

# **SUGGESTED MODIFICATIONS IN THE IMPLEMENTATION OF THE THREE-PRONGED ANTI-CORRUPTION STRATEGY IN NAIROBI COUNTY, KENYA**

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## **Abstract**

*The problem of corruption still remains a great challenge in political and socio-economic development of many countries in the world. Kenya has been afflicted by this problem in the last five decades, since attaining its independence in 1963 from the British Government. The colonial Government enacted the Prevention of Corruption Act to fight corruption and after attaining independence, the post-independence Government relied on this Act which was based on the use of the investigation strategy to fight corruption. This law was repealed in 2003 and replaced by the Anti-Corruption and Economic Crime Act. Following the enacting of this legislation, the Government adopted the use of the three-pronged anti-corruption strategy to combat corruption. Despite the adoption of the strategy, the levels of corruption in Nairobi County and in Kenya in general have remained high as attested by various corruption*

*perceptions indices, corruption surveys and reports in the media. This study identified the factors which impeded the implementation of the strategy and made suggestions on the necessary modifications on the implementation of strategy for optimal reduction of corruption in the County and beyond.*

*Keywords: Three-Pronged Strategy, Influencing Factors, Modifications, Corruption*

## **INTRODUCTION**

The problem of corruption still bedevils both developed and developing countries even though it is more pronounced in the developing countries than in the developed one. Countries have adopted different anti-corruption approaches depending on the obtaining political and socio-economic environment. In the case of Kenya, it took up the three-pronged anti-corruption strategy in 2003 as a way of combating the vice following the repealing of the Prevention of Corruption Act. The Three-pronged strategy consists of three prongs or strategies namely; investigation, prevention and the civic education. The prongs complement each other even though they play distinct roles in combating corruption. Despite the adoption of the strategy, the levels of corruption in Nairobi County have remained high as attested by various corruption perceptions indices, corruption surveys and reports in the media.

Indeed, the level of corruption in the County before 2003, including the period of the study and thereafter, was found to be high as evidenced by many cases of corruption reported in the Anti-Corruption Commission Annual Reports ([www.eacc.go.ke](http://www.eacc.go.ke)). The Transparency International Corruption Perception Indices also have shown that the levels have remained high even before the period of this study and thereafter ([www.transparency.org](http://www.transparency.org)). The persistence of corruption in the County is a pointer that the strategy was not working well as expected due to several factors which the study sought to establish and thereafter made suggestions on the modifications in the implementation of the strategy.

This paper is premised on a study which conducted in Nairobi County to evaluate the implementation of the three-pronged strategy in the period between 2003 and 2011. The study objectives were; to identify the factors influencing the institutional efforts in the implementation of the strategy, to establish the prioritization of its three complementary prongs and finally to make suggestions on their modifications for optimal reduction of corruption in the County and beyond. Prioritization in this study referred to the process of ranking the three prongs (Investigation, Prevention and the Civic Education) in terms of their impact in reducing the levels of corruption despite the fact their distinct roles in fight corruption are complementary. This paper dwells on the last objective which was intended to make proposals on the changes

necessary for improvement in the implementation of the strategies or the three prongs. The research was conducted in Nairobi County since it provided the required population given its cosmopolitan and metropolitan nature compared to the other 46 Counties in Kenya. Further, it is the centre of most of the public and private entities activities. The study was based on both historical and survey methods.

The study identified the factors that influenced the institutional efforts of implementing the strategy among them being; political, socio-economic and institutional shortcomings due to inadequate policies adopted by the main actor (the Government) and its functionaries. Lack of commitment by the public officials in the fight against corruption including their negative attitude on the war on corruption was also found to affect the implementation of the strategy. Further, the attitude on corruption by some members of the society who viewed corruption as a way of life or a cultural behavior had an unpleasant influence on the implementation of the strategy.

The influence of power and authority by the Government actors was also found to play a significant role in the implementation of the strategy. This concurred with the postulation by Max Weber that corruption in a bureaucratic step-up partly occurs when members of a society or organization misuse power and authority to justify their corrupt behaviour. Additionally, the Public Choice theory expounds that public officials once appointed in office are likely to maximize their self interest by engaging in corrupt practices at the expense of the public. Socio-economic factors such as, low economic growth, high level of poverty, high cost of living and unemployment also affected the implementation of the strategy as they tended to increase the level of corruption. For instance, a poorly performing economy suffering from budgetary constraints could not adequately provide the resources needed to fund the implementation of the strategy. The study therefore proposed several initiatives which need to be undertaken or enhanced by the Government in conjunction with the stakeholders in order to provide for a conducive environment for the implementation of the strategy. This would eventually lead to optimal reduction of corruption in the County.

### **Statement of the Problem**

Corruption is a global issue which affects the development of any nation. Kenya has been affected by this vice in all its political and socio-economic spheres. Nairobi County bears the brunt of corruption than all the other counties by virtue of it being the centre of all public and private entities. Some of the major effects of corruption witnessed in the County include to mention but a few; poor infrastructural developments, lack of adequate health facilities, insecurity, illegal acquisition of public properties and political uncertainty. The Government of Kenya in 2003 adopted the three-pronged anti-corruption strategy to fight corruption. However,

no meaningful gains have been realized through this policy initiative. The failure of the strategy to reduce the level of corruption in the County is a pointer to the fact that there were no evaluative studies that had been done to establish the factors which affected the smooth implementation of the strategy causing it not to reduce the level of corruption as expected by the citizens. This study was conducted with the objectives of identifying such factors and thereafter makes suggestions on the modifications in the implementation of the strategy for optimal reduction of corruption in the County and beyond.

### **Limitations of the Study**

The study encountered several obstacles mostly associated with fear of disclosure of information. It was established that most of the respondents were not willing to volunteer information required for the study because corruption is a sensitive matter. Additionally, literature on corruption in Nairobi was found to be scarce because very few scholars ventured in this area due to the fear of victimization especially during the era of single political party rule. Furthermore, there was no adequate literature on the prioritization of the three-pronged strategy which was found within the research site.

Some of the difficulties included obtaining official documents from the public officials who claimed that they could not give out such information because they were restricted by various legislations and the Code of regulations and professional ethics. For instance, they cited the provisions of the Official Secrets Act (Cap187, Revised Edition, 1970) as posing such challenges. The Act prohibits the revealing of government secrets before the expiry of Thirty years since the time when the event took place. To overcome this problem, the authority to access any sensitive information or data was requested from the relevant senior public officials provided it did not contravene the law of the land.

Another challenge was that some of the key people interviewed were unwilling to give out full information due to the sensitivity of the research topic. This was due to the perceived possible negative repercussions from those involved in the criminal acts. To overcome this limitation, the respondents were assured of their confidentiality in regard to any information they volunteered to give. The study was also affected by the missing data that could have been misplaced, damaged or lost by public officials to conceal the corruption offences they had committed.

Similarly, some of the respondents from both the public and private sectors were reluctant to disclose the identities of their employers including their names and designations for the fear of victimization. However, after being assured of the confidentiality of the study they gave the requested information. There was also another category of the respondents who did

not have ideas on the three-pronged strategy and what it entailed. They were unwilling to respond to the questions put to them due to lack of the understanding of the subject matter. To address this issue the researcher explained to them what it entailed in order to get favourable responses from them.

Limitations also arose from the fact that some people appeared to have embraced corrupt practices as they viewed it as a normal way of life in the County. This was because corruption appeared to have been institutionalized in their daily life. This category of people was not willing to supply any required information because they could have benefited from the vice. In some cases, they even provided wrong information which did not reflected the truth on the ground. To handle this situation, the credibility of respondents and the accuracy of the information offered were thoroughly scrutinized to ensure that it was factual and reflected the truth of the matter under question. This involved in-depth interviewing of the respondents to establish their reliability and the factualness of the information provided.

Language also affected the study given the fact that what constitutes the meaning of the term 'Corruption' differed due to the diverse background of the respondents available in the County. To solve this problem the researcher relied on the meaning of corruption as stipulated in the Anti-Corruption Economic Crimes Act. Since Nairobi is populated by almost every tribe in Kenya and other people of diverse nationalities, the researcher came across many respondents of various ethnic backgrounds whose perception of corruption differed variedly. Interpreters were also used to translate the term in order to arrive at its specific meaning as understood in their relevant ethnic background.

There were also cases where the respondents were not willing to justify their responses or where they became indifferent; they did not want to comment on certain questions despite the fact that they appeared knowledgeable about the matter under investigation. This was possibly because either they feared that they could be quoted as the source of the information or they had previously been involved in corruption practices. They felt guilty in contributing to the study since its results could have negatively affected their corrupt deals or exposed them to sanctions from both the Government and society. In such circumstances, the researcher encouraged them to volunteer whatever information they had since their confidentiality was professionally guarded. Lack of adequate materials for the literature review on the subject matter was also encountered in the study site but the research sought for additional materials from other jurisdictions to complement whatever was available.

Despite the above mentioned obstacles the study managed to achieve its intended objectives and suggestions were made on how the three-pronged strategy ought to be improved on for optimal reduction of corruption in the County and beyond.

## LITERATURE REVIEW

The three-pronged anti-corruption strategy consists of three prongs or strategies namely; investigation, prevention and the civic education which complements each other despite playing distinct roles in fighting corruption. The Prevention strategy helps in identifying loopholes or avenue in the public service delivery systems which provide opportunities for corruption to take place and thereafter, preventive measures are put in place to ensure that corruption does not take place. The strategy involves conducting system audits and examination of procedures in the public bodies and making appropriate revision to detect and deter corruption activities.

Civic Education strategy entails the process of creating awareness on corruption in the society by sensitizing the populace on its impacts and what should be done to curb it. It is intended to create a culture of corruption intolerance in the society. The community is sensitized on the phenomenon of corruption through the use of various medium of communication like the media, sensitization workshops and outreach programmes among other means.

The role played by the Investigation strategy involves; ascertaining whether a corruption offence was committed or not, identifying and apprehension of the offender. In the case where it is established that an offence has been committed, recommendations are made for prosecution of the offender. The offender may be punished by the court or acquitted depending on the court verdict. The court may also order for the recovery of the stolen public property among other deterrence actions it may decide to undertake to enforce the anti-corruption laws.

The Three-pronged anti-corruption strategy has proved to be effective in reducing the level of corruption in various jurisdictions among them; Hong Kong, Australia and Singapore, Quah (2003) and McCusker (2006). Further Doig & Riley (1998) noted that following the adoption of this strategy by the Independent Anti-Corruption Commission of Hong Kong, its longer-term effects were; a growing community trust and support of the Commission. This also led to a cleaner public and private sectors that understood the effects of corruption.

Kenya adopted the three-pronged anti-corruption strategy in 2003 but as the study found, the strategy has achieved little in terms of reducing corruption contrary to the expectation of the citizens and other stakeholders. It is worth to note that the Anti-Corruption Commission in the County is based on similar model like that of; Independent Anti-Corruption Commission of Hong Kong, Independent Anti-Corruption Commission of North West Wales (Australia) Corruption Prevention Bureau of Singapore among others. However, in case of Nairobi County, the implementation of the strategy has not been successful like in the above jurisdictions.

Each country needs to examine its operating environment before adopting a comprehensive anti-corruption strategy (Tony, 2011) and possibly this is why the strategy has not been effective in some jurisdictions which have adopted it without understanding their

obtaining situation. Having established that the strategy has not achieved a lot in the County as expected, it is agreeable that there was a need to evaluate its implementation in the County to identify the factors impeding its success. This is because an effective anti-corruption strategies need to be tailored to the social environment in which corruption occurs and the role of political leadership is crucial in terms of making policies which discourage corruption to take place.

The debate on the anti-corruption strategies adoptable in any jurisdiction is unending since they are complex, multi-faceted and beset with problems of transferability, suitability and cost-effectiveness among other problems. Hence a choice of any strategy has implications to the different elements of government (Robert *et al*, 2000). In designing anti-corruption the strategies, it is necessary to construct a set of incentives to encourage rule-abiding and discourage rule-averse behaviour by individuals engaged in corrupt practices (McCusker, 2006). Similarly, an attempt to provide a universal anti-corruption strategy is unlikely to succeed and therefore there is need to involve other stakeholders in the anti-corruption programmes. This implies that the strategies must be supported by other reforms aimed at reducing the level of corruption in any given sector.

An enabling environment for implementing anti-corruption strategies requires adequate support in terms of; appropriate legal framework and political will to make laws and provide adequate resources. The support in terms of enactment of laws and provision of resources is crucial in the war on corruption (Ian, 2006).

### **Factors Influencing the Implementation of the Strategy**

The political factor plays a great role in the implementation of the strategy because the legislative process required for making anti-corruption legislations and initiating socio-economic policies which discourage corruption depends to a greater extent on commitment of the legislature. Alan and Riley (1998) have emphasized the importance of this factor. Further, Werner (2006) asserts that an effective anti-corruption strategies need to be tailored in consideration of the changes in socio-economic, cultural and political environment where corruption occurs. This study established that some of the factors affecting the implementation of the strategy had a bearing on political and socio-economic factors in the County. Similarly, the decision on how to modify the process of implementing the strategy depends on the political will and how the Government handles the underlying socio-economic influences.

The political elites and more specifically the members of the legislature can engage in corruption to maximize their self interest and this could end up disrupting the implementation of the strategy. The politicians engages in corruption because they are not sure whether they will be re-elected again in the coming general elections, Wafawarova (2011) and Mushamba



(2010).The systemic nature of corruption in Nairobi County could partially be attributed to the behaviour of the political elites. The political aspect was found to be one of the major factors which influenced the effectiveness of the strategy and the war on against corruption.

Socio-cultural factors have influence on the implementation of the anti-corruption strategies and the war on corruption. This is attested by the study of Blundo *et al* (2006) who noted that corruption had become pervasive in Benin, Niger and Senegal to the extent of it being legitimized in the day to day public transactions. This negatively impacted on the welfare of these states. This was an indication on how the society could adopt a culture of corruption in its daily transactions and corruption is viewed as a way of doing things. A similar observation was noted in the County. Hence socio-cultural factors were pointed out as some of the factors which affected the implementation of the strategy and the war on corruption in the County.

Political, socio-economic and the legal factors have greater influence on the effectiveness of the strategy and the reduction of corruption in general as established by this study and the work of Kibutha *et al* (1996). Kibutha *et al* work examined the phenomenon of corruption in Kenya from the early days of independence up to around 1996 when the study’s findings were released. Some of the major areas it addressed revolved on; the colonial transitional period, the nature of corruption in the society and the legal framework put in place for combating it. The above factors were found to have significant impact on the war on corruption.

Similarly, economic factors like poverty influence the implementation of the anti-corruption strategy in dissimilar ways. For instance poverty affects the standard of living of the citizens who become vulnerable to corruption and public officials take this situation to engaging in corruption as a way of enriching themselves illicitly. In poor economic situation, the Government may fail to allocate enough resources for fighting corruption or for implementing anti-corruption strategies and this leads to increase in the level of corruption. The aspect of how poverty influences corruption was addressed by the work of Mullei *et al*. (2000).

This work attempted to focus on the implementation of the enforcement, prevention and education strategies as the major approaches used by Kenya Anti-Corruption Authority in combating corruption. The study examined how poverty influenced the levels of corruption in the country and further focused on the existence of corruption and its effects in the government structures. Like the approach taken by this research, the study examined the influences of the political and socio-economic factors on corruption and more specifically the relationship between poverty and corruption. Poverty was found to have an impact in the war on corruption.

Political and economic factors are responsible for the increase in corruption in the County and to some extent in the whole of Kenya. Nyong’o (2006) gave an insight on how the



factors had facilitated corruption to take place. For example, he notes that attempts by the post-independent Kenyan Government to africanize the economy in the 1960s, gave an opportunity to some leaders in the ruling political class to take advantages of africanization programmes. This enabled them to fraudulently acquire public property at the expense of the ignorant citizens. He examined the influences of the politics in Kenya including the institution of the presidency and its impetus in providing an enabling environment for corruption to take place.

He further noted that some of the major corruption incidents which have take place in the County like the Goldenberg and Anglo Leasing transactions took place because there was lack of political will and commitment to stop them by the various political regimes which handled the matter. The lack of political commitment and good will by various political regimes to fight corruption explains why corruption levels are high in the County since political leadership especially the legislature has not been fully committed in providing for an enabling environment for implementing the strategy. As argued by Ian (2006) the legislature has a crucial role in fighting corruption by creating legislations and availing adequate funds. Some of the recommendations presented by Nyong'o for handling the problem of corruption are similar to the ones proposed by this study.

### **Modifications in the Implementation of Three-Pronged Strategy**

This study other than coming with the proposals of how the three complementary prongs ought to be prioritized, it also put forward suggestions on how modifications in its implementation needs to be undertaken for optimal reduction of corruption. Modification in this study refers to the changes or improvement initiatives which needs to be undertaken by both the Government and the stakeholders in order to reduce the levels of corruption in the County and beyond in the obtaining socio-economic environment. Klitgaard *et al* (1988), argues that sustainable anti-corruption strategy should be able to remedy a corrupt system and it should involve formulation and implementation of policy reforms which address the systemic problem by not only focusing on individuals engaged in corruption malpractices but also by seeking to address the dysfunctions in the system. As established in this study, if such institutional dysfunctions are not addressed the benefits of implementing anti-corruption strategies may not be realized fully.

Additionally, when corruption is systemic, usual solutions like application of strong laws among other quick fix attempts will not reduce the problem. In such a situation, corruption could be reduced by applying strategies which address issues related to governance like the; separation of power, checks and balances, transparency, good judicial system and defined administrative and managerial roles among others issues. As observed in the study, some of the initiatives adopted by the Government in the implementation of the strategy were quick fixes

meant to minimize public outcry because of cases of mega corruption which had taken place. However, they were not sustainable in the long run and this has led to increase in the level of corruption in the County.

A serious strategy to reduce corruption must be focused on four sides which includes; committed leadership which is inclined towards zero tolerance on corruption, adopting policy changes that reduce the demand for corruption, reducing supply of corruption and solving the problem of financing of political parties (Tanzi,1998). However, it is worth to note that an effective strategy should be able to address challenges emanating from all areas of political and socio-economic dimensions that could hamper its implementation.

Gurnadi (2008) observed that in order to reduce the level of corruption, there is a need to undertake improvements on the quality of government and the rule of law and also to formulate and undertake both bureaucratic and judicial reforms. This would involve the provision of a system of incentives, a prevention mechanism and sanctions. Other than these recommendations, the countries are encouraged to work together in regional cooperation as a way of fighting corruption given the fact that its network may cut across the borders. Therefore, international interventions to solve the problem are a requirement and the improvement of the anti-corruption strategy should address this aspect. This implies that the local anti-corruption agencies need to work together with other advanced anti-corruption commissions and international bodies to learn the best practices. This would also involve sharing of information and the application of the modern technology necessary for combating corruption.

In regard to the provision of a system of incentives, it worth to point out that some of the remedial actions meant to reduce corruption in the County have not yield fruits. For instance, the attempt by the Government to improve the quality of government and the rule of law by adopting a new Constitution in 2010 has met some challenges. This includes lack of clarity in interpretations of some of its provisions especially when they relate to corruption accusations leveled against the political elites or high ranking government officials. Similarly, despite the provision of a system of incentives like increasing salary and remuneration of the public officials, some of the high ranking officials have continued to engage in corruption activities.

Mbaku (2008) argues that Government needs to undertake reforms which reduce opportunism which encourages corruption to take place by adequately constraining the state custodians and minimizing their ability to engage in corruption. Further he points that appropriate laws should be enacted to ensure that the law enforcement agencies investigating corruption are constrained to prevent them from abusing the authority bestowed on them by the society. As noticed in the study, there is no adequate mechanism to prevent the public officials

among them the investigators and the judicial officials from tampering with corruption cases for selfish benefit. This makes the implementation of the investigation strategy quite difficult.

He notes that modifications of the existing rules must be undertaken to discourage public officials from taking advantage of the opportunities available and engage in corruption. Further, efforts should be made to undertake institutional reforms which encourage economic freedom and improve entrepreneurship and wealth creation. Indeed, this study found that there is a need to formulate and implement sound socio-economic policies which mitigate some of the factors which affect the implementation of the strategy among them poverty. Additionally, transparency, accountability and public participation in the decision making process should be adopted through democratic constitution making process.

Efforts must also be made to have a broad-based approach of fighting corruption by mobilizing the actors of the three branches of the Government, the media, civil society and the private sectors in order to improve on the implementation of the anti-corruption strategies since no single approach can lower the levels of corruption (Tony, 2011) and World Bank (2006). The study made various recommendations on how to improve on the implementation of strategy as suggested by the respondents and also bearing in mind some of the proposals on the modifications noted in the literature review.

In the process of reviewing the literature, it was observed that literature on the three-pronged anti-corruption strategy was available in other jurisdictions outside the site of the study while there was little of it available in Nairobi County and Kenya in general. The locally available literature on corruption phenomena in the County mostly dwelt on the historical aspect of corruption phenomenon since Kenya attained its independence in 1963, its causes, effects and the legal framework of the anti-corruption outfits. Further, it focused on the influence of political and socio-economic factors in the fight against corruption. The literature reviewed demonstrated how the Government actors (legislature, executive and judiciary), polity and socio-economic factors influence the implementation of the strategy, its prioritization and modifications.

### **Theoretical and Conceptual Frameworks**

The study relied on a theoretical framework based on Max Weber theory on power and authority in a bureaucratic set up (Weber, 1978) and Sherman (1980) which was further complemented by the Public Choice Theory (Mueller, 1989). The conceptual framework was constructed with reference to the Principal-Agent-Client Model on corruption, Klitgaard (1988) and Lambsdorff (2007). The theoretical framework demonstrated how the influence of the Government actors, political and socio-economic factors affected the implementation of the strategy and reduction of corruption. Further, the Principal-Agent-Client Model was modified in the conceptual framework

to exhibit how the behavior or attitude of the Actors influenced the implementation, prioritization and modification of the strategy.

Further, it showed how the external factors (political and socio-economic factors) could influence the implementation of the strategy, the behaviour of the Client and the level of corruption if the Government does not address the shortcomings arising from such factors. Hence, the implementation of the strategy depended to a greater extent to the commitment and goodwill of the public actors.

## **METHODOLOGY**

This study was carried out in Nairobi County which was purposively chosen due to its cosmopolitan and metropolitan nature. Further, it provided the representative sample for the study because it houses most of the public institutions and commercial entities. Also, many political and economic opinion leaders including professional groups as well as people of diverse backgrounds are resident here compared to the other 46 Counties in Kenya.

The researcher used Cochran formula (Cochran, 1963) which is suitable for choosing a sample size for a population which is extremely large. The formula is emphasized by Mugenda and Mugenda (1999) as appropriate for selecting a sample size that is representative enough for a target population which is greater than 10,000. Given the fact that the population in the County was greater than 10,000, the researcher applied the formula and obtained a sample size of 384 respondents.

The study assumed both historical and survey methods. The historical aspect relied on the secondary data and it involved collection, analysis and review of both published and unpublished materials from academic papers, journals, library and internet among other sources of information. The data gotten was evaluated and analyzed for the purposes of getting the facts and generalization of the past corruption events.

The Survey method involved obtaining information from the primary sources though the use of both structured and unstructured questionnaires which were administered among the three categories of the respondents; the General members of the public, business people, professionals/Public Officers. A discussion guide was also developed for the focus group discussions which contained major issues relevant to the study for discussion and key informant were involved in the discussions.

The data collected was later coded and analyzed using STATA<sup>®</sup>. After the analysis, the findings were presented in form of graphs, charts and tables. Thereafter, meaningful interpretations of the findings were done and recommendations made thereof.

## ANALYSIS & RESULTS

### Opinion on the Level of Corruption in the County

The opinions of the respondents in regard to the level of corruption in Nairobi County were an integral part of this study because this was one of the major issues which propelled the study to be conducted. To ascertain this, opinions of the respondents on whether the level of corruption was increasing or decreasing was sought. The study established that more than half of the total respondents (67%) were of the opinion that the level of corruption in Nairobi County had been increasing while 33% indicated it was decreasing.

### Major Causes of Corruption in the County

The study sought views from the respondents on the factors which they considered as responsible for causing corruption. The respondents were requested to rate the factors in order of their severity in causing corruption. A list of the causes was therefore presented to them and they were required to rate them from the one they thought was the most responsible for causing corruption in the County to least responsible cause. The rated factors are tabulated in Table 1 below.

Table 1: Major Causes of Corruption

Proportion who reported	Respondent Categories						Total n=183 (%)	p values*	
	General Public		Business people		Professionals				
	n=103 (%)		n=34 (%)		n=46 (%)				
Inadequate transparency in polity	108	(70.1)	46	(93.9)	42	(76.4)	196	(76.0)	0.019*
Ineffective and un-independent judicial system	114	(73.1)	38	(76.0)	41	(80.4)	193	(75.1)	0.719
Poor controls & accountability in public services	108	(69.7)	41	(82.0)	41	(78.8)	190	(73.9)	0.239
Others/Poor investigations	112	(71.3)	39	(78.0)	39	(75.0)	190	(73.4)	0.888
Ineffective systems of punishing corrupt culprits	106	(67.5)	41	(82.0)	42	(80.8)	189	(73.0)	0.112
Poor remuneration of public employees	96	(63.2)	42	(85.7)	45	(86.5)	183	(72.3)	0.002*
Inadequate law enforcement mechanisms	103	(66.0)	42	(82.4)	42	(79.2)	187	(71.9)	0.136
Poverty	103	(66.0)	38	(76.0)	41	(77.4)	182	(70.3)	0.163

Poor corruption reporting mechanism	100	(64.1)	41	(80.4)	39	(75.0)	180	(69.5)	0.203
High cost of living	93	(60.8)	34	(68.0)	43	(79.6)	170	(66.1)	0.074
Inadequate job security	92	(58.6)	32	(62.7)	43	(82.7)	167	(64.2)	0.042*
Unemployment	88	(56.8)	35	(70.0)	39	(73.6)	162	(63.0)	0.048*
Poor incentive mechanisms	88	(56.8)	35	(68.6)	35	(67.3)	158	(61.2)	0.306
Socio-cultural reasons	85	(54.5)	31	(62.0)	33	(64.7)	149	(58.0)	0.261
Inadequate economic policies	78	(50.6)	28	(59.6)	34	(66.7)	140	(55.6)	0.167
Greed / selfishness	8	(5.1)	1	(2.0)	0	(0.0)	9	(3.5)	0.006*

*Chi-Square Test \* P-value ≤ 0.05*

The respondents recommended that the Government should address institutional, political and socio-economic factors tabulated above in order to provide a conducive environment for implementing the strategy.

### **Factors Influencing Institutional Efforts of Implementing the Strategy**

The first objective of the study was to establish the factors which influenced the institutional efforts of implementing the strategy. In order to get the views related to this aspect, the respondents were provided with various questions and they responded variedly as herein reported.

### **Government Actions on the Problem of Corruption**

The Government is the key actor in the implementation of strategy and this study endeavoured to establish how it had handled the problem of corruption. In general, 75% of all the respondents indicated that it had not dealt adequately in implementing the anti-corruption strategies. Twenty Four (24%) pointed out that it had dealt well in implementing the strategy. One percent (1%) of the respondents did not know how the government had done in regard to the implementation of the strategy and reduction of corruption. The higher proportions of discontent showed that the government had not managed the problem of corruption as expected and this was a strong sign that corruption was still thriving despite the mechanism put in place to minimize it.

### **Influence of Political and Socio-Economic Factors**

Other than the actions of the Government actors that were found to influence the implementation of the strategy directly, political and socio-economic factors were also found to

influence the implementation process, the behavior of the Client and the level of corruption. It was argued that depending on the actions of the government actors in initiating policies which mitigates the above factors the level of corruption could either move upwards or downwards.

To evaluate how the factors affected the implementation of the strategy, a question was posed to the respondents to this effect. It was established that 89%, of all the respondents reported that the factors influenced the implementation of the strategy and the war on corruption in the County. The participants of the focus group discussions were of similar view. They pointed out various economic factors which affected the implementation of the strategy and reduction of corruption, among them being a weak economy which suffered from budgetary deficits which made it difficult for the Government to have enough resources to fund the war on corruption. They also argued that the lack of political commitment and good will among the members of the legislature including the culture of viewing corruption as a way of life in the County affected the implementation process.

About 9.2% of all the respondents indicated that the above factors had no influence, while 1.8% did not indicate whether the factors influence or did not influence the implementation process. The 9.2% of respondents, who indicated that political and socio-economic factors had no effects, did not give their views on why they felt that the factors had no influence (Table 2).

Table.2: Influence of Political and Socio-Economic Factors on Corruption

Influence of Political and Socio-economic Factors by Respondent Type									
Proportion who reported:	General Public		Business people		Professionals		Total		p values*
	n=87	(%)	n=29	(%)	n=47	(%)	n=163	(%)	
Political and socio-economic factors have major influences on Anti-corruption war	73	(83.9)	26	(89.7)	46	(97.9)	145	(89.0)	0.048
Political and socio-economic factors have little influences on Anti-corruption war	11	(12.6)	3	(10.3)	1	(2.1)	15	(9.2)	0.129
Don't know	3	(3.4)	0	(0.0)	0	(0.0)	3	(1.8)	0.263

*Chi-Square Test \* P-value=0.005*

### Influence of the Social Life on the Implementation of Strategy and Corruption

The aspect of the social life was a crucial phenomenon which was examined to get views on it influenced the implementation of the strategy in the County. A question was posed to respondents as to whether it affected the implementation of the strategy and the levels of corruption.



Overall, slightly less than half (45.9%), of the total respondents reported that social life (culture) had influence on the war on corruption. However, 54.1% of the respondents did not agree that it had significant influence on the strategy and the war on corruption. See Table 3. The members of the focus discussion groups were of the view that political factors played a great role in the war on corruption unlike the social factors.

Table 3: Influence of Social Life on the Strategy and Corruption

Influence of Social Life on Corruption by Respondent Type									
Proportion who think	General Public		Business people		Professionals		Total		p values*
	n=103	(%)	n=34	(%)	n=46	(%)	n=183	(%)	
Corruption is part of social life	36	(35.0)	14	(41.2)	34	(73.9)	84	(45.9)	<0.001
Corruption is driven by politics and Impunity	67	(65.0)	20	(58.8)	12	(26.1)	99	(54.1)	<0.001

*Chi-Square Test\* P-value=0.005*

The respondents advanced various reasons on why the social life or rather the culture affected the implementation of the strategy and corruption in the County. About 45.9% of the total respondents indicated that corruption had become part of social life simply because some people in the society were greedy and served self interests at the expense of the greater interests of the society. This category of corrupt people always advocated for corrupt practices and persistently did anything at their disposal to disrupt implementation of the anti-corruption strategies. They mentioned that corruption enriched a few members of the society who enjoyed lavish life style and controlled many aspects of the political, economic and socio-cultural life in the society. They asserted that this class of people was envied by the less advantaged people who eventually rationalized corruption as a means of ascending higher in the social status in the society.

On the other hand, 54.1% of the total respondents who indicated that social life did not affect the implementation of the strategy and corruption level blamed the institutions mandated to fight it for allowing various obstacles to hinder its war. The obstacles mentioned included; failure to implement judicial and police reforms, allocation of inadequate resources, political interferences in cases under investigations and prosecution. They also cited lack of adequate political will, discriminative investigations and prosecutions, non-recovery of the illegally acquired property, failure to enhance civic education and lack of checks and balances in the public systems among other factors. They observed that if the institutions mandated to fight corruption were strict in enforcing their mandate, corruption would be greatly reduced.

### **Influence of the Judiciary in Reducing the Level of Corruption**

This study sought to find out how judiciary affected the implementation of the strategy and the level of corruption. This was done bearing in mind that the resultant effect of the investigation strategy was to recommend cases for prosecution before the anti-corruption courts. Therefore, the behaviour of the judicial officials was of paramount importance in reducing the level of corruption in the County. To establish its influence, opinions were sought from the respondents and their views showed that it considerably affected the implementation process and the war on corruption. It was established that it had both positive and negative influences on the strategy and the war on corruption.

The majority of the respondents (97.9%) blamed the judiciary for not doing enough to facilitate the implementation of the strategy. They castigated it for acting discriminatively by punishing the poor suspects at the expense of the rich and failing to be impartial in administration of justice. This was found to encourage corruption among the elite members of the society. It was also noted that in some instances, it was sluggish in dispensing cases and failed to provide for speedy solution of corruption cases which had taken several years to complete.

This delay was seen to arise from some of its members who were comprised by the suspects to delay the court process so that evidence could fade over time and such cases were eventually dismissed. Some respondents argued that justice could be bought by wealth people while the poor citizens with little or no money to give out did not get justice because they could not influence the judiciary. The poor ended up being punished after heavy fines and penalties were imposed on them or by being jailed as the rich corrupt individual went Scott free.

They were also of the opinion that corruption had penetrated all the areas of judiciary and this made it impossible to effectively handle corruption cases. It was noted there were incidents where court files and other evidential materials were fraudulently removed from the court records and this resulted in the cases being dismissed and the accused acquitted. Another aspect noted was the poor relationship and blame game which existed between the anti-corruption commission, Offices of the Attorney General and the Director of Public Prosecutions. This led to the delay of cases and unnecessary acquittal of culprits.

Only a paltry 2.1% of the total respondents thought that judiciary was fair and that it effectively facilitated implementation of the strategy and reduction of corruption. See Table 4 below.

Table 4: Influence of the Judiciary on Corruption

Influence of the Judiciary on Corruption									
Proportion who think	General Public		Business people		Public/Professionals		Total		p values*
	n=106	(%)	n=40	(%)	n=44	(%)	n=190	(%)	
Judiciary supports war against corruption	3	(2.8)	0	(0.0)	1	(2.3)	4	(2.1)	0.567
Judiciary is corrupt and encourages corruption	103	(97.2)	40	(100.0)	43	(97.7)	186	(97.9)	0.567

*Chi-Square Test\* P-value=0.005*

The 2.1% of total respondents who indicated that judiciary contributed in combating corruption said that it had lowered the level of corruption by speeding up the cases presented before the anti-corruption courts. Consequently, those found guilty were punished accordingly and this deterred the potential corruption offenders. This had encouraged the public to report corruption cases because they anticipated that the culprits would be punished. Similarly, they reported that it had assisted in making rulings which led to the recovery of the illegally acquired public properties. Also by meting out the befitting sentences and punishments, the judiciary acted as deterrent to the potential offenders who henceforth desisted from engaging in corruption. Further, they noted that it undertaken reforms meant to improve the process of administration of justice including setting up of the Special Anti-Corruption courts among other initiatives. The courts made it easier and convenient to dispense of the cases presented for prosecution. The reforms were crucial because they had cleaned avenues of corruption in the law courts, leading to the improvement on the implementation of the strategy and combating corruption.

In conclusion, the behaviour of the judicial institution was found to influence the implementation of the strategy and the war on corruption in either way depending on its integrity, accountability, transparency, independence, and its commitment or resolve to fight corruption.

### **Suggested Modifications to Facilitate the Implementation of the Strategy**

The study made various suggestions detailing changes or improvements which the Government and the stake holders needs to undertake in order to provide for an enabling environment for the implementation of the Three-pronged strategy. To address the factors which influenced the implementation of the strategy, the Government should enhance policies which address the negative influences of the socio-economic factors which detracted the implementation of the

strategy and the war on corruption. In particular, it should reduce opportunities which allow its actors or officials to abuse the power and authority bestowed on them to engage in corruption and to frustrate the implementation of strategy. It should therefore put more emphasis on the reforms which are will tackle political, socio-economic and institutional shortcomings which affects implementation of the anti-corruption strategies.

The policies should address the major causes of corruption in the County among them; (i).absence of transparency and accountability in the political process, (ii).ineffective system of punishing corruption culprits, (iii).ineffective and un-independent judiciary system, (iv).inadequate law enforcement mechanisms, (v).poor controls and accountability of public services (a law to be enacted on traceability, retrieval and retention of public documents), (vi).inadequate corruption reporting mechanisms, (vii).poor salaries remunerations of public employees, (viii).unemployment, (ix).high cost of living, (x).poverty and (xi) inadequate economic policies.

Since the study established that there is no defined or established criterion available in the County or generally in Kenya for prioritizing the three prongs of the strategy in terms of resource allocation, the Government and stakeholders should develop a criterion or a tool to guide the prioritization process. The proper prioritization of the prongs will ensure that the scarce public resources allocated for fighting corruption are adequately utilized for optimal reduction of corruption. Conducting of a corruption surveys seeking views of the public in regard to the prioritization process would prove useful in developing the tool.

Additionally, the political elite especially the legislature should create policies aimed at facilitating the strategy and reducing corruption in the County. The politicians play crucial roles in fighting corruption because they make laws and allocate the funds that enable the laws to be enforced. There the legislature should vote for more resources to facilitate the full implementation of the strategy. The additional resources would be used among other things to improve on the civic education strategy to ensure that corruption awareness programmes are not conducted by the anti-corruption commission only but also private entities are involved. These would include the media, academic and religion organizations among others.

The additional funds should also be used to fund a compulsory education curriculum on anti-corruption studies. The curriculum should ensure that examinable courses are administered in the academic institutions right from the basic level of education up to college and university levels. The curriculum would eventually lead to a 'socialization effect' in the society. This in the long run would result to a society which detest corruption and would know how to confront it whenever it is noticed. The education subjects to be included in the curriculum should comprise

of; governance, tax or revenue administration, public procurement, public consumer right, fraud management, ethics and integrity among other courses.

Similarly, the additional resources would benefit investigation strategy by hiring specialized forensic investigators and acquiring appropriate technical equipment for intelligence collection and forensic investigations. The resources should also be used to develop integrity testing programmes in the public institutions to discourage corruption behaviour among the public officials. The prevention strategy would also benefit by using the additional funds to hire more qualified officers and contracting private consultants to undertake system audit and examination in the public institutions. This would be done to augment the work done by the anti-corruption commission because it cannot adequately make reviews in all public institutions as required.

The government should implement legal reforms to create an enabling environment which will facilitate the process of tracing, seizure, recovery, forfeiture, confiscation and restitution of corruptly acquired public property. This would include the recovery of the looted public funds stashed in the safe havens abroad and also those hidden locally. The enabling legislations, like the Proceeds of Crimes and Anti-Money Laundering Act among other laws should be operationalized fully and the offices created under it established and adequately staffed. This would ensure that corrupt individuals do not enjoy the benefits of corruption by transferring or laundering the illegally acquired funds to the safe havens.

An adequate legislative framework for administration of the wealth declaration should be established to enable anti-corruption agencies and the responsible commissions investigate and recover any suspected unexplained wealth possessed by both serving and former public officials. In this regard the agencies should target the public officials working in corruption vulnerable areas like procurement, administration of revenue, health and the criminal-judicial sectors among other key corruption risky areas.

The criminal-judicial system should urgently implement measures to restore accountability and transparency in its institutions. This would eventually lead to quick and fair dispensation of justice in corruption case. Additionally, the government should consider enacting a legislation to create an Independent Revenue Oversight Authority reminiscence of the newly created Independent Policing Oversight Authority to investigate and recommend remedial actions on cases of corruption perpetuated by public officials and private persons handling taxes, rates and levies.

The relationship between the media, anti-corruption agencies and other stakeholders should be enhanced since media was identified as one of the key institution that had great

positive influence in the war against corruption. This would result in massive creation of awareness among the populace and reduce corruption.

The local anti-corruption agencies should create strong liaison with the internationally advanced anti-corruption agencies or Commissions to gain the relevant technical knowledge and experiences required for the implementation of the three-pronged strategy. This will enable the agencies to adopt the best approaches for fighting corruption in the County and beyond.

## **DISCUSSION**

This study plainly demonstrated that the implementation of the Three-pronged strategy in Nairobi County has faced various obstacles resulting in increase in the level of corruption contrary to the expectations of the populace. Any effort by a Government to fight corruption is usually met by several impediments which if not identified and addressed in time, the anti-corruption efforts may not bear any fruit as anticipated by the community. Further, allocating resources for the implementation of the three prongs without conceptualizing their impact in reducing the levels of corruption is not tenable because the imbalances in the allocation of resources among the prongs may affect their effectiveness. However, even though the three prongs are complementary in nature there is a great need by the Government in conjunction with the stake holders to agree on the rationing of the resources among the prongs with the intention of attaining low levels of corruption.

Therefore, the identified factors which influenced the implementation of the strategy among the political and socio-economic factors need to be addressed and the Government should undertake the appropriate political and socio-economic reforms which are necessary to discourage corruption from thriving in the County and the Country at large. This will go a long way in mitigating factors which provides for a conducive environment for corruption to take place.

Similarly, lack of commitment in the fight against corruption by the Government actors (Executive, Legislature and the Judiciary) needs to be addressed to prevent them from sabotaging the strategy's implementation process. Parameters should be developed to ensure that they do not abuse the discretionary power bestowed on them for selfish interest at the expense of the community needs. As noted, there is still a big problem in the County in regard to the way the citizens view corruption since the study established that some of them viewed it as way of life (culture) and this affected their attitude in resisting and combating it. A lot of efforts in terms of conducting sensitization sessions and educating the public on the impacts of corruption need to be done not only by the anti-corruption commission but also by involving other public and private entities who possess the requisite expertise.

Further, changing the attitude or behaviour of the society on corruption is crucial and this calls for enhanced education which will involve the creation of an examinable education curriculum for adoption right away from the lower school up to the college and University level. Hence there is an urgent need to formalize the anti-corruption studies in the County and Kenya in general.

A criminal justice system suffering from corruption is dangerous in the war against corruption for it ends up sabotaging the process of implementing the anti-corruption strategies. Since the study established that the criminal judicial system in the County (judiciary and law enforcement agencies) suffers from the problem of corruption, as reported by the majority of the respondents, it is imperative to fast track the institutional reforms envisaged in the Constitution of Kenya, 2010. This will enable the judicial institutions to address the challenges posed by corruption. The judiciary should be able to met deterrent punishment on the corrupt offenders and facilitate the process of recovering unexplained assets acquired by public officials through corruption.

The resources required for combating corruption are scare and whatever is allocated for fighting corruption should be utilized with an aim of attaining an optimum reduction of corruption. This study provided an insight into how the strategies ought to be prioritized and ranked for optimal reduction of corruption in the study site and by extension, in Kenya. It further, proposed that a criterion or tool for prioritizing the three prongs should be developed to ensure prudent use of the public resources.

However, the prioritization should not be taken as static because the influencing factors could alter their positioning depending on the inclination of the actors and the dynamism in political and socio-economic environment which changes over time. The Government and the stakeholders should therefore conduct research on regular basis to determine the prioritization of the anti-corruption strategies depending on the situational changes.

The fight against corruption is greatly influenced by the commitment of Government actors and they should be in the forefront in initiating reform policies which address various factors which weaken the strategy’s implementation process or rather which encourage corruption to take place. This calls for undertaking institutional and legal reforms which would adequately enhance the effectiveness of the strategies and the anti-corruption war in general. Therefore, if the initiatives discussed above are undertaken and reviewed over time the implementation of the strategy would be successful and the levels of corruption would go down eventually.



## CONCLUSION

Since the adoption of the Three-pronged anti-corruption strategy by the Government in 2003, the strategy has faced various challenges which have impeded the fight against corruption in Nairobi County. The notable challenges are; the influences of the Government actors, political and socio-economic shortcomings including institutional dysfunctions. To ensure effective implementation of the strategy, the Government and stakeholders needs to undertake appropriate reforms to address the shortcomings. This will involve undertaking the reforms in the public sector including making changes in criminal judicial system as envisaged in the Constitution of Kenya, 2010.

Further, the major causes of corruption which include; lack of transparency and accountability in the political process, inadequate law enforcement mechanisms, poor salaries and remuneration of the public employees, unemployment, high cost of living and poverty should be addressed among other causes.

Political reforms should also be enhanced to ensure that there is a thriving democratic space which provide for enabling environment for enacting adequate anti-corruption legislations for combating corruption. Indeed, the study found that political factors influenced the implementation process and the war on corruption to a great extent. Similarly, sound socio-economic policies should be enhanced to ensure that conditions which encourage corruption to take place among them poverty and unemployment are mitigated. Additionally, apart from conducting civic education on corruption, anti-corruption studies should be adopted by the Government as a part of the formal education curriculum running from the lower school up to the University level.

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