

NEW KENYAN GOVERNMENT MUST END CORRUPTION, SAYS FORMER U.S. AMBASSADOR
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Washington: The United States has always viewed Kenya as one of the most important countries in Africa, vital to our national interests in the region, but it has been marred by pervasive corruption within government and society in general, said former U.S. Ambassador to Ethiopia David H. Shinn.

During his address entitled "Can Kenya move Beyond Corruption and Client-Patron Politics?" at a February 11 conference sponsored by the Department of State's Bureau of Intelligence and Research "Kenya: The Road Ahead," Amb. Shinn said the election of a new president and parliament offers a unique opportunity for Kenya to end this trend, though much needs to be done to combat this longstanding problem. The result will have both internal and international repercussions for the country, he implied.

"There are essentially three kinds of corruption in Kenya: petty, grand and looting," said Shinn.

Petty corruption is so widespread that many Kenyans do not believe it is wrong, he said, but, although it is small-scale, it serves to "undermine democracy." Usually it is minor government officials and law enforcement officials who perpetrate acts of petty corruption, but senior government officials are involved in grand corruption. Those officials, said Shinn, accept bribes of tens of thousands of dollars but, in general, do perform the service they have been paid to provide.

Looting, though, is where all African nations face the worst problems. "Looting involves scams whose monetary figures are so large that they have macroeconomic implications for the country," the ambassador said. It can "cause banks to collapse, inflation to rise and the exchange rate to decline. It tends to be cannibalistic, consuming the state that permitted it to occur." Fortunately, he said, Kenya has generally been able to avoid the scourge of looting.

However, in a 2002 Corruption Perception Index prepared by Transparency International, a non-governmental organization (NGO) devoted to fighting corruption within government and headquartered in Berlin, Kenya ranked 96th out of 102 countries. Shinn indicated that Kenya has been near the bottom of the rankings for years, with little improvement.

Transparency International has also done surveys on bribery in Kenya in particular. After interviews with 2,321 Kenyans, the NGO estimated that "average citizens paid \$175 million to obtain access to government services," said Shinn. "If corruption ended, Transparency International estimates Kenyan salaries would increase by 30%." Though these surveys might "exaggerate" the amount paid in bribes, he said, "it is clear that the situation in Kenya is totally out of control."

Despite the rankings, the government of previous President Daniel Moi did attempt to fight the corruption issue, said Shinn. In 1997, it formed the Kenya Anti-Corruption Authority (KACA) in an effort to achieve "zero-tolerance" for corruption. KACA's prime objectives were to enforce laws against corruption, prevent corruption and promote public education about corruption.

Unfortunately, according to the diplomat, a tribunal of High Court judges declared KACA illegal in 2001. A police anti-graft unit was formed to pick up where KACA left off, but has "accomplished very little," said the ambassador.

Patron-client politics tie into the problem of corruption, said Shinn, which is prevalent throughout most of Africa. Land is one of the key resources caught up in this patron-client relationship, and Kenyan officials have frequently accrued large tracts of land for personal gain, said the ambassador.

Experts on corruption say the solution is more than simple enforcement. Shinn said the overall strategy must "be one of prevention, followed by prosecution and punishment in supporting roles."

Transparency International lists several keys to an effective anti-corruption program: political leaders must show a commitment to eradicating corruption, adopt "comprehensive anti-corruption legislation" and see that enforcement is carried out by an independent agency with the necessary integrity. It is also essential that the salaries for civil servants be comparable to those in the private sector for similar work.

Under the leadership of newly-elected President Mwai Kibaki, the Kenyan government has pledged to fight corruption, and Shinn views this as a critical first step in the process. Kibaki's administration immediately created a new organization, the Kenya Anti-Corruption Commission (KACC), to replace the eviscerated KACA. Various groups under the umbrella of the KACC will monitor the public service sectors like the military, intelligence community and finance. The KACC has already published the Anti-Corruption and Economic Crimes Bill, said Shinn, which lays out the rules under which the KACC will operate, and the Public Officer Ethics Bill, which requires elected officials and senior civil servants to declare their wealth. "So far, so good, but now the hard part begins," said Shinn.

In an interview with the Internet news service AllAfrica.com just before the last election, Permanent Secretary in the Office of the President for Governance and Ethics John Githongo said, "Corruption in Kenya is systemic, it's endemic. It affects every institution. And at the lowest levels, the simplest corruption is not seen as wrong in the eyes of most Kenyans." Githongo and Shinn agree that the most important issue facing Kenya is corruption, and that Kenyans need to hold their elected officials to high standards and force them to carry out their promises.

Shinn and Githongo believe Kibaki will be able to disrupt the corruption networks in the initial months of his term, but the networks will make every attempt to reorganize within a year's time. Shinn also sees Kibaki's declaration that he would not seek reelection in 2007 as a positive; "it should allow him to be more aggressive in the anticorruption fight."

Because corruption is so embedded in Kenyan society, it will be hard to eradicate it completely, said Shinn. In addition, the economic costs of containing it would be staggering for a developing nation. However, Shinn is optimistic that progress can be made. "Although there are enormous obstacles to confronting corruption in Kenya, this is the best opportunity since Kenyan independence to make serious progress."

Shinn thinks the United States and other donor nations should offer assistance and training to improve key civil institutions like the police, judiciary and finance systems. The International Monetary Fund (IMF) and the World Bank can also assist after negotiating manageable standards for Kenya to meet.

"The challenge is huge, but the time is now," Shinn concluded. "This may be the last opportunity to confront seriously the issue of corruption in Kenya for many years to come."

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