



CPI : KENYA'S PERFORMANCE AUDIT

Lawyer Philip Kichana, an advocate of the High Court of Kenya and a Consultant in International Law, says war on corruption is merely a public relations gimmick by the government. In an interview with the Kenya Parliamentary Journalists Association (KPJA), he terms the governments Zero tolerance to Corruption policy as, but a good thing given a bad name. Here are the excerpts: By Benson Amollo

In your opinion, how would you rate the outcome of the zero tolerance policy on corruption?

Policy? For me I don't think there is any reason in calling the so christened "zero tolerance to corruption" a policy. I think it's a mantra, yet to be translated into action. Listening to different government officials talk about it, you immediately realize it is a misnomer. It is a case of a good thing given a bad name. It is good when you decide to descend on corruption, but it takes away all the sense when you decide to give it a name that is not compatible with what you are doing or intend.

Anti-corruption experts say that it only takes 24 months for the window of opportunity in turning around a corrupt system. However, many say that the current administration wasted the opportunity. In your opinion, why do you think Kenyans are pessimistic on the whole zero tolerance on corruption in Kenya?

Kenyans are not convinced that the government is committed to the war. Many government officials including high ranking ministers have been mentioned in scandalous deals, but nothing seems to be happening. The tooth is not biting the meat. One

needs to look at the number of investigations going on to see how serious the government is. Has anyone been prosecuted and what is the ratio? You only realize that either investigations into some of these cases are shallow or the use of law is misplaced.

Where would you place Kenya's commitment considering that a number of legislations and bodies have been created to contain corruption, but no radical change has been registered hence the waning public outcry?

I think it is right to state that at the level of rhetoric and that of passing legislations, the government is committed. Kenya has ratified the UN convention on the Anti-Corruption and Financial Crimes Act which has provided for the Kenya Anti-Corruption Authority (KACA). This is a sign of commitment; however, the big question is just why the commitment is not effective. Is it getting the desired results?

Do you think the due process of law is affecting the fight against corruption in the country, and if so, how?

Due process of the law is a legal requirement in the criminal justice system of all countries. Institutions

concerned should therefore be prepared to deal with the shortcomings and implications, and have a strategy in place. So to me, due process of law is not a hindrance to successful prosecution of cases. What must be seen is the effectiveness of relevant institutions.

CPI performance has been used by researchers as the first indicator of a working zero tolerance policy. With the above benchmark by researchers where do you place Kenya's commitment considering that handful things have been attempted?

The commitment has walled compared to when the administration embarked on the war on corruption soon after the Narc government took over power. I don't think there is much in

..What the government has done is to repackage collected information and presented it back to the people ...

the war on corruption. You look at the amount of money the Kenya Anti-corruption Commission (KACC) spends; say like on media campaign and you wonder whether there is value for such expenditure. Looking at it keenly that should be National Anti-Corruption Steering Committee (NACCSC) mandate. So we are talking of misplaced priorities. Expenditure as far as the war on corruption is concerned can only be justified by results in prosecution and assets recovery.

A lot of local research has shown that many people prefer to talk to media when confronted with corruption. Does that mean that the agencies are not trusted by Kenyans?

Let me say this; both the media and civil society play a complimentary role to the governments war on corruption. The governments system is bureaucratic and the public do not understand how state agencies work, not even KACC which is unfriendly to the public. The public also feel let down by the governments selective approach to corruption matters. Many at times, the big fish is exonerated as the small ones are jealously pursued. The media is trusted as, in most cases it has acted in the interest of the public.

Putting recent government efforts to stump out corruption such as launch of National Anti-Corruption plan and the release of a National Corruption Survey report, what changes should Kenyans expect in the fight?

The survey shows that the government is not hiding, although for me I think they should shift from such trials to serious prosecutions of the many cases that are already in the public domain. It is simply a public relations exercise, what the government has done is to repackage the information collected by Kenyans and present it back to them. Kenyans would be happy with a government that meets their expectation. will happy with the government meets. their expectation.

Where do you think the zero tolerance policy needs to be fastened ?

The policy is clear, what KACC needs to do is to collect sufficient evidence and give it to the Attorney General for prosecution in a court of law The authority must also account for its expenditure, which has however, not been the case. Ministers keep being mentioned in scandals, but they are politically exonerated like the case of Simeon Nyachae who was mentioned in the Anglo Leasing scandal, but was immediately cleared of blame by the Justice Minister Martha Karua. Big corruption must be fought and I think KACC has the independence under the Anti-Corruption Act to do so, and must ensure it is enforced and respected to keep political interference at bay.

What message do you have for Kenyans considering the loss of confidence and euphoria that was seen in 2003 where police were arrested by *wananchi*?

People must keep demanding that the government fights corruption. The civil society must join ranks with other Kenyans in staying this course and putting the government to task. Otherwise, the government seems to be retreating to a backseat as it perpetuates interest of those sympathetic to its mission. The public must use the next general elections to replace bad leaders with good ones. Things may not be easy as of now, but change of guard might come with renewed commitments to the war on corruption. Within government, there are some people who have done a good job and could be rewarded. But the government generally, performs badly. It cannot score more than four out of ten rating in its commitment to the war on graft.

Kenyans must demand that the Big Fish be brought to book because I dont think the government is likely to do anything between now and the next general elections. 🇰🇪

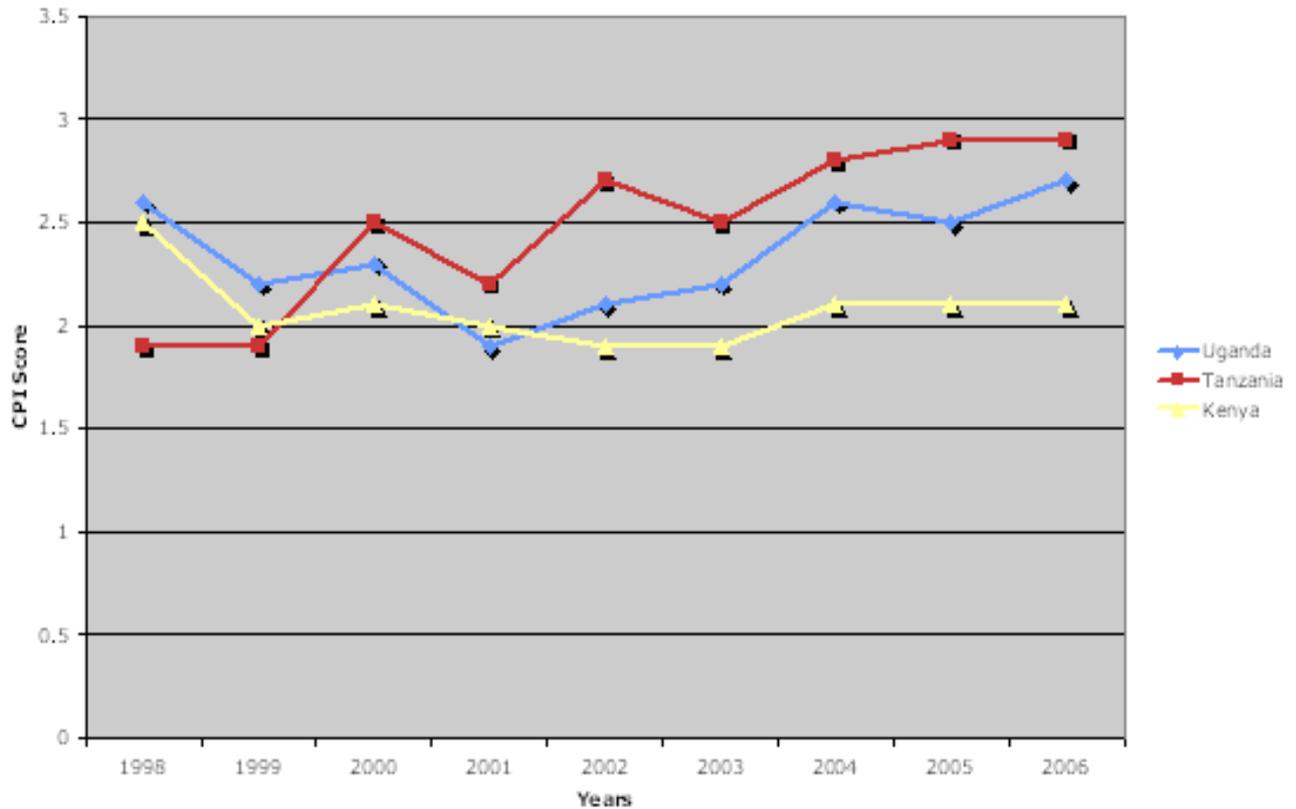
CPI Trends and Kenya's Anti-corruption Policy

By Kwame Owino

Kenya is one of the few countries that has been included among the countries assessed in the CPI since its inception. Over that time, the CPI score shows that Kenya is perceived to be among the most corrupt countries in the world and in the continent as well. Policy discussions of the state of corruption in Kenya and the effectiveness of initiatives in the public sector make reference to the CPI score and the fact that it has hardly changed in the decade since the rankings began. Having regard to all the caveats on the caution required in measuring CPI scores, Kenya appears to be making very little progress in creating the impression that corruption in the public sector is being reduced or brought under control.

Between 1998 and 2006, Kenya's CPI score has fluctuated in the range of 1.9 and 2.5. The lowest score for a single year was 1.9 which was recorded in 2002, which incidentally was an election year. On the other hand, the highest CPI score of 2.5 was recorded in the year 1998. Because of the fact that the number of countries included in the CPI has been increasing in the same period, the rank is less instructive for the purposes of a discussion on corruption. It is still important to note that Kenya has consistently been ranked in the bottom 10% of the CPI. This is an instructive fact, and which taken together with the score itself, shows that the perception of corruption is not devoid of any meaning. The degree of corruption in Kenya's public sector is perceived to be very high and places Kenya among the top 10% corrupt countries in the world.

CPI Scores for EAC Countries



Kenya perform poorly in East Africa

The CPI and ranking generated from it find greater use to comparisons of similar countries. By adopting such comparison, Kenya still emerges as more corrupt than its immediate neighbors and peers. In comparing Kenya to its partners in the East African region, it emerges that Uganda has consistently had a higher CPI score than Kenya, whereas Tanzania's score has shown the most improvement over time. Tanzania's CPI score has shown an upward trend from 1.9 in 1998 when its score was the worst among the comparators to 2.9 in the 2006. The figure below shows that both Uganda and Tanzania have shown improvements in terms of the perception of experts regarding corruption with the exception of Kenya. It is also significant that while Tanzania had the lowest score in 1998, it has made tremendous progress to the extent that its present score places it as the country perceived to have the least corrupt public service in the region.

The graph shows that Tanzania and Uganda receive better ranking than Kenya on the CPI scores. In spite of the limitations in methodology employed in the computation of the CPI, Kenya's trend line has been reducing from the highest score of 2.5 in 1998 and has since been in the 1.9 to 2.1 CPI score range. In essence, in spite of the efforts that are being dedicated to the fight against corruption, the CPI score has not responded commensurately. As the figure shows, the largest drop in the score occurred between 1998 and 1999 and this may be explained by the initial response that followed

the publicity that came from the score. It has been empirically established that several governments may question the utility value and accuracy of the CPI, but are often still concerned that the score should be shown to improve.

One of the reasons that make it difficult for governments to ignore the CPI scores, and the ranking is that it is a persuasive indicator for investors, and development partners about the degree of corruption in a country. In addition, many citizens of countries that have low scores tend to show concern, and begin to pressurize governments to respond to the suggestion that officers in the public employment may be harming the country's image. Another important reason for considering the implications of poor rating in the CPI is that in spite of its subjective nature, the CPI has been proved to correlate rather highly with other measures of material wellbeing such as the incidence of poverty and overall rates of economic growth. The CPI's limitation may therefore be that it cannot identify the specific areas in which corruption has occurred, but it is a decidedly accurate measure of the internal state of transparency and government accountability.

Even while caution is required in interpreting the CPI score across different years, it is a significant point that the lowest CPI score in Kenya was registered during the election year of 2002. This score provides indirect confirmation that years immediately preceding a tight

Cont'd to pg 6

CPI 2006 Regional Results: Africa

In Africa, only two countries - Botswana and Mauritius - score above five, which is commonly seen as the threshold for serious corruption.

Corruption and lack of transparency clearly remain a major problem across the continent, with Chad, the Democratic Republic of the Congo, Sudan and Guinea at the bottom of this year's global ranking.

Although Mauritius' score improved this year, pledges to pursue rapid ratification of the African Union Convention against Corruption, made at a TI-organized event in December 2005, have yet to be honoured.

Overall Rank	Regional Rank	Country / territory	Score	Confidence range
37	1	Botswana	5.6	4.8 - 6.6
42	2	Mauritius	5.1	4.1 - 6.3
51	3	South Africa	4.6	4.1 - 5.1
		Tunisia	4.6	3.9 - 5.6
55	5	Namibia	4.1	3.6 - 4.9
63	6	Seychelles	3.6	3.2 - 3.8
70	7	Egypt	3.3	3.0 - 3.7
		Ghana	3.3	3.0 - 3.6
		Senegal	3.3	2.8 - 3.7
79	10	Burkina Faso	3.2	2.8 - 3.6
		Lesotho	3.2	2.9 - 3.6
		Morocco	3.2	2.8 - 3.5
84	13	Algeria	3.1	2.7 - 3.6
		Madagascar	3.1	2.3 - 3.7
		Mauritania	3.1	2.1 - 3.7
90	16	Gabon	3	2.4 - 3.3
93	17	Eritrea	2.9	2.2 - 3.5
		Tanzania	2.9	2.7 - 3.1
99	19	Mali	2.8	2.5 - 3.3
		Mozambique	2.8	2.5 - 3.0
105	21	Malawi	2.7	2.5 - 3.0
		Uganda	2.7	2.4 - 3.0
111	23	Zambia	2.6	2.1 - 3.0
121	24	Benin	2.5	2.1 - 2.9
		Gambia	2.5	2.3 - 2.8
		Rwanda	2.5	2.3 - 2.6
		Swaziland	2.5	2.2 - 2.7
130	28	Burundi	2.4	2.2 - 2.6
		Central African Repu	2.4	2.2 - 2.5
		Ethiopia	2.4	2.2 - 2.6
		Togo	2.4	1.9 - 2.6
		Zimbabwe	2.4	2.0 - 2.8
138	33	Cameroon	2.3	2.1 - 2.5
		Niger	2.3	2.1 - 2.6
142	35	Angola	2.2	1.9 - 2.4
		Congo, Republic	2.2	2.2 - 2.3
		Kenya	2.2	2.0 - 2.4
		Nigeria	2.2	2.0 - 2.3
		Sierra Leone	2.2	2.2 - 2.3
151	40	Côte d'Ivoire	2.1	2.0 - 2.2
		Equatorial Guinea	2.1	1.7 - 2.2
156	42	Chad	2	1.8 - 2.3
		Congo, Democratic R	2	1.8 - 2.2
		Sudan	2	1.8 - 2.2
160	45	Guinea	1.9	1.7 - 2.1

Transparency International Corruption Perception Index 2006

Country Rank	Country / territory	2006 CPI Score*	Confidence range**	Surveys Used***
1	Finland	9.6	9.4 - 9.7	7
	Iceland	9.6	9.5 - 9.7	6
	New Zealand	9.6	9.4 - 9.6	7
4	Denmark	9.5	9.4 - 9.6	7
5	Singapore	9.4	9.2 - 9.5	9
6	Sweden	9.2	9.0 - 9.3	7
7	Switzerland	9.1	8.9 - 9.2	7
8	Norway	8.8	8.4 - 9.1	7
9	Australia	8.7	8.3 - 9.0	8
	Netherlands	8.7	8.3 - 9.0	7
11	Austria	8.6	8.2 - 8.9	7
	Luxembourg	8.6	8.1 - 9.0	6
	United Kingdom	8.6	8.2 - 8.9	7
14	Canada	8.5	8.0 - 8.9	7
15	Hong Kong	8.3	7.7 - 8.8	9
16	Germany	8	7.8 - 8.4	7
17	Japan	7.6	7.0 - 8.1	9
18	France	7.4	6.7 - 7.8	7
	Ireland	7.4	6.7 - 7.9	7
20	Belgium	7.3	6.6 - 7.9	7
	Chile	7.3	6.6 - 7.6	7
	USA	7.3	6.6 - 7.8	8
23	Spain	6.8	6.3 - 7.2	7
24	Barbados	6.7	6.0 - 7.2	4
	Estonia	6.7	6.1 - 7.4	8
26	Macao	6.6	5.4 - 7.1	3
	Portugal	6.6	5.9 - 7.3	7
28	Malta	6.4	5.4 - 7.3	4
	Slovenia	6.4	5.7 - 7.0	8
	Uruguay	6.4	5.9 - 7.0	5
31	United Arab Emirates	6.2	5.6 - 6.9	5
32	Bhutan	6	4.1 - 7.3	3
	Qatar	6	5.6 - 6.5	5
34	Israel	5.9	5.2 - 6.5	7
	Taiwan	5.9	5.6 - 6.2	9
36	Bahrain	5.7	5.3 - 6.2	5
37	Botswana	5.6	4.8 - 6.6	6
	Cyprus	5.6	5.2 - 5.9	4
39	Oman	5.4	4.1 - 6.2	3
40	Jordan	5.3	4.5 - 5.7	7
41	Hungary	5.2	5.0 - 5.4	8
42	Mauritius	5.1	4.1 - 6.3	5
	South Korea	5.1	4.7 - 5.5	9
44	Malaysia	5	4.5 - 5.5	9
45	Italy	4.9	4.4 - 5.4	7
46	Czech Republic	4.8	4.4 - 5.2	8
	Kuwait	4.8	4.0 - 5.4	5
	Lithuania	4.8	4.2 - 5.6	6
49	Latvia	4.7	4.0 - 5.5	6
	Slovakia	4.7	4.3 - 5.2	8
51	South Africa	4.6	4.1 - 5.1	8
	Tunisia	4.6	3.9 - 5.6	5
53	Dominica	4.5	3.5 - 5.3	3
54	Greece	4.4	3.9 - 5.0	7
55	Costa Rica	4.1	3.3 - 4.8	5
	Namibia	4.1	3.6 - 4.9	6
57	Bulgaria	4	3.4 - 4.8	7
	El Salvador	4	3.2 - 4.8	5
59	Colombia	3.9	3.5 - 4.7	7
60	Turkey	3.8	3.3 - 4.2	7
61	Jamaica	3.7	3.4 - 4.0	5
	Poland	3.7	3.2 - 4.4	8
63	Lebanon	3.6	3.2 - 3.8	3
	Seychelles	3.6	3.2 - 3.8	3
	Thailand	3.6	3.2 - 3.9	9
66	Belize	3.5	2.3 - 4.0	3
	Cuba	3.5	1.8 - 4.7	3
	Grenada	3.5	2.3 - 4.1	3
69	Croatia	3.4	3.1 - 3.7	7
70	Brazil	3.3	3.1 - 3.6	7
	China	3.3	3.0 - 3.6	9
	Egypt	3.3	3.0 - 3.7	6
	Ghana	3.3	3.0 - 3.6	6
	India	3.3	3.1 - 3.6	10
	Mexico	3.3	3.1 - 3.4	7
	Peru	3.3	2.8 - 3.8	5
	Saudi Arabia	3.3	2.2 - 3.7	3
	Senegal	3.3	2.8 - 3.7	5
79	Burkina Faso	3.2	2.8 - 3.6	5
	Lesotho	3.2	2.9 - 3.6	5
	Moldova	3.2	2.7 - 3.8	7
	Morocco	3.2	2.8 - 3.5	6
	Trinidad and Tobago	3.2	2.8 - 3.6	5
84	Algeria	3.1	2.7 - 3.6	5
	Madagascar	3.1	2.3 - 3.7	5
	Mauritania	3.1	2.1 - 3.7	4
	Panama	3.1	2.8 - 3.3	5
	Romania	3.1	3.0 - 3.2	8
	Sri Lanka	3.1	2.7 - 3.5	6
90	Gabon	3	2.4 - 3.3	4
	Serbia	3	2.7 - 3.3	7
	Suriname	3	2.7 - 3.3	4
93	Argentina	2.9	2.7 - 3.2	7
	Armenia	2.9	2.7 - 3.0	6
	Bosnia and Herzegovina	2.9	2.7 - 3.1	6
	Eritrea	2.9	2.2 - 3.5	3
	Syria	2.9	2.3 - 3.2	3
	Tanzania	2.9	2.7 - 3.1	7
99	Dominican Republic	2.8	2.4 - 3.2	5
	Georgia	2.8	2.5 - 3.0	6
	Mali	2.8	2.5 - 3.3	7
	Mongolia	2.8	2.3 - 3.4	5
	Mozambique	2.8	2.5 - 3.0	7
	Ukraine	2.8	2.5 - 3.0	6
105	Bolivia	2.7	2.4 - 3.0	6
	Iran	2.7	2.3 - 3.1	3
	Libya	2.7	2.4 - 3.2	3
	Macedonia	2.7	2.6 - 2.9	6
	Malawi	2.7	2.5 - 3.0	7
	Uganda	2.7	2.4 - 3.0	7
111	Albania	2.6	2.4 - 2.7	5
	Guatemala	2.6	2.3 - 3.0	5
	Kazakhstan	2.6	2.3 - 2.8	6
	Laos	2.6	2.0 - 3.1	4
	Nicaragua	2.6	2.4 - 2.9	6
	Paraguay	2.6	2.2 - 3.3	5
	Timor-Leste	2.6	2.3 - 3.0	3
	Vietnam	2.6	2.4 - 2.9	8
	Yemen	2.6	2.4 - 2.7	4
	Zambia	2.6	2.1 - 3.0	6
121	Benin	2.5	2.1 - 2.9	6
	Gambia	2.5	2.3 - 2.8	6
	Guyana	2.5	2.2 - 2.6	5
	Honduras	2.5	2.4 - 2.7	6
	Nepal	2.5	2.3 - 2.9	5
	Philippines	2.5	2.3 - 2.8	9
	Russia	2.5	2.3 - 2.7	8
	Rwanda	2.5	2.3 - 2.6	3
	Swaziland	2.5	2.2 - 2.7	3
130	Azerbaijan	2.4	2.2 - 2.6	7
	Burundi	2.4	2.2 - 2.6	5
	Central African Republic	2.4	2.2 - 2.5	3
	Ethiopia	2.4	2.2 - 2.6	7
	Indonesia	2.4	2.2 - 2.6	10
	Papua New Guinea	2.4	2.3 - 2.6	4
	Togo	2.4	1.9 - 2.6	3
	Zimbabwe	2.4	2.0 - 2.8	7
138	Cameroon	2.3	2.1 - 2.5	7
	Ecuador	2.3	2.2 - 2.5	5
	Niger	2.3	2.1 - 2.6	5
	Venezuela	2.3	2.2 - 2.4	7
142	Angola	2.2	1.9 - 2.4	5
	Congo, Republic	2.2	2.2 - 2.3	4
	Kenya	2.2	2.0 - 2.4	7
	Kyrgyzstan	2.2	2.0 - 2.6	6
	Nigeria	2.2	2.0 - 2.3	7
	Pakistan	2.2	2.0 - 2.4	6
	Sierra Leone	2.2	2.2 - 2.3	3
	Tajikistan	2.2	2.0 - 2.4	6
	Turkmenistan	2.2	1.9 - 2.5	4
151	Belarus	2.1	1.9 - 2.2	4
	Cambodia	2.1	1.9 - 2.4	6
	Côte d'Ivoire	2.1	2.0 - 2.2	4
	Equatorial Guinea	2.1	1.7 - 2.2	3
	Uzbekistan	2.1	1.8 - 2.2	5
156	Bangladesh	2	1.7 - 2.2	6
	Chad	2	1.8 - 2.3	6
	Congo, Democratic Republic	2	1.8 - 2.2	4
	Sudan	2	1.8 - 2.2	4
160	Guinea	1.9	1.7 - 2.1	3
	Iraq	1.9	1.6 - 2.1	3
	Myanmar	1.9	1.8 - 2.3	3
163	Haiti	1.8	1.7 - 1.8	3

Cont'd from pg 3

election contest are particularly expected to see sharp increases in the degree of corruption.. This is driven by the expectation that the political contest would be very tough and so the election involves very high stakes. Thus the pertinent question is that because the CPI is a measurement of perceptions of corruption among public officials, it is particularly susceptible to high stakes political events such as elections.

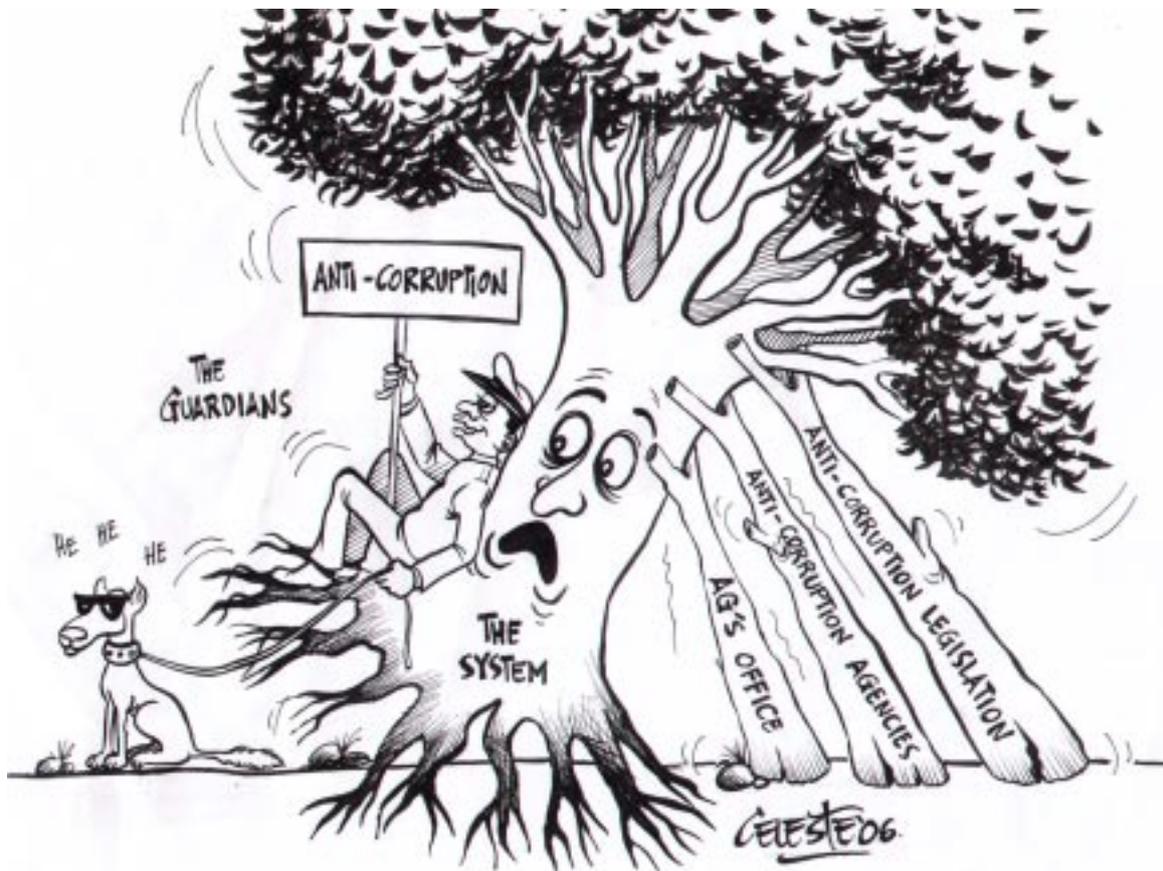
On the other hand, the greatest improvement in the CPI score was in the period between 2003 and 2004. During this period, Kenya's CPI improved by 0.2 points and may be explained by the efforts of the new administration to reform the public sector in addition to initial responses to the investigation of glaring cases of corruption. This may have included the widespread efforts to clean up corruption in the judicial arm of government. During this period, the citizens of Kenya were generally optimistic about the governments efforts to respond to corruption. Specifically, the government adopted the Zero Tolerance approach to corruption, and started legislative and institutional reforms to deal with corruption on an ongoing basis. Enactment of the Anti-corruption and Economic Crimes law, and the appointment of its director also raised hopes that there would be an unrelenting zero tolerance to corruption.

However, as the trend line shows, the perception of corruption has remained flat since the initial improvement after the reforms were initiated. One may surmise that part of the reason for this is that there may be the perception that the initial resolve to respond to cor-

ruption has substantially reduced. Thus the CPI score for Kenya in the three years from 2004 to 2006 has remained the same in spite of the existence and continuing work of the Kenya Anticorruption Commission (KCAA), and its officers. Judging from the CPI, the zero tolerance approach to corruption only improved the score in the initial two years but has had no further discernible effect since.

Conclusion

Further and more incisive efforts are required to ensure that the zero tolerance approach achieves measurable results and more importantly, that all the efforts and the costs borne by Kenyans in maintaining the fight against corruption are registered in the CPI. The paradox for Kenya is why there are many efforts being made but these do not show in the most prominent index for measuring the perceptions of corruption in a country. The CPI for the last three years shows that for the initial momentum that accompanied the adoption of the zero tolerance to corruption to be re-discovered, the KACC and the public sector reforms would have to shift a gear upwards. In conclusion, the flattening on the CPI score trend line is evidence that inspite of all the efforts, Kenya is not doing enough to improve the perception of experts that it is a country making genuine and productive efforts to reduce the perceived levels of corruption in the country. In essence, the government and all Kenyans must work harder.



KENYANS SPEAK ON CORRUPTION

By Peter Opondo

Walking down the streets of Nairobi, one is struck by the profound views that ordinary Kenyans have on the war against corruption. Many are clearly not satisfied either with the pace or the drift of the anti graft war.

Peter Ambetsa, a newspaper vendor retorts, "Since this talk about zero-tolerance on corruption begun have you heard of any Kenyan who has successfully been prosecuted and convicted of corruption charges? Ambetsa reckons that if a newspaper vendor like him would be taken to court on corruption charges; he would probably end up in jail in a matter of days. "Why is it that every time KACC forwards files to the AG for prosecution, they are not acted upon. Is it that KACC is not doing its job properly or Wako (the Attorney General) is frustrating the work of KACC?" he asks.

Sarah Mueni, a vendor of Charity Sweepstake cards quips: "Corruption is simply a problem of the big shots- the politicians, the businessmen and all the high fliers. Have you seen anyone of them go to jail even when you can clearly see that they are corrupt?"

But does it mean that the proverbial man or woman on the street does not engage in corruption?

"Of course it is forced on us," is the candid answer from James Maina, a taxi driver. "When a traffic police officer stops you, and asks for Kitu Kidogo (bribe), what do you do?" he asks. Our interviewer tells Maina that there is the Kenya Anti Corruption Commission (KACC), to which such cases of blatant corruption can be reported? Or the police hotlines as an alternative?

Before answering, Maina holds his thoughts for a while, casts his head down, and then retorts: "I have seen ... (Aaron)... Ringera on TV and read about the anti corruption commission on TV, but to me they dont exist. And why should I call the police when they are the ones demanding the bribes, it is like am asking a judge to preside over his own case!"

The striking thing is that four years ago, Kenyans were very optimistic that they had turned the corner as far as the war against graft went. A new Government which pledged zero tolerance to corruption was romped in with much ado. Then there were all the tell tale signs that the Narc government led by President Mwai Kibaki would walk the talk when it came to matters of corruption- both grand and petty

The first blow against corruption was struck when the government conducted a radical surgery against those perceived to be corrupt in the judiciary, and out went the former Chief Justice together with most of the prominent judges of the previous era. It was assumed that an impeccable judiciary would be a massive weapon in the war against corruption. Then several other institutions like the KACC and the National Anti Corruption Campaign Steering Committee (NACCSC), among others were rolled in succession.

So why the pessimism and probably frustration among Kenyans on the governments efforts against graft?

Those on the government side have consistently argued that corruption roots and tentacles were so deep in Kenya that it would take nothing short of a sustained and long- term effort to uproot them. While presenting a report on corruption in the judiciary in 2003, Appellate Judge Evan Gicheru, later to become Chief Justice, warned Kenyans that the dragon of corruption would always viciously fight back. And just recently, in a rare admission of the difficulty he was facing in discharging his duties, the Chief Executive of the KACC Justice Aaron Ringera told Kenyans that he was always between "the anvil of his enemies and the hammer of his friends."

Robert Wanjohi a high school teacher says that "The critical test for this government came when it emerged that some of its key officials were involved in mega scandals like Anglo Leasing. The fact that the government appeared to recoil and prevaricate when it came to taking action took away a huge amount of public goodwill!"

But Ken Wafula, a journalist, believes that it is the remarks by the former Permanent Secretary (PS) in charge of Governance and Ethics that has left a huge dent to the governments rhetoric fight against corruption. "When Githongo says that he has been warned that there will be no prosecutions on the Anglo Leasing type of contracts till after next years general election, what do you expect Kenyans to think? It tells us that there is no political goodwill in the government to fight corruption," he adds. To Wafula reckoning this kind of talk has a trickle down effect: "People begin imagining that if the big shots are getting away with it, why not me?"

But a prominent lawyer who declined to be named says that the war against corruption has been hijacked

by politicians. "You can't compare the current situation to where it was five years during the Moi regime. Insecurity was prevalent, the public transport system was in chaos, harambees were an excuse for corruption, and you name it. All these have changed," argues the lawyer.

He adds: "Recently when some prominent politicians were linked to corrupt deals, the same politicians started claiming that they were being persecuted because of their political ambitions, and Kenyans believe them!" But the same lawyer acknowledges that the corruption problem is both a reality and perception problem. "Reality because Kenyans want things to move fast and it just can't happen given the intricate web of the corrupt!"

He says it is a perception problem because it would just take one successful prosecution of a prominent personality, particularly those who have served in the current government to change the perception that the government is not serious in the war against corruption.

According to Masinde, a Law student, Kenya has not improved in the fight against corruption. She feels that what Kenyans want to see is prosecution of corruption cases happening. In her opinion, the Attorney General is not an impediment in the prosecution of corruption cases.

Elijah Okweno, also a University student, says the government has a long way to go in the fight against corruption. He believes that to some extent the Kenya Anti Corruption Commission (KACC) has fulfilled its mandate though not fully. He says that the AG is not playing his role effectively because he is acting according to the wishes of some politicians, and therefore shielding evidence.

Victor, a human rights officer, on the other hand feels that there has been a general improvement in the fight against corruption, but he feels KACC is not doing its work as required. "There is lack of proper coordination between the KACC and the office of the Attorney General who is in charge of prosecuting relevant cases" He adds that the AG has not been an obstacle in the prosecution of corruption cases.

Kenyans are equally concerned that the lack of synergy between the office of the Attorney General and KACC should be addressed. For many the current situation only goes to confirm their worst fears that the war against corruption is just a game of musical chairs and leaves the burden of proof in the hands of the government.

Additional reporting by Hilda Odera

For more information on Corruption in Kenya, and previous issues of *Adili*,



Visit: <http://www.tikenya.org>

**TI-Resource Centre:- you can now view our online catalogue on <http://www.tikenya.org/knowledge.asp?id=1&ID=7>
Our resource centre is also opened to the public**

Our Radio program *Pasha Nikupashe* has gone on reassess, we will be back.

Adili is a fortnightly news service produced by TI-Kenya's Communications Programme. The views and opinions expressed in this issue are not necessarily those of TI-Kenya. The editor welcomes contributions, suggestions and feedback from readers. Transparency International, 3rd Floor, Wing D, ACK Garden House, 1st Ngong Avenue. PO Box 198-00200, City Square, Nairobi, Kenya. Tel.: 254-020-2727763/5, 0733-834659, 0722-296589; Fax: 254-020-2729530.