Annual Institutional Report
2021-2022

TRANSPARENCY
INTERNATIONAL
KENYA

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TRANSPARENCY INTERNATIONAL KENYA

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Acronyms

AGN	Africa Group of Negotiators
ALAC	Advocacy and Legal Advice Centres
AMV	Africa Mining Vision
APNAC	African Parliamentarians Network Against Corruption
BO	Beneficial Ownership
BRS	Business Registration Service
CARNAC	County Assembly Representatives Network Against Corruption
CBO	Community Based Organization
CSO	Civil Society Organization
EACC	Ethics and Anti-Corruption Commission
EALA	East Africa Legislative Assembly
EIA	Environmental Impact Assessment
EITI	Extractives Industry Transparency Initiative
IAU	Internal Affairs Unit
IEBC	Independent Electoral and Boundaries Commission
IFF	Illicit Financial Flows
KIEMS	Kenya Integrated Elections Management System
KIP	Kenya Integrity Plan
KLIF	Kenya Leadership Integrity Forum
MCA	Member of County Assembly
MOU	Memorandum of Understanding
MP	Member of Parliament
NEMA	National Environmental Management Authority
NIA	National Integrity Alliance
NGGC	Nairobi Good Governance Coalition
PIL	Public Interest Litigation
OAG	Office of Auditor General
OGP	Open Government Partnership
PLWD	People Living with Disability
SGBV	Sexual and Gender Based Violence
SJC	Social Justice Centers
TBML	Trade Based Money Laundering
UNFCC	United Nations Framework Convention on Climate Change

Our Identity and Aspirations

TI-Kenya was founded in 1999 in Kenya as a not-for-profit organization to develop a transparent and corruption-free society through good governance and social justice initiatives. TI-Kenya is one of the autonomous chapters of the global Transparency International (TI) movement that is bound by a common vision of a corruption-free world. The global movement provides a platform for sharing knowledge and experience, as well as developing strategies to respond to regionally distinct patterns of corruption.

The organization has extensive experience in governance work at the national and county levels. These include direct engagement with the government, the private sector, individuals, and groups. TI-Kenya uses advocacy as its signature approach, complemented by other approaches such as partnerships' development, research, capacity building, and civic engagement.

TI-Kenya has its main office in Nairobi and regional presence in the Coast, Rift Valley, the larger Western Kenya and Eastern Kenya through its four Advocacy and Legal Advice Centres (ALACs) in Nairobi, Mombasa, Eldoret and Kisumu. TI-Kenya also runs programmes in other countries within the East African region in collaboration with other TI chapters and national Civil Society Organizations.

Vision

A corruption-free society

Mission

To champion the fight against corruption by promoting integrity, transparency, and accountability in both public and private spheres

Strategic Areas of Focus:

TI-Kenya's work over the reporting period was anchored on the following strategic focus areas:

Public Accountability:

This strategic focus area ensures increased engagement and accountability by citizens and leaders through supporting citizen empowerment and movement building as well as strengthening civilian oversight of public resources and opportunities.

Policy, Legal and Institutional Frameworks:

This focus area ensures that TI-Kenya continually supports reformulation and or enforcement of appropriate accountability focused regulatory frameworks through influencing, coalition building, and capacity development.

Social Justice and Economic Accountability:

This focus area supports the application of social justice and economic accountability across sectors and levels to contribute to a more equitable and inclusive society by addressing present and previous injustices, as well as ensuring equitable distribution of public resources and opportunities.

Institutional Development:

This focus area ensures that TI-Kenya continually enhances its institutional relevance, effectiveness, and sustainability through the strengthening of internal systems and structures.

Board of Directors

Mrs. Bernadette W. Musundi,

Chair Board of Directors

Mrs. Bernadette W. Musundi is the Chair of the Board of Directors at TI-Kenya, a position she was elected to in 2017. She is a former Permanent Secretary in the Office of the Vice President and Ministry of Home Affairs, Heritage and Sports. During her service in the Government of Kenya, she played a key role in spearheading reforms in the Prisons Department and policies that concern gender development and children's welfare. She was instrumental in the coordination of administrative steps which led to the establishment of the Children's Act and initiated the development of the national sports policy framework. She also served as the Vice President of the International Co-operative Alliance's (ICA) Global Women Committee which developed the policy framework for women in the cooperative movement. She sits on several boards of directors, among them as a Trustee of the Kianda Foundation; and is the current Chair of the Strathmore University Council. She was also the founding Chairperson of Regina Pacis College Board - a constituent College of Catholic University of Eastern Africa (CUEA). Mrs Musundi also served as the National Chair of the Trefoil Women's Guild, Girl Guides Association and as Chair of the Board of Governors for Highridge Teachers College. Mrs Musundi twice served as the Executive Director of the Maendeleo Ya Wanawake Organization (MYWO), among the largest women's NGOs in Eastern Africa. In October 2016, Mrs. Musundi was appointed and subsequently elected Chair of the Recruitment Panel for the Chairman and Commissioners of the Independent Electoral and Boundaries Commission (IEBC). She is a holder of a Bachelor of Arts and Master of Arts in Co-operative Management. She has also undertaken many professional courses in policy development, management, and adult education both locally and internationally.

Ms. Eva Wangui

Ms. Eva Wangui is a business leader with over 20 years' experience in telecommunications, mobile financial Services, manufacturing industries and consultancy. She has previously worked with Diageo for over 15 years rising to the level of Head of Finance, Bharti Airtel Ltd as the Finance Director and served as Cluster Finance Head – Kenya and Tanzania in Safal Group. She is well versed in Financial Reporting & Analytics, Commercial Finance, Project Management, Board Representations, Business Re-engineering, Controls and Governance, Working Capital Optimization, External Stakeholder Engagements and Talent Leadership. Ms. Wangui holds a master's degree in business administration from East and Southern Africa Management Institute (ESAMI), Bachelor of Commerce – First Class Honors (Marketing Option), from KCA University, Advanced Management Programme (AMP) from IESE Business School (Spain) and Strathmore Business School (Kenya), Certified Public Accountant of Kenya (CPA K). She joined the TI-Kenya Board of Directors in January 2020

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Dr. Bedan Lyanda Musima

Dr. Bedan Lyanda Musima is the founder and managing director of The Dental & Maxillofacial Imaging Centre Ltd (DAMIC). He is also the founder and chief clinical lead of a multidisciplinary dental centre, Dr Musima and Associates Ltd. He has a wealth of experience in the medical industry having previously worked at Dental Place Ltd, Upper Hill Medical Centre as an associated dentist and at the University of Pretoria, Department of Orthodontics as a Postgraduate registrar. He holds a Master of Clinical Dentistry (MClinDent), Orthodontics and Dentofacial Orthopaedics from the BPP University, United Kingdom, Bachelor of Dental Surgery (BDS) from the University of Nairobi, Kenya, Diploma in Orthodontics (DOrth) from the University of Pretoria, South Africa and a Postgraduate Diploma in Dentistry (PDD) Implantology from The University of Western Cape, South Africa. Dr. Musima is a member of the British Orthodontic Society, International Association of Dental Research (IADR), American Dental Association (ADA), Kenya Dental Association (KDA) and the Kenya Hospital Association (KHA). He joined the TI-Kenya Board of Directors in January 2020.

Mr. James Muthui

Mr. James Muthui is an Advocate of the High Court of Kenya having been admitted in 2003. He has a vast legal experience in commercial and civil litigation in land disputes, intellectual property, banking law, environmental conservation law, judicial review, employment disputes, debt collection, arbitration and meditation. He is currently a partner at Kaplan and Stratton Advocates. He holds a Bachelor of Law degree from The University of Nairobi. He is a member of the Law Society of Kenya, Chartered Institute of Arbitrators and International Bar Association. Mr. Muthui is a Commissioner of Oaths (2007) and a Patent Agent, Kenya Industrial Property Institute (2012). He joined the TI-Kenya Board of Directors in February 2020.

Ms. Samira Mary Leakey

Ms. Samira Mary Leakey is a Writer, Editor, Communications and Public Affairs specialist. She has conducted independent consultancies in communications and project management fields with the Turkana Basin Institute, the African Conservation Fund, World Bank, Institute of Economic Affairs, African Medical and Research Foundation and the UNDP Global Environment Facility, Africa Bureau. She co-authored the autobiographical book of Meave Leakey's life in search of human origins. Ms. Samira holds a master's degree in public Affairs – International Development Policy Focus from Princeton University, and a Bachelor of Arts in Politics from The University of London, School of Oriental and African Studies. She joined the TI-Kenya Board of Directors in February 2020

Sheila Masinde,

Sheila Masinde has 20 years work experience in media, outreach, governance and programme management. She joined TI-Kenya in 2014 from BBC Media Action (British Broadcasting Corporation's international development charity) where she was the Communications and Training Manager. She first worked for Transparency International Kenya from 2009 to 2012 as the Advocacy and Communications Programme Officer. She has also worked at the Nation Media Group as a radio news presenter for Easy FM and online sub-editor, and I Choose Life as a Programme Trainer and Assistant Programme Manager. She also sits on the board of National Taxpayers Association, Global Compact Network Kenya and I Choose Life Africa. She studied in Kenyatta University and University of Nairobi. She serves as the secretary to the Board of Directors since January 2020.
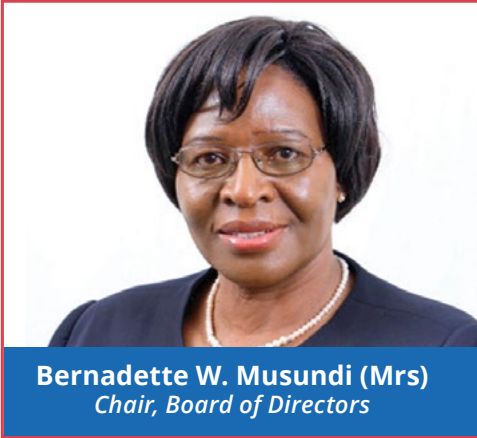
Foreword

Bernadette W. Musundi (Mrs)
Chair, Board of Directors

This reporting period marked the last year of TI-Kenya 2017-2022 strategic plan implementation, thereby capping an important milestone in the fight against corruption. This period was characterised by high-energy politics culminating in the August 2022 general elections. Nevertheless, our organization ramped up our advocacy efforts leadership and integrity, and anti-corruption.

Under the public accountability pillar, over 10 million citizens across the country were empowered with anti-corruption knowledge, information and skills through direct capacity-strengthening engagements, and mainstream and social media platforms. To establish and sustain a critical mass of actors engaged in anti-corruption work at national and grassroots levels, existing movements were reinvigorated in Nairobi, Coast, North Rift and Western regions. New movements were established at the county and national levels, adding to the volume of actors engaged in governance advocacy. Through the capacity strengthening of citizens on social accountability, the number of active citizens participating in civilian oversight mushroomed. Citizens across the country were engaged in election monitoring, social vetting, monitoring of misuse of public resources during elections, public participation in development projects, and monitoring of project implementation. As a result of our interventions, civilian oversight is progressively being rooted within Kenya.

On the policy and legislative front, discussions on Chapter 6 of the Constitution on leadership and Integrity took prominence as the elections drew closer. Through the National Integrity Alliance, Red Card Campaign shone the spotlight on persons with integrity issues who had offered themselves as candidates for elections. The Red Card campaign influenced other actors like the Ethics and Anti-Corruption Commission (EACC) to blacklist such candidates, putting pressure on the Independent Electoral and Boundaries Commission (IEBC) and the courts to act. In the election context, we continued to advocate for regulation of campaign financing through public interest litigation, media advocacy and meetings with key stakeholders in a bid to ensure proceeds of economic crime do not influence the election outcome. At the county level, we continued to provide technical support to county governments in the development of policies and legislation as a way of entrenching transparency and accountability. Key legislations in which our organization had input were also passed within the period. To ensure that the anti-corruption agenda gains footing within the legislative assembly, our organization inducted the 4th Senate of the Republic of Kenya, established the County Assembly Representatives Network Against Corruption (CARNAC) in Kakamega as well as inducted the newly elected members of the African Parliamentarians Network Against Corruption (APNAC) Kenya.

We have also been working towards ensuring that there are suitable and transparent public resource management systems within Kenya and the East Africa region. Our efforts have supported the passage of key legislation on beneficial ownership in Rwanda, Tanzania and Uganda. In Kenya, we continue to be the thematic lead of beneficial ownership transparency, convening key stakeholders to deliberate on beneficial ownership while also inputting on the draft regulations. In helping address the ballooning public debt, our collaboration with other

partners within the Okoa Uchumi Coalition has seen public debt take prominence in the 2022 election campaigns and the economic programs of the new government. To ensure effective and transparent governance of natural resources, we conducted political economy analysis and corruption risk assessment in three mining counties, supported the legislative review and strengthened the capacity of mining communities to effectively participate in natural resource management.

Internally, the development of a new strategy (2023-2028 Strategic Plan-Action for Integrity) remained critical engagement area to remodel and sustain our organization as a premier anti-corruption institution. The new strategy lays emphasis on anti-corruption behaivour change communication as the new entry point for citizen engagement in governance under Citizen Demand and Oversight pillar. Further, Natural Resource and Climate Governance as well as Public Financial Management which have emerged as new anti-corruption frontiers are our new focus areas, aimed at strengthening accountability within public institutions.

We are grateful to the TI-Kenya membership and Board of Directors, staff, the global Transparency International movement, development partners, civil society and faith-based organizations, academia, private sector and government institutions, and the public for continued support and partnership. We look forward to continuing vibrant collaborations as we work towards a corruption-free society.

Bernadette W. Musundi (Mrs)
Chair, Board of Directors

Sheila Masinde
Executive Director

Introduction

TI-Kenya continues to champion the fight against corruption by promoting integrity, transparency and accountability in both public and private spheres. Over the past five years, we have been working to ensure that local, national and global commitments in the fight against corruption are realized. A reflection of the 2021 – 2022 year demonstrates that TI-Kenya has registered considerable progress in its five-year strategic plan. Our programmes and interventions within the past five years have influenced national and county government actions, private sector as well as civil society. Despite the evolving context, we continue to champion for a corruption-free society as our institutional contribution to a fair and just society. This report focuses on key interventions and results achieved within the period in our strategic focus areas as follows:

Public Accountability

To increase the number of accountable leaders and citizens in Kenya, TI-Kenya equipped over 10 million citizens with information, knowledge and skills to fight corruption through direct citizen engagement (trainings, sensitisations) and indirectly through mainstream and social media. Being an election year, our public accountability efforts were geared towards upholding integrity in the August 2022 elections. Our Red Card campaign, social vetting and citizen monitoring initiatives provided avenues for citizens to push for the realisation of the leadership and integrity values espoused in the Constitution. Through the Red Card campaign, 9 of the 25 individuals blacklisted as unfit for public office due to questionable integrity were not elected in the 2022 general elections translating to a 36% success rate. To enhance the effectiveness of citizen led anti-corruption actors, TI-Kenya supported and reinvigorated good governance movements in Nairobi (through collaboration with Social Justice Centers, Nairobi Good Governance Coalition), and North Rift region (Uasin Gishu County CSO network). In the coastal region, Kwale Civil Society Organisation Consortium was established bringing together 25 CSOs working on governance to galvanise anti-corruption efforts. ICT accountability tools such as Media Tech-Hub, Campaign Watch, Rada database and Uwajibikaji Pamoja were effectively used to engage citizens in accountability work. Through our Advocacy and Legal Advice Centres (ALAC), 602 citizens (325 male, 247 female, 30 others) received free legal aid and assistance on corruption-related cases. To date, TI-Kenya has offered free legal aid and assistance to 54,301 citizens since the inception of the first ALAC in 2009 .

Policy, Legal and Institutional Frameworks

To ensure that there are adequate anti-corruption focused laws to support anti-corruption work, TI-Kenya provided technical input on the proposed amendments to the Companies (Beneficial Ownership Information) Regulations[1] (BO Regulations 2022), Mining Bill 2022 and

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1   The Business Laws (Amendment) Bill, 2022; The Companies (Beneficial Ownership Information) Regulations, 2022; The Partnerships (Beneficial Ownership Information) Regulations, 2022; and The Registrar of Companies Forms Rules, 2022

Mineral Royalties Sharing Framework. TI-Kenya led efforts to challenge the constitutionality of the Election Campaign Financing Act in court with the High Court declaring section 29(1) unconstitutional as it contravenes Articles 10(2)(c) and 88(4) of the Constitution in requiring parliamentary approval of regulations before gazettement.

Social Justice and Economic Accountability.

To contribute to greater social justice and economic accountability in Kenya and within the East Africa region in collaboration with TI chapters in the bloc, TI-Kenya provided technical and resource support towards the development of beneficial ownership laws and regulations as well as financial management laws. In collaboration with Okoa Uchumi, TI-Kenya steered public debt management advocacy in Kenya, and in Uganda and Tanzania with other TI chapters and partners. This led to the publication of Tanzania's external debt register up until June 2021. In Kenya, the public debt debate took centre stage during the electioneering period with prospective political parties articulating debt management strategies in their manifestos. At the county level, TI-Kenya strengthened the capacity of mining communities in Turkana, Kwale and Taita Taveta counties through free legal aid and assistance as well as training on mining laws, environmental impact assessments and financial management. This will go a long way in ensuring that mining communities do not fall prey to unscrupulous businesses/ cartels in the mining sector.

Institutional Development

To ensure that our organisation continually improves service delivery and meets internal as well as external requirements, we developed a new strategy – Action for Integrity 2022-2028. The focus areas for the new strategy are Citizen Demand and Oversight, Natural Resource and Climate Governance and Public Finance Management. To enhance internal efficiency and effectiveness, TI-Kenya automated its project monitoring and evaluation system and augmented its financial and human resource management information system. To equip staff with the requisite information, knowledge and skills for anti-corruption work, TI-Kenya has engaged in extensive research as the basis for advocacy work as well as internal continuous capacity building through training and mentorship.

We thank all our development partners who significantly supported our interventions and stakeholders in the public and private sectors, civil society partners, faith-based institutions, academia and the public that supported TI-Kenya's initiatives.

Sheila Masinde
Executive Director

Photo ©TI-Kenya: Leaders from various Civil Society Organisations during a conference on the general elections

Analysis of the Operating Environment

In the period under review, Kenya experienced heightened political activities characterized by campaigns towards the August 2022 general elections. The politics largely divided the country along the two major political factions, Kenya Kwanza promoting the Bottom-Up economic transformation agenda and Azimio La Umoja promoting socio-economic transformation anchored on national unity. The elections culminated into Kenya Kwanza win and subsequent formation of government. The country remains largely divided on many issues including the right socioeconomic development pathway and sharing of resources and opportunities. The formation of Kenya Kwanza government reduced the momentum on the war on corruption with several corruption cases being dropped by the ODPP and several appointments of persons facing charges against economic crimes and corruption, and other crimes, being appointed into public offices. These political events provided opportunities for CSOs engagement in shaping the political landscape arose. TI-Kenya in collaboration with other CSOs under the National Integrity Alliance engaged election stakeholders to ensure that individuals with questionable integrity and those adversely mentioned in corruption cases are not elected. Through the Red Card campaign, social vetting, election monitoring, analysis of party manifesto, training of political party election boards and advocacy on election campaign financing, TI-Kenya in collaboration with other CSOs working in governance sphere sought to entrench integrity in the general election. Post election engagements have largely focused entrenching integrity in public offices through challenging public appointments of persons with questionable integrity and dropping of corruption cases involving politicians and high profile individuals.

The management of Covid-19 pandemic continued within the period with efforts geared towards monitoring for new coronavirus variants as a surge in cases were reported in various parts of the world. Sub-variants of the Omicron coronavirus variant continued to circulate globally challenging existing management efforts. In Kenya Covid-19 infection cases died down with little or no containment measures enforced by the government. This provided opportunity for more dynamic advocacy including physical meetings, direct public engagements, local and international travels. However, the pandemic related corruption scandals remained unresolved.

Despite the shocks to the Kenyan economy, Kenya's economy registered an annual growth of 4.8% in 2022, driven by broad-based increases in services and industry. This recovery was dampened by global commodity price shocks, the long regional drought, and uncertainty in the run-up to the 2022 general elections. Ongoing drought and the war in Ukraine drove inflation to a record 7.9% in June 2022 with prices of basic commodities shooting up. The cost of advocacy work significantly increased as service providers adjusted costs for goods and services.

Insecurity continued to threaten domestic peace and stability in Kenya with sporadic terrorist-related attacks in the North-Eastern parts of Kenya and incessant banditry in Elgeyo Marakwet, Pokot, Turkana and Baringo counties. This however did not affect governance interventions as much of TI-Kenya's direct advocacy work was concentrated in Uasin Gishu and Turkana counties.

Climate change remained a key area of focus with the country experiencing one of the worst droughts in 40 years, plunging approximately 3.3M people in dire need of humanitarian assistance. Equally, climate governance remained a key focus area for TI-Kenya, particularly in ensuring that adaptation and mitigation measures are more effective through advocating for the adoption of robust climate risk insurance mechanisms and transparency and accountability in the management of climate governance funds.

Photo ©TI-Kenya: Engagement with members of the public on anti-corruption initiatives during the People Dialogue Festival in Nairobi, Kenya

Detailed Achievements Under Strategic Focus Areas

PUBLIC ACCOUNTABILITY

This strategic focus area aims at ensuring increased engagement and accountability by citizens and leaders through supporting citizen empowerment and movement building as well as strengthening civilian oversight.

1. Increasing civic agency and voice on public accountability

1. 10M citizens reached through media aided public outreaches to spur anti-corruption civic action.

To increase the number of knowledgeable citizens who recognize and actively fight corruption, TI-Kenya sensitized approximately 10M million citizens through TV, radio and public forums on corruption and citizen role in fighting corruption. Further, TI-Kenya used media platforms to promote ethical leadership by sustaining public discourse on importance of adherence to Chapter 6 of the Constitution of Kenya, and electing leaders of integrity. Through explainer videos on leadership and integrity, citizens were enlightened on the relationship between corruption, unethical leadership and its effects on governance, service delivery and economic wellbeing of citizens. To loop the youth in governance conversations, TI-Kenya disseminated short audio messages on importance of electing leaders of integrity through youth-focused and community-based radio stations, reaching over 2M youths.

2. 1,636 citizens reached with anti-corruption messages through public engagements.

Through the regional offices, TI-Kenya conducted 34 capacity-strengthening workshops with the public and specific interest groups [women, youths, PWDs] on anti-corruption strategies, budget-making process, social accountability, land and property rights reaching about 1,636 citizens.

3. Leaders barred from elective positions through citizen-driven leadership and integrity campaigns.

Red Card Campaign

In May 2022, TI- Kenya through the National Integrity Alliance (NIA) launched the Red Card Campaign, a public integrity campaign that sought to promote constitutional ethical and moral standards in the 2022 general elections. The Red card campaign shaped public discourse in mainstream and social media for three months prior the general election with leadership and integrity issues being given prominence in media spaces. The campaign blacklisted 25 individuals deemed unfit to hold public offices for breaching the leadership and integrity tenets as enshrined in Chapter 6 of the Constitution of Kenya 2010. Others were named adversely by statutory agencies or prosecuted for corruption, economic crimes and abuse of office or other criminal offences. The National Integrity Alliance[2] (NIA) led a spirited media aided public campaign to push for debarment of blacklisted (red carded) individuals and influence voter's choices with regards to ethical and moral fitness of elected leaders. On average, the campaign reached 3.8M citizens. As a result of the campaign, 9 out of the 25 individuals red carded were not elected in 2022 general elections translating to 36%. Further, one of the individuals red carded was barred from vying through a court ruling, while another one withdrew his bid. To scale up the campaign, TI-Kenya held a meeting with EACC to advocate for greater involvement of the anti-corruption agency in the clearance of electoral candidates. TI-Kenya emphasized on the need for EACC to make its integrity reports on election candidates public. Following the meeting, EACC issued a public report to IEBC blacklisting 241 individuals deemed unfit to hold public office. Out of the 241

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2   National Integrity Alliance (NIA) is a civil society group comprised of Transparency International Kenya, Inuka Ni Sisi and Mzalendo Trust advocating for enforcement of Chapter six of the constitution on Leadership and Integrity

individuals blacklisted by EACC, 31 were elected to public office translating into 13%. 87% of the individuals were not elected to public office.

4. 602 citizens provided with free legal aid and assistance.

The Advocacy and Legal Advice Centre (ALAC) is an avenue created by the TI global movement for citizens to report suspected cases of corruption. The TI movement has used the ALAC tool since 2008 to empower victims and witnesses of corruption to stand up against the vice in over 50 countries across the globe. The ALAC is a walk-in or call-in centre where citizens physically, through phone or through email obtain free, quality, and confidential legal advice on corruption cases. TI-Kenya has established four ALACs with one located in its headquarters in Nairobi, and other three spread across the three regional offices in Mombasa, Eldoret, and Kisumu, and which serve the entire regions they are situated. Through the ALACs, over 54,301 people in Kenya have been given legal services since 2009. In 2021-2022, ALACs offered legal aid services to 602 (325M, 247F, 30 other) citizens mostly through calls and secure outreaches as tabulated below.

Legal aid clients

Nature of cases (%)

Case status
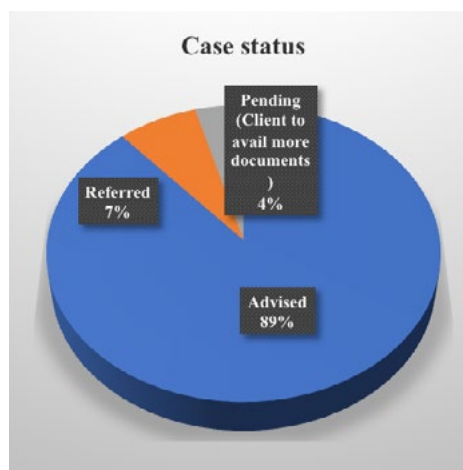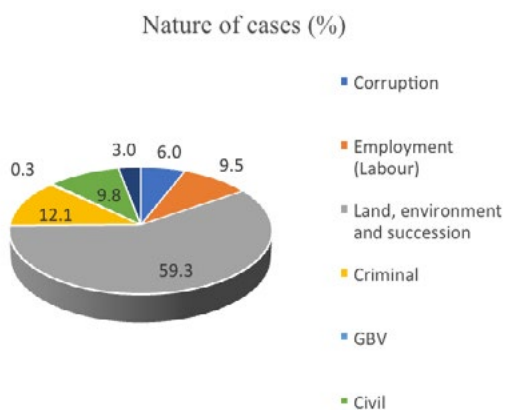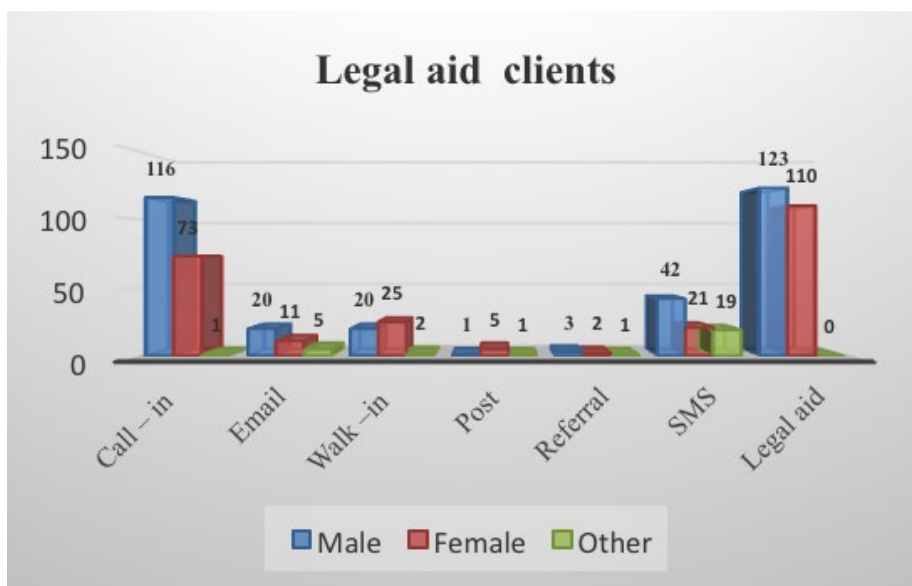
5. **38 journalists' capacity strengthened on investigative journalisms.**

In partnership with Innovation for Change (Africa Hub), National Coalition for Human Rights Defenders (Uganda) and Global Investigative Journalism Network (Africa), TI-Kenya trained 38(20F, 18M) journalists from Kenya and Uganda on developing data driven story (finding, getting data, cleaning, analyzing and presenting/Visualization using open-source tools and desktop research to finding stories in data for effective reporting) and use of open-source intelligence tools to acquire verifiable data This collaborative training aimed at strengthening capacity of journalists to do investigative work, develop quality data stories. It also laid the foundation for the establishment of the East Africa Journalists' Community of Practice (CoP). The CoP will play a critical role in managing knowledge and supporting continued learning within the community of journalists in the East African region.

6. **Networking, learning and knowledge exchange among journalists.**

TI-Kenya partnered with Kenya International Theatre Festival Trust for a two-day knowledge exchange workshop targeting 20 participants (12F, 8M)-10 creatives, and 10 journalists. Through this collaboration journalists and creative practitioners came together to test innovative investigations and storytelling practices that are collaborative, community rooted, relevant at local and national levels, and promote a more empathetic engagement to help audience process information. Through the collaboration, both creatives would reach a wider audience with anti-corruption messages by combining investigative journalism and theatre arts.

2. Strengthening networking among anti-corruption actors

i. **Formation of the Kwale Civil Society Consortium**

Movement building through collaboration and networking is one of TI-Kenya's key strategic approaches. As part of movement building, TI-Kenya progressively convenes national as well as county level CSOs to collectively devise practical proposals in tackling systemic, institutional and legal framework bottlenecks in governance.

In Kwale county, TI-Kenya supported Kwale Civil Society Organizations to establish a structured way of engagement towards fighting corruption. To this end, TI-Kenya supported the CSOs to draft and review their Memorandum of Understanding (MOU) binding them to a collective voice in the fight against corruption. As a result, the Kwale Civil Society Consortium was launched on 7th October 2021 by 25 CSOs bound by the Memorandum of Understanding (MOU) Key among the networking and collaboration areas identified by the CSOs include capacity strengthening, documentation and learning, promoting access/ sharing of information, building synergy among member organizations on common advocacy programming areas, collaborative approaches on accountability issues for maximum impacts, citizen engagement and resource mobilization.

To nurture the consortium, TI-Kenya supports convening of consortium members, as well as capacity building its members on effective communication, networking, access to information and advocacy strategies for continued development. As a result, the consortium has mapped out key thematic areas for advocacy engagements with the county and national government including Environment, Land and Natural Resources Conservation; Agriculture, Livestock and Fisheries; Gender, Child Protection, Justice and

Legal Affairs; Health; Education, Research and Training; Youth and Culture; Leadership and Governance; Peace and Security; Partnerships and Networking.

ii. Accountability Mtaani Forum with Social Justice Centres

Social Justice Centres are community-based organizations that form part of grassroots initiatives created by activist youth to promote social justice and address issues of human rights violations through documentation, conducting campaigns, writing petitions, and representing itself and the residents of informal settlements in matters that seek redress from relevant authorities. The social justice movement in Kenya began in 2009 with the establishment of the Mathare Social Centre in Nairobi. The movement has gradually grown to other parts of the country. Nearly fifteen years later, they are yet to fully establish structured engagement across to help form a formidable movement. TI-Kenya hosted 16 Nairobi-based Social Justice Centres (SJCs) to share knowledge, experiences, challenges, and to identify opportunities for continued engagement. The forum illuminated key challenges faced by SJCs including but not limited to; inadequate financial and human resources that hamper the day-to-day running of SJCs and their sustainability, toxic political environment within Nairobi and police brutality. Collaboration areas identified include community mobilization and awareness creation owing to the close-knit ties and background at the community level. TI-Kenya looks forward to formalizing a strategic issue-based partnership with the SJCs.

iii. The Nairobi Good Governance Coalition

Community-based organizations (CBOs) play a significant role in the establishment of grassroots movements to fight corruption. They are the link between communities and duty-bearers. Coalitions among the CBOs have been useful in advancing anti-corruption and good governance. In Nairobi, the Nairobi Good Governance Coalition (NGGC) brings together CBOs from at least 9 sub-counties within the city with the objective of advancing governance work. The NGGC work is spread across key service delivery sectors such as education, health, security and justice. To reinvigorate and strengthen collaboration and networking, TI-Kenya held a forum with the 23 NGGC members to deliberate on mutually beneficial engagements in awareness creation, information sharing and other advocacy approaches.

iv. Academic institutions

To expand its network portfolio, TI-Kenya has been keen to engage with the youth and academic institutions key among them the young lawyers as volunteers to support the free legal aid and advice to citizens. In view of this, TI-Kenya mobilized and trained 26 young lawyers as legal aid volunteers to support TI-Kenya and other networks in creating public awareness through the provision of basic legal information, legal aid and law-related knowledge. The youthful advocates were also encouraged to be agents of good governance within their institutions. The need to instill skills, knowledge and mentor the next generation of change makers through such youthful lawyers and movements cannot be over-emphasized. With the changing trends, emerging issues and developments within the legal and social context, there is need for continued mobilization and capacity strengthening of interest groups through training and mentorship.

v. National Integrity Alliance

TI-Kenya partnered with 4 other organizations (Mzalendo Trust, Inuka Kenya, Kenya Human Rights Commission, and The Institute of Social Accountability) under the National Integrity Alliance to spearhead the Red Card Campaign. The partnership offered strategic advantages including pooling of resources, leveraging of individual organizations' strengths, effective coordination, peer learning, higher publicity and mitigation of potential risks to individual institutions. Through the campaign, the media became a strategic partner in amplifying the anti-corruption agenda through their platforms.

To ensure the social vetting of MCAs candidates in 4 counties, TI-Kenya partnered with grassroots actors (county-based CSOs) who were very instrumental in mobilizing participants and candidates given their interactions with them and familiarity with the local operating environment. In return, TI-Kenya offered resource support towards the social vetting as well as mentorship to the local CSOs on social vetting exercise. Mentorship would ensure that grassroots can organize and conduct social vetting exercises in future elections.

Photo ©TI-Kenya: Leaders from various organisations that are part of the National Integrity Alliance during the launch of the Red Card Campaign

3. Increasing citizen involvement in management of public resources and opportunities

To increase the level of citizen involvement in ensuring effective management of public resources and opportunities, TI-Kenya spearheaded the following interventions:

i. Assessment of Jubilee party Manifesto anti-corruption pledges

TI-Kenya assessed the performance of the Jubilee Party on its anti-corruption and governance pledges under the 2013 and 2017 general election manifestos to gauge the administration's commitment to the fight against corruption as well as trigger public discourse on political party manifestos as critical governance components. The assessment illuminated party manifestos as vote-hunting instruments with successful parties manifesting relatively low political will to implement manifesto aspirations. The assessment provided a framework for tracking governance/ anticorruption commitments for successive governments as well as insights on strengthening governance at the political party level as an antecedent to good leadership.

ii. **Monitoring the use of public resources during the election campaign period.**

To mitigate misuse of public resources during the electoral period, TI-Kenya monitored the use of public resources in elections within 31 counties using the Campaign Watch monitoring tool http://campaignwatch.tikenya.org/. Campaign monitors[3] were trained on electoral laws, processes as well as the use of the campaign watch tool. As a result, over 3000 reports on mis(use) of public resources during the campaign period were reported. Majority of the cases reported entailed the use of state/government facilities - including schools and hospitals for campaigning and the involvement of public officers- chiefs, county commissioners, CSs in campaigns. The reports were used in advocacy meetings with relevant government institutions to press for remedial action.

Photo ©TI-Kenya: Campaign Watch Portal (www.campaignwatch.tikenya.org)
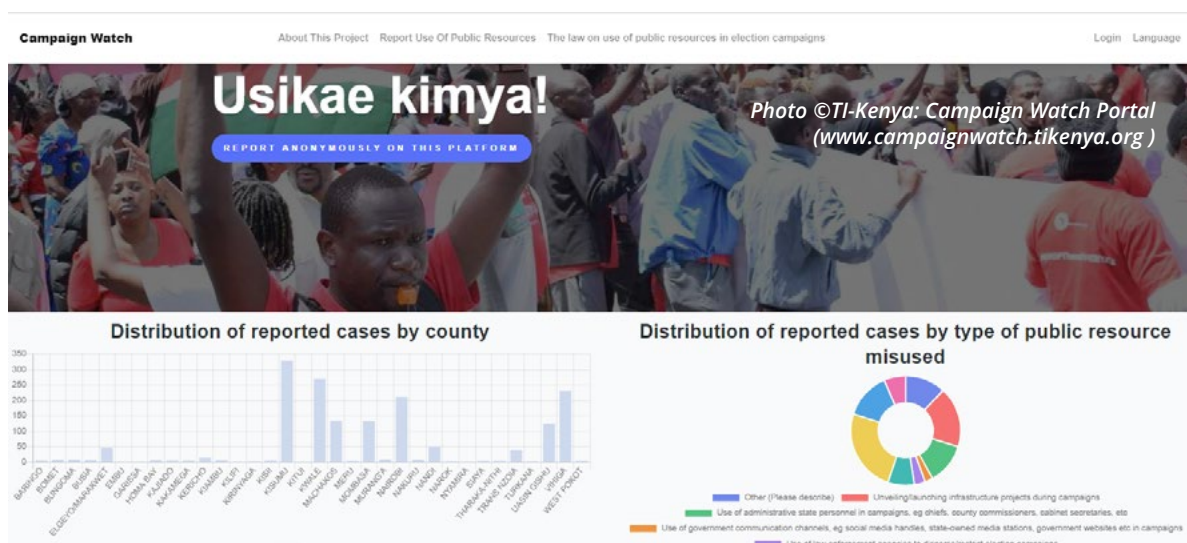
iii. **Social vetting exercises for MCAs in four counties**

Photo ©TI-Kenya: Social Vetting Exercise in Langas Ward, Uasin Gishu County

To enhance citizen engagement in electoral processes, TI-Kenya conducted social vetting of various (MCA. MP, Women Rep, governor) elective positions in seven[4] counties.The vetting exercise brought together election candidates for various positions within the respective counties, constituencies and wards to one platform to articulate their agenda to the citizens. It also provided citizens with an opportunity to engage with the candidates in an open, objective and neutral platform. The social vetting exercise took a debate style, with predetermined questions based on key thematic issues[5] and thereafter a plenary. This vetting exercise

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3   Citizens trained to monitor election campaigns and report contravention of election laws including misuse of public resources.

4   Machakos, Kwale, Kisumu, Nairobi, Vihiga, Uasin Gihu, Mombasa

5   Leadership and Integrity, Public participation, Legislation and representation

enlightened citizens on responsibilities for various elective positions. It enabled them to understand their prospective leaders for informed choice in the August 2022 elections. 3 MCAs who attended the social vetting from Ukunda ward in Kwale County, Cheptiret/ Kipchamo ward and Kimplombe wards in Uasin Gishu were elected.

Date	County	Position vetted
6th July 2022	Kisumu	Governor - Kisumu County
7th July 2022	Kisumu	Women Representative - Kisumu County
8th July 2022.	Kwale	MCA - Ukunda Ward
11th July 2022	Uasin Gishu	MCA - Kiplombe Ward
12th July 2022	Uasin Gishu	MCA - Cheptiret-Kipchamo Ward
13th July 2022	Uasin Gishu	MCA - Langas Ward
14th July 2022	Uasin Gishu	MCA - Kapsoya Ward
15th July 2022	Uasin Gishu	MCA - Tembelio Ward
15th July 2022.	Vihiga	MCA - Lugaga-Wamuluma Ward
16th July 2022	Uasin Gishu	MCA - Huruma Ward
16th July 2022	Mombasa	Governor - Mombasa County
27th July 2022	Nairobi	MP - Westlands constituency
27th July 2022	Machakos	MCA - Syokimau -Mlolongo Ward
28th July 2022	Nairobi	MP - Embakasi North Constituency
30th July 2022	Nairobi	MCA - Airbase Ward
30th July 2022	Nairobi	MP - Langata Constituency

iv. Monitoring of the 2022 general election

To promote free, fair, transparent and accountable elections, TI-Kenya staff participated in monitoring elections in 14 counties. The objective of election monitoring was to monitor adherence to election laws, identify electoral malpractices, and to document best practicesice and lessons for learning. Key among the issues identified during elections included the dumping of campaign posters at the gate or polling station fence, failure of Kenya Integrated Elections Management System (KIEMS) kits, location of polling stations in areas that are not disability friendly and delays in voting occasioned by malfunctioning of the KIEMS kits. TI-Kenya developed a monitoring report with recommendations to IEBC for advocacy towards the enhancement of the electoral process in Kenya.

v. Social Audit of the Adaptation Fund Programme in Kenya

To ensure prudent management of climate change financing, TI-Kenya conducted a participatory assessment of the adaptation fund programme to identify the beneficiaries' perspectives on the project's planning, implementation and effectiveness. The assessment/ social audit looked at the effectiveness of the institutional arrangements/framework/ governance of the programme, transparency, accountability, integrity, and oversight mechanisms put in place by the implementing and executing entities, public/community participation, grievance redress and handling mechanisms/structures resulting from the programme's interventions, and overall effectiveness of the programme. The social audit report will be used to share lessons and best practices in the programme management as well as advocate for measures to strengthen the programme.

vi. County Climate Change Risk and Vulnerability Assessment (Homabay and Kisumu)

To ensure climate change-related risks and vulnerabilities are identified and adequately mitigated, TI-Kenya through its climate governance programme has been supporting Kisumu and Homabay Counties to undertake county climate change risk and vulnerability assessment. With technical support from TI-Kenya, Kisumu County Climate Change Risk and Vulnerability assessment was completed during the reporting period and the report was launched in collaboration with the climate change directorate.[6] Homabay county assessment is ongoing.

Photo ©TI-Kenya: Stakeholders during the launch of Climate Change Risk & Vulnerability Assessment Report in Kisumu

4. Public Expenditure Tracking: Facilitate citizens to participate in budget-making and monitoring (tracking) initiatives within selected counties.

i. Supporting public interest litigations and administrative petition cases

As a complementary effective advocacy mechanism, TI-Kenya uses public interest litigation (PIL) and administrative petitions to push for policy and legislative change. In this respect, the organization participated in the following PIL cases.

a) Whistleblower protection case (E097 OF 2021):

To strengthen accountability through whistleblowing, TI-Kenya joined a case filed by a whistleblower in the Court of Appeal, Nairobi, after he was dismissed from his position following his whistleblowing. The petitioner was fired from Maasai Mara University after whistleblowing on abuse of office and financial misappropriation by the university leadership. In the case, TI-Kenya raised public interest issues on the victimization of whistleblowing and anticipates that the court's decision will be instrumental in providing

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6   Kisumu County Climate Change Risk and Vulnerability Assessment Report – Transparency International (tikenya.org)

jurisprudence to enhance the protection of whistleblowers in Kenya.

b) **Election Campaigns Financing case: E546 of 2022**

In collaboration with other actors, Katiba Institute, Africa Centre for Open Governance (AFRICOG), and Philip Gichana, we challenged the constitutionality of section 29(1) of the Elections Campaign Financing Act in which the High Court, Nairobi declared that section unconstitutional as it contravenes Articles 10(2)(c) and 88(4) of the Constitution in requiring parliamentary approval of regulations before gazettement. The Court further declared that the spending limits in Sections 12, 18 and 19 of the Election Campaign Financing Act do not call for parliamentary approval but must be subjected to appropriate public engagement. The court's declaration aids TI-Kenya's advocacy for the establishment of campaign financing regulations to control election campaign financing, promote constitutionalism and adherence to the national values and principles of governance.

c) **MPs House Allowance**

TI-Kenya was an interested party in a case challenging parliament's move to award themselves backdated house allowances. The case was filed in 2019 and a favorable judgement was issued in December 2020. The court found the allowances to be illegal and directed that all the monies received by MPs be recovered. Parliament filed an appeal to the judgement in the Court of Appeal, but the appeal was dismissed. It then proceeded to file a further appeal at the Supreme Court but also lost in a ruling delivered in March 2022. Following the determination, the treasury began deducting the allowances from MPs salaries.

d) **County-based petitions/ memoranda**

To strengthen accountability at the grassroots level, TI-Kenya supported grassroots networks to draft and submit petitions/ memoranda to county assemblies in different counties. The petitions/ memoranda highlighted service delivery issues and demanded action from duty bearers. These petitions include;

i.   A petition by Siaya Muungano Network's to the County Assembly regarding gaps in the health sector in Siaya *https://www.standardmedia.co.ke/nyanza/article/2001437627/* concern-at-siaya-referral-hospital-after-49-patients-died-in-one-month. As a result of the petition, issues affecting the residents were addressed by the department of health.

ii. Memoranda by the Kakamega Disability Caucus on the Kakamega Disability Bill submitted on 26th May 2022 to the County Assembly committee on labour and social services. *https://youtu.be/xLw0_L8IJJk.* The views of the members were taken into consideration and the Bill tabled in the assembly- follow-ups on going.

iii. Memoranda to the Kisumu County Assembly on Project management Bill 2021 submitted on 20th Jan 2022..*\Documents\MEMORANDUM- KISUMU PROJECT MANAGMENT BILL.pdf.* As a result of this memoranda, the Bill was shut down for not meeting legal thresholds.

Policy, Legal and Institutional Frameworks

The focus area supports the existence and enforcement of appropriate policy, legal and institutional frameworks through influencing, coalition building, and capacity development'.

1. **Supporting development and/or reformulation of anti-corruption/ accountability focused laws, policies, rules and regulations both at the national and county level.**

Formulation and implementation of anti-corruption and accountability legal framework provides a critical anchorage for good governance. In support of this, TI-Kenya submitted comments on the proposed amendments to the Companies (Beneficial Ownership Information) Regulations[7] (BO Regulations 2022). Through the comments, TI-Kenya sought

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7   https://siayaassembly.go.ke/2022/02/23/house-approves-the-siaya-county-youth-training-and-empowerment-bill-2021/

to ensure transparency frameworks were embedded in the draft legislation and regulations.

a) Legal and policy development

At the county level, TI-Kenya has been supporting the establishment of laws and policies through technical reviews workshops, submission of memoranda and coordinating grassroots public participation meetings among other advocacy strategies. Progressively, counties have passed these laws while incorporating TI-Kenya's input. Some of the laws and policies which TI-Kenya had provided technical support, and which were passed within the review period include;

i) Siaya County Youth Training and Empowerment Bill 2021[8] which was approved by the County Assembly on 23rd February 2022. The Bill gives effect to Article 55 of the Constitution of Kenya by giving youths access to training and employment opportunities.

ii) The Kakamega County Disability Bill 2019[9] which was approved by the Assembly on 28th July 2022. The Bill gives effect to Article 54 of the Constitution and mainstreams the rights of Persons with Disabilities within Kakamega County

iii) The Kisumu County Public Participation Policy which seeks to provide the enabling framework to guide and ensure effective and meaningful public participation in the county.

iv) Kisumu TVET policy and Kisumu Disability Act.

At national level, TI-Kenya supported the following policy/ legislative reviews:

i) Review of the Mining Amendment Bill, 2022

Transparency International Kenya (TI-Kenya) in collaboration with the Association of Women in Energy and Extractives in Kenya held a policy dialogue on the Mining Amendment Bill 2021. The dialogue brought together stakeholders from the national government, private sector and civil society led by the Ministry of Petroleum and Mining, Kenya Private Sector Alliance, PWC to review the draft mining amendment bill and give input. The dialogue resulted to commentary report, submitted to the relevant parliamentary committees.

ii) Review of the Mineral Royalties Sharing Framework

TI-Kenya led other members[10] of the Haki Madini coalition[11] to prepare and make submissions on the proposed mineral royalties sharing frameworks on 9th June 2022. Submissions from different coalition members were collated and submitted to the National Treasury both electronically and hardcopy. Key input from the coalition included provision for inclusion of a dispute resolution mechanism, institutional framework for

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8   https://siayaassembly.go.ke/2022/02/23/house-approves-the-siaya-county-youth-training-and-   empowerment-bill-2021/

9   https://www.kenyanews.go.ke/kakamega-develops-disability-mainstreaming-bill/

10 NCCK, KHRC, Econews, and Strathmore Extractives Industry Centre (SEIC)

11 A community centered coalition bringing together communities in and around mining areas, CSOs, faith-based organizations and individuals engaging in the mining industry with the primary aim of promoting responsible stewardship of mining resources.

the management of the royalties, and establishment of process and mechanisms for disbursing the royalties. Further, TI-Kenya coordinated Kwale CSOs under the Kwale Mining Alliance to collate and make their submissions on the Mineral Royalties Sharing Framework on 2nd June 2022. This ensured concerted efforts at grassroot and national level towards establishing effective legislation for transparent governance of natural resources.

b) Research and analysis initiatives for advocacy evidence building.

i) Unpacking of the Political Party Manifestos

During the period under review, Transparency International Kenya (TI-Kenya) participated in a high-level multi-stakeholder policy dialogue organized by AWEIK to how key political manifestos had addressed Kenya's Energy and Extractives sector. In collaboration with academia, the business community, media, advisors of political parties and presidential candidates, advocacy groups, professional bodies, government among others, the manifestos were analysed with a bias to transparency and accountability in the extractives and energy to deduce opportunities for advocacy engagements with the incoming government. From the assessment and in tandem with the commitment of the Kenya Kwanza government to explore the potential of the mining sector in the country, TI-Kenya, AWEIK and other stakeholders in the mining sector have initiated advocacy engagement with a view to strengthen the mining regulatory framework in Kenya.

ii) Beneficial ownership cases studies

TI-Kenya in collaboration with the Global Financial Integrity (GFI) drafted eight beneficial ownership case studies from various sectors. The studies identify gaps in the existing legislation and offer specific actions to strengthen the effectiveness of current legal and regulatory measures in curbing IFFs. As a follow up to the case studies policy memos would be published to educate and influence CSOs, media, parliamentarians and government to take action against IFFs.

c) Supporting strategic institutions towards developing accountability culture among Kenyans

As part of influencing ethical practice, TI-Kenya supports strategic institutions promoting accountability culture amongst especially research and academic institutions. Towards this end, TI-Kenya supported the All-Kenyan Moot Court Competition (AKMCC), an annual moot competition hosted by Kenyatta University School of Law, and which convenes students from different law schools in the country to discuss pertinent issues facing the country. The AKMCC 2022 was themed

Photo ©TI-Kenya: TI-Kenya Executive Director during speaking the Annual Moot Court Competition

'Electoral Justice and Democracy: Ensuring electoral credibility and adherence to the rule of law.' Through the moot court competition, over 200 young legal minds contextualized Kenyan democratic processes and the pertinent issues therein as well as their role as upcoming legal practitioners.

2. Supporting the establishment and sustenance of a critical mass of vibrant actors actively working towards having supportive anti-corruption laws, policies and institutions.

a) Establishment and reinvigoration of strategic multilevel and multisector partnerships

i) Induction of APNAC-Kenya

The African Parliamentarians Network Against Corruption (APNAC) is an organization which aims to coordinate, involve and strengthen the capacities of African parliamentarians to fight corruption and promote good governance. Since its formation in 1999 in Kampala, Uganda, APNAC has promoted accountability, transparency, and public participation in the processes of government, as the best ways to control corruption. As the elected representatives of the people, MPs play an essential leadership role in combating corruption throughout the legislative process, and in their oversight and representative functions. Following the August 2022 elections, TI-Kenya supported the induction and networking workshop for APNAC Kenya. The workshop brought together newly elected and returning members of parliament to share experiences and lessons learnt in combating corruption from the August house. As a result of the workshop, legislative champions were identified to promote the development/ review of anti-corruption legislations.

Photo ©TI-Kenya: APNAC-KENYA Members during an induction ceremony

ii) Establishment of CARNAC in Kakamega county

The County Assembly Representative Network Against Corruption (CARNAC) is an organization made up of county assembly representatives whose aim is to coordinate, involve and strengthen the capacities of county assemblies to fight corruption. Through representation, legislation and oversight, county assemblies are mandated to promote accountability. Within the period under review, TI-Kenya supported the establishment of CARNAC in Kakamega county as an anti-corruption watch dog within the legislative assembly.

b) **Convening of forums to deliberate, strategize and act on existing or emerging governance concerns.**

i) **Commemoration of the International Anti-Corruption Day 2021**

Globally, the International Anti-Corruption Day has been observed on 9th December annually, since the passage of the United Nations Convention Against Corruption in 2003. The commemoration aims to raise awareness on corruption and of the role of the Convention in combating and preventing the vice. In Kenya, Transparency International Kenya (TI-Kenya), under the National Integrity Alliance (NIA), Kenya Leadership Integrity Forum (KLIF), and other partners commemorated the 2021 International Anti-Corruption Day through targeted advocacy activities including, an anti-corruption caravan, media talk shows, public forums, and corruption risk assessment in Mombasa and Isiolo Counties. The 2021 International Anti-Corruption Day sought to highlight the rights and responsibilities of everyone – including States, Government officials, civil servants, law enforcement officers, media representatives, the private sector, civil society, academia, the public and youth – in tackling corruption. TI-Kenya urged Kenyans to Vet and Vote wisely in the 2022 general elections by- rejecting individuals seeking public office that have been convicted or have pending corruption and economic crimes cases, and those who have acted in breach of the leadership and integrity tenets as enshrined in Chapter 6 of the Constitution of Kenya 2010.

ii) **Commemoration of Africa-Anti-Corruption Day 2022**

On 11th July 2022, TI-Kenya and Strathmore University partnered with the Ethics and Anti-Corruption Commission to commemorate the Africa-Anti-Corruption Day through a public lecture. The day is meant for anti-corruption stock taking and reflection on approaches to end corruption in Africa. In tandem with the theme for this commemoration "Elect Leaders of Integrity to Enhance Transparency and Accountability in Kenya", TI-Kenya emphasized the need to ensure electoral justice and democracy as one of the ways to ensure credibility and adherence to the rule of law. As a takeaway from this commemoration, partners agreed to continue pushing and advocating for implementation of Chapter Six by the relevant agencies including follow up on cases in court challenging suitability of some spirants as well as call on citizens to make informed decisions during the election. The commemoration was also cascaded to TI-Kenya's regional offices in Coast Region, North Rift and Western Region. The regional offices brought together state and non-state actors to deliberate on approaches to address corruption.

c) **Active collaborative leadership role in strategic partnerships, networks, alliances, forums and platforms.**

i) **Partnership with LSK**

To support the establishment and sustenance of critical mass of vibrant actors actively working towards supportive anticorruption laws, policies and institutions, TI-Kenya partnered with the the Law Society of Kenya Nairobi branch to host the Chief Justice, Hon Justice Martha Koome for a luncheon with a focus on " Transparency and Accountability in the Judiciary. The luncheon enhanced networking and peer exchanges between participating lawyers including from TI-Kenya and other participating organizations and law firms. It also provided platform for knowledge sharing on the milestones and key

steps taken by the Judiciary to improve transparency, accountability and integrity of judicial officers. Through the Luncheon, TI-Kenya identified possible areas of partnership and collaboration with LSK including institution of Public Interest Litigation, Providing Legal Advice and Assistance to the underprivileged as well as victims of corruption and whistleblowers.

ii) CSO Anti-corruption workshop

In July 2022, Transparency International Kenya hosted civil society groups working on anti-corruption initiatives in a two-day's workshop in Naivasha. The meeting whose aim was to strengthen the capacity of anti-corruption actors (state and no-state) was attended by 20 CSOs, KLIF representative, Ethics and Anti-Corruption Commission representative. The workshop reviewed the Kenya Integrity Plan (KIP 2019-2023), the gaps and areas of partnership with Civil Society. It also developed a mapping tool for the organizations working on anti-corruption initiatives to ensure more effective engagement on governance issues. TI-Kenya is the CSOs convener.

iii) Open Government Partnership

As the OGP Kenya cluster lead on Beneficial Ownership Transparency, TI-Kenya participated and made a presentation in a forum on leveraging on Open Government Partnership (OGP) to enhance transparency and accountability framework for Kenya's Public Finance Management (PFM) and petroleum sector in October, 2021. TI-Kenya convened a cluster meeting for the OGP BO cluster in May 2022, which brought together CSOs, government and private sector players to discuss different user needs of the partially open BO register. TI-Kenya also supported the Business Registration Service (BRS) to participate in the OGP regional meeting in Marrakech, Morocco in November 2022 to learn, network and exchange on best practice with regards to using the OGP to advance reform agenda with regard to Beneficial Ownership Transparency.

3. Strengthening of state and non-state institutions

a) Strengthening of public institutions

i) IAU training

To strengthen transparency and accountability within the National Police Service, TI-Kenya supported Internal Affairs Unit (IAU) in training its members (47 IAU investigators -37 male, 10 female) on complaints resolution and the trial process (criminal trial process as well as the administrative trial process). The training focused on IAU officers' role in investigating police conduct, thereby equipping them to effectively undertake police oversight role.

ii) Police dialogues

To entrench horizontal accountability within the police service, TI-Kenya held 3 police dialogue forums with Administration police, Diplomatic police and IAU officers. Police dialogues are governance-oriented discussions at peer level within the police service aimed at identifying governance/ corruption challenges facing the service and devising of practical solutions to remedy the same. The dialogues held between January and September 2022 engaged 185 officers (147 male,38 female) from Nyeri, Embakasi, IAU

as well as Diplomatic police unit in candid discussions regarding corruption within the police service and mechanisms to counter the vice. As a result, an action plan towards implementation of anti-corruption recommendations within the police service was developed.

In realization of the critical role that the police play in election security management Subsequently, TI-Kenya supported the IAU to develop an elections workplan for the unit which was approved by the Inspector General in May 2022. As part of the workplan implementation, TI-Kenya facilitated a training for 100 IAU officers (78 male, 22 female) on elections monitoring and management, the Elections Security Arrangement Plan (ESAP), Public Order Management and Elections Related Sexual and Gender-Based Violence (SGBV). Through the training, the officers were equipped to address any election related issues and complaints that arose from police conduct and management of election security.

To enhance citizens understanding of accountability within the police service, TI-Kenya facilitated a radio talk show on Ghetto radio in which an investigator at IAU informed approximately 1.5M citizens on the mandate of the IAU and available reporting channels. In collaboration with the IAU, an infotainment video on the IAU, its mandate and available reporting channels was developed to further publicize the unit and sensitize citizen on their role in improving accountability within the police service.

iii) Capacity strengthening of political party dispute resolution and election boards.

To enhance effectiveness in management of the 2022 general elections, TI-Kenya in collaboration with ELOG and other election stakeholders (ORPP, PPDT, IEBC) trained 18 officials from Election Boards and Dispute Resolution Boards from 6 parties (ODM, KANU, ANC, UDA, Ford Kenya, Wiper & NARC). The training provided from Election Boards and Dispute Resolution Boards members with skills to effectively handle disputes arising out of political party nominations and uphold electoral integrity at party level including vetting on ethics during the nomination processes. Areas of partnership with the political parties were also identified including dispute resolution and nominations processes.

iv. Induction training for 4th Senate members

To advocate for more transparency and accountability in the National Assembly, TI-Kenya inducted the 4th Senate members on effectively engaging media in legislative agenda and strengthening political party caucuses in the Senate. With the senate and media both playing a watch dog role, it was prudent to strengthen the relationship between the two by identifying opportunities for engagement from the onset. Further in a multiparty democracy, it was prudent to underscore accountability as a key oversight role and the need to strengthen party caucuses in the senate.

v) Supporting Uchaguzi Platform

Uchaguzi platform is a CSO umbrella movement composed of CSOs working on election reforms. TI-Kenya supported and participated in the Uchaguzi platform advocacy activities which were geared towards more transparent and accountable elections. TI-Kenya supported the establishment of the Election Situation Room, a CSO election

monitoring coordination centre. Through the election situation room, CSOs were able to monitor the 2022 elections across the counties, identify malpractices, best practices and collect lessons for ongoing electoral advocacy. TI-Kenya participated in pre and post-election advocacy activities (workshops, media engagements, meetings with election stakeholders) by the Uchaguzi platform which highlighted emerging issues before, during and after the 2022 elections and calling for accountability from duty bearers

b) Promotion of ICT driven accountability/ integrity mechanisms.

i) Rada Corruption database

TI-Kenya uses evidence-based advocacy as signature approach towards its anticorruption work. TI-Kenya continues to build corruption related data for analysis and advocacy on the progress made in the fight against corruption through Rada corruption database. Within the period, data collection from magistrates' courts across the country was conducted with 1,678 cases being collected to date from Kenya Law Reports (KLR), courts, Ethics and Anti-Corruption Commission (EACC), and OAG. From the analysis of the monetary value of cases reported, the bulk of cases relate to embezzlement of public funds, bribery, Abuse of office and procurement. The data from the database was instrumental in the Red Card campaign which was a significant success towards influencing citizens to elect leaders with integrity. Additionally, the data has been used by the NIA to advocate against dropping of high-profile corruption cases involving politicians.

c) Generation of new knowledge, ideas, strategies and models for effective governance including documenting and sharing best practices.

i) Peer learning and knowledge exchange through the Alternative Mining Indaba

In May 2022, TI-Kenya participated in the Alternative Mining Indaba[12] (AMI) in Cape Town for learning and knowledge exchange on the continental mining. The AMI provided TI-Kenya with an opportunity to learn and share experiences with countries on matters of extractives in the climate change crisis era. Additionally, TI-Kenya participated in a side event organized by Oxfam Kenya under the theme: Driving up to a new energy regime-gender perspectives and pathways for women participation in the transition value chain whose objective was to ensure gender-related issues are at the forefront while addressing transitions associated with climate change.

ii) Assessment of police reforms

During the review period, TI-Kenya conducted a study on police reforms in Kenya since 2013. The study assessed progress made in implementing relevant laws and legislation on policing, impact of instituted reforms, effectiveness of established oversight bodies and best practice as well as practical recommendations for pushing for further police reforms in the country. The study established that police reforms led to the clarity of roles, improved professionalism and enhanced welfare within the police sector while also leading improved security within the country. However, the study noted that, lack of political goodwill to fight corruption, lack of financial independence, negative attitude and the militarized approach to policing dating back to the colonial period remained barriers to realizing the full objectives of the police reform agenda. TI-Kenya continues to engage the National Police Service on transparency and accountability in the police reform agenda.

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12 The Alternative Mining Indaba (AMI) is a global platform that brings all stakeholders together annually for a conference that debates, discusses various issues as well as serves as an empowerment tool through training of communities.

Social Justice and Economic Accountability

This strategic pillar contributes to greater social justice and economic accountability at all levels through advocacy and development/promotion of supportive systems.

a) Supporting existence and enforcement of suitable and transparent public resource management systems

In the period under review, TI-Kenya continued its advocacy efforts around beneficial laws in Kenya, Uganda, Tanzania, Rwanda and Burundi to ensure there exists transparent and accountable mechanisms for resource distribution and use. As a result of this advocacy, Rwanda's parliament adopted a new law governing public procurement which has provisions on beneficial ownership transparency in public procurement. In Tanzania, the government through Finance Act, 2022 introduced a clause which requires declaration of source of funds for business names category. The Parliament of Uganda passed four laws[13] that aligned the country's business legislation to beneficial ownership requirements. These laws were passed after heightened advocacy by TI-Kenya and its partners[14] with the aim of promoting economic accountability within the East Africa region.

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13 NCCK, KHRC, Econews, and Strathmore Extractives Industry Centre (SEIC)

14 Uganda Registration Services Bureau (URSB), the Financial Intelligence Authority, the Ministry of Finance, and like-minded CSOs, private sector.

To ensure proper regulation on Illicit Financial Flows (IFFs), TI-Kenya engaged the Clerk of the East Africa Legislative Assembly (EALA) and the Secretary General of the East Africa Community (EAC) regarding the motion for a resolution adopted by East Africa Legislative Assembly (EALA) prevent Illicit Financial Flows (IFFs). TI-Kenya has been advocating for adoption of a legislation to curb IFFs within the East Africa region. To this end, we have been supporting the development of a law to be adopted by states within the EAC for combating illicit financial flows and public resources leakages.

b) Increased support towards effective public resource planning, use and accountability.

To heighten advocacy on prudent public debt management, TI-Kenya held a workshop with APNAC Tanzania chapter to deliberate on Transparency and Accountability in the Management of Public Debt. The workshop deliberated on debt sustainability and its indicators as well as debt reporting standards and requirements. As a result of this workshop, Tanzania published its external debt register up until June 2021. In Kenya, the debt question featured prominently in the electioneering period as a result of continuous advocacy by TI-Kenya alongside partners in the Okoa Uchumi Campaign that launched a citizens' manifesto in April 2022 to put pressure on the government to enhance transparency and accountability in the acquisition, utilization and accounting of public debt. The Citizen's manifesto enlightened the public on the present debt crisis and its impact while also exerting pressure on duty bearers to undertake remedial measures.

c) Enhanced collaboration with relevant state and non-state actors to ensure effective and transparent governance of natural resources.

i. Capacity assessment of miners Taita Taveta County

In June 2022, TI-Kenya assessed the capacity needs of miners at Classic mines in Taita Taveta with regards to environmental rights in artisanal mining, sexual and gender-based violence (SGBVs) and financial management. This brought to the fore corruption risks within artisanal and small-scale miners in the county. Gemstone miners were deemed prone to manipulation by Environmental Experts due to their lack of understanding of the criteria for conducting environmental impacts assessment. The assessment noted that gender-based violence was prevalent among the mining communities in the county. Further, most of the miners lacked requisite financial literacy.

ii. Political Economy Analysis (PEA) – Turkana, Kwale & Taita Taveta

To understand critical drivers of change including power structures, formal and informal institutions, and actors or agents that influence and affect the mining sector, TI-Kenya conducted Political Economy Analysis for Kwale, Taita Taveta and Turkana counties. From the analysis, it was evident that in all three counties, traditional and community beliefs still work to the disadvantage of women. This exacerbates the risk of manipulation by mineral buyers or by fellow male miners. Limited control over land emerged to be a key challenge faced by women in accessing and controlling mines. As a result of the analysis, TI-Kenya has initiated gendered engagements with the relevant committees in charge of artisanal and mining at the county level. Additionally, TI-Kenya continues to work with journalists in the three counties to create awareness on gender issues through publishing of gender issues in the mining sector.

To promote transparent of natural resources within the East Africa Region, TI-Kenya in collaboration with TI-Uganda, advocated for the completion of the Minerals and Mining Bill, which was before Ugandan Parliament for debate. Through advocacy meetings with APNAC Uganda, media campaigns and a memorandum of comments submitted to the Parliamentary Committee on Natural Resources, Uganda Parliament passed the Minerals and Mining Bill into law in February 2022, incorporating the requirements of the Africa Mining Vision. The bill aligns the mining sector with the Extractives Industry Transparency Initiative (EITI) and mandates the National Mining Company to hold 15 per cent free equity in all large and medium mining ventures as well as have the right to pay up 20 per cent extra shares in the mining ventures at the commercial rate is a critical step towards natural resource governance and domestic resource mobilization.

To heighten advocacy on natural resource governance, TI-Kenya in collaboration with HakiRasilimali[15] organized a workshop dubbed Jukwaa la Uziduaji which brought together key extractive sector stakeholders and their respective blocs (i.e., Civil Society Organizations, government officials, parliamentarians, media, companies, communities, and development partners) to engage on the issues affecting the extractive sector, share experiences, as well as enhance synergy and collaborations. The workshop primarily focused on the status of domestication of the AMV and global demand for clean energy transition, challenges and lessons therein for the EAC region.

d) Capacity strengthening on uncovering corruption

To equip TI-Kenya with the skills to advocate against Illicit Financial Flows (IFFs), GFI conducted a training for staff on trade-based money laundering (TBML) including TBML data research on Panjiva and other platforms in September 2021. 11 TI-Kenya staff who participated in the training reported 75% improved understanding of TBML. 40 participants from at least 15 different CSOs working on IFFs were trained on TBML in October 2021 to ensure Kenya has adequate capacity to monitor and advocate against TBML among other forms of IFFs. Additionally, TI-Kenya in collaboration with GFI conducted a training to 20 journalists on investigating financial crimes including Trade Based Money Laundering. The training offered information on access points for financial support and help for investigation and reporting of financial crimes.

e) Generation of new knowledge, ideas, strategies and models

i) Study on tax incentives and economic inequality

To mitigate against the drivers of wealth, income and social inequalities, TI-Kenya conducted three research studies: tax incentives as drivers of economic inequality across six economic blocks in Kenya, Comparative analysis report of existing tax incentives and decision-making processes in Kenya across the six Economic Blocs in Kenya and Sector-specific assessment of how tax incentives benefit mining companies in Kenya. The studies analyzed tax incentives and how they benefit businesses and other entities, which are usually dedicated to driving investment, economic growth and job creation but brings income and wealth/economic inequalities to the marginalized groups in Kenya on the

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15   A network of CSOs in Tanzania advocating for transparency and accountability in the Mining, Oil and Gas Sector.

other hand. The studies provided critical knowledge for public engagement on causes and impacts of economic inequalities with special attention to women, people living with AIDS (PLwH) and people with disabilities (PWD). The recommendations have initiated advocacy engagements with relevant government agencies for increased public scrutiny of governmental policies.

To ensure the organization supports and actively participates in initiatives towards generation of new knowledge, ideas, strategies and models, TI-Kenya;

i. In collaboration with the Government of Kenya through the Climate Change Directorate organized a technical expert dialogue on transparency of adaptation reporting leading to the development of Kenya's submission on options for conducting reviews on a voluntary basis for climate change information reported.

ii. Participated in a workshop at the sidelines of the eighth session of the Africa Regional Forum on Sustainable Development (ARFSD) in Kigali, Rwanda on 1st to 5th March 2022. The workshop was organized by the Pan African Climate Justice Alliance (PACJA) in collaboration with Rwanda Climate Change and Development Network (RCCDN). The workshop led to the development of the African CSO common position to COP27.

iii. Participated in the Africa Group of Negotiators (AGN) Strategy meeting in Livingstone Zambia as the Lead Coordinator for transparency negotiations and shared with UNFCCC focal points on the progress of COP26 transparency related outcomes and their implications at the national level, including opportunities presented.

iv. Participated in the UNFCCC first Technical Expert Dialogue on the New Collective Quantified Goal in Cape Town, South Africa where TI-Kenya was nominated by the African Group of Negotiators to represent Africa. Through the dialogue consensus was built on tracking and reporting new collective goals building on lessons and experiences from the current transparency regime.

Institutional Development

This strategic pillar enables TI-Kenya to consolidate its position as a dynamic, relevant, effective and resilient institution.

a) Human Resource and Governance Development

TI-Kenya progressively strengthens its human resource management and governance processes to ensure that the institution upholds its vision as a premier anti-corruption body. To this end, the organization undertook the following human resource management and governance measures.

i. Maintained optimal human resource and governance capacity.

ii. Continually build staff capacity through training and sensitizations, mentorship, knowledge exchange (E-learning, peer learning, documentation and best practice sharing)

iii. Institutionalized Hybrid Work Model to support sustainable and safe working approaches for all staff and stakeholders, amid the Covid-19 pandemic.

iv. Undertook institutional job evaluation and workload analysis to strengthen human resource capacity.g

v. Rolled out staff welfare and Employee Assistance Programs (EAPs) sustain supportive internal work environment.

Photo ©TI-Kenya: Staff during during a retreat

b) Improved internal systems, policies and structures.

To enhance institutional compliance, internal efficiency and effectiveness and adequately respond to the shifts in the operating context, TI-Kenya complied with all applicable legal and statutory requirements as well as reviewed its internal systems, policies and procedures. Additionally, TI-Kenya augmented its financial management, procurement and human resource management information systems.

c) Enhancing TI-Kenya Brand Awareness and Communication

To illuminate TI-Kenya's brand, TI-Kenya through the Communications and Marketing unit engaged in proactive marketing and communication acquaint over 10M Kenyans with the anti-corruption conversations and implore them to uphold integrity. To this end our organization:

i. Sustained anticorruption agenda through 26 radio talk shows, 9 live TV interviews, and 17 press conferences and media and 12 monthly e-newsletters on emerging governance issues, including on leadership and integrity during elections, Police Accountability and Illicit Financial Flows. We also kept our audience engaged in our anti-corruption activities through our monthly e-newsletter.

ii. Advocated for transparency and accountability in the country through print media by publishing 20 opinion pieces in the local and regional dailies. We also maximized our online presence to push for online anti-corruption campaigns through our social media platforms. Within the period about 200 K citizens interacted with our Twitter account. Our twitter following rose from 16.5 K to 18.6 K, while 10.6 K interacted with our Facebook account.

iii. Participated in outreach and awareness activities including information day events, Africa Anti-Corruption Day and International Anti-corruption Day events to disseminated information and knowledge to thousands of citizens and loop them in the anti-corruption fight.

d) Monitoring, Evaluation, Research and Learning

Our Monitoring, Evaluation, Research and Learning   has progressively ensured the organization's mission stays aligned to the vision and that internal processes effectively deliver and demonstrate results for learning and accountability. Within the period under review, TI-Kenya;

i.   Continued to generate   and disseminate knowledge through production   and publication of informative research products including but not limited to; Climate Change Risk and Vulnerability Assessment in Homabay County, Report on Curbing Money Laundering and Terrorism Financing in Kenya, Political Economy Analysis of the mining sector in Turkana, Taita Taveta and Kwale Counties. A Comparative Study on Tax Incentives and Decision-Making Process Driving Economic Inequality Across the Regional Economic Blocs in Kenya.

ii.   Developed new strategy to guide anticorruption work for the period 2023-2028.

iii. Conducted project assessments through base line and end of projects evaluations to deduce key lessons and irradiate results of our work.

iv. Adopted ICT based M&E system to strengthen internal monitoring and evaluation of organizational projects.


e) Resource mobilization and investments

To diversify and grow its resource base, our organization undertook funder mapping as a basis for funding portfolio diversification and conceptualized business development as an alternative resource mobilization pathway including development of a concept toward establishment of endowment fund. Additionally, TI-Kenya significantly increased its fundraising efforts while strengthening accountability and internal organizational efficiencies. Our organization considerably invested in relations building with benefactors and maintained mutually beneficial relationship with them

Financial Performance Analysis for the Financial Year that Ended On 30th September 2022

Grant income

| Grant	Amount
The Federal Ministry of Economic Cooperation and Development (German: Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung) BMZ	9,109,529.05
Open Society Foundation	7,950,812.00
Embassy of Sweden through Diakonia Kenya	13,229,290.00
European Commission	2,205,625.90
Ford Foundation (FORD)	21,943,956.00
Foreign Commonwealth and Development Office (FCDO)	6,968,003.00
FOJO Media Institute	8,891,728.94
Embassy of Finland	10,792,150.00
International Alert	5,766,426.00
Oxfam	12,083,900.00
United Nations Development Programme	3,231,900.00
Devolution and Climate Change Adaptation (DaCCA)	1,499,400.00
Embassy of Sweden through Diakonia Africa Regional Office	25,513,863.00
Swedish Institute	3,824,417.60
Uraia	6,175,166.41
Transparency International Secretariat (TIS)	41,690,700.00
Others	7,681,264.10
Grand Total	189,558,132.00

Who supported us
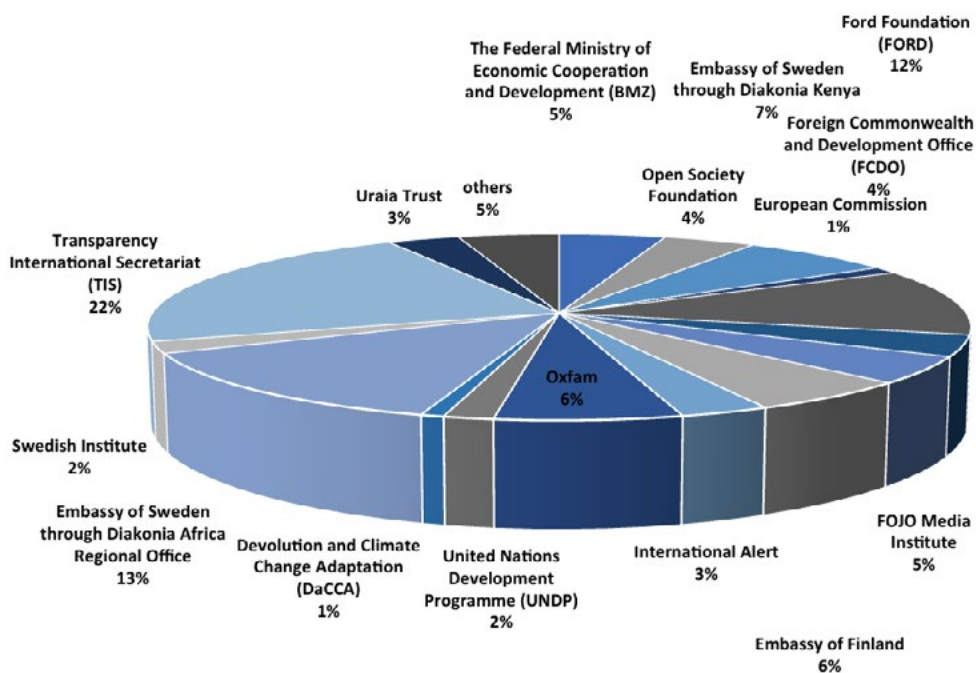
How the funds were applied (Ksh)

Expenses	Amount (Ksh)/ Percentage
Program Expenses	156,940,653
Staff Cost	24,491,947
Taxation Expenses	1,573,509
Operating Expenses	35,253,564
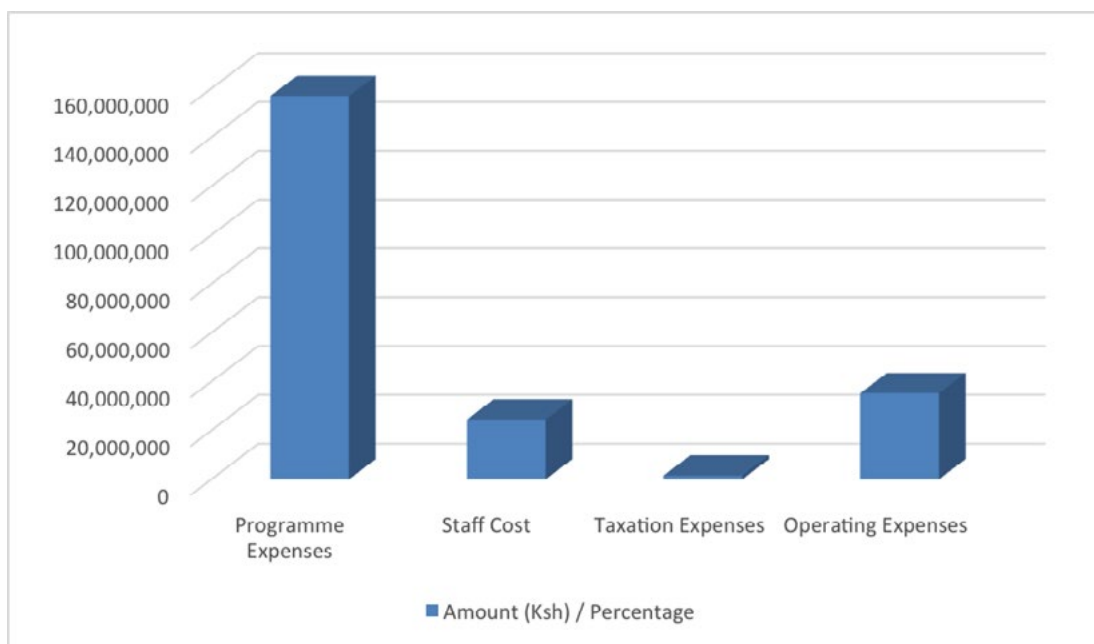
3 years trend on total income

Year	Total income (KSH)
2020	159,588,120
2021	164,011,586
2022	189,558,132.00

Trend on income (Ksh)

159,588,120   164,011,586   189,558,132.00

2020   2021   2022

Total Income (Ksh)
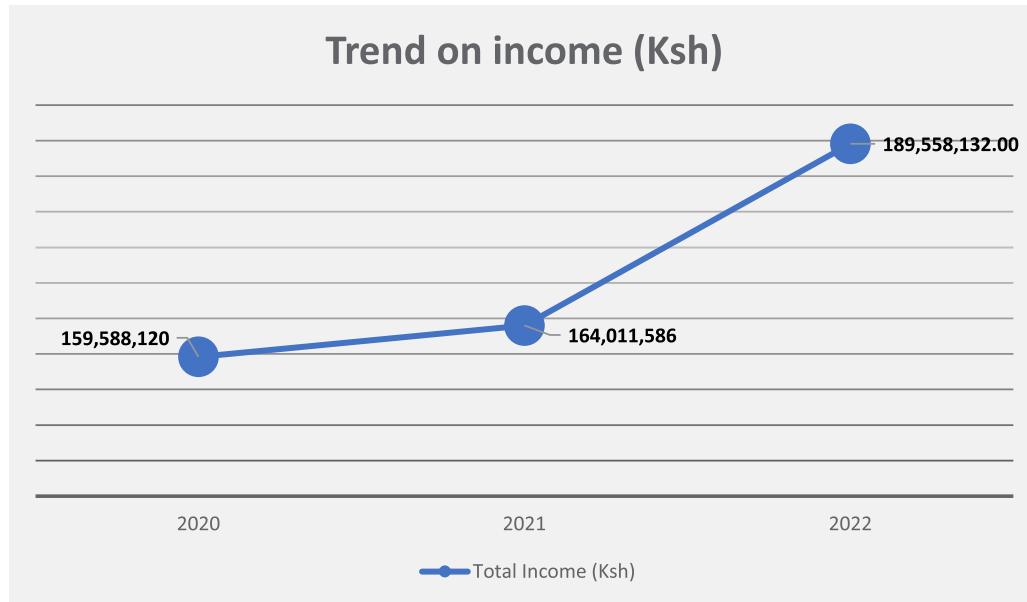
3 years trend in our total assets

Year	Total assets (KSH)
2020	124,714,581
2021	156,644,801
2022	134,865,666

Total Assests (Ksh)

156,644,801   134,865,666   124,714,581

2020   2021   2022

Total Assests (Ksh)

TRANSPARENCY INTERNATIONAL KENYA
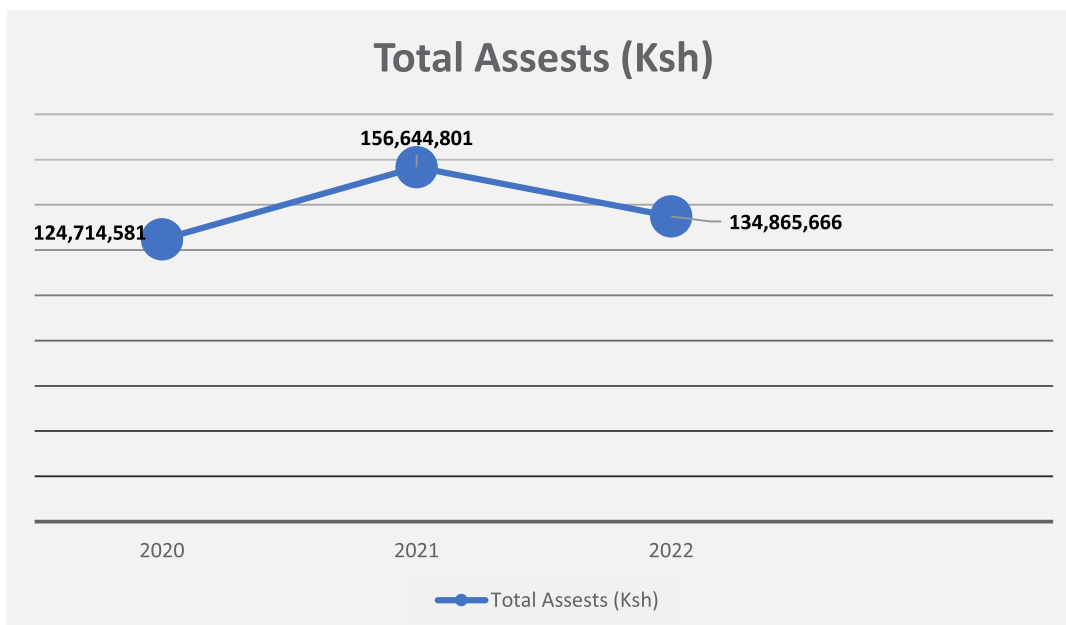
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