



PARLIAMENTARY INITIATIVES NETWORK (PIN)

PRESS RELEASE

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MPs overstepped their mandate in their proposal to dismiss EACC CEO and Deputy CEO

The Parliamentary Initiatives Network (PIN) appreciates the progress made by the National Assembly towards restructuring the anti-corruption legal and institutional framework, particularly in making amendments to the Ethics and Anti-Corruption Commission (EACC) Act.

PIN concurs with the proposal to have part time Commissioners as this will go a long way in refining the functions of the Commissioners and secretariat, and reducing infighting that has been witnessed among individuals serving at the two levels previously.

PIN supports the proposed increase in the number of Commissioners from three to five Commissioners as this will remedy the question of constitutionality raised each time the number of commissioners is below the minimum of three set by the Constitution.

However, PIN, after a thorough deliberation notes that the use of the legislative power of the National Assembly to terminate the contracts of the Ethics and Anti-Corruption Commission CEO and his Deputy goes against the principles of good governance.

The question of whether or not the CEO and his Deputy should continue serving should be left to the yet to be appointed Commissioners as they are the ones who are legally competent to make such decisions. The National Assembly's mandate is to legislate and provide oversight of the Commissioners and not the secretariat; sacking the CEO and his Deputy in the manner proposed is an abuse of Parliament's legislative authority that must not be tolerated.

PIN also notes that the amendments have removed the requirement of a multi-stakeholders panel to recruit the chairperson and members of Commission and instead transferred this role to the Public Service Commission (PSC). PIN is of the view that the proposal has serious implications on the independence of the Commission. The Panel infuses diversity, objectivity and credibility in the recruitment process. PIN proposes that recruitment should still be done by a select panel to safeguard the independence of the Commission as anticipated under article 250 of the Constitution.

PIN, therefore calls on the President to reject this particular provision in the Bill and leave the function to the legally competent authority. We recommend that the recruitment of the Commissioners be concluded first. The new Commissioners can then take necessary steps to investigate the claims of impropriety levelled against the CEO and subsequently the Deputy CEO.

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CHAIR: PIN Steering Committee