



# Spear of Integrity

A PUBLICATION OF THE ETHICS AND ANTI-CORRUPTION COMMISSION

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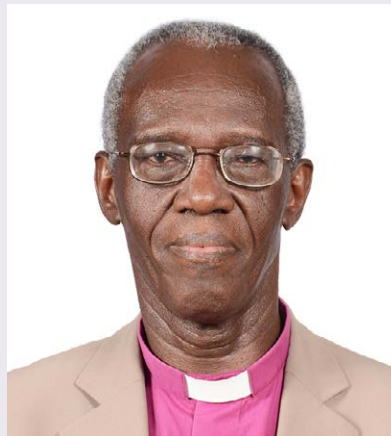
I am pleased to unveil the 8<sup>th</sup> Edition of the Ethics and Anti-Corruption Commission (EACC) Newsletter - Spear of Integrity covering the period January-June, 2022. The Newsletter is one of the critical tools for the Commission's communication and engagement with the public and stakeholders.

As we unveil this Issue, I am confident that the messages carried therein will deepen the Commission's engagement with the public and bolster our continued call for more citizens and stakeholders to proactively participate in the fight against corruption.

Fellow Kenyans, EACC issues this Edition at a critical moment in the country when we are preparing to hold the third General Election under the Constitution, 2010. It is significant for all Kenyans to appreciate that the upcoming elections present a crucial opportunity for voters to once again delegate their sovereign authority to persons who will manage their affairs for the next five years. In this regard, we reiterate our call for citizens to not only turn up in large numbers to vote but also vote for persons who will provide accountable leadership.

Undoubtedly, integrity is at the center of any realistic quest for good governance. It is, however, regrettable that in our country, we have relied on laws only to measure what integrity is. While this is the existing constitutional space for us to operate in, I challenge all of us to look further and scrutinize individuals' character attributes before we entrust them with opportunities to serve us.

I know, the Commission has a huge complementing role in the electoral



processes of our great country. However, as stated in our previous public engagement forums, the Kenyan citizenry has the most unique and sacred role of ensuring integrity fills our elective and appointive positions. I am certain that we can prevent a number of corruption cases, unethical conduct and other economic crimes at the ballot. It is easier and cheaper to prevent corruption by electing leaders of integrity than to cure corruption through enforcement institutions and Courts of Law.

In conclusion, I convey my gratitude to the Commission's Editorial Committee for the effort made towards the production of the Issue. Similarly, I commend all persons who have contributed content for the publication. Your respective inputs will not be in vain.

With those remarks, I invite all Kenyans and stakeholders to read this 8<sup>th</sup> Edition of the EACC Newsletter - Spear of Integrity.

God bless you, God bless Kenya, as we all undertake to elect leaders of integrity in the upcoming General Election.

**Archbishop (Emeritus),  
Dr. Eliud Wabukala, EBS,  
Chairperson, EACC**

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## Disclaimer

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## MESSAGE BY THE SECRETARY/CEO

I am delighted to present this 8<sup>th</sup> Edition of the Ethics and Anti-Corruption Commission's Newsletter- Spear of Integrity. The Issue contains relevant integrity and anti-corruption content that is packaged in diverse formats including expert opinions, stories, creative writing and pictorials. This Issue also highlights some of the notable milestones and events of the Commission during the period covered.

EACC unveils this Edition in the wake of an election period in Kenya when debates on electoral integrity have occupied a centre stage in the contemporary national discourse. For this reason, a significant portion of the content has been dedicated to problematizing the unresolved question of electoral integrity and proposals on the way forward for Kenya.

EACC continues to execute its mandate of combating and preventing corruption in Kenya through law enforcement, prevention, public education and promotion of standards and best practice in ethics and integrity. During this election year, EACC has taken various measures in executing its mandate under Chapter Six of the Constitution which provides for leadership and integrity.

To ensure that persons seeking election to various state offices in both national and county governments meet the prescribed moral, ethical and integrity standards, EACC undertook integrity vetting for 21,863 aspirants who sought clearance and registration by the Independent Electoral and Boundaries Commission (IEBC) to contest elections. The integrity vetting was guided by the standards spelt out under Chapter Six of the Constitution, Section 13(1) of the Leadership and Integrity Act, 2012 and other relevant laws.

It is imperative that in enacting Chapter Six of the Constitution, Kenyans hoped to reverse the culture of corruption and impunity, clean up their politics and see to it that only men and women who meet the integrity threshold occupy public office. Guided by this recognition and the law, EACC flagged out 241 persons with various outstanding integrity issues relating to corruption and submitted a report to IEBC which is constitutionally mandated to clear or bar candidates from an election. However, out of the 241 persons, IEBC barred less than 5 due to bottlenecks in the applicable legal frameworks.

EACC believes that Kenya can benefit a lot from effective implementation of Chapter Six of the Constitution if the current challenges are addressed. For instance, lack of clarity on the



integrity threshold for elections, how the threshold should be applied, and the responsibilities of different actors such as EACC and IEBC, remain major obstacles to effective enforcement of the moral, ethical and integrity standards for election to state office.

Additionally, there is need to strengthen relevant institutions. For example, a strengthened Judiciary would translate into expeditious determination of integrity-related cases such as those affecting the eligibility of candidates in an election.

As the country prepares to usher in new governments at both national and county levels, EACC urges Kenyans to recognize that the fight against corruption cannot be won by institutions alone. Indeed, no agency, however independent and well-resourced, can on its own eliminate corruption in the country. To register meaningful progress, therefore, the fight must, of necessity, involve all actors, with each proactively discharging their role.

Most significantly, members of the public must take up their responsibilities in the fight. If members of the public shun corruption and refuse to tolerate it, the vice will, certainly, decline. I am confident that we can effectively deal with corruption in the country through resolute contribution by all actors, social transformation and cultural re-engineering.

I urge all Kenyans and indeed our stakeholders to read this Newsletter and provide feedback.

**Twalib Mbarak, CBS,  
Secretary/Chief Executive Officer, EACC**



Director Field Services, Mr. Jackson Mue, OGW (centre) receiving a Certificate from EACC Chairperson Archbishop (Rtd) Eliud Wabukala (left). On the right is the Commission's Vice Chairperson Dr. Monica Muiru.

## HONOURING CHAMPIONS

# EACC celebrates staff conferred State Awards

EACC Chairperson, Archbishop (Rtd) Eliud Wabukala, EBS, on March 3, 2022 led the Commission in celebrating 11 officers who were conferred National Honors and Awards by His Excellency President Uhuru Kenyatta, during the 2021 Jamhuri day celebrations.



Assistant Director, Asset Recovery, Ms Faith Ng'ethe (right) awarded OGW honours poses for a photo with the Chairperson Archbishop Eliud Wabukala and CEO Twalib Mbarak (centre).

While transmitting the insignias to the officers on behalf of the President, Archbishop Wabukala lauded the officers noting that the national honors were as a result of hard work and dedication. National Honours and Awards in Kenya are conferred on persons who have made exemplary contributions to the betterment of the nation.

In his remarks, EACC CEO Twalib Mbarak, CBS, said that the State's recognition of the officers for outstanding public service was a monumental achievement for the Commission. "This underscores the commitment of the Government to the fight against corruption," he said.

The officers awarded include: Director, Field Services and Coordination, Mr Jackson Kaunda Mue, OGW; Deputy Director, Forensic Investigations, Mr. George Otieno Ojowi, OGW; Assistant Director/ Head of Corporate Affairs & Public Communications, Mr. Eric Ngumbi, OGW; Assistant Director, Regional Office, Ms Christine Natome, OGW; Assistant Director, Regional Office, Mr George Mogare Oira, OGW; Assistant Director, Intelligence, Major (Rtd) Kuntai Ole Tingisha, OGW; Assistant Director, Asset Recovery, Ms Faith Mbaire Ng'ethe, OGW; Assistant Director, Forensic Investigations, Simon Pkukat Cherpka, OGW; Legal Officer, Grace Kwamboka Omweri, HSC; Investigation Officer, Alfred Joel Mwenda, HSC and Investigation Officer, Jemimah Wanjiru Githungu, HSC.

The awards bring the total number of EACC officers conferred National Awards to 24 in the last three years. In 2019, six officers were awarded national honors while in 2020, seven officers benefited.

## SUPREME CALLING

# Integrity battle now at the ballot on 9<sup>th</sup> August 2022



**By Sheila Masinde**

The supreme quality for leadership is unquestionably integrity. Without it, no real success is possible, no matter whether it is on a section gang, a football field, in an army, or in an office. Not my words but stated by the 34<sup>th</sup> US President Dwight D. Eisenhower, and I associate with these as our quest for increased socio-economic development is largely pegged on the quality of leaders we elect.

The clamour for leadership with integrity in Kenya has certainly reached fever pitch in this election season. This is evident from protests of Kenyans following the clearance of individuals who have been convicted or charged in court for corruption and other offences; the number of public-spirited individuals and organisations who have moved to court seeking to have individuals that have been found guilty or accused of breaching constitutional provisions on leadership and integrity barred from vying in the elections or sought the court's interpretation of leadership and integrity standards; and the number of individuals and organisations that have expressed support and solidarity following the move by the National Integrity Alliance to red card 25 individuals it considered unsuitable to hold public office based on Chapter 6 tenets.

The argument that the Constitution stops the disqualification of an individual from an election unless all possibility of appeal or review of the relevant sentence or decision has been exhausted provides a wide path for a person indicted or even convicted of corruption and economic crimes to hung on and still get cleared for elective positions. This remains a

major challenge in the quest for ethics and morality in leadership as required by our Constitution.

The provision should be understood and applied on the understanding that public interest should trump individual interest and rights, especially where the public interest and good outweighs the individual rights. The Constitution should be read in its entirety to understand the full implication of Chapter 6 and what then needs to be done in regard to people with unresolved corruption or other criminal cases. The Constitution requires personal integrity as a criterion for the selection of leaders and the attainment of educational, moral and ethical requirements as prescribed by the Constitution as a qualification for election.

In essence, Chapter 6 was intended to ensure that people of questionable character remain far away from public office. Anyone boxed by the thinking that a conviction from criminal charges that has been appealed to the highest court is the only wall a tainted individual can face, has got it all wrong. The ethical threshold set by our Constitution stops anyone that has been accused of any breaches – as these then go against Chapter 6 of the Constitution and fail to bring honour to, and demean the office held. It is obvious that once one is accused, aspersions are cast on his or her person, regardless of the principle of presumption of innocence.

And that is the point we are trying to make, that then make anyone accused, charged, convicted or impeached; or implicated in unethical practices; ineligible to hold public office. While everyone is entitled to fair hearing, it also trumps public interest that one

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### **Kenyans queuing to vote.**

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who has been accused of offences such as corruption, should be given a ticket to public office or continue serving in public office when they have a case to answer; it just does not bring honour or trust to the office they could hold if they succeed in the elections.

We have an opportunity to reconstruct Kenya's moral fibre through the 2022 elections. EACC named 241 individuals that it deems unsuitable to hold office based on the cases it is currently pursuing and urged IEBC to block these candidates. IEBC cleared many of them including an individual already convicted for 67 years for committing fraud and illegal acquisition of KES. 297 million through shady deals at the National Cereals and Produce Board (NCPB). Thankfully, one aspirant that was impeached from office, remains barred from public office on the basis of Article 75(3) which provides for the disqualification of individuals dismissed or removed from office. I believe that we are making baby steps in regard to Chapter 6 implementation, but in the fullness of time, the River of leadership with integrity will find its course with sureness and deluge our land with integrity, sweeping and eroding all corrupt elements it will find on its path.

To the citizens of Kenya, this is our opportunity to rebuild the country's leadership, and uproot all selfish interests that have actually ensured that progressive provisions such as Chapter 6 remain stuck in mud for self-preservation purposes and in so doing, keep

them off public office and coffers to ring-fence the country's resources. We would never consider hiring any tainted individual in our homes, even as *shamba boys* or *mama fuas*, based on the cases they face. Why then would we charge them with oversight or direct management of billions of shillings and other treasured public resources? Why have we lowered the standards of ethics and integrity for public office?

Clement Stone said 'Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.'

Integrity sure does need courage to make the right choices and do what is right. That is the supreme calling for all of us as we head to the ballot.

**Writer is Executive Director of  
Transparency International - Kenya**

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## CIVIC RESPONSIBILITY

# What Wanjiku must do to take back her sovereign power



**By Eric Ngumbi, OGW**

On August 27, 2010, Kenyans ushered in a new constitutional order which was a paradigm shift from the past in many ways. As aptly captured by former Chief Justice Prof Willy Mutunga, in his work *The 2010 Constitution of Kenya and its Interpretation: Reflections from the Supreme Court's Decisions*, "the Kenyan people, in enacting the Constitution, 2010, chose the route of transformation to end their poverty and deprivation, and regain their dignity as well as sovereignty.

At the centre of the clamour for constitutional reforms in the pre-2010 period was the quest for accountable and democratic governance. This included the decades of search by Wanjiku (ordinary citizen regardless of gender) for recognition of her right to participate in the governance of her affairs and demand accountability from her leaders.

Unlike the retired one, the Constitution of 2010 profiled Wanjiku as a powerful citizen, the Sovereign, and placed her at the very centre of her re-constituted politico-legal order, as theorized by Rousseau, that all political power must reside with the people.

In his reflections on the evolution of the character Wanjiku, Prof. Kivutha Kibwana notes that Kenya's Wanjiku has metamorphosed from a voiceless, powerless and unthinking voting machine of 1990s to a "patriotic and democratically conscious citizen, who is aware of her rights." This new status of the citizen is reflected in the entire constitutional framework.

The Constitution declares that all sovereign power belongs to the people, and that the people may exercise this power directly or indirectly through their democratically elected

representatives. In effect, Article 1 clarifies to all and sundry, that although Wanjiku has delegated her sovereign authority to elected representatives and state organs, she retains the residual sovereign power. She is therefore the Sovereign and all state officials are her servants.

In addition to establishing governance structures in the Constitution, Wanjiku also prescribes how she wishes to be governed. Notably, in sharp contrast to the previous constitutional dispensation, Wanjiku has, in the new constitutional order, set standards that bind all persons to whom she delegates her sovereign authority. These are holders of public office. Wanjiku commands them, in the Constitution, to serve in strict compliance with the values and principles under Article 10, Chapter 6 and Article 232 including integrity, accountability and good governance. In addition, the Constitution introduced public participation as a platform for public officials to consult Wanjiku in all the matters that require her views and consensus.

The constitutional edict on public accountability was informed by Wanjiku's historical experiences as partly described by Kibwana, who notes that in the 1990s, Wanjiku became *functus officio* upon casting her vote, leaving her elected leaders to govern without any reference to her.

After more than 10 years of implementing the Constitution, the pertinent question is, to what extent, if any, has Wanjiku embraced her status as the sovereign and how, if at all, has she discharged her civic responsibility towards the realization of what the Constitution promises?

An objective reflection on the role of Wanjiku leaves no doubt that despite the successful struggle for a voice in the management of her affairs, Wanjiku is yet to fully realize her reinvigorated status and role in governance affairs. Due to Wanjiku's limited role in governance especially in holding her agents (state officers) to account, some of the pre-2010 social, economic and political challenges, for which she sought and secured constitutional reforms, still persist. Although major milestones have been attained in actualizing the promises of the Constitution, much more remains to be done, and at the centre of the pending business is the cardinal role of Wanjiku.

### **The 'sins' of Wanjiku**

Wanjiku bears a significant portion of the blame for most national challenges ensuing from bad governance. Her biggest blunder is the culture of indolence on governance issues. By failing to proactively assume her reinvigorated position and role in governance, Wanjiku has, in effect,

**Wanjiku bears a significant portion of the blame for most national challenges ensuing from bad governance.**





surrendered her sovereign power, instead of delegating the same in the terms stipulated under Article 1 of the Constitution. Clearly, she has abandoned her status as the Sovereign and left politicians to unilaterally determine her fate in almost all critical governance matters.

The culture adopted by Wanjiku could be likened to Thomas Hobbes's concept of the "sleeping sovereign" where he depicts the sovereign as "asleep" during the activities of the Government. The Hobbesian idea of the "sleeping sovereign," is that the sovereign (citizens) could appoint a Government and withdraw entirely, leaving it to operate on its own, and only wake up at some point to replace it (through elections) and return to sleep.

In the fight against corruption, Wanjiku has refused to take up her responsibilities. It is estimated by EACC that over 70% of Kenyans who encounter corruption either as victims or witnesses do absolutely nothing towards preventing or stopping it.

Wanjiku glorifies corruption and often rewards its perpetrators with tickets to state office through election. Indeed, there is no shortage of examples where Wanjiku not only elected but also re-elected embezzlers of public resources to office. When her corrupt leaders are called upon to account, Wanjiku defends them. She, sometimes, demands from them a share of what they have looted from her coffers.

Despite continuous civic education by state and non-state actors, Wanjiku has failed to appreciate that corrupt persons, once elected to office, cannot, logically, be expected to enact strong anti-corruption legislation or strengthen law enforcement agencies. They, certainly, cannot champion prudent management of public resources, make impartial decisions, avoid conflict of interest, ensure equal opportunities for all, or in any way contribute to good governance. The upshot is that Wanjiku must, inevitably, suffer the pain that ensues as a natural consequence of corruption exacerbated by her civic impotence, until the next election cycle.

### What then should Wanjiku do?

Wanjiku should take back her sovereign power. She has, in the Constitution, 2010, codified her aspirations and is clear on the Kenya she wants. She wants a democratic and accountable state where human rights, equal opportunity, justice, rule of law and effective devolution thrive. However, these aspirations cannot be achieved with the continued abdication of Wanjiku's civic responsibilities, especially in the fight against corruption. Lest we forget, corruption is the biggest obstacle to good governance and impedes effective implementation of all other constitutional provisions.

During elections, Wanjiku should, as a matter of duty, choose only leaders or servants who are ethical, competent and accountable. Remarkably, she has the final word on who she confers the authority to represent her interests. Wanjiku should, therefore, in the words of Odunga J in *Machakos HCCR 38 of 2011*, "isolate and keep social distance" from public leaders who betray public trust. By supporting or advancing impunity and corruption, Wanjiku, in effect, derails the realization of her elusive quest for prosperity.

Wanjiku should know that her rights and sovereign power, as guaranteed in the Constitution, also embody duties and responsibilities. For Wanjiku to realize the promise of the Constitution that she struggled so much for, and for so many years, she must take up her civic responsibilities. Without this, her sovereign power remains moot only to exist in the realm of imagination.

### Mr. Ngumbi researches on Constitutionalism and Public Accountability in Africa

**The late former President Mwai Kibaki lifts up the 2010 constitution soon after its promulgation at the Uhuru Park grounds, Nairobi on August 27, 2010. Article 1 of the Constitution declares that all sovereign power belongs to the people, and that the people may exercise this power directly or indirectly through their democratically elected representatives.**

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## ELECTORAL INTEGRITY

# Why impeached governors are forever barred from holding any state office



**By Mwangela Mbiti**

The Constitution places the highest premium on integrity for state officers, both appointed and elected. Chapter Six, on leadership and integrity, details the requirements on their conduct, financial probity and restrictions while in office and the attendant sanctions in default.

Kenyans wanted the provisions on leadership and integrity to have substantive bite and not be mere suggestions. They intended that the provisions be implemented and enforced.

They desired that these collective commitments to ensure good governance be put into practice. The chapter was informed by Kenya's history of abuse of office by state officers to enrich self, family and friends with reckless abandon.

However, the implementation of the chapter was compromised from the outset. In 2011, the 10th Parliament enacted a watered-down version of the Leadership and Integrity Bill in what is considered a deliberate attempt at sabotaging the enforcement of the strict ethical and moral requirements.

Over the past few years though, the concept has gained prominence in the courts with interpretation and application of Chapter Six appearing to adopt the letter and spirit of the Constitution.

The High Court, in the cases involving Governors Moses Lenolkulal (Samburu) and Okoth Obado (Migori)

and former governors Mike Mbuvi Sonko (Nairobi) and Ferdinand Waititu (Kiambu) concurred with the lower court's bail condition that they could not access their public offices until their individual cases were heard and determined.

### **Abuse of office**

That was misinterpreted to mean the suspects had been suspended from office pursuant to Section 62 of the Anti-Corruption and Economic Crimes Act (ACECA) – which, essentially, was not the case as was later determined by the Supreme Court.

In the Lenolkulal case, Justice Mumbi Ngugi asked pertinent questions about Section 62(6) of ACECA – like whether state officers “should remain in the same offices they are alleged to have abused and used to their personal enrichment, to the detriment of the public they are supposed to serve”.

In the Waititu case, which has been litigated up to the Supreme Court, was the question of whether “the barring of a governor from accessing their office pending prosecution for corruption offences amounted to removal from office”.

Assuming such a governor is privileged to complete their first term, are they eligible for re-election? If yes, do the county offices cease to be a crime scene during the governor's new term?

### **The Constitution**

Article 193 of the Constitution disqualifies one from being elected as an MCA – a condition for the governor

**Kenyans want the provisions on leadership and integrity to have substantive bite and not be mere suggestions.**



**Former Nairobi Governor Mike Sonko escorted out after the High Court granted him bail at the Milimani law court in Nairobi, Kenya on December 11, 2019.**

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ticket – a person who has been found to have misused or abused a state office or public office or contravened Chapter Six.

Mr Sonko and Mr Waititu were later impeached and, consequently, removed from office pursuant to Article 181 of the Constitution for, among others, financial impropriety and violation of Chapter Six.

The Supreme Court, in a Petition challenging the impeachment of Governor Sonko, reiterated the significance of Chapter six by stating as follows;

‘It bears mentioning in conclusion that Chapter Six of the Constitution was not enacted in vain or for cosmetic reasons. The authority assigned to a State officer is a public trust to be exercised in a manner that demonstrates respect for the people; brings honour to the nation and dignity to the office, and promotes public confidence in the integrity of the office. It vests in the State officer the responsibility to serve the people, rather than the power to rule them’



**Former Kiambu Governor Ferdinand Waititu Babayao arrested by EACC detectives in graft probe on 23th May, 2019.** COURTESY

This judgment settles the law on impeachment and exemplifies the application of Article 75 of the Constitution that once one is removed from office for violation of Chapter six, they are forever barred from holding any other state or public office; whether appointive or elective.

***Mr Mbiti, an advocate of the High Court of Kenya, is an anti-corruption expert***

## CHAMPION OF INTEGRITY

# No bribe, no bursary: the story of a High School boy



## KES. 2,000

The amount of bribe that officials in the MCA's office had demanded from Katana in order to allow him collect his bursary cheque.

On a calm sunny afternoon of May 2015 in the Ethics and Anti-Corruption Commission (EACC) Malindi office, appeared a rare guest; a boy in school uniform. Katana, not his real name, walked to the reception after he was dropped by a *boda boda* rider. He appeared tensed and unsure of his next step seeking for help in a public office since he had just been sent away by another.

Katana was received by a Reports Analyst and assured of assistance. 'I need you to assist me with KES. 2,000 so that I can get my bursary cheque from the MCA's office,' he muttered innocently.

Katana went on to explain that after being sent away from school due to an outstanding fee of KES. 26,000 he visited the MCA's office to seek bursary so that he could resume his studies. He was asked to check and confirm whether his name was among those listed as successful beneficiaries. Katana was thrilled to find his name on the list with an allocation of KES. 10,000.

Upon request for the cheque, the officers demanded a payment of KES. 2,000 in exchange. Katana felt hopeless and distraught since he did not even have the fare back to school let alone the money to pay for the cheque. Wasn't the lack of money the reason why he was seeking help in the first place? His incessant pleas fell on deaf ears. Indeed, the officers reminded him that he was lucky to have been allocated the bursary.

Dejected and helpless, he left the MCA's office to seek assistance from good Samaritans. His first stop was a *boda boda* stage next to the MCA's office. He requested the riders to help him raise the KES. 2,000 so that he could get the bursary cheque. They sympathized with him. One of them observed that it was immoral and illegal to seek bribes and offered to accompany him to the EACC's office which the *boda boda* rider had learnt of following a public sensitization event in the area.

The EACC officers took up the matter and prioritized the case. The officers sprang into action immediately and conducted an operation with support of the confident Katana leading to arrest of the culprits. They secured Katana's cheque and took him back to school to proceed with his studies.

Katana's smiles showed a face different from the one he wore when he appeared first in the EACC office. The office later followed up and made sure that all the remaining bursary cheques were disbursed to their beneficiaries, without any having to pay a bribe.

Katana demonstrated courage throughout the operation and he was very grateful. Corruption could, to a great extent, be subdued if only all of us were brave like Katana!

*Compiled by Mohamud A. Mohamed*

## MILESTONES

# EACC hands over recovered public land worth 5.2 Billion

The Ethics and Anti-Corruption Commission (EACC) handed over to the Government 39 title deeds for public property worth KES. 5.2 Billion recovered from private developers who had grabbed it in collusion with public officials.

The recovered property included parcels of land belonging to various public institutions including the Kenya Agricultural and Livestock Research Organization (KALRO, Kenya Railways Corporation, Nakuru Muslim Primary School and the County Governments of Uasin Gishu; Kisii; Nakuru; Kisumu and Bomet.

EACC handed over the title deeds during a ceremony witnessed by His Excellency President Uhuru Kenyatta at State House, Nairobi on 4<sup>th</sup> April 2022. President Kenyatta also witnessed the ceremonial handing over of KES. 450 Million corruptly acquired funds repatriated from Jersey Island.

In his keynote address, President Kenyatta called for concerted efforts to scale up the war against graft, saying that the fight against the vice forms the soul of the nation. While acknowledging that notable gains have been achieved in curbing corruption, the President said the country cannot afford to sleep on its laurels until the vice is completely eradicated.

"We must all work together, that is, all arms of Government, the business community, media, religious institutions, non-governmental organizations and the ordinary Kenyans to fight this noble war," he said.

Speaking at the ceremony, EACC Chairperson, Eliud Wabukala appreciated the continued support that the Government has extended to the Commission in discharging its mandate. He called for stronger inter-agency collaboration noting that the milestones made so far are proof of the enhanced synergy and cooperation between EACC and other actors.

"In the recent past, we have witnessed progressive jurisprudence, particularly in the area of unexplained wealth, where courts have held that unexplained wealth will be presumed to have been acquired corruptly," the Chairperson added.

EACC CEO Twalib Mbarak said that the Commission will intensify the tracing, preservation and recovery of all



unexplained and corruptly acquired assets through civil proceedings and Alternative Dispute Resolutions (ADR).

"In addition to the 39 titles deeds handed over today, there are other 24 recovered parcels of lands worth KES. 6.1 Billion, whose title deeds are at various stages of processing. Among them is a 21.04 Ha prime land belonging to the Meteorological Department valued at KES. 5 Billion, which had equally been grabbed. The land is located in Nairobi City's Industrial Area off Enterprise Road," the EACC CEO said.

The land on which Kisumu Laws Courts building is constructed had also been grabbed. EACC has since recovered the same and is awaiting processing of the title deed by the Ministry of Lands for handing over back to the Judiciary.

Currently, EACC is pursuing over 400 civil suits filed in various courts across the country seeking to recover public assets valued at KES. 14 Billion. He said that EACC is in court seeking forfeiture of unexplained wealth valued at approximately KES. 11.6 Billion from public officials alleged to own assets whose source they can't explain.

A review of the recoveries made so far indicates that in nearly all cases, the fraudulent acquisition of public properties was orchestrated through collusion between private persons and land officials. For instance, former Commissioners of Lands Sammy Mwaita and Wilson Gachanja have conspicuously featured in all Court Judgements nullifying title deeds to public land that were illegally issued to private persons.

**H.E. President Uhuru Kenyatta handing over a Title Deed to Kisii County Governor, Hon. James Ong'wa at State House, Nairobi on 4th April, 2022. EACC**



**EACC CEO Twalib Mbarak speaking at State House after handing over 39 titles deeds for recovered public property. EACC**

## COLLECTIVE RESOLVE

# EACC reaches out to religious leaders in anti-graft war

“How can you tell us that you have a degree yet you cannot name any single person who was your classmate throughout your studies!” EACC CEO Twalib Mbarak

**By Frankline Sewe**

The Ethics and Anti-Corruption Commission (EACC) held a joint consultative forum with religious leaders drawn from all faiths across the country to strategize on how best to repair Kenya’s shattered moral fabric and instill a sense of responsibility among citizens.

The forum, held at the Kenya School of Monetary Studies on 27<sup>th</sup> June, 2022, culminated into a resolve by the religious leaders present to collaborate with EACC in advancing the war against corruption and promotion of ethics in Kenya.

The initiative to enjoin religious leaders in the fight against corruption and unethical conduct was informed by recognition of the fact that religious leaders command significant influence among their flock and as such, they could use that platform to engineer the much need behavior change in the Kenyan society.

Regarding the elections scheduled for 9<sup>th</sup> August, 2022, EACC urged the religious leaders to empower citizens to proactively play their role in electing ethical persons to state office noting that integrity of the persons elected will determine the destiny of the country.

Speaking in the forum, EACC Chairperson Eliud Wabukala said that corruption is the biggest obstacle to good governance in Kenya and is a direct consequence of electing unethical persons to leadership positions. “Kenya is not short of good



EACC Chairperson Eliud Wabukala, CEO Twalib Mbarak with Religious Leaders during the joint consultative forum at KSMS on integrity in elections and fight against corruption.

leaders with high moral standards. Let us advise our people to vote wisely,” said the Chairperson.

On his part, EACC CEO Twalib Mbarak expressed dismay at the diminishing levels of integrity in the country. He singled out influx of forged academic certificates in the public service as a deep rooted integrity issue which needs urgent attention. “How can you tell us that you have a degree yet you cannot name any single person who was your classmate throughout your studies!” the CEO wondered.

Mr. Mbarak said that EACC had dutifully discharged its burden in the enforcement of integrity in the 2022 elections and urged other actors to discharge their respective responsibilities. “EACC has in this election done its part. We flagged out 241 names of persons who, in our view, did not meet the required moral and ethical standard to serve in public office and submitted the list to IEBC. We also supported the integrity petitions in court. Let the other actors do their part too,” he said.

Fr. Joseph Mutie, Chairperson of the Inter-Religious Council of Kenya pledged support of the faiths sector in addressing the corruption menace in Kenya. “We are committed to support the EACC and other agencies charged with the responsibility of exorcising the demons of corruption from our



country. We call upon Kenyans to shun, shame and shake the walls of the corrupt. Living a life of integrity is a choice that each one of us has to make,” said the Reverend Father.

Fr. Mutie’s sentiments were echoed by Sheikh Abdullahi Abdi who stated that he was shocked by how corruption had permeated the society and had now moved from the top-tier leadership to the common citizens. He admitted that the clergy at some point went silent on the vice. “As the clergy, we cannot absolve ourselves. When this cancer of corruption metastasized, we were silent; let us change the style of our war against corruption,” he noted.

In a joint statement read by Father Joseph Mutie, the religious leaders urged Kenyans to vote out candidates who have corruption tags as a means of securing good governance after the August 9 elections. The religious leaders also vowed to expose corruption while at the same time inspiring citizens to embrace honest living.

It is hoped that the collaboration will see religious leaders rebuke corruption as a sin from the pulpit and effectively help their flock return to moral and ethical living.

## PRIZE

# EACC feted for diversity and inclusivity

The Ethics and Anti-Corruption Commission scooped the first runners up award for the most inclusive Constitutional Commission and Independent Office at the 2022 National Diversity and Inclusion Awards & Recognition (DIAR Awards).

The DIAR Awards gala ceremony saw EACC beat stiff competition from other Constitutional Commissions and Independent Offices to emerge runners up.

Since 2018, the DIAR Awards has been a premier platform for recognizing individuals and organizations in Kenya that are promoting diversity and inclusion. The awards broadly seek to provide a platform for sustained conversation and knowledge

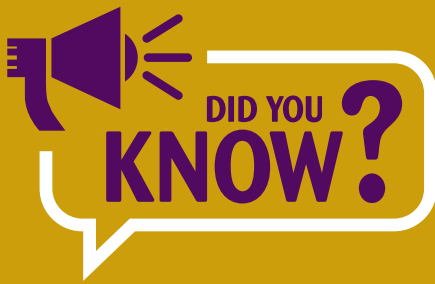
sharing on best practices on equality, diversity, and inclusion.

Expressing her delight on receipt of the award, the EACC head of human resource management, Ms. Ellyjoy Bundi said, “this achievement is a confirmation of EACC’s strategy and commitment towards sustaining an exceptional and inclusive work experience for all.” The EACC, she added, strives to always uphold the requirements of Articles 10 and 232 of the constitution.

Article 10 provides for national values and principles of governance while Article 232 prescribes the values and principles of public service.



FROM LEFT: **EACC HRM Officer Julians Boy, Investigations Officer Christine Ombaka, Head of HRM Ellyjoy Bundi and Senior Communications Officer Christine Nabwire, receive First Runners Up Award for The Most Inclusive Constitutional Commission and Independent Office from an official during The DIAR Awards ceremony at Sarit Center, Nairobi.** EACC



## Global Corruption Facts

Each year, over

# US\$ 1 trillion

is paid in bribes worldwide?



Former President of Zaire, Mobutu Sese Seko (1965-1997) is believed to have looted the country's treasury

## US\$ 5 billion

— an amount equal to the country's external debt at the time.



The late Nigerian dictator Sani Abacha and members of his inner circle looted and exported an estimated

## US\$ 2.2 billion.

The World Bank estimates that **70 per cent** of the population of Nigeria live on less than **US\$ 1** a day.



In Mexico, the brother of former President Carlos Salinas amassed

## US\$ 120 million

as a result of corruption, an amount that the World Bank estimates could have covered the annual health care costs for more than **594,000** Mexican citizens.

Source: United Nations Office on Drugs and Crime (UNODC)

## NEWS



### COOPERATION

# EACC hosts Regional

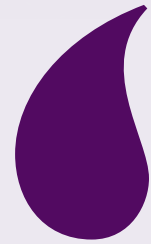
The Ethics and Anti-Corruption Commission successfully hosted the 14<sup>th</sup> Annual General Meeting of the Eastern Africa Association of Anti-Corruption Authorities (EAAACA) in Nairobi

The week-long function held at Safari Park Hotel from 14<sup>th</sup> to 18<sup>th</sup> March 2022 saw top anti-corruption executives from Kenya, Rwanda, Burundi, South Sudan, Uganda, Tanzania, Ethiopia and Djibouti reflect on strategies, successes and challenges encountered while fighting corruption across the region.

The theme of the event was, *Fighting Corruption Post Covid-19 pandemic*. The event was officially opened by the Chief Justice and President of the Supreme Court of Kenya Hon. Martha Koome. The Chief Justice reiterated the commitment of the Judiciary to combat corruption and economic crime

"The Judiciary of Kenya has pledged to do its utmost best to combat corruption. Judicial corruption allows impunity to reign and undermines the rule of law," she remarked, adding that one of the Judiciary's key goals is to allow people to be actively involved in the access to justice.

Corruption, she said, is a major player in frustrating access to justice as it allows justice for a few at the



The Judiciary of Kenya has pledged to do its utmost best to combat corruption. Judicial corruption allows impunity to reign and undermines the rule of law."

**Hon. Chief Justice Martha Koome**





# Anti-Corruption Summit AGM

expense of all, which is untenable. She further called for strengthening of institutional capacities noting that corruption and institutional weaknesses are intertwined.

In his remarks, EACC Chairperson Eliud Wabukala noted that left unchecked, corruption posed grave risks to democratic values and aspirations of the citizens. "It is our responsibility to strengthen regional cooperation for a unified and integrated fight against corruption," he said.

On his part, EACC CEO Twalib Mbarak observed that the Covid-19 pandemic provided unseen challenges while providing useful lessons and opportunities in organization operations.

"We all, for instance, embraced the critical role of technology in our operations, which had previously been underutilized. This is manifest in areas such as e-filing of court cases,

case management and information sharing," he said.

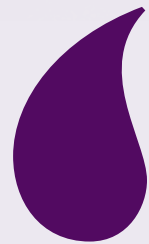
Mr. Mbarak said that the 14th AGM was held at a time when public clamour for good governance and accountability across Eastern Africa was on the increase. "This congregation of eight anti-

corruption agencies from within our Eastern Africa region demonstrates the commitment to partner and devise innovative strategies to effectively tackle corruption," he added.

EAAACA's President, Hon. Ngor Kolong Ngor called on the Anti-Corruption Authorities within the Eastern Africa region to be vigilant and strive to make corruption unattractive. Custodial sentences, he said, are not enough.

"We must collaborate to take away the benefit the corrupt seek by denying them the illicit fruit of their actions."

EAAACA was formed on 28th September 2007 in Kampala, Uganda when the heads of Kenya Anti-Corruption Commission of Kenya (now Ethics and Anti-Corruption Commission), Prevention and Combating of Corruption Bureau of United Republic of Tanzania and Inspectorate of Government of Uganda, signed the Kampala Declaration of East African Association of Anti-Corruption Authorities (EAAACA). The Association was thereafter launched in Nairobi, Kenya on 9th November 2007 when the EAAACA Constitution was signed.



We all, for instance, embraced the critical role of technology in our operations, which had previously been underutilized

**EACC CEO, Mr  
Twalib Mbarak**

# PICTORIAL



Colonel (Rtd.) Alfred Mshimba being sworn in as EACC Commissioner at the Supreme Court of Kenya.



Regional Manager Christine Natome being feted with OGW honours by EACC Vice Chairperson.



CEO Twalib Mbarak and Ag. Deputy CEO Abdi Abdi Mohamud with staff during the Commission's Women Leadership Forum at KICD.



EACC Chairperson Eliud Wabukala (3rd left), Vice Chairperson Dr. Monica Muiru and Commnr. Colonel (Rtd.) Alfred Mshimba with the Chief Justice, Deputy Chief Justice and other religious leaders during the Judiciary prayer day.



EACC Chairperson Eliud Wabukala and CEO Twalib Mbarak with religious leaders during a joint consultative forum.



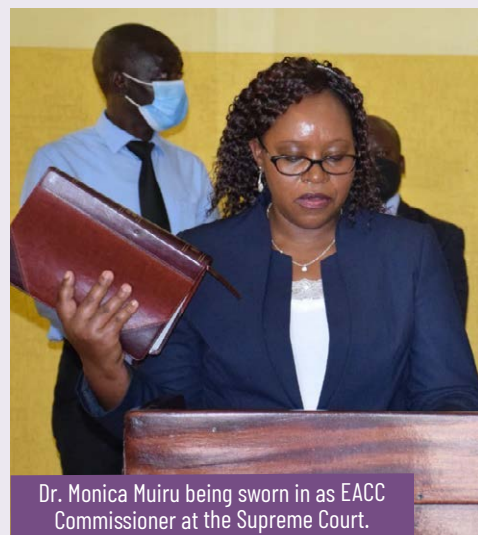
EACC Officials with a delegation from US Federal Bureau of Investigation (FBI) during a courtesy call.



Daniel Oirere, Senior Education Officer at EACC sensitizing students on integrity.



EACC Chairperson Eliud Wabukala with ACK Archbishop Jackson Ole Sapit during the Africa Anti-Corruption Day Commemoration on 12 July 2022.



Dr. Monica Muiru being sworn in as EACC Commissioner at the Supreme Court.

## DEVOLUTION

# Office of Governor should count for more in August 9 elections



**By David Wanjala**

The August 9 General Election is significant in two major ways; it ends a mandatory two term tenure of a ruling President. Significantly, however, it pulls down the curtains on pioneer county governors that were lucky to have been reelected in 2017.

The Constitution restricts the tenure for governors, just like for the presidency, to two uninterrupted five-year intervals.

Devolution was created by the 2010 Constitution to enhance equity in resource distribution, bring decision-making and service delivery closer to the people and enable the realization of the right to self-determination. It is hailed as the best thing to have happened to Kenya since independence.

The fourth schedule of the Constitution, which stipulates the division of functions between the national government and county governments apportioned the latter responsibility over many functions including, but not limited to; agriculture, county health services, control of air and noise pollution, outdoor advertising, cultural activities, public entertainment and amenities, and county transport.

The equitable share, being the money Parliament shares vertically between the national and the county governments, forms the biggest source of revenue for the county governments. The money comes from the ordinary revenue the national government raises, which the Senate, then, allocates horizontally among the 47 counties.

The Commission on Revenue Allocation (CRA) allocated

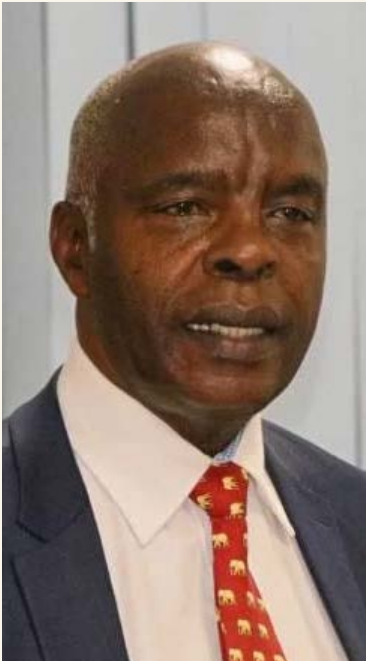
84.5% of the national revenue to the national government, 15% to the county governments and reserved 0.5% as an equalization fund. The equalization fund earmarked to cure inequality that had been brought about by decades of targeted marginalization of certain regions and communities.

Counties are unique demographically and therefore no one allocation criterion would ensure complete equity in the allocated 15%. CRA picked on five parameters for which it allocated as near percentage weights as possible. Population was given 45 percentage weight, poverty index 20, land area 8, basic equal share 25 and fiscal responsibility 2 percentage weight. This implies counties receive a greater share of revenue the larger their population, the higher their poverty levels and the larger their land mass. Since all the counties face fixed governance costs, 25% of the revenues are shared equally across.

Counties also make money through what is called local revenue. Art. 209 (3) of the Constitution empowers county governments to impose two types of taxes and charges. These are property rates and entertainment taxes. County governments can also impose charges for any services they provide in accordance with the stipulated laws.

According to County Governments' Cash Disbursement Schedule for Financial Year 2021/2022, some of the highest earners of the equitable share include Nairobi at approx. KES.19.25b, Nakuru KES.13b, Kakamega KES.12.4b, Kiambu KES.11.72b, Kilifi KES.11.6, Mandera KES.11.2b, Bungoma KES.10.7b and Kitui at KES.10.4b. The least earners are Lamu Country at KES.3.1b, Tharaka Nithi at KES.4.2b, Elegeyo/ Marakwet KES.4.6b, and Isiolo

Devolution was created by the 2010 Constitution to enhance equity in resource distribution, bring decision-making and service delivery closer to the people and enable the realization of the right to self-determination.



**Prof. Kibutha Kibwana**



**Prof. Anyang Nyong'o**

County at KES.4.7b

If we were to use the FY 2021/2022 disbursements as the average yearly disbursements to the counties for the last ten years, then Bungoma, for instance, with KES.10.7b for the FY 2021/2022 earned approx. KES.10.7b in the last ten years of Devolution. Nairobi earned approx. KES.192.5b in the same period and Kakamega, approx. KES.124b. Even the least, Lamu County, earned KES.31b. These are no small monies.

Two quick questions; where was the central government taking all these revenues before Devolution? Fundamentally, however, how has your county utilized its billions in the last two terms?

Ten years on, Kenya's 47 counties can be grouped into three general categories as far as county leadership goes. One, counties that were lucky, and they are few, from the advent of Devolution, to get visionary leaders and good managers for governors who were also reelected in 2017. They have made many strides, and because of continuity earned through reelection, they have not only been able to complete their projects, but have also entrenched foundations of accountability and good governance. Makueni County, wrangles in Governor Kivutha Kibwana's first term notwithstanding, Governor

Wycliffe Oparanya's Kakamega County and Salim Mvurya's Kwale County fall in this pearl.

Two, counties that were unlucky with their first term governors but quickly redeemed themselves by voting out those leaders in the 2017 General Election. There are also few counties in this category, Kisumu County standing taller. These are counties in which nothing moved in the first term other than wrangles in the assemblies and numerous expensive but low-value benchmarking trips abroad by members of County Assemblies and the Executive. They were also characterized by delayed salaries for county employees, sometimes for months on end, and zero development records. The fast reawakening of these counties and quick move to fix the mistake saved them early and put them on the right track to achieve the objectives of Devolution.

The last category, in which, unfortunately, a majority of the counties fall, comprise of counties that got it wrong with their county leadership from day one and have had to endure rogue, scandalous leadership for the last ten years. Apart from the ills identified in group two afore, the leadership of these counties were also characterized by over-hiring. They struggled under the weight of wage bills that surpassed ceilings. Their governors rubbed shoulders with the Ethics and Anti-Corruption Commission investigators for financial impropriety and abuse of office and have strode corridors of justice, circumventing the same, for their entire two terms.

This last category, fortunately, has a silver lining with the coming to an end of the tenure of their leaders. They must take opportunity, with hindsight of the suffering they have endured for the last ten years and put integrity and track records first in electing their next leaders. It would be tragic if they were to repeat the same mistake.

What would be worse however, is if the first category got it wrong, and it is possible, in this election. It would be painful, say, for Makueni County to elect a leader that lacks in integrity, commitment and vision and sit back helplessly to see him or her roll back in the next five years the ten-year strides in foundations of accountability, public participation and people-centred development cited as some of Prof. Kibwana's milestones.



## OPINION

### PARTNERSHIPS

# Electoral integrity and the role of stakeholders

In exercising their sovereignty in a democratic election, citizens must be conscious that they can change a corrupt system



**By Solomon Atela**

The place of integrity within a personal and organizational space is no longer a conjecture but an invaluable distinctive organizational capability. The efficacy of systems and processes is an outcome of the integrity of the people running them. An electoral system must be both ethically and legally compliant, and of necessity founded on the tenets of fairness, inclusivity, openness, justice, transparency, and accountability.

Elections are not an event but a process whose integrity goes beyond the happenings on an election day. The actions and decisions of all electoral stakeholders should be born out of a consummate desire for the good of all. This responsibility does not rest only with lead agencies in the electoral process but also with all key stakeholders. It is demanded of all duty bearers to exercise the privilege with due consciousness and commitment.

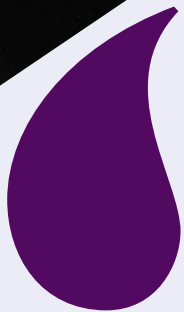
Kenyans love politics. The time, energy and resources spent on election-related matters paint a picture of a country and a people struggling to govern themselves. During electoral campaigns, the

environment is awash with talk shows, as groups and individuals seek to outdo each other in political discourses often filled with skewed facts and conjured lies. If the passion witnessed during the political campaign period was equally channelled into other productive causes, our predisposition to hunger and other avoidable calamities will be much less.

The tendency to shift blame and abscond culpability whenever questions of electoral integrity are raised is evidence of a people not at peace with themselves. It matters not how long we look for scapegoats, the integrity of our electoral process must be our utmost agenda. Consequently, the electoral eye must intentionally onboard both electoral managers, and other key stakeholder groups: the citizens, lead agencies, political parties, professional associations, religious organizations, civil society groups, and media practitioners. These stakeholder groups are indispensable cogs within the electoral wheel and lend a credible voice of confidence to the fidelity and validity of an election.

The actions and decisions of the Independent and Electoral Boundaries Commission (IEBC), Ethics and Anticorruption Commission (EACC) and Judiciary supported by other agencies, influence the integrity of the electoral process. Beyond their constitutional mandates, these agencies owe it to posterity to intentionally and boldly uphold the integrity of all stakeholders in the electoral process in addition to ensuring fidelity to our national values and principles of good governance as espoused in Article 10 of the Constitution.

Commitment to uphold integrity throughout the



May your choices reflect your hopes, not your fears.”

**Nelson Mandela**



**Staff of the Independent Electoral and Boundaries Commission (IEBC) load materials of 2022 Kenya's Presidential and Parliamentary Elections into a truck to be transported to polling stations across the country in readiness for the elections scheduled on August 9, 2022.** COURTESY

electoral process is not just legal and regulatory compliance but more of a best practice in ethics and leadership.

Sovereign power belongs to the people. In exercising their sovereignty in a democratic election, citizens must be conscious that they can change a corrupt

system. The ballot provides each citizen with a unique privilege within the electoral process to exercise due wisdom, knowledge and discretion beyond election and political party managers. If the voice of the people is the voice of God, then there is no greater vetting of political aspirants than the people's voice at the ballot box.

Rigoberta Menchú, a Nobel Prize Laureate, did observe that without strong watchdog institutions, impunity becomes the very foundation upon which systems of corruption are built; and if impunity is not demolished, all efforts to bring an end to corruption are in vain. Civil Society Organisations, the Fourth Estate and religious groups should objectively engage citizens and communities so as to redirect the conversation from positions and power to quality of those seeking political leadership. This should be a focused social responsibility aimed at building the capacity of the electorate to make better decisions and decimate the manipulative nature of political elites.

***The Writer is Governance and Ethics Practitioner***



**Independent and Electoral Boundaries Commission (IEBC) CEO Marjan Hussein Marjan says he is committed to make the new technology work for democracy.** IEBC

## PRAGMATISM

# The carrot and stick paradox of our elections

By Michael Ochula



If you have ever found yourself standing in a public place with a screaming toddler wrapped around your ankles, then you will have

known the almost overwhelming urge to offer a bribe. Indeed, it takes courage and conviction to resist the temptation to secure silence, stop the stares and slip back into peaceful anonymity with the promise of a “treat for being good”.

Experiences, such as these, force us to examine how we balance the tensions between principle and pragmatism. But beyond this, they also offer object lessons in how the pursuit and use of power can be negotiated. For example, some children soon learn that even the threat of a *really big tantrum* can be enough to wrest concessions from a parent. These children develop an early taste for power and the rewards that come to those who understand its use and restraint.

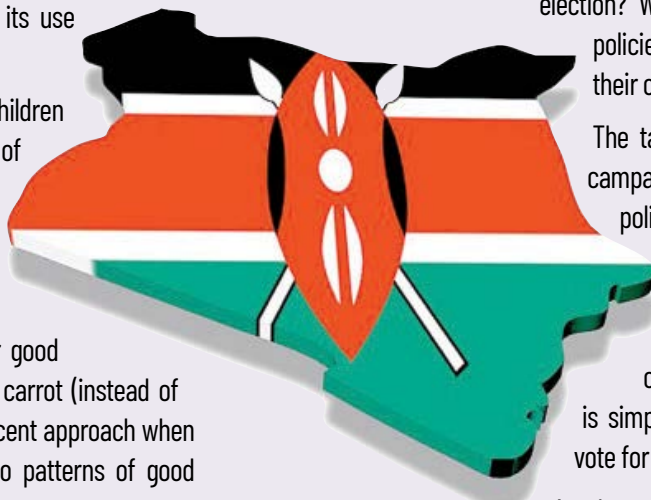
Some might argue that inducing children not to exercise their power of disruption sows the seeds of corruption. Others will reply that this is nonsense as parents who succumb do nothing more than offer the prospect of reward for good behaviour. After all, offering the carrot (instead of the stick) can be a perfectly innocent approach when seeking to socialise children into patterns of good behaviour.

But what about the type of ‘carrot’ being offered?



## Aug 9

2022 when general elections are scheduled to be held in Kenya. Voters will elect the President, members of the National Assembly and Senate, county governors and members of the 47 county assemblies.



It’s easy to assume that the promised benefit will involve something tangible: a toy, a lolly, the prospect of an outing and so on. Yet, this may not be so. It all depends on what we believe the child to value most highly. This is, of course, perfectly rational. If you want somebody to surrender something of value (like their use of power) then you will offer them something you believe they will readily accept in exchange. The more important your need, the greater your incentive to meet the other person’s requirements.

It is for this reason that we can tell a lot about what others really think of us by looking at what they offer when we have something that they need. Put simply, each item offered is an indirect reflection of what others assume to be our values and priorities. For example, there is no point in offering chocolate to a child that would prefer or needs a sweet.

What then are we to make of how politicians tend to approach us when seeking our votes during an election? What does the nature of their promises, policies and campaign strategies tell us about their opinion of us as citizens?

The tactics employed in the current elections campaign would suggest that a majority of politicians have a pretty low opinion of the citizens. As far as I can see, most campaigns now target the electorate’s ‘hip pocket nerve’, taking full advantage of the dire economic situation. The message is simple: “we believe that you’ll exchange your vote for a fist full of bank shillings”.

Another popular approach is to feed off the community’s fear of violent crime. Paradoxically, the



## JURISPRUDENCE

# The concept of unexplained assets: a double-edged sword against the corrupt

By Henry Ongwenyi



From independence to date, corruption has always been highlighted in Kenya by watchdog institutions, politicians and the media.

Despite the establishment of anti-corruption legal and institutional frameworks, eradication of the vice has remained an elusive goal to attain. The numerous corruption scandals such as the maize scandal, dams scandal, ministry of health, KRA and NYS have put focus on the magnitude of the challenge. These scandals have also exhibited the challenges facing investigative, prosecutorial and enforcement agencies in the fight against graft.

Grand corruption in Kenya involves stealing a lot of money through projects and ensuring that the crimes are not detected but if detected the evidence is not enough to sustain criminal prosecution. The scheme involves destruction of evidence and the monies involved are withdrawn in cash or through lawyer's clients' accounts. It is therefore prudent that investigations explore the concept of unexplained assets entails forfeiture of a public official's assets if they are not able to demonstrate lawful acquisition.

Section 2 of the Anti-Corruption and Economic Crimes Act (ACECA) defines "unexplained assets" to mean *assets of a person acquired at or around the time the person was reasonably suspected of corruption; and whose value is disproportionate to his known sources of income at or around that time.*

Further, section 57 of the Act provides that possession of unexplained assets can be taken as corroborating evidence that a person charged with corruption indeed received a benefit thus strengthening the prosecution's case. For the purposes of this provision, the assets of an accused person shall be deemed to include any

assets of another person that the court finds to be held in trust for the accused person or otherwise for or on his behalf; or were acquired from the accused person without adequate consideration

The Court of Appeal pronouncement on the issue of unexplained wealth in the CIVIL APPEAL No. 184 of 2018 Amuti -v- EACC Unexplained Wealth provide an avenue for investigations and prosecutorial bodies to confiscate wealth obtained from illicit enrichment. The extract from the judgement states:

*"The protection of the right to property has socio-political, moral, ethical, economic and legal underpinning. The right protects the sweat of the brow - it does not protect property acquired through larceny, money laundering or proceeds of crime or any illegal enterprise. When an individual is alleged to have assets disproportionate to his known lawful source of income, is asking such a person to explain and account for the unexplained disproportionate assets a violation of the constitutional protection of the right to property? The answer is in the negative. There is no violation of the right to property if an individual is requested to explain the source of his assets that is disproportionate to his legitimate source of income."*

The Judgement is easing the prosecution's burden of proof and facilitating the confiscation of unexplained wealth if the suspect cannot provide sufficient answers on the property they own. Indeed, if confiscation of assets more frequent, public officials will have less appetite to engage in corruption.

The principle of unexplained assets adds impetus and strengthens the fight against "doubtful sources of wealth, money laundering and suspicious corrupt practices." Underlying the concept is the theme: *You fail to satisfactorily explain the lawful source of wealth, you forfeit it."*

more we can be made to feel afraid, the more we are likely to swap our vote for the promise of personal safety. Thus, the evolution of campaigns was designed both to scare and rescue us at the same time. What we haven't seen much of lately is an appeal to the country's better points: a sense of belonging, compassion, a concern for the future and so on.

In their defense, political leaders will reply that they are not inventing the values they use as levers in their pursuit of power. Instead, they spend a small fortune on political campaign research designed to discover who we are and what we stand for. It's then just a matter of holding a mirror up to society. Who can fairly blame the parties if we don't like what we see reflected in their campaigns?

It may be true that we are the authors of our own vices. However, I wonder if it is acceptable to exploit those vices in the pursuit of power. Might we not expect political leaders to appeal to that which is best in us and in doing so, help us to build a better society? If this seems a hopelessly naive idea, let me say that the original purpose of politics was a noble one. It was not merely to achieve and hold power for its own sake.

Politics was always meant to be the practice of building a good society. It will be obvious that this aim is undermined whenever political parties try to profit by rewarding the things that are small and mean in our society. All that does is to entrench the barriers that hold us back from being the kind of good people who build good societies.

The 'campaign' has only just officially begun, so there is still a chance that the parties will try to harness that which is best in us. But it's ultimately up to us to decide on the path we follow as citizens.

Each election provides an opportunity for us to wrap ourselves around a politician's ankles and threaten to scream. Each vote is a small but valuable piece of power - entirely at our disposal. I wonder what we will be offered and more importantly, what we will accept in return for it this time.

**Writer is a Governance and Communications Expert**

**Writer is a Senior Education Officer at the EACC**



ACCOUNTABILITY

# Why the people share in the blame for the failure of the ‘social contract’



By **Mohamud M. Abdi**

Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws – Plato

English philosopher Thomas Hobbes described society without laws and rules as living in a ‘state of nature’ where only the strong and powerful can survive.

To get out of such state, he observed that society needs to enter into a ‘social contract’ where people will have collective understanding and agreement that it is in the interest of everyone to not only formulate laws and rules but also to respect, protect and enforce these laws. Under this arrangement, Hobbes opined, people will reap the benefits of social order, security, education and other important needs for human survival and prosperity.

In this regard, Kenyans, in their own wisdom, have agreed to be governed under a constitutional democracy where the people have huge powers and responsibilities on the way the nation is run by the institutions of governance. Under this arrangements,

the laws don’t provide for the people to completely surrender all their affairs to these institutions.

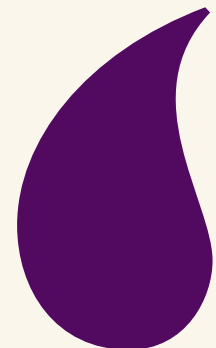
The Constitution of Kenya, 2010, from the onset recognises that sovereign power belongs to ‘the People’ and that all decisions made by government should be done in the best interest of the people and with reference to them through public involvement and participation. Further, the power enjoyed by all arms of government is derived from the people.

However, even under such elaborate provisions and arrangement, there still exist gaps and inefficiencies in the quest for the promise of an orderly, secure, free, fair, just, equitable and prosperous society.

These shortcomings are often blamed on leadership shortcomings, poor governance among others. Little do we interrogate the roles of the citizenry and the lapses on their part that contributes to these failures.

**Demand accountability**

To address this, it is imperative to ask whether the people clearly understand their roles, responsibilities and powers under the Social Contract. It is only in this premise that the sovereign can actively participate in fulfilling its part of the Contract.



Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.”

**Plato**



The Constitution has placed stronger obligation on the people in the realization of the objects and ends of ensuring a prosperous society. For instance, the people have a duty to respect, preserve and protect constitutions and the laws through obedience to dictates of the laws. The laws anticipate active citizens' participation in governance. The tools availed to the people include: Filing petitions, picketing, demonstration, participating in the decision-making fora among others. The citizens are also entitled to demand for accountability and transparency from all institutions with the aid of their rights to access to information among others.

Further, the cardinal right is that of electing persons who are to make and implement the laws and policies in the country. This right is cloaked under the heavy duty to consider the personal integrity and competence of persons entrusted with public offices.

This obligation is rarely fulfilled by the people. It is hypocritical for the sovereign to expect good governance when they donated their powers to incompetent, corrupt and unethical persons.

This unfortunate abuse of sovereign power can only precipitate a vicious cycle of bad governance characterised by weak laws, weak institutions, poor service delivery, inequality and poverty, bribery in elections and poor leadership.

The people cannot run away from the very blame of abdicating their roles and responsibilities, especially in the election of leaders of integrity, only to later blame established institutions.

### **Prosperous nation**

The laws and institutions do not operate in a vacuum.

They mirror the society that created them. A society that normalises bribery, deceit, chicanery, shortcuts and other immoral, illegal and unethical acts will end up with thieves, charlatans, inept, and immoral persons running its affairs.

Therefore, it will be running a fool's errands to use laws to correct a bad society. True to the words of Plato, 'Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws'. It is thus the bare minimum requirement for society to first have 'good people' in its majority for it to realise its potential.

That is why it is incumbent upon everyone in society to interrogate the individual and collective conscience to commit to live in an ethical, honest and upright live. In fulfillment of their part of the social contract, the citizen should be guided by values and morals of good standing and respect of the laws in decision-making.

Otherwise, the promise of a secure, fair, just and prosperous nation shall remain elusive and we shall be living in the primitive state of nature characterised by failures of institutions of governance, perpetual inequalities, injustice, corruption and undignified lives.

**Writer is an Ethics and Governance Practitioner**



## STRATEGY

# Asset recovery, an emerging frontier in anti-graft war

*Some public officials have treated the opportunity to serve in Government as an opportunity to “eat” hence the need for asset recovery to take away the motivation for illicit enrichment.*



**By Gitonga Gakii**

Recent media reports have cast sharp focus on the huge amounts of public funds lost in shady deals. These reports are buttressed by findings of oversight agencies such as the Ethics and Anti-Corruption Commission (EACC), Office of the Auditor General, Parliamentary watchdog committees and social accountability organizations.

As the agency mandated to combat and prevent corruption in Kenya, EACC has in recent months intensified tracing and recovery of corruptly acquired public assets. On 28<sup>th</sup> July 2022, EACC recovered public land valued at KES. 430million from grabbers who had colluded with public officials to fraudulently transfer the land. The land had been reserved for construction of the Mombasa Road and Eastern Bypass interchange at City Cabanas.

A reasonably keen Kenyan following current news can attest that life is no longer at ease for public officers with an insatiable appetite for public resources. As part of intensified efforts to trace and recover corruptly acquired public assets, EACC filed civil suits in Court between 1st March and 31st July, 2022 for recovery of over KES. 4 Billion in unexplained wealth held by public officials who cannot remember or sufficiently give account of how

they acquired the wealth in question. EACC seeks to have such public officials forfeit the loot to the State.

For example, following investigations into allegations that Ferdinard Ndungú Waititu Babayao amassed wealth that is not commensurate to his known and legitimate sources of income when he held state office, EACC is in court seeking orders to compel the former Governor to forfeit to the people of Kenya the unexplained assets in his possession valued at KES. 1.9 Billion. He is suspected to have fraudulently acquired these assets from Constituency Development Fund (CDF) when he served as Member of Parliament for Kabete, and from the County Government of Kiambu when he was the Governor before his impeachment by the Senate for gross misconduct, abuse of office and gross violation of the Constitution.

EACC is also seeking forfeiture orders against Nicholas Owino Ochiel, Senior Assistant Director, Valuation at the Ministry of Lands who has amassed assets valued at KES. 1.2 Billion against KES. 6.4 Million from his known legitimate sources of income. The assets comprise landed properties, motor vehicles and amounts transacted through bank accounts.

In May, 2022, EACC filed a suit to recover KES.637 Million alleged to be proceeds of crime and unexplained wealth from Urbanus Wambua Musyoka, a former County Executive Committee (CEC) Member County Government of Machakos. During the period of interest, he is believed to have accumulated assets worth KES. 637 Million against his total legitimate income for the period estimated at KES. 16 Million for the period in question.

In the same month, the High Court granted preservation orders sought by EACC in the investigation of irregular



**One of the unexplained assets targeted for recovery.** COURTESY



payments of KES.450 Million made by the State Department of Correctional Services to eighteen (18) companies for services that were not rendered. Seven of the 18 companies were owned by Eric Kipkurui Mutai, a Cleaning Supervisor, at the State Department who was paid a total of KES.257 Million for goods not delivered.

Still, in May, 2022, EACC obtained orders from the High Court freezing assets worth KES. 278 Million belonging to Jeremiah Kamau Kinyua, a former KRA Officer. In this case, EACC seeks to have the assets, whose value is allegedly disproportionate to the officer's known legitimate sources of income, forfeited to the State.

EACC is similarly seeking to recover assets worth KES.73 Million allegedly acquired by Governor Zachary Okoth Obado from proceeds of corruption in the County Government of Migori. The matter is going on in Court.

Active in Court is also a recovery suit against Oryx Service Station, a sole proprietorship registered in the name of Moses Kasaine Lenolkulal, Governor of Samburu County Government. EACC seeks to recover a sum of KES. 80,715,000 which was traded with the County Government in conflict of interest.

In July, 2022, James Mwathethe Mulewa, a former Managing Director of Kenya Ports Authority (KPA) was found to be in possession of unexplained assets. He could not explain the source of his wealth. The Court of Appeal sitting in Mombasa on July 8, upheld a High Court Judgement of April 2011 that had ordered Mulewa to forfeit to the State over KES.77 Million in unexplained assets. EACC is currently executing the forfeiture orders.

Separately, the High Court declared that Gabriel Mulei, a senior Police Officer, was in possession of unexplained assets valued at KES. 27.6 Million which should be forfeited to the Government. Mulei's unexplained wealth included cash in bank, six vehicles and six parcels of land in Malindi, Kwale township and Ndithini/ Mananja, all proceeds of corruption.

Further, EACC secured court orders preserving KES. 37.4 Million believed to have been embezzled at the National Treasury by four employees, namely, Robert Theuri Murage, Faith Kiptis, Esther Ngeru and Doris Simiyu through fraudulent allowances. This followed a previous investigation where EACC obtained similar orders freezing over KES.18 Million belonging to Tracy Njoki King'ge, a junior employee of the National Treasury.

In the Ministry of Environment and Forestry, Samuel Njoroge Kariuki, a Finance officer II in job group K received a total of KES.79.8 Million in his bank accounts between January 2018 and April 2022. EZCC obtained court orders freezing the KES. 22.5 Million balance in his bank account.

EACC is, additionally, pursuing recovery of KES.25 Million from a company associated with an employee of Turkana County Government that was fraudulently paid for 6,024 bags (25kg) of corn soya blend that it did not deliver. In the case filed in the High Court's Anti-Corruption Division, EACC wants the amount paid back to the County Government.

It is noteworthy that two weeks after the Turkana case was filed, a leading TV Station aired a feature depicting severe suffering of Turkana residents. As shown in the feature, frail adults and children had gone without food for several days while on the other hand, Turkana County Officials allegedly embarked on illicit enrichment from county funds that could have helped the hunger-stricken citizens.

From the foregoing, the irresistible conclusion is that some public officials have treated the opportunity to serve in Government as an opportunity to "eat" hence the need for asset recovery to take away the motivation for illicit enrichment.

From the assets worth billions of Kenya Shillings recovered by EACC so far and the value of recovery suits pending in court, it is clear that asset recovery is, without doubt, a new frontier in the fight against corruption in Kenya. By strengthening the institutional capacity of EACC and other agencies, Kenya could significantly mitigate the challenge of corruption.

**Writer is a Media Practitioner based in Nairobi**

**KES.4b**  
Value of recovery suits filed  
by EACC from 1st March 2022  
to date.

INTROSPECT

# A Stitch in time...



**By Lydia Manyasi**

No doubt you have completed the good old adage – A stitch in time saves nine! Could we have nipped in the bud a number of happenings we do not like around us? What is your worst one? Let us delve into one.

People are on the move every moment, every day. The mode of movement varies from walking, riding a bicycle or on a motorcycle, by boat, by air, in public road transport or driving private vehicles. Pedestrians in any part of our country have many a tale to tell about their walking experiences. In most urban centres are walkways for pedestrians all very well paved to allow for free and safe movement. Their safety however becomes ever more elusive by the day.

A culture we all have watched and which ought to have been nipped in the bud is literally a nightmare now – the motorcycle riders or as commonly known, *boda boda*! The impunity that is the culture of this mode of transport is appalling to say the least. The riders have a sense of entitlement wherever they must maneuver. More irritating is the tooting, and in a rush such that it is woe unto you if in their way!

Why do we accuse them of the culture of impunity yet we are the same ones who accord them the sense of entitlement when we are their clients?

*Boda bodas* were a brilliant idea at the onset, but have gradually turned into a menace! In their mad rush, a good number of Kenyans have found themselves maimed by the recklessly ridden motorcycles. Needless to add, the trade has been pretty easy to hop onto and therefore among the many reckless riders are those not schooled on the same. Citizens who opt for this mode of transport are lucky to get off unscathed!

Safety of their passengers aside, rule of law is lost on them! Riding on the wrong side of the road, without protective gear, making sudden and unindicated turns form part of their appalling culture! They do not stop to traffic lights at roundabouts and crossroads, even where it is the police in

control of traffic flow, they are exempted. It is a culture that ought to have been nipped in the bud but we all passively watched, merely complained as it got deep-rooted and now at a loss as to what to do. They are prepared to take on law enforcers and when the running battles die off, it is business as usual, of impunity! They have been allowed to be the masters of the road, quite literally, having overtaken the mad culture of the PSV or *matatus* as commonly referred to! The situation is exacerbated when one recalls that in Nairobi City, for instance, the modes of public transport included what we Kenyans have always called “Double-decker” buses and other buses; then entered the *matatus* – 14 and 42-seaters to augment the services of the buses. The latter would soon be run out of business with the influx of *matatus* that would rule the Kenyan roads all in a mad rush to rake in the profits! Rules of road use were hurled out of the window and the result – many have been maimed and thousands of lives lost and sadly, no lesson learned, just still counting lives lost and the destitution arising out of it due to avoidable recklessness!

Maybe, just maybe, there are exceptions to the seeming generalization of the appalling culture that pervades our roads lately. And exceptions are negligible and take the form of riders engaged by companies of repute for delivery services that would not allow lack of professionalism characterize their associates!

How bad is the situation, one may ask? Swift and brazen robberies are carried out by none other than these very motorcyclists!!! Brazen hardly captures the audacity of a *boda boda* rider robbing a law enforcer! In a blink of an eye, law enforcers caught off guard while speaking on their cellphones were left following with their eyes the direction the larcenous cyclists sped off to! In another estate in the city, another notorious rider would snuff out the life of a Kenya Defense Forces officer taking an evening walk! A former representative of our country abroad, peacefully retired in his rural home, would meet his demise by a reckless *boda*

A culture we all have watched and which ought to have been nipped in the bud is literally a nightmare now – the motorcycle riders or as commonly known, *boda boda*!



*boda* rider! The gory incidences are numerous but here is an account by a lady driver:

"In under one month, my car has been hit four times by these *boda bodas*. I pretend not to care, I'm left in fear, pain and bitter, and I play safe by staying in my car and just drive on. One even dared me by coming to the front after scratching my front left bumper, damaged my headlight and was bold enough to stop and look at me awaiting my reaction. That was at the Railway bridge on Uhuru Highway as you approach the roundabout towards town. Well, I had to replace the bulb. I'm yet to work on the paint, among other damages!"

This is a narration that followed what recently shocked the entire country about the lady who was molested by the *boda boda* riders on Prof. Wangari Mathai Road. Did it have to get to this before decisive action would be taken? Is this it going forward or just cosmetic seeing as the electioneering period is with us and it draws a lot of panache by engaging these very riders? Yes, panache, riders clad in political party's merchandise and leading the procession to a campaign venue!

Why then the erstwhile hopelessness? Why and when did it become our culture to let such manageable acts get out of hand? Before the pronounced crackdown, have there been any measures to bring order in the *boda boda* sector? Just like every other malaise in our society today, we are engulfed by apathy that makes the abnormal the norm! Indeed, there have been measures instituted to bring sanity and order in the sector. For starters, for visibility, these same riders are billboards on wheels in their reflector jackets, advertising all manner of things – people (election aspirants), companies and their goods and services, and places. Reflector jackets are expected to rule out any accident occurring due to lack of

visibility.

Not to be left out of the fray has been the Ethics and Anti-Corruption Commission (EACC) which has sensitized members of the *boda boda* sector on ethic, integrity and anti-corruption and provided them with reflector jackets that contain integrity messages. To date, *boda boda* associations leaders in over 24 counties have benefitted from EACC awareness programs and are enjoined to cascade the integrity content to members of their respective associations. The impact of these engagements begins to be felt where the members sensitized have demonstrated commitment to ensuring order, such as in Mombasa County.

Also in the public domain is the impressive multimillion housing development project by the NABOSA Housing Co-operative Society in the outskirts of Nanyuki town through saving of KES. 50 per day by the *boda boda* association members! Besides owning houses, some members have gone on to invest further in purchasing own motorbikes, keeping poultry and becoming landlords! They are so inspired and uninhibited in their dreams!

Evidently, there is a lot of positive stuff that ought to enjoy the limelight from the embattled *boda boda* sector that typically is not without the rotten apples among them that mar what is otherwise a very critical service.

In sum, any undesirable culture that emerges in our midst can and should be nipped in the bud. The trauma so far suffered by the unruly culture within the sector is a story for another day. Ultimately, recent events have pointed to the fact that the solution to our problems lies with us as a society!

**Writer is Assistant Director, Education and Public Awareness, EACC**

**EACC enjoins bodaboda operators in the anti-graft fight.**

COURTESY



**Zachary Nyaoga Obadia who was identified by police as the mastermind of a gang that sexually harassed a motorist along Forest Road.**

COURTESY





# Poetry

## The answer is in good governance

**By Lydia Manyasi**

How many limbs will pedestrians break,  
before holes on walkways are filled?  
Yes, how will they tell that it's safe to walk,  
When shrubs have filled the same holes?

The answer, my friend, is in good governance.  
**The answer is in good governance.**

Hunger and starvation around us all,  
Yet there is enough to go round.  
How difficult is it to transport surplus produce  
To areas under the yoke of scarcity.

The answer, my friend, is in good governance.  
**The answer is in good governance.**

Do those concerned feign ignorance  
That the causes of cancer can be avoided?  
Gastro, chest, throat or skin cancer,  
Grimy automobile exhaust could be cause?

The answer, my friend, is in good governance.  
**The answer is in good governance.**

Does it matter which period recorded more accidents?  
So many lives lost this time compared to the same time last  
year!  
A life lost is one too many!  
Must non-adherence to traffic rules be the norm?

The answer, my friend, is in good governance.  
**The answer is in good governance.**

Surveys, one after another on the corruption situation in the  
country  
Point to mismanagement in institutions.

Embezzlement of resources key among the ills the institutions  
suffer  
That leads to massive staff layoffs. Where lies the solution?

The answer, my friend, is in good governance.  
**The answer is in good governance.**

During the rainy season, we watch torrents of water flow past,  
Oftentimes with destruction in its wake.  
The dry spell sets in and we long for the water we watched flow  
past.  
Why has water harvesting remained elusive?

The answer, my friend, is in good governance.  
**The answer is in good governance.**

Just when you thought institutional reforms were on course  
The morning headlines in the dailies read:  
Billions syphoned by officials in institution A or B!  
Enough is a remote notion to the looters!

The answer, my friend, is in good governance.  
**The answer is in good governance.**

Yes, and how many times must a man look up  
Before he can see the sky?  
Yes, and how many ears must our leaders have  
Before they can hear people cry?  
Yes, and how many deaths will it take 'til they know  
That too many people have died as a result of corruption?

The answer, my friend, is in good governance.  
**The answer is in good governance.**

And a deliberate choice to do the right thing.

**Ms Manyasi is Assistant Director, Education  
and Public Awareness, EACC**



# Poetry

## Hatua tuchukueni tuangamize ufisadi

### Bi Zuhura Mzee

Wakenya nisikizeni, Mimi nawa nyenyekea  
Kuwapa yangu maoni, Sio kuwashitakia  
Ufisadi mu nchini, Ni janga nashadidia

**Hatua tuchukueni! Tuangamize ufisadi**

Mwenzenu nasikitika, Nchi yangu nalilia  
Si taifa, si shirika, Zote zinateketea

Hii sasa si dhihaka, Nyote nawaashiria

**Hatua tuchukueni! Tuangamize ufisadi**

Madhara ya ufisadi, Ni mengi mno jamani,  
Imekuwa itikadi, Kwa wengi humu nchini  
Matendo ya ugaidi, Yamekithiri nchini

**Hatua tuchukueni! Tuangamize ufisadi**

Umasikini kuzidi, Hili tulifikirini  
Biashara kuwa duni, Kukosa pia wageni  
Usalama taifani, Umekuwa ni wa chini

**Hatua tuchukueni! Tuangamize ufisadi**

Hapa tulipofikia, Muhimu kutafakari  
Kenya inaangamia, Ufisadi umekithiri  
Nchi yetu kuiibia, Tena wazi na dhahiri

**Hatua tuchukueni! Tuangamize ufisadi**

Maadili namba wani, Muhimu kufahamia  
Hongo ni la shaitwani, Rushwa tukate pia  
Uzalendo fahamuni Ni njia ya kufuatia

**Hatua tuchukueni! Tuangamize ufisadi**

Elimu bora jamani, Watoto kufaidia  
Afyu bora nchini, Muhimu kuipokea  
Viongozi naombeni Muwe wetu mabondia

**Hatua tuchukueni! Tuangamize ufisadi**

Wengi wao miongoni, Kazi waifahamia  
Ila ni ngumu jamani, Kazi ya tume jamia  
Wakenya jukumukeni, Nchi yetu kutetea

**Hatua tuchukueni! Tuangamize ufisadi**

Hebu chukua hatua, Mwananchi wajibika  
Ufisadi utajwapo, Zetu nyoyo zishutuke,  
Na mali ivurugwapo, Midomo isifunikwe,

**Hatua tuchukueni! Tuangamize ufisadi**

Tamati ni ukingoni, Wakenya nawaombeni  
Yote niloyatajeni, Tuyaweke akilini,  
Sambe mimi ni ambani, Ufisadi tuulani

**Hatua tuchukueni! Tuangamize ufisadi**

**Bi Mzee ni Afisa wa Elimu ya Umma katika Tume ya EACC**



# Poetry

## Uongozi wataka maadili

### Bi Shallet Walongo

Dhamiri yangu taabani, hali ilivyo nchini  
Zimenonga kampeni, niruhusu niwafunzeni  
Na vigezo niwapeni, twendapo uchaguzini  
**Kama si muadilifu, hafai uongozini**

Sheria ishikeni, sura sita Katibani  
Tusije kujilaani, kuchagua hayawani,  
Silaha i mkononi, kura nakukumbusheni  
**Kama si muadilifu, hafai uongozini**

Muhimu sana sheriya, atii na kuzingatia  
Afahamu ni vibaya, sheria kupuzilia  
Awe atajitoleya, sio kazi kuzembea  
**Kama si muadilifu, hafai uongozini**

Kurunzi lako litazame, uwezo na ujuziwe  
Uaminifu upime, katu usilaghaiwe  
Nidhamu isiteteme, kwa dhati uhudumiwe  
**Kama si muadilifu, hafai uongozini**

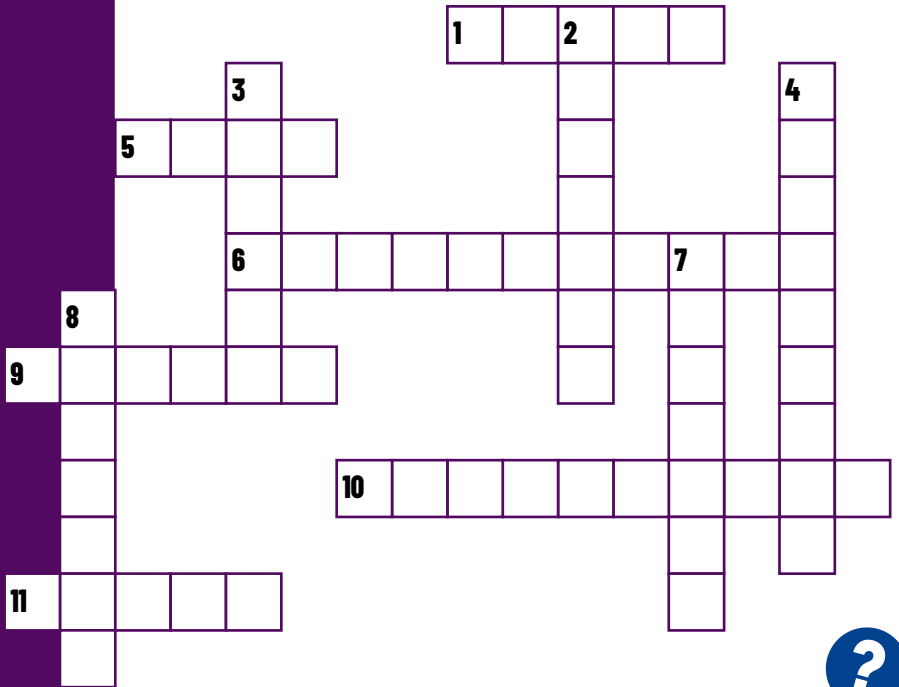
Tena awajibikie, maamuzi na matendo  
Watu awatumikie, sio kujitenga kando  
Fulusi akutunzie, asikunyime uhondo  
**Kama si muadilifu, hafai uongozini**

Awe ni mpenda haki, mapendeleo hapana,  
Heshima itamalaki, kwa matendo na kunena,  
Matusi asishiriki, matokeo kupigana  
**Kama si muadilifu, hafai uongozini**

Ni mwongozo tosha kwako, nakusihi zingatia  
Kuboresha nchi yako, ni jukumu kumbatia  
Makaa kichwani pako, usije kujipalia  
**Kama si muadilifu, hafai uongozini.**

**Bi Walongo ni Afisa wa Elimu ya Umma  
katika Tume ya EACC**

## Integrity Challenge



### Across

1. An inducement for a favor
5. Choose between two or more candidates
6. An inquiry to verify allegations
9. Take or place in custody
10. Return to a country
11. Wrongful or criminal deception

### Down

2. Document to demand payment
3. Moral principles
4. Doing the right thing all the time
7. Call one before a court to answer to charges
8. Obtain goods or services

## Integrity Puzzle

**Repatriate** return to a country

**Bribe** an inducement for a favour

**Integrity** doing the right thing all the time

**Arrest** take or place in custody

**Fraud** wrongful or criminal deception

**Arraign** call one before a court to answer to charges

**Investigate** undertake systematic examination

**Procure** obtain goods or services

**Ethics** moral principles

**Vote** choose between two or more candidates

**Invoice** document to demand payment

<https://crosswordlabs.com/view/integrity-challenge>

<https://crosswordlabs.com/view/integrity-challenge>

**Password:** 8<sup>th</sup> edition



# INTEGRITY CENTRE



## EACC HEADQUARTERS NAIROBI

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## Bungoma Regional Office

2nd Floor, Daimah Plaza,  
along Bungoma-Kanduyi Road  
P. O. Box 2021 – 50200, Bungoma  
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## JKIA Satellite Office

3rd Floor, Parking Garage Building,  
next to Terminal 1A  
Jomo Kenyatta International Airport  
P. O. Box 19179 – 00501, Nairobi  
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