



TRANSPARENCY
INTERNATIONAL
KENYA

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Introduction

This reporting period marked the final year of the implementation of TI-Kenya's 2008-2012 Strategic Plan. During this period, TI-Kenya's work was geared towards advocating for transparent and accountable institutions of governance in Kenya; Working towards effective constitutional, policy and legal frameworks that promote accountability and transparency; Supporting citizens to proactively demand for transparency and good governance; and, advocating for regulated, accountable and transparent political participation and competition in Kenya.

TI-Kenya remains a leading CSO in the sector that is highly respected by the stakeholders and maintained an excellent and respected brand in the fight against corruption; Its programme foci have largely remained citizen-centred, while boasting ability to both mobilize and work well with stakeholders on critical issues as well as influence policies on enhancing integrity. All TI-Kenya's advocacy interventions were largely evidence-based as informed by objective researches and a constant appraisal and alignment to the local context and international benchmarks ensured relevance. During the reporting period, TI-Kenya also embraced and worked in new non-traditional areas that include climate change governance and humanitarian aid.

The pursuit of constitutional, legal, policy and institutional reforms to entrench transparency and accountability was done generally and in specific sectors. This was hinged on the relevant supporting provisions of the Constitution of Kenya, 2010 including Article 10 on the national values and principles of governance, Chapter Six on Leadership and Integrity, Chapter Four on the Bill of Rights, Chapter Seven on Representation especially Article 81 on the principles of the electoral system, Chapter Eleven on Devolved Governments and especially Articles 174 and 175 on the objects and principles of devolution, among others.

This report is divided into sub-sections, which collectively capture our work and results in the period under review at the local, national, regional and international levels. Within our Strategic Objectives, we report on: Governance and Policy; Citizen Demand; Climate Finance Governance; Humanitarian Aid; Research; Advocacy and Communication and the Advocacy and Legal Advisory Centres (ALACs).

Each section considers; activities and results, difficulties and solutions, opportunities grasped and next steps. Basically, the report will explain what TI-Kenya did, what difference it made, the challenges it faced and how those challenges were overcome. The report will also describe any work undertaken additional to that originally planned in order to capitalise on arising opportunities. In conclusion, the report will draw together the key lessons learnt during the 2011/2012 year and summarise some plans going forward.

Acronyms

| | |
|--------|-------------------------------------------------------------------------|
| ALACs | Advocacy and Legal Advisory Centre |
| AWIS | Annotated Water Integrity Scan |
| APNAC | African Parliamentarians Network Against Corruption |
| ASAL | Arid and Semi Arid lands |
| CaLP | Cash Learning Partnership |
| CMT | Citizen Monitoring Tool |
| CMNK | Contract Monitoring Network of Kenya |
| CSO | Civil Society Organization |
| CIDA | Canadian International Development Agency. |
| CIPEV | Commission of Inquiry into the Post Election Violence |
| CEO | Chief Executive Officer |
| DFID | Department for International Development |
| EABI | East Africa Bribery Index |
| EACC | Ethics and Anti-Corruption Commission |
| FAIS | Food Assistance Integrity Study |
| FAO | Food and Agriculture Organization. |
| FoTAPP | Forum for Transparency and Accountability in Pharmaceutical Procurement |
| FOI | Freedom of Information |
| FM | Frequency Modulation |
| FY | Financial Year |
| GIZ | GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT |
| GRB | Gender Responsive Budgeting |
| HRD | Human Resource Development |
| HSNP | Hunger Safety Net Program |
| IEBC | Independent Electoral and Boundaries Commission |
| ICT | Information Communication Technology |
| ICC | International Criminal Court |
| IEC | Information Education Communication |
| ICJ | International Commission of Jurists |
| ICPAK | Institute of Certified Public Accountants of Kenya |

| | |
|---------|--------------------------------------------------------------------|
| IPCRM | Integrated Public Complaints Referral Mechanism. |
| IREC | Independent Review Committee |
| KNDR | Kenya National Dialogue and Reconciliation Report |
| MDS | Mobile Drug Tracking System |
| MDGs | Millennium Development Goals |
| MCM | Municipal Council of Mombasa |
| MOU | Memorandum of Understanding |
| MSEs | Micro and Small Enterprises |
| NIS | National integrity system |
| NWIS | National Water Integrity Study |
| PCGG | Pwani Coalition for Good Governance |
| RHoK | Random Hacks of Kindness |
| SMS | Short Message Service |
| SUPKEM | Supreme Council of Kenya Muslims |
| SP | Strategic plan |
| TIS | Transparency International Secretariat |
| TI | Transparency International |
| TSC | Teachers Service Commission |
| TISDA | Transparency in Service Delivery in Africa |
| UNICEF | United Nation International children's Emergency Fund |
| UN | United Nations |
| UNRWA | United Nations Relief and Works Agency |
| UN OCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| USAID | United State Agency for International Development |
| WASREB | Water Service Regulatory Board |
| WFP | World Food Program |
| WASREB | Water Service Regulatory Board |
| WSPs | Water Service Providers |

Executive Summary

A) STATEMENT OF ACHIEVEMENTS

TI Kenya's focus over the last two years has been on enactment of legislation that supports the fight against corruption, institutional strengthening and civic engagement.

- **Legislative development:** TI-Kenya has made significant contribution to a number of legislations and Bills supporting the fight against corruption that are compatible with the national values and principles of governance and which promote transparency, accountability and integrity. Key among these is the Leadership and Integrity Act, the Public Finance Management Act, Freedom of Information Bill and laws relating to devolution. Other Laws that received our attention are the County Government Act, the National Disaster Management Authority Act, the Teachers Service Commission Act, The Election Act and The Political Parties Act. TI-Kenya also made proposals for amendment of the Ethics and Anti-Corruption Act, 2011 to strengthen it.

TI-Kenya researched and drafted the Whistle Blower Protection Policy and Bill, the Election Campaign Financing Bill and also contributed to the drafting of the Judges and Magistrates Vetting Law. Similarly, TI-Kenya through the Parliamentary Initiative Network participated in originating the new standing orders and discussing with Parliamentary Taskforce on Standing Orders of the National Assembly and the Senate in July 2012.

- **Institutional strengthening:** One of the core priorities of TI-Kenya has been the strengthening of institutions through various interventions, among them integrity studies and systems analysis for reform. This is especially critical during the rolling out of county governments and the requisite institutions that go with that.

TI-Kenya commissioned research to determine the implementation status of the Kriegler commission recommendations on election. The findings of the research are to be launched in February just before elections in March 2013.

TI-Kenya also built the capacity of various actors on anti-corruption and procurement. TI-Kenya believes that effective and reliable assessment of corruption within government institutions and processes is helpful in designing relevant anti-corruption plans or strategies as well as monitoring the progress in achieving an efficient and accountable public sector. Anti-Corruption and procurement training was aimed at empowering key public institutions on anti-corruption mechanisms to enhance accountability of the government officials. It also facilitates experience sharing, peer learning to identify gaps in the various sectors as well as ways to address them. The trainings inform an effective campaign for advocacy that translates into transparency, accountability and efficiency in the public institutions and processes. In the period under review, the capacity building programme directly benefitted the following: Ministry of Public Health and Sanitation; Ministry of Education; School Board Members; Parent Teacher Associations; Teachers Service Commission; District and County Education

officials; Prisons Department; Constituency Development Fund Committees; Ministry of Lands; Ministry of Water; Office of the President officials; Local Government; Civil Society Organizations; and, Small and medium business enterprises. A total of 311 people were trained (216 male and 95 female).

- **Citizen engagement:** Through the Citizen Demand Programme, TI Kenya has continued to empower and mobilize members of the public against corruption. The Advocacy and Legal Advisory Centres (ALACs) have actively provided citizens with the opportunity to report and fight corruption. TI-Kenya's ALACs received complaints



from and provided legal aid to over 2,700 people. This was done through the in-house legal aid clinics, walk ins, call ins and community forums. The ALACs have provided an alternative and extra platform for reporting of corruption cases. In Mombasa the ALAC has within this period also offered free legal aid to those held in custody as a deliberate effort to engage with penal institutions to improve integrity in the justice system. Inmates are highly affected by various issues like probation officers demanding bribes, court delays and harassment by police. To date ALACs are actively intervening in 97 cases of corruption in which authorities are being urged to investigate and take action.

For example, citizens in Mombasa with the support of ALAC succeeded in having three titles to illegally obtained land revoked.

TI-Kenya also facilitated the development of integrity pacts in Mombasa and Nanyuki on water provision. Three pacts have been signed addressing governance in the education sector in Kwale, Nakuru and Trans Nzoia counties. Discussions are ongoing for more pacts in other areas including one on garbage collection in Mombasa. Pacts seek to ensure inclusive, responsive and accountable service delivery.

TI-Kenya also used development pacts as a tool for increased stakeholder collaboration in enhancing efficient service delivery and accountability—a total of four development pacts were signed during the period, three in the education sector (Kwale, Trans Nzoia and Nakuru) and one with the City of Mombasa.

Effective interaction was developed between ALACs and public institutions (state & local authorities)- First, TI-Kenya was involved in the design and development of the Integrated Public Complaints and Referral Mechanism (IPCRM) with key national anti-corruption agencies; Kenya National Commission on Human Rights, Commission on

Administrative Justice, the Ethics and Anti-Corruption Commission, the National Anti-corruption Campaign Steering Committee and the National Cohesion and Integration Commission. The IPCRM is an integrated platform for the receipt, processing and management of public complaints and is meant to enhance the efficiency, economy and impact of the work of the governance institutions. The IPCRM will enable the institutions to synergize their efforts, strategies and resources and therefore maximize the impact of their work in combating corruption, human rights violations and maladministration. Secondly, TI-Kenya strengthened its working relationship with the City of Mombasa, EACC, Ministry of Education, Teachers Service Commission and Commission on the Implementation of the constitution.

- **Youth Engagement:** The last one year has seen an increased involvement of youths in anti-corruption and the promotion of integrity. TI-Kenya has initiated sixteen (16) integrity clubs in Kwale, Nakuru and Trans Nzoia counties in both primary and secondary schools. We continue to support similar clubs in three universities and sponsor an annual debate on integrity issues. The clubs aim at cultivating the culture of integrity in schools and colleges.

The use of strategic advocacy tools like the mass media and publications, and online tools including the website and social media channels like Facebook, Twitter, YouTube and the blog has increased youth involvement with TI-Kenya work. The online platform is particularly popular with the youths.

- **Integrity in Food Aid Assistance:** TI-Kenya concluded and launched a study of the 2011 emergency response based on case studies in Wajir, Turkana and West Pokot counties. This study is the first one of its kind in the region. The study was conducted in close cooperation with actors involved in the food assistance sector, including relevant ministries, international and national humanitarian organizations, donor organizations and beneficiaries. The study encapsulates the analysis of the national food assistance legislative and architecture frameworks as well as the findings of four case studies in Arid and Semi Arid Lands (ASAL) of the country. Its recommendations have informed two laws and continue to be used by humanitarian organizations to improve their systems. As a result of this work, TI-Kenya has received requests from humanitarian actors and other TI chapters to support them undertake similar studies in their jurisdictions. A request has also been made by the Secretariat in Berlin for TI-Kenya to host and lead the TI global movement's interventions in the humanitarian sector globally.
- **Climate Finance Governance:** This intervention focuses on ensuring resources for climate adaptation and mitigation are not lost through corruption. It sheds light on the amount, source and intended use of resources earmarked for climate change mitigation and adaptation. TI-Kenya was part of a six-country pilot that successfully advocated for inclusion of an anti-corruption paragraph in the Rio+20 outcomes.

TI launched the global corruption report on climate change on October 30th 2011 which has subsequently informed capacity building on climate governance with a total

of 640 people including 19 officials from various government ministries and agencies have been trained in Nairobi, Kisumu, Migori, Kakamega, Eldoret, and Mombasa; a mapping and assessment of climate governance systems in Kenya; advocacy for climate change policy; and, advocacy for international climate finance.

- **Contract Monitoring:** This initiative was established in 2011 to monitor procurement and execution of public contracts in Kenya. It adopts a multi-stakeholder approach to contract monitoring bringing together public institutions, civil society organizations and the private sector. TI-Kenya facilitated the formation of the Contract Monitoring Kenya Network and was elected convener. TI-Kenya is also the convener of the regional network on contract monitoring that includes all countries in East Africa and Zambia. Through the Forum for Transparency and Accountability in Pharmaceutical Procurement (FoTAPP), the network developed and successfully piloted two social accountability tools for the health sector: the Citizen Monitoring Tool (CMT) and the Mobile Drug Tracking System (MDTS).
- **Governance in the Water Sector:** After three years of advocacy, TI-Kenya has succeeded in bringing the governance discourse into the water sector. Through the Transparency in Service Delivery in Africa (TISDA) project, TI-Kenya successfully promoted the use of Risk Maps and the Annotated Water Integrity Scan to the water sector in Kenya. Through these, TI-Kenya worked to strengthen citizen and CSO engagement with relevant public water utility decision makers through institutionalized, informed and inclusive oversight and participation platforms. Further efforts were aimed at helping public water utilities establish new standards for deliverables and benchmarks for improved water service delivery. As a result, communities in Nairobi's Kangemi and Mutega areas, Mombasa, Kisumu, Eldoret and Nanyuki enjoy a better quality of life through expanded and effective access to basic services, greater integrity leading to improved delivery of basic services in the water sector. The National Water Integrity Study done by TI-Kenya in 2011 proposed legislative changes to facilitate the attainment of higher levels of citizen-oriented accountability, a better knowledge of demand and thus more effective and efficient use of resources and improved public sector responsiveness to citizen needs.

The Water Services Regulatory Board (WASREB) has adopted governance indicators developed by TI-Kenya into its tools for impact assessment. For the first time, the Water Impact Assessment Report for 2013 included an assessment of progress in governance of water service providers. A governance trophy donated by TI-Kenya was awarded to Nyahururu Water and Sewerage Company. This is an important achievement for TI-Kenya.

- **Women Empowerment through Advocating Gender Responsive Budgeting:** TI-Kenya implemented an initiative geared towards the empowerment of women, their communities and local authorities in Eldoret and Mombasa to adopt gender responsive budgeting and enhancing collective, transparent, accountable and gender responsive planning and budgeting processes in Kenya. This was done in Eldoret and Mombasa towns. Under this initiative, TI-Kenya achieved (1) Increased women's

empowerment through responsive and accountable service delivery by local authority institutions-with 70 CSOs working in Eldoret and Mombasa trained on GRB and 210 CSOs and community representatives sensitized on GRB; (2) Improved transparent, gender responsive and participatory practices at all levels in planning and budget development- A total of 85 representatives from the local authorities and government ministries in Mombasa, Eldoret and Nairobi were trained on GRB and a policy dialogue forum with 7 officers from the Ministry of Finance, Water & Irrigation, Public Health & Sanitation, Gender and Local Government.

B) LESSONS LEARNT

TI-Kenya has learnt a number of lessons in the process of executing its mandate that have and will continue to inform its work moving forward. The lessons are as follows:

- There is a lot of investment in the fight against corruption, but limited progress in achieving the desired results.
- Insufficient political will remains the greatest hindrance in the fight against corruption.
- The level of public awareness in the fight against corruption has increased, but the capacity to stand up against corruption is still weak .
- The devolved system of government introduced by the new Constitution is bound to increase the magnitude and complexity of corruption.
- Formation of multi-stakeholder partnerships has worked well in leveraging resources, skills and capacities in the fight against corruption.
- TI-Kenya needs to refine its program focus in order to enhance its ability to effectively deliver on its strategic objectives.
- TI-Kenya needs to put more efforts in developing the organization particularly strengthening membership participation, improving the work environment, building staff competencies and motivation.



Launch of Bribery as a non tariff barrier to trade: A case study for East Africa

Progress in Programme Implementation

The interventions of TI-Kenya during the year were informed by the strategic priorities identified in the 2008-2012 strategic plan and implemented within six main programmes. These priorities define the results that TI-Kenya seeks to achieve through execution of the Strategic Plan. These included:

- a. Advocating for transparent and accountable institutions of governance in Kenya;
- b. Working towards effective constitutional, policy and legal frameworks that promote accountability and transparency;
- c. Supporting citizens to proactively demand for transparency and good governance; and,
- d. Advocating for regulated, accountable and transparent political participation and competition in Kenya.

2.1 TOWARDS TRANSPARENT AND ACCOUNTABLE INSTITUTIONS

2.1.1 Research

Research remains pivotal to the advocacy work of TI-Kenya. Research products are also critical tools to benchmark reform initiatives in the public sector and have been borrowed by the wider public.

- **The East African Bribery Index (EABI):** The EABI is an annual regional survey on bribery conducted across the five East African countries of Kenya, Uganda, Tanzania, Burundi and Rwanda. The survey maps out bribery experiences of ordinary citizens in their day to day interaction with public institutions. The survey results report institutions where citizens had to pay bribes to access public services. This tool informs the general public on the vulnerability of the listed institutions to bribery practices. To the policymakers, the tool provides a proxy measure for success or otherwise of governance interventions in place, this serves to provide a platform for advocacy work on the necessary amends. The 2012 regional survey was fourth since the inception of the regional focus. The regional survey is gradually being accepted as a governance assessment tool for the region. Kenya leads on this partly due to the fact that the survey has been conducted much longer in the country.
- **National Opinion Poll:** National opinion polls are carried out to inform public debate on the most current governance related issues. This is a way of shaping public discourse on the anti corruption and governance arena in general. One national opinion poll was conducted in the reporting period on a wide range of issues including- implementation of the constitution, perceived commitment of the government in the anti corruption agenda and the upcoming elections. Among the key highlights of the poll was that Parliament was perceived as the most likely impediment to a successful and timely implementation of the Constitution of Kenya 2010.
- **Private Sector Integrity Survey:** This is a partnership between TI-Kenya and the Kenya Association of Manufacturers. TI-Kenya managed to interview 54 companies from across different sectors of the economy on issues touching on integrity. The survey sought to establish the current integrity challenges facing the sector, efforts in place to respond to

the challenges and an assessment of the efficacy of the various responses. The survey initially faced challenges securing interviews from the identified companies. There was a clear case of apprehension by companies to openly debate integrity issues. One of the key lessons TI-Kenya learnt on this initiative was that there is **need** to direct more efforts to supporting the private sector appreciate the governance challenges facing them. Such should create channels for further collaboration. TI-Kenya should explore the likelihood of regularising this kind of survey among other opportunities as a way of keeping this debate alive.

- Survey on Bribery patterns along the transport corridors in East Africa:** TI-Kenya completed and published a report on a survey of bribery as a non-tariff barrier to trade along the major transport arteries of East Africa – the Northern Corridor and the Central Corridor. The report was released in November 2012 and received wide coverage in local media. The findings will inform TI-Kenya advocacy work on the elimination of practices and administrative requirements that facilitate bribery along the transport corridors.
- Municipal court monitoring:** This is an on-going project meant to evaluate the adoption of the current reforms in the judiciary by the subject courts. It has been initially observed that the reform efforts may not be percolating in these courts due to limited public glare on them. The project seeks to clearly inform this hypothesis and provide a basis for any necessary intervention leading to reform. On a preliminary basis, these are courts of corruption. Only those who cannot pay bribes are arraigned in these courts.



Climate Integrity Finance Programme

2.1.2 Promoting Transparency and Integrity in Humanitarian Aid

The most damaging impact of corruption is the diversion of basic resources from poor people. Corruption in humanitarian aid deprives the most vulnerable poor people, in this regard the victims of natural disasters and civil conflicts, of essential life-saving resources. Under this programme, TI-Kenya aims to enhance efficiency and cost-effectiveness in the delivery of humanitarian aid in Kenya through strengthening integrity and good governance practices.

TI-Kenya conducted, published and launched an integrity study of the Food Assistance (FAIS) Sector in Kenya, analyzing the 2011 humanitarian response to the drought. The study was conducted in close cooperation with actors involved in the food assistance sector, including relevant ministries, international and national humanitarian organizations, donor organizations and beneficiaries. The study encapsulates the analysis of the national food assistance legislative and architecture frameworks as well as the findings of four case studies in Arid and Semi Arid Lands (ASAL) of the country. The four case studies in Wajir, East Pokot, West Pokot and Turkana were conducted between September and the end of November 2011. Each case study focused on a specific mechanism to support food assistance in the ASAL and as a response

to the drought situation. In West and East Pokot, general food distribution carried out by the Government of Kenya and World Vision were examined, in Wajir, a voucher (EC Food Facility) programme implemented by Save the Children UK and in Turkana, the cash programming by Oxfam GB (Hunger Safety Net Programme – HSNP) were analysed.

Among others, the study benefitted from insights and inputs from the Ministry for Special Programmes, the Ministry for the Development of Northern Kenya, Kenya Red Cross, International Federation of Red Cross and Red Crescent Society, WFP, UNICEF, OCHA, FAO, UN Humanitarian Coordinator, CIDA, DFID, USAID, European Commission, World Bank, GIZ, German Agro Action, Save the Children, Oxfam GB, Help Age, World Vision and CaLP.



Sharing the Food assistance study in Pokot Kenya

Stakeholders' meetings were held to discuss the findings and recommendations of the report. The FAIS was launched in Nairobi in March 2012, followed by satellite launch events in Pokot, Turkana and Wajir. Following the launch of the study, TI-Kenya has secured funding from FAO to implement the second phase of the programme for the next two years.

Assessment missions have been conducted in Wajir, West Pokot and Turkana counties to map all humanitarian actors and present them the objectives of the programme. During these missions the team also identified and visited communities to be targeted during the second phase of the programme. Stakeholders' forums have also been conducted in West Pokot and Nairobi to agree upon the advocacy focus of the programme. Similar forums are scheduled in Wajir and Turkana in the coming months and will serve as a baseline to draft our advocacy strategy at the national and county levels.

TI-Kenya has also been invited to share its experience and approach for the implementation of the Humanitarian aid program with other internal and external stakeholders. Beside national forums and meetings, the programme was presented at the GIZ Good Governance Africa meeting in Mozambique in October 2011 and at the TI Africa regional meeting in June 2012. TI-Kenya was also invited by UNRWA in Jordan to provide inputs on their anti-corruption strategy. The study's findings were shared at the Stockholm International Water Conference to a large audience of interested international participants.

2.1.3 Promoting Transparency and Integrity Climate Finance

Launching of the global corruption report on climate change on October 30th 2011 marked the beginning of TI-Kenya's engagement in climate governance in Kenya. The programme's goal is to contribute to promoting transparency, accountability, integrity and anticorruption safeguards in Climate finance governance nationally and globally. During the year, TI-Kenya strived to enhance the capacity of key stakeholders in climate change sector including the civil society, communities and key government institutions through advocating for climate change policy, training and networking. Key interventions in this programme thus revolved around these components:

- Capacity Building on Climate Governance:** Lack of understanding of climate finance and climate change, particularly by civil society and local communities were identified as the key things hindering their participation and monitoring of climate change initiatives. TI-Kenya conducted trainings aimed at creating awareness among civil society and the public to increase participation in climate governance issues, and enhance their capacity in fighting corruption in climate change and climate vulnerable ecosystems. In total, 640 people including 19 officials from various government ministries and agencies have been trained in Nairobi, Kisumu, Migori, Kakamega, Eldoret, and Mombasa.
- Mapping and Assessment of Climate Governance Systems:** TI-Kenya carried out a mapping of actors in climate change in Kenya. The report on the 'Mapping of climate governance system in Kenya' has been used by the Ministry of environment and Natural resources in highlighting the weak areas in governance of climate financing in the current process of developing the climate change response strategy action plan, particularly the disaggregated landscape of climate finance and lack of clear coding of climate finances were identified as the key issues that needed to be streamlined in order to espouse transparency and accountability in the sector.
- Partnerships and Networks:** TI-Kenya supported various advocacy networks formed with key organizations in particular thematic areas. These include the Kenya Climate Change Working Group, Youth Network on Rio+20, Kenya youth network on climate change and Pan African climate justice alliance on the regional platform. TI-Kenya has established a Kenya Climate Governance Network, a web platform for interaction of the above mentioned networks and organizations. Membership of the network is drawn from civil society organizations, human rights organizations, youth networks and student communities (Universities and Colleges). This has been a pillar in enhancing shared learning, information exchange and co-operative climate governance advocacy.



Mithika Mwenda- Pan African Climate Justice Alliance (PACJA) Coordinator at the Continental Secretariat

As a strategy to make climate governance a national issue, TI- Kenya has partnered with Kenya Environmental and Science Journalists network aimed at sharing information and capacity building journalists to facilitate effective advocacy campaigns on climate finance. This network of journalists will be trained in the next year on corruption risks in the climate change sector. Further it is expected that the journalists will be in a position to investigate and report on corruption and weak governance cases in the sector.

2.1.4 Catalyzing Education Sector Reforms to Institutionalize Good Governance

The education sector integrity study conducted in 2010 identified a number of governance risks and challenges in the sector. After the study, TI-Kenya tailored interventions to achieve

two things: (1) To enhance the capacity of the Teachers Service Commission (TSC), Counties and Schools to attend to their mandate as critical actors in the education sector under the provisions of the new Constitution; and, (2) To strengthen the Demand side of education through the ongoing work of the task force on aligning the education sector to the new Constitution, but more importantly focus on strengthening the operational mechanisms of the sector at the county and community level in ways that will enhance citizen participation and demand for such services.

TI-Kenya sought to ensure education legislative reforms are aligned to the new Constitution with effective citizen voice- The Teachers Service Commission Act was enacted with a lot of input from TI-Kenya and its stakeholders. The Act now guarantees the independence of the Commission professionalizes teacher management and is compatible with the national values and principles of governance. TI-Kenya is currently engaging stakeholders and the Parliamentary Committee on Education to equally influence the Basic Education Bill.

TI-Kenya worked together with the other members of the ElimuYetu Coalition to ensure effective feedback to the education task force report especially as concerns devolution of education services. Most of the proposals made on devolution, platforms for public participation, transparency and accountability were adopted in the report which is now informing the processes of enactment of the basic education law and education policy.

2.1.5 Transparency and Accountability in Public Procurement and Financial Management

- **Anti-Corruption and Public Procurement Trainings:** This initiative aims at enhancing knowledge and skills among CSOs, MSEs and procuring entities in participating and monitoring public procurement and to advocate for a responsive public procurement system underpinned by principles of transparency and accountability. TI-Kenya initiated the revision of the anticorruption training manual, for the purposes of harmonizing the manual with the new legislation on corruption – the EACC Act.
- **Contract Monitoring Network of Kenya (CMNK) and Forum for Transparency and Accountability in Pharmaceutical Procurement (FOTAPP):** TI-Kenya developed two social accountability tools: the Pharma tool and the Mobile Drug Tracking System. A pilot on the citizen monitoring tool was conducted in three health facilities in Nairobi: Makadara, Umoja and Ngara Health Centres. The pilot of the Mobile Drug Tracking System was done in three health centres; LungaLunga health centre in Kwale, Tom Mboya Health centre in Rusinga Island, Mbita and Riruta Health Centre in Nairobi.

TI-Kenya was nominated the national convener for the Contract Monitoring Kenya Network (CMKN) and later elected by the other participating networks in Zambia, Uganda, Tanzania and Rwanda as the regional convener of the network. The Contract Monitoring Kenya Network as well as the Forum for Transparency and Accountability in Pharmaceutical Procurement (FoTAPP) website was launched on the 18th June 2012 at the Sarova Stanley: the launch also included a baseline study that focused on the four key sectors that the network focuses on; education, water, construction industry (particularly in roads/transport infrastructure) and health sector mainly pharmaceuticals. The baseline looked at the status of public procurement in Kenya; the key recommendations in the selected sectors inform the work of the network whose mandate is to engage citizens in monitoring public contracts. Citizens will be engaged in the monitoring through simplified monitoring tools and the network will jointly hold accountable the relevant authorities.

2.2 ADVOCATING CONSTITUTIONAL, POLICY AND LEGAL FRAMEWORKS THAT PROMOTE TRANSPARENCY AND ACCOUNTABILITY

2.2.1 Advocacy for Climate Change Policy

The corruption report on climate change identified absence of policy, weak policies and policy captures as some of the gaps in the sector. TI-Kenya has been engaging with the Ministry of Environment and Natural Resources who through the implementation of the national climate change strategy, is developing the draft climate change policy as well as developing a climate change fund. TI-Kenya was appointed to a thematic committee to guide the work of the consultants to ensure incorporation of transparency, accountability, integrity and anticorruption principles in the climate fund as well as in the climate change policy.

2.2.2 Freedom of Information Bill

Since 2007, TI-Kenya has been involved in advocacy work for Freedom of information in Kenya under the banner of the Freedom of Information Network. The network comprises of institutions like Article 19, ICJ-Kenya, Kenya Human Rights Commission, The Institute for Social Accountability and Jukwaa la Katiba.

In 2012, TI-Kenya participated in and led advocacy activities of the network including:

- **Legislation for Development of the FOI:** TI - Kenya participated in and led legislative development of the Freedom of Information and Data Protection bills. The bills were impeded by the packed reform agenda in Parliament. TI-Kenya drafted a question by private notice for Hon. Mohamed Affey, an APNAC member, seeking ministerial statement on the status of FOI Bill in the enforcement of Article 35 of the Constitution of Kenya. However, for strategic reasons, this question was not asked at the dissolution of the 10th Parliament.
- **Research and technical support for public interest litigation:** TI-Kenya was enjoined in Nairobi Law Monthly Company Limited Vs Kenya Electricity Generating Company Ltd as amicus curiae. Submissions on the case have been concluded. Judgment on the matter will be delivered on 13th March 2013. TI-Kenya commissioned a review of access to information related cases to prepare a case digest aimed at further supporting related litigation.
- **Civic engagement:** In 2012, TI-Kenya launched a public petition for the implementation of Article 35 and an FOI law across the country. A multi pronged approach involving Petitions (online and offline). The petition is being conducted through public outreach events and online platform. Additionally, media advocacy through regular press conferences done by the FOI network is done on a regular basis. We have so far, received over 5,000 petitions from Kenyans demanding for the right to information.

2.2.3 Advocacy for Whistleblower Protection Policy and Legislation

The programme was to input in the development of this policy and hold citizen and CSO forums that contribute to the development of the law to assist in curbing corruption cases and protecting the rights of many whistle blowers. The Whistle blower policy and Bill is now a tool that TI Kenya will use to engage policy and law makers in a greater effort to adopt. The policy and Bill are ready for wider stakeholder consultation in the next programme year.

2.2.4 The National Integrity Survey

The National Integrity System (NIS) consists of the key institutions, laws and practices that contribute to integrity, transparency and accountability in a society. The main ‘pillars’ of the NIS are considered to be; the Executive, Public Procurement, Legislature, Ombudsman; Political Parties, National Anti-Corruption Agencies, Electoral Commissions, Media, Supreme Audit Institution, Civil Society, Judiciary, Private Sector, Regional and Local Government, Police and Prosecutors. The purpose of each NIS study is to assess the National Integrity System, the legal frameworks vis-à-vis the institutions and practice (how well they work). The assessment provides benchmarks for measuring further developments and a basis for comparison among a range of similar institutions in other countries.

NIS assessment assist in getting the explanations on which institutions or sectors, otherwise known as ‘pillars’ have been more successful in achieving their mandates and the reasons, whether they are mutually supportive and what factors support or inhibit their effectiveness. Each pillar is examined under the headings of ‘Role and Structure’, ‘Accountability, Integrity and Transparency Mechanisms’, and ‘Complaints and Enforcement Mechanisms¹.’ The NIS study has been conducted in Kenya, Uganda and Tanzania and has been peer reviewed in the 3 countries. The study will be published in 2013 with the aim of undertaking advocacy on identified gaps.

2.3 EMPOWERING CITIZENS TO DEMAND FOR TRANSPARENCY AND GOOD GOVERNANCE

TI-Kenya implemented actions geared towards citizen empowerment as a means to enhance citizens ‘voice’ and promote greater accountability and responsiveness in public service delivery institutions and the private sector. This was hinged on the belief that if accountability is institutionalized it directly results in improvements in services and that this is achieved through ongoing dialogue, information provision, progress monitoring and commitment from all stakeholders. Owing to the interventions TI-Kenya has witnessed increased numbers of citizens empowered and actively engaging with responsive public service delivery institutions.

2.3.1 Empowering Victims and Witnesses of Corruption

Through its ALACs in Nairobi, Mombasa and Eldoret, TI- Kenya seeks to empower male and female victims and witnesses of corruption to address their grievances in order to bring about systemic improvements in the fight against corruption. ALACs seek to help citizens find ways to resist corruption, have recourse and find redress, examine the varied situations that Kenyans face every day in relation to corruption. In the period under review the ALACs reached over 4,000 citizens in civic education forums and mobile clinics. The ALACs over the past year have counselled 2,700 citizens through legal aid clinics, walk ins and community forums, although a majority of complaints turn out not to be directly related to corruption. In Mombasa the ALAC has within this period also offered free legal aid to those held in custody as a deliberate effort to engage with penal institutions to improve integrity in the justice system. Inmates are highly affected by various issues like probation officers demanding for bribes, court delays and harassment by police. To date ALACs are actively intervening in 97 cases of corruption in which authorities are being urged to investigate and take action.

¹ NIS toolkit, 2010, Transparency international

The ALACs, supported by regional good governance coalitions continued serving as an intermediary translating citizen complaints into targeted civil society advocacy focused on key areas requiring priority action in the fight against corruption, multi-sector dialogues and demands for structural change. The ALACs also used strategic forums to sensitize and mobilize citizens to stand up against corruption. TI-Kenya set up a stand at the Nairobi International Trade Fair (2011). The theme used was ‘Time to wake up’. The Trade Fair was attended by over 500,000 people². TI-Kenya also partnered with SawaSawa in the 2012 edition of the SawaSawa festival as well as the 2012 Imagine Kenya Festival.

The Free Hotline Service

TI-Kenya has launched and publicized a toll free service **0800-720-721** to help check corruption. The charges for using the toll free number, irrespective of the duration of the call are paid by TI-Kenya. The service also offers a bulk SMS system using the short messaging code **3129**. The SMS enables those reporting corruption to communicate and receive feedback from TI-Kenya instantly. The bulk SMS is more effective than emails which can remain unchecked for days because people might not have a laptop handy with them.

Integration of ICTs in the fight against corruption

TI-Kenya in partnership with the Kenya Red Cross and the Random Hacks of Kindness (RHoK) organized the Hackathon, themed ‘Hacks Against Corruption’ on 1-2nd December 2012. A Hackathon is a competition where software developers have 36 hours to collaborate intensively together with subject matter experts and come up with technological tools that could be used in the war against corruption. The event saw the participation of other TI African Chapters: TI-Uganda, TI-Sierra-Leone, TI-Rwanda, TI-Zimbabwe as well as the TI Secretariat. With over 50 software developers and subject matter experts participating, this resulted in 12 prototype solutions developed. First prize went to Accadius Ben Sabwa, who had built an online and SMS complaints reporting tool for the Humanitarian Aid Sector, who TI-Kenya is working with to develop the solution into a viable initiative. Other notable solutions included a snakes and ladders educational game and a crowd sourced geo-mapping solution for climate finance. All these are tools for citizen empowerment to stand up against corruption.

2.3.2 Building Capacity of Citizens to Conduct Social Vetting

After Parliament diluted the provisions of leadership and Integrity Act, 2012 that was meant to enforce Chapter six (Article 73 -80) of the Constitution. TI-Kenya as an advocate for leadership and Integrity and in recognition of the role that they played in the drafting of the law as anticipated by the enabling chapter in the constitution opted for another alternative/level of vetting by the public. Leadership vetting is a sieving activity in which citizens identify those who are likely to misuse political power and make the necessary efforts to deny them a chance to get elected to positions of political leadership. By so doing, citizens increase their own chances of having good political leaders. This process provides a platform for active public participation as articulated in Article 10 of the Constitution.

TI-Kenya has formulated a social vetting strategy and tool in partnership with other civil society organizations curved out of the CSOs- CEOs meeting called “Social Vetting Core-Group”. TI-Kenya has developed among others a vetting strategy, vetting tool and campaign messages focussing on leadership and integrity of those aspiring for state offices. The tool gives the public

² <http://www.ask.co.ke/branch-events/international-shows/nitf/performance-7>

general guidelines regarding the leadership and integrity requirements for State officers.

This leadership vetting exercise will largely be in the hands of the community that chooses to implement it, propelled by a community mobilization group, the implementer, empowered by the facilitation of a civil society organization, the facilitator that oversees its implementation at various levels according to a well planned programme of activities. The facilitator will be any civil society organization that volunteers and commits itself to provide the necessary facilitation services to a credible community mobilization group that has expressed the wish to serve as an implementer of the project in its locality. TI-Kenya is conducting social vetting in Mombasa, Kisumu, Uasin Gishu and Nairobi counties.

2.3.3 Effective Interaction Developed Between ALACs and Public Institutions (State & Local Authorities)

Working with government institutions is central to the whole ALAC approach because the ALAC facilitate change in systems through applying pressure on state institutions and officers. This year the ALACs signed two key Memorandums of Understanding (MOUs) with the City of Mombasa and national corruption complaint-receiving agencies under the banner of the Integrated Public Complaints Referral Mechanism (IPCRM).

- **In Nairobi**, TI-Kenya through the ALACs was involved in the design and development of the Integrated Public Complaints Referral Mechanism (IPCRM) with key national anti-corruption agencies: National Commission on Human Rights,



Nairobi International Tradefair

Commission on Administrative Justice and the Ethics and Anti-Corruption Commission. The IPCRM is an integrated platform for the receipt, processing and management of public complaints and is meant to enhance the efficiency, economy and impact of the work of the governance institutions. The IPCRM will enable the institutions to synergize their efforts, strategies and resources and therefore maximize the impact of their work in combating corruption, human rights violations and maladministration. The first pilot phase of the mechanism was launched in Kisumu on the 1st of August 2012 after the signing of the MOU to which TI-Kenya was a party, to run for a period of three months. The launch of the initiative entailed commissioning of an e-IPCRM system to facilitate receipt and transfer of received complaints, public awareness activities via the electronic media, dissemination of fliers to sensitize the public on the initiative and steering sessions via the initiatives organs. It is envisaged that the work with institutions will take two main forms. Firstly, through the regular monitoring of complaints processing and secondly,

through discussions and follow-up which seek to help strengthen the effectiveness of the complaints process.

- **In Mombasa**, the ALAC drove the process to formalise the relationship with the City of Mombasa and TI-Kenya and concluded an MOU to support interventions that will bring about change within the Council/City. In the framework of the agreement a joint strategy and action plan have been developed with potential for improving service delivery in Mombasa.

2.3.4 Strategic Partnerships and Alliances Developed With Other CSOs

Through the ALACs, TI-Kenya continued to strengthen strategic partnerships and cooperation both inside and beyond its network of civil society organizations. The ALACs have found it practical to strike up partnerships around good governance through coalition- and alliance-building. These are efforts to “grassroot” the fight against corruption by promoting collaborative approaches with like-minded groups.

- **ALAC-Mombasa:** ALAC leads a collective association of 36 organizations working to fight corruption under the umbrella of Pwani Coalition for Good Governance (PCGG). ALAC’s advocacy reach is further capacitated by its significant media network which covers all dimensions of the coastal media and allows outreach to a large number of both ordinary citizens and policy makers on leadership and integrity, property rights and devolution.
- **ALAC-Nairobi** sought to deepen its reach in Nairobi by initiating formation of constituency-level chapters of the Nairobi Good Governance Coalition. The aim of this is to ensure that Nairobi is adequately reached and that there is increased public participation and especially by the poor and marginalized communities in Nairobi’s informal settlements.
- **ALAC Eldoret** is the convenor of the Eldoret based Champions of Peace, a 20 member network of CSOs promoting peace in the hotspots of the 2007 post election violence. Some of the members of the outfit include Mercy Corps, National Council of Churches of Kenya, SUPKEM, Rural Women Peace Link and the Catholic Justice and Peace Commission.

2.3.5 National and Local Public-Interest Advocacy Actions and Campaigns to Promote Systemic Change

- **Gender Responsive Budgeting (GRB)** - Nairobi ALAC spearheaded the implementation of actions geared towards empowering women and their communities by enhancing collective, transparent, accountable and gender responsive planning and budgeting processes in Kenya. This was done in Eldoret and Mombasa towns. The project achieved three outcomes: (1) Increased women’s empowerment through responsive and



Inter-universities' debate

accountable service delivery by local authority institutions- with 70 CSOs working in Eldoret and Mombasa trained on GRB and 210 CSOs and community representatives sensitized on GRB; (2) Improved transparent, gender responsive and participatory practices at all levels in planning and budget



Juliet, ALAC Nairobi PO facilitating during a public forum at Yatta

development- A total of 85 representatives from the local authorities and government ministries in Mombasa, Eldoret and Nairobi were trained on GRB and a policy dialogue forum with 7 officers from the Ministry of Finance, Water & irrigation, Public Health & Sanitation, Gender and Local Government; (3) Increased effectiveness by Parliament to perform its oversight function over the executive in ensuring gender responsive budget processes at local and national levels. This initiative has seen the education department of the Mombasa Municipal Council establish gender clubs in 30 out of 92 public primary schools within its jurisdiction. More schools are expected to establish the gender clubs in the near future. MCM has also supervised elections of 'school management committees' in 24 out of the 92 schools and ensured that all the committees had both genders represented equitably in the membership (Gender parity) in which male and female students were elected – under the "Child Friendly Schools Programme", and finally Gender based budgeting sensitization has been incorporated in the Education Department (MCM) 2011/2012 – work plan and 2011/2012 performance contract.

- **Civic Education on the Constitution** - Eldoret ALAC, conducted civic education in the North Rift to raise the awareness of the public on the Constitution, and enable them participate in reform processes. A total of 51 forums were held in various centres around North Rift. This was also done through the media with the ALAC officer making presentations on the Constitution, the Elections Act and the Political Parties Act among others in various shows in Bibilia Husema Broadcasting and Fish FM. Through these programmes ALAC has been able to reach 13,076 people directly and a further 40,000 people were reached indirectly through the multiplier effect. Further, an estimated 500,000 people were reached through the media. TI-Kenya also sponsored six civic education radio programmes on Pwani FM (Mombasa County) and Radio Mambo (Kakamega, Eldoret).³
- **Increasing Stakeholder Participation in the Education Sector**-TI-Kenya built capacity of stakeholders in the education sector in three Counties (Trans Nzoia, Kwale and Nakuru) to participate in promoting good governance in the sector at the County level. The teachers,

³ According to data provided by market research company ipsos synovate, Pwani Fm has a reach to 29% of radio listeners in coast topography and is the 3rd most listened to radio station. Radio Mambo reaches 11% of the total radio listenership in Western Kenya

school boards and management committees, education officials and representatives of the local communities were equipped with procurement and anti-corruption skills. Development pacts were drafted and signed (one in each County) to provide a platform for effective collaborative action geared towards improved governance. TI-Kenya also sought to involve youths in championing for integrity in the sector by working with the schools in the Counties to establish integrity clubs. 15 such clubs have so far been established. An essay and arts competition on integrity was completed in which over 2,000 students participated. The award ceremony for the winners was held on December 8, 2012.

TI-Kenya sponsored radio programmes on three regional radio stations: Kaya FM (Kwale County), Sauti ya Mwananchi (Nakuru County) and West FM (Trans Nzoia County)⁴. These were meant to sensitize the citizens about the reforms in the education sector and mobilize their participation in the reform discourse.

- **Promoting Transparency and Accountability in the Water Sector-** TI-Kenya implemented the Transparency in Service Delivery in Africa (TISDA) project to enhance accountability in the sector in Kenya by strengthening citizen and CSO engagement with relevant public water utility decision makers through institutionalized, informed and inclusive oversight and participation platforms. The efforts were aimed at helping public water utilities establish new standards for deliverables and benchmarks for improved water service delivery. As a result, communities in Nairobi's Kangemi and Mutega areas, Mombasa, Kisumu, Eldoret and Nanyuki enjoy a better quality of life through expanded and effective access to basic services, greater integrity leading to improved delivery of basic services in the water sector and advocacy that is based on a Risk Map research exercise and advocacy were some of the principle objectives for the third final year of the TISDA project led by Transparency International Kenya (TI-Kenya) with the support of the Transparency International Secretariat.

One of the key outcomes of the TISDA Water programme was water utilities, at various levels, take up reforms that improve transparency, integrity and accountability of government to civil society end users in the delivery of basic services has been successfully achieved. TI-Kenya's "insider approach" and direct dialogue with policy-makers has resulted in key reform efforts to promote good governance in the sector. TI-Kenya and WASREB (The Water Services Regulatory Board) jointly developed key governance performance indicators based on NWIS which were mainstreamed in WASREB's annual Impact Assessment Report (which is essentially an evaluation of performance in the water sector). This year the "governance" component was not only a main feature of the launch but compliant WSP's (Water Service providers) received an award donated by TI-Kenya. At this juncture we will only need to monitor how these indicators are being used and will therefore be applied annually independent of TI-Kenya.

National Water Integrity Study (NWIS) was conducted in 2011-The NWIS is one of the TI-Kenya's main instruments for developing individual, organizational and institutional

⁴ According to data provided by market research company ipsos synovate, Kaya Fm has a reach to 25% of radio listeners in coast topography and is the 4th most listened to radio station. Sauti ya Mwananchi has a reach of 4% of the market in the whole of the rift topography. The station is one of three regional stations broadcasting to Counties in Central Rift and is the most listened to regional station in that Market. West Fm has a reach of 25% of the market in the whole of the North Western topography and is the 5th most listened to station in that market and the second strongest regional station

capacity to enhance transparency and accountability. The NWIS was designed and used, through a risk-map methodology, to assess the national water systems and obtain insights into the integrity-in terms of transparency, accountability, anti-corruption practices, and users' participation-and the performance of water supply system development and water service delivery. Through NWIS 2011 TI-Kenya proposed legislative changes to facilitate the attainment of higher levels of citizen-oriented accountability, a better knowledge of demand and thus more effective and efficient use of resources and improved public sector responsiveness to citizen needs. This point is illustrated by policy-makers further participating in the Annotated Water Integrity Scan (AWIS) to generate concrete measures to address issues of integrity in the sector.

2.4 REGULATING POLITICAL PARTICIPATION AND COMPETITION FOR TRANSPARENCY AND ACCOUNTABILITY

TI-Kenya implemented a governance and policy programme to drive constitutional & legal reforms necessary to actualize transparency and accountability in public affairs. Key components of the programme were institutional reform and legislative drafting to support the implementation of the Constitution of Kenya, 2010. This emanated from the appreciation of the complex nexus between corruption, institutional weakness and their impact on every day realities of the citizens of Kenya, including highlighting both the direct and indirect costs of corruption. The intention is to advocate for the setting up of effective critical institutions of Governance in the public and private sectors in addressing corruption in Kenya.

2.4.1 Vetting of Public Officers

TI-Kenya sought to educate citizens on the contents of the vetting laws (Public officers and the Judiciary Acts) and their participation; received complaints on maladministration by state officers in these regions especially by magistrates and forwarded to the vetting board. This was very significant in terms of vetting of these state officers. This was done in Coast, North rift, Western/Nyanza and Nairobi. TI-Kenya also intervened through press releases and media advertisements on performance of the vetting process. TI-Kenya mobilized partners to prepare strategies, tools and processes to effect social vetting as a complement to the official vetting processes during the elections period.

2.4.2 An Audit of the Status of Implementation of the Recommendations of the 'Kriegler Commission'

The IREC (Kriegler) Report underlined the need for transparent electoral processes and systems in order to ensure, free, fair and democratic elections in future. The Report sought to highlight the issues that led to the incidence of the 2007-08 post-election violence. It also made recommendations as to how to avoid the tragic events that gave rise to the Commission's appointment. The recommendations revolved around six main issues: the country's constitutional and legal framework relating to elections, structure and composition of the electoral management body, the electoral environment and the role of political parties, civil societies, the media and observers, electoral preparations, vote counting, tallying and announcement of results and post-election procedures.

TI-Kenya conducted a review the status of implementation of the recommendations made by the Kriegler Commission. Two key of methodologies were used in developing this Report, namely literature review of relevant secondary sources including but not limited to the Constitution of Kenya, 2010, The CIPEV (Waki) Report and the Kenya National Dialogue and

Reconciliation (KNDR) reports on the status of implementation of Agenda Item 4 reforms. It reveals the people-centred reform measures that have been undertaken by the concerned institutions. The gaps and challenges in implementing the recommendations are identified. This Report also makes an exposition of possible constitutional, legal and policy measures that have been put in place to fill in the gaps identified by way of an implementation matrix. Finally it offers proposals for further reforms based on the respondents' views.

2.4.3 The Election Campaign Financing Bill, 2012

TI-Kenya committed itself to the drafting and advocacy of/for Election Campaign Finance Bill with the aim of enhancing political transparency during elections. TI-Kenya notes the risks that come with political financing in Kenya which include: uneven playing field in election contests, unequal access to office, co-opted politicians who need to be accountable to their financiers and tainted politics in which politicians accept money from illegal sources. TI-Kenya observes that the biggest risk that arises out of political party financing around the world is corruption. Such corruption undermines the existing political systems, erodes confidence amongst citizens and threatens political stability in any given country.

In Kenya, political party financing has faced challenges such as the use of funding from corrupt sources, abuse of state resources for partisan political purposes and acceptance of support in exchange for unauthorized favours or promise of favours in the event of election to office. These challenges are coupled with the view that political contributions are a means of participation in public life and power. The challenge of raising money in Kenya has made political parties vulnerable to moneyed interest groups and individuals who seek to influence party affairs in exchange for financial support. This has led to politics being a preserve of the wealthy who are unscrupulous, not committed to democratic principles or to the party ideology. Ruling parties more often than not also abuse state resources which put opposition parties at a considerable disadvantage.



Demonstration against actions of MPs of the 10th Parliament

TI-Kenya intends to contribute towards democratic elections and transparency and accountability in the management of state resources whilst its purpose is to promote political party finance reforms through research, awareness creation, policy advocacy and monitoring through the Campaign Finance Bill, 2012. TI-Kenya's contribution to this Bill has been through stakeholder forums (CSOs and government agencies), position papers presented to the Ministry of Justice and Constitutional Affairs. TI-Kenya has also written to the Independent Electoral and Boundaries Review Commission (IEBC) reminding them of their unfettered mandate in the constitution to regulate election campaign finance in 2013. The Bill will most likely be debated in the 11th Parliament to come after 11th March 2013 when the IEBC announces the winners.

2.4.4 Elections Act, 2011

TI-Kenya supported enactment and implementation of enabling policy/legislation for realization of the gains within Constitution of Kenya, 2010. It is in line with this objective that TI-Kenya participated actively in the drafting and enactment of the Elections Act, 2011. In the run to the 2013 general elections, the Elections Act, 2011 will promote a peaceful free and fair electoral process.

As voter education on electoral matters, TI-Kenya developed a simplified version of the Elections Act to enhance sufficient public understanding of the election related issues before the elections. The simplified version of this law is a 14 paged and reader friendly document. TI-Kenya is conducting voter education in Mombasa, Kisumu, Uasin Gishu and Nairobi counties.

2.4.5 Leadership and Integrity Act, 2012

TI-Kenya supports governance institutions in enhancing transparency and accountability as well as strengthening the watchdog and legislative roles of Parliament through effective policy that promotes a consistent culture of transparency and accountability in the Kenyan society. TI-Kenya in line with this objective participated actively in the drafting and enactment of the Leadership and Integrity Act, 2012. In the run-up to the upcoming elections and in anticipation for the next government, the Leadership and Integrity Act, 2012 will promote a leadership with integrity and accountability in accordance with Chapter six of the Constitution of Kenya, 2010.

TI-Kenya has developed a simplified version of this law to create awareness among the public as this will be very instrumental in equipping the public with the leadership standards required of those seeking public offices. The simplified version of this law is a 10 pager and reader friendly document. TI-Kenya is conducting voter education in Mombasa, Kisumu, Uasin Gishu and Nairobi counties.

Institutional Strengthening

3.1 Financial Management

Within the financial year, (2011-12), the new Financial Management System (ERP) which had been implemented in 2010-11 financial year was fully operational. This system has been very versatile in financial management and has made budgeting and generation of reports more accurate and timely. The payroll module embedded in this system is linked with the general ledger, making a payroll posting fast and accurate. The benefits have been immense in terms of timely financial reporting, to both donors and the management. Implementation of the system was not without challenges and hiccups at the initial stages but which were overcome to a large extent in the FY 2011-12. The system is now operating at efficient levels.

The finance department, in collaboration with the entire TI-Kenya staff reviewed and revised the finance and procurement guidelines; taking in to consideration the field challenges encountered by programme staff. Revised financial and procurements guidelines were developed and are awaiting the board's approval for implementation.

Other specific milestones achieved within the year are as follows:

- The finance department successfully managed a budget of about Kshs. 230M within the year, so far the biggest budget in the history of the organization.
- Timely reporting: The finance team was able to comply with various donors financial reporting requirements. This was consistently achieved throughout the year, despite the staff transitions experienced at the start of the financial year and the fact that the budget was nearly as twice much as the previous year.
- Enhancement of working tools for staff (Equipment): At the beginning of the financial year, equipment used by staff were rather old and to a large extent inefficient. This was affecting staff productivity. A management decision in tandem with the new strategic plan was made to phase out desktops and replace them with the more efficient laptops per staff. As a result, staff productivity and morale was boosted. A new server equipment was also procured replacing, the old archaic one. This improved internet connectivity, provided more storage space and the down times were gradually reduced.
- Financial year 2011-12 audit: The Financial audit for the year 2011-12 was conducted within a month after the end of the financial year. The auditors expressed satisfaction with the systems in place, internal controls and generally the financial management for TI-Kenya.
- Fundraising: Within the financial year, TI-Kenya continued to get good support from its donor partners. Our lead core donor was Embassy of the Kingdom of Netherlands. Others included CIDA, AMKENI, URAIA, PACT, USAID and Transparency International secretariat in Berlin, Germany. A total of Kshs. 155m was recognized as grant income within this financial year compared to Kshs. 99m in the previous financial year (2010/11).

3.2 Human Resource Issues

Human Resource Audit: TI-Kenya commissioned a human resource and salary audit that, among other things, recommended an appropriate organizational structure compatible with the new strategic plan; determined optimal staffing and appropriate grading structure; undertook a job analysis and developed appropriate job specifications and descriptions; Prepared a salary structure appropriate for the organization; Developed a Human Resource Development Plan; and, came up with a new staff appraisal tool.

The organization, recognizing the importance of Human Resource Development planning for capacity enhancement, prepared a Human Resources Development plan to support continuous learning and knowledge management for sustained human resource competence to deliver quality training to staff. The plan provides an outline of training depending on the annual appraisals and availability of funds. The plan is applicable to all cadres of staff serving in TI-Kenya. This plan complements the ongoing efforts of ensuring human resources have the capacity to meet the MDGs and Vision 2030 in their relevant areas of operation.



In the reporting period, the organization sponsored a number of staff for trainings as shown in the matrix below:

| No. | Name | Designation | Training Attended | Facilitated by | Dates | Venue |
|-----|-------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------|------------------------|
| 1 | Sareen Malik | PO Citizen Demand | ALAC Database Training | TIS | 28 th to 30 th March 2012 | Berlin |
| 2 | Juliet Mule | PO Citizen Demand | Continuous Legal Education Seminar | Law Society of Kenya | 1 st and 2 nd November 2012 | Panari Hotel, Nairobi |
| 3 | Vivian Ongaya | Deputy Finance Officer | Financial Management and Reporting for Not for Profits Organization Conference | ICPAK | 7 th to 9 th November 2012 | Kisumu |
| 4 | Enoch Rono | Finance & Procurement Officer | Global Procurement Standards | | 17 th to 19 th October 2012 | Arusha Tanzania |
| 5 | Elizabeth Munyefu | HR & Admin Officer | The OSHA & WIBA Employment Act 2007 | Kenya Association of Manufacturers | | Laico Regency, Nairobi |
| 6 | Dalmas Okendo | Programme Coordinator-Citizen Demand | Role of rights-based approach in strengthening, sustainability and equity of access to medicines and health systems. | Salzburg Global Seminar in collaboration with the World Bank Institute | 8 th - 15 th November 2012 | Salzburg, Austria |
| 7 | Samuel Kimeu | Executive Director | Preventing the resource curse | Revenue Watch & Central European University | 9 th -15 th December 2012 | Budapest, Hungary |
| 8 | Dalmas Okendo | Programme Coordinator-Citizen Demand | Combating Corruption in Medicine Procurement | Open Society Foundation | 1 st – 5 th October 2012 | Istanbul, Turkey |

3.3 Strategic Plan

The new Strategy is aligned to the TI Movement global strategy for the period 2011-2015. Kenya's dynamic political, economic and social contexts as informed by the country's Constitution of Kenya, 2010 as well as the Vision 2030 have been used as a basis for this plan. This new Strategic Plan 2012-2017 is drawn to fit it in the wider mission of the TI-Kenya and therefore the goals and objectives of some of its key commitments such as Kenya's new Constitution. It is based on an analysis of the accountability and transparency concerns in the country as informed by several studies that have been undertaken and takes into account government programs such as the Vision 2030 and government medium term plans. The SP is further drawn to contribute to other global commitments such as the Millennium Development Goals (MDGs). The 2012-2017 Strategic Plan will guide TI-Kenya's work for the period of 5 years beginning October 2012. The strategy helps to clarify to members, board, staff, the Kenyan public and other stakeholders on what TI-Kenya seeks to achieve in the next five years.

3.4. ICT Infrastructure, Communication Platforms and Knowledge Management

Communication has been a key tool in both citizen mobilization and advocating for policy reform. Our key advocacy tools include the mass media, alliance/coalition building, civic education, research and publications, and online tools like the website and social media channels including Facebook, Twitter, YouTube and the TI-Kenya blog. TI-Kenya continues to enjoy a good relationship with Kenyan and International media. TI-Kenya's online presence has also greatly expanded over the last 12 months.

TI-Kenya's website had over 60,000 visitors. Social media tools – Facebook (reached over 40,000 people), twitter and YouTube - as well as a blog were used as new frontiers for advocacy, in a bid to reach out to the over 10 million internet users in Kenya. TI-Kenya set up an online petition for freedom of information in Kenya as well as an online campaign and advertisement on capitalfm.co.ke to support advocacy on keeping the public's attention on past corruption cases under the 'Lest we forget past corruption cases' campaign.



The organization also initiated knowledge management excellence practices aimed at enhancing, creating, sharing and disseminating information effectively. This was done by use of ICTs and the resource centre. The knowledge centre was automated to track usage of materials and users and this helped achieve improved and sustained tracking and retrieval of IEC materials.

There have also been significant improvements to TI-Kenya's ICT infrastructure over the past year. A new server was procured and installed to replace the old one which had previously caused significant challenges with email, printing and access to shared resources. Software for the new server was donated through a grant from Microsoft Corporation. TI-Kenya has also enhanced their email solution by moving it to a web-hosted platform which would eliminate challenges with connectivity and space issues. Security at the organization has also been improved with the installation of a physical firewall which will isolate threats including spam, viruses and intrusion.

During the year, TI-Kenya has also undergone upgrades on the staff's ICT equipment. There has been the procurement of 18 new laptops, 2 desktop computers and 2 new printers. This was necessary to support new staff joining the organization, as well as to improve staff productivity where they had previously experienced challenges with faulty and slow equipment.

Challenges

- a) Insufficient resources to support long-term organizational development. High dependency on donor funds coupled with the ever increasing office rent has made TI-Kenya to start thinking of measures to mitigate this problem in the long term as elaborated in the new strategic plan.
- c) Insufficient political will remains the greatest impediment in the fight against corruption. Many of the Bills TI Kenya has worked on have been undermined by a retrogressive political class more interested in personal preservation than the public interest.
- e) Anti-reform forces are galvanising buoyed by the debate around the ICC trials and the possibility of ICC indictees taking control of the state through the general elections. This is already complicating the environment for progressive initiatives around integrity and accountability.
- g) The Legislative calendar of Parliament is quite packed and priority given to laws that facilitate the political transition at the expense of other important laws on accountability.