

**THE ROLE OF INTERNATIONAL AGENCIES IN CURBING CORRUPTION IN
KENYA: A CASE STUDY OF TRANSPARENCY INTERNATIONAL**

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DECLARATION

Declaration by the Student

I, the undersigned, declare that this research project is my original work and that it has not been presented in any university or institution for academic purposes.

Signature.....

Date.....

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Declaration by the Supervisor

This research project has been submitted for examination with my approval as the University supervisor.

Signature.....

Date.....

DR. ANITA KIAMBA

DEDICATION

My thanks and appreciation to Dr. Anita Kiamba for persevering with me as my advisor throughout the time it took me to complete this research and write the dissertation. I am grateful as well to Silas Njagi for coordinating and overseeing the administrative concerns that made it possible for me to complete my project in good time.

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ACRONYMS AND ABBREVIATIONS

TI	Transparency International
UNCAC	United Nations Convention against Corruption
EABI	East African Bribery Index
KACC	Kenya Anticorruption Commission
KACA	Kenya Anti-Corruption Authority
ACECA	Anti-Corruption and Economic Crimes Act
UNCAC	United Nations Convention against Corruption
GDP	Gross Domestic Product
WEF	World Economic Forum
WTO	World Trade Organization
ECOWAS	Economic Community for West African States
IMF	International Monetary Fund
ACA	Anti-Corruption Agencies
INGO	International Non-Governmental Organizations
PACI	Partnering against Corruption Initiative
CPI	Corruption Perception Index
IGO	International Governmental Organizations
AUCPCC	African Union Convention on Preventing and Combating Corruption

OECD	Organisation for Economic Co-operation and Development
EU	European Union
KAF	Kenya Air Force
EACC	Ethics and Anti-Corruption Commission
ALAC	Advocacy and Legal Advice Centres
DPP	Department of Public Prosecution
BFID	Banking Fraud Investigation Department
NACCSC	National Anti-Corruption Campaign Steering Committee
KENAO	Kenya National Audit Office
EMU	Efficiency Monitoring Unit
SADC	Southern Africa Development Community
GJLOS	Governance, Justice, Law and Order Sector

CHAPTER ONE: INTRODUCTION

1.1 Background of the Study

Corruption is an ailment feeding on the social, financial and political structure of a system together, and wrecks the working of essential organs. Corruption is significantly one of the deadliest morasses to growth and development in the 21st century. It thwarts and undermines efforts of any administration, impairs policies of a nation, prompts misallocation of assets, hurts advancement and especially harms poor people.¹ Corruption has manifested itself as a global vice with corrupt practices being witnessed in different countries all over the world.² Certainly, the political scandals that have occurred in most countries around the world since cold war came to an end has not only sparked global public outrage against corruption but has also demonstrated how corruption has derailed growth and development, more so in the developing countries.³

While extensive advancement can be said to have been accomplished in developed nations and popular governments to comprehend and moderate it through changes, corruption endures and has turned out to be across the board in different parts of the world, especially in African's developing countries that are in the South of Sahara often referred to as the Sub-Saharan Africa. Others, for example, a portion of the developing nations of Asian continent like China, seem to have been more ready to battle against corruption.⁴ Unfortunately, the equivalent can't be said of most African nations, where corruption is a vital part of the manner in the functioning of the systems.⁵ Except for a couple of African nations, for example, Botswana, Tunisia, Namibia, Mauritius, and South

¹ Transparency international Report 15th December 1998

² Hanna, Rema, Sarah Bishop, Sara Nadel, Gabe Scheffler, and Katherine Durlacher. "The effectiveness of anti-corruption policy." *EPPI Centre Report 1909* (2011).

³ Treisman, D. T. "The Causes of Corruption: A Cross-National Study", *Journal of Public Economics*. (2000). Vol. 76, 399 – 457.

⁴ Ibid

⁵ Adetiba, Olumide Frederick. "The challenges of curbing corruption in a democracy: the case of the Public Protector and Nkandla." PhD diss., Stellenbosch: Stellenbosch University, 2016.

Africa,⁶ corruption can be said to have turned out to be unavoidable both in and outside government circles.

Strategies on curbing corruption to be at the fore front of the government priorities for corruption is crippling down governments. Governments have therefore sorted to partner with various organizations both locally and internationally in trying to wipe out the menace. Corruption has led to gradual stagnation of economies in the global South. Africa's reputation for corruption has not changed according to the latest world corruption rankings. This was indicated by the fact that in the survey conducted by Transparency International in 2013, no African country was included among the top twenty least corrupt states in the globe. Somalia ended up being ranked as the country with the highest corruption index in the world.⁷

In accordance to the 2013 report that was released by Transparency International that ranked countries from the least to the most corrupt state; out of the 133 states that were ranked, Kenya was ranked as position 122.⁸ This was different from the survey that was carried out in 2011 by the same organization; Kenya out of the 148 states that were surveyed ranked position 154 in the corruption level assessment as per state. Indeed, this is easy to fathom considering the corrupt scandals that had been experienced in the years before the release of the report as well as in the years that followed. Within Kenya, the bribery demand is about 29% as determined by the East African Bribery Index (2012).⁹ In 2016, Kenya was ranked among those states in the world with enormous corruption rates by the Transparency International. In accordance with the Transparency

⁶Mukunyi Catherine Wangui. Impediments to Effective Investigation and Prosecution of Corruption Cases in Kenya: The Case of the Ethics and Anticorruption Commission. Thesis, University of Nairobi, (2014).

⁷Kichwen, Evans Kipchirchir. "The Effectiveness of Anti-Corruption Strategies: A Kenyan Case Study." PhD diss., United States International University-Africa, 2017.

⁸ Kenya Anti-Corruption Commission. National Corruption perception Survey. Nairobi: Directorate of Research, Education policy and Preventive Services (REPPS). (2006).

⁹Gichio, D. "Public Procurement in Kenya: Cash Cow for the Corrupt or Enebler for Public Service Delivery?", (2014). Adili. Iss. 145.

index it was position 145 out of 176 surveyed. That was a situation that had trended for years. Between 1996 and 2016, Kenya's corruption index rating averaged 22.36 points. Kenya's corruption index was at its low in 2017 when it was at 19 points, contrary to 2012 when it was at all times high. In 2016, the average was 22.36 points and as the year 2017 ended, predictions were for the index to record a 24.52-point average.¹⁰

1.2 Statement of the Problem

It's nothing but a mystery that regardless of numerous endeavours to shorten and wipe out the vice called corruption spreading in all facets of Kenya's economy, there is still high prevalence and lots of cases creating an impression of expanded corruption in the private and public segments. Grand scale corruption and plundering specifically occur inside a genuinely mind boggling system of people and gatherings with access to huge riches, influence and impact in both the general population and private segment.¹¹ Corruption has widened the gap between the social classes in Kenya; especially between the poor and the rich. At one point, the late J.M Kariuki said that Kenyatta Senior's government had turned Kenyan society into a man eat man society. This was way back in the early 70s. Up to date, by and large corruption still remains the key morass derailing growth and development of Kenyan economy. The impact of corruption is still felt in each and every corner of this great country; Kenya. Most of the corrupt ends up being the custodians of public wealth hence vie for public positions after which control politics and resource distribution in the land. Public assets are embezzled by a few political elites who tend to use the public as mere appendage for pursuing state power.¹²

¹⁰Transparency International, 2010. Transparency International Corruption perceptions index. Retrieved May 1, 2011, from http://www.transparency.org/policy_research/surveys_indices/cpi (2010)

¹¹Ibid.

¹²Mbaku, J.M.M. Bureaucratic and Political Corruption in Africa; The Public Choice Perspective, Malabar Florida, Krieger Publishing Company. (2000).

The concern for Kenya is to eradicate corruption which is an obstacle to economic development and prosperity. However, reports appearing in the media and those published by public and private bodies for instance the Kenyan Anti-Corruption Commission,¹³ National Anti-Corruption Campaign Steering Committee, Transparency International,¹⁴ and Centre for Law and Research International, among others, continuously indicate that corruption still exist in Kenya and afflicts key government departments and the society as a whole despite the legislative and institutional structures put in place to tackle the vice.

Kibwana et al.¹⁵ and Justice¹⁶ additionally suggest that current public establishments are powerless and are as defenseless against corruption as public authorities. For instance, fundamental organizations, for example, the Judiciary are amongst most those featuring in the least of the most corrupt in accordance with East African Bribery index, some of the other institutions that peculiarly featured in the list of shame of most corrupt institutions in Kenya include; the Police, the Defense Ministry and the Nairobi City Council. Despite the legislative and institutional reforms, too little success to fight corruption has been realized. The success is very negligible.

There is no national anti-corruption policy to provide a clear roadmap or guideline on the trajectory that the fight against this vice should follow; the blueprint on corruption vice seems to be lacking. Institutions tasked with this battle of confronting graft cases have been perceived to be ineffective with bodies such as Kenya Anticorruption Commission (KACC) continuously

¹³ Kenya Anti-corruption Commission; National Corruption Perception Survey 2008 p 13: Survey findings indicate that the level of corruption has increased when compared to the 2007 and 2006 survey findings 66.7% of the respondents in the 2008 survey felt that the level of corruption is very high as compared to 47.9% and 48% of respondents who indicated that the levels of corruption was very high in 2007 and 2006 respectively.

¹⁴ Transparency International Kenya: The East Africa Bribery Index, 2009 pg1 1 ;The survey revealed that the overall level of corruption as reflected by the proportion of East Africans from whom a bribe was solicited or expected during service interaction stood at 34.6% for Uganda, 17% for Tanzania and 45% in Kenya

¹⁵ Kibwana, K., Akivanga, K.S., Mute, M.L. & Odhiambo, Morris, Initiatives Against Corruption in Kenya; Legal and Policy Interventions, 1995-2001, Claripress Ltd. Nairobi, Kenya. (2001).

¹⁶ Ibid

expressing lack of ‘teeth’ to bite due to lack of prosecutorial powers and flaws/gaps in the Anti-Corruption and Economic Crimes Act (ACECA) and other related legislation.¹⁷ The situation is further worsened by disharmony among the various institutions charged with the task of fighting corruption. The overall result is that the fight against corruption has not been won. This pushes for the need to identify the role of international agencies in combating corruption in Kenya as driven by the fact that the Kenyan government has failed to deliver on its promise of eradicating corruption.

1.3 Objectives

1.3.1 General Objective

The main objective of this research study was to examine the role of international agencies in curbing corruption in Kenya in a case study of Transparency International.

1.3.2 Specific Objectives

- i. To determine role of international agencies in coordinating broad public mobilization to hold governments and companies to account on public fund. A case of Transparency International.
- ii. To establish role of international agencies in protecting activists and whistle blowers in Kenya. A case of Transparency International.
- iii. To assess the role of international agencies in building partnerships across civil societies and the private sector in the battle against corruption: A case of Transparency International.
- iv. To evaluate the role of international agencies in strengthening the punishment mechanisms on corruption in Kenya. A case of Transparency International.

¹⁷Blasius, Owiny Patrick. "Efficacy of the Policy, Legal and Institutional Frameworks for Combating Corruption in Kenya." (2009).

1.3.3 Research Questions

- i. What is the role of international agencies in coordinating broad public mobilization to hold governments and companies to account on public fund? A case of Transparency International.
- ii. What is the role of international agencies in protecting activists and whistle blowers in Kenya? A case of Transparency International.
- iii. What is the role of international agencies in building partnerships across civil society and with reform-minded public and private sector actors in the fight against corruption in Kenya? A case of Transparency International.
- iv. What is the role of international agencies in strengthening the punishment mechanisms on corruption in Kenya? A case of Transparency International.

1.4 Justification of the Study

Past studies on corruption in Kenya have variously touched on its causes and manifestation and have blamed it on governance and accountability lapses. Out of recommendations from these studies, the government has developed and operationalized strategies and measures to tackle the vice but paradoxically, corruption has increased progressively in tandem with the escalation of the said measures. Little studies have been carried out to identify the role of international agencies in curbing corruption in Kenya. This is after the clear evidence that the government of Kenya is failing in eradicating corruption with respect to its promise. The study may be able to offer information that may push the support of the government towards international agencies aiming to eradicate corruption in many afflicted nations such as Kenya.

Towards this end, the selected case study respondents will be deemed to be in a position to offer experts' exposition on the role of international agencies dealing with corruption in Kenya, focussing of Transparency International. Consequently, the data collected from the respondents

will be analyzed and presented for use in filling the existing knowledge gap, identified in order to facilitate the effective management of corruption in Kenya.

1.5 Literature Review

This section will be divided in four parts. The first part seeks to describe and discuss corruption in general. The second part addresses the challenges faced when trying to wipe out corruption in Kenya. The third part documents anti-corruption agencies whose sole purpose is to fight against corruption in countries that have fallen victim to the deadly vice. Lastly, the fourth part focuses on Transparency International, a global company with the sole purpose of fighting corruption in all nations across the world.

1.5.1 Corruption

The term corruption is by and large, wide and sophisticate, it is hard to show a solitary complete meaning of this term, “corruption”. Corruption has been prevalently diminished to misconduct and abuse of the public office for selfish gains. Corruption is a vice in the 21st century however it is as old as the existence of the human race. As Kenneth Waltz¹⁸ posits, human beings are naturally evil driven by selfish interests and ambitions. Realists like Waltz argue that it is because of this that corruption and human being are one and the same. How do you expect an immoral being to be incorruptible? It is therefore evident from the Realists school of thought that eradicating corruption is inevitable, what we can do probably is to manage the degree of corruption. Understanding corruption has therefore become mind-boggling since the vice has got several forms.¹⁹ In accordance with the Anti-Corruption and Economic Crimes Act drafted and passed before the house in 2003 in Kenya, corruption implies an offense that includes bribes, misrepresentation, theft

¹⁸ Waltz, K. Man the State and War.(1979)

¹⁹ Ibid 4.

of assets that belong to the public, maltreatment of office, and break of trust; or an offense including deceptive nature regarding any duty, rate collected under any Act; or under any law identifying with the decisions of people to public office.²⁰

The United Nations Convention against Corruption (UNCAC) does not characterize corruption. The Convention has adopted the strategy that a thorough meaning of corruption was neither fundamental nor practical. Corruption is a liquid idea, implying distinctive things to various individuals. All the more, it is an advancing idea.²¹ The Convention is intended to work in a worldwide situation and is adapted towards what's to come. In light of those goals, and in perspective of the multifaceted idea of the wonder and the ensuing trouble of building a legitimate definition, the Convention received a descriptive methodology, covering different types of corruption that exist, yet in addition empowering States to manage different structures that may develop. It requires each state gathering to embrace lawful measures to build up certain criminal offenses, including bribes, theft, misappropriation or other redirection of property by public authorities, exchanging impact, maltreatment of capacities, unlawful enhancement, and pay off in the private sector.²²

Universally corruption has affected various bodies and establishments.²³ Both governmental and public institutions have greatly been affected by graft. It has been proven beyond any reasonable doubt that there is no single state that can carry the burden of corruption vice. This is because it really derails a country, economically, socially and politically. This has raised the level of public outrage, disrespect to the rule of law and rivalry in the commercial centre; it devastatingly

²⁰ The Anti-Corruption Economic Crimes Act, 2003 (No. 3 of 2003)

²¹Blasius, Owiny Patrick. "Efficacy of the Policy, Legal and Institutional Frameworks for Combating Corruption in Kenya." (2009).

²² United Nations Convention against Corruption: article 13-31.

²³Klaveren, van J. The Concept of Corruption. In Heidenheimer et al. (1990). 25-28.

affects investments, development and advancement.²⁴ In Europe, corruption remains a noteworthy test to majority rules system and the law.²⁵ In the 1990s, a number of states in the European continent did set up organizations that were anticipated to assist in fighting and managing this morass that had hit the continent hard.

While corruption is a worldwide wonder, its effect is more in poor and immature nations, where assets for improvement are unduly occupied into private hands, which intensifies destitution.²⁶ From independence to date the issue of corruption has always been highlighted in Kenya by watchdog institutions, politicians and the media. Legislation and institutions have been set up to tackle the vice; however, eradication of the vice has remained an illusion.²⁷ Corruption continues to be a serious governance issue in Kenya and globally, reports expose Kenya to be one among the most corrupt states that are extremely corrupt in the world. Efforts by the government to combat the vice are generally perceived as ineffective.²⁸ Despite enactment of the Anti-corruption legislation and establishment of the relevant institutions that were envisaged to combat corruption in Kenya, a comprehensive attack on the vice remains elusive. Occasionally, lack of political goodwill also tends to be playing a role in the failure to combat the vice.

In Kenya corruption is manifested in different structures including petty and grand corruption, theft of public assets and an arrangement of political support which is all around dug in the Kenyan culture.²⁹ Petty corruption infers a circumstance in which individuals need to pay cash to acquire public services.

²⁴ Ibid 10

²⁵ Kaufmann, D., et al. Legal Corruption. *Economics & Politics*, (2011). 23(2), 195–219. doi:10.1111/j.1468-0343.2010.00377.x

²⁶ Ibid 5.

²⁷ Ibid 6.

²⁸ Transparency International: Global Corruption Barometer, 2009.

²⁹ Jarso, James Forole. "The media and the anti-corruption crusade in Kenya: weighing the achievements, challenges, and prospects." *Am. U. Int'l L. Rev.* 26 (2010): 33.

1.5.2 Challenges Faced in Curbing Corruption in Kenya

Corruption happens when the normal advantages surpass the expenses.³⁰ Advantages are not restricted to fiscal gains but rather incorporate ascending to a political position of influence and accumulating power. Corruption probability must be estimated against the likelihood of being gotten or uncovered and the related punishments. In substantial part, these mirrors the government activities' transparency and the level of managerial oversight and responsibility included.

This calls for the need for mechanisms to combat and do away with corruption in Kenya. The reason is that corruption has resulted in poverty which is experienced by many citizens in Kenya. The government of Kenya has come up with stringent measures to combat the issue of corruption in the country. Kenya like “most nations of the world, has over the years, enacted anti-corruption laws”³¹ and policies, upon which the existing administrative anti-corruption programmes have been based. From these laws and policies, a number of institutions and programmes have been established and instituted respectively, as a local approach to the war against corruption.

However, despite the many efforts by the government to implement measures that lead to corruption, scandals on resource misappropriation are on the rise. The reason is that the strategies followed in combating corruption faces myriads of challenges. The impediments to the war on graft at the domestic levels in Africa including Kenya were classified by Momoh³² as political, economic, socio-cultural, technological and environmental factors. Although, these factors reinforce the other in various respect. For instance, there is a nexus between political and economic corruption in some respect³³. However, the nature of Kenya politics since independence has been

³⁰Klitgaard, R. (1988), *Controlling Corruption*, University of California Press, Berkeley, CA.

³¹Heineman, B. W. Jr. and Heineman, F., *The Long War Against Corruption*, in *Foreign Affairs* (May/June 2006), p 75.

³²Momoh, Z. (2013): *Faces of Corruption in Nigeria*. Jos, Global Multi- services Ltd New Africa Magazine November, 2009

³³Ibid

highly politically contestable such that victory in most elections are considered as a matter of life and death and aspirants will involve in all forms of political vendetta in order to capture or retain political power by whatever means possible. The act of political vendetta that characterized Kenyan politics has made politics in Kenya a high stake game. The end justifies the means as averred by Nicolo Machiavelli. Majority of Kenyan politicians run for political office, not with an intention to guard public resources but rather with an intention to accumulate more resources regardless of the methodology of acquisition; legally or illegally, morally or immorally.³⁴ This is because the focuses of governance in Kenya have shifted from addressing developmental challenges facing the state to amassing wealth.

Another impediment to combating corruption in Kenya is discretionary anti-corruption laws. Most anti-corruption laws in African states especially in countries like Nigeria, Kenya and South Africa grant certain immunities to some political leaders by making the procedure of prosecuting such leader when found guilty of corruption charges difficult³⁵. This depict that immunity has paved way for impunity in some African states including Kenya since political privileges provides a way of escape for corrupt public office holders from been prosecuted which in turn re-enforces the nature of corruption.

The limited autonomy given to anti-corruption commissions/agencies in Africa states especially in countries like Nigeria, Kenya, Malawi, South Africa, Zimbabwe, Liberia, Guinea, Botswana amongst others to effectively combat corruption has pose a severe threat the working of these institutions³⁶. In short, anti-corruption institutions are often accused of acting according to

³⁴Uche, C. andEzeoha, A. (2005): South African, NEPAD and African Renaissance. Leiden: African Studies Centre. The Netherland

³⁵Chipkin, I. (2013): “Whither the State? Corruption, Institutions and State-Building in South Africa” in Politikon, South African Journal of Political Studies July Vol.3

³⁶Hanson, S. (2009). “Corruption in Sub-Saharan Africa” Retrieved from www.thinkafricapress.com/economy/causin.

the “body language of the President”. This implies that anti-corruption institutions in most African states only prosecute those the President considered to be corrupt. This in turn results in the need for International agencies whose primary aim is to eradicate corruption in various nations without operating under the influence of the leading party or the president elect.

1.5.3 Anti- Corruption International Agencies

The conventional function of international non-governmental organizations (INGOs) in the battle against corruption has been concentrating principally on advocacy and sensitization. INGOs restrict themselves to the structure of educating every one of those engaged with the corruption and the general population, of the negative and dangerous impacts of corruption. They advocate for change of conduct and the making of foundations that battle corruption. The IMF, the World Bank and the TI have so far gained huge ground in the battle against corruption Cameroon, by preparing projects, workshops and providing finances to the battle of corruption³⁷.

Work in the non-governmental area has been fundamental in bringing corruption issues onto the worldwide agenda. The spearheading work by the Soros Foundations and Transparency International constrained bigger organizations, for example, the World Bank to emulate their example. Following these pioneers there has been a veritable blast in the quantity of corruption centered associations working around the world. There are an immense number of INGOs working in the field of fighting corruption. While corruption is an abrogating subject, associations approach the issues from an assortment of points, from responsibility in humanitarian offices, to multinationals in extractive ventures. With the World Bank going up against the spearheading job, the other multilateral money related foundations took action accordingly. The approaches of every

³⁷Emmanuel B.E. Corruption in Cameroon: Public Perception on the Role and Effectiveness of the Different Anti-Corruption Agencies. Review Pub Administration Management 2018, 6,

one of the individual organizations can't be portrayed in detail. These organizations have somehow tended to the issue of corruption, receiving approaches for both interior or potentially outside practices of corruption.

1.5.4 Transparency International

Transparency International that was launched in the last decade of the 20th century, precisely late 1992. This international organization was founded by one focused individual in the name of Peter Eigen; World Bank representative. This gentleman had been frustrated by World Bank's unwillingness and hesitation to include graft war as a part of their mandate; Eigen retired early and set out on "arduous odyssey" to develop anticorruption concepts.³⁸ He found others who shared his goals and an organization independent of the constraints of a governmental framework were created in order to fight corruption. In May 1993, TI was launched at a conference in Berlin. Participants represented the three core international "stakeholders" in the anti-corruption regime: national governments, the international development community and transnational corporations. The efforts of Transparency International may thus be taken as a response to an increased awareness of the actual problem of corruption.

TI is an anticorruption organization that has established national chapters in more than 90 countries all over the world. It is perhaps most well-known for issuing an annual Corruption Perception Index (CPI), which ranks all countries according to their perceived degree of corruption. TI presents itself as an organization that monitors states compliance to anti-corruption conventions and offers a wide range of anti corruption programs. It is thus an organization that both scrutinizes and assists states. Transparency International is one of the re-known international

³⁸Dahl, Matilda. "How do International Organizations Scrutinize Transforming States? The Case of Transparency International and the Baltic States." *Governments, NGOs and anti-corruption: The new integrity warriors* (2009): 152-167.

organizations that is trying to fight and combat corruption, This international organization has placed corruption n the global political agenda. It has been recognized as a reliable partner in various international contexts, fulfilling an essential liaison role between international organizations, governments and the business community.³⁹TI is a clear example of a global regime in graft war, internationally.

According to Transparency International, the freedom of association and expression should incorporate the privilege to call attention to demonstrations of bad behaviour – both in government and in privately owned businesses⁴⁰. Indeed, even past this fundamental right is the straightforward actuality that individuals who uncover bad behaviour – especially when public wellbeing, health or assets are in question – ought to be recognized and protected, not rebuffed and alienated.

The meetings and activities of governments, intergovernmental organizations, and corporations generally outline goals and principles towards which NGO's can aim their activities, and Transparency International is no exception. Indeed, referring to and relating oneself to the work of International Governmental Organizations (IGO's), such as the EU and the OECD, seems to be a way to present or to frame and promote scrutinizing activities of TI. In a reflection over the state of democracy in the 20th century, Ann Florini concludes that that unless global integration comes to a screeching halt, transnational civil society is in no danger of running out of targets.⁴¹Transparency International marshalled support for the OECD anti-corruption convention

³⁹Pieth, M. International Cooperation to combat corruption, (in Elliot K.A., Corruption and the global economy) Institute for international economics, Washington DC. (1997).

⁴⁰ Transparency International, 2016. Transparency International Corruption perceptions index. Retrieved May 1, 2011, from http://www.transparency.org/policy_research/surveys_indices/cpi (2016)

⁴¹ Florini, A. The coming democracy: new rules for running a new world, Washington DC Island Press. (2003).

at an early stage.⁴²TI has also been closely connected to international financial institutions, in particular the World Bank.

1.6 Theoretical Framework

This study will adopt two theories to explain the research topic. The theories are the public choice theory and the broken window theory. The two theories are appropriate since they will provide better understanding on the aspect of corruption, its causes and the roles that various stakeholders can play in eradicating the menace of corruption in Kenya.

1.6.1 Public Choice Theory

The main proponents of this theory is Geoffrey Brennan and James Buchanan (1985).⁴³ They agree to the fact that people in both private and public institutions have got certain norms, transition and principles that govern and control their behaviour. Chances are high that one will be submerged by the traditions of the institutions., According to the theory, that is how corruption vice is dominant in many facets of life in third world countries. Corruption therefore benefits a small number of the populace.

The state and magnitude of corruption in a accordance with the two scholars' argument always depend on the institutional game plan. According to Public choice theory, the character of politicians, employees' or individuals have negligible influence in eradication of corruption. Corruption in accordance with this theory is a system that cannot be dealt with an individual within a system. Civil servants and politicians therefore have minimal significance.

Some Public choice scholars argue that the conduct of administrators and businessmen and business women who fix them can be investigated viably just inside the setting of existing

⁴²Brademas, J., Heimann, F., Tackling International Corruption. No longer Taboo, Foreign affairs, Sep/Oct 1998, Vol 77, Issue 5, p 17

⁴³ Ibid 5

standards. In this manner, without an unmistakable comprehension of a nation's laws and establishments, any push to break down or comprehend corruption inside that society would be pointless. Any program that is planned without mulling over the effect of existing rules on the conduct of people (counting civil servants, business visionaries, voters, and government officials) inside the general public would be inadequate. Guidelines characterize how people can cooperate with one another, give a way to the settlement of contention, and by and large place imperatives on individual conduct, and in addition that of the gathering and collectivity.⁴⁴ Powerful guidelines enable people to seek after their private closures so as to not encroach on the capacity of others to do likewise. In this vein, corruption can be viewed as an issue of sacred upkeep that can be taken care of fittingly just through legitimate change. Present Anti Corruption programs in Africa experience the ill effects of a few issues. In the first place, they are being completed inside wasteful and nonviable rules. Second, it includes endeavours to control results inside existing guidelines through policing. Third, the checking offices accused of policing and requirement of the laws and the civil servants working in those organizations are not appropriately compelled by the laws. At last, numerous officials are themselves degenerate and can't be depended on to give the administration expected to run powerful cleanup programs. Along these lines, successful corruption cleanup needs in the first place runs change to verify that the results developed inside the standards are those coveted by society.

⁴⁴ Ibid 5.

1.6.2 The Broken Windows Theory

This theory was first explained by these two scholars; by Wilson and Kelling,⁴⁵ and further advanced and developed by Coles and Kelling.⁴⁶ The broken windows hypothesis expect that minor issue, if not considered important and assaulted, will diminish dread of wrongdoing, casual social control, and increment wrongdoing. Physical and social incivilities (empty structures, void parcels, garbage and junk, spray painting, and surrendered autos) add to the weakening of society. Corruption might be viewed from the theoretical glass viewpoint of a "broken windows" hypothesis. Payment to an administrator or an official is enough indicators that the elected leaders or official working in the public service forget about the constituents; leaving no one to care for the needs of the public. Corruption is therefore a broken window that destroys networks hence tampering with the social existence of a people. The broken window hypothesis is pertinent for corruption; it is basically an allegory for the thought that administration industriousness on trivial corruption flags a promise to address more genuine public welfare concerns. There are various examinations that affirm the association among corruption and social trust. The broken window hypothesis is valuable in thinking about the social expenses of a wide range of corruption. Regarding trust out in the public foundations, it is an oversight to accept that petty corruption is less genuine than grand corruption.

Broken windows hypothesis opines that a general public focused on fighting corruption is likewise one related with seeking after other public merchandise. The fight against corruption sends a great flag about a Government's promise to advance the general welfare.⁴⁷ There is solid experimental information supporting a positive relationship between anti-corruption and other

⁴⁵Wilson, James Q., and George L. Kelling. "Broken windows." *Atlantic monthly* 249, no. 3 (1982): 29-38.

⁴⁶Kelling, George L., and Catherine M. Coles. *Fixing broken windows: Restoring order and reducing crime in our communities*. Simon and Schuster, 1997.

⁴⁷ *Ibid* 5.

public products. The lawful condition for battling universal corruption has been enhancing as of late. Laws against corruption have been ordered and authorized in numerous nations. Sadly, in spite of the numerous public advantages related with battling corruption, developing nations linger a long ways behind developed nations. Broken windows offers recommendations to modify the legitimate scene of laws against corruption, a broken windows approach would reclassify and reframe corruption as doubt and turmoil. Second, a broken windows approach would enlarge the fight against corruption with a more prominent accentuation on frivolous pay off and third, a broken windows hypothesis would put more noteworthy accentuation on an association between general society and private segments to battle corruption. This hypothesis underscores on the requirement for all partners to assume a job in guaranteeing the controlling of corruption. This explains the need for this investigation to distinguish the roles of international agencies in curbing corruption in Kenya; focussing on Transparency International.

1.7 Hypothesis

- i. The need for international agencies in curbing corruption in Kenya is attributed to the increasing numbers of corruption in Kenya.
- ii. Kenya is a corrupt free country thus no need for the identification of the role of international agencies in curbing corruption in Kenya.
- iii. Kenya is a corrupt country, hence the need for the identification of the role of international agencies in curbing corruption in Kenya.

1.8 Research Methodology

Exploratory research design was employed to exhaust the objectives of this study. Exploratory research is a type of research design conducted when scholars lacks a basic details of the problems. It draws definitive conclusions only with extreme caution. By use of exploratory

research design, new concepts were developed, hypotheses were developed and new ideas and knowledge generated. This study was based on both quantitative and qualitative research methods since; this strengthens the research by using qualitative research methods.

The target population of the study will be 150 employees from Transparency International based in Kenya. Purposive sampling technique will be adopted to create a sample population that will provide adequate information to make generalization for the whole population. Following the Krejcie and Morgan determination method of sampling, the following formula will be used to calculate the sample size.

$$n = \frac{\chi^2 * N * P * (1 - P)}{d^2 * (N - 1) + \chi^2 * P * (1 - P)}$$

Where:

n = required sample size.

χ^2 = the table value of chi-square for 1 degree of freedom at the desired confidence level (3.841).

N = the population size.

P = the population proportion (assumed to be .50 since this would provide the maximum Sample size).

From the formular the sample size for the study will be 108 employees of Transparency information.

The study used both secondary and primary data in this study. Questionnaires were administered so as to assist in the collection of the primary data while on the other hand hand data from publications, reports, and documentation of the role of international agencies in curbing corruption in Kenya focussing of Transparency International, were used in the collection of the secondary data. The structured questionnaires were used in collecting data as they were considered

the most conducive, efficient and consistency in the manner in which questions were asked, guaranteeing more prominent similarity in the responses. The structured questions were arranged in type of a five-point Likert scale; in this, in this case, the respondents are always required to show their perspectives on a size of 1 to 5. Consent to gather information from the association; Transparency International will be looked for, after the endorsement from the college to complete the examination. A pilot test will be undertaken with the end goal to test the legitimacy of the questionnaire and it will be guided with the assistance of research colleagues. The principle explanation behind the pilot study is to recognize any potential deficiencies, exclusions and mistakes in the questionnaire and dispose of them before it is utilized to assemble the genuine data. The pilot study will target 12 respondents to whom the questionnaires will be controlled twice with a multi week interim

Validity demonstrates whether the things measure what they are intended to quantify.⁴⁸The researcher The analyst will utilize content validity to look at whether the instruments addressed the examination questions. Alterations and increments to the study instruments meetings and dialogs with the director will be done to build up content validity.

is a proportion of how much an examination instrument yields predictable outcomes after rehashed preliminaries.⁴⁹Reliability alludes to the consistency of the exploration and the degree to which studies can be reproduced. To guarantee a high level of dependability of instruments in this examination, the researcher will by and by gather the information and just in a couple of situations where help will be looked for from all around prepared and spurred investigate collaborators. The investigation will utilize Cronbach's alpha r to test reliability, with estimation of 0.7. Reliability gives a proportion of the interior consistency and homogeneity of the things containing the scale.

⁴⁸ Brotherton, M. *Research Methods for Business Students*. United Kingdom: Prentice hall, Pearson Education (2008).

⁴⁹ Cooper, D.R & Schindler, P.S. *Business Research Methods (8th edn)* McGraw-Hill: New York. (2006).

The qualitative information gathered will be investigated utilizing content analysis. The principle reason for content analysis is to think about the current data with the end goal to decide factors that clarify a particular phenomenon. Content analysis utilizes an arrangement of classifications for making legitimate and replicable inductions from information to their setting.⁵⁰ Content investigation will be conducted o secondary information to give qualitative information which will be spoken to in the form of narration. The quantitative information gathered through the utilization of questionnaires will be broke down utilizing descriptive analysis. Descriptive analysis alludes to simple statistical techniques, which don't bolster or misrepresent a relationship however help in the depiction of the information.

1.9 Chapter Outline

The organization of this research project was disintegrated into five clear chapters. Chapter one introduces the study and gives a brief introduction. It then introduces the study by providing information on the background of the study which is essential to provide a deeper understanding of the topic being handled. It later covers the problem statement, research questions and objectives, the methodology employed in this study, reasons as to why this study is important, the theoretical framework and the hypotheses of matters of corruption.

The second chapter examines corruption in Kenya. The chapter provides for a comprehensive analysis that makes it easy for one to understand the subject matter. The chapter then differentiates the forms of corruption practices in Kenya using the relevant examples of corruption scandals that have occurred over the years in Kenya.

⁵⁰ Kothari, C. R. *Research Methodology: Methods and Techniques* 2nd ed. WashiraPrakshan, 2014.

Chapter three covers the role of international agencies in curbing corruption. This chapter assesses the methods deployed by various anti-corruption agencies in the war against graft. A key focus is given to Transparency International in identifying the techniques adopted by the organization in fighting corruption in Kenya.

Chapter four will critically analyze the findings collected on the role of international agencies in curbing corruption in Kenya; as case of Transparency International.

Chapter five will present the discussion, conclusion, and recommendations on the findings.

CHAPTER TWO: CORRUPTION IN KENYA

2.0 Introduction

This section covers the general overview and corruption offenses in Kenya, the forms, causes, effects of corruption in Kenya will also be discussed in this section. The measurement strategies of corruption will also be identified in this section. The chapter will also discuss the strategies implemented by the Kenyan government to fight corruption in the country and their effectiveness.

2.1 Overview of Corruption in Kenya

Kenyan corruption can be historically traced to the period immediately after independence. It grew and developed hand in hand with the distortion of social qualities, virtues and principles that Africans lifestyles were anchored on. Traditional African virtues such as honesty, love, compassion among others were quickly eroded. African men and women now started working with an intention to get favour or exchange so to get rewards for what they had done. d and were changed into requests. Corruption can likewise be traced to imperialism: a government system that depended on and managed by tyranny, foul play, double dealing and by and large loot of the nation's assets. Freedom came without a crucial rebuilding of the colonial state.⁵¹ This implies corruption was carried into the free nation.

Corruption in Kenya flourished in the 1970s, this was because of the opportunities displayed by policy weaknesses, the nation tried to oversee financial life through licences and different types of control. This created a loop hole for embezzling public resources. Political changes that took place in the 1990s, wiped out prior circumstances around which corruption flourished. Subsequently, the frequency of substantial scale corruption focused on income accumulation,

⁵¹ Berman, B. and Lonsdale, J. *Unhappy Valley: Conflict in Kenya and Africa*. (1992). 2 nd vol. Ohio U. Press.

property exchanges, and access to state assets through state procurement.⁵² Rise of need on poor corporate governance, an air of exemption to the law, poor morale and wastefulness – contributed monstrosly to a domain that empowered corruption to flourish and achieve annihilating levels. Control of power of state implied control of public riches prompting support, plundering and bribes.

In the 1980s to the 90s, the nation saw remarkable expanding of corruption past the bounds of state offices.⁵³ It was unfortunate to even see the private sector joining the fleeting trend. This bad habit spiralled and trickled down from the cities and sooner than later the whole nation was affected including the rural areas. Be that as it may, calls for war on corruption started with the growth of democracy in the 1980s, with media coverage and enjoyment of certain mandatory rights like expression freedom, the media started airing out the public grievance on this matter.⁵⁴ A portion of the dissensions were uncovered by the print media also the common society in broad daylight gatherings. To additionally guarantee its responsibility against state level corruption, the IMF embraced a more comprehensive policy reform focusing on the developing nations that basically connected its credits to great administration. For instance, in 1997 the establishment has suspended \$220 million. This was due to the fact that Kenyan legislatures had failed to battle out with corruption vice, instead there were cases of allotment of public resources by means of fictitious contracts.⁵⁵ Policy reforms at the time in history concurred with the records at the Transparency International that had ranked Kenya a very corrupt country South of Sahara. This tinted the image of Kenyan authorities both locally and internationally; at the same time the economy was hurting.

⁵² Branch, D. Kenya. *Between Hope and Despair, 1963–2011*. Yale University Press, New Haven, Connecticut. (1998).

⁵³ Byrne, Elaine, Anne-Katrin Arnold, and Fumiko Nagano. "Building public support for anti-corruption efforts." *Washington DC: Banco Mundial* (2011).

⁵⁴ Ibid

⁵⁵ Ibid

In spite of the endeavours by the governing bodies to fortify the anti- corruption Act of 1991, the legal requirement under the former president; Moi Daniel was a bit different. Be that as it may, with the ingenuity of Kenya's dissident officials, joined with outer help, the crazy 1991 variant was altered to make the Kenya Anti-Corruption Authority (KACA). Corruption is menace and an ambiguous challenge to the country's advancement since it is affecting close to all facets of the country's economy. It has a weakening and destructive impact on advancement, solidness and improvement of the mainland. It hinders monetary development by disheartening remote ventures, distorting asset allotment and markets that are competitive, expands the expense of working together, and lessens the net-value of spending by the public. It likewise diminishes the service quality and public infrastructure then empowers the misappropriation and misallocation of rare assets.⁵⁶

The place of corruption as an issue of grave concern is additionally proved by the Kenya's poor performance in the different indexes that have been produced to quantify corruption and governance. A glance at Transparency International's Corruption Perception Index (CPI) uncovers that the sovereign republic of Kenya is ranks as a very corrupt state from the observation. The 2007 Kenya Bribery Index uncovers that the country experiences bribery of close to 54% in the interactions between both state and non states actors; non state actors include the private sector. This was an increment as compared to the previous years where it was at 47% in the earlier years. Despite the fact that it performed amazingly in the 2007, Ibrahim Index of African Governance challenged the performance by positing that Kenya is position 15 out of 48 African states with a

⁵⁶ Regional Anti Corruption Programme for Africa 2011-2016.

score of 59.3%, closer investigation demonstrates that Kenya still works under the burden of corruption, scoring 24% on its endeavours to check public corruption.⁵⁷

Today corruption keeps on presenting one of the difficulties confronting Kenya. It keeps on undermining governance and destroying public policies, prompting misallocation of assets and added to slow economic growth and additionally debilitated both local and international investors.⁵⁸

2.2 Corruption Scandals in Kenya

Escalation of corruption scandals, one after the other is what has justified the anti-corruption bodies considerations. In the late 1980s, there was a scandal that marred Turkwel Hydro-Power project. A few individuals were egocentric hence had purposed to benefit on the project at the expense of the public. This was a project for generation of energy, in it materials for the construction were exorbitantly inflated making the construction and development very expensive than the envisaged cost.⁵⁹ In 1990s, Mahindra Jeep vehicles were supplied to the Police department at the cost of (US\$13,000) an equivalent to Ksh 1 million then, by Kamson Motors. This was extortion of public funds for at the same time the vehicles would have been sold at a sixth the price in show room. It is also sad to say that most of those vehicles are no longer in use today, a clear indicator that the products were not worth the price.⁶⁰

The scandal that broke headlines for quite sometimes was the Goldenberg scandal. Kenyan government sponsored the exportation of gold exports. The exporters were only paid 35% of their

⁵⁷Ogwang, Lando Victor Okoth. "Rethinking Kenya's Anti-Corruption Strategies: Lessons from Botswana." *LLM Dissertation, Faculty of Law, University of Pretoria (October)*(2007).

⁵⁸Kanyinga, Karuti. "The legacy of the white highlands: Land rights, ethnicity and the post-2007 election violence in Kenya." *Journal of Contemporary African Studies* 27, no. 3 (2009): 325-344.

⁵⁹Ibid 7

⁶⁰Ibid 7

international currency. It was later realized that gold had been snuck to Kenya from Congo. In these fictitious and shoddy deals, the country lost close to 10% of her GDP.

The other major scandal was on the purchase of helicopters from the Republic of South Africa. The seniors in the military had argued out that then helicopters were outdated hence the ministry was in need of new helicopters. A contract of about sh360 million was then given to a South African firm. The tender was given in quite a sporadic manner and a few of some top officials in the military benefited from the allocation of the contract as they were given huge kick-backs. This compromised the quality of helicopters the company sold Kenya.⁶¹

Since the Goldenberg Scandal, other major scandals have been registered in the country. These include: grand corruption scandals have been witnessed in Kenya. These include; misappropriation of funds by Kibaki's first government under National Rainbow Coalition on purchase of government officials' cars, the 2005 Anglo-Leasing . The purchase of the so called landcruiser luxury vehicles for government officials were bought at a higher price than what the government had unveiled for public consumption. These were around fifty both landcruisers and Mercedes Benz.⁶²

Some of the other poignant instances of corruption in public offices corruption include; the Maize Scam of 2009, the Triton Oil Scandal, the November 2009 Free Primary Education (FPE) funds misappropriation, The Nairobi City Council Land scam, the Tokyo Embassy Scandal and the Ministry of Defense public Procurement deal of military hardware form Jordan. These are some of the mega corruption cases that have caused the Kenyan citizens billions of misappropriated funds.⁶³

⁶¹Gatheru, R. M. Kenya: From Colonization to Independence, 1888–1970. McFarland, (2005). 236 pp.

⁶²Ibid, Gichio (2014).

⁶³Jarso, James Forole. "The media and the anti-corruption crusade in Kenya: weighing the achievements, challenges, and prospects." *Am. U. Int'l L. Rev.* 26 (2010): 33.

In 2016 the number of corruption scandals was on the rise including the Kidero 20b scandal at city hall. The Auditor General's report alleged that City Hall could not account for nearly Sh20 Billion of public money.⁶⁴ This was during the period when Kidero was the governor of Nairobi. Other corruption scandals in 2016 included the 971M NYS scandal that Ann Waiguru was the lead suspect; the 215B Eurobond money that was not accounted for and the loss of 1.6B of shares in the NSSF. The year 2016 saw an increase in corruption cases. In 2017, the corruption scandal still continued with the 1.9B maize scandal making headlines throughout the year. 2018, has been a trying year for Kenya with a lot of corruption scandals following each other. The major corruption scandals in Kenya in 2018 include the 11B hole in the health ministry; the 9B NYS scandal,⁶⁵ the unaccounted 238M in car parking fees by the city hall, and the counterfeit sugar scandal. The high numbers of corruption scandals evident in Kenya emphasize the need for independent anticorruption agencies in combating corruption.

2.3 Forms of Corruption Practiced in Kenya

There are a number of forms of corruption practiced in Kenya. These types of corruption include; Political and bureaucratic corruption, generally alluded to as grand and petty corruption. Corruption is at the doorstep of the country's politics, this principally happens at the highest level of authority, that is among the top Kenyan political framework. Political makers of decisions who are qualified to make and implement laws for the sake of the general population are corrupt. They constantly abuse their power and capacity to make financial policies. As elected authorities, in the job of the governance, government officials should settle on assets portions choices dependent on

⁶⁴Kenyans.co.ke article. Top 10 corruption scandals in Kenya 2016. (2016).

⁶⁵OdipoDev. A Visual History of Corruption Scandals in Kenya 2013 – 2018 Read more at: [https://www.theelephant.info/data-stories/2018/06/05/a-visual-history-of-corruption-scandals-in-kenya-2013-2018/\(2018\)](https://www.theelephant.info/data-stories/2018/06/05/a-visual-history-of-corruption-scandals-in-kenya-2013-2018/(2018))

The Elephant - Speaking truth to power.

the interests of their alleged principals, the public.⁶⁶ This is evident in Kenya mostly in the state corporations and ministries. A good example of grand corruption scandal is the Goldenberg scandal. The first major scandal to hit the country was Goldenberg Scandal; this hit the country's economy hard. Kenya had lost close to 10% of the country's GDP in this scandal as Moi's top cronies benefited from the.⁶⁷ The embezzled money from the scandal was latter used by top Kenyan politician to amass wealth, run for offices hence still control the power dynamics in the country.

Bureaucratic or "petty" corruption is corruption inside the general population organization which is the purported execution end of the political framework. Wanjohi (2010) as revealed by Kipchirchir gives a decent case of petty corruption in his investigation where public authorities in Kenya stole over one hundred billion shillings from the legislature, this was the 1990s.⁶⁸ The amount of money lost was said to have been lost through a factitious and dirty deal in a scheme that the country was exporting some commodities that first of all the country did not have.

According to Agbaje, corruption in public service also includes instances of the misuse of power by a few individuals for selfish gains; rules governing the public have highly faced perversion, and the frustration of free and fair elections.⁶⁹ Petty corruption in Kenya is mostly evident within the police sector in the country. The police are known for receiving bribes for crimes. The biggest perpetrators of petty corruption in Kenya are the traffic police who have been recorded on video receiving bribes from drivers. The use of bribe by traffic police has become a

⁶⁶Oosterbroek, Jan-Willem. "Curtailling corruption in the European Union: an Asian approach to combat corruption in the European Union." Bachelor's thesis, University of Twente, 2007.

⁶⁷Ibid.

⁶⁸Kichwen, Evans Kipchirchir. "The Effectiveness of Anti-Corruption Strategies: A Kenyan Case Study." PhD diss., United States International University-Africa, 2017.

⁶⁹Agbaje, A. Corruption, Accountability and Good governance: Reflections on governance in Nigeria Fourth Republic 1999-2003. *International Review of Politics and Development*. (2004). Vol. 2, No. 2, pp. 23 -

normal thing in the 21st century since most drivers and the police themselves the implementers of anti-corruption laws do not mind being corrupt if it benefits them.

Private corruption and aggregate corruption ("singular" versus "accumulated") is another type of corruption in Kenya. The cash or gained benefits by the corrupt vary in the manner in which it is privatized. Extraction of the cash might be to help a person, who wouldn't impart it to other people, or the cash can be partitioned between a specific gathering where there is some type of rationality and solidarity. The private idea of corruption is known due to the illicit and clandestine nature of corrupt exchanges.⁷⁰ The illicit and shameless corruption nature requires an arrangement between a people. Corruption is known to be privatized in light of the fact that private advantages are sought and gathered. In any case, corruption can likewise be "aggregate". Other than the way that the impacts are perceptible in total terms, it can likewise be a cognizant method for asset extraction to assist a bigger gathering. It can likewise be the situation that the assets are separated by a gathering of rulers, class, establishment or association to help their very own gathering. An example of this type of corruption includes (administering) political gatherings, whole bureaucracy in the managerial, and government at the national level. All in all it is widely rumoured that corruption is extremely powerless to a collective approach which for the most part begins little yet quickly degrees to bigger works on including a wide range of associates, accomplices, colleagues, supporters and bosses. This is because of the way that it is less exorbitant to stay silent than to go up against and report corruption.⁷¹

Scholars have also managed to unravel another type of corruption, namely redistributive corruption. In redistributive corruption gatherings (social, financial) or people in society are

⁷⁰Ibid

⁷¹ Amundsen, I. "Political Corruption: An Introduction to the Issues", Chr. Michelsen Institute, No. 7 of a series about Development Studies and Human Rights. (1999).

sufficiently intense to draw more profit by the practices of corruption they participate in together with the state. The principle recipients of items of corruption include; the distinctive social and financial gatherings inside society and assets are normally disseminated by the diverse power arrangements that exist inside every nation.⁷² In the contrary view, in extractive corruption the state, as a state specialist, immensely benefits while on the contrary, the corrupter is simply viewed as pretty much an aloof player. Fundamentally, the elites are the most grounded players in the public eye; these erudite utilize the state device as its instrument to separate assets from society to support those in power. This hypothesis is mainly applicable in scenarios whereby the the state isn't just the most grounded power inside society, however to states where additionally ruling elite has formed into a predominant and decision making responsible for the state power.⁷³

2.4 Causes of Corruption in Kenya

As indicated by Surge,⁷⁴ the reasons for corruption are not written on a stone tablet as they are various and complicatedly interconnected. Akçay,⁷⁵ contends that the reasons for corruption are established in a nation's socio-cultural history, and political and financial advancement. The bureaucratic customs and policies are additionally viewed as solid wellsprings of corruption. While the reasons for corruption are general, there are additionally nation particular causes, which are extraordinary to nations.

As indicated by World Bank, there are reasons that which promote corruption, these include the national systems of governance, contextual issues, and the bureaucracy in the system where in the bureaucratic channel there are those waiting to embezzle funds, social history and political

⁷² Amundsen, I. "Political Corruption: An Introduction to the Issues", Chr. Michelsen Institute, No. 7 of a series about Development Studies and Human Rights. (1999).

⁷³ The state is the stronger part in the state-society relationship.

⁷⁴ Sturges, P. Corruption, Transparency and a Role for Libraries. In: Belan-Simic, A. & Sapro-Ficovic, M. eds. Library Professional Ethics and Civil Society Ethical Norms. Zabreg, CR: Croatian Library Association. (2010).

⁷⁵ Akçay, Selçuk. "Corruption and human development." *Cato J.* 26 (2006): 29.

advancement.⁷⁶ Feeble policies results to poor administration which is a noteworthy contributing variable for corruption in most developing nations. Poor administration is utilized in this setting to mean any administration framework that is insufficient of standards of responsibility, transparency, the legal and real resident interest.⁷⁷ These are the main standards of governance, without which the issues of the state can't be legitimately overlooked. It is fascinating to take note that poor administration is a typical element of developing majority rule governments in Africa. The undertakings of government in the vast majority of states in Africa are covered in mystery, ailing in responsibility and Transparency.

As indicated by Klitgaard,⁷⁸ corruption leads to monopolization of power, whereas a few individuals control huge amount of resources without any accountability. Lack of accountability is a contributing factor to the flourishing of corruption. Another aspect that advances corruption is the extent of people in the public segment.⁷⁹ Corruption is common in nations that have an extensive public segment, as this is evidence of the amount of the financial structure the state controls. This perception is generally shared by the individuals who bolster market economy and privatization policies. The contention is made that the more one gathers political and monetary power the more he or she becomes corrupt. This is reiterated by Lord Upton's famous quote: "Power corrupts, and absolute power corrupts absolutely".⁸⁰

Political unsteadiness is another regular element of African nations. This factor causes vulnerability and dread in broad daylight foundations, where individuals are worried about the security of their occupations.⁸¹ This vulnerability is what has perennially pushed those holding

⁷⁶ Ibid 4

⁷⁷Kyambalesa, Henry. "Corruption: causes, effects, and deterrents." *Africa insight* 36, no. 2 (2006): 102-122.

⁷⁸Klitgaard, Robert. *Controlling corruption*. Univ of California Press, 1988.

⁷⁹Ibid

⁸⁰Ibid

⁸¹Kyambalesa, Henry. "Corruption: causes, effects, and deterrents." *Africa insight* 36, no. 2 (2006): 102-122.

public offices and community workers into the messy practices of corruption; they claim to be making savings to manoeuvre through the unanticipated employment misfortune. An administration framework that is described by an excessive number of organizations gives space for public authorities to take part in corruption practices.

A research by Caiden contends that when organization is considered excessively important, it ends up obsessive, and one of its outcomes is corruption..⁸² Unbending authoritative procedures that reason postponement could make public authority request bribes to rush the procedure for individuals from people in general who are in a rush to get a specific service. Thus, regardless of whether the corrupt action isn't provided, it could be requested by the individuals from general society with the end goal to sidestep unwieldy authoritative techniques. This is the type of corruption referred to as by scholars and researchers in this field as 'efficient corruption'. Transparency International states that the bureaucracy in Kenya made a provision for corrupt authorities which made it likewise relatively compulsory for the business administrators to part with some cash bribes of fixes with the end goal to encourage their tasks.⁸³ As indicated by Martini, the Eastern Africa Bribery Index of 2012 indicated that Kenyan public has to dig deep into their pockets only to pay bribes so as to get some of the basic public services and basic bureaucratic activities.⁸⁴

2.5 Effects of Corruption in Kenya

One of the manners in which corruption influences monetary development is that corruption debilitates investments both locally and in the foreign arena. We have witnessed scenarios in which

⁸² Caiden, G. E. "A Parabolic Theory of Bureaucracy of Max Weber through the Looking Glass". Farazmand, A. (ed). *Bureaucracy and Administration*. Boca Raton: CRC Press. (2009).

⁸³ *ibid*

⁸⁴ Martini, M. *Kenya: Overview of Corruption and Anti-Corruption*. Berlin, GER: Transparency International. (2012).

some of the investors locally are devastated by the high levels of corruptions in their countries of origin hence transfer their investments and resources in some of their neighbouring countries.

This would additionally intensify the issue of advancement. Investors' certainty is dissolved even with gigantic corruption. Heymans and Lipietz,⁸⁵ observe that very corrupt nations endure rebuke, especially from worldwide advancement partners. They refer to occasions where nations' aid has been halted by the International Monetary Fund (IMF) because of wild corruption. The negative thing is that if the state is extremely corrupt than it is likely to have difficulty in number of difficulties in bilateral and monetary relations among nations. Notwithstanding, corruption also affect the country directly. It leads to a wide disparity of citizens within the state, a few are likely to accumulate wealth hence stink rich at the expense of the others citizens who most often happen to be poor.⁸⁶ By lessening development, corruption likewise diminishes the public doors accessible to those that are vulnerable so as to escape from neediness; accordingly broadening corruption has widened the gap between the poor and the rich.

Another impact of corruption is the absence of donor support. Numerous donors don't care for partner with nations that are culprits of corruption. For example, Kenya has not been recipients of donations from nations like Britain and Norway because of cases of poor administration, and corruption in the legislature.⁸⁷ In this way, remote weight and apparently absence of government commitment, have exhibited an intricate circumstance and dilemma with the current institutional limit. However, the Parliament and the Executive have assumed huge jobs in deciding pervasiveness levels of corruption and additionally adequacy of anti-corruption laws in the nation.

⁸⁵ Heymans C. and Lipietz "Corruption and Development: Some Perspectives". Monograph Series (40), Institute for Security Studies. (1990).

⁸⁶Ibid

⁸⁷Kibwana, K., Wanjala, S. and Owiti-Oketch. The Anatomy of Corruption in Kenya; Legal, Political and SocioEconomic Perspectives, Nairobi, CLARION. (1996).

Corruption hampers growth and prosperity of subjects within the state. Assets that should be benefiting the public end up in the hands of a few citizens. With the escalation of corruption, it becomes difficult for the government to provide her citizens with some of the basic necessities, for instance better health care, clean water, better housing, incredible education system that is able to serve the needs of the society and sustenance. The sad bit is that the assets of a people finally land in the accounts of private citizens not the government.⁸⁸ Corruption rate within the state is directly proportional to the quality of service delivery. States with huge rates of corruption often fail to serve citizens amicably. In these like states, some obvious public necessities such as better transport system, better healthcare, good hygiene and sanctions are always thwart y the morass. Such states are likely to have poor medicine services, outdated infrastructure, average transport system; generally poor services. This is because corruption advances imbalances in all sectors of the economy as riches in the hands of a couple of rich citizens which is detriment of the public.⁸⁹

2.6 Measuring Corruption

Corruption is by principle not another marvel and the theme has been common in the general public for a considerable length of time.⁹⁰ However, it was not until the 1990s that it turned into a mainstream subject in research, predominantly through real global associations, for example, the OECD and TI. A typical pointer is CPI, developed by TI,⁹¹ it apparently estimates corruption level within the general society and political part utilizing reviews and information gathered from ten

⁸⁸Ibid

⁸⁹Ibid

⁹⁰Tiihonen, Seppo. "The History of Corruption in Central Government". IOS Press Omsha. (2003).

⁹¹ <http://www.transparency>

autonomous and independent organizations. When a country is lowly ranked in the CPI, it simply means that the corruption level is high in the business sector.

Feedback has been raised as data is restricted and target information is hard to acquire, and corruption has ended up being a troublesome system to survey.⁹² Feedback is additionally founded on the case that TI's CPI is off base, conflicting, and that it is hard to quantify what a given level of corruption could mean for a particular nation. Also, it is not possible to distinguish between public and private division by use of CPI. However, the CPI depends greatly on information from other sources such as Freedom House, Gallup International and the World Economic Forum, Freedom House and Gallup International. The organization is said, seen and believed to be a major apparatus for estimating corruption in the 21st century.⁹³

2.7 Strategies of Curbing Corruption in Kenya

The government of Kenya has come up with anti-corruption policies and strategies so as to combat corruption.⁹⁴

It is upon this global and regional trend as well as the internal situation in Kenya, that the successive Kenyan governments have endeavoured to adopt anti-corruption strategies.⁹⁵ The legal framework for combating corruption in Kenya is linked to the international efforts for combating and preventing the vice which the country has ratified. Corruption war was rejuvenated in Kenya with the acquisition of power in 2002.⁹⁶ In fact, assuming power after much public outcry of corrupt dealings of the Moi regime, corruption was key to Kibaki's political agenda for Kenya.

⁹²Urta, Francisco J. "Assessing Corruption An analytical review of Corruption measurement and its problems: Perception, Error and Utility." Edmund A. Walsh School of Foreign Service May 2007: 1-20.

⁹³Fosmark, Kaja, and Hedvig Meidell. "Corruption risk-the effect on international competitiveness: a study of Norwegian multinational companies." Master's thesis, 2014.

⁹⁴Ibid Kipchirchir (2017).

⁹⁵ Barkan, J. D. "Kenya after Moi", Foreign Affairs. (2004). Vol. 83, No. 1, pp. 87 – 100.

⁹⁶ Ibid Barkan, 2004

Since 2002, several laws and legal frameworks were put in place to fight corruption.⁹⁷ The promulgation of the Kenya's new constitution in 2012 has been perceived as a milestone in this war on corruption. The new constitution is aimed at among several other things, to embolden political rights and civil liberties by constraining the executive and strengthening the legislature and the judiciary

The endeavours to control practices of corruption in Kenya's public area started with the passage of the Prevention of Corruption Act by the British in 1956.⁹⁸ Tragically, that Act was established when Kenya was pursuing an upheaval for political autonomy from the pangs of the colonial master; the British. In this way, the Act just gave a structure to battle the bad habit all the more viably after the fulfilment of freedom in 1963. Deplorably, after freedom, the usage of the Act was hampered by two contending objectives. To start with, the spotlight by the administration was on country building and accelerating of financial development. Second was the conflicting advancement approaches sought after by the new political authority. The country embraced a capitalist model of production, in a capitalistic state everybody works and does his or her stuff without interference from the incumbent government, very minimal interference. The immediate government in the post colonial independence also embraced the income generating organizations model, a lot of parastatals were established. These parastatals were first seen as vital in the redistribution of resources in the country; the reverse actually happened as some top government officials embezzled from the public coffers.⁹⁹

⁹⁷Ibid Jarso 2010

⁹⁸KACC, 2009. www.kacc.go.ke

⁹⁹Ibid 7.

Regardless of the benefits of the expressed objectives, studies demonstrate that such state-run offices filled in as channels for corruption practices.¹⁰⁰ Moreover, clientelism grew at a very fast enough pace as elected government officials advanced corruption.¹⁰¹

In 2005, Kenya adopted the Public Procurement and Disposal Bill.¹⁰² As indicated by Gichio Kenya adopted also the Public Service Commission Act which incorporates a code of direction for local officials and advances political freedom and requires justified based enlistment.¹⁰³ The would-be whistle blowers on corruption were to be protected under the Anti-Corruption and Economic Crimes and the Witness Protection Act. The Proceeds of Crime and Money Laundering act was passed in 2009 under universal law.

KACC was disbanded in 2011 by Parliament; a new organization was established in the new constitution known as the Ethics and Anti-Corruption Commission (EACC).¹⁰⁴ It is the main commission in the country dealing with matters of corruption. It has four directorates specifically Investigations and Asset Tracing, Legal Services and Asset Recovery, Preventive Services, Finance and Administration. The EACC however was not empowered with the prosecutorial controls by the Kenyan government in this way it needs to forward the cases to the Attorney General after it finishes examinations.¹⁰⁵

More to the policies and laws by the Kenyan government, the constitution has enabled various foundations with the obligation to battle corruption. The Constitution ¹⁰⁶ accommodates the freedom of the judiciary and restricts any impedance with the courts or legal officers in the activity

¹⁰⁰Robinson, Mark. "Corruption and development: An introduction." *The European Journal of Development Research* 10, no. 1 (1998): 1-14.

¹⁰¹Ibid

¹⁰²Ibid, Jarso, (2010).

¹⁰³Ibid, Gichio (2014).

¹⁰⁴Ibid

¹⁰⁵Ibid, Kipchirchir 2017

¹⁰⁶ Section 60 of the constitution

of their legal capacity. The judiciary is given the duty of ensuring that anti-corruption laws are implemented through the expedient and reasonable preliminary of those accused of corruption and related offenses and to arrange fitting discipline as per the law in regard of those discovered liable and in this way to exhibit that corruption doesn't reward.¹⁰⁷ The judiciary in civil cases is to guarantee reasonable and rapid transfer of suits so the gatherings are left with no compulsion to go around the fair treatment of equity because of postponement in attaining fairness.

Under the penal code, the Anti-corruption and Economic Crimes Act of 2003, and a few other arrangement the judiciary has an obligation of not just attempting and deciding instances of graft and related offenses yet in addition requesting the relinquishment and recuperation of corruptly obtained advantages where a conviction has been entered against any individual accused of such offenses.¹⁰⁸

Another important committee is the National Anti-Corruption Campaign Steering Committee. It emerges as one of the committees that are in the battle against corruption.¹⁰⁹ Its membership cuts across other facets of the society that is think tanks, civil society, and religious groups among others.

The roles of the National Anti-Corruption Campaign Committee incorporates: To set up a system for an across the nation battle against corruption; impact principal changes in the mentalities of Kenyans towards corruption; distinguish vital partners and build up a component for their endeavours, co-task and inclusion in affecting change in prevalent recognitions about corruption.¹¹⁰

¹⁰⁷Ibid

¹⁰⁸ section 55 and 56 of the Anti-corruption and Economic Crimes Act

¹⁰⁹Awareness is a strategy used by many ACAs to fight against corruption by educating people on the effects of corruption on the individuals and economy at large.

¹¹⁰Ibid

In the year 1991, the Efficiency Monitoring Unit (EMU) was established to scrutinize and implement programmes, projects, policies, and government ventures. Its main role was to enhance transparency and accountability in the society. EMU investigations revealed inconsistencies or wasteful aspects in Government Ministries, offices, state organizations and authorities.¹¹¹ It screens and concentrates with a view to prompting the legislature on issues being experienced in the execution of policies, projects and extends and proposing medicinal estimates dependent on analysis.

EMU audits systems and strategies for public associations with a view to enhancing existing administration frameworks for viability and effectiveness. Audits and recommendation enhancements in the current techniques for observing and usage of improvement projects and ventures. Evaluate the degree to which finished improvement ventures are operational as arranged and sufficiency of their maintenance. EMU screens with a view to looking into current methods and practices for gathering Government income and recommend more productive methods for collection maximization. It likewise screens the environment in the workplace in the public service; takes an interest in different teams and advisory groups managing strategies and attempt some other assignments as might be guided every once in a while.¹¹² EMU is likewise associated with observing income declarations, resources and liabilities by government officers as per the Public Officer Ethics Act, 2003. The EMU reports fill five needs: indictments; disciplinary activities; resolution of disputes; recuperation and surcharge.

The Office of the Attorney General has undertaken a few activities in this battle, for instance, it has extended the jurisdiction of extraordinary justices and empower them to manage corruption

¹¹¹Mukunyi Catherine Wangui. Impediments to Effective Investigation and Prosecution of Corruption Cases in Kenya: The Case of the Ethics and Anticorruption Commission. Thesis, University of Nairobi, (2014).

¹¹²Ibid

and financial wrongdoings. They also need to investigate and bring to book the beneficiaries of items of corruption. Under segment 26 of the Constitution, the Attorney General has the prosecution powers. Henceforth the Attorney General is enabled to indict all corruption and monetary wrongdoings under ACECA.¹¹³ KACC built up a self-ruling Public Procurement Oversight Authority that will be in charge of the direction of acquirement in the public arena. The PPOA is additionally expected to guarantee that the acquirement procedure is in accordance with the lawful prerequisites. All the institutional structures are connected to the Attorney General's office. The Attorney general is given the prosecutorial forces to arraign instances of corruption.¹¹⁴ Third, it accommodates the privatization of public resources and activities including state organizations, by requiring the definition and usage of a privatization commission.

The AG's office presents enactment for protection of witness and whistle blowers. It additionally accommodates control, revelation, consumption cutoff points and state sponsorships financing of political gatherings. The AG's office acquaints enactment to solve illegal tax avoidance and crime; increment number of judges, officers and expert legitimate staff and up to date services schemes; modernize organization law and automated organization registry and records administration. It additionally attempts diagnostics needs evaluation and finish filing annual return.¹¹⁵

2.8 The Effectiveness of the Measures Implemented by the Government to Fight Corruption

African nations have created policies and reforms in the fight against corruption.¹¹⁶ These policies range public or political policies to financial strategies geared towards address of graft.

¹¹³ Crimes under S.2of ACECA

¹¹⁴Ibid Kipchirchir (2017).

¹¹⁵Ibid

¹¹⁶Ikubaje, J. G. Democracy and Anti-Corruption Policies in Africa. Ibadan, NGR: University of Ibadan Press (2010).

African countries have been forced by their Western donors to implement policies that boos good governance and transparency .Some of the countries that have experienced pressure from the western donors most of who happen to have colonised the region include, Liberia, Kenya, Rwanda, Tanzania, Ghana and Mauritius. These countries have been commended for the good moves in the war against graft.

While the Kenyan government had endeavoured to fight corruption especially since the onset of Kibaki's leadership in 2002, it is surprising that instances of corruption have increased rather than reduced.¹¹⁷ In fact, the 2007 enactment of the Statute Law (Miscellaneous Amendments) Bill that restricted the newly formed Kenya Anti- Corruption Commission of acts of corruption committed before May 2003 was a major setback. The Miscellaneous Amendments Bill raises questions about the progress that has been made in the country with respect to the fight against corruption having given the perpetrators, worst corruption a de facto amnesty for their corrupt dealings.¹¹⁸

The anti-corruption measures are perceived to have been more effective as the data presented by the Global Corruption Barometer indicate that corruption had subsided in the 3 years prior to 2006.¹¹⁹ Nonetheless, despite these indicators and the many strategies that have been implemented by the Kenyan government, corruption is still rife in Kenya. A study by Martin contends that corruption has failed to stop due to the government's failure to prosecute senior public officials who have been implicated in corruption since the Goldenberg and the Anglo-Leasing scandals.¹²⁰

Besides, in spite of the presence of Public Officers Ethics act of 2003, the enlistment of government employees is as yet not founded on legitimacy but rather is to a great extent impacted

¹¹⁷Ibid Kipchirchir (2017)

¹¹⁸Ibid (Martin, 2012).

¹¹⁹Ibid (Kipchirchir, 2017)

¹²⁰Ibid (Martin, 2012)

by remuneration, nepotism and biasness to the degree that political support stays boundless. The Anti-Corruption and Economic Crimes and the Witness Protection Act are innately feeble. The Anti-Corruption and Economic Crimes and the Witness Protection Act come up short on a dissension component through which public representatives can report corruption attributable to the nonappearance of operational or successful witness protection laws.¹²¹ In fact, there is no official methods for securing the whistle blowers; this obstructs government employees from detailing instances of misrepresentation as they feel that they are not very much shielded from potential repercussions of their whistle blowing.

Kenya has had ineffective anti-corruption agencies. This is evident due to the government interference in the anti-corruption agencies in Kenya. For instance in the case of EACC; the commission was initially headed by Patrice Lumumba who had replaced Justice Aaron Ringera, a close ally of President Kibaki. Lumumba had reopened the Goldenberg and Anglo-Leasing with an intention to investigate all the alleged criminals. He later resigned from EACC, citing lack of political goodwill while dealing with corruption issues as the main reason behind his resignation. Mumo Matemu was then appointed to head the body.¹²² As a result of government interference the anti-corruption agencies in Kenya have proved to be ineffective in the fight against corruption.

Furthermore, the office of the Auditor General which is mandated with the responsibility of combating corruption has also been ineffective in its function.¹²³ The audit reports from the auditor general offices on corruption are deemed not comprehensive, thus cannot be used to prosecute instances of corruption. This clearly indicates the ineffectiveness of the office since a proper

¹²¹Ibid, Martin (2012).

¹²²Ibid Kipchirchir (2017)

¹²³Ibid, Martin (2012).

prosecution that is able to curb corruption permanently in Kenya need to be comprehensive and detailed. The auditor general's office was established in 2007 with a mandate of dealing with all the public complaints on civil servants that are corrupt. Nonetheless, according to Transparency International the institution has been considered as vulnerable to political influence and is also contended to be understaffed which has drastically impacted on its effectiveness as a front runner against corruption.¹²⁴ In other words the insufficient staff, means that the office is innately incapable of dealing with the large number of cases and complaints of corruption reported by the public which it is supposed to investigate.

Despite being one of the most respected offices in Kenya, the office of the Attorney General has been ineffective, incompetent and lacks the political goodwill in combating corruption in Kenya. The Attorney General's office is widely accused of being vulnerable to political influence. The Attorney General is seen as that person dancing to the tune of the high and the mighty in the system hence unable to champion war on corruption. In fact, as Martini observes, although the KACC had recommended indictment of several civil servants since the year 2003, the Attorney General's office had only prosecuted 51 people as of 2012.¹²⁵

The incapability of anticorruption procedures in Kenya is ascribed to money related issues among donors and the nation. The troublesome connection among Kenya and outside donors can be exhibited by taking into account benefactor financing the KACC and in this manner the EACC received. The general donor commitments to Kenya's primary anti-corruption establishment have dependably been peripheral contrasted with the financing from the Kenyan government. Since budgetary year 2014/2015 the EACC did not get benefactor reserves, however, financing from the Kenyan government definitely increased after 2013.

¹²⁴Transparency international (2006).

¹²⁵ Martini, M. Kenya: Overview of Corruption and Anti-Corruption. Berlin, GER: Transparency International. (2012).

However, regardless of whether the EACC can work without donations, it will be more viable with the budgetary sponsorship of global organizations.

Notably, in a couple of ways, the measures to control corruption by the Kenyan government has been effective in Kenya. For instance through the mediations of the ALACs have prompted the undoing of land titles that were issued sporadically in appointments of public land at the Coast area.¹²⁶ The terrains that were gotten wrongfully through corruption have been dropped. This demonstrates there is still expectation in the lawful frameworks in Kenya whose job is battling corruption.

2.9 Conclusion

Corruption in Kenya has been a challenge in Kenya since during the colonial period. Corruption in Kenya is practiced by leaders and common citizens. The rate of corruption in Kenya has increased with the years. This is discouraging given the laws and agencies in Kenya mandated to combat corruption in Kenya. The scandals witnessed in Kenya on corruption are many and have led to the continued poverty of citizens. The reason is that with corruption only the minority few benefit and the majority, who are often the poor, become even poorer. However, despite the alarming rate in rise of corruption, the Kenyan government has tried to curb corruption by enacting laws and empowering agencies to fight and prosecute corruption. The measures and strategies set by the Kenyan government has not been very effective since in 2018 corruption is still a big challenge in the country. This leads to the need of independent international anti-corruption agencies to ensure the fight against corruption is won.

¹²⁶Kimeu, Samuel. "Corruption as a challenge to global ethics: the role of Transparency International." *Journal of Global Ethics* 10, no. 2 (2014): 231-237.

CHAPTER THREE: ANTI-CORRUPTION AGENCIES

3.1 Introduction

This chapter will focus on identifying anti-corruption agencies. It will discuss the international anti-corruption agencies whose main aim is to fight corruption especially in developing countries. The chapter gave more emphasis on the international agency that deals with issue of corruption and try to curb it, that is Transparency International. The chapter will also identify the role of anticorruption agencies and challenges faced in their fight against graft.

3.2 Overview of Anti-corruption Agencies

Public administration responsibility and transparency in governance have turned out to be an imperative worldwide issues in legislative organization specifically in underdeveloped nations where human rights are violated, power is abused, nepotism, misappropriation of state assets and misrepresentation are practiced daily. The executive has to heighten accountability so as to win the trust of the public. This is mostly because of the connection of transparency and public responsibility to great governance. Without a doubt, decent administration has turned out to be unique amongst the most imperative contemplations or states of the world's money related foundations and the donor corporations for allowing aid, loans and different types of improvement aid to developing nations.¹²⁷

The recognition of corruption as a development problem with consequences that affect the entire human society has precipitated global efforts to address the problem. According to Brnadolino and Luna, the international community has joined hands to combat corruption through

¹²⁷Asibuo, Sam K. "The role of anti-corruption agency in the struggle against corruption: The case of the serious office in Ghana." *African Administrative Studies* 56 (2001): 1-14.

multilateral anti-corruption agreements and treaties.¹²⁸ The idea has been to bring together governments in an effort to fight the vice through the formalization of government commitments for the implementation of common principles against corruption.

The public sector prevention encourages governments to take a wide range of initiatives to stop corruption. These initiatives include; public officials to maintain undisputedly high standard of conduct while running their day to day activities hence emphasis on work ethic, professionalism, honesty etc, the protection of whistleblowers, the demand that public officials declare personal wealth and the establishment of transparent financial management system and public procurement.¹²⁹ Others include the creation of effective institutions; and creation procedures for accountability within the government and the external as well as allowing public access to government information.¹³⁰

Kenya signed and ratified the United Nations Convention Against Corruption (UNCAC)¹³¹; through this Kenya consented to take measures on matters of corruption as a signatory to this treaty.¹³² The Kenyan government in its goal to fight corruption decided to partner with donors, this was during the reign of Mwai Kibaki- Kenya's third president. Kenya together with the other international partners decided to come up with the GJLOS program. The program was mandated to oversee, monitor and evaluate fight against corruption and offer technical advices where necessary.¹³³ The GJLOS program got support from about sixteen partners; some of these partners

¹²⁸Brandolino, J. & Luna, D. "Addressing Corruption Through International Treaties and Commitments". In: Abboud, A. M. Ed. Transforming the Culture of Corruption. New York, NY: Rutledge. (2006).

¹²⁹ Ibid

¹³⁰ Transparency International, 2008

¹³¹ UNCAC (2009). Kenya: UN Convention against Corruption Gap Analysis Report and Implementation Plan. Retrieved from: <https://searchworks.stanford.edu/view/8920037>

¹³² Ibid

¹³³ BBC (2002, December 30). Kibaki and Moi speech excerpts. Retrieved from: http://news.bbc.co.uk/2/hi/not_in_website/syndication/monitoring/media_reports/2615369.stm

include the countries in the West, World Bank and the United Nations Development Program (UNDP).¹³⁴

Subsidies were made accessible by donors to the entire program or to particular parts of the international legal frameworks for fighting corruption in the United Nations Convention on Corruption (UNCAC). UNCAC appreciates that the war against corruption demands a concerted effort on several fronts.¹³⁵ Multilateral agreements on corruption address certain anti-corruption fronts including, one; law enforcement in which it recognizes that impartial investigatory, prosecutorial as well as judicial authority is central to the prosecution of public corruption. The second issue that these agreements address is that of public sector prevention.

The concessions to corruption additionally incorporate the protection of the private sector. Global assertions call upon governments to make components, which influence the private segment. These incorporate the support of successful administrative system to prevent bribery and the covering up of unlawful payments. These additionally incorporate the preclusion against deductibility of bribes and in addition corporate extortion.¹³⁶ The last thing that international agreements on corruption deal with is the follow-up mechanism. The agreements call upon party states to set up mechanisms that may enhance international cooperation and technical assistance to address the weaknesses. It is imperative to make reference to that in present day times, the universal concurrences on corruption shape the system whereupon national anti-corruption procedures are secured. .¹³⁷

Associations dynamic in the war on corruption incorporate the World Trade Organization (WTO),; an organization that was established in 1996. The Council of Europe, that has been

¹³⁴Mbote, Patricia Kameri, and Migai Akech. *Kenya: justice sector and the rule of law*. African Minds, 2011.

¹³⁵ Ibid, Brandolino and Luna (2006).

¹³⁶Ibid, Mauro (2011).

¹³⁷Ibid Hanna et al (2011).

operating since 1949, GRECO is known for advancing pluralist popular government and human rights and the G7, whose individual members are extremely focus in trying to create a conducive international business environment that is both transparent and decent. It has been discovered that corruption in the 21st century is one of the major hindrance to international trade and business. Some politicians in quite a number of states are extremely corrupt hence bribe or demand for kick-backs from traders and investors hence making the international business arena not only murky but also difficult. These associations are known to be universal with a wide mandate, through neo-functionalism theory, their mandate should trickle down by spill over effect to state level. Some of the generally perceived global anti-corruption offices on the planet are the OECD, World Bank, the European Union, the chamber of Europe and Transparency International.

In the year 1961 the Organization for Economic Cooperation and Development (OECD) was established. Its approach and methodology has been applauded as one of the best in dealing with the issue of corruption. ¹³⁸ The approach of organization include giving help to the governments in monetary development, helping to enhance the expectation in everyday's comforts through the advancement of work, money related soundness, to help different nations especially the underdeveloped and the developing ones in trying to enhance development in world exchange. This convention in developing and underdeveloped countries advances the enhancement of the development rate of world exchange.

The European Union (EU) has as of late built up a thorough program that is expected to help individual member states of the union in combating corruption. The primary component established by the European Union to fuel this course was the Convention for the Protection of Economic Interests. Consequently the European Union shaped authority appointments to the battle

¹³⁸ Boris Melkinov, Handbook of reform, the fight against corruption: the solution to the private sector, under the supervision of Kim Eric Bettcher, Centre international pour l'entrepriseprivée, Washington, May 2009

against corruption, a basic piece of boosting financially the interest of the network. Indeed, the European Union itself has persevered through genuine instances of supposed corruption that prompted the renunciation of the advisory group on fifteenth of March 1998. In its crisis aid program the European Union got influenced by corruption.

The Council of Europe (CE) has arranged draft lawful procedures in instances of corruption. Work is progressed, however not yet finished. In contrast to the OECD Convention, the task depends on a wide meaning of corruption: it incorporates into actuality the dynamic and uninvolved gift of authorities and corruption by people and the private segment conditions.

The WB started, around two years prior to neutralize corruption. It has distributed various audits and reports and made its very own specially appointed office. The WB at long last settled its own control, despite the numerous criticism the bank faces. Some assets had disappeared from the bank. By assets vanishing from the World Bank, scholars have come to conclude that corruption is a double edged sword cutting both the offender and the offended in equal measure, making the matter of corruption both deceptive and mysterious. Unethical in character, it is publicly scrutinized even by the individuals who consider it to be wickedness.

3.3 Transparency International

Transparency International works: to give developing nations solid foundations and battle anything that would have a tendency to undermine these organizations. The foundation of a decent framework and solid establishments is the most ideal approach to lessen corruption.¹³⁹ This is to limit the boundaries that avoid conventional nationals to take an interest in the political, monetary and social perspectives in their nations. The organization strives to achieve good administration

¹³⁹ Boris Melkinov, Handbook of reform, the fight against corruption: the solution to the private sector, under the supervision of Kim Eric Bettcher, Centre international pour l'entrepriseprivée, Washington, May 2009.

that is accountable to her citizens, obedience to the rule of law, protection of human rights and improves states' governance. Corruption is a vice depriving people their economic rights.¹⁴⁰

A ton of tasks have been accomplished by TI concentrating on matters of corruption in fundamental administrations areas of water, education and health. The procedure of concentrating on essential service is educated by the acknowledgment that poor people are normally influenced by corruption, which rely upon public services lopsidedly when contrasted with the rich. Lower levels of corruption in administration conveyance prompt better publicness and reasonableness of fundamental administrations prompting better lives.¹⁴¹ The methodology in these divisions is a blend of tending to policies and authoritative gaps, regulatory structures, limits within the institutions an support systems to assist clients so as to handle complaints in a better way.

As per TI the private division is a critical corruption driver in numerous areas of the world. Organizations have added to the advancement of morals against corruption in various ways. The TI development has built up various devices to connect with the private division and to help the segment in building systems of integrity.¹⁴² Business standards aimed at encountering corruption have been written by Transparency International with an aim to assist the private sector. The international agency went further to publish the Bribe-Payers Index in their effort to examine corruption in the private sector, state by state. Different activities that the movement has been engaged in include the UN Global Compact and the Extractive Industries Transparency Initiative. These activities are geared towards pushing industries to make guidelines that will enhance transparency at all levels. The principle shortcoming of these activities is that they are for the most

¹⁴⁰Wobilla, Leonard Shwei. "Christian identity and the Fight against Corruption: Reflection on the need of a Diaconal Approach in the eradication of corruption in Cameroon." Master's thesis, 2013.

¹⁴¹Ibid

¹⁴²Kimeu, Samuel. "Corruption as a challenge to global ethics: the role of Transparency International." *Journal of Global Ethics* 10, no. 2 (2014): 231-237.

part intentional, and it isn't generally the situation that elements submit eagerly to self-control. Another imperative gap is the absence of devices concentrating on corruption commonness and practices of the corporate segment. A fitting apparatus presently seems to be unable to address the gap.

TI additionally empowers the protection of informants of corruption. The office advocates for informants in accordance to the G20 concession to the whistle blower protection in corruption cases. One of the key hindrances in the battle against corruption is the way that, without lawful protection, people are frequently excessively scared, making it impossible to stand up or blow the whistle.¹⁴³ The assumed advantages of whistle blowing for society ought to be seen against the conceivable negative outcomes of whistle blowing, as chiefs and directors once in a while contend that their association's position structures ought to shield them from the provocation of potential false, or even brutal showdowns by representatives.

Transparency International assumes a dynamic job on a global stage by guaranteeing that the United Nations embraces whistle blowing laws in its conventions.¹⁴⁴ Whistle blowers can be both managers and citizens, and are hence can be faced with dilemmas. As patriots, they need to see the end of bad behavior. As administrators, they would incline toward whistle blowing to adhere to internal procedures within an organization. However, if whistle blowing is inadequate, it benefits nobody.¹⁴⁵

¹⁴³Holtzhausen, Natasja. "Whistle blowing and whistle blower protection in the South African public sector." PhD diss., 2009.

¹⁴⁴Ibid

¹⁴⁵ Latimer, P. & Brown, A. J. Whistle-blower Law: International Best Practice. UNSW Law Journal, 2008 31(3): 766-794.

TI recognizes that whistle blowers protection faces difficulties. The difficulties related with unknown informants can be social, in light of the fact that in specific settings informants can be seen adversely. In specific nations, the term informant is regularly connected with being a witness, a double crosser or spy or even a nark.¹⁴⁶ Consequently, the need for secrecy when dealing with whistle blowing cases. Confidentiality is significant in light of the fact that it urges people to bring worries up in a way that they feel is sheltered and furthermore enables the association to examine the issue all the more proficiently without the worker presented to potential repercussions.¹⁴⁷ A recognized best practice for informant enactment is to guarantee that informants are qualified for a reasonable and unbiased hearing before a fair-minded gathering with a full right of appeal offer ("authentic day in court").¹⁴⁸

3.4 Independence of Anti-Corruption Agencies

Are the anticorruption agencies independent and free from manipulation from the who is who within the state? Prima facie they are free and independent while defacto, some are influenced by the high and the mighty. The most enormous challenge to the battle against graft in the African continent is the manner by which to anchor the autonomy of foundations empowered with executing the different anti-corruption laws. Independence alludes to the capacity of ACAs including the EACC of Kenya to complete its central goal without impedance. In any case, it doesn't mean the lack of reporting to external control. Or maybe, it alludes to its level of autonomy to publicly examine corruption wherever it presumes that it might happen without the discipline being dropped or altered due to the interests of people or gatherings with power.¹⁴⁹ With the end

¹⁴⁶ See Transparency International report: Alternative to silence: Whistleblower protection in 10 European Countries available at: http://www.transparency.lt/new/images/alternative_to_silence_whistleblower_protection.pdf

¹⁴⁷ Ibid

¹⁴⁸ Transparency International, Recommended Principles for Whistleblowing Legislation, Recommendation 20

¹⁴⁹ Johnston, M. Syndromes of corruption: wealth, power, and democracy. Cambridge: Cambridge Univ. Press. (2005).

goal to work effectively, the Commission ought to have a wide command without confinements on its examination of suspected corruption. Be that as it may, in the meantime, it ought to likewise be considered responsible for its activities, examinations, and general comportment as an administration organization. In such manner, an autonomous anti-corruption organization needs to coordinate an arrangement of governing rules with the end goal to keep up Transparency and responsibility.

The Commonwealth Framework explicitly makes the necessity of freedom an essential to the viability of anti-corruption foundations. It gives that, "Autonomous anti-corruption offices can be successful on the off chance that they are really free from being impacted by the official part of government. The UNCAC contains the most far reaching arrangements on the prerequisite of freedom."¹⁵⁰

UNCAC gives: Each State Party will give preventive anti-corruption body or bodies the independence, as per the basic standards of its lawful framework, to empower the body or bodies to complete its or their capacities successfully and free from any undue impact. The vital material assets and particular staff, and in addition the preparation that such staff may require to do their capacities, ought to be given.¹⁵¹

AUCPCC contains arrangements also strengthening the need for autonomous anticorruption foundations. In any case, Article 5(3) commands State Parties to attempt to "set up, keep up and fortify autonomous national anti-corruption experts or offices". Article 20 additionally provides the national experts or offices will be allowed the vital freedom and self-governance to have the capacity to do their obligations viably. The administration should embrace to receive vital

¹⁵⁰Amukowa, Wycliffe. "The challenges of anti-corruption initiatives: reflections on strategies of the defunct Kenya's Anti-Corruption Commission." *Mediterranean Journal of Social Sciences* 4, no. 2 (2013): 481.

¹⁵¹Ibid

measures to guarantee that national experts or offices are spent significant time in fighting corruption and related offenses by, among others, guaranteeing that the officials are prepared and inspired to adequately do their obligations.¹⁵²

Other pertinent worldwide instruments have comparable arrangements. The ECOWAS Protocol ¹⁵³ in Article accommodates the foundation and union of "specific anti-corruption organizations with the imperative autonomy and limit that will guarantee that their staff gets satisfactory preparing and budgetary assets for the achievement of their undertakings." In a similar vein, Article 4(g) of the SADC Protocol accommodates the selection of measures which will make, keep up and fortify "establishments in charge of actualizing instruments for counteracting, recognizing, rebuffing and annihilating corruption."

Other global instruments managing sister offenses, for example, tax evasion and the illicit abuse of assets, additionally explain the need to handle corruption in the general population as this may hold the way to effectively managing the offenses they are worried about. For instance, the UNCATOC provides as follows in Article Each State Party will make measures to guarantee viable move by its experts in the avoidance, discovery and discipline of the corruption of public authorities, incorporating giving such specialists satisfactory autonomy to discourage the effort of improper effect on their activities. In perceiving the significance of freedom, Article the Great Lakes Protocol additionally provides that every Member State must embrace to "set up autonomous particular bodies in charge of battling the unlawful abuse of assets and to fortify the limit of such bodies to empower them to undertake their obligation adequately."¹⁵⁴

¹⁵²Ibid

¹⁵³Was established by a number of African countries to tackle the issue of corruption in the continent which is rampant.

¹⁵⁴Ibid.

There has been queries on whether we should reconsider the performance of these Independent anticorruption organizations. The ACBF gives a skewed finding about their role in corruption battle.¹⁵⁵ The positive bit is that some organizations have been gradually developing skills and consolidating brilliant ideas to help them fight this war, something which has made a number to gain public confidence and support. Offices have embraced sound hierarchical plans and methodologies, in view of the demonstrated Hong Kong three-pronged methodology: government funded instruction, counteractive action, and examination and indictment. Laws have been passed that hone the culpability of extortion and corruption.

On the negative side: Several offices have been diverted by legitimate difficulties to their status and forces. Often this has appeared as difficulties to the lawfulness of judges heading official offices. These difficulties have redirected assets and on account of Kenya have caused the organization's closure.¹⁵⁶ Others have whined that finished investigations have lain dormant in investigators' workplaces or been held up by court delays. Investigators answer that records have been inadequately arranged, however there is a doubt that the deferrals are politically inspired, and now and again the legal has itself been degenerate and obstructed its own examination. Organizations gripe that financial plans have been intentionally limited or that staffing has been hamstrung by rules of civil service and de-persuading pay scales. To a degree, donations have balanced frail residential resourcing, however reliance on aid sustains an enclave status in which the office is viewed as a foreign forced creation.

Non-state commentators have contended that, often, agencies explore minor guilty parties as opposed to seek after the politically connected individuals, and that they risk slipping by into

¹⁵⁵Ibid

¹⁵⁶Mukunyi Catherine Wangui. Impediments to Effective Investigation and Prosecution of Corruption Cases in Kenya: The Case of the Ethics and Anticorruption Commission. Thesis, University of Nairobi, (2014).

tokenism, as other watch dog organizations.¹⁵⁷ With a couple of special cases, organizations have been slow to fabricate unions with civil society and dynamic components of the private area, which may have battled off legitimate difficulties, and made state funded campaigns more successful. None seems to have embraced an unequivocal hazard administration procedure to battling corruption—recognizing high-chance regions in connections between the general population and private segments, and starting examinations. Rather, they have been receptive, reacting for the most part to protests, prevalently politically protected, to examine negligible corruption.

Negligible success has been registered on the role of various organizations in the battle on corruption.¹⁵⁸ The record is blended, and uncalled for to form a hasty opinion. It has been watched, for instance, that even Hong Kong's ICAC took quite a long time to construct, trust and certainty.¹⁵⁹ The autonomy of anti-corruption organizations is essential in all nations to guarantee the destruction of corruption for all time. These organizations face lots of hurdles making the battle complex, tricky and sophisticated. This is because some of the domestic or regional organizations in the anti-graft campaign some lack the political goodwill from the domestic and regional governments, others are incapacitated, while some have a narrow mandated yet corruption is in almost all sectors of productions both nationally and globally.

3.5 Role of International Anti-corruption Agencies

The major role of international anti-corruption agencies is to fight graft in various countries. To achieve the role of combating corruption the international anti-corruption agencies have design and implement some strategies. The first strategy of international anti-corruption agencies is prevention of corruption incidences. The prevention strategy is carried out to reduce the

¹⁵⁷Ibid

¹⁵⁸See ACFB 2007

¹⁵⁹Ibid

opportunities for corruption throughout society. Ensuring the integrity and professionalism of government officials is not enough but a sophisticated monitoring and incentive system is also needed in order to both curb government officials' opportunities and incentives for engaging in corruption.¹⁶⁰ Consequently, the international agencies need to ensure qualified staff selection procedures based on meritocratic principles are needed in order to recruit competent bureaucrats as well as anticorruption investigators within an ACA. Moreover, different methods of monitoring the performance of government officials appears to have a positive impact on their overall result,¹⁶¹ as well as incentive structures such as individual career paths which are rid of political influence and control as well as higher salaries.¹⁶²¹⁶³

The strategy to investigate and prosecute corruption hinges on to what extent an ACA can exercise these powers. If an ACA is to be successful, its investigative mandate needs to be broad and far-reaching.¹⁶⁴ Powerful methods such as the examination of bank accounts and the freezing of individual suspects' assets are deemed essential to effectively enforce the investigative mandate.¹⁶⁵ When it comes to assessing whether or not an ACA is successful in its prosecution of corruption offences, there are two useful indicators: the conviction rate and if so-called little fish or big fish are being convicted. An ACA can hardly be deemed successful and having a significant impact on curbing corruption if close to none of the investigated cases result in a conviction or if those who happen to be convicted are merely low-ranking officials.¹⁶⁶

¹⁶⁰Ibid

¹⁶¹Bolongaita, E.P., An exception to the rule? Why Indonesia's Anti-Corruption Commission succeeds where others don't – a comparison with the Philippine's ombudsman [pdf] Bergen: U4 Anti-Corruption Research Centre. 2010.

¹⁶²Quah, J.S.T., Defying Institutional Failure: Learning from the Experience of AntiCorruption Agencies in Four Countries. *Crime, Law and Social Change*, (2008), 53 (1), pp.23-54.

¹⁶³ Bardhan, P., Corruption and Development: A Review of Issues. *Journal of Economic Literature*, 1997. 35 (3), pp.1320-46.

¹⁶⁴Ibid

¹⁶⁵Cavegård, Sebastian. "Curbing corruption and Enhancing State Capacity in Ethiopia-How Anticorruption Agencies Can Make a Difference: A case study." (2016).

¹⁶⁶Ibid Bolongaita 2010

Raising awareness is another strategy that has to be adopted by international agencies to ensure proper combating of corruption. When it comes to the strategy of awareness raising the aim is to fight incentives for corruption by changing the views of corruption both within the public and private sector as well as among the general public in order to muster support for an ACAs anticorruption efforts. This is an important factor for any ACA in order to prevent that its other set of anticorruption strategies are not to prove fruitless due to lack of public support.¹⁶⁷ Most notably in the case of Hong Kong, a significant factor behind ICAC's ability to curb corruption was to raise awareness and change the public attitude towards corruption from accepting to rejecting it.¹⁶⁸ This is achieved via public information campaigns as well as carrying out trainings and education campaigns of government officials as well as citizens.

International agencies are also responsible for encouraging the public to take part in the policy making process within the country. The participation of the policy making process by the public informs the government and companies that the public is watching and observing their operations, thus forcing the government and companies to be more accountable especially with public funds. A study by Blasius states that the creation of policies through public participation is more effective in fighting corruption in Kenya.¹⁶⁹ International agencies have the responsibility of identifying risks and looking for strategies to solve the risks in matters corruption. The international agencies work as strategists in fighting corruption. This was evidence in Bangladesh when the Transparency

¹⁶⁷Persson, Anna, Bo Rothstein, and Jan Teorell. "Why anticorruption reforms fail—systemic corruption as a collective action problem." *Governance* 26, no. 3 (2013): 449-471.

¹⁶⁸Skidmore, Max J. "Promise and peril in combating corruption: Hong Kong's ICAC." *The Annals of the American Academy of Political and Social Science* 547, no. 1 (1996): 118-130.

¹⁶⁹Blasius, Owiny Patrick. "Efficacy of the Policy, Legal and Institutional Frameworks for Combating Corruption in Kenya." (2009).

International identified the high risk of corruption within the country. To solve the corruption, TI created a need for review and revision of policy reforms so as to reduce corruption rates.¹⁷⁰

Partnering with other actors and governments in fighting corruption is another strategy implemented by international agencies. Most international agencies due to the state of their independence are open and free to work with other organizations and governments in the war against corruption. This has been observed in a number of situations. A study by Rose Ackerman observed that Transparency International and UN Global Compact agreed in 2009 to producing a guide for companies on how to fight corruption.¹⁷¹ A study by the United Nations Global Compact showed the partnering of TI and Oživení a Czech non-profit organisation in Slovakia and the Economics Institute of the Academy of Sciences of the Czech Republic to work together and create transparency on the operations of the companies to stop corruption.¹⁷² Further documentations of Transparency International in their website, indicate its works with, the Ethics & Anti-corruption Commission, the Kenya National Commission on Human rights (KNCHR), the Commission on Administration of Justice (Ombudsman), and the National Cohesion and Integration Commission in the fight against corruption.¹⁷³ Working with governmental commissions is crucial for all international agencies to ensure effective change in the fight against corruption.

A report by TI in 2013/2014 documented the formation of County Assembly Representatives Network against corruption comprising of 17 members from Kwale, Uasin Gishu, and Kisumu counties in June 2014 facilitated by TI.¹⁷⁴ Knox and Yasmin identified that the Transparency

¹⁷⁰Knox, Colin, and Tahera Yasmin. "Transparency International Bangladesh Impact Assessment." *Bangladesh: Governance and Social Development Resource Centre (GSDRC)* (2007).

¹⁷¹ Rose-Ackerman, S. *Corruption and government : causes, consequences, and reform* (Second edition. ed.): Cambridge University Press. 2016

¹⁷² United Nations Global Compact. *A Practical Guide for Collective Action Against Corruption*. 2015 Retrieved from <https://www.unglobalcompact.org/library/1781>

¹⁷³ www.transparency.org.

¹⁷⁴ Transparency International. *Transparency International Annual Report 2013/2014*. 2014. retrieved from <https://tikenya.org/wp-content/uploads/2017/06/transparency-international-kenya-annual-report-2013-2014.pdf>.

International in Bangladesh has been active in creation of policies: reforming of the Anticorruption Commission in Bangladesh. The agency went ahead to push for electoral reforms and exposing number of grafts for instance the Chittagong Port scandal. A caretaker government was established to stabilize the country and a UN Convention fighting the dragon; corruption was ratified.¹⁷⁵ Additionally to fight corruption international agencies are open to working with young people. This is fuelled by the belief that young people are more prone to corruption activities, thus working with them is more beneficial than detrimental since they act as a catalyst in this war. A good case on point is the case for Morocco where the youth played a vital role in creating awareness to the public by use of music, drama and games.¹⁷⁶

In the fight against corruption international agencies take up the role of emphasizing on punishment mechanisms. It is through punishment that corrupt individuals stop practicing corruption. Without punishment of the corrupt, the fight against corruption becomes useless. This is reiterated by the works of Banerjee¹⁷⁷ and Olken¹⁷⁸ who establish that reporting of corruption cases by the community members without any action being taken has slowed down the battle since many of the communal members start asking of what essence is the need for reporting if absolutely no action will be taken. Additionally, the Transparency International website states that the corrupt have to be punished. The website also goes further and suggests that strategies need to be implemented to recover the stolen resources.¹⁷⁹

¹⁷⁵ Ibid, Knox

¹⁷⁶Transparency International. Best practices in engaging youth in the fight against corruption. Anticorruption Resource Center. 2013. Retrieved from <https://www.u4.no/publications/best-practices-in-engaging-youth-in-the-fight-against-corruption.pdf>.

¹⁷⁷Banerjee, Abhijit V., Esther Duflo, and Rachel Glennerster. "Putting a Band-Aid on a corpse: Incentives for nurses in the Indian public health care system." *Journal of the European Economic Association* 6, no. 2-3 (2008): 487-500.

¹⁷⁸Olken, Benjamin A. "Monitoring corruption: evidence from a field experiment in Indonesia." *Journal of political Economy* 115, no. 2 (2007): 200-249.

¹⁷⁹ <https://tikenya.org/punishment-for-corruption-must-be-enforced/>

Punishment mechanisms can be strengthened by International agencies through the provision of information on corruption to the public. Transparency International has taken up the mantle of advising individuals and receiving complaints on corruption. The organization achieves this through its ALAC. The centre allows for the communication between citizens and the organizations on matters corruption since the services are free. another role played by international agencies in strengthening punishment mechanisms is the forwarding of corruption cases and complaints to the respective authorities for further investigation and implementation of punishment mechanisms.¹⁸⁰

Another strategy adopted by international anti-corruption agencies is stakeholders' inclusion to help achieve the ultimate goal of curbing corruption. The strategy of stakeholder inclusion operates much like the strategy of awareness raising in the way that it curbs incentives for corruption by fostering cooperation and support for an ACAs anticorruption efforts by including vital stakeholders. It is the inclusion factor which sets it apart from the strategy of awareness raising due to a more mutual approach where information is flowing in both directions rather than from sender to receiver. Thus, it becomes important to involve NGOs, media, and other entities which are made up by citizens who can assist in spreading an ACAs anticorruption efforts and at the same time act as the watchdog of the ACA in order for it not to abuse its powers.¹⁸¹ Moreover, a well-functioning whistleblower system serves as an important function for stakeholder inclusion

¹⁸⁰www.transparencyinternational.com

¹⁸¹ Rose-Ackerman, S., Trust, honest and corruption: reflection on the state-building process. Archives of European Sociology, 2001 42 (3), pp.526-70.

as well as providing the strategies and efforts of prevention, investigation, and prosecution with valuable information concerning on-going corruption.¹⁸²

3.6 Challenges Faced by International Anti-corruption Agencies

It has frequently been noticed that change endeavours amid hostile to corruption battles tend to diminish after some time.¹⁸³ Battles on corruption get heated up at the point of revelation to the public. At this point, public outrage is conspicuous, after some time the momentum of the past scandal slows down with a new revelation. There is no clear monitoring and evaluation. Then again, it may likewise show that the administration neglected to keep this demonstration and has not been sufficiently compelling at controlling corruption amid its rule. Particularly if a degenerate demonstration is revealed by outsiders, for example, the media, the administration can without much of a stretch end up on edge and needs to think of a support for the carelessness in delegating and administering its local officials.¹⁸⁴

Another conceivable factor in charge of the decrease in anti-corruption endeavours amid the rule of a legislature, particularly in nations with an effectively high state of corruption, can be found in the reinforcing of personal stakes which advantage from corruption dealings. These personal stakes¹⁸⁵ have typically constructed solid connections to the administration after some time and subtly endeavour to undermine any genuine endeavours trying to control the vice. As the political initiative is regularly offered great looking prizes for partaking in this plan, many of them for the most part capitulate to this allurements. Many of these politicians are some of the key

¹⁸² Bardhan, P., Corruption and Development: A Review of Issues. *Journal of Economic Literature*, 1997. 35 (3), pp.1320-46.

¹⁸³ Kenya's government under President Mwai Kibaki is often cited as an example of the declining political will of newly elected regimes in the fight against corruption. Cf. e.g. *AfricaFocus Bulletin* (2005) and *The Economist* (2007), pp. 43 ff.

¹⁸⁴ Di Tella / Schargrotsky (2002), pp. 119 f. and 125.

¹⁸⁵e.g. powerful business leaders who profit from corrupt deals with the government.

beneficiaries from corruption proceeds; they have dirtied their hands by handling graft money hence lack the moral authority and enthusiasm to battle corruption. It is evident that the kettle cannot call the pot black; political class in Kenya are part of the problem hence cannot offer amicable solution.

If there should arise an occurrence of an adjustment in government, the personal stakes experience the ill effects of an impermanent loss of impact since they need to remake their connections to the recently chose lawmakers. Frequently, the new government has even won the race by temperance of its anti-corruption plan and in light of the fact that it guaranteed a cleaner government than the officeholders. In any case, it is impossible that the personal stakes inertly watch their degenerate salary become scarce. Rather, they presumably endeavor to guarantee that at some point or another additionally parts of the new political world class will respect the allurements of lease looking for by giving them a chance to taste the illegal – and lucrative – product of corruption. This thus for the most part prompts a decrease in genuine anti-corruption endeavors by the administration.¹⁸⁶

The wild opposition of high corrupt systems and personal stakes against genuine anti-corruption endeavors is a case of an endless loop produced by corruption. Assuming substantial and powerful degenerate systems have been permitted to create, e.g amid times of political and financial precariousness, they are hard to separate once more. Since degenerate arrangements are in charge of a huge piece of their pay, they normally attempt to protect themselves. Along these lines, degenerate systems can outlive governmental changes, 'taint' newcomers by coordinating

¹⁸⁶Ittner, Stefan. "Fighting corruption in Africa—A comparative study of Uganda and Botswana." *Unpublished manuscript, der Deutschen Hochschule für Verwaltungswissenschaften, Speyer, Germany* (2009).

them into their arrangement of lease chasing and undermine anticorruption endeavours from the top.¹⁸⁷

In Kenya, there are various difficulties that has frustrated the achievement of a portion of the worldwide anticorruption corporations. Political reluctance is one of the difficulties confronting universal anticorruption corporations in their job of battling corruption. While donors are occupied with helping Kenya's battle against corruption, a few donors begin to lose trust in the administration's eagerness to pluck out corruption.

The donors were suspicious to the Kibaki regime that had just taken power in 2002. Kibaki's government had made it public that it would fight corruption heads on, a pronouncement that had made the donors both suspicious and eager to follow keenly. Unfortunately, a number of donors gave up with Kibaki's assurance as they realized that war on graft under this regime was blind optimism. Corruption escalated and extended to some of the facets of his government.

It was until 2005 that major corruption scandals in Kibaki's administration were unravelled by the Permanent Secretary for Governance and Ethics.¹⁸⁸ The president then suspended the General of the KACC, he was to pave way for more investigations. The whistle blower due to fear for his life went for exile.¹⁸⁹

Instability in the political arena and civil liberties are some of the issues influencing the adequacy of the ACA in Kenya. For instance the re-appointment of president Kibaki in 2007 caused fierce challenges all through the nation, enduring until the point that a peace assertion was proclaimed two months after the fact.¹⁹⁰ This emergency and political shakiness bigly affected the

¹⁸⁷Ibid pg 36

¹⁸⁸Lawson, Letitia. "The politics of anti-corruption reform in Africa." *The Journal of Modern African Studies* 47, no. 1 (2009): 73-100.

¹⁸⁹Ibid Lawson (2009).

¹⁹⁰Dupas, Pascaline, and Jonathan Robinson. "The (hidden) costs of political instability: Evidence from Kenya's 2007 election crisis." *Journal of Development Economics* 99, no. 2 (2012): 314-329.

prosperity of individuals and the advancement of the entire state, thusly it likewise affected the execution of government changes. Financing for the offices, for example, the GJLOS was stopped by contributors and just continued toward the finish of 2008. Execution was hence deferred until the start of 2009, which likewise denoted the finish of the donor financed some portion of the GJLOS program.¹⁹¹

Subsidizing issues is another problem influencing ACA in Kenya. Everatt and Kanyinga accuse the shaky stream of assets for the moderate advancement of anticorruption programs.¹⁹² Generally, the donors have not demonstrated a great deal of trust in the ability and limit of the Kenyan government, as confirm by their choice to select a money related supervisor to administrate the bin store of the GJLOS program. Without donor finances global anticorruption organizations are not ready to attempt in their core exercises of battling corruption.

3.7 Conclusion

Anti-corruption agencies are and shall continuously be vital in this battle of trying to flash out corruption. The reason is that with development and the dynamic business environment in the 21st century the opportunities to practice corruption are on the rise. Due to the high independence levels of international anti-corruption agencies, the movements have high chances of combating corruption in comparison to government appointed agencies. International anti-corruption agencies play the role of combating corruption. However, to attain their set object, the agencies have to implement strategies that ensure corruption is discouraged in the society. Transparency international is an anticorruption agency that fights against corruption in a number of companies

¹⁹¹Sida. Strategy Report Kenya 2009: Memo. (2009). Retrieved from: http://www.swedenabroad.com/ImageVaultFiles/id_8771/cf_2/Kenya_Strategy_Report_2009.PDF

¹⁹²Everatt, David, Karuti Kanyinga, and GJLOS Advisory Team. "KENYA: GOVERNANCE, JUSTICE, LAW AND ORDER SECTOR (GJLOS) PROGRAMME FOURTH PROGRAMME REVIEW Final report." (2007).

including Kenya. TI encourages the involvement of the public in fighting corruption. Its agenda in Kenya is to work independently to eradicate corruption in Kenya. Thus, understanding its specific role in curbing corruption is very important.

CHAPTER FOUR

THE ROLE OF INTERNATIONAL AGENCIES IN CURBING CORRUPTION IN KENYA: A CASE STUDY OF TRANSPARENCY INTERNATIONAL

4.0 Introduction

The chapter herein presents findings and analysis on the role of Transparency International in curbing corruption in Kenya: The study findings cover the role of international agencies in ensuring governmental accountability of public funds, the role of international agencies in protecting activists and whistle blowers, the role of international agencies in partnering with other actors in both the public and private sector and the role of international agencies in strengthening punishment mechanisms: with reference to Transparency international. Questionnaires were the main mode of fact finding and collection of data.

4.1 Role of Transparency International in Holding the Government and Companies Accountable for Public Funds.

The study was aimed at identifying the role of Transparency International in holding companies and the government accountable for public funds. 98% of the respondents agreed that international agencies played a big role in ensuring accountability of public funds by the government and companies, while 2% of the respondents disagreed that Transparency International played big role in ensuring accountability of public funds by the government and companies. The respondents gave their answers on the ways in which international agencies were contributing to ensure government and companies' accountability of public funds as shown in the table

Actions by Transparency International for public mobilization on the accountability of government with respect to public funds	Mean	Standard
Transparency International educates the public about how public funds is utilized by the government	4.8105	.39656
Citizens are motivated to take part in the process of policy making by the Transparency International so as to ensure accountability of public funds	4.7500	.50800
Transparency International identifies risks and advocates for reforms with the help of local communities in matters public funds	4.7430	.71208

Likert-type scale was employed in this study to collect and analyze the data on a scale of 1 to 5 with 1 point being assigned to strongly disagree, indicating less effect while 5 was assigned to strongly agree, to indicate high level of influence by the factor on curbing corruption in Kenya. The scales ranged from 1 to 5 making an interval of 4 between the two extremes; the following allocation keys can be developed: very low extent (never influences) was given the range 1 – 1.8, low extent (very rarely influences) was given the range 1.81 – 2.6, moderate extent (rarely influences) was given the range 2.61 – 3.4, great extent (influences) was given the range 3.41 –

4.2 while very great extent (always influences) was assigned the range 4.21 – 5. This allocation key was used in all the subsequent Likert-type scale analysis.

According to the table above, the role with the highest role is shown by a mean of 4.8105. Respondents agree that the biggest role played by Transparency International was creating awareness to the public on how public funds are utilized by the government. This concurs with the study by Pearson et al, which states that raising awareness to the public is essential in fighting corruption.¹⁹³ A good example is that of the establishment of ICAC's in Hong Kong which was formed to curb corruption in the country. The ICAC's was successful in creating public awareness in this war against graft.¹⁹⁴ The findings also concur with the activities that have been undertaken by TI to fight corruption through raising awareness. In 2012 TI carried out worldwide campaigns to encourage action. The next role as indicated by the analysis was the encouragement of the public to take part in the making of policies in the country to ensure the government is accountable for public funds. This concurs with the study by Blasius which support the creation of policies through public participation is more effective in fighting corruption in Kenya.¹⁹⁵

The respondents also noted that the Transparency International identify risks and advocate for reforms with the help of local communities in matters public funds. This role of international agencies was the third most important role as indicated by the respondents. The findings were aligned with the outcomes by Knox and Yasmin who observed that through the identification of

¹⁹³Persson, Anna, Bo Rothstein, and Jan Teorell. "Why anticorruption reforms fail—systemic corruption as a collective action problem." *Governance* 26, no. 3 (2013): 449-471.

¹⁹⁴Skidmore, Max J. "Promise and peril in combating corruption: Hong Kong's ICAC." *The Annals of the American Academy of Political and Social Science* 547, no. 1 (1996): 118-130.

¹⁹⁵Blasius, Owiny Patrick. "Efficacy of the Policy, Legal and Institutional Frameworks for Combating Corruption in Kenya." (2009).

corruption in Bangladesh, TI created a demand policy reforms and change of institutions to fight corruption.¹⁹⁶

4.2 Protection of Activists and Whistleblowers

Activists and Whistle blowers risk their lives to fighting corruption any time they decide to speak up. The respondents indicated that Transparency International was dedicated to protect activists and whistle blowers and to ensure their truth is shared with the country for transparency.

Actions by Transparency International to protect whistleblowers and activists	Mean	Standard
Transparency International creates awareness on the importance of whistle blowing in matters corruption	4.901	.50800
Transparency International works with legal and whistle blowing firms to protect activists and whistle blowers and maintain their confidentiality in fighting against corruption.	4.522	.56596
Transparency International creates and emphasizes on the implementation of whistleblower laws and legislations in all countries	4.7500	.52501

¹⁹⁶Knox, Colin, and Tahera Yasmin. "Transparency International Bangladesh Impact Assessment." *Bangladesh: Governance and Social Development Resource Centre (GSDRC)* (2007).

Transparency International encourages whistle blowers to be courageous and speak out against corruption	4.7630	.61208
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The majority of the respondents indicated that Transparency International creates awareness all over the nation on the importance of whistle blowing and protection of activists with the mean of 4.901. This finding is aligned with the declaration by TI in their websites on advocating for the rights and importance of whistle blowers.¹⁹⁷ TI believes by protecting whistle blowers light can be shed on corruption in Kenya which will ultimately lead to its eradication. The finding was followed by the agreement by the respondents that international agencies ensures the protection of activists and whistleblowers by encouraging whistle blowers to be brave and speak out. The findings indicate that Transparency International have to encourage whistle blowers to speak out against corruption since it is a difficult thing to do to most individuals. The finding was aligned with the study by Holtzhausen that recognizes that whistle blowers normally have a hard time speaking out against corruption.¹⁹⁸ The hard time is as a result for fearing for their lives and those of their loved ones, thus, require encouragement and persuasion to go through with whistle blowing.

The finding was followed by the feedback of respondents that Transparency International helps create and advocates for the implementation of laws and policies that protect whistle blowers and activists. Without laws and policies to protect whistle blowers, most individuals with information on corruption will remain reluctant in revealing their truth, thus laws and policies to protect whistle blowers is very important as suggested by Chamunorwa and Chiedza.¹⁹⁹ The findings align with

¹⁹⁷ See Transparency International report: Alternative to silence: Whistleblower protection in 10 European Countries available at: http://www.transparency.lt/new/images/alternative_to_silence_whistleblower_protection.pdf

¹⁹⁸See Holtzhausen, Natasja.

¹⁹⁹Chamunorwa, Joan Chiedza. "An exploration of whistle blowing in fighting corruption in the public sector in South Africa: A case of Stellenbosch Municipality." PhD diss., Stellenbosch: Stellenbosch University, 2015.

the findings by Latimer and Brown which document that laws and policies are important in encouraging whistle blowing. The study also observed that there are countries that according to Transparency International have already passed laws to protect those that have been employed in both the public and private sector. These countries include: Japan, Canada, France, New Zealand, Kenya, the Philippines, Italy, Venezuela, South Africa, Australia, the UK and USA.²⁰⁰ The minority of the respondents indicated that in the role of international agencies to protect activists and whistle blowers it works hand in hand with legal and whistle blowing firms to ensure whistle blowers are protected and heard. The findings concurred with those of Banisar that indicated that Transparency International is crucial since it has pushed for the embrace of laws protecting whistle blowers.²⁰¹ The findings were also aligned with those of transparency international which explain that confidentiality is important since it assures whistle blowers of their protection against retaliation.²⁰²

4.3 Partnering with Other Actors and Civil Society to Fight Corruption

In partnering with other actors who want reform and civil society the respondents, indicated that Transparency International were open to engage with other actors in fighting corruption.

Transparency International partnership with other actors to fight corruption	Mean	Standard
Transparency International is open to working with actors who seek to curb corruption	4.821	.51231

²⁰⁰ Latimer, P. & Brown, A. J. Whistle-blower Law: International Best Practice. UNSW Law Journal, 2008 31(3): 766-794.

²⁰¹Ibid

²⁰² Transparency International. Whistleblowing: an effective tool in the fight against corruption. 2010. [Online]. Available: www.transparency.org.

Transparency International works with activists and legal firms in curbing corruption	4.426	.52645
Transparency International works with ministries and governments to fight corruption	4.651	.52021

The majority of the respondents agreed that Transparency International are open to working with all individuals who were open to reforms in fighting corruption. The findings were aligned with the study by Rose Ackerman which observed that Transparency International and UN Global Compact agreed in 2009 on producing a guide for companies on how to fight corruption.²⁰³ The finding also aligns with the findings by the United Nations Global Compact which showed the partnering of TI and Oživenia Czech non-profit organisation in Slovakia and Czech Republic's Economics Institute of the Academy of Sciences to work together and create transparency on the operations of the companies to stop corruption.²⁰⁴

The second findings indicated that Transparency International worked hand in hand with governments and ministries to fight corruption. The government in almost all nations and especially Kenya are normally at the centre of corruption scandals. Thus working with governments to fight corruption is a crucial step and one which may ultimately result in the eradication of corruption. The findings are similar to the documentations of Transparency International in their website, where TI states that TI works together with, the Ethics & Anti-corruption Commission, the Kenya National Commission on Human rights (KNCHR), the Commission on Administration of Justice (Ombudsman), and the National Cohesion and

²⁰³ Rose-Ackerman, S. Corruption and government : causes, consequences, and reform (Second edition. ed.): Cambridge University Press. 2016

²⁰⁴ United Nations Global Compact. A Practical Guide for Collective Action Against Corruption. 2015 Retrieved from <https://www.unglobalcompact.org/library/1781>

Integration Commission in the battle against corruption.²⁰⁵ The results are also aligned with the report by TI in 2013/2014 that documented the formation of County Assembly Representatives Network against corruption comprising of 17 members from Kwale, Uasin Gishu, and Kisumu counties in June 2014 facilitated by TI.²⁰⁶ The finding also supports the outcome by Konx and Yasmin which identified that the Transparency International in Bangladesh had created a conducive environment to fight the corruption menace by advocating for policy reforms.²⁰⁷

The findings also established that Transparency International works one on one with the youth in curbing corruption. This is in support of a study carried out by Transparency International in 2009 that identified that youth are crucial in the fight against corruption. A study by Transparency International in 2013 noted that Transparency International's chapter in Morocco is associated with a young artists' collective (many members coming from the art faculty of the University of Casablanca) called Paroles Urgentes that uses street theatre, break dancing, slam poetry and music to raise public and youth's awareness about social issues such as corruption.²⁰⁸

4.3 Strengthening Punishment Mechanisms

The respondents reported that Transparency International works to strengthen the punishment mechanisms for corrupt individuals. The respondents indicated that Transparency International is dedicated to ensuring the corrupt are captured and face consequences in accordance to the law. Some of the way in which the respondents reported that International agencies are responsible in strengthening punishment mechanisms are shown in the table.

²⁰⁵ www.transparency.org.

²⁰⁶ Transparency International. Transparency International Annual Report 2013/2014. 2014. retrieved from <https://tikenya.org/wp-content/uploads/2017/06/transparency-international-kenya-annual-report-2013-2014.pdf>.

²⁰⁷ Ibid, Knox

²⁰⁸ Transparency International. Best practices in engaging youth in the fight against corruption. Anticorruption Resource Center. 2013. Retrieved from <https://www.u4.no/publications/best-practices-in-engaging-youth-in-the-fight-against-corruption.pdf>.

Role of Transparency International strengthening the punishment mechanisms on corruption in Kenya	Mean	Standard
Transparency International offers free advice to individuals in the fight against corruption	4.802	.50820
Transparency International forwards corrupt cases to the respective governmental department for disciplinary measures of the accused	4.7500	.52501
Transparency International advocates for the punishment of corrupt individuals by raising awareness to the public	4.9630	.61208

The respondents indicated that Transparency International advocates for punishment of corrupt individuals by raising awareness. Transparency International advocates for punishment of corrupt individuals since they understand that without punishment the corrupt will remain to be corrupt and the poor will continue to suffer. This is in support of a study by Banerjee et al.²⁰⁹, and Olken²¹⁰ who establish that failure to take action on the corrupt demoralizes the public in this war. The findings are also in support of the news in the Transparency International website that states that

²⁰⁹Banerjee, Abhijit V., Esther Duflo, and Rachel Glennerster. "Putting a Band-Aid on a corpse: Incentives for nurses in the Indian public health care system." *Journal of the European Economic Association* 6, no. 2-3 (2008): 487-500.

²¹⁰Olken, Benjamin A. "Monitoring corruption: evidence from a field experiment in Indonesia." *Journal of political Economy* 115, no. 2 (2007): 200-249.

the corrupt have to be punished. The news also goes further and suggests that strategies need to be implemented to recover the stolen resources.²¹¹

The respondents report that Transparency International offer free advice to individuals in matters corruption. Most International agencies committed to fighting corruption work with individuals by receiving complaints and offering advice to individuals on what to do in the instances of corruption. A good example is the Advocacy and Legal Advice Centre formed by Transparency International. The ALAC was formed to cater to individuals who want to report cases of corruption. The ALAC is open to receive complaints on corruption cases and offer advice on corruption.²¹² By offering information to individuals ALAC ensures that the fight against corruption is made possible since many countries fail in the fight against corruption due to lack of information. The findings were in support to a study by Moyo Stephen that indicated that the gap of knowledge while dealing with issues of corruption leads to more corruption cases within a country.²¹³ Thus, it is a crucial move by international agencies in offering information to the public in form of advice in matters fighting corruption.

Lastly, the respondents indicated that the Transparency International strengthens the punishment mechanisms against corruption by forwarding corruption cases to the relevant authorities. Since Transparency International is not able to capture and prosecute corrupt individuals, they ensure justice is achieved by forwarding the cases to respective commissions and authorities. The findings aligned with the activities of Transparency International which through its ALAC, received complains on corruption which is later forwarded to the the Ethics & Anti-corruption Commission, the Kenya National Commission on Human rights (KNCHR), the

²¹¹ <https://tikenya.org/punishment-for-corruption-must-be-enforced/>

²¹² www.transparecyinternational.com

²¹³ Moyo, Stephen. "Corruption in Zimbabwe: an examination of the roles of the state and civil society in combating corruption." PhD diss., University of Central Lancashire, 2014.

Commission on Administration of Justice (Ombudsman), and the National Cohesion and Integration Commission in the fight against corruption.²¹⁴ The forwarding of the cases and complaints ensures the cases are handled by qualified personnel and justice against corruption is attained.

²¹⁴ www.transparency.org.

CHAPTER FIVE

CONCLUSION, SUMMARY OF FINDINGS, AND RECOMMENDATIONS

5.1 Introduction

The chapter herein gives a summary of the findings from the study, gives the conclusion and summarizes the entire research. This study sought to examine the role of international agencies in trying to wipe out corruption in Kenya, the case of Transparency International in Kenya. The most important objective of this study was to determine role of international agencies in coordinating broad public mobilization to hold governments and companies to account on public fund; to establish role of international agencies in protecting activists and whistle blowers in Kenya; to assess the role of international agencies in building collaborative partnerships with some of the civil societies which are reform-minded hence working towards imparting change. These organizations can either be private or public with a strong objective of fighting this morass called corruption in Kenya; and to evaluate the role of international agencies in strengthening the punishment mechanisms on corruption in Kenya. The chapter identifies some of the gaps noticed in the study of the role of international agencies in curbing corruption in Kenya. The chapter concludes by suggesting that a comprehensive, intensive research needs to be carried since this research is in no way conclusive nor does it have all the answers.

5.2 Summary of the Findings

Corruption has proven to be cancerous that eats on political, social and economic facets of a society. Corruption further leads to dysfunctioning of vital organs; a major challenge towards the growth of a country as it is marred with misallocation and waste of public resources. This makes

the poor to suffer even more²¹⁵ thus, the need to curb corruption permanently. On the basis of answering the first objectives, the study found out that international agencies play various roles in ensuring the government and companies are accountable for public funds. Public funds are important in any country since they are the taxpayers' money, which is often used by government and companies for corruption. Corruption is a challenge in many countries hence, its definition differs. However the common definition adopted is embezzlement of public resources for personal or individual gain.²¹⁶ The first role observed from the findings was that of raising awareness to the public on how taxpayers' funds are used by governments and companies. Awareness raising involves the activities to fight incentives for corruption by changing the views of corruption both within the public domain and the private sector as well as among the general public in order to muster support for an international agencies anticorruption efforts. This is an important factor for any international agency in order to prevent that its other set of anticorruption strategies are not to prove fruitless due to lack of public support.²¹⁷ This is achieved via public information campaigns as well as carrying out trainings and education campaigns of government officials as well as citizens.

The findings indicated that Transparency International ensured public funds accountability by encouraging the members of the community to take part in policy making process. Accountability is expected by every government and company. However, not all governments and companies are willing to show their accountability especially in matters public funds due to corruption. Hence, through public participation in policy making process, the government and companies are aware that the nation is watching their operations, thus, will remember to be accountable and offer

²¹⁵ Transparency international Report 15th December 1998

²¹⁶ Ibid 4.

²¹⁷ Persson, Anna, Bo Rothstein, and Jan Teorell. "Why anticorruption reforms fail—systemic corruption as a collective action problem." *Governance* 26, no. 3 (2013): 449-471.

transparency of their operations.²¹⁸ The findings also indicated that Transparency International fought corruption by identifying risks and demanding for reform. This was evident in Bangladesh where due to the rise of corruption TI created a demand for not only change in the constitution but also emphasised on a need for effective policy reform so as to curb the big elephant in the room; corruption.²¹⁹

Answering the second objective which was the role of international agencies in protecting whistle blowers and activists, the study indicated that international agencies were active in various methods in ensuring whistle blowers and activists were protected. The first method which the study indicated was through creation of awareness of the importance of speaking out against corruption. Transparency International plays an important role of sensitizing the public on the importance of sharing information and speaking out against corruption. Whistle blowing and activism is supported by international agencies seeking to curb crime. This is evident from declaration by TI in their websites on advocating for the rights and importance of whistle blowers.²²⁰ TI believes by protecting whistle blowers light can be shed on corruption in Kenya which will ultimately lead to its eradication.

The study also indicated that Transparency International have to work one on one with whistle blowers and encourage them that speaking out against corruption is the right action to take in ensuring the permanent eradication of the vice. The stigmatization on whistle blowing varies from states to states. The fact is that whistle blowing is not supported by many communities since it is regarded as snitching rather than doing the right thing. Many of the whistleblowers have been

²¹⁸Ibid.

²¹⁹Ibid, Knox and Yasmin (2007).

²²⁰ See Transparency International report: Alternative to silence: Whistleblower protection in 10 European Countries available at: http://www.transparency.lt/new/images/alternative_to_silence_whistleblower_protection.pdf

threatened by some of the corrupt institutions in various states. Some have even ended up losing their lives while trying to unravel some corruption deals in the society. Holtzhausen in his study recognizes that whistle blowers normally have a hard time speaking out against corruption.²²¹ The hard time is as a result for fearing for their lives and those of their loved ones, thus, require encouragement and persuasion to go through with whistle blowing. Thus, calls for the intervention of the Transparency International in talking whistle blowers into the actual whistle blowing activity to help fight corruption.

Laws and policies are important to guarantee the protection of whistle blowing and activism. The study found that the Transparency International had a vital role in the eradication of graft hence helped create and implement laws and policies that guarantee the protection of activists and whistle blowers. With definitive laws and policies, whistle blowing becomes easier since whistle blowers and activists have the assurance from the law of their protection and the protection of their loved ones. The whistle blowers laws have been successfully implemented in some countries as observed by Latimer.²²²

The study indicated that the Transparency International works hand in hand with the whistle blowers and activists to ensure their protection. The reason is that most whistle blowers feel free working with independent organizations rather than public organizations. Thus to ensure confidentiality is maintained, Transparency International take up the role of engaging with activists and whistle blowers to ensure their security and safety and maintenance of confidentiality. Banisar indicated that Transparency International pushed for the United States to adopt whistle blowing

²²¹Holtzhausen, Natasja. "Whistle blowing and whistle blower protection in the South African public sector." PhD diss., 2009.

²²² Latimer, P. & Brown, A. J. Whistle-blower Law: International Best Practice. UNSW Law Journal, 2008 31(3): 766-794.

laws.²²³ Confidentiality encourages people to whistle blow with the backing of secrecy and protection.²²⁴

The analysis of the data collected indicated that Transparency International keen on partnering with other actors, and civil societies in the fight against corruption. The findings indicated the need to fight corruption as a collective action rather than individual responsibility. Addressing corruption can only be successful through the help of governments and other individuals. The analysis of the study supported similar studies that have been carried out. Rose Ackerman observed that Transparency International and UN Global Compact agreed in 2009 on producing a guide for companies on how to fight corruption.²²⁵ The guideline is used by companies to fight corruption in the corporate world. The partnering with governments by international agencies as indicated by the findings show the need for governmental support for agencies dedicated to fight corruption. Despite the unsupportive nature of governments towards international agencies that seek to investigate corruption cases in order to curb the menace, the governments ought to support the international agencies, since their objectives are for a good course.

The findings also indicated that Transparency International values their partnership with young people. Young people are more prone to corruption incidences. More so in Kenya where many young people are unemployed and the majority who are employed hold lower job positions. With the rising costs of living, for young people to survive in Kenya, they turn to stealing and embezzling money from firms. The embezzling of money is not hard since most of the young resulting to corruption; Transparency International has seen it fit to integrate their fight against corruption with young people. This is evident in Morocco where, Transparency International

²²³Ibid

²²⁴ Transparency International. Whistleblowing: an effective tool in the fight against corruption. 2010. [Online]. Available: www.transparency.org.

²²⁵Ibid, Rose Ackerman

associated with a young artists' collective-many of these artists were belonging to the faculty of Art from the University of Casablanca in Morocco, called Paroles Urgentes that raises public awareness by use of theatre in the street, music, break dancing; the theme in these dances, music and theatre is always corruption among other related offenses.²²⁶

The finding also indicated that Transparency International is vocal in strengthening punishment mechanisms. Transparency International believes that without punishment of the corrupt regardless of status quo, the efforts of the anticorruption actions remain unfruitful. As indicated by Banerjee et al.²²⁷, and Olken²²⁸; the two argue that the idea of citizens reporting the corrupt members of the society has no meaning if after reporting, absolutely no action is taken to the corruptible official if found guilty. The corrupt officials should be punished severely to make others know that corruption is not a small offense in the society if at all we want to curb. Transparency International states that the corrupt have to be punished and strategies need to be implemented to recover the stolen resources.²²⁹ International agencies advocate for the strengthening of punishment mechanisms by providing platforms where people can share their complaints and receive advice on corruption cases. This is evident with the establishment of ALAC by Transparency International. The platform is also responsible of forwarding the corruption cases to the relevant authorities. By forwarding corruption cases to relevant authorities, international agencies are able to ensure that corruption cases are dealt with and resolved and culprits punished.

²²⁶Transparency International. Best practices in engaging youth in the fight against corruption. Anticorruption Resource Center. 2013. Retrieved from <https://www.u4.no/publications/best-practices-in-engaging-youth-in-the-fight-against-corruption.pdf>.

²²⁷Banerjee, Abhijit V., Esther Duflo, and Rachel Glennerster. "Putting a Band-Aid on a corpse: Incentives for nurses in the Indian public health care system." *Journal of the European Economic Association* 6, no. 2-3 (2008): 487-500.

²²⁸Olken, Benjamin A. "Monitoring corruption: evidence from a field experiment in Indonesia." *Journal of political Economy* 115, no. 2 (2007): 200-249.

²²⁹ <https://tikenya.org/punishment-for-corruption-must-be-enforced/>

5.3 Conclusion

Corruption, just like cancerous cells into some vital body organs, corruption too eats into the cultural, political and economic fabric of society. It even destroys the functioning of some of the vital institutions and an organ in the society. It is one of the greatest challenges of the contemporary world in the 21st century. In Kenya corruption is on the rise, which is resulting in the borrowing of money from other nations and other financial institutions. This has demanded for the need of agencies dedicated to fighting this menace since, the government has failed in the fight against corruption. The findings from the study indicated that the international agencies were active in fighting corruption in Kenya. Transparency international which was the focus of the study has been active and effective in fighting corruption as indicated by its initiatives discussed above. The international agencies understand the need of education and awareness by the public, thus have focussed in working together with the society to fight corruption. This is a big challenge for government who focus on working for the people rather than working with the people. The fight of corruption ought to be a collective fight since one organization or an individual government cannot win in curbing corruption alone. Organizations and governments need to work together and with the society to fight corruption.

5.3 Recommendations

The study has critically assessed the role of international agencies in curbing corruption in Kenya, a case of Transparency International. The study recommends that the government ought to change its tactics in the corruption fight. The government ought to focus on working with the people rather than for the people. By working with the people the government will be in a better position to have volunteers willing to testify in corruption cases. This will also boost the morale of the Kenya citizens in collaborating with the government to curb corruption.

The study recommends that International agencies require to be supported by community members and governments. Governments and community members are not always receptive of international agencies, especially if the organizations are working to investigate certain situations in the country such as corruption. The government should support such international agencies that are fighting to end corruption. The reason is that the government clearly need assistance in the war against corruption, thus, needs to support these international agencies such as transparency international.

The court system in Kenya ought to be improved in matters corruption of leaders and the wealthy. The reason is that in the past corruption cases have gone unresolved by the court systems in Kenya and the corrupt have walked free leaving the country in debt. The court system in Kenya ought to be streamlined to offer the severest punishment for any corrupt individuals regardless of their wealth status and leadership status.

The study recommends the need for further studies on the topic. The study focussed more on Transparency International only and not all other international agencies working to curb corruption in Kenya. Thus, more studies on the topic should be undertaken to provide more information on the role played by international agencies in curbing corruption in Kenya.

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Read more at: [https://www.theelephant.info/data-stories/2018/06/05/a-visual-history-of-corruption-scandals-in-kenya-2013-2018/\(2018\)](https://www.theelephant.info/data-stories/2018/06/05/a-visual-history-of-corruption-scandals-in-kenya-2013-2018/(2018)).
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APPENDIX I: QUESTIONNAIRE

Instructions

(Please read the instructions given and answer the questions as appropriately as possible). It is advisable that you answer or fill in each section as provided. Make an attempt to answer every question fully and honestly.

Section A; Background Information

1. What is your gender?

Male [] Female []

2. What is your nationality?

[]

3. Indicate your age group(years)

21-30 [] 31-40 [] 41-50 [] above 50 []

4. Indicate your level of education

O level [] Diploma []

Degree [] Masters and above []

5. What is your occupation?

.....

Section B

6. Does Transparency International hold the government and companies accountable on public funds?

Yes []

No []

7. On a scale of 1-5; where 5= strongly agree, 4= agree, 3 =moderate, 2= disagree, 1= strongly disagree what is your level of agreement with the following statements (please tick appropriately)

Actions by Transparency International for public mobilization on the accountability of government with respect to public funds	1	2	3	4	5
Transparency International educates the public about how public funds is utilized by the government					
Transparency International encourages citizens to participate in the policy making process of the nation to ensure accountability of public funds					
Transparency International identifies risks and advocates for reforms with the help of local communities in matters public funds					

Section C

8. Does Transparency International protect activists and whistleblowers

Yes []

No []

9. On a scale of 1-5; where 5= strongly agree, 4= agree, 3 =moderate, 2= disagree, 1= strongly disagree what is your level of agreement with the following statements (please tick appropriately)

Actions by Transparency International to protect whistleblowers and activists	1	2	3	4	5
Transparency International creates awareness on the importance of whistle blowing in matters corruption					
Transparency International works with legal and whistle blowing firms to protect activists and whistle blowers and maintain their confidentiality in fighting against corruption.					
Transparency International creates and emphasizes on the implementation of whistleblower laws and legislations in all countries					
Transparency International encourages whistle blowers to be courageous and speak out against corruption					

Section D

10. Does Transparency International engage in partnership with civil societies and actors who are reform minded in the public and private sector

Yes []

No []

11. On a scale of 1-5; where 5= strongly agree, 4= agree, 3 =moderate, 2= disagree, 1= strongly disagree what is your level of agreement with the following statements (please tick appropriately)

Transparency International	1	2	3	4	5
partnership with other actors to fight corruption					
Transparency Internationalist open to working with actors who seek to curb corruption					
Transparency International works with activists and legal firms in curbing corruption					
Transparency International works with ministries and governments to fight corruption					

12. Does Transparency International engage in partnership with civil societies and actors who are reform minded in the public and private sector

Yes []

No []

13. On a scale of 1-5; where 5= strongly agree, 4= agree, 3 =moderate, 2= disagree, 1= strongly disagree what is your level of agreement with the following statements (please tick appropriately)

Role of Transparency International in strengthening the punishment mechanisms on corruption in Kenya	1	2	3	4	5
Transparency International offers free advice to individuals in the fight against corruption					
Transparency International forwards corrupt cases to the respective governmental department for disciplinary measures of the accused					
Transparency International advocates for the punishment of corrupt individuals by raising awareness to the public					

Thanks You for Your Participation

APPENDIX II: ORIGINALITY

THE ROLE OF INTERNATIONAL AGENCIES IN CURBING CORRUPTION IN KENYA: A CASE STUDY OF TRANSPARENCY INTERNATIONAL

ORIGINALITY REPORT

14%

SIMILARITY INDEX

12%

INTERNET SOURCES

6%

PUBLICATIONS

10%

STUDENT PAPERS

PRIMARY SOURCES

1	scholar.sun.ac.za Internet Source	1%
2	Submitted to Saint Paul University Student Paper	1%
3	Submitted to Kenyatta University Student Paper	1%
4	Submitted to Edith Cowan University Student Paper	1%
5	d-nb.info Internet Source	<1%
6	www.brookings.edu Internet Source	<1%
7	Submitted to Leiden University Student Paper	<1%
8	Submitted to Mahidol University Student Paper	<1%