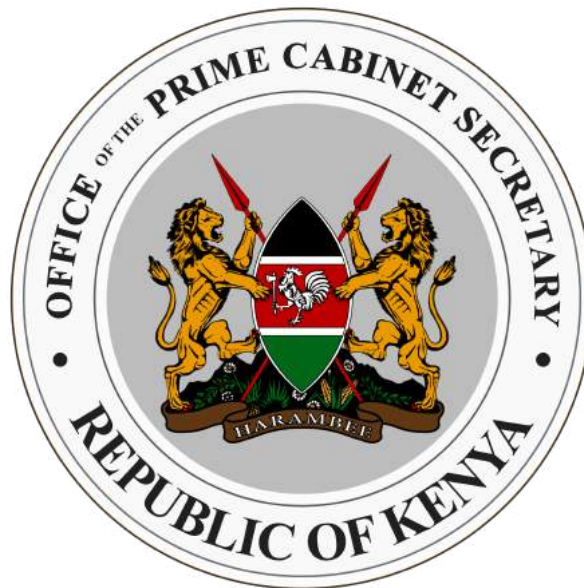




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PLAN 2023-2028**

WEDNESDAY SEPTEMBER 26, 2023

**KENYATTA INTERNATIONAL CONVENTION CENTRE
(KICC);**

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Cabinet Secretaries;

Principal Secretaries;

Hon. County Governors

**Hon. Members of Parliament/Chairpersons of
Parliamentary Committees;**

**Hon. Senators/Chairpersons of Committees of the
Senate;**

The Chair and Commissioners of EACC;

Chief Executive Officer, EACC;

Chief Executive Officers of State Corporations;

Development Partners;

Ladies and Gentlemen;

1. The launch of the Ethics and Anti-Corruption Commission (EACC) Strategic Plan 2023-2028 is a submission that EACC is an important pillar for good governance, leadership, and integrity in our country.

2. As you are aware, we have less than seven (7) years remaining before the expiry of Vision 2030 which





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promises to provide high-quality life to citizens. This realization moved the Kenya Kwanza Administration to prosecute the innovative Bottom-Up Economic Transformation Agenda (BeTA), which backstops the current Fourth Medium Term Plan (MTP IV) 2023-2027.

Bottom-Up Economic Transformation Agenda (BeTA)

3. BETA targets transforming Kenya through growing *agricultural production transformation for inclusive growth; micro, small, and medium enterprise; housing and settlement; healthcare; and digital superhighway and creative industry*. BeTA aims to revitalize our economy through a value chain approach, and this is why it is an Economic Transformation Agenda. **The targeted sectors are those that will have the most impact in reducing the cost of living; eradicating hunger; creating jobs; expanding the tax base; improving foreign exchange balances; and stimulating inclusive growth.**

4. BETA aims to rationalize resource allocation by eliminating the wastage of resources occasioned by duplication, fragmentation, and ineffective coordination in the implementation of programs and projects. His Excellency the President has continuously reiterated that





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our Administration's objective is to achieve the highest levels of efficiency and effectiveness in the delivery of public services. This cannot be achieved if we are tolerant of corruption and unethical conduct.

The Legal Regime Against Corruption

5. The Leadership and Integrity Act provides that a State officer or a public officer shall not allow personal interests to conflict with and override their official duties. This Act creates the EACC oversight standards of integrity and ethical conduct of not only the leadership of the Commission but also demands that the Commission does not allow State Officers to disregard the values, principles, and requirements of Chapter Six of the Constitution in the discharge of their duties.

6. The Commission of one of the privileged independent commissions under the Constitution. This independence guarantee is meant to protect the public against lethargy by the Commission under the excuse of interference. Indeed, Article 251 of the Constitution of Kenya is clear you cannot disband the Commission at a whim. Further, should you want to entertain the luxury of removing a Commissioner, you must go through the rigors of





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presenting a petition to the National Assembly setting out the alleged facts constituting that ground. In turn, the law gives the Commission no room to wriggle out of enforcing its mandate.

Ladies and Gentlemen;

Manifestations of Corruption

7. I have laid out the above background because corruption poses a severe existential threat to our aspirations, and all agencies charged with preventing it must now be put on red alert. You must ask yourselves why corruption thrives in our midst despite the taxpayer footing the bills of many anti-corruption agencies. Research indicates that corruption undermines development and service delivery by diverting development resources to the personal gain of a few individuals; loss of tax revenue; increasing the cost of doing business and therefore deterring investments; distorting public expenditure and allocation of talent; reducing economic efficiency and slowing down administrative processes. All these drag and make the





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implementation of government policies and programs a most arduous and ineffective undertaking. I confidently speak to this because I have been a victim of this maleficence in the setting up of the Office of the Prime Cabinet Secretary (OPCS).

8. But we should never hide behind the knowledge that corruption is a global disease that does not spare any country regardless of its level of development. Despite that, we must also not be blind to the fact that allegations and charges of corruption now play a more central role in politics, economics, and social life than at any other time. Governments have fallen, the careers of world-renowned public figures ruined, and the reputations of well-respected organizations and business firms badly tarnished on account of corruption. This reality should give us the courage and urgency to act and act decisively to end corruption.

War Against Corruption Must be Wholesome

9. Considering that a corruption-free society is a recipe for immense economic growth and generations of prosperity, we must develop a culture that snubs corruption. A generational culture that rebukes corruption, and values





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and rewards honor, dignity, and integrity. Yes, we may pass as many laws as we want regarding corruption. But, societal values cannot be legislated. The constitution of our moral fiber is learnt and instilled in our psyche but early socialization. If we must have a national culture that respects values of integrity, we must take the bull by the horns early enough by weaning our children against the corrosive influences of corruption. The Adult called Corrupt must get the message that our war against corruption is not a phase, it is becoming entrenched as a way of life and our society will no longer tolerate it.

10. The Kenya Kwanza government is aware that it cannot achieve the BETA if corruption is allowed to thrive. Both the National and County Governments bear the consequences of corruption. The war against corruption is about strengthening governance systems in both levels of Government in order to seal corruption loopholes and resource leakages. Where do we begin? First, by ensuring that our Anti-Corruption watchdogs are themselves corruption-free. Second, by insisting administrative offices don't nurture corruption in opaque inhibitive processes. Third, by not condoning or excusing corruption in workplaces. Fourth, accepting the war against





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corruption cannot be won by one institution alone and breaking silos between agencies, and requiring individual and collective all hands on deck.

Role of Anti-Corruption Institutions in the War Against Corruption

11. The EACC, must therefore provide leadership. Citizens and the agencies that have mandates to fight corruption must coalesce around EACC because we all are responsible for ridding our country of this scourge. We all must participate in changing society's values so that the corrupt will have nowhere to run to and hide. If our citizens espouse values that are consistent with honor, dignity, and integrity, the resolve will inevitably filter to those who serve citizens in Government.

12. A key partner in the war against corruption in the parastatal sector is the Inspectorate of State Corporations (ISC). I am pleased to inform you that under its new domicile in the Office of the Prime Cabinet Secretary, the Inspectorate is undergoing a comprehensive revamp and rejuvenation to strengthen its capacity to take on





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corruption and misappropriation of funds in State Corporations.

13. This rejuvenation is not a symbolic posture or gesture. We mean business. The revamp is our firm declaration of commitment to upholding integrity, transparency, and accountability in State Corporations. It is part of the assignment of my Office to restore public trust in government institutions, even as we shape a culture of accountability.

14. Under the provisions of the State Corporations Act (Chapter 446 of the Laws of Kenya), the Inspector-General (Corporations) is vested with extensive powers that include the authority to call for and inspect all relevant records, documents, and premises of State Corporations, as well as attend their meetings if necessary. Furthermore, the Inspector-General (Corporations) possesses the authority to disallow unlawful expenditures, and surcharge individuals responsible for unauthorized or negligent actions. We are now actively engaged in holding accountable those individuals within State Corporations who engage in malpractices. One of the most critical powers vested in the Inspector-General of the ISC is the authority to surcharge.





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Regrettably, because this authority has not been used for years, it has contributed to the inactivity of the State Corporations Appeals Tribunal. The Tribunal has been non-functional due to the expiration of the tenures of the Chairman and members. I am happy to announce that the Tribunal will shortly be operationalized. In this regard, I assure the country that surcharges will soon be part of the arsenal of weapons in our war against corruption. It is therefore vital that the EACC and the Inspector-General (Corporations) develop close cooperation. Corruption knows no artificial boundaries that we create. In fact, corruption exploits these silos to thrive. To ensure that every facet of our government operates with the highest standards of ethics and integrity, teams must relentlessly collaborate, for our collective success.

Ladies and gentlemen;

Collaboration in Combating Corruption

15. When I emphasize collaboration, it extends beyond the partnership between EACC and the Inspectorate. Several other public institutions hold pivotal roles in the war against corruption. For instance, the Office of the Auditor-General consistently reports misappropriation of





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public funds. Going forward, its recommendations should command serious attention. We must rethink the value of authentication by Parliament brings to such glaring reports of misappropriation of public resources other than the risk of purgative due to the inordinate time it takes, and the prohibition on Anti-Corruption agencies to institute changes.

16. Equally important is the Judiciary, with its authority to expedite hearings of corruption-related cases and ensure swift justice. Additionally, the National Police Service and Directorate of Criminal Investigations (DCI) form our frontline forces in this battle, wielding vital investigative and enforcement capabilities. The Office of the Director of Public Prosecutions assumes the crucial role of prosecution. I urge the newly appointed Director of Public Prosecutions to embark on this responsibility with zeal, recognizing that the promptness and quality of prosecutions wield a direct impact in our pursuit of justice, and purgation of corruption. The Assets Recovery Agency and the Financial Reporting Centre also have a crucial role in identifying assets procured by illicit funds and tracking the proceeds of crime. It is imperative that those who think they will benefit from the incongruency of these





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agencies to profit from corruption understand that there are no gains to be had from the theft of public funds.

17. Our colleagues in Parliament, the elected representatives of the citizens, also have crucial roles to play. The Public Investments Committee plays a pivotal role in scrutinizing reports and financial accounts related to public investments. Working closely with the Auditor-General, this Committee can unveil inefficiencies and irregularities that may raise suspicions of corruption. Additionally, the Public Accounts Committee, responsible for reviewing accounts detailing the allocation of funds for public expenses, also plays a significant part in identifying potential improprieties. If we all work together judiciously and expeditiously, we should stem the tide of unambiguous incidences of corruption.

Parliament Should Fast-Track Conflict of Interest Bill, 2023.

18. There is one particular area, that has a significant impact on corruption, that I am requesting the National Assembly to look into. This is the Conflict of Interest Bill, 2023, which was approved by the Cabinet on 28th February 2023 and subsequently transmitted to the





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August House. The Bill seeks to provide a framework for the management of conflict of interest on the part of State and Public Officers arising from the discharge of their official duties. It introduces strong legal safeguards against real, apparent, or potential conflict between the private interests of public servants on the one hand, and the public interest and their official duties on the other hand. Once enacted into law, it would mark the end of the era where public servants would subordinate their official duties to their private commercial interests. The Bill has undergone its First Reading before the National Assembly and is in the pipeline for the Second Reading. I request that the House fast-track this.

Withdraw Retrogressive Bills

19. Meanwhile, two Bills currently before the National Assembly raise significant concerns in the ongoing battle against corruption. Both are titled the Anti-Corruption and Economic Crimes Amendment Bill, 2023. One is proposed by Hon. Peter Kaluma, and the other seeks amendments presented by Hon. Geoffrey Ruku. These bills, if passed and enacted into law, have the potential to reverse the progress achieved in the fight against corruption.





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20. Hon. Kaluma's Bill aims to amend the Anti-Corruption and Economic Crimes Act of 2003 by removing the provision disqualifying individuals convicted of corruption or economic crimes from holding public office. On the other hand, Hon Ruku's Bill seeks to decriminalize certain aspects of public procurement, property disposal, contract tendering, fund management, and expenditure. If these proposed amendments are accepted, they will open the door for individuals with corruption histories to hold public office, and offer significant leniency to those inclined toward corrupt practices within the public sector. This is not to say I do not respect the independence of our government's branches. I recognize the substantial interdependence among them. Therefore, I kindly request the two Members of Parliament (MPs) to consider withdrawing their bills. We must remember that we can only defeat corruption if we stand together in unity of purpose and effort.

Ladies and gentlemen;

Resources for EACC





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21. The Government of H.E. President William Samoei Ruto has made it clear that all Ministries, Departments, and Agencies (MDAs) have a responsibility to ensure they are rid of corruption in their midst. But while we actively pursue those engaged in corrupt practices, we must equally dedicate efforts to preventive measures, knowing that “prevention is better than cure.” We must enhance and sustain transparency and accountability through strengthening systems, policies, and procedures of work in all public institutions. This will ensure that institutions and workplaces are free of corruption loopholes and risks. Our citizens must also be fully engaged in the fight against corruption by first and foremost saying no to corruption and secondly, reporting corruption to EACC whenever they witness it. Citizens must also understand that one of the most effective ways to contribute to the combat against corruption is by electing leaders of unwavering integrity to public office and ensuring that state officers are not only qualified but also maintain their suitability throughout their tenure. Consequently, the government will provide ample resources to empower the Ethics and Anti-Corruption Commission (EACC) to





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effectively implement the civic preventive strategies outlined in the Strategic Plan.

Ladies and Gentlemen,

Kenya Will Apply International Anti-Corruption Frameworks

22. I wish to recognize the partnership the Kenya Government has with the UN Bodies involved and support the fight against Corruption. The United Nations Office on Drugs and Crime (UNODC) has been particularly active in this endeavor. The United Nations Convention against Corruption (UNCAC) provides a global legal framework to stop corruption. States parties to this Convention are expected to cooperate in every aspect of the fight against corruption, including prevention, investigation, asset recovery, and the prosecution of offenders. States are also required to act in the private and public sectors and to promote the work of civil society in this area. Kenya will continue to domesticate all provisions of the Convention to ensure that we have a robust policy, legal, and institutional framework that will systematically tackle corruption.





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Strengthening Anti-Money Laundering and Combating Terrorism Financing

23. A recent addition to our legal framework in the ongoing battle against corruption is the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Act of 2023, which received His Excellency the President's assent on September 1, 2023. This Act brings significant improvements, addressing the existing limitations in our fight against money laundering and terrorism. One notable change is the grant of operational independence to the Financial Reporting Centre and the Capital Markets Authority has been empowered to enforce compliance with anti-money laundering, and terrorism financing laws and proliferation financing regulations among its licensees. Similarly, the Insurance Regulatory Authority has been granted the authority to ensure that its licensees adhere to these critical laws. Furthermore, The Central Bank of Kenya (CBK) has been entrusted with the responsibility of supervising financial institutions and agents affiliated with reporting institutions. Additionally, the Amendment Act incorporates the laundering of proceeds from corruption under the definition of "economic crime."





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Ladies and Gentlemen;

In the Anti-Corruption War, Preparation is the All

24. In this war, the importance of planning, setting targets, and achieving those targets cannot be underestimated. The Chinese philosopher Confucius once said: ***“In all things, success depends on previous preparation, and without such previous preparation there is sure to be failure.”*** I therefore commend the EACC for establishing an elaborate war plan against corruption. With a plan; one prepares, studies challenges and weaknesses, and understands what it is that must be done in order to succeed in the war against corruption.

25. Corruption erodes the very foundations of our society, hindering progress and prosperity, and I must reiterate that the war against corruption must also take a “Whole-of-Society” and Whole-of-Government approaches through the collective action of both State and Non-State Actors. This unity of purpose is a concept we must fully embrace in our battle against corruption. We are all stakeholders in this fight — government institutions, civil society, the private sector, and every citizen. By standing





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united, we send a clear message that corruption will find no refuge in our land. Together, we can create a future where honesty, integrity, and accountability prevail.

26. In this war, there can be no room for fear or favor. The EACC is an Independent Commission and it has a solemn duty to pursue justice without hesitation or bias. No individual, regardless of their position or influence, should be considered a “sacred cow” immune to accountability. The EACC must investigate and prosecute cases of corruption without prejudice, upholding the law equally for all citizens.

Ladies and Gentlemen,

27. Allow me to reiterate our commitment to eradicating corruption from our great nation. The launch of this Strategic Plan should not be just a formality; it should be the Plan to action the unwavering dedication to a Kenya free from the shackles of corruption. I extend my gratitude to the Ethics and Anti-Corruption Commission (EACC) for their tireless efforts to fight a very evasive enemy and urge them to still forge ahead with





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determination. Together, we shall overcome this menace and build a brighter future for all Kenyans.

28. With that, May I declare the EACC Strategic Plan 2023-2028 officially launched.

Asanteni Saana!

**H.E. HON. DR MUSALIA MUDAVADI, E.G.H.,
PRIME CABINET SECRETARY
THE REPUBLIC OF KENYA**

