2025

International Organization for Standardization (ISO). (2013), ‘ISO 14065:2013 - Greenhouse gases: Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms

of recognition,' < <https://www.iso.org/standard/59521.html> > accessed on June 6, 2025

International Organization for Standardization. (2012), 'ISO/IEC 17024:2012 - Conformity assessment: General requirements for bodies operating certification of persons,' <<https://www.iso.org/standard/52993.html> > accessed on June 4, 2025

International Organization for Standardization. (2015), 'ISO/IEC 17021-1:2015 - Conformity assessment – Requirements for bodies providing audit and certification of management systems,' < <https://www.iso.org/standard/61651.html> > accessed on June 4, 2025

International Organization for Standardization. (2016), 'ISO 37001:2016 - Anti-bribery management systems: Requirements with guidance for use,' <<https://www.iso.org/standard/65034.html> > accessed on June 5, 2025

International Organization for Standardization. (2018), 'ISO 31000:2018: Risk management Guidelines,' < <https://www.iso.org/standard/65694.html> > accessed on June 4, 2025

ISO. (2017), 'ISO/IEC 17025:2017: General requirements for the competence of testing and calibration laboratories,' International Organization for Standardization

KCB Group. (2021), 'Annual sustainability report,' < <https://ke.kcbgroup.com/about/sustainability> > accessed on June 5, 2025

Kenya Accreditation Service (KENAS). (2024), 'Soleil Solutions Africa becomes first CORSIA-accredited validation and verification body in Africa,' < <https://www.kenas.go.ke/news> > accessed on June 6, 2025

Kenya Accreditation Service. (2024), 'KMPDC and AMREF receive accreditation awards,' <<https://www.kenas.go.ke/news> > accessed on June 4, 2025

OECD. (2015), 'G20/OECD Principles of Corporate Governance,' Organisation for Economic Co-operation and Development

Shleifer, A., & Vishny, R. W. (1997), 'A Survey of Corporate Governance,' The Journal of Finance, 52(2), 737-783

United Nations Framework Convention on Climate Change (UNFCCC). (2021), 'National Determined Contributions and Climate Verification Requirements,' < <https://unfccc.int> > accessed on June 4, 2025

World Health Organization. (2018), 'Global strategy on human resources for health: Workforce 2030,' < <https://www.who.int/publications/i/item/9789241511131> > accessed on June 4, 2025



Chapter 9

Fostering Women and Youth Inclusivity for Sustainable Development and Regional Economic Integration in the COMESA Region

CS CPA Dr. Moses Mwenda Muthinja

Introduction

The debate on inclusivity and Sustainable Development has widened in the last decade, especially since the United Nations (UN) member countries adopted the 2030 Agenda for Sustainable Development in 2015. Notably, the 17 Sustainable Development Goals (SDGs) aim to create “*peace and prosperity for people and the planet*” (UN, 2024). Accordingly, there is an apparent global recognition that to end poverty and other forms of deprivation, we need to simultaneously implement strategies that enhance health and education, decrease inequality, and promote economic growth.

While the world has made major strides towards the achievement of the SDGs, recent studies suggest that the global progress on gender equality has varied significantly across different aspects of the SDG Agenda (Panda, 2020). In effect, Panda argues that while there have been undeniable but inadequate global improvements in areas such as girls’ access to education (SDG 4), women and girls from the poorest households are still frequently left behind, and substantial gender disparities persist in labor force participation (SDG 8). These findings should be a cause for concern, given the pivotal role of women and youth in driving sustainable development and regional economic integration.

Despite the global adoption and advancements toward achieving the Sustainable Development Goals, Africa still trails most regions in socio-economic development (Begashaw, 2019). Other studies observe that the progress with SDGs in Africa has been minimal, and in some cases, there is complete stagnation (Twinoburyo, et al. 2019). For development to be truly sustainable, it needs to not only benefit but also be seen to benefit all segments of society, particularly the marginalized groups such as women and youth. Women and youth represent a significant portion of the population in the COMESA region, and their active participation is crucial for achieving economic and social goals (Economic Commission for Africa, 2015).

COMESA is a regional economic community comprising 21 member states from Eastern and Southern Africa, which aims to promote regional integration through trade and investment. COMESA Member States recognize that sustainable development requires full participation of women and youth, who comprise significant portions of the population (COMESA, 2018). Hence, the COMESA treaty appreciates that women and youth play a crucial role in socio-economic transformation, rural transformation and business (COMESA Treaty, 1994 Articles 154-155). However, the region faces numerous governance challenges, including poverty, unemployment, and gender inequality, which curtail its progress towards sustainable development and economic integration.

Problem Statement

Existing literature highlights the critical importance of empowering women and youth for sustainable development and economic growth (Beloskar, Haldar, & Gupta, 2024). Nonetheless, recent studies suggest that providing equal opportunities in education, employment, and leadership roles can unlock the untapped potential of women and youth, leading to increased productivity and innovation (Ozor, 2020). Moreover, promoting gender equality and social inclusion has been identified as essential for fostering

economic resilience and reducing poverty (World Bank, 2019). Additionally, supporting entrepreneurship and innovation among women and youth is crucial for stimulating economic growth and job creation (AfDB, 2019). However, despite these insights, there remains a gap in understanding the specific channels through which fostering inclusivity can contribute to sustainable development and regional economic integration in Africa in general and Africa in Particular. There is a dearth in literature that provides an analytical digestion of the human development indicators in COMESA region especially the extent and implications of wide gender disparities for regional integration. This study seeks to fill the research gaps.

Objectives of the Study

- The primary objective of this study is to investigate the potential contributions of empowering women and youth to sustainable development and regional economic integration in COMESA. Specifically, the study seeks to:
- Identify the existing barriers faced by women and youth in accessing education, employment, and leadership opportunities.
- Assess the role of policies and interventions in promoting gender equality, supporting entrepreneurship, and facilitating the integration of women and youth into regional economic networks.

Literature Review

The concept of inclusivity is multifaceted and largely multidimensional, hence the multiple approaches to its measurement. According to the Commission on Growth and Development (2008), Inclusivity encompasses equity, equal opportunities, and protection during market and employment transitions. Given that there is consensus that inclusive growth is a necessary condition for growth to be effective and sustainable in reducing poverty (Berg et al.2011a; Kraay, 2004), Berg and Ostry (2017) argue that

in the long term, maintaining economic growth and preventing excessive inequality may be closely linked.

The COMESA region maintained an average growth rate of 5.1 percent from 2005 to 2014. However, the region's economic growth declined from 6.5 percent in 2014 to 6.0 percent in 2015 and dropped significantly to 3.5 percent in 2016 (Adika, 2022). Notably, the average growth rate in the COMESA region fell to 5.4 percent in 2022, down from 6.5 percent in 2021 (COMESA, 2022).

According to the COMESA report, the contraction in economic growth is explained by several factors, including heightened economic imbalances from the COVID-19 pandemic and a significant, pro-cyclical tightening of global financial conditions due to the ongoing Russia-Ukraine war. With the COMESA region's economies appearing to contract, the welfare of its inhabitants may also be impaired, especially with respect to youth and women. This is especially so, given that in 2022, COMESA's average inflation rate rose to 19.4 percent from 14.6 percent in 2021, driven by supply chain disruptions, higher energy prices, and climate impacts on food-import-reliant countries.

Although substantial literature addresses sustainable development, no universally recognized indicators for its measurement exist due to its inherent ambiguity, varied objectives, and challenges in terminology, data, and measurement methods (Parris & Kates, 2003). Furthermore, some scholars argue that infinite sustained development is unattainable on a planet with finite resources (Redclift, 2005; Sachs, 1999). Nevertheless, this study adopts the UN (2016) approach, defining sustainable development as fulfilling present needs without compromising future generations' ability to meet theirs. This requires balancing three interconnected elements: economic growth, social inclusion, and environmental protection-essential for achieving an inclusive, resilient, and sustainable future for all.

Gender Disparities and Barriers to Inclusion

While there is a need to achieve sustainable development in the COMESA region, this could be severely curtailed by inherent wide gender disparities, which could create barriers to inclusion. For instance, a recent case study on COMESA touching on the African pathway to achieve inclusive growth, finds that the economic growth rates in COMESA countries cannot be deemed inclusive because it is not accompanied by sufficient improvements in inclusiveness indicators (Albagoury, 2021). According to Albagoury's study, the primary reasons for this finding are the structural characteristics of their economies and their lack of flexibility.

Education

Educational advancements in Africa lag behind other regions globally, particularly in access and quality (Futures, 2024). While primary school enrolment is high, few students progress to upper secondary or higher education. In 2019, the average years of adult education in COMESA was 5.7, below Africa's average of 6.2, reflecting disparities driven by economic, resource, and cultural factors. Women and youth in COMESA face barriers such as early marriages, governance challenges, and poor-quality education, limiting their opportunities. Addressing these issues requires targeted interventions to improve access, quality, and inclusivity, empowering women and youth through education across the region.

Employment

Employment opportunities for women and youth in the COMESA region are often limited by various structural and socio-cultural barriers. Women are frequently relegated to informal and low-paying jobs, while youth unemployment rates remain high. Discriminatory practices and policies can further exacerbate these challenges, making it difficult for women and youth to secure stable and well-paying employment. Perhaps, COMESA member countries need to start making good use of the COMESA Women

Economic Empowerment Fund, which provides female cross-border traders with financial access.

This will enable them to benefit from the COMESA trade regime (Corley et. Al. 2023), and the Protocol on Women and Youth in Trade, which fosters trade and sustainable development (COMESA Treaty, Chapter 4 Art. 15.2(g) and Chapter 21). This is because, while employment opportunities in the COMESA region are shrinking, the regional trade block has protocols and a women's empowerment fund that, if utilized, can hedge against unemployment risks.

Benefits of Women and Youth Inclusion

Empowering women and youth drives productivity and economic growth by fostering inclusivity and innovation. Equal opportunities in the workforce and entrepreneurship enhance economic output, efficiency, and decision-making, as gender diversity improves business performance (Beloskar, Haldar, & Gupta, 2024). Supporting youth-led ventures by addressing barriers like access to finance and market linkages (AfDB, 2024) stimulates job creation and growth. Inclusivity also reduces inequalities, promotes social cohesion, and strengthens community stability. By empowering women and youth in economic and social activities, COMESA region can create a foundation for sustainable development and regional integration.

Case Studies

a) Rwanda: A Model for Gender Inclusivity

Rwanda is often cited as a model for gender inclusivity in Africa. The country has made significant strides in promoting gender equality and empowering women (Debusscher & Ansoms, 2013). The government of Rwanda has implemented policies that support women's participation in politics, education, and the workforce (Burnet, 2008). As a result, Rwanda has one of the highest percentages of women in parliament globally, and

women play a crucial role in the country's economic development (Burnet, 2008).

b) Kenya: Youth and Women Empowerment Initiatives

Kenya has launched several initiatives aimed at empowering women and youth. For instance, the Youth Enterprise Development Fund (YEDF) provides financial and technical support to young entrepreneurs, helping them start and grow businesses. The YEDF was established through the Public Financial Management Act Regulations (2006). Further, the country has a robust government-owned Women Enterprise Development Fund. Notably, Kenya established the Access to Government Procurement Opportunities (AGPO), which aims to enable enterprises owned by youth, women, and persons with disabilities to engage in government procurement processes.

The affirmative action legally obligates all public entities to allocate 30 percent of procurement opportunities to the AGPO category. Additionally, the Kenyan government has implemented policies to improve access to education and vocational training for youth, enhancing their employability and economic prospects. These policies include the Kenya Youth Development Policy and the Policy Framework for Education and Training.

c) Data and Methodology

This study uses data gleaned from United Nations Development Programme (UNDP), Human Development Reports for the year 2022, summarized in Annex 1. The dataset covers 21 countries in COMESA region. The variables analyzed include the Gender Development Index (GDI), Human Development Index (HDI), Gross National Income (GNI) per capita, Gender Inequality Index (GII), and labor force participation rates. This analysis provides a nuanced view of the region's gender dynamics.

The Study primarily employs a comprehensive literature review approach, consistent with Snyder (2019) and Torraco (2005). This methodology

involves systematically gathering and synthesizing existing scholarly works, reports, policy documents, and other relevant literature on the topics of gender inclusivity, youth empowerment, sustainable development, and regional economic integration in the context of the COMESA region.

The literature review encompasses both theoretical frameworks and empirical evidence, enabling a thorough understanding of the current state of women and youth inclusion efforts, as well as identifying governance gaps, challenges, and best practices. Additionally, the methodology involves critically analyzing and interpreting the findings from the literature to inform the formulation of recommendations and strategies aimed at fostering greater inclusivity, sustainable development, and economic integration in Africa, with a focus on the roles of women and youth.

Results and Discussion

a) Gender Development and Human Development

The data analysis suggests that countries such as Seychelles and Libya exhibit high GDIs (1.064 and 0.988) and HDIs (0.829 and 0.739 for females), indicating advanced gender development and overall human development. Conversely, nations such as Djibouti and D.R. Congo show lower GDIs (0.844 and 0.891) and HDIs (0.466 and 0.454 for females), reflecting significant gender and developmental challenges.

b) Economic Indicators

The GNI per capita varies widely, with Seychelles (\$24,756) and Libya (\$12,073) having the highest income levels, suggesting better economic conditions and potential resources for gender equality initiatives. On the lower end, Burundi and Malawi have GNIs of \$636 and \$1,191, respectively, highlighting economic hardships that often exacerbate gender disparities.

c) Gender Inequality

Gender inequality remains a critical issue, as indicated by the GII values. Tunisia (0.237) and Libya (0.266) have the lowest GII values, signifying relatively lower gender inequality. In contrast, countries like Malawi (0.579) and Madagascar (0.574) rank high on the GII scale, pointing to significant gender disparities in health, empowerment, and labor market participation.

d) Labor Force Participation

Labor force participation rates reveal stark gender gaps. For instance, Egypt and Sudan show low female participation rates (15.3% and 28%) compared to male rates (69.1% for both), reflecting cultural and structural barriers. Conversely, countries like Uganda and Madagascar display higher female participation rates (74.5% and 78.8%), although these numbers may reflect economic necessity rather than equitable opportunities.

e) General observation

Higher GNI per capita often correlates with better gender development, but economic prosperity alone doesn't ensure gender equality, as seen in Egypt's disparities. Countries like Seychelles and Mauritius exemplify high gender equality, while Kenya and Rwanda require targeted gender-specific policies. The COMESA region's diverse gender indicators highlight the need for tailored approaches addressing economic empowerment, education, health, and labor market participation to achieve gender equality across varying national contexts.

Discussion

Objective One: Identification of the Existing Barriers Faced by Women and Youth in Accessing Education, Employment, and Leadership Opportunities

The study identifies a range of systemic barriers that hinder women and youth from fully accessing education, employment, and leadership roles within the COMESA region. These barriers manifest in multiple dimensions: social, economic, and structural and vary in severity across different national contexts.

One of the most pressing challenges is the disparity in gender and human development outcomes. Countries such as Djibouti and the Democratic Republic of Congo exhibit low Gender Development Index (GDI) and Human Development Index (HDI) scores for females, indicating limited access to essential services such as education and healthcare. These deficiencies impair the ability of women and youth, particularly girls, to gain the foundational skills and qualifications necessary for participating effectively in the labor market or rising to leadership positions.

Economic constraints further entrench these challenges. In low-income countries such as Burundi and Malawi, where Gross National Income (GNI) per capita remains extremely low, families often struggle to afford school fees and other costs associated with education. Girls are disproportionately affected in such contexts, as socio-economic pressures often lead to early school dropout, child labor, or early marriage. The lack of access to post-secondary education and vocational training limits young people's ability to transition into formal employment or entrepreneurship.

In the labor market, gender gaps in participation are stark. Countries such as Egypt and Sudan illustrate this clearly, with female labor force participation rates significantly lagging those of men. These disparities are not solely due to economic conditions but are also shaped by cultural

norms and institutional biases that discourage women's participation in the public sphere. In some countries, traditional gender roles, combined with inadequate legal frameworks and limited access to childcare services, create environments where women are discouraged or even barred from working or taking on leadership roles. Curiously, in countries such as Uganda and Madagascar, where female labor participation is relatively high, this does not necessarily equate to gender equity. In many cases, women are engaged in informal or low-wage sectors out of necessity rather than by choice or opportunity. Such jobs often lack social protections, upward mobility, and access to decision-making spaces.

In sum, the barriers faced by women and youth in accessing education, employment, and leadership in COMESA are multifaceted. They stem from a combination of low investment in human capital, economic hardship, discriminatory social norms, and insufficient policy support. This necessitates a comprehensive, cross-sectoral approach tailored to the specific challenges of each country to address these barriers.

Objective Two: Assess the Role of Policies and Interventions in Promoting Gender Equality, Supporting Entrepreneurship, and Facilitating the Integration of Women and Youth into Regional Economic Networks

The findings from this study underscore the important role of policies and governance in promoting gender equality and integrating women and youth into the economic fabric of the region. Countries that have implemented proactive and inclusive policy frameworks tend to show significantly better outcomes in gender development and human development indices.

For example, Seychelles and Mauritius stand out for their relatively high GDI and HDI scores, suggesting that targeted investments in education, healthcare, and economic empowerment programs have yielded positive outcomes. These countries have adopted gender-sensitive policies that not only improve access to services but also promote women's participation

in the economy and leadership. The relatively low Gender Inequality Index (GII) values observed in countries like Tunisia and Libya further reinforce the impact of such interventions. These nations have managed to reduce disparities in reproductive health, educational attainment, and political representation, largely due to strategic policy commitments and institutional support.

Notably, the data also reveals that economic growth alone does not guarantee gender equity. Egypt, for instance, despite having a higher GNI, continues to exhibit significant gender gaps in labor participation. This points to the critical need for structural reforms that go beyond income levels. Without strong legal protections, inclusive labor market policies, and mechanisms to challenge restrictive gender norms, economic resources may not translate into real opportunities for women and youth.

In lower-income countries like Malawi and Madagascar, the need for targeted policies is even more urgent. High GII scores in these nations reflect persistent gender disparities that require interventions in education, health, legal rights, and access to finance. These policies should also address the specific barriers faced by youth, such as skills mismatches, limited access to capital, and exclusion from decision-making platforms.

Moreover, regional integration efforts under COMESA offer an opportunity to harmonize gender and youth empowerment strategies across member states. By facilitating cross-border trade, promoting youth and women-led enterprises, and supporting inclusive policy dialogue, regional institutions can play a crucial role in scaling up successful interventions and sharing best practices.

Ultimately, the study affirms that well-designed policies and governance mechanisms are essential to promoting gender equality and supporting entrepreneurship. Where such frameworks exist, women and youth are more likely to thrive, contribute meaningfully to economic growth, and participate in regional economic networks. In contrast, policy gaps and

weak implementation capacity leave many behind, reinforcing cycles of inequality and exclusion.

Conclusion

This study underscores the central role that inclusive governance, particularly through the empowerment of women and youth, plays in advancing sustainable development and regional economic integration in the COMESA region. Drawing from cross-country evidence and recent development indicators, it is evident that wide gender disparities and limited youth engagement remain persistent challenges despite the presence of enabling treaties and institutional frameworks. Countries with strong governance systems, such as Seychelles and Libya, have made notable progress in gender development and economic performance, while others lag due to weak governance, limited policy implementation, and socio-cultural constraints.

By identifying education, employment, and leadership as key domains where barriers persist, the study emphasizes the need for member states to prioritize merit-based inclusion, improved access to education, entrepreneurship promotion, and enhanced policy coordination across sectors. The findings also highlight the underutilized potential of COMESA's existing frameworks, such as the Women Economic Empowerment Fund and the Protocol on Women and Youth in Trade, which can serve as instruments to accelerate inclusive growth if effectively operationalized.

Good governance practices, such as transparent institutions, equitable resource allocation, and participatory policy processes are foundational to achieving the Sustainable Development Goals. For COMESA to realize its full developmental potential, women and youth need to be deliberately integrated into its economic, political, and social frameworks. Sustainable development in the region may not be attained without transforming inclusion from a normative aspiration into a concrete and measurable reality. Thus, this study calls for an urgent shift from policy rhetoric to

implementation, backed by data-driven governance, regional cooperation, and targeted investment in human capital.

References

Adika, G. (2022). Sustaining economic growth in COMESA: challenges and prospects. *International Journal of Finance & Economics*, 27(1), 301-311

African Development Bank Group. (2019). Unlocking Africa's Youth Potential. Retrieved from <https://www.afdb.org>

African Development Bank Group. (2024). African Development Bank enhances ENABLE Youth Programs for greater impact. <https://www.afdb.org/en/news-and-events/press-releases/african-development-bank-enhances-enable-youth-programs-greater-impact-70024>. (Accessed 30 June 2024)

Anand, R., Mishra, M. S., & Peiris, M. S. J. (2013). Inclusive growth: Measurement and determinants. International Monetary Fund

Begashaw, B. (2019). Africa and the Sustainable Development Goals: A long way to go. Brookings papers. Washington, D.C., Brookings Institution

Beloskar, V. D., Haldar, A., & Gupta, A. (2024). Gender equality and women's empowerment: A bibliometric review of the literature on SDG 5 through the management lens. *Journal of Business Research*, 172, 114442

Beloskar, V. D., Haldar, A., & Gupta, A. (2024). Gender equality and women's empowerment: A bibliometric review of the literature on SDG 5 through the management lens. *Journal of Business Research*, 172, 114442

Berg, A. G., & Ostry, J. D. (2017). Inequality and unsustainable growth: two sides of the same coin?. *IMF Economic Review*, 65, 792-815

Burnet, J. E. (2008). Gender balance and the meanings of women in governance in post-genocide Rwanda. *African Affairs*, 107(428), 361-386

COMESA (1994). Treaty Establishing the Common Market for Eastern and Southern Africa. pp 210 & 211 – 212. COMESA, Lusaka

COMESA (2018). Framework for the Comprehensive Support for Women and Youth Cross-Border Traders in the COMESA Region

COMESA (2022). Macroeconomic Developments in the COMESA Region In 2022: Prepared for the COMESA 2022 Annual Report. https://cmi.comesa.int/wp-content/uploads/2024/04/2022-Macroeconomic-Developments-in-COMESA-region-for-Annual-Report_final.docx.

Accessed 30 June 2024

Commission on Growth and Development, 2008, Growth Report: Strategies for Sustained

Corley, Ebert and Richiardi (2023). Integrating trade and decent work Volume 2: The potential of trade and investment policies to address labour market issues in supply chains. International Labour Organization

Debusscher, P., & Ansoms, A. (2013). Gender equality policies in Rwanda: public relations or real transformations?. *Development and Change*, 44(5), 1111-1134

Economic Commission for Africa (2015). Report on sustainable development goals for the Eastern Africa subregion

Futures (2024). Education Top 10 Takeaways. African Futures with AUDA-NEPAD <https://futures.issafrica.org/thematic/06-education/index.html>.

(Accessed 30 June 2024)

Growth and Inclusive Development (Washington: World Bank)

Kraay, A. (2004). When is growth pro-poor?: cross-country evidence (Vol. 3225). World Bank Publications

Ozor, D. N. (2020). Empowering Africa's youth: The role of entrepreneurship and innovation. *Journal of African Development Studies*, 15(2), 124-138

Panda, P. K. (2020). A Study on Achievement of Sustainable Development Goals across Globe from a Gender Equality Perspective. *Available at SSRN 3513344*

Snyder, H. (2019). Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*, 104, 333-339

Torraco, R. J. (2005). Writing integrative literature reviews: Guidelines and examples. *Human resource development review*, 4(3), 356-367

Twinoburyo, E. N., Henao, L., Dushime, O., Simkoko, A., Kassa, Y., & Ndahiro, D. (2019). Africa 2030: Sustainable Development Goals three-year reality check. Sustainable Development Goal Center for Africa (SDGC/A)

United Nations (2024). The 17 Goals. <https://sdgs.un.org/goals> (Accessed 27 June 2024)

Annex1: Selected Human Development Indicators in COMESA Region

									2022	2022
									labour force participation rate (% ages 15 and older)	
									gross national income per capita	gender inequality index
									2022	2022
Country	Gender Development Index (GDI)	Human Development Index (HDI)		2017 PPP US \$		2022	2022	Female	Male	
									Female (2022)	Male (2022)
									Female (2022)	Male (2022)
									Value	global rank
1	Burundi	0.926	0.404	0.436	636	789	0.499	128	78	79
2	D.R. Congo	0.891	0.454	0.510	917	1,246	0.572	144	44	64
3	Djibouti	0.844	0.466	0.552	2,307	7,481			18.2	48.1
4	Comoros	0.914	0.558	0.611	2,338	4,174			41.1	59.4
5	Eritrea	-	-	-	-					
6	Eswatini	0.987	0.606	0.614	6,958	9,848	0.491	124	44.9	51.5
7	Ethiopia	0.922	0.472	0.512	1,762	2,970	0.494	125	57.6	79.2
8	Egypt	0.884	0.664	0.752	3,739	20,790	0.389	93	15.3	69.1
9	Kenya	0.948	0.585	0.617	3,977	5,654	0.533	139	62.9	72.6
10	Libya	0.988	0.739	0.748	12,073	27,248	0.266	65	32.8	59.9
11	Madagascar	0.945	0.473	0.500	1,224	1,702	0.574	145	78.8	88.9
12	Malawi	0.926	0.489	0.528	1,191	1,687	0.579	148	63.1	74.6
13	Mauritius	0.976	0.784	0.803	15,594	31,124	0.369	87	42.2	68.4
14	Rwanda	0.921	0.524	0.569	1,662	3,000	0.400	98	54.8	66.2
15	Seychelles	1.064	0.829	0.779	24,756	31,651			65.2	65.3
16	Sudan	0.868	0.472	0.544	1,750	5,282	0.548	140	28.0	69.1

										2022	2022			
										gross national income per capita	gender inequality index	labour force participation rate (% ages 15 and older)		
										2017 PPP US \$	2022	2022	Female	Male
Country	Gender Development Index (GDI)	Human Development Index (HDI)		Female (2022)	Male (2022)	Female (2022)	Male (2022)	Value	global rank	Female	Male			
17	Swaziland													
18	Tunisia	0.928	0.698	0.751	5,198	15,528	0.237	59	29.3	71.8				
19	Uganda	0.899	0.522	0.580	1,890	2,597	0.527	138	74.5	84.2				
20	Zimbabwe	0.936	0.532	0.568	1,762	2,433	0.519	132	60.0	71.6				
21	Zambia	0.930	0.548	0.589	2,531	3,800	0.526	137	54.2	66.4				

Source: UNDP, Human Development Reports, <https://hdr.undp.org/data-center/documentation-and-downloads>

