

Abuse of Power and Corruption in Kenya: Will the New Constitution Enhance Government Accountability?

Akech, Migai

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Abstract:

This article suggests that corruption in the Kenyan government is largely an institutional problem, rather than a cultural one. It attributes such corruption to the predominance of arbitrary power, especially in the statutory (as opposed to constitutional) order. The statutory order grants executive, legislative, and judicial actors broad powers without establishing effective procedural mechanisms to circumscribe their exercise. In the absence of effective regulation, law often aids the abuse of power and corruption. Although the new constitution establishes principles and mechanisms that may enhance government accountability, the statutory order must be aligned with the values and principles of this new constitution if abuse of power and corruption are to be curbed.