



## Protect whistle-blowers

Story by

Justice and Constitutional Affairs minister Kiraitu Murungi says the Government will soon enact laws to protect whistle-blowers as part of its efforts to enhance the fight against corruption.

Mr Murungi was speaking on Friday in Nairobi, when two Kenyans, Mr David Munyakei and Police Constable Naftali Lagat, were honoured by Transparency International for helping to unearth what has become known as the Goldenberg scam.

The two beneficiaries of the TI award are happy that what they did many years ago has finally been recognised. Mr Munyakei and Mr Lagat have already testified at the ongoing Goldenberg Inquiry into the loss of billions of shillings from the Treasury in an export compensation scandal some 10 years ago. And in their hour of glory, both suggested that the Official Secrets Act be expanded to encompass whistle-blowers, and Mr Murungi agreed that it's a good idea.

Enacting such a law is, in fact, long overdue. It will protect such public-minded individuals who are often the target of retaliatory investigations, intimidation, harassment, demotion and or dismissal.

Mr Munyakei's story is a particularly good example of what happens to such people who are motivated by the public interest to protect the public good and why a law should be passed to protect them.

The former clerk with Central Bank of Kenya is now jobless. He lost his job after it was discovered that he had leaked the damning information to Opposition MPs.

For TI Kenya executive director Gladwell Otieno, what is quite significant is that the struggle against corruption began at the grassroots where the people were powerless. And Ms Otieno wants the ratification of the African Union Convention to facilitate the campaign against corruption while protecting those who risk everything to pass on the vital information.

A whistle-blower may be defined as a person who informs the government of fraudulent action by a company or corporation that is working under contract with a government agency; or as an employee who speaks out on perceived violations of law and regulations or on instances of gross mismanagement, waste or abuse by a member of their management team.

Other definitions include people who reveals suspected wrongdoing to the public, the government or to those in positions of authority. A free country requires an open government.

Along with the proposed whistle-blowing legislation, we believe that the Official Secrets Act should also reviewed and brought into the 21st century, recognising the need to promote more transparency in the conduct of public affairs.

As things stand, this piece of legislation seems to concentrate on the protection of official information, but ignores the natural other half of the argument - the need for more openness in the conduct of government affairs. It powerfully discourages leaks, but in doing so tends to aid the suppression of evidence of serious wrongdoing.

This clearly is not the way forward if we are going to fight graft at all levels. Any journalist who has tried to prise even the most mundane piece of information out of a government officials will testify that this law goes far beyond any reasonable effort to protect legitimate secrets. It is blind to distinctions between genuinely important secrets and those that serve to shield misconduct, block access to historical papers or deny Kenyans the chance to debate critical national issues.

Government ministers and other senior officials know that information is power. As a result they do not relish the idea of sharing that power with the people. This attitude must now change. Once it changes it could prove to be one of the best ways to fight the war on corruption.