



ETHICS AND ANTI-CORRUPTION COMMISSION

GUIDE TO ACCOUNTING OFFICERS OF PUBLIC ENTITIES, STATE AND PUBLIC OFFICERS ON COMPLIANCE WITH THE REQUIREMENTS FOR MANAGEMENT OF CONFLICT OF INTEREST

The Ethics and Anti-Corruption Commission (EACC) is established under Section 3 of the Ethics and Anti-Corruption Act, CAP 79H enacted pursuant to Article 79 of the Constitution. It is mandated to implement and enforce Chapter Six of the Constitution and its enabling legislations which include the Leadership and Integrity Act CAP 185C.

Article 75(1)(a) of the Constitution as read with Section 16 of the Leadership and Integrity Act, CAP 185C and Part III of the Leadership and Integrity Regulations, 2015 provide the legal requirements for the management of conflict of interest by State and Public officers. The requirements are as follows-

1. State and public officers are to use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with their official duties;
2. A State officer or a public officer whose personal interests conflict with their official duties shall declare the personal interests to the public entity or to the EACC in the prescribed format;
3. The EACC or a public entity may give direction on the appropriate action to be taken by the State or public officer to avoid the conflict of interest;
4. The State officer or public officer is required to-
 - (a) comply with the directions; and
 - (b) refrain from participating in any deliberations with respect to the matter;
5. A State officer or a public officer shall not award or influence the award of a contract to himself or herself; spouse(s) or children, business associate or agent, a corporation, private company, partnership or other body in which the officer has a substantial or controlling interest;
6. A State or public officer participating in any meeting in which a conflict of interest arises or may arise is obligated to declare the conflict at the beginning of the meeting or at any time before the issue that gives rise to the conflict is deliberated upon. The declaration must be recorded in the minutes of the meeting and entered into the public entity's register of conflicts of interest;
7. The State or public officer has a responsibility to ensure that an entry of registrable interests is updated and to notify the public entity or the EACC of any changes in the registrable interests, within one month of each change occurring.

Further, Accounting Officers of public entities are required to ensure that the entities comply with the following requirements-

1. Maintain an open register of conflicts of interest in the prescribed form in which an affected State officer or public officer shall register the particulars of registrable interests;
2. Avail register for inspection in the prescribed format, within seven (7) days, by any person who may make an application to inspect the register of conflict of interest;

3. Keep the register of conflicts of interest for five years after the last entry in each volume of the register.

The Commission has noted that there is very low compliance with these requirements across the public service, and wishes to bring this requirement to the attention of State and public officers, and Accounting Officers of public entities, for compliance.

For any inquiry, more information or clarification, please contact EACC through the Secretary/Chief Executive Officer, Ethics and Anti-Corruption Commission, P.O. Box 61130-00200, Nairobi. Alternatively, EACC can be contacted through Customer Care on 0730997000, 0709781000, 0204997000 or email customercare@integrity.go.ke.

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