



**MINISTRY OF TOURISM AND WILDLIFE  
STATE DEPARTMENT FOR WILDLIFE**

**PROCEDURES FOR PREVENTION OF BRIBERY AND  
CORRUPTION**

**OCTOBER 2022**

## Table of Contents

FOREWORD .....	iv
INTRODUCTION.....	v
Mandate.....	v
Vision.....	v
Mission.....	v
Strategic Objectives .....	v
Core Values .....	v
COMMITMENT .....	vii
OBJECTIVE .....	viii
SCOPE.....	ix
DEFINITIONS.....	x
ACRONYMS .....	xi
LEGAL FRAMEWORK .....	1
Liability for failure to put in place Procedures.....	1
BRIBERY OFFENCES .....	2
The offences under the Bribery Act are: - .....	2
Other Related Offences are: - .....	2
Extra territorial application of the Act .....	2
PENALTIES .....	3
RELEVANT POLICIES .....	4
Acts.....	4
BRIBERY AND CORRUPTION RISK ASSESSMENT AND MANAGEMENT .....	5
High Risk Areas.....	5
Managing Third Parties .....	6
REPORTING MECHANISMS.....	7
Reporting Channels.....	7
Processing of Reports .....	7
Feedback .....	8
PROTECTION OF WHISTLE BLOWERS, INFORMANTS AND WITNESSES .....	9
COMMUNICATION AND TRAINING.....	10
COLLABORATION AND CO-OPERATION WITH OTHER AGENCIES .....	11
IMPLEMENTATION OF THESE PROCEDURES.....	12
MONITORING, EVALUATION AND REVIEW .....	13

ANNEX 1 .....	15
BRIBERY AND CORRUPTION REPORTING FORM .....	15
ANNEX 2 .....	17
PREVENTION OF BRIBERY AND CORRUPTION COMPLIANCE CHECKLIST .....	17

## FOREWORD

The State Department for Wildlife derives its mandate from Executive Order No. 1 of June 2018 and is responsible for policy formulation and coordination of the implementation of strategies aimed at developing wildlife sector.

The promulgation of the Constitution of Kenya, 2010 called for review and alignment of all existing policies and laws to align with the new constitution. In conformity with Constitution 2010, the Wildlife Conservation and Management Act was enacted in 2013 to articulate an ambitious Vision that ‘Kenyans Value a Wildlife that is Healthy and resilient to threats. It aims for resilient ecosystems, engagement of all Kenyans, evidence-based decision making and sustainable governance.

National Wildlife Strategy 2030 was enacted in 2018 to re-engineer and redesign the institutional architecture of the wildlife sector to ensure effective coordination, collaboration and synergy amongst the multiple state and non-state actors.

Sessional paper No 1 of 2020 on Wildlife Policy was enacted based on local participation. The Policy paved way for integration of wildlife management and recognition of both communities and the private sector in wildlife conservation and management.

Bribery and corruption is a menace that is likely to occur within the State Department for Wildlife. Staff may collude with suppliers, contractors and among themselves for personal gain. With this view in mind the SDW has constituted a Corruption Prevention Committee to spearhead anti-corruption agenda and come up with a Bribery and Corruption Risk Assessment and Mitigation Plan and Procedures for prevention of bribery and corruption.

The State Department is committed to work hand in hand with EACC and other Agencies to fight bribery and corruption within the institution.

Name: .....

Designation: .....

Signature: .....

# INTRODUCTION

## Mandate

The Mandate of the State Department for Wildlife as derived from the Executive Order No. 1 of June 2018 on Organization of the Government of the Republic of Kenya is:

- Wildlife Conservation and Protection Policy
- Protection of Wildlife Heritage
- Management of National Parks, Reserves and Marine Parks
- Wildlife Conservation Training and Research
- Wildlife Conservation and Protection Education and Awareness
- Wildlife Biodiversity Management and Protection
- Collaboration with Wildlife Clubs of Kenya
- Management of Wildlife Dispersal Areas in collaboration with Partners

In addition, the State Department oversees the following State Corporations:

- Kenya Wildlife Service (KWS)
- Wildlife Research and Training Institute (WRTI)
- Wildlife Clubs of Kenya (WCK)

## Vision

Kenya's Wildlife is healthy, resilient and valued by Kenyans

## Mission

To enhance conservation of wildlife biological resources and their habitats for posterity.

## Strategic Objectives

- To enhance conservation and management of wildlife and biodiversity resources for sustainable development
- To promote product development through Innovation and Change

## Core Values

Values are an integral part of an organization's culture, and they create a sense of identity, belonging and purpose. The Ministry shall be guided by the following core values:

- **Innovativeness:** to be open and proactive in seeking better and more efficient methods of service delivery
- **Teamwork:** to encourage team spirit, collaboration and consultation as a way of maximizing the synergy of working together. This includes fostering collaboration with Focal Points, Stakeholders and Partners in order to effectively play a central role of coordinating Kenya's Tourism
- **Integrity:** to be accountable and devoid of corrupt practices in service delivery.
- **Professionalism:** To maintain high professionalism through continuous skills development, training and accountability to enhance customer satisfaction.
- **Equity:** To mainstream gender, youth and special groups' issues in the Ministry's programmes.
- **Facilitative:** To provide a conducive environment for tourism sector growth

## COMMITMENT

The State Department for Wildlife is committed to implement prevention of bribery and corruption measures in adherence to the Bribery Act, 2016 (Bribery Act), the Bribery Regulations, 2021 (the Regulations), Guidelines to Assist Public and Private Entities in the Preparation of Procedures for Prevention of Bribery and Corruption (the Guidelines) and these Procedures.

The State Department operates on a zero-tolerance policy towards bribery and corruption by its employees, contractors, agents and other associated persons. The State Department is committed to the prevention, deterrence and detection of bribery and corruption.

## OBJECTIVE

The objective of these Procedures is to serve as a reference and practical tool for the prevention of bribery and corruption as required under the Bribery Act. They provide the accepted standards in relation to prevention of bribery and corruption.

These Procedures supplement the Bribery Act, the Regulations and the Guidelines to promote a culture of integrity that does not tolerate bribery and corruption. In particular, these Procedures clarify the measures for the prevention of bribery and corruption by setting out a practical approach to bribery issues.

## SCOPE

These Procedures provide a general framework for the prevention of bribery and corruption in the State Department. They also serve as a guide to all employees, management, and third parties who transact with the State Department on the requirements that must be fulfilled in adherence to the Bribery Act, the Regulations and the Guidelines.

## DEFINITIONS

**Bribe** - An inducement whether monetary or non-monetary, by one person to another person who holds a public or private office with the intention to influence them to act or forego to act as required of them in their official capacity.

**Bribery**- Has the meaning assigned to it under section 2 of the Bribery Act.

**Cabinet Secretary**- The Cabinet Secretary for the time being responsible for matters relating to Justice.

**Commission** – Means the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011, (No. 22 of 2011).

**Corruption** - Has the meaning assigned to it under the Anti-Corruption and Economic Crimes Act, 2003.

**Entity** - This includes both private and public entities.

**Enforcement structure** –System put in place to provide for appropriate action for violation of the Bribery Act within the entity.

**Private Entity** – Has the meaning assigned to it under section 2 of the Bribery Act, 2016.

**Public Entity**- Has the meaning assigned to it under section 2 of the Bribery Act, 2016.

**Reports** - Account of events observed or heard, regarding bribery or corruption within the entity and communicated through the authorized channels for action.

**Senior Officer** - Has the meaning assigned to it under section 2 of the Bribery Act, 2016.

**Stakeholder** – Means a person with a vested interest or concern in the business of the entity.

**Informant** - Means a person who makes a report to the entity, Commission or law enforcement agencies on acts of bribery or other forms of corruption.

**Implementation structure**- Means the system put in place by management to oversee the implementation of the Bribery Act within the entity.

**Third Parties** – Shall include Suppliers, Contractors, Agents, Associates, Clients, Customers.

## ACRONYMS

**WCK-** Wildlife Club of Kenya

**WRTI-** Wildlife Research and Training Institute

**KWS-** Kenya Wildlife Service

**SDW-** State Department for Wildlife

## LEGAL FRAMEWORK

These Procedures are developed pursuant to section 9(1) of the Bribery Act which provides that public and private entities shall put in place procedures appropriate to their size, scale and nature of their operations for the prevention of bribery and corruption.

Under section 12(1) of the Bribery Act the Cabinet Secretary shall, in consultation with the Commission, publish Guidelines to assist public and private entities in the preparation of Procedures for Prevention of Bribery and Corruption. The Guidelines were gazetted on 22<sup>nd</sup> October 2021 by the Cabinet Secretary.

Section 9(3) of the Bribery Act obligates the Commission to assist private entities, public entities, and any interested person, to develop and put in place procedures for the purposes of this section.

Section 12(3) provides that the Commission may aid as may be necessary to any private or public entity or any other person in implementation of the procedures.

### Liability for failure to put in place Procedures

Under section 9 (2) of the Bribery Act, a private entity commits an offence when it fails to establish bribery and corruption prevention procedures.

Under section 19 of the Bribery Act, a private entity or its directors, senior officers or other responsible person shall be liable, on conviction, to a fine not exceeding one million shillings or imprisonment for a term not exceeding ten years, or to both, for committing an offence under section 9 (2).

## BRIBERY OFFENCES

The offences under the Bribery Act are: -

- i) Giving a bribe under section 5;
- ii) Receiving a bribe under section 6; and
- iii) Bribery of a foreign public official under section 8.

Other Related Offences are: -

- i) Failure of a private entity to prevent bribery under Section 10
- ii) Engaging in activities intended to enable bribery under section 13
- iii) Failure to report bribery under section 14
- iv) To demote, admonish, dismiss from employment, transfer to unfavorable working area, harass or intimidate a whistle-blower or a witness under Section 21 (2).
- v) Knowingly or negligently disclosing information of informants and witnesses under Section 21 (5).

Extra territorial application of the Act

Section 15 of the Bribery Act provides that conduct by a citizen of Kenya or by a private or public entity which takes place outside Kenya, shall constitute an offence if the conduct would constitute an offence under the Act if it took place in Kenya.

## PENALTIES

1. An individual found guilty of an offence under section 5, 6, or 13 of the Bribery Act-
  - i) on conviction shall be liable to imprisonment for a maximum term of ten years, or a maximum fine of five million shillings, or both; and
  - ii) may be liable to an additional mandatory fine equal to five times the amount of the quantifiable benefit or quantifiable loss
2. A private entity found guilty of an offence under section 10 is liable for conviction to a fine.
3. Additional penalties for persons convicted for offences under sections 5, 6, 10 and 13 include:
  - i) Restitution.
  - ii) Confiscation.
  - iii) Barred from holding public office for a period of ten (10) years.
  - iv) Disqualification from holding position of Director and Partner for a period of ten (10) years.
  - v) Disqualification from being elected or appointed to hold a State or Public Office for a period of ten (10) years; and
  - vi) Disqualification from transacting business with the national or county government for a period of ten (10) years.

## RELEVANT POLICIES

In preparation of these Procedures, entities will take cognizant of existing relevant policies including but not limited to: -

- i) Public Service Codes of Conduct and Ethics, 2016 for employees and third parties that prohibit bribery and corruption in any form.

### Acts

- i) Witness protection Act, 2006
- ii) Whistleblower Protection Regulation
- iii) Public Finance Management Act, 2012
- iv) Public Procurement and Asset Disposal Act, 2015
- v) Public Audit Act, 2015
- vi) Leadership and Integrity act, 2012

## BRIBERY AND CORRUPTION RISK ASSESSMENT AND MANAGEMENT

The State Department for Wildlife shall conduct a bribery and corruption risk assessment and develop a management plan in order to prepare appropriate procedures for prevention of bribery and corruption which is proportionate to their size, scale and nature of operations.

In conducting the bribery and corruption risk assessment and developing a management plan, the State Department shall: -

- i) Identify and assess the potential bribery and corruption risks in its operations.
- ii) Design and implement systems and controls (intervention measures) to mitigate those risks.
- iii) Establish and implement mitigation strategies.
- iv) Monitor, evaluate and review systems and controls; and
- v) Document and keep a record of the bribery and corruption risk assessment and management process.

The bribery and corruption risk assessment and management shall be: -

- i) Overseen by top-level management.
- ii) Appropriately resourced in accordance with the scale of operations; and
- iii) Conducted periodically based on the risk of exposure in the State Department.

### High Risk Areas

Bribery and corruption prevention procedures may cover a wide range of issues which depend on the State Department's bribery and corruption risk assessment.

These areas may include: -

1. Supply chain management
2. Finance
3. Accounts.
4. Human resource management & Development.
5. Administration.

6. Wildlife Conservation.
7. Information Communication Technology.
8. Planning
9. Internal Audit
10. Legal

### Managing Third Parties

The State Department shall manage third parties by considering the level of bribery risks, conflict of interest, the transaction amount and the nature of engagement. This shall be managed through implementation of the following measures: -

- i) Confidentiality agreement
- ii) Public Service official secret act declaration form
- iii) Confidential business questionnaire for suppliers
- iv) Declaration of conflict of interest for suppliers
- v) Beneficial of ownership for suppliers
- vi) Incorporation of anti-bribery provisions in contract documents.
- vii) Declaration by suppliers that they shall refrain from bribery and other forms of corruption; and
- viii) Conducting due diligence/post-tender evaluation on the suppliers and contractors.

## REPORTING MECHANISMS

### Reporting Channels

The State Department shall use the following mechanisms for reporting any bribery or corruption cases that will occur:

- i) By writing through the State Department official Postal address- P.O. Box 41394-00100, Nairobi ;
- ii) Official email address- pswildlife@tourism.go.ke;
- iii) By calling the telephone line -254-20-2724646/2724725;
- iv) An in-person communication to the Chairperson or Secretary of the Corruption Prevention Committee or any other member of the committee;
- v) Third parties who interact or transact with the State Department occasionally;
- vi) Corruption and Bribery reporting boxes on the 15<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> floors in the NSSF building; and
- vii) The Ministry`s Website – [www.tourism.go.ke](http://www.tourism.go.ke)

The State Department shall ensure that the reporting channels are efficient, effective and reports are handled with utmost confidentiality. The reports shall be in the prescribed format as provided in Bribery Regulations and Guidelines under the Bribery Act, 2016.

### Processing of Reports

The bribery and corruption reports shall be conveyed as follows:

- i. A corruption and bribery register stationed at 21<sup>st</sup> Floor, in the confidential registry and the Principal Secretary`s Office which upon receipt will be officially stamped and the reporting entity`s delivery book will be signed as acknowledgement;
- ii. The Complaints will be forwarded to the Corruption Prevention Committee for review, investigation and reporting;

- iii. The secretary, after the complaints have been deliberated and actioned, will report and submit to the State Department enforcement committee and the Commission within 24 hours;
- iv. The State Department enforcement committee shall conduct an inquiry and submit the findings with recommendation to the Prevention Corruption Committee within 14 days;
- v. The Corruption Prevention Committee shall consider the recommendations and determine appropriate action by taking administrative measures in accordance with the State Departments policies and procedures or by referring the matter to the Commission within 7 days from the date of determination.

### Feedback

The State Department shall provide progress feedback to the reporting entity within a period of 14 days in the first instance and periodically until the matter is finalized.

## PROTECTION OF WHISTLE BLOWERS, INFORMANTS AND WITNESSES

The State Department shall provide an intricate, effective and efficient procedure for protection of whistle blowers, informants, witnesses and investigators. These procedures include:

- i. Maintain confidentiality through adopting a non- disclosure form which will be signed by all persons involved;
- ii. Vetting of all people who will handle the reports;
- iii. A need-to-know basis Policy will be maintained while handling the reports;
- iv. Legal action will be enforced in the event of misconduct while handling the reports as well as the reporting entity;
- v. The whistle blowers and informants will be protected under the Bribery Act of 2016, The Employment Act of 2007 and any other law that protects whistle blowers;

## COMMUNICATION AND TRAINING

The State Department shall sensitize all members of staff on the Prevention of Bribery and Corruption procedures, disseminate the same in writing and incorporate the procedures in the induction programs for the new officers.

These procedures shall also be posted on the Ministry`s website to inform the third parties and other relevant stakeholders. In addition, a brief version of the procedures on Prevention of bribery and corruption will be displayed at the notice boards situated by the entrance of the State Departments office floors.

## COLLABORATION AND CO-OPERATION WITH OTHER AGENCIES

The State Department will endeavor to collaborate with other stake holders particularly those with same mandate of Wildlife Conservation such as Kenya Wildlife Service (KWS), Wildlife Research and Training Institute (WRTI), Wildlife Clubs of Kenya (WCK) and other development partners in:

- i. Establish effective communication channels to share information on Prevention of Bribery and Corruption;
- ii. Benchmark on the best practices on Prevention of Bribery and Corruption for implementation;
- iii. Develop pragmatic strategies on Prevention of Bribery and Corruption within the Sector;
- iv. Continuous capacity building for employees and other stakeholders.

## IMPLEMENTATION OF THESE PROCEDURES

The top-level management shall demonstrate dedication in executing the procedures for prevention of Bribery and Corruption in the following ways:

- i. Inculcate a culture of integrity and intolerance to corruption in the State Department;
- ii. Endeavor to establish a Bribery and Corruption free zone in the State Department;
- iii. Develop and implement bribery and corruption prevention mechanisms;
- iv. Spearhead the fight against bribery and corruption in the State Department;
- v. Involvement of all stakeholders in prevention of bribery and corruption;
- vi. Establish formal structures in the fight against bribery and corruption;
- vii. Enforce existing legal framework such as the Bribery Act,2016 in the fight against bribery and corruption;
- viii. Monitor and evaluate the progress of compliance in the State Department;

## MONITORING, EVALUATION AND REVIEW

The State Department shall develop and implement a Monitoring & Evaluation Framework to assess the extent to which the procedures for prevention of bribery and corruption are adhered to.

The procedures will be reviewed as and when need arises to cater for emerging bribery and corruption risks and formulate new mitigation strategies.

**DECLARATION OF COMMITMENT TO IMPLEMENT THE REQUIREMENTS OF THE ACT, REGULATIONS, GUIDELINES AND THESE PROCEDURES**

*The State Department for Wildlife is committed to implement these Procedures on prevention of bribery and corruption developed pursuant to the Bribery Regulations and Guidelines under the Bribery Act, 2016.*

Name: \_\_\_\_\_

Designation: \_\_\_\_\_  
*(Accounting Officer)*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# ANNEX I

## BRIBERY AND CORRUPTION REPORTING FORM

### 1. Please Note:

- (a) THAT this form shall be filled by anyone who wishes to report a case of bribery or corruption perpetrated by office or official(s) of the entity.
- (b) THAT this form shall be used by the entity in the investigation and determination of the matter.

### 2. I / We (name/s) (Optional)

- (a) .....
- (b) .....
- (c) .....

(Tick appropriately)

- Staff                       Stakeholder                       Other (specify) \_\_\_\_\_

### 3. Wish to make a complaint against the following person(s):

- (a) .....
- (b) .....
- (c) .....

### 4. On the grounds of:

- Bribery                       Corruption                       Other (specify) \_\_\_\_\_

**5. Please give details of bribery / corruption /concern** (include as much details as possible e.g., date(s), time(s), location(s), amount of money involved, nature of advantage, circumstances of bribery etc.)

Attach separate sheet if space is not sufficient.

.....  
.....  
.....  
.....  
.....

**Witnesses/person(s) who may be interviewed or person(s) with knowledge of matter being complained of:** (where possible explain why such person(s) should be contacted)

**(Optional)**

- (a) .....
- (b) .....
- (c) .....

**6. Have you filed this report elsewhere?** (Either internally or externally – the EACC, Police/OB No.)

.....  
.....

**7. Any other relevant information**.....

**By my signature I certify that:**

- (a) The information provided is true and correct;
- (b) I have the right to expect highest level of confidentiality as relates to this report; and
- (c) Entity may take disciplinary action against me should the reporting be proven to be false, malicious or frivolous.

**Email Address (optional)**.....

**Phone Number (optional)**:.....

**Signature**:.....

**Date**:.....

## ANNEX 2

### PREVENTION OF BRIBERY AND CORRUPTION COMPLIANCE CHECKLIST

#### 1. Commitment

- i). Does the entity have a written statement of commitment on anti-bribery and corruption from the top-level management?
- ii). Have the staff committed to uphold all relevant policies and code of conduct?
- iii). Has the entity made it mandatory to all individuals and parties at all levels to comply with and adhere to bribery and corruption prevention procedures?
- iv). Has the entity appointed a senior officer responsible for anti-bribery and anti-corruption compliance?
- v). Has the entity established an enforcement structure to take action on violations of the Bribery Act?
- vi). Has the top management made a declaration of commitment to implement the Bribery Act?

#### 2. Bribery and Corruption Risk Assessment and Management

- i). Has the entity conducted bribery and corruption risk assessment(s) and have a clear understanding of all bribery and corruption risks?
- ii). Is the assessment undertaken on a regular basis?
- iii). Has the entity maintained accurate [documented information](#) demonstrating that bribery and corruption risk assessment(s) have been conducted?
- iv). Has the entity developed and implemented a risk mitigation plan to address all the identified risks?
- v). Has the entity managed third party risks and applied a consistent risk-based approach?
- vi). Has the entity undertaken due diligence proportionate to the [level of risk](#)?
- vii). Does the entity perform due diligence reviews and vetting on all new third parties?
- viii). Has the entity clearly [communicated](#) gift policy internally and externally to control gifts, hospitality, donations, harambees and similar benefits to ensure that they are not for corrupt purpose?
- ix). Does the entity have rigid reporting policy of all entertainment of foreign officials?

- x). Has the entity established controls and procedures covering payments to third parties, including gifts, hospitality, entertainment, travel, charitable contributions, sponsorships and other expenses to ensure that they are appropriate?
- xi). [Has the entity ensured that situations that might give rise to a conflict of interest are disclosed to the entity and managed appropriately by an independent person e.g. Compliance Officer?](#)
- xii). Do the staff understand that all relationships with third parties must be documented fully and that all payments made to third parties must be appropriate, justifiable and accurately documented.

### **3. Communication and Training**

- (i) Has the entity effectively distributed its code of conduct to all employees and third parties?
- (ii) Is there a requirement for all employees and third parties to certify that they have read and complied with the code of conduct?
- (iii) Has the entity clearly communicated its anti-bribery and anti-corruption program as well as policies in place and ensured that it is understood across all levels of the entity and within its business networks?
- (iv) Has the entity sensitized staff on facilitation payments and their duty to report immediately?
- (v) Does the entity have a formal training programme for all staff, management and third parties that specifically addresses anti-bribery and anti-corruption and ensure that anti-bribery and anti-corruption program and policies are understood and adhered to?
- (vi) Does the entity carry out interactive anti-bribery and corruption preventions training for high-risk employees?

### **4. Reporting and Investigations**

- (i) Are there procedures to report any instance of fraud, bribery, corruption, collusion, obstructive or coercive practice or any other information relating to any possible violation of the Bribery Act?
- (ii) Does the entity have a whistleblower policy and effective channels for employees and third parties to report knowledge or suspicion of instances of bribery and corruption?

- (iii) Are there procedures which facilitate investigation of reported cases of bribery and corruption?
- (iv) Are there procedures which require appropriate action in the event the investigation reveals that bribery or corruption offence was committed?

**5. Monitoring, Evaluation and Review**

- (i) Are the bribery and corruption prevention policies and procedures reviewed periodically and compliance controls tested regularly?
- (ii) Are review methods and results of anti-bribery performance documented and retained as evidence?
- (iii) Are third parties monitored on an ongoing basis commensurate with their risk profile?