



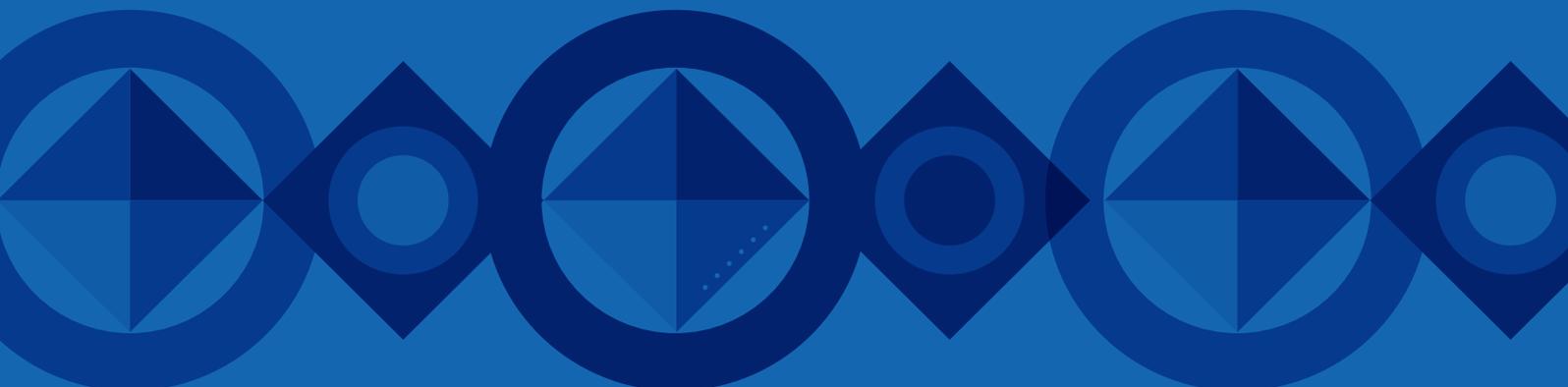
TRANSPARENCY
INTERNATIONAL
KENYA

LEADERSHIP AND INTEGRITY IN KENYA

Why Chapter Six Matters to All Kenyans

Transparency International Kenya

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ABOUT TRANSPARENCY INTERNATIONAL KENYA

TI-Kenya is a national civil society organisation that works towards a transparent and corruption-free society. Registered in Kenya in 1999 with a mission to combat corruption, we are dedicated to promoting integrity, transparency and accountability in the public and private spheres through good governance and social justice initiatives. With over 25 years' experience in governance interventions at the national and county levels, we work collaboratively with partners, institutions and citizens to prevent, expose and challenge corruption, and to strengthen systems that uphold good governance and public integrity. We pursue advocacy, partnerships development, strategic litigation, research, capacity building, and civic engagement as our core approaches.

As an independent chapter within the global Transparency International movement, we operate within our own governance structures and resources, strategies, and programmes tailored to Kenya's unique governance landscape. Our main office is in Nairobi, with regional presence in the Coast, Rift Valley, Western, and Eastern Kenya through four Advocacy and Legal Advice Centres (ALACs) in Mombasa, Eldoret, Kisumu, and Nairobi.

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Katiba 2010: The Promise Made

In 2010, Kenya promulgated a new Constitution that promised to positively change the direction of the country. After years marked by corruption scandals, electoral violence, and poor accountability of public officials, citizens chose a new Constitution was introduced.

The Constitution was meant to change how power works in Kenya and to restore trust in public leadership. Chapter Six on Leadership and Integrity spells out this more clearly: public office is a public trust. This means that leaders hold on behalf of the people and must use it responsibly, honestly, and fairly. It means leaders should bring honour to the office they occupy - not self-enrichment.

Today in 2026, more than a decade later, corruption has not reduced. People lacking in integrity seek and get public offices. Such leaders are elected by citizens even when citizens are aware about integrity concerns raised about them.

This raises several difficult questions:

- a) If the Constitution is progressive and laws supporting Chapter Six on Leadership and Integrity are in place, why does corruption continue?
- b) Why has the fight against corruption not registered adequate success?
- c) Why do leaders facing serious integrity questions continue to be appointed or elected?
- d) Why does vetting of public officials sometimes pass individuals facing integrity questions including those who do not meet ethical and moral standards?

Transparency International Kenya (TI-Kenya) conducted a study to understand why there remains a gap between the progressive constitutional principles, Chapter Six on Leadership and Integrity, and what happens in practice. The findings show that the way politics is practiced in Kenya significantly shapes decisions about public appointments. In many cases, informal powerful political elites – including ethnic leaders - and political negotiations override formal legal rules.

Political elites often enter into power-sharing arrangements that advancing their interests. In the process, issues such as accountability, integrity, and ethical leadership are pushed to the margins. At the same time, a paradox in public political behaviour is evident: although citizens articulate a preference for accountable and ethical leadership, they may nevertheless protect or support their own ethnic political leaders - even when that individual is confronted with integrity issues.

The study discusses why this is so. The study also provides a solution to these challenges. The study is meant to create opportunities to debate how to strengthen leadership and specifically how to ensure that ethical and moral standards are complied with in public and private spheres for a better society.



2. What Chapter Six Really Means

Chapter Six on Leadership and Integrity was designed to reshape Kenya's leadership culture.

Chapter Six is about ethical and moral standards

It requires leaders to demonstrate:

- ✓ Personal integrity.
- ✓ Competence.
- ✓ Accountability.
- ✓ Honesty.
- ✓ Suitability for office



Chapter Six was designed to transform Kenya's leadership culture by setting higher standards for anyone entrusted with public power. It requires leaders to demonstrate personal integrity, competence, honesty, accountability, and overall suitability for public office. These standards apply across the board - Cabinet Secretaries, Governors, Members of Parliament, Members of County Assemblies, Judges, Commissioners, and all public officers.

The Constitution is also clear about what leaders must not do. They must not abuse office for personal benefit, place themselves in conflicts of interest, misuse public resources, or act in ways that bring public office into disrepute.

Why are things not changing?

ONE, Kenya operates a political system in which the Executive – holds dominant influence over high-level appointments.

Even where commissions exist and Parliament vets nominees, political incentives remain strong. Political coalitions and alliances are central to competitive elections. Partners in the coalition negotiate appointments as part of holding together. Because of this, the President and everyone in the coalition is often under pressure to reward those who helped win elections. Political elites are always pressured to manage political interests by ensuring an "equitable share" of posts.

This undermines credibility of vetting. In this context, credible vetting can become a stumbling block; leaders tend to prioritise political interests over integrity standards.

This is the tension citizens experience: the Constitution demands integrity, while political leaders have an interest to reward loyalty or advance political deals. This means that by the time nominees appear for public vetting, political decisions have already been made.

This creates tension between constitutional principles and political interests.

Informal power and informal actors

Informal power shapes how formal rules – laws and policies - are applied. Decisions may be negotiated before they are publicly deliberated.

Informal power drivers include:

- Elite bargains/interests behind closed doors..
- Ethnic alliances through ethnic elites
- Business–political networks.
- Personal relationships among powerful political actors.

TWO, Kenya's political system operates through two parallel sets of rules: formal institutions and informal institutions. Formal rules are written and legally recognised. They include the Constitution, policies, laws, regulations, and official procedures such as vetting hearings and integrity clearances. These rules set out how appointments should be made and how leadership standards should be enforced.

On the other hand, informal rules are unwritten. Although unwritten, they guide political behaviour. They include expectations of ethnic solidarity (“mtu wetu”), obligations to reward loyal supporters, elite power-sharing agreements, and the building of patronage networks.

In practice, these informal rules often shape outcomes more than formal laws. This is precisely because those driving the informal rules are also very powerful – they are powerful informal ‘kingpins’, or financial of elections or political gate-keepers in many other respects. They have influence over how public appointments are made because those in formal positions are dependent on them for political support.

This means the legal framework on Chapter Six in Kenya operate within a context of politics. Because of this, enforcement is weak: when informal power overrides formal rules, enforcement is difficult.

Overall, decisive power over vetting is often exercised through political negotiations and pacts among political elites. By the time nominees appear before parliamentary committees or county assemblies, outcomes may already be politically determined.

This means vetting bodies are politically constrained. Rejecting a nominee is interpreted not as an integrity decision but as a political act challenging executive authority. And no one has the courage to do this. This is how informal power supersedes formal power: the public process continues, but the outcome is shaped elsewhere.

THREE vetting in public creates visibility. Citizens watch nominees appear before committees, answer questions, present documents, and receive approval. Few are rejected.

Because people with integrity questions are passed, the public generally think the vetting is a **negotiated political space**, shaped by political considerations.

Integrity, in practice, is reduced to procedures of demonstrating formal compliance with requirements such as including KRA requirements, EACC clearance, and DCI certification.

Public participation is required, but it is widely perceived as of no consequence – it is about ticking boxes. Public memoranda have limited influence on final decisions. This is creating fatigue among the public: when citizens feel their input does not matter, participation loses legitimacy and citizens become passive.

FOUR the moral and ethical basis for appointment has been diluted by using criminal conviction as the threshold for disqualification. Integrity is subordinated to “presumption of innocence” arguments in vetting and appointment processes: if one has an ongoing investigation or a case in court, the person cannot be rejected because matter is not concluded.

This creates a practical problem. Court cases take years, and appeals extend timelines. Chapter Six was designed to set a higher bar - ethical suitability - not just legal guilt. The continued confusion between these standards is a major barrier to consistent enforcement.

FIVE the integrity ecosystem suffers from poor coordination and budget constraints. Kenya has multiple oversight bodies, each with a mandate related to integrity.

However, coordination among them is sometimes weak – they work in silos. Data sharing is limited. Budgetary constraints also limit their effectiveness. Strengthening integrity requires inter-agency cooperation, clarity of roles, and institutional independence.

SIX Women, Youth and Inclusion are impacted differently. When vetting and appointments are shaped by bargains and networks, those already outside powerful networks face higher barriers. Women may face reputational attacks and harsher scrutiny; youth face informal gatekeeping; PWDs face structural and institutional exclusion. If integrity systems are genuinely working, they should create fair access, not reinforce exclusion.

How can change be achieved?

Reframing integrity as politically advantageous to political elites will lead to 'buy in'. At present, strict enforcement of integrity standards is often perceived by political elites as limiting them from using patronage, which they need to reward allies. Reform will meet opposition or resistance if seen as curbing executive power or targeting powerful political elites.

A good approach here is to link stronger integrity standards to enhanced legitimacy of the political system and the executive, and improved investor confidence. If integrity becomes associated with political credibility, economic stability, and reduced appointment scandals, elite resistance decreases. The aim here is to gradually shift elite calculation from "integrity as risk" to "integrity as asset."

Strengthening the operations of vetting frameworks through improved inter-agency coordination can deliver more concrete results. Oversight bodies operate largely in silos, with limited data sharing and inconsistent standards. This fragmentation weakens verification processes and creates opportunities for selective enforcement.

These institutions have expressed an openness to collaboration. Supporting the **establishment of a multi-agency verification mechanism** - including shared access to tax compliance records, asset declarations, criminal records, and conflict-of-interest disclosures - would strengthen procedural rigour without necessarily triggering direct confrontation with powerful political actors.

An opportunity still exists to **clarify the integrity threshold by seeking a Supreme Court advisory opinion.** Public interest litigation and the pursuit of an advisory opinion from the Supreme Court -- potentially through a progressive county government and backed by comprehensive studies and evidence on the meaning of integrity vis-a-vis conviction -- could help distinguish between criminal thresholds and integrity standards. By establishing that suitability for office is a preventive standard grounded in constitutional values, judicial clarification would provide vetting bodies with legal backing to act more decisively.

Executive-the requires engagement with both formal and informal powerful actors. The study has shown that political actors, and particularly the presidency, exercise both formal and informal influence over appointments. Any reform that is perceived as threatening this function will encounter resistance. It is necessary to map the "movers and shakers" who influence appointment processes, including informal networks that countermand formal office holders.

Establishing a Coalition of Change Makers is important: This coalition should be composed of trusted churches, select business elites, professional bodies, and civil society organisations can create an intermediary space for dialogue. Reform language must be carefully developed to emphasise institutional strengthening for the sake of building a better society.

Focus on **inclusion** can be presented as a structural means of disrupting patronage networks. Women, youth, and persons with disabilities frequently face heightened scrutiny especially because they lack access to patronage networks. Strengthening equality in vetting processes can increase vigilance and broaden participation in oversight.

Civic education efforts must address the irony in politics whereby citizens criticise patronage yet pressurise their own elites to practise it. By linking everyday realities to the consequences of "*mtu wetu*" arguments, civic engagement can gradually shift norms. Inclusion not only advances equity but also expands the density of accountability actors, making integrity failures more visible and costly.



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