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New Anti-Corruption Governments:  
The Challenge of Delivery  
Nairobi, 12 - 13 October 2004

## **STAKEHOLDER GROUPS RECOMMENDATIONS**

### **Stakeholder Group 1: Parliament**

Chair: Hon. Uhuru Kenyatta

#### **Recommendations**

1. There is need for constitutional provisions to entrench the principle of separation of powers to give parliament more autonomy, independence in its oversight, representation and legislative roles.
2. Establishment of parliamentary committees to rein in government especially in procurement processes and provide effective checks to the executive.
3. Building capacity of legislators to enhance their understanding of corruption related to corruption issues.
4. Strengthening networking capacities among MPs, regional and international bodies against corruption such as APNAC, GOPAC, LAPAC and UN.
5. Ratification and domestication of international instruments and declarations against corruption.
6. Parliament should enact a framework of monitoring, evaluation of public institutions and assess their performance.
7. There is need to put in place mechanisms to ensure that parliament and legislators accountable to the electorate.
8. Fair and responsive electoral system and thus must be explored alongside electoral reforms and laws.
9. Code of conduct for parliamentarians should be developed.

### **Stakeholder Group 2: The Executive**

Chair: John Githongo

#### **Recommendations**

##### *Credence*

1. Anti corruption efforts should be credible. They must be based on trust between the incoming regime and stakeholders - civil society, private sector, donors and the electorate.

2. Anti corruption efforts must be separated from politics. Criminal prosecution when pursued as a strategy must uphold the rule of law and refrain from political discretion and expediency.
3. Punishment must be based on investigation, prosecution and conviction of culprits by competent courts.
4. When officials in the new regime are tainted, they must step aside or be suspended for the duration of investigations.

#### *Judicial reform*

5. The new regime must pursue judicial reform as an early action.
6. The removal of judges must be followed by new appointments on the basis of clear publicized criteria and a transparent process.
7. Replacement of judicial officers should have the strategy of peer review coupled with generational change through incentives for early retirement and related options.

#### *Sustainability*

8. Sustainable anti corruption efforts will require government persistence even when there is no visible result political dividend.
9. Civil society, NGOs and independent media must exert continuing pressure in order to sustain government commitment to anti corruption efforts.
10. Anti corruption efforts must be sensitive to local needs and circumstances. Government should not copy anti corruption models and strategies from other countries blindly.
11. The government must exploit the earliest window of opportunity while still new in office, still united and enjoying public credibility and goodwill.

#### *Entry points*

12. The anti corruption effort should optimize regulation, rather than just remove regulation through privatization with the objective of removing rent seeking opportunities. For instance, the regulation can target unnecessary licensing rather than abolish licenses altogether.
13. Governmental anti corruption efforts should not be constrained or delimited to one department or ministry. Building integrity values and checks and balances should be the responsibility of multiple, diverse agencies, governmental and non governmental for optimal results.
14. Communication of initiatives and results must be given a premium. The new regime should provide greater support for freedom of information.

#### *Accountability*

15. Government must be ultimately accountable to the people for its anti-corruption efforts. The government should not be more accountable to donors than it is to the people.



### **Stakeholder Group 3: Judiciary and Anti-corruption/Law Enforcement Agencies**

Chair: Anna Bossman

#### **Recommendations**

1. There is need to exploit more critically the executive as the lead institution in fighting corruption.
2. Emphasis on political will as an agency for fighting corruption.
3. Reform of all programmes within the public sector is required.
4. There is need for establishment of a code of ethics.
5. Legal reform of existing legislation and encourage collaborative initiative of anti-corruption institutions.
6. There is need to cultivate methods of countering the absence of political will. (A strategic issue)
7. There is need to cautious management of information alleging corruption by officials.
8. There is need to investigate how anti-corruption institutions are frustrated.
9. There is need for transparency in recruitment within public institutions.
10. Follow-up of complaints should be taken seriously.

### **Stakeholder Group 4: Civil Society**

Chair: Rosa Ines Ospina

#### **Recommendations:**

1. Civil Society Organizations (CSOs) in a transition country should keep space for confrontation while collaborating cautiously.
2. Civil Society Organizations must maintain the fight against corruption within the larger framework of development issues such as poverty, inequality and other development goals.
3. Civil Society Organizations must understand the reality of the country in terms of how corruption manifests itself.
4. CSO's in transition environments must undertake a structural analysis of the state, private sector and the civil society itself.
5. There is need for constant self criticism and appraisal by CSOs.
6. The recognition of the diversity of civil society institutions is imperative and civil society institutions should work with each other while bearing this in mind.
7. The principal role of civil Society Organizations in fighting corruption is to understand, build and defend the public interest.
8. Civil Society in transition countries must keep reminding government on the observance of rule of law and building of institutions.
9. Civil society institutions must be realistic and develop means for working with governments that have both reformers and those resisting reforms.
10. Civil society must endeavor to work with grass roots in order to harness the will of the majority while undertaking their work.

11. Civil society institutions should keep in mind the international agenda because corruption has an international character.

## **Stakeholder Group 5: Media and Private Sector**

Chair: Soji Apampa

### **Recommendations**

1. Public sector should develop business code of ethics and clear procedures of enforcement.
2. Trans-national Corporations and other corporations should demand similar ethical standards from each other.
3. Private sector must realize its role in dealing with corruption towards zero tolerance.
4. Private sector, governments and the media should develop a national anti-corruption forum for collaboration.
5. Information sharing between private sector, government and media on recruitment, fraudulent claims and tenders is important.
6. The role of business in financing political parties should be clarified.
7. Donors should exert positive influence and collaborate with government.
8. Free, open and vibrant media is indispensable in fight against corruption.
9. Enact laws to protect the media and grant it right and duty to report corruption and access to government information.
10. Media ownership can be used to fight and undermine reforms.

## **Stakeholder Group 6: International Organizations and Donors**

Chair: Connie Freedman

### **Recommendations:**

1. Donors should be well informed about the political economy of the country to avoid making elementary but costly mistakes in their efforts to provide development assistance.
2. There is need for more donor coordination in their support to governments in transition.
3. Donors should have rapid response funds to enable them make quick decisions to assist the anti-corruption efforts of governments of governments in transition.
4. Donors should assist transition governments think through anti-corruption reform efforts and its sequencing. Example of IDRC research project that assisted key people in GOK think through anti-corruption efforts.
5. Donors need to support the capacity building of those fighting corruption.
6. Donor groups should assist in asset recovery by working with their governments in working in place legislative frameworks supporting asset recovery in their own countries.
7. Donors need to plan ahead of a transition and have clarity on mechanisms to support a government in transition before the transition occurs.
8. Donors need to carry out research to understand relationship between donor assistance and corruption i.e. how donor assistance encourages corruption.