



PRESS CONFERENCE

The Ethics and Anti-Corruption Commission (EACC) is bestowed with the overall function of ensuring compliance with, and enforcement of Chapter Six of the Constitution which deals with leadership and integrity.

To infuse life in to the provisions of Chapter Six of the Constitution, the National Assembly enacted the Leadership and Integrity Act, 2011 and EACC was mandated to enforce the provisions of the said Act.

It is a requirement that persons who seek to be elected or appointed to state office must meet the threshold set out in Chapter Six of the Constitution and also the provisions set out in the Leadership and Integrity Act.

In the recent past there have been various advertisement in the local daily newspapers for various positions both in the County and National Governments. EACC expects that the process of selection and appointment of persons to the various positions will be carried out in a fair and transparent manner and in accordance with the Constitutional and Statutory provisions on leadership and integrity. The various County Executive Committees, Public Service Boards and Public Service Commission undertaking the exercise are all expected to have due regard to the National Values under Article 10 of our Constitution.

As a measure of compliance with the Leadership and Integrity Act, some authorities at County and National level have been seeking information from EACC on the persons who may have applied for various positions. The

information sought in respect to the applicant is that relating to integrity issues held by the EACC.

EACC has on certain occasions received numerous complaints that the processes of short listing of candidates who have applied for the positions advertised both in the County and National Government level may not have been fair or transparent. In discharge of its statutory mandate, EACC has always endeavoured to undertake investigation in respect to all the complaints.

A major case in point is the recent process of short listing of Applicants for the position of Principal Secretaries where EACC received complaints that the short listing process was not carried out in a fair and transparent manner. Allegations were received by the EACC that qualified and competent applicants were not short listed for unknown reasons

Upon receiving the complaints, EACC immediately, commenced investigations. It is not in doubt that EACC is statutorily mandated under the Ethics and Anti-Corruption Commission Act, 2011 to investigate and to recommend to the Director of Public Prosecutions the prosecution of any acts of corruption or violation of codes of ethics.

On 24th April, 2013 the Public Service requested EACC to avail information touching on the One hundred and fifty five (155) applicants. The Commission prepared a report which it handed to the Public Service Commission and in which applicants under investigation by EACC were named.

In the meanwhile EACC began investigations of the vetting process undertaken by the Public Service Commission. Investigations are ongoing and the findings will be made public once concluded.

It is worthy to note that persons who hold the office of Principal Secretaries are accounting officers in the respective Ministries or Departments in Government and will wield great influence in determining the manner in which the resources

are to be utilized. It cannot be gainsaid therefore that the process of selecting and appointing persons to such positions should meet the thresholds set by law. The process must be above reproach.

The County Governments engaged in recruitment process are urged to undertake the process in full compliance of the law. The Commission has received intelligence reports that County Governors are engaging in procurement of goods without complying with the procurement laws. The Commission will investigate the reports and Governors found culpable will be prosecuted. The public is urged to report such malpractices to the Commission for our appropriate action.

EACC wishes to notify all public bodies that the Constitutional and statutory provisions should be adhered to in the process of short listing and nominating of persons to be appointed to state offices. EACC is aware that time is of essence in trying to fill the positions created under the new Constitutional dispensation in order to efficiently and effectively deliver services to the citizenry. The need to fill the positions should however be balanced with the requirement to comply with the law.

Irene Keino

Ag. Chairperson

Ethics and Anti-Corruption Commission