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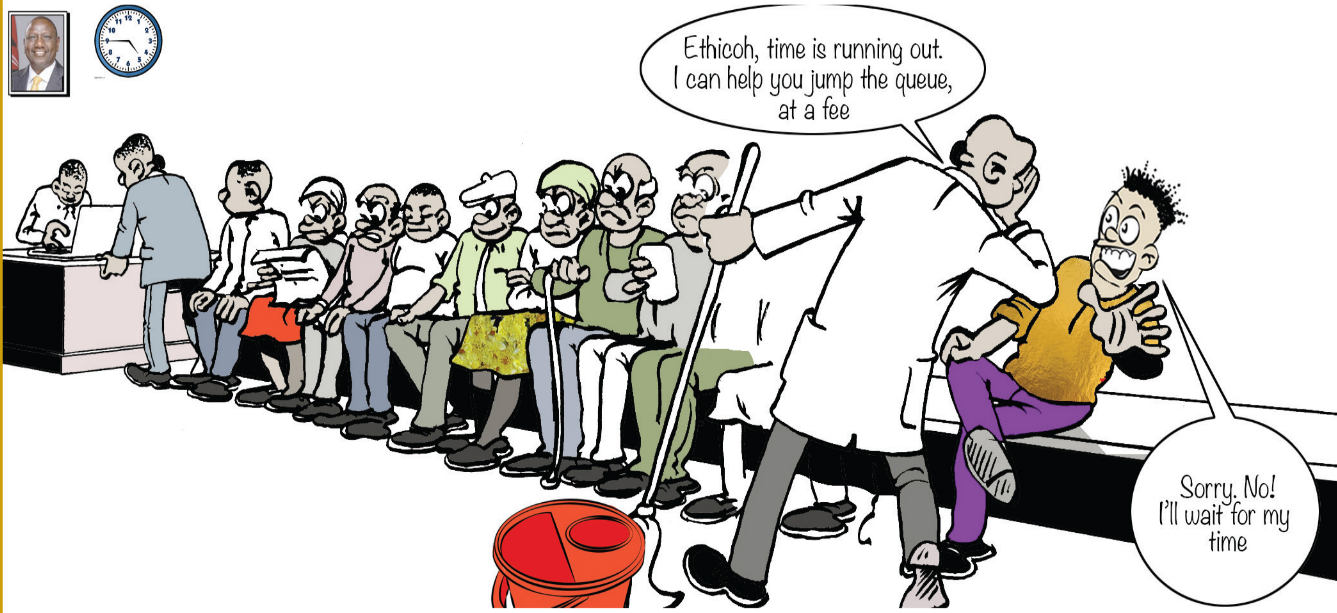

Strengthening oversight: Kenya's path to effective governance and accountability

By Dr. Cecilia Mutuku

As Kenya sets her sights on Vision 2030, the journey towards good governance and accountability has never been more crucial. A key component of this mission is the role of the country's regulatory and oversight bodies, which serve as the guardians of public trust and transparency.

These institutions are not merely bureaucratic entities; they are the bedrock upon which the country's democratic future rests. From the Ethics and Anti-Corruption Commission (EACC), Office of the Auditor-General, Office of the Controller of Budget (OCOB), the Judicial Service Commission (JSC) to the Kenya Revenue Authority (KRA), these watchdogs enforce laws, hold leaders accountable, and safeguard public resources.

They work across sectors to ensure that public funds are used wisely and that government actions are transparent. Their mandates encompass a range of responsibilities, including investigating corruption, auditing public finances and promoting judicial integrity.

The Auditor-General's reports often reveal systemic misuse of funds. In December 2024, for example, the Auditor-General reported widespread irregularities in the National Government Constituency Development Fund (NG-CDF) by Members of Parliament in nearly all the 290 constituencies. In one Constituency, for instance, out of the Kes58 million billed for bursaries, only Kes38 million was accounted for, while in another, Kes2.5 million was spent on a non-existent laboratory.

The OCOB's Quarterly Budget Implementation Review Reports, on the other hand, have always shown that counties allocate a disproportionately small share of their budgets toward development. The first quarter of FY 2023/24 (July–September) report indicates, for example, that 10 counties spent 0% on development, while 11 more spent less than 1%, contrary to the Public Finance Management (PFM) Act's guideline of allocating at least 35% to development. Such reports prompt parliamentary investigations and policy adjustments.

The KRA, through its revenue collection efforts, not only brings in essential national income but also educates the public on the importance of tax compliance in national development.

The regulatory and oversight bodies do more than ensure legal adherence; they embody the ethical governance that is crucial for Kenya's democratic health. They are also platforms for public engagement. According to the 2010 Constitution, which emphasizes transparency and citizen participation, oversight bodies have created avenues for citizens to influence policy, report corruption, and track government spending. Online portals, social media platforms, and community forums enable real-time tracking of public funds and offer citizens a direct line to public

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institutions, promoting transparency and accountability.

Yet, as these institutions strive to fulfil their mandates, they are hindered by significant challenges that threaten their effectiveness and, by extension, Kenya's development.

Challenges to effectiveness

Despite their critical roles, Kenya's oversight bodies face a myriad of challenges that threaten to undermine their efficacy.

Weak enforcement: Even when violations are identified, enforcement mechanisms often fall short. Legal loopholes result in weak penalties for misconduct, leaving many wrongdoers unaccountable for their actions. This lack of deterrence perpetuates the cycle of impunity.

Political interference: Political interference, whether subtle or overt, erodes the credibility and independence of oversight bodies. This can undermine their ability to act impartially. It also instills a sense of distrust among the public.

Resource constraints: Inadequate funding, understaffing, and outdated infrastructure pose significant barriers to effective oversight. Some institutions struggle to carry out comprehensive investigations or audits due to these limitations. EACC, for example, operates with 790 staff out of the approved establishment of 1,506, while the Malaysian Anti-corruption Commission (MACC) has 2906 staff in a country with a population of 36 million. Without adequate resources, these bodies cannot fully realise their potential.

Public disengagement: Despite the constitutional guarantees for public participation, many citizens remain unaware of their rights to engage with oversight bodies. Public engagement is critical in maintaining a check on governance, but the lack of education and awareness on how to use these channels remains a significant hurdle.

A Call for reform

To strengthen Kenya's oversight institutions and improve governance, immediate and decisive action is required, including:

Legislative reforms: There is a pressing need to review Kenya's legal frameworks. Laws must be reformed to clarify mandates and strengthen oversight powers. Parliament must prioritize these reforms to close existing loopholes and ensure swift, effective action against misconduct.

Constitutional safeguards: The independence of bodies such as the EACC must be fortified by being entrenched in the Constitution. The institutional autonomy of these bodies must be legally protected to prevent undue influence.

Adequate Resourcing: A robust oversight system demands that these institutions are adequately resourced. This includes not only financial resources but also the human capital and infrastructure necessary for investigations, audits, and public outreach. Additionally, partnerships with universities and international donors can help build technical capacity and provide much-needed expertise.

Transparency and real-time data: To further enhance public trust, oversight bodies must mandate the real-time publication of audit reports, procurement records, and service delivery metrics. Creating user-friendly dashboards and platforms would allow citizens to easily track their performance and spending, enabling them to hold public institutions accountable at all times.

Civic education and public engagement: Public awareness campaigns are essential for bridging the gap between citizens and oversight bodies. These initiatives must be designed to educate the public on their rights to participate in governance, how to report misconduct, and the importance of transparency. Leveraging mobile apps, radio, and social media—especially in rural areas—can help reach marginalised communities and ensure that everyone has a voice in the democratic process.

Internal integrity: Oversight bodies must also ensure their internal governance structures are above reproach. Reinforcing internal audits, ethics training, and whistleblower protection are key to maintaining public confidence.

The road ahead

Kenya's oversight bodies are a vital part of the country's journey towards Vision 2030, but they cannot fulfil their potential without meaningful reforms and widespread public engagement. The current challenges, as enumerated afore, are not insurmountable. They, however, require a commitment from all the stakeholders, including the Government and the public, to ensure that these institutions are empowered, protected, and supported in their work.

The country's future as a democratic, accountable, and transparent nation depends on the strength and integrity of its oversight mechanisms. Only by strengthening these institutions will we ensure that public resources are used for the benefit of all, paving the way for a prosperous and just society.

As we march towards Vision 2030, let's remember that good governance isn't just a policy, it's a democratic imperative.

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