

REMARKS BY COMMISSIONER, OTIENDE AMOLLO, EBS, CHAIR, COMMISSION ON ADMINISTRATIVE JUSTICE

Your Excellency the President

Cabinet Secretaries Present

Principal Secretaries Present

Hon. Governors and Members of Parliament Present

Chairpersons of Constitutional Commissions & Holders of Independent Offices,

Ambassadors & High Commissioners

Heads of Institutions

Distinguished Guests

All Protocol observed

Ladies and Gentlemen:

On behalf of the Commission on Administrative Justice, I am pleased to welcome you to the inaugural Huduma Ombudsman Awards Ceremony. This is an auspicious occasion and a celebration of the contributions of outstanding public institutions and public officers. I wish to take this opportunity to thank Your Excellency for accepting our invitation to preside over this ceremony, which demonstrates the premium placed on service delivery by your Government. Allow me to also thank the other distinguished guests present, and the collaborating institutions that supported us in the whole process. Specifically, let me thank the Ministry of Devolution and Planning, the Kenya School of Government -Nairobi, Transparency International (Kenya), Association of Professional Societies in East Africa (APSEA), the United Nations Development Programme (UNDP) and the Eastern and Southern African Management Institute (ESAMI), for their invaluable contributions and support.

Your Excellency, Ladies & Gentlemen,

Mandate of The Commission

The Ombudsman institution has been acknowledged world-over in the last two hundred years as a key independent institution supporting accountable governance. Since 1971, it took us forty

years after the Ndegwa Commission to establish a fully functional Ombudsman office in 2011. Article 59 of the Constitution as read with the Commission on Administrative Justice Act empowers the Commission to investigate any conduct in state affairs, or any act or omission in public administration in any sphere of government, as would be prejudicial, constitute improper conduct, or amount to abuse of power.

In order to address maladministration, administrative injustice and wrongful conduct, we have developed effective tools on complaints handling, performance contracting, issuance of advisory opinions, court appearances as *Amicus*, and on alternative dispute resolutions involving public institutions through mediation and conciliation.

We have endeavoured to sensitize Kenyans, and it bears repetition that issues of delay, inaction, inefficiency, discourtesy, ineptitude, unresponsiveness, oppressive conduct or service failure, whether within national or county governments, can now be reported to us for investigation and redress. Thus, we serve as the citizen's watchman to reduce impunity in public offices, and promote accountability and responsiveness in government.

Progress made by the Commission

Since its inception in November 2011, the Commission has endeavoured to perfect its complaints handling both in numbers and rate of resolution. In its first year of operation, the Commission received 4,062 complaints and resolved 1,398, representing a resolution rate of 34 per cent. By 2013, the complaints had grown by 449 per cent to 18,257, of which we resolved 11,253, representing a resolution rate of 62 per cent.

Besides direct complaints, the Commission has trained 4,867 Public Officers on responsiveness and complaints handling within their Institutions, and reviewed its performance contracting guidelines. To date, the Commission has undertaken twenty-eight systemic investigations; issued twenty five advisory opinions; undertaken thirty litigation matters as *Amicus* or Interested Party, and visited twenty five counties to sensitize citizens and receive their complaints. In the course of these undertakings, the Commission has captured various systemic weaknesses, and identified mechanisms for redress including review of the procurement regime to focus on value-for-money

and not mere processes; the responsibility of parastatal boards and the consequential administrative responsibility for decisions; and the need to invoke individual responsibility for financial losses caused by imprudent use of public resources as per Article 226 of the Constitution, among other measures.

Your Excellency, Ladies & Gentlemen,

Despite the milestones so far realized by the Commission, we have faced some challenges in enabling a fully accountable public service. First is impunity, evidenced by the failure of some institutions and public officers in responding promptly to inquiries by the Commission, and to speedily implement the findings and recommended redress mechanisms. These officers have failed to appreciate that by pointing out instances of inefficiencies and malfeasance, the Ombudsman is not criticizing, but merely complimenting government efforts in improving service delivery and accountability. The second challenge is resourcing. The exponential growth in complaints expected to hit 22,000 this year against an official staff compliment of fifty seven, is overwhelming. This, coupled with our central participation in the commendable Huduma Centres, and the concurrent need to decentralize our services to the Counties to control the spiraling acts of improper conduct, has challenged our ability to provide effective oversight.

Your Excellency,

We request you to impress upon the Cabinet Secretaries and Principal Secretaries, together with Heads of Institutions and other senior ranking Public Officers, that implementation of the Commission's findings is not only a legal requirement, but also an important milestone towards efficient and accountable public service delivery. Similarly, an enhancement in human capacity and budgetary allocation would greatly enhance our effectiveness as the people's watchman.

HUDUMA Ombudsman Awards Scheme

Your Excellency, Ladies and Gentlemen:

The Huduma Ombudsman Awards is an initiative by the Commission to recognise and reward

outstanding public institutions and public officers in service delivery.

Specifically, it targets public servants and seeks to:

- i) Promote accountability, responsiveness and servanthood,
- ii) Enhance professionalism,
- iii) Build public confidence and trust in the public service,
- iv) Motivate public institutions and officers to enhance efficiency and effectiveness in the service to the public, and
- v) Identify and share best practices in service delivery.

Through this initiative which will be an annual event, the public will be enabled to assess the performance of public institutions and public officers. It will also provide an invaluable and objective assessment of public institutions for improvement. The Commission believes that this initiative will ultimately support the Government's efforts towards transformation of public service for better service delivery and accountability.

In this process, the Commission ensured broad participation in the exercise by inviting nominations from the public countrywide through the media, county governments, independent oversight institutions and the national government offices at all levels. In addition, the Commission constituted an Awards Advisory Panel comprising seven collaborating institutions to analyse the nominations, shortlist the nominees, verify information on the nominees and select the deserving awardees. Through this exercise, the Commission received a total of 1,141 nominations which were reviewed, shortlisted and the final nominees ranked after thorough verification. I wish to congratulate all the awardees of the inaugural Huduma Ombudsman Awards on their remarkable achievement. I urge you to remain steadfast and faithful to the very values and principles that have seen you win the awards. I also urge you to mentor and share the best practices with your colleagues in your respective places of work.

As we celebrate this occasion, I wish to remind all Public Officers of the values and principles of public service espoused in the Constitution. We are called upon to be selfless servants, and to be efficient, accountable and responsive. We collectively have a historic opportunity to transform

service delivery in Kenya. Let us capture this moment and work for the betterment of this country. Let us remember that the realization of the aspirations in Vision 2030 is ultimately pegged on how we render services to the public. May this Award inspire all public institutions and public officers to deliver, responsive and accountable services to the public.

As the Office of the Ombudsman, we will continue to execute our mandate independently but accountably in line with the Constitution. In this regard, I call upon all citizens, public institutions and public officers to partner with us in this journey. With these remarks, it is now my pleasure to invite the Hon. the Attorney General, Prof. Githu Muigai, to make his remarks.

I thank you all.