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REPUBLIC OF KENYA




THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT – THIRD SESSION, 2019

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THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON SESSIONAL PAPER NO.2 OF 2018 ON THE NATIONAL  
ETHICS AND ANTI-CORRUPTION POLICY  
-----

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	26 JUN 2019
	JUNE, 2019
	DAY: wed
TABLED BY:	Hon. William Chapin
CLERK-AT-THE-TABLE:	Chair Person
	M. Moko



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## **LIST OF ANNEXURES**

- Annexure 1:** Minutes of Committee sittings on the consideration of Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy
- Annexure 2:** Signed list of Members who attended the sitting that considered and adopted the report.

## **CHAIRPERSON'S FOREWORD**

Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy from the Office of the Attorney- General and the Department of Justice was laid on the Table of the House by the Leader of the Majority Party on 22<sup>nd</sup> November 2018 and thereafter committed to the Departmental Committee on Justice and Legal Affairs for consideration and report to the House.

The Policy was developed as a result of the second state of the nation address in Parliament in 2015. In his speech, His. Excellency the President Uhuru M. Kenyatta denounced corruption and directed the Office of the Attorney-General and Department of Justice to initiate review of the legislative and policy framework for fighting corruption to ensure success in the fight against the vice.

The National Ethics and Anti-Corruption Policy intend to provide a comprehensive framework for the design and development of an effective legal and institutional framework for fighting corruption and promoting ethics and integrity in Kenya.

The Committee considered the Policy at its sittings of 14<sup>th</sup> March, 2019 and 14<sup>th</sup> May, 2019. The Attorney-General of the Republic of Kenya and the Chief Executive Officer of the Ethics and Anti-Corruption Commission appeared before the Committee on 16<sup>th</sup> April, 2019 and made submissions in support of approval of the Policy by the House. The Committee considered and unanimously adopted its report at its sitting of 15<sup>th</sup> June, 2019.

May I take this opportunity to express gratitude to Committee Members for their resilience and devotion to duty which made the consideration of the Policy successful. May I also appreciate the Offices of the Speaker and Clerk of National Assembly for always providing guidance and direction to Committees in the discharge of their mandate. Finally, I commend the secretariat for exemplary performance in providing technical and logistical support to the Committee.

On behalf of the Departmental Committee on Justice and Legal Affairs Committee and pursuant to the provisions of Standing Order 199(6) it's my pleasant duty and privilege to table in the House as report of the Committee on the Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy.

**HON. WILLIAM CHEPTUMO, M.P.**  
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND**  
**LEGAL AFFAIRS**

## PART 1

### 1.0 PREFACE

#### 1.1 Mandate of the Committee

1. The Departmental Committee on Justice and Legal Affairs derives its mandate from Standing Order No. 216(5) which provides for the functions of Departmental Committees as follows-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- (c) study and review all legislation referred to it;
- (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) investigate and enquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments)
- (g) examine treaties, agreements and conventions;
- (h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (i) consider reports of Commissions and Independent Offices submitted to the House pursuant to provisions of Article 254 of the Constitution; and
- (j) examine any questions raised by Members on a matter within its mandate.

2. The Second Schedule of the Standing Orders on Departmental Committees further outlines the Subjects of the Committee, as follows-

- (a) Constitutional affairs;
- (b) The administration of law and Justice
- (c) The Judiciary;

- (d) Public prosecutions;
- (e) Elections;
- (f) Ethics, integrity and anti-corruption; and
- (g) Human rights.

### **1.2 Committee Membership**

3. The Committee was constituted on Thursday, 14<sup>th</sup> December, 2017 and comprises the following Honourable Members-

<b>NO.</b>	<b>NAME</b>	<b>CONSTITUENCY</b>	<b>PARTY</b>
1	Hon. William Cheptumo, M.P. - <i>Chairperson</i>	Baringo North	Jubilee
2	Hon. Alice Muthoni Wahome, M.P. - <i>Vice Chairperson</i>	Kandara	Jubilee
3	Hon. John Olago Aluoch, M.P.	Kisumu West	Ford Kenya
4	Hon. Roselinda Soipan Tuya, M.P.	Narok County	Jubilee
5	Hon. Charles Gimose, M.P.	Hamisi	Ford Kenya
6	Hon. Johana Ng'eno, M.P.	Emurua Dikirr	KANU
7	Hon. William Kamoti Mwamkale, M.P.	Rabai	ODM
8	Hon. Ben Orori Momanyi, M.P.	Borabu	Wiper
9	Hon. Peter Opondo Kaluma, M.P.	Homa Bay Town	Wiper
10	Hon. Jennifer Shamalla, M.P.	Nominated	Jubilee
11	Hon. Beatrice Adagala, M.P.	Vihiga County	Amani National Congress
12	Hon. Gladys Boss Shollei, CBS, M.P.	Uasin Gishu County	Jubilee
13	Hon. John Munene Wambugu, M.P.	Kirinyaga	Jubilee
14	Hon. George Gitonga Murugara, M.P.	Tharaka	Democratic Party
15	Hon. Anthony Githiaka Kiai, M.P.	Mukurueni	Jubilee
16	Hon. John Kiarie Waweru,	Dagoretti South	Jubilee

	M.P.		
17	Hon. Japheth Mutai, M.P.	Bureti	Jubilee
18	Hon. Adan Haji Yussuf, M.P.	Mandera South	Economic Freedom Party
19	Hon. Zuleikha Hassan, M.P.	Kwale County	ODM

### **1.3 Committee Secretariat**

The following officers service the Committee's secretariat:-

Mr. George Gazemba	-	Principal Clerk Assistant II
Mr. Denis Abisai	-	Principal Legal Counsel I
Ms. Halima Hussein	-	Clerk Assistant III
Ms. Fiona Musili	-	Research Officer III
Mr. Omar Abdirahim	-	Fiscal Analyst III
Mr. Joseph Okongo	-	Media Liaison Officer
Mr. Hakeem Kimiti	-	Audio Officer
Ms. Roselyne Ndegi	-	Serjeant-at-Arms

4. Minutes of sittings of the Committee in respect of the consideration of Sessional Paper No.2 of 2018 on the National Ethics and Anti-Corruption Policy are attached to this report annexure 1.



## PART 2

### 2.0 COMMITTEE CONSIDERATION OF SESSIONAL PAPER NO.2 OF 2018 ON THE NATIONAL ETHICS AND ANTI-CORRUPTION POLICY

#### 2.1 Background Information

5. The Constitution of Kenya, 2010 entrenches national values and principles of governance, sets up anti-corruption institutions, and fosters ethical leadership and integrity in the country. The Constitution paved way for the enactment of the Ethics and Anti-Corruption Commission Act (No.22 of 2011) which establishes the Ethics and Anti-Corruption Commission (EACC) pursuant to the provisions of Article 79, and the enactment of the Leadership and Integrity (No. 19 of 2012) to implement Chapter six of the Constitution on Leadership and Integrity. The Constitution also enhanced the principle of separation of powers in government to ensure transparency, accountability, rule of law and good governance.
6. The formulation of the National Ethics and Anti-Corruption Policy is in line with the obligations that Kenya is under as a State party to various regional and international instruments for promoting good governance and combating corruption, including- the United Nations Convention against Corruption (UNCAC), the African Union Convention against Corruption (AUCPCC) and the African Peer Review Mechanism (APRM). Specifically, Article 5(1) of the United Nations Convention against Corruption (UNCAC) states that, *“Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.* Additionally, Article 5 of the African Union Convention on Preventing and Combating Corruption requires State parties to put in place various legislative and other measures to ensure a sustainable fight against corruption.
7. The Constitutional basis for the fight against corruption comprises- Article 10 (National Values and Principles of Governance), Chapter Six (Leadership and Integrity), Article 232 (Values and Principles of Public service), Article 79 (Legislation to establish the ethics and anti-corruption commission) and Article 80 (establishing procedures and mechanisms for the effective administration of Chapter Six on leadership and integrity).
8. There are already several statutory legal instruments for fighting corruption. The principal laws in the fight against corruption, include-

- (i) The Anti-Corruption and Economic Crimes Act, No. 3 of 2003
- (ii) The Public Officer Ethics Act, No. 4 of 2003
- (iii) The Ethics and Anti-Corruption Commission Act, No. 22 of 2011
- (iv) The Leadership and Integrity Act, No. 19 of 2012
- (v) Bribery Act, 2016

9. Other Laws that complement the fight against corruption include-

- (i) Proceeds of Crime and Anti-Money Laundering Act, No. 9 of 2009
- (ii) Commission on Administration of Justice Act, No. 23 of 2011
- (iii) The Public Procurement and Disposal Act, No. 3 of 2005
- (iv) The Witness Protection Act, No. 16 of 2006
- (v) The National Police Service Act, No. 11A of 2011
- (vi) The Elections Act, No. 24 of 2011
- (vii) Election Offences Act, 2016
- (viii) The Public Finance Management Act, No. 18 of 2012
- (ix) The Political Parties Act, No. 11 of 2011
- (x) The Mutual Legal Assistance Act, No. 36 of 2011
- (xi) The County Governments Act, No. 17 of 2012
- (xii) Public Appointments (Parliamentary Approval) Act, No. 33 of 2011
- (xiii) Prevention of Organized crimes Act, No. 6 of 2010
- (xiv) Access to Information Act, No 31 of 2016
- (xv) The Penal Code (Cap. 63)
- (xvi) The Public Audit Act, No. 12 of 2003

10. Regulations made to aid the implementation of the legal framework include: the Public Officer Ethics (Management, Verification and access to Financial Declarations) regulations (legal Notice No. 179 of 2011) and the Anti-Corruption and Economic Crimes (Amnesty and Restitution) Regulations, 2011 (Legal Notice No.44 of 2011) among others.

## **2.2 Scope of the policy**

11. The National Ethics and Anti-Corruption Policy outlines a comprehensive policy, legal and institutional framework for combating and preventing corruption and promoting ethics and integrity. It defines and clearly sets out strategies and actions for implementation in the fight against corruption in the long-term. The overall objective of the Policy is to “reduce levels and prevalence of corruption and

unethical practices in Kenya by providing a comprehensive, coordinated and integrated framework for the fight against corruption and promotion of ethics”.

### **2.3 Rationale for developing of the policy**

12. The development of the Policy was informed by the need for a systematic ethics, integrity and anti-corruption policy that responds to the complex and dynamic nature of corruption which is complicated by globalization, technological advancement and prevailing trends in trans- national crime.
13. This policy seeks to ensure that the existing legal framework for preventing and fighting against corruption which include- laws, regulations, codified policies, Executive Orders and institutional arrangements, is streamlined and harmonized to enhance efficiency in the fight against corruption.
14. The implementation of the National Ethics and Anti- Corruption Policy is expected to provide “an effective coordinated and enforceable anti-corruption policy in keeping with the country’s national goals as well as Kenya’s obligations under various anti-corruption instruments to which it is a State Party”.
15. The specific objectives of the policy are-
  - (i) To enhance coordination and synergy of all stakeholders in the fight against corruption;
  - (ii) To generate sufficient and sustained political support for the fight against corruption;
  - (iii) To strengthen the legal and institutional framework for anti-corruption, ethics and integrity;
  - (iv) To enhance public participation and engagement in the war against corruption;
  - (v) To intensify efforts towards the fight against corruption in the devolved system of government; and
  - (vi) To establish an effective monitoring and evaluation framework for anti-corruption initiatives.
16. The overall objective of the policy under the implementation framework is to create a common anti-corruption program including a common planning and

implementation platform to enhance efficiency and effectiveness by institutions with the anti-corruption mandate.

17. The implementation of the policy is expected to result in the following outcomes-

- (a) A coordinated and integrated approach to the fight against corruption involving all stakeholders;
- (b) Enhanced political support in the fight against corruption
- (c) Strengthened legal and institutional framework for anti-corruption, ethics and integrity;
- (d) Enhanced public participation and engagement in the war against corruption;
- (e) Structured implementation of various regional and international anti-corruption instruments;
- (f) Reduced levels and prevalence of corruption and unethical practices in Kenya; and
- (g) Intensified and targeted efforts to fight corruption in the devolved system of government.

#### **2.4 Strategies and challenges in implementing the policy**

18. The key strategies necessary for enhancing the fight against corruption in Kenya, as noted in the Policy, include-

- (i) Prevention of corruption through the process of detecting, examining and identifying corruption loopholes and minimizing them;
- (ii) Public education, training and awareness creation which is recognized as a critical strategy in fighting corruption and promoting ethics and integrity in society;
- (iii) Criminalization of all forms of conduct which constitute corruption, effective and fair enforcement of anti-corruption laws and competent exercise of jurisdiction by law enforcement agencies;
- (iv) Prosecution of corruption and economic crimes through enforcing the relevant laws;
- (v) Asset recovery which will make corruption unattractive by depriving those who engage in economic crime of the assets acquired corruptly;
- (vi) International cooperation which encompasses varied assistance in prevention, investigation and prosecution of offenders, specific forms of mutual legal assistance in gathering and transferring evidence for use in court, freeing seizure and confiscation of proceeds of corruption; and

(vii) Leadership and integrity in line with the provisions of Chapter six of the Constitution of Kenya which is predicated upon the assumption that State officers have to be beyond reproach in their conduct of public affairs.

19. There have been some challenges that have been experienced in the fight against corruption. These include-

- (a) Poor observance and enforcement of anti-corruption laws and codes of conduct and ethics;
- (b) Inherent weaknesses, gaps, deficiencies and ambiguities in the legal framework for fighting corruption in Kenya;
- (c) The legal framework is not evolving as fast as the emerging and evolving corruption practices;
- (d) Conflicting provisions of the law leading to overlaps of institutional mandates and functions;
- (e) Kenya's anti-corruption laws do not criminalize some offences prescribed by international instruments that Kenya is party to;
- (f) Lack of domestication of some international anti-corruption instruments whose provisions are at variance with the Laws of Kenya; and
- (g) The legal framework does not adequately cover institutional cooperation on the fight against corruption.

### **2.5 Monitoring and evaluation of the implementation of the policy**

20. The Policy notes that the government shall strengthen the mechanism for monitoring and evaluation of the policy through the following measures-

- (i) undertaking research, collecting and analyse information;
- (ii) implementing the National Anti- Corruption Policy through five (5) year strategic plans aligned with the Medium Term Expenditure Framework (MTEF);
- (iii) setting up a multi-stakeholder coordination framework for ethics and anti-corruption interventions across all levels; and
- (iv) establishing a comprehensive monitoring and evaluation framework that works across sector at the national and county levels beginning with a database of organizations implementing anti-corruption measures.

21. Policy monitoring will include detailed information on the broad policy and/ or specific policy instruments. Detailed reporting for operational purposes to the

Executive and Parliament will be at most bi-annual basis and will contain major milestones.

22. Policy implementation reviews will be carried out at National, County and Institutional levels every two to three years to account for social, legal, economic, and political dynamics while ad hoc reviews on fundamental changes in the legal, policy and institutional framework will also be undertaken periodically.

## PART 3

### **3.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

#### **3.1 Committee Observations**

23. Upon consideration of Sessional Paper No.2 of 2018 on National Ethics and Anti-Corruption Policy, the Committee made the following observations-

- (i) Presently there are several laws that govern the fight against corruption however challenges still persist in their implementation;
- (ii) The existing challenges in the anti-corruption sector have been occasioned by, among others, the lack of policy to guide the development of the legal framework in fighting corruption in Kenya; and
- (iii) The current fight against corruption has been hampered by a lack of coordination of all agencies involved in the fight against corruption
- (iv)


#### **3.2 Committee Recommendations**

24. The Committee recommends as follows-

- (i) The House approves cabinet's implementation of Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy;**
- (ii) Following the adoption of this Policy, all proposed legislation on matters related to anti-corruption should be guided by the provisions of the National Ethics and Anti-Corruption Policy;**
- (iii) There is need relevant authorities to strengthen capacity of all agencies involved in the fight against corruption to facilitate the fast-tracking of investigation, prosecution and adjudication of corruption, economic crime cases and incidents of violation of ethics in the conduct of public affairs;**
- (iv) The communication strategy in the anti-corruption campaign must be accompanied by other necessary conditions including increasing public**

participation, building trust in institutions and enhancing access to information; and

- (v) All agencies involved in the fight against corruption should develop mechanisms to improve coordination of anti-corruption processes and actions.

SIGNED..........DATE.....*26.06.19*.....

HON. WILLIAM CHEPTUMO, M.P.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON JUSTICE AND  
LEGAL AFFAIRS



# **ANNEXURE 1**

**(Minutes of Committee sittings on the consideration of Sessional Paper No. 2 of 2018 on the National Ethics and Anti-Corruption Policy)**



**MINUTES OF THE ONE HUNDRED AND FORTY-NINE SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON FRIDAY, 15<sup>TH</sup> JUNE, 2019 AT 10.00 A.M. IN OMO ROOM, CROWNE PLAZA HOTEL**

**PRESENT-**

- |   |   |                         |
|---|---|-------------------------|
| 1. Hon. William Cheptumo, M.P.          | - | <b>Chairperson</b>      |
| 2. Hon. Alice Muthoni Wahome, M.P.      | - | <b>Vice Chairperson</b> |
| 3. Hon. John Olago Aluoch, M.P.         |   |                         |
| 4. Hon. Peter Opondo Kaluma, M.P.       |   |                         |
| 5. Hon. William K. Mwamkale, M.P.       |   |                         |
| 6. Hon. Ben Momanyi, M.P.               |   |                         |
| 7. Hon. Charles Gimose, M.P.            |   |                         |
| 8. Hon. George G. Murugara, M.P.        |   |                         |
| 9. Hon. Jennifer Shamalla, M.P.         |   |                         |
| 10. Hon. Beatrice Adagala, M.P.         |   |                         |
| 11. Hon. Anthony G. Kiai, M.P.          |   |                         |
| 12. Hon. Gladys Boss Shollei, CBS, M.P. |   |                         |
| 13. Hon. John Kiarie Waweru, M.P.       |   |                         |
| 14. Hon. Adan Haji Yussuf, M.P.         |   |                         |
| 15. Hon. John M. Wambugu, M.P.          |   |                         |

**ABSENT WITH APOLOGIES-**

1. Hon. Roselinda Soipan Tuya, M.P.
2. Hon. Japheth Mutai, M.P.
3. Hon. Johana Ng'eno, M.P.
4. Hon. Zuleikha Hassan, M.P.

**IN ATTENDANCE-**

**COMMITTEE SECRETARIAT-**

- |                       |   |                              |
|-----------------------|---|------------------------------|
| 1. Mr. George Gazemba | - | Principal Clerk Assistant II |
| 2. Mr. Denis Abisai   | - | Principal Legal Counsel I    |
| 3. Ms. Halima Hussein | - | Third Clerk Assistant        |
| 4. Ms. Fiona Musili   | - | Research Officer III         |
| 5. Ms. Roselyn Njuki  | - | Serjeant-at-Arms             |
| 6. Mr. Kimiti James   | - | Audio Officer                |
| 7. Mr. Simon Maina    | - | Support staff                |

**MIN No. 588/2019:-**

**PRELIMINARIES**

The meeting commenced at 10.00 a.m. with a word of prayer by Hon Peter Kaluma.

**MIN No. 589/2019:**

**CONSIDERATION AND ADOPTION OF THE  
REPORT ON INSTRUMENT FOR  
RATIFICATION (ACCESSION) OF THE  
AGREEMENT FOR THE ESTABLISHMENT  
OF THE INTERNATIONAL ANTI-  
CORRUPTION ACADEMY AS AN  
INTERNATIONAL ORGANIZATION**

The Committee considered and adopted its report on the Instrument for Ratification (Accession) of the Agreement for the establishment of the International Anti-Corruption Academy as an International Organization.

The adoption was proposed by Hon. Peter Kaluma and seconded by Hon. Jennifer Shamalla.

**MIN No. 590/2019:**

**CONSIDERATION AND ADOPTION OF THE  
REPORT ON THE NATIONAL ETHICS AND  
ANTI-CORRUPTION POLICY, 2019**

The Committee considered and adopted its report on the National Ethics and Anti-Corruption Policy, 2019.

The adoption was proposed by Hon. Jennifer Shamalla and seconded by Hon. Adan Haji.

**MIN No. 591/2019:**

**CONSIDERATION AND ADOPTION OF THE  
ON THE PETITION BY MR. JULIUS  
KIPKOECH BORES TO AMEND THE  
CONSTITUTION OF KENYA TO ALTER  
THE SYSTEM OF REPRESENTATION**

Having considered its report on the petition by Mr. Julius Kipkoech Bores to amend the Constitution of Kenya to alter the system of representation.

The Committee adopted its reports with the following recommendations;

- (i) That the petitioner's prayers to amend Articles 93, 94 and 95 of the Constitution of Kenya be rejected
- (ii) That the National Assembly to consolidate and harmonize all the constitutional amendment proposals and process them as a single Bill to save on time, public resources and avoid duplication of efforts.

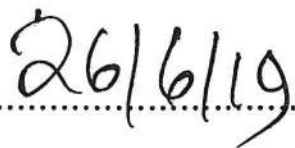
The adoption was proposed by Hon. Beatrice Adagala and seconded by Hon. John Munene.

MIN No. 593/2019:-

ADJOURNMENT

There being no other business to transact, the meeting was adjourned at One o'clock.

Signed.....  
Chairperson

Date.....



**MINUTES OF THE ONE HUNDRED AND TWENTY-FOURTH SITTING  
OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL  
AFFAIRS HELD ON TUESDAY, 16<sup>TH</sup> APRIL, 2019 AT 2.30 P.M. IN  
COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING**

**PRESENT-**

- |                                 |   |                    |
|---------------------------------|---|--------------------|
| 1. Hon. William Cheptumo, M.P.  | - | <b>Chairperson</b> |
| 2. Hon. John Olago Aluoch, M.P. |   |                    |
| 3. Hon. Beatrice Adagala, M.P.  |   |                    |
| 4. Hon. Anthony G. Kiai, M.P.   |   |                    |
| 5. Hon. Japheth Mutai, M.P.     |   |                    |

**ABSENT WITH APOLOGIES-**

- |   |   |                         |
|---|---|-------------------------|
| 1. Hon. Alice Muthoni Wahome, M.P.      | - | <b>Vice Chairperson</b> |
| 2. Hon. William K. Mwamkale, M.P.       |   |                         |
| 3. Hon. George G. Murugara, M.P.        |   |                         |
| 4. Hon. Jennifer Shamalla, M.P.         |   |                         |
| 5. Hon. John M. Wambugu, M.P.           |   |                         |
| 6. Hon. Peter Opondo Kaluma, M.P.       |   |                         |
| 7. Hon. Roselinda Soipan Tuyu, M.P.     |   |                         |
| 8. Hon. Ben Momanyi, M.P.               |   |                         |
| 9. Hon. Charles Gimose, M.P.            |   |                         |
| 10. Hon. Gladys Boss Shollei, CBS, M.P. |   |                         |
| 11. Hon. Johana Ng'eno, M.P.            |   |                         |
| 12. Hon. Zuleikha Hassan, M.P.          |   |                         |
| 13. Hon. John Kiarie Waweru, M.P.       |   |                         |
| 14. Hon. Adan Haji Yussuf, M.P.         |   |                         |

**IN ATTENDANCE-**

**COMMITTEE SECRETARIAT-**

- |                       |   |                              |
|-----------------------|---|------------------------------|
| 1. Mr. George Gazemba | - | Principal Clerk Assistant II |
| 2. Mr. Denis Abisai   | - | Principal Legal Counsel I    |
| 3. Mr. Joseph Okongo  | - | Media Officer                |
| 4. Mr. Joseph Kariuki | - | Serjeant-at-Arms             |
| 5. Mr. Simon Maina    | - | Support staff                |

**MIN No. 433/2019:-**

**PRELIMINARIES**

The meeting commenced at 10.30 a.m. with a word of prayer by Hon Anthony Kiai.

**MIN No. 434/2019:-**

**CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Under the agenda item, the following minutes were confirmed-

- (i) Minutes of the One Hundred and Eighth Sitting held on Tuesday, 5<sup>th</sup> March, 2019 at 10:45 a.m. in Commonwealth Parliamentary Association (CPA) Room, Main Parliament Buildings were confirmed as true record of proceedings and signed by the Chairperson. The confirmation was proposed by Hon. John Olago Aluoch and seconded by Anthony Kiai.
- (ii) Minutes of the One Hundred and Ninth Sitting held on Thursday, 5<sup>th</sup> March, 2019 at 10:30 a.m. in the Boardroom on Second Floor, Continental House, Parliament Buildings were confirmed as true record of proceedings and signed by Hon. Adan Yussuf Haji. The confirmation was proposed by Hon William Cheptumo and seconded by Hon John Olago Aluoch.

**MIN No. 435/2019:-**

**MATTERS ARISING FROM THE MINUTES**

There were no matter arising from the confirmed minutes.

**MIN No. 436/2019:-**

**CONSIDERATION OF THE NATIONAL ETHICS AND ANTI-CORRUPTION POLICY**

The Research Officer took the Committee through a brief on the National Ethics and Anti-Corruption Policy as follows-

- (i) The policy outlines a comprehensive legal and institutional framework for combating and preventing corruption and promoting ethics and integrity;



- (ii) The policy defines and sets out strategies and actions for implementation in the fight against corruption in the long-term. The overall objective of the policy is to reduce levels and prevalence of corruption and unethical practices in Kenya by providing a comprehensive, coordinated and integrated framework for the fight against corruption and promotion of ethics;
- (iii) The policy seeks to ensure that the existing legal framework for preventing and fighting against corruption which include laws, regulations, codified policies, Executive Orders and institutional arrangements is streamlined and harmonized to enhance efficiency in the fight against corruption;
- (iv) The implementation of the Policy will provide an effective coordinated and enforceable anti-corruption policy in keeping with the country's national goals as well as Kenya's obligations under various anti-corruption instruments to which it is a State Party.

Arising from the policy, the Committee made the following observations-

- (i) There were several laws that govern the fight against corruption in the country and this had led to challenges in their implementation;
- (ii) The existing challenges in anti-corruption fight had been occasioned by among others, lack of a policy to guide the development of the legal framework;
- (iii) The current fight against corruption had been hampered by lack of coordination among agencies responsible and a policy guideline in this respect was long overdue;
- (iv) There was need to strengthen the capacity of all agencies involved in the fight against corruption to facilitate the expediting of investigation, prosecution and adjudication of corruption, economic crime cases and incidents of violation of ethics in the conduct of public affairs;



# **ANNEXURE 2**

**(Signed list of Members who attended the sitting that  
adopted the Report)**



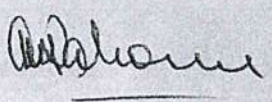


**PARLIAMENT OF KENYA**  
**THE NATIONAL ASSEMBLY**  
**DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL**  
**AFFAIRS**

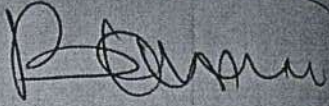


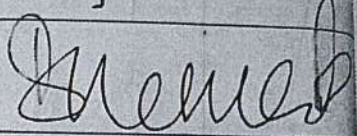
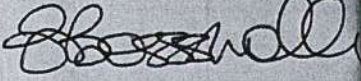
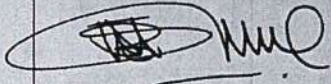
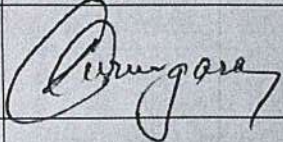
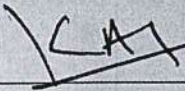

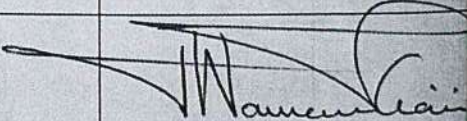
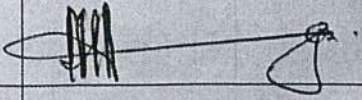

**MEMBERS' MEETING ATTENDANCE REGISTER**

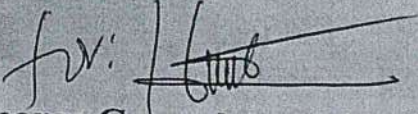
DATE..... 15/06/2019..... TIME... 10 AM.....

VENUE..... OMO ROOM, CROWNE PLAZA HOTEL.....

AGENDA..... Adoption of the Reports on: Petition by Burs, The National  
 Ethics & Anti-corruption Policy, 2019 & Instrument for Ratification

No.	NAME OF MEMBER	SIGNATURE
1.	Hon. William Cheptumo, M.P. - <i>Chairperson</i>	
2.	Hon. Alice Muthoni Wahome, M.P. - <i>Vice Chairperson</i>	
3.	Hon. John Olago Aluoch, M.P.	
4.	Hon. Roselinda Soipan Tuya, M.P.	
5.	Hon. Charles Gimose, M.P.	
6.	Hon. Johana Ng'eno Kipyegon, M.P.	
7.	Hon. William Kamoti Mwamkale, M.P.	

8.	Hon. Ben Orori Momanyi, M.P.	
9.	Hon. Peter Opondo Kaluma, M.P.	
10.	Hon. Beatrice Adagala, M.P.	
11.	Hon. Jennifer Shamalla, M.P.	
12.	Hon. Gladys Boss Shollei, CBS, M.P.	
13.	Hon. John Munene Wambugu, M.P.	
14.	Hon. George Gitonga Murugara, M.P.	
15.	Hon. Anthony Githiaka Kiai, M.P.	
16.	Hon. Japheth Mutai, M.P.	
17.	Hon. John Kiarie Waweru, M.P.	
18.	Hon. Adan Haji Yussuf, M.P.	
19.	Hon. Zuleikha Hassan, M.P.	

for:   
**George Gazemba, ACI Arb, CPM**  
**For: CLERK OF THE NATIONAL ASSEMBLY**