

University of Missouri, St. Louis

IRL @ UMSL

Dissertations

UMSL Graduate Works

11-11-2022

Maladies of Public Administration: Factors That Exacerbate Corruption in Kenya

Moses Waithaka

University of Missouri-St. Louis, mkwdqd@umsystem.edu

Follow this and additional works at: <https://irl.umsl.edu/dissertation>



Part of the [Other Political Science Commons](#), [Other Public Affairs, Public Policy and Public Administration Commons](#), [Public Administration Commons](#), and the [Public Policy Commons](#)

Recommended Citation

Waithaka, Moses, "Maladies of Public Administration: Factors That Exacerbate Corruption in Kenya" (2022). *Dissertations*. 1281.

<https://irl.umsl.edu/dissertation/1281>

This Dissertation is brought to you for free and open access by the UMSL Graduate Works at IRL @ UMSL. It has been accepted for inclusion in Dissertations by an authorized administrator of IRL @ UMSL. For more information, please contact marvinh@umsl.edu.

Maladies of Public Administration: Factors That Exacerbate Corruption in Kenya

Moses Kungu Waithaka, MA, MBA

A Dissertation Submitted to The Graduate School at the University of Missouri-St.
Louis
in partial fulfillment of the requirements for the degree
Doctor of Philosophy in Political Science

December 2022

Dissertation Committee

Chair Professor Jean-Germain Gros,

Professor David C. Kimball
Professor Todd Swanstrom
Professor Yuguo Liao

Abstract

This study examines factors that exacerbate corruption in Kenya, focusing on institutional weakness as a key factor that fosters corruption in government institutions. Thus, the study examines difficulty in accessing public services, lack of availability of the broadest and most straightforward access to information, and electoral manipulation - voter intimidation, and inability to remove elected leader through the ballot. The study uses Afrobarometer round 8 dataset collected between November and December 2019. This data set was collected under the guidance of the University of Nairobi Institute for Development Studies IDS. Additionally, the study considers a comprehensive literature review to assess and historicize public administration in Kenya, as well as leadership of previous presidents.

Result from the study has revealed that difficulty in accessing public services, difficulty finding information on how government uses taxes, and the inability to remove leaders through the ballot are important determinants of perceptions of corruption in the civil service. The study concludes that government needs to consider adopting systems that can guarantee easy access to public services, and public information. Otherwise, the inability to access public services and information from government, particularly how government uses revenue, portend a bleak future of runaway corruption. Moreover, electoral manipulations negate the principles of pluralist governance, thus, citizens cannot hold leaders accountable, because they lack a mechanism that facilitates the election of their leaders of choice.

TABLE OF CONTENTS

Page

List of tables.....	v
List of figures.....	v
CHAPTER 1: STATEMENT OF THE PROBLEM.....	1
1.1 Introduction.....	1
1.2 Research dilemma of studies of Corruption.....	3
1.3 Defining corruption.....	6
1.4 Problem statement.....	7
1.5 Research question and hypothesis.....	11
1.6 Justification and significance of the research.....	13
1.7 What we know about Studies of Corruption.....	13
CHAPTER 2: LITERATURE REVIEW.....	17
2.1 Colonialism and state-building in Africa.....	17
2.2 Legacies of Colonialism in Kenya.....	20
2.3 Early Bureaucratic organization in Africa.....	22
2.4 Public Administration in colonial era in African states:	
The Chieftainship administration.....	23
2.5 Public Administration in colonial era in Kenya:	
The Chieftainship administration.....	24
2.6 Clamor for independence.....	25
2.7 Post independent Kenya and its administration.....	27
2.7.1 Successes of the Post-independent State: Presidency of Jomo Kenyatta.....	27
2.7.2 Daniel Arap Moi Era 1978-1992.....	33
2.7.3 Mwai Kibaki Era 1992-2013.....	36
2.7.4 Uhuru Kenyatta era 2013.....	39
CHAPTER 3: New Dispensation.....	44
3.1 Kenya's New Constitution 2010.....	44
3.2 Leadership and Integrity.....	46
3.3 Shortcomings in the implementation of chapter six.....	47
3.4 Devolution: Decentralized governance.....	47
3.5 Legal Framework for combating corruption in Kenya.....	50
3.5.1` The Anti- corruption and Economic Crimes Act of 2003.....	51
3.5.2 The Public officers Ethics Act of 2003.....	51
3.5.3 The government financial Management Act 2004.....	52
3.5.4 The public procurement and Disposal Act 2005.....	52
3.5.5 Witness Protection Act, 2006.....	53

3.5.6 The proceeds of crime and Anti-money laundering Act 2009.....	53
3.5.7 The ethics and Anti-corruption Commission (EACC) Act 2011.....	53
3.7.8 The commission on Administration Justice Act 2011 (Ombudsman).....	53
3.7.9 The public Finance Management Act (PFM) 2012.....	54
3.7.10 The leadership and Integrity Act 2012.....	54
3.7.11 The Election Campaign Financing Act, 2013.....	54
3.7.12 The Bribery Act, 2016.....	55
3.8.0 Politics of Anticorruption reforms.....	55
CHAPTER 4: Corruption Antecedents.....	58
4.1.1 Culture.....	58
4.1.2 Ethnicity.....	60
4.1.3 Poverty.....	63
4.1.4 The transition from a totalitarian regime to democracy.....	65
4.2.0 Weak institutions: How corruption is normalized in Organization.....	65
4.2.1 Institutionalization: Agents.....	66
4.2.2 Rationalization: Social relationships.....	67
4.2.3 Socialization: Moral responsibility.....	68
4.2.4 Lack of Trust in Government Institutions.....	68
CHAPTER 5: Research Design.....	71
5.1 Conceptual Framework.....	71
5.2 The Afrobarometer Survey Dataset.....	74
5.3 Data Source.....	75
5.4 Data Collection.....	76
5.5 Sample Selection & Target Population.....	76
5.6.0 Independent Variables.....	77
5.6.1 Electoral manipulations.....	77
5.6.2 Lack of access to information (closedness of information).....	80
5.6.3 Difficulty in Accessing Public Services.....	83
5.7.0 Dependent variable.....	85
5.7.1 Corruption.....	85
CHAPTER 6: Results and discussion.....	87
6.1.0 Descriptive statistics.....	87
6.1.1 Perception of Corruption in public institutions.....	87
6.1.2 Fear of Reporting Corruption without retaliation.....	92
6.1.3 Trust in public Institutions.....	93
6.1.4 The Levels of Corruption.....	97
6.1.5. Perception of Increase in corruption disaggregated by counties.....	98
6.1.6. Descriptive information of Independent variables of the study.....	103
6.2.0 Regression analysis.....	104
6.3.0 Reports of corruption and unethical behavior received by EACC.....	108
6.4.0 Reports of cases forwarded to DPP.....	109

6.5.0 Lessons from the 2022 General Elections.....	110
6.6.0 Discussions	114

CHAPTER 7: SUMMARY & POLICY RECOMMENDATIONS.....	121
7.1 Access to Information and Public Services	121
7.2 Sustaining War on Graft: Legislation and Creation of Special Courts.....	123
7.3 Effectiveness of IEBC in Curbing Electoral Manipulations.....	125
7.4 Gaps in the study and opportunity for further research	126
REFERENCES.....	127

List of Figures

Figure 1 People’s perception of level of corruption in the Office of the President.....	88
Figure 2 People’s perception of level of corruption among Members of Parliament....	89
Figure 3 People’s perception of level of corruption of police officers.....	89
Figure 4 People’s perception of level of corruption of civil servants.....	90
Figure 5 People’s perception of level of corruption in the Judiciary.....	90
Figure 6 People’s perception of level of corruption in revenue authority-Tax officials..	91
Figure 7 Fear of Retaliation in reporting corruption.....	93
Figure 8 Relative frequency of trust in Electoral institution.....	95
Figure 9 Relative frequency of trust in Police.....	96
Figure 10 Relative frequency of trust in Judicairy.....	96
Figure 11 Relative frequency of trust in Revenue Authority.....	97
Figure 12 People’s perception of level of corruption in the country.....	98
Figure 13: Reports received and processed by EACC.....	108
Figure 14: Reports of Cases forwarded to DPP.....	109
Figure 15: Reports of electoral manipulation during 2022 election year.....	112

List of Tables

Table 1 The People and Corruption Index 2015 survey	9
Table 2 A summary of the perceptual measure of dependant variable.....	91
Table 3 Perception of levels of Corruption Across Counties.....	100
Table 4 Perception if levels of Corruption by geographical area-Rural vs. Urban.....	101
Table 5 A summary of the perceptual measure of independent variables.....	102
Table 6 Statistical analysis of factors exacerbating levels of corruption in the civil service.....	106
Table 7 A Report of proportional odds ratio.....	107

List of Acronyms

Africa Center for Open Governance (Africog)
East Africa Bribery Index (EABI)
Ethics and Anti-Corruption Commission (EACC)
Electoral Commission of Kenya (ECK)
Elections Observation Group (ELOG)
European Union (EU)
Director of Public Prosecutor (DPP)
Gikuyu Meru Embu Association (GEMA)
International Criminal Courts (ICC)
International Commission of Jurist (ICJ)
Institute for Development Studies (IDS)
Internally Displaced Persons (IDP)
Kenya African National Union (KANU)
Kenya Anti-Corruption Commission (KACC)
Kenya Anti-Corruption Advisory Board (KACAB)
Kenya National Bureau of Statistics (KNBS)
Kenya Revenue Tax Authority (KRA)
Member of Parliament (MP),
National Alliance Rainbow Coalition (NARC)
National Youth Service (NYS)
Public Finance Management Act (PFM)
Public officers Ethics Act (POE)
Public Procurement Administrative Review Board (PPARB)
Public Procurement Oversight Advisory Board (PPOAB)
Public Procurement & Oversight Authority (PPOA)
Transparency International (T.I)
Transparency International Kenya (T.I.K)
United Nations Development Program (UNDP)
United Nations High Commissioner for Refugees (UNHCR)

Acknowledgements

First, I want to thank God for giving me the strength and wisdom to pursue and complete this milestone. Additionally, I will forever be indebted to the University of Missouri–St. Louis's professors, friends, and family for their encouragement and support. My dear wife, Ruth Kungu, and our dear children—Leeparsley, Sean, and Lenny—are always by my side, offering a shoulder to lean on. Thank you for loving and believing in me. My dear parents, Peter Waithaka Kungu and Mary Njeri Kungu—you planted the seed of academic excellency early on. I thank you, Dad and Mom, for your passion and vision. No matter the detours I took in life, you never gave up—you always saw the best in me. My siblings—Esther, Carol, Lilian, Lenny, Derrick, Tony, and Kim—are always available when I need them. My lovely nieces—Rispa, Stephanie, Kimberly, Brianna, Alexis, Karyn, and Winnie—and nephews, Mark and Lucas, are the best cheerleaders.

This journey would have been impossible without the unending support, guidance, and mentorship of Professor Gros, Professor Kimball, Professor Swanstrom, and Professor Liao. I will forever be grateful.

Finally, I have done my part in making a significant original contribution to knowledge. I have set the standard for my children, nieces, and nephews. It is now their turn to make sure that they play their part in making a significant contribution to knowledge.

1.1 Introduction

Corruption continues to be a salient subject in developing countries. The theoretical debate on how corruption is fostered and indoctrinated in institutions continues to be an exciting subject, eliciting divergent views and hypotheses. More recently, corruption has been a subject of study in social science disciplines. For example, psychology has mainly focused on antecedents of corruption at the individual level, sociology at the organizational level, while political science focuses on national levels, and particularly looking at the impact on the economy. However, casual observations reveal that corruption varies across countries (Paldam, 2002).

Corruption in Africa has been cited as one of the major impediments to economic development. More recent studies have revealed that the majority of countries in Africa believe corruption is on an upward trajectory (Transparency International., 2019). Transparency International (T.I.) conducted a survey, *Global Corruption Barometer 2019*, which revealed appalling results. The study showed that out of the 54 countries in Africa, 35 contend that corruption is on the rise. Furthermore, 59 percent of citizens polled believe that their governments are not doing enough to stop the vice (Transparency International, 2019). Also, out of 49 African countries surveyed, only eight managed to score more than 43 out of 100. On the world stage, the fight against corruption in sub-Saharan Africa was scored as the least effective, followed by those in Eastern Europe and Central Asia. Kenya is a sub-Saharan country plagued by very high levels of corruption. In the *Corruption Perception Index* of 2018, Kenya was ranked 144 out of 180, scoring just 27 out of 100. Thus, Kenya is ranked as one of the world's most corrupt countries (Hope, 2017; 62). Corruption in Kenya is very complicated due to several factors that this

study will investigate. In his book, *Corruption and Governance in Africa*, Kempe Hope describes corruption as a multifaceted phenomenon, with multiple causes and effects (Hope, 2017:4).

Corruption in Kenya is deeply rooted and supported by weak government institutions. It remains a common feature in the country in daily interactions between citizens and police officers and public officials (Harrington, 2012). Corruption in Kenya has permeated all levels of government from the low- and middle- to high-ranking officials, who often demand bribes. The present study examines factors that exacerbate corruption in Kenya, focusing on institutional weakness as a key factor that fosters distrust of government institutions, thus, as the primary cause of the problem. The central argument of this study is that difficulty in accessing public services incentivizes citizens to engage in bureaucratic corruption as a way of fast-tracking access to public services. Hence, the inability to access services creates a ripe environment for bureaucratic corruption to thrive. Additionally, due to electoral manipulation, elections cannot provide countervailing accountability mechanisms to ensure leaders are subservient to the needs and wishes of the citizens (accountability occurs through periodic elections). Therefore, electoral manipulation (voter intimidation, inability to remove elected leader through the ballot) guarantees that elites and politicians (particularly corrupt leaders) continue to occupy public offices. Moreover, lack of availability of the broadest and most straightforward access to information (how the government uses revenue) fosters a culture of secrecy, and the failure to provide access to information in public institutions provides the much needed avenue to foster corrupt behavior.

1.2 Research dilemma of studies of corruption

Corruption can be viewed and defined from several perspectives (Scott, 1975: 2). Indeed, paying bribes to a legislator and making legal campaign contributions tend to elicit different reactions. While bribery tends to be considered outright corruption, the latter may be regarded as legal and acceptable in another society. In the United States of America, a traffic moving violation such as speeding can legally be converted into a “non-moving violation,” such as a parking ticket, while in other parts of the world, stringent rules mean that this action can be classified as illegal or as “organized legal corruption.” On the other hand, bribery thrives in the absence of such structured means that easily remedy violations like the traffic example, thus, fostering high levels of corruption. For example, in Kenya, it is a common practice to give a bribe – commonly referred to as “*toa kitu kidogo*” – if one is found to have committed a traffic moving violation or before accessing a public service.

Certainly, in African states nepotism is classified as a form of corruption, while in the United States of America we have witnessed nepotistic tendencies from the 45th President, Donald Trump, who appointed his children (Ivanka Trump and her husband Jared Kushner) and cronies to lucrative public offices, including that of advisor to the President. Furthermore, President Trump spends his weekends at his golf courses, with the expense covered by the taxpayer. In 2017, President Trump’s visits to Mar-a-Lago cost at least \$6 million dollars (Gill, 2018). James Scott posits as follows:

The pattern of corruption in a particular nation at a given point in time is in one sense unique. But from a wider perspective, it reflects a configuration of political institutions, popular values, and social strains that many other countries have experienced in greater or lesser degree (Scott, 1975:3).

Corruption appears in many forms in African states. In general, there are two dominant features of corruption in the African states. The first is corruption in government, at the highest administrative level, which is commonly referred to as “high-level corruption.” Second, there is corruption in government perpetuated by the street-level bureaucratic office, or the low-level administrative public office (Syella, 2014: 172). For an effective study of corruption in African states, one must first propose a clear description of the behavior and define the criteria used to describe it. Following the lead of other scholars (Scott, 1972; Philp, 1997), the criteria from which to choose are public interest, public opinion, and legal norms. While these three criteria overlap, each has a different analytical framework that precipitates operational challenges (Scott, 1975: 3).

In the absence of primary sources and hard evidence of corruption against which to test and evaluate specific patterns or attributes, researchers have mainly relied upon perception surveys (public opinion) as the ultimate yardstick to measure levels of corruption. Specifically, the measure of bureaucratic corruption is done by assessing personal experience of bribery, while grand corruption is measured through perception-based surveys (Monyake, 2018). In Kenya, corruption is a sensitive issue with serious consequences. Moreover, engaging in corruption is an illegal act, punishable under Kenyan law. Therefore, the study of corruption poses complex operational challenges, among others, citizens’ refusal to speak freely and publicly on the topic. Mark Philp argues that public opinion is an essential tool for identifying and understanding political corruption. However, this gives rise to substantial challenges, such as identifying whose

opinion should be given the most weight, as the views of a local community are likely to be diverse. Moreover, one must acknowledge that opinions differ and can be disconnected from behavior; that is, the public may say one thing while doing another (Philp, 1997: 25).

Legal norms as a yardstick to measure corruption appear credible, particularly for the development and definition of an operational framework. However, this concept suffers significant limitations. First, there are simply not enough laws to capture all the deviant behaviors that may constitute corruption. Second, the legislative process itself can be a byproduct of corruption; thus, “[the fact that] an act is legal does not always mean that it is not corrupt” (Philp, 1997: 25). This seems to be the case in Kenya, where legislators are easily bribed by the political elite to pass favorable legislature. A case in point is the bribing of the members of parliament by “powerful statehouse operatives” in lieu of approving a finance bill that made it possible to impose a housing tax (Kipkemoi, 2019). Third, the use of legal norms for defining and studying corruption poses complex challenges due to ruling out historical comparisons (Scott, 1975: 6). For example, a comparison of corruption in the 17th and 20th centuries would be impossible (Scott, 1975: 7). The sale of state offices in France was a legal practice in the 17th century but is no longer permitted in France or the United States (Scott, 1975: 7). Furthermore, in the 18th century, it was a common practice in England for government ministers to pocket the proceeds acquired through lending public funds (Neild, 2002: 2).

The study of corruption faces challenges because there is no common standard by which to frame a theoretical approach, including a baseline for conducting an empirical model (Alt et al., 2003). Paul Hutchcroft (1997) argues as follows:

Because corruption is omnipresent, some analysis seems inclined to treat it as an invariable element of the political economy ... that is, they are content to note that it exists almost everywhere without inquiring into how it varies in character, and impact from one setting to another (Hutchcroft, 1997: 226).

The present study adopts Hutchcroft's wisdom that, despite difficulties with developing a conceptual framework and the dilemma of data collection, there is no "excuse to throw the baby out with the bathwater" (Hutchcroft, 1997: 226). Thus, the present study will endeavor to assess corruption antecedents, focusing on factors that exacerbate levels of corruption

1.3 Defining corruption

Corruption is defined broadly to capture a wide range of practices that reveal a decline in moral conduct and personal integrity (Kimemia, 2014: 160). According to Michael Johnston, scholars have offered an analytical definition that has failed to capture a plethora of political activities that many perceive as corruption. Therefore, it would be inappropriate to adopt or develop a one-line definition (Johnstone, 2005). Furthermore, there is no universally accepted description. Transparency International (T.I.) describes corruption as the act of misusing power for private gain. To Lipset and Lenz, corruption is the act of obtaining power through illegal means (Lipset, 2000). However, Justin (2015) offers a broader perspective in his definition, which is maintained in this study. Justin (2015) posits that corruption can be described in general terms as bribery; extortion; embezzlement; money laundering; illicit enrichment; or abuse of functions, position, or influence (Justin, 2015; 1). However, in this definition, Justin fails to include conflict of interest, which is rampant in developing countries, especially in Africa.

Ronald Hope (2017) posits that there are several principal types of corruption in developing countries, especially African countries, most of which are widespread in Kenya (the present study will consider these types of corruption):

- Bribery, kickbacks, and facilitation payments, embezzlement, theft, and fraud
- Offering or receiving of an unlawful gratuity, favor, or illegal commission
- Favoritism, nepotism, patronage, and clientelism
- Money laundering
- Conflict of interest/influence-peddling (Hope, 2017: 3)

The two major categories of corruption that are rampant in developing countries are bureaucratic and political. Bureaucratic corruption is defined as the misuse of public office for private gain, while political corruption involves undermining laws and institutions to advance a political party or political ideals and retain power or control of political systems (Mbaku, 2007; 12).

1.4 Problem statement

In his state of the nation address on March 2015, the fourth President of the Republic of Kenya, Uhuru Kenyatta, accentuated corruption as the “most pressing challenge.” According to Kenyatta, corruption poses great threats to national security. (Standard Newspaper, 2015). Additionally, corruption hampers government efforts in the fight against poverty; and as a result, very few people become wealthy, while the majority languish in poverty (Mbaku, 2007: 37). Douglas Kimemia agrees with Mbaku

that corruption hinders the eradication of poverty. He further argues that the effects of corruption include poor quality services, unacceptable burden to the citizenry, and the undercutting of development (Mudacumura, 2014; 158). Nzau Musau, reporting for *The Standard* newspaper, highlighted the concern of a former chief judge of Kenya (Willy Mutunga) over runaway corruption. According to Mutunga, citizens and the political class must unite to fight corruption through moral conviction, ethical courage, and political resolve. Otherwise, one may as well accept corruption as the fourth arm of the government – the others being the executive, judiciary, and legislature (Musau, 2015).

Jeffrey Sachs et al., in *Ending Africa's Poverty Trap*, describes Africa as one of the poorest continents in the world (Sachs, 2004; 117). Pundits have argued that poverty is the fountainhead of Africa's problems. The continent continues to grapple with poverty as a consequence of low-income levels and high unemployment rates. On the other hand, "A man of power who can amass and redistribute wealth becomes a man of honor" (Bayart, 2009; 242). Bribery in Kenya, therefore, remains an acceptable vice and a method employed in the search for wealth. Thus, wealth in Africa (irrespective of how it is acquired) is a status symbol and one of the chief political virtues, in contrast to being an object of disapproval (Bayart, 2009; 242). According to T.I., Kenya continues to report higher bribery levels compared to other countries. In 2012, Kenya was ranked third in East Africa for bribery prevalence, with an aggregate index (combines Likelihood, prevalence, impact of bribery, share of bribe and the average amount were combined into one indicator scaled from 0 to 100) value of 29.5%. In a 2016 study conducted by the Ethics and Anti-Corruption Commission (EACC), most bribes were paid at police stations, followed by county health departments, chiefs' offices, the Office of the

Registrar of Persons, and the county commissioners’ offices, in that order. The average bribe paid was KSh 7,081 (equivalent to US dollars 62), marking an increase from the KSh 5,648 (equivalent to US dollars 49), recorded the previous year (Kinuthia, 2018). Indeed, whether at a traffic stop or collecting a package at the customs window of the post office, individuals can expect to add on few shillings or francs to “the cost of doing business” (Franz, 2012). This culture of *toa kitu kidogo* (a colloquial reference to bribery) continues to exacerbate corruption levels. In fact, *toa kitu kidogo* is simply accepted as a regular practice in East Africa, thus, becoming a way of life. In Africa, and in Kenya in particular, a major challenge for policymakers is the need to reduce corruption levels and increase local entrepreneurship, which will go a long way to creating wealth (Mbaku, 2007; 182). *The People and Corruption Index 2015*, a survey of sub-Saharan Africa conducted by T.I., asked respondents whether corruption was endemic in various social institutions. The scores are presented in the table below.

Institutional representatives	Percentage of respondents who consider the institutional representatives to be corrupt
Police officers	47%
Business executives	42%
Government officials	38%
Tax officials	37%
Judges and magistrates	34%
Local government councilors	33%
Tax officials	37%
Judges and magistrates	34%
Office of the President	31%
Religious leaders	15%

Table 1: The People and Corruption Index 2015 survey in Sub-Saharan Africa

Moreover, in Kenya, 70% of the respondents believe that the government is failing to reduce levels of corruption (T.I., 2015). In another survey, the *National Ethics and Corruption Survey*, conducted by the EACC, the Kenyan police force was considered by 48% of respondents to be the most corrupt institution in society. Furthermore, in the 2015 survey, the police force maintained the title of the most corrupt (Hope, 2017; 71). The fight against corruption in Kenya is clearly hindered by the ineffectiveness of two institutions of law enforcement: the police and the judiciary.

The justice system is an essential factor in the fight against corruption. Nzau Musau (2015) argues that,

Multiple sources within and outside government tell the story of “a captured state” managed from the periphery by shadowy characters working in cahoots with powerful mid-level bureaucrats who “move things” within the system. This makes substantive office holders unable to have firm control of their institutions or even issue simple directives to junior officers (Musau, 2015).

In recent studies, scholars have argued in favor of democratic governance as a lasting solution to a myriad of issues facing developing countries, particularly Kenya. However, despite gaining substantial ground in the journey towards democratic governance, including the adoption of a new constitution, corruption in Kenya continues to soar. The new constitution (Constitution of Kenya, 2010) ushered in a new era of democracy, unlike any seen previously in Kenya’s history. One may argue that the country’s democracy remains in its infancy, and some of these issues are but teething problems; but others may question whether the country has in reality achieved democratic governance.

However, it remains certain that Kenya faces many challenges, including corruption, and many of a magnitude that the country has never previously experienced. This provides a compelling justification for scholars to investigate the factors that influence the levels of corruption in African countries, as the ramifications of corruption are too significant to ignore (Mudacumura, 2014; 158). Corruption remains a serious threat to public administration and democracy in Kenya; and if the country fails to reduce the escalating levels of corruption, the result could be severe.

1.5 Research question and hypotheses

The aim of this study is to explore the factors that exacerbate levels of corruption in Kenya. On this basis, the study poses the following research questions:

- Which factors exacerbate the levels of corruption in Kenya?
- How does difficulty in accessing public service influence bureaucratic corruption in Kenya?
- Does electoral manipulation (voter suppression, intimidation and so on) reduce (increase) the high levels of political corruption in Kenya?
- How does trust in government institutions varies across individual institutions?
- Do citizens report corruption, and if not, what is the major reason why they may fail to report?

This study conducts an empirical analysis to examine the factors that exacerbate corruption. The primary independent variables in this study are difficulty accessing public services, closedness of information or the lack of access to information, or the inability to access information from public institutions, and electoral manipulation (voter suppression, intimidation & violence, and the inability of voters to elect preferred

leaders). The level of corruption (perceptual) is analyzed as the primary dependent variable.

The null hypothesis of this study is that there is no relationship between corruption and difficulty in accessing public services, lack of access to public information, and electoral manipulation. The alternative hypothesis states the reverse. The main hypotheses are as follows:

H1: The constraints of accessing public services will most likely lead to rise in corruption

.

H2: Due to electoral manipulation, elections do not provide accountability mechanisms, and voters are unable to remove corrupt leaders: Thus, electoral manipulation will most likely lead to increased levels of corruption.

H3: A lack of access to information from public institutions increases the prevalence of corruption.

To test these hypotheses, this study will do as follows:

- Conduct an in-depth literature review to shed light on the survey results
- Review other findings from developed and developing countries, making a comparative analysis and addressing the study's validity
- Conduct an empirical analysis using Afrobarometer survey conducted in Kenya.

1.6 Justification and significance of the research

The fight against corruption in Africa has encountered significant setbacks. Kenya is among the few sub-Saharan countries to have established a legal framework and institution (the Ethics Anticorruption Commission) to fight corruption (Okoth, 2014: 211). However, despite regime change and the adoption of anti-corruption legislation, corruption in the public sector remains severe and problematic. In its annual statement for the financial year 2014/2015, the EACC analyzed 5,660 reports of corruption, which revealed an increase of 41% from the previous year. Half of these cases involved middle-level public officers, 37% involved lower-level officers, and 13% involved high-ranking officers (EACC financial statement, 2014/2015).

The Kenyan government has enacted various anti-corruption laws and institutions, including (a) the EACC, (b) the Anti-Corruption and Economic Crimes Act of 2003, and (c) the Leadership and Integrity Act 2012 (Hope, 2017; 88-91). However, for these laws to function effectively, one must examine institutions and the human aspect of corruption (the rationale and normalization), which tends to hinder the functionality of these institutions. From this perspective, this paper examines the factors that exacerbate levels of corruption in Kenya. Functional and robust institutions are necessary if Kenya is to achieve economic growth and avoid becoming a failed state.

1.7 What we know about studies of corruption

In their study, “Firm-level trust in emerging markets: the moderating effect on the institutional strength-corruption relationship in Mexico Peru,” Carol Sanchez and Kevin Lehnert (2018) surveyed employees of firms in Mexico and Peru and measured

perceptions of corruption, trust, and institutional strength, using confirmatory factors and linear regression. Sanchez and Lehnert hypothesized that a weak legal system is positively correlated with perceptions of corruption, and firm-level trust moderates the positive relationship between weak public safety and perceived corruption. The study surveyed 550 managerial-level, working professionals enrolled in the graduate and executive business schools of the Universities of Mexico and Peru. The authors controlled for age, gender, employment status, family-owned business, years of experience, managerial position, and firm and industry size. Using perception survey and confirmatory factor analysis, Sanchez and Lehnert found that a weak public institutional environment is positively correlated with perceived corruption. In addition, there was a negative relationship between trust and level of corruption: the stronger the trust in organizations and institutions, the weaker the relationship between corruption and a weak legal system.

In his study of corruption, "*Firm growth and export propensity in Kenya*," Peter Kimuyu used empirical tests to analyze corruption and economic performance, with a focus on manufacturing firms. Kimuyu used data from firms of various sizes and found that medium-sized firms were the most affected by corruption, with as much as 9% of their annual sales spent in this way. The medium-sized companies also spent at least 18% of the value of their government contracts on kickbacks. Additionally, large companies, on average, spent the smallest amounts on unofficial payments. Moreover, Kimuyu found that manufacturing companies spent at least 7% of their total sales on bribery. These results indicate a strong positive association between exposure to corruption and deficient or deceitful tax reporting, such that those firms reporting smaller percentages of their

revenues on tax returns were spending more on paying bribes to tax officials (Kimuyu, 2007). In contrast to other scholars, who posit that corruption is a function of inefficient public services that create the need for “greasing” (Rose-Ackerman, 1978), Kimuyu argues that bribery in the Kenyan context does not in any way facilitate access to public services (Kimuyu, 2007). Therefore, the present study will examine this premise, testing whether obstacles to accessing public services is a predictor of the payment of bribes. Moreover, Kimuyu’s study focused on manufacturing firms, thus limiting the generalizability of his findings for ordinary citizens seeking to access public services.

According to James Alt et al. (2003), political institutions in the United States are important to consider when explaining the prevalence of corruption. Alt et al. posit that the relationship between corruption and institutions lies in transparency (Alt et al., 2003). That is, where institutions lack transparency, corruption is exacerbated. In his research, Alt et al. found that, in the United States, where the rule of law is upheld by an electoral system and regime, the openness of political systems was critical for inhibiting corruption (Alt et al., 2003). Furthermore, if voters hold their political leaders accountable for policy outcomes, when the voter is not satisfied and chooses a substitute (voter preference), corruption is consequently reduced (Alt et al., 2003). Moreover, when vote-buying and voter intimidation are prevalent, the trade-off between voter preference and interest in policy legislation is eliminated.

The first chapter of the study focused on introducing and benchmarking the present study, including discussing the dilemma of studies of corruption. Moreover, the chapter provides a firm justification of why the study is important, particularly the research question and hypotheses of the study. The second chapter will focus on a

literature review, in which an extensive consideration of the history of public administration in Kenya and the effects of colonization in state-making are mapped out. The third chapter presents a new dispensation: the significant milestones the country of Kenya has undergone. The fourth chapter reviews the antecedents of corruption, looking at variables that have the potential to exacerbate the levels of corruption. Subsequently, the fifth chapter presents the present study's methodology and conceptual framework, describing the survey instrument, design, and data collection. In chapter Six, we find the descriptive and regression statistical analysis and key findings of the study. Lastly, Chapter Seven presents a summary of the study and future policy recommendations.

2.0 Chapter 2: Literature review

This chapter touches on three significant aspects of the literature review that historicize public administration in Kenya, including factors that could have contributed to or facilitated corrupt behavior in the civil service. The first approach is to seek to present the dynamism involved in state-making during the pre- and post-colonialism periods. The second section reviews the early bureaucratic organization in African countries, particularly looking at the chieftain as the initial facet of public administration in Kenya and other African countries. The last section of this chapter focuses on the leadership of previous presidents (including the current president) and how they dealt with the fight against corruption. The idea is to explore the literature describing corruption in the highest echelons of government leadership in post-independent Kenya. Historicizing and reviewing literature on the initial stages of creating organized public administration in Kenya helps us understand why some factors weigh heavily in facilitating the culture of corrupt behavior in public service.

2.1 Colonialism and state-building in Africa

Mapping of corruption in African states shows that corruption was not known in pre-colonial era (Amadi, 2014). In examining healthcare policy in Africa, Jean-Germain Gros rightly notes that,

A discussion of colonialism is unavoidable, for it is easily the most important political experience in African history since the late nineteenth century, eclipsing African nationalism and decolonization, especially if one assumes colonialism survived these events in new forms, notably, neo-colonialism. This exercise is not

history for its own sake, although that is important. There are strong practical and theoretical reasons for paying attention to colonialism (Gros, 2016: 58).

The genesis of many problems in Africa (Kenya included) in state-building can be traced back to the era of colonization and post-colonization. The end of slavery in the Western Hemisphere signaled the need to devise another strategy to address the shortage of raw materials. A “regime of compulsion” was introduced in the homeland of Africa as a viable solution (Mandani, 2018:37). The idea was to colonize Africans (regime of compulsion) in their homeland because the slave trade was no longer tenable. In his book, *“Extracting Profit: Imperialism, Neoliberalism and the New Scramble for Africa,”* Lee Wengraf notes that the legacies of colonialism in African countries are the development of weak states because states had limited control and relied on “ethnic division, centralized authority, and patronage inherited from colonial rule” (Wengraf, 2018). Additionally, colonizers of the African continent erected national boundaries without considering traditional ethnic antagonism in sub-Saharan Africa. Hence, states became an amalgamation of ethnic factions (Palmberg, 1992; 17-23). Moreover, the challenge was compounded by the fact that some inherited colonial statutes perpetuated divisions rather than unity (Anan, 1998; 412). These divisions had long-lasting effects leading to civil wars, ethnic cleansing, or fighting for resources. These effects persist to date in African countries, and some countries do not have any meaningful viable solutions. Some of the countries that have suffered the incubus of the civil wars, ethnic cleansing, and infighting include Sierra Leone, Congo, Sudan, Somalia, and Rwanda, just to mention a few. Kenya has had its share of ethnic strife with the ever-present ethnic clashes that happen before or after the general elections. For countries like Sudan, the subdivision of

the country into two independent states was inevitable. Thus, the formation of the Northern Sudan and Southern Sudan.

State-building in African countries, particularly the creation of infrastructure during colonization, had long-lasting detrimental effects. Kofi Anan observes that the transportation network and other physical infrastructure created during the post-colonization period only satisfied trade within metropolitan areas at the expense of the balanced growth of an indigenous economy. Furthermore, trade terms were unfavorable because they encouraged industries to remain as extractive factories and their products as primary commodities for export (Anan, 1998; 412). Consequently, the creation of skills and development of higher education levels was not realized (Anan, 1998; 412). Indeed, colonizers exploited African states by extracting raw materials and exporting them to the West. After processing the raw materials, they sent back finished or refined products to Africa. Thus, Africa was merely a market for finished products. Therefore, the African countries became dependent on the West for finished products (Irogbe, 2013; 22). An argument can be made that instead of building industrial plants to process the raw materials in Africa, which would have revolutionized the African continent and ultimately propelled Africa as an industrialized powerhouse, Africa was left to languish in poverty since the ulterior motive was to keep Africa as a market destination for the West.

Indeed, the colonialism created severe challenges to state-building in the post-colonial era. For instance, Africans had to accept inherited boundaries in the spirit of making a better case out of a bad situation in the era of post-colonialism. However, despite the devastating effects of colonization, African countries continue to conveniently

blame internal conflict, corruption, poverty, poor leadership, warlordism, collapse of infrastructure and weak or failed institution on colonization, but to grasp these issues fully, we must acknowledge the historical past (Wangari, 2009:5). Given these facts, the economic past of the African countries can be summed up as tragic (Easterly, 1997).

2.2 Legacies of Colonialism in Kenya

To understand the fountainhead of corruption in Kenyan, it would be prudent to examine that art of state making in Kenya in the context of pre and post colonization. Historically, Kenya was declared a British protectorate on 15 June 1885 (Ghai, et al 1970: 3). On 11 June 1920, Kenya was declared a British colony (Kyle, 1999: 3). The reason for Kenya's annexation was purely financial: i.e., to allow the colonial government to raise enough funds in the form of loans to construct railway lines for the white farmers (Kyle, 1999: 3).

The construction of the Kenyan state whether as colony or protectorate was based on two major premises; "(a) The legislature is subordinate to the executive; and, (b) the colonial government is subordinate to the executive" (Ghai, et al 1970: 35). The Colonial office was the supreme legislature and executive, while in the colony, legislative council was charged with making laws, and the executive council was charged with implementing the laws (Ghai, et al 1970: 35). There were distinct set of laws governing social groups in Kenya: laws for the Africans (natives), whites (European settlers and Indians) and Islamic law –"Sharia" (Home, 2012). This concept—selective adoption of laws based on social groups—would much later prove costly in Kenya, and also in the African countries. The public leaders and political elites in post-independence, schooled by the colonial masters, capitalized on the art of "selective" application of rules and

regulation, the idea that men are not equal, and that some men, groups, politicians, elites etc.- are above the law. Furthermore, to the African leaders and political elite class, the rule of law has always been selectively skewed in their favor. During the period of colonization, the colonialists failed to recognize the simplicity and originality of the African societies, their history, and political entities that predated colonization (Bayart, 2009: 2). Furthermore, dynamics of power and relationship between the Europeans and the African were asymmetrical, and always skewed in favor of the former (Bayart, 2009: 2). Construction of the Kenyan state during colonization therefore failed to recognize the “African” way of life and its simple, yet effective, way of administration.

The effects of colonization were dire. Indeed, the Kenyan way of life in pre-colonization was devoid of things like “prison.” The introduction of incarceration and the construction of prison in Kenya would happen around the year 1895, following the introduction of British control (Branch, 2005). A counter argument can be made that during the pre-colonial period, the population of the Africans and particularly that of Kenyans was still scanty. However, we cannot run away from the fact that prisons, and the need to incarcerate Africans particularly those who rebelled against the “white man’s rule” exacerbated the need and proliferation of prisons. Furthermore, white settlers determined the nature of imprisonment in colonial Kenya (Branch, 2005).

The cry for land and freedom continued in the wake of colonization. By June 1920, white settlers (colonists) had occupied 5.5 million acres of land formerly owned by Africans (Bijl, 2017: 19). The struggle for independence in Kenya through armed resistance would follow, thereby birthing revolutionary groups like the “Mau Mau”. The Mau Mau ideology, vision, and strategies were born out of the difficult conditions

experienced by African people (Kenyans), thus the need to fight against the dominion of foreign power-capture of land, exploitation(human labor) and misuse of country resources; all of which created unequal and unjust system of governance (Durrani, 2018: 115).

2.3 Early Bureaucratic Organization in Africa

Bureaucratic organization during colonization was an attractive venture because it facilitated how to manage diverse groups of people effectively. Hence, despite the several bureaucratic characteristics and shortcomings that include monopoly of power, the delegation of specialized authority, and the criterion of linking kinship with politics, bureaucracy was an ideal option (Gros, 2012; 27). Bureaucracy was not a new venture in African counties in pre-colonization. However, the early versions of the bureaucratic organization (Pre-colonization) could not be compared with the one introduced by the colonial masters. Indeed, several Bantu tribes historically were utilizing bureaucracy, even before colonization (Faller, 1965:37). In fact, Africa had empires, for example, the Ghana empires, Fulani Emirates of Northern Nigeria and others (Mutahaba, 2011). However, bureaucratic development was uneven, reflecting the fact that some groups had evolved fairly centralized authority systems (the sultanates of northern Nigeria), while others had not (e.g. the Igbos of southeastern Nigeria).

Through a close look at the early administrative organization of the Busoga tribe in Africa, one can tell that the structure of public administration was highly hierarchical; the system was comprised of the ruler, princes, chiefs, headmen, and advisor (Faller, 1965; 37). Indeed, this kind of structural system is still very much present in the Kenyan governance structure, except for the kinship leadership. Bureaucracy was also evident in

other countries in the African countries. A good example is an Egyptian system, headed by a supreme ruler-the pharaoh, and his lineage preserved as part of the ruling kingdom, civil servants, and priests (Faller, 1965; 38). The introduction of colonization in the African continent disrupted the native administration of the African people. Thus, Africans were forced to adopt to the colonizing power, whether French, British, German, or Italian (Mutahaba, 2011). Furthermore, colonizers used some of the native administration while some ignored them (Mutahaba, 2011).

Post colonization was marked by the mass exodus of white settlers returning home while leaving behind weak states with no expertise and experience in self-rule. Thus, the main challenges encountered by the African governments in the post-independence were constitutional failures, the inability to offer applicable regulatory mechanisms, and how to enforce the law (Hyden, 1994). Moreover, the African natives lacked experience and technical aspect of managing the administrative system adopted by the colonizers. Additionally, some of the African states could not generate enough revenue to support government structures or support new projects or ventures (Hyden, 1994).

2.4 Public Administration During the Colonial Era: The Chieftainship Administration

Pundits have long debated whether the current maladies of the public administration in African countries are as a result of the current cadre of the African leaders, or the aftermath of colonization. However, nation-building in the majority of the African countries, with the exception of Ethiopia and Eritrea, was developed as a consequence of colonization (Fielder, 2008). Among the first developments of British

rule in Africa was the introduction of chieftainships as agents of local administration (Tignor, 1976: 42). The initial formation of public administration in African states (during colonization and post colonization) was devoid of African cultural consideration, thus borrowing heavily on westernized philosophies. Indeed, some of the African states adopted centralized administration and hierarchical system “such as the Shongai Empire in Western Africa, the Luba Kingdom in central Africa and Ankole in East Africa” (Michalopoulos, 2013a). In other parts, they had “acephalous societies devoid of political organization beyond the village level, such as the Nuer in Sudan” (Michalopoulos, 2013b).

2.5 Public Administration in Colonial Kenya: The Chieftainship Administration

The Chieftainship administration was a new feature to Kenyan society. Historically, the original Kenyan African administration was through the council of elders (Tignor, 1976: 42). Initially, the British subdivided Kenya into provinces, thereafter, subdividing them further into districts and locations. The Kenyan chiefs took charge of the location level, while the British were in charge of the districts and provincial levels (Tignor, 1976:42). Furthermore, during British rule the office of the chief was the highest public office an African could ever attain (Wamagatta, 2008). The position—Chief—offered unique opportunities that included, among others, acquiring wealth, prestige, influence and power (Wamagatta, 2008).

The Chieftainship was a revered position in Kenyan society. Thus, it guaranteed influence and power. In addition, the rule of the Chieftainship administration was held in approbation. Consequently, an argument can be made that the introduction of Chieftainship administration would lead to “strong man” rulership in the post-colonial

period. In fact, in post colonization, the position of a Chief continued to be one of those highly respected and revered position in Kenya. Certainly, with varying degree, the concept of despotism in African countries had deep-roots in the Chieftainship administration. Furthermore, because of the benefits associated with the Chieftainship position, the desire to acquire wealth, (especially the new westernized culture of living in iron sheet houses as opposed to traditional thatched houses), influence and power trumped public service motivation. Eventually, the duties of the chief evolved with time, giving them three broad areas of responsibility, (a) to maintain public order; (b) to keep the roads clear; (c) settle petty cases (Tignor, 1976). In a nutshell, the chief was the superior authority in the African milieu, with diverse powers that only the “White man” (colonist) could limit.

2.6 Clamor for Independence

In the period between October 1952 and December 1959, Kenya was under a state of emergency, because of a fierce anti-colonial insurgency (Luongo, 2006). The declaration of the state of emergency was deemed necessary, because it gave the colonial government powers to change or suspend, executive, legislative and judicial functions, most importantly, the power to curtail rights and freedom guaranteed in the constitution (Bijl, 2017:47). Consequently, on October 21, 1952, the leading African nationalist Jomo Kenyatta and other leaders were arrested (Kyle, 1999:52). Kenyatta was charged with leading a militant rebellion (Mau Mau), in the famous “Queen against Kenyatta and others” case (Leman, 2011). Kenyatta was found guilty and sentenced to seven years with hard labor (Leman, 2011). The anti-colonial insurgency continued while the colonists continued with the suppression of the rebellion. Dedan Kimathi, the leading field

Marshall of the Mau Mau movement was arrested; and on November 19, 1956, he was charged with unlawful possession of illegal firearm and ammunition in her Majesty's supreme court of Kenya at Nyeri (MacArthur, 2017:1). Kimathi was found guilty as charged by Chief Justice Kenned O'Connor, thereby sentenced to "hang by the neck until dead" (MacArthur, 2017:1). These arts of concocting spurious cases by the colonizer in an effort to repress rebellion would later haunt the African states, because African leaders would use the same tactics to oppress any divergent voices, particularly in the clamor for democratic rule. Moreover, the court system in colonial Africa was not independent because it was supervised by the provincial administration, composed of colonial civil servants (who were European) (Judicial Accountability in the New Constitutional Order, 2016).

David M. Anderson argues that the Mau Mau movement, just like any other revolutionary movements, divided the community into two, those supporting and those opposing it (Anderson, 2017). The colonial government, however, favored those dissenting from the Mau Mau rebellion, those who pledged loyalty to the colonial government. The loyalists formed the "home guard" militia, a counter insurgency movement supported by the colonizer. Indeed, conservatives largely from kikuyu society-chiefs, headmen (assistant to the chiefs) and senior Christian, preferred and supported the colonial project (Bennett, 2012:11). The same groups (Home guard) would latter benefit greatly in the post-independence by acquiring land and other resources of Kenya without due consideration of other freedom fighters. In fact, in the post colonization the "home guards," chiefs and their families and associates became the local bourgeois in independent Kenya. Between 1954 and 1955, the British opened secret talks with the

Mau Mau leaders, and amongst other topics discussed was how to organize the surrender of the Mau Mau fighters (Anderson, 2017). Anderson explained that

Amnesty and impunity were inducements to Mau Mau surrender, but were offered primarily to prevent disaffection and desertion among loyalist Kikuyu African militia allies who feared prosecution for abuses and atrocities carried out during counter-insurgency operations. Loyalist Africans also feared the consequences of rebels returning to their home communities. Amnesty and promises of impunity thus shaped the character of Kenya's counter-insurgency campaign and the decolonization that followed (Anderson, 2017).

Ultimately, Kenyatta and others served their time in prison, and the colonial government triumphed against the Mau Mau rebellion. Eventually, Kenyatta was released from prison on the 14th April 1959 (Nyongena, 2003: 4). However, when abuses of prisoners in “rehabilitation camps” became evident, it precipitated the need for Kenyan independence (Leman, 2011).

2.7 Post Independent Kenya and its Administration

2.7.1 Successes of the Post-independent State: Presidency of Jomo Kenyatta

Following the great successes of liberating Kenya from colonization, Jomo Kenyatta, with other founding fathers of the nation, embarked on the bold task of managing a country that was still reeling from racial desegregation. As Kenya’s first President, Jomo Kenyatta faced the enormous task of leading a young nation towards healing and reconciliation following the atrocities of colonial rulership. He (Kenyatta) had suffered immensely at the hands of the colonists (having been imprisoned from 1953 to 1961), and many local citizens suffered a similar fate (imprisonment, racial segregation, etc.). Thus, the country's atmosphere at the time was one of deep resentment and bitterness towards the white settlers (colonists), who, still at independence, held positions of power and economic might. Furthermore, white settlers had expertise,

resources, and technical know-how of commercial farming- which by then, commercial farming was among the mainstay of the economy. Therefore, Jomo Kenyatta had considerable “big” shoes to fill; he was new to running a government, particularly running an effective public administration.

However, despite several critiques posed by historians, mainly concerning how land was redistributed post-independence and the handling of ethnic-regional politics, Jomo Kenyatta successfully navigated the challenges of forming a new government and triumphantly charted a new form of self-governance. The underlying policy in Jomo Kenyatta’s government was Africanization of the civil service (Leonard, 1971a:81). He moved quickly to form an integrated government with regional balance as the main basis of the first cabinet appointments. Jomo Kenyatta successfully navigated the murky world of ethnic-regional politics, although with significant opposition in establishing the first post-independent government. Pundits have critiqued his leadership, arguing that he exacerbated ethnic politicization instead of fostering ethnic unity. However, it is imperative to note that before colonization, tensions existed between ethnic groups trading and fighting each other; colonization complicated and reinforced these tensions (Leonard, 1991b:77). Therefore, Jomo Kenyatta needed to be tactful and purposeful in seeking to form a united government towards nation-building. Moreover, Jomo Kenyatta’s government adhered to meritocracy—the recruitment and promotion of Africans in the civil services based on qualifications and performance (Leonard, 1991c:77). Anaïs Angelo posits that while Jomo Kenyatta was a powerful politician, he was also a strategic leader. He managed to effectively use the provincial administration

(led by provincial commissioners) to assert his authority in the public administration (Angelo, 2020:28).

Jomo Kenyatta's government was confronted with managing a fragile economy coupled with a workforce that lacked adequate skills to spur economic growth.

Furthermore, under the colonial class structure, the largest class comprised "workers and peasants" (Leonard, 1971d:74). Miatta Fahnbulleh notes:

The colonial economy not only created a weak socio-economic base from which post-independence states could launch their development projects, but it also sowed the roots of socio-economic problems that would prove decisive in shaping the pattern of development after Independence (Fahnbulleh, 2006).

Accordingly, Jomo Kenyatta's government recognized the need to boost economic growth, thus opening the door for private investors to invest in Kenya and establishing measures that would ensure no economic constraints but rather create opportunities to spur economic growth (Murapa, 1972). Additionally, Jomo Kenyatta promoted the acquisition of large farms and commercial and small industries by civil servants through government-facilitated loans (Leonard, 1971e:278).

Indeed, the country had a striking feature of deficient skillsets to meet the growing socioeconomic challenges and considerations. Hence, Jomo Kenyatta's government embarked on creating educational institutions to provide the much-needed skills at various levels—technical, midlevel (diploma), and university (Wachira, 2021). Importantly, Jomo Kenyatta's government provided free education by abolishing school fees for grades 1–4, which consequently tripled school enrollment in grade 1, from 379,000 in 1973 to 959,000 in 1974 (Pattilo, 2020). We can argue that some of the major academic institutions in Kenya that have been recognized as having an impact in the education sector were either created or elevated to advanced status during Jomo

Kenyatta's era: for example, Kenya Science Teachers College, Kenyatta College (now Kenyatta University), and the University of Nairobi (university status in 1970). Jomo Kenyatta probably had a passion for education because before ascending to the presidency, he was the principal of the first teachers' college in Kenya (Pattilo, 2020). At any rate, the seeds of greatness and success was established by the first post-colonial and independent government of Kenya.

Following his release from prison, Kenyatta became one of the critical and most respected leaders in Kenya and Africa. Indeed, Kenyatta was a beacon of hope in the period of pre and decolonized Kenya and also in Africa, regarded in the same stature with the like of the great Pan Africanist Kwame Nkrumah of Ghana, Haile Selassie of Ethiopia, and Julius Nyerere of Tanzania. As a respected statesman, on 28th October 1961, Kenyatta became the president of Kenya African National Union (KANU), a political party that would rule Kenya in the post-independence for 39 years. Kenyatta led KANU delegates in the famous Lancaster House delegation in London, talks that would pave way for independence (Nyongena, 2003). The arrival of Malcom MacDonald, who was the son of Britain's first labor prime minister and, by his own rights, an accomplished British diplomat with extensive experience in colonialism, favored and supported Kenyatta's ascendance to the top leadership of the country (Daniel, 2011:4). Malcom believed that Kenyatta was the best candidate to lead and protect British interest in independent Kenya (Daniel, 2011:4). Consequently, on 1st June, 1963, Kenyatta became the first prime minister of Kenya, and on 12th December, 1963, Kenya became a republic, with Kenyatta as president (Nyongena, 2003).

As a crusader and supporter of self-governance, and the president of Kenya, Kenyatta believed in a national unity based on ethnic unity (Daniel, 2011:8). Moreover, according to Kenyatta, “there is nothing wrong in bringing one’s own people together...One must put one’s house in order before one can tell others to do so” (Daniel, 2011:8). Kenyatta was a firm believer and supporter of tribal politics, an ideology that would later breed a fragmented and disjointed country, including fostering the vice of corruption. In hindsight, ethnic fragmentation in Kenya has proved to be a major challenge and a controversial subject, just like the issue of race in USA. Ethnicity in Kenya and in Africa continues to be a hot and divisive topic. For example, Kenya has experienced tribal clashes, particularly during electioneering periods, while other parts of Africa, like Rwanda, have witnessed the ugly face of ethnicity in the form of ethnic cleansing and massacre. In Kenya, the corrupt political elites seek refuge under ethnic cover. Moreover, the basis of ethnic mobilization (political alignment along ethnic lines) and hegemony was conceived and ingrained in the heart of Kenyans in pre- and post-colonization. However, after Kenya gained independence, the local bourgeoisie assuming state power continued to use foreign capital to access lucrative businesses in various sectors of the economy, thus, creating personal wealth (Murunga, 2007; 268). Unfortunately, the majority of these bourgeois were from one particular ethnic group, that of the Kikuyu tribe, and remarkably, Kenyatta’s ethnic heritage. Further, Kenyatta considered wealth creation as a matter of personal hard work, coupled with foreign investment and protection of private property, while other leaders like Oginga Odinga (Vice president), Tom Mboya, Secretary General of KANU, differed with Kenyatta’s ideology (Daniel, 2011:10). According to Odinga and Mboya, redistribution of wealth

(redistribution of European owned land) to the poor was of utmost urgency and of necessity (Daniel,2011:10). A view point that Kenyatta vehemently opposed. Consequently, Kenyatta and Odinga would later fall out on principles, and Odinga, a onetime close friend and associate of Kenyatta, would become his fiercest political enemy. Kenyatta's failure to distribute land equitably posed several challenges, most notably disfranchising local communities at the expense of appeasing political elites and tribal kingpins. It is imperative to note that land policies under colonization disregarded ancestral land ownership, with a majority lacking title deeds. Mwangi (2014) rightfully argues that "the colonial government assumed that the lack of title deeds or inoccupation and lack of cultivation implied no ownership" (Mwangi, 2014:167).

Kenyatta's government, therefore, failed to consider this fact and prioritize land distribution as a means of wealth distribution and also as a social justice initiative, compensating Kenyan citizens who lost land under the guise of colonization. Kenyatta's government was marred with ethnic hegemony and land grabbing in magnitude that had never been witnessed before. In fact, Kenyatta himself ended up seizing huge chunks of land, ending up owning a majority of land in Kenya. Kenyatta would continue to receive heavy criticism from leaders, such as his junior cabinet minister Josiah Kariuki (Commonly known as JM), who strongly opposed Kenyatta's governance and ethnic hegemony. Moreover, Kariuki raised alarm over the manner the political elite acquired great wealth and perpetuated cronyism in Kenyatta's administration (Kyle, 1999: 203). Kenyatta's government failed to curtail the seeds of corruption that were evident at the time. To the citizenry, Kenyatta's government was seen as one that perpetrated personal wealth, rather than public service.

According to Kyle, “the seeds of corruption had been sown very early after *uhuru* (independence), though its impact had been masked by the country’s initial appearance of prosperity” (Kyle, 1999: 203). Daniel argues that corruption in Kenya during Kenyatta’s government was not just a matter of personal enrichment and greed, but deeply embedded in the political system (Daniel, 2011: 104). Indeed, the first commission of inquiry into corruption was appointed in 1965, an inquest where the then-cabinet minister (Paul Ngei) had allowed his wife (Emma Ngei) to buy maize directly from farmers, bypassing the Maize Marketing Board, the only body allowed under the law to buy maize directly from farmers (Maina, 2019). An argument can be made that Kenyatta governance, and its shortcomings, (ethnic hegemony and cronyism) fostered and perpetuated a culture of corruption in the public service, thus initiating a deeply embedded cancer that would later prove difficult to exterminate. In a rejoinder, Jomo the reign of Kenyatta, the founding father of the nation, would be classified, by some, as a “golden era” in Kenya’s history, particularly due to his unrelenting efforts towards the fight for rights, justice and freedom (Nyongena, 2003:4).

2.7.2 Daniel Arap Moi Era 1978-1992

The rulership of President Daniel Arap Moi, to many, is reminiscent of the plunder of public coffers and resources, climaxed with the architecture of the so called grand corruption scandals (Goldenberg Scandal, Turkwel Gorge hydro-electric power etc.). Relatives and associates of President Moi looted billions of Kenyan shillings from the government (Rice, 2007). In fact, one can make an argument that the period of 1978 to 1992, is reminiscent of Moi’s state capture. Following the demise of Kenyatta on 22 August 1978, Moi, who by then was the vice president, proceeded to ascend to the office

of Presidency. Moi, a political protégé of Kenyatta, promised to “fuata Nyayo” as he often said, which means to follow the footsteps of Kenyatta. In a nutshell, this meant that he would continue to embrace Kenyatta’s policies. Kyle notes that “the corruption and cronyism which had started eating into Kenyatta’s fine record as his term approached its end were many times increased under his successor” (Kyle, 1999: 203). He (Moi) ruled Kenya with an iron fist, perpetuating and fostering ethnic hegemony, and cronyism. Moi hailed from the Kalenjin ethnic group, therefore, there was a need to strategize on how to eliminate the Kikuyus (Kenyatta’s ethnic group and cronies) who held enormous political power and wealth in the government that he had inherited. On the other hand, Kikuyu elites recognized the danger of Moi’s presidency that included losing lucrative positions in the government and ultimately their economic might (Widner, 1992:111). To effectively deter and destroy the Kikuyus’ political influence, Moi dismantled Gikuyu Meru Embu Association (GEMA), a powerful socioeconomic and political outfit, formed to protect the interest of elite Kikuyus (Ogola, 2011).

Moi faced major challenges. Unlike his predecessor who had land to distribute to his cronies, he had very few land resources to distribute (Mwangi, 2014). Therefore, plunder of public resources, looting, and public land grabbing (that was still available) became synonymous with Moi’s administration. In addition, Moi had a daunting task of dismantling Kikuyu hegemony (they were deeply entrenched in public service and had political might and wealth) without threatening the stability of his government (Mwangi, 2014). Thus, in June 1982, he successfully masterminded a constitutional amendment that eliminated the multiparty system in Kenya (Ogolla, 2011). The introduction of the single party (KANU), among others, effectively meant the sudden death of democracy in

Kenya. Furthermore, the elimination of the multiparty system paved way for Moi's tyrannical rule that would last for 24 years. State House (the official residence of the president) had absolute control of KANU, thus, requiring unwavering loyalty to the President (Widner, 1992:152). During these years, corruption continued and exacerbated in magnitudes that had not been witnessed before. To Moi's cronies, political supporters, and "tribesmen", it was "their time to eat" that is, plunder, and loot as much as they could. A review of Moi's governance shows a helpless state where public coffers or resources were plundered or looted.

In its report, *State Capture: Inside Kenya's Inability to fight Corruption*, Africa Center for Open Governance (Africog), Wachira Maina posits that Moi's rulership revealed tales of state capture (Maina, 2019). As such, the first grand corruption depicting the characteristics of state capture involved the Turkwel Gorge hydro-electric power project, initiated between 1986 and 1991 (Maina, 2019). A review of the Turkwel project contracting process showed massive "rigging and repurposing of legal processes to benefit President Moi and his cronies" (Maina, 2019). In addition, the Moi administration would mastermind another grand corruption scandal famously known as the Goldenberg scandal, a graft scheme that sent shock waves to the entire nation, because the government ended up losing 60 billion Kenyan shillings (US\$850 million) in a dubious scheme (Karanja, 2003). Goldenberg International was a gold and diamond export company, co-owned by James Kanyotu, the then-head of special Branch (Criminal Investigation Department) of Kenya and Kamlesh Pattni-private citizen (Daniel, 2011:219). This company promised the government of Kenya that it would earn \$50 million in export of gold and diamond, despite the fact that Kenya had no gold or

diamond reserve (Daniel, 2011:219). An inquest to the Goldenberg scandal revealed that President Moi, his family, and other high-ranking public officers were firmly behind the grand corruption scheme (Karanja, 2003). Certainly, such dubious corruption schemes introduced a new culture of plunder and looting of public funds and resources firmly established and patronized by President Moi and his cronies. Moreover, a private investigation conducted by Kroll & Associates of the United Kingdom in 2002 revealed that Moi and his cronies had successfully siphoned close to Sh 300 billions of state funds, some of which were deposited in foreign accounts (Amadala, 2020). By the end of the Moi era in 1992, the country was already reeling under very high levels of corruption, from the highest office (Presidency) to low-level police officers. Indeed, I will argue that this is a period where corruption in Kenya was cemented as an acceptable vice and another avenue of personal enrichment. Furthermore, Moi ruled for a period of twenty-four years, an extended period of time where the culture of looting and plundering of public resources was indoctrinated both in government institutions and society. By the time Moi's presidency came to an end, the country was already experiencing very high levels of corruption and economic downturn.

2.7.3 The Mwai Kibaki Era: 1992-2013

The beginning of the 1990s opened another chapter in Kenya, welcoming the wave and push of a multiparty system, courtesy of what has been referred to as the “second liberation” (the first being the fight for freedom from colonization). A similar wave and quest for multipartyism had swept other parts of the African continent. This timeline in Kenyan history is the first phase of democratization—political liberalization—where the constitution is amended to allow opposition parties to operate legally. In addition,

restrictions on various freedoms (association, press, etc.) are lifted and timetables for multiparty elections are set. (Gros, 1998: 2). Kenya's economy was already hanging by a thread as a result of bad governance, including plunder of government resources perpetuated by Moi's administration. For survival, Kenya had to rely on the donor community to stay afloat. The donor community therefore forced President Moi to heed the call of multipartyism (Brown, 2001). The introduction of multipartyism and pressure from the donor community eventually led to the defeat of Moi's and KANU's dictatorship. It is imperative to note that Moi would proceed to win the first multiparty election in an election that many consider to have been rigged and skewed in his favor, because he (Moi) held the powerful state machinery. The introduction of the presidential term limit (two terms) in Kenya ultimately forced President Moi to retire from politics, thus ending his dictatorial rulership. Consequently, Mwai Kibaki of the National Alliance Rainbow Coalition (NARC), a coalition of 14 political parties, emerged as the ultimate winner in the 2002 elections. Kibaki defeated Uhuru Kenyatta, Moi's protégé and political scion, who also doubled as the son of the first president. Uhuru was a neophyte in politics and stood no chance in the polarized political landscape. Furthermore, Moi's choice was not out of the interest of the country, but rather he was looking for a candidate who he could trust to create a safe haven for him and his cronies, considering the egregiousness of his dictatorial rulership.

Kibaki's victory marked a new chapter in Kenya. The fiercest political opponents of President Moi, who had sought asylum status in other countries, were allowed back into the country (UNHCR). For example, people like Koigi Wamwere (had sought asylum in Norway, would later become a member of parliament), Willy Mutunga (exiled

in Canada and would later become the chief Justice), renowned writer Ngugi wa Thiong'o, would come back home. In fact, Kibaki's government was to many the "journey towards the promised land." In his inaugural speech, Kibaki expressed his desire to fight corruption, promising that corruption would cease to be part of daily life in Kenya (Kenyan Digest, 2019). Consequently, Kibaki's government moved speedily to address some of the major challenges ailing the Kenyan State. Fighting corruption was one of the challenges the government addressed "head on," starting with the purging of the judiciary, which was widely known to be corrupt. Kibaki's government formed the "Integrity and Anti-Corruption Committee of the Judiciary in Kenya" to implement what the government termed as the "radical surgery" of the judiciary (ICJ, 2005). The results of the investigation of the judiciary would reveal a deep, rotten, corrupt, and broken judicial system. According to an International Commission of Jurist (ICJ) report "five out of nine Court of Appeal justices, 18 out of 36 High Court justices and 82 out of 254 magistrates" were found culpable of corruption (ICJ, 2005). Corrupt judicial officers were offered an option to either resign or face a tribunal (ICJ, 2005). Indeed, this was a new dawn in Kenya and the right direction in the fight against corruption. Arguably, the country was moving quickly into the second phase of democratization, although this is the most difficult phase, which involves creating structures that ultimately lead to the rule of law (Gros, 1998: 2).

However, Kibaki's government would fall prey to the dragnet of corruption, and the "dragon of corruption" would prove too difficult to fight and a tall order to extinguish. Thus, Kibaki's government was beset with grand corruption schemes reminiscent of Moi's era, among them the Anglo leasing scandal. This scheme was a

clandestine contractual project that involved a series of security contracts with the government of Kenya (Business Today, 2019). The total amount involved project was “worth about US\$770 million, equivalent to Kenya shillings 55 billion (Business Today, 2019). Following the exposure of the Anglo leasing scandal, four cabinet ministers of the coalition government of president Kibaki’s were alleged to have participated in the grand corruption scheme, and just like previous governments, they were never charged in court (BBC News 2015). The old dark days of corruption-infested government were soon cropping back. The trust placed in the Kibaki government by citizens and international community started to wane. Following this revelation and the dissatisfaction of the fight against corruption, the EU (donor community) suspended the disbursement of US\$587,500,000, funds that had been factored in the Kenyan budget (Oluoch, 2004).

The culture of corruption continued to be entrenched in Kibaki’s government and by the time his term was ending the culprits of the Anglo leasing scandal were not punished. Just as with the Goldenberg scandal, no arrests or indictment had materialized (Maina, 2019). Bachelard rightly notes that the war against corruption suffered a sudden defeat a year and a half after Kibaki’s election following the Anglo-Leasing corruption scheme and he (Kibaki) continued shielding of the cabinet ministers involved in the scheme (Bachelard, 2010). Kibaki failed to deliver in the fight against corruption. However, despite this setback, his government embarked on building roads, hospitals, schools and so on.

2.7.4 Uhuru Kenyatta era 2013-2022

Uhuru’s ascendancy to the office of the President was courtesy of “the tranny of numbers” (where large ethnic blocs join to defeat the smaller blocs) and his (Uhuru)

indictment at the International Criminal Court (ICC), and that of his running mate and current president, William Ruto. These two leaders who hailed from large ethnic blocs enticed their ethnic groups (Kikuyus and Kalenjins) to turn out in large numbers in an effort to save their sons from the jaws of the ICC. The belief was that the presidency would shield them from being indicted in the ICC. Uhuru and Ruto had been indicted on charges of crimes against humanity following post-election ethnic violence that took place on 2007-08, resulting in the death of 1,200 (BBC News, 2014).

Understanding ethnic politics and their complexities in Kenya is paramount and of importance because political parties are formed based on ethnic fragmentation. Moreover, in African states, ethnicity is inevitable (Bayart, 2009:43). The discourse of ethnic fragmentation in the Kenyan political landscape ultimately creates the tranny of numbers, where citizens from a particular region rally behind one tribal kingpin. The difficulty of indicting such tribal kingpins, particularly when found culpable of corruption cases, becomes a difficult and sometimes unattainable. A case in point is the prosecution of former president of South Africa Jacob Zuma, who had been indicted over allegation of corruption. The South African government had to send troops to quell the riots and destruction of property in Gauteng and KwaZulu-Natal provinces following the jailing of the former president (Winning, 2021). In fact, the riots left 10 people dead (Winning, 2021).

Ethnic fragmentation gives rise to ethnic kingpins, who ultimately become leaders of political parties, and being at the helm of the political outfits, they proceed to form coalitions with other political parties, eventually running for the top public office- President and vice president, and or other senior positions in government. This was the

case of the Uhuru-led political outfit. And because of huge populations, some ethnic groups outnumber the smaller ethnic groups, thus continue to wield and maintain political power, a situation in Kenyan political discourse that has been referred to as the “tyranny of numbers.” In actuality, this is what propelled Uhuru to the presidency, where two major ethnic groups, the Kikuyus and Kalenjins, joined hands running for the presidency and vice presidency respectively. According to the census of 2009, larger ethnic groups, popularly known as the big five, the Kikuyus, Luhya, Kalenjin, Luo and Kamba account for nearly 70 percent of Kenyans population (Mohamed, 2017) . The rest of the ethnic groups had less than 2 million. Moreover, kikuyus were leading with a population of over 6,622,576 (46 % of total registered voters) (Njiraini, 2010). The total registered voters in the 2013 election was 14.3 million (Muyambi, 2012). From these statistics, the Kikuyus, in theory, would only need to join forces with one of the larger ethnic groups to continue maintaining political power and hegemony. Certainly, if Kikuyus and Kalenjins voted along ethnic lines, then they already had more than 50 percent of the total registered votes. Furthermore, the Merus are ethnically related to the Kikuyus , whose population is estimated to be 1,658,108 (11.6 % of total registered voters), and historically they have always cast their votes with the Kikuyus.

Just as with his predecessors, the Uhuru government was riddled with grand corruption cases, and this time the architects had mastered and enhanced their game and numbers. The first scandal of Uhuru’s government involved the Eurobond, where the government offered sovereign bond worth US\$2.75 billion and by the end of it all the government was unable to account for \$ 1.002 Billion (Maina, 2019). Furthermore, Uhuru shielded his government from any wrongdoing, thus curtailing investigation over

the manner the Eurobond had evolved (Maina, 2019). The grand corruption scandals would continue to cast a shadow over Uhuru's government. Edmond Pamba argues that Kenya continued with a spate of alleged corruption scandals- "from National Youth Service (NYS) (Kenya Shillings 9 billion), National Produce and Cereals Board (Kenya Shillings 1.9 billion), Kenya Pipeline (Kenya shillings 70 billion), National Irrigation Board (multibillion scandal), and Kenya Electricity Transmission Company (Kenya shillings 6.3 billion)" (Pamba, 2018). Indeed, Uhuru's government had lost the war against corruption. Ultimately, his long serving finance minister, Henry Rotich, was indicted over corruption charges, following the scandal of financial embezzlement relating to tenders to construct two hydro-electric dams in Kenya. The Kenyan government continues to fight the vice, but corruption cases take long to be adjudicated in the Kenyan judicial system. Although the Uhuru government undertook major capital improvement (road and rail construction, building of hospitals, etc.), the heightened levels of corruption continued to frustrate and derail economic progress.

This literature review shed light on the effects of colonialism and post-colonialism on state making, thus providing a genesis of corrupt behavior in the Kenyan public service. It traced the history of the chieftain administration as the first senior position occupied by Africans in the colonial government. Due to the dire need to crush and dismantle the rebellion against the colonial government, the colonial government embarked on the selective application of rules and regulations. Subsequently, the colonial government orchestrated a plan to bring nonexistent or wrongful charges to punish leaders who propagated dissent against colonial governance. In post-independent Kenya, the same strategy was employed to silence individuals picketing bad governance,

particularly those agitating for democratic governance. Moreover, the perception of the general motivation of public service (to serve people) contrasts with the need for power, influence, and benefits associated with the chieftainship position. Hence, the post-independent governments, starting with the government of the founding father, Jomo Kenyatta, to the current one, have all been plagued with huge corruption scandals involving senior government officers, although each in varying magnitude.

3.0 Chapter 3: New Dispensation

This chapter covers the milestone that changed the direction of governance in Kenya, specifically, the new governance structure and how it impacted public administration. The chapter starts with a review of the new constitution of 2010. It looks at key sections, particularly the adoption of the leadership and integrity chapter, a key component to consider in the study of corruption. A review of devolved governance and what it meant to the Kenyan discourse is also presented. The chapter will review the legal framework to fight corruption and additional legislation as instruments adopted to fight or deter corruption are presented.

The new constitution of 2010 was a pivotal and historical moment in Kenya that forever changed public administration discourse. The present study would be incomplete without reviewing this milestone, including what it meant, especially charting a new dispensation towards democratic governance. In addition, the 2010 constitution re-introduced devolved government in Kenya, a system of governance that was first introduced in 1963 after independence. Indeed, many thought devolved governance would bring much-needed development at the local level.

3.1 Kenya's New Constitution in 2010

On August 4, 2010, Kenyans overwhelmingly voted for the passage and adoption of a new constitution. The new constitution was celebrated, because it was a milestone in Kenya's history. Many referred to the era of a new constitution as the "country's golden future" (Gettleman, 2010). The majority of Kenyans were hopeful that the new constitution was a step in the right direction and would foster democratic governance. Many saw this development as a promise for good governance (because of the reduced

power of the executive), social and economic rights (particularly for marginalized communities), and provision of devolved government.

Creating and adopting a new constitution in Kenya was not an easy task, due to political interests, power plays, deep resentments, ethnic realignments, and social and economic factors. Hence, the movement to change the constitution repeatedly died a sudden death. However, following a hotly disputed presidential general election in December 2007, Kenya was on the precipice of civil unrest. There was a heightened need to address the country's problems to develop lasting solutions. Adopting a new constitution was a promising solution for Kenya to avert civil unrest or infighting among communities. Peter Greste rightly noted that, “something fundamental had to change if Kenya was ever going to escape the repeated rounds of ethnic blood-letting that came with each election” (Greste, 2010). Among other goals, the new constitution primarily addressed the following:

- (a) establishing national values and principles of governance that seek to diffuse ethnic tensions often fueled by perceptions of marginalization and exclusion;
- (b) reforming the electoral system, which has been used as an instrument of inclusion and exclusion in sharing of national resources, to ensure that the voices of all segments of society are represented equitably in government and making elections less fractious;
- (c) creating devolution mechanisms that seek to enhance fairness in the national sharing of resources; and

(d) establishing mechanisms to ensure fairness in land administration and to address historical land injustices that have often reinforced perceptions of marginalization and exclusion and triggered ethnic conflicts, especially during elections (Aketch, 2010).

3.2 Leadership and Integrity

Chapter six of Kenya's new constitution, "Leadership and Integrity," is important to this study because it addresses the history of bad governance in pre and post-colonization and formulates a framework for addressing matters of leadership and integrity for all public servants. The standards for and ideology of the Leadership and Integrity chapter in the Kenyan constitution were borrowed from Hong Kong, where the state historically experienced high levels of corruption and runaway corruption in the police force (T.I.K, 2019). Furthermore, the model of leadership and integrity was based on the Nolan principles, the seven principles of public life in the United Kingdom (T.I.K, 2019). These principles are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

The adoption of the Leadership and Integrity chapter in the constitution was of paramount importance, because it addresses accountability in the public sector and the fight against corruption. Moreover, the chapter formulates the principles to which public officials should adhere when discharging public duties. These principles are based on the fact that the power exercised by leaders is entrusted to them by the public. Therefore, leaders should exercise their power to serve the interests of the people. Historically and under the previous constitution, the president of Kenya had unilateral powers to control institutions of governance; that is, the president could hire or fire public servants of these

institutions at will (Maina, 2015). Furthermore, the presidency was powerful enough to ensure that these governmental institutions did the president's bidding (Maina, 2015).

3.3 Shortcomings in the Implementation of Chapter Six

The creation and adoption of a framework for leadership and integrity was a step in the right direction. However, reviewing levels of corruption is a useful barometer for measuring the changes envisioned in the constitution. Despite the Leadership and Integrity chapter, levels of corruption continue to be on an upward trajectory. The EACC attributes the current status of corruption to significant obstacles in implementing chapter six of the constitution. There are gaps in the legal and regulatory framework of chapter six and insufficient rules and regulations. The operational mechanism to ensure enforcement of leadership and integrity is still in its infancy. Thus, there are no clear guidelines or mechanisms in place to address violations of chapter six. For example, there are no clear disciplinary actions for elected leaders when they contravene the chapter. In addition, the county governments lack the capacity to establish a robust system that can ensure transparency, accountability, and good governance (EACC 2014/15:75). All of these challenges continue to plague the functionality of the Leadership and Integrity chapter.

3.4 Devolution: Decentralized Governance

The adoption of the 2010 constitution ushered in a new era of decentralized governance in Kenya, creating 47 new counties headed by governors and county representatives (who are directly elected by citizens). The county governments of Kenya consist of three branches: the county executive (committee), legislature, and public

service (Constitution of Kenya, 2010). The decentralization of political, fiscal, and administrative powers to counties seemed to be a plausible and lasting solution to the “underlying pathologies of Kenyan politics” (Cornell, 2016). The principle behind the creation of decentralized governance was to

- (a) Foster democratic governance, including accountability;
- (b) Encourage national unity through diversity;
- (c) Promote self-governance at the local level by giving citizens opportunities to decide on issues that affect them at the grassroots level;
- (d) Recognize the rights and interests of communities, particularly the interests of minority and marginalized communities;
- (e) Foster social and economic development, including by ensuring easy access to services in all parts of the country;
- (f) Ensure equitable sharing of national and local resources in all parts of the country;
- (g) Decentralize functions of the national government from the capital city to local areas; and
- (h) Create checks and balances through the separation of powers between national and county governments (Constitution of Kenya, 2010).

Since county governments lacked the expertise, resources, and capacity to run effectively, devolution progressed in stages. Moreover, county governments negotiated a working relationship with the national government in terms of power and revenue sharing despite political, fiscal, and administrative challenges (The World Bank, 2019). The

audacious plan to decentralize the governance structure in Kenya attracted support from the World Bank through the Country Partnership Strategy. Through the Country Partnership Strategy, the World Bank endorsed a five-year (2014–2018) investment framework of \$4 billion to support decentralization (World Bank, 2014). Although devolution was considered a brilliant idea, the expectations of elites and ethnic groups was that “it’s everyone’s time to eat,” (looting public funds) and unfortunately, those expectations came true (Cornell, 2016). Nic Cheeseman et al. argued that

decentralisation in Kenya has generated a political system with a more robust set of checks and balances, but at the expense of fostering a new set of local controversies that have the potential to exacerbate corruption and fuel local ethnic tensions in some parts of the country (Cheeseman et al, 2016).

This observation helps explain why Kenya continues to experience high levels of corruption in its counties. The counties have been plagued with corruption scandals implicating their leadership (governors and county administrators). There is a long list of current and former governors who have been arraigned in court for corruption charges. Furthermore, governors suspected of corruption scandals have been seeking presumptive orders to halt corruption investigations. Nic Hailey, the British High Commissioner to Kenya, posited that, in the wake of runaway corruption, it is dishonorable for a public office holder to seek preemptive orders to halt prosecution for or investigations of corruption (Hailey, 2019). Moreover, according to Hailey, public servants who were arrested or bailed out for serious crimes should step away from public office (Hailey, 2019).

3.5 Legal Framework for Combating Corruption in Kenya

We cannot argue with the fact that Kenya has successfully developed and adopted a legal framework to fight corruption. However, the current legal framework and anti-corruption policies are still inefficient to cure the maladies of the public administration. According to EACC, the constitutionally mandated institution to fight corruption in Kenya, some glaring systematic issues continue to hinder the fight against corruption. To EACC the following are main challenges:

- Lack of powers by the commission to enforce the implementation of its corruption prevention recommendations;
- Reluctance by County Governments to mainstream the integrity and anti-corruption agenda;
- Entrenched unethical culture and enormous size of the public sector;
- Lengthy process for Mutual Legal Assistance, which is dependent on goodwill of the requested county
- Weak legal framework for enforcing Chapter Six of the Constitution;
- Violations of Chapter Six of the Constitution and the Leadership and Integrity act by the political class;
- Vetting (clear stated, thoroughly, benchmarked process to ensure only suitable candidates) is not expressly provided for by legislation;
- Staff shortage (EACC 2014/15);

As mentioned in the first item on the list above, one of the major flaws of the Kenyan judicial system is that EACC does not have prosecutorial powers, thus, the decision to prosecute corruption cases is the prerogative of the Director of Public Prosecutor (DPP). A holistic approach in review of the legal framework would be prudent if Kenya is to win

the war on corruption. Some of the prior legal framework adopted to fight corruption in Kenya are:

3.5.1 The Anti-Corruption and Economic Crimes Act of 2003

This is an act of the parliament passed in 2003, and provides for the investigation, and punishment of corruption, including economic crimes. This law provides a legal framework for the definition of corruption to include “bribery, fraud, embezzlement, or misappropriation of public funds, abuse of office, breach of trust”. Further, it also recognizes corruption as the act of dishonesty relating to the election of persons in public office” (Anti-Corruption & Economic Act, 2003). Through this law two institutions were established, the Kenya Anti-Corruption Commission (KACC) and the Kenya Anti-Corruption Advisory Board (KACAB) (Anti-Corruption & Economic Act, 2003). KACC was tasked with the responsibilities of investigations, and the KACAB was tasked with the responsibilities of advising KACC on how to exercise its powers and the general performance as it relates to the Anti-Corruption and Economic Crimes Act of 2003.

3.5.2 The Public Officers Ethics Act of 2003

In the same year, 2003, parliament passed another legislation, the Public Officers Ethics Act (POE). The aim of POE was to stipulate the ethics requirements of the public officers through the provision of code of conduct and ethics for public officers, including the requirement of financial declaration from certain public office holders (Republic of Kenya 2003b). The main objective of this law is to enhance the code of ethics and integrity of all public officers. In addition, the requirement of financial declaration

ensured that all public officers, particularly in key or senior public positions would declare their income, assets, and liabilities.

3.5.3 The Government Financial Management Act of 2004

This law was passed in 2004, and the main objective was to provide for management of government finances, by streamlining the system of finance to include effective management principles. Through this law systems and procedures were put in place to the effectiveness of the use of government finances and property. As such, the law clearly spelled out (a) overall management of government finances; (b) Exchequer account & consolidated fund (c) miscellaneous provisions relating to government financial management and (d) General regulations.

3.5.4 The Public Procurement and Disposal Act of 2005

This law was passed by parliament and assented on 26 October 2005. The main objective was to enact legislation that will provide for the efficient procurement and disposal of unserviceable surplus stores, assets, and equipment. Moreover, this act of parliament established three public entities in charge of regulating public procurement. That is, (a) The Public Procurement & Oversight Authority (PPOA)- in charge of oversight, regulation and policy development of public procurement; (b) Public Procurement Oversight Advisory Board (PPOAB)-supervise and provides guidance to PPOA; and (c) the Public Procurement Administrative Review Board (PPARB); tasked with responsibilities of handling and reviewing complaints and appeals (Public Procurement And Disposal Act, 2005).

3.5.5 Witness Protection Act, 2006

Witness protection is a human right under the bill of rights in the new adopted constitution of Kenya. Under the witness protection, the witness protection agency is mandated with establishing protective measures to ensure witness protection.

3.5.6 The Proceeds of Crime and Anti-Money Laundering Act 2009

This law was passed in 2009 and assented to on 31 December 2009. It was aimed at money laundering and combating offenses that include identifying, tracing, freezing and seizing crime proceeds. It also addressed the financing of terrorism (Republic of Kenya 2009b).

3.5.7 The Ethics and Anti-corruption Commission (EACC) Act 2011

This act of parliament was enacted to provide for the formation of a legal institution to fight corruption. The enactment and rotation of EACC provided for the function and powers of the commission, including provision for the appointment of the chairperson and members of the commission (Republic of Kenya 2011). The formation of EACC replaced KACC. Thus, the formation of EACC was to combat and prevent corruption, including economic crimes.

3.7.8 The commission on the Administration Justice Act 2011 (Ombudsman)

The Ombudsman act of parliament was passed in 2011, establishing the commission on administrative justice and charged with investigating the conduct of state affairs, act of, or omission in public administration, misuse or abuse of power, inquiring of public officers maleficence, administrative injustices.

3.7.9 The Public Finance Management Act (PFM) of 2012

The PFM act of parliament was passed in 2012 with the main objective of providing structure that leads to effective management of public finances of the government. This legislation provided the structure in how the national and county government would effectively manage public funds. As per the PFM, public finances must be managed in accordance with the constitution of Kenya, and public officers responsible with the oversight of public finances are accountable through the parliament and county parliament respectively (Republic of Kenya 2011).

3.7.10 The Leadership and Integrity Act of 2012.

This act of parliament was enacted in 2012, with an objective to ensuring that all public officers respect the values, principles, and requirements of the constitution of Kenya, particularly Chapter 6 of the constitution. This law was preceded by the adoption and enactment of the new constitution (2010) of Kenya. Moreover, under the chapter 6 of the constitution, it established responsibilities of leadership, oath of the office of state officers, conduct of state officers, financial probity of state offices, restriction on activities of state officers, citizenship and leadership, etc.

3.7.11 The Election Campaign Financing Act of 2013

This act of parliament was enacted in 2013, and it empowers the EACC to oversee the administration, expenditure, and accountability of election-campaign funds, particularly during elections and referendum campaigns. The bill provides legal framework for defining the functions of the commission, regulation of expenditures, campaign expenses, contributions & donations and offenses.

3.7.12 The Bribery Act of 2016

The Bribery Act of 2016 was an act of parliament adopted to provide legislation for the “prevention, investigation and punishment of bribery” and other related purposes (Kenya Gazette Supplement No. 197. Acts No. 47). This bill provides a broad definition of bribery, including methods to prevent bribery as well as penalties for those failing to comply.

3.8.0 Politics of Anticorruption Reforms

The proponents of the anticorruption reforms in Kenya have been civil society organizations, the international community and ordinary citizens. However, historically, the implementation of the anticorruption reforms continues to be hamstrung by the political class. For instance, the Kenya Anti-Corruption Commission (KACC) received little support from the Mwai Kibaki government (Lawson, 2009). "President Kibaki's anticorruption program was a response to internal and external demands for reform, a fulfillment of his own campaign promises, and a means of unfreezing \$1 billion in foreign aid" (Lawson, 2009). However, the implementation of anticorruption reforms by Kibaki's government was superficial. The re-appointment of Aaron Ringera as the head of the KACC, despite significant opposition, was a clear indication that the government was seeking to maintain the status quo in the fight against corruption. Besides, Ringera was a former law partner with a cabinet minister, who was also one of the prime suspects in the Anglo leasing scandal. Due to pressure from civil societies and citizens over his ineffectiveness, Ringera resigned as the Head of the KACC. Eventually, Patrick Lumumba was appointed the country's anticorruption czar and Head of the KACC. The

appointment of Lumumba was, to many, a victory in the fight against corruption. However, the proposed Anti-Corruption and Economic Crimes (Repeal) Bill, 2009, by Garsen MP Danson Mungatana to repeal the Anti-Corruption and Economic Crimes Act, 2003 (the bill that created the KACC) disbanded the KACC, thus, effectively ending the commission and its advisory body. An argument has been made that the disbandment of the KACC was not in good faith. David Ohito posits that the political class eliminated the anticorruption body through the auspices of a "re-invigorated war against graft." However, this was a strategy to remove Lumumba and his team, as they threatened to expose corruption by the political class (Ohito, 2011). Furthermore, "in Parliament, it was an open secret that the MPs were united in ensuring Lumumba's term comes to an end as quickly as possible." (Ohito, 2011).

As described in this chapter, the new constitution ushered in a new dispensation in Kenya, what many would call a "rebirth" of Kenya. The adoption of the progressive 2010 constitution was a crucial moment in the history of Kenya, not only because of the benefits of assuring democratic governance but also recognizing the fight against corruption and the legal framework to stand on if the fight against corruption would see the light of the day. In addition, it is imperative to acknowledge that though the country had a legal framework to fight the vice, the adoption of Chapter Six—Leadership and Integrity in the Constitution—was instrumental in recognizing principles that foster probity. However, despite the adoption of a legal framework to deter or fight corruption, corruption continues to be problematic because of several gaps and shortcomings of the legislation. The mechanisms to enforce or operationalize the leadership and integrity legislation continues to derail the fight against corruption. Furthermore, government

support from the top office (Presidency) has been lacking when it comes to implementation, thus, no meaningful outcomes are realized.

Chapter 4 Corruption Antecedents

The effectiveness of any measures to fight corruption depends on an in-depth understanding of corruption antecedents. Hence, this chapter examines some of the key antecedents of corruption in Kenya. The study reviews culture and how it fosters corruption. Additionally, theories of ethnicity and why ethnicity is an antecedent of corruption are reviewed. Poverty and how it makes people vulnerable to corruption is also examined. Further, the study looks at how transitioning from authoritarian regime to a democracy can exacerbate the levels of corruption. This chapter also discusses how a lack of trust in government institutions facilitates corruption. Other factors considered in this chapter include weak institutions, how corruption is normalized in institutions, and the main variables of the present study: difficulty accessing public services, electoral manipulation, and access (lack of) to information from the government

4.1.1 Culture

Scholars have identified various factors that exacerbate corruption at the national level in both developed and developing countries. Scholars agree that there is a positive relationship between culture and corruption (Seleim et al., 2009; Barr et al., 2009). In Nigeria, Daniel Smith posits that corruption is a term that is widely accepted because it is “a polyvalent signifier for a range of political, social, and cultural practices related to the reproduction of inequality” (Smith, 2018).

Misuse of state power and resources by the political elite fosters a culture of corruption, entrenching corrupt behavior as an acceptable way of life so that dipping into the purse of the public is no longer a behavior of concern. Indeed, Jean-Francois Bayart

referred to as “our time to eat,” stating that “within these sorts of context, social struggle is a zero-sum game where the only prize is the accumulation of power” and that “it is easier to get rich from a position of power than from a position of dependency and penury” (Bayart, 2009: 239). Furthermore, Bayart argues that in such cultural contexts, “A man of power who is able to amass and redistribute wealth becomes a man of honor” (Bayart, 2009: 239).

A common ploy among corrupt politicians and elites in Kenya is sharing a small portion of loot by donating to societal causes. Due to a lack of social welfare programs in Kenya, citizens oftentimes come together to raise money as a community to support development or social welfare through a system commonly referred to as “Harambee.” Harambee was a noble idea propagated by Jomo Kenyatta, the first President of the Republic of Kenya, as a way of uniting citizens in nation-building, instead of depending on government or donors for support. However, the harambees in Kenya has become an avenue where politician or elites share some of their corruptly acquired wealth. For example, July 22, 2018, William Ruto, then-Deputy President of the Republic of Kenya, donated a total of KES 60 million-eight times his salary-in various harambee’s over a period of six months. Moreover, he was scheduled to preside over another harambee in the Coast Province (Lang'at, 2018). The source of such vast wealth and the way it is distributed in harambees calls for inquiry. The Anglican Church of Kenya has been on the frontlines questioning the authenticity of such donations as genuine hard-earned cash or proceeds of corruption. Political elites have appropriated this noble idea to present a façade of generosity. Thus, the culture of stealing public funds and sharing some with the community becomes an acceptable vice and a way of life. The culture of corruption

therefore continues to be embraced rather than shunned because people continue to invite politicians and elites to contribute to social welfare under the guise of harambee. Hence, people no longer want to know how you acquired your wealth, but rather whether someone is actively participating in social welfare. The more politicians or elites give (irrespective of how the wealth is acquired) to harambees, the more they become famous and endeared by their communities.

I contend that culture has a very important role to play in developing an effective public administration, particularly one with the potential to condemn vices such as corruption and other forms of unacceptable behavior in society. The development of a cultural perspective where public administration becomes a coveted career and an epitome of discipline for the young upcoming generations holds the key towards effective public administration. Before embarking on organizational structuring, a positive cultural perspective needs to be nurtured, whereby service to one's country and not oneself is an essential part of the discipline; also, that this is considered not only a virtue of the profession but representative of the culture of an entire society.

4.1.2 Ethnicity

Anthony Smith, a theorist of the ethnosymbolism theory, described ethnic groups as having common ancestry, shared historical facts, and a cultural focus on one or more symbolic elements (Smith, 1989). According to Smith, symbolic elements can be kinship, dialect, or language and so on (Smith, 1989). Moreover, Smith stressed the importance of symbols, myths, traditions, and values in ethnic identification based on aspects of psychological, emotional, historical, and cultural background. Kenya is composed of over

42 ethnic groups. Ethnicity in Kenya is a contentious, complex, and sensitive issue that elicits mixed reactions among citizens. The main reason ethnicity is contentious revolves around the nexus between ethnicity, corruption, and land conflict (Obala, 2014). As stated elsewhere, historical issues revolving around colonization (forceful removals from ancestral land by colonists) and the post-colonial period (the unjust redistribution of land along ethnic lines) have had long-lasting effects that continue to foster mistrust between various ethnic groups, particularly regarding those groups seen to have benefited economically and politically in the post-colonial period. To explain conflicts based on ethnic theory, primordialists stress the idea that nations or ethnic identities are fixed, while instrumentalists argue that ethnicity is a means for the formation of coalitions seeking economic or political power (Esteban, 2012).

Indeed, instrumentalist theory best explains how ethnic groups coalesce and form formidable political parties. Within the Kenyan context, ethnicity was a major factor – if not the key factor – in how public offices were distributed in post-independence Kenya. Ethnic proneness determines how jobs are allocated in public services, fostering ethnic nepotism as a form of corruption. Indeed, “powerplay, capital transfers, loyalties and solidarities, jobs and opportunities, scholarships and bursaries, loans, and gifts” are determined by “the pervasive power of ethnicity” (Mazrui, 2016: 148). When a government appointment lacks merit, or the appointment is based merely on ethnicity or nepotism, those appointments to public offices will legitimize ethnic prejudice or nepotism. Indeed, “tribalism” in Kenya has the potential to provide for positions of power and other possibilities that include; nepotism, cartels, and “eating” (Kiai, 2015). Consequently, if government appointments are not based on merit, those in public offices

are likely to engage in corruption to please their ethnic cronies. Certainly, corruption has also been observed to thrive under the shadows of ethnicity. According to Keba Sylla (2014), public officials in sub-Saharan Africa are under pressure from their fellow ethnic group members to provide access to public services and, in most cases, to use government services for free. Furthermore, according to Sylla, “When public officials do not help members of their ethnic groups, they risk retaliation or ostracism from the group. Many public officials also face the threat of a tremendous burden of ethnic humiliation” (Sylla, 2014; 174).

Presidents Jomo Kenyatta and Daniel Arap Moi appointed key ministerial positions to people from their ethnic group or from ethnic groups seen to be loyal to the president, thereby rewarding specific individuals (ethnic kingpins) from the group with economic and political power. However, those appointed to various public offices plundered and looted the public coffers and then sought refuge under the guise of ethnicity (that people were being targeted because they are from a specific ethnic group). Individual culprits, who have been found culpable of corruption, hide under the cover of ethnicity, rubbishing anti-corruption efforts as evidence of ethnic bias that is served to remove "certain" ethnic groups from public positions. These situations are not unique to Kenya but occur in other African countries. Ethnicity is therefore an important factor to consider when evaluating factors that elevate corruption levels.

The nexus between ethnicity, electoral politicization and intimidation is problematic and of course a thorny subject that continues to cause distrust between people from different ethnic groups in Kenya. The primordialism theory explains the reasoning behind the deep and irreconcilable distrust that exists between various ethnic

groups, the idea that political parties construct their memberships and advance their interests based on the specific interests of ethnic group that compete against opposing ethnic interest(s), which people sometimes perceived as “the enemies” (Biegon, 2018). The propagation of political intimidation during election periods has been always the case because through voter suppression, the tyranny of larger ethnic groups can be sustained. Kenya has experienced ethnic clashes after every general election, except in 2022. For example, in 1992, after the first multiparty elections, at least 1,000 people were killed following ethnic clashes, and over 200,000 displaced (Press, 1993). The majority of those affected were from the Kikuyu ethnic group living in the Rift Valley province. Historically, the Rift Valley province is the ancestral home of the Kalenjin community. In 1992, the Kikuyus were perceived to be anti-government and against then-president Daniel Arap Moi, who was from the Kalenjin ethnic group. The conceited efforts of voter intimidation and suppression by politicians through ethnic cleansing and disposition was therefore aimed towards displacing the Kikuyus, forcing them to return to Central province (their ancestral land) or other areas.

4.1.3 Poverty

Jean-Germain Gros posits that the fountainhead of Africa’s problems is the lack of political will to deal with issues as opposed to the lack of resources (Gros 2016; 41). Certainly, the African continent has adequate resources, although it is unprepared to deal with major social and natural crises (Gros 2016; 41). The immediate concern of the majority of people living in African countries is perennial food shortages. The majority of land in Africa continues to be under-utilized, and when it is utilized, it is often used for subsistence farming, which cannot sustain Westernized standards of living. In search of a

better life and economic opportunities, there has been mass migration to metropolitan areas. An ambitious effort to encourage large-scale farming projects would be a lasting solution, but land distribution in the post-colonial period has posed challenges, because the political elites claimed all of the viable agricultural land. All of these challenges—migration, food shortage, etc.—continue to foster poverty in Africa.

Poverty is a significant challenge constraining public administration in most African countries. Legislation and reforms alone cannot solve Africa's poverty dilemma (Sachs, 2004; 122). Due to poverty and the desire to live better, people will use all available means to improve their standard of living, even if it means engaging in corruption. Hence, poverty is a corruption antecedent at individual levels. At the individual level, the poor are more likely to engage in bribery than wealthier individuals because the poor cannot afford to pay for services provided by non-state institutions (Peiffer., 2014). People in disadvantaged economic circumstances might consider paying bribes instead of seeking services in non-state institutions, because bribes are still much cheaper than the amount charged by non-state institutions (Peiffer, 2014). Furthermore, some of the services are only available at the state institutions. According to Martin Paldam (2002), corruption de-escalates when a country is transitioning from a poverty-stricken stagnant traditional society to an affluent modern market (Paldam, 2000). Furthermore, in his study, Paldam (2002) investigated cross-country patterns of corruption and found that during spells of high inflation there is an increase in corruption (Paldam, 2002). In addition, Mogens Justesen and Christian Bjornskov posit that poor people are more likely to encounter bureaucratic corruption because they rely heavily on

services provided by the government (Mogens, 2012). Thus, there is a need to consider how to create jobs as a way to improve the standard of living.

4.1.4 The Transition from a Totalitarian Regime to Democracy

Recent studies have cited the lack of democratic governance in developing countries as a major contributor to non-effective and inefficient public administration. Scholars therefore argue in favor of democratization in developing countries as a catalyst for better public administration. Governance, as defined by the United Nations Development Program (UNDP), “is the exercise of economic, political, and administrative authority to manage countries’ affairs at all levels” (UNDP, 2007:1). Governance also includes the capacity to make and implement rules and the delivery of services, regardless of whether the government is democratic (Fukuyama, 2013). In both developed and developing countries, governance (in a democracy) is structured based on a clear separation of the executive, legislative, and judiciary branches of the government (Mudacumura, 2014:3). Robert Deacon posits that under dictatorial regimes, political power is concentrated within a small clique, whereas power is distributed more equally in a democratic government (Deacon, 2009). Corruption has a deleterious effect because it influences governance (Singh, 2018). In the 1989 World Bank Report, governance structure was identified as the principal factor in the economic failure of developing countries, particularly African countries (World Bank, 1989).

4.2.0 Weak institutions: How Corruption is Normalized in Organizations

Weak institutions further undermine the fight against corruption in developing countries. According to North (1990), institutions create rules that define how human

beings interact in order to govern society (North, 1990; 3). Moreover, countries progress economically as a result of functional institutions (Koelble, 1995). According to the neo-institutional approach, corruption is a result of the opportunistic behavior of public officials, and citizens are powerless in holding public officials accountable (Shah, 2007;6). Sanchez and Lehnert found that a weak public institutional environment is positively related to perceived corruption. They also found a negative relationship between trust and levels of corruption (Sanchez, 2018).

To understand corruption antecedents at the organizational level, it is first necessary to understand how corruption is normalized within an organization (Ashforth, 2013:3). To do this, three pillars must be considered:

1. Institutionalization: the process by which corrupt practices are indoctrinated in an organization;
2. Rationalization: the process by which individuals use socially constructed accounts to legitimize acts of corruption;
3. Socialization: the process by which new entrants are induced into acts of corruption, including accepting corrupt practices (Ashforth, 2003:3).

4.2.1 Institutionalization: Agents

In *Obtaining a Driver's License in India: Experimental Approach to Studying Corruption*, Bertrand et al sought to understand the underlying factors that support corruption either as a function of contact with bureaucrats or as a result of distortion in how bureaucrats allocate services (Bertrand, 2007). Bertrand et al.'s study substantiates

the functionalist argument that corruption is a function of inefficient bureaucracy and requires a “greasing [of] the wheels” (bribing to increase efficiency). Bertrand et al. found no direct evidence of corruption between individuals applying for a driver’s license and bureaucrats. However, extralegal payments were made to agents assisting individuals with obtaining a driver’s license. Indeed, this study revealed that, of the individuals who used the assistance of an agent to obtain a driver’s license, only 12% took the legally required driving test, while 94% of those who did not use an agent took the test at least once. Agents therefore institutionalized corruption. Furthermore, agents served as the middleman between the individual applying for a driver’s license and bureaucrats, thus allowing bureaucrats to avoid direct bribery (Bertrand, 2007).

4.2.2 Rationalization: Social Relationships

Social relationships are another antecedent to corruption at the organizational level. Greenwald et al. posit that social relationships determine what people construe as appropriate behavior (Greenwald, 1995). Collins et al. note that strong social ties between politicians and bureaucrats facilitate the likelihood of engaging in corruption. It is easier to demand a bribe from a close associates or friend rather from a stranger. Furthermore, in a study investigating how firms engage in corrupt behavior, Collins et al. found that the social relationships of top organizational administrators are strong predictors of corruption, particularly if those relationships involve politicians (Collins, 2009). Thus, such relationships are critical antecedents of corruption at the organizational level.

4.2.3 Socialization: Moral Responsibility

The socialization of corruption is the process by which new entrants are indoctrinated to engage in corrupt behavior (Beugre, 2010). However, moral responsibility, moral duty, and moral virtue are strong behavioral concepts that deter corruption. Furthermore, Beugre et al aimed to understand how some employees resist the urge of being socialized into engaging in corruption while others do not. Beugre et al determined that new entrants with strong deontic principles are likely to resist the urge to engage in corrupt behavior (Beugre, 2010), while a lack of deontic principles will lead to the socialization of corruption in an organization.

4.2.4 Lack of Trust in Government Institutions

Trust and public confidence in government institutions is a key factor in the fight against corruption. When public trust is eroded, people lose confidence in government institutions, and it is only a matter of time before the country becomes ungovernable. Moreover, people fear reporting corruption and retaliation when they do not trust the institutions tasked with fighting corruption. In recent studies, scholars have debated the factors that affect trust and public confidence and have considered related personality traits (Cattell, 1965; Erikson, 1950) as well as social conditions (Doring, 1992; Williams, 1988). Other studies have considered citizens' trust and how it impacts commitment to democratic processes and norms (Newton, 2000). As an independent variable, trust impacts "political behavior and institutional practice" (Morris, 2010).

Niaz Khan et al. (2021) examined citizens' trust in Upazila Parishads- a local government institution in Bangladesh; the majority of respondents revealed that they had

very low trust in the institution because they were dissatisfied with its performance (Khan, 2021). Citizens attributed the low level of trust to “delays in service delivery, dishonest and unfair practices, and disrespectful treatment by service providers” (Khan, 2021). Hence, the poor performance of public institutions becomes a key, if not the ultimate, factor that leads to distrusting public institutions. Steinar Askvik, et al., assessing trust in public institutions, found that ethnic, religious and social identities do not determine trust. Indeed, the institutional performance model offers a greater “exploratory power” of trust in institutions (Steinar Askvik, 2011). For instance, because of distrusting police service, people will fear to report corruption for fear of retaliation. Consequently, fear to report corruption becomes an antecedent that promotes high levels of corruption.

The lack of trust in public institutions can be a result of many factors. One of the factors to consider is institutional performance, the rationale and the assumption that performance in public institutions is a key factor impacting public trust. This assumption is pegged on the understanding that the performance of any government institution is a “lived experience” of citizens irrespective of personality traits or social conditions. If an individual is unable to access government services due to organizational failures or ineffectiveness (red tape, poor management, etc.), trust will plummet irrespective of personality traits or social conditioning. For example, if access to police services depends on favoritism as opposed to the rule of law, public trust in policing will be very low, regardless of individual personality traits or socialization. The Office of Community Oriented Policing Services notes,

Because officers occupy a position of trust and confidence in their communities and are afforded awesome authority to carry out their duties, any excessive use of that authority, abuse of power, or failure to fulfill their duties can erode public trust and reduce or destroy their credibility within the communities they serve (COPS).

The lack of trust in the police, as a result of weak institutional performance, creates a ripe environment for police officers to engage in bureaucratic corruption. Moreover, if people are unable to hold police officers accountable for their actions, they would be at liberty to engage in corrupt behavior without fear of any repercussions. Indeed, distrust of public institutions due to institutional weaknesses can precipitate a situation where people fear reporting corruption, or are coerced (by public officials) to engage in corruption as an incentive to access government services. Furthermore, because of weak institutions, public officials who engage in corruption may suffer no repercussions

CHAPTER 5: Research Design

This chapter lays out the theoretical and conceptual framework of the present study, describing the research design, selection process, and methodology to conduct statistical analysis. The conceptual framework focuses on factors that contribute to a lack of accountability. Subsequently, this chapter presents a description of the survey dataset, sourcing, collection, and sampling, including a detailed description of the study's variables (dependent and independent). Furthermore, factors such as difficulty accessing public services, electoral manipulation, and inability to access information from the government are the main variables in the present study.

5.1 Conceptual Framework

There is no single agreed-upon theoretical model used by scholars to conduct empirical studies of corruption (Alt, 2003). However, corruption is a crime of “calculation” as opposed to a crime of passion (Klitgaard, 1998). According to Klitgaard, corruption (C) can be computed as a function of monopoly (M) plus discretionary powers (D) and minus accountability (A); thus, $C = M + D - A$ (Klitgaard, 1998). This equation indicates that corruption thrives where there is a monopoly of power combined with discretionary powers (no checks and balances) and no accountability. Therefore, to effectively deter corruption, (government) institutions must foster checks and balances and accountability. This is a reason separation of powers (legislative, executive and judiciary) is advocated in any governance structure. Indeed, the separation of powers with proper checks and balances ensure no one branch is too powerful (Legal Information Institute). Thus, the effectiveness of anti-corruption measures depends on in-depth understanding of accountability mechanism. The present study argues that lack of the broadest and simplest access to

information, particularly regarding how the government allocates or uses revenue, facilitates a lack of accountability in public institutions. Indeed, the availability of information in government institutions facilitates checks and balances, which, ultimately, goes a long way in building trust in government institutions. Additionally, I argue that because of electoral manipulation, the election process results in façade elections, which fail to provide accountability mechanisms, because citizens are unable to remove leaders who disregard the electorate (particularly corrupt leaders). Nevertheless, the legitimacy of any government and power must be derived from the governed (Huntington, 1968:93). Undeniably, an argument can be made that a free and fair election process is a fundamental tenet of good governance. Consequently, the present study focuses on the factors that facilitate accountability (A).

The present study uses regression data analysis to investigate whether there is a connection between difficulty in accessing public services and increase in the levels of corruption. In addition, the study analyzes whether electoral manipulation, and lack of information have a connection with high (low) levels of corruption. The focus of the present study is to identify factors that exacerbate the levels of corruption or incentivize bureaucratic officials to engage in corruption. Thus, the study focuses on micro-level perceptions of corruption. The study argues that high levels of corruption in Kenya have been sustained by difficulty accessing public services. Also, levels of corruption are further exacerbated by a lack of access to information from public or governmental agencies, and electoral manipulation-political intimidation, violence, and inability of voters to remove leaders from office.

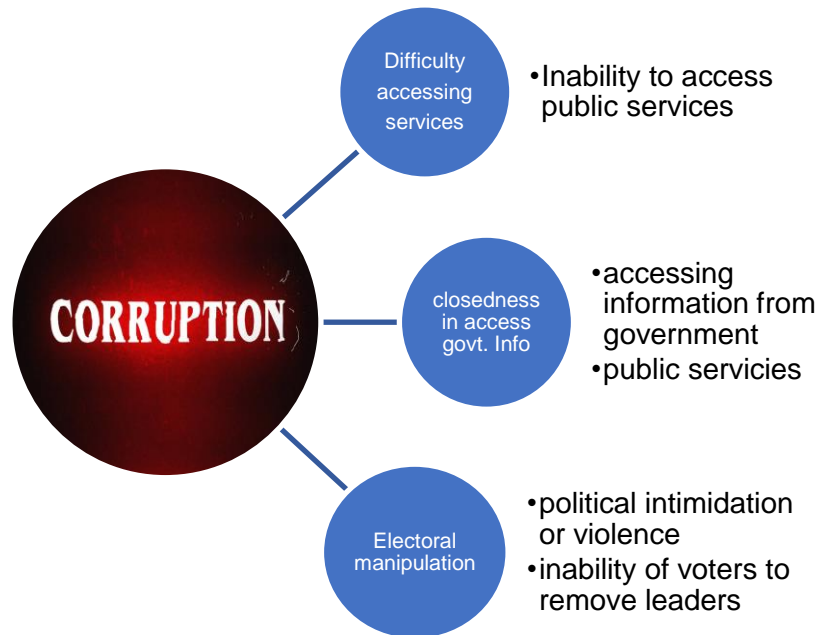
Rose-Ackerman (1978) posited that

Analysis of the common bureaucratic phenomenon has made it clear that bribery cannot be mechanically equated with efficiency, it can serve only as an introduction to the corrupt incentives that may confront government official (Rose-Ackerman, 1978: 109).

Indeed, bribery does not increase efficiency. However, difficulty in accessing public services, and the absence of information from the government create a culture of secrecy, thus, creating a rich environment for bureaucratic officials to engage in corruption. It is important to note that services like issuance of identity cards, and passports cannot be sourced elsewhere other than in the government offices. Thus, citizens lack alternative option is seeking such services that are provided directly by the government of Kenya. Furthermore, electoral manipulation leads to lack of accountability mechanisms (no voter preference), precipitating a situation where voters are denied the opportunity to elect leaders without undue influence and therefore cannot elect preferred candidates. Besides, electoral manipulation hinders the ability of voters to support alternative candidates. Consequently, for electoral manipulation to be sustained, electoral manipulation leads to high (low) levels of corruption; elections cannot hold politicians accountable. Political elites use electoral manipulation as a “wild card” means of maintaining political leadership. Thus, I hypothesize that the lack of voter preferences and election manipulation during electioneering through voter suppression, intimidation, bribery, and so on increases the power of political elites and facilitates corruption. Furthermore, Alt et al found that the extent to which voters can hold politicians accountable, including the ability to finding alternative candidates (political leaders) if they are dissatisfied with a politician’s performance gives voters the ability to reduce corruption in general (Alt, 2003). In this study, the main factors (independent variables) are inability to access public services; lack

of access to pertinent information (budget, etc.) from government institutions; and electoral manipulation.

Conceptual framework.



5.2 The Afrobarometer Survey Dataset

The Afrobarometer is an independent pan-African research institution that works in collaboration with regional accredited organizations like the University of Nairobi, Institute for Development Studies (IDS) to collect survey datasets on public attitudes towards economic, political, and social matters in Africa. IDS was established in 1965, as a “premier multi-disciplinary and multi-purpose development research institute in the Eastern and Southern Africa region.”(Afrobarometer, 2019). This study uses the Afrobarometer round 8 dataset collected from a nationally representative sample via face-to-face interviews in all of the eight provinces of Kenya. The sample size (N) is 2,400, and

the source of the sampling frame was decided under the guidance of the IDS and the Kenya National Bureau of Statistics (KNBS).

5.3 Data Source

The present study uses a multivariate research design to analyze and test the connection between distrust in public institutions, lack of information, and electoral manipulation and perceived high levels of corruption. The study uses perception survey data-set as a standardized measure of corruption because it is challenging to quantify acts of corruption, and people may sometimes refuse to discuss their engagements in acts of corruption out of fear. Furthermore, this study follows other experts in the field (T.I, 2018, 2017, 2016, and World Bank 2018) that have used perception datasets to measure perceived levels of corruption.

The Afrobarometer round 8 dataset used in this study was collected between November and December 2019. The use of a secondary dataset helps to mitigate issues of reliability and validity, particularly ethnic biases and also issue of trustworthiness associated with collecting data when the researcher is from a different ethnic group; this is a deeply rooted problem common in Kenyan public discourse that has the potential to attract unfair criticism, particularly if the results reveal high levels of corruption. Moreover, IDS ensure robustness in terms of data collection. Hence, data analyses and results assure the generalizability of the study results to the general population. The present dataset was collected under the guidance of the University of Nairobi IDS, and the effects of ethnic bias were therefore controlled. The use of multiple interviewers, and the use of

standardized sample framing improves the study's reliability and validity, thereby minimizing the risk of error.

5.4 Data Collection

The Afrobarometer surveys were collected using questionnaires that were administered through face-to-face interviews in the language of respondents. Prior to the interviews, the researchers underwent training on how to administer the questionnaire. The fieldwork survey was undertaken by the University of Nairobi IDS. Researchers were grouped into teams of two or more, and no single person was tasked with conducting research. Moreover, the questionnaire was available in both English and Swahili (the two official languages of Kenya), but in cases where translation to a local dialect was needed, translation services were available.

5.5 Sample Selection & Target Population

In this study, the unit of observation is the individual citizens of Kenya who are 18 years or older. All respondents were drawn from across the eight provinces of Kenya: the Rift Valley, Central, Coast, Nairobi, Nyanza, Western, Eastern, and North Eastern. In addition, the survey used stratified cluster sampling (using the eight provinces in Kenya) before completing random sampling. Cluster sampling includes splitting population into clusters, and thereafter, randomly selecting some of the clusters, while stratified clustering refers to splitting population, and selecting sample from each group (Statology, 2021).

5.6.0 Independent Variables

5.6.1 Electoral Manipulation

One of the foundations of democratic governance is voter preference and the freedom to choose leaders. Simply put, democracy is “rule by the people” (Miroff et al., 2007:4). This claim implies a particular action that involves people coming together and directing how they want to be governed. However, scholars have long debated whether democratic decision-making should be a preserve of the masses or the political elites (Miroff et al., 2007:4). Dahl's classical work offers insights into a pluralistic theory. The central theme, as defined by Dahl, is to help people understand their communities. Dahl provides a pluralist ideology based on local power structures that have become a classical reference in understanding politics in the modern era of democratic rule. Polsby (1980) contends that the following five stratification assertions need to be avoided: (a) the upper class rules in the local community, (b) political and civic leaders are subordinate to the upper class, (c) a single power elite rules the community, (d) the upper-class power elites rule in their own interests, and (e) social conflict takes place between the upper and lower class (Polsby, 1980). Most of these stratifications persist in Kenya. For instance, a small group of people-the elites- rules over communities' courtesy to electoral manipulations. They are the regional kingpins (and their close associates), as evidenced by how political parties are formed based on ethnic proclivities, who make decisions based on their own interest. In his trilogy *New Men of Power, White Collar, and The Power Elite*, C. Wright Mills attempts to explain an adequate model of advanced industrial society. He argues that disastrous consequences have been realized as a result of the rise of a powerful elite group, those in political power and those below the powerful elite. Mills suggests that we

have unorganized masses ruled by the elite, who also control important organizations, states, and companies (Mill, 2001). In Kenya, political elites continue to control state resources, power, and institutions, particularly in elected offices due to electoral manipulation. Thus, ordinary citizens colloquially referred to as “wanjiku,” which means that they are helpless, or at an impasse in which they are unable to affect policies or be part of the decision-making that affects their daily lives because the ballot box is manipulated in favor of politicians or elites.

Kenya holds multiparty elections every five years, but the quality of these elections differs widely, with some marred by violence (Onyulo, 2017). We will examine the multiparty elections in relation to the principle of “one man, one vote” and the dynamics of the Kenyan electoral manipulations. As stated earlier, political parties are formed based on ethnic cleavages rather than principles or manifestos. At the same time, election manipulation by political elites defeats the principle of democracy. In the constitution, the threshold to win the presidency is 50 percent plus one of vote cast-simple majority, with at least attaining 25 percent of votes cast from all of the eight provinces of Kenya. Historically, because elections in Kenya are ethnically polarized, politicians and elites have used intimidation and violence during elections as an election manipulation strategy. Such manipulations aim to win elections by suppressing voting, especially in areas where a particular ethnic group has a numerical advantage. Thus, Kenya is plagued with pre- and post-election violence, resulting in people being forcefully evicted from their homes and sent to internally displaced persons (IDP) camps.

This study models electoral manipulation as a function of perceptions of political violence or intimidation, or threats during elections, and the inability of voters to remove

leaders through the ballot box. Political violence in Kenya is one of the major avenues of voter suppression, thus voters are unable to remove or appoint leaders without undue influence through ballot box. I hypothesize that due to factors like political intimidation, threats, and or violence citizens will fail to elect the leader of their choice. And because Kenyan elections are remarkably ethnicized, when “one particular ethnic group or groups” is ostracized from the election process courtesy of political intimidation or violence, this situation favors a particular candidate. Certainly, electoral manipulation creates an electoral system that is unfair. Subsequently, voters are unable to elect their leader of choice and, as a result, politicians are not held accountable.

In a democracy, Scott Desposato argued that;

Where policy preferences drive voters’ decisions, legislators’ primary challenges are position-taking, and credit-claiming. These differences reflect the different nature of public and private goods and shape legislative behavior in many areas, including policy participation, legislative oversight and party formation (Desposato, 2007: 102).

When elections are marred with voter suppression, as a result of political intimidation and violence, the ultimate goal of the politician is to increase his or her chances of winning election not based on policy preferences, but rather voter suppression, intimidation, and violence. Furthermore, electoral manipulation negates the ideals of a pluralist democracy, where the public and private good shape the legislative landscape. The lack of democratic governance in African countries continues to be a significant contributor to bad governance that includes ineffective public administration. Robert Dahl asserted that the relationship between leaders and citizens in a pluralist democracy is reciprocal, and leaders should ultimately choose policies that resonate with the majority of the electorate (Dahl, 2005: 101). This assumption holds true when leaders are accountable to the electorate and voters

have the ability to remove or elect leaders. Thus, elections become countervailing accountability mechanisms.

Electoral manipulation as a function of political intimidation or inability of voters to remove leader from the public offices through the ballot box means that citizens will not be able to elect their preferred leader. Subsequently, electoral manipulation becomes a powerful strategy of maintaining corrupt leaders in public office. The Afrobarometer survey contains questions that explicitly ask respondents about how much fear they have of becoming a victim of political intimidation or violence during elections. Responses to these questions are measured on a four-point scale; "Not at All," "A little bit," "Somewhat," "alot". In addition, the dataset includes a question that explicitly ask about whether elections enable voters to remove leaders from office. Responses to this question were measured on a four-point scale ("Very Well," "Well," "Not Very Well," "Not At All Well").

5.6.2 Lack of Access to Information (closedness of information)

Among other important gains realized with the new constitution in 2010 was the recognition of access to information as a fundamental right. Transparency and good governance are closely related, and the right to access information is one of the tenets of good governance, especially in countries governed by the rule of law (Abuya, 2017). The adoption of Article 35, Access to Information Act, gives citizens the right to access government information. The only information that has limitations under the 2010 constitution is information that

- (a) undermines national security;

- (b) endangers the safety, health, or life of a person;
- (c) leads to the unnecessary invasion of someone's privacy or breaks professional confidentiality;
- (d) hurts the government's ability to manage the economy;
- (e) impedes the due process of law (Kenya Constitution, 2010).

Access to information from government institutions, particularly regarding how the government spends revenue generated from the public, is of great importance and should always be granted to citizens. Warui (2015) argues that “in the absence of respect for the right of access to information, human rights abuses take place in secret, it becomes difficult to exercise the right to free and fair elections, and there is no way to expose corrupt, inefficient government and private entities.” (Warui, 2015)

Indeed, a lack of access to information from government institutions further increases the risk of runaway corruption and dis-trust in the government, and corruption thrives when information is unavailable because it is impossible to hold the government accountable over how it spends public funds when citizens cannot access the relevant information. In contrast, “an informed public is also likely to be vigilant against corruption within and outside of Government” (Gathu, 2015). Access to information is a fundamental right, yet Kenya is still lagging behind despite the implementation of Article 35 (Abuya, 2017), creating a ripe environment for corruption. Public institutions should make every effort to ensure that information is readily available to citizens as free access to information guarantees transparency and builds public trust in the government.

One of the key tenets that increases accountability in any institution is the availability of information, particularly information on how organizations spend funds. Without this kind of information, the general electorate is unable to follow government expenditures and to hold leaders accountable. Access to information is one of the basic tenets that assures the intersectionality of a person's life, society and state (Apakhayev, 2017). Furthermore, Access to information must not be limited to only include government expenditures but should also include other pertinent public services. The availability of information in the Kenyan judicial system in particular continues to be problematic, just as in most judicial systems in the world. The judiciary system faces issues regarding delays, access, and corruption (Reiling, 2009:17). In fact, these three challenges are the most common complaints from court users around the world (Reiling, 2009:17). Apakhayev et al. (2017) posit that it is the duty of the government to provide channels for information accessibility by encouraging positive and open relationships with the press, allowing a "civil control" of governmental institutions, which ultimately decreases levels of corruption.

In the present study, closedness or openness of information was measured by asking respondents about the level of difficulty in accessing information from the government; the survey question assesses the availability of information from the lands office and county government to find out about development plans and budget. Responses follow a four-point scale ("Not at all likely," "Not very likely" "Somewhat likely" "Very likely").

5.6.3 Difficulty accessing public services

The bureaucratic organization has been a successful model of organizing public service management. Indeed, bureaucracy is one of the best or ideal options to consider when governing large and diverse groups (Gros, 2012 ; 27). The bureaucratic theory initially proposed by Max Weber offers the typical characteristics of a modern bureaucracy that include Jurisdictional areas and authority. However, due to the political or sometimes selfish interests of the leaders in power, full functionality of bureaucracy has been limited (Gros, 2012; 27). Hence, the main challenge in the African bureaucratic system lies in aligning the particular interest of the rulers- interested in maintaining political control, and the interest of the citizenry, who are interested in a robust bureaucratic system that can facilitate economic development (Gros, 2012; 27). Consequently, the corrupt bureaucrat capitalizes on the shortcomings of bureaucratic tendencies- red tape and rigid policies (unresponsive in adapting to changing environments) to create unnecessary roadblocks to accessing public services and, as a result, create a favorable environment to solicit bribes in lieu of fast-tracking access to services. A case in point is the environmental impact assessment and the bureaucratic licensing process which ensures environmental safeguards- no degradation of the environment. Because of the stringent and sometimes punitive process, “approval” (power to decide) creates a ripe environment for rent-seeking and political machinations since bureaucrats have the discretion to fast-track or delay the process (Kopos, 2021).

Difficulty in accessing public services becomes a corruption antecedent at the individual level because individuals are incentivized to bribe (“greasing”) bureaucrats. Hence, citizens perceive “greasing the wheels” as an effective way of facilitating access

to public services or getting things done. For example, in East Africa, it is common that one must first give a bribe—referred to as “toa kitu kidogo”—before accessing public services (Franz , 2012). From a traffic stop to picking up a package at the customs window in the post office, individuals can expect to add on a few shillings or francs for the cost of doing business” (Franz, 2012). In these cases, the beneficiary of corruption is the street-level bureaucrat. Furthermore, a bureaucrat may favor an inefficient and cumbersome bureaucracy that supports difficulty in accessing services because it fosters corrupt behaviors. Bureaucrats will engage in corruption at the personal level due to the following reasons

- (a) the desire to get rich as soon as possible;
- (b) to gain illegal property, which is seen as a form of enrichment; and
- (c) to benefit any personal interests or family, to gain privileges, or to upgrade themselves to higher levels of the hierarchy (Gjinovci, 2016).

Mark Glaser (2007) argues that although public agencies are not profit-motivated, they still need to deliver the best, most cost-effective products and services (Glaser, 2007; 94). Functionalist explanations of corruption posit that corruption is a consequence of inefficient bureaucracy; therefore, it needs to “grease the wheels” to improve efficiency (Huntington, 1968). Similarly, Rose-Ackerman posits that bribery is a rational process that enhances efficiency (Rose- Ackerman, 1978). However, this argument has generated debate among academic circles. For example, Kimuyu notes that bribery in the Kenyan context does not fast-track public services (Kimuyu, 2007). However, corruption in Kenya thrives under “bureaucratic discretion and control rights” (Kimuyu, 2007). That is,

rogue bureaucratic officer will demand kickbacks from companies before approving contracts.

The Afrobarometer round 8 survey dataset includes questions that explicitly ask about the level of difficulty of accessing public services. Respondents were asked to evaluate accessing the services of four public institutions: schools, hospitals, government-issued documents, and the police. Responses to this question were measured on a four-point scale (“Very Easy,” “Easy,” “Difficult,” “Very Difficult”).

5.7.0 Dependent variable

5.7.1 Corruption

Corruption continues to be a salient subject in developing countries. The theoretical debate on how corruption is fostered and indoctrinated into institutions continues to elicit divergent views and hypotheses. To understand corruption, researchers need to investigate antecedents of corruption at the national, organizational, and individual levels. The present study considers individual perceptions of the levels of corruption as the dependent variable. Moreover, to effectively examine corruption antecedents at the individual level, the two most standard dimensions to be considered are;

- a) whether the organization or the individual is the beneficiary;
- b) whether corrupt behavior has been perpetuated by an individual actor or two or more actors (Pinto, 2008:686).

In this study, the individual actors in corruption are government officials acting in their capacity as a police officer, civil servant, judicial officer, and so on. Government

officials indoctrinate corruption in an organization through the “socialization of corruption,” the process by which new entrants are indoctrinated into corrupt behavior (Beugré, 2010).

The dependent variable of the present study is perceived corruption in the civil service. The Afrobarometer explicitly measured general perceived levels of corruption in civil service on a four-point scale (“None,” “Some of them,” “Most of them,” “All of them”). In addition, perceived corruption was measured across various governmental institutions, including the office of the president, the police service, parliament (MPs), and judges and magistrates.

CHAPTER 6: Results and discussion

The effectiveness of any anti-corruption measures must be pegged on the understanding of corruption antecedents. Indeed, public corruption continues to draw the attention of public administrators and scholars. The present study is an in-depth analysis of factors that exacerbate corruption in organizations, looking at antecedents of corruption at the individual levels. As such, the study has focused on the following antecedents: difficulty accessing public services, difficulty or closedness in terms of accessing information, and electoral manipulation. These exploratory independent variables are crucial in explaining high or low levels of corruption. This chapter primarily focuses on analyzing and reporting the outcome of the statistical analysis of the Afrobarometer Round 8 survey dataset.

6.1 Descriptive Statistics

6.1.1 Perception of Corruption in Institutions: Public Service

Descriptive statistics of the perception of corruption in the six major offices of Kenyan public administration, that is, the office of the president, Legislature –Members of Parliament, the police service, the civil service, judiciary and the revenue authority-tax officials, are depicted in Figures 1-6. They reveal that, overall, corruption is perceived to be very high in all of them. Indeed, more than 90 percent of respondents perceive the president, police officers, civil servants, judiciary, Members of Parliament (MPs) and tax officials to be corrupt at least some of the time. These results align with the findings of Transparency International, whose East Africa Bribery Index 2017 shows that the police services in Kenya, as well as in Tanzania and Uganda, are the institutions most prone to corruption (EABI, 2017). Moreover, the police service in Kenya scores 83 (in a range

from 0 to 100, with a score of 100 being the worst) (EABI, 2017). Indeed, the police agency is seen as the worst performing institution in Kenya with over 95% reporting that at least some police officers are corrupt (Lindner, 2014). In addition, it is imperative to note that, in previous studies such as EABI 2014, the police service scored 68, the results indicating a rise in bribery levels in the police services. Furthermore, fewer than 10% of respondents surveyed believe that the four offices of public service—presidential, police, civil, and parliamentary—do not engage in corruption

Figure 1: People’s perception of level of corruption in the Office of the President

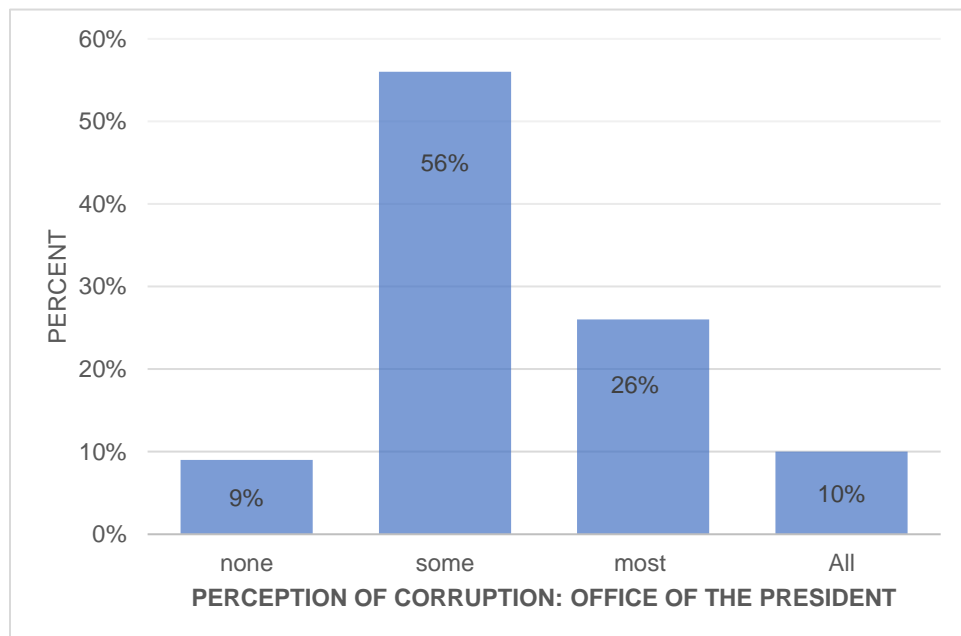


Figure 2: People's perception of level of corruption among Members of Parliament

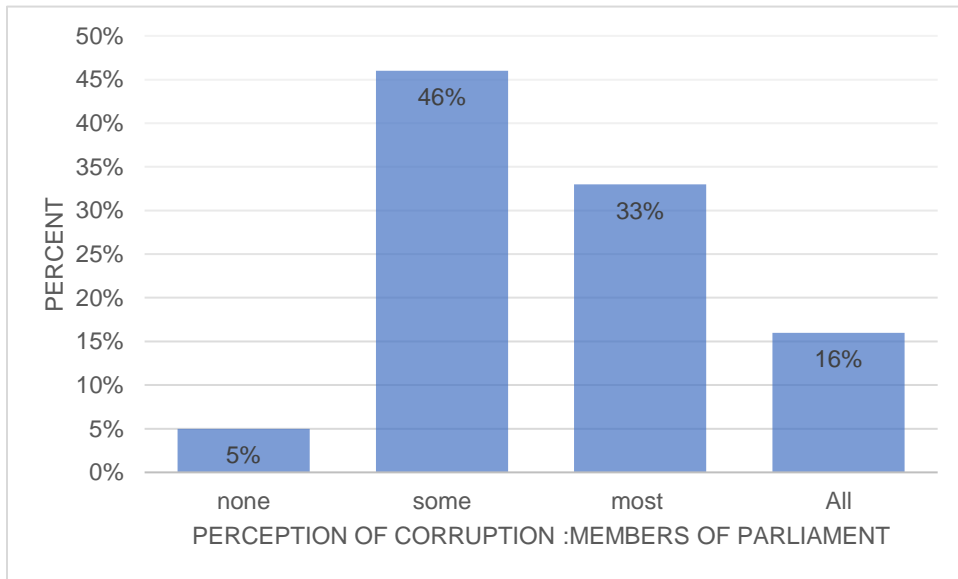


Figure 3: People's perception of level of corruption of police officers

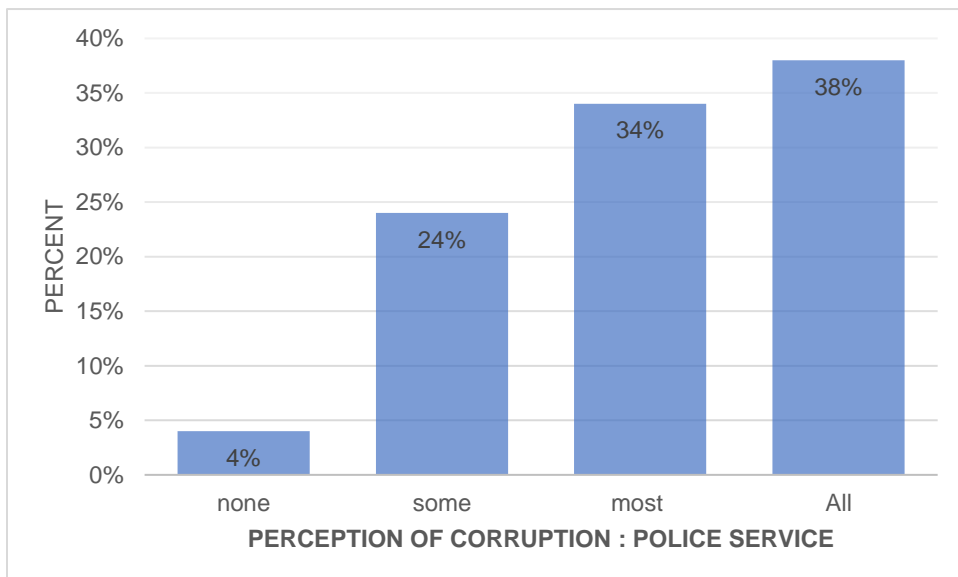


Figure 4: People’s perception of level of corruption of civil servants

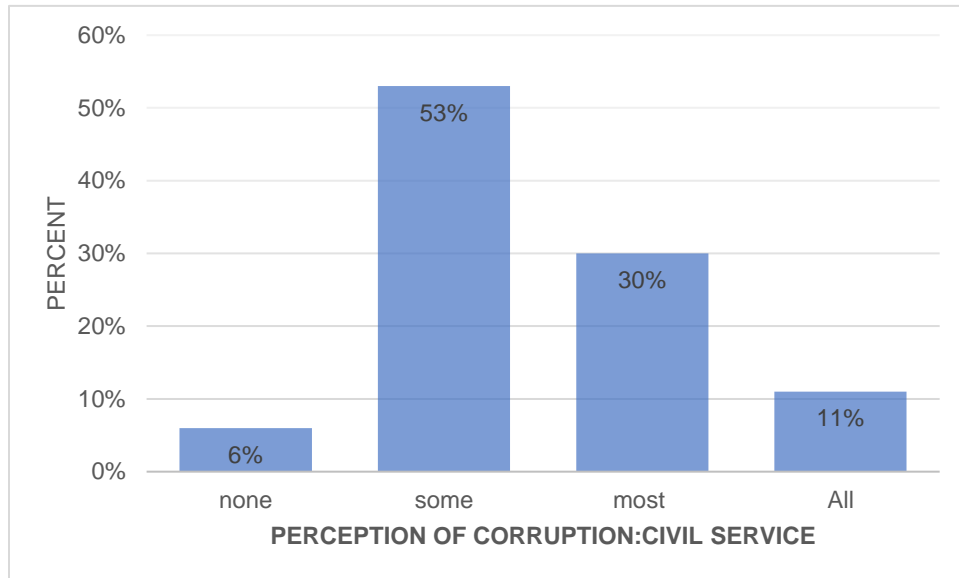


Figure 5: People’s perception of level of corruption in the Judiciary

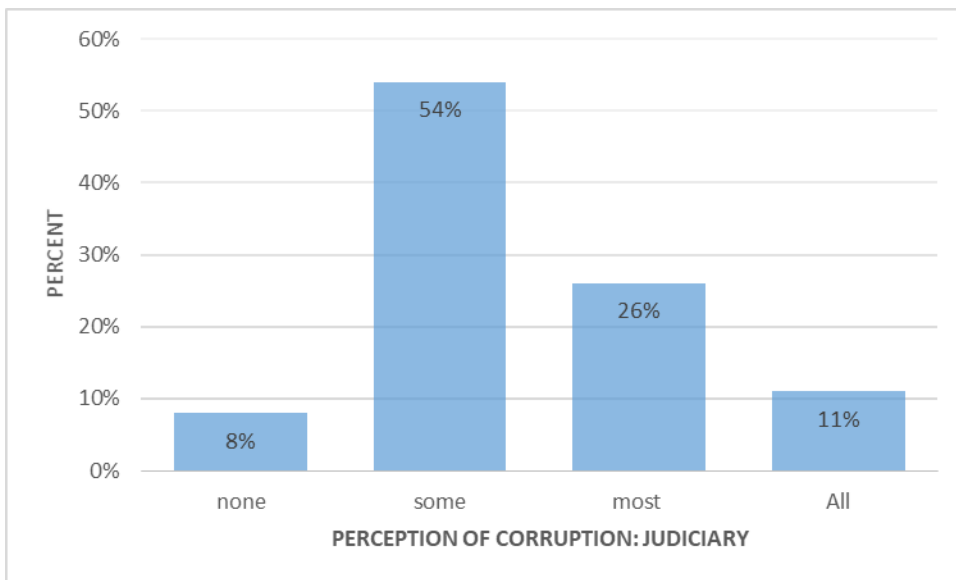


Figure 6: People’s perception of level of corruption in revenue authority-Tax officials

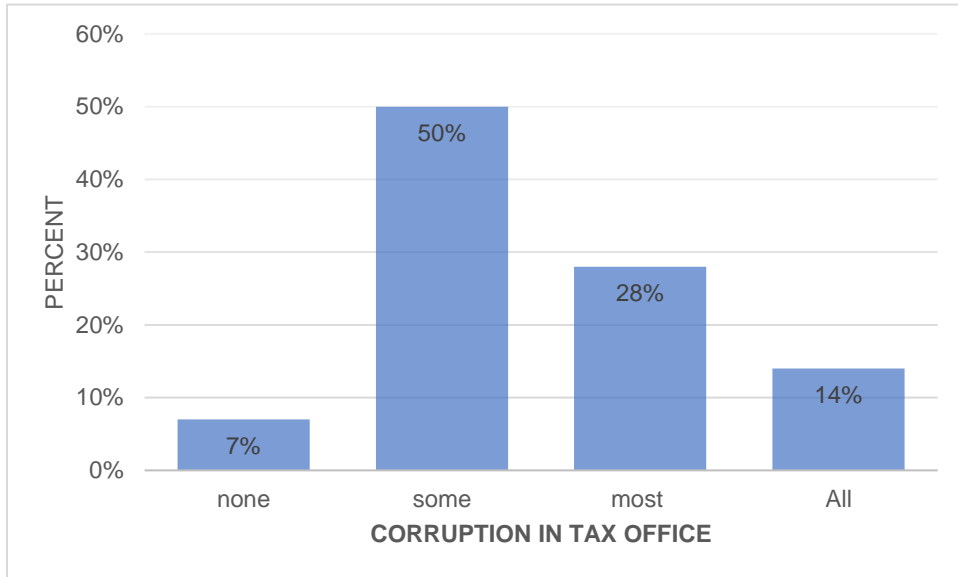


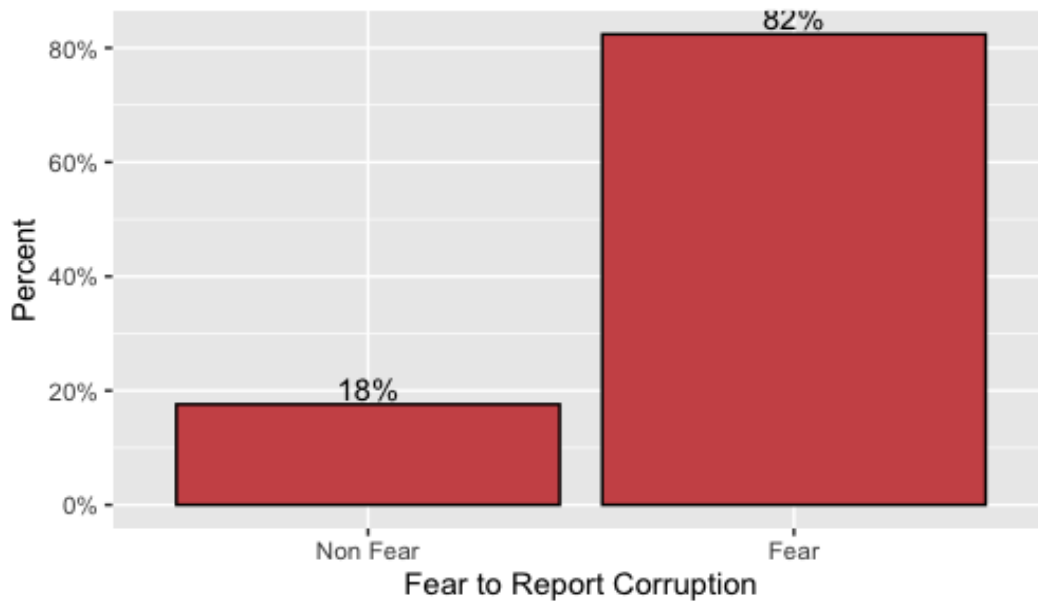
Table 2: A summary of the perceptual measure of dependent variable

Variable	Frequency	%	N
Corruption in Civil Service			1062
None	43	4.0	
Some	523	49	
Most	369	35	
All of them	127	12	

6.1.2 Fear of Reporting Corruption without Retaliation

Figure 7 shows the results of individuals surveyed on whether they fear retaliation when reporting corruption. According to the outcome of the survey, at least 80% of respondents said that they fear retaliation, while less than 18% felt they could report corruption without fear. These results are consistent with the Kenya Bribery Index 2019, which showed that 20% of individuals witnessing corruption did not report it, citing fear of intimidation or reprisal. The fear of reporting corruption in Kenya is a real concern because the level of accountability of the police service is considered to be very low, if not non-existent (Kivoi, 2020). Additionally, whistleblowers in Kenya rarely receive protection. Hence, whistleblowing in Kenya is a risky undertaking, and many are the times whistleblowers suffer in silence and sometimes wonder if it was worth the effort. Moreover, better usually to let the examples speak for themselves because the potential consequences of whistleblowing are almost too grave to fathom. The list of the leading whistleblowers who ended up suffering in silence is endless: John Githongo, who exposed the Anglo leasing scandal, had to seek refuge in a foreign country; Oscar King'ara and Paul Oulu exposed extrajudicial killings by police but would later face death themselves in the most cruel manner; David Munyekei, whistleblower of the Goldenberg Scandal, lost his job at the Central Bank of Kenya and was later sidelined in the shadow of poverty; (died in a state of virtual penury) and the list goes on.

Figure 7: Fear of Retaliation in reporting Corruption



6.1.3 Trust in Public Institutions

Descriptive statistics on trust of public institutions depicted in figures 8-11 show that people do not trust public institutions. A majority of respondents surveyed claim they do not trust public institutions—such as the IEBC, and the police—with only 17 percent reporting that they trust these two government institutions.

The police services registered the highest level of absolute distrust, with at least 38 percent reporting that they have absolutely no trust in the police agency. The IEBC and the revenue authority followed closely behind, with at least 26 percent of individuals surveyed reporting absolute distrust of the electoral commission and tax authority, while only 18 percent of respondents report a lack of trust in the judiciary.

Indeed, the Kenyan Police Service has for decades been notoriously known for all of the wrong reasons: its inability to tackle crime; the use of excessive force; runaway corruption; impunity; and a disregard of human rights (Irungu, 2019). It is in this light that the public perceive the agency to be untrustworthy. As a matter of fact, “a well-functioning police service earns public confidence,” (Irungu, 2019). Moreover, the manner in which the IEBC has handled elections in Kenya, particularly the presidential elections, has left people with more questions than answers. While the IEBC has developed measures to ensure the fairness of elections, such as the introduction of biometric identification in 2013 general elections, most of the polling stations experienced technical difficulties, thus reverting to manual voter identification and counting. As a result of these challenges, and the rise in political bickering over the commission’s failure, public trust in the IEBC has plummeted.

Public trust in the judiciary is slightly higher, compared with the other three government institutions at least 26% claim that they “trust [it] a lot,” with an additional 32 %, reporting they “somewhat” trust the courts. The slightly higher level of trust in the judicial system compared with other public institutions can be attributed to its increased independence (meaningful strides have been realized, though there is more room for improvement) without undue influence from the executive, legislature, political parties, and the elite class. For example, the ruling on the nullification of the outcome of the presidential election of 2017 by the Supreme Court was a litmus test of public trust, and an indicator of the increased independence of the judiciary. The highest court in Kenya nullified the presidential elections because elections were not conducted in accordance to

the constitution. In its verdict, the Supreme Court cited electronic manipulation in favor of the incumbent, President Uhuru Kenyatta (Freytas-Tamura, 2017).

Finally, Figure 11 on the frequency of trust of the revenue authority-tax office reveals that 30% of respondent report they trust the revenue authority “just a little”, and an additional 28 % reporting they trust the revenue authority “somewhat.” However, 16 % of respondents reporting a strong trust in the tax office.

Figure 8: Relative frequency of trust in Electoral institution

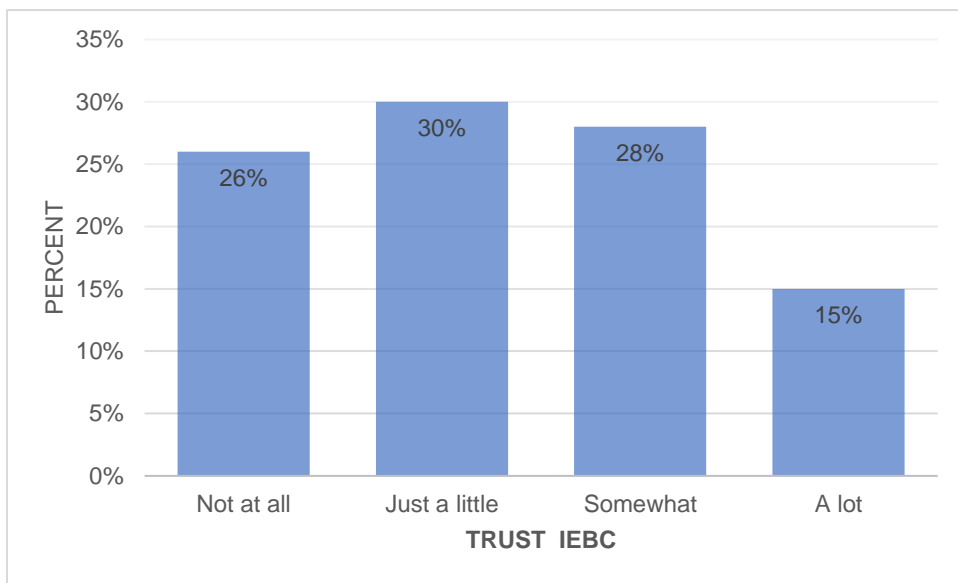


Figure 9: Relative frequency of trust in Police

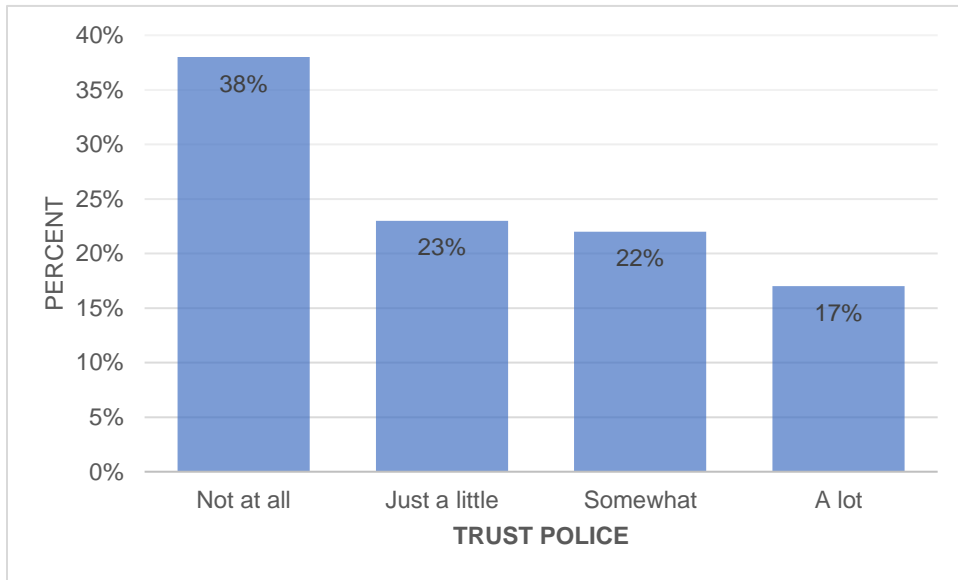


Figure 10: Relative frequency of trust in Judiciary

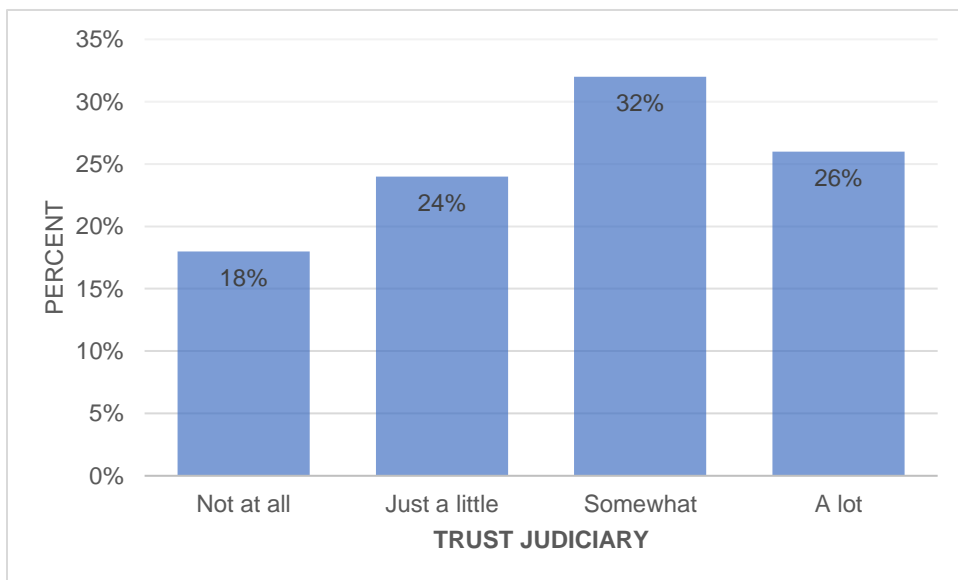
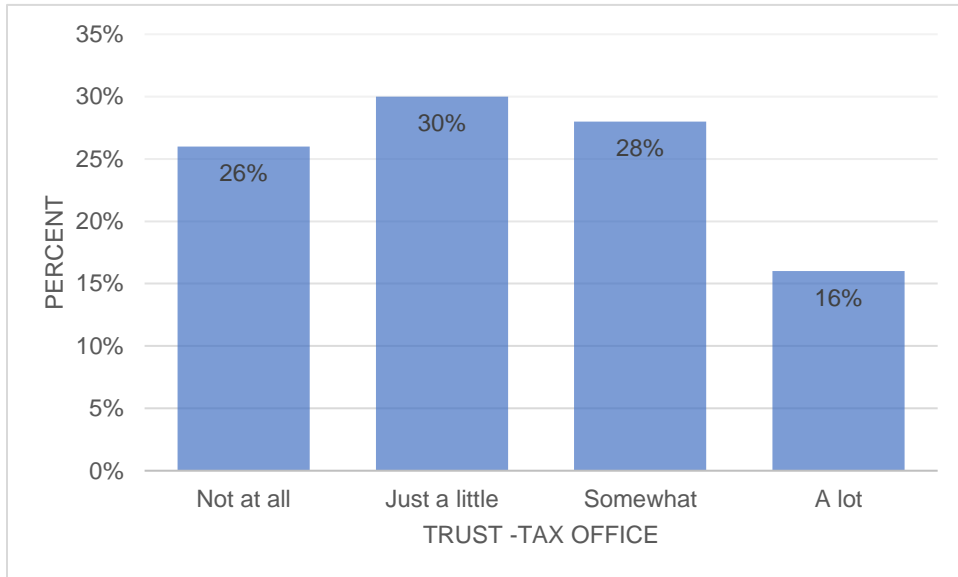


Figure 11: Relative frequency of trust in Revenue Authority

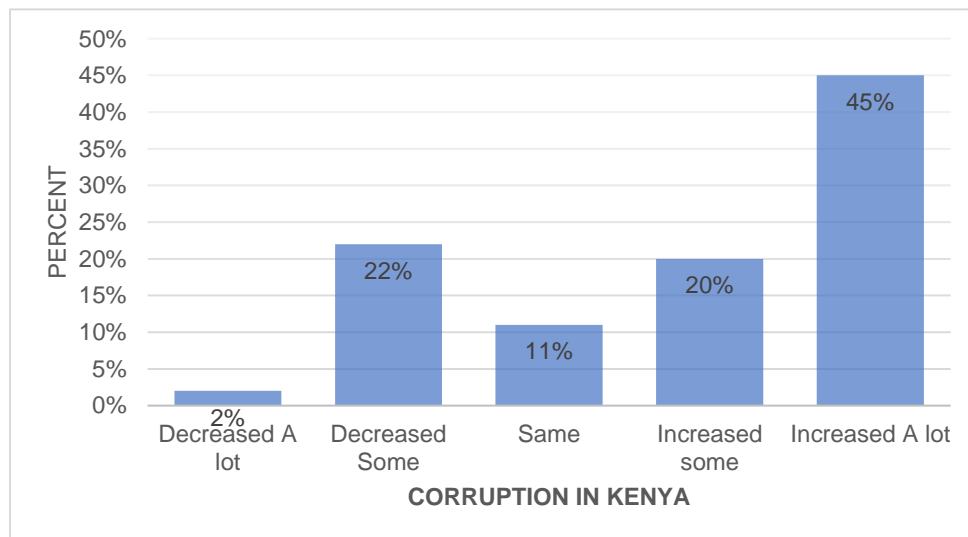


6.1.4 The Levels of Corruption in Kenya

The general perception of corruption in Kenya, as shown below in Figure 12, and table 2 below reveals a sad situation where a majority of respondents have perceived an increase in the levels of corruption in the year 2019. At least 65 percent of the survey respondent reported a rise in corruption, as opposed to less than 25 percent of respondents reporting that it is decreasing. In fact, 45 % percent of the survey respondents report that corruption has “increased a lot,” while 20 percent claim that corruption has “increased some.” However, 11 percent of respondents reported that corruption has neither increased nor decreased, the levels remaining the same, while 22 percent say corruption has decreased somewhat. Those strongly believing that corruption

has drastically reduced were 2 percent of the total respondents. These findings are consistent with other studies that find evidence of increased levels of corruption in Kenya (Mbate, 2018; T.I.). In another study of the East Africa Bribery Index 2017, the authors found that Kenya continued to report a gradual increase of corruption, despite educating citizens on the consequences of corrupt behavior (East Africa Bribery Index 2017). It is important to note that Kenya is not an isolated case, because a majority of African countries continue to report increased levels of corruption (Global Corruption Barometer Africa 2019).

Figure 12: People’s perception of level of corruption in the country



6.1.5. Perception of Increase in Corruption Disaggregated by Counties

As discussed elsewhere, the 2010 constitution established two levels of governance. The president heads the central government, while the county governor leads the county government. Subsequently, assessing perceived levels of corruption

desegregated by county governments seems prudent as opposed to evaluating levels of corruption desegregated by regions. Hence, table 3 presents the percentages of the perceived increase in levels of corruption across the forty-six counties of Kenya. The results show the leading counties with over 80 % of respondents perceiving an increase in the levels of corruption. These counties are Garissa (95%), Taita Taveta (92), Kwale (86%), Kajiado (85%), Embu (84%), Nyeri (83%) and Marsabit (83%). Besides, less than 20 percent of respondents in these counties perceive a decrease in the levels of corruption. This finding is consistent with the EACC survey in 2018 that reported 90.8% of respondent in Garisa pay bribe because “it was the only way,” to access services, while 5.2% reported paying bribe to “hasten the process.” (EACC, 2018). Additionally, the present study reveals that two counties in the Coast region (Taita-Taveta-92%, and Kwale-86%) were among the leading counties reporting perceived high levels of corruption. According to EACC survey 2018, at least 60% of respondent paid bribes to access services, while 22% paid bribes to “avoid problems with authorities. Indeed, the EACC findings are consistent with the hypotheses of the present study - that difficulty in accessing public services will most likely lead to an increase in corruption. Furthermore, these findings explains why two unnamed (investigation were ongoing) counties in Mombasa were under the radar of EACC due to corruption related offences (Otieno, 2020).

Table 4 reports the frequency of the levels of corruption across geographical areas - urban versus rural. The report reveals that most respondents who reported “increased a lot” levels of corruption are from urban areas.

Table 3: Perception of levels of Corruption across District

District	Increase (%)
Baringo	63
Bomet	78
Bungoma	76
Busia	70
Elgeyo	75
Embu	84
Garissa	95
Homa Bay	60
Isiolo	43
Kajiado	85
Kakamega	80
Kericho	71
Kiambu	74
Kirinyaga	77
Kisii	73
Kisumu	71
Kitui	80
Kwale	86
Laikipia	65
Lamu	25
Machakos	59
Makueni	76
Mandera	68
Marsabit	83
Meru	73
Migori	65
Mombasa	75
Muranga	65
Nairob	74
Nakuru	79
Nandi	71
Narok	72
Nyamira	68
Nyandarua	77
Nyeri	83
Samburu	58
Siaya	66

Taita	92
Tana River	62
Tharaka	80
Trans Nzoia	72
Turkana	58
Uasin Gishu	71
Vihiga	79
Wajir	74
West Pokot	47

Table 4: Perception of levels of Corruption by Geographical Area-Rural vs. Urban

Area	Increased
Urban	975
Rural	551
Percentages	
Urban	64%
Rural	36%

Table 5: A summary of the perceptual measure of independent variables

Variable	Frequency	%	N
Difficulty in access services (ID)			1,062
Very Easy	54	5.1	
Easy	267	25.1	
Difficult	358	33.7	
Very Difficult	383	36.1	
Fear of political intimidation or violence			1,062
Not At All	489	46.0	
A little bit	198	18.6	
Somewhat	135	12.7	
A lot	240	22.7	
Elections enable voters to remove leaders			1,062
Not at all well	201	18.9	
Not very well	387	36.4	
Very well	163	15.4	
Well	310	29.3	
Access to information (fees to pay)			1,062
Very Easy	33	3.1	
Easy	202	19.0	
Difficult	508	47.8	
Very Difficult	319	30.1	
Access to information (government uses revenue)			1,062
Very Easy	09	0.8	
Easy	93	9.0	
Difficult	392	36.6	
Very difficult	568	53.6	

6.1.6 Descriptive information of independent variables of the study

Table 5 above reports the outcome for the independent variables of the present study. The outcome provides a useful indicator for evaluating factors that exacerbate corruption in Kenya. A majority of respondents surveyed claim constraints in accessing public services—ID and passports documents—with only 30 percent reporting that it is easy to access these services. Questions about the fear of political intimidation or violence during elections, as a form of clientelism strategies, reveal that 46 percent of respondents claim they have no fear of political intimidation or violence, compared with 23 percent who do. Additionally, 13 percent say they believe “somewhat” that there is still fear, while 19 percent of respondents believe there is only “a little bit” of fear of political intimidation or violence. In Kenya, after every general election, citizens experience some form of political intimidation or violence. For instance, after the 2007 general elections, at least 1,133 died as a result of post-election violence, while another 3,561 were injured, and another 962 had gunshot wounds (405 succumbed to their injuries), while some 117,216 private properties were destroyed (Kriegler & Waki Reports, 2009).

On whether elections enable voters to remove leaders, that is, whether elections are effective in reflecting the wishes of the voters, 29 percent of respondent surveyed believe elections are absolutely effective, and an additional 15 percent claim they acted “very well” in enabling voters to remove leaders. However, 19 percent of respondent claimed that elections absolutely do not enable voters to remove leaders, with an additional 36 percent, reporting that elections are “not very” good in enabling voters to remove leaders.

In response to the survey question on access to information from the government—specifically, information regarding fees to pay, a majority believe it is very difficult to access this information, with 30 percent of respondent perceiving access to information as “very difficult”, while an additional 48 percent perceive access to information as “difficult.”, compared to 3 percent who reported access to information on how much fees to pay to be “very easy.” Furthermore, only an additional 19 percent reported access to information as “easy.” Additionally, regarding information on how the government uses revenue generated from the public—at least half of respondents reported that it is “very difficult” (54 percent) to access this type of information from the government, with an additional 37 percent claiming that access to information from the government is just “difficult.” Interestingly, only 10% of respondents (9% “easy,” 1% “very easy”) believe that it is easy to access this type of information from the government. It is important to note that public access to information is guaranteed in the new constitution introduced in 2010. Jackie Warui (2015) argues that a lack of clear procedures on how to access information becomes a major barrier that restricts access of information from the government. Furthermore, the right to obtain information from the government has also been curtailed by other laws, such as the Official Secrets Act, the Service Commissions Act, the National Assembly Powers, the Privileges Act, and so on (Warui, 2015).

6.2.0 Regression analysis

Table 6 reports the main findings of the present study, which is based on ordinal logistic regression analysis. These results reveal that a combination of analysis methods was preferred. To check for goodness-of-fit (GOF), a null model was created and then

compared for Log-likelihood with an ANOVA test; models were statistically different, and the model with lower AIC was used. The dependable variable of the present study is corruption perceptions, measured across the civil service, with a majority reporting that civil servants are corrupt. The estimates which are statistically significant at 5% are difficulty in accessing public services-obtaining identity documents, difficulty accessing information from the government-what taxes or fees to pay, and how government uses revenues, and electoral manipulations- inability to remove leaders through the ballot box. However, violence or voter intimidation during elections is not statistically significant at 5% or at 10%.

Those estimates which are significant at 5 percent underscore that accessibility of public services and information, and the ability to remove leaders through the ballot are important determinants of perceptions of corruption in the civil service. Thus, the coefficient of difficulty in accessing public service indicates that when it is easier for citizens to obtain identity documents then perceptions of corruption are reduced. Subsequently, when citizens have difficulty finding information on how government uses taxes then perceptions of corruption increase. Similarly, when people have difficulty obtaining information about fees that need to be paid then public perceptions of corruption increase. Finally, when voters believe they have the ability to remove leaders through the ballot box then perceptions of corruption decline. That is, elections “Very Well,” enable voters to remove leaders from office. Access to services, government transparency, and electoral competition help reduce public perceptions of corruption.

Table 6 Statistical analysis of factors that exacerbate perceptions of corruption in the civil service

A Report of Coefficient Estimates of the Logistical Regression Analysis

Variables	Coefficients	SE
Difficulty in accessing services	-0.0703	0.00038*
Difficulty in accessing information on how govt. uses taxes	0.1194	0.0630*
Difficulty in accessing information on fees/taxes to pay	0.2119	0.0001 *
Violence or intimidation during elections	-0.0217	0.5144
Ability of voters to remove leaders	-0.1714	0.000**
Pseudo R	0.03718	
Number of observations	1158	

As shown in table 7, the odds ratio associated with difficulty in accessing public service is 0.93. This indicates that every 1 unit increase in the ability to access services reduces the odds of government corruption by 7 percent. Recall that the access to service variable has an ordering (1 = Very Easy, 2 = Easy, 3 = Difficult, 4 = Very Difficult). Additionally, for every one unit increase in difficulty accessing information (how government uses taxes and fees to be paid) the odds of corruption rises by 1.13 and 1.24 respectively. That is, an increase of 13% and 24% respectively holding constant all other

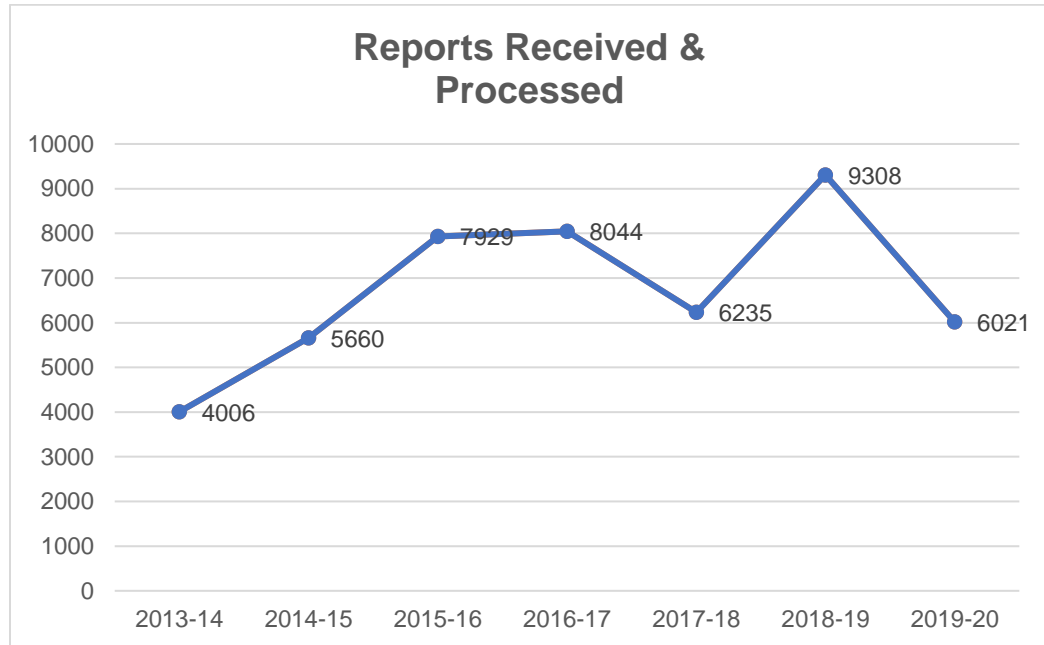
independent variables in Table 6. Subsequently, the ability of voters to remove leaders through the ballot has an odds ratio of 0.84. This means that a 1 unit increase in the ability to remove leaders by voting in elections reduces corruption perceptions by 16 percent. The ability to remove leaders is assessed in a four-point scale “Very Well,” “Well,” “Not Very Well,” “Not At All Well”). Overall, the ability of citizens to get information and services from the government, and to vote out poorly performing officials, is strongly associated with perceptions of government corruption.

Table 7 A Report of proportional odds ratios

Variable	OR	2.5%	97.5%
Difficulty in accessing services	0.9320	0.8965	0.9689
Difficulty in accessing information on how govt. uses taxes	1.1268	0.9938	1.2783
Difficulty in accessing information on fees/taxes to be paid	1.2360	1.1078	1.3798
Violence or intimidation during elections	0.9784	0.9164	1.0446
ability of voters to remove leaders	0.8424	0.7748	0.9155

6.3.0 Reports of corruption and unethical behavior received by EACC

Figure 13: Reports received and processed by EACC

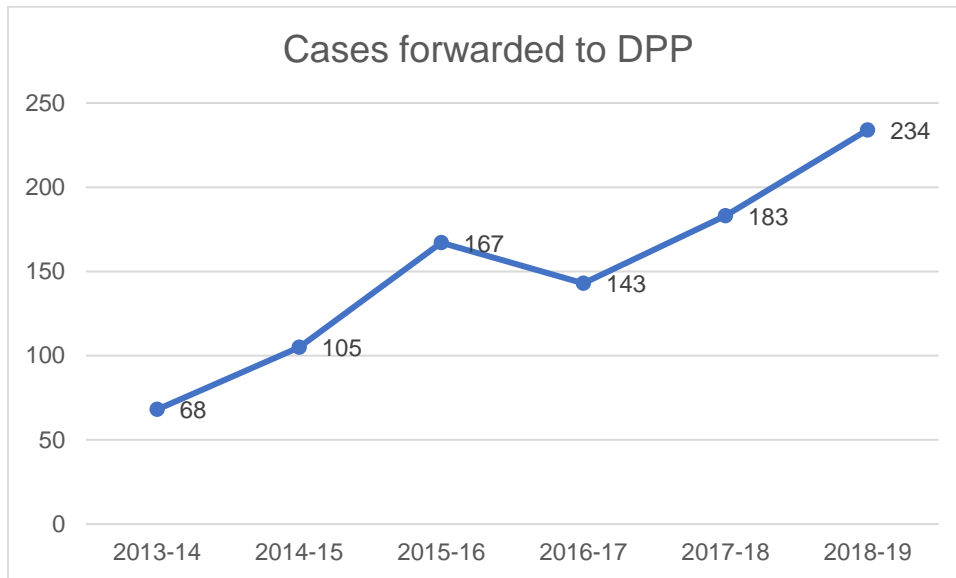


Ethics and Anti-Corruption Commission Annual Report 2018/19

Figure 13 shows reports of corruption and unethical behavior received and processed by the EACC over a period of seven years (EACC, 2019/20). This reveals that reports received in the 2019-20 year were drastically reduced from 9,308 the previous year (2018-19), down to 6,021. Additionally, over the seven-year period, 2018-19 received the highest reporting, a result that is consistent with the outcome of the present study that shows that corruption had increased tremendously. Moreover, out of the 9,308 reports received, 3,482 were taken up by the commission, while 3,803 complainants were advised on where to report, and 921 were referred to public service organizations. The remaining 226 complainants were requested to provide additional information.

6.4.0 Reports of cases forwarded to Director of Public Prosecutions (DPP)

Figure 14: Reports of Cases forwarded to DPP



According to the data on cases forwarded to the DPP by the EACC, a total of 900 cases were submitted over a period of six years. In the financial year 2018-19, a total of 3,482 cases were taken up by the commission, and only 234 cases were processed and forwarded to the DPP. Of the number of cases received by the commission that financial year (2018-19), it processed and submitted 6.7% of the total. In addition, of the 234 cases processed, the commission recommended 78 for prosecution, 13 for administrative action, and 33 for closure (EACC, 2018/19).

The ineffectiveness of the EACC continues to be a huge let-down in the fight against corruption in Kenya. In its own survey report for 2018-19, the EACC revealed that a majority of respondents surveyed engaged in bribery when seeking government services, and only a few (6%) reported bribery incidents to the authorities, while a majority (94%) did not report. In addition, when the individuals who submitted reports were asked what had transpired afterwards, 59.5 revealed that no action was taken, while 12.8% reported that public officers were transferred, 11.6% that they received a warning or caution, and 5.9% that they were still being investigated (EACC Annual Report, 2018-19). Certainly, these outcomes are appalling considering the magnitude of unreported corruption cases. Even in those cases where corrupt behavior is reported, the limited action taken does not in any way show the effectiveness of the commission in combating the rising levels of corruption.

6.5.0 Lessons from the 2022 General Elections

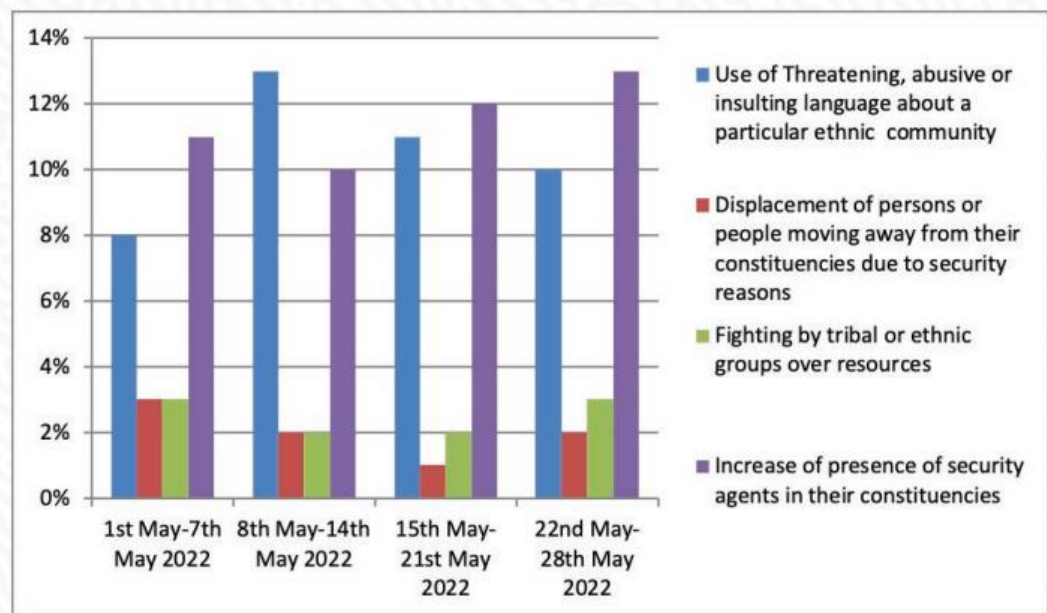
In the 2022 general elections, six elective positions – president (jointly with the deputy president), governor, member of parliament, women’s representative, member of national assembly, and member of county assembly – were successfully filled. The 2022 general elections are considered to have been the most peaceful since the introduction of multiparty elections in Kenya. Arguably, the 2022 general election is considered one of the most free and fair elections in Kenyan history. The use of technology, openness, and free access to results (the public were able to access results online at the IEBC portal) were prominent hallmarks of the 2022 general elections. It is imperative to note that, in 2017, the Supreme Court of Kenya nullified the presidential election noting that IEBC could not provide petitioners with access to verify the process they used to tally and

announce the winner. As a result, the IEBC implemented the recommendations of the Supreme Court, which is the reason the 2022 general election was considered open, free, and fair.

Indeed, previous elections have been marred by pre- and post-election violence leading to death or internally displaced persons. One of the major concerns with the Kenyan elections, which has generated the pre- or post-election violence, is what has been described in Kenyan discourse as the lack of “political hygiene,” that is, the use of ugly politics, which manifests in violence or unorthodox tricks by politicians to win elections or to refuse to accept defeat. This has been the case in particular in the presidential elections, in which, in most cases, they have always been contentious. In previous years, due to a lack of trust in the judicial system, presidential election losers refused to seek legal redress and instead called for mass protest, which in most cases ended in violence. However, as revealed in the present study, trust in the judiciary has increased courtesy of judicial independence. Hence, losers of the elections now have confidence in seeking legal restitution.

One of the takeaway lessons of the 2022 general election that is pertinent to the present study is the continued use of violence and intimidation. A report by the Elections Observation Group (ELOG), a coalition of civil society, faith-based organizations, and other stakeholders, which was completed in May 2022 showed evidence of violence and threats to candidates, parties, and voters (ELOG, 2022). Figure 14 shows that threats and abusive behavior directed toward a particular ethnic group were the most frequent forms of intimidation.

Figure 15: Reports of electoral manipulation during 2022 election year



Elections Observation Group report on long-term observation mission May 2022

Another key takeaway from the 2022 general election was low voter turnout and allegations of voter bribery (Otieno, 2022). The voter turnout in the 2022 general elections stood at 56 percent, the lowest turnout in the last 20 years (Anna, 2022). Cara Anna attributes the low turnout to voters' lack of faith in any real or meaningful changes (Anna, 2022). Subsequently, one can pose the question of whether there is a lack of qualified candidates who can inspire and bring real change or it is as a situation created courtesy of electoral manipulation-violence, intimidation or threats. As such, an argument can be made that strong, well-qualified leaders might have been intimidated or blackmailed to avoid seeking elective positions. Thus, explaining the present study's findings that violence may not directly exacerbate the levels of corruption. However,

electoral manipulation-violence, intimidation, and threat lead to a lack of voter preference, leaders who can bring meaningful changes in civil service. Hence, politicians (particularly corrupt leaders) may use violence, threats, and so on as a form of electoral manipulation to wide out competition. Indeed, supporting the argument of the present study that electoral manipulation ensures lack of voter preference, and as a result elections do not provide accountability mechanisms.

Additionally, voter bribery is a form of electoral manipulation that is illegal. However, politicians in Kenya (and in the 2022 general election) continue to engage in this offense. Different versions of voter bribery existed leading up to the 2022 general elections. Hence, there were alleged bribery cases concerning the “buying of National Identity Cards (IDs) from voters” (ELOG, 2022). National Identification card is a mandatory form of identification during voting. Hence, buying of ID is form of voter suppression, in areas perceived to be a stronghold of a competitor. In other instances, politicians either directly gave or used emissaries to offer bribes such as cash handouts, food, and so on. Bashir Mbuthia, reporting for Citizen Digital news, noted that Fred Matiangi, the Interior Cabinet Secretary, castigated politicians for alleged voter bribery that was causing a shortage of Ksh. 100 and Ksh. 200 notes (Mbuthia, 2022). Moreover, according to the Interior Cabinet Secretary, “40 percent of aspiring politicians eyeing elective seats on the ballot are in some way involved in money laundering and fraud” (Mbuthia, 2022). Politicians widely use the “100” or “200” note denomination in various parts of Kenya as handouts to voters. Furthermore, leading up to the 2022 general elections, there was evidence of the commercialization of politics in Kenya. Human rights activists sounded an alarm over this commercialization as a situation that may deny

genuine aspirants the opportunity to serve the in public office (Ndirangu, 2022). As such, Johnson Sakaja, newly elected Governor of Nairobi, lamented that politicians shoulder a heavy financial burden to finance elections; he disclosed spending Ksh. 15 million (approx. \$125,000) on the day of the elections to pay for his agents (Kinyanjui, 2022). Overall, the 2022 general elections support the findings of the present study that electoral manipulation does create a situation where voters do not have a preference.

6.6.0 Discussion

The empirical results show that difficulty in accessing public services is a key factor that facilitates corruption in the Kenyan civil service. Additionally, a majority of respondents reported encountering difficulty in obtaining identity documents from the government. As discussed earlier, at the individual level, difficulty in accessing public services create an opportune environment in which bureaucratic officers can solicit bribes while promising to fast track access to services. Moreover, due the nature of bureaucratic management—authority and power are hierarchical—and the cumbersomeness associated with the system, particularly if processes are not constantly reevaluated, public services become barely accessible. Furthermore, civil servants understand that any changes in the bureaucracy requires several layers of management approval. Hence, as a result of red tape or bottlenecks, accessing public services takes longer than necessary. Low or middle-level bureaucrats find bottlenecks in the bureaucratic system and proceed to capitalize on them to solicit bribery as a way of greasing the wheels. In some organized schemes, low or middle-level bureaucrats collaborate with their superiors to enrich themselves thanks to unresponsive delivery of public service. For instance, if caught speeding or found to have infringed traffic rules while driving in Kenya, many police

officers prefer not to issue a citation and insist on impounding the vehicle. A majority of police officers in Kenya rarely carry citation books. Due to the laborious processes required to resolve infringements, which sometimes can take longer than necessary—driving to the police station, waiting for citations, getting a police bond, attending the courts (if charges are finally pressed)—the citizen may opt to bribe the officer, because it is the easiest way to resolve the issue. In any case, the corrupt officer makes sure that the process is so strenuous and cumbersome such that the only recourse left to remedy the situation and make the process easier is to negotiate an “out of court settlement” (code language for bribery). Indeed, corruption in the police force in Kenya involves a complex cartel with multifaceted layers of officers colluding with their superiors in rent seeking.

As noted elsewhere, corruption thrive under weak institutions that have no regard for the rule of law. The judicial service in Kenya has made tremendous strides, setting itself apart from the influence of other arms of the government and in the process becoming more independent. However, despite these steps, the efficacy of the courts continues to be a problem, especially when it comes to handling corruption-related cases. One notorious example is the “Akasha Case,” concerning well-known Kenyan drug lords, who not only evaded justice in Kenya but thrived for a long time due to weak and corrupt local institutions. The Kenyan government came to a crossroads with this case, with the only option for justice to be served being to extradite the accused to the United States. During their trial in the US people got a glimpse of the decay of the Kenyan law enforcement services and judiciary. Baktsha and Ibrahim Akasha recounted how they evaded the long arm of the law and how, to them, nothing was unattainable or out of reach in Kenya (Kamau, 2019). They could buy their freedom at whatever cost. In clear

and sober testimony, the Akashas narrated a detailed, orchestrated strategy that included coercion and bribery. By their own account, the Akashas offered bribes to police officers, judicial officers, attorneys, and bureaucratic officials. In fact, they had previously successfully managed to stall their extradition to the US through court injunctions (Kamau, 2019). Ultimately, justice was served, but not in the Kenyan judicial system. This is a sad case, depicting a helpless situation, and of course, represents an indictment of Kenyan public institutions. For Kenyans to trust that their government is serious in its fight against corruption, the “big fish” (corrupt politicians and elites) will have to be fried: not only arrested, but also jailed for corruption. Otherwise, the fight against corruption will continue to be a smokescreen.

Despite challenges in the bureaucratic system, an efficient civil service and administrative policies that are free of corruption are among the key features that foster “a good delivery of public service” (Webb, 2008). Public service in Kenya has undergone various phases of transformation geared towards improved performance and effective public service delivery. Most recently, recognizing the cumbersomeness in accessing public services, the government of Kenya initiated the Huduma Kenya Programme, a one-stop shop center where some of government services can be accessed. However, the number of government services that can be hosted in one-stop shop is limited. Thus, citizens will ultimately seek those services in the respective parent departments of the government.

The government continues to strive to improve access to public services, although gaps in accessibility exist. For instance, the Ministry of Lands in Kenya has digitalized access to land searches to ascertain who owns a piece of land, thus moving

away from requiring manual registry and payment, a system that was previously an avenue for corruption through low-level bureaucrats demanding bribes. However, other processes such as land change of use take some time to process, and it is these avenues that bureaucratic officials use as a means of rent seeking. Moreover, because civil servants have bureaucratic discretion and authority to make decisions, a rogue officer may require kickbacks before they can approve contracts, licenses, permits, and so on. This explains why in recent times, a land officer from the Ministry of Lands could not explain how he accumulated wealth worth KSh 1.2 billion (approximately \$10.4 million) between 2003 and 2018 despite earning KSh 150,000 (approximately \$1,300) per month (Achuka, 2022). In another case, the EACC sought an order to freeze the bank account of a junior officer in the Ministry of Environment alleging that the funds were proceeds of graft; the account had a deposit of KSh 75 million (approximately over \$652,000), while the officer's net salary was between KSh 32,000 to KSh 42,000 per month (approximately \$365; Agutu, 2022). This is the reason why bribery and procurement malpractice continue to be problematic at both the national and county government levels of administration, as revealed in the *National Ethics and Corruption Survey, 2018*.

The right to information from the government is a fundamental right. Indeed, the present study has shown that lack of access to information leads to an exponential rise in corruption. It is imperative to note that citizens have a right to know how the government spends the revenue it generates. However, as revealed in this study, access to information about how the government uses taxes or the amount of fees or taxes that need to be paid in Kenya is not easily accessible. The lack of access to information from the government develops a culture of secrecy, which ultimately fosters corruption, thus making

government a breeding ground for corrupt practices. Subsequently, exposure of corruption remarkably increases the prevalence of accountability, because citizens can hold elected leaders responsible (if elections are responsive to the will of the electorate, as discussed elsewhere). Moreover, citizens deserve to know about the government affairs, especially through public participation, which is premised on access to information. A case in point is the failure of the government of Kenya to inform the public about the circumstances under which it lost billions of Shillings through graft in the National Youth Service (Business Daily, 2022). As one source described it, “the investigation was “marred by lack of transparency, and the little information the public has comes in drips—mostly from persons or entities that were investigated” (Business Daily, 2022). In another unclear project involving the construction of the railway (Standard Gauge Railway-SGR), the government is yet to honor a court order compelling it to publish details of the SGR contracts (Muluka, 2022).

An argument can be made that a lack of information and transparency permeates the civil service. For example, many police officers impound vehicles with a moving violation at will because citizens lack information about the circumstances that can warrant such an action. Thus, police officers intimidate drivers who are caught on infringing traffic laws regardless of the magnitude of the violation with threats of arrest or impound vehicles if their drivers fail to give bribes. The complexity surrounding the process and failure of the government to provide clear guidance or information creates a hotbed of corruption. According to one study titled “*The art of bribery: A closeup look at how traffic officers operate on Kenya's roads,*” bribery in the police force is a complicated enterprise with coded language, norms, recruitment- including how to

conceal evidence. Moreover, “Motorists pay bribes to circumvent traffic regulations, while the police maximize illicit incomes for personal and institutional gains” (Standard Newspaper, 2022). Certainly, government institutions in Kenya “resides in top-heavy cartels,” such that “it is difficult to tell whether cartels are in government, or the government itself is a cartel.” (Muluka, 2022)

The present study has revealed that electoral manipulation, the inability of the electorate to remove leaders through the ballot fosters corruption. Electoral manipulations negate the principles of pluralist governance, where governance is based upon the premise of leaders being subservient to the needs of the electorate. Hence, citizens cannot hold leaders accountable, because they lack a mechanism that facilitates the election of their leaders of choice. Under the tenants of democratic governance, leaders must be accountable to the electorate. In addition, factors leading to electoral manipulation need further exploration. However, it is prudent to note that running a successful election campaign in Kenya is very expensive. Hence, potential candidates may find it difficult to seek elective offices if they lack the financial means. A majority of candidates seeking elective position in Kenya incur in campaign and other cost in excess of KSh 15 million (US\$147,000: Mboya, 2020). The campaign cost (posters, vehicles, staffing, travel, meals, and so on) and party application fee (not unless running as an independent candidate), account for majority of these expenses. Moreover, prospect candidates rarely receive major support from their political parties (seldom seek fundraising efforts); thus, the burden of financing the cost of election (campaigns cost, and party application fee) is upon the candidates (Mboya, 2020). An argument can be made that with this facts, candidates getting into public office may seek ways of how they can recover the incurred

elections cost, including seeking ways of accumulate more in preparation to the upcoming cycle of the electioneering process. Furthermore, the use of electoral manipulation to guarantee re-election becomes a viable option. The matter is exacerbated when elected leaders join hands with rogue bureaucrats to find avenues to engage in graft. Thus, this scenario might explain the reason elected leaders are incentivized to engage in corruption.

Government institutions, particularly the law enforcement agencies and the judiciary, continue to be an essential key factor and partner in the fight against corruption. According to the survey, the police agency is ranked as the most corrupt public institution in the country. It is important to note that structural changes, including reforms to re-invent the agency, have been drafted. Nevertheless, the majority of these reforms have not been implemented but remain theoretical, with no actual changes on the ground so far (Irungu, 2019). Therefore, the police service continues to be characterized by a lack of accountability and failure to protect citizens (Irungu, 2019). These kinds of ineffectiveness contribute to a lack of trust in the police. Certainly, we cannot discuss corruption without considering how it impacts the level of trust in public institutions. Moreover, a lack of trust in government institutions, particularly in law enforcement agencies and the judiciary, complicates and hinders the fight against corruption. If the public has no trust in these public institutions, the fight against corruption is likely to be lost.

CHAPTER 7: SUMMARY & POLICY RECOMMENDATIONS

7.1 Access to Information and public Services

The findings of the present study have important policy implications. The study has clearly shown that difficulty in accessing public services and information and electoral manipulation exacerbate the levels of corruption in the Kenyan civil service. Indeed, access to public services continues to be a key factor that affects the perceived performance of government institutions. As discussed earlier, the challenges in accessing public services may be due to bureaucratic procedures such as red tape, or simply the ineffectiveness of some public institutions. However, if these challenges persist they portend a bleak future of runaway corruption, because bureaucrats can potentially make access to public services difficult, often requiring bribes to facilitate faster access to them. In such cases, the burden of the effort to access public services, or even to access public information, is with the citizens. In practice, these are factors that greatly undermine trust in government institutions (Mbaku, 2018).

With this understanding, the government should consider allocating some of the public services (issuance of identity documents, implementation of social program) to non for profit organizations or vendors. A good case in point is subcontracting government services such as issuing identification cards, passports, and drivers' licenses. The government of Kenya should consider giving third party agencies some of these roles while the government retains its focus on policy formulation, regulation, assessment, and evaluation. For instance, in the US, the issuance of passport services has been contracted to the United States Postal Service, and the issuance of identification cards has been

contracted to other agencies, while the government concentrates on policy and regulations to ensure that these organizations are adhering to stipulated policy, procedures, and regulations.

Another consideration is the implementation of a robust E-governance, technological advancements that is effective in bringing services and information to the people. Moreover, the use of E-governance becomes a strong pillar that facilitates access to information. Certainly, a serious undertaking of E-governance can help to annihilate cumbersome bureaucratic systems and also closedness of access to information. The use of e-governance is vital in ensuring the inter-connectedness of both rural and metropolitan areas. In addition, availability of services within those local areas is easily achievable, unlike the current system where citizens are forced to travel to the main cities to access vital government services. The convergence of all the citizenry at central or county government offices seeking services makes the public system incommodious. There is no reason why the majority of these services and information could not be made readily available from the government websites. Government institutions should post on their website relevant informative information, (agency mandate, contracts awarded, including value, costs and so on). In addition, so far as these services would be available electronically, it would also be appropriate to give definite timelines and ways to lodge complaints. Currently, the government has made strides in making sure that e-government is in place. However, they need to ensure that these services are effective, particularly on turnaround time. Otherwise, as it stands now, it is almost impossible either to complete all transactions online or to expect a quick response; sometimes the wait is simply untenable, and worse, inconclusive.

7.2 Sustaining war on graft: legislation and creation of special courts

It is common practice in Kenya that public officials are arraigned in court over corruption charges, and after indictment be forced to vacate public office, whereupon, in some cases, they proceed to seek elective positions. Shockingly, many end up winning, thanks to electoral manipulation. For example, in one of the major corruption cases, where the Kenyan National Youth Service (NYS) lost billions through corruption, Ann Waiguru, then a cabinet minister, proceeded to seek a gubernatorial position, which she eventually won. In another case, Charity Ngilu, at the time head of the land ministry, faced similar circumstances; like her colleague Ms. Waiguru, she proceeded to seek gubernatorial office, and she won. Kenya has numerous such cases where corrupt public officers are recycled, thus ending up in powerful political offices. This situation continues to be a huge public administration dilemma. The reason is that corruption cases in Kenya typically take a considerable length of time before they are adjudicated, time in which a defendant can continue to enjoy the trappings of power, including the ability to use their position to weaken cases.

Kenya will need to enact a law that requires all public officers, including elected officials, to vacate office upon being indicted over corruption charges. In a landmark judgment delivered against Ferdinand Waititu, the then governor of Kiambu County, who had been indicted on corruption charges, the chief magistrate, Lawrence Mugambi, ruled that Governor Waititu should stay out of office until the court case pending against him

was adjudicated. This ruling would later be sustained at the high court of Kenya after Governor Waititu sought orders to quash the ruling (Standard, 2019). However, it is imperative to note that the ruling did not remove the governor from the office. Thus, elected leaders indicted with corruption charges continue to enjoy the trappings of power despite being the recipients of such court orders. Therefore, there is a need to enact legislation that specifically state that elected leaders lose their seats (or have them temporarily suspended) when they are indicted over corruption charges, and cannot seek any public positions.

Without legislation to require indicted leaders to relinquish or stay away from public offices, these leaders continue to enjoy the benefits of public office, power, etc., despite court orders to stay out of office (which in Kenya does not equate to relinquishing elective position). Furthermore, it is very rare in Kenya to see elected leader resigning to pave the way for investigation. Hence, there is a need to enact legislation that specifically deals with a code of conduct for indicted elected leaders in corruption-related matters, including locking them out of any public office until their cases are successfully adjudicated. In other words, no leader should be in a public office if they are either adversely mentioned or indicted in a corruption case. I contend that this legislation has the potential to be used subjectively by political opponent who may use it as leverage to lock out political enemies (filing fictitious corruption cases). However, clear guidelines and threshold should be put in place by parliament to ensure and safeguard it from such abuses.

In addition to enacting a legislation that locks out indicted leaders from public office, government should seriously consider creating an independent anti-corruption

court, specifically developed and equipped with the necessary resources to address corruption cases. The anti-corruption courts should be staffed with judicial officers who have undergone a rigorous system of vetting. In addition, Kenya should also be open to the idea that we may need to inject the anti-corruption courts with judicial officers not only from within but also outside the boundaries of Kenya. From past experience, some cases continue to be dragged through the halls of the Kenyan judicial system while others, especially those in which the defendants are from another country, have long been adjudicated and the culprits freed or sent to jail. One of the major flaws of the current judicial system is that the decision to prosecute corruption cases in Kenya is the prerogative of the Director of Public Prosecution (DPP). As the DPP in Kenya is appointed by the executive, political interests may exert an influence. Therefore, creation of anti-corruption courts in Kenya with a separate prosecutor, whose powers cannot be curtailed by any other arm of the government goes a long way in sustaining the war on graft.

7.3 Effectiveness of IEBC in curbing electoral manipulation

The IEBC has steadily made progress in unshackling itself from the chains of the executive arm of the government to becoming an independent institution. However, the level of trust in this institution is wanting. Following the conclusion of the 2007 general elections, the country was on the cusp of a civil war when the then defunct Electoral Commission of Kenya (ECK) announced that Mwai Kibaki (the incumbent) was the winner of the presidential election. The opposition party, led by Raila Odinga, rejected the result, accusing the commission of rigging the elections in favor of the incumbent. Due to high levels of mistrust in the commission, it was almost impossible for the

electorate to trust the outcome of the elections. Further to issues with mistrust of the IEBC, the institution has not done enough to curb electoral manipulations. The present study has revealed that election manipulation is a critical factor in the fight against corruption. There is therefore a heightened need for an effective IEBC in Kenya, which at a minimum enforces already established electoral code of ethics without fear or favoritism. The commission should act decisively with culprit found to have engaged in electoral manipulations. Furthermore, the commission should impose strict penalties (prosecuting candidates, barring candidates from participating in election, etc.) not only to individual candidates, but also to political parties sponsoring candidates. Gitau Warigi rightly notes that the “buck stops at the IEBC” in ensuring integrity vetting in all elective public offices. Furthermore, consider that in the 2022 general elections, among the leaders seeking elective positions, fifty-five have already been charged with criminal offences (three are convicted), while eleven are under investigations (Warigi, 2022). This is an absurd situation that must be quickly addressed by IEBC, if the nation is serious in promoting electability of leaders with integrity. Otherwise, courtesy of electoral manipulation, public offices (elective positions) may be occupied by leaders without integrity.

7.4 Gaps in the Study and Opportunity for Further Research

The present study is silent on factors that lead to difficulty in accessing public services. When individuals encounter difficulty in accessing public services, particularly if they cannot afford to pay for similar services from the private sector, they will most likely be motivated to pay a bribe (still cheaper) in an effort to gain access to services.

Therefore, future research should consider investigating factors that facilitate accessing public services, including assessing the factors against the levels of corruption.

In addition, several limitations exist due to a lack of data. First, it is very difficult to quantify bribery or corruption because people fear the consequences of engaging in corruption, hence, the reason why the study relied on perceptual survey to assess corruption. While these limitations were clearly acknowledged, future studies should seek to gain insights into quantifiable ways of assessing corruption as opposed to solely relying on perceptual data. Moreover, corruption may lead to lack of information from government institutions raising to the problem of reverse causality. Secondly, future research is recommended to gain insights into whether ethnicity and culture have any correlation with high (low) levels of corruption, particularly the nexus regarding distrust within or between ethnic groups, culture and corruption.

References

- Abuya, Edwin. 2017. "Promoting transparency. Courts and operationalization of the rights to information in Kenya." *Common Law World review*. Vol 46. 112-139
- Achuka, Vincent. 2022. "Civil servant's Sh1.2bn wealth that EACC wants to recover." *Daily Nation newspaper*.
- Africa Center for Open Governance (AFRICOG). 2015. "Challenges and Prospects of Implementing the Constitution of Kenya, 2010." [Taking-Stock_Challenges-and-Prospects-of-Implementing-the-Constitution-of-Kenya-20101.pdf](https://www.africog.org/Taking-Stock_Challenges-and-Prospects-of-Implementing-the-Constitution-of-Kenya-20101.pdf) (africog.org)
- Afrobarometer survey round 8 in Kenya. 2018. <https://www.afrobarometer.org/countries/kenya/>
- Agutu, Nancy. 2022. "Court freezes Bank Account of Gov't staff Over Sh70 Million Deposit." *The Star Newspaper*.
- Akech, Migai. 2010. Institutional Reform in the New Constitution of Kenya. *International Center for Transitional Justice*. <https://www.ictj.org/sites/default/files/ICTJ-Kenya-Institutional-Reform-2010-English.pdf>
- Alt. J., & Lassen, D. (2003). "The Political Economy of Institutions and Corruption in American States." *Journal of Theoretical Politics*. Vol.15, Issue 3.
- Amadala, Victor. 2020. "How corruption almost ran down Kenya under Moi's watch." *The Star Newspaper*.
- Amadi Luke, Ekekwe Eme (2014). "Corruption and Development Administration in Africa: Institutional Approach." *Journal of Political Science. International Relations*. Vol.8. pp. 163-174
- Anna, Cara. 2022. "Kenya's close presidential election draws fewer voters" *ABC News*.
- Anan, Kofi. 1998. "Kofi Anan on Africa's Development Problems." *Journal of Population and Development Review*. Vol. 24, pp. 411-418.
- Anderson, David. (2017) "Making the Loyalist Bargain: Surrender, Amnesty and Impunity in Kenya's Decolonization, 1952-63." *The International History Review*, 39:1, 48-70, DOI: 10.1080/07075332.2016.1230769
- Angelo, Anaïs. 2020. "Power and the Presidency in Kenya: The Jomo Kenyatta Years." *Cambridge University Press*. New York.
- Anti-Corruption & Economic Crimes Act. 2003. *Laws of Kenya*. No.3
- Apakhayev, Nurlan, Kuanysh Koishybaiuly, Gulnara Khudaiberdina, Ainur Urisbayeva, Zhanna A. Khamzina, and Yermek A. Buribayev. 2017. "Legal Basis for Ensuring Freedom of Access to Information on the Operation of State Administration Bodies in Kazakhstan." *Journal of Advanced Research in Law and Economics (JARLE)* 8 (3): 722-29. <https://search.ebscohost.com/login.aspx?direct=true&AuthType=sso&db=edshol&AN=edshol.hein.journals.jarle8.85&site=eds-live&scope=site>.
- Ashforth, Blake & Vikas, Anand. (2003). "The Normalization of Corruption in Organizations." *Research in Organizational Behavior*. 25. 1-52. 10.1016/s0191-3085(03)25001-2.
- Bachelard, Jerome. 2010. "The Anglo-Leasing corruption scandal in Kenya: the politics

- of International and domestic pressures and counter-pressures.” *Review of African Political Economy*, Vol. 37, No. 124. pp. 187-200.
- Barr, A., & Sierra, D., 2009. “Corruption and Culture: An experimental Analysis.” *Journal of Public Economics*. 94. Pg.862–869.
- Bayart Jean-François. (2009). *The state in Africa: The politics of the belly*. MA: Polity Press.
- BBC News*, 2014. “ICC drops Uhuru Kenyatta charges for Kenya ethnic violence.” <https://www.bbc.com/news/world-africa-30347019>
- BBC News*, 2015. “Kenyan officials charged over Anglo Leasing scandal.” <https://www.bbc.com/news/world-africa-31733052>
- Bennett, H. C. (2012). *Fighting the Mau Mau : The British Army and Counter-Insurgency in the Kenya Emergency*. Cambridge University Press.
- Bertrand, Marianne. Djankov, Simeon., Hanna, Rema & Mullainathan, Sendhil. 2007. “Obtaining A Driver's License in India: An Experimental Approach to Studying Corruption.” *Journal of Economics* Vol. 122, No. 4.
- Beugré, C. D. 2010. “Resistance to Socialization into Organizational Corruption: A Model of Deontic Justice.” *Journal of Business and Psychology*, 25(3), 533–541. <http://www.jstor.org/stable/40682671>
- Biegon, Japhet. 2018. “Politicization of Ethnic Identity in Kenya: Historical Evolution, Major Manifestations and the Enduring Implications.” In: G. Kegoro (ed.) Kenya Human Rights Commission. Nairobi: *Kenya Human Rights Commission*, pp. 8–52
- Bijl, Nicholas van der. 2017. *Mau Mau Rebellion : The Emergency in Kenya, 1952–1956*. South Yorkshire. Pen & Sword Books.
- Branch, Daniel. 2005. “Imprisonment and Colonialism in Kenya, c.1930-1952: Escaping the Carceral Archipelago.” *The International Journal of African Historical Studies* ,” Vol. 38, No. 2, pp. 239-265
- Brown, Stephen. 2001. “Authoritarian Leaders and Multiparty Elections in Africa: How Foreign Donors Help to Keep Kenya's Daniel Arap Moi in Power.” *Third World Quarterly*. Vol. 22, No. 5. pp. 725-739
- Business Today*, 2019. “Scandals that Bred Kenya’s Inability to Fight Public Resources Theft.” *Business Daily*. 2022. “Transparency needed in NYS scandal prosecutions.” [Transparency needed in NYS scandal prosecutions - Business Daily \(businessdailyafrica.com\)](https://www.businessdailyafrica.com/news/kenya/transparency-needed-in-nys-scandal-prosecutions)
- Cattell, Ramond B. 1965. *The scientific analysis of personality*. Baltimore: Penguin books. Commission On Administrative Justice Act, 2011. “*National Council for Law Reporting with the Authority of the Attorney-General*.” http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/CommissiononAdministrativeJustice_Act_No23of2011.pdf
- Community Oriented Policing Services (COPS). *Building Trust*. <https://cops.usdoj.gov/buildingtrust>
- Collins, J., Uhlenbruck, K., & Rodriguez, P. 2009. “Why Firms Engage in Corruption: A Top Management Perspective.” *Journal of Business Ethics*. Vol. 87, No.1, pp. 89-108.
- Cornell, Agnes., D’Arcy, Michelle. 2016. “Devolution, Democracy and Development in

- Kenya.” *Swedish International Center For Local Democracy*. Exakta Print, Malmö. Research report 5
- Dahl, Robert. 2005. *Who Governs? Democracy and Power in the American City*. New Haven. Yale University Press.
- Deacon, Robert. 2009. *Public good provision under dictatorship and democracy*. Springerlink. 139: 241–262
- Desposato, Scott W. 2007. *How Does Vote Buying Shape The Legislative Arena*. Boulder, CO
- Doring, Herbert (1992). “Higher education and confidence in institutions.” *West European Politics*, Vol. 15 (1), 126-46.
- Durrani, Shiraz.2018. “*Kenya’s War of Independence : Mau Mau and Its Legacy of Resistance to Colonialism and Imperialism, 1948-1990.*” Vita Books.
- Easterly, W. and Levine, R. (1997). “Africa’s Growth Tragedy: Policies and Ethnic Divisions.” *The Quarterly Journal of Economics*, 112, 1203-1250.
<http://dx.doi.org/10.1162/003355300555466>
- Edwin, Abuya. (2017). “Promoting transparency. Courts and operationalization of the rights to information in Kenya.” *Common Law World review*. Vol 46. (112-139).
- Elections Observation Group (ELOG). 2022. “*Voter Bribery, Id Buying Among Issues Recorded In Long-Term Observation Mission.*”
https://elog.or.ke/election_reports/voter-bribery-id-buying-among-issues-recorded-in-long-term-observation-mission-may-report-by-elog/
- Erikson , Eric, H. (1950). *Childhood and society*. New York: Norton.
- Esteban, Joan., Mayoral, Laura., Ray, Debraj. 2012. “Ethnicity and Conflict: Theory and Facts. Science.” *The American Economic Review*. Vol 336. pp.858-865
- Ethics And Anti-Corruption Commission (EACC).”*Report of Activities & Financial Statement for the financial Year 2014/15.*”
- Ethics And Anti-Corruption Commission. “*Report Of Activities And Financial Statements For The Financial Year 2018/2019.*” <http://eacc.go.ke/default/wp-content/uploads/2021/04/EACC-ANNUAL-REPORT-2018-2019.pdf>
- Fahnbulleh, Miatta. 2006. “In Search of Economic Development in Kenya: Colonial Legacies & Post-Independence Realities.” *Review of African Political Economy*, 33(107), 33–47. <http://www.jstor.org/stable/4007110>
- Fallers, L. 1965. *Bantu Bureaucracy: A Century of Political Evolution Among the Basoga of Uganda*. Chicago: University of Chicago Press.
- Felder, Nova. 2008. “Kenya: Post Traumatic Colonization Syndrome.” *The New York Amsterdam News*.
- Franz, Erika. 2012. “Toa Kitu Kidogo: Corruption in East Africa.” *Journal of Global Business Review*. Vol 1. <https://engagedscholarship.csuohio.edu/inthebalance/3>
- Freytas-Tamura, Kimiko. 2017. “Kenya Supreme Court Nullifies Presidential Election.” *The New York Times*.
- Friedrich, C., 1942. *Public Policy and the Nature of Administrative Responsibility*. Cambridge: Harvard University Press.
- Fukuyama, Francis. 2013. “What Is Governance.” *Journal of Policy, Administration, and Institutions*. Vol. 26 pp. 347-368.
- Gathu, Peter., & Kahindi, Henry. 2015. “Access to Information in Kenya: Adili.” *Transparency International Kenya*. Issue 155.

- Gettleman, Jeffrey. 2010. "Kenyans Approve New Constitution." *The New York Times*.
- Ghai, Yash., & McAuslan Patrick.. 1970. *Public Law and Political Change in Kenya*. New York: Oxford
- Gill, Lauren. 2017. "Trump's Trips to Mar-A-Lago Cost Taxpayers at Least \$6.6 Million In 2017." *Newsweek Newspaper*.
- Gjinovci, Arsim. 2016. "The Impact of Nepotism & Corruption in the Economy." *Knowledge Horizons Economics* 8 (2): 133-139.
- Glaser, Mark. 2007. "Networks and Collaborative Solutions to Performance Measurement and Improvement in Sub-Saharan Africa. In Performance, accountability, and combating corruption." *The World Bank. D.C.*
- Global Corruption Barometer Africa 2019. "*Citizens' views and Experiences of Corruption.*" <https://www.transparency.org/en/publications/gcb-africa-2019>
- Grassi, D., & Memoli, V., 2017. "Democracy, Support for Democracy and Corruption: A Longitudinal Study of Latin American countries." *Journal of Sociopolitical Studies*.
- Greenwald, A. G. and M. R. Banaji. 1995. "Implicit Social Cognition: Attitudes, Self-Esteem, and Stereo types," *Psychological Review* 102, 4-27.
- Greste, Peter. 2010. "Kenya's new constitution sparks hopes of rebirth." *BBC News*.
- Gros, Jean-Germain 1998. *Democratization in the Twentieth Century Africa*. London. Greenwood Press.
- Gros, Jean-Germain 2012. *State Failure, Underdevelopment, and Foreign Intervention in Haiti*. Routledge. NY.
- Gros, Jean-Germain.2016. *Healthcare policy in Africa : institutions and politics from colonialism to the present*. Lanham : Rowman & Littlefield.
- Hailey, Nic. 2019. "Let's fight corruption in counties to build prosperous nation." *The Standard newspaper*.
- Harrington, John., & Manji, Ambreena. 2012. "Satire and the Politics of Corruption in Kenya." *Social and Legal Studies* 22 (1): 3–23.
- Home, Robert. 2012. "Colonial Township Laws and Urban Governance in Kenya." *Journal of African Law*, Vol. 56, No. 2 (2012), pp. 175-193.
- Hope, Kempe. 2017. *Corruption and Governance in Africa: Swaziland, Kenya, Nigeria*. Cham, Switzerland: Palgrave Macmillan.
- Huntington, S. (1968). *Political Order in Changing Societies*. New Haven: Yale University Press.
- Hutchcroft, Paul. 1997 "The Politics of Privilege: Assessing the Impact of Rents, Corruption, and Clientelism on Third World Development." *Political Studies* 639–58. <https://doi.org/10.1111/1467-9248.00100>.
- Hyden, Goran and Donald C. Williams 1994. "A Community Model of African Politics: Illustrations from Nigeria and Tanzania. *Comparative Studies in Society and History*. Vol. 36 (1): 68-96.
- International Commission of Jurist (ICJ). 2005. "*Kenya: Judicial independence Corruption and Reform.*" https://www.icj.org/wp-content/uploads/2012/04/kenya_judicial_independence_report_2005.pdf
- International Commission of Jurists Kenya. "Judicial Accountability in the New Constitutional

- Order.” 2016. https://icj-kenya.org/news/sdm_downloads/judiciary-watch-judicial-accountability-in-the-new-constitutional-order/
- Irogbe, Kema. 2013. “The Persistence of Famine in Sub-Saharan Africa.” *Journal of social, political, and economic studies* 38(4):441-461.
- Irungu, Simon. 2019. “Kenyan Police Reforms under Unwilling Contexts: Concern for Continued Undemocratic Policing and Loss of Public Confidence and Trust in the Force.” *International Journal of Social Science and Humanities Research*.
- Justin, Healey. 2015. *Corruption*. Thirroul: The Spinney Press.
- Johnstone, M. 2005. *Syndromes of Corruption: Wealth, Power, and Democracy*. Cambridge: Cambridge University Press.
- Kamau, Muthoni. 2019. “Akashas: We Had Top Judges and The Police In Our Pockets.” *The Standard newspaper*.
- Karanja, William. 2003. “Kenya: Corruption Scandal.” *World Press Review*. Vol. 50, No. 10
- Kenyan Digest, 2019. “A history of state capture in Kenya: The Anglo Leasing scandal.”
- Kenya Revenue Authority. “Sixth Corporate Plan 2015/16 - 2017/18”.
<https://kra.go.ke/images/documents/6TH-Corporate-Plan-2015.pdf>
- Khan, Niaz., Ferdous, Jannatul., & Bhuiyan, Md Imran Hossain. 2021. “Examining citizens’ trust in local government institutions: a focus on upazila parishads (sub-district councils) in Bangladesh.” *Commonwealth Journal of Local Governance*. Issue 24
- Kiai, Maina. 2015. “To fight corruption, Uhuru has to deal with tribalism in government.” *Nation Newspaper*.
- Kimemia, D., 2014. “Non-governmental Organization and corruption: The Case for Kenya” In Challenges to Democratic Governance. eds. Gideon Mudacumura & Göktuğ Morçöl. Springer International Publishing Switzerland.
- Kimuyu, Peter. 2007. “Corruption, firm growth and export propensity in Kenya.” *International Journal of Social Economics*. Vol. 34. Issue 3.
- Kinuthia, Keziah. 2018. “Amount of bribe paid for services in Kenya shoots up.” *Business Daily Newspaper*.
- Kinyanjui, Maureen. 2022. I spent Sh15 million on agents during August 9 polls – Sakaja. *The Star Newspaper*.
[I spent Sh15 million on agents during August 9 polls - Sakaja \(the-star.co.ke\)](https://www.the-star.co.ke/news/2022-08-10-i-spent-sh15-million-on-agents-during-august-9-polls-sakaja)
- Kipkemoi, Felix. 2019. “State House cartels bribed MPs to pass Finance Bill, says Jubilee lawmaker.” *The Star Newspaper*.
- Kivoi, Douglas L. 2020. “Kenya’s policing is steeped in violence. Here’s what must change.” *The African Report*.
- Kjaer, Ann., 2014. “Debate on Governance in Africa: An Emerging Political Economy Paradigm. Challenges to Democratic Governance in Developing Countries.” In eds. Gideon Mudacumura & Göktuğ Morçöl, Switzerland: Springer International Publishing.
- Klitgaard, Robert., 1988. *Controlling Corruption*. University of California Press: CA
- Koelble, Thomas A. 1995. “The New Institutionalism in Political Science and Sociology.” *Comparative Politics*, vol. 27, no. 2, 1995, pp. 231–43.
- Kopos, Jacob., Urpelainen, Johannes., and York, Erin. 2021. “Greasing the Wheels: the

- Politics of Environmental Clearances in India.” *Journal of Studies in Comparative International Development*. Vol. 57
- Kriegler & Waki Reports Summarised Version Revised Edition 2009
https://www.kas.de/c/document_library/get_file?uuid=d8aa1729-8a9e-7226-acee-8193fd67a21a&groupId=252038
- Kyle, Keith. 1999. *The Politics of the Independence of Kenya*. Macmillan Press. New York.
- Lang'at, Patrick., Gitau, Grace. 2018. “Kenya: Puzzle - How DP Ruto Has Donated Over 8 Times His Salary in Harambees in 6 Months.” *All Africa Global Media*.
- Lawson, Letitia. 2009 “The Politics of Anti-Corruption Reform in Africa.” *The Journal of Modern African Studies*, Vol. 47, no. 1.
- Legal Information Institute. “Separation of Powers.” Cornell Law School.
[Separation of Powers | Wex | US Law | LII / Legal Information Institute \(cornell.edu\)](https://www.lii.org/us/wex/html/?content_id=pages-us-law-022)
- Leman, Peter. 2011. “African Oral Law and the Critique of Colonial Modernity in the Trial of Jomo Kenyatta.” *Journal of Law and Literature*, Vol. 23, No. 1, pp. 26-47. <https://doi.org/10.1525/lal.2011.23.1.26>.
- Leonard, David. 1991. *African Successes: Four Public Managers of Kenya Rural Development*. Berkley: University of California Press.
- Lindner, Samira. 2014. “Overview of Corruption and Anti-corruption in Kenya.” *Transparency International*.
- Lipset, Martin, and Lenz, G. 2000. *Corruption, Culture and Markets*, In L. E. Harrison and Samuel P. Huntington, Eds., *Culture Matters*, New York.
- Luongo, Katherine. 2006. “If You Can't Beat Them, Join Them: Government Cleansings of Witches and Mau Mau.” *History in Africa*. Vol. 33 (2006), pp. 451-471 Cambridge University Press.
- MacArthur, Julie. 2017. *Dedan Kimathi on Trial : Colonial Justice and Popular Memory in Kenya's Mau Mau Rebellion*. Athens: Ohio University Press.
- Maina, Wachira. 2019. “State Capture: Inside Kenya's Inability to Fight Corruption.” *Africa Center for Open Governance*.
- Mamdani, Mahmood 2018. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. NJ: Princeton University Press.
- Marx, Benjamin, Pon, Vincent, & Suri, Tavneet. 2017. “The Perils of Voter Mobilization.” *The National Bureau of Economic Research*
- Mazrui, Alamin. 2016. *Cultural Politics of Translation*. New York. Routledge.
- Mbaku, J., (2007). *Corruption in Africa: Causes Consequences, and Cleanups*. New York: Rowman & Littlefield.
- Mbaku, John. 2018. “Rule of Law, State Capture, and Human Development in Africa.” *International Law review*. Vol.33. (4).
- Mboya, Tom. 2020. “The Cost of Parliamentary Politics in Kenya.” *Westminster Foundation for Democracy*. <https://www.wfd.org/what-we-do/resources/cost-parliamentary-politics-kenya>
- Mbuthia, Bashir. 2022. Money Laundering Report: CS Matiang'i Links Politicians To

- Shortage Of Ksh.100 And Ksh.200 Notes. Citizen Digital. Money laundering report: CS Matiang’i links politicians to shortage of Ksh.100 and Ksh.200 notes (citizen.digital)
- Michalopoulos, Stelios, and Elias Papaioannou.2013 “Pre-Colonial Ethnic Institutions And Contemporary African Development.” *Journal of Econometrica* Vol. 81, 113–52. <http://www.jstor.org/stable/23357265>
- Mill, C., Wright.2001. *The New Men of Power: America's Labor Leaders*. Chicago: University of Illinois Press.
- Miroff, Bruce., Swanstrom, Todd, Raymond. 2007. *The Democratic Debate: An Introduction to American Politics*. MA: Houghton Mifflin.
- Mogens, Justesen, & Christian, Bjørnskov, 2012. “Exploiting the Poor: Bureaucratic Corruption and Poverty in Africa.” *SSRN Electronic Journal*. Vol.58. 10.2139/ssrn.2168119.
- Mohamed, Hamza. 2017. Kenyan elections: The ethnicity factor. *Al Jazeera Newspaper*. Kenyan elections: The ethnicity factor | Uhuru Kenyatta | Al Jazeera
- Monyake, Moletsane.2018. “Can the poor fight back? Multilevel analysis of corruption, poverty and collective demand for accountability in Africa.” *Journal of Contemporary African Studies*. Vo.36,No. 4,514-531
- Morris, Stephen., & Klesner, Joseph. (2010). “Corruption and trust: Theoretical considerations and evidence from Mexico.” *Comparative Political Studies* 43(10):1258-85.
- Mudacumura, G., (2014). *Challenges to Democratic Governance in Developing Countries*. New York: Springer Science & Business Media.
- Muluka, Barrack., 2022. “In whose hands? The State must disclose deals with other entities.” *The Standard Newspaper*.
- Murapa, Rukudzo, 1972. “Neo-colonialism: The Kenya case.” *The Review of Black Political Economy*. vol. 2, pages55–73
- Murunga, Godwin R. & Nasong’o, Shadrack W. (2007). *Kenya: The Struggle for Democracy*. London-New York: Zed Books.
- Musau, Nzau. 2015. “Corruption, tribalism conspire to hold Kenya to ransom.” *The Standard Newspaper*. Corruption, tribalism conspire to hold Kenya to ransom - The Standard (standardmedia.co.ke)
- Mutahaba, Gelase. 2011. “Sustainable Development in Africa: State Institutional Capacity and Capability as a Critical Missing Link.” *Journal of Poverty Alleviation and International Development*, 2(1): 37-70.
- Muyambi, Lordrick. 2012. “Kenya: 14.3 Million Voters Registered for 2013 Poll.” *All Africa Global Media*.
- Mwangi, Susan. 2016. “Kikuyu-Kalenjin Relations in IDP Camps and the 2013 Elections: An invitation to The Conversation. In, Kenya Past As Prologue.” *Twaweza communications*.
- Ndirangu, Goergie. 2022. “No limits: Campaign spending spikes ahead of Kenyan elections.” *Aljazeera*. No limits: Campaign spending spikes ahead of Kenyan elections | Elections | Al Jazeera
- Neild, Robert. 2002. *Public Corruption: Dark side of Social Evolution*. London: Anthem

- Press.
- Newton, Kenneth and Pippa Norris (2000). *Confidence in public institutions: Faith, culture, or performance?* In Susan J Pharr and Robert D Putnam (eds) *Disaffected Democracies: What's Troubling the Trilateral Countries.* NJ: Princeton
- Njiraini, John. 2010. "Kenya's population census results out." *The Standard Newspaper*.
- Niaz Ahmed Khan, Jannatul Ferdous, Md Imran Hossain Bhuiyan . 2021. "Examining citizens' trust in local government institutions: a focus on upazila parishads (sub-district councils) in Bangladesh." *Commonwealth Journal of Local Governance*.
- North, D.C. 1990. *Institutions, Institutional Change and Economic Performance.* Cambridge: University Press.
- Nyongena, Kenneth. 2003. "Jomo Kenyatta: An Epitome of Indigenous Pan-Africanism, Nationalism and Intellectual Production in Kenya." *African Journal of International Affairs*. Vol.6.pp. 1-18
- Obala LM, Mattingly M.2014. "Ethnicity, corruption and violence in urban land conflict in Kenya." *Urban Studies*. Vol. 51(13):2735-2751.
doi:10.1177/0042098013513650
- Ogolla, George. 2011. "The Political Economy of the Media in Kenya: From Kenyatta's Nation-Building Press to Kibaki's Local-Language FM Radio." *Africa Today* , Vol. 57, No. 3, pp. 77-95
- Ohito, David. 2011. "Why MPs United Against Lumumba." *The Standard Newspaper*.
- Okoth, Simon. 2014. "Prosecute and Punish: Curbing Political and Administrative Corruption in Kenya." *Challenges to Democratic Governance in Developing Countries.* In eds. Gideon Mudacumura & Göktuğ Morçöl, Switzerland: Springer International Publishing.
- Oluoch, Fred. 2004. "Corruption returns to haunt NARC." *NewsfromAfrica*.
- Otieno, Brian. 2020. "EACC probing six counties over corruption offences." *The Star Newspaper*.
- Otieno, Jeff. 2022. "Kenya 2022: Elections marred by low-voter turnout, technology failure, bribery." *The All African Report*.
<https://www.theafricareport.com/230824/kenya-2022-elections-marred-by-low-voter-turnout-technology-failure-bribery/>
- Onyulo, Tonny. 2017. "Kenya's Hotly Contested Presidential Election Marred by Violence — Once Again." *USA Today*.
- Pamba, Edmond. 2018. "Kenya Needs to do More to Succeed in the War against Graft." *International Institute for Strategic Studies*.
- Paldam, M. 2002. "The Cross-Country Pattern of Corruption: Economics, Culture, and the Seesaw Dynamics." *European Journal of Political Economy*, Vol. 18 (2002) 215 – 240
- Patillo, Kat. 2020. "How Kenya Became the Strongest Education System in Africa." *Edwell newsletter*
- Peiffer, C., & Rose, R. 2014. "Why do some Africans pay bribes while other Africans don't?" (Afrobarometer Working Paper No. 148). Retrieved from Afrobarometer website: <http://afrobarometer.org/publications/wp148-why-do-some-africans-pay-bribes-while-other-africans-dont>
- Philp, Mark. 1997. "Defining Political Corruption." *Political Studies* 45- 3: 436–62.

- <https://doi.org/10.1111/1467-9248.00090>.
- Pinto, Jonathan, Leana, Carrie, & Pill, Frits. 2008. "Corrupt Organizations or Organizations of Corrupt Individuals? Two Types of Organization-Level Corruption." *The Academy of Management Review*. Vol. 33, No. 3. pp. 685-709
- Press, Robert. 1993. "Tribal Clashes in Kenya Continue." *The Christian Science Monitor*,
- Polsby, Nelson. 1980. *Community Power and Political Theory: A Further Look at Problems of Evidence and Inference*. New Haven: Yale University Press.
- Public Officer Ethics Act.2003. *Laws of Kenya*..Chapter 183. www.kenyalaw.org
- Public Procurement And Disposal Act, 2005. *Laws of Kenya*..Chapter 183. www.kenyalaw.org
- Reiling, Dory. 2009. *Technology for Justice: How Information Technology Can Support Judicial Reform*. Amsterdam: Leiden University Press.
- Rice, Xan 2007. "The looting of Kenya." *The Guardian*.
- Rose-Ackerman, Susan. 1978. *Corruption: A study in political economy*. New York, NY: Academic Press.
- Sachs, Jeffrey D., John W. McArthur, Guido Schmidt-Traub, Margaret Kruk, Chandrika Bahadur, Michael Faye, and Gordon McCord.2004. "Ending Africa's Poverty Trap." *Brookings Papers on Economic Activity*, no. 1: 117–216. <http://www.jstor.org/stable/3217964>.
- Sánchez, C.& Lehnert, K. 2018. "Firm-level trust in emerging markets: the moderating effect on the institutional strength- corruption relationship in Mexico and Peru." *Journal of Estudios Gerenciales*. Vol.34(147), pp.127-138. Vol. 34,
- Scott, James. 1975. *Comparative Political Corruption*. New Jersey: Prentice-Hall.
- Seleim, A., Bontis, N. 2009. "The relationship between culture and corruption: a cross-national study." *Journal of Intellectual Capital*. Vol. 10 No. 1, 2009 pp. 165-184.
- Shah, A. 2007. "Performance, accountability, and combating corruption." *The World Bank*. D.C.
- Smith, D. 2018. "Corruption and "Culture" in Anthropology and in Nigeria," *Journal of Current Anthropology* Vol.59, no.518: S83-S91.
- Simon, H., Smithburg, D., & Thompson, V., 1950. *Public administration*. New York: Knopf
- Singh, D., 2018. "Challenging corruption and clientelism in post-conflict and developing state." *Journal of Crime, Law and Social Change*. Vol.71:197–216
- Standard Newspaper*, 2015. "President Uhuru Kenyatta declares corruption a national security threat."
- Standard Newspaper*, 2022. "The art of bribery: A closeup look at how traffic officers operate on Kenya's roads."
- Steinar Askvik, Ishtiaq Jamil and Tek Nath Dhakal . 2011. "Citizens' trust in public and political institutions in Nepal." *International Political Science Review* 32(4) 4 1 7-43
- Statology*, 2021. "Statistics Simplified." <https://www.statology.org/cluster-sampling-vs-stratified-sampling/>
- Sylla, Keba. 2014. "Defining Corruption in the Cultural Context of Sub-Saharan Africa." In eds. Gideon Mudacumura & Göktuğ Morçöl, Switzerland. Springer International Publishing.

- The Constitution of Kenya, 2010. <http://www.kenyalaw.org/kl/index.php?id=398>
- The Bribery Act 2016. *Kenya Gazette Supplement Acts*, No. 197. Acts No. 47
- The Government Financial Management Act 2004. National Council for Law Reporting. Chapter 412B. www.kenyalaw.org
- The Proceeds of Crime And Anti-Money Laundering Bill. 2009. www.kenyalaw.org
- The Public Officer Ethics Act. 2003. *Laws of Kenya*. Cap 183.
- The Government Financial Management Act. 2004. *Laws of Kenya*. Cap 412B
- The State of the Nation Address. (2015). Retrieved July 20, 2020. <https://www.president.go.ke/2015/03/26/speech-by-his-excellency-hon-uhuru-kenyatta-c-g-h-president-and-commander-in-chief-of-the-defence-forces-of-the-republic-of-kenya-during-the-state-of-the-nation-address-at-parliament-buildings-na/>
- Tignor, Robert. 1976. *The Colonial Transformation of Kenya. The Kamba, Kikuyu, and Maasai from 1900 to 1939*. New Jersey: Princeton University Press.
- Transparency International Kenya (T.I). (2015). *Corruption perceptions index 2015*. Retrieved from Transparency International Kenya: <https://www.transparency.org/country/KEN>
- Transparency International Kenya (T.I).2017. The East African Bribery Index 2017. <https://tikenya.org/east-african-bribery-index/>
- Transparency International Kenya (T.I). (2018). *Corruption perceptions index 2017*. Retrieved from Transparency International Kenya: <https://www.transparency.org/country/KEN>
- Transparency International Kenya (T.I). (2019). *Corruption perceptions index 2017*. Retrieved from Transparency International Kenya: <https://www.transparency.org/country/KEN>
- Transparency International. *2009 Global Corruption Barometer*. Transparency International.
- United Nations Development Program. *United Nations, and The Rule of Law*.
- United Nations Development Programme (UNDP) (1997). ‘*Governance for Sustainable Human Development*’. New York: UNDP.
- Villoria, M., Ryzin, G., & Lavena, C. 2012. “Social and Political Consequences of Administrative Corruption: A Study of Public Perceptions in Spain.” *The American Society For Pubic Administration*. Vol.73 PP 85-94.
- Wachira, Goerge. 2021. “How Jomo created much needed skills from scratch.” *Business Daily*.
- Wamagatta, Everson. 2008. “African Collaborators and Their Quest for Power in Colonial Kenya: Senior Chief Waruhiu wa Kung'u's Rise from Obscurity to Prominence, 1890-1922.” *The International Journal of African Historical Studies*, Vol. 41, No. 2, pp. 295-314.
- Wangari, Maathai. 2009. “*The Challenge for Africa*.” New York : Pantheon Book
- Warigi, Gitau. 2022. “Matiang’i Warns of An Incoming House Likely To Be Full of Fraudsters.” *Daily Nation Newspaper*.
- Warui, Jackie. 2015. “Access to Information in Kenya.” *Adili, Transparency International Kenya*. Issue 155
- Webb, S. 2008. “Public Sector Reform: What Works and Why?” *World Bank, Washington DC*

- Weber, Max. 1865. *Max Weber on capitalism, bureaucracy, and religion*. Allen & Unwin.
- Wengraf, Lee. 2018. *Extracting Profit : Imperialism, Neoliberalism and the New Scramble for Africa*. Chicago, IL. Haymarket Books
- Widner, Jennifer .1992. *The Rise of a Party-State in Kenya: From Harambee! To Nyayo*. New York: University of California Press.
- Williams, Bernard. 1988. *Formal structures and social reality*. In Diego Gambetta, ed., *Trust; making and breaking cooperative relations*, pp. 3-13. Oxford: Basil Blackwell.
- Winning, Alexander., Roelf, Wendell. 2021. "Worst violence in years spreads in South Africa as grievances boil over." *CNBCAFRICA*.
- Witness Protection Act, 2006. *National Council for Law Reporting*. www.kenyalaw.org
- World Development Report 1989. "Financial Systems and Development." <https://openknowledge.worldbank.org/handle/10986/5972>
- World Bank. 2014. "New Country Partnership to Help Unleash Kenya's Potential for Growth, Shared Prosperity."
- World Bank Group Country Survey 2018. Haiti. [Haiti - World Bank Group Country Survey 2018](#)
- World Bank. 2019. Kenya's Devolution. [Kenya's Devolution \(worldbank.org\)](http://www.worldbank.org)