

WATER RESOURCES AUTHORITY

PROCEDURES FOR PREVENTION OF BRIBERY & CORRUPTION

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FORWARD

This procedure takes into cognizance the aspirations of key legislations namely, the Public Ethics Act, the Anti-Corruption Economics Crimes Act, Bribery Act, 2016 and all the other relevant legislations on fighting of corruption, in addition to overall corporate governance of public resources. The Authority recognizes that the responsibility of fighting corruption rests with the Board of Directors, Management, staff as well as stakeholders.

WRA was established under Section 11 of the Water Act, 2016 and is mandated, on behalf of the National Government to regulate the management and use of water resources across the country. Our objectives aim not only to increase water resources availability for multipurpose use but also improve the quality and sustainability of water resources.

WRA operates through the Basin Area Offices established in the six Basins, namely: Athi, Ewaso Ngiro, Lake Victoria South, Lake Victoria North, Rift Valley and Tana Basin Areas. In addition, the Authority has delineated the six Basins into 26 Sub-basins. The Authority partners/collaborates with key stakeholders in integrated water resource management activities to deliver its mandate to the public.

WRA has put in place sufficient mechanisms to facilitate efficient and effective prevention and reporting of bribery and corruption within its offices and areas of operation with other stakeholders.

Chairperson of the WRA

ABBREVIATIONS

CEO Chief Executive Officer

IAO Integrity Assurance Officer

ICT Information Communication Technology

EACC Ethics & Anti-Corruption Commission

WRA Water Resources Authority

WRA Water Resources Authority

CPC Corruption Prevention Committee

NCPC National Corruption Prevention Committee

1.0 INTRODUCTION

1.1 Background

Water Resources Authority (WRA) is a state corporation under the Ministry of Water & Sanitation and Irrigation, established as a corporate body under the new Water Act (2016) that was operationalized on the 21st of April 2017 vide Special Issue Kenya Gazette Notice No. 60. The organization has been in existence for the past 17 years following its establishment as Water Resources Management Authority (WRMA) under the Water Act (2002) that has now been replaced by the new Water Act 2016. The purpose of the Water Act, 2016 is to make provision for the regulation, management and development of water resources, water and sewerage services in line with the Constitution of Kenya, 2010. WRA is designated under the Act as an agent of the National Government responsible for regulating the management and use of water resources.

The principal mandate of the WRA is to regulate the management and use of water resources on behalf of the National Government. The Authority Vision, Mission, Slogan and Core Value are as stated below;

1.2 Vision

To be an exemplary regulator of water resources management and use

1.3 Mission

To effectively regulate the management of water resources in partnership with stakeholders

1.4 Our Slogan

Accounting for every drop

1.5 Core Values

- Responsiveness and customer focus
- Fairness and Equity
- Gender and social inclusiveness
- Integrity
- Innovation
- Professionalism
- Transparency and Accountability
- Teamwork

2.0 STATEMENT OF COMMITMENT

The Authority therefore is pursuing as a matter of priority a common bribery and corruption prevention procedure aimed at providing consistent systems and procedures in identifying, preventing and eradicating bribery and corrupt and unethical practices in the Authority. This includes the adoption of suitable guidelines and strategies for preventive measures. To implement this procedure WRA is committed to ensure that;

- 2.1 Bribery and corrupt practices are prevented, detected, investigated acted upon and reported to relevant agencies as required by the law.
- 2.2 Zero tolerance to bribery and corruption by providing an environment with consistent systems, procedures, rules and regulation equitably applied to the Authority's employees, board of management and other stakeholders. It has also put in place management structures and programs at all levels of the Authority for continued bribery and corruption control, prevention and management.

3.0 OBJECTIVES

The objectives of this procedure will include:

- i. To serve as a reference and practical tool for the prevention of bribery and corruption as required under the Bribery Act.
- ii. To provide the accepted standards in relation to prevention of bribery and corruption.
- iii. To supplement the Bribery Act, the Regulations and the Guidelines
- iv. To promote a culture of integrity that does not tolerate bribery and corruption.
- v. To clarify the measures for the prevention of bribery and corruption by setting out a practical approach to bribery issues.
- vi. Streamline organizational and management systems, procedures and operations in the authority.
- vii. Enhance the integrity of the employees of the Authority and promote ethical behavior.
- viii. Enhance internal controls systems.

4.0 SCOPE

WRA is required under Sec 9 of the Bribery Act, 2016 and Regulation 13 of the Bribery Regulations, 2021 to put in place Procedures for the Prevention of Bribery and Corruption.

As part of the Procedures for the Prevention of Bribery and Corruption, WRA has put in place sufficient mechanisms to facilitate efficient and effective reporting of bribery and corruption within its offices.

The following internal mechanisms have been put in place for prevention and reporting of bribery and corruption within WRA;

- 4.1 Development of a portal/link through WRA Website that enables anonymous reporting of Bribery and Corruption in WRA.
- 4.2 Opened an official WRA Email for the purpose of reporting of Bribery and Corruption in WRA.
- 4.3 Established telephone Lines dedicated for the purpose of reporting of Bribery and Corruption in WRA.
- 4.4 Ensured each office in WRA has a Bribery and Corruption reporting Box installed at strategic and appropriate places which are accessible.

- 4.5 Enabled receiving of Bribery and Corruption Complaints through WRA Customer Service Desks.
- 4.5 Publicized the established measures in WRA website.

The procedure provides guideline to all employees, management and board of management and other stakeholders on their roles in adherence of Bribery Act, 2016 and relevant regulations.

5.0 DEFINITION OF TERMS

Agent:

A person who in any capacity, whether in the public or private sector, NGOs or CBOs is employed by or acts for or on behalf

of another person.

Authority:

Means Water Resources Authority

Bribery:

Bribery definition is in the context of Bribery act 2016 part II. Which state that a person commits an offence of giving a bribe if the person offers, promises or gives a financial or other advantage to another person, who knows or believes the acceptance of the financial or other advantage could itself constitute the improper performance of relevant function or activity.

Code of Conduct:

A set of rules and guideline that govern the behavior of members of staff or group in an organization. It is a framework within which members /staff bind themselves in regard to their work or goal, conduct and behavior

Conflict of interest:

A situation in which the impartiality of an officer in discharging their duties could be called into question because of the potential, perceived or actual influence of personal considerations, whether financial or other. The conflict in question is between official duties and obligations, on the other hand, and private interests on the other.

Corruption:

The abuse of power, most often for personal gain or for the benefit of a group to which one owes allegiance. It can be motivated by greed, by the desire to retain or increase one's power or perversely enough, by the belief in a supposed great good.

Corrupt Conduct:

Any conduct of any person (whether or not public official) that adversely affects, or that could adversely affect, either directly or indirectly; the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve; official secret commissions, embezzlement,

WRA Procedures for Prevention of Bribery and Corruption tax evasion, revenue evasion, currency violations, forgery, obtaining financial benefit by vice engaged in by others.

Bribery and Corruption Prevention Plan: Effort and resources directed towards sealing loopholes that induces bribery and corruption. It includes devising strategies to change organizational features that allow bribery and corruption to occur and remain unnoticed or unreported.

Embezzlement:

Outright theft concerns all property with no distinction between organizations owned, private or individually owned property. Whatever is embezzled must have come into the possession of the perpetrator by virtue of his or her position.

Enforcement structure:

Systems put in place to provide for appropriate action for violation of the Bribery Act within WRA.

Ethics:

-Those rules which it is rational for a group to possess so as to govern its external relation

-These are guidelines on what is 'right' or 'correct' or acceptable behavior at work. It is an embodiment of moral standards in society.

-It is a set of what is right or wrong against which we base decisions

Fraud:

-Is dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediate before or immediately following the activity;

-Also includes the deliberate falsification, concealment destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of formation or position.

Gift:

Is something given willingly without payment, a present to someone who has done a good deed.

Integrity:

-At personal level refers to the sum of positive qualities of virtues such as honesty trustworthiness, goodness, loyalty, truthfulness, courage, impartiality, firmness and steadfastness of principled behavior.

-At the **organizational level**, it refers to the legality, legitimacy, logic, rationality, completeness, soundness and efficacy of objectives, Programs structures, system, processes, procedures and codes.

-It means the exercise of authority in accordance with the stated values and principles, and embraces all the above virtues.

Misuse /abuse of office:

Taking advantage of the public trust and use it for one's own

personal advantage.

Public Officer:

Refers to official or employee of the Authority or its agencies including those appointed to perform duties or functions in the name of the Authority or in the service of the Authority at any level of its hierarchy. This includes part-time or temporary employees of the Authority.

Risk Assessment:

Involves identifying organizational systems, procedures and operations that are most vulnerable to corruption.

Risk Management:

The systematic application of management policies, procedures, and practices to the task of establishing the context, monitoring and communicating risk. All these are aimed at sealing off the corruption loopholes in order to prevent corruption.

Stakeholder:

Mean a person with a vested interest or concern in the business of the Authority.

Third Parties:

Shall include Suppliers, Contractors, Agent, Associates, Clients and Customers.

Witness:

A person who has given or agreed to give evidence on behalf of the state or has recorded a statement with the police or any other recognized

Whistle Blowers:

Refers to any person who witnesses or has any information or documents pertaining bribery and corrupt practice and reports using the channels outlined in this procedure.

6.0 LEGAL FRAMEWORK

This procedure was developed pursuant to section 9(1) of the Bribery Act which provides that public entity shall put in place procedures appropriate to their size, scale and nature of their operations for the prevention of bribery and corruption.

Section 12(3) of Bribery Act provides that EACC may provide assistance as may be necessary to any public entity or any other person in implementation of the procedures. Failure to put in place the procedures is an offence, on conviction, liable to a fine not exceeding one million

shillings or imprisonment for a term not exceeding ten years, or to both under section 19 of the Bribery Act.

This procedure derives its authority from:

- i. The Constitution of Kenya, 2010
- ii. The Water Act of 2016
- iii. The Anti-Corruption and Economic Crimes Act 2003
- iv. Bribery Act 2016
- v. The Public Officers Ethics Act 2003
- vi. The Public Audit Act 2005
- vii. The Public Procurement and asset Disposal Act, 2015,
- viii. The Public Procurement & Disposal Regulations (2020)
 - ix. The Government Financial Management Act 2004
 - x. The Leadership and Integrity Act No. 19 of 2012
 - xi. Witness Protection Act 2006
- xii. Public Finance Management Act, 2012
- xiii. Access to Information Act ,2016
- xiv. Ethics and Anti-Corruption Commission Act, 2011,
- xv. Proceeds of Crime And Anti-Money Laundering Act, 2009,
- xvi. Public service (Values and Principles) Act, 2015,
- xvii. Data Protection Act, 2019
- xviii. Mwongozo Code of Governance for State Corporations, 2015
 - xix. Official Secrets Act 187 laws of Kenya
 - xx. WRA code of regulations
- xxi. WRA Internal Audit manual
- xxii. WRA Human Resources Manual
- xxiii. WRA Financial Manuals

7.0 BRIBERY OFFENCES

The offences outlined under the Bribery Act of 2016 are: -

- 1. Giving a bribe under section 5;
- 2. Receiving a bribe under section 6; and
- 3. Bribery of a foreign public official under section 8.

Other Related Offences are: -

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

6. 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.

8.0 PENALTIES

An individual found guilty of an offence under section 5, 6, or 13

- 1. 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
- 2. May be liable to an additional mandatory fine equal to five times the amount of the quantifiable benefit or quantifiable loss

A private entity found guilty of an offence under section 10 is liable on conviction to a fine. 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.

9.0 RELEVANT POLICIES

This procedure will be implemented in consideration of the following existing relevant policies and regulations such as:-

- 1. WRA Whistle blower Policy;
- 2. WRA Codes of Conduct and Ethics.

10.0 BRIBERY AND CORRUPTION RISK ASSESSMENT AND MANAGEMENT

The aim of Bribery and Corruption risk assessment and mitigation plan is to have in place procedures and systems to identify areas in the Authority that are or can be vulnerable to bribery and corruption and seal any loopholes that may allow corruption to take place. Bribery and Corruption prevention includes all Authority features designed to mitigate bribery and corrupt practices. These features include policies and procedures, accountability and effective administration. Bribery and Corruption prevention focuses on improving systems and procedures, changing the attitude of staff and improving the overall integrity and performance of the Authority. It involves management and staff commitment, resources and networking.

Specific Area of the bribery and corruption prone areas and their respective mitigation strategies within Authority are outlined in **Appendix 1**.

10.1 Potential Bribery and Corruption and Risk Prone Areas in WRA

All functional areas in the Authority are potential bribery and corruption risk areas. These in broad term include but not limited to:

- i. Core mandate: Surface Water, Ground Water, Water Quality and Pollution Control, Water Resources Conservation and Dam Safety and Licensing and Enforcement.
- ii. Information Communication Technology.
- iii. Corporate Services: Finance and Accounts, Human Resources and Administration, Communication, Public Relation and Internal Audit.
- iv. Supply Chain and Inventory Management
- v. Legal Services

10.2 Managing bribery and corruption prevention

WRA is obligated under Sec 9 of the Bribery Act, 2016 and Regulation 13 of the Bribery Regulations, 2021 to put in place Procedures for the Prevention of Bribery and Corruption.

As part of the Procedures for the Prevention of Bribery and Corruption, WRA has put in place sufficient mechanisms to facilitate efficient and effective reporting of bribery and corruption within Authority. The reporting mechanisms put in place facilitates timely reporting, access to reporting channels, confidentiality, prompt protection of whistle-blowers, informants, and witnesses and feedback.

Corruption prevention requires an approximately high-level full-time commitment, management and deployment of resources to remedy and prevent the menace from occurring at all levels. Therefore, the Authority commits itself to deploy competent persons to the NCPC and CPC.

The Authority shall provide leadership by being responsible for the coordination of the planning, management and implementation of bribery and corruption prevention procedure and programs at all levels.

Departmental Heads, Section Heads and leadership at all levels will support bribery and corruption prevention in their areas of responsibility.

Management practices and procedures designed to minimize the likelihood of bribery and corrupt activities include:

- ✓ Monitoring of activities,
- ✓ Reporting systems and random data checks,
- ✓ Segregation of duties,
- ✓ Adequate supervision,
- ✓ Record keeping and documentation.

11.0 MANAGING THIRD PARTIES

WRA requires through contractual clauses that third parties who act on our behalf, including service providers, consultants, distributors, contractors, agents, representatives and suppliers, similarly abide by this Procedure.

Managing third parties taking into account the level of bribery and corruption risks will involve the following actions:

- 10.1 Incorporation of anti-bribery provisions in contract documents.
- 10.2 Prepare questionnaires for third parties to make such disclosure as may be required.
- 10.3 Declaration by third parties that they shall refrain from bribery and other forms of corruption,
- 10.3 Conducting due diligence on the third party.

The procedure requires sufficient due diligence to be undertaken to ensure that they are suitable to be associated with WRA, and that appropriate controls are implemented, designed to prevent and detect bribery and corruption. This is to ensure the third parties WRA engages will not bribe or perform a corrupt act on WRA's behalf or for which WRA may be responsible or otherwise liable.

12.0 REPORTING MECHANISMS

12.1 Bribery and Corruption reporting avenues

Below are WRA established channels for reporting bribery and corruption cases to ensure efficient, effective and utmost confidentiality of informer;

- i. Drop a written bribery or corruption report in our Anti-bribery and corruption boxes installed at strategic and appropriate places in all WRA offices which are accessible at all times.
- ii. Register bribery or corruption case with our Customer care desk situated in all our offices.
- iii. Corruption reporting hotline numbers(0800724030)-Toll free
- iv. Corruption email: integrity@wra.go.ke
- v. Report bribery and corruption to Chief Executive Officer through below address

Chief Executive Officer
Water Resources Authority
NHIF Building 9th Floor Wing B
P. O. Box 45250 – 00100
Nairobi, Kenya

Tel: +254 2732291 E-mail: info@wra.go.ke

Further, WRA will report corruption and bribery cases in the prescribed format as shown in Appendix 2.

12.2 Steps in processing of Bribery and corruption report

i. Received, acknowledged and record bribery and corruption in bribery and corruption register.

- ii. Processed and submit the report to corruption assurance officer.
- iii. The corruption assurance officer to review the report and submit recommendation to the corruption prevention committee and EACC within 24 hours.
- iv. Undertake an investigation and submit the finding with recommendation to the National Corruption Prevention Committee within 14 days. Refer Appendix 3.
- v. The National Corruption Prevention Committee to consider the recommendation and determine appropriate action by taking administration measures in accordance with WRA policy and procedures or by referring the matter to the EACC within 7 days from the date of determination.

12.3 Feedback

WRA will provide feedback to the Whistle blower/informant on the action taken within a period of 14 days in the first instance and periodically until the matter is finalized.

13.0 ROLES AND RESPONSIBILITIES

The Chief Executive Officer will be responsible and accountable for the implementation of this procedure. All staffs of the Authority have a role to play in bribery and corruption prevention. Corruption prevention Committee (CPC) will at all-time seek to develop effective partnerships and networks, within and outside the Authority to enhance the success of its implementation. Details of roles and responsibility are attached in **Appendix 4**.

14.0 COMMUNICATION AND TRAINING

14.1 Bribery and Corruption prevention dissemination

Department/Divisional and Section Heads will;

- i. Ensure that the contents of this procedure are communicated to all employees under them and that they have access to copies of the procedure.
- ii. Establish and maintain communication channels to enable employees to raise concerns and grievances on bribery and corruption and unethical practices.
- iii. The Authority will ensure that its managers and stakeholders are knowledgeable and informed of the content of the WRA Anti-Bribery and Corruption Procedure and committed to its dissemination.
- iv. The Authority and its agents will develop specific strategies to support the dissemination and implementation of this Anti-Bribery and Corruption Procedure.
- v. The government departments, development partners, civic society and the private sector are called upon to support the Authority's effort in advocating for this procedure.

14.2 Sensitization on corruption prevention

To create a high level of public awareness, the following strategies have be put in place:

- i. Each department/division/Station has a responsibility and shall be empowered to prevent bribery and corruption through sensitization programs.
- ii. Relevant and suitable sensitization materials on bribery and corruption prevention shall be developed for use by all departments/divisions/Stations.
- iii. Bribery and Corruption prevention plans and strategies shall be developed and implemented at work place.
- iv. Establishment and institutionalization of the National Corruption Prevention Committees (NCPC) at head office and Corruption Prevention Committees (CPC) at Basin Area offices and Sub-Basin Area offices.
- v. Continuous campaign against bribery and corruption shall be conducted.
- i. Workshops and seminars to sensitize staff, agents and stakeholders. Training of staff is necessary to give them the skills to deal with bribery and corruption prevention and its impact in the Authority.
- ii. All training will be in line with the objectives of the Authority's bribery and corruption prevention procedure.
- iii. Bribery and Corruption prevention training will be appropriately adapted to the need of staff. Cost effective and flexible strategies such as networking, distance learning, virtual meeting, information and communication technologies (ICT) and other techniques should be enhanced and promoted as widely as possible.

15.0 CODE OF CONDUCT

All departments need to make comply with Authority's code of conduct. To realize this, the following shall be put in place;

- i. Each department to implement the code of conduct as required in section 10 of WRA HR manual.
- ii. Enforcement mechanism shall be an integral part of the code of conduct.
- iii. The Authority shall regularly review and update the code of conduct.

16.0 MONITORING AND EVALUATION

- i. The Board will endeavor to have adequate resources to make monitoring and evaluation successful.
- ii. All departments shall monitor and evaluate the implementation of this procedure at all levels and stages on quarterly basis, spearheaded by the NCPC/CPC.
- iii. Heads of Departments must integrate strategies and mechanisms for monitoring and evaluating the quality of programs, strategies for interventions and efficient resource utilizations.

- iv. The Management and the NCPC/CPC will develop a monitoring and evaluation framework that is feasible, relevant and consistent with international good practices.
- v. Monitoring and evaluation system will monitor impacts such as bribery and corruption prevention plans, risk assessment and management plans, which will be used to identify loopholes or areas vulnerable to bribery and corruption and inform the management.

17.0 REVIEW

The procedure shall be reviewed from time to time to ensure that it remains relevant to the need of the Authority at all levels. Suggestions about the review of this procedure shall be made to the Chief Executive Officer.

18.0 DECLARATION

WRA 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.

Approval/Signatures

Chief Executive Officer

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APPENDICES

APPENDIX 1: BRIBERY AND CORRUPTION PRONE AREAS RISK ASSEMMENT AND MITIGATION MEASURES.

S/No	Bribery and Corruption Pron Area		Mitigation Actions/Activities	
		a.) Bribery Risks		
		Desciving bribe to influence	-Payment to supplier done on first come first serve basis	
		Receiving bribe to influence payments of vendors	-Prompt processing of paymen certificates and adherence to the service charter.	
		,	-Submission of procuremen professional opinion for approval.	
A.	C F O OFFICE	b.) Corruption Risks		
	C.E.O OFFICE	Approval of activities without a budget	-Vote maintenance and authorizatior of vote book control.	
			-Approved concept notes	
19		Failure to implement Authority strategic goal and Management Board decision.	-Signing of performance contract	
			-Develop and implement strategic plan	
1	*		-Holding board meetings as stipulated	
	,	a.) Bribery Risks		
		Receiving bribe to entering into out of court settlements	-Ensure out of court settlements only consider the law and the Authority's best interests.	
В.	CS & legal Services Department	that are not favorable to the Authority	-Correspondence with advocate representing the opposing parties be put in writing and minutes o meetings be kept.	
		b.) Corruption Risks	No.	
(Influencing on going cases to secure judgments that are not in the best interest of the	-Filing of all relevant pleadings to support favorable outcome for the Authority	
		Authority	-Timely filing of court documents	

	WRA Procedures for Prevention of Bribery and Corruption				
			Charging of exorbitant legal fees by external lawyers	-Handling of all legal cases internally	
				-Attending court when required	
			Entering into contracts that exposes the Authority to future losses or damages	-Provision of written legal opinion and guidance during pre-contrac stages of procurement -Reviewing all contracts prior to	
			0	signing to ensure that the Authority' interests are protected	
			a.) Bribery Risks		
			Receiving bribe to compromise supervision of contractors during installation of hydro-	-Supervision /inspection of projects by project implementation committee.	
			metrological station	-Conduct monitoring and evaluation of projects.	
	Surface Division	Water	Receive bribe to over allocate surface water abstraction	-Conduct water abstraction survey	
C.				-Undertake river flow measurement.	
			b.) Corruption Risks		
-			Payment for surface water data not received	-Data verification against a list o gauge readers.	
				-Undertake regular check readings to verify data provided by the gauge readers	
			a.) Bribery Risks		
		Receiving bribe to compromised supervision during construction of	-Supervision /inspection of projects by project implementation committee.		
D.			hydrogeological monitoring network	-Undertake monitoring and evaluation of projects	
	Groundwater Division		b.) Corruption Risks		
	, .		Issue of authorization to drill while compromising on aquifer sustainability(over-	-Site verification before issuance o authorization.	
	*		abstraction) and water rights conferred on existing permit holder	-Active maintenance of a borehold database and authorizations database with correct geo-references	

-Strengthen Enforcement authorization conditions/allocation plans -Undertake sensitization for and hydro geologists a.) Bribery Risks	Wate	
and hydro geologists		
a.) Bribery Risks	driller	
-Reagent received by inspection of the standard acceptance committee.	on and	
reagent -Inclusion of water quality pro in inspection and acc committee.	ofessior eptance	
Pollution of water bodies -Compliance with permit cond	lition	
E. Water Quality, Pollution and -Inspection & Enforcement		
Laboratories Division -Undertake pollution control	survey	
b.) Corruption Risks		
Misrepresentation of water ————————————————————————————————————		
sample collection site. -Take coordinates and picture	of site.	
-Display of disclaimer on sample certificate.	wate	
a.) Bribery Risks		
Water Resources Conservation, Receive bribe to falsified -Inspection to be carried out by professionals.	y wate	
Infrastructure and b.) Corruption Risks		
Dam Safety Non-compliance with dam -Inspection of water infrastructure.	ture by	
inspection requirement water professions		
inspection requirement water professions a.) Bribery Risks		
a.) Bribery Risks Issuance of Authorizations and permits without -Public Notification		
a.) Bribery Risks Issuance of Authorizations and permits without adherence to permitting Enforcement a.) Bribery Risks -Public Notification -Site Verification		
a.) Bribery Risks Issuance of Authorizations and permits without adherence to permitting		
a.) Bribery Risks Issuance of Authorizations and permits without adherence to permitting process Enforcement Department a.) Bribery Risks -Public Notification -Site Verification		

		WRA Procedures for Prev	vention of Bribery and Corruption	
		Wrong identification of water abstraction points	-Enforcement and Abstraction survey:	
		Wrong Water Permit classification	-Inspection and verification o application before permit issuance	
	<u>s</u>		-Technical evaluation Report	
		a.) Bribery Risks		
			-Attend relevant sectorial conferences workshops for fundraising and awareness creation among stakeholders	
		Non conforming project	-Identify areas of common interest with target partners	
	Resources Mobilization & Stakeholder Engagement Department	Non-conforming project proposals	-Capacity building of staff through trainings n proposal writing	
			-Conduct research on donor needs ir order to prepare bankable proposals	
			-Brainstorm on the trends and changes in the fundraising community	
н.			-Carry out scoping missions to identify possible development partners fo collaboration	
			-Holding monthly divisional planning and review meetings	
		b.) Corruption Risks	. ~	
			-Craft proposals tailored to the donors' areas of focus	
		Change of development partners area of focus	-Conduct continuous research or existing donors to identify funding patterns	
		parmers area or recas	-Tap into the existing network o donors and request for referrals to donors aligned to the Authority' focus areas	
			-Engage in continuous dono mapping in order to be aware of an changes in funding focus	
		Loss of interest among Development partners	-Develop new framework agreement for funding (e.g. LOIs, MOUs, Join Action Plans etc.)	

		WRA Procedures for Preve	ention of Bribery and Corruption
	*		-Implement a comprehensive and responsive communication strategy with stakeholders
			 -Engage in continuous donor mapping in order to be aware of any changes in funding focus
			-Streamline donor reporting and project management
		,	-Establish a fundraising strategy and clear division of labour for relationship management to adopt to changing donor landscape
		a.) Bribery Risks	
			-Training WRUA officials or Procurement processes
	County Community Engagement Division	Conflict of interest in WRUA contracts	-Appointment and operationalized or relevant WRUA management committees
			-Display funds granted to the WRUA and contracts awarded on public notice boards
			-Undertake disciplinary or legal action on staff and WRUA officials that are found indulging in corrupt practices
		b.) Corruption Risks	
l.		, ,	-Capacity building and training of funded WRUA on financial procurement and project management.
			-Putting in place a WRUA finance subcommittee composed of non
		Colluding with WRUA officials to misappropriate	executive committee members to approve and oversight all financia matters
		WRUA project funds	-WRUA payment above Ksh 5000 should be made through cheque after all supporting documents have beer approved by FC
			-Involvement of internal audited department and external stakeholders e.g. OAG ministry of water, sanitation and irrigation to monitor/ audit use own WRUA project funds and procurement process

		WRA Procedures for Preve	ention of Bribery and Corruption	
		a.) Bribery Risks		
		Receive bribe to falsify monitoring and evaluation	-M&E team to constitute Independent Planning M&E Officers	
J.	Planning and Research	reports	-M&E report on status of projects	
••	Department	b.) Corruption Risks		
		Misrepresentation of Authority's reports	-Compliance with issued reporting guidelines.	
		Admonty s reports	-Verification and validation o received reports	
		a.) Bribery Risks		
		Irregular dissemination of data.	-Raise of revenue confirmation forms	
	Water Resources	data.	-Raise invoice	
K.	Centre Division	b.) Corruption Risks		
		Compromising the prescribed charges with a client.	Sticking to the official rates prescribe in the Water Resources Regulations	
Corpora	ate Services Department			
•	·	a.) Bribery Risks		
	Communication and Public Relation Department	False Publication of Authority information and report	-Seek approval before publication o any information to the public	
		b.) Corruption Risks		
L.		Misrepresentation of customers complaints	-Register customer complain	
			~Ensure signed complain letter is ir place	
			-Provide feedback of resolve complain to customer	
	Human Resources & A	admin Division		
		a.) Bribery Risks		
М.	Human Resources Division	Receive bribe to influence promotions and disciplinary	-Holding of Staff matters committee meetings	
		actions to staff	-Undertake staff appraisals	
			-Accord alleged staff opportunity to defend him/her self	

	ı	WKA Procedures for Preve	ention of Bribery and Corruption	
	6	b.) Corruption Risks		
		Unauthorized absenteeism	-Staff login and logout at workstation	
		from work	-Disciplinary action for staff who do not report to work.	
		a.) Bribery Risks		
		Receive bribe to influence standard of Motor Vehicle	-Carry out pre and post inspection of motor vehicle repair.	
N.	Administration Section	repair and maintenance	-Completion of indent forms	
		b.) Corruption Risks		
		Misuse of Authority's motor vehicles	-Approved transport requisition and safari notice	
		a.) Bribery Risks		
		Receive bribe to order to under bill clients	-Undertake inspection and enforcement	
	Revenue Division		-Maintain register of clients	
О.			-Verification of billing	
		b.) Corruption Risks		
		Misappropriation of Revenue	-Monthly reporting on collection from various revenue streamsUndertake monthly reconciliations the revenue accounts	
		a.) Bribery Risks	THE TEVELLAGE GEOGRAPHS	
		Payments for services and goods not delivered.	-Payment vouchers to be attached with; approved memo requesting for the payment, LPO/LSO, delivery note, \$13 and inspection & acceptance certificate, completion certificates where necessary	
_	Finance and	b.) Corruption Risks		
P.	Accounts Division	Unauthorized payments	-Ensure payment vouchers/Imprest are authorized before payment.	
			-Approved memo/concept note	
		Misappropriation of funds	-Undertake expenditure account monthly bank reconciliation -Undertake monthly expenditure reports	
	,	Exceed budget allocations	-Maintain vote book.	
			1	

	-	WRA Procedures for Preve	ention of Bribery and Corruption
2			-Authorization of vote book control before approval for payment.
		a.) Bribery Risks	
		Abuse of trust through sharing of access rights to Authority's Information Systems	-Control of access rights to staff and enforcement of role based access to all systems.
		b.) Corruption Risks	
		Personal data breaches	-Put in place a set of policies and procedures to govern the collection processing, storage, transmission dissemination, and disposal o customer and staff information
Q.	ICT Division		-Compliance with the data protection Act, 2019
		Lack of Information security capacity within the institution	-Training of all employees with the necessary training to fully understand the institutions ICT policies procedures and the consequences of their violation
		Poor discharge of contractual obligations by	-Adopt and implement Outsourcing Guidelines
		outsourced ICT functions	-Automation of procurement process
			-Develop clear guidelines or procurement process of ICT resources
		a.) Bribery Risks	
		Receiving bribe to tampering with useful	-Folio correspondences
R.	Record Management	information in file or document	-Maintain an incoming/outgoing marregister
Κ	& Archives Division	b.) Corruption Risks	
		Loss of files	-Maintenance of file movemen register
			-Staff trainings and sensitizatio programmes for registry staff.
Supply	Chain Management Div	ision	
24511	- I I I I I I I I I I I I I I I I I I I	a.) Bribery Risks	

		77.17.17.000000000000000000000000000000	ention of Bribery and Corruption
S.		Receive bribe to award contracts to unqualified suppliers	-Undertake unbiased evaluation o bidders
			-Update list of prequalified suppliers
	Procurement &	b.) Corruption Risks	
	Disposal Section	Procuring substandard goods and services	-Ensure inspection and acceptance is carried out before receive of good and services
,	*	,	-Representation of user department ir inspection and acceptance committee
	,	a.) Bribery Risks	
		Accept incomplete delivery of goods and services	-Process acceptance and inspectior certificate
т.	Inventory Management Unit	or goods and services	-Use of delivery note and good: received note \$13
		b.) Corruption Risks	
		Receive of Substandard	-Appointment of adhoc inspection
	,	goods and services	and acceptance committee that involves user department.
		goods and services a.) Bribery Risks Receive bribe to falsify audit	
		goods and services a.) Bribery Risks	involves user department.
	Internal Audit	goods and services a.) Bribery Risks Receive bribe to falsify audit	involves user department. -Prepare audit programs
υ.	Internal Audit Department	goods and services a.) Bribery Risks Receive bribe to falsify audit	-Prepare audit programs -Document working papers.
υ.		goods and services a.) Bribery Risks Receive bribe to falsify audit reports.	-Prepare audit programs -Document working papers.

APPENDIX 2: BRIBERY AND CORRUPTION REPORTING FORM

•					
	$\boldsymbol{\nu}$	lease		OTO	٥.
		Case	1 1		

- (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 WRA.
- (b) THAT this form shall be used by the WRA in the investigation and determination of the matter.

2. I / We (name/s)	(Optional)	
(a)		
(b)		
(c)		
(Tick appropriately	/)	
□Staff	\square Stakeholder	☐ Other (specify)
3. Wish to make a	complaint against the f	following person(s):
(a)		
(b)		
(c)		
4. On the grounds	of:	
□Bribery	□ Corruption	□Other (specify)
5. Please give deta	ils of bribery / corruption	on /concern (include as much details as
possible e.g., date(s), time(s), location(s),	amount of money involved, nature of
advantage, circum	stances of bribery etc.)	
Attach separate she	eet if space is not suffici	ient.
		*

WRA Procedures for Prevention of Bribery and Corruption
6. 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)
7. Have you filed this report elsewhere? (Either internally or externally – the EACC,
Police/OB No.)
8. 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:

APPENDIX 3: PROCEDURES FOR BRIBERY AND CORRUPTION INVESTIGATION

1) Guidelines for Conducting Investigations

- i. The subject matter of the investigation should be defined and an investigation plan developed. It is necessary to determine what questions need to be answered, what information required to answer those questions and the best way to obtain information. The investigation must be structured to allow the gathering of sufficient reliable information to enable the issue to be properly addressed by proving or disapproving matters relevant to the allegation.
- ii. An investigation may potential involve the following investigative activities:
 - a. Interviewing relevant witnesses; both internal and external to the Authority including obtaining statements where appropriate.
 - b. Reviewing and collating documentary evidence.
 - c. Forensic examination of computer systems.
 - d. Examination of telephone records.
 - e. Enquiries with banks and other financial institutions, subject to obtaining appropriate court orders.
 - f. Enquiries with other third parties.
 - g. Data search and seizure.
 - h. Tracing funds (assets and goods)
 - i. Preparing a brief of evidence.
 - j. Liaison with the police or other law enforcement bodies.
 - k. Interviewing persons suspected of bribe or corruption.
 - I. Report preparation.

2) Internal Investigation

- i. The nature and scope of allegations of bribery or corruption will assist in determining the area of responsibility within the Authority; the decision to investigate will be determined by either;
 - a. The Chief Executive,
 - b. Manager Internal Audit department

3) External Investigation

- i. The selection process involved in selecting an external investigative service provider should give due consideration to:
 - a. The depth of experience of the external service provider, including outcomes of the past work,
 - b. The solvency of the external service provider,
 - c. The potential for conflict of interest where the external service provider is a client of or provides other services to the Authority,
 - d. The commitment by the contractor to abide by the information privacy principles in the Secret Act of Witness/ Protection Act and
 - e. The need to meet the relevant levels of competency
 - f. External parties engaged to assist the Authority in investigation should be required to enter into a binding agreement in relation to the release of

WRA Procedures for Prevention of Bribery and Corruption confidential information coming into their possession during the course of investigation.

4) Recovery of the proceeds of bribery or corrupt conduct

The Authority shall take any necessary legal action to recover losses that are determined to have resulted from bribery or corrupt conduct. In most cases this will be where the likely benefits of such recovery will exceed the funds and resources invested in the recovery action. However, this will not preclude any decision to take recovery action.

APPENDIX 4: ROLES AND RESPONSIBILITIES

1) The management

Management shall establish and maintain adequate internal controls that provide for the security and accountability of the Authority's resources and prevent/reduce the opportunity of bribery and corruption to occur.

The role of management shall be to ensure that:

- a. There is continuous advocacy for transparency and accountability in all departments.
- b. There is total autonomy for all enforcement agencies to enhance their performance.
- c. All personnel are properly trained, focused, performance oriented and sensitized to the need of improving productivity and services in the Authority.
- d. Provide manpower with the appropriate equipment and technology to deliver the services required.
- e. Re-training of staff to enhance their productivity e.g., training to promote factual reporting and dissemination of bribery and corruption activities.
- f. Providing adequate funding for anti-bribery and corruption activities.
- g. Staff selection is strictly based on professional competence and experience, with staff already in employment assessed for suitability.

2) The Chief Executive

The chief executive shall:

- a. Be the chairperson of the NCPC.
- b. Appoint an adequate number of Integrity Assurance Officers in all the stations.
- c. Assign duties of NCPC/CPC and train IAO's.
- d. Form National Corruption Prevention Committee and delegate authority to Basin/Sub-Basin Area Coordination to form CPC at their stations.
- e. Make facilities and resources available for Bribery and Corruption prevention mechanisms in the Authority.
- f. Develop and implement Bribery and Corruption Prevention Plans.

- g. Implementation and regularly review Codes of Conduct and Ethics.
- h. Take corrective measures as advised by NCPC/CPC and EACC.
- i. Implement bribery and corruption prevention strategies.
- j. Ensure that progress reports and actions taken on reported matters of bribery and corruption are disseminated to interested parties including EACC.
- k. Making budgetary provision for financing internal and external anti-bribery and corruption and integrity assurance activities.
- I. Adequately capacitate Internal Audit department.
- m. Take necessary actions on recommendation of internal and external audit reports.
- n. Update the Governing Board on all matters of bribery and corruption in the Authority and actions taken.

3) Department Heads

- i. All heads of department are responsible for the prevention and detection of bribery and corruption and for the implementation and operation of controls that minimize bribery and corrupt activities within their areas of responsibilities.
- ii. They may also be called upon to perform the initial enquiries regarding any complaints of bribery or corrupt activity and will assist with any further investigations of these activities.
- iii. It is the responsibility of all heads of department in their day-to-day operation, to ensure that there are mechanisms in place within their areas of control to assist with:
 - a) Assessment of the risk of bribery and corrupt behavior through awareness of the risk and exposures inherent in their areas of responsibility.
 - b) Promotion of staff awareness of ethical principles subscribed by the Authority.
 - c) Sensitization of staff about bribery and corruption prevention and detection.
 - d) Promotion of positive attitude towards compliance with laws, rules and regulations and
 - e) Prompt and positive response to all allegations or indication of Bribery or corrupt acts.

4) Other Staff

- a) Members of staff are responsible for compliance with controls, policies, procedures and operational guidelines in operation from time to time.
- b) Each member of staff is required to identify items at risk in their areas of responsibilities and device and implement controls to minimize the threat of bribery and corruption.
- c) Where staff becomes aware of bribe or corrupt behavior, it is their duty to immediately, report such activity in accordance with the bribery and corruption reporting procedures.
- d) Staff members are expected to assist with any enquiries and investigation pertaining to bribery or corrupt activity.

5) The Internal Audit

Internal Audit Department shall be charged with:

- a) The responsibility of detecting and investigating bribery in their routine work as well as reported cases.
- b) Audit Authority's procedures and process in order to effectively reduce the incidence of bribery and corruption.
- c) Carry out regular checks on the Authority's internal controls and ensure adherence to laws, rules and regulations and how they are implemented in practice.
- d) Special audits where particular areas of concern have been identified.
- e) Together with NCPC shall undertake investigation activities jointly as matters under investigation may demand.

6) The Integrity Assurance Officers (IAO's)

Integrity Assurance Officers (IAO's) will be Officers selected, trained and assigned duties to offer technical expertise to their Department/Divisions on the implementation of bribery and corruption prevention activities. The officers shall have the responsibilities of assisting the Chief Executive and the NCPC to:

- a) Carry out bribery and corruption risk assessment;
- b) Initiate action in response to bribery and corruption risk assessment;
- c) Prepare Bribery and Corruption Prevention Plans;
- d) Established timetables for implementing bribery and corruption prevention plans;
- e) Develop and implement codes of conduct and ethics;
- f) Co-ordinate and facilitate implementation of bribery and corruption prevention programs;
- g) Monitor, evaluate and review the implementation of bribery and corruption prevention activities.
- h) Compile progress report and present the report to the CEO, NCPC/CPC; and
- i) Implement anti-bribery and corruption education and awareness programs.

7) National Corruption Prevention Committee (Head Office)

The National Corruption Prevention Committee's responsibility will be to:

- a) Keep constant check on Authority operations and procedures and ensure that there are no opportunities for bribery and corruption.
- b) Prioritize activities in the implementation of bribery and corruption prevention programs.
- c) Ensure that all bribery and corruption prevention initiatives are integrated in the Authority.
- d) Receive and review reports on bribery and corruption prevention initiatives and take and/or recommended appropriate action;
- e) Co-ordinate bribery and corruption prevention strategies in the Authority.
- f) Consider and recommend training on the Integrity Assurance Officers.

- g) Ensure that all decisions and guidelines on bribery and corruption prevention are communicated effectively to staff and interested parties;
- h) Prepare and submit to EACC quarterly progress reports on implementation of the programs;
- i) Receive complaints and information on alleged bribery corruption activities within their areas of jurisdiction and therefore evaluate, analyze and recommend appropriate action and;
- j) Monitor and evaluate the impact of bribery and corruption prevention initiatives in the Board.

8) Corruption Prevention Committees (Basin and Sub Basin)

Their roles shall be to:

- a) Submit to NCPC information on Bribery and Corruption Risk Assessment and bribery and corruption prevention plan in their respective areas.
- b) Liaise with the NCPC on issues of corruption identified in their respective stations.
- c) Report suspected corruption to the NCPC.
- d) Enhance anti-bribery and corruption education and awareness in their stations.

9) Clients/Customer

The Authority shall partner with the clients to prevent bribery and corrupt practices and foster an anti-bribery and corruption culture in the Authority. The clients shall play a vital role in:

- a) Re-shaping attitudes reverse public apathy and zero tolerance to bribery and corruption.
- b) Monitoring the social and ethical performance of WRA officers.
- c) Enforce own Code of Conduct.
- d) Demanding quality goods and service.
- e) Carry out public sensitization programs.
- f) Ensure transparency and accountability in their programs.