



REPUBLIC OF KENYA



THE NATIONAL ANTI-CORRUPTION CAMPAIGN
STEERING COMMITTEE

PROGRESS REPORT

to the
PATRON

His Excellency Hon. Mwai Kibaki, C.G.H., M.P., President
and Commander-In-Chief of the Armed Forces of the
Republic of Kenya

August, 2005 – August, 2006

1ST QUARTER	AUGUST, 2005 – OCTOBER, 2005,
2ND QUARTER	NOVEMBER, 2005 – JANUARY, 2006,
3RD QUARTER	FEBRUARY, 2006 – APRIL, 2006,
4TH QUARTER	MAY, 2006 – AUGUST, 2006

APPENDIX III

**Report on Visits to the Districts
September, 2006 – March, 2007**

Districts Field Fact-finding Visits and Dialogue Encounters



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INTRODUCTION

In order to be adequately informed of the occurrences and effects of corruption, NACCSC carried out field fact-finding visits and dialogue encounters all over the country. This basic data will be taken into consideration in the committee's attempt to link the ongoing anti-corruption campaign programmatic interventions with practical activities and events in the field.

During these visits, the committee attempted to establish:

- ◆ Corruption experiences in the districts
- ◆ Reasons why they take place
- ◆ Suggestions for fundamental solutions

Where possible, the committee sought audience with the Provincial Commissioner or District Commission at any given location. Thereafter, meetings were held with both public servants and local leaders drawn from the following organisations:-

- ◆ Religious Organisations
- ◆ Local Authorities
- ◆ Non-Governmental Organisations
- ◆ Civil society
- ◆ Business Community
- ◆ Community-Based Organisations

The encounters have been strategically implemented as a way of establishing campaign presence in the districts and creating partnership with public servants and the leaders. They have been fundamental in introducing the Committee's mandate, strategic programmatic interventions and way forward. The encounters have also provided the single most important opportunity for both the members and staff to obtain first hand information on the extent to which corruption affects people in the grassroots, the dynamism and emotional sensitivity held by the public against the vice and what they think can be done about it.

At the programmatic levels, however, the encounters were integrated into our interventions as part of the overall 2006-07 performance contract for the Ministry of Justice and Constitutional Affairs.

The issues raised below are taken directly from the notes and interviews of these visits. Any allegations made have not been

confirmed or investigated by the Committee. The views expressed do not necessarily reflect those of the members of the committee or the NACCSC.

CENTRAL PROVINCE

Thika District - Meeting with the District Commissioner

Date: 5th June, 2006

- There are cases of double allocation of land, and bribes are given in the processing of land documents by private developers.
- The taking of bribes is common in the traffic police.
- Suggestion boxes are empty. It is not clear why people do not give suggestions or complaints.

Meeting with Thika Civil Society Leaders:

- Glorification of ill-gotten wealth is a problem in society.
- Harassment of hawkers forces them to bribe council *askaris*.
- Poor remuneration of civil servants exacerbates corruption.
- Allocation of bursaries to schools is not done transparently.
- Overloaded vehicles pass through weighbridges. They bribe the police and KRA officials manning the station, in particular at the Juja weighbridge.
- Transport licensing board queues are too long, which prompts people to bribe. Also there are too many brokers in the issuing of TLB.
- Tendering is not being done openly and transparently. Predetermined suppliers abound.
- In Kongo Ward at Makongeni, land reserved for building of Police lines was subdivided for market stalls numbering 400. Civic leaders were allocated the stalls which are now being sold for between Kshs 100,000 to Kshs 300,000.
- Most union officials are not genuinely elected yet they claim to represent the workers, especially among the multinationals.
- It was alleged that Moi Gardens and Community field in Thika town, which was a public utility, was grabbed.
- It is usually necessary to bribe in order to get an official land search.
- Numerous night clubs are being built on grabbed road reserves. Thika community centre, between Ofafa, Starehe and Jamhuri, was grabbed and a bar set up there, posing a risk to youth and especially exposing young women and girls to rape.

- Municipal council employees are not interviewed but get employed through bribes.
- There are cases of unapproved building plans and delays in issuing planning permission.
- There are many substandard colleges which give a low level of training. The question was posed as to whether some of these colleges are actually registered.
- There is daily work on potholes on Thika Road yet it is never complete.
- On reporting cases to police, the public are told to go and arrest the suspects.
- KRA machines in Thika are always said to be out of order. When people go to get VAT payments they are frustrated. The KRA officers intimidate instead of assisting them.
- It was alleged that public officers in Thika have formed their own companies to which they award GoK contracts.
- It was alleged that World Bank gave a loan to build a water supply plant for Thika but the property demarcated for the project was grabbed for construction of an estate.
- Most of the CDF projects are concentrated in Juja constituency and Ruiru, where the local MP hails from. Thika Municipality has been sidelined.
- Because of overcrowding, prisoners must bribe, even to get cigarettes.

Heads of Departments in Thika:

- Land brokers abound and this is a menace to the lands department.
- There are thousands of uncollected title deeds in the district. Recently eleven officers were removed from the lands office due to corruption.
- There is a high turnover of Heads of Departments in Thika, but junior officers who have formed cartels remain, so it is very difficult to stop corruption.
- Allocation of land for squatters is dubious as the beneficiaries are most often cronies of the leaders to the exclusion of the intended.

- The police are working hard to arrest members of Mungiki but they are released when taken to court as the charges are classed as 'petty'. Collusion in the dispensation of justice is affecting the vulnerable members of society. This discourages the police.
- Illicit brews are notorious in Gatundu, in particular the brewing of *busaa* and *muratina*. When the brewers are taken to court, the sentences are lenient.

Recommendations:

- Because the constituency bursary committees are corrupt, the schools themselves should administer bursary funds.
- The office of ombudsman should be created to handle public complaints. How can one police officer report on another, it was asked.
- All of the different land acts should be harmonised.
- Junior public officers should also be transferred regularly as they are more likely to be in control of the offices.
- The process of computerisation of land offices and registries needs to be speeded up. Land tribunals Members should be paid on time, because the delays cause officers to take bribes.
- Heads of department in the Ministry of Education should be retained in station for at least five years.
- Principals of schools should serve for a maximum of five years and they should not serve only in their home districts. Bursars should also be transferred regularly as they form cartels with local suppliers.
- There must be strict adherence to the rules and regulations of recruitment of teachers.
- Mungiki cases should be treated with the seriousness they deserve.

Kiambu District - Meeting with the District Commissioner

Date: 10th November, 2006

- 76% of the population in Kiambu is literate. They know their rights and demand services and report most corruption cases straight to Nairobi.

- There is often no technical input during procurement or construction of projects funded through devolved funds, particularly CDF. The project management committees do not seek advice from technical departments. As such the quality of work is not well monitored and projects are often incomplete or shoddy.
- Tedious GoK procedures tend to exacerbate corruption. People use short cuts to get what they need.
- Land grabbing is serious and a few forests like Karura are gone.

Meeting with Civil Society and Heads of Departments in Kiambu

- The public perception is that church leaders are exempt from tax. They claim that they live in luxury and that donations brought in from abroad do not get to the rightful beneficiaries but end up being sold and enriching the church leaders.
- Driving schools are very corrupt; money is paid before the tests are done and nobody fails.
- Very little of the money directed to HIV/AIDS programmes reaches the beneficiaries. CBO's and NGO's are not monitored, but used as rubber stamps by unscrupulous people to get money from donors, which is then put to their own use.
- It was alleged that politicians use the slums like Kibera and Mathare as bases for unsavoury fellows whom they call upon to cause mayhem from time to time for their own political gain.
- In Ndeiya, plots were allocated to landless people in the early nineties. The undeveloped ones were grabbed by the locals despite the owners having valid titles. Now land tribunals solicit bribes to sort out the disputes.
- Kiambu courts are very corrupt and cases take too long to finalise. There is a huge backlog of pending cases.
- Many un-roadworthy vehicles are operating in Kiambu District, but Kenyans themselves are to blame for this since the 'Michuki rules' helped but were not sustained for long.
- There is animosity between the councillors and council staff. This hampers the smooth running of the councils and is a source of constant friction.
- It was stated that corruption starts at the household level.

- When criminals become known to the public they simply move to other areas. Mob justice is common because the public have lost faith in the judicial system and the police and take justice into their own hands.
- It was alleged that court fines are arbitrary. But the public would rather bribe an officer and avoid going to court where they would be fined a larger sum.
- Government auditors are very susceptible to bribes.
- Registration charges at the lands office for AFC loans prevent people from getting them. The public try to bribe officials to speed up the process.
- Ministry of Health drugs are stolen from the District Hospital and sold in private clinics. Doctors prioritise the treatment for patients. KEMSA often disrupts the supply of drugs because of logistical problems and they have to find alternatives, which often mean sending patients to private pharmacies and or clinics.
- Milk collectors come too early in morning even at 4 am. They skim a litre or two from each farmer. The aim of collecting when it is dark is so that the scale reading is indistinct. They also claim that the milk was sour and then do not pay.

Recommendations

- NACCSC should find more effective ways of communicating anti-corruption messages in ways that will not be forgotten.
- Kenya Power and the various water companies should float shares to the public. This would stop theft from these Parastatals.
- Most GoK services and processes should be simplified. The public find them too bureaucratic.
- The CDF Act should be amended to make it clear as to the source of the CDF funds. The public must be made aware that the money is GoK funded and does not come from the MP's. The DC noted that the act did not provide a mechanism for dispute resolution and that was why there were so many pending court cases.
- The Ndungu Report should be effected.
- The youth should have self-representation at their own forums and any at which their issues are being discussed. The older

generation should not be discussing matters for the youth. The need for civic education arises especially where the youth are concerned.

- Police officers should always wear name tags and numbers when on duty.
- There is need to enhance the competitiveness of the Kenyan educational system to offer a more varied approach to tertiary education and harmonise it with international norms. For example, A-level education should be re-introduced.
- There is need for the Ministries of Culture and Social Services, Communication and Youth to develop policies that enhance acceptable social practices, because these practices have been undermined by the media. The re-introduction of traditional socialisation values should be promoted where appropriate.
- The Rapid Results Initiative should be incorporated permanently into GoK systems and services.

WESTERN PROVINCE

Lugari District – Meeting with the District Commissioner

Date: 18th September, 2006

- This being a settlement area, there is corruption on most of the land matters. There are land control boards and land tribunals, but elders who sit in the land dispute tribunals have not been paid their allowances for the last 2 years. This promotes corruption.
- There is forest harvesting by multinationals and clearings of forest areas for settlement.
- Village elders solicit bribes in order to assist their people.

Meeting with Lugari District Civil Society Leaders

- Chiefs and police take bribes to let off offenders especially the ones who have been caught with illicit brews.
- Most devolved funds are misused in the district, especially money for HIV-AIDS.
- Tenders are allocated to those favoured by the administration. Officers give them inside information in order to qualify for the tenders.

- When there are works projects to be done, the local community is sidelined. In some cases, one person wins several tenders/contracts.
- Chiefs and assistant chiefs solicit bribes to give services.
- The issuance of ID cards still takes too long.
- Officials in the Department of Planning collude with private planners. When someone goes to the department of planning in Eldoret they are told that their plans are defective and will not be approved. The only way out is to bribe.
- People bribe out of fear. They fear the court and will bribe police to avoid being charged.
- The police threaten to plant drugs or criminal cases on members of the public in order to get money out of them.
- Pastors find they have no representation in crucial aspects of community development projects such as CDF.
- In the hospitals, *wananchi* bribe because they can see their loved ones suffering from sickness but they are told there is no medicine. Their desperation is used to solicit bribes.
- People who acquired land 10 years ago still have no title deeds.
- The public allege that they are desperate to get electricity. But when they put money together to pay KPLC, the money disappears.
- There is a group called Mirembe from Nakuru who have been allocated land at Pan Paper, and yet there are landless people in the district.
- There are no public notice boards at DC's office. There is thus nowhere to put up notices pertaining to the district and in particular the use of devolved funds.
- Police ask for money for fuel before they assist citizens. It was alleged that when incidents of police mischief are reported, no action is taken because the police do not want to investigate fellow officers.
- There are delays in service delivery from County Council unless one bribes. It was also alleged that the County Council was allocated land by the Commissioner of Lands, but the same has been grabbed by private developers.

- There were allegations that land given to Lugari District Hospital by the GoK was grabbed by ACK Lugari.
- During harvest time middlemen flood the district and buy maize at throw away prices and sell the same to National Cereals and Produce board at the statutory price.
- There are allegations that certain religious leaders were in the habit of praying for sick people's recovery at a fee and discouraging them from seeking medical attention.

Meeting with Public Servants in Lugari

- Chiefs demand money before they give out IDs. Only initial registration is free. From that point onwards when an ID is lost or there is a nominal fee to be paid. Sometimes there are delays that the officer may not explain. These come from head office. There are 2000 uncollected IDs in the office.
- There is no service charter on display. They have not even seen it.
- Local disputes are handled by village elders, but they are unpaid. As such they tend to favour with the party that has money (for them) or the party that pays their way.
- Arrests over misdemeanours such as *changaa* brewing are done arbitrarily.
- Registry officers falsely complain that they have no film. The DC is cracking down on the same.
- Grazing in the forests is a problem. The grazers can pay a fee to graze their animals. Often this money is not accounted for as the forests guards collect it in the field.
- Logs that pass through Webuye are diverted to individuals for sawing. Drivers are bribed to offload logs as they pass. Movement permits are now to be paid for.
- There are numerous dispensaries which are not functioning because the line ministries were not involved in their construction. (No medicine; no technical input).
- Students do not get adequate funds for bursary and the bursary committees are riddled with petty politics. As such, many needy children are left out. There are also claims of multiple awarding of bursaries to the same students from CDF, LATF and the Ministry of Education amongst other well-wishers

- There are vested interests in school management committees. These have individuals in them who may own bookstores or supply other materials that the schools require.
- There is a lot of collusion in bill paying at the district hospital when hospital staff deals with their friends and relatives.
- Public sector salaries are too low in comparison with their private sector counterparts.
- Promotion of teachers is dependent on how well they are known.
- The local elders deal with localised land disputes and demand fees from either party. This is an avenue for corruption.
- Because of the delays in payment of allowances to land dispute tribunals and land control board members, they resort to soliciting bribes from the applicants.
- Chiefs and AP's extort payments by way of Kangaroo courts from the suspected of illicit brewing, and often carry out selective arrests.
- Chiefs are not been given stationery from the government and their offices are not maintained. Hence they resort to asking the public for money to maintain their offices and purchase stationery.

Recommendations

- District Notice boards should be put up in Lugari as a matter of urgency, with all the information pertaining to the district and the use of devolved funds as well as the service charter. The public must be educated on services that are free and those that should be paid for.
- The GoK should investigate the alleged grabbing of hospital land by the Lugari ACK.
- The tendering process to dispose of GK vehicles needs to be simplified
- There must be consistency in which children receive support. There is no point in a child receiving a bursary one year and not the next.
- There needs to be a mechanism to monitor the use of the funds so that it gets to the people who really need it.

Teso District (Amagaro) – Meeting with the District Commissioner

Date: 20th September, 2006

- There is a problem of smuggling of goods at the border.
- Land Control Boards are corrupt.
- Prostitution is high in the area due to truck drivers. Children leave school to engage in this business. HIV-AIDS is very high in the district.

Meeting with Teso Civil Society Leaders

- Corruption was noted in the issuing of title deeds; double or triple deeds are issued on the same plot in some cases. The procedures are cumbersome, and there is no lands office in Malaba so they are required to go to Bungoma.
- No receipts are issued for payments for medical services at Kochoria Hospital.
- There is a lot of smuggling, particularly of cigarettes. Mastermind cigarettes are supposed to be exported, but instead they are resold in Kenya very cheaply and without VAT. This gives unfair competition and denies the government revenue. The KRA lacks the capacity to patrol the borders and apprehend smugglers.
- A lot of money was spent on a bridge (Machakuzi bridge allocated 23 million) that connects Malaba and Busia, but the bridge is non-functional. Nonetheless, God Rajope Company was given a certificate of completion.
- There is corruption and dishonesty in the utilization of imprest by public servants.
- If one purchases land, he must rush the documentation process lest the owner sells it to others and one plot may have two (or more) owners.
- Kshs 2.8 million was allocated for the Apagei water project, meant to benefit *wananchi*. The project is non-operational, but all money was spent. A similar situation prevails with the Obekai irrigation projects, where 1.2 million was dispersed through the

Ministry of Water Development, but only a few pipes have reached the site. (These projects were also mentioned as being problematic by the Heads of Departments)

- When *boda boda* drivers are arrested – perhaps because they do not have a torch or they are guilty of other offences – parents bribe so that they do not have to go to court.
- Some fuel traders don't give receipts, as they do not pay VAT or license fees. If the customer insists on a receipt, the traders tell them to go elsewhere for fuel.
- *Wananchi* would want to pay taxes, but they do not see any benefits because there are no public amenities (example of Malaba – the town is very filthy and has no proper drainage).
- There have been efforts to build an office for the DEO. Funds have been collected from parents and well-wishers, but the project has gone on for years and is not complete. The ministry is supposed to pay rent, but has not done so.
- A wooden office was built for the Registrar of Persons, supposedly costing Kshs 1.5 million. The same Registrar used a new government Land Rover to transport goats, but the vehicle rolled. The case was not pursued.
- Medical officers were known to steal drugs from the hospital, but no action was taken.
- In the free education system, children are not given their correct allotment of books. For example, one book is issued even though the child is doing 11 subjects. Children are told to attend tuition on Saturdays at a cost of Kshs 10/-per subject. (However, department heads said that it is the parents who insist on tuition for their children, and that the full allotment of 24 exercise books is issued for each student).
- Police in Malaba are corrupt. One cannot get services without bribing.
- Many commercial sex workers come from Uganda into Malaba. They are often arrested, but then released immediately because of connections with influential people. Despite many complaints, the business thrives.
- The community cannot stop the loss of monies on projects such as water schemes because of the rigid government tendering system. For some projects, the contractor receives a completion

certificate from the headquarters even though nothing has been done.

- There is discrimination against Muslims in registration of persons.
- *Wananchi* were given money to build stalls in town, but the town council has not organised who will use them, so vendors are selling their wares on the roads.
- It was alleged that CDF funds are benefiting only a section of the district – that is Chakol division where the MP comes from. The majority of CDF members are also alleged to hail from his home locality.
- It is difficult to find the person/ office to solve various issues, and often people are referred to Nairobi. Because of lack of funds or intimidation, many cases are not pursued. Generally, people are not aware of their rights.
- Heads of Departments lack accommodation, so they are compromised in the ability to perform a service because they live far away.
- AIE's are misappropriated. There is a serious case of "flying vouchers". AIE holders pay out or authorise monies for things that are superfluous, over-costed, or non-existent.

Meeting with Heads of Departments in Teso (Amagaro):

- The public does not understand the procurement system, and stakeholders find the system too complicated. As such, they try to corrupt their way through the system.
- Permits are given by other countries to have timber transported to Kenya, but the chief conservatoire of forests should have the final say in the movement of timber.
- There is a system of follow up for IDs that are late, but the registrar does not have it.
- Police cannot detain petty criminals because of congestion in the cells, so they are given cash bail.
- There is a lot of illegal fuel being sold right outside the police station. This makes it uneconomical for the legitimate traders.
- Two teachers have been interdicted who were misappropriating free primary education recourses. The DEO said that each child should receive 24 exercise books.

- The CDF is a good venture and over 100 projects have been undertaken in the district with these funds. Ojamoong School is funded through CDF, but Albert Keriaapa School funding was withdrawn because it bears the name of a political opponent.

Recommendations:

- CDF money should be released for only 4 years, and then the fifth (election) year, there should be a national audit, monitoring and evaluation exercise. This will serve to inform the voters of the performance of their MPs and give the public a basis to determine who to vote for.
- There should be a policy to allow the importation of timber so that we can renew our own resources while relying on those who have surplus.
- There should be a report prepared on the issues that are hampering the RRI with regard to issuing of IDs. The office of the registrar should be renovated and films should be provided for Ids
- KRA needs new and stronger vehicles for patrolling the border. Ease of communication between border administrations would help empower KRA.
- AIE's should be distributed early enough so as to reduce the incidences of 'flying vouchers'.
- Given the nature of business in Malaba and the congestion arising from it, there is need to improve these facilities and amenities to an appreciable standard.

Butere/Mumias District – Meeting with the District Commissioner

Date: 21st September, 2006

- There are many loopholes in the procurement process. MPs protect suppliers with whom they have personal interests.
- It was alleged that a road project in Khwisero had stalled because the MP wanted to contract his own company to do the work but his constituents protested.
- Members of the CDC's lack knowledge and do not have the interests of the community at heart. The CDC's and the MP's do not want to consult the technical officers from the line ministries for advice on projects. The district project committee has not met since the inception of CDF. He said the

committee's role was to scrutinise projects in the district and would have assisted in reducing the duplication of projects.

- Often CDF cheques have to wait for months until the local MP is available to hand over, causing delays in the implementation of projects.
- Tender procedures are flouted.
- LATF funds are seriously mismanaged. Monies disappeared, and therefore have no impact on the ground.
- Disbursement of bursaries is poor and small amounts are paid to the applicants, which renders it ineffective.
- Cane poaching is rampant and illegal jaggeries are operating in the district. Farmers are losing huge amounts of money as a result.
- The public in Butere-Mumias have identified corrupt officials in the Ministry of Lands in Kakamega.
- There is a lack of clarity on how to tackle corruption related issues.

Civil Society and Heads of Departments in Butere/ Mumias

- Women and children are abused due to corruption. It was alleged that a volunteer children's officer was demanding money for assistance in Mumias.
- The Nabongo self-help group acquired a contract worth Kshs 10 million from Mumias Sugar Company. 100 boys were selected to stack bags of sugar for Kshs 2.5 per bag. But it was alleged that leaders of the group became corrupt and the boys wanted them removed. They asked for elections to replace their leaders but the cooperative officer refused to call elections. He was summoned to court but the Nabongo self-help group is unable to enter their complaint because they do not have the money to pay for legal representation.
- There is corruption when it comes to weighing cane at the company weighbridge.
- DDC meetings are held in the absence of the local MP's when they do not turn up. Sometimes MPs want the tenders opened in private.
- The community is apathetic with regard to the fight against corruption.

- Rape cases are common. But when victims went to hospitals to have their P3's filled they often could not afford the required fees of Kshs 2,000 for a physical examination and completion of the P3 forms. Rape charges then cannot proceed against the suspect.
- The water engineer said they were not involved in the construction of water wells using devolved funds.
- The marketing of cotton and coffee in the district was wanting and hampered their development.

Recommendations:

- The GoK should look for ways to replace the traffic police.
- More facilitation is needed by to monitor and evaluate the CDF projects. All committees at district level that oversee devolved funds must develop strategic plans and conduct feasibility studies before implementing any projects. This will ensure that projects are not spread too thinly to be viable.
- GoK funds that come to the district must be made public, as well as all the devolved funds.
- Children should be awarded 4 year bursaries so they can proceed with their education without worrying. If a child starts high school and a year later his name is not on the bursary list because of corruption or mismanagement, the child's education is compromised.
- Anti-corruption structures need to be established from the sub-location all the way up, and civil servants could not be expected to investigate themselves.
- There should be more strategic consultation with stakeholders in the community on the setting up of new districts. GoK should speed up the establishment of GoK departments in all new districts.
- In all rape cases the GoK should waive the Kshs 2,000 examination fee charged by hospitals for victims to get P3 forms filled and signed.
- There should be a review of procedures at all sugar companies with regard to the weighing of cane to ensure that the process is done transparently and cases of under-weighing are dealt with immediately

- The GoK should find a way to monitor the reporting times of public officers.

RIFT VALLEY PROVINCE

Mt Elgon District (Kapsokwony) - Meeting with the District Commissioner

Date: 19th September, 2006

- The DC said that all Head of Departments, DO's and chiefs have been sensitised on the Service Charter.
- There are major issues with Chebyuk Settlement Scheme, which started in 1971. Survey work has been nullified from time to time, but the project commenced again more effectively in 2003. People have fought over the land and lives continue to be lost. Out of 8,000 applicants, only 1,600 have been successfully identified and issued with titles. Those remaining are very bitter. Of the two clans, Soys and Ndorobos, the Ndorobos claim they are the original inhabitants of the land.
- The settlement scheme, Phase 3, under survey since July 2006, has been the worst problem. The administration relied on elders to help in identification, but people complain that the elders are biased. There are many brokers, who are crafty and cheat both sides, taking advantage of the fact that the Ndorobo tend to stay away from the government offices. Some of the brokers have been prosecuted. There are still many people who need to be settled. (Note: Similar complaints were made by civil society leaders and by Heads of Departments).
- This being a border district, ID cards are a problem. Many Ugandans claim to be Kenyans and want IDs. The vetting committees for IDs were dissolved, and new ones constituted.

Meeting with Mt. Elgon Civil Society Leaders

- The CDF funds have helped Mt. Elgon, and are fairly well managed. But there is no follow up on the projects, and appointment of members to the committee is a problem. There is lack of transparency in the use of the funds.
- Corruption was said to be deeply embedded in the district, as people are largely uneducated and do not understand their rights.
- Public servants report late to duty and leave early.

- Procurement is a problem because contractors have inside connections and collude with the procurement committees. The community is not well represented in the committee.
- Tribalism is rife (participants noted that those who were invited to today's meeting were called selectively). Politicians bribe to be elected or nominated.
- Corruption is seen when someone without a degree/ qualifications is given a good job while another person, who has a degree or correct qualifications, is left unemployed.
- Law enforcers are easily compromised, especially in land issues. But how do you report one officer to another – when he has a gun?
- The Conrad Adenauer Foundation has sponsored civic education in the district, but even so people are afraid to speak. Citizens fear reporting corruption because they are victimised. This makes whistle-blowing very difficult.
- There is corruption in the families. Wives and children work all day and at the end the father sells what he wants and keeps the money. Children are not taken to school, and there is not enough food in the house, but the father has enough to use for drinking.
- Abolishment of price controls has exacerbated the gap between the rich and the poor in Kenya. There is no effective government watchdog to regulate prices and the law is selective.
- Insecurity is rife in the district. Many people in the forest have firearms (brought in from Uganda).
- Mt. Elgon youth so far only been employed in the police force out of all the disciplined forces. But one has to bribe to get a job (and while we blame the police, the public also participates in this). Retirees are re-employed, especially as returning officers by ECK, while the youth remain unemployed. Armed forces recruitment is also riddled with corruption.
- CBO's are not well versed with writing proposals, but get no help from the administration.
- APs, courts and police stations exploit the poor, who are also very easily intimidated.

- There were complaints about Anglo Leasing and Goldenberg. Big people who have stolen billions get away while small people get caught and jailed for small offences.
- Education standards are declining because teachers do not want to come to the district as life is difficult and the area is marginalised.
- Courts require people to be present at 8 a.m. but many come from far away, such that even if they begin the journey at 3 a.m. they cannot reach on time (so they have to come a day early). But these people are very poor and cannot afford accommodation. So it is easier to bribe and avoid going to court in the first place.
- Farmers feel that money is stolen through their own cooperatives (coffee).
- Teachers don't come on time, leave early, and always seem to be in the headquarters.
- Staff at district hospitals shun work and chat with friends, even when the public are queuing for services.
- Women are discriminated against. When they are beaten by men and they report the cases, chiefs take it lightly.
- Illicit brews are a problem in the area. The women who make it pay a protection fee 'tax' to the police, but those who do not pay are arrested.
- The leaders wondered what the LATF money has done.
- The public believes that medicine comes to the hospital, but it does not get to them.

Meeting with Heads of Departments in Mt. Elgon

- The roads engineer complained that only 9.5 million is allocated for roads in the district, but there are 300 km of roads. They lack equipment, and generally the roads are not well maintained.
- When someone is given a ballot paper, sometimes he gives it to other family members to register the same and sell it elsewhere (ballot papers are very easy to make).
- Security agents have a problem with transport. They have only 3 vehicles, and only land cruisers can reach some of the locations in the district. Often, officers cannot move – they do not even have bicycles.

- The Department of Education is understaffed. Teachers are posted to their own districts, where they talk in their mother tongue and to the disadvantage of the administration. There is politics in selection of head-teachers. Promotions are based on who you know as opposed to ones qualifications.
- CDF was allocated Kshs 50 million this financial year, but capacity is lacking. People need to be trained; otherwise the money will be returned.
- Lack of transparency noted in the allocation of bursaries. For example the children of well-to-do people are given bursary.
- The process of selection for poverty relief is tedious; it can take over a year.
- There is a lot of problem with registrar of persons. People stay for a long time without applying, and when asked for the correct papers, they accuse officers of wanting a bribe. The budget is only Kshs 60,000 per year and there are not enough materials.
- There is only one hospital and one health centre in the district. At the hospital there are no staff quarters, so most of the staff lives in Kimilili and transportation is a problem. But there is now a clocking-in facility to improve tardiness.

Recommendations:

- The systems of enforcing punctuality under the RRI should be strengthened.
- The district needs more serviceable and durable vehicles.
- Mt. Elgon roads need to be tarmacked and the town made accessible so that people feel integrated with the rest of the country. This will also assist the civil servants to get to work on time
- The District Roads Committee should inspect every road project before any payment is made.
- The GoK should spread out service delivery so that people do not need to come to Nairobi for services. Decentralise as much as possible.
- There should be an open plan offices in GoK offices to enhance transparency and efficiency.

- There should be some industry located in the district, like a tea factory.
- Civil society leaders requested that the GoK revive the three schemes in Trans Nzoia that had been earmarked for squatters in Mt. Elgon so that the indigenous people can settle in Chebyuk. Those who have already been allocated land should get their title deeds. The DC and officers could start hearings in the field, and provide field services as well. It is important that the government find a way to settle the remainder of the people, as there are many genuine cases that are not taken care of. Security should be increased, with a permanent GSU camp in the area.
- Leaders request that NCKC come to the district and speak to public about peace, like they have done in other areas.
- The government must have a better way of monitoring and evaluating how money sent to the district is used. Committees for devolved funds should report and make public how much money they received and specifically how it has been used.
- Locals should be given priority for employment as forest guards and KWS wardens. They know the area and environment and probably would care for it well.
- Carry out a few sting operations and impromptu visits to district offices and see how effective it will be in checking the corruption among traffic police and other corrupt officers.
- Some of the dispensaries should be upgraded to health centres. Transportation should be provided for hospital staff.
- Kenya should establish a national federation for *Jua Kali*.
- There was a suggestion that all CDF funds be put into roads for one year.
- The government of Kenya should set up a court in Mt. Elgon district. This will enable easier access to justice.

Kericho District - Meeting with the District Commissioner

Date: 22nd September, 2006

- There is grabbing of land as most of the government houses are allocated.
- The multinational companies do not perform their social responsibilities adequately.

Meeting with Civil Society Leaders in Kericho

- Chelimo Koita covers 15,000 acres and is home to up to 1,200 squatters. It falls under the Kericho municipality. The outcome of the whole subdivision exercise was a notice of eviction given to the squatters who claimed to have genuine papers showing that they were the real beneficiaries to the land. The DC promised that he would handle the issue personally. A meeting of the DC, Municipality and squatters was to have been convened in October 2006.
- It was reported that impersonators claiming to be Anti-Corruption officials were visiting the Catholic Bishop of Kericho's private residence at night and intimidating him.
- There were allegations of misuse of funds in the Kericho Municipal Council. This occurred through collusion of Council employees and traders. Traders evade payment of council rates and yet demand services. The council is subjected to delays when they pursue rate defaulters through courts.
- The county council claim they bought land for a cattle auction in Sondu. They claim they were defrauded after paying Kshs 1 million for the same and did not get their title deed. The trading of cattle continues on private land and the council collects no revenue from it. The same fraud occurred against the council in Kipsitet market between 1997 and 2000. They paid 980,000 Kshs for 8 acres. They claim the chiefs and DO's were aware.
- It was alleged that in Ainamoi constituency the CDF members were friends and relatives of the area MP.
- There was a complaint that patients at Kericho District Hospital are being charged for food while the storekeepers had brand new cars. Despite a shortage of blankets and food, senior staff had become overnight millionaires. Drugs bought through cost sharing were not receipted.
- It was alleged that the amenity ward for the hospital was closed to give way to a private facility, Kericho Nursing Home. (However, the hospital superintendent claimed that he was unaware that the ownership of the adjacent hospital Kericho Nursing Home had changed hands).
- The TLB office was transferred from Kericho to Kisumu to create avenues for corruption since they are in different

provinces. One could not be expected to go to Kisumu and wait for a day or two to get a TLB.

- In the Law Courts there is a lot of interference by the police. Police are willing to trace files for a fee.
- Files disappear in the Ministry of Lands headquarters in Nairobi, and reappear for a fee.
- Many employees in the municipality are the sons and daughters or relatives of councillors. At Stage Mart Supermarket one could not get employment without a letter of introduction from a councillor (this was confirmed by a councillor).
- The Kericho Bus Park was GoK funded but only 30% of the work was done. They said it had been under construction for the past 2 years and the cement to complete it diverted elsewhere.

Meeting with Heads of Departments in Kericho

- Kericho District Hospital is overloaded, as it serves all surrounding districts including Nyando and Nyamira. The AIE's come too late so the hospital is forced to charge for food and drugs.
- All 100 acres of the Chelimo plot was allocated to individuals. It should have been a showground.
- The Ministry of Education has guidelines for giving out bursaries in which orphans score highest. This creates a problem because sometimes poor children are also bright but are not as high of a priority as orphans.
- Approximately 67,000 hectares of forested land in the Mau was being allocated without going through due process.
- In the Mau, Londiani and Soget Forests, illegal logging is going on.
- Magistrate Courts registry officials have their own duplicate receipts at the courts. They collect money but it is not remitted to the judiciary. There is alleged collusion between the registrar and someone in government printers who prints the books.
- Courts take too long to deal cases against the rich while the poor are sentenced very quickly.
- It was alleged that the magistrate's house in Kericho was grabbed.

- Illicit brews and drugs are available. *Changaa* comes from Kisii.
- Traffic police solicit bribes from *matatu* operators.
- Lack of materials has caused delays in the delivery of IDs. Currently they have 2000 uncollected IDs. They inform the chiefs who are in turn expected to inform their localities. The department feels it is not practical to achieve the RRI targets.
- The labour office registers those who are looking for employment. The stage market employed many people but none from the list of the labour office, as much as they tried.
- There is corruption in the media. They are facilitated in order to write favourable reports for one or another party.
- Remuneration is a problem and a disincentive to the civil servants. Rents in Kericho are very high and civil servants have a hard time coping with rents. Salaries are fixed. They do not have the freedom to choose their own budgets and AIE's. So they have to mix and match their budgets. Officers at the district level prepare budgets each year but they are ignored.
- A lot of prison land has been grabbed, and this is a security risk. The prison was built to hold 18 inmates but at present there are 91.
- No action has been taken on the Ndungu land report. Participants wondered who is to repossess the land and whether they would be victimised if they did so.

Recommendations:

- The GoK should investigate the alleged allocation of the Chelimo plot. If found to be illegally allocated, GoK should repossess the land and restore it to its rightful owners and use it as a showground.
- Judicial officers should be train in total business management.
- Primary schools should be put into groups of 5 and have one secondary school bursar and accountant to assist them with their bookkeeping and auditing.
- The GoK must as a matter of urgency put in place strict enforcement of environmental policy that enables them to run and monitor water catchment areas in the district, because rivers in the district are drying up. These form the basis for the water catchment areas in the Rift Valley and Nyanza. As part of

the long term solution, the government must repossess and/or remove settlements that are in the water catchment areas.

- Each department in the district should have a corruption risk assessment strategy.

Bureti District (Litein) – Meeting with the District Commissioner

Date: 23rd September, 2006

- There are many assaults in the district, most as a result of the consumption of illegal liquor.
- Most of the land disputes were related to succession and inheritance of family land.
- Challenges in CDF are as a result of the incapacity of the committees especially in book keeping, but a workshop is being organised. Most CDF projects were concentrated on Bomet side of Sotik constituency where the local MP hails from.
- The standards of free primary education are low as there is a lot of drunkenness on part of the parents and they are not assisting the school boards to improve.

Meeting with Heads of Departments and Civil society in Bureti (Litein)

- Members of public do not want to go to court, mainly because of fear of the conditions in the prisons being paramount. So they bribe, and even induce the police to take bribes.
- There is a lot of illicit brew in the district, mostly from Kisii.
- *Matatus* are required to pay Kshs 200 to pass through the district.
- Chebulat is the leading division when it comes to brewing of illicit brews. They work in collusion with the local chiefs. There have been several deaths (at least 30 deaths reported since 1986). When police make arrests they go for the brewers and leave the consumers.
- It was alleged that Samuel Keter was shot dead by thugs. When the cartridge was collected it was found to have come from a police firearm. The gun was found some weeks later hidden in a *shamba* nearby with an assortment of other weapons.

- CDF is known as the 'belly development fund'. The public alleged that the Sotik MP is misusing CDF funds. In 2003 and 2004 they were given Kshs 274,000 per location but one location got nothing. The MP said that he used some CDF money to pay court fees for a case against him brought by a political competitor from that location. A bridge was allocated 455,000, but nothing has been done. The MP of Konoin constituency was requested by *wananchi* to buy a grader, but the grader is in the MP's home. (The DO refuted this and explained that the money for the grader Kshs 10.5 million was diverted to roads with approval of the National Management Committee). A man alleged that he was threatened with death by local chiefs because he is a whistle blower.
- Although Kshs one million was allocated from CDF in Sotik to build the Cheptebe Kibayit Bridge, the public allege that the bridge has been built on private land.
- The DO wondered how public officers implement RRI without resources. Officers are sometimes left with no choice but to seek assistance from wealthy members of public to facilitate them in their duties. Although this is a form of personal initiative, public officers could have their judgement compromised in the process.
- Kibachit has received inadequate resources from both the LATF and CDF funds. The public wondered why it had not been considered for any LATF disbursement.
- Sometimes there are double allocations of bursaries and children get bursaries from both LATF and CDF. The MPs insist that all beneficiaries must benefit equally which is not practical. For example, an orphan might receive Kshs 500, which does not help.
- The teachers are not devoting themselves to their teaching duties but are instead carrying on their private businesses. As a result they do not complete the syllabus.
- It was reported that there were 900 pending ID cards. A list has been sent to the chiefs to find the applicants.

Recommendations:

- There should be spot fines for traffic offences.
- The government should liaise with KARI, NEMA and KEFRI to determine the real effect of Eucalyptus trees on the environment. It seems that there are two schools of thought,

one which claims the trees take too much water from the soil and another that they promote evaporation and hence rain.

Bomet District - Meeting with Civil Society Leaders

Date: 25th September, 2006

- The land disputes tribunals are prone to corruption, but are being sensitised on the same.
- There are concerns with LATF in both the County and Municipal councils. Some constituencies had wrangles within the CDC's in regard to use of CDF funds. Some CDF books had not been audited for the financial year but the money had been disbursed.
- Many projects in Sotik were delayed because of wrangles within the committee. There were issues with the construction of Kapkuress bridge (cross refer to Bureti district).
- Police take bribes to let the brewers of illicit brew go free, but most of this drink comes from outside the district (particularly Kisii) even chiefs go out and drink with *wananchi*. Drinking is a big social problem, especially among the youth.
- MPs often initiate CDF projects themselves instead of getting the hearing and the wishes of *wananchi*. There are no anti-corruption bodies at the grass roots level, so people don't know who to complain to. It was alleged that to get money from the CDF one must be a supporter of the local MP. The composition of the CDF committee is mostly suspect. MPs threaten the committee members that if they don't give his selected projects money, he will remove them from the committee. Furthermore, the MP's want to be seen disbursing cheques for political mileage. When they come to a meeting and find low turnout, they return with the cheques. (However, it was counter-alleged that those complaining were losers in the last election, and that the government officers only try to frustrate honest efforts at development).
- Kapsaret Secondary School was promised 500,000 in 2004 but was instead given Kshs 300,000 in 2006. Total for 2005-2006 to the district was 102 million. Umoja Children's Home was given Kshs200,000 in the 2003-2004 financial year from the CDF. The money was allocated but the school never received it. They said later that it was a private home. This claim was found on the national website. The CDF had built 11

dispensaries and 2 power projects, but most of these projects are incomplete.

- The LATF received Kshs 115 million in the last 3 years, but have not given out any bursary. Projects are too thinly spread to achieve any impact. Children should get bursaries because they are needy not only because they qualify for national school.
- Free primary education is a success in the district, but as a result classes are too crowded. There were cases of a teacher having to teach over 100 children in a class. Lack of proper sanitation facilities is keeping some girls away from school.

Meeting with Heads of Departments in Bomet

- A lot of illicit brew is coming from outside the district and many people have been arrested. It was alleged that when the police confiscate illegal brews they take one jerry can to court and resell the other nine. Or sometimes they pour water out of one jerry can and say they have destroyed all of it. Assistant chiefs take bribes and let the brewers continue their brewing. Sometimes the brewers have stock for the police whenever they come around. Very few brewers actually end up in court because they feel the sentences are too stiff and bribe the police instead.
- The Muslim community complained that the district had no mosque and no cemetery. They have to transport their dead all way to Kericho.
- Sand harvesting is taking place along the Silibwet Chemaner Road. The culprits were discovered and forced to backfill the roads.
- There are no laws to cover sand harvesting so the Council must make their own laws. If land owners cannot derive some value from trees, they will cut them down.
- In regard to the issuing of ID's, the lack of information and lack of forms and films causes a lot of delay. But the public perceives that registrar's office is corrupt, while delays are mostly caused by lack of materials from headquarters.
- There is an allegation that a syndicate is stealing vehicles and the man is known to the police but they have done nothing about it. The man has cases all over the country. He has been in their custody several times and they have handed him over to CID but he is released without charge. The individual who

gave them the information lives in fear because his name has been leaked and the suspect is free.

Recommendations:

- The anti-corruption committee should have a presence at the grass roots level.
- Brewers should be rehabilitated.
- The bursary committees should evaluate how much fees will be required over a period of time (4 years) so that the child's education will not be interrupted.
- Improvement is needed in the distribution of resources, and especially for the youth. A youth fund should be established that will assist the youth and keep them off drink, drugs and crime.
- The issue of land to build a mosque and cemetery should be handled immediately, and the ban on allocation of land be temporarily lifted to allow for this allocation.
- The CDF act should be amended to de-link MP's from use of the funds. The government must take responsibility and put in proper measures to monitor use of the CDF funds. CDF offices need to be run by graduates. GoK officers handling devolved funds in each district should not be under duress from the MP's when it comes to the issuing of cheques. Similarly the same officers should not delay making payments for projects that have been approved. The CDF committee treasurer and the CDF accountant should be the only ones to collect and disburse funds from public officers. The CDF act should be amended to provide the committee members the powers to appoint chairs for the meetings in the MP's absence.
- Before any NGO be allowed to operate in the district, it should be vetted by the District Management Unit in regard to expertise and capacity.
- There should be a deliberate and affirmative policy to increase the number of environmental officers under NEMA and a similar increase in forest officers/guards as evidence on the ground shows tremendous destruction of water catchment areas across the district. More laws are needed to protect the environment.
- Sand harvesting is not provided for or regulated by a specific law. However NEMA has developed certain guidelines which are being replicated for use in other districts. The GoK should

develop these guideless to a law through an act of Parliament given the seriousness of the issue.

- Given the seriousness of environmental degradation across the country, a portion of both CDF and LATF funds should be specifically allocated to environmental conservation and afforestation.

Trans Mara District - Meeting with the District Commissioner

Date: 28th October, 2006

- There is a lot of environmental degradation in the area with rampant charcoal burning. Also in Narok, huge tracts of land are being cleared so that residents can plant wheat. Rivers in the area are drying up and this is a concern that is also affecting the Maasai Mara. The breeding ground of the elephants is outside of the park. Environmental degradation threatens the elephant population and exacerbates the water deficiency problem. This has resulted in a lot of human-wildlife conflict.
- The local community formed group ranches but these were dissolved in 1986 so that the land could be shared out. This resulted in many problems especially in Shartuka group ranch where members went to court in 1997 and the titles that had been issued were subsequently nullified, but this has not been implemented. In Orariwe and Nkuraru poor surveying led to overlapping land. The adjudication maps were not done properly. During land distribution, it was discovered that Mwayoyi Group Ranch which belongs to the Moitanik clan had 24 additional members on the register. This occurred when the register was sent to Nairobi to address a previous allegation that 3 extra members had been fraudulently added.
- Traditionally, Kuria youth can only be called Morans if they steal cattle especially during initiation and for bride price during marriage. This escalated the cattle rustling problems here. Kuria tribesmen are also laying claim to land in Kilgoris.
- The MPs interfere with the appointment of chiefs.
- Security personnel have been known to hire their weapons to cattle rustlers.

Meeting with Heads of Departments and Civil society in Trans Mara

- The Provincial Administration are often compromised on the ground during cattle rustling raids. They cover up for the suspects.
- There are no government forests in the district. They all belong to the community so there is massive charcoal burning due to high demand for the same.
- *Wananchi* are willing participants in corruption because they flout TLB regulations (overload *matatus*, don't use seatbelts etc). They also refuse to line up when required, and prefer to bribe. Generally, the local community believes in bribing for efficient services.
- Local traders use falsified weights and underweigh goods such as meat and sugar, for example.
- The government procurement process is faulty; they pay for goods that are never delivered.
- In the tendering processes, officials favour friends even when they have lower quality goods and inflate the prices in order to give kickbacks. Tenders are known to have gone to the highest bidder.
- During repair of vehicles, Civil Servants collude with garage owners to inflate charges so they can be paid the difference. Such records are so poorly kept that they cannot be audited.
- There is usually collusion between the landowner, brokers and lands officials during sub-division of land. Land Surveyors are most prone play around with boundaries and take advantage of swamps to give the owners more land. Some surveyors are quacks; they are unqualified and unlicensed.
- Political patronage enables junior officers who may be corrupt to become untouchable.
- It was alleged that CAP. 265 gives clerks immense powers.
- The election of mayors is riddled with corruption. There is rampant buying of councillors in the process.
- When transporting cattle, livestock movement permits are obtained through bribery. It was alleged that there over 300,000 head of cattle in the district and the facilitation for the department is inadequate, leading to regular shortages of

vaccines and fuel. The locals are often forced to assist the department with fuel to provide them with services. This could be seen as corruption.

- Locals bribe officers to avoid paying local authority levies.

Recommendations:

- In order to curb corruption in the issuing of land, the government should use the GPS satellite system for surveying to geographically define areas accurately.
- There is need for formal appointment of chiefs so that they can be permanent.
- The government should improve salaries for staff so they can resist bribes when offered.
- All Kenyans should observe the law diligently so that there is no room for bribery.
- Government departments should punish their junior officers who deprive the government of revenue through double receipting and other corrupt practices.
- The local community need to be sensitised to appreciate the value of environmental conservation. In particular they need to understand that charcoal burning is not sustainable in the long run and is already affecting the water catchment areas and the level of water in the rivers that support both the wildlife and their cattle.
- There should be a strengthening and review of the laws governing the status of the people and land adjacent to parks to reduce the incidence of human wildlife conflict. Additionally KWS should work more closely with the locals to understand their requirements and vice versa.
- The GoK should speedily institute measures to solve the myriad land problems among the group ranches in the district.
- There is need for more strict supervision of procurement officers since the public seem preconditioned to bribe to be awarded tenders.

Narok District - Meeting with the District Commissioner

Date: 20th January, 2006

- Forest Cover is being destroyed and forest products including charcoal are being moved despite 14 roadblocks in the district. Mau Forest, a water catchment, is threatened.
- Although the Rapid Results Initiative was received well and created awareness on the rights of the public, the issuing and collection of IDs still remains a problem.
- Double leasing of land is very common in the district. Land adjudication in the district is not apportioned equitably. Reports on land grabbing have been forwarded to the Ndungu Land Commission.

Meeting with Civil Society and Heads of Departments in Narok

- There were allegations that the CDF Narok North committee was handpicked by the local MP and from only one clan. The MP had dissolved the previously constituted committee. Many committee members are illiterate and they hold meetings in Maasai.
- It was alleged that too many trees are being cut down in the district. Illegal excision of land threatens the existence of the Maasai Mara and the long term sustainability of the rivers.
- Charcoal burners collude with people from outside the district and the Police because the transportation charcoal occurs in broad daylight. However, it has been difficult to control this because the charcoal is sourced from private properties.
- Funds for HIV/AIDS are not used properly and are spent on items like flour instead of the purchasing of anti-retroviral drugs and sensitisation. The organisations that receive funds are not carrying out HIV/AIDS activities. Better supervision of the funds is required.
- It was alleged that an individual has been illegally allocated 4,000 acres of the Masai Mara.
- It was claimed that plots in Narok were grabbed from rightful owners and allocated to councillors. Double and triple allocation of plots is common.
- Delivery of GoK services and the pace of implementation of projects is too slow, such as the completion of the Mai

Mahiu/Narok Road. It was alleged that various piped water projects in district have been going on for years.

- It was alleged that councillors own the construction companies that get the contracts to build and repair roads.
- There was a joint project to build the Sakutei Dam/bridge to be funded by the council, with the DC providing a vehicle and fuel. It was alleged that Public Works, who were supposed to provide the technical expertise, failed in this aspect as the dam collapsed.
- Court cases take too long. A person can stay in jail for ten years awaiting a verdict and when it comes he is found not guilty.
- The District hospital has little if any medicine, equipment and medical kits. Patients are told to buy basic things like syringes from private clinics. With regard to the lack of medicine medical staff claimed the shortages are caused by the head office and Kempesa. Nurses tell women patients to go buy gloves before they will attend to them.
- It was alleged that the police know where the carjackers escape to when they turn right 1 mile after Suswa.
- Although 60 ladies have been raped within Narok town this year, the police do not seem to be taking action. People believe that the police are severely compromised.

Recommendations:

- The Maasai Mara is trust land held by Narok County Council for the community. In the light of the allegation that part of it has been hived off to a private entity, the Mara should be held under title in the name of the Narok County Council and an agreed-on number of council seats reserved for members of the Maasai community.
- Police should be transferred more regularly.
- There should be environmental police and environmental courts as well as community policing of forests. A maximum of 90% deforestation in all forests including those on private land should be enforced.
- Residents should be advised on what type of trees to plant and to harvest and when so as to protect indigenous trees.

- The CDF committee should be elected through a transparent voting system instead of the MP appointing them.
- The GoK should put structures in place to ensure the Maasai community are empowered to understand the consequences on living off leased land vis-à-vis trading and cultivation. Additionally they need capacity building in the areas of land ownership.
- The GoK must address the serious shortage of teachers in Narok and take more measures to protect and educate the girl child.
- The Mai-Mahiu Narok Road leading to Mara needs quick and proper repair.

Turkana District (Lodwar) - Meeting with the District Commissioner

Date: 22nd January, 2007

- Security in the district is a major concern due to cattle rustling. Rustlers come from Sudan, Ethiopia, Uganda, West Pokot district and Samburu, but the administration does not have sufficient resources to police the entire district.
- Because of the hardship in the area, most Public Officers do not live with their families but spend a lot of time travelling to see them. There were numerous vacancies in the GoK departments because officers; this issue extends to the chiefs and their assistants.
- The district roads board requires the attendance of 50% of the MP's in the district (that is, 2 MPs). Because they were rarely available, the roads board very seldom meets.

Meeting with Civil Society in Turkana (Lodwar)

- The public complained that none of their people are represented in any anti-corruption bodies. They wondered who would represent them.
- Civil servants did not go out to the field to find out the peoples' problems and they Public officers claimed they did not have sufficient funds to do so.
- The Katilo Health Centre 135 kms from Lodwar has no vehicle. The public alleged that even with this problem the public officers misuse GoK vehicles in Lodwar town.

- Last year a lady was murdered near Kaalemro well but no action was taken.
- Favouritism is shown in GoK offices whereby people are served on the basis of their wealth.
- There is concern about CDF, with claims that 80% of the fund is used to help the MP to get re-elected. A project at Narimit Primary School was funded through LATF, but also being claimed by CDF. It was alleged that only government supporters are involved in administering the fund, and that it was stated that they could only be involved in this administration by defecting to the GoK side.
- Bursary allocation is based on patronage, and is not transparent. It was claimed that bursaries are only going to the children of leaders who support the government. CDF is even paying for 'bursaries' for driving school lessons.
- The CID was accused of raising false charges against individuals.
- Police need to be bribed in order to follow up cases for *wananchi*. Police were also accused of selling recovered livestock and asking for fuel to pursue raiders. (The DC explained that AIE's are late and they must either ask for money for fuel or try to take fuel on credit to carry out such assignments).
- It was alleged that GoK vehicles are being used to ferry contraband and illegal weapons, but are not inspected at roadblocks. The roadblocks, however, are manned by corrupt officers. Kenyan businessmen are unduly harassed when going into Sudan.
- The GoK is not equipped to control cattle rustling in the district. In one incident, the Turkana lost 1,200 cattle to the Pokot and the police recovered only 12 animals. In another, 3 people were killed and 2650 goats stolen, but none have been recovered. What therefore is the role of the GoK if they cannot ensure peoples' welfare and security? (The DC noted, however, there have been 75 more GSU and additional anti-stock theft officers deployed in the district and they have carried out raids to recover livestock in Kakong and Kalemunrok. However, when livestock are taken to Uganda, the security can not pursue them there.)

- The Kenya Police Reserve are not paid in time nor given uniforms. Names of persons recommended to serve in KPR had been submitted to the Commissioner of Police but there had not yet been any response.
- Doctors have their own private clinics and they neglect the patients in the district hospitals. Patients could stay in the wards for up to 3 days without seeing a doctor. GoK drugs are sold in pharmacies run by clinical officers in the town. It was reported that Lodwar District Hospital had no food from October to December 2006, and that frequent power shortages make it difficult to operate on patients.
- There is favouritism in the allocation of land. They questioned how one person could be allocated 100 acres of land in the town yet others were landless.
- In parts of the district, water cannot be found for hundreds of kilometres. A borehole was dug in the Kainuk/ Kakong area but it was not deep enough. There were questions about how much money was allocated to this project and how it was actually used.
- LATF is visible in school programmes but they the assistance of CDF is not seen.
- It was alleged that a caterpillar belonging to the government is being rented out to private firms, yet no roads are being repaired. Being a food-deficient region, the poor infrastructure causes a serious problem as food cannot reach those who need it. (The public works officer explained that only 4 officers are qualified to supervise road repair and construction in the district, and owing to the size of the district they were severely limited in what they can achieve).
- The veterinary and livestock departments were accused of not assisting with immunisation programmes and being notoriously absent when people or livestock are perishing. It was alleged that those who complained about this were reported to the DC for disciplinary action.
- Headmasters are known to sell food for the school-feeding programme. (This was later refuted as being only isolated cases, and the headmasters have been interdicted or demoted).

- It was alleged that the government favours the Pokot against the Turkana, to the extent of disarming the Turkana and leaving the Pokot armed.
- The feeling exists that government is not really interested in fighting graft.
- There is corruption in the payment of contractors in the district. Some contractors, for a fee, receive their payments immediately from the district treasury while others have to wait even if their vouchers are presented earlier.
- There is a problem with the registration of persons. Those wards that are in the opposition find it difficult to get forms for IDs. Elders in the vetting committees demand Kshs 50 from each applicant in order to approve their application for an ID.
- NGO's are corrupt. They do not consider the locals for employment and sideline the community from transport contracts. There are so many NGO's that operating in the district that no one can account for.
- It was alleged that because all information given to the media is censored through the DC's office, they are not giving a true picture of the district.
- Files regarding ruling for maintenance payments for children regularly disappear from the children's officers and the courts, and orders are not enforced. Incidents of child pregnancies and rape are often suppressed and no action is taken against the culprits.

Meeting with Heads of Departments in Lodwar

- Low remuneration for public servants encourages corruption.
- The district has only one water geologist, who is needed to survey water projects. The high demand causes the public to believe that corruption is involved.
- There is corruption in the issuing of forest produce movement permits because applicants must present a chief's letter and certificate of origin to apply for a permit. In order to verify that this is correct, the Conservator of Forests must rely on the chiefs because they do not have enough resources (are allocated only 200 litres of fuel per quarter) to go to the field. Therefore the chiefs are bribed to give letters and approval.

- There is a moral question in the fisheries department in regard to the locals using illegal fishing gear, because the alternative for some was starvation.
- There are regular reports that chiefs refuse to assist the public unless they give bribes, and that even though many people who come for assistance are ready to bribe, public officers complicate the processes in the hope that people will in fact offer bribes.
- There is a problem of crime, drugs and illicit brews in Lodwar town, but when suspects are rounded up they are later released. This is a source of 'pocket money' for some officers.
- It was alleged that the Turkana don't consider rape in terms of the constitutional understanding, but through customary law. In many rape incidents it is argued that the suspect had paid some dowry for the girl and so it was his right to take her.
- Casual workers in the County Council are easily compromised. In fact, the councils have been looted, in particular LATF fund, with impunity.
- It was noted that the current government came to power on a 'zero tolerance to corruption' platform, but that many people from the former corrupt regime had not yet been weeded out of GoK. Some civil servants have been in one station for over 10 years and have local business networks that are integrated with the locals.
- There were complaints that the allocation of national resources is skewed, since the district officers are asked to generate budgets but do not receive anywhere close to what is requested. As a result, many officers rely on falsified claims to be able to make ends meet.'
- It was alleged that politicians manage CDF like their own funds, and bring fabricated quotations for various projects. This has led to massive losses in CDF, not only in the district, but countrywide. He said the CDF committees are autonomous and the only documents required to pass expenditure for CDF are minutes of the meetings. Although the CDF was designed to reduce bureaucracy in the disbursement of public funds by taking it away from the central GoK to the district, it has only succeeded in transferring the same bureaucracy to the districts.

- Police officers reportedly take bribes from the public to harass public officers. The CID often frame people and get them jailed for crimes they did not commit.
- It was alleged that many interdicted officers are sent to Turkana where they continue their bad habits.
- GoK employment procedures are corrupt such that academic qualifications no longer matter. The open process of recruitment has been abused.
- The public is not given account of how ASAL funds are used.
- The District Irrigation Department does not have adequate funding and therefore cannot complete projects or must ask the community for assistance.
- There is the feeling that the source of corruption is lack of political will to punish offenders, especially those in high places as well as relatives and the politically correct. In fact, corruption is glorified in Kenya.
- It was claimed that politicians interfere with registration because they only want those who support them to be registered so they can vote. Many people do not understand why they should have ID's, so extra effort is needed to carry out registration of persons. The government pays elders to do vetting, but usually the funds for their allowances are not available.
- Politicians are accused of causing a lot of havoc for the police.
- Cattle rustlers take livestock then divide it up as they move until the whole herd is dispersed, making it difficult to recover stolen livestock. Sometimes when cattle are stolen it takes up to 3 days before the administration gets word, and by that time the rustlers have a long head-start and 77,000 sq kms to hide in – not including across the border in Sudan, Ethiopia or Uganda.
- Sometimes when ammunition is given out the same person comes back the next day denying that he had received any the day before.

Recommendations:

- There is need for a 'marshal' plan for Turkana.
- The GoK must take into consideration the vastness of Turkana when it comes to the allocation of resources for GoK

departments. Because of the vast distances, this district needs more resource allocation. The amount of AIE to the departments should also be reviewed, taking into account the size, distance and terrain and insecurity. Provision of safe drinking water, food security and improved infrastructure are a priority.

- Those found to be corrupt in the municipal councils should be tried and not merely transferred. Good officers should be given incentives to further improve their performance.
- The Local Authority Act should be amended to allow citizens to participate in the management of local authority funds.
- There is need for sensitisation of councillors because they are often illiterate and find the management process too complicated.
- The committees of devolved funds should have women representation and members from all locations.
- The government must deal with corruption by starting at the top. The NACCSC should establish fully equipped offices on the district level.
- It was requested that the army take over the sinking of boreholes and contain the security situation in Kainuk.
- The Physical Planning Act now in Parliament should address the anomaly of the planning and implementation of the same by different bodies (Department of Planning and Municipal Councils).
- An authority should be set up or the CDF act be changed to ensure that these funds are used responsibly. It was noted that the Office of the President circular sent in March 2006 to all districts regarding the monitoring and evaluating of devolved funds was not received in Turkana, and could not supersede the Act itself.
- The district needs to be split up into two or three. The distances alone make it impossible to deliver services to all parts of the district on the current district budgets.
- People need to get proper education so they can separate human rights issues from corruption issues from complaints.
- The district accountant should be divorced from CDF funds because when the CDF projects so as not to be blamed when the scale of theft is uncovered.

- The GoK should increase the hardship allowances of officers posted to the district in so that they are commensurate with the added difficulty of serving there.
- The District should be provided with a helicopter that will be maintained under its own budget by the GoK. The helicopter should be a multi- role aircraft that is equipped for surveillance, emergency rescue and troop carrier.
- DC's and selected officers need to be equipped with satellite phones to improve communication from remote areas. Because of the size of the district this would improve speed of response to reports of insecurity.

NYANZA PROVINCE

Kisii Central District – Meeting with the District Commissioner

Date: 25th October, 2006

- Some Local Authorities are not economically viable as some officials steal cess collected and other taxes.
- Some *wananchi* brew and sell illicit liquor locally and across the district borders. Illicit brew is exported to other parts of the province and parts of Rift valley including Bomet, Kericho, and Buret. This provides avenues for corrupt practices; all this liquor passes through roadblocks.
- There is a lot of encroachment on public land. This leads to soil erosion and questions the efficiency of the district environmental officers and forest officers.
- Cooperative societies dealing in coffee and pyrethrum are riddled with corruption and leadership wrangles.
- Constituency Development Funds are well managed, but bursary allocations are not handled transparently.
- The Rapid Results Initiative (RRI) is already in place but the concerned departments are not meeting their deadlines due to logistic problems. Despite there being a complaints box, very few complaints are received due to little awareness created on the vice amongst *wananchi*.
- The government is working hard to reduce cheating in exams. In some schools, children were being forced to sit exams without sweaters or shoes to make sure they did not carry any cheats into the examination hall.

- The Land Tribunals and elders committees are currently not being facilitated by the government, hence call on the warring parties to pay them. This leads to impartiality in arbitration.
- Funding for projects undertaken through devolved funds, especially LATF and Fuel Levy funds, are often duplicated hence it is not clear which roads are built with which funds.
- The Police Department noted that the public often made unsubstantiated claims against the public officers. They urged the public to provide evidence of corruption so that they could take action. Additionally they said it was important for people to understand the difference between corruption and complaints on service delivery.

Meeting with Civil Society Leaders in Kisii Central

- CDF funds are used only where the local MP was voted in overwhelmingly.
- Payment vouchers at the District Treasury are delayed unnecessarily unless officers are bribed to speed up the process.
- In the law courts, advocates collude with staff to get their clients favourable judgements, and cases delay far too long. Because of the stiff penalties in court, suspects bribe officers to drop charges.
- In the countryside, teachers compromise School Inspectors so that no action is taken against them even if they do not teach regularly.
- The government tendering system is not clear to all involved and therefore is subject to graft.
- LATF funds are not visible on the ground. It is often indiscernible what projects have been undertaken and as such the success and or failure of projects cannot be evaluated.
- Traffic police accept bribes and let un-roadworthy cars ply routes and flout regulations. It was stated that one cannot operate a *matatu* business if straight because success is only possible by bribing the police.
- During recruitment into colleges, a lot of bribes exchange hands.
- A lot of exam cheating takes place during National Examinations. For example, in secondary schools, the pupils

bribe teachers and invigilators by offering sexual favours so that they can leak answers.

- Most Kenyans take shortcuts in accessing services because they believe it is usually cheaper and faster. They perceive the normal channels as being too tedious and expensive.
- There are rampant land disputes and grabbing of public plots within town.
- Once through with college, teachers have to bribe to gain employment.
- When public officers are left to act at their discretion this can be abused. A case in point is the issue of single sourcing where an officer may decide, on his own, who will provide a service.

Meeting with Heads of Departments in Kisii Central

- Many government officials fake imprests and give false receipts and thereby defraud the GoK of money. They often falsify tenders to line their own pockets and for a fee give tenders to favoured contractors.
- There are cases of impersonation during exams. That is, a child can have another person (school leaver) sit exams in his place to get better marks.
- The town has many bogus surveyors who demarcate land irregularly.
- Many CDF Committees embezzle funds and give in fake receipts.
- Some schools force parents to buy uniforms from selected stores.
- Field clerks receive large sums of money but write receipts reflecting smaller sums, for example Kshs 300 instead of Kshs 3,000 received. Similarly, weighing clerks for pyrethrum or tea adjust the scales so that the farmers are paid for fewer kilos while the clerk pockets the difference.
- Some schools charge development funds each year and yet no projects are undertaken.
- There is manipulation of the tendering system by some contractors who collude with GoK officials and have multiple companies registered.

- There is favouritism in the training of GoK officers. It appears that the same officers get selected each time.
- Council employees allocate themselves plots in town, which they sell at exorbitant prices.
- Kenya Revenue Authority licensing of businesses is full of malpractices.
- Probation officers are often compromised to write their reports in favour of one or the other party (complainant or suspect).
- Prisons officers receive bribes to allow relatives unscheduled or unauthorised visits.
- AIE's often come too late in the year to be of any use.

Recommendations:

- The government should ensure that all corrupt officials are sacked, not just transferred.
- Because there are too many conflicting land laws, they need to be compacted into a few, important ones. There is need to re-evaluate land policy in all districts in Kisii given that it is so densely settled.
- There is urgent need for harmonisation of pay to Civil Servants to reflect the escalating cost of living.
- Something should be done to strengthen the Constituency Aids Control Committees so that they are more involved in monitoring funding of groups by the Headquarters.
- *Wananchi* should be sensitised on their rights so that they will resist bribing attempts by officials for services.
- Land Control Board members should be paid promptly to stop them from being corrupted by the two parties.
- The process of obtaining business licences should be simplified and shortened.
- The GoK should look into the procurement process. It is deemed too complex and as such Kenya is losing business to Uganda and Tanzania where such procedures are simpler and faster. The business community should also be educated on the new Procurement Laws.

- People in the area plant a lot of trees and have learnt to conserve the environment by avoiding cultivation on river banks or slopes. The GoK should promote this in other districts.
- The government needs to examine the 'scorched earth' policy used in Kisii with regard to the export of illegal brews and take appropriate action.
- Given the continued rampant cheating in exams in the country, GoK policy on examinations management is wanting and in need of overhaul. The government should work with Kenya national examinations council to make sure children are not treated inhumanely while cheating is curbed. In addition there should be an investigation into how the papers are leaked.

Nyamira District - Meeting with the District Commissioner

Date: 26th October, 2006

- Procurement and tendering systems are complex and lengthy, lending themselves to corruption.
- CDF tenders are awarded irregularly. Committees resist awarding tenders to outsiders and inadvertently award tenders to incompetent contractors.
- Recruitment of teachers, police and other public service sectors is riddled with graft.
- Land matters take too long to settle resulting in many disputes and double allocations. The land tribunals and control boards are susceptible to bribes.
- District hospitals lack drugs, but these drugs are being sold in chemists that are owned by government officials. Medical officers collude with local pharmacies to create artificial shortages of drugs to give them more business.
- The brewing and sale of illicit brew is rampant as Police are bribed with 'protection fee'.
- Local Authorities lose revenue as officials give double receipts for cess collection. They pocket the difference.
- There is rampant under-weighting of tea leaves by clerks, and farmers are paid less. This promotes hawking of tea. There are also delays in the collection of produce from the farms.
- *Matatus* flout TLB rules and bribe traffic police in order to remain on the routes.

- The issuance of ID cards is riddled with graft. Public officers solicit payments for forms and films. There is a delay in signing of primary documents by the officers concerns. This raises room for abuse of office.
- Local NGOs solicit for funding for orphans and widows, but rarely remit the money to deserving cases. There are cases of NGO's and CBO's forming ghost projects to siphon off money.
- Contractors register multiple companies to ensure that they get contracts.

Meeting with Civil Society leaders in Nyamira

- Land cases take too long to resolve, hence the parties concerned bribe government officials to rule in their favour.
- Rape is rampant in the area but victims are not helped because their parents/relatives are compromised by the same suspects, who circumvent justice.
- Illicit brews are rampant, but suspects bribe Chiefs and Police for protection.
- Land Tribunal members are corrupt and rule in favour of those who bribe them.
- Traffic Police are openly bribed at roadblocks.
- Widows claiming property of their dead husbands are subjected to bribing so that their claims can go through faster. In other cases, widows and orphans are deprived of their inheritance property by corrupt relatives who collude with government officials.
- Tendering systems in the accounts office are corrupt. Government officials set up their own companies to compete for tenders for goods and services.
- Many government officials still solicit for bribes for services.
- The bursary allocations are skewed; bursaries do not benefit the needy and orphans.
- Employment in the district is highly competitive; hence there is a lot of bribery.
- The disabled are discriminated against when employment opportunities arise.

- The issuing of ID's, birth certificates and death certificates is riddled with graft. It is necessary to bribe in order to get services.
- Recently, bonded government vehicles were disposed to one individual.
- Civil Servants from this district tend to favour people from their clans.
- Tea farmers are readily exploited by middlemen with ready cash, hence miss out on bonuses.
- *Wananchi*, especially widows, experience difficulties in changing details on their ID's.
- There are no drugs in the hospitals; patients are only treated if they bribe Medical Personnel.
- No motivation and poor pay to Civil Servants makes them vulnerable to bribes.
- MPs have too much power in decisions concerning devolved funds, hence distribution of CDF, AIDS Committees and Bursaries is skewed.
- The road network in the area is shoddy due to graft in road construction.
- Nyansiongo Tea Factory is corrupt. It was alleged that the factory deducts Kshs 1 from each kilogram weighed and Kshs 2 from farmers' yearly bonuses. As a result the farmers prefer selling their produce to hawkers.
- Many arrested suspects are released after paying bribes to Police who then claim insufficient evidence in their cases.
- Eronge Dispensary was allocated an initial Kshs 370,000 and a further Kshs 350,000 yet the dispensary is still non-existent. Similarly Nyangina borehole was funded but does not exist. The road to Murange dispensary has also been funded by the Council, but no work was done on it.

Meeting with Heads of Departments in Nyamira

- Multi-nationals are allowed legally to purchase green leaf from tea farmers directly.
- Community policing has been introduced to curb escalating crime.

- The GoK has no system to reward hard-working well-educated officers. This de-motivates them. The remuneration is also not commensurate with their qualifications.
- Commissioner of Lands is too powerful. He has discretion to sign and allocate GoK land. This is structural corruption.
- Nepotism is the ugliest face of corruption; it ruins the fabric of society.
- Financial facilitation from the government to departments has not changed for years and does not reflect the changing economic times.
- Illicit brews are mushrooming in the country because courts are lenient to offenders.
- When Civil Servants refuse to accept bribes, they become hated by local community who malign their names in such fora as these.
- Unpredictability of GoK services to the public promotes corruption.

Recommendations:

- Citizens need to be sensitised that as Kenyans it is their right to access GoK services. The Civil servants are their servants not masters.
- VAT tax forms should be simplified. Because they are not clear, it is a big problem for small traders who are forced to employ accountants to help them compute data.
- The government should tax goods from the source as a way of saving traders the task of dealing with complicated tax regulations.
- The government should re-introduce price controls on most basic goods for purposes of protecting citizens from exploitation by greedy merchants.
- The GoK should research into the reasons why farmers sell tea to middle men instead of directly to the factories and sensitise farmers on the loss they incur by doing this. Bottlenecks to this process need to be identified and addressed to enable farmers to maximise on their produce.
- Those laws that promote graft should be amended, for example the change of particulars in IDs.

- The government must start delivering on its promises to Kenyans. The government abused the goodwill of Kenyans to fight graft shown immediately after NARC took power in 2003.
- Residents need to be sensitised on a unique drug procurement project in the district whereby the government stores the drugs in chemists and patients can buy at subsidised rate. The poor have their bills waived.
- There is urgent need for society to be educated on the functions of different departments so they know what to expect from their offices.
- If the government values education, it must pay its teachers/lecturers well and not exploit them.
- Legislation should be enacted to ensure the transition of power from one generation of leaders to the next.
- Devolution of the lands department needs to be undertaken. Powers of this office should be ceded to the lands officers at district level.
- Bursaries should be disbursed from schools rather than through constituencies, which discriminate against those not allied to local MPs.
- The GoK should increase its facilitation to police to enable them to transport suspects to court. This will reduce the incidences of corruption and kangaroo courts.

Gucha District - Meeting with the District Commissioner

Date: 27th October, 2006

- Clerks underweigh green tea at tea buying centres.
- *Chang'aa* and other illicit brews are rampant due to 'protection fee' paid to Police.
- There is poor sanitation in town because traders bribe Public Health Officers not to shut their business premises down.
- There are no drugs in government hospitals, yet the same drugs are openly being sold in chemists.
- The ID issuance process slow, so people bribe for faster service.
- School Committees, Boards of Governors and sponsors often charge fictitious levies.

- Rape/defilement suspects often succeed in buying their freedom.
- Examination cheating and certificate forgeries are rampant. Bribing for these services is considered normal.
- False documents and information are given to enable registration of schools.
- The committees of cooperative societies have fictitious expenses and often underpay for goods delivered, for example tea, coffee, and milk.
- Members of the land tribunals are bribed to give favourable judgements.
- Water connection is delayed despite payment, unless a bribe is given to the water department.
- The connection of electricity is also delayed unless bribes are given. Kenya Power and Lighting Company gives illegal connections for a fee.
- Clerks duplicate receipts books and defraud the councils of revenue.
- In the District Treasury, clerks demand payment for speedy processing of vouchers.
- Non-Governmental Organisations, Community-Based Organisations and some Churches solicit funds for projects that are never implemented. For example, funds received for orphans are often diverted for other purposes as the children cannot speak out for their rights.
- Recruitment exercises are riddled with graft in the Police, Army, teachers and other departments. In the army in particular, a list is prepared in Nairobi and turning out for the recruitment drive is only a formality.
- CDF, LATF, FPE and Bursary utilisations are suspect. Most are skewed in favour of the politically correct.
- Traffic Police, Judiciary and Probation departments accept bribes for services rendered.

Meeting with Heads of Departments in Gucha

- Residents of this area believe strongly that they must bribe for government services, hence give unsolicited bribes at all times.

Because of this, the local community also influences recruitment exercises.

- Impersonation during examinations is rampant, but the public are slowly helping Police eradicate the vice.
- Delays in paying Lands Dispute Tribunal members is a major cause of graft, as they need compensation for services rendered.
- Most government health institutions have no drugs. Prescriptions are given to buy from private chemists and the same drugs are found labelled: Government of Kenya.
- Tea hawking business is rampant because the farmers get faster pay for their goods but at a lower rate than through the Cooperatives.
- Police in the district have formulated Customer Care forms (to report how their cases were handled), which are available to the public to foster reform.
- It was reported that in past month the police had taken over 700 cases of illicit brewing to court, but most of the accused were given lenient sentences.
- There is rampant vandalism of Telkom lines in Keroka, Nyamira and Oyugis areas, but *wananchi* rarely disclose the names of suspects for action. Some Telkom staff have fake academic certificates.
- Procurement procedures are too lengthy and encourage graft shortcuts.
- Committee members for devolved funds lack capacity to manage the same, but do not hire experts to oversee the projects. There is a wrong perception that in the case of CDF the funds belong to the MP's. Tender awards can be manipulated, for example by the CDF Committees.
- Many government officials make falsified claims for money.
- Officials from Education department, for example TAC tutors and Inspectors, remain too long in one station and then collude with exam cheaters. The district leads the nation in exam cheating, especially impersonation.
- There are cases of teachers hiring others to teach on their behalf as well as relatives inheriting the jobs of dead teachers.

- Contractors collude with corrupt Civil Servants to win lucrative contracts. There is collusion between contractors and experts in the preparation of bills of quantities.
- Most junior officers in Civil Service are not transferred frequently, but are the most corrupt and hardly attend seminars to educate/sensitise them against the vice. They are the main perpetrators of graft in GOK departments and have vast underground networks.
- Late AIEs are a major problem. Because they come late, officials will do anything to spend the money. Unnecessary financial delays at District Treasury cripple some departments.
- In order to get your building plans signed at Nyamache Town Council, one must bribe.
- There is rampant tampering of water meters after collusion between the consumer and officials so that they get low bills but consume a lot of water.
- Kisii leads in fictitious cases against the GoK. When investigated by CID it is found that many people suffer injuries elsewhere then try to attribute the same to Telkom or Kenya power common facilities (falling into manholes, etc).
- Medical officers prescribe drugs that are not available in hospitals and refer patients to private pharmacies with whom they collude. The public believe that they must pay for all services they receive in the hospital.
- The district works officer alleged that the department was poorly funded and lacked the money for effective monitoring and supervision of projects and consequently shoddy works passed unnoticed.

Meeting with Civil Society Leaders in Gucha

- Local roads in the area receive double allocation of funds from different sources, but they still are not fixed.
- Despite having received Kshs 94 million since 2003 the Bomachoge CDF fund, has not completed a single project that is functioning as intended. In Bomachoge there are four clans but most of the CDF projects were implemented in upper part of the constituency where the local MP hails from.
- KPLC forces people to buy transformers at Kshs 300,000 then connects other people at no extra cost, claiming it is their property.

- Telkom Kenya inflates telephone bills, which always come down after officials are bribed.
- Gusii Farmers Rural SACCO building is too high for the town specifications but they were allowed to go ahead after bribing Council officials.
- Unscrupulous lawyers make up court rulings then extort money from *wananchi*.
- Graft is rampant amongst Traffic Police, who are bribed to overlook the TLB rules.
- Wealth declaration forms for Civil Servants and teachers serve no purpose as the excess wealth is never followed up.
- Tenders at the District Treasury are only awarded to those who bribe.
- Despite rampant cases of defilement and rape, the victims and witnesses are too scared of reporting to Police due to harassment.

Recommendations:

- Recruitment exercises for teachers should be done at the headquarters in Nairobi and teachers posted from there to minimise cases of graft and nepotism.
- It is necessary to sensitise the public so that they desist from trying to bribe officers.
- There is need for a public campaign to sensitive parents that their children are capable of passing exams without cheating.
- There should be a hotline to report graft cases because in local culture those who report such can often end up dead (*chinkororo*).
- Civil Servants should set up sting operations to catch *wananchi* who are out to bribe them.

Migori District - Meeting with the District Commissioner

Date: 30th October, 2006

- Although there is a District Anti-Corruption Committee which involves government departments and churches, they do not have an Integrity Assurance Officer.

- Several corruption-awareness programmes have been running in the district but there is little attitude change noted so far. People fear to report or write anonymous letters.
- Police force *matatus* to pay protection fee so they can pass roadblocks.
- The District Treasury is prone to corruption, as well as the hospital, land Registry, Police and ID issuance offices.
- Illicit brews are rampant, with the government realising Kshs 1 million last month alone from court fines. (Sept 06)
- Sony Sugar has worked to improve the road infrastructure in the sugar belt supplementing the GoK efforts. However there is lack of political support to the company.

Meeting with Civil Society Leaders in Migori

- Civil Servants here allegedly do not work for free; they like to be 'appreciated' first before they deliver services.
- *Matatu* operators corrupt the Police to flout TLB rules.
- There is lack of political will in the fight against corruption, and a similar lack of a reward system for honesty and efficiency in public offices.
- Public officers coerce *wananchi* into photocopying vital documents and pocket funds meant for the same.
- Some local churches solicit funds but do not channel them to the intended projects. Additionally it was alleged that a number of unscrupulous pastors register churches only to fleece worshippers off their hard earned money and con unsuspecting church and donor organisations from abroad.
- Chiefs and their Assistants ask for bribes to sign documents ("the pen is not free").
- Acquiring title deeds is very expensive, as one has to bribe at several levels.
- Often prescription drugs at government hospitals are only dispensed if one is prepared to bribe.
- There is partiality at government offices in that only those who are prepared to bribe are assured of services.
- The municipal council officers take bribes to undercharge on approval of architectural plans for building.

- Often license fees for various municipal services remain uncollected.
- On the CDF committees, many of the members elected are unprofessional. There is political patronage and lack of integrity in how the fund works in the district. There is little if any accountability to the public in the use of the funds.
- Civil society in the district is weak. They are not able to offer a check and balance system for the use of devolved funds.
- It should only cost Kshs 2,000 to survey an acre but it is alleged that private surveyors overcharge the public up to Kshs 7,000 per acre. There are many cases of land transactions taking place through agreements witnessed by chiefs. The same chiefs then witness second transactions without the current owner's knowledge.
- Often there is cover up in rape cases by the suspects compromising the victims through bribery.
- Auctioneers sell property through public auction and even when they raise more than the debt they pocket the difference. They are even known to just keep people property as their own.
- The locals are afraid of reporting criminal activity to the police as police often work in collaboration with criminals and reprisal for reporting criminals can be death.
- There is discrimination in the cutting of cane by Sony Sugar Company. They are inclined to cut cane for the wealthier farmers first. There is inefficiency collection and payment of sugar.
- It was alleged that that primary head teachers are not qualified in book keeping and falsify their records. There is a serious shortage of teachers, due to HIV complicated deaths. Inspection from the ministry is poor and teachers are not held to account.
- The youth complained that it was costing them Kshs 1,000 for a certificate of good conduct and it was not affordable for the *boda boda* drivers.
- Widows complained that they were being disinherited and their in-laws were taking their property. The office of the public trustee delays with cheques even for a year. Often widows have to travel to and from Nairobi and Kisumu and they may end up having to bribe to get the cheques released.

- Despite the waiver of AFC loans by the President, the AFC was still claiming the same from farmers.

Meeting with Heads of Departments in Migori

- In order to gain employment, one has to bribe the recruiters.
- Government tenders are awarded irregularly. For example, the road to DC's office is not done. Often those who get the tenders do sub standard work and do not complete the projects.
- Shortage of drugs at the hospitals is worrying, especially because GoK-labelled drugs are found in private clinics.
- Police at roadblocks demand bribes openly.
- Some officers solicit bribes to (official incentives) to deliver services.
- Government facilitation for most departments poor. For example, the lands adjudication can hardly move to the field to work due to under-capacity and lack of facilitation for fuel.
- Training and promotion opportunities for workers in the field are hard to come by, thereby de-motivating the existing staff.
- Most Council Chief Officers are promoted through political patronage, not qualifications.
- Lack of role models in society is a major problem for youth. There is moral decay. The discretionary power in the recruitment of police is an avenue for corruption.
- The road infrastructure in the farms is poor. This hampers service delivery. Sugar is stolen in transit and some people have a way of puncturing the lining of bags to steal sugar.
- There is serious politicisation in the registration of persons. It was alleged that there were up to 14,500 uncollected ID cards.

Recommendations:

- There is need for KACC to be decentralised so that locals can directly report cases of corruption without fear of victimisation, especially in cases where the police themselves are involved in corruption.
- The GoK should speed up the issuing of title deeds.
- The government should install mechanisms to deal with graft, and remove all its roots. This could be facilitated if people are

willing to forgive past offenders and forge ahead with the development agenda.

- Government offices should be well facilitated.
- There should be a GoK review of the policy on the sugar sector. This should take into account the efficient operation of the companies and the out-growers associations, the payment and marketing system and support for the local farmers.
- The security of the fishermen in the district needs to look into, in particular the allegation that they are being harassed by Tanzanian security patrols. There should also be a GoK-led drive to form and strengthen the existing Cooperatives for fishermen in the district to enable them to reduce their losses to middlemen.
- The GoK should resuscitate the land adjudication and registration to enable citizens to require title deeds.
- The committee took note of the unique method of advocating against corruption used by the DC's office in Migori. This constituted of a full length mirror on the wall against the entrance to the DC's office inscribed with the words 'the person whose you see in this mirror is best suited to fight corruption'. Such creativity should be adopted and encouraged elsewhere.

Kuria District (Kehancha) - Meeting with the District Commissioner

Date: 31st October, 2006

- Cattle rustling is rampant, with sophisticated guns like AK 47 and G3 rifles in the hands of the public. The Kuria steal from Tanzania, the nearby districts and locally amongst themselves.
- Girls are marginalised in education; early marriages and child abduction are common.
- A traditional council of elders, the 'Eritongo' and their local community policing arm called 'sungu sungu' corruptly impose harsh fines over and above the prescribed fine of head of cattle.
- Because the lands office is based in Migori, land brokers abound and this creates room for corruption.
- There is favouritism in vetting committees, which bring bias to the issuing of IDs.

Meeting with Heads of Departments and Civil Society in Kuria

- Corruption was cited in the recruitment process in the armed forces, police, and APs. People have to bribe in order to get a chance for a child to be considered.
- Girls are removed from school and married off, but the authorities do not intervene.
- It was alleged that livestock from the community is sold by the security forces.
- Chiefs arrest *changaa* brewers but they are released by the courts, thus frustrating the efforts of minimising *changaa*.
- It was alleged that approximately Kshs 8 million was spent on Nyaharaga Health Centre but so far the only evidence of work is exposed pipes in the water supply trenches.
- Primary school heads are bribed by unscrupulous traders to buy books and construction materials from them. Local traders and contractors do not benefit from the free primary education funds.
- The community is not aware that the CDF is government money. They are afraid of asking for bursary from the MP, despite poverty in the community.
- The Kuria, historically being cattle rustlers, have since colonial times been suspicious of all GoK officers. For this reason they are even suspicious of new roads being built since it appears to them the GoK is making extra effort to police them.
- Girls often undergo FGM as early as 12 years old. Due to poverty and cultural practices, parents give out their girls for marriage to get dowry. This increases incidents of cattle rustling because the dowry is in the form of cows. Chiefs do not intervene to save them.
- The Kuria live in constant fear of arrest. They would rather deal directly with the police, hence bribery is rife. Kangaroo courts are common.
- Ignorance of their rights, illiteracy and poverty are major contributing factors to corruption.
- Chiefs complained that they do not have resources and transport to cover the long distances in their locations or respond to incidents of cattle rustling, shootings or sick people

in need of assistance. This has compromised their ability to respond to criminal activity because they rely on hand-outs from the community in order to facilitate their work.

- The wide disparity in salary structures encouraged corruption since the cost of living remained the same for public servants administration, councillors and MPs. The latter are unfairly paid so much more than others who are handling issues at the district level.
- There is illegal sub-division of land in the district as there are no letters of consent from the local land control boards. This was done by licensed private surveyors. The settlement of boundary disputes by the land registrar takes so long that people resort to violence to solve disputes.
- The practice of transferring corrupt officers from one district to another does not solve the problem. Instead, corrupt officers should be disciplined and where appropriate, dismissed.
- It was alleged that the GSU perpetuated corruption in Ntaruchu where there had been border conflicts because they would take bribes to side with one or the other combatants.

Recommendations:

- MP's should be discouraged from having ceremonies to issue CDF cheques.
- Bursaries should be organised from the village level since they understand the situation pertaining to each child.
- Service charters should be translated into Kiswahili.
- Chiefs and the police recommended disarmament of the Kuria to bring peace to their neighbourhood.
- Whereas tobacco companies involve themselves in social responsibility programmes, the overall damage done to society by smoking of cigarettes still far outweighs and programmes tobacco companies may have. GoK should review tobacco policy relating to its consumption and the subsequent tobacco related diseases.
- Given the seriousness of vetting of people in Kuria district, the government should establish a national task force with clear terms of reference to undertake a national analysis with a view to finding a lasting solution to this problem.

- Chiefs should be given logistical support in order to enable them perform their duties efficiently without demanding for bribes from the community.
- Anti corruption sensitisation should be an every day affair just as is the case with AIDS.
- There is the need to establish more police posts and deploy more officers in order to curb cattle rustling. The cattle should be branded.
- Since Kuria is a border district the veterinary officer must ensure that livestock moving across the border are free of disease and that movement permits have been issued. Drugs for livestock should be procured through a centralised mechanism to ensure their authenticity. The Ministry of Livestock, together with its partners including Universities, ILRI and ICIPE should focus more on improving livestock breeds in the area to assist the pastoralists.
- A component of revenue earned by GoK from cash crops grown in the district should be put back into improving infrastructure for the community.
- GoK should look into the possibility of constructing an abattoir in Kehancha which, apart from being viable, will provide job opportunities for the youth who are involved in crime.

Homa Bay – Meeting with the District Commissioner

Date: 1st November, 2006

- The town smells because of poor sewerage plant in spite of the 21 million shillings spent in 2004 to improve it. Residents were not very well endowed as the fishing sector is not doing well at the moment; poverty is at 70%.
- There are several NGO's located in the area with little to show for it. Most of them target funding for HIV programmes.
- There is nothing on the ground with regards to the ongoing GOK-IFAD project that covers six districts.

Meeting with Civil Society Leaders in Homa Bay

- There is concern that the justice system in Kenya favours the rich. For example, it penalises those who steal little and is lenient toward those who embezzle millions.
- It was alleged that the NGO's in Homa Bay are mainly money-making ventures.

- Police extort bribes from fishermen. The poor fishermen are restricted in the use of small mesh fishing nets while the rich use them. When illegal fish nets are confiscated they are illegally resold by the authorities instead of being destroyed. Fishermen from Uganda fish in Kenyan waters without fear of reprisal and yet Kenyans are arrested by Ugandan authorities when they strayed. When the fishing season is closed in April to July, fishermen who float the rules are arrested but their fish is sold. Women traders are harassed by fisheries officers.
- Despite the quarantine imposed due to the presence of foot and mouth disease, rich people are allowed to transport their animals while the poor are not.
- There is widespread smuggling of maize and wheat from Uganda to Kenya which arrived during harvest time.
- Traffic police allow overloaded and un-roadworthy vehicles on roads as long as they bribe.
- It was alleged that the LATF is used without input of local residents, and target groups do not benefit from devolved funds unless they are politically aligned to the MP.
- Some health centres do not have malaria drugs as recently announced by the government, and those that have the drugs sell them.
- No police post was built in Rangwe despite funds being set aside for this purpose. It was alleged that Kshs 0.5 million was allocated through the Office of the President to build the post but only a fence was erected.
- It was alleged that a company 'Carol Construction' from Nakuru was contracted to repair the Homa Bay sewerage facility at a cost of Kshs 27 million but the funds were misused and generators for the plant are not functioning. During the official handing over of the works, the local authorities refused to accept the work but the company left nevertheless. A councillor who was the chairman of the Municipal council environment committee claimed that the awarding of tender for this project was not transparent. (DC mentioned same project at cost of 21 million).
- It was alleged that a certain school was favoured in CDF funding.
- Although IFAD has been working in the district for over 2 years in projects costed at 400 million Kshs, the public can see

nothing on the ground except 2 non-functional boreholes. It seems that all they did was hold seminars in hotels.

Meeting with Heads of Departments in Homa Bay District

- There are cases of double allocation of bursary funds from different sources.
- There was concern that civil servants handle huge AIE's while they are poorly remunerated despite the fact that some of them are highly trained.
- The Trade Office has funds for traders in five districts, but the allocation criteria is not clear and hence open to abuse by the officials.
- Differences in housing allowances cause public officers to favour certain districts. For example living in Kisii is cheaper than Homa Bay yet Kisii is given higher housing allowances.
- It was alleged that feed is not up to the required standards and is sometimes expired, that often labels of feeds and chemicals are counterfeit, and that the suppliers are from the private sector. The Kenya Bureau of Standards has failed to monitor the quality of these products and the quality is inconsistent from one manufacturer to another.
- In the prison, relatives bribe prison officers so that their inmates are given better rations.
- Delays occur in the payment of benefits from the public trustee sometimes up to 10 years on pensions and estates of deceased persons, because the officers concerned claim that the files are missing or in Nairobi. According to law, this should not take longer than 90 days.
- There is habit of bribing in order to speed up the process acquiring business licenses.
- It was alleged that relatives of Kiganjo graduates influenced their deployment to lucrative departments of the Police Force. At times officers from other districts are deployed to carry out recruitment, and local officers have no say in the decisions. Deployment of officers was subsequently taken over by the Commissioner of Police.
- Education officers and DEO's were in a lower job group than some teachers, which causes inconsistency. Transfers of

teachers are not done on merit because the DEO, TSC, and the Provincial Director of Education all have powers to transfer teachers. There are complications with the transfer of secondary school teachers. Teachers can thus use one or the other office to negate or endorse a pending transfer.

Recommendations:

- The legal framework for acquiring business licenses should be reviewed so that trade officers could prosecute the offenders directly.
- There is need for capacity building for the civil society to access and manage devolved funds in the district and also to educate people on their rights.
- Civil service salary structure needs to be overhauled to reflect present economic realities and be made uniform for those on the same grade.
- There is need to have a Public trustee office in Homa Bay to avoid the inconvenience of travelling to Kisii or Kisumu in order to access such records.
- In view of the myriad complaints against the traffic department, it should be scrapped and replaced by another body.
- As corruption is a social problem, both the police and members of the public must tackle it. For example, in many cases police are doing their best, but the public seek to bribe the officers.
- The requirement that tribe be mentioned in ID application forms should be dropped as this may infringe on Kenyans rights and may promote nepotism.
- The GoK should speed up reconstruction of roads in the district with regard to the economic potential of the fishing and burgeoning tourism industry.
- As part of the ongoing Education Act Reforms, the transfer of teachers should be centralised to avoid corruption. There should also be set criteria for the promotion of teachers. Recruitment of teachers at the district level should be done by the TSC to avoid favouritism at the local level. The discrepancy regarding recruitment should also be regularised so that teachers are not in a higher job group than their supervisors.

Rachuonyo District - Meeting with the District Commissioner

Date: 2nd November, 2006

- Widows in the district are being forcefully inherited.
- Access to the rural areas is very difficult as the roads are dilapidated or non-existent and residents have no source of raising money. Land is communally owned. People do not have title deeds therefore as such their access to credit is limited. Schools are understaffed and the physical facilities are insufficient due to increase in enrolment in response to free primary education.
- Bogus companies collude with procurement officers to get tenders. This leads to substandard services, particularly in the Ministry of Works.
- The government procurement is vulnerable to corruption; there are many registered companies that are not visible on the ground.
- Illicit brewing is rampant. 6,000 litres of brew was impounded between September to October, 2006.
- There is mistrust between civil servants on one side and the NGO's and CBO's on the other. This created a vacuum in the development process. MP's are very clever in insisting that projects go to local contractors when they already have one in mind, but often the local contractors lack capacity.

Meeting with Rachuonyo Civil Society Leaders

- District Projects Committees have no power to vet a project once it has been identified by CDC. This results in sub-standard projects that are of no use to the community.
- Drugs from Kendu Bay Health Centre are being used to benefit just a few individuals.
- The Social Services department takes money for different services, but does not offer receipts.
- It was alleged that police take advantage of the communities' ignorance and do not refund cash bail when suspects are released from custody.
- It was alleged that MPs handpick friends and supporters into CDF committees and CDF funds were being channelled only to areas where MP's earlier projects were abandoned in favour of

newer ones. This has led to mistrust between the community and government officials and those handling the funds. Funds are not well utilised. In one case, the CDF paid out Kshs 150,000 to a contractor without the authority of the appointed committee, but it was later validated. The disabled claimed that they were not involved in CDF.

- Exam cheating is rampant in the district and some schools charge students a fee of Kshs 60/= for mock exams but no receipts are issued. The exam papers are usually obtained from neighbouring schools.
- It was alleged that the sale of a Cotton Ginnery in Kendu Bay to an individual without the knowledge or consent of the community has contributed to the collapse of cotton farming in the district.
- A permanent *changaa* den in Kakjuok Sub-location, with toxic brew, continues to operate despite several raids.
- HIV/Aids is a serious problem in the district. ARVs are available in district hospitals but patients are asked to pay.
- The new malaria drug is not issued free at government hospitals as advertised, but is bought at a fee.
- Assistant Chiefs have developed a culture of asking to be paid for the "mouth of the pen" (bribe) services when they sign documents.
- Bursaries are not given out to deserving cases. Furthermore, most disabled persons are discriminated against and their children denied bursaries.
- Recruitments into colleges are not fair; those who can bribe are favoured.
- Traffic police demand bribes. They alleged that those who pay are allowed to overload their *matatus* and people even sit in the boot of the smaller vehicles (*olwendas*). The vehicles pass through roadblocks with excess passengers but those who don't bribe are harassed.
- Kasipul-Kabondo CDF spent Kshs 1.8 million on two boreholes which are incomplete and have no water; no feasibility study was carried out. The DC has ordered for investigation into this issue.
- It was alleged that though the LASDAP said that there should be community participation in the selection of projects, no meeting

had been held yet and money was being disbursed and in some cases to non-existent projects.

- Among the excessive number of groups registered to provide social services, many are not visible.
- GoK officers were accused of having their own NGO's and CBO's in the district.
- The community is not knowledgeable or qualified to write proposals that are acceptable to the CDC. They are therefore susceptible to manipulation and exploitation by unscrupulous proposal writers.
- There is a lot of corruption in the contraction of suppliers for the Sondu Miriu Project. It was alleged that the personnel manager took bribes to give out contracts, and even to supply sand, one had to bribe.
- The Kendu Bay Water Supply has been under design/construction for 3 years. The GoK project funds were always being returned.

Meeting with Heads of Departments in Rachuonyo District

- Serious shortage of staff in public departments facilitates corruption because the inefficiency leads people to bribe in order to get faster services. The senior officers were often transferred leaving their juniors who were more corrupt in the same stations.
- Large disparities in salaries lead to disharmony and corruption.
- Implementation of CDF projects has been shoddy, and false receipts are issued. In spite of a high number of projects in Kasupul-Kabondo of Rachuonyo Constituency (around 1,000), the D.O. was only allocated Kshs 60,000/= per year to monitor these projects.
- The bulk of GoK finances stays in head offices with little reaching the districts.
- Remuneration for NGO workers is much better than those of government officers, which leads to demoralisation and corrupt practices.
- The promotion of teachers in the district was not being done on merit.
- There is corruption in the teachers' co-operatives.

Recommendations:

- There should be criteria to select the chairmen of school committees to ensure that they are competent.
- DDC's need capacity building with regard to interacting with the public.
- The GoK should look into providing capacity building programmes for CDC members in the management of devolved funds and to empower the community in project selection and proposal writing in order to get full benefit from devolved funds.
- The rural electrification programme in the Lake Region needs to be speeded up in order to make cold storage facilities more viable for the fishing industry.
- The GoK needs to take seriously the harmonisation of salary structures for public officers in all districts.
- There is need to develop a curriculum for students that will inculcate in them values of courtesy, respect, honesty and integrity at an early age. These values will empower future generations to resist the temptation to be corrupt.
- The GoK should motivate civil servants by creating an opportunity for owner occupier housing policy.
- The GoK should review the distribution of funds from headquarters to the districts with a view of providing more funds for line ministry departments at the district level.

Suba District - Meeting with the District Commissioner

Date: 3rd November, 2006

- There are Somali middle men involved in the purchase and transportation of fish produce. They are not really exploiting the fishermen, because by buying from them the fishermen are able to buy commodities of their choice.
- The causeway was put up to bring development to Rusinga Island but there were specific problems with the water movement because of it.
- Tsetse fly is a problem that has not been eradicated. Recently the Minister of Livestock had commissioned a programme with the veterinary Department funded ADB through the Pan African AU to fight the tsetse fly by rehabilitating cattle dips and developing a vaccine against sleeping sickness.

- A number of projects were initiated through CDF and the impact has been felt especially in the building of schools. No cases of misappropriation had been identified except one in Rusinga Island, which was in court.

Meeting with Civil Society and Heads of Departments in Suba

- There are incidents of child abuse with regard to sexual abuse (defilement) and early marriages. The culprits, when caught, offer to marry the girls to avoid being charged. They later abandon them when the cases have been dismissed.
- Fish farmers use the wrong gear hence declining production levels. The fisheries department are not vigilant in monitoring the types of nets the fishermen are using. High poverty levels and the rising cost of living push fishermen into using illegal nets. These catch more fish and keep them in business. Beach Management Units (BMU) have proven quite effective in community policing of the beaches and landing sites. They arrest fishermen who use illegal fishing nets.
- Between April and July the lake is closed to fishing. During this period fishermen bribe to fisheries officials or police to continue fishing. The traditional culture of 'Jaboya' (sleeping with the women traders before they agree to sell fish to them) is spreading HIV and eroding the moral values in the community.
- Bad roads make it impossible to keep vehicles in good condition, but drivers are under pressure to keep bribing police in order to avoid numerous fines and delays.
- Kangaroo courts are common especially when brewers are caught with *changaa*.
- The GoK tendering system is very poorly carried out. It was alleged that most tenders were awarded to friends of public officers.
- It was alleged that teachers are often absent from schools because they are attending to private business.
- Payments for pensions take too long from the office of the public trustee. They often have to bribe to get their cheques released.
- Courts are very corrupt because they kept transferring cases from one jurisdiction to another to frustrate the judicial process.

- The lands department needs to be paid for fuel when the service is required from them in the field.
- It was alleged that K-Rep Bank, Faidi Kenya and Papha had all asked for deposits from fishermen so as to qualify for loans, but to date no loans had been given.
- In most programmes for orphans, the benefits remained with the sponsors and the children got nothing.
- Complaints were raised that researchers on tsetse fly carried out tests on local animals and there was no plough back to assist the farmers. He said that the locals still have to buy the vaccine from them yet their own cattle had been used as 'guinea pigs' to develop the vaccine.
- There is no 'AI' in the district and the GoK livestock department provided bulls which subsequently died and the programme was not sustained. Hence the quality of livestock in the district is low. Veterinary drugs on the market are sub-standard and many are mutations. This was blamed on the drug inspectorate.
- It was alleged that some CBO's conduct so many seminars that there was little if any money remaining to implement projects. At the end of seminars, participants are given blank payment vouchers to sign and a payment of between 200 to 500 Kshs for attendance. The sponsors then fill the vouchers with higher figures and pocket the difference.
- It was alleged that the government delayed the supply of relief food until the time for harvest. The relief food was then useless since the harvest had been realized.
- The bridge being constructed with community funds on Mfangano is incomplete and action should be taken.
- Recruitment into the armed forces is riddled with corruption.

Recommendations:

- The community policing programme should look into ways of giving incentives or rewards for reporting genuine cases.
- The public should be represented during the opening of tenders to ensure that the awarding is transparent. There should be strong monitoring and evaluation of projects to ensure that the public are getting value for money.

- The Department of Fisheries should have their capacity increased at the Lakeshore and landing sites. GoK should better equip the officers and provide them with modern boats and equipment to be able to assist the fishermen.
- The GoK should facilitate the formation of viable fishing co-operative which can reduce the dependence on brokers and add value to their produce.
- All public officers should have their performance evaluated so that the 'dead wood' could be identified. In turn, talented officers should be identified and deployed throughout GoK.
- Considering that 50% of the district is comprises water and that Mbita has the largest catch of fish from Lake Victoria in East Africa, GoK should fund a capacity building programme that will empower the fishermen in the respective life cycles of fish, the importance of environmentally friendly practices, and a basic understanding of the market forces at play.
- The government should initiate a study to evaluate the effect that the Rusinga Mbita Causeway is having on fish and the quality of water in the adjacent areas. If as suspected the effect is detrimental, the study should make recommendations on a quick and cost effective solution to this problem.
- The GoK should set up an oversight body to oversee the development and marketing of the tourism sector in Suba District.
- The government should take immediate measures to improve the dilapidated infrastructure in the district to realise its vast economic potential.
- GoK should examine the possibility of setting up a Customs/Immigration point at Mbita. This could reduce the incidence of smuggling across the lake and decongest the Kisumu Customs Office.

NORTH EASTERN PROVINCE

Provincial Commissioner Mr. Aggrey Mundinyu

Date: 28th March, 2007 (2nd visit)

- The PC said that the availability of pasture is what often led to conflict in the province but that there was no longer any need for police escort in the province since banditry had been contained.

- With regard to the complaints that Kenyans were being deported, he explained that those being deported were actually of Arab descent.
- Clanism gives rise to hostility due to the limited number of vacancies in employment opportunities.
- He said the extreme weather was a challenge. There were periods of drought and then periods of heavy rain that brought severe flooding and the attendant consequences. In times of drought, livestock was lost and GoK had to put in place restocking programmes.
- The influx of refugees (over 300 crossing the bridge per month plus many others at illegal entry points) causes conflict with the locals due to the sharing of scarce resources such as firewood, pasture, schooling opportunities and other social amenities.
- There had been allegations from the locals that KenGen had been deliberately opening the dam gates along the Tana River, but the P.C. said that this was not the case. In response to the recent flooding, gabions have been erected along the river banks and more work is to take place on the other side of the river. In response to allegations that the costing for gabions was on the higher side the P.C. said that the evaluation of the costing had been internationally evaluated and therefore the cost was as per international costing for jobs of similar nature.
- There was an allegation that the KARI farm land was sold fraudulently. The same is contained in the Ndungu Report. However, they were waiting for the implementation of the Ndungu report to repossess the grabbed land.
- The issuing of ID's is prone to corruption. In some cases, applicants applied for IDs and provided all necessary documents including photos. After the completion of the same the applicant would be given an NPR and wait for the ID to arrive. At this stage, fraudsters having been compromised would remove the applicants' photos and replace them with those of an alien or refugee at a cost of up to 700 USD. The applications would then be sent to Nairobi with the photo of the impostor but the details of the genuine applicant. This was being perpetrated by brokers and corrupt registration officials. When the registration papers arrived in Nairobi the 'commercial' IDs would be found separately packed and processed accordingly. He said that 2,000 applications that were sent to Nairobi cannot be accounted for, that is, the

applicants are still holding the NPR's awaiting their ID's. Security implications of this fraud are severe and will be felt by future generations because foreigners will be able to acquire passports and travel abroad and in the event of committing crimes, these will be attributed to Kenyans.

- Registration of births was also identified as a problem area. Birth notification papers did not give the status of the parents, only indicated that a child was born in Kenya. Births that took place at home or were registered late are filled by the assistant chiefs. As such they could be compromised to say that a foreign child is Kenyan and eventually the child gets a birth certificate verifying the same.
- There are cases of Kenyans who have registered as refugees possibly for relocation to other countries and in order to access free food. In addition, Somali children are benefiting from the free primary education in Kenya and many people had all necessary Kenyan papers.
- In a recent case police intercepted 200 aliens who were being transported to Nairobi, yet they had passed through the Tana River bridge police check point.
- There are many cases of aliens hiring ID cards from the locals to travel to various destinations in Kenya and then sending them back.
- In regard to CDF, MPs pass the laws, issue the money and audit themselves. Some CDF projects are awarded irregularly and there is favourism in the awarding of bursaries. CDF committees have a limited capacity because a large number of the members are semi or illiterate. Some areas like Hulugho division fall in 2 districts (Garissa and Fafi) and this raises complications with the distribution of CDF.

Moyale District - Meeting with the District Commissioner

Date: 23rd January, 2007

- Poverty in the district is very high.
- Information about the devolved funds is posted on the notice boards to improve transparency.

Meeting with Civil Society and Heads of Departments in Moyale

- It was claimed that last year Kshs 6.1 million was stolen from the Moyale County Council. Although public auditors took the report, no action has been taken.
- One elder said that there was no corruption in the district. He says that the Muslims cannot practice corruption as it was against their religion. He says this is the first time he has heard about it.
- There were complaints that the Moyale-Wajir Road is in horrible condition even though there are reports that money is being spent to repair it. It was alleged that road contractors simply move soil around on the roads and claim to have fixed them (Salanga Road is a case in point).
- It was alleged that there is no evidence of the millions coming in from CDF being used on the ground, and that MPs use this money to campaign or give selected people contracts in return for political support.
- Registration of persons is problematic, with many who applied for IDs in 2005 still waiting. When officers at the district level finish their work and send documents to Nairobi, there is yet another screening process. Residents wonder why this only applies to people from North Eastern and Moyale. Often, grandparents' birth certificates are required, but these cannot be traced.
- There is no public display to show how LATF money is used; some projects have been started but not completed.
- It was alleged that bursaries only go to the leaders and those who can bribe to get them (for both CDF and LATF funds).
- Education standards in the district are very low and some teachers collect their salaries but stay away from school for long periods. Classes are overcrowded (up to 120 to 140 in a class) and there is a shortage of teachers, as many are enticed to go to private schools because of better salaries.
- It was alleged that the hospital receives medicine but medical officers have their own private facilities to which they channel GoK medical supplies like X-rays and drugs. However, a medical officer insisted that there was medicine in all the hospitals and clinics including anti malarials, ARV's and TB drugs which are available and free.

- Customs officials and administration police extort money from *wananchi* who carry food supplies for domestic use across the border. There is fear, however, and these cases are usually not reported.
- People bribe at the prisons to be able to see their relatives.
- As the administration police have a charter that forbids them from accepting bribes, those who ask for bribes should register their complaints.

Recommendations:

- CDF fund should not be controlled by the local MP's.
- The provision of safe drinking water, food security and improved infrastructure is a priority. The GoK should increase the capacity of the water department to engage the public at community level and sensitise them on methods of prevention of contracting water born diseases. The GoK should also improve the water sources in the district and initiate a program to assist in the in the construction of pit latrines.
- The operations of the KRA and Administration Police at the border point need to be improved. In particular GoK should increase the number of patrols along the border and work with the truck drivers to make sure foreigners are not entering the country illegally.
- The vetting committees for ID registration should be given a clearer role and GoK should ensure that their allowances are paid in full and on time to avoid incidents of corruption.
- The district should be provided with a helicopter that will be maintained under its own budget by GoK. The helicopter should be a multi-role aircraft that is equipped for surveillance, emergency rescue and troop carrier.
- DC's and selected officers need to be equipped with satellite phones to improve communication from remote areas.

Marsabit District - Meeting with the District Commissioner

Date: 24th January, 2007

- Pasture land and water are the main sources of conflict in the area. Up to 60,000 firearms are present in the district, even sophisticated ones.
- Most government funds are channelled to security concerns, but despite this the district is under-funded and marginalised.

Insecurity also affects road repair, because many contractors do not want to work there and local contractors lack capacity.

- AIE's come late and the district lacks sufficient vehicles to work properly.

Meeting with Civil Society and Heads of Departments in Marsabit

- Members of the public claim that they are not given enough information on what is happening in the district and that their opinions are not considered when consultations about security are being made. It was suggested that there are ways of bringing fighting to an end, but that the government would need to include the elders of all tribes in the process. Generally, the GoK has failed the people of this area, and it is believed that the government could find a solution if they sincerely wished to.
- Local residents do not understand the laws, especially in the more remote areas.
- The sincerity of the NACCSC was questioned, due to the fact that it is an arm of the government.
- In regard to the fighting in the district, the problem was linked to politicians, NGO's and making money, and in particular some former PC's.
- Councillors, chiefs and politicians of Marsabit and Moyale were accused of being corrupt.
- There is no evidence on the ground of what the LATF funds are doing. Furthermore, the council recently used Kshs 600,000 of LATF on a project they called, 'improving facilities for the dead' which the public does not understand. (The County Council chairman explained that the council had bought a new plot to be used as a cemetery for Kshs 600,000 but although no one had been buried there yet, the religious leaders knew where it was).
- It is necessary to bribe when travelling, especially because it is difficult to maintain vehicles due to the poor roads.
- The supply of weapons and ammunition in the district is big business. There are reportedly up to 60,000 illegal firearms in the district, and virtually everyone is armed. This escalates the fighting.

- It was alleged that the CDF funds work only for the MP and his supporters. CDF claimed to have financed a dispensary at Kiwanja ya Ndege, which had actually been done by a different organisation.
- It was reported that police had confiscated sugar from a businessman who then made some phone calls and the police returned the sugar to his premises. (The OCPD later explained that police had been told that the lorry was carrying arms including bombs. When they stopped and searched it they found sugar and were obliged to return it to the trader).
- The police are often manipulated by powerful and/or rich people, and therefore cannot do their jobs properly.
- The DC's, Chiefs and police were accused of being involved in the theft of cattle.
- The public alleged that they are being overcharged at the district clinic.
- Due to water shortages, rations are given at 120 litres for 3 weeks. However, the wealthy people in Marsabit always have water.
- It seems that because Marsabit is a hardship area, it has at times been a "dumping ground" for incompetent officers.
- It was alleged that the Wabera water project was carried out by a company called Adler, yet recently it was written that the CDF did the project.
- Many dispensaries are built using CDF, but though the structures are there the facilities are not operational. CDF is building dispensaries in almost all the wards, but did not consult the line ministry.
- The system of procurement is flawed, and because of the insecurity concerns many contractors do not tender for road construction in the district.
- A tender was recently awarded for repair of the road leading to the hospital at Kshs 2 million, but the process of tendering had taken too long.
- There are no malaria drugs even though the GoK says that these drugs are free and available. What could a person do when he has travelled 500 kms to the hospital only to find there are no drugs?

- The AIE's are too low for the district, considering that a single trip for a GoK officer to the field could take up the entire AIE.
- It was alleged that local residents are slow to write statements or clarify their accusations, which makes it very difficult to take legal action in the case of fighting and insecurity because in many cases there is no evidence. Many times the reports do not come to the police directly, but through the MP's (via Nairobi).
- It was alleged that there is a lot of interference in from politicians in the work of the police force.

Recommendations:

- The establishment of a fund for peace keeping in the Northern region is advised.
- The provision of safe drinking water, food security and improved infrastructure is a priority. The GoK should increase the capacity of the water department to engage the public at community level and sensitise them on methods of prevention of contracting water born diseases. The GoK should also improve the water sources in the district and initiate a program to assist in the in the construction of pit latrines.
- Marsabit could be divided into two districts for easier supervision, considering that from Marsabit to Illeret and back is 1,000 kms.
- NACCSC was asked to open an office at the district level in Marsabit.
- The citizens should list the projects that they see as a priority for all devolved funds.
- The government should increase the capacity of the Police and Administration by adding more vehicles to their fleet and increasing the AIE for fuel and maintenance as well as increasing the number of officers deployed and their technical capability. There should be more police and or army posts.
- The vetting committees for ID registration should be given a clearer role and GoK should ensure that their allowances are paid in full and on time to avoid incidents of corruption.
- The District should be provided with a helicopter that will be maintained under its own budget by GoK. The helicopter should be a multi-role aircraft that is equipped for surveillance, emergency rescue and troop carrier.

- DC's and selected officers need to be equipped with satellite phones to improve communication from remote areas.
- The GoK should take cognisance of the 7,000 sq km Marsabit forest and put in environmental safeguards against forest degradation.
- Citizens should be able to access legal representations even if they can not afford it.
- When deploying officers, it is important to consider where people come from because public officers spend a lot of time and money visiting their families who were very far away.

Ijaara District (Masalani) - Meeting with the District Commissioner

Date: 29th March, 2007

- Strong clanism in the district affects the distribution of devolved funds and makes it difficult for officers from outside the region to work without disruption.
- The district is heavily (80%) reliant on relief food, and ground water is contaminated and not fit for human consumption. There is only one water project, that in Masalani.
- CDF set aside Kshs 12 million for road maintenance. For 5 months between October 2006 and January 2007 no vehicle could leave or access Masalani. Hola is only 35 km from Masalani and the ongoing construction of a bridge would be complete by April 2007, although its construction has taken 7 years because of logistical problems. He acknowledged that because of logistical problems the bridge construction had taken up to 7 years.
- Through corrupt means, ID's are issued to aliens. There is a long waiting period for ID cards, in some instances over 5 years.

Meeting with Heads of Departments and Civil society in Ijaara

- Suppliers are known to take advantage of local residents by inflating the prices of goods and services.
- Government line ministries are usually involved in the procurement of goats and cattle, but there could be abuse because the locals are not well informed.

- It was alleged that the problem with synchronising the registration of ID's is in Nairobi, and affects border areas more than other districts. The District Officer is the chair of the vetting committee and local chiefs and elders are all involved in vetting ID applications. As such the old system of vetting is still in place.
- An immigration office was opened in the district in August 2006 due to the high number of applicants for passports. Vetting for passports, which is being put in place, will make it easier for genuine Ijaara residents to access the documents.
- It was alleged that the vetting committees for ID's are compromised. Without ID cards people cannot acquire voting cards, but some who had applied in 2001 have not yet received them to date. However, some foreigners get ID's faster because they bribe.
- There is rampant corruption in the roads department, and it was alleged that roads officers had their own company to which they gave contracts.
- It was alleged that the setting up of committees at the local level was riddled with corruption, and those who are in charge would select only those whom they could manipulate while honest and outspoken people would be left out.
- It was alleged that the County Council allocated plots and took money from people even though the allocation of plots had been halted. Money was illegally collected from *wananchi* for plots and receipts issued.
- It was alleged that CDF funds are distributed according to clans, and the MP's treat the money as their own.
- The tendering system is seen as corrupt, with tender boxes being opened illegally before the due date so that officers could leak information to others.
- Casual workers are hired for Public Works only when they bribe.
- It was reported that the District Hospital board has not met for over 3 years.
- It was noted that corruption was institutionalised during the Moi regime, and that the structures of local authorities adds to corruption. For example, the chairman of the finance

committee, the clerk and the treasurer were in charge of all procurement using council funds.

- Clerks of the County Council were accused of not wanting councillors to know how much was in the account or how much revenue was collected.
- The County Council has not given any bursary allocation this financial year, and council workers are often unpaid.
- Poaching is taking place in Boni Forest, but this is going unchecked because of corruption in the forestry department.
- Permits for trees to be cut down to be used as fencing posts are acquired through bribes.
- With the district being very remote and officers being away from friends and family for long periods of time, they are more likely to accept bribes to supplement their income.
- The question was raised as to why a mosque was erected only 700 metres from the beginning of the airstrip runway, as it caused the length of the airstrip to be reduced from 1.5 km to 750 metres.
- It was reported that a previous forest officer had been buying felled trees from the locals, but due to the closed nature of the local residents, the truth came out much later.
- A forest office reported being confronted by armoured vehicles when attempting to arrest one an illegal logger who is the son to a prominent leader.
- A contract for rehabilitation of Masalani Water Supply was given to a contractor by the Ministry of Water in Nairobi, but the pumps and engines they sent for the project failed to work.
- Contracts for CDF projects are not awarded transparently and MP's influence the appointments of CDC members, identification of projects and prioritisation. Hence the CDF funds are not properly utilised. It was alleged that two road projects were awarded without tender, and that the contractors bribed to get them. It was further alleged that the bribe for being given a tender is Kshs 10,000.
- There was an accusation that corruption starts with the anti-corruption committee (referring to KACA) because members are paid too much and yet people were starving.

- Procurement for CDF projects is a major problem because although the project management is supposed to procure, usually the MP's decide who should be given contracts.
- Post rape treatment is not available for free, although it should be.
- Residents in Hulugho pay Kshs 300 to apply for ID's but no receipts are given. Eventually, they do not receive ID's.
- It was alleged that a well in Hulugho is indicated as being complete at a cost of 2.9 million but there is nothing on the ground.
- Bursaries are given based on political allegiance and non-deserving children are benefiting.

Recommendations:

- There should be two separate registration processes for births: one for Kenyans and a separate one for aliens.
- Because of the poor communication in the district, GoK should consult with both Safaricom and Celtel to put up networks in the district, and Telkom should increase the availability of telephone lines.
- It is necessary to educate people on how councils function.
- There is need for civic education for councillors.
- The GoK should look into the allegations of poaching in the Boni forest reserve and increase the capacity of the forestry department to police the same. GoK should also speed up the gazetting of the Boni conservation area.
- The Hulugho border post should be gazetted as an immigration border post with immediate effect so that the officers deployed can begin their work.
- Spot fines for traffic offenders should be used to reduce frequent road blocks.
- The GoK should upgrade the existing road network to classified status.
- The claim that there is a mosque built on the Ijaara airstrip should be investigated.
- There is need for a far-reaching programme for the control of tsetse fly in Ijaara District.

- The government should launch investigations into the stalled Masalani water rehabilitation project and expand the existing water system to cope with the increased demand.
- There should be public awareness programmes to educate the public on the implications of locals registering for and acquiring refugee status.
- The CDF act should be amended before the next election otherwise there is danger of the next Parliament exploiting the existing lapses which have been blamed for promoting corruption in CDF. There needs to be a clear separation of roles between the MP's and the implementation of CDF projects.
- The GoK should look into the possibility of constructing abattoirs in the district, which would add value to the livestock sector.
- There is need to develop programmes aimed at encouraging parents to send their children to school and ensure their consistent attendance. Boarding schools should be opened in the district to augment the existing mobile school programme.
- The GoK should look into the colonial law regarding the 3 mile boundary along the Tana River on the Ijaara side with a view to amending the law to give all adjacent communities equal access to this resource.
- The Ministry of Tourism should look into developing the two permanent lakes in the district (Hardi and Jerey) as tourist attractions as way of increasing revenue. Tourism could function as an economic platform for the whole district.
- The GoK should make a decision on what should be done to assist the 2000 ID applicants from Ijaara who are still holding NPR forms from 2001 as their ID's cannot be accounted for.

Samburu District - Meeting with the District Commissioner

Date: 16th March, 2007

- Cattle rustling occurs regularly in the district, sometimes as often as 3 raids per week. The main incidents involved the Pokots and the Samburus.
- Public perception of the government is based on the assurance of security and water for their animals. The government initially sank boreholes for the people, but they were more interested in water for their livestock. They vandalized the boreholes in

frustration and GoK had to change strategy and invest in dam building. This has been well received.

- Many NGO's, some of them merely briefcase NGO's, are working in the district but the details of what they do are not known. Donors implement projects haphazardly and often many donors put money into the same projects. In some cases individuals had set up multiple NGO's to source funds for phantom projects. Vetting by the DSG would reduce this.
- There is inadequate supervision of GoK funds including all devolved funds in the district to the extent that sometimes back money was returned to the treasury at the end of the financial year. The district treasury needs to be efficient, as a delay in paying in paying merchants would open up avenues of corruption.
- Currently the OCS has statutory powers which he can abuse, including the ability to release suspects at his discretion and independently determine the amount of cash bail, while the OCDP does not have the same powers yet the OCDP is his boss. Meanwhile the OCS has powers to control all the firearms within the station including issuing to the OCDP.

Meeting with Heads of Departments in Samburu

- The Samburu culture influences the local value system and how they perceive GoK presence in the district. As early marriages are part of the Samburu culture, the establishment of the children's' welfare department was regarded as an interference.
- Children's department officers were offered bribes to forgo taking action against public officers. In particular the police tried to bribe so that they would not be pursued for incidences of violation of children rights resulting from local cultural practices. Police officers have been known to threaten children's officers with weapons.
- Because culturally a girl could engage in sexual activity from an early age with the knowledge of the parents, it is difficult to arrest and prosecute a man for rape or defilement.
- Promotion in some departments depends on connections with people in power.
- High illiteracy results in poor management of projects and the public are often unaware of the role of public offices.

- It was alleged that the culture and customs of the people contribute to corruption. The local people prefer to sort out their issues away from courts, which gives some police officers the opportunity to be part of the negotiations and beneficiaries of the proceeds. In some cases they demand bribes in order to withdraw cases. The vast size of the district exacerbates corrupt activities.
- There is a high rate of case withdrawals at the court suggesting that prosecutors, clerks or orderlies could be soliciting bribes. Court clerks in particular are very poorly paid and this could encourage corruption.
- Under-staffing and long working hours in the health centres creates loopholes for corruption to thrive. Deployment to a hardship district, with a very meagre hardship allowance, put added strain on officers' finances and could lead to corruption.
- CDF allocation was not displayed on any notice boards at the Headquarters but bursary allocations were displayed at the divisional level. The CDF committee treats the funds as grants that need not be accounted for, and does not prepare reports. MP's often send proposals to Parliament before the District project committees have met. Some of the projects reported as ongoing on the CDF website had not yet received funds.
- Group ranches are encroaching on the town, and a number of individuals are claiming municipal council land as their own. Public utility land has been grabbed. Because the land control boards are not yet been gazetted despite the names of members having already been forwarded to the Minister of Lands, this encourages corruption.

Meeting with Civil Society Leaders in Samburu

- No disciplinary action is taken against contractors who do shoddy work.
- The question was asked as to why the Kenya army was being deployed in other countries yet there is so much insecurity in the region.
- When the government does nothing to return Samburu livestock stolen by the Pokot, it signals corruption. It was claimed that livestock stolen from the Samburu were never recovered while the GoK acts quickly when Pokot cattle are stolen. It was further claimed that the government had disarmed the Samburu but not the Pokot, and that the

Samburu had surrendered 1,600 illegal firearms to GoK while the Pokot had not done so. A police reserve also questioned why the Samburu are not usually protected against Pokot raids.

- It was alleged that Samburu County Council gave Kshs 1,000,000 for construction of a paediatric ward which was started and left at foundation level.
- The public has no information on the allocations of annual GoK budgets to the various departments at district level.
- There are a lot of unemployed youth in the district, yet there is corruption in the employment of government officers.
- The values of GoK tenders and allocations for projects in the district are unknown to the public. Although records in government departments show that funds have been expended for de-siltation of dams or repairing roads, this is not reflected on the ground. The cause of this discrepancy is corruption.
- It was alleged that relief food is inadequate and not properly distributed.
- Drugs which should be dispensed free of charge, such as for malaria, are sold to patients upon referral by health officers to specified chemists. Doctors from the district hospital give prescriptions to buy meningitis drugs from their private pharmacies at a cost of Ksh 6,000.
- Youth cannot be recruited into the army or police force unless they give bribes.
- It was claimed that road contractors charge up Ksh 3 to 4 million for a culvert.
- It was alleged that timber from the Kirisia Forest is still being sold. However, the magistrate explained that after cases were settled in court, timber and posts that had been impounded were surrendered to the Chief Conservatoire of forests.
- There is duplication of financing for projects between Arid lands, CDF and LATF funds. Members of the CDC are relatives and friends of the local MP.
- Police are known to victimize those who do not offer them bribes when arrested.
- The awarding of GoK tenders is not done transparently because only contractors and officers understand the process.

- Forest guards, AP's and Chiefs demand bribes so as to release suspects who they found they found burning charcoal in the forests. Confiscated timber is illegally sold by GoK officers.
- Briefcase NGO's and CBO's pocket cash meant for development projects.
- Brewers of illicit brew pay protection fees to chiefs and police to forbear prosecution.
- In many cases, rape suspects are released without charge.
- It was reported that in Maralal there is a saying about corruption amongst public officers that 'if you want to build a storey house find your way to Samburu'.
- It was alleged that many hardware stores, clinics and pharmacies are owned by civil servants.
- Clinical officers are said to be operating their own clinics in town, and refer patients to their own facilities, paralysing services at the district hospital.
- It was alleged that there are no locals employed as unskilled workers in GoK departments, but that heads of departments push for employment of their relatives to these positions.
- A student alleged that education officers operate bookshops, trade with government, and divert funds for Free Primary Education. He reported one case in particular, but the CID released information to the suspects, and now he is being sued for defamation.
- It was reported that some NGOs incite the local communities to fight so as to perpetuate insecurity in the region, then continue receiving monies in the name of conflict resolution in Samburu.
- Bursaries are given to those who do not deserve or are know to the DEO and others to teachers' children.
- During the subdivision of group ranches, people from Nairobi were allocated plots at the exclusion of deserving people. He sited a case in which a retired under secretary was given 108 acres and the same person has taken 20 acres of Samburu county council land. All this is contained in the Ndungu Report.
- Police collect protection fee from illicit brewers. The illicit brew once killed a person and a CID officer took a bribe of Ksh. 40,000/= and the matter ended there.

Recommendations:

- An understanding of the cultural aspects of the Samburu is crucial in determining effective interventions.
- There is need for more incentive to public officers deployed in hardship areas.
- Advocacy programmes should be implemented in the district to help the locals understand that cattle rustling is a form of theft and therefore is contrary to their cultural beliefs.
- A Civilian Oversight Committee will be welcome in the district.
- The police and security teams in the district need to be better equipped, including the provision of serviceable helicopters (to be used in conjunction with neighbouring districts) and a full complementary budget to ensure rapid response to security alerts.
- DO's and chiefs whose divisions/locations are found to harbour stolen livestock must be held accountable. The government must make additional efforts to ensure that stolen livestock is returned and the perpetrators handed much more severe sentences when found.
- Terms for cash bail should be predetermined to present suspects negotiating for a lower amount.
- GoK procedures and systems at the district departmental level be simplified and harmonized to seal loopholes for corruption.
- There is need for regular public forums where the public can express themselves and also receive information on government initiatives in the district on a continuous basis.
- There is need for NACCSC to set up anti corruption campaign committee offices at grassroot/district level.
- There should be a deliberate move away from the provision of famine relief to empowering the locals to find alternative means of feeding themselves such as agriculture and trade. These can be boosted by GoK interventions including the sinking of boreholes to yield water for irrigation and the construction of abattoirs to utilise the livestock reserves in the district, as well as the introduction of exotic breeds to improve yield.
- Many of the roads are in need of complete rebuilding such as the crucial Rumuruti Maralal Road. Additionally the Ministry of

Public works through the DC's office should publicise all the funds the district receives for roads to enhance accountability.

- Public officers who have overstayed in the district should be transferred.
- There must be a way devised to inform the public of the amount of funds that are availed to NGO's/CBO's operating in the district. Projects should be open to the monitoring groups formed by civil society. In particular NGO's dealing with conflict resolution need stricter supervision because of the sensitivity nature of the task. Donor funds could be put in a common basket in order to make sure money went to viable causes and to stem duplication of projects.
- Police Act cap. 84 should be revived with regard to the relation between the OCDP and OCS.
- The GoK must ensure that environmental programmes run by GoK and/or donors have a real impact in the district. The district has the largest forest cover of any in Kenya, in particular the Kirisia Forest.
- A deliberate public awareness drive is needed about issues relating to early marriages and the importance of education. The GoK should look into the setting up of special courts and training of magistrates to deal specifically with issues of the girl child.
- Better monitoring and evaluation of all devolved funds is needed.
- The GoK should immediately put into place policy and the attendant budget to open up the Suguta Valley, including the building of roads and an improved telecommunications structure.
- The government should look into ways of giving the educated Samburu a chance to serve in the provincial administration and be deployed to their home district.
- There should be more emphasis on transparency in procurement, especially taking into account illiteracy levels are high.

OVERARCHING RECOMMENDATION FOR THE NORTHERN DISTRICTS:

Proposal to Government of Kenya to set up a 'Special Committee' for conflict resolution for North Eastern and Eastern Provinces (West Pokot, Baringo, Trans Nzoia, Marsabit, Moyale, Garissa, Ijaara and Samburu)

(Or as alternative increase the mandate of the National Anti Corruption Campaign Steering Committee to do so). A proposal of the National Anti Corruption Campaign Steering Committee

Rationale:

The National Anti Corruption Steering Committee as part of their mandate have toured these areas and spoken at length with both members of Civil Society, Civic leaders and Heads of Departments including the respective Provincial and District Commissioners.

In specific areas of the northern and eastern regions of the country, namely parts of Turkana, Marsabit, Moyale, Mandera, West Pokot, Baringo Samburu and Ijaara, there have been years of insecurity and thousands of conflict-related deaths. We have in the last year heard accounts of heart-rending tragedies that regularly occur in these areas. In addition to the life of hardship, which often involves surviving on relief food, there is an incessant struggle to find water, problems with transport on a severely dilapidated infrastructure and the constant fear of attack. More often than not, the victims are the innocent women and children as in the case of the Turbi attack. On several occasions GoK have also lost personnel in battles with hostile communities. Hundreds of millions of shillings have been spent on efforts to bring peace among these communities but the results have been poor and inconsistent. Development in the areas is impaired because of fear of certain areas or people and the understood reluctance of GoK officials to be transferred to these regions because of the attendant dangers and hardships.

To date, roads between Isiolo and Marsabit, Marsabit and Moyale, Rumuruti to Samburu, Kitale to Lodwar, Lodwar to Lokichoggio, Garissa to Wajir and Mandera are still on and off, no go zones. In several areas even where police escort is mandatory, insecurity incidents occur. Understandably the vehicles that ply these roads are in terrible condition and it is impossible for vehicle owners to maintain their vehicles to required standards on such poor quality roads. It is simply impossible to enforce safety regulations. In particular lorries carry passengers as well as cargo and livestock in

the most precarious of conditions. When it rains, roads become impassable and people with their families, women and children may sleep on the road for days. Coupled with this is the abject poverty in the regions that makes living a normal life in which the basic necessities can be provided for on a day-to-day basis literally impossible for many. As such it is extremely difficult to campaign against corruption in these areas while failing to address the plight of the people. The harsh conditions contribute greatly to the corrupt practises we came to learn of.

These challenges, in our opinion, have created an invisible but very true line between the Kenya 'we know' and what many in these regions refer to as 'Kenya 2'. In actual fact these people are only Kenyan in name as they are denied the right to health, education and the God-given basic right to a productive life by factors beyond their control. This is the height of corruption considering that they are not only citizens, but taxpayers like everyone else in Kenya.

We have therefore decided to make a specific appeal to the GoK to institute a far-reaching committee to:

- Examine and detail the pre and post independence history of these conflicts.
- Examine reasons underlying the conflicts and how to bring them to the attention of the whole country.
- Report concisely on the status of the current conflicts in these regions and their current causes.
- Examine the specific role of politicians past and present from these areas and the possibility of their fuelling the conflicts for political gain.
- Explore the responsibility of GoK to the citizens of these regions.
- Identify the role of GoK in bringing these conflicts to a permanent end.
- Carry out a far reaching vetting programme of all the NGO's operating in these districts and determine their real impact on the ground vis-à-vis the funds they receive.
- Conduct studies into the economic potential of the areas with regard to geological features, the absence and or lack of exploitable minerals, the potential for irrigation and cultivation, ranching and tourism.

- Identify the role of the provincial administration in bringing a permanent end to these conflicts.
 1. The role of the Police Force
 2. The role of the Administration Police
 3. The role of the Army.
 4. The role of the General Service Unit.
 5. The role of the National Security Intelligence Services.
- Evaluate how these roles can be synchronised and enhanced.

Further to this the GoK should take note that most of the areas mentioned are border areas with the same communities living on both sides of the border.

As a result, the Ministry of Foreign Affairs and the Department of Defence should also be key partners in this initiative.

The committee should then, in conjunction with experts on conflict resolution develop a Ten-Year plan to resolve the specific issues of conflict between the warring tribes, clans and communities. This should include recommendations on how to:

- Ensure access to pasture and watering points for the pastoralists from these areas at all times and in particular during times of drought.
- Improve infrastructure, in particular roads and communications in the mentioned areas.
- Instigate a paradigm shift for the peoples of these areas with regard to looking at alternative ways of providing for themselves and their families.
- Improve the reach, facilities and standards of education in the areas mentioned.
- Address the proliferation of weapons in the area and their easy access from neighbouring countries.
- Develop a mechanism for staggered disarmament of and/or strategic licensing of firearm holders in these areas
- Improve the security in the area and establish permanent Army/GSU outposts in selected areas.

- Create and disburse a GoK fund specifically to implement the above, which will be open multi-sectoral donors and conflict resolution agencies alike.
- Reduce the negative perception the average Kenyan has of these areas and the peoples who inhabit them.