



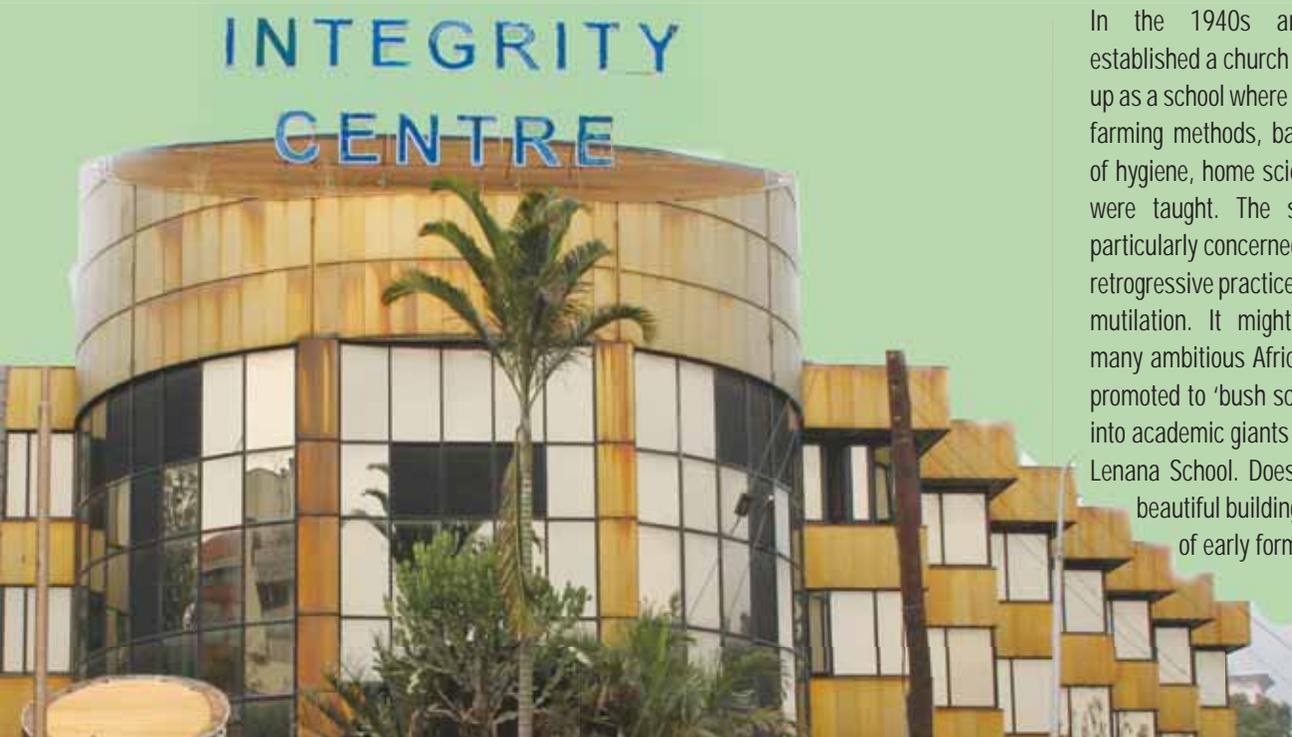
# Spear of Integrity

4th Edition

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## Integrity Centre: The Intrigues Surrounding Her History



In the 1940s and 50s, missionaries established a church on the grounds, doubling up as a school where such subjects as modern farming methods, basic science, all matters of hygiene, home science and relevant topics were taught. The said missionaries were particularly concerned with what they deemed retrogressive practices, such as female genital mutilation. It might be worth noting that many ambitious African graduates were later promoted to 'bush schools' that would evolve into academic giants like Alliance, Mangu and Lenana School. Does the current site of this beautiful building have a case as a cradle of early formal schooling in Kenya?

The 1960s and 70s saw the emergence of glamour into Kenyan society; the

*The site where the building stands has been a church, a disco, a bank and home to three anti-corruption bodies*

Many have come across the trite joke about why the chicken crossed the road. What they may have failed to realize is that the answer varies depending on who is answering. Integrity Centre, home of the Kenya Anti-Corruption Commission (KACC), similarly evokes such sentiments. Like a kaleidoscope, Integrity Centre appears to some like a golden edifice, standing defiantly between two busy thoroughfares, Milimani and Valley roads. To others it is home to an organization they would want as little to do with as possible. To yet others, its sight might evoke painful memories of monies lost to Trade Bank.

So what is Integrity Centre all about? Like the Nokia ad, it is not one thing; it is many things.

With a history dating back to the 1930s, Integrity Centre is clearly a building that was designed ahead of its time. An aesthetic spectacle, it is hard to imagine a gold-coated building of tinted glass for windows, was meant to be a bank. It stands in stark contrast to dull conservatism, what financial institutions are associated with.

It has been home to three anti-corruption organizations, the defunct Kenya Anti-Corruption Authority (KACA), Anti-Corruption Police Unit (ACPU) and now Kenya Anti-Corruption Commission (KACC). The site on which the structure stands was used as a shed for receiving stolen cattle, during the colonial period. Communities from whom animals had been rustled would come to the site to identify and retrieve their livestock.

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establishment of a nightclub, 'Starlight', a sophisticated joint haunted by local elites, precursors of today's yuppies. It was the premier entertainment venue to enjoy dancing, music and consumption of all types of alcoholic beverages. It was the place where Nairobi socialites would hang out for fun.

The 1980s saw the incorporation of the now infamous Trade Bank, in 1984 to be precise, which might have been the first-ever bank, anywhere, to offer interest-earning current accounts! The institution, which commenced its banking operations the following year, was owned by an Israeli national, an individual whose businesses were associated with then powerful Ministers. The bank was later acquired, in 1990 by an entrepreneur who was later sought by Interpol to face criminal charges in Kenya. Trade Bank finally collapsed in 1993 following which her directors fled the country. Depositors would start getting paid the following year.

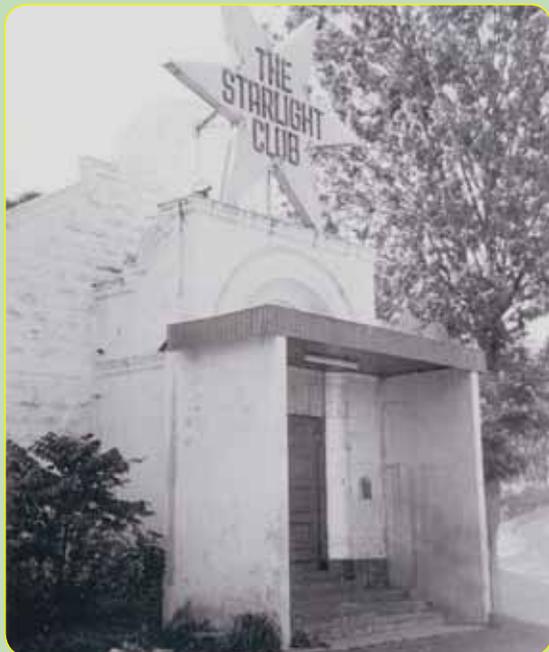
A succession of anti-corruption bodies would later be housed here. As a point of interest, Kenyan anti-corruption legislation actually dates back to 1956 with the enactment of the now defunct Prevention of Corruption Act

(Cap 75, LOK). The present KACC is by no means a new kid on the block, there has been a succession of such bodies starting with establishment of the Anti-Corruption Squad within the Police in 1993. This squad was disbanded two years later.

It led to the creation of Kenya Anti-Corruption Authority (KACA) in 1997, established under the Prevention of Corruption Act, Cap 65 LOK. KACA's first director was Mr. John Harun Mwau. A Tribunal declared him incompetent in 1998 and Justice Aaron Ringera was appointed in March 1999.

Soon after in 2000, KACA itself was dissolved after a constitutional court ruling. The Anti-Corruption Police Unit (ACPU) was created by executive order in August 2001. ACPU, which operated under the Criminal Investigations Department of the Police, took over KACA's mantle in September 2001 and performed its functions until the creation of the current Kenya Anti-Corruption Commission (KACC).

The Kenya Anti-Corruption Commission is a public body established under the Anti-Corruption and Economic Crimes Act, 2003 as the main agency with a statutory mandate to



*A sophisticated joint haunted by local elites in the 70's*

fight corruption in Kenya. The Commission was established on 2nd May 2003 when the Anti-Corruption and Economic Crimes Act came into force.

With a rich history the fight against corruption continues with the Commission being on the front line against corruption.

**Disclaimer**

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# KACC Director Honored

**H**on. Justice Aaron Ringera, Director/Chief Executive of the Kenya Anti-Corruption Commission was on 12th December 2007 conferred by the President, His Excellency Hon. Mwai Kibaki, the award of the Elder of the Order of the Burning Spear (EBS) for distinguished service rendered to the nation.

In the citation, H.E. the President noted that Justice Ringera has greatly contributed to the administration of justice in the country. Since his appointment as the Director/Chief Executive of the Kenya Anti-Corruption Commission (KACC), he has made substantial contribution towards eradication of corruption through creation of systems to fight the vice. In 1978-1984, he served as a lecturer in the Faculty of Law, University of Nairobi, was appointed a Judge of the High Court in 1994, and appointed Solicitor General in 1996.

# CRIMINAL CASE FILES FORWARDED TO THE ATTORNEY GENERAL

The following are highlights of some of the criminal investigations and cases that the Commission has handed over to the AG pursuant to its mandate under section 35 of the Anti-corruption and Economic Crimes Act.

## Ministry of Health

The Commission investigated allegations of corruption in the award of tender for supply of 50,000 packs of Amoxicillin 250 mgs valued at Kshs. 43,991,500 to Excelsior Mihaso Ltd by the Ministry of Health. The investigations revealed that there was a conspiracy between Chief Procurement Officer at the Ministry of Health, the Senior Principal Procurement Officer at the same Ministry, and the Director of the Excelsior Mihaso Ltd to manipulate the tender to favour the Company. The Ministerial Tender Committee also proceeded to award the tender, despite the fact that the Company did not present the lowest evaluated tender.

The file was forwarded to the Attorney General with a recommendation that the Members of the Ministerial Tender Committee be charged with the offence of awarding the tender to a candidate other than the lowest evaluated bidder. The Commission also recommended that Excelsior Mihaso Ltd and its director, together with the two senior procurement officers at the Ministry of Health be charged with conspiracy to commit an offence. The Attorney General accepted the recommendation. Prosecution of the suspects is underway.

## KTDA

This case arose from an allegation of conspiracy to defraud Kenya Tea Development Agency (KTDA) and UAP Insurance Company Ltd of about Kshs. 5 million as payment for general and special damages from claims regarding an accident that was alleged to have occurred on 31st August 2004 involving an Isuzu lorry Registration No. KZK 214 owned by Ogembo Tea Factory. Investigations by the Commission revealed that no such accident occurred and that this was an elaborate conspiracy to defraud KTDA. The conspiracy involved the alleged victims, their advocate, traffic police officers at Ogembo Police Station and a medical practitioner based at Awendo.

The file was forwarded to the Attorney General with a recommendation that the suspects be charged with conspiracy to defraud, giving false information to a person employed in the public service and perjury contrary to sections 317, 129 and 108(1), respectively, of the Penal Code, Chapter 63 of the Laws of Kenya. The Attorney General accepted the recommendation, where after the suspects were charged in court.

## New KCC Ltd

KACC carried out investigations into allegations of irregular procurement of motor vehicles and stationery by M/s New KCC Ltd and fraudulent false accounting by officers in the company's Sales Department. It was alleged that a car hire company was irregularly awarded a contract to lease vehicles to New KCC Ltd and that a firm owned by the wife of the then Minister for Co-operative Development had irregularly been awarded a contract to supply stationery to New KCC Ltd. The investigations revealed that hiring of the vehicles was done regularly. It was also found that the firm owned by the wife of the then Minister for Co-operative Development was only one of the many contractors who were pre-qualified through a transparent evaluation process in compliance with the Exchequer & Audit (Public Procurement) Regulations, 2001, that were then in force, and was therefore not favoured in any way.

Regarding allegations that the Sales and Distribution Manager of New KCC Ltd had sold milk to some three specific companies but that the said companies made no payments to New KCC Ltd, the investigations revealed that the said three companies paid for the milk purchased by them.

The file was forwarded to the Attorney General recommending that the inquiry file be closed. The Attorney General accepted the recommendation and consequently, the file was closed.

## Ministry of Local Government

The Commission undertook investigations following allegations of corruption against the former Director and Assistant Director of the Urban Development Department in the Ministry of Local Government (UDD) in respect of the award of tender and implementation of the project for construction of Migori and Awendo Bus Parks. The investigations revealed a number of irregularities in connection with the tender process for which the Director and Assistant Director were responsible as well as irregular payments to the contractor for services not rendered, based on certificates of payment approved by the two suspects.

The file was forwarded to the Attorney General with a recommendation that the Director and Assistant Director of UDD as well as the contractor be charged with various counts. The counts recommended are: wilful failure to comply with applicable procedures and guidelines relating to management of public funds, abuse of office, fraudulent acquisition of a

public benefit and receiving a benefit contrary to sections 39(3)(a), 45(1)(a), 45(2)(b) and 46 of the Anti-Corruption and Economic Crimes Act, 2003. The Attorney General accepted the recommendation. The case is pending in Court.

## Mau Forest

The encroachment on part of South Western Mau forest has generated concern amongst environmentalists and stakeholders. The Commission investigated allegations that the forest was irregularly excised and alienated to various companies as parcel numbers 20629, 20630 and 20597. The investigations established that the allocation of land to Kericho Multipurpose Co-operative Society Ltd was irregular and recommended that the land ought to revert to the Government.

The Commission forwarded the file to the Attorney General with a recommendation that the then Permanent Secretary in the Ministry of Lands and the former Commissioner of Lands be charged with abuse of office. It was also recommended that the Department of Civil Litigation and Asset Recovery of KACC look into the issue with a view to recovering the land and any unjust enrichment of Kericho Multipurpose Co-operative Society Ltd. The Attorney General accepted the recommendation. The case is pending before Court.

## Provincial Applied Technology Office (PATO)

Inquiry into an allegation that the Provincial Applied Technology Officer (PATO) based in Embu had mismanaged public funds from an AIE allocation of Kshs. 6.5 Million for the Department of Micro and Small Enterprises Development (MSED) for the Financial Year 2005/2006. The investigation established that the Provincial Applied Technology Officer together with a Jua Kali inspector attached to the PATO's office had embezzled the money meant for the MSED projects in Embu District by receiving money for goods that were not purchased and or supplied to the said projects.

The file was forwarded to the Attorney General with a recommendation that the PATO and the Jua Kali inspector be charged with eleven counts of fraudulent acquisition of public property and the PATO be charged with an additional count of careless failure to comply with law relating to procurement. The recommendation was accepted.

*(for a full list of cases forwarded to the AG visit [www.kacc.go.ke](http://www.kacc.go.ke))*

# When KACC Comes Calling: Reactions From Examined Institutions

The Kenya Anti Corruption Commission (KACC) has the statutory mandate to minimize opportunities for corruption inherent in the procedures and practices of public institutions.

This is achieved by studying systems of work in an organization in order to identify weaknesses and loopholes that create opportunities for corrupt practices. The output is a detailed report and appropriate recommendations on how to seal the identified corruption loopholes. Since September 2004, the Commission has conducted a total of eight examinations. These are:

- Procurement, storage and distribution of drugs and medical supplies by the Ministry of Health and the Kenya Medical Supplies Agency,
- Registration and licensing of motor vehicles and enforcement of traffic laws
- Department of Immigration,
- City Council of Nairobi,
- The Roads Sub-sector,
- Teachers Service Commission,
- Pensions Department,
- Department of Civil Registration,
- National Registration Bureau.
- Corruption Risk Assessment carried out on the Municipal Council of Mombasa.

During an examination all operational areas of the institution are analysed with a view to identifying corruption loopholes and making recommendations to seal them. The examination is conducted through interviews of board members, CEO, heads of departments, staff in all cadres, members of the public and stakeholders. Observations, literature review and analysis of secondary information obtained from the institution are also examined.

Upon completion of the assignment, advance copies of examination reports are forwarded to the CEOs of examined institutions at least two weeks prior to the official presentation. This is aimed at providing CEOs adequate time to study the reports and make comments for purposes of owning the reports.

However, the reactions from examined institutions have been varied. Some institutions



*Some of the examinations carried out*

readily welcome the examination reports, indicating that they give a true and fair picture of the systems, policies, procedures and practices in place. These sentiments are articulated by the CEOs during the official presentation of the reports.

After presentation of the reports implementation plans known as matrices are prepared either by the organisation or in consultation with the KACC staff. This is aimed at having a document in place to guide the implementation of recommendations. The implementation plans are also used as a tool for monitoring and evaluating progress.

In some institutions, implementation of the recommendations proceeds well. In some instances, the examined institutions have called upon KACC to help in capacity building by way of training their staff in specific areas to facilitate quick implementation. Others have asked KACC to assist in developing governance and policy documents such as anti-corruption policy, records management policy, internal audit charter, code of conduct preparation guidelines, procurement and personnel management policies and procedures manuals.

Such initiatives have assisted the institutions to seal corruption loopholes and improve service delivery. KACC makes continuous follow-ups to assess the implementation process and to measure the impact of examinations in such institutions.

However, it has not been smooth sailing dealing with all examined institutions. Some of them have gone to a state of denial upon receiving advance copies of the examination reports. Such institutions have engaged in acts to derail the official presentation of the examination reports.

Some reasons as to why there are cases of negative reaction by examined institutions include:

- **Lack of understanding.** Some institutions still confuse examinations with investigations. For this reason some CEOs think that an examination report will lead to their being arraigned in court.

- **Fear of losing jobs.** Some CEOs fear that once an examination report is released the institution will be perceived as being corrupt and the CEO may be sacked for not doing much in the fight against corruption

- **Delays in release of examination reports.** Some institutions address issues of corruption brought to their attention during the examination such that by the time the report is presented the recommendations would have been overtaken by events.

- Some institutions allege that there is normally **adverse negative publicity** by the media during the presentation of the examination reports.

In view of these varied reactions, it has become necessary to review the approach to examinations in order to increase acceptability and implementation of the recommendations.

Some of these considerations include:

- Identifying the specific problematic areas in an institution to be examined as opposed to the entire operational areas. This will reduce the time spent on examining an institution.
- Holding workshops where the management and staff of institution being examined are sensitized about the mandate of KACC and the assignment to be undertaken
- Discussing with the management of the examined institution the major findings and recommendations and seeking their input for purposes of ownership.
- Ensuring that examination reports are finalised and presented to the examined institution within four months for purposes of continuity.

## STEPPING UP PUBLIC SERVICE DELIVERY

Noting the decline in public service professional standards in recent years, and the consequent erosion of citizen confidence in the capacity and integrity of public officers it has become paramount that civil servants embrace service delivery in order to regain the confidence of members of public.

Recalling the efforts made in Kenya in recent years to reduce the size and cost of government operations, focus has shifted to strengthening the service-delivery capacity of public institutions. Public service sector is consolidating gains of governance reforms with firm conviction that measures directed towards professional competence, ethics and accountability of public institutions have the backing of all Kenyans.

The government has committed resources in improving the quality of service delivery and it is now time for the public officers to take up charge and resolve to fight corruption.

Today many public offices are inviting the Kenya Anti Corruption Commission to train their staff on integrity and quality assurance issues in an effort to improve on the service provision. Each officer is being targeted to be a role model and to commit their time and energy to service.

A public officer is expected to be a person of integrity. He or she should not engage in corruption or by placing personal interest above public good. The integrity of a civil servant becomes questionable when he or she takes a decision or makes a recommendation based on false and indefensible information.

Recruitment to the career civil service must be based on merit and the qualifications of the candidates. Job vacancies must be advertised as widely as possible in order to attract as many candidates as possible. On professionalism, officers must ensure that the actions they take or the recommendations they submit are based on objective assessment of options rather than being tainted by personal or political prejudice.

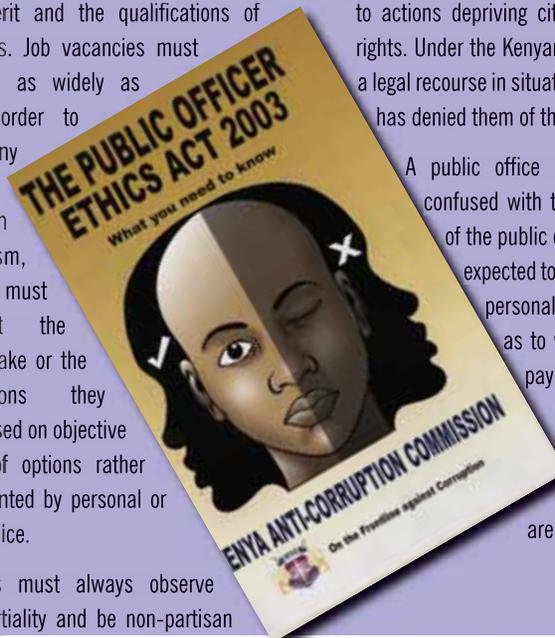
Civil servants must always observe political impartiality and be non-partisan

while executing their duties. They should not canvass for political office or endorse certain candidates. They should not identify themselves with specific programmes and neither should their decisions be influenced by political considerations.

Any action taken by a public official shall be null and void unless backed by law. This applies particularly to actions depriving citizens of their constitutional rights. Under the Kenyan law, citizens are entitled to a legal recourse in situations whereby a public official has denied them of their legally constituted rights.

A public office should not be equated or confused with the private domain or estate of the public official. Civil servants are not expected to make their decisions on their personal considerations, especially as to who should be on the public payroll or how

public resources should be allocated. Every citizen, the public official included, are equal before the law.



## CORRUPTION PREVENTION INITIATIVES

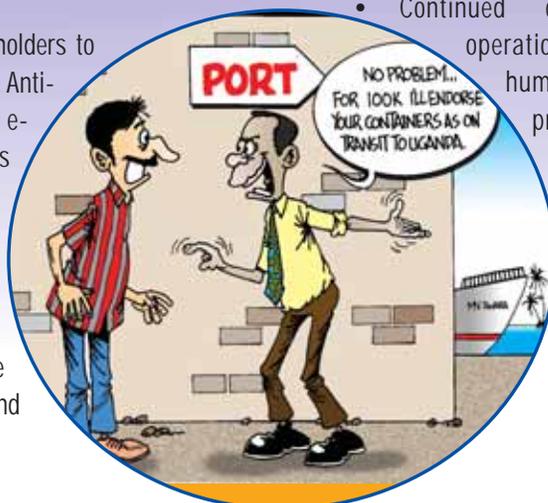
By Joseph Patterson Okhako - KPA Integrity Assurance Officer

Kenya Ports Authority supports corruption prevention in its business operations. To achieve this, the Authority has:-

- Promoted good ethical behaviour in the Port by building a business culture based on integrity, credibility and trust.
- Encouraged staff and stakeholders to report corruption through the Anti-Corruption Report boxes and e-mail address on Kenya Ports Authority website (anti-corruption@kpa.co.ke).
- Promoted corporate governance and corruption prevention in the whole Port and its affiliated Inland Container Depots (ICDs).

Other measures the Authority has adopted include:-

- Introduction of Integrity Forms in the tendering and contracting process to improve integrity, transparency, accountability and responsibility in the procurement system.
- Continued computerization of Port operations which will reduce human intervention in the Port procedures thus reducing acts of taking bribes.
- Continued training of Integrity Assurance Officers to support the fight against corruption has also been undertaken.



# Kenya, my Country

By Lydia Manyasi

We seldom know the value of what we possess until we have lost it. You live in Kenya, a fact you take for granted.

As a people, we have our usual grievances we hold against our beloved country Kenya. We always feel there is so much the country has not done for us. As a result, we will not hesitate to talk negatively about Kenya; about the more than a dozen ways Kenya has failed us.

But stop, step back, take a deep breath and a fresh look at Kenya. Strip yourself of any biases. Open your heart and mind. Surely positive things about Kenya outnumber your fingers. And who is Kenya anyway? This is who Kenya is: A beautiful country whose glory is sung more by non-Kenyans than the Kenyans themselves.

Seated in a hotel in Windhoek, Namibia, undergoing a training, we are five participants; three from Malawi, one from Tanzania and one from Kenya. By the end of the four-week training, three facilitators have delivered their lectures. In the course of the training, best practices keep being cited and guess who among the 52 in the continent is taking the biscuit for outstanding achievements? Yours truly, Kenya.

The inquiry goes thus, "Kenya's airline is the best on the continent". Yes, Kenya Airways. "Is it because it has only had one director who has steered it to its fame?" You know that Kenya Airways has had several leaders. It is all about historical mapping. The leader at the helm at any

one time has come on board determined to leave an indelible positive mark. A negative legacy is not one they would want to be remembered for. Excellence in service delivery must be a value they uphold dearly.

The HIV/AIDS management by Kenya is another best practice that is cited. While Kenya has managed to reduce the prevalence to below seven percent, in one part of Namibia it is at a high of 49percent and in another part it is at 21percent. At one time a group from Namibia came to Kenya to learn from the best practices in managing the scourge.

From the participants who have had the privilege of visiting Kenya, they do not hold back their admiration for Kenya.

They actually wish their countries had what Kenya has. And what does Kenya have, you want to ask?

"Everything, you have it all," the answer you get from them. And how come we Kenyans do not seem to think so? That is the billion Kenya Shilling question!

A taxi driver is animatedly telling you about the goodness of your country. He is recounting to you the election fiasco that nearly crippled Kenya early in the year. He tells you how happy his fellow Namibians were that Kenya pulled out of the mess. Do we Kenyans share this joy?

Kenya is scenic. Kenya is beautiful. Kenya is a head-turner. Could we just try to not focus so much on the few negatives in our midst. We have actually allowed them to cloud our view and continue to miss out on the splendour Kenya is naturally endowed with.

A visit to the Namibian Anti-Corruption Commission and the revelation: they are charting their way in building their institution with invaluable guidance from the Kenya Anti-Corruption Commission. In 2007, a high level delegation led by the Director of the Anti-Corruption Commission of Namibia visited KACC on a study tour, and further in 2008, they sent four officers to learn corruption prevention strategies from KACC. Yes, the very

institution whose effectiveness is underestimated by Kenyans. Come on, cut Kenya some slack!

You need not go out of Kenya to hear about her glory. Ask

the many foreigners within the country who will tell you they are not in any hurry to leave Kenya because they are in paradise. You just need to reflect to appreciate Kenya. She is open to be explored. Kenya is very beautiful, she has it all. It should never be about what Kenya has done for you. It must always be about what you have done and will continue to do to keep her in the positive light she is held by non-Kenyans and Kenyans too.

they do not hold back their admiration for Kenya. They actually wish their countries had what Kenya has

## Promoting Synergy Through Teambuilding

The importance of building strong working teams cannot be overstated. History consistently shows that much can be achieved when human beings put aside their differences and work towards achieving common goals.

The Commission held a memorable team building event for all staff in June. Through sports, surmounting physical challenges and socializing, followed by thematic de-briefing, staff appreciated how their own attitudes, communication and social skills affect operations at the workplace. Several games brought out individual staff's acumen as well as vulnerability and need for each other. It was a day of great fun. No doubt the event will help to tap better into the talent and energy available in the Commission to fight corruption in Kenya.



## What Other Anti-Corruption Bodies Say

### Namibia

In September, KACC received four officers from the Anti-Corruption Commission of Namibia and the National Institute for Education Development, on a week's study tour of the Commission's Preventive Services Directorate. Among the things they were impressed with is the KACC's interventions in schools' education programs through development of curriculum support materials;

grass root youth programs; and community based anti-corruption monitors. The visit was a follow up on last year's which was led by their Director, Mr. Paulus Noa, who observed that there was much to learn from KACC despite the two Commissions having been established only two years apart. The experiences gained by the ACC team will enable them set structures and policies that will strengthen the institution in the fight against corruption in Namibia.



*Namibian delegation (left side) share their experience*

### Tanzania



*Dr. Vincent Kihyo*

The Director of Research, Control and Statistics of Tanzania's Prevention and Combating of Corruption Bureau, Dr. Vincent Kihyo, visited KACC in August to appreciate and borrow a leaf from the Commission's interventions in corruption prevention, particularly in respect to collaboration with other public bodies. He visited various institutions among them the Ministry of Defense, and was impressed to find active Corruption Prevention Committees and confident Integrity Assurance Officers addressing matters on corruption. He paid glowing tribute to KACC's achievements in only four years.

### Ethiopia

Five anti-corruption Commissioners from Ethiopia visited KACC in August accompanied by the 2nd Secretary of the Ethiopian Embassy. The Commissioners were drawn from both the Federal and Regional levels of government.

The delegates compared notes on the progress in the fight against corruption in the respective countries. The Ethiopians lauded KACC's work and particularly expressed interest in joining the recently launched East African Association of Anti-Corruption Authorities, where Kenya, Tanzania, Uganda, Burundi and Rwanda are members.

## Kigali Hosts Anti-Corruption Authorities

The Anti-Corruption Authorities of the five states of the East African Community held their second Annual General Meeting in Kigali, Rwanda in September.

In the communiqué issued, the heads of the East African Association of Anti-Corruption Authorities (EAAACA) reiterated their cooperation in asset tracing and repatriation throughout East African region, as well as their resolve to provide one another with Mutual Legal Assistance. Matters of joint training and exchange of information are also high in EAAACA's agenda.

EAAACA was formed in 2007. Members are the Kenya Anti-Corruption Commission (KACC), Uganda's Inspectorate of Government (IG); Tanzania's Prevention and Combating of Corruption Bureau (PCCB); Office of Ombudsman in Rwanda and Special Anti-Corruption Brigade of Burundi.

# Preventing Corruption Through Performance Contracts

Corruption eradication in the country now ranks high in the performance contracting obligations of public institutions following a collaborative initiative between the Kenya Anti-Corruption Commission and the Performance Contracts Steering Committee.

Since 2005 public institutions have been implementing performance contracts in the management of public resources. Implementation of anti-corruption initiatives has always been a performance indicator in the performance contracts. However, the indicator has been lacking clear and measurable targets and comprehensive implementation guidelines.

However, in 2007 a collaborative venture between the Kenya Anti-Corruption Commission and the Performance Contracts Steering Committee, facilitated the Commission to develop guidelines and measurable indicators of the "Corruption Eradication" index. These indicators and implementation progress will be reviewed annually and institutions advised accordingly.

The foregoing efforts are out of the recognition that corruption remains the single greatest obstacle to economic and social development. Many public institutions have been afflicted by poor performance and poor service delivery. This is largely attributed to lack of transparency, accountability and corrupt practices in most public institutions.

Unfortunately previous efforts directed at addressing corruption in public institutions had not yielded the

desired impact. Commitment to institutionalize corruption prevention strategies had not been achieved in most public organizations. The main problem was that management of those institutions had not been providing the much needed support and attention.

Subsequently, it became apparent that to advance the fight against corruption to a higher level in the public sector, there was need to identify a viable mechanism for mainstreaming anti-corruption initiatives. Performance contracts provided such an appropriate gateway.

Formulation of clear and measurable indicators aimed at addressing institutional governance and

As a result of the inclusion of "Corruption Eradication" indicators in performance contracts, public institutions have taken keen interest in corruption prevention

eliminating corruption in public institutions, marked a shift to results based targets. The fulfilment of preconditions for the fight against corruption is now a key requirement that was incorporated in the performance contracts of all public institutions. Implementation of the "Corruption Eradication" indicators is in its second year having been rolled out in 2007/2008 financial year.

The focus for the 2007/08 fiscal year was to establish institutional structures and systems to facilitate mainstreaming of anti-corruption strategies and initiatives in public institutions with

a view to prevent and detect corruption through:

- Developing institutional Anti-Corruption Policies
- Establishment of Corruption Prevention/ Integrity Committees
- Developing Corruption Prevention Plans
- Developing institutional Codes of Conduct
- Integrity Training

As a result of the inclusion of "Corruption Eradication" indicators in performance contracts, public institutions have taken keen interest in corruption prevention capacity development as a measure of institutionalizing anti-corruption initiatives. This is reflected in the number of requests received at the Commission from public institutions for integrity training and development of governance instruments. The development of institutional anti-corruption policies and governance instruments will assist institutions profile corruption and integrity issues in organizations and formulate home-grown solutions to address the problem.

The strategic focus for 2008/09 fiscal year is on the outcomes and impact of mainstreaming anti-corruption strategies in public institutions. The Commission in collaboration with the Ministry of Public Sector Reforms and Performance Contracting will track the implementation progress and evaluate results. It is expected that the adoption of the benchmarks will impact significantly in addressing institutional governance and corruption prevention.

## Web Based Reporting System Applauded

Two officers from the Kenya Anti-Corruption Commission, Ms. Grace Namachanja and Mr. Michael Nteere, participated in the 'Aid Effectiveness and e-Government Conference' held in Berlin, Germany, in September. They joined other speakers from government agencies who talked about their own on-the-ground attempts to utilize e-government to step up efficiency and effectiveness.

The World Bank's Coordinator of e-Development Thematic Group, Oleg Petrov, termed Grace Namachanja's contribution, 'the most interesting.'

She shared KACC's experience with the web-based reporting system that guarantees anonymity to whistle blowers while allowing KACC to keep in touch with anonymous informers.

'With a phenomenon like corruption where whistle blowers may be under duress, an innovation as simple as this could prove to make all the difference,' Petrov observed.

The conference was a joint effort of GTZ and the World Bank.



Ms. Grace Namachanja makes a contribution during the Conference

# Procurement Hurdles Dog Local Authorities

Public procurement plays a central role in budget implementation and is the implementation vehicle by which service delivery is achieved.

Procurement of goods and services is a recurrent activity which often involves expenditure of enormous resources estimated at between 15 to 25 percent of a country's Gross Domestic Product. For instance in capital projects, procurement accounts for as much as 95 per cent of the total cost, ostensibly creating temptation among many players to manipulate the process for their own personal benefit.

To prevent corruption in the public procurement, the Commission has initiated several programmes in collaboration with the stakeholders in private and public sector. Currently an elaborate programme aimed at enhancing good governance in the procurement processes of Local Authorities is already under implementation. The programme is a joint venture between the Public Procurement Oversight Authority and the Ministry of Local Government.

Local Authorities were identified as the entry point for the programme because of their crucial role in socio-economic development of the country especially in rural areas. The programme seeks to enhance transparency and accountability at all levels of the procurement processes in local authorities.

By the nature of their mandate, local authorities play a key role in the country's national development through provision and management

of a wide range of services in urban and rural areas. Some of these key services include water and sewerage management systems, garbage collection, road maintenance, and health services. Consequently, provision of such services involves huge expenditure through public procurement processes.

Avenues for corruption in local authorities through procurement of goods and services are many, since the Local Government Act, the Rating Act, and the Valuation for Rating Act mandate councils to collect revenue in the form of fees, rates and rents from residents.

The sector also receives substantial amounts of revenue from the Local Authority Transfer Fund and the Kenya Roads Board among other sources.

Corruption in local authority's procurement processes range from high-level corruption to routine facilitation payments exchanged when firms interact with service providers, license issuers, or payments clerks. Some of the corrupt practices are enhanced by opaque regulations, weak enforcement mechanisms and barriers to business. Others are lack of transparency; excessive discretionary powers and lack of checks and balances.

The new programme to reduce corrupt practices in the local authorities' procurement processes embraces a comprehensive approach that focuses on achievable targets. The programme trains procurement officials on the requirements of the Public Procurement and Disposal Act 2005, the Public Procurement and Disposal Regulations



2006, and sealing corruption loopholes in the procurement cycle.

A practical module guide has been produced and takes participants through development of corruption prevention plans and corruption risk assessment. Participants are trained to identify subtle corrupt practices and risks of lack of transparency in procurement processes.

On completion of the training programme, local authorities are required to undertake a comprehensive analysis of their respective procurement processes, identify corruption risk areas and formulate corruption prevention plans in specific time frames.

So far, over 180 chief officers from local authorities in Eastern, Central, Coast, North Eastern and Western provinces have undergone phase one of the programme. Training programmes for chief officers of local authorities in Nyanza and Rift Valley provinces are underway.

## Why Media Pens Must Glide With Integrity

The Kenya Anti-Corruption Commission (KACC) complements the Nation Media Group on the efforts to ensure zero tolerance to corruption in the media house, by making a public announcement and establishing a corruption reporting email address. The Kenyan citizen needs transparency, accountability and responsibility by journalists.

KACC's National Corruption Perception Survey 2005 and the Steadman media surveys reveal that a large number of people turn to media for information, entertainment and education needs. Integrity has to be seen to be upheld at the organizational level by the media houses for credibility. Staff of the media houses too must, at a personal level, exemplify the

integrity they preach to their readers, viewers and listeners.

The mass media is a power resource – a means of control, management and innovation in society, which can be a substitute for force or other resources. Media outlets provide the arena where affairs of public life are played out, both nationally and internationally. They are often the cradle of evolution of culture, both in art and symbolic forms such as fashion, lifestyle and norms. They are a dominant source of definitions and images of social reality for individuals and societies. Hidden in news and entertainment are expressions of values and normative judgments.

It is, therefore, difficult to see how most other society-wide processes of communication could

take place without mass media. Business firms, political parties and other organizations use mass media for their ends.

At a Media Sensitization Workshop recently it was noted by all participants from various media houses that each person has an important role to play in the fight against corruption. It was agreed upon that they should desist from the practice in order for that to follow. 'Practice what you preach' was the message.

The Kenya Anti-Corruption Commission commends the Nation Media Group anti-graft initiative for setting the tone at the top. The individual journalists are left with only one option- to tow the line! Other media houses are urged to embrace the idea too. It is solely through concerted effort that the fight against corruption will be won.

# Re-instating Values in Schools

Purity Gitonga, Education Dept

Few among us might have missed such recent newspaper headlines as, "This Madness Must Stop." Such unfortunate headlines relate to the wanton madness characterizing the recent spate of school unrests.

The unfortunate behavior by our youth begs questions, among them who is to blame?

- Have we as parents, educators, leaders, professionals, been positive role models?
- Have we failed to correct situations when they needed correction?
- Have we given the impression that happiness is only from a material world?
- Have we listened to the young people with a keen ear?

- Is the violence itself a pointer to us as a nation, that we have lost values?
- What happened to the values of integrity, respect for life and property, responsibility, obedience, honesty, restraint, caring, rule of law and patriotism?

It was Jesus Christ who noted that the work of teaching and preaching must begin in Jerusalem, before moving to Judea and Samaria. Similarly, the most formative education is traceable to the home. It is noticeable lately that the society is reverting back to its past in terms of diet (chakula kienyeji) and even medicine. Is it time we too reverted back to the basics of education? Parents are the child's first teacher. They

socialize the child in formation of values, attitudes, self esteem, healthy lifestyles and interpersonal relations. There is no substitute for consistent parental involvement in the child's life. We need not forget that children watch us carefully and internalize what we do. They hear, observe and imitate us thus, the need for us to "Walk the Talk".

Formal schooling on the other hand provides holistic education including acquisition of knowledge, skills, positive values, attitudes and behavior. Experts identify three critical domains of a school curriculum – the cognitive, the psycho-motor and the affective. Back to the behavior seen recently, is it possible that we have overemphasized the knowledge-based domain, without balancing it with the values, attitudes and feeling? Could it be that pursuit of high grades has become the norm? Research indicates that academics are not enough- emotional and social stability count in terms of employment, and success in life. Goleman, a psychologist, argues that cognitive skills 'get you to the door' of a company, but emotional skills help you thrive once you have been hired.

The essence of education entails learning to know, learning to do, learning to be, and learning to live together. Education is not just the acquisition of knowledge, it has a lot to do with what one becomes and how one lives with other people.

Greek philosopher, Plato, observed: "But if you ask what is the good of education, the answer is easy: that education makes good men and good men act nobly." Martin Luther King Jr adds that, "Intelligence is not enough. Intelligence plus character, that is the goal of true education." Closer home, the Prime Minister's speech during a recent Kenya Integrity Forum conference was categorical on the need to encourage and accelerate 'Value Education' in our schools to help in the fight against corruption and other unethical practices. A former US President, John Adams summarized the philosophy of education thus: "there are two types of education. One should teach us how to make a living, and the other how to live."

## My Thoughts on Corruption

By Castro Okech  
Ayany Primary School Standard 7

Corruption is something to do with bribery. For example if you are a head teacher, you should not employ workers in the school community just because they have given you a large amount of money or because they are of the same ethnic group as you are. If you have been driving a car without a licence and you are caught by a police officer, then you pay him some money to let you go that is corruption. And if a police officer caught a thief that has stolen somebody's property, he should not set him free just because he has been offered a one thousand shilling's note. That one thousand shilling's note cannot last you even for one whole week.

The government has formed the Kenya Anti-Corruption Commission. It has been helping fight against corruption. I am thankful and I am supporting them for their good work.

Corruption is indeed a crime. If you are found guilty of corruption, you may lose your job and if you lose your job, you may not have enough money to feed your family or pay the rent. If you are a rich person you should not be grabbing land from people. You should share with them your riches for there is a saying that goes "Share your riches with the poor before the poor share their poverty with you". I want to finish by saying, please let us stop corruption.

# And the Winner of Integrity Awards is...



Mr. I. B. Mogaka, Executive Director of ICDC (right) shares the glory of a winner with a senior officer

The competition attracted 16 Ministries and government departments and 33 State Corporations



PS, Ministry of State for Defence, Amba. Nancy Kirui proudly displays the first prize trophy, flanked by an officer

The Ministry of Defence and the Industrial Commercial Development Corporation, ICDC, were the inaugural winners of the Integrity Awards 2007 in the Ministries and State Corporations categories respectively. The Awards were presented during the Public Service Week on 22nd August 2008 presided over by the Deputy Prime Minister and Minister for Trade, Hon. Uhuru Kenyatta.

The Integrity Awards Scheme, an initiative of the Kenya Anti-Corruption Commission in collaboration with the Cabinet Office was launched in 2007. The competition attracted 16 Ministries and government departments and 33 State Corporations. They were

subjected to a rigorous evaluation process which was based on the PSIP reform initiatives.

The 1st and 2nd runner-up positions in the Ministries categories were Ministry of Agriculture and Ministry of Home Affairs respectively while in the State Corporations categories Communications Commission of Kenya (CCK) and Kenya Water Institute (KEWI) were declared 1st and 2nd runners-up winners respectively. The winning organizations had the following outstanding attributes:

- Properly constituted and operationalized Corruption Prevention Committees (CPCs)/ Integrity Committees, chaired by the CEOs, with

representation from all departments.

- Progressive implementation of the anti-corruption strategies as outlined in their Corruption Prevention Plans.
- Demonstrated initiative and innovation in their anti-corruption programmes.
- Well formulated and widely disseminated governance instruments.

The KACC commends all the organizations that participated in the 2007 Integrity Awards and hope to see a higher number of entries in the 2008 competition!

## Jukumu Lako Mwananchi

Omar Mohammed Mwangao

*Yakupasayo Kufanya, Kwako Wewe Mwananchi,  
Heshimu Unalofanya, Ilikuijenga Nchi,  
Hasa Leo Nakukanya, Sijekulalia Kuchi,  
Tulikuwa Twalalama, Sasa Afisi Ipwani*

*Usitake Kuhusishwa, Kuutenda Ufisadi,  
Kataa Kulazimishwa, Kujikita Ugaidi,  
Kubali Kurekebishwa, Hapa Pwani Tafaidi,  
Fisadi Nanyi Komeni, Sasa Afisi Ipwani*

*Uaminifu Nidhamu, Pia Nivitu Fundisha,  
Ripoti Visa Sehemu, Huku Ukielimisha,  
Wapwani Kaeni Ngumu, Fisadi Kukorofisha,  
Wapwani Tieni Shime, Afisi Iko Nyumbani*

Recited during the opening of KACC Mombasa Office

## QUOTES

- The accomplice to the crime of corruption is frequently our own indifference  
-unknown-
- Who lies for you will lie against you  
-Bosnian proverb-
- I am one. I cannot do everything, ---but I can do something.. And because I cannot do everything, I will not refuse to do the something that I can do. What I can do, I should do. And what I should do, by the grace of God, I will do."---  
-Edward Everett Hale-

## Kenya Anti-Corruption Commission

### Mandate

*To combat corruption and economic crime in Kenya through Law Enforcement, Prevention and Public Education.*

### Vision

*To be a world class institution fostering zero tolerance to corruption in Kenya*

# Press Clips

## DAILY NATION Thursday August 7, 2008

### Ex-agency chiefs accused of graft

By Fred Mwakinda

Three former parastatal bosses may be taken to court after the Kenya Anti-Corruption Commission found them culpable of fraud among other crimes.

However, their fate will be determined by

Attorney-General Amos Wako, who is empowered to either uphold or quash the anti-graft body's recommendations.

KACC has accused a former Kenya Pipeline Company director of abuse of office, leading to loss of public funds amounting to Sh300 million.

The anti-graft body also wants a former

Commissioner of Lands to be charged with the same offence.

A former Kenya Airports Authority managing director is also accused of conspiracy to defraud whereas the former aide to the retired president and two of his companies are accused of obtaining property by false pretences.

## DAILY NATION Monday October 27, 2008

### Ex-boss of drugs agency faces court

By Kibitwort Koross

The sacked boss of the Kenya Medical Supplies Agency should be prosecuted, the Kenya Anti-Corruption Commission has recommended.

The Commission said the procurement manager of Kemsu and members of the technical evaluation committee should be

prosecuted for failure to comply with the law relating to awarding of a tender for supply of non-pharmaceutical products valued at Sh84 million.

## THE PEOPLE DAILY Thursday June 12, 2008 KACC seeks legal basis

By Peter Gitonga

Kenya Anti-Corruption Commission Director Justice (Rtd) Aaron Ringera has called for entrenchment of the commission in the constitution to improve the fight against graft.

Ringera noted that the commission was facing numerous legal challenges in discharging its mandate and should

be entrenched in the constitution to avert the danger of being scrapped.

Speaking during a meeting with the nominating bodies of KACC Advisory Board yesterday, Ringera also said the move would help the commission circumvent the legal and constitutional hurdles that currently stand in the way.

## The Saturday Standard KACC forwards 26 graft cases to Attorney General

April 12, 2008

The Kenya Anti-Corruption Commission has forwarded 26 corruption cases to the Attorney General for prosecution.

Among the individuals KACC wants prosecuted, is former managing director of Kenya Reinsurance Corporation for allegedly selling public land to a private company. The former MD is accused of fraudulently selling plot number 1160-613 to Rockhound properties limited. Two directors of

the Rockhound should also be charged with the alleged offences.

In its quarterly report, the anti-graft agency has described the excision of three parcels of land in South Western Mau Forest as illegal. KACC recommended to the AG that the land be recovered from Kericho Multi-purpose Cooperative society. It also called for the prosecution of a former Lands Commissioner and former PS in the Ministry of Lands.

## The Saturday Standard Bank defied our advice, says KACC

Friday August 15, 2008

By Alex Ndegwa

The Kenya Anti-Corruption Commission (KACC) recommended the Grand Regency Hotel be sold in accordance with the provisions of the Privatisation Act, a witness has said. KACC Deputy Director Fatuma

Sichale, however, spoke of "discomfort" with the suggestion by lawyers representing Central Bank of Kenya (CBK) and businessman Kamlesh Pattni. But CBK did not heed the advice and proceeded to sell

the hotel. Sichale said KACC director Aaron Ringera advised CBK twice - in writing and verbally - that it was important that the sale of the hotel be done strictly in compliance with the law.

## NAIROBI STAR

Friday, 31 October 2008

### Court stops criminal probe into Anglo Leasing contracts

By STAR REPORTER

A court yesterday stopped the Kenya Anti-Corruption Commission from investigating criminal acts in the Sh 3 billion Anglo Leasing contract for construction of a military command centre.

The court ruled that it was illegal for the anti-graft body and the Attorney General to criminalize

the contract awarded to Nedermar Technology of the Netherlands. High Court Judge Joseph Nyamu said the contract was of a commercial nature and any dispute between the Government of Kenya and Nedermar should be resolved through arbitration.

## The Saturday Standard

### Magistrate, police charged with corruption

A magistrate was arraigned before a Nakuru court charged with receiving a bribe of Sh 6,000.

Naivasha Resident Magistrate Franklin Kenneth Gitonga was charged alongside police constable Peter Muita Wesanto.

The two pleaded not guilty before senior resident magistrate John King'ori.

They were charged with jointly conspiring to solicit a Sh

10,000 bribe from Ruth Njeri Gitau on October 7, at the Naivasha Law Courts.

The money was an inducement to facilitate the release of Lucy Nyiha, a suspect in a criminal case pending before the same court.

Kenya Anti-Corruption Commission's officers allegedly arrested them receiving the bribe.

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