

UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**THE IMPLICATIONS OF CORRUPTION ON KENYA'S SUSTAINABLE
DEVELOPMENT AND ECONOMIC GROWTH**

BY

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DECLARATION

This project is my original work and has not been presented for a degree in any other University.

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This project was submitted for examination with my approval as the University supervisor.

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DEDICATION

I would like to devote my work to my beloved mother, father, my siblings, my husband and kids for their insights, encouragement and being a strong pillar all through my educational levels. Last but not least, I devote this work to all my people.

ACKNOWLEDGEMENT

I acknowledge the divine grace of Allah in blessing me with the courage, strength, and determination in undertaking this exercise. Secondly, I would like to convey my cordial and extra special indebtedness for the effort made by my supervisor Dr. Lekuton for his criticism and corrections to make this work successful. I wish to appreciate all my family and special thanks to my husband, Dr. Abdisalan Maalim for all the support academically, emotionally and financially all through. I also like to register my appreciations to my friends for their guide and support.

LIST OF ABBREVIATIONS

CPI	Corruption Perception Index
FDI	Foreign direct investment
GDP	Gross Domestic Product
IMF	International Monetary Fund
KNBS	Kenya National Bureau of Statistics
ODA	Official Development Aid
PINV	Public Domestic Investment
USD	US Dollar
VAT	Value Added Tax
WB	World Bank

ABSTRACT

The aim of this study was to analyze the implications of corruption in Kenya's Sustainable development and Economic growth. Kenya as a county has faced a number of economic challenges. The most devastating challenge that has threatened the economic growth and sustainable development in Kenya is Corruption. Corruption remains an economic crime to economic growth and sustainable development in Kenya. There is a lack of enough study on the nexus between, corruption, economic growth, and sustainable development in Kenya. In particular, the study examined the causes of corruption in Kenya, examining the economic implication of corruption, and analyzed the effectiveness of corruption control strategies in Kenya. To achieve these objectives, the study sought to respond to the question on the causes of corruption, the impact of corruption on Kenya's economic growth and sustainable development, and the effectiveness of corruption control strategies in Kenya. The study argues that corruption undermines economic growth through the negative impact it has on a number of key sectors that are important to the economic growth and sustainable development in Kenya. The findings of the study were that corruption has negatively impacted the growth of the services sector. For instance, the education sector, health, electricity, water supply, transport, and infrastructure have performed below the target partly due to the impact of corruption. The study recommends a review of the existing legal frameworks to make corruption a capital offense. The study also recommends a further strengthening of corruption fighting institutions as well as improved assets recovery mechanisms. Further research should be done on effective asset recovery for corruption proceeds in Kenya.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.0 Introduction

Kenya is perceived to be one of the world's most corrupt countries. This is according to the Transparency International corruption perception index of 2019, which ranks Kenya 137 out of 180.¹ This, however, should not come as a surprise given the long list of corruption scandals that have plagued the country. The challenge, therefore, has been fighting corruption that continues to be a threat to the country's economy.

1.1 Background to the study

Globally, corruption is the biggest threat to governance and development. Almost every country in the world is affected by corruption. As of today, every state in the world is alive to the fact that corruption has serious implications for its economy. Over the years, corruption has steadily been growing in terms of the money as well as the personalities involved. In Kenya and just like in other parts of the world, corruption is now equated to an ogre that has refused to let go of the Kenyan society. Therefore, there is a need to relook the existing strategies that have so far been ineffective in fighting the vice of corruption.²

For developing countries, corruption is the economic atavisms that have continuously caused the various economic problem. Corruption has led to a number of consequences in almost all spheres

¹ Transparency International Kenya, “*Corruption perception Index*” (2019). Available at: <https://www.transparency.org/en/countries/kenya#>

² Han Tae Chon, *The Cause and Attribute of Bureaucratic Corruption* (Seoul: Korea Administration Comment Book, 2007)

of life. Corruption affects the market structure by distorting competition and fairness, discourages investment both from within and abroad, undercuts development, and negatively affects democracy.³

Corruption is responsible for the underdevelopment mostly in Africa where corruption cases are high. Development and economic growth in these African states have stagnated with minimal progress. A number of issues can be attributed to the underdevelopment and economic status of African states. However, the monster called corruption, which has ravaged almost all African states remains the key hindrance of development in Africa. The socio-economic status of African states is made worse by endemic corruption.

Kenya has been faced with a number of corruption scandals. The most famous corruption case in Kenya is the Goldenberg case that happened in the 1990s under President Moi's regime. The scandal involved subsidized exports of gold. In the scandal, the government-subsidized exports of gold more than what was agreed upon to a company called Goldenberg International. The excess amount was 35% more in Kenyan shillings than their foreign currency earnings.⁴

More recently, the country has also been faced with a number of corruption cases like the Eurobond scandal, the National Youth Service (NYS) Scandal, the Arror, and Kimwarer Dam scandal, among others. The Eurobond scandal of 2014 saw the misappropriation of millions of dollars of international loans that were secured through a Eurobond. In the NYS, under the ministry of devolution, sh.791 million meant to tender goods and services that were misappropriated. The recent Arror and Kimwarer Dam scandal led to a loss of Ksh 21 billion. All these corruption cases

³ Ibid

⁴ Gershon K. Mwiti, *When the Best is Corrupt* (Nairobi: Aliku Printers and Stationers, 2003)

involve projects that were meant to spur economic growth and development, but the money was diverted to people's pockets through corruption.⁵

According to the 2019 corruption perception Index, Kenya was ranked 137 least corrupt nation out of 180 countries. Corruption is a deadly vice in Kenya which needs to be urgently addressed, or else it is likely to bring the country's economy to its knee. Kenya is already grappling with ballooning external debts.

1.2 Statement of the Problem

Corruption remains the most pressing challenge to governance in Kenya. It poses a major threat to sustainable development, and economic growth manifested in inequality, poverty, loss of revenue, as well as poor human capital. Kenya's experience with corruption is not something new, however recently, there has been a rise in the number of corruption cases, the frequency in which they happen, the personalities involved, and the amount of money misappropriated.

Rampant corruption cases continue to stand in the way of Kenya's path to economic growth. Corruption also affects one's incentive to allocate time and effort to productive activities, like accumulating knowledge and skills. Human capital plays a key role in economic growth; therefore, when human capital is distorted, then it affects economic growth and development. Corruption also hinders human development, thereby compromising people's futures. Despite these challenges, development and economic growth remain one of the biggest goals of Kenya.

The main research problem of this study, therefore, is that rampant corruption drains any economy robbing it of the resources that are needed for development like infrastructure projects. As a developing country, corruption is an impediment to the country's economic growth. The strategies

⁵ <https://www.aljazeera.com/ajimpact/kenyas-corruption-crackdown-era-political-theater-190726154554617.html>

in place so far have done little to address the challenge of corruption. It is against this background that the study analyzes the impact of rampant corruption on Kenya's economy.

1.3 Research Questions

- 1 What are the causes of corruption in Kenya?
- 2 What is the economic implication of corruption in Kenya?
- 3 What are the corruption control strategies, and how effective are they in Kenya?

1.4 Research objectives

Broad objectives

The study objective is to analyze corruption trends and how they affect Kenya's economy

1.4.1 Specific objectives

1. To assess the causes of corruption in Kenya.
2. To examine the economic implication of corruption in Kenya.
3. To analyze the effectiveness of corruption control strategies in Kenya.

1.5 Literature Review

Empirical Review

1.5.1 The Causes of Corruption

According to Iyada, corruption is global. However, there is no universally agreed-upon definition of corruption. Generally, corruption can be conceptualized as misappropriation or misuse of public resources, entrusted power, or public office for personal gains. To this end, corruption entails vices like fraud or embezzlement of public funds, extortion, and bribery, or misuse of an office. As much as corruption is rampant in developing countries, corruption is practiced in all societies, including the developed states. What differs is the magnitude of the corruption and the amount of

money involved. It is, therefore, factual to say that corruption is a universal problem, and affects every society. However, in developing countries, cases of rampant corruption are rampant and has serious implication on their various economies.⁶

According to Sturge, there is no particular cause of corruption. The causes of corruption are interconnected and not cast on a stone since they are numerous and change depending on the situation. More often than not, the causes of corruption are often embedded in the socio-cultural, political as well as economic history of a state. The policies and bureaucratic traditions are also a major source of corruption. As much as the causes of corruption are general, each state has its own specific cause of corruption, which may or may not be the same across.⁷

According to Uneke, institutional weakness is the main cause of rampant corruption in sub-Saharan Africa. Given that Africa is made up of developing states, there is a lack of strong institutions capable of addressing corruption issues through oversight and proper policies. The result is rampant corruption, which threatens the national economy. In African, generally, there is institutional erosion and a lack of adherence to the rule of law, which affects the fight against corruption. There are various direct or indirect causes of corruption. The direct causes are issues to do with policies and regulations, taxation, procurement and spending of resources, provision of public services. The indirect causes, on the other hand, include factors like transparency or rules and accountability, as well as institutions that fight corruption. Other factors that often lead to rampant corruption in Africa are low salaries and poverty.⁸

⁶ Iyada, D. O., Corruption: Definitions, Theories and Concepts. (Arabian Journal of Business and Management Review, 2012)

⁷ 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)

⁸ Mbaku, J. M., Corruption in Africa: Causes, Consequences, and Cleanups. (Lanham: Lexington Books, 2007)

1.5.2 The Common Forms of Corruption

According to Svensson, misappropriation, and the stealing of funds put in place for public programs are among the worst forms of graft. He explains how corruption transpires. He notes that the vice will prevail once leaders in executive positions of the government, often presidents and political elites begin to abuse powers so as to make economic policies commit. According to the author, in contemporary times, grand corruption remains to be one of the most obvious forms of corruption.⁹

Jain argues that since the majority of the population considers political elites to be their "social guardians," they should be able to make decisions, work on the common good of the people with intentions solely based on the population and not that of their own. Fayemi advocates that public good should always take precedence over the politician's own desire to stay in power, despite the fact that the political elites have to balance the two.¹⁰

According to Svensson, several examples around the world show that this is never the situation. For instance, examining former President of Zaire, Mobutu Sese Seko, his case shows that he had stolen from the public coffers a large sum of money, upwards of \$5 billion. This amount was estimated to be proportionally equal to the external debt of the country is held at the time (1997). This was the same for his counterparts, former presidents of Indonesia, Mohamed Suharto, and Ferdinand Marcos.¹¹

Jain observes that, as manifested around the world, most societies experience bureaucratic corruption as another form of corruption. According to Hanna, such kind of corruption presents

⁹ Svensson, J., Eight Questions about Corruption. (Journal of Economic Perspective. 2010)

¹⁰ Jain, A. K. Corruption: A Review. (Oxford, UK: Blackwell Publishers, 2010)

¹¹ Svensson, J., op.cit

itself in the most basic form, where political elites or bureaucrats demand a fee or other kinds of valuables in order to receive public service or have certain procedures done in a short time. The public has the entitlement to receive such kind of public. Therefore, this makes such kind of corruption fraudulent. These kinds of actions are visible through the bureaucrat's interactions with the public, political elites, or they are superior. Agbaje points out that a service that was unavailable under normal circumstances will be rendered to a person after the payment of the bribe.¹²

Transparency International observes that in Kenya, it is almost a must for business operators to bribe officials with some money in order to keep going with their operations. The bureaucracy in Kenya, which formed a loophole for corrupt officials, created this condition. According to Martini, research by Global Corruption Barometer of 2011, as well as the Eastern Africa Bribery Index of 2012, had indications that for Kenyan citizens to get simple bureaucratic tasks, they had to part with bribes.¹³

Wanjohi brings into discussion the rampant cases of corruption in Kenya, which have become a norm. Scandalous corruption cases have been brought to light. These cases involve the high and mighty, including high and executive state officials in the mix. The most notable corruption cases in Kenya are the misappropriation of money meant for free primary education, the Triton oil. And the 2009 Maize scandal. According to Jarso, in recent days, the Tokyo Embassy scandal, the land scam at the Nairobi City Council, as well as the Ministry of Defense public Procurement deal of military hardware from Jordan, remains the most notable corruption cases in recent days.

Gichio, in his work, puts a specific reference to the Goldenberg saga, which has been considered a heavy case while it implicated some of the topmost political elites in the former President Moi's

¹² Jain, A. K, op cit.

¹³ TI., The Anti-Corruption Plain Language Guide by Transparency International, (2015)

regime. This corruption case cost the taxpayer over 10% of the country's Gross Domestic Product. Jarso records that there has been a record of corruption cases ever since the independence the Anglo-Leasing scandal is documented as a corruption case that touched on both the Kibaki regime and Moi regime. This is despite the tough war against corruption that Kibaki championed for. Alongside petty and bureaucratic corruption, political corruption is another form of corruption, which has occurred simultaneously in countries. According to the Kenya Anti-Corruption Commission, as opposed to being rooted in policy doctrine and sound political practices, Kenya's political parties have been based on patronage networks and ethical groundings. This factor has rendered them institutionally ineffective and weak since independence to the present day, as highlighted by Barkan. At the backdrop of this, Martini contends that corruption has been the result. The 2011 Global Corruption Barometer placed Kenyan political parties at a score of 3.8 on a scale of between 1 and 5 (extremely corrupt). He argues that resource inadequacy, ethnocentrism, and institutional weakness have fueled susceptibility to corruption.¹⁴

According to Jarso, the lack and absence of transparency in the source of finances for political parties have been closely associated as the main reason for both the Goldenberg and the Anglo-Leasing scandals. Martini points out that key and close political allies of the then President Mwai Kibaki were accused of raising the 2007 election campaign funds through the Anglo-Leasing finance graft. The Kenya African National Union (KANU), on the other hand, had raised its campaign fund through the Goldenberg fraud. He further notes that the faulty tallying election process of 2007 as a result of manipulation by the Electoral Commission of Kenya (ECK).¹⁵

¹⁴ Mauro, P., Corruption and the Composition of Government Expenditure. (Journal of Public Economics, 2011)

¹⁵ Jarso, J. F. "The Media and the Anti-Corruption Crusade in Kenya: Weighing the Achievements, Challenges and Prospects." (AM. International Review, 2010).

1.5.4 Corruption Control Strategies

In the world today, corruption has had and continues to have deep negative effects on the state's social harmony, economic development, and cohesion in the state, thus resulting in a need for states to address this problem. Myint, in his works, argues that the search for a solution for the vice begins only when there is an awareness of the immense effects on socio-economic growth. In developing states, including those of the African continent, the impact of corruption is said to be profound. The unimaginable levels of corruption in the African continent have been the cause for underdevelopment, dragging the countries behind in terms of development as compared to their western counterparts. Terming corruption as a key barrier, Wanjohi is convinced that the malpractice has hindered socio-economic and political development in the developing countries.¹⁶

Kidombo observes that the outcomes of social, political, and economic growth of a country are greatly reduced by the corruption menace. Retaliating that argument, Hanson agrees that poor economic development and economic growth which is as a result of corruption leads to a depreciation in the domestic currency, a reduced inflow of foreign investment, and to a larger extent, an expenditure reduction specifically public spending on public services such as education and health. This condition brings about a restless population that feels the need to protest, creating a ripple effect where the government ends up spending much on the military who will quell the protests. Bardhan, notes that corruption distorts the key role of the government, which entails protection of property and as an enforcer of contracts. With a distorted government, the level of inequality and poverty increases.¹⁷

¹⁶ Myint, U. Corruption: Causes, Consequences and Cures.(Asia – Pacific Development Journal. 2000)

¹⁷ Kidombo, P. K. Targeting Corruption: The Booming Business. (Nairobi, KEN: Sino Printers and Publishers,2006)

Ikubanje notes that several policy measures and programs to fight graft have been formulated and implemented by a number of African countries. Ranging from financial strategies to political and/or public policies, the policies have barely borne fruits in addressing the scourge of graft in the continent. As a matter of fact, over the past decade, because of pressure from Western donors, African countries have implemented policies directed at boosting transparency and good governance efforts, as well as those addressing sector reforms with the aim of fighting corruption, as analyzed by Hanson. Countries like Rwanda, Tanzania, Mauritius, and Ghana have shown applaudable examples to their peers in the war against graft.¹⁸

In a bid to fight graft, Kenya has drafted, formulated, and implemented a number of anti-corruption regulations and strategies to combat the vice. In most cases, the government is often keen on fighting corruption. As such, the governments put in place various measures meant to combat corrupt practices. Given the high number of rampant corruption cases in Kenya, the impacts of corruption have gravitated. Corruption affects the socio-economic development of any country, and every government device various means aimed at addressing the problem of corruption in their respective countries. Such a mechanism often ranges from public, financial, political, and legal frameworks.¹⁹

In Kenya, the Ethics and Anti-Corruption Commission is the body tasked with fighting corruption. The EACC, however, lacks the prosecutorial powers to prosecute the corrupt individuals; instead, it refers to the cases to other bodies such as the Attorney general or the office of the director of public prosecution. The commission is often also faced with scandals, for example, during the

¹⁸ Ikubaje, J. G. (2010). *Democracy and Anti-Corruption Policies in Africa*. I(badan, NGR: University of Ibadan Press, 2010)

¹⁹ Jarso, J. F. "The Media and the Anti-Corruption Crusade in Kenya: Weighing the Achievements, Challenges and Prospects." (AM. International Review., 2010)

Kibaki regime. Patrick Lumumba, who was later replaced by Aaron Ringera, headed the commission. Lumumba, while at the helm, reopened the case of Goldenberg and Anglo-Leasing, where he indicated his intentions to investigate and prosecute over 50 members of parliament and ministers. This was not taken well by the politicians who orchestrated the ousting of Lumumba at the helm of the commission, claiming there was a lack of political will to support the work of Lumumba.²⁰

According to Martini, he notes that another key institutional in the fight against corruption is the office of the Auditor-General. This institution is key, given that it oversees the budgeting and spending of all government projects and operations. The institution, as per the constitution, is supposed to be legally protected from any judicial or political manipulation. However, this is not always the case. Given the crucial role it plays in combating corruption in Kenya, it is the most targeted by political and executive pressure. In most cases, the reports given by the office of the auditor general is not always taken by the seriousness it deserves.²¹

Another key institution is the office of the Public Procurement Oversight Authority (PPOA) now, the Public Procurement and Asset Disposal after the Act was revised in 2015. The mandate of the PPOA is policy formulation and as well as implementation relating to procurement. This is key because, in most cases, rampant corruption cases take pace during the procurement processes. Therefore, the institution is tasked with ensuring that all procurement processes are done in line with the existing rules and regulations.

²⁰ Kenya Anti-Corruption Commission. National Corruption perception Survey. Nairobi: Directorate of Research, Education policy and Preventive Services (REPPS), (2015)

²¹ Martini, M. Kenya: Overview of Corruption and Anti-Corruption.(Berlin, GER: Transparency International,2012)

Gaps in the Literature review

The reviewed literature provides information on the various causes of corruption, the common forms of corruption, and the corruption control strategies. There exist gaps in the effects of corruption, its causes, and control strategies. This study, therefore, addresses the causes and control strategies of corruption on the Kenyan economy as well as the implications of rampant corruption on the economy, and research-based measures that can be used to address these economic implications. Also, it adds to the existing literature on the causes, effects, and control strategies of corruption.

1.6 Research Hypotheses

H₁: The corruption control strategies in Kenya have been ineffective.

H₁: Rampant corruption has been an impediment to economic growth in Kenya.

H₀: Through proper legislation, stricter policies, and judicial prosecutions, Kenya can address the problem of corruption.

1.7 Justification of the Study

This study is critical, given that it is coming at a time when Kenya is grappling with corruption cases that have threatened economic growth and development in the country.

1.7.1 Policy justification

The evidence presented by Transparency International shows that corruption has various impacts on the expenditures within a country, leads to poor public infrastructure as well as a reduction in productivity. For this reason, reducing corruption, which is principally cleaning governance, is an essential element to Kenya that can bring about social, economic, and political growth. This would ensure equity in the distribution of resources and equitable sharing of the national resources since

corruption diverts large amounts of resources from the public sector - money that could easily be spent better elsewhere to improve the economic and social welfare of the society.

1.7.2 Academic Justification

This study generates literature on the effects of corruption on Kenya's economy in the field of academia.

1.7.3 Justification to the public

This study is informative and educational to the public. This study comes at a time when Kenya is faced with numerous corruption cases. Corruption affects the public more as it robs them of opportunity for personal development as well as that of the economy. When the economy is threatened by corruption, the public is the biggest casualty. In most cases, money meant for infrastructure development that is meant to help the public is the most embezzled. Corruption also leads to a reduction in human capital, inequality, and poverty, all of which affect the public directly.

1.8 Theoretical framework

This study is based on integrated theories of functionalist and rational choice theory. Corruption serves many purposes, for prestige, for power, for-profit meant to benefit a few people. The study has been premised on the arguments from rational choice, and the functionalism theory. Functionalist and rational choice have been the two main dominant theory in understanding corruption.

Samuel Huntington advanced functionalist psychology's explanation of corruption in 1989. Huntington views corruption as a way to "grease the wheel" to get things done and that corruption is a quick way to get things done by using back channels to get past the tiresome regulatory

requirements and resource allocation. Functionalism focuses on the purpose served by a given institution.²²

Functionalism argues that political machines, which include practices like Bossism, bribery, patronage, and protection, can be described as fulfilling positive functions that ordinarily are not fulfilled by existing patterns of structure. To this end, functionalist argues that bureaucratic corruption in developing countries like Kenya plays a significantly important role. The limitation of this theory is that there has been an extreme flux of underdevelopment, where there have been high corruption cases. Similarly, it is difficult to identify if corruption is functional or not.²³

Rational choice is based on individualism. It views human behaviors as a result of individual self-interest action. To this end, individuals calculate and strategize by carefully weighing the cost and benefits before undertaking any action.²⁴

In exploring corruption, rational choice is divided into collective action (prisoner's dilemma), Principle agent approach, and coordination game approach. In the case of collective action, corruption can be described as a particular type of collective action problem, prisoner's dilemma where a person has the incentive to choose their own-self interest as opposed to working to achieve a common good. Corruption can also be explained as principled-agent problems where the agent tasked to offer services decide to work towards maximizing their own interest as opposed to the

²² Huntington, Samuel P. Modernization and Corruption. In: Heidenheimer, Arnold J./Johnston, Michael/Levine, Victor T. (eds.): Political Corruption. (A Handbook. New Brunswick: Transaction Publishers, 1989)

²³ Ibid

²⁴ Weingast, Barry R. (2002): Rational choice institutionalism. In: Katznelson, Ira/Milner, Helen (eds.): Political Science: (The State of the Discipline. New York: Norton, 2002)

collective goal. According to rational choice, corruption is due to a well-calculated decision of an individual to pursue their own interest.²⁵

These theories are relevant to the study as it best explains the causes of corruption and its impact on the economy. The theory shows the correlation between rampant corruption and economic growth by explaining the effects of corruption on a country's economy. This is what this study sets out to investigate by looking at the causes, impacts, and control strategies on Kenya's economy. These theories hence supplement the study well.

1.9 Research methodology

The methodology of the study is important in understanding how data and information is arrived at. The study is quantitative and qualitative and relies on the primary data collection method.

1.9.1 Research Design

A research design entails the plan, structure, and strategy to be utilized in investigating a research problem and obtaining answers to the research question. The study adopts a mixed research design of qualitative and quantitative methods. The study employs a descriptive research design. This approach is aimed at collecting primary data without manipulating the research variables or the respondents on the effects of rampant corruption on Kenya's economy.

1.9.2 Target Population

A population can be defined as a complete group of entities or elements sharing some common characteristics. This study targeted government officials from the Ministry of National Treasury

²⁵ Ruud, Arild E., Corruption as Everyday Practice. The Public–Private Divide in Local Indian Society. (In: Forum for Development Studies, 2000)

and Planning, heads of ethics and anti-corruption commission, the office of the director of public prosecution, the Criminal Investigation Department, and the general public. (SEE TABLE 1.1)

1.9.3 Data collection procedure

The study relies on both the secondary and primary sources of data. Secondary data was obtained from scholarly literature (both published and unpublished) from online sources, books, journals, and articles from libraries. Apart from published written materials, the study also used written materials: Newspaper, graduate project papers and theses, and Government reports and briefs and news bulletins.

The primary data was collected from interviews from the general public, the government officials from the Ministry of National Treasury and planning, personnel from Ethics and Anti-Corruption Commission, Criminal Investigation Department, and Office of the Director of Public Prosecution. Interviews with a comprehensive questionnaire guide covering all study variables were used to get the primary data.

1.9.4 Sampling size and procedure

The study used both simple random and purposive sampling. Purposive sampling is where the researcher selected a sample that is judged to be informative to the study. This was used to interview officials from the Ministry of National Treasury and planning, personnel from Ethics and Anti-Corruption Commission, Criminal Investigation Department, and Office of the Director of Public Prosecution. For the general public, the study used simple random sampling methods since every individual of 18 years and above can give an opinion on how they feel corruption has affected the economy.

Table 1.1: Sampling size

Sample size was calculated using Mugenda and Mugenda Sampling formula of $n' = n / 1 + n / N 2$.

$p = 50\%$ or 0.5 , $q = 50\%$ or 0.5 , $z = 1.96$ (95%), $e = + 5\%$ or 0.05

The sample will be arrived at through $n' = n / 1 + n / N$ n' =adjusted minimum sample size,

$n =$ Calculated minimum sample size. $n' = 384 / 1 \times 384 /$

Table 1.2: Target Population, Sample Size, And Sampling Procedure

Ser	Target Group	Sample size	Sampling procedure
1.	officials from the Ministry of National Treasury and planning	10	Purposive
2.	Officials from the ethics and anti-corruption commission	12	Purposive
3.	Officials from the Criminal Investigation Department	10	Purposive
4	Officials from the Office of the Director of Public Prosecution	10	Purposive
5	The general public	550	Simple Random
	Total	592	

Source: Primary data (2020).

1.9.5 Data Analysis and presentation

Primary and secondary sources of data was analyzed through both inferential and descriptive statistics. The cost of corruption on the economy was analyzed through Inferential. The coded data from the questionnaire was analyzed through the Statistical Package for the Social Sciences (SPSS) computer package. SPSS was preferred because the study was predominantly of qualitative in nature.

Ethical Considerations

Ethics was given much priority. This was done by creating a between the researcher and the respondents. The researcher then explained the aim of the study and assured the respondents of the confidentiality of their responses. The names of the respondents remain confidential.

1.10 Scope and Limitations of the Study

The study was mainly carried out in Nairobi. The study is on the effects of rampant corruption on Kenya's economy. It determines the level of corruption in Kenya, the strategies of fighting corruption in Kenya, and the implications of Kenya's economy.

The limitations of this study are of the fear of giving information, especially on corruption cases, and sensitivity on some corruption cases. Another possible limitation is acquiring primary data due to the ongoing COVID 19 Pandemic. However, the pandemic cases increased, the researcher had a virtual meeting through the use of Google meet and questionnaires filled inform of Google forms.

1.11 Chapter Outline

Chapter one gave the background to the study, stated the statement of the problem study, set out the study's objective, gave a review of relevant literature, formulated the study's hypotheses, gave the theoretical background, and finally the methodology that this study used.

Chapter two looks at the causes of corruption in Kenya. The chapter gives an analysis of the root causes of corruption and how it has continued to thrive in the country.

Chapter three looks at the corruption control strategies that have been used in Kenya to fight corruption. How effective have they been in the fight against corruption?

Chapter four analyzes the implication of rampant corruption on Kenya's economy. Corruption has often been argued as the biggest threat to Kenya's economic development and growth. The chapter gives research-based mechanisms that can be put in place to address the economic implication of rampant corruption on Kenya's economy.

Chapter five concludes the study. This chapter includes conclusions, summaries, and recommendations of the study.

CHAPTER TWO

CAUSES OF CORRUPTION IN KENYA

2.0 Introduction

Corruption is endemic in all societies and organizations in various forms and degrees and the equalizing factor is the negative effects or consequences of the unethical vice. The definition of corruption varies from one society to another where states adopt various meanings to corruption based on their legal frameworks and also corruption incidences. However, there exists a universal agreement that corruption is the misuse of power to obtain an unlawful advantage;²⁶ this power does not entirely mean political influence but also the use of other forms of power in various degrees to obtain an unlawful advantage.

Corruption occurs in various forms, majorly presented by bribery, extortion, embezzlement or misuse of funds, fraudulent acts, influence peddling, gross misconduct among others. Other forms of corruption are categorized as grand corruption whereby the political elite influence economic policies through abuse of power, misappropriation of funds such as in public funds by government institutions; bureaucratic corruption which is manifested by fraudulent and unethical acts by bureaucrats in demanding money or favors in order to provide public services²⁷; Legislative corruption which entails the vulnerability of the institution of parliament to internal or external forces that influence its voting patterns and legislative processes,²⁸ for example, the reports on

²⁶ Kratcoski, P. & Edelbaccher, M. (Eds). *Fraud and Corruption: Major Types, Prevention and Control*. (Cham: Springer, 2018).

²⁷ Jain, A. K. *Corruption: A Review*. (Oxford: Blackwell Publishers, 2011).

²⁸ Brandolino, J. & Luna, D. 'Addressing Corruption Through International Treaties and Commitments,' in Abboud, A. M. (eds), *Transparency the Culture of Corruption*, (New York: Routledge, 2006).

corruption in Kenya's parliamentary committees and processes²⁹; other forms are money laundering, petty corruption, fraudulent trade, and procurement processes.

Corruption has significant effects and has been one of the social, economic, and political problems, making it a central problem in policy circuits.³⁰ Corruption leads to unemployment, misdirection, or shifting of public spending from basic essentials to private pockets, increased public debt, distorted competition, and unfair market structures, deters investments, and curtails the establishment of strong institutions and democratic processes.

Kenya has grappled with the scourge of corruption since independence, forming a critical campaign bait for the electorate in every election cycle and depriving citizens of the public services and rights for their social, economic, and political development. Huge amounts of money are lost to corruption through fraudulent deals, access to public services is highly 'commercialized' through bribery, and even justice systems and democratic institutions are deeply controlled by cartels. The government and other institutions have over the years undertaken various measures and strategies including legal frameworks and the establishment of institutions such as the Ethics and Anti-Corruption Commission (EACC) and the Assets Recovery Authority (ARA) to spearhead the fight against corruption. However, these efforts seem to be slow at ending corruption, and thus a shift of focus should be on what are the sources of corruption. This chapter, therefore, focuses on the causes of corruption in Kenya by discussing literature on sources of corruption and the research findings before discussing the response rate of the questionnaires.

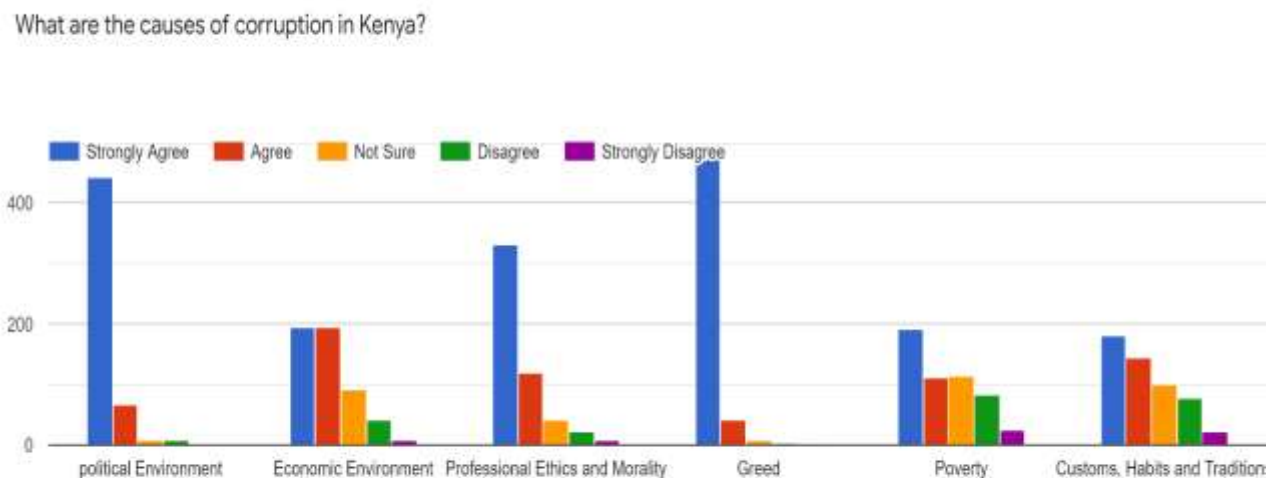
²⁹ Rugene, N. Bribery in Kenya's Parliament. *Daily Nation*, 16th May 2002, Available at: <http://www.nation.co.ke/News/-/1056/599016/-/u6adu9/-/index.html>

³⁰ Bardhan, P. "Corruption and Development." *Journal of Economic Literature*, Vol. 35 (3), (2000), pp. 1320-1346.

2.1 Sources of Corruption in Kenya

Kenya's corruption environment provides for multidimensional sources and/or causes of corruption which encompasses social, economic, historical, and political factors. These sources are interconnected³¹ and they are not only present in the public sector but also in the private sector. The most quoted sources of poverty in Kenya include bureaucracy and regulations in public services, institutional weaknesses, economic push factors such as unemployment, poverty, taxes, low wages, and competition, and also the lack of accountability and transparency platforms that ensure public participation in spending decisions.

Figure 2.1 The response from the general public on the causes of corruption



Source: Researcher, Primary data. (2020)

³¹ Iyada, D. 'Corruption: Definitions, Theories and Concepts.' *Arabian Journal of Business and Management Review*. Vol. 2, No. 4, (2012), pp.26-45.

2.1 Greed

Webster defines greed as the selfish desire to amass possession beyond one's needs. Greed in its basic form is an egocentric and individualistic tendency where people pursue their own needs to increase their wealth over people's interests. Greed means that people put their interests above others. The result is an obsession with physical possession like money, vehicles, houses, and land which is accrued at the expense of others. Greed, therefore, is the genesis of corruption. Greed is the desire and lust to have what you don't have hence the only way to get it is through theft in the form of corruption. This egoistic and selfish behavior is what leads to corruption.

Greed entails the egoist pursues of one's own self-interest, with the main aim of maximizing the benefits for the maximum number of people. Thus according to rational choice theory, human behavior is based on individualism. It views human behaviors as a result of individual self-interest action. To this end, individuals calculate and strategize by carefully weighing the cost and benefits before undertaking any action. This is because the act of greed sometimes requires an individual to act in ways that violate one's integrity and conscience. To this end, grabbing and amassing resources at the expense of the public good is an individualistic rational choice that violates integrity.

Greed impacts society in general. For example, if an individual loots, money meant to build a health facility, the society as a whole suffers since there will be no access to health services that the health facility would have offered had it been constructed. This in turn affects the quality of life of the affected people. Greeds which involves an individual having wealth for the sake of having it, widen the gap between the poor and the rich in the country hence the "have - nots". Those who have wealth either individually or collectively limit the participation of others in the production, distribution. Greed dictates that one wants everything for themselves and doesn't care

about the need of others. Their self-interests are conflicting often conflicting with others and they use their powers to amass wealth at the expense of others. The possession of property or power without creating the conditions in which others can benefit is a recipe for the widening gap between the rich and the poor. The monopoly of resources is an extreme form of egoism, which undermines collective growth.

In Kenya, material wealth remains a yardstick for measuring the status of an individual in society. The result is that leaders and public office holders see their leadership position as an opportunity for amassing individual wealth at the expense of others. Wealth in this sense is amassed through any means possible including corruption. Leaders use their positions as a means of self-enrichment where they steal public funds, grab public land and properties. Holding public office in Kenya is no longer about responsibility and service delivery but rather about “eating”. Wrong in his writing about whistle-blowing in Kenya describes leadership and greed using the phrase it is our turn to eat. Meaning that ascending to leadership brings out the greed to embezzle funds and amass wealth just like others before they did. Greed is such an embodiment in leadership to a point that those leaders who do not embezzle funds are viewed as “cowards and fools.”

2.2 Bureaucracy, Rules, and Regulations in the Access to Public Services

Bureaucracy entails various processes and channels put in place for one to access public services through approvals and authorizations.³² The bureaucratic customs and policies in the public sector are viewed as solid wellsprings of corruption.³³ In the public sector, these rules and regulations are necessary for documentation and the placement of responsibilities to particular

³² Tanzi, V. ‘Corruption Around the World: Causes, Consequences, Scope and Cures.’ *International Monetary Fund Working Paper 98/63*, (1998).

³³ Akqay, S. ‘Corruption and Human Development.’ *Cato Journal*, Vol. 26, No.1,(2006), pp. 27-46.

officeholders. Such traditions are visible in various public offices such as in registration services of businesses and persons, hospitals.

The purpose and intent of such bureaucratic traditions and policies are to ensure inclusion and adherence to the rule of law, however, it has created a long chain of officials thus a channel for bribery and corruption to fasten the process. Tanz notes that such bureaucracy “gives public officials some kind of monopoly power to the officials”, thus they can use such a monopoly for extortion of bribes from those seeking services.³⁴ The rules and regulations make access to services tedious, burdensome, and costly by establishing various bottlenecks thus exacerbates or motivates attempts to bypass them through corruption in various forms majorly bribery and influence peddling, nepotism, and many other forms.³⁵ A good example is in the Pensions department under the Ministry of Treasury in Kenya, the Kenya Anti-Corruption Commission now called the Ethics and Anti-Corruption Commission reported that due to the centralization of the department’s functions in the capital, the burdensome processes involved in claiming pension payments there was ingrained corruption through bribery in the department to obtain approvals and authorizations to access pension by retirees and fast-tracking of the process.³⁶ This is also evident with the unexplained backlogs, loss of documents, and delays in payments in the department.

³⁴ Op cit, Tanz (1998).

³⁵ Justesen, M.K. & Christian, B. ‘Exploiting the Poor: Bureaucratic Corruption and Poverty in Africa.’ *Afrobarometer Working Paper No. 139*, (2012).

³⁶ Kenya Anti-Corruption Commission, ‘*Report on the Examination into the Systems, Policies, Procedures and Practices of the Pensions Department, Ministry of Finance.*’ (2008). Available at: <https://eacc.go.ke/default/wp-content/uploads/2018/08/pensions-examination-report.pdf>

2.3 Institutional Weaknesses and Legal frameworks ineffectiveness

The centrality of institutions ineffective public administration and governance is based on their roles to protect the rule of law. Therefore, the strength and effectiveness of institutions shape the conditions in which corruption may thrive or not. Public institutions form an integral part of a government and its regime, they run the social, political, and economic agenda of a state, and this places them at the core of public accountability and transparency. They determine the development of a nation as they may be ‘extractive or inclusive’³⁷. In the context of corruption, institutions may mean all public ones such as ministries, departments, and agencies or in Kenya the arms of government (Executive, Judiciary and Legislature), the anti-corruption and accountability institutions such as the EACC, Ombudsman, Auditor General, Public Procurement Oversight Authority, and other investigation and enforcement bodies. These are important institutions in fighting corruption or ensuring good governance.

Primarily, institutional erosion through undermining and neglecting them weakens the institutions and centralizes power around the presidency thus patronage and impunity if the presidency does not provide the political goodwill and capacity against the vices of corruption and abuse of the rule of law.³⁸ The weakening and poor governance of such institutions breeds impunity, inefficiency, and irresponsibility among public officials thus corruption. Political institutions contribute to corruption through the lack of political accountability. There is a clear flaunting of the structure that guides the provision of public goods.³⁹ There are no political

³⁷ Acemoglu, D., & Robinson, J. *Why Nations Fail: The Origins of Power, Prosperity and Poverty*. (New York: Crown Publishers, 2011).

³⁸ Hope, K. R. ‘Kenya’s corruption problem: causes and consequences.’ *Commonwealth & Comparative Politics*, 52:4, (2014), pp. 493-512.

³⁹ Lederman, D., Loayza, N. & Soares, R. ‘Accountability and Corruption: Political Institutions Matter.’ *Policy Research Working Paper 2708*, (World Bank, 2001).

mechanisms in place to ensure strong political accountability as the corrupt go free. In this view, examples in Kenya are abounded, as in the case of underfunding of the judiciary thus incapacitating its functions; the executive's influence in parliament thus curtailing independence in the conduct of its oversight roles, and the failure to implement proposals and recommendations of watchdog institutions.

On the legal frameworks, Kenya has robust legal regimes required “for an effective onslaught on corruption but their enforcement has been somewhat lackluster”. Besides the Constitution of Kenya, which strengthens the protection of civil and political rights, limits executive powers, strengthens legislative oversight, increases the judiciary's independence and devolved central administration to the county governments, and grants the right to access and communicate information,⁴⁰ there exist a number of legal mechanisms that are tasked with fighting graft like the “Ethics and Anti-Corruption Commission Act (ACECA), 2011; the Public Procurement and Disposal Act, 2005 (PPDA); the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) of 2009; the Leadership and Integrity Act (LIA), 2012; the Elections Act, 2011; the Mutual Legal Assistance Act, 2011; the Commission on Administration of Justice Act, 2001 (No. 23 of 2011), and the Fair Administrative Action Act, 2015, among others.”⁴¹ These legal instruments provide for various systems to prevent and to prosecute corruption and also establish important institutions that are mandated to tackle corruption.⁴²

Despite having such a robust legal framework, the enforcement of the laws requires political goodwill, since the institutions involved are purely controlled by the executive and lack independence as stipulated. Additionally, the most important institution the EACC has no

⁴⁰ Martini, M. ‘Kenya: Overview of Corruption and anti-corruption.’ (Transparency International, 2012), p.8.

⁴¹ Republic of Kenya, *Report of the Taskforce on the Review of the Legal, Policy and Institutional Framework for Fighting Corruption in Kenya*. (Government Printer: Nairobi, 2015), pg. 34.

⁴² Kibwana, K (2002) Kenya State of Corruption Report. Issue No.7. Nairobi, Claripress.

prosecutorial powers. Some of the challenges that make the laws ineffective are the duplicity of offenses, disharmony in penalty systems, the lack of laws that compel implementation of various recommendations given by independent offices such as the Auditor General's office, and importantly the challenges in harmonizing and coordination of the implementation of the anti-corruption laws and institutions. Conclusively, it is a general view that the persistence of corruption is a consequence of failure to implement existing legal frameworks rather than the absence of effective legislation.⁴³

2.4 Civil Service Structure, Wages and Professionalism

The civil service of a government drives and carries out the functions of providing various public services to the citizens. It is in the civil service at all levels that various decisions are made, the spending of public funds, and the contact with citizens thus may provide the leeway for corruption or limit it depending on the various structural organization, ethical standards, professionalism, and also the compensation of the civil servants. Kenya's civil service ranks high in corruption with various departments been pointed at such as the police department or service, medical personnel, procurement, and supply chain department, and accounting officers as the most vulnerable and involved in corruption majorly, through bribery.⁴⁴

Various studies have assessed the relationship between wages and corruption. For example, the World Bank Group in a study in 2007 concluded that "low pay can contribute to corruption with a public administration, particularly when total remuneration fails to pay a living wage."⁴⁵

⁴³ Ibid

⁴⁴ Kibwana, K (2001) *Initiatives Against Corruption in Kenya*. Nairobi, Claripress.

⁴⁵ World Bank, *Strengthening the World Bank Group Engagement on Governance and Anticorruption*. (Washington DC: World Bank, 2007).

The challenge of compensation as a panacea to corruption in the civil service is presented in form of civil service reforms by many governments including Kenya, however, there are various limitations such as availability of funds and a bloated wage bill. In the context of this study, the low public sector wages are push factors to corruption as higher pay will make it morally hard to be involved in corruption and also increases the cost of wrongdoing.⁴⁶

In Kenya's civil service another major source of corruption is the method of recruitment or appointment of public servants. Kenya's public service appointments majorly in high offices and boards are marred by political interference thus negating the importance of merit-based employment, which overcomes private interests. These kinds of appointments or recruitments are deeply based on nepotism, cronyism, biasness, and tribalism thus creating a web of political patronage, therefore encouraging unprofessionalism, self-enrichment, and corrupt dealings. This essentially creates conditions and fertile grounds that nurture corruption. In this aspect, the government can play a role in reducing corruption by providing conducive work conditions as well as raising the pay for the lowly paid individuals who resort to corruption.⁴⁷

2.5 Conflict of interest and Public Perception

Conflict of interest is one of the main causes of corruption. When an individual who holds public office engages in private business, the individual will priorities their own private business at the expense of common or national interest. In the example where a health practitioner who has a health tender company is an employee of the Ministry of Health, the individual is likely to compromise his/her integrity by favoring his/her companies for tenders to supply goods to the

⁴⁶ Van Veldhuizen, R. 'Bribery and the Fair Salary Hypothesis in the Lab.' *Working Paper*, (Tinbergen Institute: Netherlands, 2011).

⁴⁷ Anassi, P (2004) *Corruption in Africa: The Kenyan Experience*. Victoria, Trafford.

Ministry. This is the same as individual refereeing in his own game, which is against the principle of fair play. This conflict of interest is what leads to corruption where an individual in a position of power will offer a tender to this company or the company associated with his family or friends and buy goods at a higher price. In other instances, those in the position of power will use government facilities to benefit their private business instead of serving the people. Whenever a public office holder has a financial interest that conflicts with his work, his ability to perform the assigned duties is compromised. This can be a major cause of corruption as the said individual will always favor his own financial interest. As characterized by corruption cases in Kenya individuals in leadership positions inflated the cost of services that are tendered by themselves or those close to them. If one is involved in the personal business he/she will be torn in between enriching themselves or delivering services to the people. The result is that one will either use his powers and duties to enrich themselves through fraudulent tenders or one will embezzle funds to enrich themselves.⁴⁸

A public servant ought to reconcile his/her private interests and conscience with public obligations. Clustering around these basic obligations is the moral rules that constitute the code of moral obligations peculiar to a public servant. The need for these moral rules arises from the fact that public servants participate in the governing process of the society which requires among other things that a public servant be responsible to the public. In the absence of responsibility, bribery may easily result which is an obvious conflict of interest. A bribe may be remuneration for the performance of an act that may be inconsistent with the work contract or the nature of the work

⁴⁸ A.C.P.U Research Survey on Perception of Corruption in Kenya. Research and Public Education, September 2002.

one has been hired to perform. Moral rules are designed to ensure the impartiality, objectivity, integrity, efficiency, and discipline of public servants when exercising discretionary powers.

The social sources of corruption are linked to perception, attitudes, habits and the examples set by leaders in society on corruption. The social system constructs a habit or custom that either rejects or embraces corruption as a socially acceptable norm. This is purely dependent on the state enforcement of relevant laws, the existence of ethical standards in society, and the general attitude of people on corruption. On perception, the groups of people that are more likely to pay bribes or be involved in corrupt practices are those that think and perceive that there is a lot of corruption and thus are willing to pay bribes too.⁴⁹ Kenya's Corruption Perception Index from 2015 to 2019 as conducted by Transparency International averages at 26.8 scores, which denote the perception of high corruption.⁵⁰ This is an important source of corruption, as people believe that it is the most effective way to access services or jobs.

The Kenyan society also has a mixed attitude towards corruption; this is so because of the different socio-economic characteristics of people. Generally, corruption is a vice that is detestable in society, however, people are willing to pay bribes or be the recipients of such proceeds of corruption due to the economic situations they are in. There is no congruent or unified attitude towards fighting corruption. Some view it as an informal form of social security as it provides for resources to cushion them and their societies, we have seen people or communities defend 'their sons or daughter' when suspected or found guilty of corruption, the electorate also seems to

⁴⁹ Melgar, N., Rossi, M., & Smith, T., 'The Perception of Corruption.' *International Journal of Public Opinion Research*, 22 (1), (2010), pp.120-131.

⁵⁰ Transparency International, *Corruption Perception Index*, Available at: <https://www.transparency.org/en/cpi/2019/results/ken> Accessed: 8th July, 2020.

embrace and elect leaders suspected of corruption, and the electoral system is marred with corruption through vote-buying and bribery. This is an attitude that nurtures corruption in society.⁵¹

Importantly, the source of corruption is the example set by leaders. Corruption in Kenya is more visible and publicized at the leadership levels, from parliament, the executive (ministers and secretaries), to the judiciary and even low-level officials at the village levels. There is an entrenched web of corruption in leadership which sets a bad example to the nation at large, in this case, the people will know that corruption is the way to sufficiency and thus seek to become part of the leadership to share in the proceeds of corruption. In this context, the government has adopted the leadership and integrity act and also the declaration of wealth procedures to ensure that leaders are transparent on the sources of their wealth and also attract people who meet set requirements as leaders. However, the institutional mechanisms mandated to enforce such robust mechanisms are weak and inconsistent.⁵²

2.6 Poor Governance

Poor governance is one of the main causes of corruption in Kenya. Poor governance entails the lack of public Inclusion, Awareness, Transparency, and Accountability. This, therefore, gives room for those in the position of service delivery to steal money that is meant for service provision.

Mehra states that one of the main underlying causes of corruption is bad governance. Bad governance, which means a lack of transparency and accountability, leads to loss of public resources through corruption.⁵³ A leader hence can steal from the public without being held

⁵¹ Alatas (1990) *Corruption: Its Nature, Causes and Functions*. Aldershot Averbury.

⁵² Anassi, P (2004) *Corruption in Africa: The Kenyan Experience*. Victoria, Trafford.

⁵³ Mehra, C. (2000) *Corruption: Dealing with the Devil*. Nairobi, Shiv Publications.

accountable. Those in leadership tend to work for themselves rather than working for the people. The Governed in this case get tired of holding holders of public office accountable for bad theft of public resources. Leaders have no responsibility to serve the people. Thus leaders do not protect public goods. Bad governance which means a lack of transparency and accountability leads to the loss of public resources through corruption.⁵⁴

The most important factors that enhance governance and guard public resources are the inclusion of the public in government expenditure decisions, the awareness of the people on public sector processes, and accountability to the public. The absence of these factors as enforced by various institutions breeds corruption. Various corruption scandals in Kenya emanate from expenditure and public procurement processes including projects. The public lacks adequate awareness of public expenditure processes either due to lack of interest, lack of inclusion, public participation, and weak accountability mechanisms. Procurement processes are marred with claims of corruption, issues of conflict of interest, and ultimately misappropriation of funds and embezzlement. The budgeting process is where corruption begins and thus the people through various institutions and organizations such as the non-state actors, the media, and religious groups should ensure transparency, public awareness, and demand for accountability to limit incidences of corruption.⁵⁵

Poor governance means that the ordinary citizen is deliberately kept in the dark hence is in a constant state of ignorance. The public has no idea how their money is used hence are unable to call for accountability. This in turn enables the corrupt individuals to go on their business given

⁵⁴ Mehra, C. (2000) *Corruption: Dealing with the Devil*. Nairobi, Shiv Publications.

⁵⁵ Nyukuri, B (2004) *The Monster Called Corruption*. Nairobi, The Ecumenical Trust.

that there is no transparency; no one will call for accountability. The public can only call for accountability if there is transparency in the dealings of public resources.

2.7 Abuse of power

The political systems in Kenya can be said to be an enabler of corruption in the country. The political system in place creates a fertile ground for corruption to be nurtured. Kenyan political system is patriarchal in nature. This system works on favors, where a leader offers favors like money or other resources to those that are loyal to him or support him. These resources are either given through corruption or acquired corruption. From their humble origins, once our leaders achieve high offices, many seem to resolve to exploit to the maximum their official positions. The most pernicious facet of their practice is that the "appetite" seems to grow with the "eating".⁵⁶ To this end, resource allocation is premised on favoritism and patronage. Favoritism means that one inclines towards certain individuals when serving in a public office. This means giving others more preference when it comes to service delivery. Patronage politics in Kenya is characterized by giving others contracts, jobs, and other services based on their loyalty. Favoritism and patronage, do not consider competence, merit, or ability when giving jobs or contracts.

Patronage politics often leads to public resources being directed to the hands of a few individuals or tribes. Some of these resources are directed fraudulently. Distributive justice requires the distribution of happiness and misery according to deserts; such distribution conflicts with the happiness principle, which calls for the greatest possible balance of happiness over misery. Justice consists not in serving one's own narrow interests but in instituting equality or proportion. Justice like other virtues is good in itself. It should be noted that justice does not always

⁵⁶ Angelique H (1997), *The Culture of Politics in Modern Kenya*. Cambridge University Press..

contribute to a man's happiness as it may oblige one to condemn even his/her own kin. Thus the just act is disinterested in intention.⁵⁷

In Kenya, the most glaring form of corruption emanates from those in the position of power misusing and abusing the power given to them by the people. Leaders act for their own interests rather than the interest of the public. In one of the biggest corruption scandals in Kenya the Goldenberg International scandal, the then Minister was found to have abused his office according to a report by the Judicial Commission of Inquiry. Further, a report by Transparency International indicated that over 50% of Kenyans often pay a bribe to access services in government institutions. This is an abuse of office since services in public office should be offered for free. Those in the officers are enriching themselves through bribery.⁵⁸

2.8 Weak Civil Society and Social Empowerment

Weak civil society is also a cause or more specifically an enabler of corruption. When citizens remain silent about corruption then the vice tends to thrive. In Kenya, corruption has become normalcy where leaders steal and the citizens are silent. This has been made worse by a passive civil service that no longer holds those in leadership positions accountable. Corruption has become very spread because of a lack of civil society that is critical of the government. The best way of dealing with this kind of a situation is to build awareness level among them and instill in the citizenry the confidence that they can change corruption, by not being corrupt themselves and by also speaking against corruption. It is imperative to create in the citizenry knowledge and feeling that they can overcome any obstacle and say no to corruption. It should be noted that

⁵⁷ Mullei, A (2001) *The Link Between Corruption and Poverty: Lessons From Kenya Case Studies*. Nairobi, ACEG

⁵⁸ East African Bribery Index 2009 - The Kenya Police is The Most Corrupt Institution In East Africa

legislation alone cannot win the war on corruption. We need to inculcate in society the right moral values and rules, with character education from childhood to adulthood, so that we have mature moral persons of good character who are able to resolve moral dilemmas.⁵⁹

It is worth emphasizing that good governance boils down to the contract between the governed and the governors. The people are the customers of good governance and good government services. This, therefore, means that the citizenry has the cardinal responsibility of remaining vigilant and alert to keep the government on its toes. The people's power must be applied relentlessly in line with the social contract with a view to creating governance structures that will guarantee them effective leadership and progress. Citizens should, as a duty, seize every opportunity to criticize constructively any shortcomings of the government. The citizenry should expect the best from government officials in the knowledge that we pay them to work and they are the servants.⁶⁰

2.9 Response rate to the Questionnaire

Google forms were used to obtain responses from the general public. On the other hand, government officials from the Ministry of National Treasury and planning, personnel from Ethics and Anti-Corruption Commission, Criminal Investigation Department, and Office of the Director of Public Prosecution were interviewed through the use of questionnaires.

⁵⁹ Mwititi, G (2003), *When the Best is Corrupt* (Nairobi: Aliku Printers and Stationers,

⁶⁰ Kenya Anti-Corruption Commission (KACC) (2007), *Annual Report 2006- 2007*.

The response rate was high since 526 out of the 550 google forms were answered. The questionnaires were also fully filled making it (100%) response rate for questionnaires and while the response rate of the google forms was 95.6%, i.e. $(526/550 \times 100 = 95.63\%)$. The questionnaires were then used to analyze data, and the data was presented through qualitative analysis.

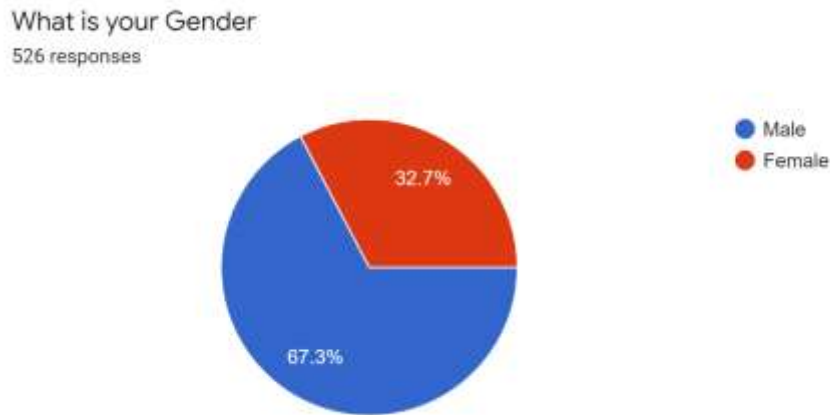
Table 2.1: The response rate for google forms and questionnaires

Ser	Target Group	Questionnaires and google forms	Response rate
1.	officials from the Ministry of National Treasury and planning	10	10
2.	Officials from the ethics and anti-corruption commission	12	12
3.	Officials from the Criminal Investigation Department	10	10
4	Officials from the Office of the Director of Public Prosecution	10	10
5	The general public	550	526
Total		592	568

Source: Researcher, Primary data.(2020)

MugEnda and Mugenda affirm that if the rate of response is 50% then it becomes okay for data analysis, whereas a response rate of 60% is good while a 70% response rate is excellent. In this study, the response rate was excellent since most of the questionnaires were filled and more than 90% of the google forms were fully filled. This was useful since it made data easier.

Figure 2.2 Gender of the Respondents from the General Public



Source: Google Form by the Researcher, Primary data. (2020)

2.10 Summary of the chapter's findings

This chapter has not only reflected on the causes of corruption but is also critical of them. The study has also discussed the factors that in one way or another enables corruption hence they directly or indirectly cause corruption. It has been established that corruption is motivated by greed and in all the cases its ramifications have wider implications to the larger society. For example, a break down in trust undermines the best efforts to build a morally upright society or organization. The best way to fight corruption is for leaders to put the public interest first. Leaders should make decisions for the public good and not for their own interests.

Conclusively, the above sources and factors contribute to corruption in Kenya, these are accompanied by the causes such as unemployment and poverty which push people of all socio-economic settings to pursue satisfaction through corruption. Corruption also entails the private sector which trades with the government in the provision of various services, this contact also creates a loophole for corruption, when the anti-corruption mechanisms are weak. Ideally, these

causes encompass political, social, and economic aspects thus a multidimensional approach should be pursued in tackling the vice.

Corruption is damaging because it strikes at the core of integrity and trust through undermining fairness, justice, stability, and efficiency. In Kenya today it is common to hear politicians arguing that it is "our turn to eat" since "they ate". This is a concern for one's own selfish interests and needs and it undermines the common good in the long run since everyone cannot satisfy his/her own desires thus plunging the society into the "me-now syndrome", a war of all against all.

CHAPTER THREE

THE ECONOMIC IMPLICATIONS OF CORRUPTION IN KENYA

3.0 Introduction

Corruption has been identified as an impediment to the economy of a country as it undermines the potential of a nation to achieve its targeted goals in national development agendas, common among these goals are the issues of job creation and poverty reduction. By diverting resource allocation, personal gains have been directed to a few individuals and hence leading to unfair distribution of income and wealth, this has been shown through empirical results and is said to have slowed down development for most countries. Corruption has had a ripple effect in the sense that by raising the cost of doing business the degree of investment, by both local and foreign investors has dropped. With this kind of subdued investment, other factors like improving economic growth, creating jobs, and reducing poverty levels are thus rendered unattainable.⁶¹

The Kenya case gives an example of how corruption has had a negative impact on the country's development prospects and even poverty alleviation through limiting its economic growth, reducing the efforts of social cohesion, disrupting both public and private investments, and to a larger extent has led to the break out of political violence and insecurity. In different parts of the country, corruption has been able to interfere with the government's capacity to give basic

⁶¹ Kenyatta, U. (2014, March 18). Speech by his Excellency Hon. Uhuru Kenyatta, during the official launch of the Ethics and Anti-Corruption Commission Strategic Plan 2013–2018. Kenyatta International Conference Centre, Nairobi.

services, it has also discouraged foreign investment and aid. People living in poor conditions have been hard hit since the funds intended for development are misused.⁶²

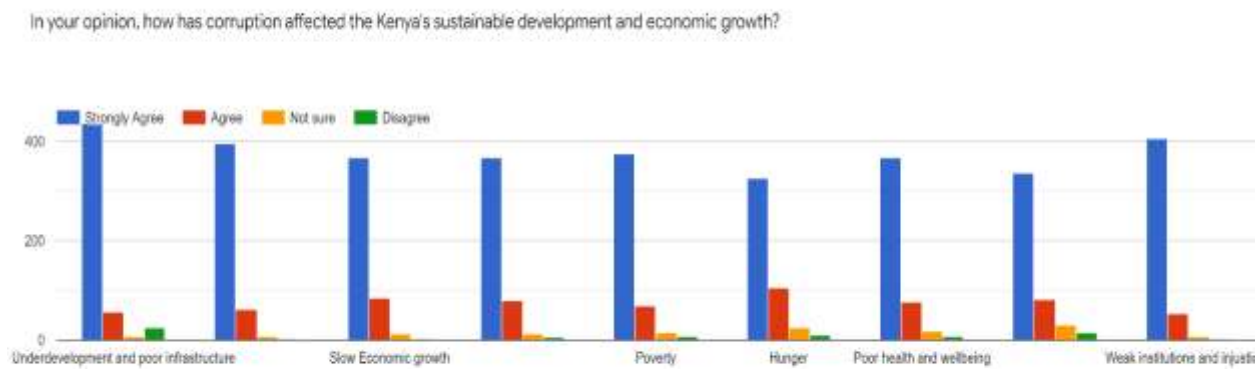
3.1 How Corruption Stagnated Economic Growth and impacted the sustainable development

The effects of corruption on Kenya's economy can be witnessed in the high level of poverty, income inequality, and unemployment in Kenya which continues to stagnate the Country's economic growth. Corruption has been blamed for many challenges faced in Kenya's economy. Kenya's economic performance has remained sluggish largely on account of the negative consequences of corruption. Evidence shows that periods of low economic performance were preceded by elevated levels of corruption while periods of recovery in economic activity or even robust economic performance were preceded by stronger and punitive measures to combat corruption.

High levels of corruption are marked not only by mega scandals such as Goldenberg and Anglo-leasing but also by the poor ranking of Kenya by the Trenchancy International's Corruption Perception Index. The chapter has also demonstrated that corruption has resulted in shrinking fiscal space with negative consequences on the financing of critical social programs and public investment in critical infrastructure to support economic activity. In addition, the chapter has provided evidence of worsening economic performance.

⁶²Hope, K. R. (2012). *The political economy of development in Kenya*. New York: Bloomsbury Publishing.

Figure 3.1: The Economic Impacts of Corruption



Source: Researcher, Primary data. (2020).

3.1.1 The Economic Performance of Kenya

Corruption has robbed Kenya of the opportunity of having double-digit economic growth. Kenya boasts of favorable domestic factors such as improved infrastructure, a highly-skilled workforce, a new constitution, a youthful population, a dynamic private sector, a new constitution as well as the private role Kenya plays within East Africa. Without corruption, Kenya would an industrial middle income country as aspired by its long term economic development blueprint Vision 2030.

The economy, specifically, grew at an average of 5.5 % per year in the five years (2013 - 2019) outperforming the average growth rate of 4.5 % in the period 2008 to 2012. The respondents see corruption as the most serious threat facing the Kenyan economy. In addition, the high cost of living as reflected by high consumer prices which could be in part a result of corruption is ranked the second most serious problem facing the country with unemployment ranking third at 24 % and 13 % respectively. Evidence also shows that the level of corruption has been rising from year on year.

3.2 Impact of Corruption on the growth of critical sectors of the economy

Kenya aspires to be a middle income industrialized nation by the year 2030. To achieve this goal, the country is expected to post a two-digit annual economic growth consistently between the years 2008-2030. This growth is expected to be shared prosperity by the citizens of Kenya. Therefore, economic growth should be broad-based and inclusive.

3.2.1 Impact of Corruption on Agriculture

Agriculture is one such critical sector that would ensure food security, job creation, and the production of raw materials required for industrial processing. However, the rate of growth of the agriculture sector has been low and only reached the Vision 2030 target in 2010. This has exposed the country to food insecurity and curtailed industrial activity. At the core of the underperformance of agriculture is the corruption pandemic. This is manifested in the form of distribution of uncertified seeds to farmers, corruption in the sale and distribution of government-subsidized fertilizer, and payment of farmers for the supply of their produce. In addition, the collection of taxes has grown at a low pace. This outcome is largely associated with corruption and embezzlement of funds at the collection point by the revenue collectors and later at the exchequer level. This is consistent with the argument that corruption has become the “fifth” factor of production in Kenya.

Corruption is at the epicenter of underdevelopment in Kenya thereby undermining the country’s Vision 2030 goal. Major irrigation projects such as the Galana Kulalu irrigation project and the Turkana aimed at enhancing food production to secure food supply have been riddled by corruption scandals exposing millions of citizens to vagaries of weather and hunger.

A number of food-producing projects have been turned into an enterprise for wheeler-dealers to profit from as they exploit dire food shortages to import and sell to the government and private entities. While the country has a strategic grain reserve policy aimed at ensuring that the country is food secure at any point in time, the National Cereals and Produce Board (NCPB) which is mandated to implement the policy is always battling embezzlement and cases of corruption scandals. While there many cases of pilfering, the maize scandals of 2009 and 2018 stand out.

3.2.2 Impact of Corruption on Services Sectors

In addition, the growth of other critical social sectors has been below par. The education sector, notwithstanding the misappropriation of the free primary education and other critical funds, managed to reach the Vision 2030 target in 2010 and 2012. The rest of the sectors (health, electricity, water supply, transport, and infrastructure have never reached the Vision 2030 target partly due to the impact of corruption according to the National Council of Churches of Kenya (NCCCK) Kenya loses an equivalent of KSh 700 billion every financial year this amount is sufficient to fund 100% free primary, secondary and technical training in Kenya every year. This points out to the fact that corruption is the main threat to sectoral development in Kenya.

Investments in services sectors have been plagued by major corruption scandals such as the Kenya Power and Lighting Company and the Kimwarer and Aror dams scandals in the electricity and water supply sector, the mobile clinic's scandal in the health sector, the free primary education scandal in the education sector, the Standard Gauge Railway (SGR) land compensation scandal in the transport and storage sector and the National Youth Service (NYS) I & II scandals in the public administration sector. Cumulatively, these corruption episodes are estimated to have deprived these sectors of approximately KSh. 25 billion.

3.3. Implications of corruption on enterprise and entrepreneurship

The Global Competitiveness Report 2012–2013, puts corruption as the main obstacle to business activities in Kenya, other surveys have also supported this notion.⁶³ For instance, the enterprise sector has been affected by rent-seeking activities which inflate the cost of doing business, this has led to a lack of confidence by investors which has driven them away .a recent survey involving business leaders and their perceptions about the investment climate in Kenya identified corruption as the major deterrent to investment, most business leaders admitting that it negatively affected their decision making prior to any investment decision. While another good number of business leaders were bothered about the little efforts made by the Kenya government in combatting corruption.⁶⁴

The situation of business leaders puts forth two aspects; that one, graft creates uncertainty for business people and two; that investment and economic growth are slowed down directly by crowding out productive investment. Thus corruption can be categorized as a kind of tax that reduces the incentive to invest and increases risk. As it has been evident for most of the African countries, in the long term the economies infested with graft cases end up discouraging potential donors and investors. Recently, after the exposé on the lost funds meant to mitigate the Covid -19 pandemic, global funding and support organizations US Aid and Global Fund threatened to withdraw billions of shillings worth of funding to Kenya due to the Multi-Billion Shillings Procurement Scandal at Kenya Medical Supplies Agency (KEMSA). A Kenya Judicial Commission of Inquiry had estimated that a huge sum of money lost through one government scandal alone, in this case, the Goldenberg graft scandal, was more than the equivalent of US\$0.5

⁶³ World Economic Forum. (2012).The global competitiveness report 2012–2013. Geneva: Author.

⁶⁴ The Business Advocacy Fund. (2008). Business leader perceptions of the investment climate in Kenya. Nairobi:

billion.⁶⁵As opposed to the public sector, private investment spending steers good economic growth, generates employment, and has also contributed to increasing tax revenues for the public sector and their expenditure on development programs in the socio-economic field and in the long run reduces poverty. However, the problem of corruption in Kenya dwindles efforts to improve infrastructure, health, and educational standards. Such misappropriation of funds meant for development projects has also been witnessed at the grass-root level where money meant for constitutional development projects is used in corruption. With corruption diverting such money from the economy, financial capital that would have been utilized and invested in productive activities becomes unavailable.⁶⁶

The degenerative impact of corruption in Kenya alludes to the fact that it destroys local talent and the entrepreneur's productive capacity. Through corruption, human resources have been channeled towards rent-seeking activities rather than engagement in productive activities. Corruption opportunities are a motivation for people equipped with entrepreneurial and academic skills to lean towards the public sector so as to earn extra benefit from the fruits of corruption. Entrepreneurs now find the public sector to be financially more rewarding than the private sector hence abandoning that sector to become corrupt public officials as a result of this growth in the private sector is reduced.

As a mitigation measure, Kenya is currently working towards introducing and implementing reforms directed towards certain sections of the economy. With these reforms, there is hope that it may assist in fighting long-existing traditions of corruption. However for this to

⁶⁵ Republic of Kenya. (2005). Report of the judicial commission of inquiry into the Goldenberg affair. Nairobi:

⁶⁶ Sichei, M. M. (2010). Impact of corruption on the national economy.

happen there has to be political will and attitude shift among Kenyans on the deinstitutionalization of corruption. Business entrepreneurs have to be open with conducting business in all sectors without resorting to corruption mechanisms. With long term measures in place, it will fundamentally change corruption behaviors in the formal institutions as opposed to short term measures that serve to reduce corruption cases only when they are happening.

3.4 Implications of corruption on financial flows

Kenya has been grouped to be among African countries that have illegal financial flows to other countries. The majority of the money stolen in the country are hidden away in foreign banks. It is estimated that the illegal flow the money that was hidden in foreign bank accounts from Kenya totaled US\$5.6 billion from 2005-2016. This has led to trade mis-invoicing.⁶⁷ This has impacted development by accumulating 18 percent of the country's gross domestic product. The ripple effects have also been felt in the inwards flow of capital, the issue of external debt as well as the capital flows of foreign direct investment. From recent analyses of the years between 2007 and 2017, gross illicit flows robbed Kenya of a total cumulative cost of US\$13.6 billion, a combination of US\$3.94 billion in illicit inflows and US\$9.64 billion in illicit outflows .this being equated to 144 percent of the total ODA received.⁶⁸

It is therefore obvious that from such illicit financial flows that corruption has become more of a direct impediment to Kenya's development while hurting many and benefiting only a few. The government of Kenya has been unable to act on the needs of its citizen and has failed to

⁶⁷ Kar, D., & Cartwright-Smith, D. (2010). *Illicit financial flows from Africa: Hidden resource for development*. Washington, DC: Global Financial Integrity.

⁶⁸ibid

effectively and efficiently utilize scarce resources. Corruption has been known to take away resources from key important areas such as health, social development, and education.⁶⁹

3.5 Implications of corruption on public debt and economic growth

Evidence continues to show that Kenya loses approximately 600 billion a year of its national budget to corruption⁷⁰As a result of such graft, resources then become unavailable and the government is forced to seek alternative sources of funding so as to sponsor key public investments in the social and development programs of the government. The Kenya Revenue Authority (KRA) collection of resources has failed to assist the budgetary needs of the country hence an increased culture of borrowing that has led to big public debts that have huge interest payments in their plan. This has created a huge accumulation of debts that continues to hurt taxpayers in service of the debts.

Corruption in the country has increased public expenditure and further led to an accumulation of higher public debt. As corruption increases the government is overwhelmed with having a rise in public expenditure this is to mean government expenditure makes more the effect of corruption on public debt.⁷¹ The graft is associated with less productive investments and expenditures with inadequate composition. To begin with, the large salary bills witnessed in the country for a fact have been known to maintain expenditures and on the other hand conceal operations. As the government is focused on engaging in rent-seeking activities more public debt

⁶⁹ Fraser-Moleketi, G. (2007). Towards a common understanding of corruption in Africa. *International Journal of African Renaissance Studies*, 2(2), 239–249.

⁷⁰ Kimeu, S. (2017). *The Cost of Corruption in Kenya*. ICPAK

⁷¹ Arusha C., & Friedrich S. (2013), "How Does Corruption Affect Public Debt?" *World Development* Volume 90 February 2017, Pages 115-127

is accrued and this, therefore, means that decisions made turn out to be biased as they lean more on capital investments at the expense of labor-intensive ones.⁷²

On the other hand, corruption increases public debt due to the fact that it lowers tax revenues, in many cases public resource mobilization by the necessary institutions is weakened by corrupt people who evade tax and practice a creative tax avoidance scheme. So where there is a decreased tax revenue, the government more than often turns to borrow in order to finance its projects. History in Kenya shows that a government characterized by high cases of corruption has a huge amount of its tax revenue directed to bribe payments which is a continuous cycle that reduces revenues and in turn resulting in increased borrowing. The tax code continues to be excessively complex even as more corruption opportunities present themselves.

In the context of a fiscal deficit, graft gravitates towards a more comprehensive fiscal deficit, this is because the public revenues end up being reduced while public spending is increased. Public debt is adversely affected in a situation where the public revenue is decreased and public spending is increased. As it has been evident, corruption has shattered many opportunities and incentives and affected efficient market allocations, the country has been a victim of brain-drain which has also consequently led to a bad business environment, low economic growth rates accompanied by a reduced level of tax revenues and more public debt.

3.5.1 Sustainable development

There exists a relationship that ties corruption to poverty, this poverty further has a core relationship with poor economic growth. Many scholars have pointed out how the wave of corruption exacerbates poverty conditions, raises income inequality, encourages unfair tax systems that usually favor the well-connected, makes it a high risk for the poor to make an investment

⁷² Yared P. (2010), "Politicians, Taxes and Debt". Review of Economic Studies 77 (2);806-840

decision, and by large lowers social spending. The struggling people in the society experience the real negative side of corruption especially when weak governments are in place, as it is in Kenya and most of the African countries the powerful people in the society are almost literally beyond the law. As per the Transparency International Report of 2018, it is expected that an approximate 0.78% increase in corruption there is a likelihood of a decrease in the income growth of the poorest 20% of the people in a country with 7.8% per annum. ⁷³

In developing countries like Kenya, the fight against graft proves to be economical as it increases poverty and inequalities. As reported by the African Centre for Economic Growth there is proof of a connection that is between corruption and poverty. It further states that high corruption levels play a critical role in impeding a country's development in the most draining way. For cases where there are event elites as part of informal structures of power, the situation becomes much worsen and aggravates further the already existing severe levels of poverty and economic inequality. In such societies, the poor in the communities do not have the same privileges accorded to the well- off because of the economic status they possess. ⁷⁴

In Kenya however, it can be said that the returns to the government have been diminishing. This is reflected by the ever-rising corruption cases and the continued increase in the plunder of public funds. This suggests that corrupt actors view corruption as a viable venture therefore attracting the interest of many in the vice and this explains the rise in the number of individuals entities involved in corruption. The examination of the historical trends of corruption since pre-independence to date has demonstrated that there has been an apparent increase in the magnitude

⁷³ You, J. S., & Khagram, S. (2004). Inequality and Corruption. KSG Working Paper, 1-59.

⁷⁴ *ibid*

in terms of the amounts involved and the number of cases. this, therefore, demonstrates that underlying the increase in corrupt cases is the value derived in relation to the costs incurred.

According to the empirical result of a number of researches in Kenya, conditions of poverty in a significant way affect the kind of corruption witnessed in some of the cases. Research-based data of market economies between the periods 2000-2008 that aimed to show the causal relationship between poverty and corruption prove this particular notion⁷⁵. According to the paper of Gyimah-Brempong, a widespread problem in Africa especially for the least developed countries in the headache of corruption that continues to lag the continent behind in many aspects of economic development.⁷⁶ At least for this region, any address in corruption issues is accompanied by claims of poverty issues for the less fortunate while for most of the elites engaging in corruption is a fact of greed. Other studies claim that when a comparison is made with the well-off groups in the society, it is likely that a bribe that is taken by a government official for their private gain, happens mostly in states that are impoverished.

Kenya remains an example of how corruption can be a major problem that continues to deny the poor access to basic services that they are entitled to and also robs them a chance to earn a decent living. This vice in recent years has become one of the key hindrances to the economic growth of the state. However, there exist other different causes of poverty, and corruption is not entirely to blame for poor economic growth like in the case of certain counties there exists very

⁷⁵ www.transparency.org; Corruption Perception Index 2008

⁷⁶ Gyimah-Brempong, K. (2002), "Corruption, economic growth, and income inequality in Africa". *Economics of Governance*, 3(3), 183-209.

small-scale corruption but they still lag behind in terms of growth. There are also clear cases where counties have experienced a good level of industrialization but still experience high levels of corruption at a particular period, such countries include Nairobi.

Corruption mitigation measures should be formulated having in mind that the menace can easily destroy the efforts of any developing country towards alleviating poverty conditions. In Kenya, the graft cases have contributed to setting back the economy and widening poverty levels together with undermining economic institutions. It is the public sector that is most affected, this is due to the fact that the decision-making process is interfered with, key priority programs such as infrastructural development, healthcare, and education being neglected. Commitment is rather given to projects that require intensive capital and which attract illegal incomes. Inequalities in the social and income distribution for most third world states increase the inequalities in the allocation of power and further supports corruption.⁷⁷

Kenya's Vision 2030 goals are currently being threatened by corruption. This is because the goals to be achieved are economic growth and development. However, with graft, there is a threat to economic growth and the government's provision of services. The devolved system of government is also faced with corruption problems as the graft is now deep within the counties, this, therefore, means that attracting investment, expanding trade, and creating jobs for locals is becoming a complex task to execute. At the county level, corruption continues to diminish the provision of services by the government. As it currently is the citizens are not privileged of benefiting from their taxes because the money ends up in other people's pockets. The amount

⁷⁷ Mullei Andrew, (2003); Linkages between corruption and poverty: Lessons from Kenya: Case Studies; International Centre for Economic Growth

of money that is used to deliver public goods such as safe roads and health care services is not able to go back to the economy.

Numerous research literature on corruption has continued to show how the vice negatively impacts our governance systems. Corruption and the presence of bad governance go hand in hand by measure. In summary, it is true that economies like the one in Kenya where the graft is embedded in the political economy are characterized by very poor governance scores. Poor governance scores mean that there exist weak institutions of governance therefore translating into poor economic performance and a lag in the growth of its economy because of an impairment in its efficiency capacity. Unfortunately, such economic costs of graft end up disadvantaging the vulnerable in society.⁷⁸

3.6 Summary of the findings of the chapter

This chapter has illustrated the negative implications of corruption on Kenya's economic growth and development. An account of increased levels of corruption is followed by poor economic performance whereas an increase in effective and efficient measures fights against corruption is followed by the economic recovery. The chapter has also demonstrated that graft has contributed to reduced or lack of financing therefore in fundamental public investments or social programs such as infrastructural development that support economic activity. Analysis has shown that corruption plays a role in challenging Kenya's economy by increasing poverty levels, increasing the cost of doing business, impeding domestic and foreign investment, misallocation of resources, and distorting the proper functioning of markets.

⁷⁸Hope, K. R. (2012). *The political economy of development in Kenya*. New York: Bloomsbury Publishing.

CHAPTER FOUR

THE EFFECTIVENESS OF CORRUPTION CONTROL STRATEGIES IN KENYA

4.0 Introduction

Over some period of time, Kenya has admittedly done a fairly good job in enacting laws that are standard for anti-corruption campaigns, it has also gone ahead to establish a few institutions or bodies that promote ethics and good governance which is necessary for fighting graft. Some notable reforms have also been witnessed in key sectors such as the judiciary and the public sector. Despite the listed achievements, Kenya has encountered a number of challenges in its war against graft, to begin with, the state has experienced a wavering political will to fight the vice, and together with this is a culture of tolerance towards corruption that exists among the populations. Population characteristics such as negative ethnicity and the lack of public awareness have also contributed towards hampering anti-corruption strategies.⁷⁹ The weak enforcement of laws by present enforcement institutions and the non-regulation of campaign funding as highlighted by key scholars is an area that needs great attention, especially for the Kenyan case. The adoption of the devolved system of government also presented more room for corruption to thrive deep in the counties. For the judicial systems, the presence of affordable litigation has made it easy for litigants to use judicial interventions as a way of preventing and concluding investigations.⁸⁰

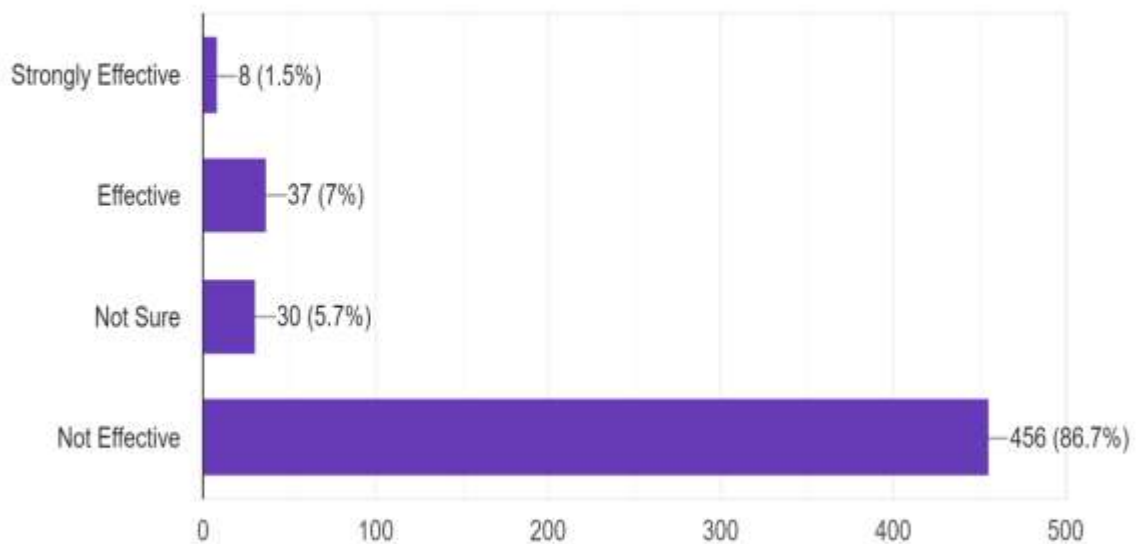
⁷⁹ Hope, Kempe Ronald,, Sr. (2013). Tackling the corruption epidemic in Kenya: Towards policy of more effective control. *The Journal of Social, Political, and Economic Studies*, 38(3), 287-316.
Retrieved from <https://searchproquest.com>.

⁸⁰ Kenya Corruption Report. Retrieved from <https://www.business-anti-corruption.com/country-profiles/kenya/>

Even with such challenges existing, some opportunities can be implemented so as to boost the fight against corruption. Checks and balances present in the 2010 constitution have established a value system that is anchored in article 10 and Chapter 6 of the constitution which by large instill a culture of ethics in the public service. Secondly, the government with support from the Parliament that was lacking in the previous regimes can implement the necessary anti-corruption strategies in the country.

Figure 4.1: Response to the effectiveness of corruption control strategies

How effective are the current corruption control strategies used in Kenya?
526 responses



Source: Researcher, Primary data. (2020).

4.1 Prevention

Prevention as a control strategy involves the detection, examination, and identification of corruption loopholes. It involves placing the necessary checks and balances in public institutions that will help in sealing the identified loopholes. Section 11 of the Ethics and Anti-Corruption Commission (EACC) Act contains the legal framework for the implementation of the prevention strategy. Here the EACC as an institution has the power to enforce corruption prevention as far as state officers are concerned. Measure to be practiced under this act include the; development of a code of ethics, promote and develop best anti-graft and integrity practices, collaborate with other public offices in the development of such practices. Under Article 31 of the Constitution, the body should be able to detect corrupt practices by monitoring public bodies' practices. It is also responsible for revising conducive procedures that may favor public office engagement in corruption. Also to note is that Section 13(2) (b) which is complemented by EACC's function under Section 11(1) (j) permits EACC's directives to be enforceable by the commission, this promotes the exercise of its prevention function.⁸¹

The issue of corruption prevention at the international level is contained under chapter two of the umbrella of UNCAC. Here preventive measures are underlined, the document notes that prevention of corruption will only be achieved in environments that integrate civil society, private and public sector engagement, exercise legitimate normative guidance, practice transparency, and integrity. The prevention strategy is considered to be a more rewarding anti-corruption strategy that is why countries like France invest more in prevention.⁸²

⁸¹ EACC. (2019). Retrieved February 27, 2019, from <http://www.eacc.go.ke/report-corruption>

⁸² *ibid*

4.1.1 Effectiveness of preventing corruption

The introduction of a series of prevention strategies a couple of years back led to an improvement of policies, systems, procedures, and practices. More partnerships were created within the public sector to prevent corruption. With time the corruption prevention strategy has been affected by the lack of capacity and commitment by all actors to channel the strategies in their respective institutions. The Corruption Perception Index ranked public institutions poorly as graft cases continue to dominate their offices. The level of ethics or integrity of public officers has declined over time which has in turn affected service delivery, performance, and quality of the institutions. There is a continuous need for both state and non-state actors to mainstream prevention strategies in their business environment so as to eliminate systemic corruption.⁸³

4.2 Education, Training and Public Awareness

To promote integrity and ethics in society there is a need for education, training, and awareness that will encourage general citizens, private and public bodies' understanding of corruption. This strategy entails enhancing awareness about the risks involved in corruption undertakings. It focuses on ensuring that those in public bodies discharge their roles accordingly and in the proper way and also seeks to help the general population understand how graft affects them and their roles in preventing the menace.⁸⁴

⁸³ Africa (2015). Overview. Ineffectiveness of Anti-Corruption Agencies in East Africa: Kenya, Uganda and Tanzania [PDF]. New York, USA. African Minds

⁸⁴ Abshir, I. (2016,). Kenya's Gold Medal for Corruption. The New York Times, 23 Aug. Retrieved February 18, 2018,

The EACC and The National Anti-Corruption Campaign Steering Committee NACCSC are some of the bodies responsible for the execution of this strategy. Under Section 11(1) (I) of the EACC Act, the institution is mandated to instill knowledge to the public about the negative effects of corruption and increase public awareness in regards to ethical issues, it is also responsible for the creation of environments that encourage public support in fighting corruption, however, the institution is required to uphold ACECA requirements when it comes to confidentiality of whistleblowers.

Under Section 13(2) (a), the act additionally gives the institution the power to inform and create awareness regarding other matters that are within the Commission's mandate. NACCSC on the side is guided by the framework of Gazette Notice No. 6707 of 19th September 2014. Education, training, and awareness are achieved by actively encouraging the public to report corruption cases, provide evidence, and record statements against perpetrators. It encourages citizens to abstain from giving bribes, all these measures are set to change the behavioral and attitudinal characteristics of citizens.⁸⁵

Other efforts put in place by the commission entail giving support to corruption agencies present in the criminal justice system. These agencies are responsible for the fight against the draft, they include; the Judiciary, Office of the Director of Public Prosecution (ODPP), and EACC. A value-based anti-graft campaign put in place works towards promoting national values, the effective tool used for this purpose is the conducting of social audits. The commission builds

⁸⁵ *ibid*

collaborative alliances with the other non-state actors to ensure that their already established structures participate in effective awareness campaigns.⁸⁶

4.2.1 Effectiveness Education, Training and Public Awareness

Most Kenyans are in agreement that corruption is a vice that exists both at the national and grassroots levels and they also understand the need for them to hold their governments accountable. The citizens' effectiveness in the fight against the draft however is not fully utilized, this is because when it comes to taking the necessary actions, citizens are not really aware of where to begin. As is seen in most circumstances, citizens are most likely to take part in social media rants rather than taking any serious action that will display their dissatisfaction with the government.

Evidence shows that even at the grassroots levels, in Kenya's case the county level, most of the populations do not engage with public forums in their counties. These forums are important especially as they contain information about the county's budget plans or any other development plan for that matter. Admittedly, most organizations have expressed a struggle with connecting with people at the grassroots levels. The problem experienced is in channeling the corruption issues in a basic and understandable manner that will create actions from the public.⁸⁷

When it comes to the dissemination of information, it is not done in a way that shows its impact on people's day to day lives. The figures portrayed in huge terms or numbers, for most are

⁸⁶ AfriMAP. (2015). Overview. In Effectiveness of Anti-Corruption Agencies in East Africa: Kenya, Uganda and Tanzania [PDF]. New York, USA. African Minds

⁸⁷ Kenya Corruption Report. Retrieved from <https://www.business-anti-corruption.com/country-profiles/kenya/>

not an issue they can directly engage in but instead, they see it as something that needs the response of academic or political specialists in the country.

Activists recommend the use of creative ways to pass graft information that will make the people be able to relate to such issues.⁸⁸ A good example given in this case is the use of the Constituency Development Fund (CDF) campaigns. Such campaigns were able to communicate to the grassroots level, this is because such funds are used to implement development projects at the community level and thus the outcomes are much visible to the particular community.

4.3 Corruption as an Economic crime

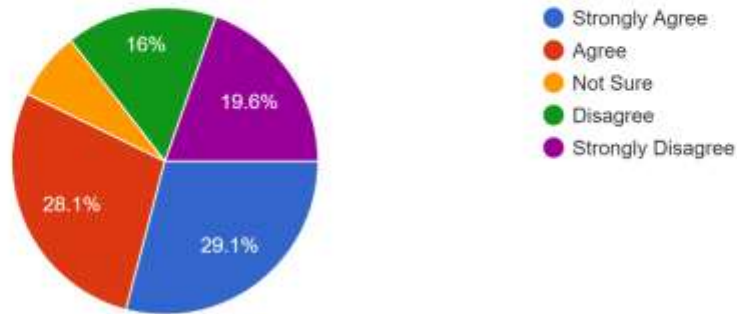
As an essential component in the war against the draft, criminalization serves the purpose of deterrence on wrongdoings on all forms of conduct linked to corruption. The idea behind the criminalization strategy is to ensure that corruption offenses that are not covered under domestic law are introduced to be criminal in nature and works towards covering a broad range of acts of corruption. The most basic criminal forms of corruption include the embezzlement of public funds and the act of bribery, with the criminalization strategy, offenses that support corruption were introduced, such offenses include; the obstruction of justice, concealment or the use of the proceeds of crime and the aspect of trading in influence. Corruption in the private sector which is mostly considered to be the supply side of corruption is also dealt with under this strategy. In Kenya, a number of laws such as the EACC Act of 2011 help in the implementation of the criminalization corruption strategy.

⁸⁸ ibid

Figure 4.2 Response on the availability of enough laws response:

Do you feel there are enough laws and regulations in place to help in combating the rampant corruption in Kenya?

525 responses



Source: Researcher, Primary data,(2020).

4.3.1 Effectiveness of corruption as a crime strategy

Kenya is yet to criminalize some corruption actions an example is when a commercial organization fails to prevent bribery, this offense has not been covered under the corruption laws. When adopted and implemented the move will be central in taming corruption in the private sector. As long a commercial establishment is within the country, this law should apply. Section 7 of the Bribery Act 2010 UK considers it a criminal activity to fail to prevent corruption by any organization.

When Section 48 of the ACECA was reviewed such negligence was considered to be of a punitive nature. Section 48(1)(b) goes further to impose a mandatory fine but past convictions and sentences show that mandatory fines are barely enforced. The Anti-corruption courts together with the office of the ODPP have failed to promote full adherence in accordance with the provisions of the section. Other aspects of criminalization that are yet to fully aid the fights against draft include;

Putting in place measures to protect whistleblowers, witnesses, and victims. There is also a need to ensure that the law does not grant any immunities or privileges to any person, regardless of their class in society.⁸⁹

4.4 Investigations

The adjudication of corruption crimes requires a duly implemented investigative process that will be able to support a good prosecution. Section 11(1) (d) of the EACC act contains the investigative provisions of fighting corruption. The body is required to investigate and recommend prosecutions to the Director of Public Prosecutions.⁹⁰The office of the ODPP then goes ahead to prosecute any violation of codes or acts of corruption and any other matter that is highlighted under the same Act or any other law that is under Chapter Six of the Constitution. Section 13(2) of the Act also permits EACC to start investigations on its own initiative or in an instance where a complaint has been made by any person. The execution of this mandate is guided under the provisions of ACECA.

4.4.1 Effectiveness of corruption-related investigations

In the past there have been situations where corruption investigations have been botched due to the incoordination by mandated institutions, the organizations were involved in small-time turf wars hence investigation processes were delayed. In extreme cases, both the DCI and EACC would conduct parallel investigations, however, this problem will likely be addressed through a

⁸⁹ Abuja, E. O. (2017). Promoting transparency. *Common Law World Review*, 46(2), 112-139. doi: 10.1177/1473779517694534

⁹⁰ Republic of Kenya, Ethics and Integrity in the Public Service (Presidential Executive Order No.6 of 6th March, 2015) (Nairobi: Office of the President, 2015).

multisector approach. The approach as recommended by President Uhuru Kenyatta will result in a multi-agency team responsible for investigating and prosecuting corruption cases. This team comprises of the National Police Service, Office of the DPP, EACC, National Intelligence Service, Kenya Revenue Authority, Financial Reporting Centre, the KWS, and the Immigration Department. The institutions are currently showing some collaboration and not competing over territories as most politicians had invited them to do. The general overview that the police lack the moral responsibility to preside over corruption cases has often been an impediment to investigations, this is mainly because of perceptions that they will be unfair in their investigations and are likely to collect bribes.

4.5 Prosecution

Currently, in Kenya the power of prosecution falls under the office of the ODPP, the office is mandated with prosecuting economic and corruption crimes and at the same time can give directions to EACC. Section 11(1) (d) of the EACC Act also gives the EACC the “liberty to investigate and recommend to the Director of Public Prosecutions the prosecution of any acts of corruption or violation of codes of ethics or other matter prescribed under this Act or any other law enacted pursuant to Chapter Six of the Constitution.”⁹¹

4.5.1 Effectiveness of corruption prosecutions

The country has faced a couple of challenges in the prosecution of corruption and economic crime cases. The Director of Public Prosecution, Noordin Haji for in his 2018 report to the senate

⁹¹ Office of the Director of Public Prosecutions, Guidelines for the Prosecution of Corruption and Economic Crimes (Nairobi: Office of the Director of Public Prosecutions, 2015).

reported that there was a difficulty in prosecuting cases. His main argument was the fact that the EACC forwarded corruption cases that had insufficient evidence. According to the DPP's office, this meant reliance on the defense team to conduct further investigations.

A recent ruling by the five-judge bench of the Court of Appeal ruled that the EACC will henceforth not require consent from the office of the DPP to present a suspect in court to take a plea. This decision means that the EACC will at free present graft suspects for prosecution, perhaps such a development will help in reducing the time taken to decide whether a case should proceed for prosecution.

Poor conditions in courts have also contributed to lengthening the prosecution process, for instance, the second National Youth Service scandal. The huge number of suspects created a situation where the defense process for each suspect took approximately four days per witness. A matter as basic as a courtroom was a problem, with no courtroom big enough to accommodate such a case the proceeding took place in a ceremonial hall.⁹²

Strategies such as plea bargaining and summary proceedings have worked in shortening the litigation time. Also, a priority-based kind of approach should be implemented to establish judicial precedent while at the same time increasing the probability of a successful outcome. For example by aiming to solve cases such as tax evasions which can easily be proved.

4.6 Adjudication

In Kenya, the judiciary has the responsibility of adjudicating over corruption and economic crime matters. According to the provisions of Part II of the Anti-Corruption and Economic Crimes Act, 2003, special magistrates are vested with the mandate to try corruption and economic crimes.

⁹² Ethics & Anti-corruption Commission. (2018, May 6). National Ethics and Corruption Survey, 2017. Retrieved from <http://www.eacc.go.ke/wp-content/uploads>

The judiciary has also established a system of anti-corruption courts with courts that are preceded over by the special magistrates. To speed up cases of corruption, section 4(4) requires special magistrates to hold trials on a day-to-day basis until the completion of the case.

4.6.1 Effectiveness of adjudication

Over the years the adjudication of corruption and economic crime cases in the country have been very slow. Survey shows that on average one corruption case may take up to three years for a final ruling is made, this happens in complete disregard of the ACECA provisions that stipulate hearing of corruption cases on a day to day basis. Investigations also show that anti-corruption courts that were supposed to specialize in matters of corruption from time to time are allocated other cases for hearing and determination. This has led to the backlog of cases that Chief Justice David Maraga has admittedly confirmed happens due to the endless adjournment of cases under frivolous grounds.⁹³

Another problem that persists in the Kenyan courts is the incapacity to train judicial officers on the adjudication of corruption, economic crimes, and related cases. There is a sense of lack of preparation that makes it hard for the magistrates to take charge and control the matters before them. Proper case management will assist the magistrates in ensuring that they deal effectively with the issues. The Chief Justice has also insisted on the need for judges to familiarize themselves with bond and sentence policies. Most of the bond terms or sentenced issued have in the past not commensurate with the offense committed thus making the judiciary look like it issues favorable

⁹³ Republic of Kenya, Draft National Ethics and Anti-Corruption Policy, (Nairobi: Office of the Attorney-General and Department of Justice, April, 2015).

sentences to suspects.⁹⁴This has been seen by many to be a hamper in the renewal fight against corruption. Frequent magistrates transfers in the middle of hearings make lengthy the corruption cases, last is the manual recording of court proceedings that is time-consuming and increases the time taken to conclude cases.

However on August 19, 2009, the Chief Justice announced a reduction in the number of pending cases, he took note of new strategies such as the introduction of service weeks that will enable courts to reduce cases.

4.7 Asset Recovery

Asset recovery as a strategy sets to deny perpetrators engaging in corruption, the opportunity of using assets acquired using corruptive means contributes to changing the perception of corruption as a lucrative affair. In Kenya, the Assets and Recovery Agency (ARA) together with EACC are responsible for tracing and recovering both public and private property corruptly-acquired or assets that were acquired from corrupt practices.⁹⁵

4.7.1 Effectiveness Asset Recovery

In execution of its mandate, the EACC over the last couple of years, through the development of modern policies meant to address emerging graft trends, has been able to recover assets that are worth more than eleven billion shillings, filed four hundred cases in court that intend

⁹⁴ ibid

⁹⁵ Republic of Kenya, Ethics and Integrity in the Public Service (Presidential Executive Order No.6 of 6th March, 2015) (Nairobi: Office of the President, 2015).

to recover assets and they have also been successful in seizure and the confiscation of unexplained ten billion shillings worth of assets.

The last financial year (2018-2019) saw the EACC obtain certain restraining orders that restricted the disposal or transfer of properties, this included cash that was approximately worth 2.9 billion shillings. Within the same financial year, the commission was also able to prevent corruption schemes that saved the country and taxpayers an amount that was approximately two billion worth of shillings.

Some of the properties recovered include; Postal Corporation land of Nakuru, Ruaraka land (Nairobi), Kenya Railways land (Kisumu), 100 acres of Ngong Forest, Uhuru Gardens (Mombasa), High Court land (Mombasa), Uasin Gichu District Hospital, and Kalro land (Nakuru) among others.

Through alternative dispute resolution methods for assets recovery cases, the commission has been able to recover a couple of other assets such as the University of Nairobi land that had been illegally obtained by a private individual. The commission has also been successful in recovering unexplained amounts of cash acquired over time by public and private officials.

It is evident that the asset recovery strategy has made gains in addressing corruption, however, there still exist multiple cases that are still at various stages in the Anti-Corruption and Economic Crimes Division which are slowed down by investigations.⁹⁶

4.8 International Co-operation

At both the national and international level, international co-operation has been a key step towards fighting corruption. There exist a number of legal instruments to facilitate international

⁹⁶Kenya Corruption Report. Retrieved from <https://www.business-anti-corruption.com/country-profiles/kenya/>

cooperation in the fight against corruption in Kenya, among them are the Extradition mostly by Commonwealth Countries. There also exist the Proceeds of Crime and Anti-Money Laundering Act of 2009. Kenya also has the Mutual Legal, and the Fugitive Offenders Pursuit Act. These laws provide a clear channel through which corruption-fighting institutions can cooperate with international actors to fight graft or recover goods.⁹⁷

Both EACC and ODPP, have in the past made requests for mutual legal assistance, some of the notable cases include; Kenya Transport Urban Infrastructure Programme (KUTIP) case, the Anglo Leasing, and Anglo-Leasing-type contracts, and The Tokyo Embassy case, among others. In the same regard, Kenya has sought the extradition of Yagnesh Devanin in the Triton Case.

4.8.1 Effectiveness of International Co-operation

It should be noted that there exist various challenges when it comes to international co-operation as a strategy to fight draft. In the Kenyan context for instance the country has experienced poor assistance from other countries this is mainly caused by the different types of legal systems that exist in the world. Another challenge involves the submission of key documents that are presented in the official language of the requested state, this creates language barriers and slows does the prosecution process. Other challenges presented include the presence of constitutional petitions that challenge the extradition of suspects, the time taken in processing (Mutual Legal Assistance) MLA requests to foreign countries, and the conflicting mandates that are evident in public bodies regarding who should execute the MLA requests.⁹⁸

⁹⁷ Republic of Kenya, Baseline Questionnaire on the Implementation of the African Union Convention on Preventing and Combating Corruption (Nairobi: Office of the Attorney-General and Department of Justice, September, 2015).

⁹⁸ Lambsdorff, J.G. (2018). Fighting Corruption with Insights from Behavioral Science. Public Administration Review. Retrieved from <https://www.publicadministrationreview.com/2018/10/23/658/>

4.9 Summary of the Findings of the Chapter

States with successful anti-corruption campaigns mitigate systemic corruption by the use of a broad-based approach in relation to their anti-corruption strategies. Such strategies are driven towards ensuring a reduction in the opportunities or benefits brought about by graft. The measures go a bit deeper by making early detection and punishment of transgressors possible. Over the years, Kenya has experienced difficulties with its anti-corruption strategies that at times are seen to be over-ambitious. Such huge promises have often led to situations where the public loses confidence in the government's efforts.⁹⁹ Lack of commitment, limitations of power at both the political and social levels, failed institutional mechanisms, uncoordinated reforms, and the failure by government to involve the private sector leaders and poor communication programs all represent some of the challenges facing Kenya's effort of addressing corruption.

Where there is an absence of strong government institutions such as watchdog agencies, judiciary, legislature, and office of the ombudsman, the office of the auditor general, and the police, numerous studies have explained that such scenarios show what can be termed as a common sense of corruption. Thus anti-corruption strategies require the government's prioritization of matters of graft and the implementation of policy reforms. For practical results and to gain public support for anti-graft strategies, political will and support for reforms play a fundamental role. Participation by officers at the highest level of government has evidently shown to improve credibility and offer simple solutions to the menace of corruption. Other non-state actors including the private sector,

⁹⁹ BBC (March, 2016). Viewpoint: Is Kenya serious about tackling corruption? Retrieved from <https://www.bbc.com/news/world-africa-35880354> Business Anti-Corruption Portal (n.d.)

civil society organizations, and the media also play a crucial role in the fight against the draft and should always be involved in the development of appropriate policy recommendations.¹⁰⁰

¹⁰⁰ Corruption Perceptions Index 2018 .Transparency International. (2019, January 29). Retrieved March 2, 2019, from <https://tikenya.org/corruption-perception-index-2018>

CHAPTER FIVE

SUMMARY OF THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

5.0 Introduction

The final chapter presents a summary of the study findings, conclusion, and recommendations based on the three specific study objectives. This section also recapitulates the findings of the study.

5.1 Summary of the Findings

In line with the first objective, there are a number of sources and factors contribute to corruption in Kenya, these are accompanied by the causes such as unemployment and poverty which push people of all socio-economic settings to pursue satisfaction through corruption. Corruption also entails the private sector which trades with the government in the provision of various services, this contact also creates a loophole for corruption, when the anti-corruption mechanisms are weak. Ideally, these causes encompass political, social, and economic aspects thus a multidimensional approach should be pursued in tackling the vice.

Corruption is damaging because it strikes at the core of integrity and trust through undermining fairness, justice, stability, and efficiency. In Kenya today it is common to hear politicians arguing that it is "our turn to eat" since "they ate". This is a concern for one's own selfish interests and needs and it undermines the common good in the long run since everyone cannot satisfy his/her own desires thus plunging the society into the "me-now syndrome", a war of all against all.

Based on the second objective, the main argument that is discussed in the broad objective was that corruption undermines economic growth through a wide range of negative performance of key sectors in the economy. The impact of corruption on critical sectors of the economy has meant that the country has been deprived of key development projects and programs. Corruption has also had serious implications on the public debt which has led to ballooning public debt. Corruption has seriously affected the development expenditure as seen in the major public infrastructure projects that have continued to fail because of corruption.

To examine the impact of corruption on critical sectors of the economy the study assessed its impact on the broad sectors, namely, the agriculture sector, services sector, and industry sector. The study established that the growth of most sectors remains low and below their potential due to corruption.

Based on the third objective, the study established that States with successful anti-corruption campaigns mitigate systemic corruption by the use of a broad-based approach in relation to their anti-corruption strategies. Such strategies are driven towards ensuring a reduction in the opportunities or benefits brought about by graft. The measures go a bit deeper by making early detection and punishment of transgressors possible. Over the years, Kenya has experienced difficulties with its anti-corruption strategies that at times are seen to be over-ambitious. Such huge promises have often led to situations where the public loses confidence in the government's efforts. Lack of commitment, limitations of power at both the political and social levels, failed institutional mechanisms, uncoordinated reforms, and the failure by government to involve the private sector leaders and poor communication programs all represent some of the challenges facing Kenya's effort of addressing corruption.

Where there is an absence of strong government institutions such as watchdog agencies, judiciary, legislature, and office of the ombudsman, the office of the auditor general, and the police, numerous studies have explained that such scenarios show what can be termed as a common sense of corruption. Thus anti-corruption strategies require the government's prioritization of matters of graft and the implementation of policy reforms. For practical results and to gain public support for anti-graft strategies, political will and support for reforms play a fundamental role. Participation by officers at the highest level of government has evidently shown to improve credibility and offer simple solutions to the menace of corruption. Other non-state actors including the private sector, civil society organizations, and the media also play a crucial role in the fight against the draft and should always be involved in the development of appropriate policy recommendations.¹⁰¹

5.2 Conclusions

The study examined and analyzed the implications of corruption on Kenya's sustainable development and economic growth. The study was guided by the three main objectives of assessing the causes of corruption in Kenya. The second was examining the economic implication of corruption in Kenya and finally analyzing the effectiveness of corruption control strategies in Kenya.

¹⁰¹ Corruption Perceptions Index 2018. Transparency International. (2019, January 29). Retrieved March 2, 2019, from <https://tikenya.org/corruption-perception-index-2018>

The study established that Kenya's economic performance has been negatively affected by corruption. This finding is grounded on evidence indicating that corruption has led to increased poverty levels, impacted negatively on investment, increased cost of doing business, and misallocation of public resources to sub-optimal uses. This is reflected by increased uptake to debt to bridge funding gaps occasioned by pilferage of tax revenues, continued dependence on development assistance from donors while peer countries at independence have transitioned to donor fund givers from donor fund recipients, and inability to attract foreign direct investment. On the basis of this finding, therefore, the study concludes that corruption has negatively affected economic growth in Kenya.

Corruption has negatively impacted the growth of the services sector. For instance, findings showed that the education sector, health, electricity, water supply, transport, and infrastructure have performed below the Vision 2030 target partly due to the impact of corruption. Some of the prominent corruption scandals analyzed that have plagued the services sector include the free primary education scandal, the Kenya Power and Lighting Company and the Kimwarer and Aror dams scandals in the electricity and water supply sector, the mobile clinic's scandal in the health sector, the free primary education scandal in the education sector, the Standard Gauge Railway (SGR) land compensation scandal in the transport and storage sector and the National Youth Service (NYS) I & II.

The growth of Kenya's industrial sector has remained low and has never reached the Vision 2030 growth target in part due to mismanagement and embezzlement of funds in key industries. Additionally, findings show that corruption denied Kenya Foreign Direct Investment (FDI).

5.4 Recommendations of the Study

As per the objectives of the study, the key recommendations are:

There is a need to review the legal framework in order to curb the negative effects of corruption on economic growth. A number of respondents felt that there should be a stiffer penalty for those found guilty of corruption. The suggestions were that corruption should be made a capital offense punishable by death sentence. The institution of stiffer and punitive penalties will act as a deterrence to the problem of corruption in Kenya.

There is also a need to continue strengthening the institution tasked with fighting corruption. This means in the corruption-fighting institutions to tighten the loopholes that make it easy for individuals to exploit public funds.

The process of reporting corruption should also be made easier. To this end, the Kenyan government ought to make it easier to report corruption by providing a clear and safe means through which corruption cases can be reported. Such a mechanism should also make it a priority to protect the whistleblower with the aim of safeguarding the evidence. This will not only strengthen prosecution but will also ensure that the public is encouraged to report.

Finally, there is a need to improve asset recovery efforts. This should be done through a multi-agency approach in the fight against corruption. This should begin from the internal collaboration of various corruption fighting agencies. The Kenyan government should also prioritize regional and international collaboration with corruption-fighting institutions.

Recommendation for further study

This research recommends a further study on the effective asset recovery of corruption proceeds in Kenya.

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APPENDICES

APPENDIX I: QUESTIONNAIRE

The purpose of this questionnaire is to obtain information that is relevant to my study on the "The effects of corruption on Kenya's economy."

This is part of a research paper to be submitted by the researcher in partial fulfillment for the award of Masters at the University Of Nairobi- Nairobi Kenya.

You are assured that the answers that you provide will be treated with utmost confidentiality and will not be used in any way against you or in ways other than those envisaged in the study.

Read the items carefully and indicate by ticking () against your most preferred choice. Also state your views and opinions in the spaces provided.

Thank you.

SECTION ONE: PERSONAL DATA

1. Gender

Male []. Female []

2. Age

18 – 24 [] 46 – 55 []

25 – 35 [] 56 – 65 []

36 – 45 [] Over 66 []

3. Education Level

No Formal education []

Below KCPE []

Below KCSE []

Form 4 Certificate []

Diploma []

Degree []

Other (Please Specify)

SECTION TWO: CAUSES OF CORRUPTION IN KENYA

4. Describe the status of corruption in Kenya?

Minimal [] Moderate [] Extreme []

5. How is the impact of corruption on the economy?

Good [] Bad []

6. What role is corruption playing in the Kenyan economy?

Positive [] Negative []

Not Sure []

7. What are the causes of corruption in Kenya?

Causes	Strongly Agree (1)	Agree (2)	Not sure (3)	Disagree (4)	Strongly Disagree (5)
Political Environment					
Economic Environment					
Professional Ethics and Morality					
Greed					
Poverty					
Customs, Habits, and Traditions					

APPENDIX II: LETTER FROM THE UNIVERSITY OF NAIROBI



UNIVERSITY OF NAIROBI
College of Humanities and Social Sciences
Institute of Diplomacy and International Studies

Tel : (02) 318262
Telefax : 254-2-245566
Fax : 254-2-245566
Website : www.uonbi.ac.ke
Telex : 22095 Varsity Ke Nairobi, Kenya
E-mail : director-idis@uonbi.ac.ke

P.O. Box 30197
Nairobi
Kenya

September 22, 2020

TO WHOM IT MAY CONCERN

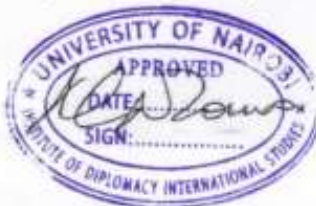
RE: MARYAM OMAR – R50/12701/2018

This is to confirm that the above-mentioned person is a bona fide student at the Institute of Diplomacy and International Studies (IDIS), University of Nairobi pursuing a **Master of Arts Degree in International Studies**. She is working on a research project titled, **“THE EFFECTS OF CORRUPTION, ITS CAUSES, AND CONTROL STRATEGIES: A CASE STUDY OF KENYA'S ECONOMY”**.

The research project is a requirement for students undertaking Masters programme at the University of Nairobi, whose results will inform policy and learning.

Any assistance given to her to facilitate data collection for her research project will be highly appreciated.

Thank you in advance for your consideration.



Professor Maria Nzomo,
Director, IDIS
&
Professor of International Relations and Governance

APPENDIX III: RESEARCH PERMIT FROM NACOSTI

 REPUBLIC OF KENYA	 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
Ref No: 777183	Date of Issue: 23/October/2020
RESEARCH LICENSE	
	
This is to Certify that Miss. Maryam Adan Omar of University of Nairobi, has been licensed to conduct research in Nairobi on the topic: THE EFFECTS OF CORRUPTION ITS CAUSES AND CONTROL STRATEGIES: A CASE STUDY OF KENYA'S ECONOMY, for the period ending : 23/October/2021.	
License No: NACOSTI/P/20/7275	
777183 Applicant Identification Number	 Director General NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
	Verification QR Code 
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APPENDIX IV: PLAGIARISM

THE IMPLICATIONS OF CORRUPTION ON KENYA'S SUSTAINABLE DEVELOPMENT AND ECONOMIC GROWTH

ORIGINALITY REPORT

13%

SIMILARITY INDEX

11%

INTERNET SOURCES

4%

PUBLICATIONS

6%

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PRIMARY SOURCES

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