

UNIVERSITY OF NAIROBI

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

**AN EXAMINATION OF TRUCK DRIVER'S WILLINGNESS TO REPORT
ALLEGATIONS AND INCIDENCES OF BRIBERY: THE CASE OF MALABA
BORDER POINT**

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**A RESEARCH REPORT SUBMITTED IN PARTIAL FULFILLMENT FOR THE
AWARD OF MASTER OF ARTS DEGREE IN CRIMINOLOGY AND SOCIAL ORDER**

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DECLARATION

I confirm that this research report is my original work and has not been submitted for examination in any other university for the award of a degree.

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Declaration by Supervisor

This research report has been submitted for examination with my approval as the University Supervisor.

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DEDICATION

First and foremost, I wish to dedicate this work to God Almighty for giving me the patience to complete the programme. To my children: Isabel, Ian and Israel and wife: Alice, for their love and sacrifice in spite of my absence. I also wish to dedicate this work to my friends and colleagues at work, for constant encouragement and advice, which ensured that I did not lose focus throughout the duration of the programme. Finally, I wish to dedicate this work to all the men and women in Malaba who volunteered to assist and make this study a success.

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ABBREVIATIONS

ACECA	-	Anti Corruption and Economic Crimes Act
ACPU	-	Anti Corruption Police Unit
CPI	-	Corruption Perception Index
EACC	-	Ethics and Anti-Corruption Commission
GoK	-	Government of Kenya
GYAAC	-	Guide to Youth Action Against Corruption
KACA	-	Kenya Anti-Corruption Authority
KACC	-	Kenya Anti-Corruption Commission
KRA	-	Kenya Revenue Authority
TI	-	Transparency International
UNCAC	-	United Nations Convention Against Corruption
UNODC	-	United Nations Office on Drugs and Crime

ABSTRACT

The general objective of the study was to examine truck driver's willingness to report allegations and incidences of bribery at Malaba border point. In order to achieve this, the study looked at the nature of the cases being reported and the level and trend of truck driver's willingness to report allegations and incidences of bribery. Factors which influence truck drivers from reporting allegations and incidences of bribery and strategies which encourage truck drivers to report allegations and incidences of bribery were also looked into. The study utilized the Social Learning Theory. Questionnaires and interview guides were used to collect data from 100 truck drivers and the 6 key informants respectively. The collected quantitative data was analyzed using SPSS package and the results presented as percentages and frequency distributions.

It was found that the prevalence of bribery was high at Malaba border point due to being a busy transit point offering many opportunities for bribery demands. The lowest and highest amounts of bribes that were given at the border ranged between Kshs. 200-500 and between Kshs. 200-5,000 respectively. It was found that most of the respondents were unwilling to report bribery demands due to the fear of victimization while the level of willingness to report allegations and incidences of bribery had remained the same over time. Most individuals did not report bribery because they regarded it as not their responsibility and also did not report because they believed that no action was going to be taken.

It was also found that the preferred places to report allegations and incidences of bribery was EACC due to its autonomy and clear mandate while KRA, Kenya Police and the provincial administration were considered as perpetrators of bribery offences. The truck driver's attitude towards corruption was negative as evidenced by disagreement on statements that linked leaders and government to corruption. The study recommends that government and EACC should create awareness on efficient reporting channels and protect whistleblowers from victimization. Other studies targeting other border points in the country should be undertaken in order to inform on truck driver's willingness to report allegations and incidences of bribery.

CHAPTER ONE: Introduction

1.1 Background

Bribery refers to corruptly giving or offering a benefit that is an inducement or reward to persuade someone to act in one's favour (GoK, 2003). It is among the offences listed under corruption which is the abuse of entrusted power for private gain (GoK, 2003; Transparency International, 2012). Corruption is the term commonly used to denote bribery in common discourse. The impact of corruption including bribery is varied and is experienced widely. According to the United Nations Office on Drugs and Crime (UNODC), corruption permeates the political, economic and social spheres of communities and countries (UNODC, 2012). KACC (2006) states that corruption undermines democracy and the rule of law, leads to human rights violations, distorts markets, erodes quality of life and allows organized crime, terrorism and other threats to occur. It hinders economic development, diverts investments in infrastructure, institutions and social services and also undermines efforts to achieve other country specific goals (KACC, 2006). Corruption also hurts the poor disproportionately and is a dominant factor that leads fragile countries towards state failure (UNODC, 2012; Graycar and Sidebottom, 2012).

A survey analyzing 360 cases in Europe, Middle East and Africa found that 25% of occurrences of fraud discovered in enterprises came to light due to whistle blowers (TI, 2007). The East African Bribery index posits that a majority of respondents who encountered bribery never complained or reported the incidences revealing deterioration in the proportion of those who reported from 7.1% in 2011 to 5.5% in 2012 (TI, 2012). Kenya was ranked 139 out of 176 countries with a Corruption Perception Index (CPI) score of 27 in the year 2012. The East African Bribery Index, 2012 shows that the current levels of corruption in Kenya are high as indicated by 84% of the sample and projects that corruption and bribery levels will increase next year (TI, 2012). However, a major issue is that very few citizens (5.7%) reported corruption incidents to corruption authorities (TI, 2012).

In the United States of America, the level of criminal activity motivated by financial gain is tremendous. The society seems to accept corporate and other white-collar crimes as normal. ABSCAM, a political scandal, has shown the world that bribery and corruption can reach even the highest levels of government. Although society generally disapproves such crimes, the public seems to be tolerant of the “gentleman bandit” (Siegel, 1992). According to the Guide to Youth Action Against Corruption [GYAAC] (2009), many cases of corruption go unpunished daily due to failure in reporting. The National Anti-Corruption Campaign Steering Committee established in its baseline survey of 2008 that only 7.3 % of those who witnessed corruption reported the incident. Even though they are unlikely to share in the proceeds of such corrupt transactions, many people still feel the sense of “brotherhood” is too strong to report a person known to them. Anti-corruption efforts by the international community have led to the establishment of global and regional initiatives to fight corruption. Among such agencies are the UN Convention against Corruption; the African Union Convention on Prevention and Combating Corruption; the UN Convention against Transnational Organized Crime; the UN Declaration against Corruption and Bribery in International Commercial Transactions; and the International Code of Conduct for Public Officials. In addressing the problem of corruption, a number of countries in Africa and Asia have developed and implemented anti-corruption initiatives with varying levels of success (KACC Annual Report, 2005-2006).

Among members of the group of ordinary citizens and poor segments of society, corruption does not benefit them in absolute terms even in the long run (Persson et al, 2012). In this group, corruption is not actively supported but rather pragmatically accepted for the simple reason that it facilitates life, either by maximizing efficiency in achieving objectives which would otherwise be out of bounds, or by minimizing the risks, such as avoiding trouble with for instance the police or the courts (Persson et al, 2012). Therefore top officials gain the most in absolute terms from corruption hence have the greatest incentives to perpetuate the status quo.

Persson et al (2012) state that the unwillingness of ordinary citizens in corrupt settings to report corruption is linked to the state losing the ability to provide public goods on a broader basis, instead, it is the “big men” that are providers of public goods. It is within the limits of this

vicious cycle that people find it too costly to report or punish corrupt behavior (Persson et al, 2012). Therefore, victims of bribery may not report such incidences due to fear of retaliation by people in positions which may lead to losing one's job or even life. Victims may also be reluctant to fight an established practice or may to some extent share responsibility for the crime, which consequently affects their willingness to report (Bisogno, 2012).

1.2 Problem Statement

Corruption in Kenya is still very much rampant in spite of various anti-corruption measures put in place by the Government (Chweya *et al*, 2005). In a Corruption Perception Survey that was carried out, it was found out that 75% of respondents had witnessed corrupt activity while 60 per cent were victims of it. A survey that was done by the National Anti-Corruption Campaign Steering Committee established that only 7.3 % of those who witnessed corruption reported the incidents (Guide to Youth Action Against Corruption, 2009). Therefore many cases of corruption go unpunished due to failure to report such cases.

Individuals are a valuable source of information about both public sector and private industry inadequacies and illegalities (Zipparo, 1999). However, traditional concepts of loyalty to an organization have meant that whistle blowing has often been perceived as a negative behaviour by organizations (TI, 2007). The close-knit nature of communities can pose a significant challenge for whistle blowing mechanisms particularly in terms of encouraging disclosures and assuring confidentiality of whistleblowers who come forward (T1, 2007).

Failure to report allegations and incidents of bribery perpetuates the crime and its adverse effects. Secondly, bribes are flat lump-sum payments which constitute a larger portion of poor families' budgets which makes such families poorer. In addition, in spite of the existence of the Witness Protection Act for protecting witnesses such as those who report bribery incidents, very few people report bribery allegations and incidents. From the above observations, it is clear that very few citizens are willing to report allegations and incidents of bribery. It would therefore be important to understand why many people and specifically truck drivers, do not report allegations and incidents of bribery. The study therefore seeks to examine truck driver's willingness to report allegations and incidences of bribery.

1.2.1 Research Questions

The study is guided by the following research questions:

- i. What is the prevalence of the cases being encountered?
- ii. What is the level and trend of truck driver's willingness to report allegations and incidences of bribery?
- iii. What are the factors which influence truck driver's willingness to report allegations and incidences of bribery?
- iv. What are the strategies that encourage truck drivers to report allegations and incidences of bribery?

1.3 Objectives

1.3.1 General Objective

The general objective of the study is to examine truck driver's willingness to report allegations and incidences of bribery at Malaba border point.

1.3.2 Specific Objectives

- a. To analyze the prevalence of the cases being encountered.
- b. To examine the level and trend of truck driver's willingness to report allegations and incidences of bribery.
- c. To establish factors which influence truck drivers from reporting allegations and incidences of bribery.
- d. To identify strategies which encourage truck drivers to report allegations and incidences of bribery.

1.4 Justification of the Study

Corruption and by extension bribery, threatens the stability and security of a country, stagnates development, affects democracy, interferes with the economy and significantly hurts the poor (UNODC, 2012). Corruption and bribery have a significant social, economic and political impact on the population under study. Thus, failure to report allegations and incidents of corruption perpetuates corruption and thus its adverse effects. In addition to economic costs, corruption is

associated with inequitable growth, poverty, social exclusion, lack of trust in authorities, and other political and social costs that endanger development.

At the moment, current levels of corruption and bribery in Kenya are high and are projected to increase (TI, 2012). In a survey released by Transparency International in Berlin in July 2013, Kenya was ranked fourth among countries with the highest cases of bribery in the world. Indeed it was reported that seven out of ten Kenyans interviewed by TI-Kenya have given a bribe in the last twelve months.

Despite the existence of various reporting avenues for the public to report bribery, the crime has continued to be a problem in Kenya. The number of corruption incidences reported by the public has also been dismal despite the importance of reporting as a strategy against corruption and bribery. Few studies have also been undertaken on truck driver's willingness to report allegations and incidences of bribery in Kenya. The study will also provide information to policy makers, contribute to the body of knowledge and create opportunities for further research.

1.5 Scope and Limitations

This study focuses only on truck driver's willingness to report allegations and incidences of bribery. It therefore focuses on reporting practices and factors which influence truck drivers from reporting allegations and incidences of bribery. In addition, it seeks to identify strategies that encourage truck drivers to report allegations and incidences of bribery. The limitations that the researcher foresaw included lack of funds, and time constraints due to work and personal commitments. Issues of confidentiality regarding reporting of bribery allegations and incidences emerged. They were overcome by obtaining appropriate permission from authorities and respondents to undertake the study and by focusing on matters that were purely of academic interest. The researcher assured the respondents that the purpose of the study was purely academic and that findings would not to be divulged to unintended persons. The names of respondents were also kept secret to protect their identity.

1.6 Definition of Key Terms

Allegations: Refers to accusing somebody of doing something that is wrong or illegal.

Bribery: Refers to corruptly giving or offering money or other inducement to dishonestly persuade someone to act in one's favour. It is among the offences listed under corruption which is the term commonly used in common discourse. In this study, corruption is explicitly used to depict bribery.

Corruption: Corruption is the abuse of power, most often for personal gain or for the benefit of a group of which one owes allegiance.

Complaint: A complaint is any information alleging the commission of an offence.

Reporting: Oral complaints lodged by truck drivers to law enforcement agencies regarding soliciting or receiving of bribes by public officials; KRA, Police and Weighbridge officials

Whistleblower: A person who reports a crime/ corrupt activity of another member/members within the same organization, to a law enforcement agency.

CHAPTER TWO: Literature Review and Theoretical Framework

2.1 Introduction

This chapter reviews both published and unpublished literature that is relevant to the study topic and objectives. It is divided into two, theoretical and empirical literature. The literature summarizes existing information on factors which deter people from reporting allegations and incidences of bribery and level of truck driver's willingness to report allegations and incidences of bribery. It also highlights factors which influence truck drivers from reporting allegations and incidences of bribery and strategies which encourage truck drivers to report allegations and incidences of bribery. The chapter concludes by formulating both theoretical and conceptual frameworks.

2.2 Theoretical data

The theoretical literature tackled what had been reported by other authors regarding definition or taxonomy of corruption, causes of corruption, corruption reporting and factors that deter or encourage reporting of corruption. It also included reasons as to why anti corruption reforms had failed and strategies against corruption.

2.2.1 Taxonomy of Corruption

Collier (1999) places the various definitions of corruption into three categories namely public-office centered, market-centered and public interest centered. Public-office centered definition regards corruption as behaviour that deviates from the normal duties of public role because of private, pecuniary or status gains or violates rules against the exercise of certain types of private regarding influence (Nye, 1967). It includes bribery, nepotism, and misappropriation whereby bribery is the use of reward to pervert the judgment of a person in a position of trust. The reward or benefit can be any inducement such as money, valuables, inside information, sexual favours or the mere promise of incentives (Samford et al, 2006).

The above types of bribery include influence peddling by public officials, for commission of services, to avoid liability for taxes or other costs, in support of fraud, to avoid criminal liability, in support of unfair competition for benefits or resources and private sector bribery to obtain

confidential or inside information (Samford et al, 2006). Nepotism refers to bestowal of patronage by reason of ascriptive relationship rather than merit while misappropriation is the illegal appropriation of public resources for private regarding uses (Nye, 1967).

Market – centred definition refers to a situation when a corrupt civil servant regards his or her office as a business hence seeks to maximize his income. The size of this income depends upon the market situation and his or her talents for finding the point of maximal gain on the public's demand curve (Collier, 1999). Public-centred definition involves a power holder who is charged with doing certain things and by monetary or other rewards not legally provided for induced to take actions which favor the provider of the reward, does damage to the public and its interests (Collier, 1999).

2.2.2 Causes of Corruption

Uslaner (2008) attributes the fundamental underlying explanation for corruption to be inequality. In settings of significant inequality, people have little reason to trust out-group others including the government. This leads to a situation where the state is seen as something that can be grabbed for one's in group. It is grand corruption which pervades the highest levels of a national government, leading to a broad erosion of confidence in good governance, the rule of law and economic stability that people find aggrieving. People become habituated to the daily workings of petty corruption such as exchange of very small amounts of money, granting of minor favours or the employment of friends and social frameworks. People do not become inured to grand corruption and perceive it as tied directly to inequality (Uslaner, 2008).

Svensson (2005) states that corruption is caused by widespread poverty and low level of public sector salaries, lack of any risk spreading mechanism such as insurance and a well-developed market, and opportunities presented by complex, poorly defined, constantly changing and inadequate rules and regulations. Corruption is also caused by lack of properly established laws and principles or code of conduct applicable to public officials and lack of institutions to enforce them, and lack of watch dog agencies. Other causes of corruption include lack of exemplary ethical leadership exhibited by politicians and senior public officials, and nepotism (Svensson, 2005).

According to Carr (2007), corruption emanates from structural and societal causes derived from different institutional models and various historical and cultural factors, and incentives that encourage individuals to participate in corrupt acts. Actors are more likely to be corrupt under conditions in which they hold monopoly over a good or service, have discretion over how the good or service is to be allocated and there are insufficient accountability measures in place to hold that individual liable.

Corruption affects a country economically by distorting incentives whereby able individuals allocate their energies to rent seeking and to corrupt practices and not to productive activities (Tanzi, 1998). Tax evasion, the inflation of the cost of doing business through rent seeking and reduction in expenditure on education and health slows economic growth. Politically, corruption hampers political development and contributes to political instability. Privatization of state bureaucracy by the ruling elite prevents threats from dissenting groups or individuals due to fear and repression (Rose – Ackerman, 1997).

Systemic corruption therefore undermines the legitimacy of the government as citizens come to believe that government is for the highest bidder (Rose – Ackerman, 1997). Socially, under a corrupt system, the privileged enjoy economic rent which represents abnormal monopoly profits that can bestow large benefits to a tiny minority. Corruption increases income inequality since well –connected individuals take advantage of government activities at the cost of the rest of the population (Tanzi, 1998). It also affects the poor by increasing the price for public services, lowers its quality and often restricts people’s access to public services (ibid).

2.2.3 Corruption Reporting

Clausen et al (2011) state that well functioning public institutions play an important role in economic development. A key ingredient in the effectiveness of public institutions is the confidence that they inspire among those whom they serve (Clausen, et al, 2011). Where individuals report a high incidence of personal experiences with corruption, and where corruption is perceived to be widespread, confidence in public institutions is also low. Thus, there is the possibility of vicious cycles whereby corruption undermines confidence in public

institutions and this in turn increases the acceptability of offering bribes to obtain public services hence increase the possibility of corruption (Cho and Kirwin, 2011).

Disclosure procedures or channels for reporting can be internal or external and there are three levels namely channels provided by the organization itself through hotlines and electronic platforms, channels provided by the regulator such as police or the ombudsman's office and external channels such as media and civil society organizations (T1, 2007). Anonymous reporting is a disclosure made through a channel that assures no possible link to the person providing the information while confidential disclosure is where the identity of the whistleblower is known only to the recipient of the disclosure. The recipient has an obligation to keep the whistle blowers name secret both towards members of the concerned organization and to the wider public (T1, 2007).

Whistleblowers should have the opportunity to choose between different reporting channels to enable them to select the person(s) with whom they are most comfortable to give information and the channels they find easiest to use (T1, 2007). Whistle blowers tend to try internal reporting first before using external channels if their report is not being followed up. However, internal channels often do not work hence few or no cases are received. Safe access to external reporting channels is therefore indispensable to ensure that the internal process is accountable to a higher authority (T1, 2007). The existence of a channel of disclosure is not sufficient since the challenge is to ensure that people know where to report and understand how to use the channels (ibid).

TI (2007) reveals that once a claim has been made, there is need to establish safeguards against reprisals which are easy for the whistleblower to access. There must be a way to encourage disclosure while protecting and guaranteeing the whistleblower and his family from retribution. Trust worthy and effective follow-up mechanisms and clear procedures are crucial to create an enabling environment for whistleblowers. Similarly, independent review of cases provides a check on authority. There is a need to keep the whistleblower informed about each state of the investigation while also ensuring compensation for retaliation and offering rewards.

Remedies available include return to work, payment of lost wages, and transfer to a new job. A key element in an effective whistleblower protection mechanism is the right of appeal for any whistleblower who believes that he or she has suffered retaliation (T1, 2007). The centralization of information data and application of existing legal provisions can show case the benefits of whistle blowing and extend the rights of the whistleblowers to report and be protected (ibid).

2.2.4 Why Anti-Corruption reforms fail

Persson et al (2012), state that most anti-corruption reforms are based on a theoretical mischaracterization of the problem of systemic corruption. Contemporary anticorruption reforms are based on a conceptualization of corruption as a principal agent problem. For example, according to the principal agent theory, if only formal institutions that negatively influence agents' expected gross gain of being corrupt increase the probability of getting caught as well as increase the penalty if detected are established, corruption will be solved. The theory assumes the existence of one group of actors acting as principals willing to hold corrupt officials accountable. Principal agent problems arise when principals (such as the public) have different incentives and levels of information to agents or those they delegate tasks to or public officials (Persson *et al*, 2012).

According to Persson et al (2012), situations of systemic corruption however resemble a collective action problem. In collective action theories, the rewards of corruption and hence the strategy any rational actor is most likely to opt for should be expected to depend critically on how many other individuals in the same society that are expected to be corrupt. In so far as corrupt behavior is the expected behavior, everyone should be expected to act corruptly including both agents and principals. The short term costs of being honest are comparatively high since it will not change the game (Persson et al, 2012). Hence unwilling or incapable of bearing the costs, people will instead continue to choose corrupt alternatives before non corrupt ones. All the actors may well understand that they would stand to gain from erasing corruption, but because they cannot trust that most other actors will refrain from corrupt practices, they have no reason to refrain from paying or demanding bribes. This applies to reporting corruption which is a meaningless thing to do since it will not make any difference anyway (Persson et al, 2012).

The unwillingness of ordinary citizens in thoroughly corrupt settings and especially the poor to report corruption should be understood in a context in which the state, partly due to corruption, has since long lost the ability to provide public goods on a broader basis. Instead, it is the “big men” that are providers of public goods. It is within the limits of this vicious cycle that people find it too costly to punish corrupt behavior (Persson et al, 2012). The fear to lose one’s job or even life prevents reporting. Among members of the group of ordinary citizens and poor segments of society, corruption does not benefit them in absolute terms even in the long run. In this group, corruption is not actively supported but rather pragmatically accepted for the simple reason that it facilitates life, either by maximizing efficiency in achieving objectives which would otherwise be out of bounds, or by minimizing the risks, such as avoiding trouble with for instance the police or the courts (Persson et al, 2012). Therefore, top officials gains the most in absolute terms from corruption hence have the greatest incentives to perpetuate the status quo.

Svensson (2005) attributes the unsuccessful attempts to fight corruption to reliance by most anticorruption programs on legal and financial institutions such as the judiciary, police and financial auditors to enforce and strengthen accountability in the public sector. The tacit assumption is that more and better enforcement of rules and regulations will reduce corruption. The routinely employed anti corruption measures are grounded in criminal justice model which assumes that increasing the penalties associated with getting caught will act as sufficient mechanism for deterrence through introduction of stiffer sanctions, establishment of new and firmer laws and initiating institutional reforms (Graycar and Sidebottom, 2012). In poor countries, however, the legal and financial institutions are weak and often corrupt themselves. In such a setting, providing more resources to enforcement institutions may not be the right solution to the problem of corruption (Svensson, 2005).

2.2.5 Factors that encourage Reporting

Reporting can be encouraged through cultural change to support whistle blowing and remove negative connotations while ensuring political will to raise awareness about the critical role of whistle blowing in detecting wrong doing. Authorities can conduct campaigns to achieve this since reporting fosters awareness of whistle blowing and improves its public perception. Political will must also be improved to address inadequate whistleblower protection through enforcement

of the right legislation and provision of human, financial and technical resources to encourage disclosure (T1, 2007). Making reporting as a role responsibility within organizations will increase likelihood to report (Zipparo, 1999).

There should be comprehensive and effective legal protection with clear and effective reporting and follow-up procedures that ensure independent review and appeal mechanisms as well as adequate compensation for reprisals (T1, 2007). Legal frameworks to facilitate whistle blowing include anti-corruption or freedom of information laws, to facilitate whistleblower rights and protections and witness protection laws for testifying during court proceedings (T1, 2007). It is therefore important to inform on the existence of such protective legislation when it exists (Zipparo, 1999).

Establishing efficient and effective internal reporting channels and protection or follow up channels ensures corruption is detected. Employer leadership is required to establish such mechanisms while trustworthy mechanisms pave the way for whistle blowers to report internally rather than using external channels (T1, 2007). People should be informed about the existence of reporting mechanisms. In addition, data collection efforts should be spearheaded by an independent public body to ensure that the systematic collection by an independent public body to ensure that the systematic collection of data about whistle blowers including the number of cases reported, the reporting channels and mechanisms used, the follow up procedures and the harm prevented through whistle blowing (T1, 2007).

Carr (2007) states that conventions such as UNCAC cannot succeed unless there is a unified approach, robust enforcement mechanisms put in place and engaging in a process of re-socialization in addition to anti-corruption legislation. Carr (2007) also states that corruption can be disrupted through reducing monopolies by increasing competition, reducing discretion and increasing adequacy of accountability mechanisms of individuals' action. The four areas where incentive structures can be altered include opportunity or discretionary authority, temptation or salaries, monitoring and supervision and sanctions such as job loss or reputational damage. Situational crime prevention holds that behavioural opportunities in the immediate environment exert a causal influence on crime. It seeks to identify practical ways to reduce crime or its harms by removing or reducing opportunities which permit criminal behavior (Carr, 2007).

2.2.6 Factors that deter Reporting

While some whistleblowers are lauded for protecting the public good and detecting unethical or criminal behavior, the overwhelming majority of known cases do not receive any recognition or compensation, but may face retaliation in form of victimization and physical danger or their warnings ignored (T1, 2007). The lack of, first, in the ability of the authority to act on reports and hold the responsible to account may be the single most important barrier to effective whistle blowing. Other reasons for not reporting include not knowing where to report, lack of accessibility to the report centre, knowing the person engaged in corruption and fear of incrimination (T1, 2007; T1, 2012 and EACC, 2011).

Zipparo (1999) adds other factors such as absence of enough proof, absence of protective legislation or legal protection from negative consequences, fear of identity being known, not knowing anyone to trust to report to, no family or colleague support, lack of anonymous or formal channels for reporting, and assuming that corruption does not affect him or her directly or that the report will help stop corruption. For the whistleblower, work place reprisals can include harassment, isolation, demotion or lack of promotion or dismissal. Without protection, the cost of reporting may be too high for individuals to come forward (T1, 2007).

Zipparo (1999), states that demographic groups likely to be deterred include females, younger persons in lower income groups and non supervisors. These people with no knowledge of available reporting mechanisms are unlikely to report corruption and will more likely have negative attitudes to reporting and to their organization's capacities, to handle reports appropriately (Zipparo, 1999). T1 (2007) reveals that those from smaller organizations are more likely to attribute responsibility for reporting corruption to their managers while those in bigger organizations are more likely to diffuse it to others and not see the responsibility as strictly theirs (T1, 2007). People from country organizations are likely than those from metropolitan organizations to lack faith in their organizations to handle reports appropriately (T1, 2007).

2.2.7 Strategies against Corruption

There are four categories of reforms namely economic / market reforms, administrative / bureaucratic reforms, accountability/ transparency enhancing reforms and democratic accountability enhancing reforms (Svennson, 2005). Economic / market reforms involve economic liberalization to promote a vibrant public sector and reduce public waste, removal of programs presenting corruption opportunities and competitive service provision to remove monopoly.

Administrative or bureaucratic reforms encompass civil service reforms to enhance performance of government bureaucracy, code of ethics or rules and regulations for public servants, public procurement reform, meritocratic personnel policy in appointment and promotion, administrative efficiency, decentralized decision making, financial management and heavy penalties for corrupt behavior (Svennson, 2005). Others are increase of civil servants pay to match private sector, rotation of public servants to make it harder for corrupt officials to develop strong ties with certain clients, rewards given to those who refused bribes and turned in the clients, and rules and procedures simplified and published.

Accountability or transparency enhancing reforms include anti-corruption legislation, honest / effective police service, independent / free judiciary and media, whistle blowing protection laws, asset /income disclosure and replacing public with private enforcement of public laws through law suits (Svennson, 2005). Others are citizen enforcement by improving public or citizen access to information on the workings of public programs to give citizens a greater right to action which can reduce corruption.

Democratic accountability enhancing reforms include constraints placed on behavior of public officials, respect for the rule of law through equal treatment for all people before the law and visible leadership commitment (Svensson, 2005). Others are increasing transparency in decision making, assuring accountability of those given the task to monitor potentially corrupt individuals, allowing for whistle blowing with leniency and prohibiting the use of intermediaries or middlemen for the provision of public services and goods (T1, 2013).

2.3 Theoretical and empirical literature

The empirical literature illustrates the experience people have had with corruption or bribery. It includes preliminary issues on corruption,

2.3.1 Preliminary issues on corruption and bribery

Bribery is a victimless offence since both parties have an interest in preserving secrecy (Utrecht, 2013). Moreover, it mostly occurs within Government institutions which are often not willing to expose the rot within. Given these drawbacks, broadening criminal liability will only contribute to a limited degree to a more effective approach to fighting corruption. Sufficient means to realize the actual investigation, prosecution and trial are therefore of vital importance (Utrecht, 2013). Reporting of corrupt behavior by victims to any designate agency represents an important indicator of the perceived efficiency of the designate agency on the one hand and the social acceptance of corruption by the public on the other (UNODC, 2013).

An indicator of public confidence in government anti-corruption initiatives is based on citizens' willingness to report corrupt practices to law enforcement officials (UNOSEK, 2013). Because instances of corruption often involve at least two parties, rates of reporting corruption are generally low. Usually it is the party that was not satisfied with the outcome of the transaction that decides to report the case. In order to increase these reporting rates, a set of protective and confidence building mechanisms need to be developed. Such measures might include a whistle-blowing and victim/witness protection program. Further, citizens must trust the police and other dedicated anti-corruption entities if they are to feel comfortable reporting corrupt practices. If a perception exists that the police force and the criminal justice officials are corrupt or the anti-corruption agency is ineffective or dependent on other government agencies for its existence, which is often the case, reporting levels will remain low (UNOSEK, 2013).

2.3.2 Corruption and Bribery in Kenya

Many cases of corruption go unpunished daily due to failure by members of public to report allegations and incidences of corruption. The enactment of anti-corruption laws by the Government of Kenya has not been able to solve the problem of corruption, neither has the creation of anti-corruption agencies. It is therefore important to understand the underlying

reasons as to why people engage in corrupt activities. In Kenya, the institutions which are reportedly the most corrupt are the Police, the Judiciary, parliament, the civil service and political parties (TI-Kenya, 2013).

Customs officers and by extension Kenya Revenue Authority officers have been known to engage in bribery. In exchange for bribes, they pass goods at border points without levying the duty or by reducing it substantially. On the other hand, truck drivers who do not give them kick-backs may have to face interminable delays at the border points with the added threat that their goods will either be damaged or stolen. The diverse responsibilities of the police have given them many opportunities for demanding bribes from the public. Verification of vehicle registration, its cargo and the relevant licenses, enforcement of traffic regulations, among other functions, give the police the opportunities to solicit for bribes. In addition, recruitment and allocation of positions in the public service is mostly determined by criteria which has nothing to do with merit for the job but the ability to give a bribe (Mushanga, 1976).

Corruption is not in any way a new development (UNOSEK, 2013). Over time, corruption has served countless times as an illicit means of achieving wealth and obtaining privilege and of securing and sustaining political and economic power. Corruption can be said to be a part of the human condition. In spite of this, corruption has to be tackled without which acts of those who seek profit outside the realm of law, economy, simple elementary rules and notions of equity and justice will be reinforced. Corruption is found virtually in all parts of the world, from industrialized countries to developing countries. Corruption is not restricted to the public sector but occurs in many places (UNOSEK, 2013).

There are many reports of ministers embezzling donor funds allocated to their ministries, allowances paid to officials and discounts given in goods purchases in anticipation of political influence for tenders and government contracts (UNOSEK, 2013). Businesses are also involved in corruption by bribing customs, police, drug enforcement, tax and procurement officers in order to avoid tax payments, secure lucrative public contracts, and access emerging markets or smuggle illegal commodities. Many people who are mostly poor and can least afford it, live in places where they must pay bribes for services they are entitled to and are considered a right

under the law. These include driver's licenses, telephone lines, building permits, jobs and pensions among many others (UNOSEK, 2013).

2.3.3 Scenarios of Corruption or Bribery

A common manifestation of how systemic corruption is on our society is the frequent bribes by operators of Public Service Vehicles (PSVs) especially by *matatus* to traffic police officers either to ignore the lack of road worthiness, overloading, over-speeding or protection fees when there are no traffic offences committed by crew of the PSVs (GYAAC, 2009). Corruption may take different forms depending on a number of factors. This includes when a senior surveyor employed by a municipal council solicits for money to the tune of Kshs 5 million from a person who later lodged a complaint with a government agency. The money was to act as an inducement to facilitate the surveyor in giving unconditional authorization for the subdivision of the complainant's parcel of land. To complicate the corrupt act, the surveyor introduces a lawyer to the process to disguise the receipt of the bribe to make it appear as if the money was payment for survey services rendered to the aggrieved person.

Secondly is when a procurement manager employed by a parastatal and who is also a director of a company that rendered services to the parastatal, offers a bribe of Kshs 1,000,000 to investigators as an inducement to prepare a favorable report in respect of an investigation on irregular procurement of some equipment by the parastatal. The equipments were supplied by the firm in which he was a director. This essentially makes the director have conflicting interests, which is an offence punishable by law. He therefore compromised the investigation process by bribing investigators.

Thirdly is when an overloaded truck approaches a roadblock, a tout gets and folds a Kshs 50 note, thereafter, he opens the trucks window. The truck then slows down at the road block; this creates a favorable condition to minimize the risk of being noticed. The tout drops the Kshs 50 note by the road side and the truck passes the roadblock without stopping for inspection. A police officer later goes to pick the Kshs 50 note. Fourth is when an overloaded truck approaches a weighbridge in a queue of many vehicles. A tout alights and moves towards the weighbridge to meet government officials. He hands over some money to an official manning the weighbridge

and then goes back to the truck. When the truck checks into the weighbridge, the officer manning it tampers with the bridge adjustments so that they record less kilograms of the overloaded truck. The truck is then cleared and it continues with its journey. Fifth is smuggling of goods at the border point: a member of public transporting goods whose duty has not been paid approaches the border point. He or she bribes the customs or police officers in order to be allowed to ferry the goods across the border point via an alternative route that is ordinarily not manned by government agents. The uncustomed goods are then ferried across the border either on foot or by using bicycles and motor bikes. The result of this is that the country is denied revenue.

2.3.4 Police Corruption

Throughout history, police officers have bought their positions and promotions, sold protection, and ignored enforcing the law for money. Some writers have hinted that the reason why policing is so susceptible to bribery and other forms of corruption is because of the mix of two of the critical features of the police role in society. The police have authority to enforce laws and to use power to make sure that they are obeyed. On the other hand, they also have the discretion not to enforce the law. The combination of those two features makes the police vulnerable to bribes and other forms of corruption. Other features of police work which add to the potential for corruption include low pay in relation to important responsibilities, cynicism about the courts' soft handling of criminals that the police spend so much time trying to apprehend, society's ambivalence about vice (most citizens want the laws on the books, but many of them are willing participants); and the practice of recruiting officers from working-class and the lower-class backgrounds where skepticism about obeying the law might be more prevalent (Bohm & Haley, 1996).

According to Bohm and Haley (1996), the Knapp Commission issued a report in 1972 on corruption in the New York City Police Department. Two types of corrupt officers were identified namely "grass eaters" and "meat eaters". "Grass eaters" were officers who occasionally engaged in illegal activities such as accepting small favours, gifts, or money for ignoring violations of the law during the course of their duties. "Meat eaters" on the other hand, actively sought ways to make illegal money while on duty. For example, they would solicit bribes, commit burglaries, or manufacture false evidence for a prosecution. Bohm and Haley (1996) also state that a more complete list of types of police misconduct with examples in what

he described as the “blue-coat code” was identified by Ellwyn Stoddard. They include bribery or accepting cash or gifts in exchange for non-enforcement of the law and chiseling or demanding discounts, free admission and free food. It also includes extortion or the threat of enforcement and arrest if a bribe for traffic tickets is not given, and favoritism or giving breaks on law enforcement such as for traffic violations committed by families and friends of the police.

2.3.5 Effects of Corruption

World Bank (2013) states that the importance of controlling corruption is increasingly being recognized in countries around the world for the harmful impact it poses for economic, social, and political processes. Corruption deters foreign and domestic investment and inhibits the development of the private sector. Government budgets can become distorted through insufficient tax collection, diversion of budgetary funds, and overspending due to corrupt procurement. In addition to economic costs, corruption is associated with inequitable growth, poverty, social exclusion, lack of trust in authorities, and other political and social costs that endanger development (World Bank, 2013).

Corruption has an adverse impact on the poor for several reasons. In many cases bribes are flat lump-sum payments and thus constitute a larger portion of poor families’ budgets than of the budgets of more affluent households. Moreover, corruption makes public services less affordable for the poor and thus reduces accessibility of the services for poor families. Many poor families may even have to stop using public services, which leads to further reduction in their living standards. Although informal payments may seem similar to co-payments or implicit taxes, there are several key differences. Whereas co-payments or taxes may flow into institutional budgets and contribute to improved quality, unofficial payments simply flow into the pockets of the officials that demand them. Indeed, the quality of services may be deliberately worsened in an effort by some officials to increase the incentives of the public to offer bribes.

2.3.6 Whistle-blowing on corrupt practices

Guide to Youth Action Against Corruption [GYAAC] (2009) states that whistle-blowing consists of what has been popularly branded as the name and shame campaign. It is mostly used by the media following investigative journalism and effectively creates pressure on the relevant authority to act on an allegation of corruption and the affected individual or institution to resign

or cease continuance of the act of corruption. The effectiveness of this strategy is anchored on the fact that corruption thrives in secrecy and an environment characterized by the culture of impunity (GYAAC, 2009).

In the US under the Florida statute, state agency inspectors general are responsible for investigating violations of Florida's Whistle-blower's Act (Florida-Legal, 2013). They create a reward program similar to the federal government for any person who provides information which leads to the firing or conviction of any employee who is committing fraud or abuse related to their government employment. Secondly, they ensure the Whistle-blower's Act applies to any employee who utilizes the Act to file a complaint on any entity, business, corporation, or non-profit organization which receives government funding to perform a governmental function or service (Florida-Legal, 2013).

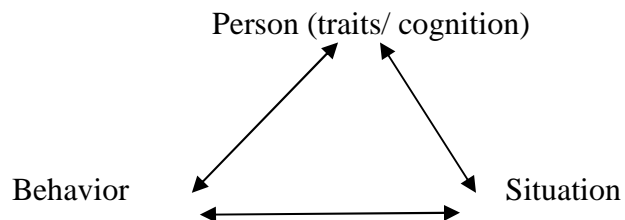
According to Florida-Legal (2013), Florida Statute number 112.3187 is also the Whistle-blower's Act whose stated intent is to prevent agencies and independent contractors from taking retaliatory action against an employee. Such an employee will have reported to an appropriate agency violations of the law on the part of a public employee or independent contractor that create a substantial and significant danger to the public's health, safety, or welfare. The legislation intends to also prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee. There has been some testimony that the Whistle-blower's Act is ineffective in part because people do not trust the protections afforded under the Act and fear retaliation. People inside or outside of government may believe it is easier to pay a bribe to a bad actor than it is to blow the whistle (Florida-Legal, 2013).

2.4 Theoretical Framework

This section presents the Social Learning Theory to explain the phenomenon of corruption.

2.4.1 Social Learning Theory

According to the Social Learning Theory as advanced by Albert Bandura (1973), people learn many of behavioral tendencies by observing other people obtaining rewards and punishments for particular behaviors. The learning that he advances is more than just a mechanical response; it requires cognitive interpretation of the situation. Bandura's theory also stresses the concept of reciprocal determinism which reflects his belief that neither personal dispositions nor environmental factors alone can by themselves explain behavior. Instead, he assumes that personality traits, environmental factors, and overt behavior affect one another as illustrated below:

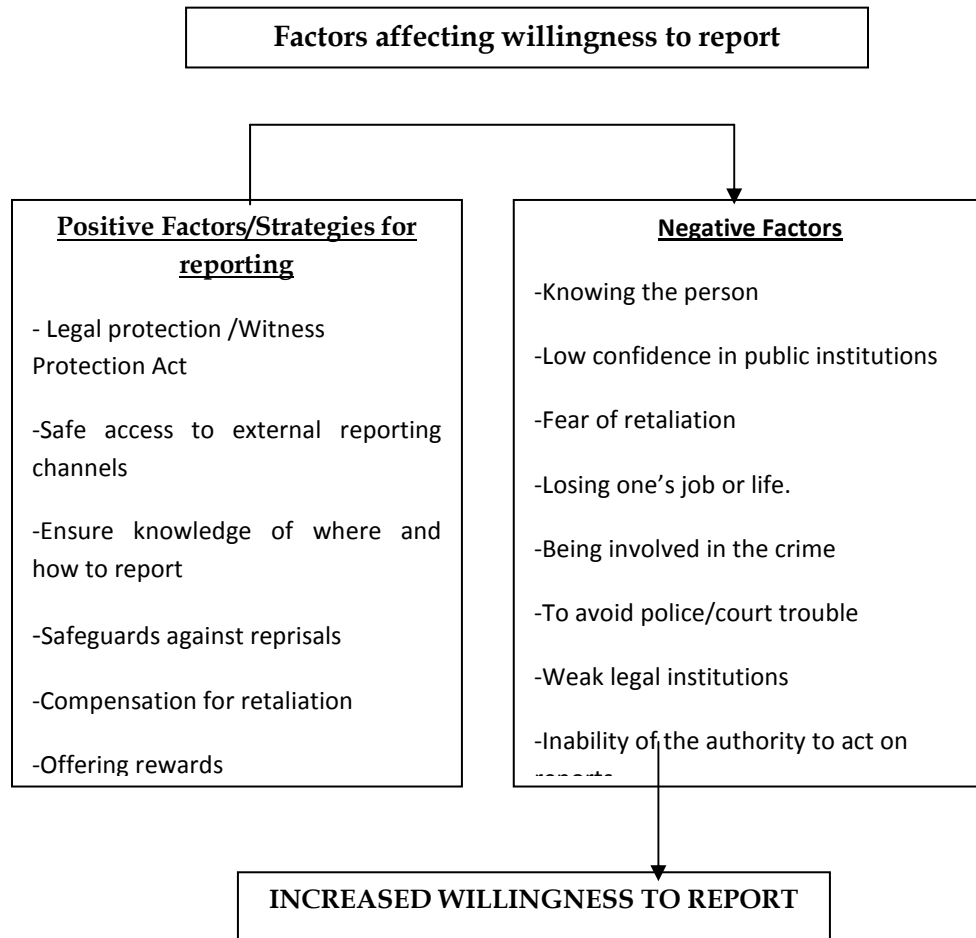


A corrupt person's attitude towards corruption may lead him or her seeing the behavior as positive and the only means of success (Traits/Cognition). This might make others around him or her start liking him/her as a successful person (Social situation). So the behavior is entrenched thus completing the cycle. According to Bandura, one of the most important cognitive aspects to consider is self-efficacy, where self-efficacy is the extent to which a person believes that he/she can perform behaviors that are necessary to bring about a desired outcome.

2.5 Conceptual Framework

Figure 2.1 is a conceptual model which illustrates the main variables of the study. Willingness to report allegations and incidences of bribery is both negatively and positively affected by negative and positive factors respectively. When the positive factors (strategies for reporting) are employed to act on the negative factors, the result is increased willingness to report allegations and incidences of bribery.

Figure 2.1: Willingness to report allegations and incidences of bribery



2.5.1 Operationalization of Variables

According to Mugenda and Mugenda (1998:56), a variable is defined as a measurable characteristic that assumes different values among subjects. The Independent Variable were operationalized as follows:-

In this study, the independent variable **Factors affecting willingness to report allegations and incidences of bribery** were indicated by characteristics of truck drivers, prevalence of bribery among truck drivers and institutional capacity of the authorities.

Characteristics of truck drivers were measured by:

Age: Refers to the number of years since birth.

Sex: Refers to gender, either male or female.

Religion: Refers to religious affiliation found in Kenya such as Christianity, Islam, Hindu and Traditional African belief.

Social Class: Refers to the level in social standing from economic or professional position.

Characteristics of bribery among truck drivers were measured by:

Amount of bribes: Refers to the size of money given as bribes.

Bribery recipients: Refers to persons who receive bribes from truck drivers.

Purpose of bribes: Refers to the reasons why bribes are given and received.

Organizational factors: Refers to the position of truck firms towards bribery.

Institutional Capacity by authorities was measured by:

Punishment: Refers to the number of cases where the accused were convicted of bribery.

Reporting infrastructure: Refers to reporting channels and knowledge of their use.

The Dependent Variable was operationalized as follows;

In this study, the dependent variable **Willingness to report allegations and incidences of bribery** was indicated by the number of Corruption Incidences experienced and the number of Corruption Incidences reported to authorities.

Number of Corruption Incidences experienced was measured by:

Bribery demands: Refers to incidences of demand for money by authorities.

Illegal prosecutions: Refers to incidences of arrest and prosecutions for failure to give bribes.

Number of Corruption Incidences reported was measured by:

Cases reported by truck drivers: Refers to all incidences of corruption reported to authorities by truck drivers.

Resolved cases of corruption: Refers to the incidences of corruption reported by truck drivers and acted upon by authorities.

CHAPTER THREE: Research Methodology

3.1 Introduction

This chapter looked at the methods that were used to gather data in the study and outlines the research site, research design used, sample design and methods of data collection and analysis which were utilized.

3.2 Study Site

The site of the study was Malaba border point in Busia County. Malaba Township was purposively selected for this study because it is a last exit point on the Kenyan side of the Kenya/Uganda border and the researcher felt that the truck drivers would be more open in their responses as they were transiting into a different jurisdiction. Malaba Township is also cosmopolitan and is characterized by a unique socio-cultural and economic setup. Although the Iteso is the predominant community in Malaba, it has had to intermingle and interact with other communities that transit, do business or have decided to settle in Malaba. The transit business in this town has brought with it socio-economic development as a result of higher financial transactions. There is a general consensus among social scientists that social problems of any kind are more pronounced and prevalent in growing cities or townships such as Malaba.

The site was convenient to the researcher due to the researcher's familiarity with the area. According to the 2009 population census, Busia Township covers an area of 1.7 Km² and has a population of 2,879 persons. The area has a population density of 1,717 persons per sq.km which is higher than other areas within Busia County (GoK, 2010c). Only 2,879 persons among 766 households were recognized as formally employed in Busia in 2009 (GK, 2010a and GK, 2009). Motorized accessibility in most parts of the area is good.

3.3 Research Design

The function of a research design is to ensure that the evidence obtained enables us to answer the initial question as unambiguously as possible. Research design deals with a logical problem and not a logistical problem (Yin, 1989: 29). For the purpose of answering pertinent questions about the objectives of this study, the researcher used the survey design. According to Cramer and

Howitt (2004), survey is a method which generally refers to a sample of people being asked questions on one occasion. The researcher also employed a triangulation research method to capture both qualitative and quantitative data.

3.4 Study Population

3.4.1 Units of Analysis and Observation

Lewis-Beck and Bryman (2004) consider the unit of analysis as the primary unit that will be the subject of statistical analysis about which an analyst may generalize. It is the ‘who or what’ of the study. The unit of observation is an object about which information is collected, such as an individual person. The unit of analysis and the unit of observation may therefore depict the same meaning. However, when distinguishing the two, a unit of observation may be an individual person but a unit of analysis may relate to the neighbourhood in which the individual lives (Lavrakas, 2004). The units of analysis and observation in this study are truck drivers who encounter incidents of bribery at Malaba border point.

3.5 Sampling Design

3.5.1 Sampling Procedure

A sample is a smaller subset of a population drawn from some larger group or population (Punch, 2003). Sampling is therefore a process of selecting a sample from a population to become the basis for predicting the prevalence of an unknown piece of information, situation or outcome regarding the population (Kumar, 2005). The purpose of sampling design was to secure a representative group which enabled the researcher gain information about the population under study. The accessible population of the study was the truck drivers transiting the Kenya/ Uganda border through the Malaba town border point.

Although truck drivers are ordinarily expected to be on the steering wheels, this is not rule. After driving for long distances of say more than 500 Kilometers and on arrival at the border point, they disembark and intermingle with the residents or join their families, which make locating them very difficult. The researcher was therefore left with no option but to identify truck drivers using snow ball sampling technique. According to Vogt (2005), snow ball sampling consists of identifying respondents who were then used to refer researchers on to other respondents. The

method overcame problems associated with sampling unknown populations and is an informal method to reach target populations. The nature of work they do obliges them to meet and interact with law enforcement agents such as the police officers and customs (KRA) officials. Other government agencies stationed at the border point are the Immigration, Kenya Plant and Health Inspectorate (KEPHIS) and Kenya Bureau of Standards.

Over 1,000 trucks cross between Kenya and Uganda border via Malaba each day en route to and from Mombasa, Rwanda, Burundi, Democratic Republic of Congo, South Sudan and Uganda (USAID, 2013). Currently, the border crossing time is 3 hours which is a significant improvement after implementation of the Joint Border Committees (JBCs) multi-sectoral collaboration of key government agencies and the private sector involved in the clearance of cargo (USAID, 2013). Since a population frame for all truck drivers does not exist at the border point and due to the fact that voluntary welfare associations do not maintain such record and due to difficulty in tracing them, the researcher opted to use snowball sampling technique to identify an initial truck driver for the study. The identified truck driver was then relied upon to introduce the researcher and/or his assistants other truck drivers. This procedure was used in identifying a sample of 100 truck drivers. The sample of 100 truck drivers was regarded sufficient for the study.

The researcher briefed the experienced research assistants on how to go about collecting data using snowball sampling technique. The identified respondents were then used to refer the research assistants and the researcher to other respondents. The exercise used to commence at around 10.00 am of each day at it proceeded for a period of seven (7) days, when all the questionnaires were duly completed. Some questionnaires were completed in hotels/ social joints, while others were completed in households. The respondents were either having meal and/ or drink or they were with their families. Since the questionnaires were not so long, the researcher had adequate time to have the entire questionnaire completed/ filled. Over and above the questionnaire, six key informants were selected using purposive sampling method. They included 1 police officer from the Divisional traffic, 1 customs (KRA) officer, 1 local administration official, 1 clearing agent and 2 local residents. The total sample size was 106.

3.6 Data Sources and Methods of Data Collection

3.6.1 Data Sources

The study used both primary and secondary data sources. Primary data was collected directly from the respondents. This included truck drivers and key informants drawn from divisional traffic police, civil society and local administration. Secondary data was gathered through desk review of relevant documents to the study such as government reports, minutes, policy documents, TI reports and bulletins.

3.6.2 Methods of Data Collection and Research Instruments

This study was largely qualitative and involved the use of questionnaires with both open and close-ended questions for both qualitative and quantitative information which was then administered on truck drivers. On most areas, the information that was required was straight forward hence the use of structured questions. On the other areas, the answers required an opinion or explanation that was effectively recorded through semi-structured questions. An unstructured questionnaire or interview guide was administered on the key informants who were the sources of qualitative data.

Respondents were assured that data collected from them was treated in strict confidence. The questionnaires gave a time frame on when they are to be completed. This gave respondents adequate time to give well thought out answers. Personal interviews and observations were also used on specific areas when need arose. The researcher also observed the conduct of truck drivers, turn-boys and personnel at Malaba border point for additional information. Translations of the questions were made into Kiswahili for respondents who did not understand English language.

3.7 Data Analysis

The collected quantitative data in form of the completed questionnaires underwent editing to detect and correct errors and omissions. It was then put in categories or classes through coding, then tabulated and counted. Descriptive statistical tools such as percentages and frequency distributions were used to analyze quantitative data which was presented in tabular form. The

researcher organized and analyzed the data and used SPSS and Excel computer packages to process the data.

The collected qualitative data in form of the completed interview schedules was read, edited and cleaned up to organize the data. The qualitative data was analyzed by exploring the respondents' view about a given problem and the views were inter-related and compared in order to generate the explanations about the research problem under investigation. The data was put in categories, themes or patterns for coding purposes then analyzed to determine its adequacy. The researcher then interpreted both the quantitative and qualitative data and presented the research findings.

CHAPTER FOUR: Data Presentation and Interpretation

4.1 Introduction

The main purpose of this study was to examine truck driver's willingness to report allegations and incidences of bribery at Malaba border point. This chapter reports on the results of analysis of data and its presentation covering the respondents' background information, prevalence of bribery cases being encountered and the level and trend of truck driver's willingness to report allegations and incidences of bribery. The chapter also reveals factors which influence truck drivers from reporting allegations and incidences of bribery and strategies which encourage them to report allegations and incidences of bribery.

4.2 Background Information

This section presents the background information for the respondents detailing their demographic data and details. The background information of respondents that was captured specifically included their gender, age, religion, education, occupation, duration of employment in the present company and duration of employment in a similar occupation. Responses are summarized in Table 4.1, while a brief explanation of each variable follows immediately after the table.

4.2.1 Distribution of Respondents

Both entering and exiting trucks were included in which 100 respondents drawn from truck drivers and turn boys transiting the Kenya/ Uganda border through the Malaba town border point were sampled. The six key informants were also selected among police officers from the Divisional traffic, customs (KRA), the local administration, clearing agents and two local residents. This brought a total of 106 respondents.

Table 4.1 Background information of Respondents

Variable	Response Categories	Frequency	Percentage
Gender	Male	99	99.0
	Female	1	1.0
Age (in groups)	20-25	15	15.0
	26-33	39	39.0
	34-39	26	26.0
	40-45	15	15.0
	Above 46	5	5.0
Religion	Muslim	28	28.0
	Protestant	35	35.0
	Catholic	37	37.0
Highest Level of Education Attained	College/University	8	8.0
	Secondary	57	57.0
	Primary	34	34.0
	None	1	1.0
Occupation	Driver	56	56.0
	Turn-boy	43	43.0
	Other	1	1.0
Duration of employment in company (in years)	1-5	80	80.0
	6-10	17	17.0
	11-15	2	2.0
	16-20	1	1.0
Duration of employment in the occupation (in years)	1-5	51	51.0
	6-10	35	35.0
	11-15	7	7.0
	16-20	7	7.0

4.2.2 Gender of Respondents

Majority of the respondents (99%) were male while only 1% was female. This is attributed to the road transport sector being male dominated and being associated with work which is physically demanding and poses risks on the person.

4.2.3 Age of Respondents

The respondents' ages on Table 4.1 above reveals that most of them were mainly aged between 26-33 years (39%) followed by 34-39 years (26%) while the other respondents fell in the age

categories of 20-25 years (15%), 40-45 years (15%) and above 46 or more years (5%). These results show that the respondents are mature and are concentrated in the most productive years of their lives. It can be deduced that the occupation mostly attracts relatively young persons who can endure the challenges of this profession.

4.2.4 Religion of Respondents

The religion prophesied by the respondent's shows there were 37% Catholics, 35% Protestants and 28% Muslims; see Table 4.1 on page 33. These results show that the number of respondents who prophesied the different faiths was almost the same and that the issues of bribery affected persons from all religions.

4.2.5 Respondent's Highest Level of Education

The results shown on Table 4.1 on page 33 reveal that most of the respondents (57%) attained secondary school education followed by those who have reached primary school (34%) and 8% for college/university respondents. Only one respondent did not attend school. It can be deduced that the employers prefer that workers have at least some basic education to enable them to deliver. The one respondent who did not attend school was a turn boy for whom education was not necessary for employment.

4.2.6 Respondent's Occupation

There were more drivers than turn boys among the respondents. Table 4.1 shows that among the respondents, there were 56 drivers, 43 turn boys and only one office messenger. The targets of the study were drivers though turn boys were able to respond to the study questions due to being sent to hand over bribes at the border point.

4.2.7 Respondents' Duration of Employment in present Company

Majority of the respondents (80%) have worked for the present employer for the duration of between 1-5 years while 17% of the respondents have worked for between 6 -10 years. Only 2 and 1 respondent have worked for durations of 11-15 years and 16-20 years respectively. These results (on Table 4.1) show that the road transport profession has a high turnover of labour as workers seek new employers perhaps for better pay and working conditions. The other reason for

this turnover can be explained by reluctance of employers to hire workers on permanent and pensionable terms in order to save on costs. For legal reasons, the names of the companies in which respondent's worked were excluded.

4.2.8 Respondents' Duration of Employment in the occupation

Most of the respondents (51%), see Table 4.1 of page 33, indicated that they had worked in their present occupations for durations of between 1-5 years followed by 35% of the respondents who had worked in their present occupations for durations of between 6-10 years. Those in the categories of 11-15 years and between 16-20 years had a representation of 7% each. It can be deduced that due to their relative young age, most of the respondents have been in the same profession for relatively shorter periods of time. Other reasons for this are casual or temporary employment terms and the high turnover of labour due to the strenuous nature of their duty.

4.3 Prevalence of the cases being encountered

This section reveals whether the respondents have ever given a bribe, the public official who received the bribe and the reason or purpose of giving the bribe.

4.3.1 Whether respondent ever gave a bribe

When the respondents were asked whether they had ever given a bribe, most of them (64%) indicated that they had done so while the rest (36%) denied ever having given any bribe, as illustrated by Table 4.2 on page 35. It can be deduced that most of the respondents have encountered situations which demand that they give bribes in order to facilitate smooth operations of their businesses. Those who said that they have never given bribes can be attributed to those who might not be honest or are not willing to accept having given a bribe because they know it's illegal and that they might be asked to give details which might consequently lead to prosecution.

4.3.2 Public official who received a bribe

According to 45.3% respondents that were sampled, police officers were the public officials who frequently received bribes while 40.6% of the respondents indicated that KRA personnel were next and finally, 14.1% of the respondents indicated that the Weighbridge personnel were the

least bribe receivers; see Table 4.2 below. These results indicate that the Police and weighbridge personnel put together are able to detect many traffic violations and/ or overloading cases on which account they demand bribes from the truck driver's failure to which they are threatened with arrest and being charged in a court of law.

Table 4.2 Purpose of giving a bribe to a public official

Variable	Response Categories	Frequency	Percentage
Whether ever given bribe	Yes	64	64.0
	No	36	36.0
Public official who received bribe	Police Officer	29	45.3
	KRA personnel	26	40.6
	Weighbridge personnel	9	14.1
Purpose of giving bribe	To facilitate faster clearing	24	37.5
	To avoid arrest and prosecution for overloading	11	17.2
	Illegal parking	10	15.6
	To avoid arrest and prosecution for untaxed goods	7	10.9
	Overlapping/Illegal overtaking	5	7.8
	Expired or lost license/Lost Identity card	5	7.8
	Expired insurance	2	3.1

4.3.3 Purpose of giving bribe

To most of the respondents (37.5%), the purpose of giving a bribe was to facilitate faster clearing. Other respondents gave varying responses, as illustrated in Table 4.2 above; i.e. to avoid arrest and prosecution for overloading (17.2%), illegal parking (15.6%), to avoid arrest and prosecution for untaxed goods (10.9%), overlapping/illegal overtaking (7.8%), expired or lost license or lost identity card (7.8%) and an expired insurance cover (3.1%).

From Table 4.2 on page 35, it can be deduced that clearing of goods at Malaba border point is the most pressing issue for most of the truck drivers hence the willingness to give bribes. The reason for this is to facilitate smooth and faster movement of goods to and from the Port of Mombasa and other destinations in order to save time and consequently make more money from the high number/volume of trips.

One of the key informants, a KRA officer stated that;

“Bribery mostly occurs at the check point when a truck is being cleared to move into the other country. The driver gives police officers and KRA officials and even the clearing agents some money to facilitate faster clearing or to overlook some goods whose tax has not been paid”.

4.3.4 Whether respondent gave a bribe in the last 12 months

More than half of all the respondents (64%) indicated that they had given bribes in the last 12 months while 36% of the respondents said they had not paid bribes. Those who said that they have never given bribes can be attributed to those who might not be honest or are not willing to accept having given a bribe because they know it’s illegal and that they might be asked to give details which might consequently lead to prosecution. These results are shown on Table 4.3, page 36.

4.3.5 Number of times respondents gave bribes in the last 12 months

Most of the respondents (57.8% of those who had given a bribe in the last 12 months) indicated that they had given bribes between 1-3 times in the last 12 months followed by 9-18 times (20.3%) and 4-6 times (14.1%). Those who gave bribes between 7-8 times in the last 12 months represented 7.8%, see Table 4.3 below. It can be deduced that the frequency of paying bribes was relatively high within the short duration of only 12 months.

Table 4.3 Trend of truck driver’s willingness to report

Variable	Response Categories	Frequency	Percentage
Whether respondent gave a bribe in the last 12 months	Yes	64	64.0
	No	36	36.0

Variable	Response Categories	Frequency	Percentage
Number of times respondent gave bribes in the last 12 months	1-3 times	37	57.8
	4-6 times	9	14.1
	7-8 times	5	7.8
	9-18 times	13	20.3
Whether colleagues gave bribes in the last 12 months	Yes	58	58.0
	No	42	42.0
Prevalence of bribery	Very high	11	17.2
	High	32	50.0
	Low	12	18.75
	Very low	9	14.06
Lowest amount of bribe given (Kshs)	200-500	45	70.3
	501-1000	17	26.56
	1001-2000	2	3.125
Highest amount of bribe given (Kshs)	2001-5000	52	81.25
	5001-10000	10	15.625
	10001-20000	2	3.125
Willingness to report bribery demands	Willing	18	18.0
	Unwilling	64	64.0
	Depending on circumstances	18	18.0
Willingness to report trend	Increasing	17	17.0
	Same	76	76.0
	Decreasing	7	7.0

4.3.6 Whether colleagues gave bribes in last 12 months

When the respondents were asked whether they had knowledge of their colleagues paying bribes in the last 12 months, almost an equal number indicated in the affirmative (58 respondents) and 42 respondents indicated in the negative.

4.3.7 Lowest amount of bribe given

The results in Table 4.3 (page 36) show that of the respondents who gave bribes, 70.3% gave the lowest bribes of between Kshs. 200-500 followed by 26.56% of the respondents who indicated to have given bribes of between 501-1000. Only 3% of the respondents had given bribes of between

Kshs. 1001-2000. It can be deduced that the amounts of money given as bribes may be small but they are given at a high frequency thus making the total bribes given over a period of time to be colossal. The result is a high prevalence of bribery.

4.3.8 Highest amount of bribe given

Majority of the respondents of those who gave bribes of the highest amount, 81.25% indicated that the highest amounts of bribes that they gave at Malaba border point was between Kshs. 2001-5,000. A few of the respondents (15.6%) gave bribes of between Kshs. 5001-10,000 while only 3% gave bribes of between Kshs. 10,001 and Kshs. 20,000. This is a clear indication of the high prevalence of bribery; see Table 4.3 (on page 36).

4.3.9 Prevalence of bribery

The results in Table 4.3 show that of those who gave a bribe in the last 12 months, 17.2% indicated that prevalence of bribery is very high while 50% of them indicated that it was high. The respondents who indicated that the prevalence of bribery was low and very low were 18.75% and 14.06% respectively. It can be deduced that prevalence of bribery at Malaba border point is high. This is attributed to Malaba border being a busy transit point with a constantly large volume of traffic, notably transit trucks. The truck drivers and turn boys give bribes to avoid arrest and prosecution for overloading, untaxed goods or for overlapping and illegal overtaking. They also give bribes in order to facilitate faster clearing, to operate with expired or lost license, lost identity card or with expired insurance.

One of the key informants, a traffic police officer stated that;

“The prevalence of bribery is very high”.

4.4 Level and Trend of truck driver’s Willingness to report Allegations of Bribery

This section tackles the level and trend of truck driver’s willingness to report allegations and incidences of bribery. It reveals whether respondents or colleagues gave bribes in the last 12 months and the number of times that the bribes were given in last 12 months. It also explains prevalence of bribery, lowest and highest amount of bribes given, willingness to report bribery demands and the variation in levels of willingness to report these bribery demands.

4.4.1 Willingness to report bribery demand

Table 4.3 (page 36) illustrates the respondents' level of willingness to report bribery demands. It shows that majority of the respondents (64%) indicated that they are unwilling to report while only 18% of the respondents were willing to report the bribery demands. The remaining 18% indicated that their reporting depended on prevailing circumstances. The reason for the unwillingness to report bribery demands is due to the fear of victimization through trucks being prevented or delayed from crossing the border or driver/turn boy being arrested.

Jane, a local resident states that;

“The level of willingness to report bribery demands is low because one cannot be cleared without giving bribes. Otherwise you can be arrested and put in cells by the police. As a result, drivers encourage bribery in order to fasten their journeys”.

4.4.2 Willingness to report trend

The trend of willingness to report allegations and incidences of bribery at Malaba border point (Table 4.3, page 36) has not changed over time as represented by 76% of the respondents. Only 17% of the respondents indicated that it has been increasing while 7% of the respondents said it was decreasing. It can be deduced that bribery has been taking place for a long time and continues to do so due to the set of conditions existing at the border point. This includes the need to be cleared quickly and not be arrested for any of the already stated offences, some of which may occur without the knowledge of the driver or conductor. For example, the poor condition of the truck, expired licenses, overloading or carrying untaxed goods may have been done with the knowledge of the employer.

4.4.3 Reasons to report allegations and incidences of bribery

Respondents enumerated their reasons to report allegations and incidences of bribery to include the need to fight corruption (39% of the respondents), for moral reasons or duty (23% of the respondents) and for a better tomorrow (13% of the respondents). Other reasons were to report injustices (10% of the respondents), to abide by the law (7% of the respondents) and to overcome the bribery problem (3% of the respondents), see Table 4.4, page 40. The need to fight corruption and moral reasons are the two popular messages that individuals throughout the

country have received from EACC or from their religious faith. This is in view of the fact that the truck drivers and turn boys belonged to different religious backgrounds.

Table 4.4 Factors which influence truck drivers from reporting allegations of bribery

Variable	Response Categories	Frequency	Percentage
Reasons to report allegations and incidences of bribery	To fight corruption	39	39.0
	Moral reasons/Duty	23	23.0
	For a better tomorrow	13	13.0
	To report injustices	10	10.0
	To abide by the law	7	7.0
	To overcome bribery problem	3	3.0
	Don't know	3	3.0
Factors that encourage reporting of allegations and incidences of bribery	Matter of principle	2	2.0
	Legal protection	27	27.0
	Create awareness on reporting mechanisms	23	23.0
	Efficient and effective reporting channels	16	16.0
	Cultural change	10	10.0
	Improved political will	10	10.0
	Altering incentive structures of government personnel	6	6.0
Preferred places to report	Don't know	8	8.0
	EACC	44	44.0
	KRA	11	11.0
	Kenya Police	5	5.0
	DC/DO	2	2.0
	Chief/Assistant Chief	1	1.0
	Don't know	37	37.0
Factors influencing truck drivers not to report bribery	Not my responsibility	34	34.0
	No action will be taken	20	20.0
	Afraid of consequences (personal security)	18	18.0

	Offence is petty	12	12.0
	Reporting challenges (No knowledge where to report or nobody to report to)	9	9.0
	Legal challenges (cannot prove the guilt or lengthy court process)	4	4.0
	Knew the culprit	2	2.0
	Don't know	1	1.0

4.5 Factors which influence truck drivers from reporting allegations of bribery

This section reports on the factors for and against reporting of allegations and incidences of bribery. It consists of reasons to report allegations and incidences of bribery, factors that encourage reporting of allegations and incidences of bribery, preferred places to report allegations and incidences of bribery and the factors influencing truck drivers not to report bribery.

4.5.1 Factors influencing truck drivers not to report bribery

The results shown in Table 4.4 (page 40) reveal that individuals do not report bribery because they regard this as not their responsibility (34% of the respondents); they believe that no action will be taken (20% of the respondents); they are afraid of consequences of reporting and/ or fear for personal security (18% of the respondents) or regard the offence as petty (12% of the respondents). Another factor that influences truck drivers not to report bribery is the reporting challenge of not knowing where to report and/ or nobody to report to (9% of the respondents). Other factors are legal challenges such as not being able to prove the case in court or due to the lengthy court process (4% of the respondents) and knowing the culprit (2% of the respondents).

It can be deduced that due to the perceived sense of helplessness against bribery, individuals have accepted it as an enabling act for their survival. Due to the need to make faster trips through Malaba border point, truck drivers and turn boys needed to ensure that they are not delayed by clearing or by any other issue. Therefore they opt to facilitate this through bribing the relevant public officials.

4.5.2 Preferred places to report

The preferred places to report allegations and incidences of bribery were EACC (as reflected by 44% of the respondents), KRA (11% of the respondents), Kenya Police (5% of the respondents) and the provincial administration (2% of the respondents); see Table 4.4 on page 40. EACC was the most preferred place to report due to its autonomy, clear mandate against bribery and media publicity on its role. Not many respondents had confidence to report to KRA, Kenya Police or the provincial administration since they were considered as some of the worst perpetrators of bribery offences. A large number of the respondents (37%) either did not know the places where they could report allegations and incidences of bribery or they did not care to know due to apathy. It can be deduced that many truck drivers and turn boys did not know that they could report the bribery incidents they often encountered, perhaps due to lack of awareness, due to the hopelessness of the situation or due to the nature of their work.

4.5.3 Truck driver's attitude towards Corruption

Table 4.5 covers specific questions posed to respondents on their attitude towards corruption.

Table 4.5: Truck driver's attitude towards Corruption

Responses on Attitude towards Corruption	Agree (Aggregate)	Don't know	Disagree (Aggregate)
1. Paying official fees and following procedures is too costly	84	8	8
2. Truck drivers who report corruption are likely to suffer	81	14	5
3. There is no point in reporting corruption because no action will be taken	76	9	15
4. Corruption hurts the national economy	75	17	8
5. A person who accepts a Kshs 20,000.00 bribe is more corrupt than a person who accepts a Kshs 50.00 bribe	67	7	26
6. Corruption is a fact of life, it's the normal way of doing things	64	23	13

7. Corruption is beneficial provided you are not caught	63	10	27
8. Most corruption is too petty to be worth reporting	54	26	20
9. The citizens have a right to know the sources of wealth from their leaders	53	40	7
10. There is political commitment in the fight against corruption	15	47	38
11. There is nothing wrong with a local leader acquiring wealth through corruption provided s/he uses it to help or assist the community	10	29	61

The range was ‘strongly agree’ to ‘strongly disagree’. The scores of strongly agree and agree have been added to get an aggregate sum to represent the statement which had an impact of agreement to a large extent. The scores of both disagree and strongly disagree have been added to get an aggregate sum to represent the statement which had an impact of agreement to the least extent. The first statement, “paying official fees and following procedures is too costly” was agreed upon by most respondents (84%) as compared to those who disagreed with it (8 % of the respondents). This is attributed to the need for faster clearing in order to save time and make more trips across the border thereby making more money.

The overwhelming agreement with the second statement, “truck drivers who report corruption are likely to suffer” and third statement, “there is no point in reporting corruption because no action will be taken” is also attributed to the experiences met by respondents. Most of the respondents indicated that they were unwilling to report bribery demands, regarded reporting as not their responsibility and believed that no action was going to be taken. They also indicated that they did not report bribery demands due to fear for personal security.

However the respondents overwhelmingly disagreed with the statements, “there is nothing wrong with a local leader acquiring wealth through corruption provided s/he uses it to help or assist the

community” and “there is political commitment in the fight against corruption”. A total of 61 and 38 respondents respectively disagreed with these two statements. This can be attributed to the perception by respondents that leaders are expected to act against corruption and not to abet it. Similarly, the high prevalence of bribery and challenges faced in reporting bribery demands cast doubt on the state’s commitment to act against corruption. These results are shown in Table 4.5 (page 42).

4.6 Factors that encourage reporting of allegations and incidences of bribery

From Table 4.4 (page 42), the factors that encouraged reporting of allegations and incidences of bribery given by respondents were: legal protection (27% of the respondents); creation of awareness on reporting mechanisms (23% of the respondents); efficient and effective reporting channels (16% of the respondents) and improved political will (10% of the respondents). Other factors are Cultural change (10% of the respondents) and altering incentive structures of government personnel (6% of the respondents). The need for legal protection, creation of awareness on reporting mechanisms and efficient and effective reporting channels are the most favoured due to the public’s fear of victimization through arrest or other harm as a result of making bribery reports. Therefore the truck drivers also need a secure way by which they can make either confidential or anonymous reports. The need to sensitize the truck driver’s about bribery is also important as it is evident that bribery is the norm at the border point.

CHAPTER FIVE: Summary of Findings, Conclusion and Recommendations

5.1 Introduction

This section provides for findings made, recommendations, conclusions and areas that need further research. These items were based on the information from the background, literature review, research methods, data analysis and interpretation which preceded this chapter. The recommendations focused on the thematic areas of study namely prevalence of bribery cases being encountered and the level and trend of truck driver's willingness to report allegations and incidences of bribery. Others are factors which influence truck drivers from reporting allegations and incidences of bribery and strategies which encourage truck drivers to report allegations and incidences of bribery.

5.2 Summary of Findings

The findings were made in light of the specific objectives of the study as captioned below:

5.2.1 To analyze the prevalence of the cases being encountered.

This objective was to examine whether the truck drivers had ever given a bribe; the public official who received the bribe; and whether respondents and colleagues gave bribes in the last 12 months; the number of times that the bribes were given in last 12 months; the prevalence of bribery; the lowest and highest amount of bribes given; and the purpose of giving the bribe.

Data analysis results revealed that a bigger portion of respondents gave bribes, while a third of them did not. It can be deduced that most of the respondents have encountered situations which demand that they give bribes in order to facilitate smooth operations of their businesses. Those who said that they have never given bribes can be attributed to those who might not be honest and/ or are not willing to accept having given a bribe because they know it's illegal and they fear being called upon to reveal details of the corrupt act to a law enforcement officer. They think that this might consequently lead to prosecution of perpetrators.

The data also revealed that police officers were the public officials who frequently received bribes followed by KRA and Weighbridge personnel, in that order. These results indicate that the Police and weighbridge personnel put together are able to detect many traffic violations and/ or overloading cases on which account they demand bribes from the truck driver's failure to which they are threatened with arrest and being charged in a court of law.

More than half of the respondents indicated that they had given bribes in the last 12 months while a third of the respondents said they had not paid bribes. Those who said that they have never given bribes can be attributed to those who might not be honest and/ or are not willing to accept having given a bribe because they know it's illegal and they fear being called upon to reveal details of the corrupt act to a law enforcement officer. They think that this might consequently lead to prosecution of perpetrators.

The data analyzed for the frequency of respondents giving bribes indicated that the frequency of giving bribes was relatively high within the short duration of only 12 months, while most respondents were aware that their colleagues had given bribes to public officials in the last 12 months.

It can be deduced from the analysis that prevalence of bribery at Malaba border point is high and this is attributed to Malaba border being a busy transit point with a constantly large volume of traffic, notably transit trucks. The truck drivers and turn boys give bribes to avoid arrest and prosecution for overloading, untaxed goods or for overlapping and illegal overtaking. They also give bribes in order to facilitate faster clearing, to operate with expired or lost license or insurance covers.

The lowest amounts of bribes given ranged between Kshs. 200 to Kshs 500, but this was given at a high frequency. It can be deduced that the amounts of money given as bribes may be small but they are given at a high frequency thus making the total bribes given over a period of time to be colossal. The end result will be high prevalence of bribery at the border point.

Majority of the respondents that gave bribes indicated that the highest amounts of bribes that they gave at Malaba border point ranged between Kshs. 2001 to Kshs5000. This also is a clear indication of the high prevalence of bribery.

The main purpose of giving bribes to public officials was to facilitate faster clearing of goods across the border point. Other reasons for giving bribes were: to avoid arrest and prosecution for overloading, illegal parking, untaxed goods, overlapping/illegal overtaking, expired or lost licenses/ identity cards and an expired insurance cover.

It can therefore be deduced that clearing of goods at Malaba border point is the most pressing issue for most of the truck drivers hence the willingness to give bribes. The reason for this is to facilitate smooth and faster movement of goods to and from the Port of Mombasa and other destinations in order to save time and consequently make more money from the high number/volume of trips.

The high prevalence of bribery and challenges faced in reporting bribery demands cast doubt on the state's commitment to act against corruption

5.2.2 To examine the level and trend of truck driver's willingness to report allegations of bribery.

This objective was to examine the level and trend of truck driver's willingness to report allegations and incidences of bribery. The objective captures the level of willingness to report bribery demands; how the level of willingness to report bribery demands varies over time; and reasons to report allegations and incidences of bribery.

Majority of the respondents indicated that they are unwilling to report bribery demands. The reason for the unwillingness to report bribery demands is due to fear of victimization by way of trucks being impounded and/ or delayed from crossing the border or the truck driver being arrested.

The trend of willingness to report allegations and incidences of bribery at Malaba border point has not changed over time. It can be deduced that bribery has been taking place for a long time and continues to do so due to the set of conditions existing at the border point. The conditions include: the need to be cleared quickly and the fear of being arrested for any of the already stated offences. In some instances, the driver is not to be wholly to blame. For example, the poor condition of the truck, expired licenses, overloading or carrying untaxed goods may have been done with the knowledge of the employer.

The main reasons to report allegations and incidences of bribery were the need to fight corruption and reporting as a moral duty. These are the two popular messages that individuals throughout the country have received from EACC and/or from their religious faith. This is in view of the fact that the respondents belong to different religious backgrounds.

5.2.3 To establish factors which influence truck driver's from reporting allegations and incidences of bribery

This objective was to examine factors that influence reporting of allegations and incidences of bribery. It incorporates the factors influencing truck drivers not to report; preferred places to report; and the truck driver's attitude towards corruption

The data reveals that truck drivers do not report bribery allegations for a number of reasons. The outstanding reason was because they regard this as not being their responsibility; they also believed that no action will be taken by the concerned authorities. Other reasons include fear of consequences of reporting and/ or fear for personal security; regarded bribery as a petty offence; not knowing where to report, among other reasons. It can be deduced that due to the perceived sense of helplessness, individuals have accepted bribery as an enabling act for their survival. The consequences of reporting emanate from truck driver's fear of victimization through arrest or other harm as a result of making bribery reports. Arising from the need to make faster trips across Malaba border point, truck drivers needed to ensure that clearing of their goods was not delayed. Therefore they opt to facilitate this through bribing the relevant public officials.

The preferred places to report allegations and incidences of bribery were the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Kenya Police, and the provincial administration. EACC was the most preferred place to report due to its autonomy, clear mandate against bribery and media publicity on its role. Not many respondents had confidence to report to KRA, Kenya Police or the provincial administration since they were considered as some of the worst perpetrators of bribery offences. There were also a significant proportion of truck drivers who either did not know the places where they could report or they did not care to know due to apathy.

The data captured truck driver's attitude towards corruption by making appropriate responses to statements that captured attitude. A big proportion of truck drivers agreed to the first statement, "Paying official fees and following procedures is too costly". This is attributed to the need for faster clearing of goods in order to save time and make more trips across the border thereby making more money. There was an overwhelming agreement with the second and third statements, "truck drivers who report corruption are likely to suffer" and "there is no point in reporting corruption because no action will be taken". This can be attributed to the experiences met by some truck drivers.

On the other hand, the truck drivers overwhelmingly disagreed with the statements that, "there is nothing wrong with a local leader acquiring wealth through corruption provided s/he uses it to help or assist the community" and "there is political commitment in the fight against corruption". This can be attributed to the perception by respondents that leaders and government agents are expected to act against corruption and not to abet it.

5.2.4 To identify strategies which encourage truck drivers to report allegations and incidences of bribery

The data indicated that the factors that encouraged truck drivers to report allegations and incidences of bribery, in the order of importance, were: legal protection; creation of awareness on reporting mechanisms; efficient and effective reporting channels and improved political will. Other factors are Cultural change and altering incentive structures of government personnel. The need for legal protection, creation of awareness on reporting mechanisms and efficient and

effective reporting channels are the most favoured due to the public's fear of victimization through arrest or other harm as a result of making bribery reports. Therefore the truck drivers need a secure way by which they can make either confidential or anonymous reports. The need to sensitize the truck driver's about bribery is also important as it is evident that bribery is the norm at the border point.

5.3 Conclusion

From the above findings, conclusions can be drawn that most truck drivers and turn boys paid bribes most of which went to the police who were the public officials who accepted bribes many times. As such, prevalence of corrupt practices in such public institutions as the police will undermine public confidence in them. The most common purpose of giving bribes was to facilitate faster clearing of goods. The prevalence of bribery was high at Malaba border point while the lowest and highest amounts of bribes that were given fell in the range of between Kshs. 200 to Kshs 500 and between Kshs. 2001 to 5000 respectively. Most of the respondents were unwilling to report bribery due to fear of victimization while the trend of willingness to report allegations and incidences of bribery had remained the same over time.

Most individuals did not report bribery because they regarded it as not their responsibility but did report allegations and incidences of bribery because of the need to fight corruption. The factors that encouraged reporting of allegations and incidences of bribery that were given by respondents were: legal protection and creation of awareness on reporting mechanisms and channels, while the agency that was preferred for reporting allegations and incidences of bribery was EACC.

5.4 Recommendations

5.4.1 Policy Recommendations

Authorities such as EACC should act on all reports and create awareness on places where the truck driver's can report while providing efficient and effective reporting channels. Government should ensure that those who report are safeguarded against victimization. Cultural change should be encouraged in order to facilitate reporting while there should be political will in order to raise awareness through campaigns. Government should also ensure adequate protection of

those who report by enforcement of legislation and provision of human, financial and technical resources.

Government should carry out civil service reforms to enhance meritocratic personnel policy in promotion, encourage ethics, decentralize decision making and increase civil servants pay. Government should also ensure an independent and free judiciary, encourage asset disclosure and improve citizen access to information on how to report corruption.

5.4.2 Recommendations for Further Research

This study focused on truck driver's willingness to report allegations and incidences of bribery at Malaba border point. It only covered Malaba border point which is one among many other entry and exit points along Kenya's borders. In view of the increased cases of corruption, other studies targeting other border points in the country should be undertaken in order to inform on truck driver's willingness to report allegations and incidences of bribery.

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Appendix 1: Questionnaire for Truck Drivers at Malaba border point

My name is Arthur Jossey Opili, an M.A. student from University of Nairobi, Department of Sociology. This interview schedule is aimed at collecting information on truck driver's willingness to report allegations and incidences of bribery at Malaba border point. The information you give will be treated with utmost confidentiality.

I. Background Information

1. Name.....
2. Age (in years).....
3. Gender:
 - (i) Male ☐
 - (ii) Female ☐
4. Religion
 - (1) If Christian state denomination:
Catholic ☐
Protestant ☐
Other Christian faith
 - (2) Muslim ☐
 - (3) Other.....
5. Highest level of education
 - (1) None ☐
 - (2) Primary ☐
 - (3) Secondary ☐
 - (4) College /University ☐
 - (5) Other (Explain).....
6. Occupation
 - (1) Driver ☐
 - (2) Turn-boy ☐
 - (3) Other..... ☐
7. Name of Employer (Truck Company).....

8. State duration of employment in the above company (in years)
9. State duration of employment in similar occupation

II. The prevalence of the cases being encountered

9. In your life time, have you ever given a bribe to a public official?
 (1) Yes [] (2) No []
10. Have you paid at least one bribe to a public official during the last 12 months in Malaba Border Point?
 (1) Yes [] (2) No []
11. If yes, which public official received the bribe?
 (1) Police officer [] (2) Weighbridge personnel [] (3) KRA personnel []
 (4) Other.....
12. Have your colleagues paid at least one bribe to a public official during the last 12 months in Malaba Border Point?
 (1) Yes [] (2) No []
13. If yes, which public official received the bribe?
 (1) Police officer [] (2) Weighbridge personnel [] (3) KRA personnel []
 (4) Other (please specify).....
14. How many times have you given a bribe to a public official in the past 12 months in Malaba Border Point?
times (number of instances)
15. What was the lowest amount of bribe that was given in the above cases?
 Kshs
16. What was the highest amount of bribe that was given in the above cases?
 Kshs
17. What was the purpose of giving the bribe?
 (1) To avoid arrest and prosecution for illegal goods []
 (2) To avoid arrest and prosecution for overloading []
 (3) To facilitate faster clearing []
 (4) Other reasons.....

18. In your opinion, what is the prevalence of bribery at Malaba border point?

(1) Very High []

(2) High []

(3) Low []

(4) Very Low []

(4) Don't know []

III. Level and trend of truck driver's willingness to report allegations of bribery

19. How would you rate your level of willingness to report somebody who asks you for a bribe before rendering services?

(1) Willing []

(2) Unwilling []

(3) Depending on circumstances []

20. How does this level of willingness to report vary over time (trend)?

(1) Increasing []

(2) Same []

(3) Decreasing []

22. What are the reasons as to why truck driver's report allegations and incidences of bribery?

(1) To fight corruption []

(2) Moral reasons []

(3) In accordance with the law []

(4) To report injustice []

(5) Matter of principle []

(6) For a better tomorrow []

(7) Moral duty [](Tick one)

(8) Other.....

IV. Factors which influence truck drivers from reporting allegations of bribery

23. What are the factors which influence truck driver's not to report allegations and incidences of bribery?

- (1) Not my responsibility []
- (2) Afraid of consequences (personal security) []
- (3) No action will be taken []
- (5) Reporting challenges (Do not know where to report, nobody to report to) []
- (6) Legal challenges (Cannot prove the guilt, Lengthy court process) []
- (8) Offence is petty []
- (9) Knew the culprit []
- (10) Other.....

24. Which are the preferred places to report allegations and incidences of bribery?

- (1) EACC []
- (2) The Kenya Police []
- (3) Chief / Assistant Chief []
- (3) District Commissioner/ District Officer []
- (5) KRA []
- (6) Other.....

25. Truck driver's Attitude towards Corruption: Please answer the following questions by ticking in the box an answer that best describes your level of agreement or disagreement with each corresponding statement.

Statement	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Most corruption is too petty to be worth reporting					
Corruption is beneficial provided you are not caught					
There is nothing wrong with a local leader acquiring wealth through corruption provided s/he uses it to help or assist the community					

Statement	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Corruption is a fact of life, it's the normal way of doing things					
Paying official fees and following procedures is too costly					
Truck drivers who report corruption are likely to suffer					
There is no point in reporting corruption because no action will be taken					
A person who accepts a Kshs 20,000.00 bribe is more corrupt than a person who accepts a Kshs 50.00 bribe					
Corruption hurts the national economy					
The citizens have a right to know the sources of wealth from their leaders					
There is political commitment in the fight against corruption					

V. Strategies to encourage truck drivers to report

26. What factors encourage reporting of allegations and incidences of bribery?

- (1) Cultural change []
- (2) Improved political will []
- (3) Legal protection []
- (5) Efficient and effective reporting channels []
- (6) Create awareness on reporting mechanisms []
- (8) Altering incentive structures of government personnel []
- (9) Other.....

Thank you.

Appendix 2: Interview Guide for Key Informants (Police officer, Customs (KRA) officer, Local administrator, clearing and forwarding agent and Local residents)

My name is Arthur Jossey Opili, an M.A. student from University of Nairobi, Department of Sociology. This interview schedule is aimed at collecting information on truck driver's willingness to report allegations and incidences of bribery at Malaba border point. The information you give will be treated with utmost confidentiality.

I. Background Information

1. Name.....
2. Designation /Title.....
3. Name of Agency.....
4. Duration of work at Malaba border point.....years

II. The prevalence of the cases being encountered

5. Please describe to me the kind of corruption that occurs between truck drivers and public officials at this border point
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6. Please describe for me the persons that give and receive the bribe; amount involved; when, how and where the bribery act occurs
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7. What is the purpose for the bribes?

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8. In your opinion, what is the prevalence of bribery at Malaba border point?

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III. Level and trend of truck driver's willingness to report allegations of bribery

9. Please discuss the level of willingness of truck drivers to report somebody who asks for a bribe?

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10. How does this level of willingness to report vary over time (trend)?

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11. What are the reasons as to why truck drivers report allegations and incidences of bribery?

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IV. Factors which influence truck drivers from reporting allegations of bribery

12. What are the factors which influence truck driver's not to report allegations and incidences of bribery?

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13. Which are the preferred places to report allegations and incidences of bribery?

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14. In your opinion, what is the truck drivers attitude towards corruption?

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V. Strategies that encourage truck drivers to report

15. What should be done to encourage reporting of allegations and incidences of bribery?

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Thank you.