

THE FACTORS INFLUENCING THE IMPLEMENTATION OF THE THREE-PRONGED ANTI-CORRUPTION STRATEGY IN NAIROBI COUNTY, KENYA (2003-2011)

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ABSTRACT

One of the major obstacles affecting political and socio-economic development of the developing countries is corruption. Kenya has equally been affected by this menace overtime since its independence in 1963. To mitigate this problem, the Government enacted the Anti-Corruption and Economic Crime Act in 2003 after repealing the Prevention of Corruption Act which had been enacted by the colonial Government in 1956. The enactment of this new legislation laid the foundation for fighting corruption using the three-pronged anti-corruption strategy. Initially the approach used by both colonial and post-independent Governments to curb corruption was based on the investigation strategy. There was less emphasis on the use of both prevention and civic education strategy. Despite the adoption of the strategy in 2003, the levels of corruption in Nairobi County have remained high before and after the implementation of the strategy. This study evaluated the implementation of strategy and established that its implementation process was influenced by several factors. Weber postulates that corruption in bureaucratic step-up partly occurs when members of a society or organization misuse power and authority to justify their corrupt behaviour. Further, the Public Choice theory suits to explain 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, a verity which this study established. This study examined and evaluated the implementation of the three-pronged anti-corruption strategy in the County in the period between 2003 and 2011. One of the study's objectives was to establish the factors which influenced the institutional efforts of implementing the strategy in the County. The study was conducted in Nairobi County because it is the Capital City of Kenya; hence it provided the requisite population given its cosmopolitan and metropolitan nature than the other Counties. 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 presented. Subsequently, recommendations on the improvement of the three strategies or prongs were made thereof. The study established that the implementation of the strategy was influenced by several factors which includes; the action of the Government actors, political and socio-economic factors among other issues. Hence, the Government should address the challenges arising from the above factors to effectively address the problem of corruption.

Key Words: *Three-Pronged Strategy, Government Actors, Political and Socio-Economic Factors*

Introduction

Corruption is a major global problem which continues to affect the welfare of human beings in their political and socio-economic agendas. It was due to this fact that numerous countries under the auspices of the United Nations ratified the United Nations Convention Against Corruption (UNCAC) as a sign of solidarity in the fight against the vice. Kenya ratified the convention in 2003 at Merida in Mexico. The convention among other issues advocates for partner states to adopt preventive, awareness and investigative measures as some of approaches of combating corruption. The County other ratifying the Convention also joined other regional conventions with similar goals to those UNCAC among them the African Union Convention on Preventing and Combating Corruption (AUCPCC).

Among the various approaches used globally to fight corruption, the use of three-pronged strategy has proved to be effective in reducing corruption in several jurisdictions like; Hong Kong, Singapore and Australia to mention but a few. Notably in these jurisdictions, there is a lot of commitment by the stake holders to ensure that the strategy succeeds as established by this study. However, in the case of Kenya and more particularly in the Nairobi County where most of the public activities are undertaken, it was established that there are factors which distracts the implementation of the strategy making it not to address the problem of corruption as expected by the populace. This was attested by the fact that the level of corruption in the County before the period of the study inclusive of the study period and thereafter, was found to be high as evidenced by the many cases of corruption reported.

The cases were reported in the Annual Reports issued by the former Kenya Anti-Corruption Commission, Ethics Anti-Corruption Commission (www.eacc.go.ke), Transparency International Corruption Perception Indices (www.transparency.org) and in the media. The levels have been high despite the adoption of the Three-pronged anti-corruption strategy. The strategy is composed of three complementary prongs or strategies namely; investigation, prevention and the civic education. The indication of high pervasiveness of corruption in the County was a pointer that the strategy was not working well as expected due to several factors which the study sought to establish.

This study was done to evaluate the implementation of the strategy. Its objectives were to identify the factors that influenced the institutional efforts of implementing the strategy, establish the prioritization of the three complementary prongs and to draw modifications on the strategy for optimal reduction of corruption in the County and beyond. This paper dwells on the first objectives whose concern was to identify the factors that influenced the institutional efforts of implementing the strategy. The study established that the strategy was affected by political, socio-economic and institutional shortcomings due to the inadequate policies adopted by the main actor (the Government) and its functionaries (Executive, Legislature and Judiciary). In deed, lack of commitment in the fight against among the public officials and their behaviour or attitude affected the strategy's implementation process. The actors were found to abuse power and authority bestowed on them and to maximize their self interest at the expense of the society through corruption.

The study established that political factors played a significant role in the implementation of anti-corruption strategies since political elites and more specifically the members of the legislature are mandated by the citizens to enact laws for curbing corruption and also to make decisions on budgetary allocations for funding the anti-corruption strategies. However, politicians may enter politics with intention of benefiting through corruption and they may not necessarily be committed in curbing the vice. Such politicians end up sabotaging the process of implementing the strategies by creating weak anti-corruption legislations and voting for low budgetary allocations for fighting corruption.

The attitude of the public officials manning the three arms of the Government (Executive, Legislature and Judiciary) was found to be critical in enhancing the implementation of the strategy in various ways. For instance, public institutions responsible for the administration of the criminal judicial system influenced the reduction of corruption either positively or negatively depending on their commitment and independence in the war against the vice. Abuse of the discretionary powers bestowed on the officials derailed the implementation process leading to increase in the level of corruption.

It was established that implementation of the strategies was affected by socio-economic factors like, low economic growth, high level of poverty, high cost of living and unemployment among other factors. The factors provided a breeding ground for corruption to take place. A weak economy characterized by budgetary constraints, could not adequately fund the implementation of the strategy and this affected both financial and technical capacity of the anti-corruption agencies. Generally, the failure by the government to initiate sound policies to mitigate the above factors affected the strategy and the war in corruption. Therefore there is a need to enhance political and socio-economic reforms and adopt appropriate policies which discourage corruption from taking place as away of fostering smooth implementation of the strategy for 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 a three-pronged anti-corruption strategy to fight 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 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 one of its objectives being to identify such factors among other issues and thereafter suggestions on how to address the situation for optimal reduction of corruption in the County were made.

Literature Review

Literature review revealed that what constitutes anti-corruption strategies varies from jurisdiction to jurisdiction but 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 encompasses an aspect of; prevention, investigation, enforcement, prosecution of the corrupt offenders, community or civic education. They also include an aspect of international cooperation, institutional capacity building, improvement on the national integrity institutions and formulating of enabling legal framework to fight and reduce corruption. All the above aspects fit well in the three-pronged anti-corruption strategy.

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, accountability of the judicial process, the media, the private sector, 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 literature available in Nairobi County on the three-pronged strategy and the war on corruption was found to be scarce since very little work had been done in regard to the factors influencing the implementation of the strategy. Similarly, there are few studies that had been

done locally in regard to the subject matter. Some of the major works or studies on the corruption phenomenon available in the County took an approach which was more interested in the political, and socio-economic causes and effects of corruption and did not evaluate the factors influencing the implementation of the three-pronged strategy.

The studies considered the problem of corruption phenomenon in general and focused on the historical perspective of its existence in the Country and did little to examine and evaluate the three-pronged strategy. This was partly due to the fact that prior to the enactment of the ACECA and the establishment of the anti-corruption commission, efforts of fighting corruption were mostly focused on the use of enforcement or investigation strategy with little use of the prevention and civic education strategies.

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 based on Principal-Agent-Client Model on corruption, Klitgaard (1988) and Lambsdorff (2007). The theoretical framework explained how the influence of the Government actors and the 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 demonstrate how the behavior or attitude of the Actors influenced the implementation of the strategy, the behaviour of the Client and the level of corruption.

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 did 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 actors. For instance, the members of criminal judicial system, executive and the legislatures could decide to use the power and authority bestowed on them to reduce corruption or they could act to the contrary and the levels goes up.

The supposition of the theory met the study's objectives because the political, socio-economic and institutional factors were found to influence the effective implementation of the strategy. Generally, the frameworks demonstrated how the interactions of the actors and factors affected the effectiveness of the three-pronged strategy and reduction of corruption.

Factors Influencing the Institutional Efforts of Implementing the Strategy

The role played by the political leadership is thus crucial in the creation of making socio-economic policies which discourage corruption to take place. This is a reality emphasized by scholars such as Alan and Riley (1998). Effective anti-corruption strategies need to be tailored in

consideration of the changes in socio-economic, cultural and political environment in which it occurs (Werner, 2006). In deed, this study established that some of the factors influencing the institutional efforts of implementing the strategy revolved around the political and socio-economic spheres. The political aspect of the legislature played a key role in influencing the efforts intended to reduce corruption. It was noted that the decision on how to prioritize the component prongs of the strategy to some extent depended on the commitment of the legislature which had the power of enacting the anti-corruption legislations and allocation of adequate resources among other mandates.

The political elites in most cases can maximize their self interest by disrupting the implementation of the strategy and the war on 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 on the shortcomings in the public institutions which affect anti-corruption strategies, among them the selfish acts by the political elites who unnecessarily disrupts the proper functioning of the government systems. Political influence in developing countries sometimes defies the rules governing the separation of power, checks and balances, transparency and good judicial system. 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. Blundo et al (2006) study 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 had adopted a culture of corruption in the daily transaction and this negatively affected the war on corruption. The socio-cultural factors were pointed out as some of the factors which affected the implementation of the strategy as some respondents had a belief that engaging in corruption practices as a way of life.

Institutional dysfunctions factors are blamable for influencing the implementation of the anti-corruption strategies especially when the Government is not fully committed in the war on corruption. Mbaku (2007) argues that corruption in Africa is rampant because of the poorly developed and inappropriate institutional arrangements, which came up because the post independent leaders failed to adopt a reconstructive constitutional framework. Instead, they chose to implement laws and institutions which did not reflect the values of the citizens. As such, malfunctions in the institutions enable those in the authority to engage in rent-seeking or rather in corrupt behaviour. He found the public choice theory as appropriate for examining and explaining the persistence of corruption in Africa.

The theory explains and points out that corruption arises when individuals or groups subvert the existing rules to make extra official earnings for their own enrichment; an aspect which is common among the continent political elites. The above argument is to some extent true because

the leaders in the developing concentrated on political integration instead of focusing on socio-economic fabric where corruption was high. The political leaders mostly concentrated on the issues of political independence and nationalism at the expense of socio-economic issues which were similarly important in addressing the problem of corruption.

However, it has to be noted that fighting corruption does not only involve use of laws but requires change in attitude or behavioral and this is not necessary enforced by the State but could be achieved by adapting good morals and ethics. It calls for a change of attitude by all members of a community without any coercion. Therefore, dependence on the laws may not fully solve the problem and this was clearly demonstrated in Nairobi County where despite undertaking several reforms in the criminal judicial systems, the problem of corruption still persists. Since corruption knows no boundaries, laws and institutions reforms need not only reflect the values of the citizens but they should have a global outlook to serve both citizens and non citizens who have interest in any given jurisdiction.

McKoy (2009) argues that there is an identifiable and distinct body of legislations on state enterprises, governance, anti-corruption and public sector ethics emerging in the Common Wealth countries. He contended that the regimes are anchored on the common law, United Kingdom legislations and other contemporary legislations. He traced the development of these legislations as emerging from the international efforts of fighting corruption which has resulted in the Common Wealth members coming up with initiatives to curb this practice.

He observed that anti-corruption projects require high standard in the administration of justice and that the initiatives adopted by the Common Wealth countries would require time before they are fully operational. Additionally, the implementers require time to learn and experiment the initiatives. This implies that adoption and implementation of anti-corruption strategies could be affected by the time required for learning and experimenting the initiatives, an issue which could have equally affected their implementation in the County. However, corruption could also be minimized by the application of preventive mechanisms and creation of awareness which requires less legal tussles.

McKoy argument served to explain how inadequate development of institutions like the ones dealing with administration of justice could affect the implementation of the strategy if adequate adaptable measures are not put in place by the Government. There is possibility that the Government in its attempt to implement the strategy, it faced problems because the anti-corruption legal framework is not fully homegrown but partly borrowed from the Common wealth practices which may not be universally adoptable in the local situation.

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). The work which examined the phenomenon of corruption in Kenya from the early days of independence up to around 1996 when its findings were released, 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 and the legal framework put in place for combating it. It also reviewed several case studies of the major of corruption 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 because by then, the only approaches of fighting corruption was through investigations and prosecutions.

By then, there was very little attention which was paid on both prevention and civic education strategies and there was no public institutions specialized for implementing the two strategies. Indeed, 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) and (Chweya, 2005). However, it is 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 to implement the preventive measures leave alone the police being susceptible to corrupt practices.

These institutions were deficient in manpower and faced unfavourable political environment for implementing the strategies. As explained above, the work Kibutha et al examined and evaluated the influences of the legal, political and the socio-economic factors in the war on corruption in Kenya. This was to the extent similar to the objectives this study but the researchers were less concerned with the three-pronged strategy since it was not applicable by then. This study took cognizance of how the legal, political and the socio-economic factors affected the strategy and the war on corruption and this concurs with the findings of the above work.

Economic factors like poverty influences 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 the poor economic situation, the Government may fail to allocate enough resources for fighting corruption or for implementing anti-corruption strategies leading to increase in the level of corruption.

The aspect of how poverty influenced the anti-corruption strategies 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.

The influence of the political factors in the implementation of the strategy and reduction of corruption was demonstrated by study of Kibwana et al. (2001) which concluded that the re-introduction of multi-party politics in Kenya and mobilization of the civil society in the war against corruption were instrumental in reducing corruption in the country. However, due to the fact that Kenya Anti-Corruption Authority was a young institution whose effectiveness was much curtailed by the then existing political leadership, the study did not deeply examine the efficacy of the three-pronged strategy.

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. He concluded by making several suggestions which if adopted by the Government coupled with adequate political will would see corruption drastically reduced. Some of his recommendations included; voting for 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 his call for the Government to enhance the democratization process as way of addressing challenges of corruption and the democratic steps undertaken since the introduction of multiparty politics in the country, less has changed. Cases of lack of corruption continue to be reported almost on daily basis in various forums among them the electronic and print media. This study found similarities of his arguments in regard to the objectives of the factors affecting implementation of the strategy and more specifically the political and socio-economic factors.

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 fully been committed in providing for an enabling environment for implementing 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.

The work of Anassi (2004) considered the dysfunctions of the public institutions and the economic impoverishment which predisposed the African continent to socio-economic instability which are blamable for the increase in corruption. The impoverishment by the colonial Government latter on acted as impetus for corruption to take place in post independent African countries. He 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. The work did not specifically address the issues of the anti-corruption strategies even though it wholesomely examined the extent of corruption in the country. However, its contention that dysfunctions of the public institutions were blamable for increase in the level corruption was attested by the findings of this study.

The Corruption Perception Indices for Kenya prepared by Transparency International shows a persistence of high levels of corruption in the country and this is a prove of the failure of the strategy to reduce corruption. The Transparency Internal Kenya (TI) on several occasions produced Corruption Perception Index and other research findings on corruption situation. The reports mostly dwelt on the trends and the levels of corruption as reflected by the experiences of the ordinary citizens. Even though the reports have not deeply focused on the implementation of the three-pronged strategy in the fighting against corruption, they are an implication of the failure of the strategy to reduce corruption.

The CPI for Kenya was examined in the period before the commencement of the study and during the period of the study (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 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 the

period of this study. The Transparency International Corruption Perception Indices trend between 2003 and 2011 indicated that corruption levels in the country had increased with the country having been ranked number 122 out of 136 countries surveyed in 2003 and number 154 out of the 183 of the countries surveyed in 2011.

Its position did not drop down below position number 122 it had been ranked in 2003. Additionally between 1995 and 2012, the country's score was between 2.2 and 2.7. See Figure 1 below computed by the researchers illustrating the ranking of Kenya over the mentioned period. This an indicator of the high level of corruption in the country as a result of the ineffectiveness of the strategy and other influencing factors which made it difficult for the strategy to reduce corruption as anticipated. The position maintained by the country between 1995 and 2012 implied that the adoption of the three-pronged strategy had little effect in the reduction of corruption in the County. The ineffectiveness of the strategy was reflected in the increased level of corruption in the County and this meant that the strategy faced numerous challenges which this study sought to establish and address.

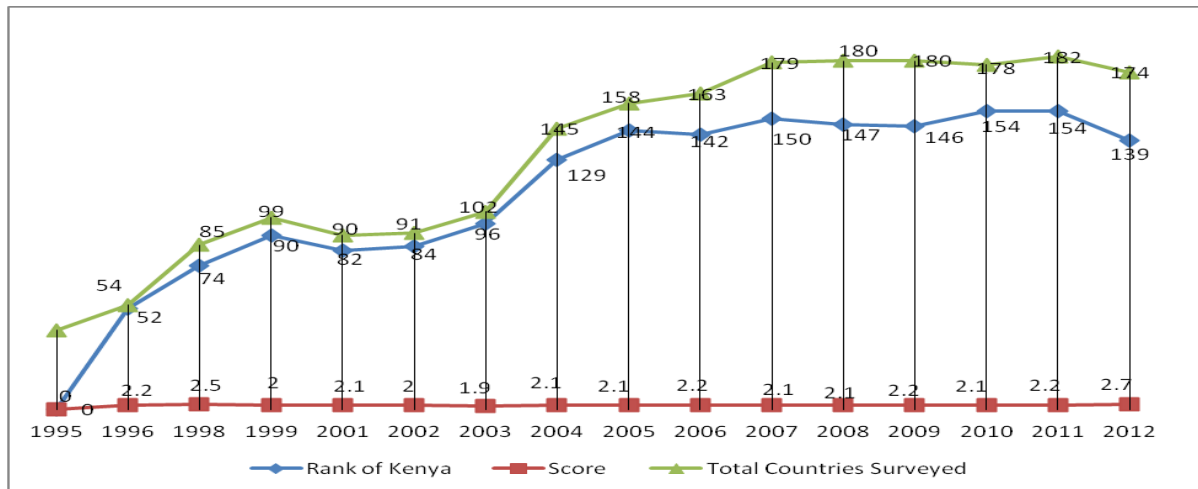


Figure 1: Kenya's Corruption Perception Indices 1995-2012; Source: Researchers' Computation of TI CPI Reports 1995-2012

Research 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 stationed 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 population which is extremely large. The formula is emphasized by Mugenda & 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 literatures 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 through 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®. After the analysis, the findings were presented in form of graphs, charts and tables and meaningful interpretations of the findings were done and the recommendation made thereof.

Research Results

Level of Corruption

The study first started by establishing whether corruption was increasing or decreasing in the County. This was intended to ascertain if the strategy was working as expected or there were obstacles affecting its performance. The study established that slightly more than half of the respondents (67%) were of the opinion that the level of corruption in the County was increasing while 33% indicated it was decreasing. Among those who indicated that it was increasing, they provided several reasons to back their position. The reasons included; high numbers of corruption cases reported in both print and electronic media, lack of transparency and accountability in the public service delivery systems, greed, selfishness, cultural beliefs, impunity, lack of commitment, tribalism, nepotism, lack of civic education, poverty, high cost of living, lack of commitment by the Government institutions and poor legal framework among other reasons.

The above responses on the increase in the level of corruption were further supported by the various major incidents of corruption reported which manifested wide spread corruption in spite of the strategy put in place to address the problem. The minority of the respondents (33%) indicated that it had decreased and they cited the creation of awareness and anti-corruption strategies implemented by the anti-corruption commission as the major causes of the decrease. The above findings expressly proved that the implementation of the strategy and the war on corruption were faced various challenges which needed to be addressed. The revelation by the study that the levels of corruption were pervasively high concurs with the various reports of the

Transparency International CPI which rated the country poorly in terms of reducing corruption. The persistent high level of corruption is duplicated in the Nairobi County because most of the public and commercial activities are conducted here.

Factors Affecting Institutional Efforts of Implementing the Strategy

The first objective of the study was to establish the factors which affected 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 with the problem of corruption. One percent (1%) of the respondents did not know how the government had done in regard to the implementation of the strategy and reduce 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.

The 75% of respondents who reported that it had not done well in facilitating implementation of the anti-corruption strategies and fighting against corruption and blamed it for failing on several issues which included lack of accountability and transparency in the political process. They observed that the government is responsible for developing political and socio-economic policies which could minimize or let corruption to thrive, thus its commitment was crucial in determining the successful implementation of the anti-corruption strategies. This is fact which is emphasized by (Ian, 2006) especially when it comes to the creation of laws and allocation of the resources for fighting corruption. The 24% of the respondents who indicated that Government had performed well in combating corruption cited the creation of the anti-corruption commission, creation of awareness on corruption among the citizenry and prosecution of corruption offenders as some of the major achievements by the Government in the war on corruption. The findings in regard to the role played by the Government in the implementation of the strategy proved that its actors (Executive, legislature and judiciary) influenced the process of putting into operation the strategy and reducing corruption, hence the actions of its actors are part of the factors which affected the implementation process.

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 negative effects of the above factors the level of corruption could either move upwards or

downwards. In deed, effective anti-corruption strategies need to be tailored in consideration of the changes in socio-economic, cultural and political environment as argued by Werner (2006). Additionally, as observed by Wafawarova (2011) and Mushamba (2010) the actions of the political elites may affect the war on corruption negatively as they may choose to engage in corruption in the short time they are in office. In such a situation, they may not facilitate the implementation of the anti-corruption strategies.

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. Mullei et al. (2000) demonstrated how poverty due to a weak economy could affect the war on corruption. The respondents also argued lack of political commitment and good will among the members of the legislature and the culture of viewing corruption as a way of life in the County affected the implementation process. Nyong’o (2006) showed how political and economic factors are responsible for the increase in corruption in the County and to some extent in the whole of Kenya, an aspect which was attested by this study. About 9.2% of all the respondents indicated that the above factors had no influence, while 1.8% did not know 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. See Table 1.

Table.1: 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=8 7	(%)	n=2 9	(%)	n=4 7	(%)	n=16 3	(%)	
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

* P-value=0.005

Influence of the Social Life on the 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 reduction 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 2. 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 2: 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

* P-value=0.005

The respondents advanced various reasons on how the social life or rather the culture affected the implementation of the strategy and corruption in the study site. Blundo et al (2006) demonstrated how sometimes the citizens could adopt corruption as a way of conducting their business and it becomes like their cultures as noted in their study on corruption in Benin, Niger and Senegal. 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. For instance, they would go to any length to upset an on-going investigation and prosecution to ensure it did not succeed. Such actions ended up weakening the investigation strategy.

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. This

was witnessed in the County where some of the poor people glorified the rich for managing to loot public coffers and moving to higher class status due to the benefits they drove from corruption. This attitude towards corruption significantly affected the implementation of the strategy as rationalization and socialization were used to defeat the war on corruption.

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.

Similar observations were made by focus discussion groups which indicated that there was an increase in corruption level in the county because some members of the society did not observe good morals and ethics. They argued that this was precipitated by socio-economic and modernization changes which had taken place and to some extent threatened to break the social fabric in the society. They reasoned that this had led to a society composed of corrupt people with no feelings on the welfare of the less fortunate in the society. Such people were ready to fraudulently acquire public resources in disregard of the norms and values of the society and to incapacitate the process of implementing the strategies.

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. The efforts of the judiciary in facilitating the war on corruption was affected by some of the concerns raised by McKoy (2009), who observed that anti-corruption projects require high standard in the administration of justice and that the initiatives adopted by the Common Wealth countries would require time before they are fully operational. Further, it was also due to institutional dysfunctions due to the lack of full commitment by the judicial officials in the war on corruption. This concurs with Mbaku (2007) argument that corruption in Africa is rampant because of the poorly developed and inappropriate institutional arrangements.

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 as discussed below. 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 its duties. 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. They cited Goldenberg scandal cases as an example. 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 3 below.

Table 3: 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

* P-value=0.005

The researcher further established that the 2.1% of total respondents who indicated it 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 were sure 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. In fast-tracking the cases, the judiciary avoided the delay which the citizens termed as, costly, tedious and without any benefits to the victims of corruption.

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. These 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, an aspect which had been blamed for injustice in determining the corruption cases. This has led 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.

Discussions

The study was guided by three objectives namely; to identify the factors influencing the institutional efforts of implementing the three-pronged anti-corruption strategy in Nairobi County, to establish the prioritization of the three-prongs of the strategy and finally to draw modifications on strategy to effectively reduce corruption in County and beyond. This paper dwelt on first objective which was interested in identifying the factors influencing the institutional efforts of implementing the strategy. It has explained how the factors affect the implementation of the strategy and briefly made suggestions on the way forward.

The study identified and evaluated the factors which influenced the institutional efforts of implementing the three-pronged anti-corruption strategy among other issues raised in its objectives. The fact that most of the respondents (89%) indicated that political and socio-economic factors influenced the implementation process is an indication that the Government had not fully succeeded in undertaking the appropriate political and socio-economic reforms which are required to discourage corruption from thriving in the County and the Country at large. This is an indication that loopholes and opportunities which encourage corruption to prevail have not been addressed properly. Additionally, the reforms intended to address the socio-economic problems have not been fully been implemented to facilitate the war on corruption.

Further, lack of commitment by the Government actors in the war against corruption still remains an issue in the implementation of the strategy which needs to be addressed by undertaking the necessary institutional reforms. Steps should be taken to ensure that Government functionaries do not abuse discretionary power and authority bestowed on them to sabotage the implementation of the strategy or to enrich themselves illicitly.

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 combating it. If corruption continues overtime without being curbed it becomes systemic and difficult to reduce, an aspect which was observed in the County. Changing the attitude or behavior of the society on corruption is crucial and this calls for enhanced civic education to create awareness on its impacts. Additionally, implementing of an examinable education curriculum right away from the lower school up to the college and University level is recommended by this study as a way of changing the attitude of the society. However, as noted in study this is not currently the case in the county as the anti-corruption studies have not been formalized.

The criminal judicial system and especially the judiciary suffers from problem of corruption, as evidenced by the majority of the respondents (97.9%) who indicated that it was an impediment in the strategy's implementation process. Notably, very few cases involving public officials in the top Government echelons within the period of the study had been punished or their illegally acquired assets recovered. There is need to enhance reforms in the criminal judicial system to enable it address 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 illegally acquired by the public officials through corruption.

Conclusions and Recommendations

The study established that the level of corruption was still high in the County despite the implementation of the three-pronged strategy and that the strategy is influenced to a greater extent by several factors among them; the actions of the Government actors, political and socio-economic shortcomings including institutional dysfunctions. The Government and stakeholders should therefore enhance the appropriate reforms initiatives for addressing the shortcomings discussed above.

The public institutions involved in the administration of the criminal judicial system influenced the reduction of the level of corruption either positively or negatively depending on their attitude and commitment in fighting corruption. There is a need to fast track the judicial reforms as envisaged in the Constitution of Kenya 2010 and also to learn from the best practices used in other jurisdictions to fight corruption in the County. The government should address 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 reduction of poverty among other causes.

Since the political factor was found to influence the implementation process and the war on corruption greatly, political reforms should be enhanced to improve the democratization process and enactment of adequate anti-corruption legislation for combating corruption. Hence the lawmakers (legislature) should play a great role in creating a conducive environment for fighting corruption in Nairobi and beyond.

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