CHALLENGES FACED BY THE KENYA ETHICS AND ANTICORRUPTION COMMISSION IN IMPLEMENTING THE STRATEGIES RECOMMENDED BY UNITED NATION CONVENTION AGAINST CORRUPTION IN KENYA

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ABBREVIATIONS

ACECA   Anti-Corruption and Economics Crimes Act

AG   Attorney General

COSP   Conference of State Parties

CPI   Corruption Perception Index

DPP   Department of Public Prosecutions

EACC   Ethics and Anti-Corruption Commission

EITI   Extractive Industries Transparency Initiative

KACC   Kenya Anti-Corruption Commission

NGO   Non-governmental Organizations

OECD   Organization for Economic Cooperation and Development

PACI   Partnering Against Corruption Initiative

TI-K   Transparency International-Kenya

UN   United Nations

UNCAC   United Nations Convention against Corruption

UNGC   United Nations Global Compact

WBI   World Bank Institute

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Abstract

The purpose of the study was to identify the Challenges faced by the Ethics and Anti Corruption Commission on implementing the strategies recommended by United Nations Convention Against Corruption. The specific objectives were; to determine the challenges encountered during the implementation of the strategies by EACC and to establish the strategies adopted by EACC to address the challenges encountered during implementation.The research method was the case study method and indepth interviews were carried out. The first phase of the study was issuing the respondents with a Interview guide, which was followed by indepth interviews. The next phase involved receiving data , analyzing the data and making recommendations based on the findings. Some of the challenges identified include financial constraints, staffing limitations, negative public perception, weak legal frameworks and lack of policy and slow judicial process. Strategies implemented to overcome the challenges include looking for alternate funding, lobbying for changes in the legal frameworks and pursuing prosecutorial powers. Recommendations include additional funding by government, engaging the public more, strenthening the legal frameworks and developing a national anti-corruption policy. Further studies should be carried out on strategies to strengthen the legal frameworks and strategies to improve the judicial process.

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Strategy implementation is important because its success or failure rate may have a significant impact on the success and sustainability of the business. The fatal problem with strategy implementation is the de facto success rate of intended strategies. In research studies it is as low at 10 percent. Despite this abysmal record, strategy implementation does not seem to be a popular topic at all. In fact, some managers mistake implementation as a strategic afterthought and a pure top-down-approach. Instead, management spends most of its attention on strategy formulation (Judson, 2007).

Corruption remains a major problem affecting the political, social and economic development in Kenya. It is identified under Vision 2030 and Medium Term Plan (2008-2012) together with governance as one of the challenges besetting socio-economic transformation. Corruption stifles growth and investment and has disproportionate distortionary effects on all productive and service sectors of the economy. It distorts public sector choices and decision making with undesirable consequences such as poor service delivery. By its very nature, corruption is hidden and entails deception and unethical conduct. Furthermore, uncertainty associated with economic transition, unstable social safety nets, and widespread state capture by various interest groups, has created an open environment for corrupt practices (Kenya Anti-Corruption Commission Strategic Plan 2009-2013).

While corruption was once a taboo subject, in the last decade fighting corruption has emerged as a worldwide movement encompassing a range of organizations and tools. NGOs such as Transparency International (TI) and Global Witness exert influence through advocacy efforts, corruption indices, and broad awareness building, while bilateral and multilateral efforts like the U.N. Convention against Corruption, the Organization for Economic Cooperation and Development (OECD), and the World Bank Institute (WBI) have heightened global commitment to anti-corruption work. Existing resources that influence corporate work against corruption include TI's National Integrity System framework, WBI's Business Fighting Corruption portal, and the joint publication "Business against Corruption: A Framework for Action."Further, collective action efforts, such as the United Nations Global Compact (UNGC), the World Economic Forum's

Partnering Against Corruption Initiative (PACI), and the Extractive Industries Transparency Initiative (EITI) have emerged within the last 10 years and succeeded in getting countries and corporations to sign on to efforts for reform and collaboration (Hills, Fiske & Mahmud, 2009).

1.1.1 Concept of Strategy

Strategy is often thought of a long term plan, drawn up by organizational leaders in order to meet the organizations objective. In the game theory, strategy is defined as a plan which specifies what choices a player that is the organization, will make in certain situations. The different types of strategies helps organizations in focusing on managing strategic direction and control to get things done. Strategies may be either specific or general, a strategy may be specific (Capon, 2008).

According to Capon (2008) as cited from Mintzberg, strategy can be a plan, a ploy that is a way of removing competitors for example a grocery chain might threaten to expand a store, to avoid a competitor moving into the same area. Mintzberg further describes strategy as a position which involves how companies position itself in the marketplace. In this way strategy helps organizations explore the fit between the organization and the environment and develop a competitive advantage.

Overtime businesses diversify into different areas, perhaps they develop a new type of product or move into a number of different geographical areas each of which may have need for a slightly different type of management. Firms may take into account adoption of the 3 categorization of strategies, which include functional, business and corporate strategies (Adrian & Alison, 2008). Functional strategies include the firm's individual function; business level strategy is handled by managers who are continuously looking for new ways to align the current potential strengths and weaknesses of the organization with the potential opportunities and threats in the environment. Corporate level strategy on the other hand is about selecting an optimal set of businesses and determining how they should be integrated into the corporate whole (Bob & Meyer, 2004).

Strategies are something that organizations need. Lack of strategy brings about several disadvantages such as lack of focus inside and outside the organization as well as the inability to spot good and new market opportunities which will have impact in the organization. Most organizations strive to expand through entering other new markets

which requires careful planning to develop a beneficial market entry strategy (Capon, 2008).

1.1.2 Strategy Implementation

Strategies create a fit among company's activities. The success of a strategy depends on doing many things well and integrating them. If there is no fit among activities, there is no distinctive strategy and little sustainability. The company's activities include its effective interaction with the environment in that these activities are geared towards serving external environment (Porter, 2009). Strategy is a large scale, future oriented plan for interacting with the competitive environment to achieve company objectives. It is the company's game plan. While it does not detail all future development of resources, it provides the framework for managerial decisions. A strategy reflects a company's awareness of how, where and when it should compete and for what purposes it should compete (Pearce & Robinson, 2007).

Strategy implementation defines the manner in which an organization should develop, utilize and amalgamate organizational structures, control systems and culture to follow strategies that lead to competitive advantage and improved performance. It is obvious that strategy implementation is a key challenge for today's organizations. Business success is governed more by how well strategies are implemented than by how good the strategy is to begin with, the implementation of the strategy delivers revenue, not the crafting of it (Sorroshian, Norzima, Yusuf & Rosnah, 2010).

Strategy implementation is the most complicated and time consuming part of strategic management. Managers do not pay as much attention to the planning of implementation as they pay to formulating strategy. Several factors affect strategy implementation in any type of organization and, in turn, affect organizational performance. A myriad of factors can potentially affect a comprehensive strategy or a single decision. Difficulties usually arise during the subsequent implementation process. For instance, leaders' thinking is often flawed resulting to failure of successfully strategy implementation (Speculand, 2009).

Strategy implementation involves the organization of resources and motivation of staff in order to achieve the objectives and key performance indicators set out in the strategic plan. Strategy implementation may be faced by a set of challenges which may emanate

from the leadership and the management, the resources, the organization structure and culture, the organization politics, the motivation of staff, the involvement and participation of staff, the perception and resistance emanating from staff and other stakeholders . In addition, lack of fit of strategy may also challenge its successful implementation (Machuki & Aosa, 2011).

1.1.3   Anticorruption Strategies Recommended by UNCAC

The United Nations Convention against Corruption (UNCAC) is a multilateral convention negotiated by member states of the United Nations. It is the first global legally binding international anti-corruption instrument. In its 71 Articles divided into 8 Chapters, UNCAC requires that States Parties implement several anti-corruption measures which may affect their laws, institutions and practices. These measures aim at preventing corruption, criminalizing certain conducts, strengthening international law enforcement and judicial cooperation, providing effective legal mechanisms for asset recovery, technical assistance and information exchange, and mechanisms for implementation of the Convention, including the Conference of the States Parties to the United Nations Convention against Corruption (COSP) (UNODC, 2004).

Ratification of UNCAC, while essential, is only the first step. Fully implementing its provisions presents significant challenges for the international community as well as individual States parties, particularly in relation to the innovative areas of UNCAC. For this reason, countries have often needed policy guidance and technical assistance to ensure the effective implementation of UNCAC. The results of the first years of IRM have shown that many developing countries have identified technical assistance needs. The provision of technical assistance, as foreseen in UNCAC, is crucial to ensure the full and effective incorporation of the provisions of UNCAC into domestic legal systems and, above all, into the reality of daily life (UNODC, 2004).

UNCAC recognizes the importance of the prevention of corruption by going far beyond the measures of previous instruments in both scope and detail. Preventive measures are directed at both the public and private sectors. These preventive measures include establishment of anti-corruption bodies and enhanced transparency in the financing of election campaigns and political parties. Anti-corruption bodies should implement anti-corruption policies, disseminate knowledge and must be independent adequately

resourced and   properly trained staff. States Parties are also obliged to ensure that their public services are subject to safeguards that promote efficiency, transparency and recruitment based on merit. Once recruited, public servants should be bound by codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures. Transparency and accountability in the management of public finances must also be promoted, and specific requirements are established for the prevention of corruption in the particularly critical areas of the public sector, such as the judiciary and public procurement. Preventing corruption also requires an effort from all members of society at large. For these reasons, UNCAC calls on countries to promote actively the involvement of civil society, and to raise public awareness of corruption and what can be done about it. The requirements made for the public sector also apply to the private sector as it too is expected to adopt transparent procedures and codes of conduct (UNODC, 2004).

1.1.4   Kenya Public Sector

The Kenya's public service has been undergoing multidimensional, interdependent and interlocking reforms through Performance Improvement Strategy. The country has made tremendous progress through these reforms that were anchored in the Performance Management System (PMS). The noteworthy reforms are:- Results Based Management (RBM) - process under which flagship programs were introduced in the public service to propel the focus on results. They include Performance Contracts, Service Delivery Charters and Rapid Results Initiatives. ; Performance Contracts - have been hugely cerebrated and have come to be associated with great and tangible improvements in the Service.

In 2007, Ash Institute for Democratic Governance and Innovation at the Harvard University's, Kennedy School of Government placed the performance contracting process among the top 20 innovations in the world, in transforming governments. Kenya has adopted this process to ensure a competitive and productive Service. ; National School of Government - the country is set to start the National School of Government (NSG) that will help transform the capacity of the Public Service into a contributor of national wealth and prosperity (Republic of Kenya, 2010; World Bank (June, 2010).

1.1.5 Kenya Ethics and Anticorruption Commission

The Ethics and Anti-Corruption Commission (EACC) is a statutory body established under the Ethics and Anti-Corruption Act, No. 22 of 2011(hereinafter referred to as "the EACC Act"). It replaced the Kenya Anti-Corruption Commission (KACC) after the Constitution of Kenya, 2010 provided for the establishment of an independent Ethics and Anti-Corruption Commission (Matemu, 2012-2013).

Parliament enacted the Ethics and Anti-Corruption Commission Act 2011 and Leadership and Integrity Act, 2012. These Acts provide for the functions and powers of the Ethics and Anti-Corruption Commission (EACC) inter alia implementation of Chapter Six of the Constitution. The Acts are being implemented alongside the Anti-Corruption and Economics Crimes Act (ACECA) of 2003. The mandate of the EACC is to combat corruption and economic crime in Kenya through law enforcement, prevention, public education and promotion of sound ethical standards and practices (Matemu, 2012-2013).

1.2 Research Problem

Strategy implementation is important because its success or failure rate may have a significant impact on the success and sustainability of the business. The fatal problem with strategy implementation is the de facto success rate of intended strategies. In research studies it is as low at 10 percent. Corruption is a global issue which affects the development of any nation. Kenya has been affected by this vice in all its political and socio-economic spheres. Nairobi County bears the brunt of corruption than all the other counties by virtue of it being the centre of all public and private entities. Some of the major effects of corruption witnessed in the County include; poor infrastructural developments, lack of adequate health facilities, insecurity, illegal acquisition of public properties and political uncertainty. The Government of Kenya in 2003 adopted a three-pronged anti-corruption strategy to fight corruption. However, no meaningful gains were realized through this policy initiative and this is an indicator that challenges to strategy implementation exist. Evidence of failure of strategy is that Kenya's score has remained disappointingly low and stagnant over a long period of time. As at 2013, the rating of Kenya was 136 out of 177 countries and with a score of 27 on a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean (Transparency International –Kenya, 2013).

Kumba (2013) assessed the challenges of curbing corruption in Kenya especially over the period from 2008 to 2012 with a focus on how the Ethics and Anti-Corruption Commission has positioned itself to overcome those challenges. Results revealed that EACC faces a number of challenges ranging from lack of political will and government commitment to lack of prosecutorial powers to manage any given case from beginning to its logical conclusion. From the study it was evident that it takes time, reliable political will and public support to succeed in the war against corruption. Njue (2010) sought investigate and understand the challenges faced by the Kenyan media in the fight against corruption. It was found out that insecurity to journalists was the most important challenge faced by media firms in fighting corruption. Other important challenges faced by media firms in the fight against corruption were identified as lack of political will; poor remuneration of journalists; weak legal framework; and poor technology in that order. Mugo (2012) carried out a study seeking to establish strategy implementation at City Council of Nairobi, examining the challenges faced during the implementation and determine how these challenges were addressed. The study established most of the challenges of implementation as both internal and external stakeholders. To a larger extent the study found out that corporate strategy in itself, organization politics, structure and culture, government decisions, in adequate resources, poor communication, resistance to change and other uncontrollable factors as major challenges encountered during strategy implementation.

Although studies have been carried out on the challenges of strategy implementation; few studies have addressed the Ethics Anticorruption Commission. This study sought to address the challenges faced by the Ethics Anticorruption Commission (EACC) in implementing the strategies recommended by the United Nations Conventions against Corruption. Specifically, what are challenges faced by the Ethics Anticorruption Commission (EACC) in implementing the strategies recommended by the United Nations Convention against Corruption?

1.3   Research Objective

i.   To determine challenges encountered during the implementation of the strategies by EACC.

ii.   To establish the strategies adopted by EACC to address the challenges encountered during implementation.

1.4   Value of the Study

The study is of benefit to policy, practice and academicians. To policy makers, the study provides recommendation on the innovation of new ideas of strategy implementation. The study identifies policy gaps that can be fed to policy development for the betterment of strategy implementation approaches.

The study is of benefit the Ethics Anticorruption Commission (EACC) by identifying their gaps in strategy implementation and more progressive and effective approaches aimed at ensuring better strategy implementation. The study is also of benefit to other commissions such as the Teachers Service Commission as they will be able to appreciate better strategy implementation approaches drawing from the best of the study recommendations. The lessons brought out in the study can be used by management to improve operations.

Academicians and other researchers will use the findings of the study as the reference point for research within the same scope. The gaps arising from the current study will also be used to provide recommendations for further research. The study findings will also add to the existing literature on strategy implementation.

CHAPTER TWO

LITERATURE REVIEW

2.1   Introduction

This chapter discusses theories relevant to the study and literature related to the study is also reviewed with the aim of identifying literature gaps. The literature review will also guide the relevance of the study findings.

2.2   Theoretical foundation of study

This section contains review of theories relevant and which inform the theoretical background of the research subject matter. The theories reviewed are: institutional theory and the noble's strategic implementation model (minimalist model).

2.2.1   Institutional Theory

Institutional theory attends to the deeper and more resilient aspects of social structure. It considers the processes by which structures, including schemas, rules, norms, and routines, become established as authoritative guidelines for social behavior. It inquires into how these elements are created, diffused, adopted, and adapted over space and time; and how they fall into decline and disuse. Although the ostensible subject is stability and order in social life, students of institutions must perforce attend not just to consensus and conformity but to conflict and change in social structures.

The basic concepts and premises of the institutional theory approach provide useful guidelines for analyzing organization-environment relationships with an emphasis on the social rules, expectations, norms, and values as the sources of pressure on organizations. This theory is built on the concept of legitimacy rather than efficiency or effectiveness as the primary organizational goal (McAdam and Scott, 2004). The environment is conceptualized as the organizational field, represented by institutions that may include regulatory structures, governmental agencies, courts, professionals, professional norms, interest groups, public opinion, laws, rules, and social values. Institutional theory assumes that an organization conforms to its environment. There are, however, some fundamental aspects of organizational environments and activities not fully addressed by institutional theory that make the approach problematic for fully understanding NGOs and their

environment: the organization being dependent on external resources and the organization's ability to adapt to or even change its environment (McAdam and Scott, 2004).

Researcher such as Meyer and Rowan (1991), DiMaggio and Powell (1983) are some of the institutional theorists who assert that the institutional environment can strongly influence the development of formal structures in an organization, often more profoundly than market pressures. Innovative structures that improve technical efficiency in early-adopting organizations are legitimized in the environment. Ultimately these innovations reach a level of legitimization where failure to adopt them is seen as "irrational and negligent" (or they become legal mandates). At this point new and existing organizations will adopt the structural form even if the form doesn't improve efficiency.

This theory is applicable to this study as it conceptualizes the environment as the organizational field, represented by institutions which may include regulatory structures, governmental agencies, courts, professionals, professional norms, interest groups, public opinion, laws, rules, and social values. The nature of the organizational field influences formulation and implementation of strategies to a great extent.

2.2.2 Noble's Strategic Implementation Model (minimalist model)

Noble (1999) speaks of barriers to effective implementation. The physical distances hindering the necessary, cross-functional collaboration in the organization form physical barriers. Turf barriers are the other side of this coin, representing the differing interests of the distinct units. Interpretive barriers are formed by the different ways different units interpret and comprehend the strategy. Communication barriers need no explanation. Personality barriers reflect the personal characteristics of key personnel, as well as between different groups in the organization's hierarchy. Another important barrier is that of varied goals amidst the organization and its units. Noble's perspective, therefore, is that of the organization as consisting of different units and functional groups with different characteristics. Noble's model communicates a willingness to overcome the barriers between the content and process paradigms. It combines the strict demarcation between implementation and formulation with concepts from process orientated literature.

Mantere (2000) called it the minimalist model and gave two criticisms to Noble's rather linear view on strategy implementation. The first was the actual linearity, which is not a

very realistic view even in the interpretation of a single person. Aberg's three levels of interpretation provided the necessary depth to Noble's model. His notions help me to augment the minimal model of strategy implementation. The second concern was about the difficulty of determining who the communicator is and who the receiver is in various stages of strategy implementation. In addition, he gives a partial answer to this social complexity by speaking of a web in which different levels of interpretation assigns meanings to things and events (Aberg, 2000), which is rather far from being clear. It does not answer questions such as what are the roles of managerial and operational processes in such a network.

Aberg's levels of interpretation provide some sense for the interpretation process but fail to fully address the complexity of the interrelations between interpretation, adoption and enactment. There seem to be, however, some interconnections between interpretation and adoption. If one thinks about the three levels of interpretation presented by Aberg, one notes that the factors essential to adoption would seem to be essential to the connotative and symbolic levels of interpretation as well. Personal values play a role in the connotative layer of interpretation while organizational values play a role in the symbolic, interpersonal layer of interpretation. It might be prudent, therefore not to speak of interpretation and acceptance as separate processes. It would seem that the structural and systemic dimensions can act as strong strategic messages themselves in many cases, which mean that if the structural and systemic properties are not matched with communication practices (directly affecting the life worlds of the organizational members), one is faced with conflicts in the cultural dimension as well. To put it bluntly, if the structures and systems do not support the change effort, it seems as if the organization (or the management) is saying one thing and doing another. Therefore, when designing systems and changing structures to support the strategy, one possible viewpoint would be to endeavor packaging desired strategic message in the structures and systems. This could also be viewed as creating shared meaning. It is, however, important not to confuse creating shared meaning with the programming of the employees.

This theory is applicable to this study as it depicts that an organization consists of different units and functional groups with different characteristics. This groups and unit influence formulation and implementation of strategies to a great extent.

2.3   Challenges of Strategy Implementation

Chepkoskei (2012) sought to establish the challenges of strategy implementation at Transnational Bank Kenya Limited and to establish how the bank had been able to overcome the challenges of strategy implementation. The study used a case study design where primary data was collected using an interview guide. The data obtained was analyzed using content analysis. The findings from the study revealed that employee participation in strategy formulation was the main reason that slowed down the process of strategy implementation.

Kiplagat, (2008) sought to identify the challenges of strategy implementation at Kenya Revenue Authority and to establish measures taken by the Authority to cope with these challenges. Primary data was collected using interview guide by administering personal interviews targeting mainly those respondents who are charged with the responsibility of implementing strategies at KRA. The study established that most of challenges of strategy implementation at KRA emanated from both internal and external stakeholders. The involvement of bureaucratic procedures slowed down the process of strategy implementation. To a larger extent, the study found out that the corporate strategy itself, organizational politics, structure and culture, Government decisions, inadequate resources, inadequate communication, uncontrollable factors, resistant to change as the major challenges encountered during implementation of strategies.

Koech, (2012 assessed the challenges facing the implementation of performance contracting as a strategy at National bank of Kenya. The researcher intended to establish the challenges facing the implementation of performance contracting. The study adopted descriptive research design. The study utilized both primary and secondary data where Primary data was collected through interview guides while secondary data was gathered from various authoritative sources including books, published articles, and on-line journals. The study found out that there is a monitoring and evaluation mechanism put in place to provide feedback on employee performance. This was done through semi-annual reviews on targets which have been deliberately designed to have measurable indicators. The review mechanism involves the employee, an appraising supervisor, a HR reviewer and finally a HR committee.

Elwak, (2013) conducted a study seeking to address the challenges faced by Mazars Kenya in strategy implementation and establish measures to minimize the challenges of strategy implementation. The study adopted a case study where primary data was gathered using the interview guide. Data obtained from the interview was analyzed qualitatively to derive findings, conclusions and recommendations. The results indicated that the industry forces especially competition, changes in economic conditions greatly influence strategy implementation in Mazars Kenya. Further results indicated that employees and managers were fully involved in strategy implementation.

Mbaabu, (2012) sought to identify the strategy implementation practices, determine the challenges facing strategy implementation at the Deposit Protection Fund Board and to establish how the Board has managed challenges of strategy implementation. A review of related literature was undertaken to support the study. The research utilized case study design whereby seven respondents were interviewed for the study. An interview guide was used to collect data. Content analysis was used to analyze the data. The study found that the board encountered challenges during strategy implementation which include liquidation challenges, policy related challenges resulting from weak frameworks, economic and operational challenges. The study also found that the measures taken to mitigate the challenges were commitment by top management, changing people's cultural mindset and communication of the strategy to the staff especially those participating in the implementation of the organizational strategy. It was finally found that the measures in place to mitigate the challenges were ineffective.

Polle, (2012) sought to determine the challenges facing strategy implementation at GCE and the measures taken by GCE to cope with the challenges. The research was conducted using a case study design since the nature of the research was to determine strategy implementation challenges on a specific consulting firm. The study used primary data collected using guided personal interviews. The respondents were the 5 top level managers in the GCE and 7 directors. Content analysis was employed to process data collected. The study found that there were conflicting priorities in the implementation of strategies and the most important strategies were left unimplemented while the least important were implemented. The study found that strategy implementation at the GCE was facing a challenge in its management styles such as political influence. The measures taken to counter the challenges were strategic goals and initiatives to improve

communication skills within the organization and with clients so as to improve the employees' productivity and the organization earnings.

Ng'ang'a, (2012) sought to determine the challenges faced by JHPIEGO Kenya during the strategy implementation process. Primary data was collected through personal interviews with senior and middle-level managers with the aid of an interview guide. The data collected was analyzed qualitatively through content analysis. The findings revealed that challenges faced during implementation emanated from both internal and external sources. Externally, the donors and the government were found to have the great impact on implementation of strategies at JHPIEGO. Internally, inadequate human resources and ineffective rewards and incentives were identified as the most influential factors. It is apparent that successful strategy implementation will largely be determined by how managers of NGOs in the Kenya health sector adapt and align their strategies to changes in both the internal and external environment.

2.4   Concept of Strategic response

Kim and Mcintoch (2002) assert that rapid technological change, easier entry by foreign competitors, and the accelerating breakdown of traditional industry boundaries subject firms to new, unpredictable competitive forces. Contemporary firms, operating in dynamic market contexts, often deal with these contingencies by implementing strategies that permit quick reconfiguration and redeployment of assets to deal with environmental change. Manimala (2011) asserted that strategic responses to environmental changes were mainly around improving quality and productivity, reducing costs, restructuring and culture-building, rather than finding partnerships and assistance from across the newly opened boundaries. The findings suggest that competition does have an impact on self-improvements and that the primary impetus for strategy making is from one's own internal strengths than from the environment.

A company has competitive advantage whenever it has an edge over its rivals in securing customers and defending against competitive forces (Thompson & Strickland, 2002). Sustainable competitive advantage is born out of core competencies that yield long-term benefit to the company. Prahalad and Hamel (1990) define a core competence as an area of specialized expertise that is the result of harmonizing complex streams of technology and work activity. They further explain that a core competence has three characteristics

first it provides access to a wide variety of markets, secondly it increases perceived customer benefits and lastly it is hard for competitors to imitate. Sources of competitive advantage include high quality products, superior customer service and achieving lower costs than its rivals. The strategy of an organization involves matching its corporate objectives and its available resources. In this development of strategy, managers are concerned with reconciling the business the organization is in with the allocation of resources. This allocation process is concerned with the general purposes of an organization, whether it is part of the grand plan, the overall objectives or a strategy designed to keep the organization in business (Barney, 2009).

2.5 Strategic Responses to Counter Implementation Challenges

One of the measures that should be taken to deal with challenges of strategy implementation is using a logical approach to execution. Managers need and benefit from a logical model to guide execution decisions and actions. Without guidelines, execution becomes a labyrinth. Without guidance, individuals do the things they think are important, often resulting in uncoordinated, divergent, even conflicting decisions and actions. Without the benefit of a logical approach, execution suffers or fails because managers don't know what steps to take and when to take them. Having a model or roadmap positively affects execution success; not having one leads to execution failure and frustration (Hrebiniak, 2008).

An effective measure for dealing with challenges of strategy implementation would be to have a good strategy. Effective execution is impossible if strategies are flawed. The point is that business strategy is essential to the successful execution of corporate strategy. Poor strategic performance at the business level detracts from corporate ability to achieve its strategic aims, while good performance helps make corporate strategy work. Inadequate attention to the role of businesses in the corporate portfolio and the performance metrics for which businesses are held accountable can dull or negate the execution process at the very start (Raps, 2004).

Bui (2010) conducted a study on external risk drivers and risk management strategies in response to government's climate change policies. The author argued that risk exposure emanating from the environment drive changes in organisations' risk management strategies. Organisations move from stable and reactive strategies to anticipatory, proactive and creative

strategies. The desired impacts on risk reduction of these strategies also moved accordingly, from reducing consequences of the risk, to reducing or enhancing the likelihood or avoid/seek the risk. It is also found that regulatory uncertainties are the major constraint to investments in low-carbon technologies and carbon credit purchases.

Yousaf (2012) conducted a study on Emission Trading Scheme with a special focus on Risks and Strategies for the Norwegian Petroleum Industry. The author noted that when pursuing indifferent strategies, organization neither opposes nor supports in order to respond to the environmental factors. So, organizations with indifferent strategies do not bring any change in actions or operations for the improvement of the environment.

Choosing a proper structure is important measure in dealing with challenges of strategy implementation. The choice of structure is vital to the implementation of corporate strategy. Consider the age-old structural issue of centralization-decentralization. Over time, a corporation creates or acquires the businesses that make up the organization. Some corporate acquisitions become relatively independent, decentralized units competing in different industries. Yet there usually are activities or functions that cut across businesses and allow for centralization, reduced duplication of resources, and the scale economies so often sought by corporate management. Different businesses must be sufficiently independent to respond quickly to competitors' actions and customer needs. Yet they can't be so independent as to create an unnecessary duplication of resources and destroy all chances for synergies or scale economies across businesses. The corporation, then, must create the right balance of centralization and decentralization to achieve its strategic goals. Structure is also important at the business level. Cost-leadership strategies, for example, often rely on functional structures to achieve not only expertise and critical capabilities, but also the scale and scope economies that result from the standardization, repetition, and volume associated with the functional design. Like their corporate counterparts, business leaders must also worry about the balance between centralization and decentralization and the costs and benefits associated with each. Structure again supports strategy implementation (Blahová, 2011).

Integration is a measure in dealing with challenges of strategy implantation. People in different functions often see the world differently: R&D, marketing, and manufacturing, for example, usually have different goals, performance metrics, and time frames for decision making. Coordinating these diverse units to achieve common goals can be

difficult. Still, this coordination is needed and various methods are available—e.g. teams, integrating roles, matrix structures—to share knowledge and improve communication across the diverse functions. So, too, in geographically dispersed companies, where achieving global coordination to serve business needs while simultaneously accounting for country or regional differences is necessary for the execution of a global strategy. Integration mechanisms and structures (e.g. a coordinated global matrix) are again important (Li et al, 2008).

CHAPTER THREE

RESEARCH   METHODOLOGY

3.1   Introduction

This chapter deals with the methodology used in to carry out the research. The chapter is organized in the following sections: Research design, Data collection and Data analysis (Kombo Tromp, 2009).

3.2   Research Design

The study used the Case Study method and the unit of analysis which was the Ethics and Anticorruption Commission. The Case study method is an empirical inquiry that investigates the contemporary phenomenon within its real life context (Yin, 1998).

The objective of the case study method was to identify the factors that account for the behavior pattern of a given unit. The benefits of this method of study is essentially it is an intense investigation of the particular unit under study which is generally not possible with other methods of study (Kothari, 2004).

3.3   Data Collection

The study used both Secondary and Primary data. Secondary data which is data that is already available such as EACC Annual reports, Corruption Perception Index by TI and other published studies on anticorruption.

The primary data obtained from the in depth interviews with three respondents from EACC, and one respondent from Transparency International to provide required information to answer the research question. One of the merits of using the interview technique is that the interviewer can control who is to be interviewed and has the opportunity to restructure the questions if the need arises (Kothari 2004). The former Director of KACC was also interviewed to get his input on the topic**.** The respondents to the questionnaire are senior officials in EACC that have interacted directly with the UNCAC strategy implementation and review process.

The questionnaire given to the respondents was in three parts, part one were general questions on the role of the commission. Part two was on the implementation of the UNCAC strategies and part three was on challenges faced in implementing these strategies and recommendations.

3.4   Data Analysis

Data analysis started after the collection of the data which was processed and analysed according to the purpose of the study (Kothari, 2004). Processing data included editing coding, classification and tabulation of the data to make it simpler to analyse. Content Analysis was the tool that was used to analyze the content and information provided by the respondents during the interviews and documentary materials such as EACC reports.

Qualitative content analysis defines itself within this framework as an approach of empirical, methodological controlled analysis of texts within their context of communication, following content analytical rules and step by step models (Mayring, 2000). After the data was analyzed it was audited and checked for accuracy. Other research studies that have employed this technique are Kombo (1997), Khamis (2006) Ochanda (2005) and Rinje (2006).

CHAPTER FOUR: DATA ANALYSIS RESULTS AND DISCUSSION

4.1 Introduction

This chapter presents the results of the analysis of qualitative data collected through interviews. Results are presented in prose form. The analyzed data is arranged under themes that reflect the research objectives.

4.2 Respondents Profile

The researcher interviewed five respondents for this study. Two of the respondents work at EACC, one is the Chief Executive of the Commission and the other a senior legal officer working on the implementation of UNCAC at EACC. The third respondent is the Chief legal officer in the Department of Justice in the State Law Office and a key stakeholder in the implementation process of UNCAC. He is also the focal point for the Kenya government in all matters concerning UNCAC.

The fourth respondent is the Executive Director of Transparency International-K (TI-K), which is a national organization with international affiliations. TI-K produces the Corruption Perception Index (CPI), which is an aggregate index that measures the perceived level of corruption in countries. Kenya was rated 129 out of 176 countries in terms of corruption level in the CPI carried out in 2013. TI-K is a member of the National Steering Committee on the review of the implementation of UNCAC and key stakeholders of the commission. The fifth respondent is a former director of the commission and currently the Director and CEO of Kenya School of Law. He also host the national TV program, "Moving the Masses" that looks at the state of corruption in Kenya

Analysis of the demographics of the respondents show that they have been involved with EACC on for more than two years and are well conversant with the UNCAC convention. Four of the respondents are lawyers and one respondent has a Master of Art degree in Sociology and Conflict studies.

The respondents were provided with interview guides before the in-depth interviews that sought to find out if the respondents were familiar with EACC's mandate and if they were conversant with the UNCAC. They were also asked what challenges the commission was

facing in implementing UNCAC and what strategies had been put in place to overcome these challenges. During the interviews the researcher sought to find out from the respondents if the implementation of UNCAC was aiding in the fight against corruption and what role EACC stakeholder could play in ensuring the effective implementation of UNCAC.

4.3 Content Analysis

The study presented the qualitative data results. This was specifically done in line with the objectives of the study.

4.3.1 Challenges Encountered During the Implementation of the Strategies by EACC

This section addressed the first objective of the study which was to determine the challenges encountered by EACC during the implementation of the strategies recommended by UNCAC. The respondents were asked what challenges the encountered by EACC during the implementation of the strategies recommended by UNCAC.

To start with, the Chief Executive of the Commission said that the challenges that they encountered as an organization included; inadequate financial capacity and budget constraints and inadequate capacity in terms of human resources.

Secondly, the senior legal officer working on the implementation of UNCAC at EACC said that the challenges that they encountered as an organization included; weak legal frameworks, staff capacity limitation, public lethargy in getting involved in the fight against corruption, negative public perception, limited technical capacity to deal with the new laws such as mutual legal assistance and no proper legislation to provide for their protection of Whistle blowers.

Thirdly, the Executive Director of Transparency International-K (TI-K) said that the challenges that they encountered as an organization included; the judicial process too slow, political interest are very high and hindering the fight against corruption, weak legal framework, slow process of implementing the auditor general reports, lack of prosecution powers by EACC, lack of seriousness in sentencing corrupt individuals and lack of integrity by the Kenyans elect leaders.

Fourthly, the former director of the commission and currently the Director and CEO of Kenya School of Law said that the challenge that they encountered was a questionable integrity of staff within its ranks and lack of political will. Hostility was also palpable from the Legislature and the Judiciary. He added that the Commission is understaffed and underfunded with an inherited police culture in its approach to investigation. This culture is underlined by its lack of sophistication and expertise. In the area of prevention he said that the Commission collaborated with several public bodies but the formalistic measures put in place ostensibly to fight corruption had minimal impact on the deeply entrenched culture of high tolerance for corruption.

Further, he said that the foregoing notwithstanding the Commission (EACC) relied on the few trained staff and mutual legal assistance which did not work very well because of the Attorney General's penchant for 'second guessing' decisions made on prosecution for political reasons.

4.3.2 Strategies Adopted by EACC to Address the Challenges Encountered During Implementation

This section addressed the second objective of the study which was to establish the strategies adopted by EACC to address the challenges encountered during implementation of strategies recommended by UNCAC. The respondents were asked what strategies they adopted to address the challenges encountered during implementation.

The Executive Director of Transparency International-K (TI-K) gave a response derived from the Corruption Perception Index (CPI) produced by TI-K. He said that the convention has eight (8) chapters and seventy one (71) with strategies to implement the articles. Several of the strategies put in place by EACC for the year 2013 to 2018 are guided by UNCAC provisions, such as "Enhancing capacity of corruption prevention public, private and civil society actors".

He also added that EACC is one of the organizations actively involved in implementing the UNCAC convention to aid in the fight against corruption. This is enhanced through cooperation between the commissions with the other organization to implement strategies recommended by UNCAC. For instance, the National Steering Committee on the Review of the Implementation of the United Nations Convention against Corruption that was appointed by the AG and gazetted on 2nd August 2013.

In addition, recommended that the EACC should improve in various ways in order to enhance effective strategy implementation. this recommendations were; EACC should go to the areas identified in the report ask the ministries to sort out the problem or withhold further funding, the EACC should embrace cooperation with other organizations such as Depart of Public Prosecutions (DPP) and Judiciary. This would ensure that corruption cases are prosecuted according to the law so cases like anglo leasing would be brought to proper conclusion. The director also recommended that in the absence of sentencing corrupt individuals, there is a need to take those accused of corruption through a serious legal process. He gave an example of a country such as Rwanda which has low corruption incidences since there is seriousness in the prosecution of these cases. Further, he recommended that Kenyan's need to ensure they elect leaders of high integrity and ethical values, who will not perpetuate corruption once in office. The public need to demand accountability of their leaders when they are in office. The director also recommended that the outcome of the UNCAC review process should be shared with stakeholders, and action plans developed to implement recommendations. Finally, he recommended that there is need to have the National Anti-corruption Policy in place in oder to co-ordinate all the anti-corruption activities.

The senior legal officer working on the implementation of UNCAC at EACC said that the strategies they had adopted to address the challenges included; enhancing the capacity of EACC- Human Resource, ensuring that there was adequate finance for execution of their mandate, there is need for more training in technical areas to be able to implement UNCAC, the public should be educated on the UNCAC and emphasis the important role they can play in holding their leaders accountable especially in the counties, Continuous evaluation of the legal framework and strengthening the EACC working relation with DPP and Judiciary to ensure effective prosecution of corruption cases.

The former director of the commission and currently the Director and CEO of Kenya School of Law said that there were strategies that could be adopted to address the challenges included. In his contribution he said that the war against corruption can only be won if the tone from the political class is clear and the public tolerance for corruption reduces. He also said that bold rather than apologetic leadership from the Commission is necessary. In his comment, he said that currently EACC leadership comes out as timid tentative and politically correct. Further, he recommended that the Commission should be

more viable and should consider mounting a few private prosecutions to by-pass the Director of Public Prosecutions office bureaucracy. In conclusion, he said that corruption should be declared a national disaster and measures should be taken to recover the ill-gotten wealth.

4.4 Discussion of Findings

This section attempted to discuss the findings of the study. Such a discussion was done in accordance with the study objectives and also in accordance with literature theory.

4.4.1 Challenges Encountered During the Implementation of the Strategies by EACC

The respondents identified that one of the challenges faced by EACC is the inadequate financial capacity and budget constraints. Since the EACC relies on funding from the government, the money allocated to the commission to carry out its activities is not enough to meet the demand for the commission's services country wide.

These findings are also identified in literature as one of the challenges faced during strategy implementation. According to Hewlett (1999) one of the major constraints in implementing strategy is financial. Hewlett says it is important to include non financial measures at the business level such as market growth so that one can assess what deviations to expect due to changes in the business environment. To overcome this challenge the commission has requested the government to allocate it more money in the next financial year and there are plans to hire more personnel. The commission will also continue to open more regional offices to carry out its mandate in the counties.

Another challenge identified by the respondents from EACC was inadequate capacity in terms of human resources. The shortage of staff was also aggravated by a high staff turnover brought about by the uncertainty experienced during the transition period from KACC to EACC. Based on data collected, the number of staff complement at EACC is not enough to fully implement the strategies. These findings agree with those Armstrong (2010) who argued that a competitive firm is one that maintains its human resource.

Another challenge faced by the commission is a slow judicial process and adverse court decisions. The EACC annual report of 2012-2013 states that "the judicial process and the

adjudication of cases still slow. EACC was affected by adverse judicial decisions that stopped investigations or prosecutions." This results in the cases investigated by the commission taking too long to be heard in court or having investigations or prosecutions terminated by the courts. This affects the ability of EACC on delivery of its mandate. To overcome this challenge, the commission continues to engage the judiciary and office of the DPP to speed up the disposition of these cases. One of the stakeholder interviewed suggested the need to interrogate the judicial process on how anticorruption cases are dealt with anticorruption. This finding agrees with those of Kiplagat, (2008) who sought to identify the challenges of strategy implementation at Kenya Revenue Authority. In his study he found that most of challenges of strategy implementation at KRA emanated from both internal and external stakeholders. The involvement of bureaucratic procedures slowed down the process of strategy implementation.

The study also found that a weak legal framework and the absence of a National Policy on the commission is another challenge faced by EACC. In the commission's Annual Report 2012-2013, states that the anticorruption laws such as the Ethics and Anti Corruption Commission Act, 2011 and the Leadership and Integrity Act, 2012 are weak and there is no political goodwill to fight corruption and unethical conduct in Kenya. These laws need to be strengthened for EACC to deliver on its mandate. Also the inability to enforce codes of conduct in the public service has made it difficult to curb corruption in the public sector and the watering down of anticorruption legislation by legislators. The lack of a National Policy on Anticorruption has made the efforts of the commission and other organization uncoordinated and varied. Areas that would have benefited from an integrated approach such as investigations and asset recovery are affected. EACC continues to push for this policy to be enacted by parliament through the AG office. These findings agree with those of Mbaabu, (2012) who sought determine the challenges facing strategy implementation at the Deposit Protection Fund Board. The study found that the board encountered challenges during strategy implementation which include liquidation challenges, policy related challenges resulting from weak frameworks, economic and operational challenges.

4.4.2 Strategies Adopted by EACC to Address the Challenges Encountered During Implementation

The study found that the government focal point on the implementation of UNCAC is at the department of Justice at the Attorney General office and is a key stakeholder of EACC. The study also found that the implementation of the convention requires the involvement of various stakeholders including civil society to monitor the implementation of the convention. Transparency International-K represents civil society in the steering committee that reviews the implementation of UNCAC. EACC and the department of Justice are also represented in this committee. The commission is also the secretariat for the committee whose mandate include: making recommendations for new legislation or review of existing legislation and regulations to address some legislative gaps, advise the government on measures necessary to comply with UNCAC and after the UNCAC review identify challenges, assistance needs and recommendations. The respondent from TI-K felt the strategy to make the steering committee a standing committee, with very specific terms of reference would help in the implementation of UNCAC strategies. Another strategy suggested by TI-K was the engagement of civil society and the public through the whole implementation process through EACC which is the secretariat. The public should be sensitized in-order to speak out against corruption, demand integrity and ethical behavior from their leaders in government, while holding them accountable. These findings agree with those of Chepkoskei (2012) who found out that employee participation in strategy formulation was the main reason that slowed down the process of strategy implementation.

During the interviews, the respondents from TI and the department of Justice at the AG office also concurred with the challenges identified by EACC and felt that the current anticorruption legislation need to be reviewed such as the verification Wealth Declaration at EACC and courts placing the burden of proof for Elicit Enrichment on the organization and not the accused. They pointed out the need for the National Policy on Anticorruption to be finished and enacted. This would reduce the duplication of efforts among EACC and other agencies. The stakeholders also felt the need to strengthen EACC and other watchdog agencies to aid in the fight against corruption by strengthening the anticorruption legal frameworks. These findings agree with those of Polle, (2012) who recommended that measures should be taken to counter the challenge encountered during

strategy implementation. These measures are include; strategic goals and initiatives to improve communication skills within the organization and with clients so as to improve the employees' productivity and the organization earnings.

One of the challenges identified is negative public perception of EACC fulfilling its mandate. To counter any negative perception on the fight against corruption, the stakeholders interviewed felt that the EACC could undertake the strategies that would give the commission quick gains such as deterring police from taking bribes, asset recovery and disrupting land grabbing and pushing for prosecuting these cases. The public should see that accused persons are taken through a serious judicial process. Another challenge the study identified is the lack of prosecutorial powers by the EACC. The lack of prosecutorial powers also hampers the commission fight on corruption due to the slow judicial process and adverse court decisions. EACC currently investigates corruption cases then forwards the cases to the DPP for prosecution. For the commission to effectively fulfill its mandate of fighting corruption, the respondents felt the commission should be able to prosecute the cases. The respondents felt to that in the absence of these powers, EACC needs to work closely with then DPP and the judiciary. They must have continuous engagement to ensure greater judicial process is on course and that reduce the incidence of adverse decision that terminate investigations or prosecution cases.

The former director concurred that EACC faces the challenge of been understaffed and underfunded. He indicated that the commission had questionable integrity among its staff. To overcome this challenge the commission has vetted there staff during the transition period, 2012-2013 according to the Ethics and Anti Corruption Commission Act, 2011. He also pointed out the need for more staff to be trained especially in specific areas such as mutual Legal assistance. Another challenge identified was in the area of Prevention, where the commission has collaborated with several public bodies but the formalistic measures put in place ostensibly to fight corruption have minimal impact on the deeply entrenched culture of high tolerance for corruption. Another challenge the respondent identified was hostility from the Legislature and the Judiciary. The respondent pointed out that the war on corruption can only be won if the tone from the political class is clear and the public tolerance for corruption reduces. The commission needs to be strengthened through a strong legal framework. In the absence of prosecutorial power, the

commission should consider mounting a few private prosecutions to by-pass the Director of Public Prosecutions office bureaucracy and Corruption should be declared a national disaster and measures should be taken to recover the ill-gotten wealth.

These findings agree with those of Jones (2009) who asserts that organizational politics is another challenge to strategy implementation. Organization politics are tactics that strategic managers engage in to obtain and use power to influence organizational goals and change strategy and structure to further their own interests. The finding also agree with those of Wang (2010) who states that it is important to overcome the resistance of powerful groups because they may regard the change caused by new strategy as a threat to their own power.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents summary of findings, conclusions and suggestions for further study and recommendations from the findings in the study. The objectives of the research were to determine challenges encountered by EACC during implementation of the UNCAC strategies and what measures they have put in place to overcome these challenges.

5.2 Summary of Findings

The study found that the some of the challenges encountered by EACC in the implementation of the UNCAC strategies included limited financial and human resources. To remedy the situation the commission has requested the government for more budgetary allocation in the next financial year and has indicated in their strategic plan strategies to identify other sources of funding. The commission has also undertaken a recruitment exercise to get more staff and has plans to recruit additional staff in the next financial year.

The study also identified the lack of a National Anticorruption Policy and weak legal framework as a challenge. In its strategic plan 2013-2018, the commission indicated that one of the strategies to deal with this challenge is completion of the national anti corruption plan within the planning period. The commission also plans to pursue the strategy to amend the anticorruption laws such as the Ethic and Anti Corruption commission Act, 2011. and the Leadership and Integrity Act, 2012, to make the fight on corruption more effective and to enforce chapter 6 of the constitution of Kenya on Leadership and Integrity. The commission will also continue to lobby for prosecutorial powers to make them deal with corruption more effectively.

To strengthen the commission's institutional capacity, the commission intends to pursue the strategy of opening five additional offices in the counties and develop a monitoring and evaluation system to assess the impact of the activities of the commission on ground. Another strategy the commission will follow is to strengthen existing partnerships and coalitions as well as forge new ones to strengthen the fight on corruption. All these

strategies are clearly indicated in the EACC Strategic Plan for the period 2013 to 2018 after a several consultations with staff and stakeholders.

5.3 Conclusion

The study concludes that EACC has faced various challenges in the implementation of UNCAC strategies has but developed strategies to overcome these challenges. The study concludes that most challenges faced in implementing these strategies are from the commission's external environment. The weak legal frameworks and lack of a national policy on anticorruption and slow judicial process are external.

The study further concludes that the involvement of EACC in the National Steering Committee on the review of UNCAC and to host the secretariat, is an indication of the commitment of EACC to the implementation of UNCAC. The study also concludes that EACC internalisation of the convention as reflected in the structure of its directorates. EACC directorates are structured in a manner that reflect the UNCAC chapters namely Prevention, Legal and Asset Recovery (Criminalisation and Law Enforcement), Investigation and Asset recovery. The study also concluded that the commissions strategies for the period 2013- 2018, are guided by UNCAC strategies and the implementation of the convention is critical in the fight against corruption.

5.4 Recommendations

It was evident after the study the success of EACC ability to implement UNCAC depends on the cooperation and support from its stakeholders including government. The success of the work of the commission depends on awareness by the public on the challenge of corruption and its effects on the economy and development. The public needs to be mobilised to support the fight to eradicate corruption. EACC needs to be more aggressive in educating the public on UNCAC and corruption, its negative effects on development. They need to get the support of the public to speak out against corruption and demand accountability from the government (county and national) and leaders

The financial constraint is a major challenge and the government needs to allocate more funds for the commissions activities. Also other sources of funding should be identified instead of total reliance on the government. The concern of staff capacity is also tied to the finances available to the commission. The staffing at EACC is critical and should be

addressed quickly by hiring enough staff and ensuring they are well trained in the relevant areas. The UNCAC secretariat provides technical support to its member states, and EACC should fully utilise this opportunity.

The challenge in Policy and legal frameworks calls for strengthening of the anticorruption laws and the National Anticorruption Policy needs to be fast tracked and proper timelines for its completion stated. EACC should lobby for the legislature through the AG's office to strengthen the anticorruption laws. To address the slow judicial process and adverse Court decision, EACC should work closely with the DPP and Judiciary to address this challenge.

5.5 Limitations of the Study

The study was conducted within a limited timeframe. The researcher was not able to interview more respondents because of time and unavailability of respondents. Since the study only focused on EACC, the researcher could not interrogate the other watchdog organisations that are involved in the implementation of UNCAC such members of the judiciary, private sector, civil society among others. The time of the research also coincided with the ongoing UNCAC review, which means the results of that review will not be included in this study.

5.6 Suggestions for Further Research

Since this study focused on the challenges faced by EACC in the implementation of the UNCAC strategies, there is room to look at what challenges other watchdog organisations in the area of corruption face in implementing UNCAC. This study also took place during the UNCAC review and the findings were not available, so another study can be done to on the findings of the review and recommended strategies to be implemented.

There is also room to look at specific challenges highlighted by this study specifically the Slow Judicial Process and Adverse Judicial Decisions and what strategies can be implemented to streamline this process. Additional studies can be carried out on the Policy and Legal frameworks, what strategies are used to develop the legal frameworks and what strategies can be implemented to strengthen these frameworks and policy.

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Appendix 1: Interview guide to EACC STAKEHOLDERS

"STRATEGIES EMPLOYED BY THE ETHICS AND ANTICORRUPTION COMMISSION TO COMBAT CORRUPTION."

1) Name...
2) Organization…………………………………………………….
3) Position and description of duties……………………………………………………………………… ……………………………….
4) Number of Years worked with organization ………………………………………………………………………..
5) Give us a brief history of your organization and its mandate ……………………………………………. ……………………………………………………………………… ……………………………….
6) Is your organization a key stakeholder of EACC, please explain ……………………………………………………………………… ……………………………………………………………………… ………..
7) How does your organisation interact with EACC and partners to meet its mandate………………………………………………………………… ………………………..
8) Are you familiar with UNCAC? Please explain ……………………………………………………………………… ……………………………………………………………………… ……………………………………………………………………… ……………………………………………………………………… ……………………………………………..
9) How successful has EACC been in implementing the UNCAC strategies. ……………………………………………………………………… ……………………………………………………………………… ……………………………………………………………………… …………….
10) What challenges has EACC faced in implementing UNCAC strategies ……………………………………………………………………… ……………………………………………………………………… ……………………………………………………………………… ……………..

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11) What strategies should EACC putting in place to overcome these challenges
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12) What strategies should EACC put in place fulfill its mandate (based on the strength, weakness, opportunities and threats of the commission- SWOT)
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13) Member states to UNCAC are expected to do a review on their progress on the fight against corruption. EACC and other stakeholders were involved in this review currently, what does this process entail?
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14) Based on these findings what strategies is the Commission putting in place for a better UNCAC review
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15) What strategies should EACC stakeholders do to assist in the fight against corruption
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APPENDIX II: Questionnaire to EACC

"STRATEGIES EMPLOYED BY THE ETHICS AND ANTICORRUPTION COMMISSION TO COMBAT CORRUPTION."

16) Name..
17) Organisation……………………………………………………….
18) Position and description of
    duties……………………………………………………………………………
    …………………………….
19) What is your understanding of the EACC
    mandate……………………………………………………………………………
    …………………………………………………………………………………………
    …………………………………………………………………………………………
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20) EACC is now a constitutional commission, has this made any impact in the
    commissions ability to implement its mandate?
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    …………………………………………………………………………………………
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21) What are some of the strategies EACC put in place fulfill its mandate (based
    on the strength, weakness, opportunities and threats of the commission-
    SWOT)
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22) What challenges has the commission faced in implementing these strategies both internally and externally

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23) What strategies is the commission intend to implement to overcome/mitigate these challenges……………………………………………………………………………
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24) How successful has the commission been in overcoming the challenges…………………………………………………………………………………
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25) Several stakeholders are involved in the Implementation of UNCAC, please explain how EACC works with these stakeholders………………………………………………………………………………
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26) There is a UNCAC review for Kenya been done, what role has the commission played?...
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27) Based on the Transparency International Corruption Perception Index, Kenya is still perceived to be doing poorly in the fight against corruption. What is the commission doing to change this perception…………………………………………………………………………………

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28) Corruption stifles growth and investment, what strategies would you recommend as a way forward on the fight against corruption…………………………………………………………………………

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