FIGHTING CORRUPTION IN PUBLIC PROCUREMENT THROUGH IMPLEMENTATION OF ARTICLE 9 OF THE UNITED NATIONS CONVENTION AGAINST CORRUPTION: THE CASE FOR KENYA IN PUBLIC PROCUREMENT REGULATION

PATRICK KANYUGO WANJUKI

G32/70127/2011

SUPERVISOR: PROF. ATHUR A. ESHIWANI

RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE MASTER OF LAWS DEGREE (LLM) OF THE UNIVERSITY OF NAIROBI

NOVEMBER 2013
ABSTRACT

Rampant corruption in public procurement has been a major concern to the citizenry; multilateral financial institutions and international organizations. To address this concern public procurement regulations have been thought to one way of dealing with the menace.

In cognizance of the seriousness of the problems and threats posed by corruption among them it’s effects on sustainable development, the United Nations General Assembly passed a resolution for a convention against corruption that called for the need to fight corruption in public procurement by providing under article 9 that” Each State Party shall in accordance with the Fundamental principles of its legal system take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia in preventing corruption.”

Whereas it is settled that there is no one single definition of corruption, as it tends to mean different things to different people at different times, a working definition has however emerged which basically refers to the abuse of office for personal gain. Kenya being a signatory to the Convention has enacted various legal instruments to address corruption and one of them is regulation of public procurement which this study has attempted to interrogate how the convention’s statement of purpose to promote and strengthen measures to prevent and combat corruption has been realized through implementation of article 9.