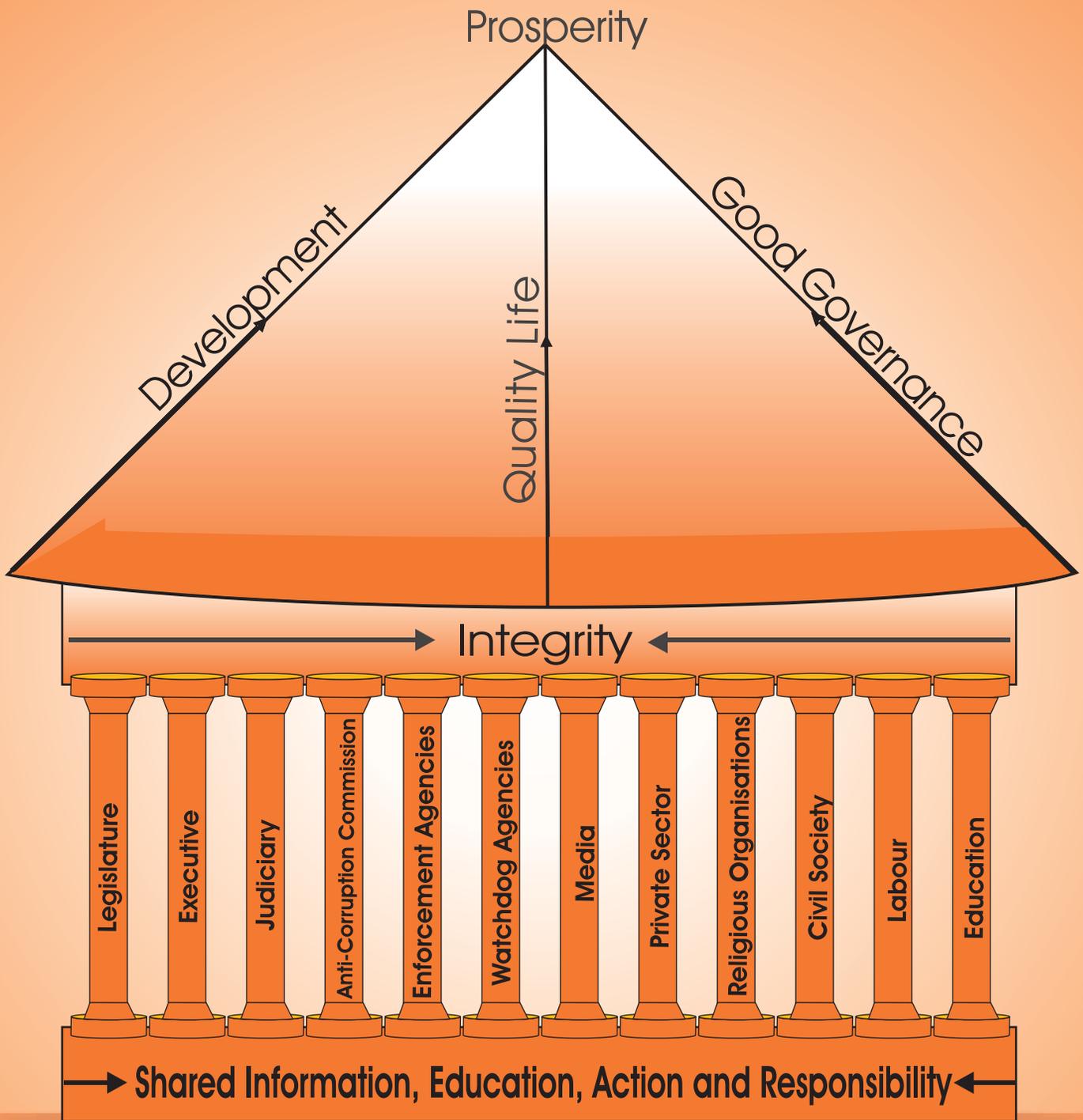


National Anti-Corruption Plan



Kenyans Arise! Fight Corruption Now.

The National Anthem

O God of all creation
Bless this our land and nation.
Justice be our shield and defender
May we dwell in unity
Peace and liberty
Plenty be found within our borders

Let one and all arise
With hearts both strong and true
Service be our earnest endeavour
And our homeland of Kenya,
Heritage of splendour,
Firm may we stand to defend.

Let all with one accord
In common bond united,
Build this our nation together
And the glory of Kenya
The fruit of our labour
Fill every heart with thanksgiving

Tuangamize Ufisadi

Kenya yangu, naipenda
Nachukia ufisadi
Waharibu nchi yetu
Tuangamize ufisadi

Kenya yangu, ngao yangu
Naupinga ufisadi
Hongo mbali, rushwa mbali,
Tuangamize ufisadi

Ndugu yangu, mwananchi
Tudumishe maadili
Tufanyapo kazi zetu
Tuangamize ufisadi

Tuna nia, na sababu
Na uwezo nazo mbinu
Tuungane sisi sote
Tuangamize ufisadi.

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Glossary of Abbreviations

| | |
|-------|--|
| ACECA | Anti-Corruption & Economic Crimes Act |
| ACPU | Anti-Corruption Police Unit |
| ALGAK | Association of Local Government Authorities of Kenya |
| APSEA | Association of Professional Societies of East Africa |
| AG | Attorney-General |
| BOG | Board of Governors |
| CBA | Community Based Appraisal |
| CBF | Constituency Bursary Fund |
| CDF | Constituency Development Fund |
| CCK | Communication Commission of Kenya |
| CEOs | Chief Executive Officers |
| CG | Commissioner General |
| CHE | Commission for Higher Education |
| CID | Criminal Investigations Department |
| CJ | Chief Justice |
| COTU | Central Organization of Trade Unions |
| CPC | Corruption Prevention Committee |
| DDC | District Development Committee |
| DFRD | District Focus for Rural Development |
| DPM | Directorate of Personnel Management |
| DPP | Director of Public Prosecution |
| ECK | Electoral Commission of Kenya |
| EMU | Efficiency Monitoring Unit |
| ERS | Economic Recovery Strategy |
| ICPAK | Institute of Certified Public Accountants of Kenya |
| FDI | Foreign Direct Investment |
| FKE | Federation of Kenya Employers |
| FPE | Free Primary Education |
| GJLOS | Governance Justice Law and Order Sector |
| GITS | Government Information & Technology Services |
| HPS | Head of Public Service |
| HEB | Higher Education Bill |
| IFMIS | Integrated Financial Management Information System |

| | |
|--------|--|
| IAG | Internal Auditor General |
| ICT | Information Communication Technology |
| IT | Information Technology |
| JSC | Judicial Service Commission |
| KACA | Kenya Anti-Corruption Authority |
| KACC | Kenya Anti-Corruption Commission |
| KAM | Kenya Association of Manufacturers |
| KEBS | Kenya Bureau of Standards |
| KESI | Kenya Education Staff Institute |
| KIE | Kenya Institute of Education |
| KIM | Kenya Institute of Management |
| KISM | Kenya Institute of Supplies Management |
| KMJA | Kenya Magistrates and Judges Association |
| KNAO | Kenya National Audit Office |
| CCI | Kenya National Chambers of Commerce and Industry |
| KNEC | Kenya National Examination Council |
| KNHRC | Kenya National Human Rights Commission |
| KNUT | Kenya National Union of Teachers |
| KLGWU | Kenya Local Government Workers' Union |
| KRA | Kenya Revenue Authority |
| KUJ | Kenya Union of Journalists |
| KUPPET | Kenya Union of Post Primary Education Teachers |
| LA | Local Authorities |
| LASDAP | Local Authority Service Delivery Action Plan |
| LATF | Local Authority Transfer Fund |
| LG | Local Government |
| LSK | Law Society of Kenya |
| MDGs | Millennium Development Goals |
| MEU | Monitoring & Evaluation Unit |
| M&E | Monitoring & Evaluation |
| MLG | Ministry of Local Government |
| MOA | Media Owners Association |
| MOF | Ministry of Finance |
| MOH | Ministry of Health |
| MOIC | Ministry of Information & Communication |
| MOEST | Ministry of Education Science & Technology |
| MOJCA | Ministry of Justice & Constitutional Affairs |

| | |
|---------|---|
| MOLHRD | Ministry of Labour & Human Resource Development |
| MOTI | Ministry of Trade & Industry |
| MOU | Memorandum of Understanding |
| MPND | Ministry of Planning & National Development |
| MPER | Ministerial Public Expenditure Review |
| MTEF | Medium Term Expenditure Framework |
| MPs | Members of Parliament |
| NACADA | National Agency for Campaign Against Drug Abuse |
| NACP | National Anti-Corruption Plan |
| NASC | National Audit Services Commission |
| NCC | National Coordinating Committee |
| NEMA | National Environment Management Authority |
| NGO | Non-Governmental Organization |
| OECD | Organization for Economic Cooperation and Development |
| OP | Office of the President |
| OSS | One Stop Shop |
| PAC | Parliamentary Accounts Committee |
| PER | Public Expenditure Review |
| PIC | Parliamentary Investment Committee |
| PIN | Personal Identification Number |
| PLGO | Provincial Local Government Officer |
| POEA | Public Officer Ethics Act |
| PPDA | Public Procurement & Disposal Act |
| PRSP | Poverty Reduction Strategy Paper |
| PSC | Public Service Commission |
| PSIP | Public Sector Integrity Programme |
| PTA | Parents Teachers Association |
| SDC | Senior Deputy Commissioner |
| SORAAPS | Statements of Recommended Accounting and Auditing Practices |
| TA | Technical Assistance |
| TSC | Teacher's Service Commission |
| UASU | University Academic Staff Union |
| UN | United Nations |
| UNDP | United Nations Development Programme |

Foreword

Over the last ten years, this country has embarked on fundamental changes relating to fiscal, economic, political, legal and constitutional reforms. Such changes are meant to set a new stage by providing an umbrella framework within which to conduct our individual, corporate, sectoral and national activities. However, after we have re-engineered our institutions and re-written our game rules, no lasting success can be attained if our values, beliefs and manner of operating remain cast in the past. Therefore, we have to consciously and deliberately impart good governance in all spheres of our national life in order to create a vibrant and wholesome environment that will foster socio-economic growth and development and attainment of our individual and collective national aspirations. Good governance will ensure the consolidation and perpetuation of the gains and effects of all these reforms.

On the other hand corruption, being at various points the cause and also the effect of bad governance, can ruin any chance of a bright, prosperous future. It must therefore be prevented and fought effectively-everywhere, by everyone, all the time.

Beyond the emotive rhetoric and activism that has hitherto characterized discussion on the subject of corruption, this National Anti- Corruption Plan offers a practical approach to deal with the problem. The honest, genuine discussions and consultations that culminated in the formulation of the plan are commendable. The multi-sectoral participatory pattern will ensure mutual support and cooperation instead of unnecessary acrimony and antagonism. Should every individual and organization take up their role sincerely as envisaged by the Plan, even a modest effort and alertness can ensure a corruption-hostile environment in a very short time, thereby eradicating corruption or reducing it to insignificant level.

No doubt the greatest strength of this Plan shall derive from its various elements being adopted and adapted to become normal features in our routine activities and transactions. The anticipated regular monitoring and evaluation, periodic consultations and reports, and an annual review forum should enable this nation to adopt, develop and perfect good practices and structures that can ensure a corruption free society from now into the future.

It is noteworthy that the design of this Plan seeks to utilize already –existing facilities and resources. The minimal additional resources that may be needed to intensify the level of fighting corruption should not be an excuse for creating unnecessary new organizations. Instead, partnerships and new initiatives and projects within pre-existing organizations should be the best way to maximize the utilization of available resources and capacity.

Preventing and fighting corruption is every Kenyan’s priority and responsibility. Let us all now engage in these endeavours in earnest and with a sense of urgency, commitment and consistency.



Justice Aaron G. Ringera
CHAIRMAN
NACP COORDINATING COMMITTEE

Kenyans Arise! Fight Corruption Now.

Chapter One

Introduction

1.1 Global Perspective

Corruption can be found in all walks of life ranging from matters involving petty and relatively insubstantial issues to those of great significance and value. It is now widely acknowledged that corruption hinders economic development, reduces social services, and diverts investment in infrastructure, institutions and services available to society and also undermines efforts to achieve planned national targets. Evidence from across the globe confirms that corruption impacts on the poor most devastatingly. The phenomenon fosters an anti-democratic environment characterized by uncertainty, unpredictability, decay in moral values and disrespect for public property, institutions and the rule of law. Corruption reflects a deficit in democracy, human rights and governance that negatively impacts on poverty and human security (United Nations Development Programme (UNDP), 2004).

Corruption has devastating consequences such as wasteful spending, bigger budgetary deficits, greater economic inequality, disinvestment as well as unorthodox trading practices. It has the potential of causing a crisis of confidence that can trigger capital flight and disrupt market patterns and stability.

The international community has become increasingly concerned with the problem of corruption and its negative impact on economic growth and poverty alleviation. In the early 1990s, in the wake of globalisation and increased pressures for improving governance, attention and emphasis started shifting away from traditional neutral public administration reform concerns, to more politically sensitive areas that are at the core of good governance. In efforts to prevent and combat corruption, international financial institutions now usually include aspects of economic good governance, regulatory reform and privatisation in their policy dialogues and lending activities.

Increasingly, international organisations, non-state actors and academic experts on governance have advocated an integrated, comprehensive approach to fighting corruption around the globe. This approach includes: introducing new or amended legislation aimed at reducing public officials' opportunities for rent-seeking in those areas most prone to corrupt practices;

building alliances with other governments in the struggle against corruption by signing international anti-corruption agreements and participating in transnational organisations committed to fighting corruption; and the implementation of anti-corruption programmes. These anti-corruption programmes generally may entail: an anti-corruption law, a dedicated agency or inter-ministerial commission, an action plan to implement the programme, and a monitoring mechanism. The justification for encouraging countries to adopt these comprehensive anti-corruption programmes has been not only to develop an integrated framework for policy and institutional reforms, but also to launch a process whereby stakeholders can build a consensus on a strategy for fighting corruption and provide neutral mechanisms to hold governments and organisations accountable for implementing that strategy.

Since its establishment, the United Nations (UN) has been engaged in facilitating co-operation among its member governments against crime. In the last decade, there has been a growing consensus among governments that corruption, in all its many forms, is one of the crimes that governments should address through effective international mechanisms.

Action against corruption is high on the global agenda. The anti – corruption efforts by the international community have led to establishment of global and regional initiatives to fight corruption. These efforts are reflected in the adoption of the following instruments:

- the UN Convention Against Corruption
- the African Union Convention on Preventing and Combating Corruption
- UN Convention against Transnational Organized Crime
- UN Declaration against Corruption and Bribery in the International Commercial Transactions
- International Code of Conduct for Public Officials
- The Organisation for Economic Co-operation and Development (OECD) Protocol to combat bribery by foreign public officials in international business transactions.

In addressing the problem of corruption, a number of countries in Africa and Asia have developed and implemented anti-corruption initiatives with varying degrees of success. Examples include Botswana, Uganda, Hong Kong and Singapore, among others.

1.2. Local Perspective

Corruption in Kenya can be traced to the country's history. As in other parts of the world, the phenomenon prevailed in this country many years back. Corruption emerged in tandem with the systematic distortion of social-cultural values that governed the African way of life. Virtues such as reverence for elders and people in authority and the traditional African hospitality of gift or token exchange got perverted and were transformed into outright demands for bribes before service could be rendered. Corruption can also be traced to colonialism; a system of governance that was based on and sustained by authoritarianism, injustice, deceit and outright plunder of the country's natural resources. Indeed, such a system provided a perfect environment for the festooning of corruption. Independence came without a fundamental restructuring of the colonial state. This meant that corruption was transmitted into the Independent State.

In the sixties and seventies overt corruption in Kenya thrived due to the opportunities presented by interventionist policies through which the state sought to manage economic life through licensing and other forms of regulation. The political and economic reforms of the late 80's and the early 90's, eliminated many of the earlier opportunities around which corruption thrived. Consequently, the incidence of large-scale corruption targeted revenue collection, property transfers, and access to state funds through state tendering and procurement. Emergence of wanton poor institutional governance, an atmosphere of impunity to the rule of law, low morale and inefficiency - contributed immensely to an environment that enabled corruption to thrive and reach devastating levels. Control of state power meant control of public wealth leading to patronage, looting and bribery.

Today, corruption continues to pose one of the greatest challenges facing Kenya. It continues to undermine good governance and distort public policy, leading to misallocation of resources. It has contributed to slow economic growth as well as discouraged and frustrated both local and foreign investors.

Kenyans now acknowledge the enormity of corruption as a problem and its many consequences. As a show of commitment by the new Government to the fight against corruption, Kenya was the first country worldwide to ratify the United Nations (UN) Convention against Corruption on 9th December 2003 in Mexico. The Government has also signed the AU

Convention on the Prevention and Combating of Corruption and acceded to the UN Convention against Transnational Organized Crime. The Anti-Corruption and Economic Crimes Act (ACECA) 2003 and The Public Officer Ethics Act (POEA), 2003 were swiftly passed to pave way for the establishment of the Kenya Anti-Corruption Commission (KACC), to spearhead and co-ordinate the fight against corruption in the country and to enhance integrity within the Public Service respectively.

Other important legislation aimed at improving governance include The Privatisation Act, 2005 (to ensure transparent and accountable transfer of public assets), The Public Audit Act, 2003 (setting up the National Audit Commission, the National Audit Office, and generally streamlining the audit function of all public organisations), The Government Financial Management Act, 2004 (consolidating, improving and streamlining key Government financial process previously scattered in separate codes), and The Public Procurement and Disposal Act, 2005 (which aims to make procurement of goods and services by public bodies transparent, accountable and effective).

1.3 The Role of the National Anti-Corruption Plan (NACP)

Before the establishment of the Kenya Anti-Corruption Commission (KACC), initiatives against corruption were isolated, uncoordinated, inconsistent, improperly targeted or conceived, and largely unevaluated. The Plan provides a coordinated approach and unity of purpose in fighting corruption in the Country. All efforts against corruption must be coordinated in a clear and systematic pattern in order to maximize on existing resources, opportunities and structures and in so doing mobilize all Kenyans effectively.

The National Anti-Corruption Plan (NACP) provides for the first time a shared reference point for all anti-corruption initiatives in order to:

- (i) Provide unity of purpose by all those involved in the fight against corruption.
- (ii) Provide guidance to anti-corruption operations.
- (iii) Ensure participation by all Kenyans in preventing and fighting corruption.
- (iv) Provide explicit mechanisms for regularly evaluating initiatives against corruption by all stakeholders.

- (v) Empower Kenyans to reject corruption and foster a corruption intolerant society.
- (vi) Provide a framework within which all stakeholders can plan their activities to contribute towards eradication of corruption.
- (vii) Help direct adequate and consistent attention to all activities geared towards a balanced anti-corruption strategy.
- (viii) Provide a “mapping” of stakeholders and their activities for ease of partnership and networking and
- (ix) Facilitate the mainstreaming of anti-corruption policies, rules and regulations in all aspects of public life.
- (x) Inculcate a culture of ethics and integrity in all aspects of public and private life.

1.4 Scope of the Plan

The scope of this NACP is to prevent and to fight corruption in all its manifestations in all spheres of social, economic and political affairs of the nation. The Plan recognises that corruption is a phenomenon that permeates all sectors of national life and is not unique to some sectors. The Plan draws from the experiences of all Kenyans and recognizes that preventing corruption requires a consistent, coherent, broad-based and collective approach with a long-term perspective.

The Plan seeks to give effect to the main purposes of the UN Convention Against Corruption which are:

- (a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
- (b) To promote, facilitate and support international cooperation and Technical Assistance (TA) in the prevention of and fight against corruption, including in asset recovery;
- (c) To promote integrity, accountability and proper management of public affairs and public property.

In particular the Plan fulfils the Convention's requirements to the effect that each state party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between public institutions and the private sector including civil society organizations in the fight against corruption.

1.5 Enabling Environment

The Plan will benefit from an increasingly open and vibrant environment characterised by the fact that:

1. Kenyans are now freely talking about corruption on a daily basis and everywhere there is a growing desire to have it eradicated.
2. There is tremendous goodwill among the stakeholders and development partners.
3. The willingness of stakeholders to join in the fight against corruption and improve governance within their jurisdiction using their own resources.
4. The establishment of the Kenya Anti-Corruption Commission (KACC) with mandate to enforce the anti-corruption law as well as spearhead the war against corruption in the country.
5. Other enforcement agencies have been sensitised and are prepared to take a leading role in the fight against corruption.
6. Benefit from the experience of other anti-corruption initiatives by similar agencies in countries in the region and other parts of the world.

The key assumptions of the plan are: -

- a). All stakeholders will devote adequate resources to implement their part of the Plan
- b). Government will give total political support
- c). Stakeholders will have total commitment to the implementation of the Plan

Chapter Two

Corruption in Kenya

2.1. Definition of Corruption

There is no universally accepted definition of corruption. For the purposes of this plan, corruption is perceived to include:

- (i) Abuse of position or office for personal advantage or for the advantage of another person;
- (ii) Bribery, theft, embezzlement and fraud;
- (iii) Evasion of payment of government revenues, taxes, rates, fees and other dues;
- (iv) Practising of nepotism, tribalism, clanism;
- (v) Practising discrimination on the basis of religion, gender or disability;
- (vi) Inversion and distortion of social values including soliciting for and giving sexual and other favours; and
- (vii) Negligence of professional ethics.

2.2. Historical Perspective on the Fight Against Corruption in Kenya

Whilst corruption is a universal problem, it is currently particularly harmful in some developing countries where there may be more opportunities and less resources for controlling it. Corruption exists in all societies to varying degrees and Kenya is not an exception. The country has witnessed corruption since pre – independence days. Corruption has contributed to decline in economic growth, deterioration of infrastructure, inadequate health facilities and drugs, running down of public institutions, and increased poverty incidences, among others. Kenya's economy recorded a negative growth of -0.3 % by 2000 - the worst performance since independence. Currently over 56 percent of Kenyans live below the poverty line. Therefore, efforts to combat corruption directly support goals of eradicating poverty and promoting human security for all and contribute to achieving the UN's global development agenda in several key areas, popularly called the Millennium Development Goals (MDGs).

National Anti-Corruption Plan

Reports of perception studies in the country indicate that corruption poses one of the greatest challenges in Kenya today. A Survey on Perception of Corruption in Kenya (2002) shows that Kenyans (93%) believe that corruption has caused much harm to the country and that up to 84% have been personally affected by corruption. Transparency International Corruption Perception Index (1998, 2000, 2002, 2003, 2004) shows the performance of Kenya where in 1998 it was placed 73rd out of the listed 85 countries, 1999, 90th out of the 99 countries surveyed, 2000, 82nd out of 90; 2001, 84th out of 91 countries; while in 2002, it ranked 96th out of 102 and in 2003 it was 123rd out of 133. In 2004, the country was ranked 129th out of 146 countries. The Daily Bribery Survey (2002) shows that Kenyans pay an average 16 bribes a month simply to get on with their lives, indicating there is a widespread culture of corruption.

Corruption may be costing Kenya as much as US \$1 billion a year, nearly a quarter of annual government spending (Planning and National Development Minister, Kenya- BBC news May 23rd 2003). It should also be noted that failure by the Government to maintain reforms and fight corruption in the 1990s led to donors' suspension of crucial development aid to the country for about a decade.

Anti-corruption measures

Achieving good governance and fighting corruption is amongst the most important challenges that the country faces today. Since colonial times, numerous anti-corruption initiatives, programmes and projects have been introduced in the country.

Official records reveal that some of the earliest efforts to fight corruption in Kenya started in the colonial era in the 1920s. These efforts eventually led to the enactment of The Prevention of Corruption Ordinance (Cap 65) in 1956. This legislation was not out of foresight that corruption was likely to occur in later years but because the phenomenon was then serious enough to warrant a specific law to deal with it. Largely as a result of recognition that the problem had worsened in the 1980s, this law (now an Act) was amended in 1992 to create an Anti-Corruption Squad in the Police Department. However, the squad was active for only a short time and was disbanded in 1995. The Act was again amended in 1997 to create the Kenya Anti-Corruption Authority with investigative and prosecutorial powers. The Authority was in a surprise move declared unconstitutional by a constitutional court in 2000 and subsequently dissolved.

In 1998, Parliament constituted a Parliamentary Select Committee on Corruption. It was broadly mandated to explore the origins, causes and effects of corruption in Kenya and report back to Parliament. The committee's work culminated in a report on corruption in Kenya, which was tabled before Parliament in June 2000. The Committee also proposed an "Anti-Corruption and Economic Crimes Bill (2000)" to replace The Prevention of Corruption Act (Cap 65).

The enactment of The Anti-Corruption and Economic Crimes Act (ACECA) 2003, The Public Officer Ethics Act (POEA), 2003 and the establishment of the Kenya Anti Corruption Commission in May 2003 are some of the new government's measures to fight corruption. The two Acts establish an improved legislative platform for the fight against corruption in the country.

Other measures include the purge on the judiciary through a judicial integrity committee in September 2003. Other anti-corruption entities in the country now include Ministry of Justice and Constitutional Affairs (MOJCA) and a National Anti-Corruption Campaign Steering Committee. The National Anti – Corruption Campaign Steering Committee was launched by the Government in 2004 to spearhead a country - wide anti-corruption awareness-raising campaign and the committee is composed of representatives from government, civil society and the private sector.

In the recent past, various stakeholders have started participating in preventing and fighting corruption. These include the media, NGOs, public and private sector institutions, civil society, religious organizations, professional bodies and associations.

This emergence of various organisations fighting corruption in the country arises from an understanding that no person or organization however powerful or committed can win the war alone. It will require the participation of all individuals and institutions, incorporating a variety of approaches, to overcome corruption. It is with this understanding that the plan has been developed. The plan, therefore, seeks to marshal all the available resources, as well as the concerted efforts of all stakeholders, in order to ensure quick eradication of corruption in our society.

Chronology of national legislative initiatives on corruption

The key legislative initiatives to combat corruption made so far can be summarized as follows:

- 1956 - Enactment of the Prevention of Corruption Ordinance (Cap 65 Laws of Kenya)
- 1992 - Formation of an Anti-Corruption Police Squad by amendment of The Prevention of Corruption Act
- Oct 1997 - Further amendment of The Prevention of Corruption Act, and formation of the Kenya Anti-Corruption Authority (KACA)
- Sep 2001 - Formation of the Anti-Corruption Police Unit (ACPU)
- May 2003 - Enactment of The Anti-Corruption & Economic Crimes Act (ACECA) 2003, leading to the establishment of the Kenya Anti – Corruption Commission (KACC) in late 2004
- May 2003 - The Public Officer Ethics Act, 2003
- 2003 - The Public Audit Act, 2003
- 2004 - The Government Financial Management Act, 2004
- 2005 - The Privatisation Act, 2005
- 2005 - The Public Procurement and Disposal Act, 2005

2.3. Causes and Effects of Corruption

2.3.1. Some Causes of Corruption

It is generally recognized that corruption emanates from two basic conditions namely:

- (a) Erosion and distortion of values.
- (b) Existence of opportunities

One acknowledged cause of corruption is poor governance, which is evidenced by failure of institutions and a lack of capacity to manage society by means of a framework of social, judicial, political and economic checks and balances. Weakness in institutional structures may result in non-implementation and non-enforcement of laws and policies that could otherwise ensure accountability and transparency.

Corruption in public services arises where there is lack of checks and balances on discretionary power or authority. For instance, when public officials have wide authority and little accountability corruption is likely to thrive.

Corruption also tends to thrive where there is poor remuneration or lack of incentives to public officials, worsened by disregard of merit criteria in appointments. Individuals with meagre salaries, who have ample opportunities to be corrupt, and who are unlikely to be caught or not severely punished even if detected are more likely to engage in corrupt practices. However, higher salaries will not necessarily check corruption, unless there is also a strong political commitment to change attitudes, to restore efficiency and meritocracy in public service, and apply punishment and sanctions firmly and fairly.

Poor or selective law enforcement or perceived impunity has for years encouraged corrupt practices. Non-punishment for corruption and economic crimes has for long facilitated corrupt behaviour in this country.

In the past soft social control systems that allow indiscipline and render the citizens passive and not willing to complain about corruption and corrupt practices encouraged corruption. A situation where corrupt activities were tolerated while those who perpetrated corruption were neither punished nor stigmatized created a culture of impunity and entrenched corruption in our society.

Other factors that have contributed to unbridled corruption include; -

- i). Poor leadership
- ii). Political patronage.
- iii). Lack of or Failure to adhere to professional ethics and standards
- iv). Failure to implement recommendations of watchdog institutions
- v). The mentality of not taking care of public and corporate assets and property (Mali ya Umma syndrome) in all sectors.
- vi). Poor planning
- vii). Greed and worship of material things
- viii). Poverty and unemployment or
- ix). Lack of public awareness on the evils and consequences of corruption

2.3.2. Some Effects of Corruption

Corruption is costing the country millions of shillings every year through siphoning off of scarce resources thus diminishing the country's prospects for development. Distortions generated by corruption result in lower investments and economic growth. It is now evident that the consequences of corruption are disproportionately and cruelly borne by the poor who have no resources to compete with those able and willing to pay bribes or to access alternative services. Corruption worsens the welfare of our citizens and also undermines our efforts to achieve national aspirations, and is a primary obstacle in the effective delivery of public services. It also leads to increased inflation and unemployment, further compounding the problem of poverty.

With corruption, there is lack of respect for the rule of law. Enforcement and judicial officers who accept bribes strengthen the hold and influence of criminal and corrupt elements in society. This also diluted the integrity of public officers and institutions.

Overtime this eroded public officials trustworthiness and their authority and ability to govern for the common good. Corruption makes it possible for justice to be subverted and for human rights abuses to go unpunished. When corruption reigns, basic human rights and liberties come under threat and social and economic contracts become unpredictable, resulting in all-round insecurity and instability.

For this country, once a favoured destination, corruption directly resulted in drastically reduced Foreign Direct Investment (FDI) which in turn affected our rate of economic growth. Other "costs" of corruption undoubtedly include: reduced aid flows; loss of tax revenue; and budget shortfalls and lower government expenditure on development and services.

Other well documented effects of corruption and to which most Kenyans are witness include:

- i). Poor infrastructure, sanitation and housing
- ii). Lack of confidence in public institutions
- iii). Brain drain and migration of quality human resources
- iv). Disregard for merit in awarding available opportunities
- v). Poor delivery of services
- vi). Prevalence of insecurity and social unrest
- vii). Demoralization and de-motivation of honest individuals
- viii). Immorality and increased social evils and perversity
- ix). Inability of the public institutions to provide adequate services.

Chapter Three

Objectives of the Plan

3.1. Vision

The vision of the NACP is “towards a just, democratic and prosperous Kenya built on good governance, ethics and integrity”.

3.2. Mission

The purpose of the plan is to marshal the efforts and resources of various stakeholders to promote positive values and standards in order to prevent and combat corruption in Kenya.

3.3. National Anti-Corruption Plan Objectives

The main objective of the National Anti-Corruption Plan is to marshal the efforts and resources of various stakeholders to progressively and systematically reduce – to the extent possible - the causes and the destructive effects of corruption in Kenya. Specific objectives are: -

- a). To transform the situation where corruption was a low-risk high- gain undertaking to one where it is a high- risk low- gain venture.
- b). To involve all organisations and individuals in Kenya in fighting corruption where they are, wherever it is.
- c). To create public awareness of the causes and terrible effects of corruption and the role of the public in its prevention and eradication.
- d). To promote good governance in all organisations in every sector in order to prevent and fight corruption.
- e). To enhance collaboration among Kenyans in ensuring that all corruption cases are reported, investigated and prosecuted properly.

- f). To encourage all organizations and individuals to develop their strategies for preventing and fighting corruption.
- g). To encourage all organizations and individuals to contribute towards the evaluation, improvement and reinforcement of the Plan.
- h). To create an environment where any corrupt activity is seen and expressed as a social aberration.

To accomplish these objectives, the plan provides strategies/actions whose full implementation will require the participation of different actors in the public sector, private sector, civil society, and other stakeholders.

Chapter Four

Key Elements of the Plan

Our success in fighting corruption now, in stopping its reappearance in future, and our ability to perpetually improve our values and standards, will depend on how well at this stage we inter-link all the elements that will ensure good governance takes root now. The various issues at hand are discussed here in summary form for reference to the detailed action plan matrices.

4.1. Macro – Issues

As already acknowledged, corruption is a major hindrance to economic development. Development experts have come to the conclusion that it is impossible to alleviate poverty without first curbing corruption. Economic and social progress, the rule of law and good governance, democratic values, and strong civil society are some of the basic ingredients in building a national integrity system to sustain the fight against corruption in its various forms and at various levels. Therefore for the NACP to be successful, key macro economic issues need to be addressed.

Kenya's economic performance for the last two decades has been dismal. Annual economic growth has averaged less than 3 percent which is not adequate for poverty reduction and sustainable development of the country. The number of people living below poverty line have increased to higher levels (56 percent in 2002). For them to achieve the desired outcomes, poverty eradication programmes as spelled out in the Poverty Reduction Strategy Paper (PRSP) and the Economic Recovery Strategy Paper (ERS) need to be integrated in the fight against corruption and other reforms. According to the ERS, most of the problems bedeviling Kenya and its people arise from the many years of bad governance and poor economic management. The paper relates the growing poverty, food insecurity, and economic collapse to bad governance. Current statistics however show that the economy has posted a phenomenal growth in the last two years following wide ranging reforms in accordance with the ERS. These gains need to be buttressed and sustained by a bedrock of good governance.

There is also urgent need for the country to adopt a long term perspective as an appropriate framework for promoting sustainable development. Economic planning in Kenya since independence has been limited to 5-year or shorter plans. Indeed, for decades, policy formulation, development planning and management not only in Kenya but also in many African countries have been short-term based and externally determined. The country needs a national vision of where we want to be as a country in, say, 100 years. This vision can be galvanised by involving all people from the grassroots to the national level. A vision of this kind can then be translated into short, medium and long-term plans so that they all fit within the entire framework, encompassing all sectors and synchronizing all national endeavours to induce harmony and synergy.

As part of the global village Kenya needs to march (or run) with the rest of mankind if we are to maximize benefits and advantages possible through increased and intensified interactions and to properly and fully belong to the global society.

There are various global and regional governance Conventions and Protocols to which Kenya is now a party. Although the country has ratified these conventions, they are yet to be domesticated. Non-domestication of these conventions means non-implementation. There is therefore need to translate these conventions into laws and other programmes of implementation.

4.2. Public Sector Reforms

Wide ranging public sector reforms were started in the 1990s with the view to improve efficiency and service delivery. This started with the Voluntary Early Retirement in 1995 where about 60,000 staff left the civil service.

Rationalisation of Ministerial functions followed in 1999 and involved:

- a) Identification of core functions
- b) Specifying mandates of ministries
- c) Staff rationalisation where duplication and overlaps were identified and rectified

The process led to retrenchment of a further 23,000 civil servants in 2000 leaving about 192,000 in Civil Service. Further right-sizing is expected to continue in the next couple of years.

The ministerial rationalization paved way for a strategic planning process and now all ministries and departments have strategic plans under implementation. This has allowed detailed performance oriented work plans with specific outputs and outcomes. These in turn form the basis for performance contracting and performance assessment introduced in 2005.

This Performance contracting aims at;

- (i). Improving service delivery
- (ii). Making accounting officers to be accountable for predetermined results
- (iii). Cascading accountability to all levels to ensure personal direct responsibility
- (iv). Introducing result oriented culture in the service
- (v). Providing objective evaluation of the performance of management and staff
- (vi). Providing for development of service charters for all ministries/departments and state corporations.

In the public financial management, key reforms include:

- a) Introduction of Medium Term Expenditure Framework (MTEF) Budgeting process
- b) Ministerial Public Expenditure Reviews (MPERs)
- c) Integrated Financial Management Information System (IFMIS)
- d) Strengthening of Internal Audit Department
- e) Establishment of the Kenya National Audit Office (KNAO)
- f) Enactment of Government Financial Management Act, 2005
- g) Amendment of The Exchequer and Audit Act (Procurement Regulations of 2001) and eventually enactment of the Public Procurement and Disposal Act, 2005.

The computerization of the Judiciary, and the Registrar-General's Offices and the strengthening of Public Prosecutions Department are some of the reforms going on in the legal sector.

The Government has also been implementing a programme to reform state corporations/ Parastatals. These include; Privatisation of non-core state corporations; Improving quality of management by introducing performance contracts in state corporations; Allowing operational autonomy for boards to appoint Chief Executive Officers (CEOs) and senior manager's competitively; and Rationalization of functions of state corporations.

The Public Service Integrity Programme (PSIP), which was introduced in 2002, closely ties up with the other public service reforms. The programme;-

- (i). Addresses issues of values, ethics, and culture in the public service (trust, honesty, integrity and commitment to service)
- (ii). Seeks to address corruption at the work place by institutionalisation of anti-corruption measures such as corruption prevention plans, corruption risk assessments
- (iii). Addresses issues that affect service delivery such as nepotism, laxity in the work place, irregular promotions and recruitment.
- (iv). Addresses issues of internal controls in financial management and procurement process and planning

In addition to the above there are various Sector-wide reforms at various stages in the Energy Sector, Telecommunications Sector, Transport Sector, Environmental sector, Financial Sector, Health Sector and Education Sector. The latest of these sector-wide reforms is the Governance, Justice, Law and Order Sector (GJLOS) reforms coordinated by the Ministry of Justice and Constitutional Affairs (MOJCA).

The GJLOS Reform Programme supports Ministries, Departments and Agencies initiatives that seek to reform and strengthen the institutions for enhanced protection of human rights, efficient, accountable and transparent governance and accessible justice.

Other notable reforms include the Local Authority Transfer Fund (LATF) and the development of Local Authority Service Delivery Action Plans (LASDAPs) where stakeholders are engaged in Local Authorities' (LA's) programmes; and the introduction of Constituency Development Funds (CDF) and the Constituency Bursary Funds (CBF)

4.3. Creation of Enabling Environment

The creation of an enabling environment is a core factor in the success of the implementation of the Plan. Corruption will be curbed and prevented through legal mechanisms and appropriate legislative and institutional measures. To create that enabling environment, the priority policy action areas are as follows:

- a). Political good will with supportive positive action and rhetoric by leaders in all sectors and ranks.
- b). Parliament to review pertinent legislation to create a corruption hostile legal environment.
- c). Development and enforcement of Codes of Conduct for leaders, professionals and all Kenyans.
- d). Continuous advocacy of transparency and accountability in all sectors.
- e). Open all public tenders to unrestrictive participation and resultant awards to public scrutiny.
- f). All personnel should be properly trained, focused, performance oriented and sensitized to the need of improving productivity and services in the public and private sectors.
- g). Establish total autonomy for all enforcement agencies to enhance their performance.
- h). Provide manpower with the appropriate equipment and technology to deliver the services required.

4.4. Institution Building and Reforms

The building and strengthening of institutions is a pre-requisite to good governance. The failure of public management and governance in many countries is indicated by declining quality of services, inadequate policy formulation, weak financial management, closed decision-making leading to misallocation and misappropriation of financial resources, among many other ills. To attain the desired improvement urgent attention must be given to the following priority areas:

- a). Institutional reform and strengthening of the legal sector,
- b). Adherence to meritocracy in both public and private sectors,
- c). Re-training of staff to enhance their productivity,
- d). Review of financial management practices,
- e). Review and strengthen institutional management systems/structures,
- f). Exploit the potential which exists in collaborating with professional bodies.

- g). Training in investigative journalism to promote factual reporting and dissemination of corruption and anti-corruption information.

4.5. Strengthening Oversight Institutions

In the past, most proposals and recommendations by watchdog agencies were actually not taken seriously or implemented and consequently, corrupt activities remained unchecked. To reverse this trend, we must now strengthen the efficacy of oversight institutions through the following means:

- a). Providing adequate funding for anti-corruption activities,
- b). Staff selection strictly based on professional competence and experience, with staff already in employment assessed for suitability.
- c). Review of operational legal frameworks to enhance autonomy in discharging their respective mandates.
- d). Programme active interaction and collaboration with other professional institutions.
- e). Opening organizations to grassroots and activity level participation by the public in planning and monitoring of public expenditure.

4.6. Public Awareness/Education

In other parts of the world, high Anti-Corruption awareness levels have been known to lead to positive attitudes, beliefs and practices that give rise to a corruption free society. Catalysing broad public opposition to corruption requires raising levels of awareness of the phenomenon, its essence, workings, as well as its consequences for the individual and society as a whole. The stoking of public intolerance to corruption should result in stronger public demands for institutional changes to guarantee transparency and accountability of all administrations. To create such high level of public awareness, the following strategies are recommended:

- a). Continuous campaign against corruption including unrelenting media exposure.
- b). Workshops and seminars to sensitize journalists.

- c). Frequent integrity workshops and seminars for all sectors.
- d). Formation of anti-corruption groups, associations or coalitions from grassroots to national level.
- e). Special out-reach programmes to create public awareness in all corners of the country.
- f). Introduction of anti-corruption modules in curricula in all educational and training institutions.
- g). Empower, recognize and encourage Kenyans to speak out and act against corruption with patriotism.
- h). Adequate resources for anti corruption public awareness and education.

4.7. Prevention

Many organizations do not engage in constant appraisal of their operating systems, policies and practices. As a result they continue to operate systems that have weaknesses which provide avenues for corruption. To be able to effectively seal such loopholes and eliminate opportunities for corruption, it is recommended that:

- a). A Customer Charter be developed by each institution /organisation against which consumers can measure the quality of service rendered.
- b). Strict adherence to existing institutional and legal frameworks is maintained by all actors.
- c). Institutions regularly identify and review systems that create loopholes and opportunities for corruption and devise ways of sealing them.
- d). All stakeholders uphold their obligations set out in the National Anti-Corruption Plan, and offer peer pressure/review for their counterparts.

4.8. Ethical Standards

All our organizations need to make ethical standards-setting a priority. In corporate governance functioning with integrity and being seen to be functioning with integrity is actually about optimising the efficiency of the organisation. Research in Kenyan organisations reveals that many Kenyans do not realise the relevance of a code of conduct, which is a crucial tool in ethical standards setting. To change this situation, it is recommended that:

- a). Each organisation should develop and implement a code of conduct.
- b). Organisations and associations develop mechanisms to enforce adherence to their codes.
- c). Enforcement mechanisms must be an integral part of the codes of conduct.
- d). Organizations must regularly review and update their codes of conduct.

The elements outlined above are important for each sector and stakeholder and should be addressed to ensure prevention and eradication of corruption. Other elements, unique to each stakeholder or sector, should also be identified and addressed.

Chapter Five

Role of Stakeholders

5.1 Introduction

To emphasize again, our success in fighting corruption must have the participation of all the stakeholders. Stakeholders participating in designing the plan are drawn from the following sectors:

1. The Legislature
2. The Executive
3. The Judiciary
4. KACC
5. Enforcement Agencies
6. Watchdog Agencies
7. The Private Sector
8. The Media
9. Religious Organizations
10. Civil Society
11. Labour/Trade unions
12. Education Sector

In the process of formulating this Plan stakeholders jointly identified some key roles as described below, in addition to the specific action commitments.

Legislature: One of the principal functions of parliament is to hold the executive accountable through regular public scrutiny, parliamentary debates and questions. Parliament must continue to play this role of promoting and demanding transparency and accountability. Parliament shall also expeditiously enact or amend various governance and anti-corruption legislations aimed at establishing a concrete value system that will create a strong anti-corruption culture in the country.

The Executive/Public Sector: For the National Anti-corruption Plan to be successful, each part of society must shoulder the responsibility to carrying their identified activities. Stakeholders acknowledge that each corrupt transaction requires a “buyer” and a “seller.” The government must deal harshly with public servants who engage in extortion, bribery and other forms of corruption, but it is businesses and individuals who collude with public servants to obtain certain advantages. They, too, must be dealt with equally harshly.

The role of the Government in the fight against corruption is central to the whole process of implementing this anti-corruption plan. The Government shall facilitate new checks and balances to be established. During the plan period, a transparent and integrated system of checks and balances, designed to achieve accountability among the various arms and agencies of government will be established. Government leaders, politicians and bureaucrats must individually and collectively provide the political will to address all forms of corruption. Government shall undertake to strengthen an independent judiciary of high integrity; recreate a results-oriented and clean executive; and foster the growth of a strong civil society empowered by a free, clean and independent media.

Judiciary: The judiciary is the guardian of laws and societal integrity and therefore it is one of the cardinal institutions of good governance expected to play a most important role in the fight against corruption. The judiciary shall ensure the protection of basic human rights, which are frequently violated by corrupt individuals. The Judiciary will expeditiously complete the on-going reforms; enforce the code of conduct for its staff; and introduce and sustain transparent merit-based competitive appointments and promotions

Watchdog Agencies: The National Audit Office has been strengthened through reforms which have resulted in much more transparency and greater awareness of the extent of corruption in the country. The office will continue to exercise its principal function of auditing public expenditure in order to effectively reduce the incidence of corruption. The audit office is also expected to establish monitoring mechanisms to ensure funds are used for planned activities; carry out regular checks on institutions; and ensure adherence to laws, rules and regulations. Reforms to guarantee more autonomy, security of tenure and strengthening of

systems are expected to be implemented not only for the National Audit Office but also other watchdog agencies including the Kenya National Commission on Human Rights, Kenya Bureau of Standards (KEBS) etc.

The Media: The media can play an important role in exposing corruption and building support for efforts to combat it. As a crucial stakeholder in this Plan, the media has the responsibility to keep the legislature, the executive, the judiciary and private sector carefully monitored for corruption and all malpractices. A free and independent media with professional investigative capabilities shall be a “nation builder.” By drawing attention to corruption, journalists can turn corruption from a seemingly low risk, high profit activity for those involved to one that is high risk and low profit. The media is expected to play a critical role in raising public awareness; establish, enforce and maintain high professional standards; train journalist in specialised and investigative journalism; mount media anti-corruption campaign; implement their code of conduct for journalists and establish journalist professional associations.

In summary, an active, involved and empowered citizenry is indeed essential to any anti-corruption campaign. Under the National Anti-corruption Plan, the public must accept to bear a large share of responsibility for insisting on honesty and integrity in government and business. The public should be empowered not to let anybody buy their vote; not to be induced or coerced into any form of corruption; to take action where possible and to report incidents of corruption to the authorities; and to teach their family, relatives and friends the right values e.g. integrity is good and corruption is bad.

Civil Society: Civil society refers to diverse citizens, associations, and non-governmental organizations (NGOs) who unite to promote causes or issues of mutual interest and to influence decision-making processes. The role of civil society as a catalyst for fighting corruption and mobilizing pressure for reforms cannot be underestimated. The Government is partnering with civil society to prevent corrupt practices, strengthen public institutions, and foster an anti-corruption culture in society. The partnership is expected to result in policy-oriented civil society groups that will monitor governmental and other actors for integrity, bring corruption issues onto the public agenda, and actively promote the twin principles of transparency and accountability. Civil society will also play a vital role in re-shaping attitudes, reverse public

apathy and tolerance for corruption and monitoring the social and ethical performance of the public and private sector officials. Under the National Anti-corruption Plan, Civil society organizations are expected to develop and enforce own codes of conduct/professional standards, educate the public to demand quality goods and service; carry out public sensitization programmes, ensure transparency and accountability in their programmes, and participate in poverty eradication, among others pursuits.

Action Plans: The following matrices contain proposed Action Plans by various stakeholders in summary form. These Action Plans set out what individual stakeholders jointly with others in partnership pledge to accomplish, as their duty and obligation, to make this Plan succeed. It is expected that this contribution will grow as the stakeholders from different sectors refine their plans and strategies. The resultant information will be included in future editions of the Plan.

The details shown under each sector are deemed to express common problems and issues and the proposed approaches of dealing with them within each sector, and may not be exhaustive. Likewise, actors and organisations not included in the listing in this document may subsequently be included as this “mapping” progresses.

The out-lines in this Plan do not include any statements of budgetary or other resources that will, no doubt, be necessary to implement some components of the Plan. It is expected that beyond the Plan, individual stakeholders will work out their detailed strategies, complete with resources necessary to execute them.

We acknowledge that we have enough human, financial and material resources to implement this Plan. And as we realize from the sample activities we have identified in the matrices, the bulk of these activities require no financial outlays.

The majority of actions lie in the areas of:

- i) Self-regulation,
- ii) Policy and decision-making,
- iii) Legislation,

- iv) Standards setting,
- v) Enforcement
- vi) Moral rearmament,
- vii) Networking and vigilance within existing processes and activities by institutions and individuals.

The success and sustainability of this Plan will depend on the ingenuity with which each stakeholder ingests or injects it into existing systems, plans, programmes and projects to utilize existing resources and facilities. Its strength is in its simplicity. We accordingly encourage each stakeholder and individual to faithfully translate the intentions of this Plan into meaningful Action Plans in their own areas, then implement them consistently and persistently.

This Plan is the result of genuine, honest soul-searching by citizens of this country. It is our plan, *home-grown*. This self-diagnosis and prescription shall help us restore vitality and achieve our national aspirations. Like good medicine, it should restore health without altering the size, shape or nature of the patient or causing any aberrant growths.

The Plan is our pledge of collective and individual responsibility and commitment to the war against corruption in this country and to the restoration of high integrity and clean governance in all the spheres of our existence. Sector specific issues and concerns are presented in matrix format in the following pages.

5.2 The Legislature

| PROBLEM/ ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|--|---|--|---|---|--------------|
| <ol style="list-style-type: none"> 1. Want of Integrity on the part of some MPs and Public Servants | <ol style="list-style-type: none"> 1. Corrupt leaders & their beneficiaries 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Parliament 2. Public 3. The country 4. Public Servants | <ol style="list-style-type: none"> 1. The Public Officer Ethics Act (POEA) 2003. 2. Anti-Corruption and Economic Crimes Act (ACECA) 2003. 3. Establishment of KACC 4. Powers and Privileges Committee (National Assembly Powers and Privileges Act) | <ol style="list-style-type: none"> 1. Develop, enact and implement specific Codes of Conduct and Ethics for Ministers, MPs and Parliamentary Service Commission Staff 2. Educate the electorate on the responsibilities of public servants 3. Amend POEA to include all sectors and all ranks in setting up their own codes 4. Strengthen powers and privileges committee by co-opting non-MPs to help deal with ethical issues committed outside parliament | <ol style="list-style-type: none"> 1. Parliament 2. Government 3. Civil Society 4. Religious organisations 5. Interest groups | <ol style="list-style-type: none"> 1. Restoration of national integrity 2. Improved image of Parliament 3. Credibility of leadership at all levels 4. Improved governance | 2006/2007 |
| <ol style="list-style-type: none"> 2. Excessive Cost of election to the candidates | <ol style="list-style-type: none"> 1. Corrupt candidates and their brokers 2. Corrupt electorate | <ol style="list-style-type: none"> 1. Public 2. Honest candidates 3. The country 4. Parliament | <ol style="list-style-type: none"> 1. Political Parties 2. Financing Bill developed | <ol style="list-style-type: none"> 1. Enact Political Parties Financing Bill 2. Create enforcement mechanisms 3. Provide civic education to the public | <ol style="list-style-type: none"> 1. Parliament 2. Electoral Commission 3. Civil Society 4. Political Parties 5. Attorney General 6. Religious organisations | <ol style="list-style-type: none"> 1. Better informed electorate 2. Enhanced leadership integrity 3. Better governance 4. Limitation and control on campaign expenditure | 2006/2007 |

| PROBLEM/ ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|--|---|--|---|---|---------------------|
| 3. <i>Wrong perception, limited information on corruption</i> | 1. Corrupt individuals and officials 2. Unscrupulous citizens | 1. Parliament 2. The country 3. Upright citizens | 1. Cabinet Anti-corruption Committee established 2. Parliamentary watchdog committees 3. Ad hoc and standing committees | 1. Create and implement programmes to educate MPs on evils and consequences of corruption 2. Educate constituents on evils and consequences of corruption | 1. MPs 2. Civil Society | 1. Political leaders lead in anti-corruption war 2. Active popular participation in fight against corruption 3. Intolerance to corruption | 2006/ 2007 |
| 4. <i>Wrong perception of role of MPs, other leaders and public officials</i> | 1. Corrupt individuals 2. Corrupt leaders 3. Corrupt public officials | 1. Public 2. MPs & other leaders 3. The country | No initiative reported | 1. Educate public on role of MPs and other leaders 2. Educate public on roles of various organs of government, institutions and organisations | 1. Civil Society 2. Electoral Commission of Kenya (ECK) | 1. Correct perception of roles of leaders 2. Improved performance by leaders 3. Improved accountability | 2006/ 2007 |
| 5. <i>MPs' lack of clear understanding of their role</i> | 1. Corrupt individuals 2. MPs | 1. Public 2. Parliament 3. The country | 1. Post-election workshops 2. Attachment to other Parliaments | Educate MPs on their role | Parliamentary Service Commission | 1. Correct perception of roles 2. Good governance 3. Effective representation | 2006/ 2007 |
| 6. <i>Unrealistic demands on MPs by their electorate</i> | 1. Cliques surrounding MPs 2. Corrupt individuals | 1. Public 2. MPs | 1. CDF 2. CBF | 1. Educate public on role of MPs vis-à-vis the electorate 2. Ensure proper administration of CDF, CBF, Constituency HIV/ AIDS Fund/ Roads Levy, and LATF | 1. MPs/ PSC 2. Civil Society 3. Govt. – Public Communications Office 4. Professional Associations 5. KACC | 1. Improved performance of MPs and CDF initiatives | 2006/ 2007 |

| PROBLEM/ ISSUE | WHO WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|--|---|---|--|--|--------------|
| 7. <i>Inadequate understanding of Bills tabled in Parliament</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Unscrupulous interest groups | <ol style="list-style-type: none"> 1. Public 2. Parliament 3. The country 4. Government | <ol style="list-style-type: none"> 1. Improvement of Parliamentary library 2. More funding for Parliamentary committees 3. Establishment of budget committee 4. Provision of Information Communication Technology (ICT) and office space to MPs | <ol style="list-style-type: none"> 1. Establish an office of Parliamentary Counsel to scrutinise bills and advise MPs accordingly 2. Provide MPs with policy research assistants 3. Sensitize MPs on the need to understand Bills and policy issues 4. Open hearing and media coverage of Parliamentary proceedings | Parliamentary Service Commission | <ol style="list-style-type: none"> 1. Better informed MPs 2. Better laws 3. Better understanding of Bills and effective parliamentary debate 4. Enhanced participation by public in law making | 2006/ 2007 |
| 8. <i>Non-implementation of recommendations of House Committees</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt leaders 3. Corrupt public officials | <ol style="list-style-type: none"> 1. Public 2. The country 3. Upright leaders 4. Parliament 5. Executive | <ol style="list-style-type: none"> 1. Establishment of Parliamentary Service Commission 2. Parliamentary Departmental Committees 3. Establishment of Budget Committee | <ol style="list-style-type: none"> 1. Follow up and monitor action on recommendations of House Committees 2. Apply Sanctions 3. Establish a Parliamentary implementation committee on implementation of house decisions | <ol style="list-style-type: none"> 1. Parliament 2. Parliamentary Committees 3. Interest Groups | <ol style="list-style-type: none"> 1. Expeditions implementation of recommendations of House Committees 2. More effective Parliament | 2006/ 2007 |
| 9. <i>Limited facilities and equipment</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt leaders | <ol style="list-style-type: none"> 1. Parliament 2. Public | <ol style="list-style-type: none"> 1. Proposal for funding to acquire relevant technology 2. Acquisition of some basic equipment 3. Expansion of office accommodation for MPs 4. Establishment of staffed constituency offices | <ol style="list-style-type: none"> 1. Acquire and modernize facilities, equipment and services so as to create an enabling environment 2. Establish a Parliamentary Resource Centre 3. Increase the Research Personnel 4. Recruit draftsmen for Parliament 5. Provide ICT training and launch website | Parliamentary Service Commission | <ol style="list-style-type: none"> 1. Effective service delivery 2. Increased productivity of MPs | 2006/ 2007 |

| PROBLEM/ ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|--|--|--|---|---|--------------|
| 10. Increase in ICT related corrupt practices | Corrupt individuals | 1. Public 2. Government | No initiative reported | 1. Enact legislation on IT 2. Develop and implement comprehensive national IT policy | 1. Government 2. Parliament 3. Attorney-General 4. Interest Groups | 1. National ICT Policy 2. ICT Legislation 3. Minimised ICT related crimes | 2006/ 2007 |
| 11. Abuse of Office with impunity | Corrupt individuals | 1. Parliament 2. Public 3. Government | 1. POEA, 2003 2. Anti-Corruption and Economic Crimes Act (ACECA) 2003 | 1. Hold all leaders and officials personally responsible for decisions and actions taken while in office 2. Base decisions and actions strictly on laws, policies and plans 3. Prosecution of individuals who have abused their offices 4. Verification of wealth declarations 5. Enforce code of conduct and ethics for Ministers, MPs and Parliamentary Service Commission staff | 1. Parliament 2. Attorney-General 3. Civil society 4. Media 5. KACC 6. Responsible Commissions | 1. Rational decisions 2. Leaders of integrity 3. Political accountability | 2006/ 2007 |
| 12. Inadequate Anti-Corruption Legislation | 1. Corrupt leaders 2. Corrupt public officials 3. Corrupt individuals – all sectors | 1. Public 2. The country 3. Institutions 4. Upright leaders | 1. Various piecemeal legal reforms 2. Anti-Corruption and Economic Crimes Act (ACECA) 2003 enacted 3. POEA, 2003 legislated 4. Publication of the Statute Law (Miscellaneous Amendments) Bill, 2006 | 1. Amendment to the Anti-corruption and Economic Crimes Act (ACECA) 2. Establish and enforce Public Service Codes of Ethics 3. Enact other enabling legislature to deal with money laundering, witness protection` etc. 4. Give KACC powers to prosecute corruption cases | 1. Government 2. Parliament 3. Attorney-General 4. Civil Society | 1. Legal environment hostile to corruption 2. Adequate mechanisms to curb and eradicate corruption | 2006/ 2007 |

5.2 The Executive

5.3.1 General Issues affecting the Executive

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|--|--|---|--|---|--------------|
| <ol style="list-style-type: none"> <i>Lack of clear information to the public on existing services, processes and procedures</i> | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> Service charters introduced in some Government institutions Office of Public Communication established Increased information from the Government | <ol style="list-style-type: none"> Establish central reference or documentation and information center Publish regularly a comprehensive directory of government services and functions with a wide distribution (central reference point where public can obtain information) Ensure Government offices display information on available services and correct procedures and processes including applicable fees and charges Formulate and display clear and specific performance standards Develop and enforce customer charters and organisational performance pledges Introduce results based management Establish a system where wealth declarations forms are made public Harmonize service charters across public service Introduce regular local media programmes on Government services Make it mandatory for all Government agencies to publish and disseminate annual reports Keep up to date Government/ Ministries/ Institutions websites | <ol style="list-style-type: none"> Head of Public Service Accounting Officers/ Authorised officers Interest Groups Parliament Ministry of Information | <ol style="list-style-type: none"> Quality service delivery Enhanced integrity Increased productivity Quality information Quality and timely information More informed citizenry Increased confidence in the executive | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 2. <i>Limited public access to Government information</i> | 1. Corrupt individuals | 1. Public 2. Government | 1. Circulars and publications with limited circulations 2. Public Communication Office created 3. Development of websites 4. Increased communication through the media | 1. Release accurate information regularly through press releases, conferences and briefings 2. Establish public information desks in all Ministries/ Institutions 3. Enact Freedom of Information Act (FOI) | 1. Government Attorney-General Service 2. Parliament 3. Individual ministries and departments 4. Ministry of Information 5. Public Communication Office | 1. Speedy dissemination of government information 2. Proper use of information for planning 3. Wider public support for and involvement in policy implementation | 2007/ 2008 |
| 3. <i>Poor remuneration of public servants</i> | 1. Corrupt individuals 2. Corrupt officials 3. Corrupt Businessmen 4. Corrupt entities in the Private Sector | 1. Public 2. Government 3. Honest public officers | 1. Creation of Permanent Public Service Remuneration Review Board 2. Implementation of civil service salary and harmonization in progress | 1. Implement the recommendations of the Public service salary review and harmonization committee 2. Peg Public Service pay, benefits and pension on cost of living and best practices 3. Introduce performance based remuneration and appointment/ promotion 4. Intensify Corruption Prevention Efforts | 1. Head of Public Service 2. Public Service Commission 3. Attorney-General 4. Directorate of Personnel Management (DPM) 5. Permanent Public Service Remuneration Review Board 6. Respective Service Commissions 7. KACC | 1. Motivated staff 2. Enhanced efficiency 3. Greater effectiveness 4. Improved economy | 2007/ 2008 |
| 4. <i>Absence of schemes of service and non-adherence where they exist</i> | 1. Unqualified staff 2. Undeserving individuals | 1. Public 2. Government 3. Deserving officers | 1. Some schemes are operational 2. Discussions going on for others 3. Public Service Reform & Dev. Secretariat created | 1. Improve, harmonize and strictly enforce existing schemes of service 2. Develop and implement schemes of service where they do not exist 3. Punish those who violate the scheme of service | 1. Directorate of Personnel Mgt. (DPM) 2. Public Service Commission (PSC) 3. State Corporation 4. Advisory Committee 5. Public Service Reform & Dev. Secretariat 6. Ministries / Institutions 7. Respective Service Commissions | 1. Motivated staff 2. Improved performance 3. Retention of qualified and experienced staff 4. Exit from the service for those not qualified 5. Equity and merit in recruitment, retention & development of staff | 2007/ 2008 |
| 5. <i>Unclear roles and lines of authority</i> | 1. Corrupt leaders 2. Corrupt officials 3. Corrupt individuals | 1. Private Sector 2. Public 3. Government | 1. Civil Service reform programme is under implementation 2. Public Service Reform & Dev. Secretariat created 3. Performance | 1. Office of Public Communication to inform the public of the new organisation structure 2. Implement performance contracting based on clear deliverables 3. Induction, training and refresher courses for all public officers including ministers and assistant | 1. Head of Public Service 2. Attorney General 3. DPM 4. PSC | 1. Improved service delivery 2. Greater efficiency and effectiveness 3. Direct and clear lines of authority (clear responsibility of duties and roles) | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 6. <i>External interference</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Public 2. Government 3. Officers | Contracts introduced in some departments and state corporations 1. Enactment of the ACECA and POEA 2. Codes of conduct for public officers 3. Codes of conduct for ministers and assistant ministers | ministers 1. Establish a legal institution to handle all the multi-sectoral complaints of external and internal interference and malpractices. 2. Implement codes of conduct 3. Implement and enforce performance contracts at all levels 4. Improve and rationalize assessment of performance contracting | 1. Parliament 2. Head of Public Service 3. Attorney-General 4. PSC 5. President | 1. Job security 2. Enhanced integrity 3. Improved performance 4. Efficiency 5. Effectiveness | 2007/ 2008 |
| 7. <i>Lack of properly articulated national vision and aspirations</i> | 1. Corrupt leaders 2. Corrupt individual | 1. Public institutions 2. The country | No initiative reported | 1. Evolve a shared national vision 2. Articulate national aspirations 3. Develop and enforce a policy and legal national and local infrastructure for planning | 1. Min. of Planning and National Development 2. Parliament 3. Attorney-General 4. Interest Groups | 1. Enhanced national development 2. More cohesive society | 2007/ 2008 |
| 8. <i>Lack of Legal framework for planning</i> | 1. Corrupt leaders 2. Corrupt officials 3. Corrupt individuals | 1. Public 2. Government | 1. Spending of public funds without planning now illegal under ACECA, 2003 2. MTEF 3. Min. of Planning & National Dev. 4. Strategic Plan 5. ERS for Wealth and Employment Creation | 1. Develop and enforce legal framework for policy and planning 2. Make execution of approved plans and projects legally compellable | 1. Parliament 2. Attorney-General 3. Ministry of Planning & National Dev. 4. Head of Public Service | 1. Legal rational basis for planning 2. Improved service delivery 3. Improved project implementation 4. Plans matching public aspirations | 2007/ 2008 |
| 9. <i>Disjointed approach to national planning</i> | 1. Corrupt leaders 2. Corrupt official 3. Corrupt individuals | 1. Public 2. Government | 1. MTEF Sector hearings 2. Preparations of District Plans 3. PSRP 4. CDF & CBF 5. LAF 6. District Focus for Rural Development (DFRD) strategy 7. Budget Outlook 8. PER | 1. Consider planning periods as follows: Long-term: 50 years or more Medium term: 20 years or less Short term: 5 years or less 2. Improve the CDF and CBF systems. 3. Min. of Planning & Dev. to sensitise the public on national plans 4. Give Development Plans force of law | 1. Government 2. Attorney-General 3. Accounting officers 4. Head of Public Service 5. Min. of Planning & National Dev. 6. All ministries 7. All stakeholders | 1. Improved project implementation 2. Improved service delivery 3. A national vision as a basis for future planning 4. To link Budget with Planning 5. Improved project completion | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 10. Non-implementation of centrally prepared government plans | <ol style="list-style-type: none"> 1. Corrupt leaders 2. Corrupt officials 3. Corrupt individuals | <ol style="list-style-type: none"> 1. Public 2. Government | <ol style="list-style-type: none"> 1. ERS Rationalized 2. Project budgeting Enhanced 3. community input/participation in project planning & implementation 4. Establishment of Monitoring and Evaluation Department under Ministry of Planning and National Development (MPND) | <ol style="list-style-type: none"> 1. Ensure that plans are implemented, evaluated, monitored and reviewed regularly 2. Improve mechanisms to ensure implementation 3. Satisfactory progress or component completion mandatory basis for further disbursements | <ol style="list-style-type: none"> 1. Head of Public Service 2. Attorney-General 3. Accounting officers 4. Min. of Finance 5. Min. of Planning & National Dev. 6. All stakeholders | <ol style="list-style-type: none"> 1. Improved project implementation 2. Improved service delivery 3. Legal rational basis for planning 4. Stimulate Economic growth 5. Enhanced sense of nationalism | 2007/2008 |
| 11. Lack of fiscal discipline | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt officials 3. Corrupt leaders | <ol style="list-style-type: none"> 1. Public 2. Government | <ol style="list-style-type: none"> 1. PER – ACECA, POEA 2. Finance officers appointed in all ministries 3. Establishment of ministerial bank accounts 4. Medium-term expenditure framework (MTEF) introduced 5. Integrated Financial Mgt. Systems 6. Government Financial management Act 7. Budget Strategy Paper | <ol style="list-style-type: none"> 1. Implement existing financial and budgetary controls 2. Hold individual officers accountable for financial actions and decisions during and after service 3. Enforce fiscal discipline 4. Enforce the law vigorously, consistently 5. Adopt international budgeting, auditing and general financial management standards | <ol style="list-style-type: none"> 1. Head of Public Service 2. Treasury 3. Accounting officers 4. National Audit Office 5. KACC 6. All stakeholders | <ol style="list-style-type: none"> 1. Reduced losses 2. Efficient, effective and adequate service provision 3. Enhanced economic performance 4. Reduced Government domestic borrowing 5. Cheaper credit for private sector 6. Funds available for development | 2007/2008 |
| 12. Lack of transparency in procurement | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt officials | <ol style="list-style-type: none"> 1. Public 2. Government 3. Private Sector | <ol style="list-style-type: none"> 1. The Public Procurement and Disposal Act 2005 2. Procurement Appeals Board set up | <ol style="list-style-type: none"> 1. Ensure that procurement tenders are sufficiently publicised at all times 2. Surcharge individual officers for corrupt practices during and after service. 3. Hold individual officers accountable for financial actions and decisions during and after service | <ol style="list-style-type: none"> 1. Head of P/ Service 2. Treasury 3. Accounting Officers 4. Interest Groups 5. KACC 6. Parliament | <ol style="list-style-type: none"> 1. Competitive/ Trans parent procurement of quality goods and services 2. Enhanced service delivery 3. Confidence in Public Procurement System 4. Reduced corruption | 2007/2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| | | | | <ol style="list-style-type: none"> Review regularly procurement regulations to ensure value for money and efficiency Operationalization of the Public Procurement and Disposal Act (PPDA) | | in Public Procurement | |
| 13. Failure to adopt modern management information systems | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> New ICT policy developed E-govt strategy developed | <ol style="list-style-type: none"> Implement E-govt. strategy Implement ICT policy Awareness Creation of information systems Harmonize e-Government and Technology Information & Services (GITS) and establish a focal point | <ol style="list-style-type: none"> Head of Public Service All public institutions Interest groups | <ol style="list-style-type: none"> Improved services Prompt/ timely audit reports Greater accountability Cost reduction Easy storage & retrieval of information & data | 2007/ 2008 |
| 14. Delayed auditing | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> National Audit Office set up | <ol style="list-style-type: none"> Undertake timely auditing (Set a deadline for auditing) Avail more resources to audit agencies Enforce penalties related to audits Enforce Auditor's recommendations Provide access to audit report Operationalize and strengthen Ministerial Audit Committees Publish KNAO service Charter | <ol style="list-style-type: none"> Head of Public Service LA Ministry of Finance (MOF) (MPND) Controller & Auditor-General Interest groups Parliament | <ol style="list-style-type: none"> Improved services Efficient and timely audit reports Enhanced accountability | 2007/ 2008 |
| 15. Inadequate monitoring and controls | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> Quarterly allocations of AIEs introduced PER Monitoring and Evaluation Department | <ol style="list-style-type: none"> Strengthen monitoring and control systems in all projects and programmes Establish a national Monitoring & Evaluation (ME) system | <ol style="list-style-type: none"> Head of Public Service LA Min. Finance Min. of Planning and National Dev. | <ol style="list-style-type: none"> Improved services Increased capacity to monitor and evaluate Enhanced accountability | 2007/ 2008 |
| 16. Poor management of resources | <ol style="list-style-type: none"> Corrupt officials Corrupt leaders | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> Performance contracts being signed Establishment of National Economic & Social Council Monitoring & Evaluation Unit (MEU) PSIP training introduced Waste-free management system | <ol style="list-style-type: none"> Prioritise resource allocations Enforcement of guidelines on use of resources Planned procurement Strict enforcement of pertinent new laws | <ol style="list-style-type: none"> Min. Finance Min. of Planning & National Dev. Accounting officers Interest Groups All public sector institutions | <ol style="list-style-type: none"> Improved service delivery Reduced expenditure and wastage | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| <i>17. Abuse of discretionary powers</i> | <ol style="list-style-type: none"> Corrupt individuals Corrupt officers Corrupt politicians | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> ACECA Govt. vehicle check-unit NAO KRA has done away with some tax exemptions | <ol style="list-style-type: none"> Implement ACECA Establish guidelines to regulate the exercise of discretionary powers Enforce guidelines on use of available resources e.g. Transport, stationery, telephony Set up committee to consider tax waivers Review tax exemption laws Limit and in some cases eliminate Ministerial discretion conferred by specific legislation | <ol style="list-style-type: none"> Parliament Attorney-General Head of Public Service Interest groups KACC Kenya National Human Rights Commission (KNHRC) Treasury parliament | <ol style="list-style-type: none"> Appropriate rational decisions Reduced litigations and money losses to the Govt. Tax equity Reduced corruption in the appointment of people of public officers | 2007/2008 |
| <i>18. Disregard and or non-existence of professional ethics and practices</i> | <ol style="list-style-type: none"> Corrupt individuals Corrupt professionals | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> POEA 2003 in force Minimum code in the Act domesticated by some departments | <ol style="list-style-type: none"> Strengthen enforcement of professional standards and ethics Set up monitoring mechanisms to ensure enforcement of codes of conduct Regularly review efficacy of codes of conduct Establishment of a national ethics centre | <ol style="list-style-type: none"> Professional bodies Accounting officers KACC Service consumers Responsible Commissions Courts Individual Professionals KNHRC | <ol style="list-style-type: none"> Restoration of confidence in professionals Efficient delivery of services Documented guidelines and criteria Increased productivity Restoration of integrity | 2007/2008 |
| <i>19. Institutionalised corruption in organisations</i> | <ol style="list-style-type: none"> Corrupt individuals Corrupt professionals | <ol style="list-style-type: none"> Public Government agencies Investors Individual organisation The country | <ol style="list-style-type: none"> Anti-Corruption and Economic Crimes 2003 Law enacted Establishment of KACC POEA 2003 enacted | <ol style="list-style-type: none"> Review and amend ACECA as may be necessary Review and amend POEA to include private sector Sensitise the public on evils and consequences of corruption | <ol style="list-style-type: none"> Parliament Attorney-General Judiciary KACC Civil Society Religious organisations Media Private Sector | <ol style="list-style-type: none"> Improved national image Attitude Change Zero tolerance to corruption Increased productivity Increased investment | 2007/2008 |
| <i>20. Gaps in institutional arrangements to fight corruption</i> | Corrupt officials | <ol style="list-style-type: none"> Public Government | <ol style="list-style-type: none"> Establishment of KACC Establishment of other anti-corruption agencies | Clarify the mandates of various anti-corruption institutions | <ol style="list-style-type: none"> MOJCA Executive Respective institutions | <ol style="list-style-type: none"> Clarity of functions and mandate Well coordinated anti-corruption programmes | 2007/2008 |
| <i>21. Training focused more on DPM than other ministries / Flouting of training policy (training of non</i> | <ol style="list-style-type: none"> Corrupt officials Corrupt individuals Corrupt beneficiaries | <ol style="list-style-type: none"> Public Honest public officials | <ol style="list-style-type: none"> Civil service | <ol style="list-style-type: none"> Decentralize training resources to ministries Involve various stakeholders in selection committee Punish offenders Develop and implement sound training policies for public officials | <ol style="list-style-type: none"> DPM PSC Ministry of Education Science and Technology (MOEST) Standing committee on Public Service | <ol style="list-style-type: none"> Fair admission Transparent scholarships Training policy in place Better trained personnel | 2007/2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| <i>civil servants and undergraduates) / Interference by politicians in awarding scholarships</i> | | | 2. Existence of ministerial training committee | 5. Strengthen Ministerial Training Committees 6. Institutionalize demand driven training | Remuneration | | |
| 22. Disparity in schemes of service | 1. Corrupt officials 2. Corrupt individuals 3. Corrupt relatives | 1. Public 2. Government 3. Deserving public officials | 1. Civil service reforms 2. Standing committee on Public Service Remuneration | Harmonize schemes of service and grading of posts across entire service | 1. DPM 2. PSC 3. Standing committee on Public Service Remuneration | 1. Harmonised scheme of service 2. Fair and equitable enumeration | 2007/ 2008 |
| 23. Bribery for bigger financial allocations and demands for issuance of AIEs | 1. Corrupt treasury officials 2. Other corrupt officials 3. Corrupt individuals | 1. Government 2. Public | 1. Establishment of departmental accounts at district level 2. MTEF process | 1. Strictly enforce financial laws and regulations 2. Rationalise public resource allocations | 1. Treasury 2. Ministries | 1. Fair and equitable resource allocation 2. Reduced corruption by public officials | 2007/ 2008 |
| 24. Inappropriate TA by development partners | 1. Corrupt donors/ experts 2. Corrupt officials | 1. Government 2. Public 3. Communities | No initiative reported | 1. Develop external assistance policy 2. Allow TA only where local expertise is lacking | 1. Treasury 2. Government 3. Development partners | 1. Reduced number of TAs 2. More resources available | 2007/ 2008 |
| 25. Public asset stripping | 1. Corrupt officials 2. Corrupt individuals 3. Corrupt business people | 1. Government 2. Public | 1. Enactment of the privatisation Act 2. Enactment of Public Procurement and disposal Act, 2005 3. Value for money audit introduced | Enforce new laws procedures strictly | 1. Treasury 2. Parliament 3. Government 4. NAO 5. Interest groups | 1. Efficient and effective procurement process 2. Fair returns on disposed assets 3. Increased revenue | 2007/ 2008 |
| 26. Non-observance of international conventions | 1. Corrupt individuals 2. Corrupt officials | 1. Government 2. Public | No initiative reported | 1. Ratify and domesticate international conventions 2. Enforce domesticated provisions | 1. Government 2. Parliament 3. Responsible Departments 4. Civil Society | 5. Domesticated and working conventions | 2007/ 2008 |

5.3.2 Office of the Attorney General

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|--|--|--|--|---|-----------------|
| 1. <i>Public ignorance of the functions and services offered by Office of the Attorney-General</i> | Corrupt individuals | 1. Office of the Attorney - General 2. Public | 1. Notices showing charges for services 2. Service charters developed | 1. Issue periodic updated statements on functions and services rendered 2. Implement a customer service charter and staff performance pledges | 1. Government 2. Attorney-General 3. Heads of Department 4. Interest Groups | 1. Improved integrity 2. Confidence in Government 3. Efficient and effective services 4. Well informed public | 2007/ 2008 |
| 2. <i>Poor Terms and Conditions of Service</i> | 1. Corrupt civil servants 2. Corrupt individuals | 1. Civil servants 2. Public 3. Government agencies 4. Intending Investors | Permanent Commission on Public Service Remuneration set up | 1. Improve Terms and Conditions of Service 2. Base employment and promotion on merit | 1. Solicitor-General 2. DPM 3. PSC | 1. Improved integrity 2. Confidence in Government 3. Efficient and effective services 4. Motivated staff 5. Decreased staff turnover | 2007/ 2008 |
| 3. <i>Violation of financial and procurement rules and regulations</i> | 1. Corrupt civil servants 2. Corrupt individuals 3. Corrupt businessmen 4. Corrupt business entities | 1. Public 2. Investors 3. Government | 1. The Public Procurement and Disposal Act, 2005 2. Government Financial Management Act, 2004 3. ACECA 4. POEA | 1. Strictly enforce and adhere to Financial Management Act, Public Procurement and Disposal Act and other related laws, rules, regulations and procedures 2. Review and improve Financial Management Act and Public Procurement and Disposal Act 3. Establish and implement Code of Conduct 4. Punish offenders | 1. Attorney-General 2. Parliament 3. MOF and Planning | 1. Improved integrity 2. Confidence in Government 3. Efficient and effective services 4. Compliance with laid down rules, regulations and procedures | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 4. <i>Lack of financial accountability</i> | 1. Corrupt civil servants 2. Corrupt individuals | 1. Public 2. Civil servants | 1. POEA 2003 2. ACECA 2003 | 1. Enforce Code of Conduct 2. Strictly enforce the penal law and adhere to financial rules and regulations 3. Monitor compliance and enforcement of the law | 1. Attorney-General 2. MOF 3. Watchdog Agencies 4. Parliament 5. KACC | 1. Efficiency 2. Increased productivity 3. Accuracy 4. Improved integrity 5. Reduced loss of public funds | 2007/2008 |
| 5. <i>Poor management of records</i> | 1. Corrupt civil servants 2. Corrupt individuals | 1. Office of Attorney-General 2. Public 3. Business Community | Automation of registries | 1. Develop an effective records system 2. Provide proper physical facilities for keeping records 3. Recruit and train personnel in records management | Solicitor-General | 1. Efficiency 2. Increased productivity 3. Accurate information & records 4. Easy retrieval of records | 2007/2008 |
| 6. <i>Outdated equipment and technology</i> | 1. Corrupt civil servants 2. Corrupt individuals | 1. Public 2. Government | Modernization of state law office | 1. Acquire adequate modern equipment and technology 2. Train staff on modern technology | 1. Solicitor-General 2. DPM | 1. Efficiency 2. Increased productivity 3. Accurate information | 2007/2008 |
| 7. <i>Low performance standards</i> | 1. Corrupt officers 2. Offenders 3. Accused persons 4. Legal practitioners | 1. Litigants 2. Public 3. Government | Justice and Legal sector reforms | 1. Provide continued education and training of officers 2. Improve staffing ratios 3. Establish clear performance standards and guidelines 4. Regularly appraise staff performance 5. Implement performance contracting | 1. Attorney-General 2. DPM | 1. Quality Service 2. Increased productivity 3. Performance-based remuneration | 2007/2008 |
| 8. <i>Excessive bureaucracy in dealing with criminal and civil cases</i> | 1. Corrupt officials 2. Offenders 3. Legal practitioners | 1. Litigants 2. Public | Justice and Legal Sector reforms | 1. Delegate and decentralize authority for expeditious services 2. Provide clear guidelines on cases to be dealt with at various levels | Attorney-General | 1. Speedy handling of cases 2. Improved integrity among officers 3. Improvement in delivery of justice | 2007/2008 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|---|---|---|--|-----------------|
| 9. Lack of respect for clients | Corrupt officials | 1. Public 2. Government | Justice and Legal Sector reforms | Establish and implement a "customer charter" | 1. Attorney-General 2. Solicitor-General 3. Interest Groups | 1. Reduction of frustration/complaints 2. Customer satisfaction | 2007/2008 |
| 10. Poor planning | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Office of the Attorney-General 3. Public | No initiative reported | 1. Inculcate a culture of planning 2. Develop and implement relevant and appropriate plans 3. Develop legal framework for national planning and policy formulation | 1. Attorney-General 2. Solicitor-General | 1. Plan-based activities 2. Budgeting based on plans 3. Proper evaluation 4. Enhanced service delivery | 2007/2008 |
| 11. Poor work ethics | 1. Corrupt employees 2. Corrupt individuals | 1. Government 2. Office of the Attorney General 3. Public | 1. POEA 2. Public Service Integrity Programme (PSIP) | 1. Inculcate a serious work ethic 2. Implement public sector integrity programme (PSIP) 3. Strictly enforce POEA | 1. Attorney-General 2. DPM 3. Solicitor General 4. Responsible Commissions | 1. Improved productivity 2. Positive attitude to work | 2007/2008 |
| 12. Excessive secrecy and personalization of office | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Office of the Attorney General 3. Public | Public communications office | 1. Provide official information to all those who need to know 2. Decentralize management functions to appropriate levels and officers 3. Update and avail security manuals to all staff 4. Amend Official Secrets Act 5. Enact Freedom of Information Act | 1. Attorney General 2. Solicitor General | 1. Well informed staff 2. Quality service 3. Appropriate decision | 2007/2008 |
| 13. Lack of accountability | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Office of the Attorney General 3. Public | ACECA criminalizes new offences such as these | Base all decisions and actions on plans, policies and the law | 1. Attorney-General 2. Solicitor-General 3. KACC | 1. Accountability 2. Efficiency and effectiveness in service delivery 3. Consistency in decision making 4. Easy evaluation of decisions | 2007/2008 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 14. Poorly drafted Bills | Corrupt individuals | Public | Parliamentary Committees that scrutinise Bills before they are debated | <ol style="list-style-type: none"> Provide officers to Parliamentary Counsel to analyse all Bills and advise MPs in Parliament Recruit well-trained draftsmen for the Attorney-General's office | <ol style="list-style-type: none"> Attorney-General Parliament Relevant Ministries and stakeholders | <ol style="list-style-type: none"> Better and effective laws Harmonised legislation | 2007/ 2008 |
| 15. Poor identification of legislative proposals | Corrupt individuals | <ol style="list-style-type: none"> Public The country | <ol style="list-style-type: none"> Strengthening of the state law office Establishment of anti-corruption sections in regional offices | <ol style="list-style-type: none"> Assign legal officers to ministries and departments Clearly define and clarify role of legal officers in the ministries and departments Report annually on suitability of the laws being implemented | Respective Accounting officers | <ol style="list-style-type: none"> Comprehensive legislation Conducive legal environment for service delivery Official decisions and actions taken on the basis of law | 2007/ 2008 |
| 16. Delays in prosecution of cases | <ol style="list-style-type: none"> Corrupt officials Corrupt individuals | <ol style="list-style-type: none"> Public The country Offenders | Training of prosecutors | <ol style="list-style-type: none"> Ensure adequate staffing levels in the Director of Public Prosecution (DPP) office Implement performance contracting Enhance capacity of public prosecution office | Attorney General | Quick dispensation of justice | 2007/ 2008 |

5.3.3 The Civil Service

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 1. <i>Cumbersome and complex government procedures</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Public 2. Government/ 3. Private Sector | 1. PSIP, ERS 2. Civil Service Reforms 3. Individual Strategy 4. Adoption of result based management | 1. Study, simplify and implement appropriate rules, regulations and procedures 2. Develop and implement Customer Charters in all Ministries, Departments, parastatals and Institutions | 1. Head of Public Service 2. DPM 3. Accounting Officers | 1. Enhanced Integrity 2. Clearly understood operations 3. High quality service delivery 4. Increased productivity | 2007/ 2008 |
| 2. <i>Ineffective controls</i> | 1. Corrupt individuals 2. Public officials 3. Private Sector | 1. Public 2. Government/ 3. Private Sector | 1. Appointment of finance officers 2. MTEF 3. PER | 1. Enforce procedures and sanctions strictly 2. Review and improve control mechanisms 3. Punish those who violate/ disregard existing controls 4. Once monies are given, deviation be limited to 10% only 5. Elevate plans to a legal status 6. Create sanctions for violations of plans | 1. Head of Public Service 2. DPM 3. Accounting officers 4. Interest Groups 5. KACC | 1. Effective and efficient systems 2. High quality service delivery 3. Increased productivity 4. Protection of institutional assets 5. Minimized losses and cost reduction 6. Absence of loopholes and opportunities for corruption | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 3. <i>Disregard for or lack of professional ethics and standards</i> | <ol style="list-style-type: none"> 1. Corrupt professionals 2. Corrupt businessmen 3. Corrupt leaders 4. Corrupt individuals | <ol style="list-style-type: none"> 1. Public 2. Government 3. Professional bodies 4. Individual officers | <ol style="list-style-type: none"> 1. Existence of Codes of Ethics in most professions 2. POEA enacted 3. Public Service integrity programme already formulated, and sourcebook prepared | <ol style="list-style-type: none"> 1. Establish code of ethics where they do not exist 2. Implement codes of conduct where they exist 3. Enforce POEA 4. Strictly enforce and monitor compliance with the Codes of Conduct 5. Discipline errant professionals 6. Blacklist and publish deregistered professionals widely to the public 7. Disqualify deregistered professionals from holding public office 8. Require professional public servants be members of professional bodies before and during their tenure of office 9. Vet entrants into the public service 10. All entrants in the public service should go through an anti-corruption induction programme 11. Implement the Public Service Integrity Programme 12. Ensure professionals in public sector comply with codes of conduct of respective professional associations | <ol style="list-style-type: none"> 1. Head of Public Service 2. DPM 3. Public Service Commission 4. Accounting officers 5. Civil Society 6. Professional bodies 7. Responsible commissions | <ol style="list-style-type: none"> 1. High standards of performance 2. Professional integrity 3. High quality service 4. Increased confidence in professionals | 2007/ 2008 |
| 4. <i>Inadequate legal provisions</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt businessmen 3. Corrupt leaders | <ol style="list-style-type: none"> 1. Govt 2. Public 3. Individuals | <ol style="list-style-type: none"> 1. Several bills published – Procurement, Anti money laundering, Witness Protection, etc. | <ol style="list-style-type: none"> 1. Ensure all creations of administrative structures are authorized by law 2. Ensure policies, decisions and actions are based on laws and approved plans | <ol style="list-style-type: none"> 1. Attorney-General 2. DPM 3. Public Service Commission 4. Accounting Officers 5. Civil Society 6. Professional Associations | <ol style="list-style-type: none"> 1. Decisions and actions based on legal provisions at all levels 2. Rights and obligations of all parties shall be upheld 3. Legitimacy of actions | 2007/ 2008 |
| 5. <i>Wide and unchecked discretionary powers</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Public 2. Government | <ol style="list-style-type: none"> 1. ACECA | <ol style="list-style-type: none"> 1. Amend laws to remove unnecessary discretionary powers 2. Establish guidelines to regulate the exercise of discretionary powers where they are necessary | <ol style="list-style-type: none"> 1. Parliament 2. Head of Public Service 3. DPM 4. Civil Society 5. Private Sector 6. Professional Associations 7. KACC | <ol style="list-style-type: none"> 1. Appropriate decision making 2. Rational legal decisions | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 6. <i>Poor terms and conditions of service</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Public 2. Employees 3. Government | 1. Proposals made by Civil Service Salary Review and Harmonization Committee 2. A Standing Committee on Public Service Remuneration set up | 1. Enhance and harmonise terms and conditions of service 2. Carry out regular job evaluation to determine optimum staff levels 3. Ensure employment and promotion are based on merit 4. Relate pay to performance and cost of living | 1. Head of Public Service DPM 3. Accounting officers PSC | 1. Motivated work force 2. Efficient and effective services 3. Attraction and retention of qualified personnel | 2007/2008 |
| 7. <i>Lack of transparency and accountability</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Public 2. Civil servants 3. Government | 1. POEA enacted 2. ACECA enacted | 1. Establish and implement sectoral codes of conduct 2. Enforce and adhere to rules and regulations 3. Surcharge individual officers for corrupt practices during and after service 4. Hold individual officers accountable for financial actions and decisions during and after service | 1. Attorney-General Parliament 3. Head of Public Service DPM 5. Accounting officers 6. Interest Groups 7. PSC 8. KACC | 1. Efficient and effective service 2. Increased productivity 3. Increased transparency and accountability 4. Verifiable results 5. Customer satisfaction 6. Improved confidence in the Civil service | 2007/2008 |
| 8. <i>Patronage in appointment and promotion of officers</i> | 1. Corrupt officials 2. Favoured individuals 3. Godfathers | 1. Government 2. Public 3. Deserving individuals | 1. POEA enacted 2. PSIP prepared 3. A committee to vet and advise on CEOs of public institutions set up | 1. Ensure all job recruitments are open and competitive 2. Appoint public servants on contractual terms 3. Retrench all unsuitable appointees | 1. Head of Public Service DPM 3. Accounting officers 4. Professional associations 5. Interest groups 6. PSC 7. Boards of Parastatals? | 1. Efficient and effective service 2. Increased productivity 3. Loyalty to employer (the public) | 2007/2008 |
| 9. <i>Poor customer relations (Overbearing attitude)</i> | 1. Corrupt officials 2. Favoured individuals 3. Corrupt individuals | 1. Public 2. Government | 1. POEA 2. PSIP preparations complete | 1. Enactment of law on public service code of ethics 2. Implementation of the PSIP 3. Establish a complaints committee and redress mechanism 4. Enforce POEA | 1. Parliament Head of Public Service 3. Interest groups PSC | 1. Efficient, humble, polite civil service 2. Restoration of civility in public service | 2007/2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 10. <i>External interference</i> | 1. Corrupt Officials 2. Corrupt individuals and firms | 1. Government 2. Employees 3. Public | No initiative reported | 1. Strictly enforce and adhere to rules and regulations 2. Punish offenders | 1. Head of Public Service 2. DPM 3. Accounting officers 4. Interest Groups | 1. Quality services 2. Qualified personnel 3. Improved performance | 2007/ 2008 |
| 11. <i>Lack of deployment guidelines</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Public 2. Government 3. Institutions 4. Businesses | Circular on regular staff rotation being implemented | 1. Develop rational guidelines on deployment 2. Identify corruption prone areas for programmed rotation of officers 3. Define suitable duration of stay at a station for specialized positions 4. Carry out regular routine and in prompt checks | 1. Head of Public Service 2. DPM 3. Accounting Officers 4. PSC 5. KACC | 1. Quality services 2. Qualified personnel 3. Improved performance | 2007/ 2008 |
| 12. <i>Poor or lack of proper planning</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Public | No initiative reported | 1. Inculcate a culture of planning 2. Develop and implement proper plans 3. Enforce rules and regulations strictly 4. Base all activities and decisions on Law, policy and plans 5. Evaluate all planned activities | 1. Head of Public Service 2. DPM 3. Permanent Secretaries/ Chief Executives 4. Interest Groups 5. Professional bodies | 1. Plan-based activities 2. Budgeting based on plans 3. Proper evaluation 4. Enhanced service delivery | 2007/ 2008 |
| 13. <i>Public ignorance of the functions and services offered by various Government agencies</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Government 2. Public 3. Employees | 1. Government org. structure released stating functions of each ministry 2. Office of Public Communication Established | 1. Display and disseminate information showing services and charges 2. Develop and implement Customer performance pledges in all Ministries, Departments, Parastatals and Institutions 3. Publish and avail manuals and regulations for staff and public information 4. Compile and publish regular operations reports | 1. Head of Public Service 2. DPM 3. Accounting officers societies 4. Interest Groups | 1. Improved integrity 2. Confidence in Government 3. Efficient and effective delivery of services | 2007/ 2008 |
| 14. <i>Excessive secrecy and personalization of information, documents and office</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Public 3. Employees | Office of Public Communications set up | 1. Provide official information to all those who are entitled 2. Decentralise management functions to appropriate levels and offices 3. Update and avail security manual to all staff for implementation and observance 4. Repeal Official Secrets Act | 1. Head of Public Service 2. DPM 3. Permanent Secretaries/ Chief Executives 4. Interest Groups 5. PSC | 1. Well-informed staff 2. Decisions based on facts 3. Efficient and effective services | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|------------------------|---|---|--|--------------|
| 15. Lack of accountability in decision making | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Public 3. Employees | 1. POEA 2. ACECA | 1. All officers who make decisions should be severally and jointly liable for their decisions and actions while in office 2. Base all decisions and actions on laws, policies and plans | 1. Head of Public Service 2. DPM 3. Accounting Officers 4. Interest groups 5. PSC 6. KACC | 1. Accountability 2. Efficient and effective delivery of 3. Ability to evaluate activities 4. Rights and obligations of all parties upheld | 2007/ 2008 |
| 16. Low social and moral values | Corrupt individuals | Public | POEA enacted | 1. Introduce anti-corruption modules and elements in formal curricula 2. Introduce modules and elements to highlight and strengthen good ethical values in primary, secondary, tertiary and informal education 3. Introduce co-curricula anti-corruption activities | 1. KACC 2. Ministry of Education, Science and Technology 3. Kenya Institute of Education (KIE) 4. Kenya National Union of Teachers (KNUT) 5. Parents Teachers Associations (PTAs) 6. Music, drama and Cultural Foundations | 1. Institutions of high integrity and discipline 2. Citizens of high integrity 3. Future generations with good work ethics and intolerance to corruption | 2007/ 2008 |
| 17. Political influence in project selection and implementation | 1. Politicians 2. Corrupt individuals | 1. Public 2. Economy | No initiative reported | Ensure the proper coordination between planning and finance, and disallow unprocedural priority changes | 1. Ministry of Planning and National Development 2. MOF 3. Professional associations 4. Civil society 5. Interest groups | | 2007/ 2008 |

Local Government (LG) (Some aspects of Local govt. are captured in the executive)

5.3.4 Local Government (LG) (Some aspects of local govt. are captured in the executive)

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|---|--|---|--|--------------|
| 1. <i>Ignorance of the law and by-laws and lack of information to the public</i> | <ol style="list-style-type: none"> Corrupt public servants Corrupt individuals Corrupt Councillors | <ol style="list-style-type: none"> Public LA Investors Government | <ol style="list-style-type: none"> Programme to simplify the law Resource book on Roles of Civic Leaders Induction course LG reform programme Kenya Councillors handbook (ALGAK) Draft training manual Giving information through the media | <ol style="list-style-type: none"> Adequate training of civic leaders and officers Pursue implementation of laws and by-laws Regular revision and improvement of handbook, Resource book and training manual (3 years) Provide official information to those entitled Clearly and adequately document what should be done and implement it Streamline information systems and decision making processes Decentralise management functions to appropriate levels and offices Develop, issue and enforce information classification and dissemination manual | <ol style="list-style-type: none"> MLG ALGAK Civic leaders Other interested parties | <ol style="list-style-type: none"> Civic leaders and officers conversant with the law and by-laws Proper enforcement of the law and by laws Orderly transaction of business Reduce conflict between public and service providers Sensitivity and responsiveness to the needs of the public Well-informed staff Decisions based on facts Efficient and effective delivery of services | 2007/2008 |
| 2. <i>Negligence in enforcing the law and by-laws</i> | <ol style="list-style-type: none"> Corrupt public servants Corrupt individuals Corrupt Councillors Corrupt businessmen Corrupt business entities | <ol style="list-style-type: none"> Public LA Investors Government | <ol style="list-style-type: none"> Empowering Provincial Local Government Officers (PLGOs) MLG Strategic Plan being cascaded to the LA Enforcement of budget process (surplus accounts) | <ol style="list-style-type: none"> Take disciplinary measures against negligent officers Increase staff capacity where it is not adequate Intensify supervision at the Ministry and Local Authority level Enforce law and by-laws strictly Enforce Codes of Conduct Amend Local Govt. Act to give more autonomy to LA Retrench unnecessary staff | <ol style="list-style-type: none"> Ministry of Local Government (MLG) Chief Officers/LA Public Service Commission Civil Society Association of Local Government Authorities of Kenya (ALGAK) Media PLGO Civil Leaders | <ol style="list-style-type: none"> Efficient and effective delivery of services Properly planned development Respect for the rule of law and by-laws | 2007/2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|---|--|--|--|---|--------------|
| 3. <i>Irregular and illegal allocation of public resource (land, houses, stalls etc.)</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt politicians 3. Corrupt allottees 4. Corrupt private developers | <ol style="list-style-type: none"> 1. Community Council 2. Public Government 3. Investor | <ol style="list-style-type: none"> 1. Recommendations made to the Commission on Land Laws Reform 2. Recommendations in the Omamo report 3. Ndungu Report on Illegally and irregularly allocated public land 4. Land Advisory Committee established | <ol style="list-style-type: none"> 1. Streamline the procedures of application and allocation of public resources 2. Establish adequate, clear allocation records systems and make it accessible to public at all times 3. Allocate public resources openly and legally 4. Publish and implement the Omamo report 5. Repossess public resources irregularly allocated 6. Sue for fair compensation where repossession is not possible 7. Implement the recommendations of Ndungu Report 8. Take action against errant officers 9. Strict enforcement of the law and by-laws 10. Remove direct allocation of LA land from the Commissioner of Lands | <ol style="list-style-type: none"> 1. MLG 2. Parliament 3. LA 4. Civil Society 5. Media 6. Interest Groups | <ol style="list-style-type: none"> 1. Protection of public resources 2. Equity in allocation of resources 3. Rational planning | 2007/2008 |
| 4. <i>Inadequate decision making latitude at the local authority level</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Local Authority 2. Public Suppliers 3. Clients 4. Community | <ol style="list-style-type: none"> 1. Recommendations in Omamo Report 2. Revision of the Local Government Act | <ol style="list-style-type: none"> 1. Publish and implement the Omamo report 2. Review existing laws to increase decentralization / delegation/ devolution of certain decision making to LA 3. Enact Local Authority Act Amendment 4. Implement other LG recommendations 5. Lobby for the enactment of the LG Act amendments | <ol style="list-style-type: none"> 1. Parliament 2. MLG 3. ALGAK 4. Interest Groups | <ol style="list-style-type: none"> 1. Efficient and effective delivery of services 2. Ownership of local projects and programmes 3. Improved accountability 4. Timely and effective decision making | 2007/2008 |
| 5. <i>Poor prioritisation and planning of resource use</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Local Authority 2. Public Suppliers 3. Clients 4. Community | <ol style="list-style-type: none"> 1. Proposals contained in Omamo Commission Report 2. LASDAP | <ol style="list-style-type: none"> 1. Publish and implement the Omamo report 2. Review and rationalize the planning and systems in the LA 3. Issue guidelines on prioritisation and planning of resource use 4. Provide adequate planning officers and facilitators | <ol style="list-style-type: none"> 1. MLG 2. Individual LA 3. Interest Groups | <ol style="list-style-type: none"> 1. Development and implementation of suitable plans 2. Properly established services 3. Adequate ownership of programmes and projects | 2007/2008 |

Local Government (LG)

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 6. <i>Poor and inadequate resource and financial base</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Councils 2. Public 3. Immediate community | <ol style="list-style-type: none"> 1. Proposals of the Oromo report 2. Single business licensing 3. LA Transfer 4. Fund introduced 5. Privatisation and commercialisation of some services 6. Receipt of cess and fees | <ol style="list-style-type: none"> 1. Publish and implement the Oromo report 2. Assign responsibility for the implementation of recommendations 3. Closely monitor utilization of resources 4. Review the number of councillors and staff appropriate to each council 5. Review the criteria for creation of LA to ensure viability 6. Define LATF term period 7. Collect and recover all the revenue dues 8. Establish a LG Finance Commission / Revive LG Loans Authority 9. Enforce the laws and regulations on procurement | <ol style="list-style-type: none"> 1. MLG 2. Parliament 3. Councils 4. Civil Society 5. Media | <ol style="list-style-type: none"> 1. Improved resource base 2. Effective and efficient delivery of services 3. Reduction of unnecessary costs | 2007/ 2008 |
| 7. <i>Inadequate technical manpower and facilities</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Local Authority 2. Public 3. Suppliers 4. Clients 5. Community | <ol style="list-style-type: none"> 1. Some technical officers recruited | <ol style="list-style-type: none"> 1. Facilitate systems review and modernize operations 2. Recruit manpower with appropriate skills 3. Carry out regular training of staff | <ol style="list-style-type: none"> 1. MLG 2. Individual LAs | <ol style="list-style-type: none"> 1. Effective and efficient delivery of services 2. Motivated staff | 2007/ 2008 |
| 8. <i>Disregard and abuse of existing procurement procedures and regulations</i> | <ol style="list-style-type: none"> 1. Corrupt businessmen 2. Corrupt Politicians, 3. Corrupt Public officials 4. Corrupt individuals | <ol style="list-style-type: none"> 1. LA 2. Public 3. Private Sector | <ol style="list-style-type: none"> 1. Proposals for Local Government Reform programme including procurement have been made 2. Financial Management Act 3. Public Procurement and disposal Act 4. National Audit Office Act | <ol style="list-style-type: none"> 1. Carry out proper research and study of problems and implement corrective measures 2. Monitor and evaluate procurement systems regularly 3. Ensure that procurement tenders are sufficiently publicised at all times 4. Ensure wide and inclusive representation on boards that adjudicate tenders 5. Punish errant individuals 6. Implement the Act | <ol style="list-style-type: none"> 1. MLG 2. LA 3. Controller and Auditor-General 4. Interest Groups | <ol style="list-style-type: none"> 1. Efficiency 2. Compliance 3. Restoration of integrity 4. Quality service 5. Cost reduction and increased revenue 6. Restoration of confidence in Councils 7. Fairness in tendering | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|--|---|--------------|
| 9. <i>Haphazard employment</i> | 1. Corrupt politicians, 2. Favoured individuals 3. Corrupt officials | 1. LA 2. Government Staff 3. Public 4. Clients | Proposals for Local Government Reform Programme | 1. Develop and implement selection and recruitment policy 2. Identify staffing needs and develop appropriate staff establishment 3. Develop and implement schemes of service 4. Carry out continuous job evaluation and analysis 5. Retrench unnecessary or unsuitable staff 6. Implement Performance Contracting 7. Carry out staff rationalisation at LA 8. Enhance the professional staff capacity of LA | 1. MLG 2. DPM 3. Public Service Commission 4. LA 5. Interest Groups | 1. High calibre staff 2. Restoration of integrity 3. Quality service 4. Rationalized establishments | 2007/ 2008 |
| 10. <i>Poor remuneration</i> | 1. Corrupt business people 2. Corrupt officials | 1. Council 2. Government 3. Business community 4. Residents | Mechanism exists for ALGAK, LA and other stakeholders to negotiate | 1. Improve remuneration under the LA reform programme 2. Implement ALGAK/ LA recommendations | 1. MLG 2. ALGAK 3. Kenya Local Government Workers' Union (KLGWU) 4. Professional bodies | 1. Quality services 2. Qualified personnel 3. Motivated staff | 2007/ 2008 |
| 11. <i>Lack of Codes of Conduct and Ethics</i> | 1. Corrupt officials 2. Corrupt individuals 3. Corrupt leaders 4. Corrupt businessmen | 1. Council 2. Government 3. Business community 4. Residents | 1. Existence of Codes of conduct and Ethics in most professions 2. POEA 3. Code of Conduct for civic leaders by ALGAK 4. Draft Code of Conduct by some LAs | 1. Make mandatory disclosure of personal interests 2. Regularly review efficacy of Codes of Conduct 3. Set up monitoring mechanisms to ensure enforcement of Codes of Conduct 4. Launch and implement Codes of Conduct for civil Leaders by ALGAK 5. Develop Code of Conduct for LA 6. Apply sanctions 7. Avail Code of Conduct Document to all employees and civic leaders | 1. MLG 2. ALGAK 3. KLGWU 4. Professional Associations 5. Interest Groups | 1. Staff of high integrity 2. Restoration confidence in council 3. Improved services 4. Improved council image | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|--|---|--------------|
| 12. Poor/ lack of proper planning | <ol style="list-style-type: none"> 1. Corrupt officers 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Government 2. LA 3. Public | <p>Recommendations of Ormano Report on Planning</p> | <ol style="list-style-type: none"> 1. Develop and implement proper plans 2. Put in place mechanism of planning and plans approval 3. Enforce rules and regulations strictly 4. Create a culture of planning 5. Base all activities and decisions on approved plans 6. Evaluate all planned activities 7. Follow the plans and apply sanctions | <ol style="list-style-type: none"> 1. LA 2. MLG 3. Interest Groups | <ol style="list-style-type: none"> 1. Plan-based activities 2. Budgeting based on plans 3. Proper evaluation 4. Enhanced service delivery | 2007/ 2008 |
| 13. Negative work ethic | <ol style="list-style-type: none"> 1. Corrupt Officers 2. Corrupt Individuals | <ol style="list-style-type: none"> 1. Government 2. LA 3. Public | <ol style="list-style-type: none"> 1. POEA 2. Public Service Integrity Programme formulated 3. ACECA | <ol style="list-style-type: none"> 1. Enact law and implement public service code of ethics 2. Implement public service integrity Programme 3. implement ALGAK education programme | <ol style="list-style-type: none"> 1. MLG 2. LA | <ol style="list-style-type: none"> 1. Improved productivity | 2007/ 2008 |
| 14. Making of erratic decisions based on sentiments and not facts | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Government 2. Attorney-General 3. LA 4. Public | <p>No initiative reported</p> | <ol style="list-style-type: none"> 1. All officers who make decisions should be severally and jointly liable for the decisions and actions they make and take while in office 2. All decisions and actions must be based on and be consistent with plans, policies and laws 3. Develop an elaborate performance contracting details | <ol style="list-style-type: none"> 1. LA 2. MLG 3. Attorney-General 4. Solicitor-General 5. Professional Associations 6. Interest Groups | <ol style="list-style-type: none"> 1. Accountability 2. Efficiency and effectiveness in service delivery 3. Rights and obligations of all parties upheld | 2007/ 2008 |
| 15. Public ignorance of the functions and services offered by LA | <p>Corrupt individuals</p> | <ol style="list-style-type: none"> 1. LA 2. Public | <p>Notices showing charges for services</p> | <ol style="list-style-type: none"> 1. Issue updated periodic statements on functions and services rendered 2. Develop and implement customer service charters and staff performance pledges for all departmental services 3. Provide customer Help Desks, and offices 4. Arrange regular Residents days and fora with Councillors and officers 5. Establish independent multi-sectoral representative Complaints Committee in every council | <ol style="list-style-type: none"> 1. MLG 2. LA 3. Heads of Department 4. Interest Groups | <ol style="list-style-type: none"> 1. Improved integrity 2. Confidence in LA 3. Efficient and effective services 4. Well informed public | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|---|---|--------------|
| 16. Lack of accountability | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. LA 3. Public | 1. Inspection teams (unit formed) 2. Govt Finance Act 3. National Audit Act 4. Procurement Act 5. Privatization Act | 1. Base all decisions and actions on plans, policies and the law 2. Punish errant officers 3. Include Community-Based Assessment of projects, programmes and services 4. Monitor and evaluate systems and programmes regularly 5. Enforce the Acts 6. Automate feedback mechanisms by service users | 1. Ministry of Local Government 2. Chief Officers/ LA 3. Public Service Commission 4. Professional Associations 5. Interest Groups | 1. Accountability 2. Efficiency and effectiveness in service delivery 3. Consistency in decision making 4. Decisions can be evaluated | 2007/ 2008 |
| 17. Abuse of discretionary powers | 1. Corrupt individuals 2. Corrupt officers | 1. Government 2. Public | ACECA | 1. Lobby for clear definition of discretionary powers vested on individual officers 2. Set up guidelines and criteria for exercising discretionary powers 3. Remove all unnecessary discretionary powers 4. Abuse of office now a crime under the law | 1. Parliament 2. Attorney-General 3. MLG 4. Civil Society | 1. Transparency and accountability 2. Meritocracy 3. Improved economic growth 4. Restoration of integrity | 2007/ 2008 |
| 18. Institutionalized corruption in LA | 1. Corrupt individuals 2. Corrupt officials | 1. Public 2. Government 3. Investors | 1. Anti-corruption and Economic Crimes Act (ACECA) 2. POEA 3. Corruption Prevention Committee (CPC) under PSIP in some LA | 1. Sensitise the public on the evils and consequences of corruption 2. Strictly enforce laws and by-laws 3. Punish errant officers 4. Develop Corruption Prevention Plans for LAs 5. Implement performance contracting 6. Implement ALGAK education/ sensitisation program | 1. Parliament 2. Attorney-General 3. KACC 4. Ministry of Local govt 5. Media 6. Civil Society 7. Private Sector 8. Interest Groups | 1. Improved national image 2. Attitude change 3. Zero tolerance to corruption 4. Increased productivity and economic growth 5. Increased investment | 2007/ 2008 |
| 19. Instability at management level (High turnover) | 1. Corrupt individuals 2. Corrupt officials | 1. Public 2. LA 3. Government | No initiative reported | 1. Key officers should be in a particular station for at least 3 years 2. Smooth transfers 3. Localise appointments where appropriate | 1. MLG 2. ALGAK 3. Civil society 4. PSC | 1. Successful implementation of projects/ programmes 2. Smooth transition | 2007/ 2008 |
| 20. Lack of scheme of service in LA | 1. Corrupt individuals 2. Corrupt officials | Officials | Scheme of service for LA staff developed | 1. Develop schemes of service for LA 2. Update and implement scheme of service | 1. MLG 2. ALGAK 3. PSC | Operational scheme of service | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 21. <i>Inadequate supervision leading to bad billing systems / Incorrect reading, illegal connections</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Local authorities 2. Public | Establishment of water companies/ Independent water service providers | 1. Enhance supervision 2. Computerize all processes 3. Introduce pre-paid water services 4. Apply laws, by-laws strictly 5. Introduce integrated payment systems | 1. Government 2. MLG 3. ALGAK 4. Treasury 5. KRA | 1. Increased revenue for all LA 2. Reduction in defaulting rates | 2007/ 2008 |
| 22. <i>Unregulated water vending</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Local authorities 2. Public | Establishment of water boards | Develop and enforce water vending guidelines | 1. MLG 2. Ministry of water Development and Irrigation | 1. Access to quality water 2. Reduction in water borne diseases | 2007/ 2008 |
| 23. <i>Inadequate revenue collection</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Local authorities 2. Public | Local Authority Service Delivery Action Plan | 1. Set clear performance 2. Develop and implement a monitoring system | 1. MLG 2. LA 3. Interested groups | 1. Increased revenue 2. Improved service delivery | 2007/ 2008 |
| 24. <i>Political interference in LA activities</i> | 1. Corrupt politicians 2. Corrupt individuals 3. Corrupt officials | 1. Local authorities 2. Public 3. Competent officers | 1. Induction for LA officers and civic leaders 2. Enactment of POEA | 1. Implement the POEA 2. Sensitize political leaders on law, by laws and regulations 3. Strengthen Governance structures with the council 4. Review Local Government Act | 1. MLG 2. LA 3. Interested groups | Great autonomy | 2007/ 2008 |
| 25. <i>Lack of management information system</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Local authorities 2. Public | Limited IT capacity available | Develop and implement IT policy | 1. MLG 2. LA 3. Interested groups | 1. Up to date records 2. Efficient service delivery | 2007/ 2008 |

5.3.5 State Corporations

| PROBLEM/ ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTIONS TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|---|---|---|---|---|------------------------|
| 1. <i>Flouting of the:- (i). State Corporations Act, Cap 446; (ii)Other laws and regulations relating to financial management, procurement, recruitment; etc.</i> | <ol style="list-style-type: none"> 1. Corrupt Managers and Board members 2. Corrupt Staff 3. Corrupt suppliers | <ol style="list-style-type: none"> 1. State Corporation 2. The public as taxpayers and consumers 3. Government/ Shareholders 4. The Exchequer (loss of revenue & being called upon to provide financial relief) | <ol style="list-style-type: none"> 1. Parliamentary Investment Committee (PIC) recommendations 2. Enactment of the following laws:- (i)Financial Management (ii)Procurement (iii)Public Audit 3. Various Treasury circulars 4. Enhanced accountability through improved National Governance | <ol style="list-style-type: none"> 1. Appointment of Boards of Directors and management of high integrity 2. Implementation of PIC recommendations 3. A comprehensive review of cap 446 to reflect current trends in corporate governance to facilitate effective management and performance contracting and provide for penalties and regulations 4. Strict enforcement of laws, rules and regulations 5. Visible punishment and blacklisting of errant officers 6. Visible blacklist of corrupt suppliers 7. Effective sanctions | <ol style="list-style-type: none"> 1. The Head of Public Service 2. Respective Boards 3. Controller and auditor-General 4. KACC 5. MoF 6. Line Ministries 7. Attorney General 8. Inspector General State Corporations | <ol style="list-style-type: none"> 1. Increased Transparency 2. Effective and efficient resource utilization 3. Accelerated economic growth (profitable corporations and effective service providers) 4. best Corporate governance and management practices | 2006/ 2007 |
| 2. <i>Weak internal control systems</i> | <ol style="list-style-type: none"> 1. Corrupt Managers and Board members 2. Corrupt Staff 3. Corrupt suppliers | <ol style="list-style-type: none"> 1. State Corporation 2. The public as taxpayers and consumers 3. Government/ Shareholders 4. The Exchequer (loss of revenue & being called upon to provide financial relief) | <ol style="list-style-type: none"> 1. Enactment of the following laws:- (i)Financial Management (ii)Procurement (iii)Public Audit 2. Various Treasury circulars | <ol style="list-style-type: none"> 1. Strengthen internal control systems 2. Continuous re-view of systems 3. Establish Board Audit Committees as per the relevant Treasury Circular | <ol style="list-style-type: none"> 1. Respective Boards 2. Controller and auditor-General 3. KACC 4. MoF 5. Line Ministries 6. Attorney General 7. Inspector General State Corporations | <ol style="list-style-type: none"> 1. Increased Transparency 2. Effective and efficient resource utilization 3. Accelerated economic growth (profitable corporations and effective service providers) 4. best Corporate governance and management practices | Immediate & continuous |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTIONS TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|--|---|---|--|---|--------------------------|
| 3. <i>Nepotism, political patronage, etc</i> | <ol style="list-style-type: none"> Corrupt Managers and Board members Corrupt Staff Corrupt politicians | <ol style="list-style-type: none"> State Corporation (Low staff morale & professionalism) The public Shareholders The Exchequer Government Deserving Kenyans | <ol style="list-style-type: none"> Performance contracts introduced CEOs Appointment vested with the Boards (Partially) | <ol style="list-style-type: none"> Political goodwill needed De-link appointment of CEOs from Ministers De-politicize appointment of CEOs and Boards Promote a culture of professionalism, fairness and equity | <ol style="list-style-type: none"> Head of Public Service Ministers Treasury Attorney General | <ol style="list-style-type: none"> well-managed, profitable and efficient corporations Reduced corruption Improved professionalism and morale in state corporations | Immediate and continuing |
| 4. <i>Current criteria of appointing Boards is political, in many cases, leading to weak and incompetent Boards</i> | <ol style="list-style-type: none"> Corrupt officials Corrupt individuals and benefactors Appointees Appointing authorities | <ol style="list-style-type: none"> State Corporations The public Shareholders/ Government The Exchequer | Boards subjected to performance contracting | <ol style="list-style-type: none"> Comprehensive review of the State Corporations Act and other enabling legislations to depoliticize appointments and put in place a more transparent and competitive method of appointing Board members Treasury and other shareholders to appoint the Board. | <ol style="list-style-type: none"> Head of Civil Service Attorney General Treasury | <ol style="list-style-type: none"> independent and more effective and efficient Boards More objective decision making process. Well-managed and profitable corporations Professionalism. Less political interference | Immediate and continuing |
| 5. <i>Micro-management of state corporations by Line Ministries</i> | <ol style="list-style-type: none"> Corrupt officials Corrupt individuals and benefactors Appointees Appointing authorities | <ol style="list-style-type: none"> State Corporations The public Shareholders/ Government The Exchequer | Boards subjected to performance contracting | <ol style="list-style-type: none"> Have a clear separation between ownership (Treasury), Policy (line Ministries) and management (State Corporation) and streamline reporting (oversight) lines Dismiss all corrupt and inept Directors | <ol style="list-style-type: none"> Head of Civil Service Attorney General Treasury | <ol style="list-style-type: none"> Independent and more effective and efficient Boards More objective decision making process. Well-managed and profitable corporations Professionalism. Less political interference | Immediate and continuing |
| 6. <i>Lack of consequence of bad management</i> | <ol style="list-style-type: none"> Corrupt Managers and Board members Corrupt Staff | <ol style="list-style-type: none"> State Corporation The public Government/ Shareholders The Exchequer | <ol style="list-style-type: none"> Enactment of Governance related laws Introduction of performance contracts A number of former | <ol style="list-style-type: none"> Apply appropriate sanctions on corrupt individuals Ensure equitable and transparent application of the law | <ol style="list-style-type: none"> Head of public Service Treasury Inspectorat | <ol style="list-style-type: none"> Management to be fully responsible for any acts of omission or commission | Immediate and continuing |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTIONS TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|--|---|---|--------------|
| <i>(people getting away with misdeeds)</i> | 3. Corrupt suppliers | | CEOs are in court on financial management and corrupt practices | | <ul style="list-style-type: none"> 1. The Treasury 2. The state corporations 3. The Attorney General 4. KACC 5. KACC | | |
| 7. Unnecessarily large public sector thereby creating more opportunities for corruption | <ul style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt politicians, 3. Corrupt boards 4. Corrupt management 5. Corrupt suppliers | <ul style="list-style-type: none"> 1. State corporations 2. the public 3. Government/ shareholders 4. The Exchequer | <ul style="list-style-type: none"> 1. Improved National Governance 2. Enactment of the privatization act | <ul style="list-style-type: none"> 1. Enhance the pace of Privatization of non-strategic State corporation 2. undertake a comprehensive public enterprise reform 3. Sustained improvements in corporate governance as part of National governance | <ul style="list-style-type: none"> 1. The Treasury 2. The state corporations 3. The Attorney General 4. KACC | <ul style="list-style-type: none"> 1. Lean parastatal sector 2. Reduction of the corruption Industry 3. Efficient use of resources | |
| 8. Manual processes | Corrupt individuals | <ul style="list-style-type: none"> 1. State corporations 2. the public 3. Government/ shareholders 4. The Exchequer | On going computerization by various parastatals | Formulation and implementation of a National ICT Policy | <ul style="list-style-type: none"> 1. Head of Public Service 2. Ministry of Information and Communication 3. Treasury | <ul style="list-style-type: none"> 1. More efficient operation 2. Less opportunities for corruption | |
| 9. Public sector culture | Corrupt individuals | <ul style="list-style-type: none"> 1. State corporations 2. the public 3. Government/ shareholders 4. The Exchequer | Performance contracting | <ul style="list-style-type: none"> 1. Nurture the spirit of nationalism and patriotism 2. Enhance professionalism 3. Enhance the implementation of performance based management | <ul style="list-style-type: none"> 1. Head of public service 2. Line ministries 2. Individual state corporations 3. The Treasury 4. Inspectorate of state corporations | Efficient and competitive parastatals | |
| 10. capacity constraints (Financial, HR, operational infrastructure etc) | Corruption & corrupt individuals | <ul style="list-style-type: none"> 1. State corporations 2. the public 3. Government/ shareholders 4. The Exchequer | <ul style="list-style-type: none"> 1. Improved National Governance 2. Performance contracting | <ul style="list-style-type: none"> 1. Privatization 2. public enterprise reform 3. Introduction of Public Private Partnerships | <ul style="list-style-type: none"> 1. The Treasury. 2. Parent Ministries 3. State Corporations | <ul style="list-style-type: none"> 1. Efficient State Corporations 2. Reduced opportunities for corruption | |

5.4 The Judiciary

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|--|---|--|---|--------------|
| 1. <i>Unrepresentative composition of the Judicial Service Commission (JSC)</i> | Corrupt and undeserving judicial officers | <ol style="list-style-type: none"> 1. Present and potential litigants 2. The justice system 3. Public | Establishment of a secretariat for the JSC | Consider the reconstitution of JSC to include the following: Chairman of Kenya Magistrates and Judges Association (KMJA), Chief Justice (CJ), a judge of high court, judge of appeal, chairman of Law Society of Kenya (LSK), Attorney General and an informed lay person | <ol style="list-style-type: none"> 1. Parliament 2. Attorney-General 3. CJ 4. KMJA 5. LSK | <ol style="list-style-type: none"> 2. Effective delivery of judicial service 3. Competent and qualified judicial staff 4. Quality driven judiciary 5. Enhanced image of Judiciary | 2006/ 2007 |
| 2. <i>Ad-hoc mode of operation of JSC</i> | <ol style="list-style-type: none"> 1. No one 2. Corrupt and unmeriting judicial officers | <ol style="list-style-type: none"> 1. The three arms of government 2. Present and potential litigants 3. The justice system 4. Public | No initiative reported | <ol style="list-style-type: none"> 1. Establish clear procedures on how JSC business should be transacted 2. Ensure that at least (four) 4 members form quorum to transact business 3. Conduct at least quarterly meetings 4. Establish a permanent JSC secretariat | <ol style="list-style-type: none"> 1. CJ 2. Attorney General 3. Parliament for the necessary legislation 4. KMJA 5. LSK | <ol style="list-style-type: none"> 1. Effective Delivery of judicial services 2. Competent and qualified judicial staff Quality driven judiciary | 2006/ 2007 |
| 3. <i>Unmerited appointment of judges</i> | <ol style="list-style-type: none"> 1. Those appointed and promoted 2. Those appointing and promoting 3. Those subscribing to the present composition of JSC | <ol style="list-style-type: none"> 1. The three arms of government 2. Present and potential litigants 3. The justice system 4. Public | <ol style="list-style-type: none"> 1. Judicial Reforms. 2. A standing committee on ethics and integrity set up | <ol style="list-style-type: none"> 1. Ensure appointments are strictly on merit 2. Establish a parliamentary Judicial Committee to vet nominees for appointment as CJ and judges 3. JSC members to hold a meeting at least once in every 3 months | <ol style="list-style-type: none"> 1. CJ 2. Attorney-General 3. Parliament for the necessary legislation 4. KMJA 5. LSK | <ol style="list-style-type: none"> 1. Effective delivery of judicial service 2. Competent and qualified judicial staff 3. Quality driven judiciary | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|---|---|---|--------------|
| 4. <i>Non-adherence to appointment and promotion procedures and criteria</i> | 1. Appointed and promoted officers 2. Those appointing and promoting | 1. Judiciary 2. Litigants 3. Public 4. Deserving candidates 5. The Justice system | Kwach Committee made recommendations | 1. Implement recommendations of the Kwach Report fully 2. Introduce and sustain merit-based promotions standards and indicators 3. Set performance targets, standards and indicators 4. Establish a clear scheme of service providing a career path | 1. CJ 2. JSC 3. KMJA | 1. Quality service 2. Qualified staff 3. Retention of staff 4. Motivated workforce 5. Equitable reward system 6. Delivery of quality service 7. Quality personnel 8. Effective performance appraisal system 9. Competent deployment of judicial staff | 2006/ 2007 |
| 5. <i>Poor performance by the Judiciary</i> | 1. Poor performers 2. Corrupt officers 3. Corrupt Litigants | 1. Judicial service 2. All arms of government 3. Honest litigants | 1. Kwach committee made recommendations 2. Ringera committee made recommendations on Integrity and Anti-Corruption Measures | 1. Establish a public complaints commission to which the public and aggrieved parties can complain against the judicial officers and staff 2. Carry out regular training programmes 3. Increase number of judges and magistrates to international standards on judicial staff/ population ratios 4. Publish and enact the Judiciary Bill | 1. Parliament 2. Attorney-General 3. JSC | 1. Effective delivery of Judicial Service 2. Competent motivated staff 3. Merit-based performance system | 2006/ 2007 |
| 6. <i>Poor terms and conditions of service</i> | 1. Corrupt judicial officers 2. Corrupt individuals | 1. Judicial officers 2. Public 3. Government agencies | 1. Salaries for judges improved. 2. Other judicial staff being considered | 1. Improve terms and conditions of service 2. Employment and promotion based on merit 3. Establish a Standing Committee to review the terms and conditions of service of judicial officers and staff | 1. Solicitor-Genera 2. DPM 3. JSC 4. Parliament | 1. Improved integrity 2. Confidence in Government 3. Efficient and effective services 4. Motivated staff | 2006/ 2007 |
| 7. <i>Indiscipline and lack of professional ethics</i> | Corrupt officials | 1. Public 2. Litigants 3. Judiciary 4. Accused | Standing committee on ethics and integrity established | 1. Enforce rules and regulations 2. Establish and implement a Code of Conduct for all officers in the Judiciary 3. Enforce the provisions of the POEA fully. 4. Adopt and implement the Service Charter that has already been prepared. | 1. CJ 2. JSC 3. KMJA 4. Consumers of justice 5. Media 6. Civil Society 7. LSK | 1. Well Disciplined officers 2. Restoration of integrity 3. Improved image of the Judiciary | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|--|--|---|---|--------------|
| 8. <i>Inconsistency in court decisions</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt Litigants 3. Corrupt Legal Practitioners | <ol style="list-style-type: none"> 1. Justice system 2. Consumers of justice 3. Litigants | <ol style="list-style-type: none"> 1. Revitalisation of National Council for Law Reporting 2. Appellate Jurisdiction exist 3. Review Jurisdiction exist (Criminal procedure code) | <ol style="list-style-type: none"> 5. Establish a peer-review committee for the Judiciary 1. Ensure compliance with quality control guidelines 2. Encourage complaints to the Commission 3. Publish law reports regularly 4. Circulate judgements by High Court and Court of Appeal to reach magistrates to ensure consistency in application 5. Carry out sensitisation programmes 6. Ensure adherence to professional ethics and etiquette 7. Maintain mechanism to audit decisions for miscarriage of justice | <ol style="list-style-type: none"> 1. KMJA 2. LSK 3. CJ 4. Professional, business and civil society organisations | <ol style="list-style-type: none"> 1. Effective delivery of justice 2. Consistency in judicial pronouncements 3. Improvement in the legal system 4. Justice to all | 2006/ 2007 |
| 9. <i>Improper allocation of responsibilities</i> | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Government 2. Judiciary 3. Litigants 4. Public 5. Justice system | No initiative reported | <ol style="list-style-type: none"> 1. Establish proper and accurate job descriptions based on positions and responsibilities 2. Develop guidelines and proper procedures on deployment and allocation of responsibilities 3. Establish a rotational programmed deployment of officers 4. Define suitable duration at a station for specialized positions to ensure proper planning and implementation 5. Carry out regular and random checks on compliance 6. Revive the committee to recommend on transfers and assignments | CJ | <ol style="list-style-type: none"> 1. Proper matching of jobs and resources 2. Motivated work force 3. Efficient services 4. Quality services 5. Qualified personnel | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|--|---|---|--------------|
| 10. <i>Absence of structured training programmes</i> | 1. Favoured officers 2. Corrupt officers | 1. Public 2. Employees 3. Litigants 4. Judiciary 5. Justice system 6. Honest officials | Judicial Training Committee in place | 1. Carry out training needs analysis regularly 2. Develop and implement needs based training programme 3. Strict administration of training 4. Monitor effectiveness of training 5. KMJA to lobby for better training 6. Define mandate and functions of the Judicial Training Committee 7. Develop and implement a comprehensive training policy and guidelines | 1. CJ 2. JSC 3. KMJA | 1. Relevant training matched to needs 2. Effective officers | 2006/ 2007 |
| 11. <i>Lack of up-to-date law reports</i> | 1. Corrupt officials 2. Corrupt Litigants | 1. Public 2. Judiciary 3. Bona fide legal practitioners 4. Litigants 5. Judicial system | National Council for Law Reporting in place | Maintain a full-time secretariat on National Council for Law reporting | 1. KMJA 2. LSK 3. CJ | 1. Effective delivery of justice 2. Consistency in Judicial pronouncements 3. Growth of legal system 4. Justice to all | 2006/ 2007 |
| 12. <i>External interference with the judicial process</i> | 1. Corrupt Litigants 2. Corrupt judicial officials 3. Corrupt individuals | 1. Public 2. Judiciary 3. Government 4. Litigants 5. Justice system | Standing ethics and governance committee established | 1. Establish an internal complaints committee with representation from all ranks 2. Encourage people to expose interference 3. Enact the whistleblower's Bill to protect and encourage reporting of interference | 1. CJ 2. KMJA 3. Media 4. Civil Society 5. LSK 6. KACC 7. Attorney General 8. Parliament | 1. Integrity of the Judiciary | 2006/ 2007 |
| 13. <i>Lack of confidence in the judiciary</i> | 1. Corrupt Litigants 2. Corrupt officials | 1. Public 2. All arms of government 3. Litigants 4. Justice system | 1. Judicial Code of Conduct and Ethics issued 2. Judiciary Website developed 3. Committee on expeditious disposal of cases established | 1. Ensure appointment of persons of integrity 2. Establish the public complaints committee 3. Encourage the public to expose interference 4. Appoint officers on merit 5. Judiciary Day/ Open Day where the public interacts with the Judiciary and the Judiciary is able to outline its plans for the year ahead. 6. Develop an IEC strategy | 1. CJ 2. JSC 3. KACC 4. LSK 5. Individual Judicial Officers 6. KMJA | 1. Integrity and independence of Judiciary | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|--|---|---|---|--------------|
| 14. Delays in hearing of cases | <ol style="list-style-type: none"> Corrupt judicial officers Corrupt accused persons Corrupt Police officers Corrupt advocates and corrupt litigants | <ol style="list-style-type: none"> Public Accused persons Justice system Complainants | <ol style="list-style-type: none"> Recommendations of Kwach Report made Committee on expeditious disposal of cases Community Service Order Act Rules Committee | (Information, Education and Communication strategy) <ol style="list-style-type: none"> Implement Kwach Report Establish a supervisory and control mechanism to ensure efficient trial of cases Retrench ineffective staff Sensitisation of staff Change law to provide for more judges Legislate the maximum length of time a person can be remanded for certain, petty, offences | <ol style="list-style-type: none"> CJ JSC KMJA Attorney General Parliament Prisons Department | <ol style="list-style-type: none"> Speedy trials Confidence in the Judiciary | 2006/2007 |
| 15. Poor management of records | <ol style="list-style-type: none"> Corrupt civil servants Corrupt individuals Corrupt Litigants | <ol style="list-style-type: none"> Justice System Public Litigants | The JSC has established the post of an IT officer to address the issue of records and IT services | <ol style="list-style-type: none"> Develop an effective records system Provide proper physical facilities for keeping records Recruit and train personnel in records management Identify and discipline persons contributing to malpractices in records management | CJ | <ol style="list-style-type: none"> Efficiency Increased productivity Accurate information & records Easy retrieval of records | 2006/2007 |
| 16. Outdated equipment and technology | <ol style="list-style-type: none"> Corrupt civil servants Corrupt individuals | <ol style="list-style-type: none"> Public Justice System | Upgrading of equipment | <ol style="list-style-type: none"> Acquire adequate modern equipment and technology Train staff on modern technology | <ol style="list-style-type: none"> CJ DPM Min. of Finance Ministry of Planning and National development | <ol style="list-style-type: none"> Efficiency Increased productivity Accurate information | 2006/2007 |
| 17. Institutionalized corruption | <ol style="list-style-type: none"> Corrupt Judicial officers Corrupt individuals Corrupt litigants | <ol style="list-style-type: none"> Justice System Litigants Government Public/ tax payers | <ol style="list-style-type: none"> Judicial purge started The standing Judicial Ethics and Governance Committee Enactment of the Anti-Corruption and Economic Crimes Act (ACECA) 2003 & The POEA 2003 | Enforce The Anti-Corruption and Economic Crimes Act (ACECA) and The POEA | <ol style="list-style-type: none"> Parliament Attorney-General JSC KACC The Media | <ol style="list-style-type: none"> Improved confidence in the judicial system Zero tolerance to corruption Increased investor confidence | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|----------------------------|--|---|--|---|--------------|
| <i>18. Poor linkages with other agencies in the Administration of Justice</i> | 1. Corrupt judicial officers 2. Criminals | Public | Regular joint forums | Establish a forum for joint meetings | 1. Government 2. Stakeholders 3. Media 4. Civil Society | A more efficient and justiciable justice chain | 2006/ 2007 |
| <i>19. Inadequate anti-corruption courts</i> | Corrupt persons | 1. Public 2. Government | Few anti-corruption courts established | 1. Establish anti-corruption courts in all provinces 2. Employ adequate judicial staff 3. Sensitise all judicial officers on governance and Anti-Corruption | 1. CJ 2. MOF 3. JSC 4. MOJCA | 1. Operational and efficient anti-corruption courts 2. Expeditious delivery of justice | 2006/ 2007 |

Kenya Anti-Corruption Commission (KACC)

5.5 Kenya Anti-Corruption Commission (KACC)

| PROBLEM | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|--|--|--|--|--|--------------|
| 1. <i>Inadequate legal framework and instruments</i> | 1. Accused person 2. Suspects 3. Legal Practitioners | 1. Government 2. Complainants 3. Institutions 4. The country | 1. Enactment of the ACECA and POEA 2. Enactment of the Government Financial Management Act 3. Establishment of KACC 4. Public Audit Act 5. Public Procurement and Disposal Act | 1. Amend the Anti-Corruption and Economic Crimes Act (ACECA) to give KACC prosecution powers 2. Enact Whistle-Blowers and Witness Protection Bill 3. Amend ACECA and POEA | 4. Attorney General 5. Parliament 3. KACC 4. Relevant Government Departments 5. Civil Society 6. Media 7. MOJCA | 1. Legal capacity for KACC to exercise its mandate and fulfill its mission 2. Efficient and effective dispensation of justice 3. More people willing to report | 2006/2007 |
| 2. <i>Insufficient knowledge of Anti Corruption Laws</i> | 1. Corrupt persons 2. Suspects 3. Legal Practitioners | 1. Government 2. Complainants 3. Institutions 4. The country | 1. PSIP programme 2. Public Education 3. National Council for Law Reporting has Laws available in the web | 1. Exposition of anti-corruption laws to implementing officers 2. Simplify these laws (translation & paraphrasing) 3. Distribute simplified laws. 4. Discuss and clarify the laws in public forums 5. Continue with public education | 1. Attorney-General 2. Parliament 3. KACC 4. Relevant Government Departments 5. Civil Society 2. Media 3. Judiciary 4. National Council for Law Reporting | 1. Legal capacity for KACC to exercise its mandate and fulfill its mission 2. Efficient and effective dispensation of justice 3. Informed public | 2006/2007 |
| 3. <i>Inadequate specialized skills</i> | 1. Accused Persons 2. Suspects 3. Legal Practitioners | 1. KACC 2. Public 3. Government 4. Institutions 5. Investors | 1. Proposal for funding to enhance capacity building 2. Training of officers in asset tracing and recovery 3. Acquisition of staff with professional skills | 1. Train officers in specialized areas 2. Recruit more specialised staff 3. Continued capacity building 4. Increase the number of professional staff 5. Anti-corruption and legal outreach and clinics | 1. KACC 2. Partners 3. Stakeholders 4. MOF | 1. Efficient and Effective discharge of services 2. Increased Productivity 3. Increased public confidence in the Commission | |

| PROBLEM | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|-----------------------|--|--|---|---|--|--------------|
| 4. <i>Limited facilities, inadequate equipment and lack of field offices</i> | Corrupt individuals | 1. Public 2. Government 3. Investors 4. The country | 1. Proposal for funding to acquire necessary equipment 2. Acquisition of some basic equipment already done 3. Networking of KACC | 1. Acquire appropriate communication and information technology (IT) 2. Establish a modern Resource Centre 3. Acquire adequate physical facilities including field offices 4. Establish partnership linkages / networks with other governance and anti-corruption agencies locally and internationally | 1. KACC 2. MOF 3. Partners | 1. Improved productivity 2. Efficiency and effectiveness 3. Effective information system 4. Well equipped Resource Centre 5. Nationwide presence | 2006/ 2007 |
| 5. <i>Absence of a strategic plan</i> | Corrupt individuals | 1. KACC 2. Public 2. Government 3. Other stakeholders | Draft strategic plan | 1. Launch a strategic plan 2. Implementation of strategic plan | 1. KACC 2. Partners | Focused anti – corruption strategies | 2006/ 2007 |
| 6. <i>Lack of Coordination of various anti-corruption and governance agencies</i> | Corrupt individuals | 1. Agencies 2. Public | Draft NACP | 1. Launch and implement NACP 2. Establish a coordinating mechanism including NACP Secretariat 3. Clarify the role and functions of the various agencies | 1. MOJCA 2. NACP Coordinating Committee 3. KACC | 1. Coordinated Anti-Corruption Programs 2. Reduced corruption | 2006/ 2007 |
| 7. <i>Lack of anti-corruption curriculum/ material in the education system</i> | Corrupt individual | 1. Public 2. Government 3. Learners 4. The country | Some aspects of the curriculum integrated | 1. In collaboration with other partners develop and implement anti-corruption enriched curricula for all levels and sectors 2. Enhance anti-corruption programmes in music and drama and curriculum activities 3. Sensitize schools management, learners and stakeholders | 1. Kenya National Examinations Council (KNEC) 2. MOEST 3. KIE, Universities 4. KACC 5. Partners 6. All public and private trainers and educators | 1. Enriched curriculum 2. Improved ethical behaviour 3. Honest citizens | 2006/ 2007 |
| 8. <i>Lack of entrenchment in the constitution</i> | Corrupt individuals | 1. KACC 2. The country | No initiative reported | 1. Increased lobbying 2. Amendment of the constitution | 1. KACC 2. Parliament 3. MOJCA 4. Interest groups | 1. Constitutional protection 2. Security of tenure of management | 2006/ 2007 |

5.6 Enforcement Agencies

5.6.1 Police

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|---|---|--|---|--------------|
| 1. <i>Lack of security of tenure of the office of the Commissioner of Police.</i> <i>(b) Insufficient criteria and procedures in the appointment of staff in the Police Force</i> | 1. Corrupt Individuals 2. Criminals | 1. The country 2. Police Force | Proposals have been made on tenure of office for the Police Commissioner | 1. Establish Police Service Commission with permanent secretariat 2. Provide for constitutional security of tenure for a specified time for the Commissioner of Police 3. Amend section 108 of constitution to provide for Nominees for the appointment as Commissioner to be vetted by Parliament. 4. Advertise vacant senior positions in the Police Force for competitive recruitment | 1. Public Service Commission 2. Parliament 3. Commissioner of Police | 1. Job delivery of service 2. Efficient delivery of service 3. Increased morale and motivation 4. Fairness | 2006/ 2007 |
| 2. <i>Inadequate adherence to job descriptions and deployment procedures</i> | 1. Corrupt senior Police officers 2. Some corrupt politicians 3. Corrupt individuals 4. Corrupt officials 5. Criminals | 1. Government 2. Police Force 3. Public 4. The country | Committee on job descriptions and deployment established | 1. Enhance appropriate job description and adhere to deployment procedures 2. Establish performance evaluation benchmarks | 1. Public Service Commission 2. Commissioner of Police 3. DPM | 1. Improved services 2. Improved integrity of the Force 3. Enhanced morale 4. Increased public confidence | Immediate |
| 3. <i>Lack of code of conduct and ethics for the police force</i> | 1. Corrupt individuals 2. Criminals | 3. Public 4. The Police Force 5. The Country | Revision of working guidelines in Criminal Investigations Department (CID) & Kenya Police Training Colleges | 1. Include Ethics and Code of Conduct in the Force Standing Orders and establish monitoring mechanism 2. Establish a code of regulations specific for the police force 3. Encourage public to speak out and report to the Police Commissioner. 4. Educate police on human rights | 1. Commissioner of Police 2. DPM 3. Public Service Commission | 1. Improved services 2. Improved integrity of the Force 3. Increased confidence and image of the Police Force | Immediate |
| 4. <i>Acquisition of sub-standard equipment and stores for the Police Force.</i> | 1. Corrupt suppliers 2. Corrupt Agents 3. Corrupt public officers 4. Criminals | 1. The Police Force 2. Public 3. Individual Organisations 4. The country | Use of KEBS | 1. Empower Commissioner of Police to participate in determining Equipment/ Stores required together with the specifications 2. Ensure strict compliance with Procurement legislation and relevant regulations 3. Make the Police an Accounting unit | 1. Commissioner of Police 2. Treasury | 1. High quality stores and equipment 2. Improved services 3. Motivated Police Force | 2007/ 2008 |

| PROBLEM/ISSUE | BENEFITS/CULPRITS | WHO WHOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|--|--|---|---|---|--------------|
| 5. <i>Absence of clear guidelines in the application of quota system with regard to recruitment and promotion</i> | <ol style="list-style-type: none"> Undeserving candidates/officers Corrupt politicians Corrupt influential individuals | <ol style="list-style-type: none"> Qualified and deserving candidates/officers Public The Police Force The Country | <ol style="list-style-type: none"> No initiative reported Recruitment made open Professional cadre asked to apply | <ol style="list-style-type: none"> Establish transparent and equitable guidelines for application of a quota system in recruitment and promotion based on merit Observe merit and qualifications during promotions | <ol style="list-style-type: none"> Public Service Commissioner of Police | <ol style="list-style-type: none"> Improved Performance Increased confidence in Police Force Fairness in recruitments and promotion Motivated Police Force Quality Personnel in Police Force | 2006/2007 |
| 6. <i>Unwillingness of officers to serve in Training Institutions</i> | Corrupt individuals | <ol style="list-style-type: none"> The Police Force Trainees The Country | Several recommendations on terms and conditions of employment for instructors in police training institutions have already been made | <ol style="list-style-type: none"> Implement the recommendations Develop and implement a scheme of service for police instructors Recruit Trainers directly for Police Training Institutions Evaluate and categorise Police Training colleges in line with other Government Training Institutions | <ol style="list-style-type: none"> MOF Commissioner of Police DPM | <ol style="list-style-type: none"> Quality and motivated instructors in Police Training Institutions Better trained workforce Improvement of performance Enhanced image of the Police Training Institutions | 2008/2009 |
| 7. <i>Poor remuneration</i> | <ol style="list-style-type: none"> Corrupt individuals Criminals | <ol style="list-style-type: none"> Public Police Officers Police Force | <ol style="list-style-type: none"> Recommendations made on pay review Salaries for police officers raised | Implement the recommendations on salary review | <ol style="list-style-type: none"> Government DPM Commissioner of Police | <ol style="list-style-type: none"> A motivated Force Improved performance Reduction in corruption & general crime Improved Integrity/ Image | 2007/2008 |
| 8. <i>Poor office and residential facilities</i> | Corrupt and immoral individuals within the force | <ol style="list-style-type: none"> Public Police Officers' and their families Police Force The Country | <ol style="list-style-type: none"> Supplementary house allowance for junior officers Proposal/ requests for funding made to Government | <ol style="list-style-type: none"> Provide market-rate based house allowance for all staff Provide adequate and better housing and office accommodation for the Force where mandatory Complete the unfinished housing and office accommodation projects | <ol style="list-style-type: none"> Head of Public Service Commissioner of Police Treasury Interest Groups | <ol style="list-style-type: none"> Improved morale and Integrity Safety Privacy Improved efficiency and productivity in the Force | 2008/2009 |

| PROBLEM/ISSUE | BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|---|---|--|---|--------------|
| 9. Poor image of the Police Force | <ol style="list-style-type: none"> 1. Criminals 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Public 2. Police Force 3. The country | <ol style="list-style-type: none"> 1. Public Relations office set up at Police Headquarters 2. Police reforms going on 3. Community policing will help foster a positive image | <ol style="list-style-type: none"> 1. Conduct Public Relations Programmes to enhance image of the Police Force 2. Train Police officers in Public Relations and Customer Care 3. Establish Customer Care Desks in all Police Stations 4. Ensure all officers respect the public (their employer) and respond promptly to calls 5. Ensure impartiality at all times | <ol style="list-style-type: none"> 1. Commissioner of Police 2. Police Colleges 3. Media 4. Religious organisations 5. Individual Police officers | <ol style="list-style-type: none"> 1. Increased Public confidence 2. Improved Police-public relations 3. Reduced corruption 4. Positive perception of the Police Force by the Society 5. Enhanced cooperation with public 6. Improved productivity within the Force | Immediate |
| 10. Selective enforcement of the law | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Criminals | <ol style="list-style-type: none"> 1. Government 2. Law enforcement agencies 3. Public 4. Investors | <ol style="list-style-type: none"> 1. A Complaints Committee set up | <ol style="list-style-type: none"> 1. Conduct regular training programmes 2. Encourage public to complain against mistreatment and partiality 3. Establish an independent police Complaints Commission | <ol style="list-style-type: none"> 1. Office of the President (OP) – Internal security 2. Commissioner of Police 3. Civil Society 4. Parliament | <ol style="list-style-type: none"> 1. Efficient and uniform enforcement of the law 2. Improved image and people-friendly Force | Immediate |
| 11. Deliberate delay in investigations | <ol style="list-style-type: none"> 1. Suspects 2. Corrupt investigating officers | <ol style="list-style-type: none"> 1. Public 2. Police Force 3. The Country 4. Individuals | <ol style="list-style-type: none"> 1. No initiative reported | <ol style="list-style-type: none"> 1. Train police staff in customer care 2. Define duration and standards within which investigation should be concluded 3. Establish a monitoring mechanism to ensure compliance with set duration and standards 4. Encourage complaints by affected parties | <ol style="list-style-type: none"> 1. Commissioner of Police 2. OP 3. Attorney-General 4. Interest Groups | <ol style="list-style-type: none"> 1. Prompt investigations and conclusion of cases 2. Public confidence 3. Upholding of the rule of law | Immediate |
| 12. Inadequate resources for staff development | <ol style="list-style-type: none"> 1. Corrupt individuals | <ol style="list-style-type: none"> 1. Police Force 2. Public | <ol style="list-style-type: none"> 1. No initiative reported | <ol style="list-style-type: none"> 1. Provide adequate funding 2. Refurbish training facilities 3. Revive existing provincial training centres 4. Enhance training for instructors 5. Provide training programmes for paying clientele | <ol style="list-style-type: none"> 1. Commissioner of Police 2. Treasury 3. Police training Institutions 4. Development Partners 5. Interest Groups | <ol style="list-style-type: none"> 1. More efficient and effective officers 2. Increased and comprehensive training 3. Increased productivity 4. Adequate and appropriate facilities 5. Enhanced rapport between the Police and other Institutions/organisations | 2008/ 2009 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|---|--|---|---|--|--------------|
| 13. Ratio of Police to population is far below international standards | 1. Corrupt individuals 2. Criminals | 1. Public 2. Police Force 3. Investors 4. Individuals | No initiative reported | 1. Undertake a study to establish suitable ratio of police to the Kenyan population 2. Take measures to bridge the gap between the existing ratio of police to the required ratio 3. Plan and source for resources to achieve the required ratio 4. Legalise and institutionalise community policing | 1. Government 2. Commissioner of Police 3. Community Development Partners 4. Interest Groups | 1. Adequate provision of security 2. Public confidence 3. Minimized crime rate 4. Increased investor confidence 5. Improved national image | 2010/ 2011 |
| 14. Deliberate delays in prosecution of cases in court | 1. Corrupt Judicial officers 2. Corrupt police officers 3. Accused persons 4. Corrupt complainants | 1. Public 2. Government 3. Complainants 4. Police Officers 5. Accused persons | Prosecution section being moved to Attorney General's office | 1. Establish a supervisory mechanism to ensure efficient prosecution of cases 2. Encourage complaints by affected parties 3. Punish errant officers | 1. Commissioner of Police 2. Interest Groups | 1. Public confidence in the Police Force | 2006/ 2007 |
| 15. Failure to adopt modern management information systems | 1. Corrupt individuals 2. Corrupt officers | 1. Public 2. Government | No initiative reported | 1. Adopt modern management information systems 2. Train officers on records management | 1. Commissioner of Police 2. DPM | 1. Improved services 2. Lack of investigation delays 3. Greater accountability | 2006/ 2007 |
| 16. Collusion between police and driving schools on driving testing | 1. Corrupt police officers 2. Corrupt driving schools 3. Corrupt trainees | 1. Government 2. Public | No initiative | 1. Identify another body to administer driving testing while police enforces 2. Regulate driving schools to ensure minimum standards are met | 1. OP 2. Police 3. Interested groups | 1. Safety on roads 2. Improved driving standards | 2006/ 2007 |
| 17. Theft/ Frisking of suspects by police on patrol | Corrupt police officers | Public | No initiative | 1. Encourage public to speak out and report to the police 2. Educate police on human rights 3. Empower the public to resist police excesses 4. Establish external committee/ commission/ office to receive and act on complaints against police | 1. OP – Internal Security 2. Police 3. KNCHR 4. Pressure groups | 1. Enhanced respect to human rights 2. Improved police – citizen relationships | 2005/ 2006 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|---|---|--|---|--------------|
| 18. Framing of innocent citizens by police | Corrupt police officers | Public | Community Policing Programmes established | Fully implement community policing programme | <ol style="list-style-type: none"> 1. OP – Internal Security 2. Police 3. Pressure groups 4. KNCHR | <ol style="list-style-type: none"> 1. Responsive and caring police service 2. Improved police – citizen relationships | 2005/ 2006 |
| 19. Inadequate/incomplete investigation by police | <ol style="list-style-type: none"> 1. Corrupt police officers 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Honest people 2. Government | No initiative | <ol style="list-style-type: none"> 1. Review investigation and prosecution laws 2. Introduce performance contract 3. Capacity building through training for investigating officers 4. Holding police officers responsible for certain zones/ areas 5. Acquire Forensic Investigation Equipment | <ol style="list-style-type: none"> 1. OP 2. Police 3. Pressure groups | <ol style="list-style-type: none"> 1. Fair & thorough investigation 2. Expeditious delivery of justice | 2005/ 2006 |

5.6.2 Kenya Revenue Authority(KRA)

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|--|--|--|---|---|--------------|
| 1. <i>Tax evasion</i> | 1. Corrupt taxpayers 2. Corrupt Agencies 3. Corrupt officers 4. Corrupt organisations | 1. KRA 2. Government 3. Public 4. The Country | 1. Launched the Taxpayers Charter 2. Launched Code of Conduct 3. Development and launching of the Corporate Plan 4. Taxpayers education 5. Launched Electronic Tax Registers | 1. Implement terms of Charter 2. Enforce Code of Conduct 3. Monitor compliance of the charter and the Code of Conduct 4. Initiate and implement public education programmes 5. Literature developed on frequently asked questions 6. Balanced score-card to evaluate performance 7. Sensitisation of various groups on tax compliance 8. Bringing more players on the tax net 9. Bonus payout 10. Developing a Corporate Plan | 1. KRA 2. Civil Society 3. Professional bodies 4. Government | 1. Improved revenue collection 2. Improved customer relations 3. Improved image of the authority 4. Improved provision of services | 2006/ 2007 |
| 2. <i>Non-compliance with tax laws</i> | 1. Corrupt taxpayers 2. Corrupt officials | 1. Government 2. KRA 3. Public | 1. Undertaken public education programmes 2. Enhanced Strict enforcement of tax laws 3. Deputy Commissioner appointed to deal with taxpayers' education 4. Streamlined tax and revenue administration 5. Taxpayers' week 6. Tax amnesty 7. Tax clinics | 1. Educate public on importance of compliance 2. Make it a condition that provision of services and contracts will be on compliance to tax laws | 1. KRA 2. Civil Society 3. Media 4. Professional bodies 5. Stakeholders | 1. Increased revenue collection 2. Respect for tax laws 3. Increased provisions of service by government | 2007/ 2008 |
| 3. <i>Abuse of discretionary powers</i> | 1. Corrupt officials 2. Corrupt agents 3. Corrupt businessmen/ 4. Taxpayers | 1. KRA 2. Government 3. Public | 1. Decentralization of some functions/ operations 2. Delegation of responsibility 3. Regions created under Senior Deputy Commissioner (SDC) 4. Exemptions only vested on the Minister | 1. Establish and enforce monitoring mechanisms to check on compliance of discretionary powers 2. Reduce discretionary powers which should be exercised only in Public interest | 1. Treasury 2. KRA | 1. Fairness 2. Improved revenue collection 3. Confidence in the KRA 4. Reduction in corruption | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|--|--|---|---|---|--------------|
| 4. <i>Weak and inadequate legal provisions for revenue collection</i> | 1. Corrupt officials 2. Untargeted publics | 1. KRA 2. Government 3. Public | 1. Proposals to legally give KRA access to information database 2. Linking of VAT withholding certificates for Govt. suppliers | 1. Improve and strengthen additional and appropriate legal provisions 2. Widen the bracket of the tax-paying public 3. Develop and establish a mechanism to monitor compliance | 1. Parliament 2. KRA 3. Attorney-General | 1. Streamlined revenue collection 2. Increased revenue 3. Improved provision of service by government | 2007/2008 |
| 5. <i>Cumbersome and or inappropriate tax administration procedures</i> | 1. Corrupt officials 2. Tax evaders | 1. KRA 2. Government 3. Public 4. Taxpayers | 1. Simplified procedures on import clearance 2. Installed X-Ray Scanners 3. Many dropping & picking points for tax return forms 4. Banks now receiving KRA dues | 1. Simplify and rationalise tax administration procedures 2. Develop and implement user friendly, efficient and cost effective tax administration systems 3. Taxation (duty) to be done at source or point of entry 4. Timely reimbursement of tax (VAT) | 1. KRA 2. Tax Paying public | 1. Streamlined and improved revenue collection procedures 2. User friendly systems 3. Cost effective revenue handling | 2007/2008 |
| 6. <i>External interference</i> | 1. Corrupt Officials 2. Corrupt individuals 3. Corrupt firms | 1. Government 2. Employees 3. Public | No initiative reported | 1. Strictly enforce rules, regulations and laws 2. Strengthen the system with a view to sealing loopholes and opportunities that encourage interference 3. Establish and enforce effective codes of conduct and ethics 4. Punish errant officers 5. Give Commissioner General (CG) security of tenure | 1. KRA 2. MOF | 1. Efficient and effective services 2. Qualified personnel 3. Improved performance 4. Consistency in the implementation of rules, regulations and procedures | Immediately |
| 7. <i>Inadequate identification of Tax Payers and under collection</i> | 1. Corrupt persons 2. Corrupt officers | 1. Public 2. Government 3. KRA | 1. Personal Identification Number (PIN) used as a single reference 2. Introduced balanced Score Card | 1. Efforts to have a permanent number or PIN for all purposes 2. Efforts to link PIN with National Registration System 3. Setting higher standards | 1. KRA 2. Parliament 3. MOF 4. Min. of Immigration & Reg. of Persons | 1. One identification number for all purposes 2. Increased revenue | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|--|--|--|--|---|--------------|
| 8. <i>Inadequate and / or complex systems, processes and procedures</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. Public 3. KRA | 1. Computerisation of operations 2. Electronic cargo tracking 3. X-ray scanners 4. Receipting is computerized 5. Electronic tax register for VAT 6. Criminals not to use Tax Register | Computerised driving licenses and other issuances | 1. Min. of Transport & Comm. 2. KRA 3. Treasury | | 2006/ 2007 |
| 9. <i>Narrow Tax Base</i> | 1. Corrupt taxpayers 2. Corrupt officials | 1. Government 2. Public 3. KRA | 1. Recruitment of more taxpayers 2. Unified tax system (a One Stop Shop – OSS) 3. Annual income returns | 1. Implement unified tax system 2. Continue Taxpayers education | 1. KRA 2. Parliament 3. Treasury 4. LA 5. Ministry of Trade and Industry (MOTI) 6. Other stakeholders | 1. More revenue 2. Increase compliance and fairness in the tax system | 2006/ 2007 |
| 10. <i>Inadequate border surveillance</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Government 2. KRA 3. Public | 1. Use of K9 dogs to track down drugs 2. Tight controls on entry points 3. Informers reward 4. Hotlines 5. East African Community | 1. Procure patrol boats 2. Improved collaboration with security forces and the Community at border points | 1. KRA 2. Immigration 3. Police | 1. Increase in revenue 2. Enhanced security | 2006/ 2007 |
| 11. <i>Patronage in appointment and promotion of officers</i> | 1. Corrupt officials 2. Favoured individuals 3. God fathers | 1. Government 2. Public 3. KRA 4. Deserving employees | 1. All jobs are now through competitive interviews 2. Interviewing panels are representative 3. Interviewing panels to vet all appointments and promotions based on existing pre-determined guidelines and criteria. 4. Unsuitable employees entrenched | 1. All appointments and promotions open and competitive 2. Senior staff already on contract 3. Maintain an effective monitoring mechanism to ensure compliance with appointment criteria 4. CG will require security of tenure in order to adequately resist interference | 1. KRA 2. MOF | 1. Improved performance 2. Motivated staff 3. Quality staff 4. Improved integrity of appointment procedures 5. Fairness and Justice | Immediate |

5.6.3 The Media

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|---|--|---|--|--------------|
| 5.7 <i>Liberately false or sensationalized reporting</i> | <ol style="list-style-type: none"> 1. Corrupt journalists 2. Blackmailers 3. Extortionist 4. Corrupt organisations 5. Journalist friends 6. Politicians | <ol style="list-style-type: none"> 1. Public 2. Victims 3. Individuals 4. Publishers 5. Shareholders 6. Media houses 7. Media industry | <ol style="list-style-type: none"> 1. Editor's guild set up 2. Code of Ethics Developed 3. Disciplinary action by media owners 4. Editor collaboration mechanism in place 5. Media Council set up. | <ol style="list-style-type: none"> 1. Enforce and implement a Code of Ethics & Conduct for both journalists and the media establishments and apply penalties as provided in the Code 2. Sensitise staff on anti-corruption measures 3. Establish mechanisms to facilitate listeners, viewers, readers & Government to complain if offended. 4. Consider employing ombudsmen or public editors 5. Publish nature of action taken against journalists | <ol style="list-style-type: none"> 1. Attorney-General 2. Kenya Union of Journalists (KUJ) 3. Media Owners 4. Civil Society 5. Media training institutions 6. KACC 7. Media Council 8. Ministry of Information & Communication (MOIC) 9. Communication Commission of Kenya (CCK) | <ol style="list-style-type: none"> 1. Fair and accurate reporting 2. Improved media house 3. An informed citizenry 4. Improved morality, security and protection of public interest 5. Competent and responsible journalist | 2006/2007 |
| 2. <i>Suppression of information</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Media owners 3. Govt. operatives 4. Competitors | <ol style="list-style-type: none"> 1. Public 2. Publishers 3. Journalists 4. Media Houses 5. Investors | <ol style="list-style-type: none"> 1. Editor's Guild set up 2. Media Council in place. 3. Professionalism | <ol style="list-style-type: none"> 1. Develop Code of Ethics 2. Establish a professional Media Association 3. Internal sensitisation of staff on anti-corruption measures 4. Discourage abuse of discretionary powers of Senior Editors | <ol style="list-style-type: none"> 1. Media Owners 2. Association (MOA) Editors 3. KUJ 4. Media training institutions 5. Media council | <ol style="list-style-type: none"> 1. Fair and accurate reporting 2. Informed citizenry 3. Protection of public interest 4. Competent and responsible journalism | 2006/2007 |
| 3. <i>Blackmail and harassment by impostors</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Impostors | <ol style="list-style-type: none"> 1. Individuals 2. Media Houses 3. Public 4. The Industry | Streamlined accreditation of Journalists | <ol style="list-style-type: none"> 1. Improve and strictly enforce accreditation guidelines by issuing authority 2. Sensitise the public on importance of verification of identity 3. Report intimidation to Media Council and KACC 4. Alert the Police | <ol style="list-style-type: none"> 1. Attorney-General 2. Media Owners 3. Editors 4. KUJ 5. Media training institutions | <ol style="list-style-type: none"> 1. Fair and accurate reporting 2. Improved image and rating 3. Citizens 4. Encourage establishments of in house guidelines 5. Competent and responsible journalism | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
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| 4. <i>Inadequate licensing policies, procedures and guidelines</i> | 1. Corrupt individuals 2. Speculators | 1. Media Houses 2. Public | 1. Attempts to repossess idle frequencies. 2. CCK set up | 1. Develop and implement comprehensive guidelines for licensing and evaluation 2. CCK to levy a fee for all frequency holders 3. Discourage speculators from hoarding by setting a time limit within which to start a broadcasting station | 1. Attorney- General 2. Media Owners 3. KUUJ 4. Editors Guild 5. CCK 6. MOIC | 1. Better services to the Public 2. Optimum use of limited frequencies | 2006/ 2007 |
| 5. <i>Unethical solicitation of advertising business</i> | 1. Corrupt individuals and agents 2. Corrupt media houses 3. Corrupt clients | 1. Advertisers 2. Consumers 3. Media houses 4. Public | No initiative reported | 1. Apply sanctions in Codes of Ethics against errant members 2. Sensitize advertisers and consumers 3. Media houses to include clauses in business documents on disallowed behaviour 4. Formulate, publicise and display a Customer Charters and quality service standards 5. Seek redress 6. Establishment & enforcement of broadcasting regulation mechanisms | 1. Media houses 2. Marketing Society of Kenya 3. Advertising agencies 4. CCK 5. Ministry of Information and Communication | 1. Good business practices and fair-play 2. Improved services 3. Improved image | Ongoing |
| 6. <i>Inadequate allocation of resources to Journalists</i> | 1. Corrupt individuals 2. Corrupt media Owners | 1. Media Owners 2. Journalists 3. Public 4. Clients | Some media houses have good terms | 1. Provide Journalists adequate resources like transport, meals, equipment, etc 2. Improve their remuneration 3. Accreditation of journalists be strict | 1. Media houses 2. Marketing Society of Kenya 3. KUUJ 4. Media Council 5. Government | 1. Independent Journalists 2. Quality & impartial reporting 3. Integrity of Journalists and media houses | As soon as possible |
| 7. <i>Poor quality of personnel</i> | Media Houses | 1. Media houses 2. Public 3. Clients Media training institutions | Some initiative on Journalism Training is in progress | 1. Involve media houses in journalism curriculum development 2. Establish, enforce and maintain high professional standards 3. Train journalists in specialised areas like governance and anti-corruption 4. Establish minimum criteria for media training institutions 5. Vet all media training institutions 6. Media houses to set up specialized desks | 1. Media training institutions 2. KUUJ 3. Media houses 4. Civil Society 5. Ministry of information and Communication 6. Other stakeholders | 1. High quality training for media staff 2. Better performance by media personnel | Immediate |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|--|---|---|--|--|--------------|
| 8. <i>Lack of minimum entry level qualifications for the industry</i> | 1. Corrupt individuals and agents 2. Corrupt clients | 1. Media houses 2. Public | Establishment of a professional association | 1. Establish professional qualifications and certificates for all grades 2. Make it compulsory for journalists to have certificates before practising 3. Develop and implement a Code of Conduct for the media sector 4. Establish minimum professional qualification and certification 5. Make legal requirement for regulated practising licences for journalists 6. If untrained staff are hired, they be trained with 6 months | 1. Media training institutions 2. KUU 3. Media houses 4. Civil Society 5. Ministry of information and Communication | 1. Good business practices 2. Better services 3. Improved image 4. Quality reporting | 2006/ 2007 |
| 9. <i>Lack of accountability among journalists</i> | 1. Corrupt individuals and agents 2. Corrupt clients | 1. Media houses 2. Public | No initiative reported | 1. Establish a professional regulatory body that will adequately monitor and regulate journalism to ensure responsibility and accountability to society 2. Encourage complaints by affected parties 3. Proper supervision of journalists 4. Media houses & journalists to take full responsibility for their actions 5. Media houses should socialize their editorial policies widely 6. Encourage objective and fair reporting | 1. Media training institutions 2. KUU 3. Media houses 4. Civil Society 5. Media council 6. Professional Association | 1. Good business practices 2. Better services 3. Improved image 4. High ethical standards | Ongoing |
| 10. <i>Poor Remuneration</i> | 1. Corrupt individuals 2. Media Owners | 1. Public 2. Media Houses 3. Employees | No initiative reported | 1. Streamline terms and conditions of service 2. Improve emoluments among public service journalists 3. Establish salaries & wages arbitrations' board 4. All unionizable staff should be allowed to join the union if they choose | 1. Media owners 2. KUU 3. Professional Association 4. Civil Society 5. Ministry of information and Communication | 1. Motivated staff 2. Improved and accurate reporting 3. Improved productivity | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE | |
|--|---|--|---|---|---|--|--------------|--|
| 11. Lack of access to information | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt Clients 3. Individuals | <ol style="list-style-type: none"> 1. Public 2. Journalists 3. Clients 4. Media Houses 5. Public | <p>Public Communications Office set up</p> <p>No initiative reported</p> | <ol style="list-style-type: none"> 1. Enact legislation to allow access to certain information for the public 2. Proper classification of public information 3. Digitize all records 4. Repeal some of the existing restrictive laws that hinder free flow of information <ol style="list-style-type: none"> 1. Encourage monitoring and reporting of violations by both local and international watchdogs 2. Develop and implement sensitisation programmes for law enforcement agencies, judiciary, politicians and the public at large on the role of journalists 3. Seek legal redress 4. Educate the public on the role of journalists 5. Educate journalists on acceptable etiquette | <ol style="list-style-type: none"> 1. Parliament 2. Attorney-General 3. Media Owners 4. KUI 5. Media training institutions <ol style="list-style-type: none"> 1. KUI 2. Media Houses 3. Public 4. KACC 5. Civil Society 6. Judiciary 7. Law enforcement agencies 8. Professional Association | <ol style="list-style-type: none"> 1. Quality and accurate reporting 2. Better informed and empowered public <p>Effective and efficient reporting</p> | 2006/ 2007 | |
| 12. Intimidation and harassment of journalists | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Politicians | <ol style="list-style-type: none"> 1. Journalists 2. Public 3. Media Houses | <ol style="list-style-type: none"> 1. Uncoordinated initiatives reported 2. MOA has made some initiatives | <ol style="list-style-type: none"> 1. KACC to publicize its services 2. Carry regular feature articles on corruption 3. Train journalists on investigative and specialised journalism 4. Creation of a 'Journalists' Association 5. Educate the public to change cultural values which encourage corrupt practices 6. Introduce technology in public institutions | <ol style="list-style-type: none"> 1. KACC 2. Media Houses 3. Civil Society 4. Religious organisations 5. Individual journalists 6. Interest Groups 7. Professional Association | <ol style="list-style-type: none"> 1. An informed society on corruption 2. Active participation by the public against corruption 3. Increased hostility towards corruption 4. More exposure on corrupt practices | 2006/ 2007 | |
| 13. Inadequate and incompetent treatment of corruption issues | <p>Corrupt individuals</p> | <ol style="list-style-type: none"> 1. Public 2. Government 3. Private sector 4. Individual organisations 5. Civil society | <ol style="list-style-type: none"> 1. National Agency for Campaign Against Drug Abuse (NACADA) doing something | <ol style="list-style-type: none"> 1. Broadcasting Act to regulate commercial broadcasting 2. Media houses to establish a mechanism to vet programme content | <ol style="list-style-type: none"> 1. Ministry of information and Communication 2. Attorney General 3. Civil Society 4. Professional Association 5. NACADA 6. Parliament | <ol style="list-style-type: none"> 1. Impartiality 2. Improved moral/ ethical behaviour 3. Reduction in inappropriate/ injurious advertisements | 2006/ 2007 | |
| 14. Unregulated and obnoxious programme content | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Irresponsible journalists 3. Media houses | <ol style="list-style-type: none"> 1. Public 2. Children 3. Public Health 4. Faithfuls | | | | | | |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|---|--|---|--|--|--------------|
| 15. Lack of an information & communications policy | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Media houses | <ol style="list-style-type: none"> 1. Public 2. Media houses | <ol style="list-style-type: none"> 1. Draft Kenya media policy and Media Council of Kenya bill 2006 2. Information, communications & Technology bill 2006 3. Freedom of Information bill 2006 | <ol style="list-style-type: none"> 1. Develop and implement information and communication policy 2. Enact information and communication law 3. Implement the policy 4. Enact freedom of information law | <ol style="list-style-type: none"> 7. MOA 1. Attorney General 2. Parliament 3. Min. of Information and Communication 4. Interest groups | <ol style="list-style-type: none"> 1. Impartiality 2. Improved moral/ethical behaviour 3. Reduction in inappropriate/ | 2006/ 2007 |
| 16. Negative reporting | Corrupt individuals | <ol style="list-style-type: none"> 1. Public 2. Investors 3. Country | Media council set up | <ol style="list-style-type: none"> 1. Profile role models to encourage positive behaviour change 2. Re-orient journalist training in seeing news worthiness in positive development | <ol style="list-style-type: none"> 1. ministry of information and communication 2. Media houses 3. MOA 4. Media Council 5. Media training institutes 6. Government | <ol style="list-style-type: none"> 1. Objective and accurate reporting 2. Positive behavioural change 3. Improve image of the country 3. Good country profiles | 2006/ 2007 |

5.8 Watchdog Agencies

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|--|--|--------------|
| 1. <i>Failure to attract and retain quality personnel</i> | 1. Corrupt Officials 2. Corrupt Agents | 1. Exchequer 2. Public Institutions 3. The country | 1. Selection and recruitment ongoing agencies 2. Terms improved in some watchdog agencies | 1. Give autonomy to all watchdog agencies in appointment and promotion of staff 2. Provide security of tenure for the Chief Executives of the Watchdog agencies 3. Continuously improve terms and conditions of service | 1. Government 2. Watchdog agencies 3. Parliament | 1. Attraction and retention of qualified staff 2. Improved efficiency and effectiveness 3. Job satisfaction 4. Increased productivity | 1-2 years |
| 2. <i>External interference with the watchdog agencies</i> | 1. Corrupt Individuals 2. Influential individuals | 1. Exchequer 2. Public Institutions 3. The country | 1. National Audit Office answerable to parliament.. 2. Enactment of the Public Audit Act 2003 | 1. Adhere to strict enforcement of rules and regulations and laws 2. Strengthen the system with a view to sealing loopholes and opportunities that encourage interference 3. Punish errant officers | 1. Watchdog Agencies 2. Government 3. Parliament 4. Attorney General | 1. Quality Services 2. Qualified personnel 3. Improved performance 4. Consistency in the implementation of laws, rules, regulations and procedure | 2006/ 2007 |
| 3. <i>Insufficient budgetary allocation to programme for some watchdog agencies</i> | 1. Corrupt Officials 2. Corrupt Agents | 1. Exchequer 2. Public Institutions 3. The Country | Adequate Budgetary approvals for some watchdog agencies e.g. National Audit Office | 1. Source sufficient funds for specific planned and rationalised programmes 2. Use funds for planned specific projects 3. Establish monitoring mechanisms to ensure funds are used for planned programmes | 1. Watchdog agencies 2. The Treasury | 1. Efficient, timely and effective auditing and investigations 2. Reduced losses of public funds 3. Improved Productivity 4. Reduced corruption | 2006/ 2007 |
| 4. <i>Lack of accounting and financial information by Institutions and organisations</i> | 1. Corrupt Officials 2. Corrupt Agents | 1. Exchequer 2. Public Institutions 3. The Country | 1. National Audit Office set up. 2. Deadlines for submission of accounts set by law 3. LA now have to submit accounts to NAO simultaneously with the ministry | 1. Make it a legal requirement that relevant bodies compile, publish and avail Audited Accounts to the public as required by law. 2. Strictly enforce the law 3. Review the Public Audit Act 2003 to specify and impose penalties for non-compliance by officers | 1. Permanent secretaries/ chief executives 2. Parliament 3. NAO 4. Attorney General | 1. Efficient, timely & effective services 2. Timely Audited Accounts for public institutions | 2006/ 2007 |

Watchdog Agencies

National Anti-Corruption Plan

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|--|--|--|--|--------------|
| 5. <i>Audit Backlog</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Institutions 2. Exchequer 3. Public 4. The Country | 1. The law provides for deadlines. 2. National Audit Office is up to date with the Accounts for Central Government and State corporations but has backlog with some LA. | 1. Carry out regular, surprise checks on organisations 2. Institute and enforce stiff penalties for failure to observe audit requirements 3. Action Plans being prepared | 1. Watchdog agencies 2. Individual organisations 3. Parliament | 1. Efficient and timely audits 2. Reduction of loss of public funds 3. Enhanced integrity of individual organisations 4. Reduced corruption | 2006/2007 |
| 6. <i>Lack of corruption pre-emptive intervention in regular transactions</i> | 1. Corrupt officials 2. Corrupt individuals | 1. Institutions 2. Public 3. Exchequer 4. The Country | 1. Internal Auditor General (IAG) & Accountant General are recognized and established by Financial Management Act. | 1. Pursue financial independence 2. Enhance systems and provide random audits on high risk areas 3. Introduce checks and balances and scheduled inspection and audit for all large transactions | 1. Watchdog Agencies 2. Parliament 3. Chief Executives 4. IAG | 1. Prevention of corrupt transactions 2. Increased Revenue collection 3. Efficient and effective services 4. Improved compliance with set laws, rules and regulations | 2006/2007 |
| 7. <i>Abuse of Discretionary powers</i> | Corrupt individuals | 1. Government 2. Public | No initiative reported | 1. Lobby for clear definition of discretionary powers vested on individual officers and remove those unnecessary 2. Monitor and evaluate systems and programmes regularly 3. Set up guidelines and criteria for exercising discretionary powers 4. Review and amend all laws that allow for discretionary powers. | 1. Parliament 2. Attorney-General 3. KACC 4. Inspectorate of State Corporations 5. Respective institutions | 1. Transparency and accountability 2. Meritocracy 3. Improved productivity and economic growth 4. Restoration of Integrity | 2006/2007 |
| 8. <i>Disregard of or/ and non existence of Professional Ethics and Practices</i> | 1. Corrupt individuals 2. Corrupt professions | 1. Public 2. Government Agencies 3. Professionals 4. The country | 1. Enactment of POEA 2. Existence of Codes of conduct and ethics in place for some institutions | 1. Lobby for strengthening of enforcement of professional standards and ethics 2. Establish and implement very clear codes of conduct and ethics 3. Set up monitoring mechanism to ensure enforcement of codes of conduct 4. Regularly review efficacy of codes of conduct 5. Encourage reporting and complaints on non-professional conduct | 1. Professional bodies 2. Government 3. KACC 4. Service consumers 5. Relevant enforcement institutions 6. Courts 7. Individual Professionals | 1. Restoration of confidence in professions/ 2. Efficient delivery of services 3. Documented guidelines and criteria 4. Increased productivity and economic growth | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|---|---|--------------|
| 9. <i>Inadequate Management Information Systems</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt officials | <ol style="list-style-type: none"> 1. Public Government Agencies 2. Investors | <ol style="list-style-type: none"> 1. Information systems being updated | <ol style="list-style-type: none"> 1. Develop, establish and implement IT systems 2. Implement in-built monitoring systems 3. Implement the E-Govt Strategy | <ol style="list-style-type: none"> 1. Government DPM 2. Auditor-General 3. Professional IT bodies 4. IAG | <ol style="list-style-type: none"> 1. Efficient management of information systems 2. Efficient and Effective delivery of services | Immediate |
| 10. <i>Lack or limited independence of watchdog Agencies from the Executive</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt professions 3. Corrupt officials | <ol style="list-style-type: none"> 1. Exchequer 2. Public 3. Various institutions 4. The Country | <ol style="list-style-type: none"> 1. The Enactment of the Public Audit Act 2003 2. National Audit Office established | <ol style="list-style-type: none"> 3. Widen KACC powers to include prosecution. 4. Widen Auditor Generals Powers to include forensic Auditing 5. Provide for a legal framework for the establishment of other independent watchdog agencies. | <ol style="list-style-type: none"> 1. Professional bodies 2. MOJCA 3. KACC 4. Service consumers 5. Relevant enforcement institutions 6. Courts 7. Individual Professionals | <ol style="list-style-type: none"> 1. Restoration of confidence in professionals/ professions 2. Efficient delivery of services 3. Documented guidelines and criteria Increased productivity and economic growth | 2006/ 2007 |
| 11. <i>Lack of professional capacity for some watchdog agencies to discharge their mandate</i> | <ol style="list-style-type: none"> 1. Corrupt individuals 2. Corrupt investors 3. Corrupt officials | <ol style="list-style-type: none"> 1. Public Government 2. The Country 3. Various Agencies 4. Various Agencies | <ol style="list-style-type: none"> 1. For NAO, recruitment is ongoing 2. NAO able to outsource professional services | <ol style="list-style-type: none"> 1. Allocate more resources to watchdog agencies 2. Improve their technical capacity to enforce their mandate 3. Provide professional eligibility criteria for hiring professionals including appointment to boards in public institutions. | <ol style="list-style-type: none"> 1. Government 2. Watchdog agencies 3. Other stakeholders | <ol style="list-style-type: none"> 1. Improved service delivery 2. Consumer protection 3. High quality products | 2006/ 2007 |

5.9 Private Sector 5.9.1 Professional Organisations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|--|--|---|--------------|
| 1. <i>Sub-standard delivery of professional services</i> | 1. Corrupt Individuals 2. Corrupt associates | 1. Public 2. Economy 3. The country 4. Investors | 1. Codes of conduct developed by some organizations 2. Some organizations have established disciplinary bodies 3. Acts of parliament are in place 4. Customer service charters in place 5. Continuous Professional Development programmes | 1. Establish and strictly enforce codes of conduct for various professions 2. Introduce compulsory continuous professional education 3. Develop and implement professional standards 4. Educate the public to demand quality services 5. Discipline corrupt members 6. Enforce law against quacks 7. Enact a law to bar corrupt professionals from holding public office 8. Review of entry qualification | 1. The individual Professional Institutions 2. Association of Professional Societies of Eastern Africa (APSEA) 3. Enforcement Agencies 4. Individual professionals 5. Parliament 6. Regulatory bodies 7. Interest groups | 1. Quality professional service delivery 2. Respect for and confidence in the professionals 3. Faster economic growth | 2007/ 2008 |
| 2. <i>Weak business and professional ethics</i> | 1. Dishonest Individuals 2. Corrupt associates | 1. Public 2. Economy 3. The country 4. Investors | 1. Association of Professional Society of Eastern Africa (APSEA) holds seminar for its members on professional standards and ethics 2. Some organizations have developed codes of conduct 3. Some organizations have established disciplinary bodies 4. Acts of parliament in place | 1. Update guidelines and registers of professionals 2. Establish codes of conduct 3. Introduce compulsory continuous professional education 4. Educate the public to demand quality service 5. Discipline corrupt members 6. Review the existing Acts and Codes of conduct 7. Review the Curriculum in colleges | 1. Individual professional institutions 2. Association of Professional Society of Eastern Africa (APSEA) | 1. Adherence to professional ethics 2. Intolerance to corruption 3. Thriving business 4. Improved economy | 2007/ 2008 |
| 3. <i>Flawed system of procurement of goods and services</i> | 1. Dishonest Individuals 2. Corrupt organizations 3. Corrupt associates | 1. Public 2. Investors 3. Economy 4. The country | 1. Public procurement and disposal Act in place 2. Sensitization of the Act | 1. Introduce strict control systems 2. Introduce and enforce stiff penalties 3. Provide consumer education to customers and suppliers | 1. Professional organizations 2. Consumer organizations 3. Parliament 4. Public 5. KACC | 1. Efficient system of procurement 2. Informed consumers 3. Savings 4. Economic growth 5. Satisfied | 2007/ 2008 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|---|---|--|--------------|
| | | | | <ol style="list-style-type: none"> 4. Sensitization of the Professionals to the Provision of the Act 5. Provision of the Act 6. Operationalise the procurement law for the professions 7. Establish regulatory body 8. Enact law to protect whistle blowers 9. Widen Public Procurement and Disposal Act to cover private sector 10. Widen wealth declaration law to cover all sectors | <ol style="list-style-type: none"> 6. KNAO 7. Other relevant agencies | <p>consumers</p> | |
| 4. <i>Poor remuneration for professionals</i> | <ol style="list-style-type: none"> 1. Other economies 2. Employers 3. Corrupt individuals | <ol style="list-style-type: none"> 1. Profession 2. Clients 3. Economy 4. Professionals 5. Public 6. The country | <ol style="list-style-type: none"> 1. Proposals for better pay for professionals 2. Proposals made to regulate number of expatriate professionals | <ol style="list-style-type: none"> 1. Develop regulations and policy on expatriate employment 2. Legislate charges for all professional services 3. Lobby for improvement of remuneration for professionals | <ol style="list-style-type: none"> 1. Parliament 2. Government 3. Employers associations 4. Professional Organizations 5. Respective Boards of management | <ol style="list-style-type: none"> 1. Better pay for professionals 2. Economic growth 3. Efficient and effective service and delivery 4. Attraction and retention of professionals | 2006/ 2007 |
| 5. <i>Low standards of professional skills</i> | <ol style="list-style-type: none"> 1. Incompetent professionals 2. Training institutions | <ol style="list-style-type: none"> 1. Public 2. Professionals 3. Economy 4. The country | <ol style="list-style-type: none"> 1. Some Organizations have capacity building programmes 2. Review of curriculum 3. Training of staff | <ol style="list-style-type: none"> 1. Introduce capacity building programmes and activities 2. Encourage staff to attend capacity building activities and programmes 3. Provide continuous professional education and assessment 4. Establish an ethics development centre to provide consultancy services and special anti-corruption training programmes 5. Review entry criteria for registrations as professionals | <ol style="list-style-type: none"> 1. Professional institutions 2. Association of Society of Eastern Africa (APSEA) 3. Individuals 4. Organization Respective Government Institutions 5. Regulatory bodies 6. Parliament 7. Training institutions 8. institutions | <ol style="list-style-type: none"> 1. High professional standards 2. Efficient and effective service delivery 3. Improved productivity | 2007/ 2008 |
| 6. <i>Inadequate IT and Communication Technology Systems</i> | <ol style="list-style-type: none"> 1. Dishonest Individuals 2. Corrupt officials | <ol style="list-style-type: none"> 1. Public 2. Professionals 3. Organisations 4. Economy 5. The country | <ol style="list-style-type: none"> 1. Some organizations have upgraded systems of IT 2. Draft ICT policy | <ol style="list-style-type: none"> 1. Upgrade systems of IT software 2. Develop adequate software 3. Enact legislation on ICT 4. Lobby for reduced tariffs on IT equipment | <ol style="list-style-type: none"> 1. Parliament 2. Professional Institutions 3. Government 4. Individual professionals | <ol style="list-style-type: none"> 1. Efficient, effective and accessible information systems 2. National IT policy 3. Better service | 2008/ 2009 |

Professional Organisations

| PROBLEM/ISSUE | BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|--|--|---|--|---|--------------|
| 7. <i>Insufficient local employment opportunities and biased recruitment</i> | <ol style="list-style-type: none"> 1. Other Economies 2. Expatriates 3. Political opportunists 4. Dishonest individuals 5. Multinational companies 6. employers | <ol style="list-style-type: none"> 1. Professionals 2. Public 3. Economy 4. The country | <ol style="list-style-type: none"> 1. Early retirement options 2. Revival of industries 3. Private public partnership 4. Prosecution of foreigners employed illegally | <ol style="list-style-type: none"> 5. Develop national IT Policy 6. Encourage local manufacturing of ICT equipment 1. Market Kenyan professionals abroad 2. Create small scale business opportunities 3. Support small scale business enterprises 4. Improve management of economy 5. Sanctions by responsible professional associations 6. Enact Law to deal with professions who commit crimes out of the country 7. Repatriate illegal immigrants | <ol style="list-style-type: none"> 1. Professional institutions 2. Association of Professional Society of Eastern Africa (APSEA) 3. Financial institutions 4. Government | <ol style="list-style-type: none"> 1. Increased employment opportunities 2. Improved economic performance 3. Improved standard of living 4. Improved reputation of the Government | 2007/2008 |
| 8. <i>Unaffordable professional Services</i> | <ol style="list-style-type: none"> 1. Dishonest Individuals 2. Corrupt officials 3. Incompetent individuals | <ol style="list-style-type: none"> 1. Public 2. Professionals 3. Economy 4. The country | <ol style="list-style-type: none"> 1. Establishment of donor funded NGO's to serve the Poor 2. Some institutions offering services on pro bono basis 3. Public education by APSEA | <ol style="list-style-type: none"> 1. Develop national support systems for professionals 2. Professional institutions to regulate charges/ fee guidelines 3. Pooling of consultancies and services are necessary 4. More professionals to offer services on pro bono basis | <ol style="list-style-type: none"> 1. Government 2. Professional Institutions 3. Individual professionals 4. APSEA | <ol style="list-style-type: none"> 1. Increased use of professional services | 2007/2008 |
| 9. <i>Unfavourable fiscal and macro economic environment</i> | <ol style="list-style-type: none"> 1. Local and International 2. Financial Institutions 3. Shylocks 4. Corrupt Individuals | <ol style="list-style-type: none"> 1. Professionals 2. Public 3. Economy 4. The country 5. Business community | <ol style="list-style-type: none"> 1. Various professional institutions are lobbying for better business environment 2. Capacity building efforts in place in some organisations 3. Infrastructure being revived 4. Small & medium enterprises bill in place | <ol style="list-style-type: none"> 1. Support all sectors of the economy 2. Improve governance 3. Avail more affordable loan schemes to the public | <ol style="list-style-type: none"> 1. Government 2. Local and International Financial Institutions 3. Professional Associations | <ol style="list-style-type: none"> 1. National economic growth 2. Sustainable fiscal and monetary policies 3. | 2008/2009 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|---|--|--|--------------|
| 10. Abuse of discretionary powers | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Public Economy The country | No initiative reported | <ol style="list-style-type: none"> Lobby for clear definition and removal of unnecessary discretionary powers vested on individual officers Monitor and evaluate systems and programmes regularly Set up guidelines and criteria for exercising discretionary powers | <ol style="list-style-type: none"> Relevant professional organisations Civil Society APSEA Relevant Government institutions KACC Interest groups | <ol style="list-style-type: none"> Transparency Accountability Fairness | 2006/ 2007 |
| 11. Institutionalised corruption | <ol style="list-style-type: none"> Corrupt officials Corrupt professionals Corrupt individuals | <ol style="list-style-type: none"> Public Professions organisations Honest professionals | <ol style="list-style-type: none"> Establishment of KACC Anti-Corruption and Economic Crimes Act (ACECA) enacted | <ol style="list-style-type: none"> Review anti- corruption and governance laws to cover all sectors Prosecute corrupt individuals | <ol style="list-style-type: none"> Parliament Attorney-General APSEA Individual Professional bodies Interest groups KACC | <ol style="list-style-type: none"> Improved integrity Attitude change Zero tolerance to corruption Increased economic growth Increased investment | 2006/ 2007 |
| 12. Lack of regulatory powers | <ol style="list-style-type: none"> Corrupt officials Corrupt professionals Corrupt individuals | <ol style="list-style-type: none"> Public Professions organisations Honest professionals | A committee of professional integrity and ethics established | <ol style="list-style-type: none"> Legislative powers to regulatory boards Ensure effective management in regulatory boards Establish professional practice tribunal | <ol style="list-style-type: none"> Parliament APSEA Individual Professional bodies Attorney General | Regulated professional associations | 2006/ 2007 |

5.9.2 Business Community and Associations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|---|---|--|---|--------------|
| 1. <i>Low awareness about the cost of corruption</i> | 1. Corrupt individuals 2. Corrupt Officials | 1. Government 2. Economy 3. Public 4. Investors | 1. Workshops organized by Institutions 2. Media Campaigns | 1. Conduct corruption perception surveys 2. Sponsor integrity workshops 3. Encourage investigative journalism in business 4. Develop and implement corruption prevention plans for the private sector 5. Promote international cooperation and attend conventions | 1. Business associations 2. Professional institutions 3. KACC 4. Corporate sector 5. NGO's 6. Research Institutions 7. Media | 1. Reduction in corruption 2. Intolerance to corruption 3. Fair-play in Business | 2007/ 2008 |
| 2. <i>Bad Corporate Governance</i> | 1. Corrupt Directors and Managers 2. Corrupt officials | 1. Shareholders 2. Employees 3. Clients 4. Suppliers 5. Corporate organization 6. Public | Awareness creation by NGOs, International agencies and the Government | 1. Establish Codes of Conduct, Ethics 2. Implement best practices in work place 3. Provide full financial disclosures 4. Form sectoral and regional anti-corruption units or committees 5. Conduct sensitisation programmes 6. Hold auditors responsible for false audit reports | 1. Individual organizations 2. Business associations 3. Consumer organisations 4. Shareholders | 1. High ethical standards 2. Transparency 3. Good governance 4. Robust business | 2007/ 2008 |
| 3. <i>Undue Government controls over the economy</i> | 1. Corrupt individual 2. Corrupt officials | 1. Public 2. Government 3. Business organisations 4. The country 5. The investors | 1. Liberalization 2. Deregulation | 1. Institute further deregulation 2. Continue liberalization programmes 3. Ensure competitive procurement of goods and services for Public Sector | 1. Tender Boards 2. Government 3. Interest Groups | 1. Increased transparency 2. Fair-play in Business 3. Improved economic performance | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/ CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|---|---|---|--|--------------|
| 4. <i>Tax Evasion</i> | 1. Corrupt officials 2. Corrupt tax Payers | 1. Government 2. Public 3. Corporate organizations 4. Shareholders | KRA has improved the collection System | 1. Simplify taxation process 2. Remove loopholes for tax evasion 3. Educate Public on the obligation to pay taxes 4. Encourage business community to report errant persons or firms 5. Government to provide service commensurate with taxation 6. Strictly and indiscriminately enforce all tax laws | 1. KRA 2. Judiciary 3. KACC 4. Professional institutions 5. Interest Groups | 1. Increased revenue from taxation 2. More people paying taxes 3. | 2007/2008 |
| 5. <i>Bribery in the Private Sector</i> | 1. The bribe givers 2. Corrupt corporate officials/ individuals | 1. Government 2. Public 3. Corporate organizations 4. Shareholders | 1. A few companies have developed and implemented anti-corruption policies and Codes of Conduct 2. Customer charters developed by some organisations | 1. Establish, implement and monitor anti-corruption policies 2. Include anti-corruption statements and pledges in business contracts and documents 3. All past and intended future payments to third parties must be discussed at the bidding stage and formally recorded and reported during the execution stage by the successful bidder with appropriate certification by the Managing Director 4. Managing Directors to personally certify all payments to third parties so that they do not disclaim knowledge of malpractice, as had always been the case 5. Establish self-regulation 6. Sectoral complaints committees 7. Introduce a mechanism for the blacklisting of corrupt corporate organizations | 1. Kenya Institute of Management (KIM) 2. Kenya Association of Manufacturers (KAM) 3. Kenya National Chambers of Commerce and Industry (KNCCI) 4. Individual organisations 5. Professional institutions 6. Business associations 7. Interest Groups 8. Federation of Kenya Employers (FKE) | 1. Implementation of anti-corruption policies 2. Codes of Conduct 3. Intolerance to bribery 4. Exposure of bribery incidences and demands | 2006/2007 |
| 6. <i>Abuse of Discretionary powers</i> | 1. Corrupt individuals 2. Corrupt officials | 1. Govt 2. Public 3. Corporate organisations | No initiative reported | 1. Lobby for clear definition of discretionary powers vested on individuals 2. Monitor and evaluate systems and programmes regularly 3. Involve business community and others in setting up guidelines and criteria for | 1. Individual organisations 2. Consumers 3. Civil Society 4. Professional Bodies & Associations | 1. Transparency and accountability 2. Fairness 3. Improved economic growth and productivity 4. Restoration of integrity | 2007/2008 |

Business Community and Associations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|---|--|--------------|
| 7. <i>Institutionalized corruption</i> | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Government Public Organisation | <ol style="list-style-type: none"> Establishment of KACC Anti-Corruption and Economic Crimes Act (ACECA) enacted | <p>exercising discretionary powers</p> <ol style="list-style-type: none"> Penalize businesses which are incriminated in the abuse of discretionary powers Business and other sectors to be members of committee on exercising of discretionary powers <ol style="list-style-type: none"> KACC to publicize its services Develop and implement sustainable public education programmes Develop partnerships and network with stakeholders Conduct Integrity Surveys Codes of conduct to include corruption | <ol style="list-style-type: none"> Parliament Attorney General Individual corporate organisations Business Associates Professional Organisations Civil society Media | <ol style="list-style-type: none"> Zero tolerance to corruption | 2006/ 2007 |
| 8. <i>Trans-national Corruption</i> | <ol style="list-style-type: none"> Corporations Individuals Nations | <ol style="list-style-type: none"> Public Nations The country Shareholders | <ol style="list-style-type: none"> Monopolies Act International Conventions Foreign Judgement Act ACECA | <ol style="list-style-type: none"> Set up a competent body to address the issue of trans-national corruption Enforce the Foreign Judgement Act (Reciprocal enforcement Ch. 45) and Arbitration foreign award (Order of 1960 laws of Kenya) Review the monopolies Act Domesticate and implement relevant international conventions Facilitate Mutual Legal Assistance | <ol style="list-style-type: none"> The executive Parliament Business Community Interest groups | <ol style="list-style-type: none"> A better and growing economy Reduced incidences of corruption | 2007/ 2008 |
| 9. <i>Unethical business practices</i> | <ol style="list-style-type: none"> Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Public The Economy Corporate Organisations Government | Existence of business associations | <ol style="list-style-type: none"> Blacklist those who breach the code Apply sanctions against offending organisations Lobby for business participation in policy making among the business community and their clients Develop and improve business code of conduct and ethics | <ol style="list-style-type: none"> Business associations Relevant Government Agencies | <ol style="list-style-type: none"> Profitable enterprises Reduced incidences of corruption | 2006/ 2007 |

5.10 Religious Organizations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|--|--|---|---|---|---------------------------|
| 1. Bribery and intimidation | 1. Corrupt clerics 2. Corrupt workers and officials 3. Corrupt individuals | 1. Religious institutions 2. Facilitator loses moral integrity 3. The society as a whole 4. Faithfuls | 1. Discourage bribery through punishment and counselling 2. Some religious organizations have issued official statements of policy 3. Invoked religious social teachings 4. Prayers held and faithfuls urged to lead a morally upright life | 1. Discourage bribery by, Counselling persuasion and Punishment 2. Instil self discipline and role modelling 3. Create awareness through education, religious readings and studies 4. Speak and act against corruption 5. Sack corrupt officials 6. Establish special anti-corruption outreach programmes 7. Provide annual accounts and returns to members/ congregations 8. Establish local religious chapters to act as watchdogs 9. Monitor dissemination of financial information and resource management 10. Religious officials demonstrate accountability to their faithfuls 11. Set clear recruitment guidelines for officials 12. Avoid all forms of bribery 13. Practice religious teachings and principles 14. Empower the faithfuls 15. Develop code of Ethics for every religious organisation. 16. Religious bodies should be registered within laid down laws and regulations. | 1. Religious Organizations Faithfuls The Community | Morally upright leadership and faithfuls and community at large | Immediate |
| 2. Misuse and mismanagement of resources belonging to religious organisations | 1. Corrupt managers and accomplices 2. Corrupt staff 3. The institution receiving the product or diverted resources | 1. Original intended beneficiaries 2. The society 3. Donors | 1. Punishment of offenders 2. Condemnation of immoral actions and teaching of proper conduct 3. Meetings and sharing for situation correction | 1. Enforce laid down regulations 2. Publish audited Financial Accounts 3. Respect and enforce project agreements 4. Punish offenders 5. Set good examples and be role models 6. Employ/ engage skilled personnel 7. Provide training in resource management 8. Introduce financial systems 9. Publish donations 10. Build an M&E system within each institution 11. Religious organisations who obtained parcels of land irregularly should | 1. Religious organizations Workers of religious organizations The community | 1. Proper Management of resources 2. Upholding of high moral integrity | Immediate ongoing process |

Religious Organisations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|--|---|---|---|--|--------------|
| 3 Lack of Integrity among religious workers | 1. Corrupt individuals 2. Corrupt religious officials | 1. Religious organizations 2. Community | Codes and Rules governing ethical and spiritual behaviour | 12. Registrar of Societies ensures that all organisations register and submit their returns annually. 1. Punish errant members 2. Counsel errant members 3. Special outreach programme 4. A recognition mechanism for good behaviour. 5. Withdrawal of recognitions given if the holder is disgraced 6. Initiate and promote anti-corruption activities within the organizations 7. Clear policy/ criteria for appointment of religious leaders 8. Design and implement comprehensive codes of conduct 9. Emphasize religious discipline. 10. Government should ensure that registrar of Societies consults religious organizations before registration. 11. Continuous training of religious workers. | 1. Religious organizations 2. Community | Moral uprightness | Immediate |
| 4 Donations from undisclosed sources | 1. Corrupt religious leaders 2. Religious institutions 3. Community | 1. Community 2. Religious organizations | Some organizations have a vetting system for donations | Establish and enforce criteria for receiving and vetting donations | 1. Religious organisations | 1. High moral standards 2. High integrity 3. Transparency | Immediate |
| 5 Irregularity in registration of religious organizations | 1. Corrupt religious officials 2. Corrupt individuals | 1. Religious organisations. 2. Community 3. Public | Expeditious registration now in place | 1. Initiate and develop clear registration and guidelines 2. Set transparent processing standards 3. Establish an appeal system 4. Set time frames on registration process 5. Set a criteria to qualify for registration e.g. size | 1. Religious organisations 2. Registrar of Societies | 1. Registration of genuine religious organizations 2. Transparent and streamlined process | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|--|--|--|---|--------------|
| 6. <i>Lack of / or poor planning and management</i> | Corrupt individuals | 1. Religious orgs. 2. Community 3. Public | Some organizations have committees to take care of specific projects | <ol style="list-style-type: none"> 1. Establish a culture of proper planning and enforce 2. Establish system of penalties and strictly enforce them 3. Ensure all activities and expenditures are based on approved plans 4. Ensure periodic release of financial statements and audit reports 5. Ensure adequate accountability to the public for their money 6. Encourage participatory development 7. Build an M&E system 8. Seek professional advice | <ol style="list-style-type: none"> 1. Religious organizations 2. Community | Proper and transparent utilization of resources | 2006/ 2007 |
| 7. <i>Lack of adequate consultation with faithfuls</i> | <ol style="list-style-type: none"> 1. Leadership 2. Faithfuls 3. Community | <ol style="list-style-type: none"> 1. Religious organizations' 2. Faithfuls 3. Religious officials | Punishment and counselling | <ol style="list-style-type: none"> 1. Display clear operational and service information to the community 2. Develop and implement staff performance pledges 3. Establish and enforce clear general codes of conduct and ethics 4. Encourage members to point out corrupt leaders 5. De-link religious leadership from active party politics 6. Ensure prayer houses are used impartially 7. Provide a regular forum for dialogue 8. Establish a self-regulatory complaints committees for religious organisations 9. Punish errant officials 10. Create awareness of the rights of the faithfuls and communities | <ol style="list-style-type: none"> 1. Religious organizations 2. Community | <ol style="list-style-type: none"> 1. Staff with integrity and respect 2. Harmony | Immediate |
| 8. <i>Theft and embezzlement of funds</i> | <ol style="list-style-type: none"> 1. Corrupt religious leaders 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Religious organizations 2. Community | Pastoral responsibility | <ol style="list-style-type: none"> 1. Make periodic financial reports available to all faithfuls 2. Follow and enforce rules and procedures 3. Encourage competitive biddings 4. Carry out regular audits of finances and property of religious organizations 5. Put systems to seal loopholes 6. Recover and make restitution of embezzled funds and property 7. Avoid conflict of interest 8. Punish errant officials 9. Offenders not allowed to take leadership positions again | <ol style="list-style-type: none"> 1. Religious organizations 2. Community | <ol style="list-style-type: none"> 1. Honest, transparent financial accounting 2. Beneficial utilization of resources 3. Creates harmony and unity 4. Increase in revenue | Immediate |

Religious Organisations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|------------------------|---|---|---|--------------|
| 9. Tax evasion | 1. Corrupt religious organisations 2. Corrupt individuals | 1. Government 2. Public | Tax exemptions removed | 1. Clarify non-taxable donations 2. Classify taxable and non-taxable business and property for religious organisations 3. Disclosures of donations which are tax deductible. 4. Religious organisations to set up separate religious agencies to manage taxable investments 5. Tax rebates be legally recommended to those who donate to religious and charitable causes. | 1. Religious organizations 2. Attorney-General 3. KRA | 1. Improved equity 2. Increased revenue | Immediate |
| 10. Limited understanding and attention to corruption issues | Corrupt individuals | 1. Government 2. Religious organisations 3. Community | Inadequate coverage | 1. Encourage anti-corruption sermons/ teaching 2. Formulate and implement anti-corruption sensitisation programmes 3. Provide and ensure children begin anti-corruption efforts at very early age 4. Develop all season IEC materials 5. Formulate and implement special anti-corruption outreach programmes 6. Develop and implement 'Preachers' outreach programmes 7. Formulate and implement internal corruption prevention measures 8. KACC and all anti-corruption agencies to work with religious organisations to come up with a programme to educate the faithful | 1. Religious organizations 2. Media owners 3. KACC | 1. Informed society 2. Morally upright faithfuls | Immediate |
| 11. Undesirable tendencies/practices by some religious organizations by Cultic / extremist Groups | Leaders | Faithfuls | No initiative | 1. Govt to monitor and intervene as and when necessary to discourage upward tendencies. 2. Legal Action to be taken 3. De-Registration | 1. Government. 2. Religious orgs. 3. Interest groups 4. Target leadership | | Immediate |
| 12. Noise pollution | 1. Faithfuls 2. Religious organisations | 1. Public 2. Neighbours 3. Individuals | No initiative | 1. Self regulation 2. Sensitisation of members. 3. Churches/ mosques built in designated / zoned areas as per Planning Regulations. | 1. Government 2. Religious organisations 3. Individual mosques/ churches 4. Respected elders 5. Interest groups | | Immediate |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|------------------------|--|--|--------------------------------------|--------------|
| 13. Non-integration of anti-corruption activities in religious organisations' programmes | 1. Faithfuls 2. Religious organisations. | 1. Public 2. Individuals 3. Religious org | No initiative reported | 1. Develop and implement anti-corruption programmes 2. Anti-corruption sensitisation programmes for religious organisations | 1. Religious organisations 2. Individual mosques/churches | Integrated anti-corruption programme | 2005/2006 |
| 14. Lack of self Respect among religious leaders and faithfuls | 1. Religious organizations 2. Communities | 1. Everyone 2. organisations | No initiative reported | Sensitisation through sermons, teachings and training. | Religious organisations | Increased morality | Immediate |

Non-Governmental Organisations

5.11 Non-Governmental Organisations

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|---|--|--|---|--------------|
| 1. Poor Registration Procedures | <ol style="list-style-type: none"> Corrupt vetting officials Corrupt officials of NGOs | <ol style="list-style-type: none"> Government Community Donors Public The country | No initiative reported | <ol style="list-style-type: none"> Develop clear registration guidelines Set clear Processing standards with time frames Establish an Appeals System Make registration information and decisions freely available to all Empower the NGOs Council so that it can enforce rules and regulations strictly and put in place surveillance mechanisms to ensure compliance Improve the legal framework for the registration and operation of civil society organisations. Strengthen the NGO council | <ol style="list-style-type: none"> Attorney -General NGOs Council NGOs Bureau Parliament All civil society organisations Donors Interest groups | <ol style="list-style-type: none"> Streamlined processes of registration Registration of genuine NGOs Free and well regulated civil society organisation for better productivity | 2006/ 2007 |
| 2. Abuse of Office | <ol style="list-style-type: none"> Corrupt NGO leadership Corrupt individuals Corrupt officials | <ol style="list-style-type: none"> Community Donors Public The country | <ol style="list-style-type: none"> NGO Council Regulatory Committee ACECA | <ol style="list-style-type: none"> Strengthen and expand membership of the NGO Council capacity to monitor members Punish errant officials Develop clear checks and balances Deregister NGOs deviating from their stated mission/ purpose Develop and implement codes of conduct and ethics | <ol style="list-style-type: none"> NGO community NGOs Council Government Parliament | Enhanced efficiency, accountability and productivity of the sector | 2006/ 2007 |
| 3. Lack of transparency and accountability among NGOs | <ol style="list-style-type: none"> Corrupt individuals Corrupt NGOs Corrupt officials | <ol style="list-style-type: none"> Community Donors Government | The NGO Council Regulatory Committee established | <ol style="list-style-type: none"> Strengthen and expand membership of the NGOs Council Regulatory Committee to the grassroots Develop and implement operation guidelines Institute regular joint financial and social audit by NGOs, donor agencies and government Enforce rules and regulations strictly Require and ensure full programme participation by beneficiaries | <ol style="list-style-type: none"> NGO Council NGO Community Government | <ol style="list-style-type: none"> Efficient and effective services Proper utilization of resources | 2005/ 2006 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|---|--|---|--|--------------|
| 4. <i>Evasion of taxes, fees and other charges</i> | 1. Corrupt Individuals 2. Corrupt NGOs officials 3. Corrupt tax collectors | 1. Government 2. Community 3. Donors 4. Public 5. The country | NGOs Council has issued Statements of Recommended Accounting and Auditing Practices (SORAAPs) | 1. Strengthen and expand monitoring teams 2. Strictly enforce SORAAPs 3. Clarify through legislations exemption grounds for duty waivers and taxes 4. Involve strengthened NGO Council in vetting exemption applications 5. Rationalize taxation of the NGOs 6. Discipline errant NGOs | 1. Attorney-General 2. NGOs Council 3. NGOs Bureau 4. KRA | 1. More revenue for the Government 2. Reduced corruption opportunities 3. More resources for beneficiaries | 2006/ 2007 |
| 5. <i>Nepotism, Tribalism and racism</i> | Corrupt NGO officials | 1. Government 2. Community 3. Donors | Anti corruption Act 2003 passed. | 1. Establish and enforce Codes of Conduct for all NGOs and within each NGO 2. Make appointments and promotions competitive and on merit 3. Beneficiaries to participate in monitoring resources | 1. NGOs Council 2. Individual NGOs 3. Government 4. Parliament | 1. Fairness in the sector 2. Efficient and effective delivery of services 3. Transparency 4. Improved integrity | 2006/ 2007 |
| 6. <i>Limited understanding and attention to corruption issues</i> | 1. Corrupt individuals 2. Corrupt NGOs officials 3. Corrupt donors | 1. Government 2. Community 3. Donors | Establishment of non-governmental anti-corruption institutions | 1. All NGOs to mainstream anti-corruption issues in their work 2. Develop and implement public education sensitisation programmes within organizations and nationwide outreach 3. Develop and implement internal corruption prevention measures | 1. NGOs Council 2. NGOs 3. Government 4. Private sector organizations 5. KACC | 1. Better understanding and positive attitude towards anti-corruption campaigns | 2007/ 2008 |
| 7. <i>Public apathy to corruption</i> | Corrupt individuals | 1. Government 2. Community 3. Donors | Anti-corruption initiatives by some organizations are in place | 1. Develop and implement public education sensitisation programmes within organizations and nationwide 2. Involve all stakeholders and general public in the fight against corruption 3. Expose all kinds of corruption 4. Strengthen regulatory bodies | 1. NGOs Council 2. NGOs 3. Government 4. Private sector organizations 5. Individuals 6. KACC | 1. Reduced corruption 2. Proactive public | 2007/ 2008 |
| 8. <i>Duplication of programmes</i> | 1. Corrupt individuals 2. Corrupt NGOs | 1. Community 2. Government 3. Donors | District Development Committee (DDC) attempt to eradicate duplication | 1. Establish and implement a National Policy on NGO programmes 2. Strengthen and expand membership of the NGOs Council Regulatory Committee by including government, corporate bodies and professionals 3. Establish a central information bank on NGO programmes 4. NGO coordinating organs in each region to identify the needy areas | 1. Donors 2. Government 3. NGOs 4. Individuals 5. NGO Bureau | 1. Improved management of resources 2. Even distribution of programmes 3. Optimum utilization of resources | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|--|---|---|--|--------------|
| 9. <i>Abuse of consultancy services</i> | <ol style="list-style-type: none"> Corrupt consultants Corrupt Donor officials Corrupt NGO leadership | <ol style="list-style-type: none"> Government Community Donors | <ol style="list-style-type: none"> Anti-corruption and Economic crimes Act (ACECA) 2003 Public Procurement and disposal Act 2005 Review of labour laws Review of work permit regulations | <ol style="list-style-type: none"> Tendering for consultancy services be made transparent NGOs to develop and publish schedule of fees, rates for their consultancy. Clarify rules on foreign work permit to prevent extra judicial cancellation or issuance of work permits and Visa. | <ol style="list-style-type: none"> Government NGO community NGO Council Ministry of Immigrations and Registrations of Persons | <ol style="list-style-type: none"> Reduced corruption in procurement Fair employment opportunities for all | 2006/2007 |
| 10. <i>Abuse of financial controls</i> | <ol style="list-style-type: none"> Corrupt officials Corrupt Audit firms | <ol style="list-style-type: none"> Government Community Donors | <ol style="list-style-type: none"> SORAAAPS | <ol style="list-style-type: none"> Enforcement of SORAAAPS Publish annual comprehensive audited reports for public scrutiny Expose all malpractices All corruption to be dealt with as per the law | <ol style="list-style-type: none"> NGO Council Institute of Certified Public Accountants of Kenya (ICPAK) Government | <ol style="list-style-type: none"> More accountability Reduced losses Value for money | 2006/2007 |
| 11. <i>Corruption within donor agencies in issuing grants</i> | <ol style="list-style-type: none"> Corrupt individuals in donor offices Corrupt recipient NGO officials | <ol style="list-style-type: none"> Government Community Donors | <ol style="list-style-type: none"> No initiative reported | <ol style="list-style-type: none"> Make project funding criteria, guidelines and time frames be made freely available from donors Streamline institutional requirements Strengthen regulatory bodies Implement viable evaluation procedures Expose all types of corruption | <ol style="list-style-type: none"> Interest groups NGO Council NGOs Donor Organizations Relevant Government institutions | <ol style="list-style-type: none"> Accountability Effective application of grants | 2005/2006 |
| 12. <i>Lack of comprehensive code of ethics for the sector</i> | <ol style="list-style-type: none"> Corrupt individuals | <ol style="list-style-type: none"> Government Community Donors | <ol style="list-style-type: none"> Establishment of NGOs Council Regulatory Committee | <ol style="list-style-type: none"> Make membership to the NGO Council mandatory and affordable for all NGOs Establish and enforce comprehensive Code of Conduct and Ethics for the sector and within each organization Share information on errant individuals and organizations and blacklist them publicly | <ol style="list-style-type: none"> NGOs Council Individual NGOs NGO Boards NGO's Bureau The community | <ol style="list-style-type: none"> Increased productivity Transparency Improved integrity | 2006/2007 |
| 13. <i>Lack of accountability to the beneficiaries</i> | <ol style="list-style-type: none"> Corrupt NGO leadership Corrupt individuals | <ol style="list-style-type: none"> Community Government Donors | <ol style="list-style-type: none"> No initiative reported | <ol style="list-style-type: none"> Implement Community Based Appraisal (CBA) for accountability to beneficiaries Ensure full accounting to benefactors and full public accounting to beneficiaries | <ol style="list-style-type: none"> Donors Government Individual NGOs Community NGO Council | <ol style="list-style-type: none"> Increased accountability Effective and efficient services | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|---|---|---|------------------------------------|--------------|
| 14. Unjustified recruitment of foreign experts by donors/NGOs | <ol style="list-style-type: none"> Corrupt donors Corrupt officials Corrupt expatriates | <ol style="list-style-type: none"> Government Community Donors NGOs | <ol style="list-style-type: none"> Proposal for vetting of work permits for expatriates wishing to join the NGO sector | <ol style="list-style-type: none"> Streamline & enforce labour and immigration laws Lobby for amendment of employment laws and regulations Establish an independent Complaints Council Encourage complaints to the Independent Complaints Council by affected parties | <ol style="list-style-type: none"> Government, NGOs Council, Parliament Trade Unions Donors NGOs Bureau | Increased employment opportunities | 2006/ 2007 |

5.12 Labour/Trade Unions

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|---|---|--|--|---|---|--------------|
| 1. <i>Employers compromising union officials</i> | 1. Employers 2. Corrupt union officials 3. Corrupt management officials | 1. Workers 2. Government 3. Public 4. Employer | 1. Individual Unions have taken action on errant members 2. Review of labour laws | 1. Set up a legal/institution framework to reign in the labour movement 2. Self regulation by an adequate code 3. Enactment of reviewed labour laws 4. Govt to ratify ILO convention 87 | 1. Central Organization of Trade Unions (COTU) 2. Individual Unions 3. Ministry of Labour and Human Resource Development (MOLHRD) 4. Social Partners | 1. Harmonious industrial relations 2. Good leadership of unions 3. Increased productivity | 2006/2007 |
| 2. <i>Unethical practices by union officials</i> | 1. Officials 2. Corrupt employers | 1. Workers 2. Public 3. Employer | 1. KNUT Constitution provides ethical behaviour of its members. 2. Collective Bargaining Agreements specify obligations of each | Develop Codes of Ethics and Conduct for union officials & employers | 1. Individual Unions 2. COTU 3. Stakeholders/ social partners 4. Individual Unions 5. Employer | 1. Honest and quality leadership 2. Good industrial relations | 2007/2005 |
| 3. <i>Fighting among members</i> | 1. Corrupt members 2. Corrupt employers | 1. Employers 2. Employers 3. Public | No initiative | Employees sensitization | 1. Employers 2. Social partners 3. Unions | 1. Good industrial relationships 2. Well run unions 3. Better performance | 2006/2007 |
| 4. <i>Bribery to silence workers</i> | 1. Officials 2. Corrupt employers | 1. Workers 2. Public | No initiative | Punish employers who bribe and employees who receive bribes | 1. MOLHRD 2. KACC 3. COTU 4. Individual unions 5. Employers 6. Social partners | Less/ no corruption | 2006/2007 |
| 5. <i>Intimidation of workers by union officials</i> | 1. Corrupt officials 2. Corrupt employers | 1. Workers 2. Public | No initiative | 1. Anti-Corruption programmes 2. Sensitization on rights of employees 3. Sensitization of employers | 1. COTU 2. MOLHRD 3. Social Partners 4. Individual Unions 5. KACC | 1. Good industrial relations 2. Increased productivity | 2006/2007 |
| 6. <i>Human Rights NGOs encroachment/interference</i> | 1. NGOs | 1. Investors 2. Employees 3. Trade Unions | No initiative | 1. Timely intervention by relevant authorities when abuses are suspected 2. NGO Council to restrain errant | 1. MOLHRD 2. Attorney General's Office 3. Social partners | 1. Healthy working environment 2. Respect for workers rights | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|--|---|--|--|---|--------------|
| | | | | members | 4. Interest groups | | |
| 7. <i>Refusal by some employers to allow Unions</i> | Corrupt employers | 1. Workers 2. Public 3. Employers | Law exists | 1. Encourage and support employees to join Unions 2. Educate employers on the need for unions 3. Enforce the law | 1. Employers 2. COTU 3. Employees 4. Social partners 5. Government | 1. Vibrant and well run Unions 2. Good industrial relations 3. Increased productivity | 2006/2007 |
| 8. <i>Non-enforcement safety laws by labour officials</i> | 1. Corrupt labour officials 2. Corrupt employers | 1. Workers 2. Public 3. Employers | Laws exist | 1. Enforce the safety laws 2. Sensitization of employees 3. Sensitization of employers 4. Punish culprits | 1. Min. of Labour / Government 2. Social Partners 3. Employers | 1. Respect for workers rights 2. Good industrial relations 3. Better performance | 2006/2007 |
| 9. <i>Inability of government to control and monitor the manufacture and use of harmful chemicals</i> | 1. Corrupt employers 2. Corrupt Government officials | 1. Workers 2. Public 3. Government | Establishment of National Environment Management Authority (NEMA) | 1. Enforce NEMA Act 2. Enforce Occupational Health Act 3. Public awareness | 1. Min. of Labour 2. NEMA 3. Environmental Pressure groups | 1. Adherence to environmental and safety laws 2. Clean environment and Healthy public | 2006/2007 |
| 10. <i>Impunity by Investors to law enforcement</i> | 1. Investors 2. Corrupt Law enforcement officers | 1. Workers 2. Public 3. Government | Enactment of investment promotion ACT 2004 | Enforce the law impartially | 1. Government 2. MOLHRD 3. Interest groups 4. Unions 5. Social partners 6. Kenya Investment Authority | 1. Adherence and respect to the laws of the land 2. Increased investment | 2006/2007 |
| 11. <i>Deterioration of workers health due to chemicals</i> | 1. Corrupt employers | 1. Workers 2. Public 3. Employers | No initiative | 1. Apply sanctions 2. Enforce Occupational & Health Act 3. NEMA Act 4. Educate employees and employers | 1. NEMA 2. MOLHRD 3. Social partners 4. Respective LA | 1. Healthy workers 2. Increased productivity | 2006/2007 |
| 12. <i>Bribery/inducements in the process of union elections</i> | 1. Corrupt officials 2. Corrupt employers | 1. Honest officials 2. Public 3. Employees | No initiative reported | 1. Come up with an electoral Code and enforce it 2. Strict monitoring by observers 3. Enhance democracy in Union elections | 1. COTU 2. Individual unions 3. Government 4. FKE 5. KACC 6. ECK | 1. Honest leaders 2. Democratic elections | 2006/2007 |
| 13. <i>Wage increases not linked to productivity.</i> | 1. Corrupt employers 2. Corrupt and dishonest workers | 1. Honest workers 2. Public 3. Employers | Kenya Productivity Centre in place | 1. Peg wages on productivity & profit 2. Strengthen & empower the Kenya Productivity Centre | 1. Employers 2. Unions 3. MOLHRD | 1. Increased productivity & profits 2. Wage parity | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|--|---|--|---|--------------|
| 14. Members not knowing the role of a shop steward | <ol style="list-style-type: none"> Corrupt shop stewards Corrupt employers | Employees | <p>Awareness</p> <p>Education ongoing</p> | Intensify workers education on role of trade unions | <ol style="list-style-type: none"> Unions MOLHRD Social partners Employers | <ol style="list-style-type: none"> Informed workers Increased productivity Harmonious industrial relations | 2006/2007 |
| 15. Some Workers ignorant of Code of Regulations/Ethics | Corrupt employers | <ol style="list-style-type: none"> Workers Employers | <ol style="list-style-type: none"> Education ongoing Codes of ethics & regulations exist in some sectors | <ol style="list-style-type: none"> Distribute the Code to workers Sensitize workers on same | <ol style="list-style-type: none"> Individual unions Employers Government | <ol style="list-style-type: none"> Informed workers Increased productivity | 2006/2007 |

5.13 Education Sector

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|---|---|---|---|---|--------------|
| 1. Inadequate Resources | <ol style="list-style-type: none"> Foreign Universities Established universities | <ol style="list-style-type: none"> Sponsors Investors Public Government Students Institutions | <ol style="list-style-type: none"> Master Plan on Education & Training 1997 – 2010 Cost sharing Free Primary Education (FPE) Constituency Dev. Fund LA Transfer Fund Sessional Paper No. 1 of 2005 Constituency Bursary Fund | <ol style="list-style-type: none"> Campaign and lobbying for more funds from Government and other benefactors More incentives for private sector investment in education Institutions to generate resources internally | <ol style="list-style-type: none"> MOEST Development partners Individuals Religious organisations LA Government | <ol style="list-style-type: none"> Improved facilities Improved and competitive programs Adequate human resource | 2006/2007 |
| 2. Non-collaboration with other institutions | <ol style="list-style-type: none"> Foreign Universities Established universities | <ol style="list-style-type: none"> Sponsors Investors Public Government Students Institutions | <ol style="list-style-type: none"> Some MOUs with private colleges | <ol style="list-style-type: none"> Raising application fees Implement the plans and MOUs Intra-university collaboration and linkages | <ol style="list-style-type: none"> MOEST Commission for Higher Education Partners Council of Legal Education | <ol style="list-style-type: none"> Access to a variety of resources National institutions with collaboration and linkages capacity Improved programs | 2006/2007 |
| 3. Delays in processing applications | <ol style="list-style-type: none"> Foreign Universities Established universities | <ol style="list-style-type: none"> Sponsors Investors Public Government Students Institutions | <ol style="list-style-type: none"> CHE has defined timeframe for responses Sessional Paper No. 1 of 2005 Report of the Public Universities Inspection Board | <ol style="list-style-type: none"> Sanctioning for institutions and CHE Embracing ICT Institutionalize Performance Contracting Develop customer and service charter | <ol style="list-style-type: none"> CHE Individual institutions Attorney General Min. of Lands | <ol style="list-style-type: none"> Timely Processing Efficiency in service delivery | 2006/2007 |
| 4. Lack of legal clarity | <ol style="list-style-type: none"> Foreign Universities Unscrupulous individuals | <ol style="list-style-type: none"> Sponsors Investors Public Government Students | <ol style="list-style-type: none"> Proposed draft bill on higher education Task Force on harmonisation of Education, Research and Training Laws | <ol style="list-style-type: none"> Set standards Enact the Higher Education Bill (HEB) Be able to inspect all tertiary institutions Sanctioning | <ol style="list-style-type: none"> CHE Parliament Attorney General MOEST Interest groups | <ol style="list-style-type: none"> High standards Legal clarity and sufficiency | 2006/2007 |
| 5. Inappropriate structure. Non rationalized establishment & org. structure | Members of staff | <ol style="list-style-type: none"> Government Public CHE Members of staff | <ol style="list-style-type: none"> Strategic Plan | <ol style="list-style-type: none"> Redesign organization structure Define roles Develop policy and implement | <ol style="list-style-type: none"> CHE Management | <ol style="list-style-type: none"> Rationalized and functioning structure | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|--|--|--|---|--|---|--------------|
| 6. <i>Existence of unregulated educational providers</i> | 1. Irresponsible investors | 1. Government 2. Unsuspecting public 3. Learners | No initiative reported | 1. Regulate these tertiary institutions legally 2. Vest the mandate on CHE | 1. MOEST 2. CHE 3. Interest groups | 1. Regulated and coordinated institutions 2. Improved quality of educational programs | 2006/ 2007 |
| 7. <i>Unclear recruitment policy</i> | 1. Untrained staff 2. Education providers 3. Individual staff 4. Godfathers | 1. Learners 2. Unsuspecting public 3. Government 4. Public institutions | 1. Some qualified teachers have been employed 2. HR Policy in the making | 1. Introduce induction/ in-service courses 2. Strengthen quality assurance bodies 3. Establish a professional regulatory body where teachers are registered 4. Enhance incentives to mitigate regional disparities 5. Recruit qualified and registered teachers 6. Recruit competitively 7. Establish clear laws and guidelines that govern recruitment | 1. MOEST 2. CHE 3. Interest groups 4. Teachers Service Commission (TSC) 5. Interest groups 6. TSC 7. Kenya Private Schools Association | 1. Trained/ professional teaching staff 2. Quality education 3. Transparent recruitment 4. Appropriate staff in place | 2006/ 2007 |
| 8. <i>Conflict of interest</i> | 1. Corrupt business persons 2. Commissioners 3. Corrupt heads | 1. Private universities 2. Public Institutions 3. Parents | CHE bill proposals | 1. Pass the CHE Bill 2. Competitive recruitment 3. Commissioners to declare interest 4. Declare your interest as required under POEA 5. Make suppliers competitive | 1. CHE 2. MOEST 3. Parliament 4. Government Institutions 5. Interest groups | 1. Learner/ small no. of Commissioners 2. Prudent use of resources 3. Award of fair and competitive tenders 4. Improved quality of supplies 5. Reduced corruption | 2006/ 2007 |
| 9. <i>Poor internal communication systems</i> | Unproductive officers | 1. Public 2. Students 3. Parents | | 1. Develop internal communication systems 2. Well programmed management meetings | 1. MOEST 2. TSC 3. Relevant government bodies | 1. Develop internal communication system 2. Efficient service delivery | 2006/ 2007 |
| 10. <i>Nepotism/ tribalism and corruption in admission to schools, colleges and universities</i> | 1. Corrupt Principals 2. Corrupt Parents 3. Corrupt Govt. officials | 1. Public 2. Deserving Learners | 1. MOEST involved 2. Computerisation of Form One selection | 1. Involve stakeholders 2. Insist on merit 3. Government to invest in more schools 4. Enforce the POEA | 1. DPM 2. MOEST 3. Heads Association 4. Parents Association 5. Interest Groups | 1. Fair admission 2. Return to merit 3. Improved quality in education | 2006/ 2007 |
| 11. <i>Neglect of learners by teachers and parents</i> | 1. Corrupt teachers 2. Corrupt school managers | 1. Learners 2. Parents 3. Public 4. Government | 1. Extra tuition banned 2. POEA does not allow running business while in employment | 1. Head-teachers increase supervision 2. Implement POEA 3. Put teachers on contracts 4. Harmonisation of salaries in the civil | 1. TSC 2. MOEST 3. Government 4. Parents Association 5. Interest groups 6. Parents | 1. Provision of quality education 2. Reduced truancy by teachers 3. Improved results | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|---|--|---|--------------|
| | | | | <ol style="list-style-type: none"> Strengthening of quality assurance Employ more teachers Expand facilities Establish contact time records and other supervisory tools | | | |
| 12. Bribery by parents for admissions / special attention for some learners | <ol style="list-style-type: none"> Corrupt teachers Corrupt parents Corrupt School Heads | <ol style="list-style-type: none"> Learners Public | No initiative reported | <ol style="list-style-type: none"> Enforce standards Institute non-paid remedial work Make admissions competitive and on merit | <ol style="list-style-type: none"> School heads TSC Parents Association | <ol style="list-style-type: none"> Increased attention to all learners Improved quality teaching Fair admission to learning institutions | 2006/2007 |
| 13. Dishonesty by learners / theft | <ol style="list-style-type: none"> Dishonest learners Dishonest parents | <ol style="list-style-type: none"> Honest learners Public | Introduction of some life values in curriculum | <ol style="list-style-type: none"> Integrate anti-corruption, ethics/ integrity issues in school curriculum Make some aspects of integrity examinable | <ol style="list-style-type: none"> MOEST KIE KNEC KACC Parents TSC | <ol style="list-style-type: none"> Improved integrity, merit and competency Improved moral behaviour Fair and accurate exam results | 2006/2007 |
| 14. Mismanagement of education institutions | <ol style="list-style-type: none"> Corrupt heads Corrupt officials | <ol style="list-style-type: none"> Public Government Parents | <ol style="list-style-type: none"> Tendering now required to conform to Public procurement and disposal Act Proposals to change Education Act made | <ol style="list-style-type: none"> Give Parents Association more powers Appoint knowledgeable persons preferably with backgrounds in education to Board of Governors (BOG) and PTA leadership Institute training in financial and general management for educational managers including BOG and PTA members through Kenya Education Staff Institute (KESI) BOG members to have limited tenure of service Audit schools/ institutions accounts frequently by independent and honest auditing firms Institutionalise Performance Contracting in schools | <ol style="list-style-type: none"> Government MOEST Ministry of Health (MOH) Institutions themselves TSC Interest groups | <ol style="list-style-type: none"> Well managed institutions Improved quality of Education/ Professionalism | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|---|--|---|---|--|--|--|--------------|
| 15. Lack of transparency in recruitment for training colleges | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals | <ol style="list-style-type: none"> 1. Public 2. Government | <ol style="list-style-type: none"> 1. Revision of admission criteria for teacher training colleges 2. Decentralised recruitment | <ol style="list-style-type: none"> 1. Enforce the recruitment criteria 2. Punish corrupt officials | <ol style="list-style-type: none"> 1. MOEST 2. KNUT 3. Kenya Union of Post Primary Education Teachers (KUPPET) 4. Interested groups | <ol style="list-style-type: none"> 1. Efficient recruitment 2. Reduced corruption 3. Return to some form of merit | 2006/2007 |
| 16. Abuse of school bursary and PTA funds | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt individuals 3. Corrupt politicians | <ol style="list-style-type: none"> 1. Public 2. Government 3. Deserving students | <ol style="list-style-type: none"> 1. Public sector reforms that have led to devolved funding of development at constituency level | <ol style="list-style-type: none"> 1. Involve parents and community in identification of needy children 2. Develop & implement criteria and guidelines for bursary allocation at lower administrative units 3. Develop selection criteria based on need and merit 4. Publish beneficiaries names at chief/ assistant chiefs offices 5. Reform the management of CDF and bursary funds | <ol style="list-style-type: none"> 1. MOEST 2. KNUT 3. KUPPET 4. OP 5. Parliament | <ol style="list-style-type: none"> 1. Just, fair & transparent bursary and PTA allocation | 2006/2007 |
| 17. Overpricing and low standards in procurement by public schools | <ol style="list-style-type: none"> 1. Corrupt head teachers 2. Corrupt business people | <ol style="list-style-type: none"> 1. Public 2. Government 3. Parents | <ol style="list-style-type: none"> 1. Guidelines on school procurement released | <ol style="list-style-type: none"> 1. Review school procurement procedures 2. Surcharge and punish officers 3. Establish school tender boards with wider representation 4. Adopt Public Procurement & Disposal Act (PPDA) in all school procurement 5. Train school managers on PPDA and its guidelines 6. Institute and involve independent audit of school operations | <ol style="list-style-type: none"> 1. MOEST 2. KNUT/ KUPPET 3. Treasury 4. National parents Association 5. Parliament 6. Interested groups | <ol style="list-style-type: none"> 1. Competitive procurement 2. Quality products 3. Reduced discretion on school heads | 2006/2007 |
| 18. Registration of schools and other learning and training | <ol style="list-style-type: none"> 1. Corrupt officials 2. Corrupt investors 3. Corrupt politicians | <ol style="list-style-type: none"> 1. Public 2. Government 3. Unsuspecting Parents | <ol style="list-style-type: none"> 1. Inspection of school facilities going on | <ol style="list-style-type: none"> 1. Empower inspectors to deregister schools 2. Sensitise public on registration | <ol style="list-style-type: none"> 1. MOEST 2. National parents Association 3. Parliament | <ol style="list-style-type: none"> 1. Improved standards 2. Quality education | 2006/2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|------------------------------------|--|--|---|--------------|
| <i>institutions not meeting the basic requirements</i> | | | | requirements and process 3. Enforce school registration regulations | 4. pressure groups | | |
| 19. Abuse of private tuition | 1. Corrupt teachers 2. Corrupt individuals | 1. Parents 2. Learners | Ministerial statement released | 1. Private tuition should be abolished by law 2. Enforce private tuition regulations | 1. MOEST 2. pressure groups 3. Parliament 4. TSC | 1. Reduced cost of education 2. Adequate time for core curriculum activities | 2006/ 2007 |
| 20. Incompetent BOG members | 1. Corrupt officials 2. Corrupt individuals | 1. Public 2. Individual schools | BOG membership guidelines released | 1. Make BOG members more community representative 2. Appoint BOG members with additional skills 3. Consider integrity of Board members | 1. MOEST 2. Respective schools | 1. Efficient BOG 2. Well managed Schools | 2006/ 2007 |
| 21. Wrong recruitment, transfer and promotion of teachers / lecturers | 1. Corrupt officials 3. Corrupt teachers/ head teachers/ lecturers | Public | No initiative | 1. Follow laid down procedures 2. Use scheme of service strictly for promotion | 1. TSC 3. Universities 4. Interested groups | Fair progression of teachers/ lecturers | 2006/ 2007 |
| 22. Lack of clear admission criteria to parallel degree programs | 1. Students 2. Lectures | Public | No initiative | 1. Centralize all admissions 2. Develop admission guidelines for parallel degree programmes | 1. Universities 2. University Academic Staff Union (UASU) 3. MOEST 4. Interested groups | 1. Clear admission guidelines 2. Fairness | 2006/ 2007 |
| 23. Non-enforcement of certification criteria | 1. Corrupt officials 2. Corrupt individuals 3. Corrupt private education institutions | 1. Public 2. Individual Government | Guidelines in the education act | 1. Enhance security marks on certificates, vet and authenticate candidates 2. Enforce the Education Act | 1. MOEST 2. KNEC | Genuine and credible certificates | 2006/ 2007 |
| 24. Examination cheating and leakage | 1. Corrupt officials 2. Corrupt candidates 3. Corrupt parents | 1. Public 2. Government | No initiative | 1. Recruit investigators of high integrity 2. Tighten security of preparation, packaging and distribution of exam papers 3. Increase penalties for cheating candidates | 1. MOEST 2. KNEC 3. KACC | 1. Reduced examination cheating 2. Enhanced honesty in exams | 2006/ 2007 |
| 25. Bribery to secure transfer to preferable areas | 1. Corrupt officials 2. Corrupt teachers | 1. Public 2. schools 3. Government 4. Learners | Revised staffing norms | 1. Implement the revised staffing norms 2. Punish corrupt officials | 1. TSC 2. MOEST 3. KNUT/ KUPPET | Fair transfers | 2006/ 2007 |

| PROBLEM/ISSUE | WHO BENEFITS/CULPRITS | WHO LOSES | ACTION ALREADY TAKEN | ACTION TO BE TAKEN | WHO TO ACT | EXPECTED RESULTS | BY WHAT DATE |
|--|---|---|--|---|---|--|--------------|
| 26. <i>Poor record keeping by university lecturers</i> | Corrupt lecturers | 1. Public 2. Government 3. Students | 1. POEA 2. Development of respective Codes of Conduct | 1. Computerize examination departments 2. Require lectures to submit marks/ CATS in time | 1. MOEST 2. CHE 3. Universities | Accurate records | 2006/ 2007 |
| 27. <i>Immoral/unethical relationship between teachers, lecturers and students</i> | 1. Corrupt students 2. Corrupt teachers | 1. Public 2. Government 3. Students | 1. POEA 2. Development of respective Codes of Conduct | 1. Develop & enforce codes of conduct for universities 2. Punish and publicise participants | 1. MOEST 2. UASU 3. Learning institutions 4. Students | 1. Improved ethical behaviour 2. Fair grading 3. Hard working students | 2006/ 2007 |
| 28. <i>Lack of Strategic Plans for schools and other learning institutions</i> | 1. Corrupt teachers 2. Corrupt officials | 1. Parents 2. Students 3. Public 4. Government | No initiative reported | Develop and implement strategic plans in all institutions | 1. MOEST 2. KNUT 3. KUPPET 4. UASU 5. Respective institutions | Better managed institutions | 2006/ 2007 |
| 29. <i>Misuse of school property, resources and assets</i> | 1. Corrupt school officials 2. Corrupt individual 3. Corrupt supplies | 1. Parents 2. Students 3. Government | Periodic schools audit | 1. Enforce the law 2. Prosecute corrupt 3. Train school officials on financial management | 1. MOEST 2. KES 3. Parents | Efficient management of resources | 2006/ 2207 |
| 30. <i>Operation of questionable businesses in schools and other learning institutions</i> | 1. Corrupt individuals 2. Corrupt school officials | 1. students 2. Parents 3. Public | No initiative reported | 1. Enforce the Education Act 2. Out non-school related activities in the precincts of learning institutions 3. Increase surveillance including school canteens to ensure no drugs are peddled | 1. MOEST 2. School managers 3. PTA 4. NACADA 4. Community 5. Interest groups | Drugs free learning environment | 2006/ 2007 |

Chapter Six

Plan Implementation

6.1 Introduction

The common factor for all the stakeholders implementing the plan is the desire to enhance public intolerance towards corruption. The plan offers an opportunity to harness the capacity of all stakeholders to establish a public-private coalition against corruption. It also offers an opportunity for the players to complement each other.

The plan provides an opportunity for actors to launch practical, action-based initiatives that can provide immediate reinforcement of anti-corruption reform efforts while also creating enabling environment for promoting practical examples and “success stories”. It provides a mechanism through which the various stakeholders can provide input and participate in both the design and implementation in a way that draws on their expertise and experiences not only for the overall plan but for individual and sectoral projects and activities.

The broad objective of this implementation plan is therefore to guide the process and provide avenues to avail or share technical support to the stakeholders. As much as the plan will provide such a frame it is intended to be as simple and practical as possible. It is expected that the activities of the plan will be integrated in the implementers’ core functions without exerting undue pressure that may hamper the implementation process.

The implementation of this Plan hinges on individual organizations. However, efforts will be made to facilitate sharing of experiences in order to harmonize plans and realize synergy.

The plan will have a simple but effective monitoring system. All implementing partners will identify and develop indices for measurement of progress and impact at an early stage and which will be the basis for the Plan’s Monitoring and Evaluation Process.

6.2. Roles and Responsibilities

6.2.1. National Coordinating Committee (NCC)

The National Anti-Corruption Plan Coordinating Committee shall oversee the direction and implementation of NACP Programmes and activities. Membership to the National Coordinating Committee shall represent key stakeholders of the participating sectors. Members of Sub-Committees shall also be drawn from the same participating sectors. Membership to these committees may be for three -year renewable terms. Members must be persons of high integrity standing in society, long experience and outstanding performance as professionals drawn from the membership of the implementing partners.

The NCC will meet quarterly or more frequently when need arises. Members shall also participate in the sectoral meetings and review meetings. Specific responsibilities of the NCC will be to:

1. Generate the policy for anti-corruption initiatives
2. Establish a code of conduct and ethics for the stakeholders
3. Enforce the code and apply sanctions
4. Set priorities and coordinate the programmes
5. Identify and mobilise resources
6. Endorse the programmes of Sectoral actors
7. Consider activities of its sub-committees
8. Guide the National Secretariat
9. Encourage formation of concrete Sectoral and Regional Networks
10. Oversee Monitoring and Evaluation and make recommendations to the Annual Review Forum
11. Provide continuous active participation and contribution to the national policy and law making processes through advocacy and or lobbying.
12. Organize integrity seminars/workshops sectorally, regionally and nationally
13. Develop and enforce a communications policy for stakeholders
14. Establish Provincial or District Committees with functions and responsibilities delegated by the National Coordinating Committee.

The basic responsibilities and duties of the secretariat and sub-committees may be delegated by the NCC as below.

6.2.2. National Secretariat

The National Secretariat shall work under the guidance of the National Coordinating Committee. The Secretariat will comprise of one National Programme's manager, sectoral programme officers, and a few support staff, who will work on full time basis. Each programme officer will be responsible for deliverables on specific sector/thematic area. They shall work closely with the Programmes Committee and other committees to ensure suitability of project activities. They will collate issues arising from the various NACP committees and present them to the NCC for guidance and decisions. The overall oversight of the Secretariat shall be provided by a designated officer of the Kenya Anti-Corruption Commission (KACC).

The secretariat will provide the necessary support to the participating organizations to ensure timely implementation of their anti-corruption project activities. The secretariat will collect/ receive data, collate and compile reports from the stakeholders. With the direction of the Coordinating Committee, the secretariat will analyse the data and provide feedback to the stakeholders for planning and implementation. The secretariat shall appropriately be located so that the NCC and KACC can facilitate its operations.

Functions of the Secretariat

Specific responsibilities of the Secretariat will be to:

- (a) Provide secretariat services to all committees
- (b) Implement decisions made by the National Anti-Corruption Coordinating Committee
- (c) Maintain a databank of the partners/stakeholders
- (d) Support Coordinating Committee in monitoring implementation of the Plan
- (e) Serve as a resource centre for the stakeholders
- (f) Provide or arrange for professional and technical support to stakeholders initiatives
- (g) Consolidate and update all NACP planning

6.2.3. Finance Sub- Committee

1. Prepare detailed consolidated budget proposals for the financial demands from all the committees and the secretariat.
2. Identify funding sources.
3. Prepare proposals for monitoring implementation of the Plan.
4. Prepare financial forecasts and reports for submission to the coordinating committee.

6.2.4. Publicity and Communications Sub-Committee

1. Prepare publicity campaigns
2. Prepare detailed campaign/activity budgets
3. Work with media houses on the coverage of events
4. Prepare IEC and promotional materials e.g. brochures, posters, stickers, banners
5. Prepare feature articles and advertisements for the media
6. Liaise with other committees and groups in preparation of detailed schedule(s) for each activity identified

6.2.5. Symposium /Forum Sub-Committee

1. Organise invitations to NACP events
2. Determine topics/papers for discussion and schedule of activities
3. Identify guests to be invited
4. Select venues for symposia and other meetings
5. Prepare event programmes
6. Identify and contact resource persons
7. Co-ordinate the publication of proceedings
8. Disseminate publications and other materials

This committee shall, after the launch of the Plan, regularly prepare and manage the NACP Annual Review Forum.

6.2.6. Programmes Sub-Committee

1. Prioritize all planned programmes and activities
2. Approve Programmes before they are presented to the National Coordinating Committee
3. Work closely with the National Secretariat to ensure approved programmes and activities are implemented before new ones are introduced.

NB:

1. The NACP committees will meet quarterly and a month or so before the Coordinating Committee meets.
2. Membership to NACP Coordinating committee and the various Sub-committees shall be representative and voluntary and carry no monetary gains.
3. It is expected that to demonstrate commitment organizations will contribute expertise and time by allowing their members to sit in NACP committees, or planning and monitoring activities as a social responsibility to this nation.

6.2.7. Sectoral Working Committees and Panels

Sectoral stakeholders are encouraged to establish active networking. This may include setting up sectoral working committees with specific roles and duties, especially to plan joint activities and sharing of information. The output of such proceedings may feed into NACP planning through the relevant NACP sub-committees.

The NACP outlines specific problem areas in the twelve sectors that are represented. It also identifies action to be taken to resolve the problems. The problems cited in the Plan have commonalities and can be condensed into five broad thematic areas. Sectors may find it necessary to develop suitable arrangements to effectively manage and coordinate their efforts in addressing these concerns that are highlighted in the NACP. Panels of experts may therefore be formed from time to time to advise sectors in the five broad thematic areas, which group together related corruption problem areas as follows:

1. Ethical Concerns
2. Legal Concerns
3. Planning and Economic Concerns
4. Information/Education Concerns
5. Management Systems and Practices Concerns.

The sectoral committees and panels may each organize meetings in the year with a view to assessing how well the thematic concerns have been addressed by the various stakeholders. Such meetings may also form the basis for monitoring implementation of their parts of the Plan. Such fora will be expected to submit their reports to the National Secretariat for compilation and presentation to the National Coordinating Committee. The same approach can be adopted for development of plans.

Chapter Seven

Plan Review Forum

7.1 Stakeholders' Meetings

A Review Forum, bringing together all stakeholders, shall be held every year. The purpose of the Review Forum will be to:

- (a) Review achievements.
- (b) Review problems or failures.
- (c) Identify constraints.
- (d) Exchange and share experiences
- (e) Identify priority areas for future action.
- (f) Plan the next phase.

7.2 Monitoring and Evaluation

We accept that for successful implementation of the Plan every sector and stakeholder must prepare Action Plans for execution within the specified time frames, with systematic and well co-ordinated monitoring and evaluation systems and mechanisms. Such systems and mechanisms will enable us to identify weaknesses in the implementation of the Plan with a view to suggesting areas for adjustment so that the Plan addresses the needs of preventing and fighting corruption in our changing society. This will enable the implementation of the plan with higher levels of success.

The Secretariat, the Sub-committees, the panels of experts and stakeholders will assist the National Anti-Corruption Coordinating Committee to monitor and evaluate the implementation of the National Plan.

It is acknowledged that the implementation periods of various Action Plans will vary. However, for purposes of monitoring and evaluation and other reporting, the time frame will be annually

from the date of launch. The monitoring and evaluation process may include support consultation, mid-term review, end-term review, and a review forum, in the order in which they are listed.

Through a consultative effort and with technical support to the secretariat information will be collected and analysed for setting benchmarks. Both secondary and primary data will be collected to provide the necessary information. The process will include developing indicators and identifying sources of data including periodic empirical studies and other studies conducted with high levels of professionalism using robust design and methodology.

Research reports by stakeholders and from elsewhere will be consolidated for this purpose. Joint studies may be developed to augment this in order to generate credible and useful data to form a shared understanding of the status of governance now and in the future as the basis for our actions.

7.2.1 Dissemination and advocacy

The dissemination strategy of all implementers should be geared towards building awareness of the problem of governance and corruption and its various forms in Kenyan society by using different forms of public education, public discussion and dissemination of research findings and policy recommendations. The Coordinating Committee will publish annual NACP Implementation Report after every Annual Review Forum.

7.2.2 Support Consultations

At any stage in the implementation of the Plan, various stakeholders may require technical assistance to accomplish some of their set objectives. It is also useful to detect implementation problems before they arise and to deal with those already identified. The Secretariat, on behalf of the National Coordinating Committee, may organize support consultations for specific stakeholders to ensure that the implementation of the Plan is on course.

Before conducting the consultations, appointments will be made with the various stakeholders so that they may prepare for maximum benefit from the consultation to be realized. Preliminary findings and recommendations may be disseminated to the stakeholders on completion of consultation, while formal written reports of the final observations will be made available after the exercise.

7.2.3 Mid-Term Review

Stakeholders will conduct mid-term reviews of the implementation of their action plans. The reviews will be specifically conducted to:

- (a) Establish the implementation progress.
- (b) Identify implementation problems.
- (c) Seek solutions to the problems identified.
- (d) Correct the identified weaknesses.

The stakeholders are obliged to document the findings of their mid-term evaluations and forward a copy to the National Coordinating Committee. The National Coordinating Committee will collate all reports and disseminate the findings as a way of enhancing implementation of the Plan. At least one (1) Mid-term review should be conducted for every project or initiative.

7.2.4 Internal End-Term Evaluation

At the end of every Action Plan activity, stakeholders will conduct an internal end-term evaluation of the implementation of their Plan. The purpose of the evaluation exercise will be to identify:

- (a) What has been achieved?
- (b) What has not been achieved?
- (c) Constraints faced in the Action Plan implementation.
- (d) Priority areas for re-planning.



SEVEN DEADLY SINS

Wealth without work
Pleasure without conscience
Knowledge without character
Business without morality
Science without humanity
Worship without sacrifice
Politics without principle

Mabatma Gandbi

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