



A Corruption-Free Society

For Immediate Press Release
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Senate amendments to Conflict of Interest Bill to allow public officers and families to do business with the government without sanctions

Transparency International Kenya (TI-Kenya) expresses profound disappointment and alarm at the Senate's recent unanimous decision to mutilate the Conflict of Interest Bill (National Assembly Bill No. 12 of 2023) through atrocious amendments that negated the rule of law and constitutionalism. By removing the sanction that defines conflicts of interest and stripping the Ethics and Anti-Corruption Commission (EACC) of its implementing authority, the Senate of the Republic of Kenya has severely weakened the Conflict of Interest Bill, compromising the fight against corruption and effectively legalising state officials' ability to engage in self-serving business practices without fear of punishment. This move is illegal and unconstitutional for the Senate to abdicate its role under Article 96 (2) to effectively consider and approve Bills that concern counties especially those that affect the finances of county governments.

The Senate's decision to delete provisions that sanction conflict of interest from both the Bill and existing laws, such as the Anti-Corruption and Economic Crimes Act, 2003, effectively removes any deterrent against state officials conducting business with the government or awarding tenders to relatives. Additionally, transferring the enforcement role from the EACC to public entities creates a significant conflict of interest, as officials will now be responsible for investigating their misconduct. This decision violates Article 79 of the Constitution of Kenya 2010 which mandates EACC to ensure compliance and enforcement of the provisions of Chapter Six (6) of the Constitution which outlines the conduct of state officers under Article 75 and restricts certain activities from being undertaken by state officers.

Passage of the Bill with Senate amendments will jeopardise conflict of interest-related offences currently being investigated or in court. For example, most Governors currently in court face charges

relating to conflict of interest and are charged alongside family members.

The Senate's actions erode public trust in the government's willingness to establish necessary legal structures to address the root causes of corruption. As such, TI-Kenya urgently calls upon the National Assembly to reject the Senate's amendments and restore the Bill to its original form. We also urge President William Ruto to withhold assent from any version of the Bill that fails to uphold robust anti-corruption measures. Moving forward, TI-Kenya will intensify its advocacy for strong, enforceable laws that hold public officials accountable and protect public resources. We will continue to engage with stakeholders, including civil society, development partners, and the Kenyan public, to ensure that the fight against corruption remains a top priority.

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