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Joint Statement—Kenya-United States Joint Commitment To Promote Good Governance and Anti-Corruption Efforts in Kenya

July 25, 2015

The Government of the Republic of Kenya (Government of Kenya) and the Government of the United States of America (U.S. Government), hereinafter referred to as the "two Governments,"

Recognizing the shared values and aspirations of our people for a government based on the essential values of democracy, rule of law, integrity and good governance;

Acknowledging that the two Governments have implemented over time a series of reforms geared towards improving governance, transparency and accountability in the management of public affairs;

Committing ourselves to these pledges, and to being accountable to our respective citizens, constitutions and laws;

Welcoming His Excellency President Kenyatta's stated commitment to reinvigorating a national campaign on good governance and anti-corruption, and his call to action in his State of the Nation Address on 26th March 2015.

Therefore commit as follows:

1. The two Governments reaffirm their shared objectives to improve governance by increasing transparency and accountability in Government, and commit to work together to combat corruption in Kenya. The two Governments plan to meet quarterly to review progress in implementing these commitments.

2. The two Governments intend to deepen our partnership to reduce corruption by focusing on four action areas:

I. Entrenching Good Governance and Combating Corruption

a. Deepening Partnerships for Good Governance

3. The Government of Kenya commits to continue with the momentum to combat corruption and advance good governance. The Government of Kenya commits to use its annual national engagement on anti-corruption to engage with all stakeholders to further a national agenda on governance and integrity, and to identify clear, workable, and measurable targets to reduce corruption, and review progress made on these targets.

4. The U.S. Government intends to work with like-minded partners to coordinate and maintain momentum in support of Kenya's anti-corruption efforts, and to promote the incorporation of anti-corruption efforts in existing donor coordination mechanisms focused on governance. The United States plans to work with the local American Chamber of Commerce to encourage them to establish a similar group for U.S. businesses investing in Kenya and domestic Kenyan businesses.

b. Institutionalizing Integrity and Anti-Corruption Mechanisms in all Facets of Government

5. The Government of Kenya commits to reinvigorate and expand as well as launch new national civic awareness and education programs for schools across the country by incorporating civic education and ethics in school curricula, and develop national public awareness campaigns.

6. The Government of Kenya commits to introduce compulsory ethics training for all public officials across all levels of government, and the National Anti-Corruption Steering Committee is to commence execution of this program within three months. This Committee, with support from accountability bodies, intends to create synergies among service delivery agencies and professional regulatory bodies to develop professional cadres within the civil service. The Committee also commits to support the development of a Code, or Codes, of Conduct for the civil service, with clear disciplinary penalties, to complement civil or criminal anti-corruption laws; delivering effective mandated ethics training as well as providing on-demand ethics advice and counseling through an ethics office or offices; and creating a system to gather lessons learned across agencies in order to enhance these programs. The Government of Kenya intends to fully enforce the recently launched Code of Governance (Mwongozo) for State Corporations to institutionalize good governance, efficiency, transparency and accountability in the discharge of state corporations' mandates. The Government of Kenya plans to encourage county governments to adopt these same best practices.

7. To support Kenya's new compulsory ethics training program, the U.S. Government is prepared to assist the Government of Kenya in the development of ethics training curriculum, including through a series of consultations and mentorship opportunities.

8. The Government of Kenya, in consultation with all stakeholders, commits to review the financial and asset disclosure filings currently required by law, and to share them as necessary with the anti-economic-crime enforcement agencies, and to enable appropriate public access while taking into account constitutional and legal requirements for confidentiality and privacy. The Government of Kenya also seeks to review and strengthen the mechanisms and structures it employs to compensate public officials with the goal of reducing corruption and abuse of the government pay system, while also prioritizing recognition and support for exemplary public service in order to ensure that an enabling environment that recognizes effort, hard work and dedication is established.

9. The Government of Kenya plans to work toward joining the Egmont Group, a network of financial intelligence units (FIUs) that regularly meets to promote the development of FIUs and to cooperate, especially in the areas of information exchange, training and the sharing of expertise on money laundering and terrorist financing cases. The U.S. Government commits to support Kenya's efforts to join the Egmont Group and to work with the Government of Kenya in meeting the requirements for membership.

10. The Government of Kenya also commits to work with the World Bank to conduct a full risk assessment for money laundering and terrorism finance and to work with development partners to facilitate the full implementation of its new anti-money laundering rules and regulations within the Financial Action Taskforce (FATF) framework and to enforce the Act among all risk sectors and actors as appropriate.

11. The U.S. Government commits to provide best practices and advice on Kenya's anti-corruption legislation, including supporting the Kenyan Attorney General's interagency taskforce review of anti-corruption laws and policies for possible revisions to strengthen them.

II. Implementing and Reinforcing International Anti-corruption Initiatives and Standards

12. The Government of Kenya intends to join the Partnership on Illicit Finance (PIF) announced at the U.S.-Africa Leaders Summit, and the commitments included in this pledge constitute elements of its action plan under the PIF.

13. The two Governments believe that civil society should play a significant role in the review mechanism for the UN Convention Against Corruption (UNCAC), as well as UNCAC's mechanisms on asset recovery and prevention of transfers of proceeds of crime. The two Governments also commit to fully implementing the UNCAC, to conducting a transparent evaluation process under the UNCAC that includes all stakeholders, especially civil society, and to publish our UNCAC reviews.

14. The two Governments share a commitment to transparency in decision-making and financial flows related to the extractive industries, and intend to work collaboratively with all stakeholders to make this information publicly accessible and usable. The Government of Kenya commits to implementing the Extractive Industries Transparency Initiative (EITI) domestically and to identifying and enabling an EITI implementation focal point within the government within six months. The Government of Kenya also commits to adopt and implement a progressive and transparent policy and legislative framework for upstream, mid-stream, and downstream extractive activities, including transparency in licensing procedures, publication of contracts, and environmental and conservation and labor requirements in line with international standards.

15. The United States is an EITI implementing country, and pledges to share its EITI experience with stakeholders in Kenya, including through exchanges of information between the United States and Kenyan governments and reciprocal visits to Washington and Nairobi, and via support to help local governments and civil society strengthen their understanding of EITI.

16. The Government of Kenya commits to release its second Open Government Partnership (OGP) National Action Plan within six months and to fully implement the commitments made in it. The Government of Kenya plans to link the OGP framework to its established multi-stakeholder governance working group mechanism to widen ownership, enhance drive, and ensure a participatory and inclusive OGP process.

17. The Government of Kenya is planning to complete a new African Peer Review Mechanism (APRM) review based on a round of wide public consultation and a public self-assessment report.

III. Expanding the Use of Technology to Reduce Opportunities for Corruption

18. The Government of Kenya commits to leveraging technology to reduce or eradicate opportunities for corruption. The Government commits to finalizing the Government's complaints and corruption reporting web portal for citizen use by December 2015, and to publishing the data regarding the complaints it receives on this and other corruption-reporting websites, broken down by sector and geographic area, along with its response. The Government of Kenya commits to deepen ongoing interventions, such as progressively moving all in-bound government payments onto the Government Digital ePayments Platform, and widening the use of the i-Tax and Single Window platforms. At the same time, the Government of Kenya plans to fast track the rollout of digitization of government services

under eGovernment to complement the ongoing ePayment program. The Government of Kenya commits to complete the digitization of lands, births, and death records by July 2016, and prioritize business registration records together with other high demanded public records starting August 2016. The Government commits to further enhance its efforts under the Integrated Financial Management Information System program towards full integration of all government financial systems, and to augment the audit and security components to guarantee the system's integrity. The Government commits to consult widely on the development of these various digital programs.

19. The Government of Kenya has committed to expanding its program to transparently utilize eProcurement systems to eliminate corruption in the awarding of contracts and licenses, and commits to finalizing its transition to eProcurement by June 2016. The Government of Kenya also commits to overhaul its whistleblower legislation.

20. The U.S. Government pledges, by the end of 2015, to undertake a scoping mission to evaluate the potential to provide assistance in Kenya under the Global Procurement Initiative, and to explore providing grant assistance to support the implementation of eGovernment systems. The U.S. Government plans to work with the Government of Kenya to seek suitable partnerships with international institutions to support this agenda.

21. In order to target corruption in the transportation sector, Kenya is rolling out an enhanced coordinated port operations program under the Border Control and Operations Coordination Committee to coordinate efforts that will lead to increased efficiency and transparency in customs and clearance procedures.

22. The U.S. Government plans to host a senior Kenyan delegation in Washington to discuss best practices in port management, and pledges to provide assistance to help improve port procedures, building on existing efforts. The U.S. Government also plans to incorporate anti-corruption modules into upcoming Reverse Trade Missions and other U.S. visits. In addition, the United States commits to work with the Government of Kenya to explore the possibility of developing a Cargo Targeting System (CTS) in order to receive electronic cargo manifest data from shipping lines to target high-risk shipments based on risk profiles.

IV. Ensuring Accountability for Corruption and Mismanagement

23. The Government of Kenya will sustain its commitment to conduct thorough investigations into corruption cases and, where investigations adduce sufficient evidence, to professionally prosecute such corruption cases, including cases recommended by the Ethics and Anti-Corruption Commission (EACC).

24. The Government of Kenya recognizes and affirms the value of independent oversight bodies such as the EACC, the Public Procurement Oversight Authority, and the Independent Policing Oversight Authority. The Government of Kenya commits to comprehensively and progressively build the capacity of, and increasingly resource, these and all frontline agencies in the fight against corruption. This includes strengthening the capacity for forensic investigation and analysis.

25. The U.S. Government commits to aid in strengthening the capacity of a designated agency within the Government of Kenya to fight transnational crimes and to enable the agency to partner effectively with the U.S. Government to investigate corruption associated with wildlife trafficking, drug smuggling, money laundering, and other cross-border criminal activities. By late 2015, the U.S. Government also plans to provide technical assistance to the

Independent Policing Oversight Authority, the National Police Service Commission, and the National Police Service's Internal Affairs Unit to help them enhance police accountability.

26. The Government of Kenya commits to accelerate work to strengthen the capacity of the Financial Reporting Centre (FRC) and Central Bank of Kenya to track illicit financial flows, including outfitting the FRC with the requisite platform to run anti-money laundering software, and welcomes U.S. Government assistance to do so. The U.S. Government pledges to provide best practices and advice to Kenya's FRC, including by conducting an Analyst Exchange workshop in Nairobi in late 2015 to augment the knowledge of the FRC's cadre of analysis experts, and to evaluate possible additional engagement. The United States also pledges to procure software for the FRC to improve the analysis of suspicious transactions and better communicate with other countries' FRCs once the requisite platform is in place. At the request of the FRC for a comprehensive Anti-Money Laundering/Countering the Financing of Terrorism technical assistance program, the U. S. Government commits to conduct an in-country assessment to determine the feasibility of such an engagement.

27. The respective Central Authorities for the Government of Kenya (the Office of the Attorney General) and the U.S. Government (the Department of Justice, Office of International Affairs) pledge to meet to discuss best practices and to improve bilateral cooperation in criminal cases, with a focus on mutual legal assistance and extradition. The Government of Kenya pledges to review and expand its mutual legal assistance framework and partnership with key strategic countries. This work would especially target enabling asset seizures and recovery, detection and investigations, and arrests and prosecutions.

28. The U.S. Government pledges to continue to work with the Government of Kenya on individual criminal cases of mutual interest and to share available information on illicit finance and individuals and entities involved in money laundering and terror financing with appropriate Kenyan ministries and agencies, as appropriate. The two Governments recognize that taking these steps can enhance the ability of both countries to investigate, apprehend and successfully prosecute persons suspected of corruption-related crimes.

29. The activities in this commitment are to be implemented consistent with our respective constitutions and laws.

NOTE: The joint statement referred to Attorney General Githu Muigai of Kenya. An original was not available for verification of the content of this joint statement.

Categories: Joint Statements : Kenya-U.S. Joint Commitment To Promote Good Governance and Anti-Corruption Efforts in Kenya.

Names: Kenyatta, Uhuru; Muigai, Githu.

Subjects: Foreign policy, U.S. : Open government and transparency, promotion efforts; Kenya : Attorney General; Kenya : Education, strengthening efforts; Kenya : Government accountability and transparency, strengthening efforts; Kenya : President; Kenya : Relations with U.S.; Law enforcement and crime : Transnational criminal organizations; Open Government Partnership; Terrorism : Counterterrorism efforts; United Nations : Corruption, U.N. Convention against; World Bank.

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