

By Mutegi Njau

During this year's World Cup soccer matches, Kenyans – like many other Africans – learned for the first time the names of countries new to the tournament, such as Croatia, Serbia and Montenegro and Trinidad and Tobago. Around the same time, they learned of a country named Armenia for a totally different reason: corruption.

Two alleged brothers from Armenia came to Kenya in mid-2006 purporting to be investors. However, the “Atur brothers” were in fact looting the government of security equipment and documents, such as airport security passes, police identity cards and Kenyan passports. A police raid on their home recovered commando police uniforms, a cache of arms from the presidential guard and stolen vehicles. Knowledgeable sources say their activities could only have been facilitated through high-level connections.

News of the scandal hit media headlines in March after a police raid on Kenya's oldest newspaper, The Standard, and its sister company Kenya Television Network. The raid was condemned locally and internationally as an affront to press freedom, but Internal Security Minister John Michuki defended the raid as necessary “in the interest of state security.” President Mwai Kibaki was eventually compelled to establish a commission of inquiry on the matter.

The saga revealed the obstacles the country faces in effectively fighting its war on corruption. It is an uphill battle.

The struggle appeared to gain momentum in early 2006 following the disclosures by former Ethics and Governance Minister John Githongo on the Anglo Leasing affair, in which a fictitious company was given hundreds of millions of dollars in contracts. Three key cabinet ministers were forced to resign, ostensibly paving the way for investigations into the Anglo Leasing scandal, as well as another involving the Goldenberg International export company. However, no charges have thus far been filed against any of the ministers, and prosecution appears to be a distant possibility due to a lack of tangible evidence.

The higher echelons of government are not the only areas susceptible to corruption. Graft also weakened stringent traffic regulations, which lowered road accidents by 40 percent between 2004 and 2005. A study found that public transport vehicles involved in accidents carried loads weighing more than their legal capacities had defective safety belts or did not have effective speed

governors. One victim of such a smash-up was retired President Daniel arap Moi, who sustained serious injuries in an accident in July 2006.

The traffic police who are stationed on highways and weighbridges are good examples of petty corruption in Kenya. Police constable Robert Mwangi, barely two years into service as a traffic officer, said his boss in Muranga demands a minimum of 2,000 shillings (US\$30) every evening. "Even if I am given as little as 50 shillings (US\$0.68) by a motorist I take it," he said bitterly.

Last February, authorities discovered that a constable stationed at Mariakani weighbridge in Mombasa had stashed 100,000 shillings (US\$1,380) in his bed. Two colleagues manning a weighbridge at Gilgil, 600 kilometers inland from Mombasa, were later caught with 1.5 million shillings (US\$20,500) in local and foreign currencies by the Kenya Anti-Corruption Commission. The Mariakani weighbridge handles an average of 2,000 vehicles daily, many of which pay upwards of 3,000 shillings (US\$50) to pass through or as a protection fee. That adds up to more than 13.8 million shillings (US\$190,000) a day! Consequently, excessive loads ruin many Kenyan highways.

The tourism industry also suffers from massive corruption. Game reserves around the country continue to shrink as a result of so-called private developers "grabbing" public land. Revenue from game reserve tourism, which should trickle down to rural communities, actually ends up in the bank accounts of corrupt politicians, tourism officers and administrators.

An April 2006 inter-ministerial task force report on national game reserve management by various county councils revealed monumental corruption in the Narok County Council, home of the fabled Masai Mara. The report said 4,000 acres were illegally shaved from Kenya's world-famous wildlife sanctuary, Masai Mara Game Reserve, and another 4,000 acres from Masai Mau Forest. The land was allocated to a former council treasurer, who is the son of the late Masai paramount chief and brother of an assistant minister in the ruling Narc government. The family is the largest landowner in Narok District. When the allocation was cancelled in October 2000, the assistant minister enlisted the law firm of current director of public prosecutions, Keraiko Tobiko, in his brother's defense.

Corruption also leads to markets near game park entrances, such as the Sekenani, Ololaimutia and Mararianda markets at Masai Mara. Besides being eyesores, these markets pose a security risk to visitors. Still, permission to erect the structures can be obtained through unofficial fees ranging from 75, 000 to 750,

000 shillings (US\$1,000-10,000) depending on size and location, according to Maasai Mara Senior Game Warden Michael ole Koikai. A 2005 audit of Masai Mara Game Reserve tourism fees revealed that millions of shillings were misappropriated or unaccounted for. Another report by the Council's internal auditor unearthed a 22,860,000 shilling (US\$300,000) embezzlement scam. Such money would go a long way in providing health and educational facilities, as well as livestock husbandry services, to the marginalized Masai community in Narok.

The Masai Mara Game Reserve is not an isolated case: Tourism Minister Morris Dzoro exposed a scandal in 2006, in which staff looted the ministry in excess of 200 million shillings (US\$2.8 million) every year. Nearly 75 ministry staffers and tour drivers were involved in the racket.

But delivering justice in Kenya remains an elusive and expensive exercise in terms of both time and money. The backlog of cases stretches back for more than a decade, while thousands of innocent Kenyans languish in overcrowded prisons. The situation has forced individuals to seek the direct intervention of officials such as Chief Justice Evans Gicheru. One distraught Kenyan, Bahadur Lalji Nurani, wrote to Gicheru in May 2006 demanding hearings on numerous cases that have kept Nurani in judicial limbo for more than a decade. Most rulings were "a rich cocktail of intrigue and judicial improprieties...thanks to the power of money and capricious minds," Nurani wrote. Nurani also gathered the courage to sue the formerly untouchable politician Nicholas Biwott for failing to pay for the family's two farms in Eldoret after 22 years. Progress on the case dragged so slowly that after a year of silence, he also sought intervention from Paul Muite, his lawyer and a member of Parliament.