

**THE NATIONAL ANTI-CORRUPTION CAMPAIGN STEERING COMMITTEE**

**PROGRESS REPORT TO THE PATRON:**

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**APPENDIX II**

**Common Corruption Issues and Recommendations**

## **Common Corruption Issues and Recommendations**

Based on the information gleaned from visiting over 50 Districts in Kenya covering all eight provinces, the committee noticed certain recurring corruption-related issues that seem to cut across most of the regions of Kenya. These issues have been identified by government officers, local authorities, NGO's, civil society, religious leaders, the business community and community-based organizations.

Similarly, the recommendations are those given by leaders and civil society at the grassroots level. *The views expressed and recommendations contained herein do not necessarily reflect those of the members of the committee or the NACCSC.*

Some of the outstanding corruption issues that are affecting a wide cross-section of this country are as follows:-

### **Outstanding Corruption Issues**

- Land ownership

Title deeds uncollected, multiple title deeds issues for the same plots of land, non-issuance of title deeds, bribery required for land certificates, interference from corrupt and bogus land-buying brokers, title deeds being issued for free, allocation of public land,

government land, and land needed for water catchment or forests/lakes, inconsistency in land allocations, squatters,

- National Identification Cards and Passports

Bribing required to obtain ID cards, department not well funded, lack of materials contributes to corruption, loss of files (until a bribe is produced), delays, outright refusal to provide services

- Police Department

Traffic police regularly demand bribes from *matatus*, kangaroo courts for those caught involved in illicit brewing, protection fee on illicit brewing, corruption among police at Kenya's borders,

- Environment

Forests are being destroyed while those charged with protecting them are willing to accept bribes, funding for NEMA is too low to cater for the demand of responsibilities, sand harvesting is taking place illegally, burning of charcoal is taking place illegally

- Devolved funds

CDF, LATF and Bursary funds are highly misused, there are conflicting and unauthorized development projects, duplication of use of funds, salaries being paid from these funds, politicians using the funds for personal gain, bursaries given to those not in need while genuine cases do not receive bursary funds, lack of

accountability, lack of proof of projects that are supposedly funded, secrecy regarding decisions about funds allocation

- Government systems

Promotions, transfers, training and national awards are done in unfair ways; some officers have remained in one job group for a long time while others stay in one station for ten years or more which lends itself to engaging in business, farming, and other interests that conflict with their work; some officers never get training unless they bribe, frequent transfers among the District commissioners hampers their work; others bribe their way in order to be transferred to better stations; upgrading of local authorities/municipalities has been haphazard and is often in conflict with economic viability; there are power cartels in the procurement process in the GoK

- Perceived lack of action/seriousness regarding corruption

There are many corrupt public servants who are known to be corrupt, yet nothing is done about them; the public perceives that no credible action has been taken against the perpetrators of grand corruption in this nation; when town clerks or other officers mismanage funds, the most that happens is that they are transferred to other municipalities; action is not taken when corruption cases are reported; the public does not make use of complaint boxes in most districts, and many feel that they would

be in danger if they expose corrupt leaders because whistle-blowers are not protected

- Education system

Although there is a ban on private tuition, it continues in many districts and is often the business of head teachers or District Education officers; many contributions are extracted from parents, and monies given for various school provisions are pocketed by teachers and headmasters

- Abuse of women and children

Rape and child abuse are on the rise, half-heartedness seen in the prosecution and prevention of child abusers, offenders are often set free without any charges, human trafficking is rife, women do not receive justice in the court system in regard to abuse, land ownership, and inheritance

- Kenya's borders

Drugs and liqueur such as *bhang* and *changaa* are legal in neighbouring countries yet illegal in Kenya – this affects our borders drastically; repeated cases of smuggling of maize, foodstuffs, *bhang*, *changaa*, illegal firearms, and other negative

influences; human trafficking reported at border points; border regions report escalated crime and rampant corruption

- Elections

In order to be elected as an official in cooperative societies, on school boards, or various public committees, one needs to bribe.

- Prison system

The handling of offenders by corrective institutions is very bad, which encourages corruption for it is better for one to bribe than to persevere in such conditions; there is overcrowding and frequent abuse of prisoners' basic rights, which encourages corruption

- Non-Governmental Organizations

There are many registered NGOs around the districts of Kenya that do not provide any tangible benefit to the communities; presence of brief-case NGOs, falsification of projects; misappropriation of funds

- Salary structures

The serious disparity in the salary structure in the public service contributes to corruption

- AIE

Late issuance of AIE gives room for corruption; the funds are released sometimes only two weeks before the end of the year, encouraging corruption; very often, this money is misused.

- Relief food

Relief food is problematic in the districts where it is distributed; food is being illegally sold by provincial administration to businessmen and illegally sold to intended recipients

- Implications of corruption

Corruption has led to excessive capital flight; government is impoverished because contractors inflate prices of goods they supply and have formed cartels and the government does not get value for money; corruption worsens poverty; Kenyans have been conditioned to be corrupt and see it as a way of life; there are no role models in society

## **Recommendations:**

- Land ownership

There is need to harmonise all land acts in the country; the GoK should address land issues seriously and come out clearly on the Ndungu report; the Ndungu report should be acted upon or dismissed outright; lands registry should be computerized; issue of squatters country-wide should be resolved and contradictions regarding genuine squatters who do not have title deeds and others who sold their lands should be harmonized; land demarcations should be carried out to minimize land cases and killings; there should be a policy on land ownership in terms of how much land an individual is permitted to own; land adjudication board members should be vetted

- National Identification Cards and Passports

The option of ID registration of people at schools should be exploited; Kenyans must know their rights and not give bribes for services; recommended policy of continuous registration of voters; there should be a nationwide government office to reorganise the public records-keeping with a view to computerising it in all departments; GoK needs to ensure that paper for printing IDs is available



- Police Department

The police department needs to be better equipped – criminals often have better resources than police; ex-servicemen need to be monitored; those who inspect speed governors should be monitored; the police department (as well as all government institutions) must develop an in-house anti corruption charter that must be strictly adhered to;

- Environment

Pollution of lakes and rivers should be checked; sewer systems should be modernized and expanded; NEMA should carry out environmental impact assessment in problematic districts; government should regulate development when it takes place at the expense of the environment; laws should synchronise the licensing of sand harvesting and charcoal burning; citizens should be educated on the dangers of destroying forests and waterways

- Devolved funds

All devolved funds should be displayed in public so as to enhance transparency; there should be need to provide evidence of completed CDF projects before subsequent allocations are released; CDF Act should be amended so that members can elect committee members; management of devolved funds should be given to committees at the grassroots level and the provincial administration should oversee implementation of projects; CDF

committees should have gender balance and involve youth; locals need to be sensitized and empowered on devolved funds so that they can be involved in monitoring and administering these funds; members of the Bursary Committees should be made known to the public

- Government systems

The three arms of the government – legislative, judiciary and executive – should evaluate their links with a view of ensuring that they synchronise their roles more efficiently; each GoK institution must develop an in-house anti-corruption charter that must be strictly adhered to; processes and procedures for doing most things should be made easier; chiefs and sub-chiefs must have adequate uniforms and wear them always when on duty

- Perceived lack of action/seriousness regarding corruption

It is necessary to provide protection for those who “blow the whistle” on corruption; action must be taken against corrupt public servants; public servants must be empowered to fight corruption; NACCSC should be given legal power to prosecute; penalties for grand corruption should be enhanced; corruption involving public funds or more than Ksh 1 billion should be made a capital offence; corrupt leaders must be brought to book; list of shame should be made public – many wonder what the point is of having a list those incriminated are not forced to face the law

- Education system

Review and restructure free primary education to make it more efficient; seal loopholes for corruption within the system; instances of tuition should be dealt with severely; constituency bursaries should be handled directly by the schools to avoid corruption at the committee level

- Abuse of women and children

Women should be empowered legally to inherit their husband's land in case of death; child labour and human trafficking needs to be investigated with urgency (these are particularly a problem at the Coast and at Kenya's borders); remove barriers that make it difficult to prosecute and charge child abusers; ensure education for the female child

- Kenya's borders

Law enforcement agencies must be vigilant at border points throughout the country; regional approach must be developed to tackle problems of illegal arms, smuggling and drug trafficking

- Elections

The culture of people buying their way into positions must be discouraged; civic education is needed to alert Kenyans to choose people of integrity in public office rather than people who are able to bribe.

- Prison system

Non-custodial sentences should be given more frequently so that the congestion in prisons is alleviated; basic human rights of prisoners needs to be ensured

- Non-Governmental Organizations

The many NGOs in the country should be monitored; need to state clearly what they do in the country and account for their huge budgets

- Salary structures

The salaries of public servants need to be harmonized; rationalization of hardship allowances for all public servants is needed; there needs to a proper national policy on compensation for government officers who relocate for GoK projects; GoK should consider provision of loan facilities for low-salaried staff

- AIE

AIE holders should receive money on time; GoK must improve on efficiency in this regard

- Relief food

GoK should empower the northern and semi-arid regions economically and socially by providing material assistance and initiating irrigation and other development projects to help people

become self-sufficient; persons known to sell relief food should be prosecuted

- Implications of corruption – Need for education

There is need to harvest goodwill from the public while it still exists; the teaching of anti-corruption should be made part of the schools' curriculum – must help the nation understand the negative effects of corruption; anti-corruption campaign needs to be strengthened nationwide; research should be carried out to determine why members of the public give bribes; religious leaders should talk to their followers about the evils of corruption; there is need to evaluate societal values that give room for corruption; the war against corruption should target both the public servants and the private sector; future studies on corruption should be specific rather than laying blame on the entire police department or entire public service or entire judiciary – the wholesale condemnation of these sections of society demoralizes those within the system who are upright.