

**THE PRIORITIZATION OF THE THREE-PRONGED ANTI-CORRUPTION
STRATEGY IN NAIROBI COUNTY, KENYA (2003-2011)**

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ABSTRACT

Corruption still remains one of the major obstacles affecting both political and socio-economic development in the developing countries, Kenya included. In an effort to combat it, the Government of Kenya enacted the Anti-Corruption and Economic Crime Act in 2003. This legislative framework laid the foundation of the three-pronged anti-corruption strategy in the fight against corruption in the Country. Despite the adoption of the strategy, the levels of corruption in Nairobi County have remained high. This is evidenced by the findings of this study and other corruption perception surveys which have indicated the same. Weber postulates that corruption in bureaucratic step-up partly occurs when members of a society or organization misuse authority to justify their corrupt behaviour. Similarly, the Principal-Agent-Client model elucidates that corruption crop up when the agent misuse power and authority to engage in corrupt behavior to the detriment of the principal. This study examined and evaluated the implementation of the three-pronged anti-corruption strategy in the County in the period between 2003 and 2011. The study sought to establish among other things how the strategy's component prongs namely; Investigation, Prevention and Civic Education ought to be prioritized for the effective reduction of corruption in the County. The study was conducted in Nairobi County because it houses the Capital City of Kenya thus providing the requisite population given its cosmopolitan and metropolitan nature. Further, it is also the centre of most of the public and private entities. The researcher adopted a mixed study design involving both quantitative and qualitative methods which involved collecting and analyzing data from both primary and secondary sources. Thereafter the findings, discussions and recommendations were made.

Subsequently, recommendations on the improvement of the strategies were made. The study established that majority of the total respondents preferred Civic Education Strategy to be accorded the highest priority followed by Prevention and Investigation strategy in that order. However, it was established that prioritization of the strategies or prongs is greatly influenced by the obtaining political and socio-economic environment.

Key Words: *Prioritization, Three-pronged strategy, Investigation, Prevention, Civic-Education*

Introduction

Many countries in the world have adopted diverse anti-corruption approaches in the fight against corruption. Kenya adopted the three-pronged anti-corruption strategy which consists of three prongs or strategies namely; investigation, prevention and the civic education. Each of three prongs complements each other; however, they play various distinct roles in combating corruption. The Investigation strategy involves the process of ascertaining that a corruption offence was committed or not committed, identifying and apprehension of the offender. Thereafter, the investigators make recommendations for the prosecution of the offender before a court of law. The judgment may result into the punishing of the offender through jailing, fining or recovering the stolen public property among other remedial actions the court may decide to pass. The court may also acquit, the suspect if not found guilty or culpable of the accusations.

The Civic Education strategy entails the process of creating awareness on corruption in the society through various medium of communication like the media, sensitization workshops and outreach programmes among other means. The awareness is aimed at enhancing the capability of both public and the non-public officials to understand the repercussions of corruption in their welfare. This is intended create a culture of corruption intolerance in a community. Eventually, this enables the community members to detect corruption and engage in whistle blowing to deter the potential offenders from engaging in it.

On the other hand, the Prevention strategy involves applying measures which identify and seals the loopholes or avenue in the public systems which provide opportunities for corruption to take place. The prevention measures include undertaking of activities such as system audits and examination of procedures in the public bodies. This is meant to identify weakness in the systems and make appropriate revision to detect and deter corruption activities. For the levels of corruption to reduce, the three prongs must play their roles effectively depending on the obtaining political and socio-economic situation. Despite the implementation of strategies (investigation, prevention and the civic education), the study established that the criteria of how to prioritize them had not been researched. Hence, there was no established ways of determining how the resources were to be allocated among the three strategies for the maximum reduction of the levels of corruption.

Prioritization in this study refers to the preference given to each strategy in terms of the allocated resources; manpower, time and other costs involved in implementing its operations. Hence, the strategy that respondents gave more preference as having the capability of leading to the highest effect in reducing the level of corruption was given the first priority. It would therefore be allocated more resources in terms of manpower, time and operation funds. The second and the third strategy in the terms of the prioritization would receive resources in similar variations. Establishing the prioritization of the strategies in the fight against corruption in Nairobi County was of great significance since it would help the policy makers and other stake holders in the corruption war determine how the resources need to be allocated among the three prongs for effective reduction of corruption. The supposition is that if the prioritization of the three complementary strategies is determined depending on the obtaining situation, then the levels of corruption in the County would be reduced. However, it is worth to note that the actors and the institutional factors in the war against corruption influence the effectiveness of the strategy significantly.

Statement of the Problem

Corruption is a global issue that affects the development of any nation and 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 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 a three-pronged anti-corruption strategy to reduce corruption. However, no meaningful gains were realized through this policy initiative. The failure of the strategy to reduce the level of corruption in Nairobi is a pointer to the fact that there were no evaluative studies that had been done on the prioritization of its three complementary prongs namely; Investigation, Prevention, Civic-Education. To address this gap in knowledge, the study examined and evaluated the implementation of the strategy to establish how its three components prongs ought to be prioritized for the maximum reduction of corruption. It further examined the influence of the political and socio-economic factors on the effectiveness of the strategy in the environment.

Literature Review

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). 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. The three prongs are

complementary to each other and no single strategy can manage to bring the level of corruption down without the involvement of the other two.

Internationally, some of the known anti-corruption commissions that have embraced the three-pronged strategy include; the Corrupt Practices Investigation Bureau of Singapore, Independent Commission Against Corruption (ICAC) of Hong Kong and the Independent Commission Against Corruption of Australia. Quah (2003), in a Symposium held in Hong Kong explored the effectiveness of the three-pronged strategy in reducing the level of corruption and observed that they had proved to be effective in combating the vice. A close look at the Independent Commission Against Corruption of Hong Kong indicates that Commission was created in 1974 through the enactment of the Independent Commission Against Corruption Ordinance to fight corruption through law enforcement, education and prevention in order to make Hong Kong a fair and just society (Hong Kong Special Administrative Region Government, 2011). The commission is composed of three functional departments which include the Operations, Corruption Prevention and Community Relations departments.

The Operations department is mandated to receive and investigating cases of corruption reported to the Commission, the Prevention department among other things examines the practices and procedures of the government and public bodies to secure the revision of the methods of work or procedures which may be conducive to corrupt practices. On the other hand, the Community Relations department educates the public against the evils of corruption and enlists their supports in the fight against corruption. Over the years, the commission has succeeded in minimizing corruption in Hong Kong through the use of the three pronged strategy. The Independent Commission Against Corruption of New South Wales. The Commission was established in 1989 by the Independent Commission Against Corruption Act of 1988, as response to the growing concern on integrity of the public service. The commission curbs corruption through the use of the three-pronged strategy, which involves investigating and exposing corruption and preventing corruption by advising and assisting the public sector to adopt measures which ensure that corruption is managed through the implementation of anti-corruption policy and plan.

The Commission also uses the education strategy to create awareness on corruption in the community and public sector of the New South Wales. This involves use of media and outreach programme to educate the community members about corruption and its effects to the community. The Independent Commission Against Corruption Act gives the legal backing to the commission in undertaking its work as stipulated in Section 13 (1) (a)-(k) of ICAC Act (Independent Commission Against Corruption Act No. 35, 1988). The UN Convention Against Corruption gives the member states various provisions of adopting effective anti-corruption strategies. However, strategies for each country varies but generally they involve; the enforcement of anti-corruption laws through investigation, prosecution and recovery of illegally acquired wealth. They also involve implementation of preventive anti-corruption policies and improving the administration of justice. The involvement of the private sector and civil society in

the war against corruption is also expected to be enhanced in each country because these sectors play integral roles in many transactions undertaken by both the private and public sector.

The three-pronged anti-corruption strategy was adopted by the Government of Kenya to fight corruption in 2003 but it has not achieved much as expected by the citizens. It is worth noting that the Anti-Corruption agency in Nairobi, are based in the model of the above mentioned Commissions. The failure of the strategy to address the problem of corruption in the Country is attested to by various cases of corruption that have taken place in Nairobi County as discussed elsewhere in this paper. Twok (2011), contests that the strategy has not been effective in some jurisdiction which adopted. He argues that each country needs to examine its environment before adopting a comprehensive anti-corruption strategy. Given that this strategy had reduced the level of corruption as expected in the above mentioned jurisdiction, there is great need to establish reasons why it was not performing well in the Nairobi County as it has done in the above mentioned jurisdictions. A review of the literature pertaining to the anti-corruption strategies as herein discussed proved crucial in understanding the phenomenon behind their implementation in different jurisdictions or environment.

An Overview of the Anti-Corruption Strategies

In discussing about the corruption phenomenon, what constitutes anti-corruption strategies varies from jurisdiction to jurisdiction. Nevertheless, the strategies are understood as approaches or measures which are initiated mostly by the Government in-conjunction with other stakeholders to curb corruption. They mostly encompass an aspect of; prevention, investigation, enforcement, prosecution of the corrupt offenders, community or civic education. They also include international cooperation, institutional capacity building, improvement on the national integrity institutions and formulating of enabling legal framework to fight and reduce corruption. The study was guided by the fact that the three-pronged anti-corruption strategy encompassed almost all the dimensions mentioned above. Langseth et al (1997), noted that globally country's anti-corruption strategies differ but the policy responses to corruption include one or more of the eight pillars of National Integrity Systems. The pillars includes; public sector anti-corruption strategies, Watchdog agencies and the public participation in the democratic process. Other elements of the pillar are; public awareness of the role of the civil society, accountability of the judicial process, the media, the private sector and international business and the international cooperation. When critically examined, almost all the elements of the pillar fit well in the three elements of the three-pronged strategy (Investigation, Prevention and the Civic Education strategies). Hence, the strategy encompasses all the components of policy responses in fighting corruption.

The above explanation of what constitutes the three-pronged strategy was crucial to the study because from a close examination of various literatures on the anti-corruption strategies; the strategies are seen as any measures or approach adopted by the authorities to fight corruption.

Hence it was important to pin-point the components or classifications of the main elements of what comprises the three-pronged strategy for easier understanding of the area of interest in this study. This was meant to avoid any confusion as to what entailed both the meaning of the anti-corruption strategies and the three-pronged anti-corruption strategy. The anti-corruption activities mentioned by Langseth though they seem to be more elaborate, when summarized they fit well in the three-pronged strategy. For instance, the prevention strategy could be marched with the issues of accountability and transparency in the public duties. The investigation strategy entails the work done by the anti-corruption watchdog agencies, while the civic education involves the public participation in the democratic process and the creation of the public awareness among other issues.

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). For instance, focusing on investigating corruption has obvious implications for the criminal justice system in regard to its resources and independence. This implies that in making the decision on the adoption of the strategies, both the government and other stakeholders must consider the obtaining political and socio-economic environment in order to decide on their suitability and cost-effectiveness. This would enable key actors in the anti-corruption war understand the problems bedeviling the strategies and decide on the appropriate prioritization.

One of the objectives of the study was to establish how the socio-economic and institutional (political) influences impacts on the war against corruption and the implementation of the three-pronged strategy. As noted above the choice on the prioritization of any strategy is not an easy job for there are repercussions mostly on any decision made by the government. This was witnessed in the blame game by the government officials in Nairobi County among them the; anti-corruption officials, the judicial officers and the office of the Attorney General on who was responsible for the low performance in the war against corruption. This was further worsened by the cabinet and legislatives officials who gave low attention to the war on corruption coupled with the poor economic situation which provided a favourable environment for it to take place. The government had problems in deciding on how to prioritize the strategies since some of the institutions were allocated more resources than others, yet they were expected to work harmoniously in fighting corruption. This eventually derailed the reforms in the criminal judicial system and the war against the ill.

The challenges which arise due to the complexity, transferability, suitability and cost-effectiveness of the strategies should not be seen as a major obstacle in implementing the anti-corruption strategies. All the arms of the government namely; the executive, legislature and judiciary should work in unison to solve the impending problems. However, this was not the situation in most of the major cases of corruption which were reported in Nairobi County, because the government officials were not responsive to the arising challenges and in most

instances they presented unrealistic defences on why the mechanisms put in place could not adequately address the issues affecting the implementation of the strategy and the war on corruption in general.

McCusker (2006) argues that in attempting to design 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. 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 means that the strategies must be supported by other reforms aimed at reducing the level of corruption in any given sector. For example, the reforms may include improving the administration of justice and more specifically making sure that the judicial system is adequately committed in its work while at the same time other needs of the law enforcement agencies are catered for. This has not been the case in Nairobi County as there were cases of imbalances on the allocation of resources among the various members of the criminal judicial system. This led to low motivation among the public officials and the resultant effects was lack of commitment in combating corruption. This sometimes was blamed on the legislature for failing to allocate the necessary resources to combat corruption and in some cases the Government defended itself by arguing that the economy was unstable and it could not provide the required resources allocation. This was an indication that both the political and economic factors coupled with behavior of the actors determined the implementation of the strategy and the levels of corruption.

The strategies put in place sometimes also were devoid of incentives to encourage observance of law and discourage or deter potential corrupt offenders. This was mostly witnessed in the process of the administration of justice where in most cases of the high profile corruption offenders which involved the political elites, they got lenient treatment from law enforcement and judicial officers. This behaviour encouraged the perpetuation of corruption and further weakened the process of the implementation of the strategy. The above contention implies that effective anti-corruption strategies need to be tailored to the social environment in which corruption occurs. The role played by the political leadership is thus crucial in terms of making socio-economic policies which do not encourage corruption to take place. The systemic nature of corruption in Nairobi County could partially be attributed on the shortcomings in the public institutions which affect anti-corruption strategies, among them undue political influences which unnecessary disrupted the proper functioning of the government systems. This is because, political influence in developing countries sometimes defies the rules governing the separation of power, checks and balances, transparency and good judicial system. The issue of the political influence on the war against corruption was therefore examined to establish whether it was a major destructing factor which weakened the strategy especially in the decision making process.

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 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 the implementation of the anti-corruption strategies.

Work on Anti-Corruption Strategies in Nairobi County

Literature available in Nairobi County on the three-pronged anti-corruption strategy and the war on corruption was found to be scarce since very little academic work has been written in regard to the effectiveness and weakness of the strategy in the fighting this vice. Similarly, there are few studies that have been done locally which were directly linked to the prioritization of the strategy for the maximum reduction corruption in Kenya. Some of the major works or studies on the corruption phenomenon available took an approach which was more interested in the political, and socio-economic causes and effects other than on the three-pronged strategy.

One of the oldest local researches on the corruption phenomenon available in the County was the work of Kibutha et al (1996). This study examined the phenomenon of corruption in Kenya from the early days of independence up to around 1996 when its findings were released. It mostly focused on the political, economic, sociological and the legal perspectives of corruption in the country. Some of the major areas it addressed revolved on; the colonial transitional period, the nature of corruption in the society, legal framework put in place for combating corruption and several case studies of major corruption incidents that had taken place in that period among other issues. The work did not put a lot of effort to examine the aspects of investigations, prevention and community education strategies simply because by then the war on corruption was based on the investigation strategy which was implemented by the police force.

In regard to the investigations strategy, it cited some of the corruption cases that had taken place and how they were handled by the relevant government regimes. It did not deeply scrutinize the prerequisite of an effective investigation strategy and its efficacy in the combat against corruption. Nevertheless, the research examined and made a critique of the Prevention of Corruption Act of 1956 which was the legal framework put in place to fight corruption by then. The study did not benefit much on the aspects of prevention and community education strategies simply because by then, the only approaches of fighting corruption was through investigations and prosecutions.

There was little attention which was paid on both prevention and civic education strategies and there was no public institutions specialized in implementing the two strategies. The Anti-Corruption Police Squad and Kenya Anti-Corruption Authority attempted to apply the prevention and civic education strategies but this was short lived because the two institutions were disbanded at their early stages of their formation (Anassi, 2004). However, its worth noting that the Prevention of Corruption Act provided for preventive measures to be applied in fighting corruption but the police led institutions lacked adequate capacity and expertise to implement the measures.

These institutions were deficient in manpower and faced unfavourable environment for implementing the strategies. As explained above, the researchers of this work examined and evaluated the influences of the legal, political and the socio-economic factors in the war on corruption. This was to the extent similar to the objectives this study but they were limited in their endeavour because the operational framework for the three-pronged strategy was not in place by then. Hence the issues of the prioritization of the strategies could not have arisen. To give the anti-corruption studies a religious perspective, Mwiti (2003), explored the growth of corruption by marching it up with some of its major occurrences in the Bible. The occurrences were found to have similar dimensions and consequences of the corruption incidents that had taken place in Nairobi. Though the book made efforts to examine the historic aspects, causes, effects and the means of finishing corruption, it did not focus on the implementation of the anti-corruption strategies, their prioritization and ranking. However, it scrutinized the outcome and suffering of the people that arose as result of engaging in corruption contrary to the teaching of the Bible.

Mullei et al. (2000), attempted to focus on the implementation of the enforcement, prevention and education strategies as the major approaches used by KACA 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 of this research, the study examined the influences of the political and socio-economic factors on corruption and more specifically it was concerned with the relation between poverty and corruption. However, the study did not scrutinize the effectiveness, prioritization and ranking of the strategies possibly because by the time this work was undertaken, KACA was a very young institution. Its short time of existence was not conducive for analyzing the effectiveness of strategies. The study only gave a brief explanation of how KACA attempted to operationalize the three strategies but did not analyze and evaluate their effectiveness or achievements. This study moved a step further and examined the persistence of corruption in Kenya and there after evaluated the strength, weaknesses and the effectiveness of the strategies unlike the above work.

Kibwana et al. (2001) set out the prerequisite of effective anti-corruption strategies and went on to focus on the establishment of KACA. The study was interested in identifying the major anti-corruption initiatives and suggesting mechanisms and strategies for combating corruption in Kenya. They noted some of the initiatives undertaken by the Government other than establishing an anti-corruption authority included the use of both Parliamentary Account Committee and Parliamentary Investment Committee to scrutinize the Government's investments, accounts and expenditures. The role played by the private sector, civil society and the international community in combating corruption in the country was also explored in the study. The study concluded that the re-introduction of multi-party politics in Kenya, creation of corruption awareness through public education and the mobilization of the civil society in the war against corruption were instrumental in reducing corruption in the country. However, possibly due to the fact that KACA was an infantile institution whose effectiveness was much curtailed by the then existing political

leadership, the study did not deeply examine the efficacy of the strategies. The study was a clear pointer on the usefulness of strategies in addressing the problem of corruption. Unfortunately, KACA did not last for long to implement the three-pronged strategy. The study benefited from the fact that in the last period of about five years or so, the Government had established an anti-corruption framework that handles all aspect of the strategies.

Chweya et al (2005) explored the efforts undertaken by the government to reduce corruption by adopting an integrity system with an obligatory legal anti-corruption framework. The integrity system required the employment of the anti-corruption strategies including the involvement of stakeholders in the war against corruption. Their work focused on the Government anti-corruption programmes, evolution of the anti-corruption policy and institutional framework and the anti-corruption politics in the post-KANU era among issues. The study reviewed some of the major initiatives which both the KANU and NARC Governments had taken to curb corruption in the country. These initiatives included the establishment of anti-corruption agency and enactment of anti-corruption legislations. They observed that there was lack of adequate political will to fully adopt these initiatives and discussed the challenges the NARC government faced in its attempt to implement the economic recovery strategy. The strategy was intended to reduce the level of poverty which partly was to blame for increasing the level of corruption in the country. However the study did not extensively consider the influences of the socio factors on the implementation of the anti-corruption strategy. The study explored the efforts taken by NARC Government to solve some of the major corruption scandals perpetuated by the KANU Government by establishing the Goldenberg Commission of Inquiry. This Commission of Inquiry was mandated to investigate the fraudulent payment by Central Bank to Goldenberg International for non-existence export compensation of Gold and Diamond. The study also discussed the achievements and drawbacks of the Government in formulating and implementing an anti-corruption framework and the development of the administrative anti-corruption programme and initiatives. Some of the notable programmes discussed as a tool for combating corruption through prevention included the implementation of the Public Service Integrity Programme and the mobilization of the Integrity Assurance officers in various government ministries and department to enhance corruption awareness and prevention in the public bodies. This study also dwelt on the aspect of enforcement by the KACC and more specifically on the process of investigations, prosecution, civil litigation and forfeiture and asset recovery of the illegally acquired assets. It examined the powers and the procedures of carrying out investigations and instituting civil proceeding for the recovery of proceeds of property acquired through corruption and economic crimes. The study pointed out some of the challenges which the Commission could have encountered in undertaking its responsibilities of enforcing the anti-corruption laws.

Despite the study having examined the Government anti-corruption efforts in the period it focused on, it did not fully examine the influence of effectiveness of the strategies including how they could be prioritized and ranked given the obtaining social-economic environment. The

authors made a critique of investigative powers provided to the KACC by ACECA and also provided suggestions of what could be done to rectify the situation.

Anassi (2004) is another anti-corruption scholar who has researched on the phenomenon of corruption in Kenya and Africa in general. He started his work by presenting the definitions of corruption and thereafter examined the growth and existence of corruption in the various Government Ministries and departments in Kenya. The Ministry of the Local Government, Immigration and Police Departments were some of the institution he found to have been afflicted by the problem. He also focused on the role of the media and the international community in fighting corruption in the country. This work was dedicated to the dysfunctions of the public institutions and briefly focused on the economic impoverishment which predisposed the African continent to socio-economic instability. This latter on acted as impetus for corruption to take place in post independent African countries. The study did not specifically address the issues of the anti-corruption strategies even though it wholesomely examined the extent of corruption in the country.

Kidombo (2001) focused on the historical perspective of corruption or the genesis of it in the Kenya and gave an explanation of the forms and the causes of corruption in country. He discussed the approach of detection and other investigative measures which are applied in investigating the cases. The study also discussed some of the major corruption and economic crimes which had taken the place in the world including the global policies intended to curb corruption. This work put a great deal in explaining the investigative techniques which are used to investigate corruption but like the other studies did not considered how investigation strategy and other components of the three-pronged strategy should be prioritized and ranked, neither did it evaluate their efficacy in the war of corruption in Kenya. The author did not extensively explain in details the covert methods used in investigations of corruption and economic crimes.

Nyong'o (2006) gave an insight of the definition of corruption and took time to present the historical perspective of it in the country. For example, he notes that attempts by the post-independent Kenyan Government to africanize the Kenyan economy in the 1960s, gave an opportunity to some leaders in the then 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 notes that some of the major corruption incidents in Kenya like the Goldenberg and Anglo Leasing transactions took place because there was lack of political will and commitment to stop them. He concluded by making several suggestions which if adopted by the Government coupled with adequate political will would see corruption reduced drastically in Kenya. Some of his recommendations included; adoption of a politically committed leadership with a clear democratic and national developmental vision, elimination of the culture of impunity in the political system and transparency in the government expenditure among other recommendations he put forward.

Despite the call by Nyong'o for the Government to enhance the democratization process as way of addressing challenges of corruption and the democratic steps which Kenya has undergone since the introduction of multiparty politics in the country, less has changed. Cases of lack of accountability and transparency continue to be reported almost on daily basis in various forums among them the media and there is dire need to establish why corruption still persist in spite of the expansion of the democratization process. However, his work to the extent of the objectives of this study and in regard to influences of the political and socio-economic factors, managed to explore how the factors impacted on the war against corruption.

The Transparency International Kenya (TI) also on several occasions produced Bribery Index reports and other research findings on corruption perceptions which touched on the perception of corruption among the public institutions in the County. The reports most dwelt on the trends and the levels of corruption as reflected by the experiences of the ordinary citizens. The TI reports have not deeply focused in examining the success of fighting corruption by using three-pronged strategy. The CPI for Kenya was however examined in the period before the commencement of the study and during the study period (2003-2011) to establish the correlation of the level of corruption in the country and that of the Nairobi County. This was done with understanding that Nairobi County hosted the Capital City of Kenya where most of the public and private activities were transacted compared to the other counties. Hence high level of corruption in the country was likely to be reflected in the County.

The ranking of Kenya between 1995 and 2003 showed that the country had continuously scored very poorly compared to the other countries in the period. It continued to be ranked the same even after the implementation of the three-pronged strategy in 2003 and thereafter, inclusive of while the period of the study. The TI Corruption Perception Index trend between 2003 and 2011 indicated that corruption levels in the country had increased with country having been ranked number 122 out 136 countries surveyed in 2003 and number 154 out of the 183 countries surveyed in 2011. Its position did not drop down below the position number 122 it had been ranked in 2003 and this implies that the adoption of the three-pronged strategy had little effect in the reduction of corruption.

Conducive Environment for Three-pronged anti-corruption Strategy

A conducive environment for implementing the three-pronged anti-corruption strategy requires adequate support in terms of; appropriate legal framework and political will to make laws and provide adequate resources (Ian,2006). Additionally a social environment where a positive change on corruption is appreciated in the society is a necessary condition for the successful implementation of the strategy. Further the economy must be capable of providing the required resources for the funding of the strategy and to mitigate conditions which favour corruption like poverty. Essentially the implementation of the strategy and the fight against corruption is not conducted in a vacuum and any research of this nature could not have been conclusive without

considering the above issues. This was because the failure of the strategy to reduce corruption in Nairobi could have been in one way or the other been influenced by the factors mentioned above.

Legal Framework and Enabling Legislations

In terms of legal framework, prior to the enactment of the ACECA and the EACC Act, the Prevention of Corruption Act (POCA) was the only law which was used to fight corruption in Kenya between 1956 and 2003. For a period of close to four decades this law was singularly used to combat corruption until the government enacted other enabling legislations to enhance the anti-corruption war. This law had weaknesses because to a greater extent it ignored the aspects of prevention and civic education prongs in fighting corruption until it was later amended in 1991 to include the two prongs. The enactment of the POCA was due to the emerging cases of corruption in the colonial government administrative facets but numerous cases of corruption continued to be reported even after Kenya attained its independence in 1963. This law became ineffective due to technological advancement, expanded commercialization of the economy and bureaucratization of the public institutions (Chweya, et al, 2005). This law could not therefore have supported the implementation of strategy due the dynamics explained by Chweya, et al above.

The amendment of the Act in 1991 resulted in the formation of a special Police Anti-Corruption Squad which similarly failed to make any meaningful investigations and prosecutions on corrupt offenders. This resulted in the Squad being disbanded in 1995 upon accusations of poor performance and corruption within its ranks and file (Anassi, 2004). Its place was taken over by the former Kenya Anti-Corruption which did not last for long for it was disbanded by High Order in a short while. By the year 2003, the clamour for a strong anti-corruption body was prevalent and with the coming into power of National Alliance of Rainbow Coalition (NARC) government, the Anti-Corruption and Economic Crimes Act 2003 was enacted. This legislation created the Kenya Anti-Corruption Commission (KACC) which was mandated to fight corruption through investigations, prevention and civic education strategy. The enactment of the ACECA after the repeal of the POCA marked the government commitment to fight corruption in the country by the use of three-pronged strategy. This law gave the commission a wider berth of fighting corruption than the previous law.

After the enactment of ACECA, the government embarked on the process of the domesticating some of the provisions contained in the UNCAC which were meant to enhance the war against corruption (UNCAC, 2003). This included the enactment of the Anti-Corruption and Economic Crimes Act and the strengthening of several enabling legislations which although they were not enacted to fight corruption directly, they provide for a mechanism which enhances good governance in the provision of the public services and also addressed other crimes related to corruption like economic crimes. These laws also ensured that the best practices, procedures and regulations were adhered to when providing public services in order to reduce cases of

corruption and other malpractices. The main enabling legislations included the Public Officers and Ethics Act, Public Procurement and Disposal Act, Government Financial Management Act, Penal Code, Witness Protection Act, Proceeds of Crime and Anti-Money Laundering Act, Mutual Legal Assistance and the Truth, Justice and Reconciliation Act among other legislations. In most cases the legal framework meant for facilitating the war on corruption is crucial in determining whether the anti-corruption strategies are working as expected.

Bodies Facilitating Anti-Corruption War

The Government also established various institutions and programmes to enhance the strategy and the war on corruption. Among them were the; Efficiency Monitoring Unit, Public Service Integrity Programme, National Anti-Corruption Campaign Steering Committee, Commission on the Administration of Justice, Parliamentary Select Committee and the Parliamentary Investment Committee. The study briefly considered the role played by some of these institutions since they were crucial in facilitating the strategy in its effort to reduce corruption. The Efficiency Monitoring Unit was established in 1991 and formally it operated in the Office of the President until May 2008 when it was transferred to the Office of the Prime Minister through a Presidential Circular No.1 of 2008. The Unit has been involved in monitoring and evaluating the efficiency in the implementation of government projects, programmes and policies to ensure accountability and transparency in the utilization of the public resources. Before the formation of the anti-corruption commission, the Unit also played the oversight role in the corruption control management where it provided rapid response to the situation of mismanagement and inefficiencies in the public service.

The formation of this body was one of the steps taken by the government to minimize corruption in the country and its roles complemented that of the anti-corruption agency. However, the role played by this Unit was almost similar to that of the Auditor General Office and other investigative bodies. Its work could not be performed by the other institutions to avoid duplication of roles and wastage of the public resources. The government of Kenya while struggling to enact a strong law to fight corruption in the Country in the 2003 adopted another preventive measure which targeted creating a public service with zero tolerance to corruption. This led to the development of the Public Service Integrity Programme as a part of the on-going Public Sector Reforms Programme which was being undertaken by the government (Public Service Integrity Programme, 2003). The programme aimed at restoring responsibility, accountability, transparency, efficiency and responsiveness among the public servants through the anti-corruption programmes. The programme was a part of the civic education strategy though it did not achieve a lot in the changing the attitude of the Nairobi people towards corruption. The National Anti-Corruption Campaign Steering Committee was established by the government vide a Special Kenya Gazette Notice No.4124 of 28th May 2004 to undertake various functions in relation to fighting corruption. The mandate included mobilization of the citizens in the war against corruption and undertaking a national wide public education to create

awareness on corruption. The key functions of this committee are related to the civic education strategy also performed by the anti-corruption commission. This to some extent amounted to duplicity of roles. Further it depletes the scarce public resources meant to facilitate the strategy and Government ought to have harmonized the Committee functions with those of the anti-corruption commission.

Another institution meant to enhance the work of the strategy was the Commission on the Administration of Justice commonly referred to as the 'Office of the Ombudsman' which was established under Article 47 of the Constitution of Kenya, 2010) to replace the defunct Public Complaints Standing Committee. The Commission has quasi-judicial mandate which enables it to among other things, adjudicate on matters of administrative injustice and maladministration in the public service. It was given powers to conduct investigations on any alleged injustice and maladministration and to ensure compliance with integrity and leadership matters provided in Constitution. Despite the formation of this commission, it has not managed to minimize the reported malpractices and corruption in the service delivery.

The Parliament has established several committees which investigate alleged malpractices by the public officials in conjunction with other private persons. These include the Public Accounts Committee and the Public Investment Committee among other committees. The committee conducted several inquiries on the reported on corrupt dealings and where applicable recommended the law enforcement agencies to carry out further investigation and make the necessary recommendations for prosecution and recovery of the lost public funds. Some of the malpractices unearthed by the committee in the FY 2004/05 included the improprieties in the pending bills. The committee recommended the former KACC to investigate the public officers who authorized the claim documents and completed the certificates of the contracts and thereafter take the appropriate actions against them. Some of the parliamentary investment committee reports revealed cases of mismanagement and abuse of public offices where the government lost huge sums of money through embezzlement and misappropriation of public funds. Among them is the diversion by the National Hospital Insurance Fund funds meant for health care provision to unnecessary administrative expenses (Kenya National Assembly 16th Parliamentary Investment Committee Report, 2009). This is an example of the importance role played by these committees in facilitating the investigation strategy and the war against corruption. However, most of reports by this committee have never been acted on by the authorities.

International Anti-Corruption Conventions

As noted earlier in this chapter, fighting corruption through the use of the three-pronged strategy also requires the international cooperation because corruption transaction transcends the national borders (Gunardi, 2008). This calls for involvement or collaboration with other external agencies and also cooperation in terms of technical and financial support from other advanced institutions

and benching marking with the best practices. The researcher found that it worthwhile to examine the extent to which the government had engaged in such cooperation. The level of commitment in the international cooperation could also have affected the effectiveness of the strategy and the reduction of corruption in one way or the other.

The United Nations Convention Against Corruption is the major convention which globally joined various countries in combating corruption. Kenya was among the first states to ratify the convention at Merida in Mexico in 2003(KACC Annual Report, 2007/2008). The statement of purpose for the convention includes; promoting and strengthening measures to prevent and combat corruption, to promote and support international cooperation and technical assistance in fighting corruption and assets recovery. The convention also aims at promoting integrity, accountability and proper management of the public affairs and public property. Most of the Articles in the convention formed the basis of the three-pronged strategy in that they put a lot of emphasis on the prevention, investigation and the civic education strategies in combating corruption (UNCAC, 2003).

The country also had joined African Union Convention on Preventing and Combating Corruption which was adopted by the 2nd Ordinary Session of Assembly of AU in Maputo in 2003 (Dell, 2006). The objectives of this Convention are similar to those of the UNCAC and include promoting and strengthening mechanisms to prevent, detect, punish, and eradicate corruption in both the public and private sectors. In the Month of June 2011, the African Anti-Corruption Conference was held at Bujumbura in Burundi where a declaration on the formation of Africa Anti-Corruption Authorities was signed by the heads of various anti-corruption bodies in Africa. Kenya also participated in the conference where the member state agreed to cooperate with each other in areas of; mutual legal assistance, law enforcement, joint investigations and recovery of the ill-gotten assets (Bujumbura Declaration of the Conference of Africa Anti-Corruption Authorities, 2011).

The East Africa Association of Anti-Corruption Authorities was launched in 2007 under the East Africa Community as an umbrella association for combating corruption in the regional cooperation which consisted of Kenya, Uganda, Tanzania, Burundi and Rwanda. The constitution of EAACA as similar objectives to those of the AUCPCC and emphasis on the importance of regional cooperation in issues related to investigations, prosecution and recovery of the ill-gotten wealth (Constitution of EAACA, 2007). By joining and being party to the above anti-corruption conventions, the Government laid down a foundation of cooperation which was beneficial in terms of both financial and technical assistance and learning of the best practice in the war against corruption. However, the presence of high levels of corruption in the County is an indication that it did not fully exploit this opportunity.

Cases of Corruption Reported

Although the government had set up anti-corruption legal framework, created institutions, joined international bodies and ratified conventions in an attempt to strengthen the three-pronged strategy and reduce the level on corruption, many cases of corruption continued to be reported in Nairobi County even after the adoption of the three-pronged strategy. As it will be shown later in this study the levels of corruption were high before the adoption of the strategy and even after its implementation. This was a pointer that there factors or weaknesses which hampered their effectiveness, an issue which this study sought to address. Some of the major cases of corruption are as discussed herein.

To start with as an example, the Report of the ‘Commission of Inquiry into the Illegal /Irregular Allocation of Public Land’ (2003), commonly referred to as the ‘Ndung’u Report’, disclosed how public land had been corruptly acquired by Government officials, elite businessmen and politicians among other beneficiaries. The illegal allocations were done with little respect to the law governing allocation of public land in the country. Part of the grabbed public land in the report included; forest, trustee lands and the land meant for public utilities such as schools, hospitals and administrative headquarters. Another incident was the detection of corruption transactions in the award of government security contracts to foreign owned companies in 2003 in what was referred to as the ‘Anglo-Leasing corruption scandal’. This fraudulent deal was worth about US\$ 102,564,102 of funds meant for government security contracts (KACC, Annual Report, 2007/08). This involved the award of tender and payment of funds to a non existence Company called Anglo-Leasing and Finance Ltd. Some of the project included the payment of down payment fee of about US\$ 1,058,139.5 as a commitment fee for the Immigration Security and Document Control Projects and tender of the construction of a Forensic Laboratory for Criminal Investigation Department that never took place. Other similar projects destined in this corruption undertaking included the purchase of security vehicles, police equipment and satellites to be used by the Kenya security entities.

The anti-corruption Commission in the period of the study has annually reported on mega cases of corruption which it had received and taken over for investigations. For instance, The KACC Annual Report (2007/2008) reported that the Commission was investigating corruption in relationship to the above mentioned security contracts among other matters under investigations. The Report pointed out that the investigations had experienced various bottlenecks because of challenges posed by the suspects’ defense counsels who questioned the Commission’s powers of writing letters of requests for assistance from the foreign jurisdiction where the transactions had taken place. This was because the investigations were cutting across the borders of many countries like United Kingdom, USA, Spain, Jersey, Netherlands and Switzerland. To date the Commission has not managed to complete the investigations and the prosecution of the culprits involved in the matter.

Numerous cases of embezzlement and misappropriation of public funds managed by Constituency Development Funds (CDF) and the Local Authority Transfer Funds (LATF) have been reported. These fund which are annually released to the constituencies and the local councils are subsidies meant to complement their scarce resources and hence spur economic growth at the grassroots level. The former KACC investigated some of these cases and the suspects have been charged before the Anti-Corruption Court (KACC, Annual Report, 2007/08). This study could not provide much of the details of the cases before court to avoid prejudicing such matters. The stolen funds in such cases were meant to benefit the constituents and the councils with minimal interference by the Central Government. Further the citizens were to be given a chance to choose development projects of their choice be they roads, hospitals and schools among others thus empowering the local people to achieve sustainable development.

The Commission also in the period under review disclosed that it conducted assessments survey on corruption trends for three years consecutively. The survey indicated that corruption was rampant in public procurement, service delivery and revenue collection points. Further, the KACC Annual Report (2008/2009) showed that the Commission received 4,335 corruption reports compared to 4,485 reports received in 2007/2008. The report noted that despite the decline in corruption reporting over the last two years, there had been a steady increase of reports within the Commission's mandate since out of the reports made 29% were within its mandate compared to 25% in 2007/2008. The percentage relevance of reports that fell within the Commission's mandate had been on the rise for the last three years from 22.7% in 2007, 26.8% in 2008 and 31.2% in 2009.

The KACC Report of the year 2009/10 showed the same scenario of cases involving huge sums of public funds and other properties which were misused by the public officials as briefly cited herein (KACC Annual Report, 2009-2010). One of the affected ministries was the Ministry of Education where the Commission reported that it had carried out investigation and recommended some ministry officials to be prosecuted for engaging in corruption activities. The reported cases included the irregular procurement in School Equipment Production Unit for laboratory equipment involving an irregular advance payment of US\$ 3,125,000 to the supplier in a tender worth US\$ 2,627,906.90. Like in the other anti-corruption commission annual reports, this report revealed that various investigations were on going in all government ministries. This was a further indication of how corruption was found to have permeated the major public sectors which are of central importance to the nation development, such as the education and health sectors among others. The EACC Report for the year 2010/2011 also showed the same pattern of cases of high magnitude being investigated by the Commission. The Report indicated that corruption reports made increased with 62.5% from 4,372 in the FY 2009/2010 to 7,106 reports in FY 2010/2011. Of these, 2,445 were within its mandate compared to 1,282 reports in the FY 2009/2010.

The above Report pointed to an upward increase of the reports made to the Commission in the period was a pointer that corruption was still being perpetuated. The Commission attributed the

increase in reporting to the trust the members of public had bestowed on the new management team which had taken over the leadership at the Commission. This also included increased media publicity, enhanced outreach programmes and the expansion and establishment of anti-corruption commission stations in the Counties.

As explained elsewhere in this study between the period 2003-2011 and even before this period there were many cases of corruption which were reported to have taken place in the county in spite of the use of the strategy. The indication of high prevalence of corruption in Nairobi was a pointer that the strategy was not working as expected. A problem of the failure by the strategy to reduce corruption in Nairobi County was established and key questions were raised in regard to the issue. The strategy's inadequacy to effectively address corruption raised questions like; what really were the weakness affecting its implementation? How should the three prongs of strategy be prioritized for maximum reduction of corruption? Did the influence of the socio-economic and institutional factors affect the implementation and the effectiveness of the strategy?. This necessitated the researcher to find out the solution to the emerging issues affecting the strategy and thereafter suggested the way forward.

Research Methodology

The study assumed both historical and survey methods. The historical aspect involved collecting past information and data on corruption mostly from secondary sources. Survey method involved obtaining information from the primary sources though the use of both structured and unstructured questionnaires which were randomly administered to the respondents in the Nairobi County. For the secondary data, documents or written records on corruption were gathered, evaluated and analyzed for the purposes of getting the facts and generalization of the past corruption events.

Research Results

The researcher gathered the opinions of the respondents in the areas of interest according to the study objectives. Initially the researcher started by seeking the views of the respondents as to whether the levels of corruption were high in the County than following the implementation of the strategy. This was necessary to establish whether that the strategy had achieved its main objectives of reducing corruption, and if not identify the obstacles which hindered it from achieving the intended goals. The study sought to find out whether the level of corruption had gone down in the last period of five years between 2006 and 2010 because the three-pronged strategy became operationalized in 2003 when the Anti-Corruption and Economic Crimes Act and other enabling legislations were enacted into law. Additionally the anti-corruption commission was established at the same time. The researcher had presumed that between 2006 and 2010, the institutions mandated to fight corruption had matured and were optimally operational, hence their performance could be gauged.

The study established that 51% of the total respondents were of the opinion that corruption levels had increased in the last five years, 34% indicated that it had actually decreased while 14% indicated that it had remained the same. Only 0.4% did not know about the trend of corruption in that period. These findings meant that corruption was a thriving problem in the County despite the strategies put in place to combat it.

In regard to the influence of the political and socio-economic factors on the effectiveness of the strategies and the levels of corruption, it was established that 89%, of all the respondents reported that the factors influenced the anti-corruption strategies and the war against corruption in the County. Nine (9%) of all the respondents indicated that the above factors had no influence, while 2% did not know whether the factors had influence or did not have influence. This finding meant that the effectiveness of the strategy partly depended on the actions of the actors or the government since they key players in the formulation and implementation of the anti-corruption policies.

As discussed earlier, prioritization in the study referred to the preference given to each of the three complementary strategies namely; investigation, prevention and civic education in terms of resource allocation. This meant that the strategy which was found to have the highest effect in reducing the levels of corruption would be given the first priority and allocated more resources in terms of manpower, time and operation funds. Getting views on the respondents on the issues of prioritization was intended to get an insight on how the three strategies ought to be prioritized for the maximum reduction. This is necessary to ensure that public funds would be allocated proportionately among the three strategies in reflection to their returns in the war on corruption.

Among the three complementary strategies of strategy, 51% of the respondents indicated that Civic Education should be allocated more priority in terms of resources allocation, while 26% and 21% preferred Prevention and Investigation respectively. Two percent (2%) of the respondents did not indicate the strategy they preferred. The respondents gave varying reasons on why they preferred each of strategies to be given high priority than the others. Civic education received the highest support on its prioritization and a range of reasons were given on why it was the most preferred strategy requiring to be allocated more resources. The 51% of the respondents who prioritized civic education pointed out that it provided knowledge and created awareness which led to better decisions making in matters pertaining to corruption. The creation of awareness was advocated for because it prevented occurrence of corruption in future as the citizens were more informed on the impacts of corruption.

Consequently, it reduced chances of initiating investigation and prosecution which on several occasions led to the emergence of corruption transaction among the investigators and the prosecutors. This was because the investigation and prosecution process were bound to create a vicious cycle of corruption. They opined that corruption takes place in hidden conditions and termed the knowledge acquired in the process of civic education as a source of ‘power’ helpful in combating it.

Civic education was seen as a way of providing sensitization forum where members of public and public officials deliberated on the problem of corruption freely while at the same time reducing the level of ignorance on the subject of corruption. This in the long run, would lead to enlightened people who understand the impact and effects of corruption and their constitutional rights. It was also opined that the process involved all the citizens including the people at the grassroots level and thus it benefited everybody even those who could not read and write.

Further, the respondents opined that education should start from the primary school level, to create a 'socialization process' which would eventually lead to a society of honest people who detest corrupt acts such as giving or accepting bribes. There was also a general argument among them that the education given to the populace would enable them to understand the public service delivery systems. This would assist them to pin-point in advance incidents where there was a likelihood of corruption to occur. Another justification for this strategy was that it encompassed an aspect of the prevention strategy which enabled the public to acquire knowledge on corruption prevention. They could use the knowledge to identify the opportunities that encouraged corruption practices and blow the whistle thereof.

Twenty six percent (26%) of the total respondents who supported the prevention strategy to be accorded the first priority in terms of allocation of the resources needed to fight corruption adduced several reasons for their preference. They argued that the strategy helped in detecting the causes of corruption in the institutions and laid down appropriate mechanisms for sealing the loopholes that encouraged corruption to take place. As such, it saved time and resources used in investigations which were seen to be influenced by bureaucratic red tape. Indeed, in supporting this strategy, most of the respondents were of the view that 'prevention is better than cure', and it should be allocated more resources as it was less cumbersome its implementation compared to the other strategies. It was viewed as a cheaper way of minimizing corruption.

It was considered as a strategy which enhanced transparency and accountability in as far as both internal and external controls in institutions were concerned. Therefore, it was necessary to avoid future occurrence of corruption. The strategy was taken as crucial for increasing efficiency in the public service provision which would eliminate acts of corruption like bribery. Since experience had shown that some of the reported cases had proved hard to complete, prevention was suggested as the best way to prevent the occurrence of corruption. Hence if it was not prevented in time, the investigations of cases became harder to successfully execute. However, it was pointed out that the strategy needed to be reviewed occasionally since corruption is part of negative social life which keeps on changing and as such, corrupt people could devise new ways of beating the better systems put in place and once again engage in it.

The Investigation strategy was given the lowest priority after it was preferred by only 21% of the total respondents compared to the other two strategies. The argument raised by the respondents was that very few cases have been investigated, prosecuted and resolved successfully. The role of this strategy in reducing corruption was seen as minimal. Those who called for its

prioritization contended that it was the best strategy because it led to the arrest or prosecution of the offenders and in this it was viewed as a deterrent measure to the potential offenders. It was also pointed out that this strategy led to the tracing, seizure, confiscation and recovery of the ill-gotten wealth or the unexplained wealth, which would be returned back to the rightful owner, especially the government. The recovered wealth could be restituted to those who had suffered the loss and used to spur economic growth by initiating socio-economic development projects using the recovered property or funds.

The respondents contested that corruption was a secretive venture and investigation was the best strategy to unearth corruption transactions by the use of special technical investigative skills. This would include undercover operations obtain enough evidence to sustain prosecution and recovery of the looted assets. Hence by punishing and recovering the ill-gotten wealth, the culprit and other potential offenders would not engage in corruption in the future since they would be denied or starved off the 'sweetness' of the corruption benefits. The recovery of the ill-gotten wealth could greatly deter the potential offenders and reduce the level of corruption in the county. The respondents under this category opined that civic education and prevention strategies needed less resource than investigation strategy because they did not target the real corruption perpetrators and their effectiveness was hard to rate or determine.

Discussions

The findings of this study have clearly shown that despite the presence of other factors which have negatively impeded the effective implementation of the strategy and the war on corruption in the Nairobi County, there is absolutely no clear criterion or laid down procedures of determining how the three component prongs should be prioritized and how the resources should be shared among the complementary prongs. This could be one of the reasons why the strategy has not succeeded in reducing the level of corruption as anticipated. However, the influence of the political, institutional and socio-economic factors cannot be ignored as the majority of respondents indicated that it had great influence on the strategy implementation. Weber's assertion that corruption takes when members of a society or organization misuse authority to justify their corrupt behavior could be linked to the fact that the political leadership in Nairobi and more specially the members of the legislature were not keen in enacting adequate anti-corruption legislations and mobilizing the members of public to fight corruption. This was further evidenced by their interference in the war against corruption with the intention of weakening the implementation of the strategy.

The members of the legislature and the executive are supposed to formulate and implement anti-corruption policies and when they are not committed in the war on corruption or there is lack of political good will, policies defining the prioritization of the strategies may not be forthcoming. Therefore, there is a need for the legislature, executive and the public to work together and make decision on how the strategies are to be prioritized in the obtaining situation. The decision should

be based on corruption surveys carried out in a given period since the prioritization of the strategy is influenced by institutional and socio-economic environment. Failure by the authority to come with a clear cut method of allocating resources among the three strategies is intended to weaken the strategy to enable those in control to perpetuate corruption. One of the issues raised on why the levels of corruption were not reducing was pegged to inadequate funding due to budgetary constraints. This was based on poor economic performance, meaning that some of the activities of the strategy could not be implemented. The funding of strategies should not be limited by the legislature on the excuse of underperforming economy because the resultant effect of reduced levels of corruption is saving of the government funds which could have been lost through fraudulent behaviour by the agents. In turn, this improves on the welfare of the society.

It is important to note that carrying out of institutional reforms plays an important role in facilitating the efficacy of the three anti-corruption prongs and this should be considered when determining their prioritization. The study noted that the reforms had not been fully implemented and occasionally the process faced interference from some members of the executives and the legislature who were bent on engaging in corruption transactions. For instance, the criminal judicial system was lacking in terms of adopting the necessary reforms to improve on the effective implementation of the strategy. The reforms in the criminal judicial system should be one of the prerequisite for an effective three-pronged anti-corruption strategy.

Once the process of prioritizing the strategies is completed a monitoring and evaluation process will need to be under taken to establish whether the desired goals are being met. If not, changes in the order of prioritization could be done. This is because the ranking of the prongs in the order of preference is not cast in stone but can be varied with changes in political and socio-economic set up. The factors that were found to weaken the strategy to mention but a few; lack of adequate resources, few qualified personnel, and lack of integrity among public officials, inadequate institutional reforms and lack political good will needs to be address in order to realize the full potential of a well designed anti-corruption strategy. Actually, this should be coupled with strengthened and reformed political institutions since political influence was found to affect the reduction of corruption greatly depending on the inclination of the political class. Hence the lawmakers (legislature) should play a great role in creating a conducive environment for fighting corruption in Nairobi.

Conclusions and Recommendations

This study took cognizance of the concern on how the three component strategies namely; Investigations, Prevention and Civic Education ought to be prioritized for the maximum reduction of corruption. Yet despite the sporadic discussions on the issue which is both of academic and policy level importance, no meaningful academic work was established to have been conducted in Nairobi or elsewhere on their prioritization. Even if such a study could have been conducted in another jurisdiction, this work was found to be essentially important because

the application of the strategy is context specific depending on the prevailing political and socio-economic environment in a given jurisdiction. Similarly it was established that currently there is no clearly defined criteria of prioritizing the three component strategies and this affected the process of allocating the scarce resources among them for maximum reduction of corruption levels.

The findings and recommendations of this study provided an insight into how the strategies ought to be prioritized and ranked for maximum reduction of corruption in the study site and by extension, in Kenya. 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 most effective strategy for combating corruption in the county is civic education followed by prevention and investigation strategies in that ranking. The strategies ought to be prioritized and ranked in that order and the resources allocated in the same manner. This is in bearing in mind that the resources are scarce and they ought to be utilized optimally. It was envisaged that Civic Education strategy would result in a society that observes ethics and integrity and its members would desist from engaging in corruption practices. The Prevention strategy was ranked second because it was favoured its ability in detecting and sealing the loop holes or opportunities which encourage corruption to take place. However, it was observed that it could not match the effectiveness of civic education in reducing corruption since it may not fully influence the behavior of individuals which is crucial in fighting the vice.

Investigation strategy was the least preferred strategy for combating corruption in Nairobi because its outcome was less fruitful as most of the cases had not been completed, while majority of the cases were mostly dismissed by the courts and the suspects acquitted. Therefore, it did not lead to many successful prosecution and punishment of the corrupt offenders in the period under review. The strategy is nevertheless key in tracing and recovering the unexplained wealth which could deter the potential offenders from engaging in corruption.

The strategies were weakened by several factors which included; lack of adequate resources, few qualified personnel, and lack of integrity among culpable public officials, inadequate institutional reforms, unexpanded awareness programmes, and failure to enhance the examination of public delivery systems. As such there is need to undertake institutional and legal reforms which could adequately enhance the effectiveness of the strategies and the anti-corruption war in general. This should be coupled with strengthened and reformed political institutions since political influence was found to affect the reduction of corruption greatly depending on the inclination of the political class. Hence the lawmakers (legislature) should play a great role in creating a conducive environment for fighting corruption in the Nairobi County.

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