

University Module Series Anti-Corruption

**KENYA** 

### UNITED NATIONS OFFICE ON DRUGS AND CRIME Vienna

## Global Integrity Education (GIE) project University Module on

## **Corruption and Good Governance\***

# Localized version of Module 2 of the Education for Justice (E4J) University Module Series on Anti-Corruption

This module was adapted to the Kenyan context under the Global Integrity Education project.

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### Introduction

This Module discusses the different meanings of public sector governance and identifies measures of good governance that can serve to prevent or reduce corruption in Kenya. Governance measures can draw on many areas, including public administration, political science, ethics, law and economics. Therefore, the Module discusses relevant concepts from various disciplines and fields of study. It provides a broad perspective on the design of activity and the rationale for different forms of intervention the Government of Kenya can engage in to guide individuals in making decisions with integrity in public, private and civil society organizations. The Module is not intended to be comprehensive but rather seeks to cover the salient features of the relationship between corruption and good governance, and to explore the issues through examples drawn from Kenya private and public sectors that stimulate transformative discussion. Those interested in further exploring the importance of integrity and ethics in the public sector, in the private sector, and in society more generally, will benefit from referring, respectively, to Module 13, Module 11 and Module 3 of the E4J University Module Series on Integrity and Ethics.

### **Learning outcomes**

- Define governance and good governance
- Understand the principles and measurement of good governance in Kenya
- Discuss the circular relationship between corruption and good governance
- Describe aspects and tools of good governance that can prevent and reduce corruption in Kenya
- Explain the difference between formal and informal governance

## Key issues

The concept of public sector governance has played a central role in shaping countries' development trajectories over the past few decades, as reflected in the studies and debates presented on this webpage of the World Bank. Given the negative impact that corruption has on governance as experienced in Kenya, the governance discourse has been tightly linked to the fight against corruption in the country. Thus, the term "good governance" is often intertwined with the anti-corruption agenda, and "bad governance" is commonly associated with corruption (see UNESCAP, 2009). At the same time, there is no consensus about how to define the complex concepts of governance and corruption. Apart from the difficulties at the conceptual level, methodological problems arise when trying to measure the level of good governance or the prevalence and severity of corruption for policy purposes. Furthermore, prescriptions to foster better governance or to reduce corruption have been plagued by conflicting or insufficient empirical evidence in Kenya. Thus, despite significant investment in governance and anti-corruption tools in the past decades, there is still confusion about their effectiveness and how to measure governance and corruption.

The challenges of defining corruption are addressed in Module 1 of the E4J Anti-Corruption Module Series. Module 1 also discusses the challenges of measuring corruption, highlighting the various limitations of existing indicators. For present purposes, it should be noted that the United Nations Convention against Corruption (UNCAC) refrains from providing one overarching definition of "corruption". Rather, it defines and classifies various acts of corruption as criminal offences, such as bribery and embezzlement (in both the public and private sectors); abuse of functions (i.e. when those performing public functions misuse their power to obtain a benefit); trading in influence; illicit enrichment; and money-laundering. In Kenya corruption takes many forms which include bribery and informal payments to get things done, cronyism, electoral fraud, influence peddling, patronage and nepotism among others (Makokha, 2014). With 186 States parties, UNCAC is approaching universal adherence, and the different acts of corruption defined by the Convention can be considered internationally accepted. Module 4 and Module 5 of the E4J University Module Series on Anti-Corruption include more detailed discussions on how these various acts of corruption manifest in the public and private sectors, respectively.

The present Module focuses on the concept of good governance. It explores the different definitions of good governance and approaches to measuring it. The discussion starts by conceptualizing "governance" and "good governance", and their relationship with the global sustainable development agenda and Kenya's vision 2030 development process. It then discusses the eight principles of good governance, measuring good governance, corruption and bad governance, and governance reforms and anti-corruption.

### > What is governance?

The word governance comes from the Greek word "kubernaein" and the Latin verb "gubernare" which means "to steer". Having the same linguistic root, the term was often used interchangeably with the term "government". Yet, while government is broadly defined as a set of institutions established by constitutions and laws, governance broadly refers to a behavioural relationship between governors and the governed. The United Nations defines governance as "the structures and processes whereby a social organisation - from a family to corporate business to international institution - steers itself, ranging from centralised control to self-regulation" (see United Nations, 2016, p. iv). The United Nations has also defined governance more simply, as referring to "the process of decision-making and the process by which decisions are implemented or not implemented" (see UNESCAP, 2009, p. 1). Still, the terms governance and government are closely linked: government institutions produce laws and provide public services, whereas governance refers to a wider set of relationships between ordinary citizens and public officials who apply the laws and deliver the services; between different government institutions (sometimes conceptualized as "checks and balances") and private entities involved in policy design and delivery; and between formal and informal institutions. In other words, governance refers to the way in which those with power exercise that power, formally and informally, and it describes how institutions work and how States relate to societies more broadly, rather than just through standard government bodies (Grindle, 2017). In this way, questions of governance intersect with questions concerning ethical leadership and public integrity (see, respectively, Module 4 and Module 13 of the E4J University Module Series on Integrity and Ethics). It should be noted that although the present Module discusses governance mainly in the context of the public sector, the term can be associated with any organization or grouping at any level and is used in various contexts such as corporate governance, global governance, international, national, local governance or even within the family (see further discussion on the website of the Institute on Governance).

Governance generally relates to institutions, power, order, justice and equity. In the public sector, governance also refers to the process of wielding power – in this case entailing the enactment and promulgation of effective public policies, procedures that are legitimate and accountable to the citizenry, and laws which directly affect human and institutional interaction, and economic and social development (Rose-Ackerman, 2016). Thus, the study of governance usually focuses on the design and implementation of modern regulatory welfare programmes and mass public benefits systems, such as old age pensions, health insurance, and so forth, and seeks to encourage efficient service delivery in ways that accord with democratic ideals and resource limits (Rose-Ackerman, 2016).

### > What is good governance?

Gradual global recognition of the need for good governance emerged only from the 1990s onwards. Although different meanings of good governance exist, the term is generally associated with political, economic and social goals that are deemed necessary for achieving development. Hence, good governance is the process whereby public institutions conduct public affairs and manage public resources in a manner that promotes the rule of law and the realization of human rights (civil, political, economic, social and cultural rights). In 1996, the International Monetary Fund (IMF) declared that "promoting good governance in all its aspects, including by ensuring the rule of law, improving the efficiency and accountability of the public sector and tackling corruption, [are] essential elements of a framework within which economies can prosper". Today, the term good governance is commonly used by national and international development organizations. However, its meaning and scope are not always clear. While this flexibility enables a contextual application of the term, the lack of conceptual clarity can be a source of difficulty at the operational level. In some cases, good governance has become a "one-size-fits-all buzzword" lacking specific meaning and content (Johnston, 2002, p. 7).

Johnston (2002, p. 1–2) defines good governance as "legitimate, accountable, and effective ways of obtaining and using public power and resources in the pursuit of widely accepted social goals". This definition links good governance with the rule of law, transparency and accountability, and embodies partnerships between state and society, and among citizens. Similarly, Rose-Ackerman (2016, p. 1) suggests that good governance refers to "all kinds of institutional structures that promote both good substantive outcomes and public legitimacy". Good government is also associated with impartiality (Rothstein and Varraich, 2017), ethical universalism (Mungiu-Pippidi, 2015) and open-access orders (North, Wallis and Weingast, 2009). Mwengi (2016) opines that the "goodness" of good governance is in promotion of common good in the way public goods for example development programs and public appointments as well as government services are provided to citizens of a country.

According to the <u>United Nations Office of the High Commissioner for Human Rights</u> (OHCHR), the key question for assessing good governance is: Are the institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, justice and personal security? Core elements of good governance include transparency, integrity, lawfulness, sound policy, participation, accountability, responsiveness, and the absence of corruption and wrongdoing. For a discussion on the relationship between integrity and lawfulness and a further discussion on integrity in the public sector, see, respectively, <u>Module 12</u> and <u>Module 13</u> of the E4J University Module Series on Integrity and Ethics.

The World Bank defines good governance in terms of the traditions and institutions by which authority in a country is exercised. This includes 1) the process by which governments are selected, monitored and replaced; 2) the capacity of the government to effectively formulate and implement sound policies; and 3) the respect of citizens and the state for the institutions that govern economic and social interactions among them (Kaufmann, Kraay and Zoido-Lobatón, 1999). This definition is one of the most frequently used definitions of good governance, and forms the basis of the World Bank's widely used Worldwide Governance Indicators, which are discussed below.

Yet, this broad definition has been criticized for mixing together policy content ("sound policies") and procedures ("rule of law") as well as citizens' evaluations ("respect"), and for referring to both institutions that provide access to political power and those that exercise and implement laws and policies (Rothstein and Teorell, 2008). The inclusion of "sound policies" in the definition raises the question whether international (mostly economic) experts can really be expected to know what constitutes "sound policies"? For example, should pensions or health care or education be privately or publicly funded or should it be mixed? To what extent and how should financial institutions be regulated? Obviously, some political institutions or aspects of politics are more important than others when determining the quality of government (Rothstein and Teorell, 2008).

Similarly, Keefer (2004, p. 5) warns against broad definitions that extend the study of governance to all questions related to how groups of people govern themselves, as this would cover all areas of political science. This is also in line with Grindle's critiques that the term encompasses so many "good" things that it has become a catch-all phrase, serving as little more than an additive checklist. As a result, development practitioners and government officials "continue to confront long lists of 'things that must be done' to achieve good governance, with little guidance about how to pick and choose among them as priorities" (2007, p. 571). Grindle further argues that its strongly normative tenor means that, first, the prospect of achieving good governance can be overwhelming, especially for poor countries; second, the term fails to distinguish between various institutional particularities and more basic principles that can achieve similar ends; third, by overlooking key issues of political economy and power relations, the concept does not provide useful guidance on how it can be achieved.

In line with these critiques, the <u>Quality of Government Institute</u> (QoG) of the University of Gothenburg, Sweden, avoids using the term "governance" on the grounds that its remit has become so broad that it serves little analytic purpose. Instead, it focuses on the quality of government per se, particularly in relation to a number of specific policy areas, such as health, the environment, social policy and poverty. The point of departure of QoG is that in all societies the quality of government institutions is of utmost importance for the well-being of its citizens. The QoG developed a dataset of political institutions and processes with over 2,500 variables, including indicators of formal and informal institutions that may affect levels of corruption such as a country's rule of law, equity, political pluralism, and access to knowledge, information and education.

The Government of Kenya has made efforts to achieve good governance by including it in the constitution. The Constitution of Kenya under Article 10 (2) introduces the national values and principles of good governance. Among them include patriotism, national unity, sharing, devolution of power, the rule of law, democracy, participation of people, human dignity, equity, social justice, inclusiveness, equality, human rights, non- discrimination, and protection of the marginalised, good governance, the principle of accountability, transparency, integrity, accountability and sustainable development. It is important to note that the list in Article 10 is not in itself conclusive.

### Good governance and sustainable development

Good governance is considered key to achieving sustainable development and human well-being. Empirical studies show that good governance, in contrast to democratization, has strong positive effects on measures of social trust, life satisfaction, peace and political legitimacy (Ghosh and Siddique, 2015; Rose-Ackerman, 2016; Rothstein and Teorell, 2008). Studies also show that good governance improves life evaluations either directly, because people are happier living in a context of good government (Ott, 2010), or indirectly because good governance enables people to achieve higher levels of something else that is directly important to their well-being. This is in particular related to the control of corruption, which has been demonstrated to affect well-being both directly and indirectly. The absence of corruption has often been shown to increase the efficiency of public and private enterprise and thus create favourable conditions for economic growth. There is also evidence that the higher levels of general and specific trust increase the happiness of people even beyond higher incomes (Mungiu-Pippidi, 2015). For instance, Helliwell and others (2018) found that changes in government services delivery quality contribute positively to citizens' life evaluation.

Accordingly, modern notions of good governance are necessary for attaining the United Nations Sustainable Development Goals (SDGs). Kenya government believes that to achieve its development goals spelt out in Kenya Vision 2030 good governance must be put in place. Good governance and public-private sector-driven involvement in Vision 2030 will help achieve the desired goals ahead of 2030 timeline. Of particular relevance in the SDGs is Goal 16 of the SDGs (or SDG 16), which is titled "Peace, Justice and Strong Institutions" and aims to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Other SDGs are also strongly linked to good governance: for example, SDG 10 refers to reducing inequalities and promoting the social, economic and political inclusion of all people. More generally, the attainment of all SDGs depends on good governance. After all, sustainable development requires that those in power have respect for human rights and work towards eradicating poverty, addressing hunger, securing good health care and high quality education for their citizens, guaranteeing gender equality, reducing inequality, and so on. For a related discussion on how corruption affects the SDGs, see the Appendix of Module 1 of the E4J University Module Series on Anti-Corruption.

### > Principles of good governance

Good governance is tightly linked to the fight against corruption. Accordingly, some of the core principles of good governance are also principles of anti-corruption. The literature identifies good governance with political systems that are: 1) participatory; 2) consistent with the rule of law; 3) transparent; 4) responsive; 5) consensus-oriented; 6) equitable and inclusive; 7) effective and efficient; and 8) accountable (Rothstein and Teorell, 2008; UN, 2009). When political systems do not adhere to these eight principles, their institutions might be incapable of delivering public services and fulfil people's needs. The sixth principle is especially worth emphasizing as it ensures that the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. All eight principles are elaborated upon in the following paragraphs.

1. Participation refers to the opportunity for active involvement by all sectors of society in the decision-making process regarding all issues of interest. Participation is the practice of involving all people from diverse backgrounds in making decisions which ensures mutual respect and encourages shared responsibilities. According to Kwame (2008), leaders and representatives of the people should always bear in mind the interests of their constituents and should make decisions that are responsive to them. Participation is fostered by enabling environments where pertinent information is appropriately disseminated in a timely fashion so that all concerned people can voice their opinion in an unconstrained manner. The Constitution of Kenya underpins democracy and public participation as a value and principle of governance stipulated under Article 10(2). Public participation is a theme that runs through all the Chapters of the Constitution and is a requirement of not only the electoral processes but also a culture of the entire structure of governance under the Constitution. The Parliament and County Assemblies are required to open their proceedings to the public. State agencies and public officials are required to involve the public in making policy, legal and institutional decisions including having input in financial management. Articles 118 and 196 requires Parliament and County Assemblies respectively to conduct their business in an open and transparent manner, and hold their sittings and those of their committees, in public and to facilitate public participation and involvement in the legislative and other business of the assembly and its committees. In Kenya there has been a success story in Makueni County, whose public participation model has been lauded by the World Bank (2016). In its model, the County has been able to have the citizens identify their development priorities at the grassroots level, with the citizens becoming involved in the prioritization, planning and setting of final expenditures for the identified projects. They also get involved in the implementation of the project. Several acts have been put in place to ensure public participation eg. The Urban Areas and Cities Act, 2011, The Public Financial Management Act, 2012 and the National Government Constituencies Development Fund Act, 2015 among others. For examples of indicators of access and citizen participation, see Linares (2016). In terms of the fight against corruption, it is noted that article 13 of UNCAC requires all States parties "to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption" several. For a further discussion on this topic, see Module 10 of the E4J University Module Series on Anti-Corruption.

2. Rule of law is the exercise of state power using, and guided by, published standards that embody widely supported social values, avoid particularism and enjoy broad-based public support (Johnston, 2002). It is a legal principle that stresses that matters of governance have to be based on established laws and principles rather than the personal whims of the leaders. In its most basic form, the rule of law refers to the supremacy of the law and equality of all before the law (Amollo, 2012) It means that legal frameworks exist, there is law and order, the justice system is independent and effective, property rights and contracts are enforced, human rights norms are implemented, and there are constitutional constraints on the power of the executive. In addition, laws need to be responsive to the needs of society, fair and impartially enforced. The core of the principle is that all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefits of laws publicly made and publicly administered in the courts. It is noted that virtually every state, including corrupt and repressive ones, can enact and enforce laws that do not guarantee the requirements above. However, genuine rule of law requires the cooperation of state and society, and is an outcome of complex and deeply rooted social processes. Fukuyama (2013) distinguishes between "rule of law" and "rule by law". "Rule by law" refers to the executive use of law and bureaucracy as an instrument of power, while "rule of law" is when the executive itself is constrained by the same laws that apply to everyone else. Bringing all these elements together, the UN defines rule of law as:

a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (United Nations, 2004).

In the last decade, the Government of Kenya has made great strides in regard to the promotion of the principle of the rule of law. This was enhanced by the promulgation of the Constitution in August, 2010, which has elaborate provisions towards the promotion of the rule of law. Rule of Law is upheld by the concept of separation of powers which is enshrined in Article 1(3) of the Constitution of Kenya which provides that sovereign power vests in three arms of the government; The Legislature, Executive and Judiciary. They have distinct powers and functions which allow for external checks and balances ensuring power is not arbitrary. Montesquieu as cited in Lumumba , P.L.O & Franceschi Luis (2014) explains the necessity of separation of powers as illustrated below:

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty - there is no liberty if the powers of judging is not separated from the legislature and the executive-there would be an end to everything if the same man or the same body-were to exercise those three powers. The Constitution lays the foundation for the transformation not only of the Judiciary but also of the Kenyan society as a whole.

Examples of relevant indicators and measurements include the <u>World Justice Project Rule of Law Index</u> and the <u>UN Rule of Law Indicators</u>

- 3. Transparency can be defined as openness, lack of hidden agendas and conditions accompanied by availability of full information required for collaboration, cooperation and collective decision making. It also refers to the provision of relevant and reliable information. This requires those in authority to provide accurate and timely information to facilitate effective decision making. Transparency in decision making and implementation reduces uncertainty and can curb corruption among public officials (Schnackenberg, 2014). It exists where the process of decision-making by those in power can be scrutinized by concerned members of society. Transparency rests on a partnership: officials must make information available, and there must be people and groups with reasons and opportunities to put information to use. Key among those are an independent judiciary and a free, competitive, responsible press as well as an active, critical civil society (Johnston, 2002). Rules and procedures must be open to scrutiny and be comprehensible, which implies that a transparent government makes it clear what is being done, how and why actions take place, who is involved, and by what standards decisions are made. Transparency is also one of the most important principles underlying the fight against corruption. In this regard, article 10 of UNCAC requires State parties to take the necessary measures to enhance transparency in their public institutions. Transparency requires significant resources and a system that provides for the free flow of relevant and easily accessible information to stakeholders in a manner that is understandable, so that decisions and their implementation can be easily monitored. Transparency has been institutionalized in Kenya through legal, policy and institutional frameworks. Some of the institutions include: The Ethics and Anti-corruption Commission which was established through the EACC Act, 2011. The commission promotes standards and best practices in integrity and anticorruption among other functions through implementation of Chapter Six of the Constitution and its enabling statutes. Some of these statutes include the Leadership and Integrity Act, 2012, Anti-Corruption and Economic Crimes Act, 2003, Public Officer Ethics Act among others For a review of global indices of transparency, see Williams (2014) and the Index of Public Integrity, which includes, for example, Budget Transparency. For a further discussion on this topic, see Module 10 of the E4J University Module Series on Anti-Corruption.
- **4. Responsiveness** exists where institutions and processes readily serve all stakeholders in a prompt and appropriate manner so that the interests of all citizens are protected. Responsiveness also refers to identifying and addressing built-in discriminatory practices affecting ethnic or minority groups, including gender responsiveness, and the participation of all genders in governance. Mechanisms to improve responsiveness may include selective decentralization, so that local governments supposedly are more in tune with the needs of their constituents and can more promptly serve the people, who in turn could become more involved in decision-making. Citizens' charters and facilitation laws can also increase responsiveness by providing timeframes for every step in attaining frontline services, hotlines and staff dedicated to receiving and attending to complaints and grievances promptly. Responsiveness is difficult to measure for purposes of comparison, particularly at the international level. For a sector-specific framework to indicate responsiveness in health care, see De Silva (n.d.). For a further discussion on gender responsiveness in the context of governance, see Module 8 of the E4J University Module Series on Anti-Corruption, Module 5 and Module 9 of the E4J University Module Series on Crime Prevention and Criminal Justice.

- **5. Consensus orientation** ensures that the existing systems serve the best interests of society. This may be one of the most difficult principles, as any action or policy is likely to affect different groups in society in different and often opposing ways. Therefore, different viewpoints must be taken into account. To arrive at a compromise, there needs to be a strong, impartial and flexible mediation structure, so that the best interests of the whole community can be served. Public hearings, referendums, forums for debate, citizens' legal right to petition leaders about policy and consultation mechanisms are examples of means to work towards achieving consensus or at least compromise.
- 6. Equity and inclusiveness exist where everyone has opportunities to improve or maintain their well-being. This means that all members of society, especially the most vulnerable, are taken into consideration in policymaking, and no one feels alienated, disenfranchised or left behind. Good governance demands that preferential attention is given to the plight of the poor, marginalized and needy. This is consistent with Rawls' principles of fairness, according to which the worst-off in society must receive a fair deal. According to Rawls (1971), social and economic policy ought to satisfy two conditions: firstly, that offices and positions are open to all under conditions of fair equality of opportunity, and, secondly, that they provide the greatest benefit to the least-advantaged members of society (the difference principle). Progressive taxation, free medical care and subsidized housing are examples of equity mechanisms. The adoption of the "Copenhagen Declaration and Programme of Action" gave impetus to commitments on equality and inclusion. (World Summit for Social Development (Copenhagen, 5 - 12 March 1995), Kenya has progressive laws in place to ensure that special interest groups (children, the youth, women, minorities and marginalized groups, older persons, and persons with disabilities) are represented at all levels of government<sup>1</sup>. The most common measure of inequality, however imperfect, is the Gini index. which measures the statistical distribution of income or wealth of a nation's residents. Another measure is the percentage of people living below the poverty line, adjusted to reflect local situations. Further discussions of equity and equality, particularly in the context of a diverse, globalized world, can be found in Module 5 of the E4J University Module Series on Integrity and Ethics.
- **7. Government effectiveness and efficiency** exist where processes and institutions make the best use of resources to produce results that meet the needs of society. Effectiveness and efficiency require the enhancement of quality and standardization of public service delivery, the professionalization of the bureaucracy, focusing government efforts on vital functions, and the elimination of redundancies or overlaps in functions and operations. For public service delivery, agencies must promptly and adequately cater to the needs of citizens, simplifying government procedures and reducing red tape, using appropriate technology when feasible, as well as coordinating processes among various government agencies to eliminate redundant information requirements. There is arguably a normative imperative underpinning good governance, to employ resources and powers in an ethical and professional manner that demonstrates integrity, maximizes public values and public goods (for a further discussion on public values, see <a href="Module 13">Module 13</a> of the E4J University Module Series on Integrity and Ethics).

<sup>1</sup> Article 27(6) of the Constitution of Kenya provides for legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. For example, Article 27(8) provides that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. Articles 53, 54, 55 and 56 and 57 of the Constitution of Kenya further provide special measures for children, persons with disabilities, youth, minorities and marginalized groups and older members of the society to effectively participate in society. These are reflected in the provisions of the Political Parties Act, No 11 of 2011, The Elections Act, No 24 of 2011 and the Persons with Disability Act, No 14 of 2003.

Effectiveness and efficiency also demand that individual performance goals are aligned with the programmes and objectives of the agency. Adequate remuneration and non-monetary compensation may likewise be necessary to sustain competence and boost morale. See <u>Government Effectiveness</u> as included in the Worldwide Governance Indicator for an example of an indicator.

**8. Accountability** is based on the principle that every person or group is responsible for their actions, especially when their acts affect the public interest. It refers to the answerability or responsibility for one's actions so that systems exist for decision makers in government, the private sector and civil society organizations to answer to the public, as well as to institutional stakeholders. Accountability is partly a matter of institutional design, implying that formal checks and balances can and should be built into any constitutional architecture (Johnston, 2002). Promoting accountability is also important for corruption prevention and is one of the main purposes of the United Nations Convention against Corruption (see <a href="article1.org/linearity-lin

Transparency and accountability are matters of ethics that require a minimum threshold of behavioral transformation among individuals, institutions and organizations in terms of how they run their affairs. Transformation, if it has to take root sustainably must be enforced through legislation and monitored periodically to gauge conformity in line with set ethical principles whether in public or the private sector (Mwenzwa, 2015) In Kenya, accountability is anchored and echoed in every public service administration document including development plans, policies, regulations and legislation alike. An example of efforts to promote accountability through private sector participation was seen in the sale of 30 percent of Kenya Electricity Generating Company (KENGEN) to the public through an Initial Public Offer to strengthen transparency and accountability and enhance corporate governance. By having members of the public as shareholders, KENGEN is expected to be more accountable as it is answerable to them as investors, as opposed to a fully owned state entity without the oversight of the private sector.

Accountability also requires political energy, in the sense that "people, interest groups, civil society, the courts, the press, and opposition parties must insist that those who govern follow legitimate mandates and explain their actions" and that "[t]hose demanding accountability must be confident that they can do so safely, that officials will respond honestly, and that social needs and demands are taken seriously" (Johnston, 2002, pp. 3-4). Sometimes a distinction is made between horizontal accountability (checks and balances within the public sector) and vertical accountability (accountability of governments towards their citizens). For a further discussion on horizontal and vertical accountability see also Module 3 of the E4J University Module Series on Anti-Corruption.

The rule of law and its adherence can ensure transparency and accountability especially when its letter and spirit are implemented in the midst of a firm political will. An example of a governance mechanism or tool designed to promote accountability and professionalism is a code of ethics or a code of conduct. Such codes are essential tools for promoting integrity, honesty and responsibility among individuals, and are recommended under <a href="article 8 of UNCAC">article 8 of UNCAC</a> ("each State Party shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions"). For a further discussion on codes of ethics or conduct see <a href="Module 13">Module 13</a> and <a href="Module 14">Module 14</a> of the University Module Series on E4J Integrity and Ethics. For indicators of accountability, see Holland and others (2009).

### > Measuring good governance

It is a complex and challenging task to measure the extent to which different jurisdictions adhere to good governance principles. Some of these principles may, in fact, conflict with each other. Effectiveness and efficiency, for example, may have to be compromised, in order to achieve equity and inclusion. Commonly used indicators give scores to the following group of proxies: a) existence and quality of procedures, such as in budget formulation and procurement, and clear job descriptions in the bureaucracy; b) levels of capacity, such as average educational attainment, technical qualifications and professionalism; c) output, such as health and education outcomes and availability of services; and d) estimates from direct observation.

Some of the most popular indices related to good governance are the World Bank's <u>Worldwide Governance Indicators</u> (WGI), the <u>Index of Public Integrity</u> and Freedom House's <u>Freedom in the World report</u>. There are also indices with a regional focus, such as the <u>Ibrahim Index of Africa Governance</u>. These indices measure good governance by examining different aspects of governance and their various indicators. For example, the World Bank's WGI, which is widely used around the world, attempts to quantify good governance by measuring the following six aspects of governance based on "views of a large number of enterprise, citizen and expert survey respondents in industrial and developing countries" (WGI <u>website</u>):

- 1. Voice and accountability: implies citizen participation and independent media including political and media freedom as well as civil liberties
- 2. Political stability and absence of violence/terrorism: threat of state coup
- 3. Government effectiveness: quality of civil service
- 4. Regulatory quality: market-friendly policies
- 5. Rule of law: perceptions of crime, an effective judiciary, enforceable contracts
- 6. Corruption: control of corruption, measured through composite survey instruments

To take another example, the <u>Index of Public Integrity</u> (IPI) seeks to assess "a society's capacity to control corruption and ensure that public resources are spent without corrupt practices" as well as "to hold its government accountable" (Mungiu-Pippidi and others, 2017). In this context, the IPI measures the following aspects: judicial independence, administrative burden, trade openness, budget transparency, e-citizenship and freedom of the press. Given its holistic approach to assessing integrity, the IPI provides useful data on governance issues. Another index that provides data on governance is the World Justice Project <u>Rule of Law Index</u>, which "measures how the rule of law is experienced and perceived by the general public worldwide based on more than 120,000 household and 3,800 expert surveys" (WJP <u>website</u>).

An additional source for assessing good governance is the <u>World Values Survey</u>, which provides a worldwide ranking of countries based on how citizens perceive the governance quality in their own countries (Ivanyna and Shah, 2018). Furthermore, localized studies of specific situations provide considerable insight but are limited in their general applicability (see, e.g., Moore, 1993; Olken and Pande, 2012).

However, the reliability of all the indices above has been criticized because of their subjective assessments and possible sampling biases due to different degrees of willingness on the part of survey respondents to participate. It is therefore important to keep in mind that each of these measurements has its own limitations. Every measurement of good governance is designed to detect certain things and ignore others. Students should ask: What exactly is each methodology claiming to measure and how are its parameters phrased and constructed? The latter part of the question goes to what each index or ranking is actually measuring, as opposed to what it claims to measure.

One major reason for the difficulty in defining and measuring good governance is that theoretical, methodological and empirical approaches each conceptualize the term "governance" differently (Andrews, 2008). A possible solution is to use the term "quality of government" instead of good governance, as suggested by researchers such as Rothstein and Teorell (2008). However, as long as the term good governance is widely used, attempts to define and measure it are important, despite the challenges described.

### > Corruption and bad governance

Until the mid-1990s, scholars and practitioners were relatively oblivious to issues of bad governance and corruption. Many of them even argued that some types of corruption could have a functional impact on economic development since they could "grease the wheels". But ever since different indices and measurements became available, such as the World Bank's WGI, numerous studies have demonstrated that government institutions that are reasonably free from corruption and related practices have a strong positive impact on a large set of outcomes related to human well-being. Central to this discussion has been the link between the quality of government institutions that implement policies (control of corruption and the rule of law) and economic development (Holmberg, Rothstein and Nasiritousi, 2009).

Ineffective institutions undermine the provision of public services such as health care, education and law enforcement. When public officials do not act as bureaucrats delivering services as they are expected to do, people can try to obtain these services in other ways. In many countries, people are usually able to access public services without having to engage in any form of bribery, but the same cannot be said for every country. For example, in Kenya there are cases such as at the Registrar of Persons and the Ministry of Lands Office where one can hardly access services unless kitu kidogo (bribery) is given according to an EACC Survey done in 2019 (EACC, 2019). Despite market reforms, several business surveys reveal that business corruption is still widespread and that companies frequently encounter demands for bribes and informal payments to 'get things done' (EACC, 2019; PwC, 2020). The public procurement sector in Kenya suffers widespread corruption. The role of the media in promoting good governance and contributing to perceptions about the quality of governance at the international, national and local level is also worth noting. Most Television stations in Kenya have documentaries covering cases of poor governance such as on misappropriation of COVID 19 funds, the state of corruption in the country and traffic police corruption. For a further discussion on the role of the media, see Module 10 of the E4J University Module Series on Integrity and Ethics and Module 10 of the E4J University Module Series on Anti-Corruption.

The concepts of corruption and good governance have a two-way causal relationship with each other and feed off each other in a vicious circle. If good governance principles and structures are not in place, this provides greater opportunity for corruption. Corruption, in turn, can prevent good governance principles and structures from being put in place, or enforced. Violations of the principles of transparency, accountability and rule of law appear to be most closely associated with corruption. In the end, corruption and poor governance are security challenges which undermine democracy, the rule of law and economic development. For a further discussion on how corruption relates to peace and security, see Module 11 of the E4J University Module Series on Anti-Corruption.

There is a large body of literature that reveals the negative consequences of bad governance, primarily in the form of corruption and lack of property rights, for areas such as population health and people's access to safe water (Swaroop and Rajkumar, 2002; Holmberg and Rothstein, 2011). In Kenya where corruption is embedded in the political economy of the country, there are low governance scores and weak governance institutions, and this translates into sluggish economic performance and lower rates of growth as economic efficiency is impaired. (Hope, 2014) The perception of poor quality of government, including authoritarian rule, corruption and economic downturn, affect whether people vote and participate in the political process (Hooghe and Quintelier, 2014; Kostadinova, 2009). Theft, embezzlement, and fraud by public officials reduce the availability of funds for development-related activities. For instance, in December 2010, the then Permanent Secretary of the Ministry of Finance, in testimony before a parliamentary committee, said that each year corruption and mismanagement of public funds rob Kenya of Ksh 270 billion (approximately a little more than US\$3 billion) (Ochami & Njiraini, 2010).

Råby and Teorell (2010) show that measures of good governance are stronger in predicting the absence of violent interstate conflicts than measures for democracy, and Lapuente and Rothstein (2010) provide similar results for civil wars. Gilley (2006, p. 57) even demonstrates that "general governance (a composite of the rule of law, control of corruption and government effectiveness) has a large, even overarching importance in global citizen evaluations of states". He further states that these governance variables have a stronger impact on political legitimacy than variables measuring democratic rights and welfare gains. Corruption and bad governance in Kenya therefore not only distort the availability of funds for development activities but also directly affect development assistance partnerships.

### > Governance reforms and anti-corruption

In general, good governance is an ideal that is difficult to achieve in its totality. It typically involves well-intentioned people who bring their ideas, experiences and preferences to the policymaking table. It requires effective ethical leadership (for a further discussion on this issue, see <a href="Module 4">Module 4</a> of the E4J University Module Series on Integrity and Ethics).

According to Johnston (2002), improved governance requires strengthening both participation and institutions – which includes an integrated, long-term strategy built upon cooperation between government and citizens. When a government is accountable and transparent, acts with integrity and upholds the rule of law, it can increase public trust, effectiveness and legitimacy. This can in turn foster the conditions for a more participative democracy where citizens are actively engaged.

Furthermore, debates over the meaning of "good governance" and its links to the quality of democracy, competent policymaking, and anti-corruption are ongoing and need to be unpacked in light of both new types of technocratic knowledge and demands for more inclusive, deliberative policymaking procedures, including anti-corruption efforts (Grindle, 2017; Rose-Ackerman, 2016).

Debates around the relationship between good governance and democracy arise because of underlying disputes over what good governance entails under different constitutional structures. Despite its flaws, liberal democracy, as a form of state organization, offers characteristics that are the most naturally congruent with good governance because it involves the empowerment of people to exercise and protect their rights, notably through their representatives. Still, democracy also requires checks and balances and well-informed, educated citizens. Yet, formal democracy, in the sense of contested elections with alterations in power, is not a necessary condition for good governance in that sense. Democracy should help to encourage good governance, but it is possible to have publicly accountable policymaking without electoral democracy. Thus, the main challenge for governance reforms is to balance expertise and democratic participation to produce public policies that solve essential social problems and are accepted as legitimate by citizens (Rose-Ackerman, 2016).

Generally, governance reforms should concentrate on improving the interface between government officials, and private individuals and businesses (Rose- Ackerman, 2016). The challenge is to create an infrastructure of integrity in government (and private sector) activity, with systems, rules and regulations that foster accountability and efficiency (in terms of making the best use of society's resources). For a discussion on integrity and ethics management in the public sector see <a href="Module 13">Module 13</a> and in the private sector see <a href="Module 11">Module 11</a> of the E4J University Module Series on Integrity and Ethics. The complexity of mitigating unethical behaviour is also explored in <a href="Module 5">Module 7</a> and <a href="Module 5">Module 7</a> and <a href="Module 5">Module 5</a> and <

Yet, there are no quick fixes. Some efforts have been effective, while others have had little benefit, have wasted resources and opportunities or have done even more harm than good. Often development practitioners (such as development advisers, leaders of non-governmental organizations and government officials) provide long lists of "things that must be done" to achieve good governance, with little guidance about what to prioritize (Grindle, 2017). Johnston (2002) discusses nine major challenges that should be anticipated and must be avoided in order to increase the quality of good governance and to reduce corruption. A summary of his discussion is presented below:

1. Avoid excessive legislation and regulation. To improve policy and implementation it is tempting to rely too much on laws and top-down policymaking. The resulting inflexibility wastes resources and opportunities, produces policies that are unresponsive to social realities and thus erode the credibility of good governance efforts, and can increase incentives to corruption. Hence, there is a need for policies that increase the space for debate and consultation, encourage innovation, and pursue desired outcomes with positive incentives rather than through prohibitions alone.

- 2. Remember that politics is a part of good governance. Too many reformers view governance primarily as a set of technical administrative tasks, and public participation as either a pro forma exercise or a process to be orchestrated from above via high-profile, but short-lived, mass public campaigns. In either of the public participation scenarios, citizens have little opportunity or incentive to participate in any long-term way or to link official promises to the problems of their own communities.
- **3. Build broad-based support for reform and pay close attention to problems and controversies.** Governance reforms require lasting leadership and commitment from the top. Even though it takes time, effort and resources, and even though it will involve sharing the credit for improved governance, it is far better to get out into communities, learn about popular concerns, and build a broad base of support.
- **4. Pay close attention to incentives.** Governance reforms often emphasize public goods, such as efficiency, honesty, cultural empathy, and the like, to the exclusion of private benefits. Other kinds of appeals such as that better governance would cut taxes, make it easier to find jobs in a revived economy, protect one's family and property receive too little attention, even when the goal is enlisting the participation and support of civil society. Extensive efforts must be made to persuade citizens, government officials and political leaders that they stand to benefit from reform.
- **5. Public opinion matters.** Even in emerging democracies, reformers ignore public opinion at their peril. Surveys and community meetings to identify what people believe about the current state of affairs and expect of reform are essential. So are sustained efforts to educate the public about key problems, the justification for proposed changes, the costs of better governance, and actual results.
- 6. Strengthen checks and balances. While a measure of coordination among segments of government is essential, it is only part of the picture. The government must also be able to check its own excesses. The judiciary is essential to interpreting and enforcing new laws and standards, and if it is not independent of the government of the day it will be ineffective (resources on judicial independence and integrity are available on the website of UNODC's Global Judicial Integrity Network). If governance structures are in place, such as rules regarding procurement, hiring, firing and promotion criteria, laws allowing freedom of gathering and access to information along the lines of the governance principles, corrupt activity can be obviated. Similarly, executive agencies require oversight, and here legislative scrutiny and credible external watchdogs can enhance effective policy implementation and check abuses. An ombudsman system to which citizens can submit complaints and reports may also be valuable, but citizens must be able to trust that they will not face retaliation nor intimidation, that their reports will be taken seriously and that information is handled confidentially.

- **7. Never underestimate opposition to reform.** Serious reforms may encounter increasing resistance within government or from segments of the public. Transparency and accountability problems are particularly likely to persist because of vested interests in government and society, and reformers must be aware that, at times, those resisting enhanced transparency and accountability will go through the motions (e.g. filing reports, producing data, carrying out reviews and assessments) in ways that actually conceal, rather than reveal and resolve, governance problems. Outside monitors such as auditors, legislative oversight bodies and investigating judges will be essential.
- **8. Do not focus only on nation states.** Neighbouring societies and governments may well be coping with similar problems and constraints and may find ways to adapt the rule of law, accountability and transparency mechanisms to new and complex situations. Sharing ideas, experiences and resources, coordinating rule of law functions on a regional basis, and peer review of governance procedures can all contribute to reforms appropriate to social realities and can make better use of limited resources.
- **9. Stay focused on the long term.** Too often governance reform is a short-lived issue, in particular, following crises or corruption scandals. With respect to the rule of law and its social foundations, governance reform will take at least one generation to achieve, and not just a few months or years. This is also the case for transparency and accountability, in the sense that agency, the political elite, and civil service "cultures" may need to be changed. More rapid progress may be possible in those areas to the extent that individuals can be replaced and the incentive systems of institutions overhauled. Bureaucrats will need periodic re-training, elected officials will need continuous information on governance problems (and continuous incentives to fix them), and citizen support will be required over the long term. Public education will be an integral part of any effort to deepen the rule of law, and to improve transparency and accountability.

Good governance requires adopting a multi-pronged approach, with several systems of checks and balances that can be achieved through separation of powers of different agencies, through civil society and media involvement, and through partnership or pacts with the business sector.

A variety of policies and tools that could improve governance are also discussed in other modules of the E4J University Module Series on Anti-Corruption, such as Module 6 (Detecting and Investigating Corruption), Module 10 (Citizen Participation in Anti-Corruption), Module 12 (International Anti-Corruption Frameworks), and Module 13 (National Anti-Corruption Frameworks).

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### **Exercises**

This section contains suggestions for in-class and pre-class educational exercises, while a post-class assignment for assessing student understanding of the Module is suggested in a separate section. It is important to review and assess which exercises you will use well before the class takes place and assign to your students any necessary research and reading to help the exercise go smoothly and efficiently. For example in Exercise 3, you will benefit in class if before class the students have familiarized themselves with the countries and the brief working papers.

The exercises in this section are most appropriate for classes of up to 50 students, where students can be easily organized into small groups in which they discuss cases or conduct activities before group representatives provide feedback to the entire class. Although it is possible to have the same small group structure in large classes comprising a few hundred students, it is more challenging and the lecturer might wish to adapt facilitation techniques to ensure sufficient time for group discussions as well as providing feedback to the entire class. The easiest way to deal with the requirement for small group discussion in a large class is to ask students to discuss the issues with the four or five students sitting closest to them. Given time limitations, not all groups will be able to provide feedback in each exercise. It is recommended that the lecturer makes random selections and tries to ensure that all groups get the opportunity to provide feedback at least once during the session. If time permits, the lecturer could facilitate a discussion in plenary after each group has provided feedback.

All exercises in this section are appropriate for both graduate and undergraduate students. However, as students' prior knowledge and exposure to these issues vary widely, decisions about the appropriateness of exercises should be based on their educational and social context. The lecturer is encouraged to relate and connect each exercise to the key issues of the Module.

It is recommended that lecturers begin building a conducive and friendly environment at the start of class and before conducting the very first exercise. This can be done by breaking the ice in a supportive way, by respectfully examining students' starting orientations to corruption, and by demonstrating genuine interest in their perspectives. Once students come to see the lecturer as respectful, genuinely interested in their orientation to the material, and consistent in policing any snide or unsupportive comments by class members, that safe space will enable effective learning and development.

### > Exercise 1: What is good governance?

Show the students this <u>TEDx talk</u> by Ben Warner (2015). After the students watch the video ask them to explain how they understand the term "good governance".

#### Lecturer guidelines

To facilitate the discussion the lecturer should consider asking the students the following questions:

- 1. What is politics about?
- 2. What is governance about?
- 3. What is good governance about and why is it important in the fight against corruption?
- 4. Which role can citizens play to improve the quality of good governance? or governance challenges

Listen to the talk on poor governance in Africa entitled Governance, insecurity, poverty and economic development: Whither africa? - by professor plo lumumba'

### https://www.youtube.com/watch?v=dVxOFYJnm3w

After the students have watched the video ask the following Questions?

- 1. What is governance about?
- 2. What governance challenges are seen in Africa?
- 3. What role can citizens play to improve governance in Africa?

### > Exercise 2: Scenarios in the public sector

Ask the students to discuss the following questions, first in pairs or small groups, and then with the larger class:

- 1. You are at the hospital standing in a long line to get some free medicine. You see an opportunity to skip the line. Would you do it? Yes, no? Why or why not?
- 2. Would your answer change if your son, daughter, brother, sister, or parent needed the medicine in a hurry? Yes, no? Why or why not?
- 3. Change the situation above to accepting a bribe, or changing the terms of reference of a contract to favour your friends. Would your answer be different?
- 4. Drawing on the teaching of this Module, which governance principles are likely to prevent the wrongdoing, why and why not?
- 5. What if you are the hospital staff giving out the medicine? Would it be appropriate for you to give the medicine to friends or family, not waiting in line? Do you think some people would give the medicine out to strangers for a bribe? What governance tool do you think could be used to prevent this?

### > Exercise 2 b

One day Fred Mulanda and his colleagues went for training in Naivasha. The day was hectic because there was much to be covered. He did not mind this since it was an opportunity to be away from the hustle and bustle of the city. The training opportunity was also good because it provided an opportunity for him to catch up with his friends. During lunch break he bumped into Otieno who was one of the people who had submitted a bid to tender. Otieno was very excited to see him at the venue and so invited him for a drink in the evening with his colleagues. Otieno was the one sponsoring the drink. Mulanda was the head of procurement in his organization and he could influence award of tenders so he was at a dilemma whether to go for the drink or not. He decided to go for the drink. As they chatted Otieno pulled him aside and expressed how he wanted the tender to be awarded to his company. Mulanda would benefit by getting 5 million as kick back. Mulanda was not sure whether he wanted to give in to this offer or not.

#### Discussion

If you were Mulanda, would you have gone for the drink with Otieno? Yes Or No? Explain why.

Would you accept Otieno's offer of 5 million Kenya Shillings if you help him to win the tender? Yes or No? Explain why.

What Governance principles would you be going against from what you have learnt? Identify the principle and explain how you are going against it.

#### **Lecturer guidelines**

Lecturers should encourage students to share their answers and the reasoning behind their choices. Lecturers should not evaluate or criticize students' answers; rather they should encourage students to share what they believe, and direct them to think thoroughly. Ambiguity and differences are expected to appear in students' arguments. Lecturers could summarize the discussion, and explain to the students that in order to resolve the ambiguity and differences that were expressed, they could obtain more knowledge about principles of good governance and how they would affect the day to day activities of citizens.

### > Exercise 3: Good guy, bad guy

3 a) Students to read the following story and discuss the questions after it. Responses should be written on a flip chart.

#### Let us Eat

The County Governor Wamukoye has pleaded not guilty to more than 30 charges of money laundering, receiving bribes and conflict of interest after appearing in court under tight security. Chief public prosecutor has accused Wamukoye, who was arrested on Wednesday, and his associates of the misappropriation of 300 million Kenyan shillings (\$3m). Wamukoye was known to have fired all the employees in his office and brought in new ones. It was known that he would single handedly Wamukoye pleaded "not guilty" to all the charges when he was arraigned before anti-corruption court magistrate Washington Mwaura on Monday in a packed court secured by anti-riot police.

"You knowingly acquired property and money knowing it was the proceeds of crime," a state prosecutor read out one of the charges, to which Governor Wamukoye replied: "Not true". State prosecutors also read out details from Governor Wamukoye's bank accounts and several dates on which money was wired in from contractors who had won tenders in the city county. Governor Wamukoye was represented in court by a high-profile team of Kenyan lawyers. The governor spent the weekend in jail after his arrest in his hometown. He said in a statement on Sunday that his arrest was politically motivated and that he was a law-abiding citizen.

Governor Wamukoye supporters had running battles with the police protesting his arrest. They wanted him to be freed immediately. They claimed that he had created job opportunities for them and always came to their aid when they were in need. The governor was known to lead a lavish and flamboyant life style. He had expensive cars and properties scattered all over the town. In as much as people questioned his source of wealth they loved him because he always gave them handouts. He is beloved by poor Kenyans for running his personally branded fire trucks and ambulances to assist people living in the slums.

### Discuss the following

- 1. From what you have read in the course identify different aspects of poor governance brought about in this story?
- 2. What role are the citizens playing to promote corruption? Describe cases where citizens have promoted corruption in governance.
- 3. Do you think the governor is a good leader? Give your views and the justification.
- 4. Give examples of your politicians who have shown poor governance. Are there examples of politicians you can identify to have shown good governance practices? What has he/she done that conforms to governance principles?
- 5. Can you come up with suggestions on what should be done to office bearers engaged in corruption scandals.
- 3 b) Students should describe how they imagine the ideal "good" politician who governs a country as well as the "bad" politician who leads a state. They can refer to socio-demographic factors, certain characteristics or specific actions. They can present their thoughts in groups or in front of the class.

### Lecturer guidelines

Give the students a few minutes to write down their answers, and then ask them to advocate their views and listen carefully to the views of others. Make sure to encourage as many of them as possible to participate in the discussion. Capture their criteria for "good" and "bad" politicians on a flipchart or board and try to group them according to the principles of good governance, discussed in the Key Issues section.

### > Exercise 4: Successful governance efforts (case studies)

4 a) Students are advised to watch the video on Makueni county Kenya <a href="https://www.youtube.com/watch?v=udiE1y3M2XE">https://www.youtube.com/watch?v=udiE1y3M2XE</a>

### Kivutha Enigma

https://www.youtube.com/watch?v=bGP3FZsvCMM

- 1. The students are expected to identify good governance; rule of law, transparency and accountability, participation and inclusion
- 2. What do you like/dislike about this governor from his discussions with the journalist?
- 3. How does the media in Kenya help to promote good governance?
- 4b) Students should be divided into several groups according to the following cases that are described in Johnston's paper: Johnston, Michael (2002). <u>Good Governance: Rule of Law, Transparency, and Accountability</u> (pp. 14 26):
  - Bangalore, pp. 14 17
  - Botswana, pp. 17 18
  - Mexico, pp. 18 19
  - Hong Kong, pp. 19 20
  - New Partnership for Africa's Development (NEPAD), pp. 21 22
  - Council of Europe's Group of States Against Corruption, pp. 22 23
  - Ukraine, pp. 23 24
  - Mozambique, pp. 24 26

Ask the students to describe the cases and explain why governance efforts were successful. If necessary, they should look for additional information on the Internet.

### Lecturer guidelines

Gives students 20 minutes to read the case and prepare individual answers to the above question. Have students discuss their answers in small groups and elect a spokesperson to present their findings in front of the class (10 minutes).

In case of time limitations, the lecturer may wish to assign the above paper as a pre-class reading. Thus, the students will be familiar with the specific cases in advance and will come prepared for the in-class exercise.

### > Exercise 5: From ideas to action: development of a roadmap

The students nominate one of them to play the role of a newly elected president in a country where citizens are highly unsatisfied with the work of the government and suffer from systemic corruption (the students can also choose the country). The president is committed to improve the governance and to reduce corruption, but he/she needs to figure out the best approach to do so with the help of his/her citizens.

### Lecturer guidelines

After the students nominate the president, divide the rest of them into groups. Ask each group to develop a roadmap, including guidelines of how to improve the quality of (good) governance and reducing corruption in a country. Then each group should present its roadmap in front of the class. The president should ask questions and choose the best roadmap at the end of the exercise. The lecturer should facilitate the discussion and help the president formulate the criteria for selecting the best roadmap.



### Possible class structure

This section contains recommendations for a teaching sequence and timing intended to achieve learning outcomes through a three-hour class. The lecturer may wish to disregard or shorten some of the segments below in order to give more time to other elements, including introduction, icebreakers, conclusion or short breaks. The structure could also be adapted for shorter or longer classes, given that the class durations vary across countries..

### **Introduction (10 min)**

• The lecturer introduces shortly the most important terms such as government, governance, good and bad governance.

#### Meaning and differences between Government and Governance (30 minutes)

The lecturer asks students to divide into groups of three or four, and asks them to explain why
societies need 'government' and 'governance'. A few groups provide feedback to the class. The
lecturer shares the narrow and broad meanings of governance and discusses the differences and
similarities between this definition and the student suggestions.

#### **Conduct Exercise 1 (30 minutes)**

#### **Principles of Good Governance (30 minutes)**

- The lecturer describes the principles of good governance and discusses some of the conceptual and practical difficulties. (15 minutes)
- The lecturer could ask students to divide into groups of three or four, to reflect on their understanding of these principles, and together to synthesize their understandings into a short, clear and precise formulation. A few groups provide feedback to the class, by sharing their ideas about the principles of governance. (15 minutes)

### **Indicators of Governance (20 minutes)**

 The lecturer asks students to mention indicators of good measurement and discuss their relationship with the level of corruption. The lecturer then describes the indicators in this Module and discusses some of the conceptual and practical methodological problems.

### **Conduct Exercise 4 (30 minutes)**

#### Governance Tools (20 minutes)

- The lecturer discusses potential governance tools and asks the students what they think are the most important ones, describing any instances that they themselves may have heard about or encountered. Do their parents complain about unfairness at their workplace? Have they been treated unfairly or passed over for promotion? Do rules or guidelines exist and were violated? Ask the students to share what they think made it possible. What governance tools in the Module would help to prevent such problems?
- Alternatively, conduct Exercise 5.

### Plenary discussion (10 minutes)

• The lecturer recaps the main points from the class and explains the links with other modules from the E4J University Module Series on Anti-Corruption.

A possible class structure to be conducted online 2 hours' class

#### Introduction (10 minutes)

• The lecturer introduces shortly the most important terms such as government, governance, good and bad governance.

### Meaning and differences between Government and Governance (15 minutes)

The lecturer asks the students to explain why societies need 'government' and 'governance'.
 The students give their responses online. The lecturer shares the narrow and broad meanings of governance and discusses the differences and similarities between this definition and the student suggestions.

#### Conduct exercise 2: students are expected to listen to the Ted Talks or PLOs speech. (15 minutes)

### **Principles of Good Governance (30 minutes)**

- The lecturer describes the principles of good governance and discusses some of the conceptual and practical difficulties. (15 minutes)
- The lecturer could ask students to divide into breakout sessions of groups of three or four, to
  reflect on their understanding of these principles, and together to synthesize their understandings
  into a short, clear and precise formulation (zoom meetings provide for this). A few groups provide
  feedback to the class, by sharing their ideas about the principles of governance. (15 minutes)

#### **Indicators of Governance (15 minutes)**

 The lecturer asks students to mention indicators of good measurement and discuss their relationship with the level of corruption. The lecturer then describes the indicators in this Module and discusses some of the conceptual and practical methodological problems.

#### Conduct Exercise 4 a or b (30 minutes)

#### Plenary discussion (5 minutes)

• The lecturer recaps the main points from the class and explains the links with other modules from the E4J University Module Series on Anti-Corruption.

### Offline Discussion (asynchronous)

#### **Governance Tools**

- Students post their individual views by responding to exercise 5.
- · What can they do if they became presidents of the country?



## **Core reading**

This section provides a list of (mostly) open access materials that the lecturer could ask the students to read before taking a class based on this Module.

Fukuyama, Francis (2013). What is Governance? Governance, vol. 26, issue 3 (July), pp. 347-368.

Grindle, Merilee S. (2007). Good enough governance revisited. Development Policy Review, vol. 25, issue 05 (September), pp. 553–574.

Grindle, Merilee S. (2017). <u>Good Governance, R.I.P.: A Critique and an Alternative</u>. Governance, vol. 30, issue 01 (January), pp. 17-22.

Holmberg, Sören, and Bo Rothstein (2012). Good Government. The Relevance of Political Science. Cheltenham: Edward Elgar.

Johnston, Michael (2002). Good Governance: Rule of Law, Transparency, and Accountability.

Kaufmann, Daniel, Aart Kraay, and Pablo Zoido-Lobatón (1999). <u>Aggregating Governance Indicators</u>. Policy Research Working Paper. Washington, DC: The World Bank Development Research Group.

Kwame Boafo-Arthur, (2008) Democracy and Stability in West Africa: The Ghanaian Experience, Universitetstryckeriet, Uppsala.

Olken, Benjamin A., and Rohini Pande (2012). Corruption in Developing Countries, Annual Review of Economics, vol. 4 (April), pp. 479-509.

Rose, Richard, and Caryn Peiffer (2019). Bad Governance and Corruption. Political Corruption and Governance Book Series. Springer Nature.

Rose-Ackerman, Susan (2016). What Does "Governance" Mean? Governance, vol. 30, issue 01 (May), pp. 23-27.

United Nations (2009). What is Good Governance? United Nations Economic and Social Commission for Asia and the Pacific.



## **Advanced reading**

The following readings are recommended for students interested in exploring the topics of this Module in more detail, and for lecturers teaching the Module:

Andrews, Matt (2008). The Good Governance Agenda: Beyond Indicators without Theory. Oxford Development Studies, vol. 36, issue 4 (December), pp. 379-407.

Bevir, Mark, ed. (2011). The SAGE Handbook of Governance. London: SAGE Publications Ltd.

Cerrillo i Martínez, Agustí, and Juli Ponce, eds. (2017). Preventing Corruption and Promoting Good Government and Public Integrity. Bruylant.

Grindle, Merilee S. (2009). Going Local: Decentralization, Democratization, and the Promise of Good Governance. Princeton: Princeton University Press.

Holland, Jeremy, and others (2009). <u>Measuring Change and Results in Voice and Accountability Work</u>. Department for International Development Working Paper. Paris: Organisation for Economic Cooperation and Development.

Ivanyna, Maksym, and Anwar Shah (2018). Ranking Countries for Good Governance Using Public Opinion Surveys. In The Palgrave Handbook of Indicators in Global Governance, Malito, Debora V., Gaby Umbach, and Nehal Bhuta, eds. Palgrave Macmillan.

Khan, Mushtaq (2012). <u>Beyond Good Governance</u>: An Agenda for <u>Developmental Governance</u>. In Is Good Governance Good for <u>Development?</u> Sundaram, Jomo Kwame and Chowdhury, Anis, (eds.) London: Bloomsbury Academic, pp. 151-182.

Malito, Debora V., Nehal Bhuta, and Gaby Umbach, eds. (2018). The Palgrave Handbook of Indicators in Global Governance. Palgrave Macmillan.

Shepsle, Kenneth A. (1999). <u>The Political Economy of State Reform</u>. Political to the Core. Brazilian Journal of Political Economy, vol. 19, issue 03 (July-September), pp. 1-20.

Williams, Andrew (2014). A Global Index of Information and Political Transparency. The University of Western Australia.



### Student assessment

This section provides a suggestion for a post-class assignment for the purpose of assessing student understanding of the Module. Suggestions for pre-class or in-class assignments are provided in the Exercises section.

The following assignment is proposed to be completed within two weeks after the Module:

Select a media article that addresses an issue related to corruption. Examples might include procurement fraud, bribery or kick-backs, money-laundering or any topic that would be deemed appropriate and relevant. Describe the issue in your own words and clearly demonstrate what the governance issues are. Discuss governance measures that could prevent such wrongdoing. Maximum length: 2,500 words.

As an alternative assessment, the lecturer may ask the students to develop a set of questions for a public opinion survey on good governance and conduct the survey with at least five people (from school, the family or the wider community). Then the lecturer asks the students to write a short essay, in which they describe why they developed these questions and what the findings of their surveys are.

## A A

## **Additional teaching tools**

This section includes links to relevant teaching aides such as PowerPoint slides, video material and case studies, that could help the lecturer teach the issues covered by the Module. Lecturers can adapt the slides and other resources to their needs.

### > PowerPoint presentation

» Presentation on Module 2 (TBI)

### > Video material

- » What is Governance? (2014). Institute on Governance (9 min). This video answers the following questions based on Canadian examples: What is "governance"? Why does it matter? Why is it especially important today?
- » What is Good Governance? (2015). OREA Centre for Leadership Development (3 min). This video discusses how good governance can ensure accountability, fairness and transparency as an association makes decisions on behalf of its members.
- » What is good governance? (2015). Ben Warner, TEDx Jacksonsville (8 min). In this TEDx Talk, Ben Warner, President and CEO of Jacksonville Community Council Inc. (JCCI), presents the module of good governance that JCCI use to find solutions for the local community's problems. This model has gained international attention for JCCI.
- » Why we need to rethink global governance? (2015). The World Economic Forum (6 min). In this video, Ian Goldin from the University of Oxford discusses global governance issues by asking the question "how can we come together, often against our short-term interests, to manage collective, longer term challenges?".
- » Sustainable economic development: governance matters most (2013). The Guardian (14 min). In this video, Douglas Beal of the Boston Consulting Group and Andy Ratcliffe of the Africa Governance Initiative, share lessons on how developing countries are turning wealth into well-being for their citizens.
- » The 12 principles of good governance at local level (2013). Council of Europe (4 min).
- » <u>#TalkAfrica</u>: <u>Good governance in Africa</u> (2018). Talk Africa (30 min). This video discusses the 2018 report on the Ibrahim Index of Africa Governance (IIAG). It includes interviews with Mo Ibrahim and other experts from around Africa, who discuss issues of governance in Africa.

### > Websites

- » World Economic Forum (WEF). WEF's section on global governance consists of various materials, researches and analysis on different good governance-related issues.
- » Organization for Economic Co-operation and Development's Directorate for Public Governance. The website of the OECD's Directorate for Public Governance offers various publications, guides and policies on governance-related topics, including anti-corruption, integrity, sustainable development, etc.
- » Council of Europe's Centre of Expertise for Good Governance. CoE's Centre of Expertise for Good Governance offers numerous videos, case studies, toolkits and other materials on promoting good local and regional governance.

### > Other Material

» <u>KickBack: The Global Anti-Corruption Podcast</u>. This podcast features regular interviews with leading experts in the anti-corruption field, from academia, politics, activism, journalism, etc. The podcast aims to enhance serious debate and discussion about important issues in the field from a variety of different perspectives. Given the length of each episode (average: 45 min), the lecturer may use it as a pre-class assignment.

## **Guidelines to develop a stand-alone course**

This Module provides an outline for a three-hour class, but there is much potential to develop its topics further into a stand-alone course. The scope and structure of such a course will be determined by the specific needs of each context, but a possible structure is presented here as a suggestion.

Session	Topic	Brief description
1	Introduction	Concept of government and governance, general relationship with corruption
2	Concept of good governance	Definitions and ideas behind the concept, related to corruption
3	Principles of governance	Main principles, how they work, what challenges are posed for each principle
4	Measurement of governance principles	Measures of governance and widely used indices such as the World Bank Indicators, Index of Public Integrity, Indicators of Good Governance
5	Bad Governance and Corruption	Relationship between bad governance and corruption; consequences for societies
6	Case studies and identification of governance measures for effective prevention of corruption	Case studies could include corruption in procurement, corrupt policy design, network dealings that allow capture of large state budgets, and blatant violations of laws and regulations. Governance measures would be identified and discussed.
7	Role of Civil Society	Based on the principles of good governance, the role of civil society should be discussed
8	Role of Education	Based on the principles of good governance, the role of education should be discussed
9	Governance reforms	Strategies of how to increase the quality of good governance; what should be avoided
10	Summary and critical reflection	Final discussion and future prospects of good and bad governance; challenges of the concepts related to corruption



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