



Corruption in Kenya:

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Abstract:	<p>This thesis is one that focuses the lack of checks and balances in the Kenya's institutions that have failed to deliver the mandates that have been accorded to them thus leaving Kenyans economically frustrated and their rights snatched as a result of the corruption that has blanketed the nation.</p> <p>Corruption is often associated with abuse of entrusted power and embezzlement of resources where a bribe is a major factor in exchange for preferential treatment and where there is corruption there is always bad governance. Like many other countries in the world, Kenya's economy has been crippled by corruption hence making Kenyans live in abject poverty. The country is blessed with plenty of fertile agricultural land and has the world famous tourist destinations with ample of wild animals, least to mention the abundant natural resources. Despite this, the country's economy is held back by a high level of corruption in all sectors of the economy.</p> <p>Corruption is discussed with all its consequences, the nature of its occurrence and worst-case scenarios in Kenya. The other aim of the report is to bring forward the World Bank's strategic tool for combating frauds, embezzlements and other means of corruption and see how it can be related to Kenyan's way of fighting corruption.</p> <p>A qualitative research method, a desk-top study, is used as the way of collecting data through reviewing available literature materials. Academic sources e.g. books, peer-viewed articles and journals were the main sources with supplement from non-academic sources e.g. newspapers and government published reports.</p> <p>A brief description of Kenya is in the appendix of the report.</p>
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1. INTRODUCTION

Like the same way human beings suffer illness and diseases in their bodies, the economy too suffers an epidemic called corruption. This is never a naturally striking or an airborne disease but a man-made epidemic. Corruption is found in every country, but the degree in the corruption levels differs. It is having a widespread system in some countries amongst them Kenya. There are consistent promises to combat and prevent corruption in Kenya, but all left unattended action. (AfriMAP, 2015).

Corruption is often associated with abuse of entrusted power and embezzlement of resources where a bribe is a major factor in exchange for preferential treatment and where there is corruption there is always bad governance too, (Ivar Kolstad, Verena Fritz, and Tam O'Neil, 2008). Like many other countries in the world, Kenyan's economy has been crippled by corruption hence making Kenyans live in abject poverty. The country is engulfed by the corruption that has rendered the ordinary citizens help-less as bribery and extortion are the quotes of the day and injustice degrading the morals. Kenya's Ethics and Anti-Corruption Commission is leaving no stone unturned to bring culprits to the rule of law

Corruption has undermined and continues to undermine the development system of Kenya. "Many African countries would have realized great economic and political growth, but such growth has been stunted because of corruption" Prof. PLO Lumumba (2016) former director of Kenya Anti-Corruption Commission.

In Kenya, corruption has diffused in and out of every organ of the state and thus there is a high level of underdevelopment and poverty. According to Elizabeth N. and John T. (2014), there is a lack of political will in Kenya in the fight against this deadly disease.

When corruption is created the entire public services will gradually cease to develop, unemployment will kick high, the cost of living and the public frustrations will shoot up, and individual enrichment with classes in the living standards within the society emerges.

Kenya is one of the many African countries that have created strong ties with China recently and have started to borrow billions of US dollars from China in the year 2018, all in the name of development. Kenya's President Uhuru Kenyatta has described deals between Kenya and China to build a railway line. Worth around 5 billion dollars deal was

signed during Kenyatta's visit to China (African Outlook, 2013). But quite unfortunately due to the level of the existing corruption which is leading to large public funds be embezzled daily and the level bribery too, this borrowed money may end up in unknown and unaccounted places.

1.1 Background

Corruption has become a structural problem politically, economically and socially in Kenya so much so that there is the ineffectiveness of the government organs to allocate resources fairly within the society; thus, lowering the living standards of its society and this has paved the way for extreme poverty in the country. (Peter Kimuyu, 2007)

The author, who is a Kenyan by origin, considers the topic crucial for a research because corruption it is affecting daily the common citizen. Bribery is the order of the day and has, therefore, become a widespread enemy of a good system of government in Kenya. (Business Anti-corruption Portal, n.d.).

1.2 Problem Statement

Corruption is compared with the danger of prostitution. Elizabeth N. and John T. (2014) mentioned that PLO Lumumba who has related prostitution to corruption saying that the former endangers the morals and the virtuous of an individual whereas the later jeopardizes the morals of an entire country. This is an important point to refer to the argument that corruption is the primary cause of national economic collapse and under-development. The impact of corruption is heavy, and it has disproportionately affected the most vulnerable ones in Kenyan societies. This is because it has been identified as a major impediment to the social and political sustainability as well as economic growth and development. (Elizabeth & John, 2014). The Kenya Ethics and Anti-Corruption Commission has carried out a National Ethics and Corruption Survey 2015 and found that 93% of Kenyans believe that corruption exists and 70% believe that it is even higher in its existence.(EACC,2015).

In reference to the above statement of Elizabeth and John, it can be described that corruption is the main cause of injustice in Kenya. The poor and the fewer fortune people in the society cannot have their shares or their rights because of their inability to give

out bribes to the selfish and corrupt officials in the public offices. This injustice also favours a group of people over others in the same society.

1.3 Research Aim

The fundamental aim of this research is to give a holistic view about the presence and extent of corruption in Kenya with the mention of some of the most extreme cases of corruption that has taken place in this country. The research will also help identify how the anti-corruption agent the EACC has taken its role in investigating and speaking about corruption.

It will further try to compare the World Bank's anti-corruption models for fighting corruption into that system of corruption fighting in Kenya. Is it a specific type or rage of corruption that directly affects the ordinary citizen? Shall the World Bank's anti-corruption strategy be a possible solution to combat fraudulent and misuse of public funds? The explanations, the arguments and the findings given on these questions will control how to come up with the main purposes of the research.

1.4 Research Questions

What is corruption like in Kenya? In this research question the author will look into the structures of corruption and the ways it is taking place and how is it affecting the ordinary citizen. The second research question is; *What sort of anti-corruption strategies can be applied to Kenya?* In this question, its aim is to search for possible solutions to fight corruption or give an extra support frame to the existing anti-corruption systems in Kenya.

1.5 Significance of the Field

The World Economic Forum (2018) has estimated that over US\$3.6 trillion is lost through corruption every year. This is a tremendous waste of public resource, thus must be spoken against it, otherwise, if it is left to be unchecked or undetected then it can cause more serious and the most unbearable consequences e.g. a total collapse of entire state law, order, and governance.

On the other hand, the topic has immense importance to the writer in particular as it is the starting point for doing researches and studies on corruption and also has the possibility of engaging with anti-corruption agents. Specifically, from the writer's own home

country Kenya which is one of the countries that corruption has adversely affected both private and public sectors.

1.6 Definition

According to Isabel Cane (2018), a Project Lead in Partnering Against Corruption Initiative (PACI), who has contributed for World Economic Forum considers corruption as a dirty word. Yes, dirty as in its own structure and behaviours.

Transparency International also has a similar definition by expressing it as the abuse of entrusted power for private gain whereas the World Bank defines it as abuse of public office for private gains.

Another true depiction of the nature of corruption was categorically explained by Jens Chr. Andving et al (2000) stating that the deep structure of corruption has an illegal maximization of private economic interest that is not leading to a good desirable result for the society.

The Online Oxford dictionary defines corruption as dishonest and fraudulent conduct by those in power, typically involving bribery. The Merriam Webster dictionary de-fines anti-corruption as opposing, discouraging and punishing corruption.

1.7 Delimitation

The research is limited by the availability of data from reliable sources and the availability of data on a limited number of corruption activities. Only one country is selected although corruption is a global challenge.

1.8 Ethical Considerations

In these regards, the writer used genuine corruption reports provided by either the government's anti-corruption agents, academic journals, articles or press like the leading local newspapers and television channels as well as international organization's world bank's corruption indexes.

2. GENERAL VIEW OF CORRUPTION & ANTI-CORRUPTION

This is, in other words, the conceptualization of corruption and anti-corruption. The author will look into the phenomena of corruption and the approaches of anti-corruption as a general view that is not only pertaining to Kenya. Also looked into are the various factors that promote and foster corruption around the world.

2.1 Phenomena of corruption

Corruption can be seen in many different forms. Most of the people may define corruption as stealing and misuse of public fund which have the components that include frauds, embezzlements, bribery, money laundering, drug trafficking. However, as claimed by Arvind K. Jain (2001), these do not constitute corruption since the use of public power is not involved in them. Instead, Arvind maintains that these acts influence government policies when top officials and politicians use them through the powers delegated to them in an attempt to further their economic interests and for the sake of the common goal.

In a broader perspective, corruption refers to, anything that prevents a government from being what it should be. Failure to distinguish private from the public matter e.g. appointing relatives instead of merits and diverting public money for private use is all seen as the result of corruption. (Peter Larmour & Nick Wolanin, 2013).

Shapiro A. (n.d) sees corruption conduct as never been negligence or a mistake rather it is a deliberate and intentional wrongdoing act. When an officer in a public office improperly uses the resource or the power in the position for his or her personal gains and/or when an official in a public office dishonestly exercises the official duties in a partial manner or breaches public trust and by misusing materials, knowledge, and information of the public, these are then corruption conducts.

Muthukrishna et al, (2017), have divided corruption into three categories – which in other words they called corruption mitigation strategies

- i) partial transparency:* to mean making leaders reveal their contributions.
- ii) full transparency:* exposing actions and behaviours of the leaders including their manners of accepting bribes

iii) leader investment: meaning leaders' to be forced to contribute their endowment and financing the public pool.

Democracy is an essential element in human life as it is a factor that exposes democratic rights for the citizen. Researchers like Ivar Kolstad, Verena Fritz and Tam O'Neil (2008), hold the view that consolidating corruption with democracy will eventually lower the level of corruption. Contrary to this, the figure below which is Corruption Perception Index 2018 report of TI-Kenya, illustrates that as long as corruption exists, fairness and a strong democracy around the world will also be under a threat. It further shows the countries that have corruption also have decline democracy. This is because of corruption attacks and undermines democracy. Countries with full democracy are considered to be the least corrupt countries whereas those with no democracy tend to be the most corrupt countries.

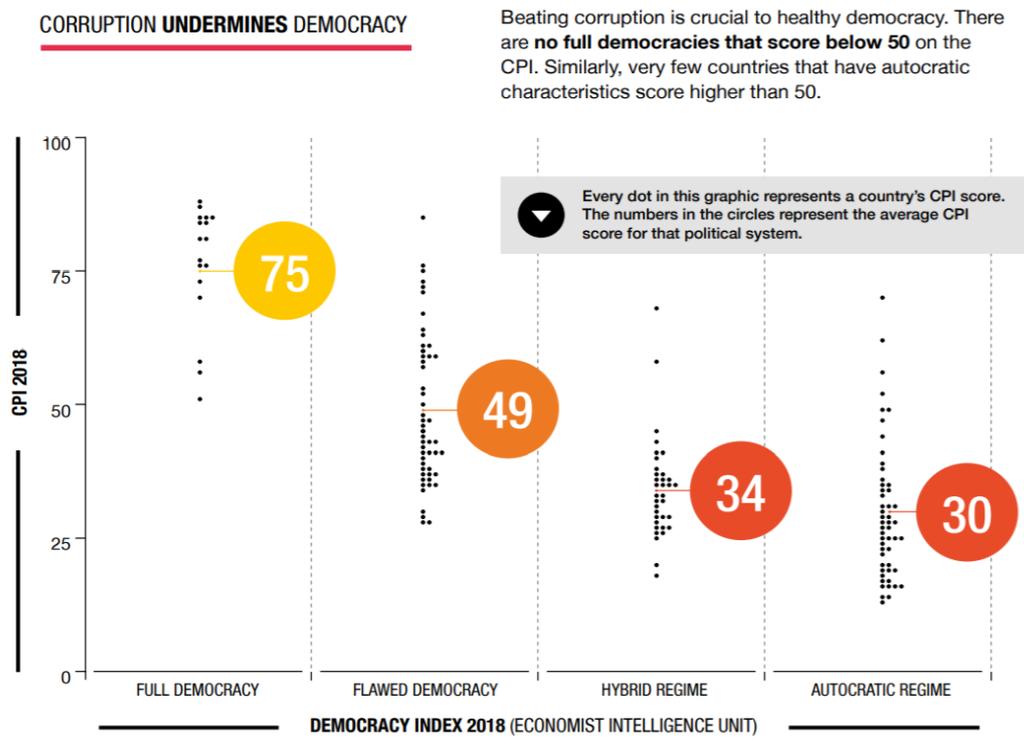


Figure 4: Source: Transparency International-Kenya

Democracy Index

2.2 Factors that aid corruption

According to a Working Paper for the International Monetary Fund by Vito Tanzi (1998), there are two major factors that promote the existence of corruption globally. These are direct and indirect factors.

i. Direct factors

In the paper, many features were discussed as direct factors that help corruption flourish. Among these things, however, includes: **Rules and regulations:** the paper expressed the issue of many rules, regulations, and authorizations which a citizen passes through for a service to be delivered to him/her. There are a number of state officials in the process that need to check, authorize and finally approve before the service is delivered. This means that a long channel of contact and process creates a gap for bribery. **Spending decisions:** Investment projects and procurement spending are examples of public expenditures that are affected by corruption directly. Tanzi V. in his opinion, the projects provide opportunities to individuals or political groups who get commissions from the executives or managers of the projects. Likewise, weak procurement procedures bring in corruption. IMF confirms that countries with complex and costly procurement procedures have fewer corruption cases in their procurement spending. **Financing of parties:** Tanzi V. stated the political donations in the United States as an example of such a problem. He also quotes that a member of the socialist party in Italy has spoken about Italian political parties with an army of employees in their payroll who are all paid with money from elsewhere.

ii. Indirect factors

Just like the above factors as direct factors, this working paper has also revealed a number of indirect aspects that aid corruption. To mention a few: **Quality of bureaucracy:** In the argument of Tanzi V., when, for instance, the process of recruitment and promotion, there is no political motivation or patronage or nepotism in them, then this contributes to ideal bureaucracy which is a merit-based. **Public sector wage:** Here the working paper ascertains that the higher the wages paid to the civil servants the lower the level of corrupt officials. **Penalty systems:** Effective

penalties tend to be more lenient than statutory penalties as a few people are punished for the act of corruption despite the extent of corruption.

2.3 Approaches to anti-corruption?

Peter Larmour & Nick Wolanin, (2013). “Whatever an organization's purpose, it has a public duty to optimize the value of its services to the community. Corruption and other unethical behavior compromise the value of those services.”. When these unethical behaviors spread, they have brutal consequences like affecting the quality, the cost and the availability of the services. The sour fruits borne out of this is the loss of public trust in that system.

In the diagram below, the Independent Commission Against Corruption (ICAC) in New South Wales has drawn proper guidance and approaches that, the author finds quite beneficial in regard to combating corruption globally.

<p>Foundations for corruption prevention</p> <p>The role of leadership, organisational culture, standards, values and procedures in preventing corruption.</p>	<p>Detecting corrupt conduct</p> <p>Internal processes to aid in detecting corruption</p>	<p>Responding to corrupt conduct</p> <p>Formulating an effective response to corruption</p>
<p>Corruption risk management</p> <p>Applying risk management approaches to corruption prevention</p>	<p>Knowing your risks</p> <p>Includes products and services, employees, contractors, money, information and assets</p>	<p>Publications about preventing corruption</p> <p>Lists the publications on preventing corruption and a search function</p>

Figure 5: Source ICAC

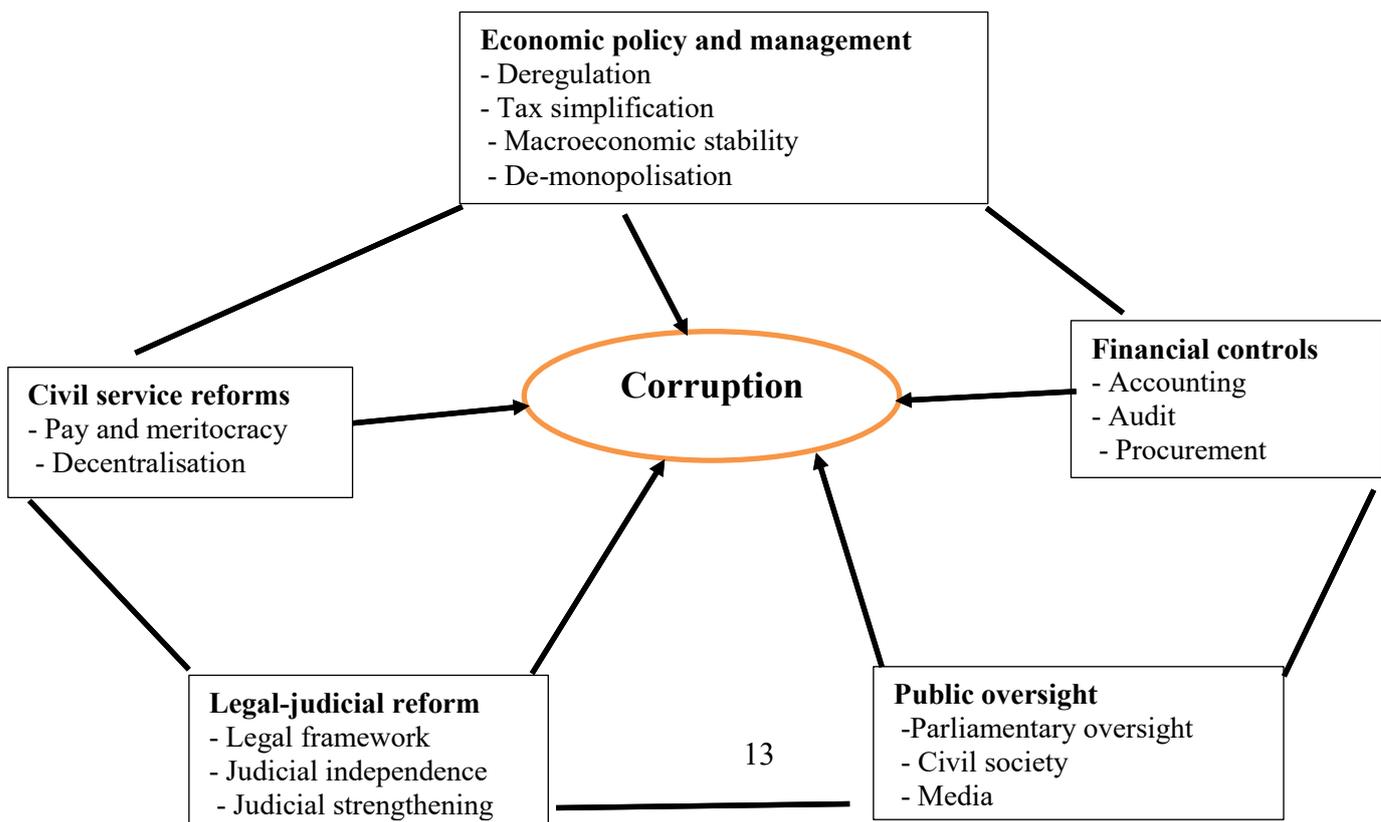
Preventing corruption

In an attempt to elaborate the figure, among the best approaches to anti-corruption, ICAC recommends that to respond to corruption there should be a thorough internal control through constant investigations, reporting any issue of corruption to the concern authorities and that must be followed by disciplinary action. Supervising, checking and

investigations are the pillars that help in the detection of corruption cases. In any case, for the above approaches to persist, leaders' commitment and a sound organizational culture are the foundation for the prevention of any occurrence of corruption. The other factor for preventing corruption which is mentioned above is about how to manage corruption risk. For governments to have control over corruption, there is a need to understand how to manage these risks. One of the best ways to manage the risks, according to ICAC is to identify the existing corruption risks. Some of these identifications processes provided by the commission include.

1. Using existing information like the organization past experiences and studying previous financial reports e.g. audit reports.
2. Using the employees' skills whereas conducting interviews with highly experienced staff and asking them to provide ways to bypass the existing controls
3. Partnering with experienced anti-corruption agencies
4. Becoming more technical such that there are deductive or inductive techniques and logical diagrams to follow such as Tree Analysis (FTA), Event Tree Analysis (ETA) and Root Cause Analysis (RCA).

In addition to the above approaches, there is also the World Bank strategy. The diagram below, called the Multi-Pronged Anti-Corruption Approach, (World Bank, 2000) is a diagnostic tool designed by World Bank as a solution to combat corruption.



Source: World Bank Figure 3: World Bank multi-pronged anti-corruption strategy

According to bank corruption can come in different ways such as grand, political, systematic and administrative corruption. However, these different corruption types can be fought against with the help of the strategies in the diagram. The bank says that this is an approach that helps identify and address the primary causes of corruption

3. THE CHOICE OF METHODS

The author is using secondary data via a qualitative approach in compiling the thesis report. Published data e.g. e-journals and e-books were the main sources for collecting data. Other sources include reports and statistics prepared by government institutions, national and international organizations, and articles and newspapers all through analytical

inductions and interpretations of these readily available data. However, the approach's main limitation is that primary research data collection is not focused.

The following are examples of how the method was used to gather information.

3.1 Keywords

Keyword	Description	Hits	Source	Selection criteria
Bribery & Kenya	With the advance search selected via academic search elite, the search found references	13	ESBOhost	8 out of 13 had adequate information necessary for the topic and thus were selected
Corruption & Kenya	The search was limited to full text and peer-reviewed. And selected Scholarly Journal	2823	ProQuest	14 out of 2823 search results were selected as a source. They were directly related to Kenya's corruption
Fraud & Kenya	The search was on articles and chapters. The result was ordered by Relevance Only	229	Emeraldinsight	2 out of 229 results were selected because they were most relevant to the topic
Anti-corruption & Kenya	Using Google Scholar search for 'Anti-corruption in Kenya',	17,400	Google Scholar	Gave preference to 6 out of 17400 sources as they had relevance to the WorldBank strategy.

The above keywords were the most significant words to the subject of the thesis and hence they help the author with the quick search for journals or articles or books related to the topic of the thesis. The following is a list of the main sources (all academic: books, peer-review journals, and research papers) used for the literature review:

a) Books

1. Corruption in African: The Kenyan Experience: by Anassi Peter. (2004).
2. In Effectiveness of Anti-Corruption Agencies in East Africa: Kenya, Uganda and Tanzania: by AfriMAP. (2015)
3. Corruption and Anti-corruption : *by* Larmour, P., & Wolanin, N. (2013)

b) Journals and research papers

1. Corruption: A Review : by Arvind K. Jain. (2001).
2. Conflict over natural resources among pastoralists in northern kenya: A look at recent initiatives in conflict resolution: by Berger, R. (2003)
3. From bush to butchery: Cattle rustling as an entrepreneurial process in kenya. *Society and Business Review* : by Bunei, E. K., McElwee, G., & Smith, R. (2016).
4. Terrorists, Geopolitics and Kenya's Proposed Border Wall with Somalia. *Contemporary Voices*: by Cannon, B.J., 2016
5. The local mwananchi has lost trust: Design, transition and legitimacy in kenyan election management. : by Erlich, A., & Kerr, N. (2016)
6. Political corruption, party financing and democracy in kenya: by Gakuo Mwangi, O. (2008)
7. Tackling the corruption epidemic in kenya: Toward a policy of more effective control. : by Hope, Kempe Ronald,,Sr. (2013)
8. Scandals, Media and Good Governance in China and Kenya: by Hassid, J., & Brass, J. N. (2015)
9. Corruption, Anti-corruption Efforts and Aid: Do Donors Have the Right Approach?: by Ivar Kolstad, Verena Fritz and Tam O'Neil, (2008)
10. Research on corruption: A policy-oriented survey: by Jens Chr. Andvig et al (2000)

11. Fighting Corruption with Insights from Behavioral Science: by Lambsdorff, J. G. (2018)
12. Corrupting cooperation and how anti-corruption strategies may backfire: Nature Human Behaviour: by Muthukrishna, et al, (2017)
13. Abuse of Power and Corruption in Kenya: Will the New Constitution Enhance Government Accountability? , by Migai Akesh. (2001)
14. Increasing the Oversight Role in the Usage of Public Funds in Kenya: by Okoth, E., 2016
15. Corruption, firm growth and export propensity in Kenya: by Peter Kimuyu (2007)
16. Economic Analysis of Corruption: A Survey: by Toke S. Aidt. (2003)
17. Detecting and Investigating money laundering in Kenya. Money laundering experiences:

Corruption has been a matter of integrity; and is always complicated in nature. There are huge challenges to acquire and collect sufficient information. For that reason, the author opted to supplement with non-academic sources. In addition to the above academic sources, the following are also a list of non-academic and newspaper sources.

3.2 Newspapers as non-academic sources

The newspapers chosen are the top and the most widely read newspapers in the nation. They are considered to have credible information. However, they may not be very reliable or may be politically motivated. These newspaper sources are:-

- i) The Daily Nation
- ii) The Standard Media
- iii) Tuko

4. RESULTS OF THE LITERATURE STUDY

This is a research thesis that focuses on the presence and the extent of corruption in Kenya. The research thesis will look into the consequences of corruption in the larger national economy, the causes, the types of corruption which is basically how corruption occurs and more importantly the report will be giving out some genuine examples of the massive corruption cases in Kenya and the impact of these cases to the state development. In connection to this, the report will also cover how the World Bank anti-corruption strategy can help Kenyan government in its fight against the rampant corruption in the country including other possible models of anti-corruption.

4.1 Corruption in Kenya

Corruption, with its definitions and meaning being dissimilar from one country's legal system to another, may be seriously transgressing of the public's ethics and virtues.

Anassi Peter (2004). The most appropriate definition is that when Kenya has expanded the definition of corruption to include bribery, fraud, embezzlement or misappropriation of public funds, abuse of office, breach of trust, and any offense involving dishonesty.

On the other hand, Toke S. Aidt (2003) insist that corruption is a persistent feature of time and space due to its nature of history and ethics.

Africans see corruption as a practical problem that involves fund embezzlement, misappropriation of state properties, outright theft, nepotism and granting of favors for personal acquaintance. On the other hand, fraudulent deals and kickbacks are common in tendering public contracts and procurements as well as asking for bribes in rendering public services. Corruption is woven deep in the everyday life of the African citizen. (Peter Anassi, 2004).

Having said so, it seems a cancer-like epidemic because once corruption starts within a society it spreads into that society so easily just like the killer cancer spreads into the body. Its effects are grand and widespread. The biggest consequence of corruption is cost. Cost in the sense that, it acts as the burden of additional tax on both businesses and consumers. For instance, the PWC's publication (May 2016), the *Global Economy Watch* that looks at the trend and issues affect the world economy, suggested that about \$500bn

is missing from the world economy and hence has called this the “output gap” giving an estimation that the worldwide output would have been \$500bn higher had there been no corruption of that extent.

According to Toke S. Aidt (2003), at least three conditions are necessary for corruption to arise and persist a) discretionary power: where the official possesses the authority to design and administer regulations and policies; b) economic rents: discretionary power must allow extraction and creation of rents that can be extracted; c) weak institutions: officials are left with incentives to explore their discretionary powers to extract or create rents.

Peter Anassi discussed in his book, “Most African countries have come up with good economic policies and programs. However, implementing is a practical problem because of the corruption within the system. Civil servants most of them who are corrupt and incompetent, administer government policies and programs.”

In a joint statement released on November 2018 by European heads of mission in Kenya affirms that corruption has long undermined Kenya’s prosperity, security, and democracy. Further, the statement said, “*When there is evidence of corruption, those responsible should be prosecuted regardless of the political party, social stature, or personal connections..... as partners we stand with Kenyans in the fight against corruption*”

By far and large corruption in the government of Kenya is considered an institutional problem, rather than the cultural one, (Akes Migai, 2001). “Corruption remains endemic to Kenya’s public sector. The media and civil society have, for at least a decade, freely exposed corruption scandals; however, this exposure has not ended corruption and its attendant impunity. The laws and institutions to combat corruption are in place and yet the situation does not improve”(Afrimap,2015). In Kenya, there is a common expression used by someone in a public office to hunt for informal payments from the one seeking the service. This expression is “Toa kitu kidogo”, a Swahili statement which literally means just pay me a small thing or give me tips. The use of agents and intermediaries is also by large and widely known; so as to facilitate for you a quick service delivery, or for businesses to facilitate their operations and transactions smoothly.

Start-ups and first-time entry market businesses as well as other foreign investors cry the blues and lamented that they regularly meet demands for bribery and request for informal payments so that they have their processes get done for them. This is costing the businesses extra expenses that cannot be easily accounted for.

According to the book *Effectiveness of Anti-Corruption Agencies in East Africa: Kenya, Tanzania and Uganda*, by AfriMAP, it has captured the state of corruption in Kenya and that of its neighbors as shown in the table below.

Although at the moment, the thesis is not meant to compare Kenya’s corruption level to that of any other state, however, the report in the table illustrates that there is a very slight improvement in Kenya’s fight against corruption in a span of five long years. This is due to the lack of political will to combat corruption, the book adds.

Table 1: Incidence of bribery in Kenya, Uganda and Tanzania,

Country	Bribery incidence 2009 (%)	Bribery incidence 2014(%)
Kenya	45	41
Uganda	35	43
Tanzania	17	48

Source: Effectiveness of Anti-Corruption Agencies in East Africa

Further, on page 22 of the book, it has also listed the top most corrupt institutions in Kenya with the level of their corruption indicated in terms of percentage.

1. The police (48.1%);
2. Traffic police (18.7%);
3. Government hospitals (15.7%);
4. Local authorities (15.4%);
5. The registrar of persons (13.2%);
6. The provincial administration (10.3%).

4.1.1 How does corruption occur in Kenya?

Odumbe, J. (2015), “If we intend to realize the dream of Kenya becoming a supreme embodiment of peace, integrity, national integration and unity, it is imperative that Kenyans come together and stop waging war against each other because of tribal differences, but rather against those leaders who act as emblems of hopelessness, fear, and corruption”. Corruption in Kenya is so pervasive that the President of the nation called it a threat to the nation in 2016 (Eva Okoth, 2016). The book has divided corruption in African and particularly in Kenya into three major categories.

I) *Institutional corruption*: - is where, according to AfriMAP, a group of criminal officers have corrupt practices. Here, it reinforces itself with the evidence of the above survey results by the Kenya Chapter of Transparency International with the list of most corrupt institutions in Kenya. Direct soliciting of bribes from the public is a normal form in the type of corruption.

II) *Political corruption*: - where politicians are fraudulently involved in morally unacceptable financial and political deals for their own gains.

III) *Bureaucratic corruption*: - where individuals in the public offices systematically and consistently solicit and/or collect money in return for services rendered. Bureaucratic corruption is in all departments in every government office.

However, with these three being the major frames for the big of corruption, detail of how significantly corruption occurs is explained below.

Accountability brings transparency and transparency brings trust and the trust brings ethical activities. For Ivar Kolstad et al, (2008), accountabilities come in four different dimensions *i) vertical accountability*: where politicians will be accountable to the citizens through electoral channels. *ii) horizontal accountability*: where government agencies control and oversee other agencies *iii) managerial accountability*: the public sector management and the relationship with the political level of government *iv) social accountability*: where the civil societies and the media can address and monitor government’s actions on implementations and funding. All these dimensions will then form pillars of good governance. Kenya’s system of government lacks these fundamental

pillars. The citizens of Kenya hardly trust their own government because of the government's bad system. One example of the bad system is improper recording and managing of state financial transactions. Eva Okoth (2016) said, "poor financial management and record keeping enables funds to be easily diverted and used before the theft can be detected, by circumventing the proper allocation process and therefore helping to promote corruption". The years of having bad governance are proving that transparency works very well when it goes hand-in-hand with accountability, participation, and inclusion and thus these create the principles needed as means of universal features of the working for any government. (Agnes Zani, 2017). This teaches that weakness in the capacity of the government brings this lack of accountability that causes an absence of fear and consequences from higher authorities and hence this encourages corruption in all sectors of the government.

Bribery has become part of Kenyans' life in such a way that they find it difficult to imagine life without 'toa kitu kidogo' ... paying out small things. "Bribery and extortion involve taking a bribe to obstruct and intervene in a criminal justice system. This is very common in Kenya. As a lawyer, I came across many instances where Police do actually obstruct the criminal justice system." Anassi Peter (2004). It is the nature of every human being to have his/her processes to be finalized in a few hours. In Kenya, finalizing in minutes than hours or in hours than days are very possible if you are "generous" for the sake of your matter. For instance, (Ben and Maranga, 2018) the fees for application of a birth certificate for your child at the office of the Registration of Persons ranges between Ksh 50 – 200 (€ 0.50 – 2,00) and legally takes ten working days. But this is one of the highly corrupt offices in Kenya, that Kenyans pay €10 or more to get the certificate on the spot. Bribery is the language of the service deliver-ance in Kenya. "In Kenya, estimates suggest that 8 out of 10 interactions with public officials require a bribe and that the average urban Kenyan pays a bribe 16 times a month". (Muthukrishna et al, 2017).

A former U.S Representative Lynn Westmoreland said, *'The greatest threat to the constitutional right to vote is voter fraud'*. After every five years, a general election is held in Kenya but later there are disputes, mistrusts, petitions, claims, and counter-claims in

the results of the election because of votes rigging claims. According to Article 81 of the Kenyan Constitution on elections, demands that elections should be free, fair and credible. It must also be run in a transparent, impartial, effective and accountable manner where this rarely happens in this country. In the 2013 election also experienced series of marred technological failures. Erlich et al (2016) quoted Raila Odinga Opposition leader to have said, 'What Kenya witnessed was the failure of virtually every instrument it had deployed for the election ... the constitutional process has been thwarted by another tainted election.' This same leader has cried foul again in the 2017 national election and said, 'The fraud Jubilee (the ruling party) has perpetrated on Kenyans, surpasses any level of voter theft in our country's history'. On the other hand, Kenya's election body, formerly known as the Election Commission of Kenya (ECK), was under heavy political influence. According to Erlich, Aaron, Kerr, and Nicholas (2016), in their article, they confirm that in 2007 this election body had 22 commissioners in which all were appointed by President Mwai Kibaki. The article further ascertains that only 5 out of the 22 commissioners had previous experience on how to conduct a national election. This is a simple ready-made excuse and a planned election rigging.

Never did it happen in the world where the final results of a presidential election were nullified by a court. In 2017, the Supreme Court of Kenya led by Justice David Maranga annulled and dismissed the August 2017 presidential election's results saying that the results had irregularities and illegalities. (BBC, 2017)

Just like the bribery, conflict of interest is yet another form of corruption that 'yield fruits' for many Kenyans. Senior officials befriend one another for the major reason of interest upon one another. Leader A expects a good helping hand from leader B and the vice-versa, or even the senior official uses his/her authority to ascertain that his/her interest is served. According to Anassi P. (2004), maintenance of government vehicles is history now because some officers collude with some garages which agree to issue fake invoices that they have repaired these vehicles. Payment vouchers are prepared, and cheques issued to them. They then pay back the concerned officers with commission going to the garage in consideration. Another example is that Kenya has six major dairy firms with Brookside Dairy and Kenya Cooperative Creameries Ltd (KCC) being the renowned and where their products are consumed largely. Brookside Dairy is owned by Kenyatta, the

family members of the President of Kenya. Jill C, Ghai (2016), confirms in his article for the newspaper The Star that he wondered when he saw the Brookside butter served on the Kenya Airways flight. Why? Because this is a pure conflict of interest. Just like the ordinary Kenyans believe in bribing for the sake of their smooth service delivery, high ranked officials believe in a conflict of interest.

In accordance with Article 46 of Anti-Corruption and Economics Crime act (ACECA, 2011), abuse of power means a person who uses to improperly confer a benefit on himself or anyone else is guilty of an offense. The slogan for the Kenya Police is Utumishi kwa wote which means Service to All. Unfortunately, the first group of people who take advantage of this service is the gangs and the criminals as they have good collaboration with the Police. According to Peter Anassi, (2004) crime and impunity increases in high proportion because the criminals and the gangs get protected apparently because of the corruption in the Police, RoGGKENYA (n.d), wrote on its webpage a fascinating real example of an abuse of power and office. This example is one of the many habitual waves of abuse of authority by Kenyan officials which is a form of corruption.

RoGGKENYA.org (nd) illustrates “Mkaa is a Human Resource manager of Pwani Ports Authority, a parastatal under the Ministry of Transport. The Authority has advertised several jobs. Mkaa’s sister, Dada, has applied for one of the positions. She graduated from College four years ago and has been at home. Mkaa receives the application letters from applicants who have better qualifications than Dada. She then recommends that Dada be given a job thus leaving out better-suited applicants. Mkaa ensures her sister gets the job. Mkaa commits the offence of abuse of office.

Tribalism and nepotism overcome public interest. When an individual has a strong loyalty to his or her community and considers the members from other communities as being low standard or lesser, then this is tribalism. Whereas nepotism is the practice among those in power or influence of favoring especially the relatives and friends by offering them assistance, cash hand-outs or even in the search for jobs. “The other cause of tribalism in the country and African as a whole is the competition for power and resource. Each tribe would like to dominate over its counterparts and take over significant resources.” Julie Kwach (2018)



Source: tuko.co.ke

Figure 1: Tribalism & nepotism

While relating ethnicity and corruption the article says: “Corruption was probably a major factor in there, being no physical clashes between landowners and squatters, or between the State and squatters during the three land invasions” (Obala and Mattingly, 2013).

Another reason for tribal conflicts as a result of corruption is when the grazing lands for the pastoralists have been confiscated by the government. Reduced access to such areas has thereafter led to greater conflicts between pastoralists due to scarce natural resources. Because of the resource disappearance, livestock survival was affected badly, as animals died. This has prompted cattle rustling (Rachel Berger, 2003). However, (Emmanuel K. Bunei, 2016), “there is nevertheless increasing evidence that it is becoming a more organized and sophisticated crime that is planned and implemented by networks of entrepreneurs. There is then an entrepreneurial dimension to the crime in parallel with the insider knowledge required to be successful”.

Because of greed, Kenyan officials are talented with the skills in embezzling and misappropriating public funds. Cheating, stealing and misuse of the State money is rampant in the country. In 2017, youth associations have demanded a thorough audit to be carried to

the Youth Entrepreneurship Development Fund over allegations on mass corruption. With this cry, Edward Githonga (2018), CEO of the Youth Entrepreneurs As-sociates, argues that some people at the fund are corrupt and thus he sought for re-organization of the fund from the President. Moses Nyamori (2018), writes an article for Standard Digital about how Members of Parliament (MPs) spend millions of Ken-yan taxpayers' money in the search for their comfort. Moses tracks the transactions for the MPs and reveals in his article that they spend about Ksh13.6 million (€120 000) of poor taxpayers' money for mere per diems traveling to different parts of the world in pursuit for comfort. Another giant fraud incident reported by Paul Ogemba (2018) for the same newspaper found out that a former Nairobi county boss has deposited Ksh 77 million (€668,750) into the account of his underage child. A lawyer for Anti-Corruption Commission further reveals that this accused boss was the head of accounting at the City Hall (Headquarter for Nairobi County offices) and worked for a short period of five years with a modest monthly salary of Ksh 90,000 (€785), hence cannot acquire such a huge wealth in that short span. Every official ponders over how easy to become rich and gather magnificent and lucrative wealth. All the above, are therefore the primary factors that contribute to the occurrence of corruption in Kenya.

4.1.2 Effects of corruption to the citizens

1)*Crime rate & insecurity*: Generally speaking, Kenyans are outgoing and friendly society, however, this country is impregnated with crimes in its highest order because the leaders are corrupt and irresponsible. The rate of crime and insecurity is significant in Kenya. Minor crimes like snatching, theft and pick-pocketing in the streets or in populated areas are common. However, the major crimes and/or insecurities include terrorism. Al-Shabaab terror group based in the neighboring Somalia wages attacks on Kenyan soils on many occasions. The biggest and most devastating attacks were the Westgate Mall in September 2013 and the Dusit Complex in January 2019 where dozens of people were killed and scores injured. Other attacks by this terror organization include the Mandera teachers' attack when 28 secondary and primary school teachers were murdered by Al-Shabaab among other numerous attacks both inside and across the border areas of the country. Brendon John Cannon (2016) he mentioned the need for Kenya to construct a

security wall on the Kenya-Somalia border after 147 students were attacked and murdered in cool blood in Garissa University in April 2015.

According to UNAIDS, gender-based violence is most persistent in Kenya. 32% of young women aged 18-24 and 18% of male counterparts have experienced sexual violence before the age of 18, a study showed (UNAIDS,2018). In addition to this is the domestic violence that has another big share when it comes to insecurity in the country. In recent years, spouses killing one another or killing their own children is on the rise. Another common with large scale crimes and insecurities include car-hijacking, drug abuse, robbery, and ethnic violence. Ethnic violence, for instance, consists of tribal clashes, cattle rustling or raiding and land disputes.

2)Increased cost of goods and services: According to the Kenya Institute for Public Policy Research and Analysis (Kip-pra), said, because of the expansion of the access to the rural areas, the electricity consumption has grown, as a result of this there is a high power price. Kippra also informs that Kenyan's consumption for petroleum energy been on the rise from 2012 – 2017 because of the fact that Kenya imports most of the petroleum products. The fact that the energy and/or fuel prices have increased, it has led to an increase in the cost of the basic goods and services forcing the ordinary citizens to struggle.

According to Njiraini Muchira (2018), the author of the article “tough times ahead as prices of basic goods, service set to rise”, on the Daily Nation maintains that the increase in the fuel prices has had a serious impact on the overall inflation, food, electricity, and tour sector.

Kenya's blight of corruption has brought the economy near to collapse making the government almost hard for it to subsidize these basic goods and services; because the money needed for subsidizing these basic necessities have been stolen and are still continuing to be stolen.

3)Increased poverty: The economic collapse has led to the growing food security and level of poverty and this is as a result of previous governments' inability to manage the affairs of the country in a proper way. Because of the frequent and the usual misdoings by the officials, in both private and public sectors, many Kenyans are living with extreme poverty and hardships. Stealing of state wealth causes development to disappear;

and when the development disappears, the fundamental sectors like health, education, agriculture, and defence will cease to exist or will function inadequately. The gap between the rich and the poor is high, so with rising in the cost of goods and services, the poor people are left with little or nothing on their feeding plates. (Hope, Kempe Ronald Sr, 2013).

Employments are also based on politics, bribes, conflict of interest. Therefore, the poor and the low-class people are left unemployed ever as their means do not assist them here because corruption in Kenya often appears to be 'a directive principle of social policy' (Harrington and Maji, 2012).

4)Injustice: This is the number one; conspicuous consequences of corruption in Kenya. Law enforcement agencies, The Kenya Police and the Courts have been listed the most corrupt institutions in Kenya.

Daily Nation newspaper, the widely read newspaper in the country, on its publications of March 2018, wrote about Kenya Police tops corruption list. In the same article, the newspaper mentioned that the average bribe paid out is Ksh 7,081 (€60). When the Law enforcement agencies, the Police and the Courts are regarded as the corrupt institutions, will justice be served?

Security expert Ng'ulia Trevor (2018) holds the view that Kenya is far from where the Police are the people and the people are the Police. This is because Kenyans do not have any trust in the Police. They lack the Police-community relationship because they are bias and greedy forces. They work for the people only when bribes are given to them and then side with the bribe giver even if he or she is the suspect. Most of Kenyans hate going to Police stations or courts because of the fear that they will have to pay a lot of money and at the end may not have justice served for them. Ng'ulia Trevor (2018)

5)Negative international image: Kenya has defiled and tarnished its image internationally. Corruption, crimes, political instabilities are factors that scares and expels international investors (Transparency International).

In November 2018 the government of Canada has issued a travel warning to Canadians traveling to Kenya. The Canadian government issued warning to its citizens on the risks within Kenyan borders that include kidnappings, attacks, armed banditry, and border violence. A US human right report that was published in April 2018 noted that corruption

and impunity for criminal actions are routine in Kenya. According to the report, these criminal actions include lawlessness, violations, election chaos, and corruption.

(US State Department, 2018)

4.1.3 Examples of Extreme Corruption Cases

1.The Goldenberg scandal: A long-standing saga that took place between 1991 and 1993 where Goldenberg International, company owned by a tycoon Kenyan businessman Kamlesh Pattni, would export jewelry (gold and diamond) then be compensated from the Central Bank of Kenya for foreign exchange earnings. Jonathan Hassid and Jennifer N, Brass (2015), in their article Scandals, Media and Good Governance in China and Kenya, it has said “Kenya’s Goldenberg scandal, the most prominent scandal in the past 20 years, follows this pattern perfectly. Karanja W. (2003), Goldenberg involved members of the Kenyan government allegedly subsidizing exports of non-existent or smuggled gold for 35% more than it was worth. The proceeds were paid to Goldenberg International. The scandal cost Kenyan taxpayers around US\$600 million (BBC News, 2004). The equivalent of 10% of annual GDP, and is considered to be the principal cause of the near-collapse of the Kenyan economy in the 1990s (Transparency International Kenya, 2003). William Karanja (2003), World Press Review correspondent wrote “According to witnesses at the commission’s hearings, as much as 60 billion Kenyan shillings (US\$850 million)—a fifth of Kenya’s gross domestic product—was looted from the country’s Central Bank through billionaire Kamlesh Pattni’s Exchange Bank in 1991”. Pattni took advantage of already corrupt officials and made fake contracts that are to export this jewelry in exchange for foreign earnings. It emerged that, after losing over 800 million U.S dollars from the State, these gold and diamond were fictitious and did not exist.

2.The Anglo Leasing scandal: This is another two-decade scandal with a series of corruption sagas in it, which is about a public procurement deal. According to Peter Warutere’s (2006), Detecting and Investigating Money Laundering in Kenya; says that although some USD 100 million was lost it has been linked to the Goldenberg scandal. The scandal involved a series of dubious international financial transfers relating to government security contracts. The government decided to change the Kenyan passport in 1997 and also purchase security equipment for the Police use. The procurement was

sourced outside to Britain and France, without announcing the tender publicly. According to BBC News Africa, Anglo Leasing was paid 30 million euros to supply high-tech system passports for the government. Abuid Ochieng (2018), confirms this in Mwiraria: Meticulous minister felled by Anglo Leasing scandal on the Daily Nation, where in his argument Ksh50 billion (€420 million) money had been wired to shadowy companies contracted in the closing days of the Daniel Arap Moi presidency. On the other hand, Gakuo Mwangi (2008) claims that payments amounting to US\$4.75 million were made to Universal Satspace between the date of the contract and May 2005. Out of the 18 projects listed, he says two were contracted in 1997 and 1998 before the policy was adopted by the cabinet. Ten of the projects were initiated, negotiated, contracted and signed between February 2001 and December 2002. The remaining eight were negotiated, contracted and signed in 2003. He adds that these projects included US\$36 million to produce tamper-proof passports for the Immigration Department.”

3. The National Youth Service scandal: National Youth Service (NYS), a department under the Ministry of Devolution and Planning, suffered a Ksh 791 million (\$7.91 million) scandal between 2015 – 2017. Officials in the NYS discharged various contracts of procurement to companies but never delivered any services while each company received full payment. Another different close estimate amount by Okoth E. saying the National Youth Service (NYS) has lost approximately KES 800M (\$8M US) through irregular transfers from its bank accounts after an NYS official discovered that his name was used to validate fraudulent payments. More than 20 senior government officials have been implicated in the scandal that is still being investigated and includes conspiracy to defraud another KES 695M (\$6.95M US) from the NYS. (Eva Okoth, 2016). Also Patricia Rodrigues (2018), NYS tenders were improperly awarded, where suppliers are reported to have been paid for providing unclear services that have led to the loss of \$78 million at the NYS.

Sam Kiplagat (2018) reported for Daily Nation, that nine companies are implicated in the scandal. Among these companies, Sam ascertains that Arkroad Holdings Ltd and Ersatz Enterprises received Ksh. 24.8 and Ksh. 26.6 million (\$242,000 and \$260,000) respectively for goods or services that were never supplied.

4.The Rio Games scandal: In 2016 the spirit of the Kenyan athletes for Rio Olympic games was shattered when the money meant for their catering and comfort was stolen. “All this time we were staying in someone’s house and cooking our own food. I had to share a room designed for small children with Monosik [athlete] while Ndereba who is the assistant team manager slept in the adjacent room. It was a rented house”, said John Anzrah, Sprint Coach. He blames the National Olympic Committee of Kenya (NOCK) for mismanagement and dishonesty. In this scandal, according to Peter Leftie and Celestine Olilo (2016) more than Ksh. 88 million (\$858,667) has been stolen through overpricing of return air tickets.

The article Adili, for Transparency International-Kenya, Mercy Gachengo(2018), the absence of integrity is the root cause of the current picture in the sports sector. Athletes experience deplorable conditions such as inaccurate training kits, poor travel arrangements as well as poor allocations of slots in the Olympic village whereas some athletes struggled to get air-tickets to Rio.

5.National Cereal and Produce Board scandal: Ksh. 11.3 billion (\$110,352,000) was allocated to buy maize from the local farmers, in a bid to fund and promote local farmers through buying their produce. The money was lost in a dubious means. According to the article “detail of Ksh11.3 bn scandal at cereals board”, by Ibrahim Oruko (2018), 10,636 suppliers had delivered maize to the board where 146 suppliers were paid Ksh 4.5bn (\$43,84 million) and the remaining 10,490 suppliers were ‘let to share’ Ksh. 6.8bn (\$66.24 million) with no genuine trans-action records or receipts.

4.1.4 Reactions to Corruption Cases

In a bid to restore its stained international image. The current government is willing to trace corrupt officials and arraign each one of them in court to face the rule of law. President Uhuru recently has ordered for lifestyle audit for all state officials and when has said “You must be able to explain how you got your car, your house, and land in comparison to what you earn," (President Uhuru, 2018).

Kenyans too are quick to respond, embarrass and humiliate corruption and corrupt individuals on social media.

4.1.4.1 Government Reaction

1) **The Goldenberg scandal:** The scandal is still under investigation, however, Kamlesh Pattni, the mastermind of the scandal, stood in court and faced nine charges in connection to the Goldenberg scandal. A commission of inquiry was setup and found Kamlesh the sole beneficiary of the saga. According to Nation Media reporters Paul Ogamba and Richard Munguti (2013), Kamlesh was later cleared and the charges against him were quashed by High Court.

”The Prosecution conducted has failed to meet the threshold of a fair trial, which renders his further prosecution unconstitutional”, the court said.

Three other senior officials were also charged alongside Pattni, former deputy governor of Central Bank, former Treasury Permanent Secretary and former Director of Intelligence James Kayonttu. Sam Kiplagat (2018). All these men died before their cases were determined.

2) **The Anglo Leasing scandal:** The first arrest warrant was issued against former Finance Minister David Mwiraria. Mwiraria died from cancer in 2017 amid court case on his neck. Deepka Kamani, a central beneficiary of the scandal was arrested in 2014. Eugene Okumu (2014) a correspondent for The Star confirms.

3) **The NYS scandal:** According to Fay Ngina (2018), the Director of Public Prosecution has given a direction for the prosecution commence immediately against 48 suspects. Fay narrates that fifteen people were so far arrested, on the top of the list of arrests is NYS Director General Richard Dubai. Assistant Director General Sam Michuki and the Finance Manager. Case ongoing.

4) **The NCPB scandal:** Barnabas Bii and Titus Ominde (2018) have been quoted to have said that 5 more arrested in North Rift over maize scandal while reporting for the Daily Nation. Their report included ‘A list released by Director of Public Prosecutions Noordin Haji on Thursday included Eldoret Silo Manager Renson Kibet Korir, Records Officer Eldoret Depot, Eric Kipketer Talum and Mr. Joseph Kipruto Cheboi, the County Director of Agriculture’.

According to Bii and Ominde, Mr. Stephen Ndeti an EACC Officer in charge of the North Rift region is quoted to have said ‘We already arrested five suspects and seven more are still at large, but our officers are pursuing them’.

5)**The Rio Games scandal:** Former Sports Minister and the Permanent Secretary Dr.Hassan Wario and Richard Ekai, respectively, were arrested and arraigned to court. The two are both Ambassadors of Kenya to Austria and Russia respectively, as their Rio Games scandal was opened. Others in court also included former Rio Games Chef De Mission, Stephen Soi, and NOCK Secretary-General, Francis Kinyili. The Standard Media News reported. The case is ongoing.

4.1.4.2 Public Reaction

On many occasions ordinary Kenyans wanted to have their say about grand corruptions in the country. Thanks to the evolution of the social media since it has given Kenyans a chance to express their concerns about corruption on social media.

Donald B Kipkorir@DonaldBKipkorir: *Source Twitter*

To end corruption in Kenya, we must audit all properties(Land, houses, vehicles, businesses et al) & the owners disclose how they purchased them & whether taxes were paid on them. We have to begin a new Chapter for our country. There is too much haemorrhaging in Kenya.

Modda@Bakarisayyid: *Source Twitter*

To end corruption first start with streamlining KRA, Tax evasion, Lifestyle audit, disband EACC and everything will fall into its own piece.

Bishop Kim@Bishop_kimunyi: *Source Twitter*

We should remove currency notes in circulation and leave Ksh.20 coins as highest denomination value. Let all other payments be done electronically.

Kariuki Ita@IT1MARTIN: *Source Twitter*

Who can trust Kenyan auditors? ...most of them are members of organized crime.....they get the secrets of your property, you woes start from there....that's why the lifestyle audit ordered by the President never worked

Nicholas Mbago/Food Tech@NicholasMbago: *Source Twitter*

In other words, we forget all the billions stolen in the spirit of reconciliation and cohesion. So, if I stole any monies and I seek reconciliation with my accusers that case is settled; then I can eat in peace!

David Kibaria. *For Daily Nation via Facebook*

Why do we even pay judges so much with our taxes only for them to prolong cases and then acquit criminals, rapists, murderers, land grabbers. It's like they are there to sanitize criminals.

Muthaura Koronya Muthaura. *Recommends for EACC via Facebook*

I do support your work, good work. But now you need to deal with the most corrupt people in Kenya, the traffic Police. These people are totally not working, they wake up early in the morning to collect money from matatus (public service vehicles), especially Thika Road at the Weigh Bridge and high point.

Stella Riunga. *Questions to a senior EACC Official via EACC Facebook page*

Mr. Waqo, what are you planning to do about corrupt traffic Police officers? Specifically, the ones stationed at the Magana Town. I even doubt these officers are stationed there officially. Do they check PSV's roadworthiness? No. Do they check that drivers are licensed? No. Do they ensure that vehicles are not overloaded? No. Their only work is to collect between Ksh. 50 to Ksh. 100 every weekday morning from every single matatu that passes that way at peak hours. It's very painful to imagine that we are taxed so highly to pay thieves like these ones.

4.2 Ethics & Anti-Corruption Commission

Despite the corruption persistence, the government of Kenya has put in place several anti-corruption policies. According to Hope, Kempe Ronald, Sr (2013) these policies include The Public Officer Ethics (POE) Acts (2003); The Government Finance Management (GFM) Act, 2004; The Public Procurement and Disposal (PPD) Act, 2005; The Proceeds of Crime and Anti-Money Laundering (PCAM) Act, 2009 and The Ethics and Anti-Corruption Commission (EACC) Act, 2011. Ethics and anti-corruption commission is the anti-corruption body whose directive is to fight against corruption and economic crimes and to promote integrity. The body has conducted and released a national ethics and corruption survey in 2017. In the highlights of the survey, the body mentioned the magnitude of corruption and unethical conduct that, *“Those who paid bribes to obtain services in public offices increased markedly to 62.2 percent from 46 percent posted in the 2016 Survey. Application and/or collection of a birth certificate is the service most prone to bribery followed by registration, collection or renewal of a National Identification Card (ID), seeking medical attention and seeking of employment. The average times a bribe is demanded reduced to 1.57 times nationally from 1.66 in the 2016 Survey”*.

In the same survey, EACC has also managed to capture in its report the perception about corruption and unethical conduct which says, *“Over 70 percent of the respondents indicated that the level of corruption and unethical conduct is high. However, this is an improvement from 79.4 percent recorded in the 2016 Survey; Over 71 percent of the respondents indicated that corruption and unethical conduct are completely widespread in the country which is a substantial improvement compared to 87.4 percent in the 2016 Survey. Corruption (43.6%) ranked first as the leading problem facing the country had emerged third in the 2016 Survey. Poverty (37%) came second followed by Unemployment (32.2%), Unfavorable economic conditions (22.2%) and political instability (21.8%)”*. (Survey EACC, 2017).

According to EACC, it gathers information on corruption that is taking place in the government using a variety of different sources. (EACC, 2019) these sources include members of the public, heads of government departments and agencies, officials working in both the public and private sectors and the media. In its recent activities, EACC is

partnering with other anti-corruption agencies in Eastern Africa so as to enhance asset recovery.

4.3 Transparency International

The corruption perceptions index 2016, below shows that Kenya is the number 145. Transparency International has reported corruption perceptions on 176 countries globally where Kenya is 145 out of 176. Further to this report, the body suggests what to do as an anti-corruption framework. “They (African leaders) must implement their commitments to the principles of governance, democracy, and human rights. This includes strengthening the institutions that hold their governments accountable”. (TI, 2016).

CORRUPTION PERCEPTIONS INDEX 2016

Q Search

2016 Rank	Country	2016 Score	2015 Score	2014 Score	2013 Score	2012 Score	Region
142	Guinea	27	25	25	24	24	Sub Saharan Africa
142	Mauritania	27	31	30	30	31	Middle East and North Africa
142	Mozambique	27	31	31	30	31	Sub Saharan Africa
145	Bangladesh	26	25	25	27	26	Asia Pacific
145	Cameroon	26	27	27	25	26	Sub Saharan Africa
145	Gambia	26	28	29	28	34	Sub Saharan Africa
145	Kenya	26	25	25	27	27	Sub Saharan Africa
145	Madagascar	26	28	28	28	32	Sub Saharan Africa
145	Nicaragua	26	27	28	28	29	Americas
151	Tajikistan	25	26	23	22	22	Europe and Central Asia

Source: Transparency International Figure 2: Corruption Perceptions Index 2016

Samuel Kimeu is the Executive Director for Transparency International Kenya said in his annual speech “We believe that effective anti-corruption efforts are premised on three pillars; political will, effective institutions, and an engaged citizenry. The Executive continues to speak strongly against corruption, but the results are yet to be seen judging from the 2018 score, it is time to translate anti-corruption commitments to action”. (TI, 2019)

Transparency International-Kenya has proposed a number of anti-corruption measures to the government of Kenya; and amongst these measures being

- 1) to strengthen the public participation and support.
- 2) government executives must prioritize and put in place effective national anti-corruption policy that guides the various interventions.
- 3) enhance social account-ability, wealth declarations and lifestyle audit and make them public.

4.4 Anti-Corruption Strategies Applicable to Kenya

The study of the diagnostic tool of the World Bank Multi-Pronged anti-corruption approach discussed earlier will help the author answer the second research question *What sort of anti-corruption strategies can be applied to Kenya?* An academic research paper on corruption about the Kenyan Police said, “The impact of endemic corruption in Police Service leads to elevated levels of crime, terrorism, and police brutality”. (Col. Peter Githinji, 2017). Civil service reforms is one of the most important ways to reform the Kenyan Police. The author intends to illustrate and describe the diagram in connection to how some of its strategies can be applied to Kenyan systems by randomly picking those strategic elements that directly affect corruption.

i)Decentralization: The new Kenyan Constitution adopted in the year 2010 has brought up a devolution or decentralization system; where 47 county system of governments were established (Kenya Law, 2010). As per the thoughts of many Kenyans, this new system of governance remains the biggest gain from the devolution. This is because the devolution has brought about economic freedom and transformation and it has also strengthened accountability and deliverance of the public services at the local levels. However, (Ure-port, 2018) reported that near 22 counties out of 47 were most corrupt where bribes are demanded from people seeking tenders, employment, collecting of building and construction certificates and clearance of goods from ports among other services.

ii)Financial Control: The Office of the Controller of Budget is an independent body mandated to oversee the implementation of budgets both in the national and county governments. (OCOB, 2019). In addition to this office, there is also the Office of the Auditor General whose function is to audit and report the accounts of all funds and authorities of the national and county governments. Besides this, the office also audits and reports on the accounts of any entity that is funded from public funds. (OAG, 2018).

With the help of the reports from these two offices, it is easy for the state to follow up with corrupt individuals and state officials.

iii) Legal Reforms: Chief Justice David Maranga in 2018 proposed that the Judiciary and the National Police Services form an investigation team to handle corruption complaints against judges and magistrates. Once it is formed the investigating body will work under the control of the Judiciary watchdog. “The Judiciary has come up with some reform initiatives to fight this vice. Among specific measures include strengthening institutional complaints handling mechanism through the office of the Judiciary Ombudsman. The office receives complaints and forwards those that merit action to the Judicial Service Commission,” Chief Justice Maraga told a workshop organized by Ethics and Anti-Corruption Commission on May 8, 2018.

Former CJ Dr. Willy Mutunga (2011), said the system of an administration headed by Chief of Registrar shall be delinked from the judicial functions. This is a critical reform in the quest to deal with in the backlog of cases. Dr. Willy added, the issue of backlog includes the computerization of the Judiciary, the digitalization of its records, judges and magistrates’ declarations on pending judgments and rulings. With these reforms proposed by the judges that some have already been implemented whereas quite a number of these reforms need to be put in place for the sake of better judicial services. Judiciary must be independent with its judgments, rulings, and prosecutions from any forms of intermingling and interference e.g. politicizing. That will ensure effective, efficient and trusted judicial services.

4.4.1 Other Models for Anti-Corruption

Will Martin (2017), published on Business Insider Nordic, a list of 9 best countries in the world in fighting corruption. Denmark, Singapore, Switzerland, New Zealand, Norway, Finland, Sweden, Japan, and Luxemburg are classified as the world least corrupt nations where corruption is not tolerated. The Kenyan anti-corruption agencies should tour across these nations, for the sake of training and learning the secret compositions in the checks and balances within their systems that have ensured them completely fight on impunity.

Muthomi Thiankulu (2018), Lawyer and a lecturer at the University of Nairobi School of Law, authored an article '13 ways to combat corruption in Kenya', on Standard Digital. Muthomi argues that the current anti-corruption policy is ill-conceived and therefore cannot achieve the intended goals. Thus, the new policy should be formulated by constituting multi-disciplinary think tanks who are intellectuals and practitioners. In this regard, the following are also possible models, in connection with the World Bank's tool, that could give an immediate solution to the grand corruption in Kenya.

1. Attractive remuneration package: When law enforcement agencies, like the Police and the courts, are corrupt institutions, impunity will be taken for granted. The pay and meritocracy were one of the strategies in the World Bank's anti-corruption diagnosing approach that can be applied. Paying these officials peanut and insufficient salaries will entice them to look for other means and ways to earn more. To overcome this menace, judges and Police officers must receive very attractive remuneration, with adequate allowances like a house, communication and per diems. They should receive risks, disturbance and hardship allowances as well as free education, health and capacity building training. If the GoK revisits its policies and considers these measures, it is no doubt that these institutions will feel more gratified status and have self-satisfaction; thereafter taking the rule of law on a serious count. According to Johann Graf Lambsdorff (2018), public officials should be treated better if we want them to behave better because we want these officials to serve the public and respect rule of law as well as their duties.

2. Step aside for investigation: Another, anti-corruption model is that convicted corrupt officials ought to be blocked from public offices. The Director of Public Prosecution Noordin Haji (2018) said, '*we must have standards and those standards need to be applied across the board*'. These standards mentioned by the DPP means that individuals charged with corruption should step aside from holding any government position and pave way for thorough investigations. If cleared, the DPP suggested the official is allowed to continue serving the public and if sentenced, he or she should vacate the entire office permanently. This is a matter that never happens in Kenya.

3. Corruption as a sovereignty crime: Kenya should consider financial corruption as a national economic crime and legal misconduct as a crime in the nation's judicial system. Unlike when successful nations see corruption as a horrific, alarming and terrifying major

crime against the state, Kenya sees corruption as a mere petty theft or reckless driving and/or simple assault. As in the opinion of Hope et al (2013), corruption needs to be a high-risk activity where perpetrators caught are severely punished regardless of their status in the society.

4.Independent anti-corruption agency: EACC was first established in 1997 with the name Kenyan Anti-Corruption Authority (KACA) and the first director was called Harun Mwau. He was in office for only six months, then suspended and later terminated when he and the then Finance minister Simeon Nyachae had a disagreement. According to Aggrey Mutambo (2015), Mwau brought a case of corruption against 15 individuals which the minister disagreed. Ring-era also become the director but was later forced to resign by the politicians. The same happened to Prof PLO Lumumba in 2010. He resigned due to pressure from politicians in 2011. The agency, therefore, lacks independence to perform its mandate. The politicians stir the management of the agency, always bringing it to its knees, thus hindering the smooth implementation of the strategies of the agency. (AfriMAP, 2015) Kenya's Ethics and Anti-Corruption Commission has consistently been destabilized or has been under threat of destabilization, since its inception. It is strange that most instances of destabilization seem to coincide with periods when progress is being made on 'politically sensitive cases'.

5. DISCUSSION and CONCLUSIONS

Key findings from the study are that, in spite of having a legal framework that is intended to help fight corruption, still it remains to have a significant challenge in Kenya. Unemployment, injustice and the cost of living are high as a result of corruption. Corruption not only is it hindering development but also citizens lost faith in the government.

Kenya's corruption seems to be a package of agreement wrapped together. This must be parted apart with the goal to develop more effective targets for anti-corruption measures so as to strike at the main sources of the persistence of corruption. EACC has exposed many corruption scandals, but unfortunately, these exposures have not helped stop

corruption. Many government institutions have proper structures that can help the EACC are also in place but in spite of that, the killer corruption has blanketed the country. It diffused and took root in every organ of the government, as well as private industries and the humanitarian NGOs.

Its painful consequences are a misallocation of resources and injustice, leading to a massive crisis in job markets, high cost of living standards and political turmoil. Police officers can accept a bribe for as little as €10 and forsake their role in safeguarding the entire national security in the mercy of enemies.

Kenya should differentiate between the causes and the consequences of corruption and be able to prioritize opportunities through the identification and evaluation of entries for the anti-corruption work. Furthermore, it should relentlessly follow the World Bank's anti-corruption tool in diagnosing corruption in its larger context.

Besides these, there are other four anti-corruption models mentioned and if together with the World Bank anti-corruption approaches are implemented altogether, that would mean the first-hand help to eliminate corruption. An independent commission and public awareness are vital to fighting against corruption.

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7. APPENDIX

7.1 About Kenya

Kenya is an East African country, which took its independence from Britain in December 1963. It has 582,000 sq.km. It also has borders with Uganda to the west, Sudan and South Sudan to the northwest, Ethiopian to the east, Somalia to the northeast and Tanzania to the south. The country has forty three ethnic groups where each of these ethnic group has its own unique language and culture. Below is shown the map of Kenya with its major cities and the neighbouring countries.



Source: Pinterest.com

Figure 4: Map of Kenya with cities

The Real GDP of the country has grown with an estimation of 5.9% in 2018, from 4.9% in 2017. (African Development Bank, 2019). There are a number of sectors that are the

back-bone of the economy of Kenya. Agriculture and tourism are the primary parts that play significant role in promoting the economy of this nation.

What can be deduced from the above narrations is that this country, which is impaired by corruption is indeed a rich country with vast natural resources and attractive destinations. Kenya is also a commercial hub for East and Central African nations. Its air and sea ports serve as the main connection for many countries because of its vital geographical position

8. ABBRIVIATIONS

PACI	-----	Partnering Against Corruption Initiative
USD	-----	United States Dollar
KRA	-----	Kenya Revenue Authority
CEO	-----	Chief Executive Officer
CJ	-----	Chief Justice
Kippra	-----	Kenya Institute for Public Policy and Research Analysis
NYS	-----	National Youth Service
NOCK	-----	National Olympic Committee of Kenya
EACC	-----	Ethics and Anti-Corruption Commission
GoK	-----	Government of Kenya
DPP	-----	Director of Public Prosecution
KACA	-----	Kenya Anti-Corruption Authority
NGOs	-----	Non-governmental Organizations
EEAS	-----	European External Action Services
OCOB	-----	Office of the Controller of Budget
OAG	-----	Office of the Attorney General
TI	-----	Transparency International