

Kenya Country Statement at the London Anti-Corruption Summit

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[Salutations]

On behalf of the Government of the Republic of Kenya, I extend my sincere gratitude to the Government of the United Kingdom for inviting us to this important Summit and for the warm welcome and gracious hospitality we have enjoyed since our arrival. More importantly, we laud the recognition and profiling of the anti-corruption agenda to an even higher global ideal through the convening of this distinguished assembly and the setting of specific commitments to guide our future interventions.

Hon. Prime Minister,

Ladies and gentlemen,

1. Many years ago in this very building, Kenya negotiated an agreement that recognized her independence and signified an end to the long drawn clamor for self-rule. It was here that our first constitution was hammered out – the foremost guiding document that formed the cornerstone of our young Republic. I am therefore proud to join you in this historic building, and prouder still to associate with this distinguished assembly to deliberate and affirm our commitment to the fight against corruption.

Hon. Prime Minister,

Ladies and Gentlemen,

2. Kenya has come a long way in its fight against corruption. As the first country to sign and ratify the UN Convention on Corruption, the country has been under an extra juridical obligation to pave the way in terms of its implementation. In the 1990s a raft of economic governance reforms targeting removing price and foreign exchange controls and import and export reforms paved the way for the formation of the first generation Anti Corruption Commission. These reforms removed what was then a problematic policy regime that created a ripe environment for corruption especially for the business community. Beyond that, since the year 2003, the country has undertaken robust anti-corruption legislative reforms; reconstituted relevant law enforcement institutions; enhanced the requisite human and financial capacities; bolstered the effectiveness of the Judiciary; and submitted ourselves to peer review and special mechanisms under various international instruments.
3. Though deliberate and decisive, these anti-corruption initiatives still require better coordination, resourcing and competency building for us to achieve the desired results.
4. This has necessitated the current Government's recent re-engineering of its strategies, mechanisms and tools for fighting corruption. Through firm leadership resolve, we as a country have confronted this vice individually and collectively, and re-energised our efforts towards full and effective implementation of our anti-corruption arsenal.
5. In recognition of the critical role of coordinated action, a Multi-Agency approach has been adopted, innovatively bringing together investigation and prosecution, tax administration, asset tracing and recovery under one cohesive framework. Consequently, in the last one

year alone, we have unprecedented numbers of persons arraigned in court to answer to various charges of corruption and economic crime. These include cases involving senior public officials as well as private individuals complicit in corruption incidences.

6. Further, corruption was declared a national security threat, and the National Security Advisory Committee added corruption, particularly that which impacts security, in its agenda and advise to the National Security Council. These interventions still have a way to go before the fruits of our labour bear exponential fruit, but we are confident that this optimistic start will deliver upon the promise.
7. As such, this Summit's focus on issues of ultimate beneficial ownership and enhanced standards for professional services resonate well with Kenya's new anti-corruption trajectory. Indeed, we have recently enacted new Company laws that incorporate beneficial ownership disclosure requirements. At the same time we are enhancing regulatory reforms targeting private sector corruption in line with UNCAC and OECD anti-bribery legislation. Our transformative Constitution is the bedrock of this enterprise, entrenching the principles of transparency and accountability in a robust manner, and requiring that public participation and open government is secured in line with some of the Summit's target areas.

Hon. Prime Minister,

Ladies and Gentlemen,

8. As we embark in these reforms, we have seen the expansion of new havens that are now attractive to the corrupt, and which hold, clean and trade in proceeds of crime. The commitments of this Summit must seek to address this emerging trend, and seek to restrain the legislative, policy and political strategies that encourage their growth.
9. We are particularly pleased with the Summit's focus on corruption in international sports management. As a proud sporting nation, we have seen the infiltration of rogue agents and other practitioners whose unsavory conduct and unfettered greed has impacted upon our athletes and threatened to dent our long standing reputation. Kenya welcomes the proposal to strengthen openness and improved governance in this sector. We however call for an expansion of the standards and sanctions to cover sports agents and health practitioners in this regard.
10. We are also pleased that the Summit has championed behavioral change as a foundation that forms the basic ethos for combating corruption and its ills. We believe that this is the most difficult, yet the most important pursuit in the anti-corruption crusade. Indeed, from our African perspective, we are of the strong conviction that corruption is fueled by the discarding of age-old customs and values instilled by our forefathers which were responsible for shaping people into individuals of integrity who abhorred all that was wrong, unjust, and unfair.
11. Today, we tolerate those who we suspect of being beneficiaries of illicit gain. We invite them to our celebrations and recognize their achievements. We admire their ability to manipulate systems and circumvent process. We consider them shrewd, outgoing, and gifted. We have normalized the abnormal.
12. Consequently, our anti-corruption prevention interventions have deliberately sought to nurture and reignite the social fabric of our African culture that revered values and integrity. We have recognized the critical need to have our fundamental grounding and national soul

as a country re-energized towards shared values and ethics such as integrity, fairness, honesty, excellence, respect and discipline.

13. We look forward to enhanced technical support and engagement in genuine partnership to achieve these ends.

Hon. Prime Minister

Ladies and Gentlemen,

14. This Summit is set to be one of the defining moments in the war against corruption. We will look back at this Summit as the point where the collective experiences, knowledge and synergies of our global efforts came to bear. As a result of the cooperative framework we have acceded to today, we shall have ensured that there are no more safe havens for the corrupt, no more facilitative jurisdictions processing proceeds of crime; no more shadow company transactions, and no more abuse of professional privilege.

Ladies and gentlemen, there is no silver bullet for stamping out corruption. Rather, it is the sum of the various approaches that makes up the ethical infrastructure that we must all reaffirm commitment to preserving.

Consequently, we commit and undertake to:

1. In regard to exposing corruption

- a) Kenya will take measures in line with her new Companies regulatory framework to establish public central registers of company beneficial ownership information.
- b) Kenya commits to ensuring that international and domestic law enforcement agencies have full and effective access to beneficial ownership information for companies and other legal entities registered within their jurisdiction.
- c) Kenya welcomes the establishment of transparent central registers of foreign and local companies bidding on public contracts and buying property, and will pursue options for taking similar action.
- d) Kenya commits to deploying public-private information sharing partnerships to bring together governments, law enforcement, regulators and the financial sector to detect, prevent and disrupt money laundering linked to corruption.
- e) Kenya will enhance mechanisms for implementation of Open Governance initiatives.
- f) We commit to work together to enhance company disclosure, complementing ongoing work within the EITI. Reporting progress via the Open Government Partnership or EITI working groups, we will explore the scope for a common global reporting standard, and work together to build a common understanding and strengthen the evidence for transparency in this area.

- g) Kenya being a signatory to the Global Forum on transparency and Exchange of Information for Tax and the Addis Tax Initiative, reiterates its support for the tenets of these initiatives and continued commitment to their adherence.
- h) Kenya commits to reviewing penalties and other action against professional enablers of tax evasion, including corporations that fail to prevent their employees from facilitating tax evasion.
- i) Kenya welcomes the initiative of developing a global commitment for country by country reporting on tax information for large multinational enterprises

2. In respect to punishing the corrupt and supporting those who have suffered from corruption

- a) Kenya commits to establishing accessible central databases of companies and individuals convicted of bribery and corrupt practices and to exploring ways of sharing information on corrupt bidders across borders.
- b) Kenya commits to strengthening her asset recovery legislation and to strengthening capacities to undertake civil assets recovery.
- c) Kenya supports the development of internationally-endorsed guidelines for the transparent and accountable management of returned stolen assets.
- d) Kenya supports the development of common principles governing the payment of compensation to the countries affected, to ensure that such payments are made safely, fairly and in a transparent manner.

3. In regard to driving out the culture of corruption, wherever it exists

- a) Kenya commits to participating in the initiatives to enhance the governance, transparency and integrity of international sport including the establishment of the International Sport Integrity Partnership.
- b) Kenya commits to the creation of international networks among the various professionals in public and private sectors including twinning arrangements, practitioner exchange and peer to peer learning.
- c) Kenya commits to participating in an Innovation Hub that will facilitate the uptake of new approaches and technologies to tackle corruption.
- d) Kenya will work with others stakeholders to support accelerated implementation of the voluntary provisions of the UN Convention Against Corruption.

- e) Kenya supports the setting up of international mechanisms, to facilitate better coordination of anti-corruption law enforcement efforts and welcomes the establishment of an International Anti-Corruption Law Enforcement Coordination Centre and will work closely and cooperate with it and relevant international organizations. To that end, Kenya offers to host the African Anti-Corruption Law Enforcement Coordination Centre.