

Understanding Corruption in Kenya



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Introduction

It is music to the ear when promises relating to corruption are uttered by politicians during and after campaign rallies. Some of those utterances, and even efforts, are heard and seen from persons in leadership hinting towards their commitment in fighting corruption (Githongo, 2007), yet inversely, these leaders demonstrate helplessness, amidst unwillingness in their fight against the vice (Maina, 2019). Other utterances are heard when leaders from one side of the political divide blame those from the other side (van Rij, 2021); those who blame, attempt to portray innocence on matters corruption (Médard, 1992; Daloz, 2003), and often front themselves as best placed to fight the vice (Cheeseman & Willis, 2021). There are still other utterances from the public, crying foul and blaming ‘all’ their failures on corruption (Burbidge, 2015; Maina, 2019).

This paper seeks to discuss the subject of corruption with a view to seeking comprehension on some of the issues given in the previous paragraph. It systematically engages literature from the global, regional and local levels (cf appendices). The selected literature follows the inclusion criteria: definitions of corruption; types of corruption; extensive data including vast localities, elucidations on causes, effects and solutions. As a guide, the study responds to the following questions: What is corruption? What faces does corruption take? What phases does corruption follow? What is wrong with corruption? What makes corruption so elusive despite efforts to combat it? What needs to be done to combat corruption? The paper is written with a view to informing Africa but specifically Kenya on matters corruption.

What is Corruption?

Goel and Nelson (2008) define corruption as “the use or abuse of public office for private gain” (p.7; Nye, 1967; van-Klaveren, 1989; Ampratwum, 2008, p. 77), contravening set rules and regulations (Jain, 2001). Adding to the discourse, Uslaner and Rothstein (2016) describe it as “behaviour that is opposite to “ethical universalism” or “impartiality” in the exercise of public power... [or] officials turning “public goods” into private goods for their own benefit (p. 227; Mungiu-Pippidi, 2006; Rothstein, 2011; Rothstein & Teorell, 2012). In addition, there is a Christian Aid’s definition of corruption saying that it is “The misuse of positional power – public or private – to benefit narrow interests rather than the public good” (McDonald, 2008, p. 5).

From these definitions, the following key phrases arise: abuse of public office or misuse of public/private positional power (including secular and religious), opposite to ethical universalism and impartiality; using public goods for private gain. From the phrases, public officers remain the highest instigators of corruption, while the general public become the greatest culprits. Nevertheless, from MacDonald (2008), corruption is also instigated by private power holders (Thelander 2005). Evidently too, the practice is against the ethical principle of impartiality. As summarised by Karl Krauss, “Corruption is worse than prostitution.

The latter might endanger the morals of an individual, the former invariably endangers the morale of the entire country” (Majeed, & MacDonald, 2011, p. 2). It is with the continued venom that corruption continues to spill on Kenyans and Africans in general, that this paper is written.

Political discourse appertaining to leadership in Kenya has increasingly discussed integrity on many occasions quoting Section Six of the Kenya Constitution (2010). A significant number equate integrity to corruption, and reduce its litmus test to being subjected to a court process and having been convicted (TI, 2012). Such a reductionism, perpetuates justifications fronting a society that lacks the desire to deal with integrity issues. In the appendices, the write-up has created a 27-entry questionnaire developed from Agunda (n.d); Chapter Six of The Kenyan Constitution (2010), and the Leadership and Integrity Act (2012). The Likert scale evaluation questionnaire aims to have the individual reader, take this test in reference to the self, in reference to known local leaders (religious, public servants and politicians), before embarking on doing the same with national leaders. Only after a clear understanding of the integrity identifiable indicators, can one meaningfully engage in its discourse.

For the sake of this paper, integrity takes on the definition from the Oxford Advanced Learner’s Dictionary (2000, P.623), “the quality of being honest and having strong moral principles”. Its entries are as given in the appendices. On its part, the definition of corruption is as given in the prior paragraphs, where it entails using positional power-public or private- for narrow private gain rather than for public good. The convergence of integrity and corruption is noted in the following entries: iv and vi of the general code of conduct and ethics for public officers, namely, “Prohibition from improper enrichment” and “Collections of and soliciting for funds” (Agunda, n.d. p.1). Only two of the 15 entries given, point towards corruption in the way defined prior. In relation to the Leadership and Integrity Act (2012), and Article 232 (1) of the Constitution of Kenya Chapter Six, entries vi, ix, xi, xii, xiii, and xxvi (six out of 28 entries), speak of corruption (Agunda, n.d., p. 3). These are: “Financial integrity including prohibition of unlawful enrichment and acceptance of personal loans/benefits; Wrongful or unlawful acquisition of property; Participation in tenders; Public collection of funds; Opening or operating a bank account outside Kenya; and [avoidance when it comes to] Payment of taxes, financial and legal obligations.”

All the other entries explore the issue of integrity that surpasses the mere taking of bribe and being corrupt at the level of profiting oneself. The focus of leadership and integrity therefore, is more on sustainably building a just society. It is based on this, and founded on the given understanding of corruption, that this write-up chooses to focus on corruption, and at a later write-up, deal with the larger issue of leadership and integrity. Evidently, reducing integrity to these corruption issues, does de-service to the Constitution and to Kenyans.

What Faces does Corruption Take?

While it is all right to stand on political platforms and promise to fight corruption, it is important that the fight is tailor-made towards specific areas. The paper hypothesises that part of the failure to deal with corruption in Kenya, has been pegged on the attempts to wholly deal with it. This section thus, deals with notable identifiable indicators of corruption.

Land injustices- Boone, (2012) discusses land conflict in Kenya. He addresses how land distribution has been carried out in this country. In Kenya, land issues are clearly noted as largely contributing to classifications of persons into haves and have-nots; rifts between ethnic communities; and subsequent large expressions of discontentment, leading to high levels of corruption (Syagga, 2013; for a comprehensive summary refer to the appendix). It raises questions when politicians talk of issuance of title deeds to the Kenyan landless (Kanyinga, 2000; Kenya Land Alliance, 2018); “how elites grant or withhold property rights to consolidate political support or suppress rebellion” (Klaus, 2020, p. 2; Boone, 2014). This apparent act of benevolence continues to be used as a political bait with an aim to wooing voters. No wonder it often comes just before elections. Why should Kenyans be given land by leaders? When and how did poor Kenyans become landless, and now have to be favoured through being given land? It is not also surprising that there are constant demolitions and large numbers of squatters (Kanyinga, 2000). It is certainly insulative for a Kenyan to be a squatter in their own country, and to live with constant fears of the ugly reality of evictions. Only when this is genuinely addressed, can we discuss forthright efforts towards fighting corruption.

Tokenism: Linked to land, Syagga (2013) highlights how during the Kenyatta and Moi Governments, land was used as a token to propagate political patronage. Direct land grants were issued leading to increased disgruntled individuals and fuelled corruption. Further discussion on tokenism defines it as “‘the policy of making only a ...symbolic gesture toward the accomplishment of a goal...’ or ‘the practice of hiring or appointing a token number of people from under-represented groups in order to deflect criticism or comply with affirmative action rules.’ ... [it is] a cosmetic treatment of a situation that does not get to the root of the problem...[it] does not [bring] change [in]... social systems but works to preserve them, since it dulls the revolutionary impulse.” (Nanyom, 2007, p.7/8). On this note, tokenism that may pose as care to the needy, pacifies the electorates’ efforts to question their leaders, paverts their freedom in critically electing right leaders, and thus contributes to the proliferation of corruption.

In Kenya, not only do we experience tokenism during electioneering period, but also when seeking services. It is often given in the form of bribe. Nilsson (2009) discusses the issue of bribe. In addition, Thelander (2003) gives a thorough analysis of types of bribes under the sub-title “advantaging”. With tokenism, its practice may start as a sign of appreciation, then a subsequent growth into seeking favours, getting undue advantage over those that are not extending the token, and later flourishes into situations where no service is given when one offers no token. These stages hence make tokenism a favourable prerequisite for corruption as realised in Kenya.

Procurement: Procurement refers to the “supply of inputs that are important for all levels” and functions of the public establishment (Manyara, 2016, p.1). In Kenya, procurement takes 45% of the national budget (p. 6). With such large amounts readily collected and available, the area attracts high levels of corruption, averaging between 10 to 25% of contract value (TI, Corruption & Public Procurement, 2010). Evidently, as per the Kenya Corruption Perception Index (2010), the country lies 139th out of 176, with 80% of the corruption being in procurement (KACC Perception Survey, 2010). Notably, the Public Procurement and Disposal Act, plus other relevant legislations, are yet to make a significant impact.

According to Manyara, (2016, p.39), Collusion (C) of officers awarding tenders [but also collusion of values, and of interests], Remuneration (R), Pressure from Management (PM), Pressure from Society (PS), Social Status (SS) and Protection (P) [among officers] are key factors contributing to corruption in the procurement process. Corruption in Kenya, is realised through “inviting only preferred firms for bidding, favouring and designing tenders in favour of particular firms and giving confidential information to firms of interest (Manyara, 2019, p. 39; Odhiambo & Kamau, 2005).

Procurement therefore, becomes an ugly face that corruption in Kenya takes. With the continued substantive amounts from taxes ending up in individual pockets, the very tax paying Kenyans are largely disadvantaged. Indeed, they are robbed off their hard-earned money, increasing their levels of poverty while on the contrary enriching few public officers. The Procurement Act aimed at ensuring transparency and accountability (OECD, Government at a Glance, 2009), is certainly yet to effectively combat the vice. The next face of corruption is advantaging.

Advantaging: Corruption is looked at as bribe (Nilsson, 2009). Michael Reisman defines bribe in three ways: transaction bribes- given to speed things up or make proceedings move quicker; variance bribes- get the recipients to bend the rules; outright purchases bribe- buy the recipient so that he gains instead of the organization (Thelander 2005, p, 14/15). In this face, the giver of the bribe is advantaged in that the time spent is lessened while the recipient profits financially. However, others in the queue are denied justice. Engaging in the practice over time, proliferates into no bribe, no service situation. Also, when the rules of the organisation are bent, the public good receives the harm and by extension the general public. This may be in the form of the beneficiary not receiving the penalty that is accrued by the act. A case in mind would be when motorists (vehicle or even motor riders) get involved in an offence and bribe the traffic police, thus getting authorization and protection to go on with the wrongdoings (Onyango, 2022). As long as corruption continues to proliferate in Kenya, justice is denied those whose hard-earned money is “stolen”, the gap between the rich and the poor continues to widen, and the country’s poverty levels continue to escalate.

Power-money-injustices-poverty-corruption are certainly bed-fellows in Kenya. Persons make use of the power vested upon them to engage in corrupt deals. Through the corrupt deals, they facilitate injustices to the citizens they are meant to serve and in so doing, nurture injustices and poverty. The continued question is what needs to be done to change this trend?

Also, Kenya appears to continue to suffer the consequences of corrupt leadership. Starting from Kenya’s independence, the office of the president was made extremely powerful to a point that all those around this leadership could literally do anything without being questioned (Nilsson, 2009). This led to immense implant of corruption (Johnston, 2005). With time, this vice has continued to trickle down to lower offices (Syagga, 2013), to county governments, and even to the private sector (van Rij, 2021). With the clear implications that corruption generates, additional efforts are needed.

Various African governments, not leaving out Kenya's Jubilee Government, have been challenged on matters related to heavy borrowing (Bett, 2018; A.I., 2022). While this is not negative in itself, it has been associated with huge government spending (hefty spending on non-budgeted projects (Ndi, 2017; Kagonye, 2022)). These state-related situations contribute to corruption raising various questions: concerning government fiscal planning (including borrowing, distribution and spending), how much should state officers (including the president, the elected county leaders and parliamentarians) do without public participation defined as "the involvement of those affected by a decision in the decision-making process" (The National Assembly, 2017)? As noted in the same sheet, public participation needs to inform "the process of interaction between an organization and the public with an aim of making an acceptable and better decision. The process involves informing, listening, dialogue, debate and analysis as well as implementation of agreed solutions" (p.2). Without public participation, fighting corruption becomes a huge challenge.

In Kenya, utilization of resources has to prioritize public interest: food security, affordable and accessible health care, work and employment related education, as well as improvement of household earnings, key issues in individual and societal development (Kiingati, 2021). Rendering this secondary place, or diverting finances intended for these, to private and non-priority projects, adds to corruption.

In addition, other worrying trends instilling fear to the public include extra-judicial killings (A.I., 2022) that are associated with the law enforcers. These add to the efforts to silence the public on fighting for justice. Thus, creating fertile grounds for continued corruption. Addressing these faces of corruption is key to making steps towards a more democratic and corrupt-free country. Before embarking on the action plan, the phases that corruption follows are given.

What Phases has Corruption Followed?

Corruption appears to have been present from as early as 4th C. B. C. with the story of Kautilya Chanakya (Brioschi, 2017). Other stories from the same author narrate issues in 1500 B.C. concerning "*The Poor Man of Nippur*". There is also the mention of Hammurabi in the corruption discourse. In reference to the Old Testament, Brioschi (2017) gives examples of judges and rulers engaging in the exchange of items in return for favours. Such is also seen in the words of King Saul in (I Samuel 9:7). The warning in Exodus (23:8), also refers to existence of corrupt deals. Later in reference to Peter (the Apostle), he rebukes attempts to receive bribe in order to extend divine gifts (Acts 8:18–19). All these cases show ancient origins of corruption, leading to the realization that, as long as the human society has had persons in power versus subjects, corruption has been present.

Taenzler, Maras, and Giannakopoulos (2012) discuss corruption in Europe. The contributors, address the difficulties of reducing corruption to identifiable indicators, yet the importance of doing so. This is because this vice is linked to the socio-historic contexts of a people having tri-lateral tenets of the giver, the receiver and the environment. Within corruption, some profit though to the detriment of the greater good. Due to this profit, it is thus often an ethical matter where some may be of the opinion that it is good. On this platform therefore, this power-relation vice incorporates a people's moral-value base.

Corruption practiced over time takes on a systemic and structural base. It becomes a people's way of life and is thus normalised. Such complacency then leads to gradual yet increased degradation of a people. Efforts to mitigate the effects of the vice call for structured and multi-faceted efforts that are all inclusive: legislative, institutional, political (policies), economic (fair & competitive). A notable powerhouse in fighting corruption is the media, both social and mainstream.

Another major work on issues of corruption in Europe is that by Uslaner and Rothstein (2016). The authors explore the historical roots of corruption under the sub-topics state building, economic inequality and mass education. For these authors, mass education is a major contributor to lowering the corruption in Europe. Through education, equality (including gender equality) is nurtured, values inculcated, and bravery to question when leaders engage in corrupt practices.

In America specifically U.S.A., Etzioni (2013), discusses political corruption. He brings to play judicial corruption that is instigated by either institutions or by the political power. In addition, he reiterates factors that contribute to the proliferation of corruption among them debilitating restrictions, weakened law enforcement, and weakened penalties. He sees the need to incorporate illegalities and illicity (non-ethical issues) in the fight against corruption. The role of regulatory agencies, the private sector, culture as well as reforms in the fight, are all significant. Additional contributions from this scholar are in the appendices.

Another contribution is by Lagunes, Yang and Castro (2019). This report whose focus is on Uruguay, Chile, Costa Rica, Mexico, Peru, Paraguay and Bolivia, states the worrying trend of corruption in these countries (Morris & Blake, 2009). In Latin America, corruption takes place largely in procurement (Di Tella & Ernesto, 2003) and in governments (Hunt, 2006; Grajales, Lagunes, & Nazal, 2018). It is realised as police demand bribe from the marginalised (Fried, Lagunes, & Venkataramani, 2010), and in political patronage and loyalty (Buetet & Piñeiro, 2017). Following that, there have been documentations of presidential scandals (Lagunes, Yang & Castro, 2019). In general, the process limits growth (Fisman, 2010), increasing fiscal deficits and debt.

Suggested steps towards combating the fight include seeking government transparency (Cordis & Warren, 2014). It is also important to have freedom of information concerning government matters (Lagunes, Yang & Castro, 2019). Additional steps include enforcing penalties (Olken, 2007), increasing citizen participation and use of technology (Bussel, 2012; López-Iturriaga, & Iván, 2018; Pérez, Fernanda, & Ziff, 2019). There are also calls to eliminate opportunities for officials to demand ‘rents’ (Lagunes, Yang & Castro, 2019), and need to take advantage of whistle-blowers (Rose, 2016), This will happen if they are granted protection and are given incentives (Mesmer-Magnus & Viswesvaran, 2005).

In East Asia, Hellmann (2017) explores the cases of Singapore, Taiwan, Malaysia, South Korea, Philippines, Indonesia and Thailand. He concentrates on the mobilization of resources especially the coercive resources that are a necessary condition for corruption. In his work, three types of corruption emerge. The first is the elite cartel. This is where private business owners and politicians collude to buy influence over key decisions. They do so in order to preserve their status quo and solidify their networks. They do so through, making contributions to support each other, politicise bureaucracies to make accessibility of natural resources difficult for others, and share corruption loot (p. 6). Cases of this corruption were in Singapore, Taiwan, South Korea, and Malaysia.

The second type of corruption is oligarchs and clans where the “big men” remain the main actors. They do all to protect corruption profits from competitors. They also ensure that business patterns as well as Government decisions in the country, are predictable and to their favour. Through them there is large scale theft and fraud of public resources. Such corruption was prevalent in Thailand and Philippines.

The third category of corruption is of official moguls. The main actors are those in the inner governance circle as they have political dominance. Theft of both public and private assets is prevalent. This corruption was realised in Indonesia (Johnston, 2014; Hellmann, 2017).

In Sub-Saharan Africa, decolonization was institutionalised. On the one part there was the big man organising the small man (Berman, 1998). Discussing neopatrimonialism within the Patron-Client Theory, Michael Bratton and Nicolas van de Walle, discuss the “big man” who rules the citizens who in turn have no rights or privileges other than those he grants them (Bratton & van de Walle 1997). This system weakens the formal rule and institutions, though it may not necessarily destroy them. The system often leaves longer than the individuals and mutates into different forms (Bratton & van de Walle 1997) through power brokers (Diamond, 2008) seeking to continue controlling the resources (Manzetti & Wilson, 2007; Nilsson, 2009).

This system appears to have been inherited from the colonial masters (big man) who were in charge of the locals (small man) (McConnell, 2005). This dichotomy set a fertile ground for corruption. In the subsequent independent era, the new African masters, took the position of the “big man” with authority, to mobilise national natural resources to their favour (Hellmann, 2017), thus creating oligarchic and mogulian elites. This is contrary to what happened in Anti-corruption overachievers (Chile, Uruguay, Costa Rica & Botswana) (Hellmann, 2017) where patron-client politics were not realised due to controlled mobilization of resources.

In Kenya, colonization took the shape of settlers in the White Highlands (Syagga, 2013). This move, consolidated lands, shifting ownership from the earlier clan-owned properties (Maina, 2008). At independence, the consolidated lands were easily identified by the new African leaders, who in turn used the land resource to create individual wealth amidst immense power (Johnston, 2005). This wave raised them to the levels of oligarchs and moguls, leaving the rest of the citizens grappling with poverty. This was the first step towards creating a fertile ground for corruption. This trend has continued and, in the Transparency, International Corruption Perception Index report of 2009, Kenya was ranked 146 out of 180 (transparency.org).

The transport industry portrays one quick glance at corruption in Kenya. Traffic police are often designated at specific places, where they often stop matatu operators, pick-ups and lorries to get bribe (Nilsson, 2009). While this is increasingly becoming an acceptable practice in Kenya, it continues to show the daring face of corruption, denoting a defeatist attitude.

Health services in Kenya, are provided by both private and public facilities. The private facilities are often expensive and out of reach for many from the general public (Nilsson, 2009). Even with the National Health Insurance Fund, the poor find it difficult to seek services from private facilities due to the out-of-pocket requirement (MOH, 2009; Chuma & Maina, 2012). These classes of people seek services from public health facilities. Even then, there is corruption within these facilities (KACC, 2010), hindering delivery of service to the patients. The availability of several services among them laboratory tests, and also medication, often calls for out of pocket payments (Chuma & Maina, 2012), continuing to create fertile ground for corruption. This then leads us to the question; is corruption wrong?

What is Wrong with Corruption?

When a people live with a vice for so long, and when others are born into a vicious society, they may find it hard to realise the vice as a vice, and this situation is so for corruption (OECD, n.d). There are others who were born and maternity monies paid using corruption money, they were enrolled in schools through corruption, passed national exams through corruption, and finally got jobs through corruption. Such persons, who (plus the subsequent generations) continue to enjoy the proceeds of corruption, hardly know any other life other than that within corruption. Based on that, the key question is repeated; what is wrong with corruption?

Cost of corruption: “A World Bank study conducted in 2002 stated that the world spends 1 [one] trillion dollar per year on bribes” (Nilsson, 2009, p. 4; Nwabuzor, 2005, p. 121). This is money that could be used for development programmes geared towards poverty reduction. On this note, corruption hinders economic development as proceeds from the vice are often spent on imported luxurious goods, thus enriching persons other than those from the mother country.

Proliferates unfair play and injustice: Those that are meant to ensure justice and fair play are mainly the police. In the East African Bribery Index 2009 the police were rated leading in corruption in Kenya. About 63.4% of those who came into contact with the police: 10.4% who refused to pay bribe were denied assistance while 59.2% got the service after paying bribe (TI Kenya, 2009). What matters therefore, is how much one can give, not competencies. This kills competitiveness, and leads to bad blood among competitors (eliminations).

Elevates non productivity: With corruption, investment and operations within the private sector face steep challenges in the area of costs and in getting the required licences (OECD, n.d; Bardhan, 1997; Ugur & Desgupta, 2011). This negatively influences investment and thus productivity. It also slows down a country’s attempts towards job creation. Attempts to be less corrupt become punitive, thus creating unfair play in business (OECD, 2010).

Nullifies value-based checks and balances: According to Karklin, (2005) analysing post-communist countries, when people’s attitudes are that honesty is not important, and that all can be justified and excused, corruption really thrives and the “rule of law becomes undermined” (Nilsson, 2009, p. 19).

Slows democracy and stability of political systems: High levels of corruption are closely linked to lower life expectancy and (low) school enrolment (Dreher & Herzfeld, 2005). It also increases income and life inequality-welfare (Gupta, Davoodi, & Alonso-Terme, 1998; OECD, n.d.), negatively affects sustainable growth (Aidt, 2009), and creates an environment where government regulations are avoided while undermining the rule of law (Biswas, Mohammad & Marcel, 2011; OECD, n.d.). In addition, corruption encourages inefficient tax structures (Andrews, Sanchez & Johansson, 2011), and in general social and civil trust are lowered as well as confidence in government (OECD, 2013). These factors create distance between government and the citizenry thus slowing democracy and creating instability in political systems.

What Makes Corruption So Elusive Despite Immense Efforts to Combat it?

While dealing with corruption, it becomes challenging to establish a direct correlation between this vice and economic output or even anticipated deliverabilities. This is because the efforts bring to play “public sector governance indicators, like the rule of law, government effectiveness, and regulatory quality” (OECD, n.d. p.2). Other components that also play a role include value creation. In addition, there are studies that show high levels of GDP growth amidst countries that have high levels of corruption, hence the Asian paradox (p. 14). These complexities leave some wondering whether corruption is as big a vice as stated, or even wonder if it should be combatted at all.

From literature, it is evident that Kenya has made steps in combating corruption. Nevertheless, as per the Kenya Peer Review Report of May 2006, “Kenya has had, and continues to have, a significant problem of corruption” (APRM Secretariat, 2006, p. 25). What is it that makes this vice so elusive? Evidently there is plenty on paper, thanks to the Mwai Kibaki regime. However, this is certainly not enough (Hope, 2013).

Passivity and Docility: When individuals tend towards passivity, they tilt towards condoning and accepting corrupt acts, and so become less averse towards corruption (Gatti & Stefano–Rigolini, 2003); Nilsson, 2009). There appears to be a defeatist attitude and a general acceptance that corruption is normal.

Contagious Corruption: Corruption is not directly contagious. However, there is often a regional political, as well as language group culture that is part of African countries. Kenya’s borders have shared communities (North and North Eastern: -Oromo, Borana, Gabra, Turkana, Somalis; South: - Maasai; Western: - Karamojong, Acholi, Luos, Luhyas). What happens in Ethiopia, South Sudan, Somalia, Tanzania, Uganda and Tanzania, affects Kenya. This is the meaning of the quote, “neighbouring countries share common political cultures and adopt similar institutions. These common political cultures are very close to [levels of] corruption” (Nilsson, 2009, p.3; Hillman & Swank, 2000; Becker et al., 2009). This means that if a neighbouring country has indicators that tilt towards nurturing corruption, Kenyans have to be concerned at individual and at national level. Individuals and leaderships in the concerned border regions need to have clear and deliberate mechanisms to stop the vice from spilling over.

Corruption mutates: The changing faces of corruption (land injustices, tokenism, procurement, an advantaging), as well as the phases of corruption discussed, show the challenges related to understanding corruption. Additional information is given under the title what makes corruption elusive. These issues make this paper tag the term mutation, on corruption, thus making it even harder to tackle. This sheds light on the following section what needs to be done to counter corruption in Kenya?

What Needs to be Done to Counter Corruption in Kenya?

In Kenya, Hope (2013, p. 298) states that the fight against corruption has not been won because of:

- (1) a lack of cooperation and goodwill from concerned government officers and institutions;
- (2) The inability to enforce its recommendations and compel public officers to respond to Public Complaints Standing Committee (PCSC) inquiries and concerns;
- (3) Presence of manual systems of operation which undermine internal efficiency.

In addition, Hope (2013) recommends transformational leadership; those who “inspire followers to change motivations, expectations, and perceptions to work towards common goals” (p. 300). She also advocates for deterrent punishment, as well as having in place reform strategies which include enhancement of “ethical behaviour” and “public accountability” (p. 302). She notes that political will in itself is “impotent” (Hope, 1999). There is also need to enhance institutionalization of transformation (Andrews, Mc Connell & Westcott, 2010).

Notably also, “corruption was [is] nurtured and perfected by those in authority. Parliament was [remains] impotent, because the party threatened [threatens] those perceived as against the establishment with expulsions. The judiciary was [is] compromised and it did [does] nothing to improve the situation...[it] was [is] also corrupt” (Anassi, 2004, p. 109). Also, there is a clear link between economic development (financial market), political stability, democracy, and corruption (Majeed, & MacDonald, 2011).

Based on these realities, what lessons can Kenya have from elsewhere?

Democracy: The term democracy is understood as per Abraham Lincoln’s definition, “government *of, by and for* the people” (Nanjom, 2007, p. 3). With an empowered populace, through democracy, “Democratic nations ... face lower degrees of corruption since corrupt officials, whether elected or appointed, face a threat of losing public office (i.e., their rent-seeking potential) ... [it] offers unique rent-seeking opportunities in less democratic countries” (Goel & Nelson, 2008, p. 10). For this reality to be actualised, the public is called upon to exercise their oversight role. Ultimately, this role is done at the ballot when the electorate decide on who to give the leadership mandate. A critical analysis of each leader is paramount, supersede ethnicity, clannism, gender, and even the individual’s economic power. That notwithstanding, there is need for the electorate to remain vigilant throughout the five-year term. The leader needs to know and feel that they are being watched by those who elected them. Only then, will they be kept on toes in their performance on accountability and transparency (OECD, n.d). Also, for there to be a rationale decision making process in elections, tokenism has to be kept on check since it undermines the electorates’ power to realise free and fair elections (Nayonjom, 2007).

Land issues: Land is a source of wealth creation, and accounts for the wealthy status of a significant number of persons who have been in leadership (Syagga, 2013). Subsequently, persons that have had (and continue to have) large pieces of land, and have thus, higher wealth, have been able to (and are more likely to) access education thus a correlation between land, poverty, and education (Gathiaka, 2021). Their wealth has continued to advantage them over the rest of the citizenry. There is therefore, an urgent cry that land injustices in Kenya, be dealt with, for there to be more equity and equality (Syagga, 2013). The continued land barons versus squatters as revealed through the different commissions on land issues in Kenya (Akiwumi Commission, 1999; GOK, 2008-Waki Commission)

point towards the urgent need to deal with land issues as a way to counter corruption. Additional information on tackling issues of land and corruption are given by Transparency International (2015).

Education: Education is seen as a value enhancer. It does so in nurturing honesty, hard work, diligence and respect. It also contributes largely to equality (including gender equality), factors facilitate low levels of corruption (Uslather & Rothstein, 2016). Also, “more educated people are likely to complain about corruption” (p. 229). Importance of education in dealing with corruption is also noted in Reinikka and Svensson, (2005) and in Botero, Ponce and Shleifer, (2012). Also, through education, “... all children were [are] taught to identify with the state and its goals and purposes rather than with local politics (estates, peasant communities, regions, etc.)” (Ramirez & Boli, 1987, p. 4). Children are taught to be together (p.34).

Religion: This is seen as a contributor towards lowered levels of corruption (Alesina, Amaud, William & Sergio, 2003; Samanta, 2011; Shadabi, 2013). This is in line with the religions’ ability to promote education (Uslather & Rothstein, 2016) which as noted in previous sub-titles is key in promoting values geared towards lowered corruption. Inversely, when religion promotes passivity, it promotes corruption since its members are more docile and complacent when their leaders engage in corrupt dealings (Obaji & Ignatius 2015). In order for religion to contribute towards lowered levels of corruption, it should also encourage positive wealth creation (Anderson, 2019).

Free Press: “free press with a broad circulation is important for curbing corruption” (Uslaner & Rothstein, 2016, p. 230) (see also Brunetti & Weder, 2003). The traditional understanding of government was, engulfed with secrecy. Citizens are encouraged to continue engaging with government information in order to deal with corruption; knowledge is power (Adili, 2014). On the part of the government, it continues to be obliged to avail information to the public as indicated in the Constitution of Kenya (2010, Act 35):

Access to information 35. (1) Every citizen has the right of access to— (a) information held by the State; and (b) information held by another person and required for the exercise or protection of any right or fundamental freedom. (2) Every person has the right to the correction or deletion of untrue or misleading information that affects the person. (3) The State shall publish and publicise any important information affecting the nation (also cf the Official Secrets Act, 1992).

Economic Development: There is a significant link between economic development and corruption. According to Majeed and MacDonald, (2011), “a standard deviation increase in financial intermediation is associated with a decrease in corruption of 0.20 points” (p. 1). The authors also note that when markets operate with low competition, public officials have a tendency of demanding high premiums thus increased corruption. This is referred to as non-collusive corruption (Foellmi & Oechslin, 2007). Nevertheless, there are also other factors that influence corruption levels as noted in the previous sub-titles. Studies also take note of the use of corruption among leaders seeking bureaucratic positions, often with funds solicited from close associates. When this happens, the move widens the corruption stake (Boerner & Hainz, 2009).

Continued citizen vigilance: Public participation is noted as the Citizen's best weapon against graft (Adili, 2012). Based on the Constitution of Kenya (2010), Article 196 (1)(b) – “requires that the county assembly facilitates public participation in the legislative and other business of the assembly.” In addition, Section 10(2)(a) includes participation of the people as part of the national values and principles of governance. Section 201(a) also outlines public participation as one of the principles of public finance alongside openness and accountability.

These requirements implore on the citizens to hunger for information on matters governance including land, and procurement issues that continue to nurture corruption. In so doing, accountability shall be enhanced and corruption lowered. While participating in the ballot is essential, continued vigilance is more important in the fight against corruption.

Conclusion

This paper has shed light on matters corruption informed by literature. The varied definitions of corruption, faces as well as phases have been given. In addition, questions on the elusive nature of corruption have been addressed, amidst them the question, is corruption wrong? The different vices associated with corruption leading to the realization of its detriment to the common good are elucidated. While temporarily, the individual who gets rich from proceeds of corruption may enjoy, the ultimate loss to the individual's subsequent generations (due to lowered moral standards), as well as the integral loss to the environment, within which the individuals remain, prevail. For there to be deterrence, punitive measures need to be put in place at policy level to ensure increase on the risk of the concerned corrupt individuals. Relevant Civil Society Organisations among them NGOs and FBOs have a continued significant role to prioritize on effective, yet deliberate methods to combat corruption. This paper also largely obliges the public, the greatest losers on matters corruption, to be vigilant through public participation, interest in public information, as ways of following up on their casting the ballot. While cultures are difficult to change, steps in the right direction of change are preferable to a docile wait and see attitude.

References

- Adili (2012). Public Participation: Kenya's Best Weapon against Graft and Poor Governance, 135. Available at <https://tikenya.org>.
- Adili (2012). Integrity: The Ultimate Standard for Leadership, 136. Available at <https://tikenya.org>.
- Adili (2014). Access to Information: A Tool that Citizens can Use in the Fight against Corruption, 147. Available at <https://tikenya.org>.
- Adsera, A., Carles, B., & Mark, P. (2003). Are You Being Served? Political Accountability and Quality of Government. *Journal of Law, Economics and Organization*, 19, 445-490.
- Agunda, W. (n.d). Expectations of Integrity in the Public Office in Kenya. Available at <https://warwick.ac.uk>.
- Aidt, T. S. (2009), Corruption, Institutions and Economic Development, *Oxford Review of Economic Policy*, 25(2), 271–291.
- Akiwumi Commission. (1999). Report of the Judicial Commission of Inquiry Appointed to Inquire into the Tribal Clashes. Available on line at www.scribd.com.
- Alesina, A., Arnaud, D., William, E., Sergio, K., & Romain, W. (2003). Fractionalization. *Journal of Economic Growth*, 8(2), 155-94.
- Ampratwum, E. F. (2008). The Fight Against Corruption and its Implications for Development in Development and Transition Economies, *Journal of Money Laundering Control*, 11(1), 76-87.
- Anassi, P. (2004). *Corruption in Africa: The Kenyan Experience*. Victoria, BC: Trafford Publishing.
- Anderson, G. (2019). Corruption in the wake of High religiosity in Ghana: Questioning the Possibility. *Journal of Religious and Theological Studies*, 1(2), 112-120. DOI: 10.32051/06241911. Available at <https://www.researchgate.net/publication/337030071>
- Andrews, M., Mc Connell, J., and Westcott, A. (2010). Development as Leadership-Led Change: A Report for the Global Leadership Initiative. Washington, DC: World Bank.
- Andrews, D., Sanchez, A. S., & Johansson, A. (2011). Towards a Better Understanding of the Informal Economy, *OECD, Economics Department Working Papers* No. 873.
- APRM (African Peer Review Mechanism) Secretariat. (2006). Country Review Report of the Republic of Kenya. Midrand, South Africa: APRM Secretariat.
- BBC, (February 17, 2004). “Moi ‘ordered’ Goldenberg payment”. See also H. Maupeu, “État, économie et développement au Kenya”, in: M.-A. Fouéré, M.-E. Pommerolle & C. Thibon (eds.), *Le Kenya en marche, 2000-2020*, Paris/Nairobi: Africae, 2020, pp. 29-73.
- Becker, S. O., Egger, P. H., and Seidel, T. (2009). Common political culture: evidence on regional corruption contagion. *European Journal of Political Economy*, 25, 300–310.
- Berman, B. J. (1998). Ethnicity, patronage and the African state: the politics of uncivil nationalism. *African Affairs*, 97(388), 305–341.
- Bett, J. K. (2018). Public Debt Management in Kenya: A Case for Review of the Legal and Policy Framework. Available at SSRN: <https://ssrn.com/abstract=3187272> or <http://dx.doi.org/10.2139/ssrn.3187272>
- Biswas, A. K., Mohammad, R. F., and Marcel, P. T. (2011). Pollution, Shadow Economy and Corruption: Theory and Evidence, *CES-ifo Working Paper Series* No. 3630. Available at SSRN: <http://ssrn.com/abstract=1959268>.
- Boerner, K., and Hainz, C. (2009). The political economy of corruption and the role of economic opportunities. *Economics of Transition*, 17(2), 213–240.
- Boone, C. (2012). Land Conflict and Distributive Politics in Kenya, *African Studies Review*, 55(1), 75-103.
- Boone, C. (2014). *Property and Political Order in Africa: Land Rights and the Structure of Politics*. Cambridge: Cambridge University Press.
- Botero, J., Ponce, A., and Shleifer, A. (2012). Education and the Quality of Government, *NBER*

Working Paper. Available at www/nber.org/papers/w18119.

- Bratton, M., and van de Walle, N. (1997). *Democratic Experiments in Africa: Regime Transition in Comparative Perspective*. Cambridge: Cambridge University Press.
- Brioschi, C.A. (2017). *Corruption: A Short History*. Washington: Brookings Institution Press.
- Brueckner, J., (2000). Fiscal Decentralization in Developing Countries: The Effects of Local Corruption and Tax Evasion. *Annals of Economics and Finance*, 1, 1-18.
- Brunetti, A., and Beatrice Weder, B. (2003). A Free Press is Bad for Corruption. *Journal of Public Economics*, 87, 1801–29.
- Bukovansky, M. (2015). Corruption Rankings: Constructing and Contesting the Global Anti-Corruption Agenda. In A. Cooley and J. Snyder, (eds). (pp. 60-84). *Ranking the World: Grading States as a Tool of Global Governance*. Cambridge, UK: Cambridge University Press.
- Buquet, C. D., & Piñeiro, R. (2017). The Uruguayan Way from Particularism to Universalism. In A. Mungiu-Pippidi and M. Johnston (eds), *Transitions to Good Governance: Creating Virtuous Circles of Anticorruption* (pp. 57-101). Northampton, MA: Edward Elgar Publishing Limited.
- Burbidge, D. (2015). *The Shadow of Kenyan Democracy: Widespread Expectations of Widespread Corruption*, London: Routledge.
- Bussell, J. (2012). *Corruption and Reform in India: Public Services in the Digital Age*. New York: Cambridge University Press.
- Cheeseman, N. G. L. and Willis, J. (2021). *The Moral Economy of Elections in Africa*, Cambridge: Cambridge University Press, 2021.
- Chege, M. (2008). Kenya: Back from the Brink? *Journal of Democracy*, 19(4), 126-139
- Chuma, J., and Maina, T. (2012). Catastrophic health care spending and impoverishment in Kenya. *BMC Health Services Research* 12(1), 413. Available at <http://www.biomedcentral.com/1472-6963/12/413#B4>.
- Cordis, A., and Warren., P. (2014). Sunshine as Disinfectant: The Effect of Freedom of Information Act Laws on Public Corruption. *Journal of Public Economics* 115, 18-36.
- Daloz, J.-P. (2003). Big Men in Sub-Saharan Africa: How Elites Accumulate Positions and Resources”, *Comparative Sociology*, 2(1), 271-285.
- Di Tella, R., & Ernesto, S. (2003). The Role of Wages and Auditing During a Crackdown on Corruption in the City of Buenos Aires. *Journal of Law and Economics* 46, 269-292.
- Diamond, L. (2008). The Rule of Law versus the Big Man. *Journal of Democracy*, 19(2), 138-149.
- Dreher, A., and Herzfeld, T. (2005). The Economic Costs of Corruption: A Survey and New Evidence, Available at SSRN: <http://dx.doi.org/10.2139/ssrn.734184>.
- ESAAMLG (Eastern and Southern Africa Anti-Money Laundering Group). (2008). “Memorandum of Understanding of the Eastern and Southern Africa Anti-Money Laundering Group (Amended August)”. Available at http://www.esaamlg.org/documents_storage/2009-3-3-8-3123_esaamlg_mou_as_amended_by_council_of_ministers_mombasa_kenya_august_2008.pdf.
- Etzioni, A. (2013). Political Corruption in the United States: A Design Draft Article in *Political Science and Politics*, DOI: 10.1017/S1049096513001492. Available at <https://www.researchgate.net/publication/270940301>.
- Fisman, R. (2010). The Bad Kind of Corruption. *Foreign Policy*, March 24th. Available at <https://foreignpolicy.com/2010/03/24/the-bad-kind-of-corruption/>.
- Foellmi, R. and Oechslin, M. (2007). Who gains from non-collusive corruption? *Journal of Development Economics*, 82(1), 95–119.
- Fried, B., Lagunes, P., & Venkataramani, A. (2010). Inequality and Corruption at the Crossroads: A Multi-Method Study of Bribery and Discrimination in Latin America. *Latin American Research Review* 45 (1), 76-97.

- Gathiaka, J. K. (2021). Land Ownership Inequality and Inequality in Education Attainment in Kenya. *AERC Research Paper 473*, Nairobi: African Economic Research Consortium.
- Gatti, R– P., Stefano–Rigolini, J., (2003). Individual Attitudes Toward Corruption: Do Social Effects Matter? *World Bank Policy Research Working Paper 3122*.
- Githongo, J. (2007). Kenya’s Fight against Corruption. Center for Global Liberty and Prosperity, 2, Available at <https://www.issuelab.org>.
- Goel, R.K. and Nelson, M. A. (2008) : Causes of corruption: history, geography and government, BOFIT Discussion Papers, No. 6/2008, ISBN 978-952-462-903-4, Bank of Finland, Institute for Economies in Transition (BOFIT), Helsinki, Available at <https://nbn-resolving.de/urn:NBN:fi:bof-201408071925>.
- GOK (2004). Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land (*Ndung’u Commission*), Nairobi: Government Printer.
- Government of Kenya (2005). The Public Procurement and Disposal Act of 2005. Government Printer, Nairobi.
- GOK (2008). Report of the Commission of Inquiry on Investigation of Post-Election Violence (CIPEV), Available at www.kenyadialogue.org
- Grajales, A., Lagunes, P., & Nazal, T. (2018). *Anatomy of Urban Corruption: A Review of Official Corruption Complaints from a Mexican City*. Houston, TX: Rice University’s Baker Institute for Public Policy.
- Gupta, S., Davoodi, H., and Alonso-Terme, R. (1998). Does Corruption Affect Inequality and Poverty? *IMF Working paper 98/76*, Washington: IMF
- Hillman, A.L., and Swank, O. (2000). Why political culture should be in the lexicon of economics. *European Journal of Political Economy*, 16, 1–4.
- Hope, K. R. (1999). “Corruption in Africa: A Crisis in Ethical Leadership”. *Public Integrity* 1(3): 289-308.
- Hope, K. R. (2013). Tackling the corruption epidemic in Kenya: Toward a policy of more effective control, *Journal of Social Political and Economic Studies*, 38(3), 287-316.
- Hunt, J. (2006). Why Are Some Public Officials More Corrupt Than Others? In S. Rose-Ackerman (ed), *International Handbook on the Economics of Corruption* (pp. 323-47). Northampton, MA: Edward Elgar.
- Jain, A. K. (2001), “Corruption: A Review”, *Journal of Economic Surveys* 15(1), 71–121.
- Johnston, M. (2005). *Syndromes of Corruption*. Cambridge: Cambridge University Press.
- Johnston, M. (2014). *Corruption, Contention and Reform: The Power of Deep Democratization*. Cambridge: Cambridge University Press.
- Kagonye, F. (2022). William Ruto-My Plan for Kenya’s Sh8 trillion Debt. Standard Media. Available at <https://www.standardmedia.co.ke>.
- Kamau, J. (2009). How Prominent Kenyans Got White Settlements, Daily Nation Special Reports, 11 12 November 2009.
- Kanyinga, K. (2000) Re-distribution from above: The politics of land rights and squatting in coastal Kenya. *Research report no.115*. Nordic Africa Institute, Uppsala.
- Kenya Anti-Corruption Commission (KACC 2010) National corruption Perception Survey.
- Kenya Anti-Corruption Commission (KACC). (2010). Sectoral Perspectives on Corruption in Kenya: The Case of the Public Health Care Delivery. Available at <https://eacc.go.ke>.
- Kenya Land Alliance. (2004). Righting Wrongs: Historical injustices and land reforms in Kenya, *Policy Brief*, Nakuru: Kenya Land Alliance.
- Kenya Land, Alliance (2018) Kenya land issuance disaggregated data analysis. Available at <http://mokoro.co.uk/land-rights-article/kenya-land-issuance-disaggregated-data-analysis/>.

- Kiingati, J. B. (2021). Household/Education/Health Economies: Foundation and Sustenance for Social Transformation. Available at <https://afroheritageconsult.org/p=6063/6043/6048>.
- Klaus, K. (2020). Raising the stakes: Land titling and electoral stability in Kenya. *Journal of Peace Research*, 1-16, DOI: 10.1177/0022343319890383. Available at <https://www.researchgate.net/publication/338348139>.
- Kunicová, J. (2006). Democratic institutions and corruption. In S. Rose-Ackerman (Ed.), *International handbook on the Economics of Corruption* (pp. 141–188). Cheltenham and Northampton: Edward Elgar Publishing.
- Lagunes, P., Yang, X., & Castro, A. (2019). The State of Corruption in Latin America. Rice University's Baker Institute for Public Policy Report. Available at <https://www.bakersinstitute.org>.
- Lambsdorff, J. G., (2006). Causes and Consequences of Corruption: What do we Know from a Cross-Section of Countries?" (pp. 3-51). In S. Rose-Ackerman (ed.), *International Handbook on the Economics of Corruption*, Cheltenham, UK: Edward Elgar.
- Leadership and Integrity Act (2012)*. Nairobi, Kenya: The Government Printer.
- Leo, C. (1989). *Land and Class in Kenya*, Harare: Nehanda Publishers.
- López-Iturriaga, F. & Iván, P. S. (2018). Predicting Public Corruption with Neural Networks: An Analysis of Spanish Provinces. *Social Indicators Research*, 140, 975-98.
- Maina, N. J. (2008). Colonial Legacy and Land Conflict in Kenya: A Case Study of the Rift Valley Province, *M.A in International Conflict Management*. Institute of Diplomacy and International Studies. University of Nairobi.
- Maina, W. (2019). State Capture: Inside Kenya's Inability to Fight Corruption, *AfriCOG*.
- Majeed, M. T. and MacDonald, R. (2011). Corruption and financial intermediation in a panel of regions: cross-border effects of corruption. *Working Paper*, University of Glasgow, 2011–18.
- Manyara, D. N. (2016). Corruption in the public procurement process in Kenya: Case study of the Ministry of Devolution and Planning. *Masters thesis*, Nairobi: Business Administration Degree of the University of Nairobi.
- Manzetti, L., Wilson, C. J. (2007). Why do Corrupt Government Maintain Public Support? *Comparative Political Studies*, 40(8), 949-970.
- McConnell, J. A. (2005). The British in Kenya (1952-1960) Analysis of a Successful Counter insurgency Campaign. Calhoun: The NPS Institutional Archive. Available at <http://hdl.handle.net/10945/1926>.
- McDonald, O. (2008). From Local to Global – Stopping Corruption from Stunting Development. Christian Aid.
- Médard, J.-F. (1992). Le 'Big Man' en Afrique: esquisse d'analyse du politicien entrepreneur, *L'Année Sociologique*, 42, 167-192.
- Médard, J-F, (2002). "Corruption in the Neo-Patrimonial States of Sub-Saharan Africa". In Heidenheimer, Arnold J – Johnston Michael (eds.) *Political Corruption – Concepts and Contexts*. New Brunswick: Transaction Publisher. 3rd edition.
- Mesmer-Magnus, J. R., and Viswesvaran, C. (2005). Whistleblowing in Organizations: An Examination of Correlates of Whistleblowing Intentions, Actions, and Retaliation. *Journal of Business Ethics* 62: 277-97.
- Ministry of Health (MOH). 2009. Draft healthcare financing strategy. Nairobi.
- Morris, S. D., & Blake, C. H. (2009). Introduction: Political and Analytical Challenges of Corruption in Latin America. In C. H. Blake and S. D. Morris, *Corruption and Democracy in Latin America* (eds), (pp. 1-22). Pittsburgh, PA: University of Pittsburgh Press.
- Mortensen, D. S. (2004). The White Man's Country, *Partner news*, 4(3), 4–5.
- Mungiu-Pippidi, A. (2006). Corruption: Diagnosis and Treatment, *Journal of Democracy*, 17, 86–99.

- Ndii, D. (2017, November 17). Jubilee's borrowing binge: Chickens are coming home to roost. *The Daily Nation*. Retrieved from <https://www.nation.co.ke/oped/opinion/Jubilee-s-borrowing-binge/440808-4191788-sty2lr/index.html>
- Nilsson, C. (2009). *Corruption in Kenya: Individual Attitudes and Actions towards Corruption in Nakuru, Kenya*. Available at <https://lup.lub.lu.se>.
- Nwabuzor, Augustine, 2005. "Corruption and Development: New Initiatives in Economic Openness and Strengthened Rule of Law", *Journal of Business Ethics*, 59(1), 121-138.
- Nyanjom, O. (2007). The Political Economy of Poverty, Tokenism and Free and Fair Elections in Kenya. In Okoth Okombo (Ed.), *Discourses on Kenya's 2007 General Elections: perspectives and prospects for a democratic society*. Nairobi: CLARION.
- Nye, J. S. (1967). Corruption and political development. *American Political Science Review*, 417-427.
- Obaji, M. A., and Ignatius, S. (2015). Religion and Social Transformation in Africa: A Critical and Appreciative Perspective. *Scriptura*, 114, 1, 1-20.
- Odhiambo, W., & Kamau, P. (2003). Public Procurement: Lessons from Kenya, Tanzania and Uganda. OECD Working Paper NO.208. OECD Development Centre.
- OECD (n.d.) Issues Paper on Corruption and Economic Growth. Available at <https://www.oecd.org>.
- OECD (2007), Bribery in Public Procurement. Methods, actors and counter-measures. OECD Publishing.
- OECD (2013), Investing in Trust: Leveraging Institutions for inclusive Policy Making, *GOV/PGC 2*, Paris: OECD.
- Okoth-Ogendo, H.W.O. (1991) *Tenants of the Crown: Evolution of agricultural law and institutions in Kenya*, Nairobi: African Centre for Technology Studies Press.
- Mesmer-Magnus, J. R., and Viswesvaran, C. (2005). Whistleblowing in Organizations: An Examination of Correlates of Whistleblowing Intentions, Actions, and Retaliation. *Journal of Business Ethics* 62: 277-97.
- Olken, B. (2007). Monitoring Corruption: Evidence from a Field Experiment in Indonesia. *Journal of Political Economy*, 115 (2), 200-49.
- Onyango, G. (2022). *The art of bribery!* Analysis of police corruption at traffic checkpoints and roadblocks in Kenya, *International Review of Sociology*, DOI: [10.1080/03906701.2022.2038845](https://doi.org/10.1080/03906701.2022.2038845)
- Paldam, M. (2002). The cross-country pattern of corruption: economics, culture and the seesaw dynamics. *European Journal of Political Economy*, 18, 215-240.
- Pérez A., Fernanda, M., & Ziff, T. (2019). Hacking Corruption: Tech Tools to Fight Graft in the Americas. Washington, D.C.: Inter-American Dialogue and the Atlantic Council of the United States.
- Ramirez. F. O., and Boli, J. (1987). The Political Construction of Mass Schooling: European Origins and Worldwide Institutionalization, *Sociology of Education*, 60, 2-17.
- Reinikka, R., & Svensson, J. (2005). Fighting Corruption to Improve Schooling: Evidence from a Newspaper Campaign in Uganda. *Journal of the European Economic Association* 3 (2), 259-67.
- Rothstein, B., (2011). *The Quality of Government: Corruption, Social Trust and Inequality in a Comparative Perspective*, Chicago: The University of Chicago Press.
- Rothstein, B., and Teorell, J. (2012). Defining and Measuring Quality of Government. In S. Holmberg and B. Rothstein (eds.), *Good Government: The Relevance of Political Science*, (pp. 6-26). Cheltenham: Edward Elgar.
- Samanta, S. K. (2011). Corruption, Religion and Economic Performance in OPEC Countries: An Analysis. *International Journal of Economics, Management and Accounting*, 19(2), 187-208.
- Shadabi, L. (2013). The Impact of Religion on Corruption. Available at <https://www.researchgate.net/publication/310793025>.

- Shleifer, A., & Robert, W. V. (1993). Corruption. *The Quarterly Journal of Economics*, 108, 599–617.
- Shortell, C. (2010). Corruption. In M. A. Genovese and Victoria Farrar-Myers Amherst. *When Justice is Not Blind: Corruption in the Courts. Corruption and American Politics* (209-242). New York: Cambria Press.
- Syagga, P.M. (2006). ‘Land Ownership and Uses in Kenya: Policy prescriptions from an inequality Perspective’, Chapter 8 in Society for International Development (SID), Readings on Inequality in Kenya: Sectoral dynamics and perspectives, Nairobi: Society for International Development.
- Syagga, P. M. (2013). Public land, historical land injustices and the new Constitution. Constitution Working Paper No. 9. Available at
- Taenzler, D., Maras, K., & Giannakopoulos, A. (eds). (2012). *The Social Construction of Corruption in Europe*, DOI: 10.4324/9781315552835. Available at <https://www.researchgate.net/publication/291191005>.
- The Constitution of Kenya* (2010). Nairobi, Kenya: The Government Printer.
- The National Assembly, (2017). *Public Participation in the Legislative, Factsheet 27*. Nairobi: The Clerk of the National Assembly.
- Thelander, J., (2005). *Korruption – En Begränsad Litteraturgenomgång*. Lund: Network for Research in Criminology and Deviant Behaviour at Lund University.
- Transparency International, (2015). Corruption and Land Governance in Kenya. Adili, 152. Available at www.tkenya.org.
- Transparency International, (2009). *Global Corruption Barometer 2009*. Transparency International.
- Treisman, D. (2003). Postcommunist Corruption. In N.F. Campos and J. Fidrmuc (eds.), *Political Economy of Transition and Development* (pp. 201-226), Dordrecht, Netherlands: Kluwer.
- UNODC (United Nations Office on Drugs and Crime). (2010). United Nations Convention Against Corruption. Available at <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>.
- Van Rij, A. (2021). Corruption in Kenya. Understanding a Multifaceted Phenomenon, Notes de l’Ifri (French Institute of International Relations), Ifri. Available at <https://www.ifri.org>.
- Van Swanenberg, R.M. (1972) *Agricultural History of Kenya to 1939*, Nairobi: East African Publishing House.
- Wasserman, G. (1976) *Politics of Decolonization: Kenya Europeans and the land issue 1960–1965, African Study Series No 17*, London: Cambridge University Press.

Appendix One: Table 1
Summaries from Selected-Consulted Literature

| Author | Year | Article Title & URL | Contributions from the Article |
|-----------------|------|---|--|
| 1. Githongo, J. | 2007 | Kenya's Fight against Corruption https://www.issuelab.org . | (i) End of Daniel Moi's autocratic rule reinvigorating democratic forces in Kenya. (ii) Initial efforts of Mwai Kibaki (National Rainbow Coalition- NARC) to fight corruption. (iii) Coalition starts disintegrating amidst ethnic lines leading to factional strife. (iv) Young generation treats Kenyan politicians with skepticism (v) Civil Society and Media are increasingly active in challenging corruption and misrule. (vi) There are increased demands for better governance. |
| 2. Nyanjom, O. | 2007 | The Political Economy of Poverty, Tokenism and Free and Fair Elections in Kenya. https://www.researchgate.net . | (i) The paper addresses tokenism defined as “the policy of making only a perfunctory effort or symbolic gesture toward the accomplishment of a goal...’ or ‘the practice of hiring or appointing a token number of people from underrepresented groups in order to deflect criticism or comply with affirmative action rules.’ ... [it is] a cosmetic treatment of a situation that does not get to the root of the problem. ... ‘tokenism does not change... social systems but works to preserve them, since it dulls the revolutionary impulse.’” (ii) Tokenism directed at the grassroots and the elite undermines free and fair elections...Democracy – roughly the freedom to choose government – and free and fair elections are complementary (p.1). (iii) Free and fair elections are an imperative of a good government (p.2). In exploring these, the work delves into the development of elections from Kenyatta reign (1966, 1969-1978), to Moi's one (1988 and 1990s). During the Moi regime the Goldenberg Scandal as well as the 1992 elections, specifically Youth for Kanu 92 is mentioned. There is also the Akiwumi report on violent clashes related to elections. Finally, in 2002, the Kibaki Regime (National Rainbow Coalition) bring to play “economic revival at the national level [grew] rising from KANU's 0.6% in 2002, to 3.0% (2003), 4.9% (2004), 5.8% (2005) and 6.3% in 2006 (p.12.). Elections, democracy and governance show a link to corruption within tokenism. (iv) Gives Abraham Lincoln's definition of democracy: “government of, by and for the people” (P. 3) (http://showcase.netins.net/web/creative/lincoln/speeches/gettysburg.htm). (v) <u>Prerequisites for democratic elections are: free and fair elections; observance of voting and elections rights; candidature, party and campaign rights and responsibilities; and the rights and responsibilities of states (p.3), in addition to "independent, non-partisan [election] management" (p.4).</u> (vi) Independent and non-partisan management of elections is also factored in. (vii) As IMF and World Bank move from donor-driven structural adjustments to poverty reduction ones, MDGs on poverty reduction (1) and on its subsequent contributors (MDGs 2-education; a,5& 6-health, and MDG 7- environment) come to play. (viii) The wake of the New Constitution in Kenya (2010) is informed by recommendations: A new constitution should deepen (the principle and practice of) the separation of powers between the executive, judiciary and legislature; A new constitution must also address the vexed question of whether or not to devolve.; Further, a new constitution must address the institutions of electoral management (p. 21). |
| 3. Goel, R. K., | 2008 | Causes of corruption: | (i) Define corruption as “the use or abuse of public office for private gain” (p.7). |

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| <p>& Nelson, M. A.</p> | | <p>History, Geography and Government https://nbn-resolving.de/urn:NBN:fi:bof-201408071925. and geographical</p> | <p>(ii) “World Bank estimates that globally about \$1 trillion in bribes are paid out each year – a fairly substantial figure, given that e.g., the total size of the world economy in 2001-2002 was \$30 trillion” (p. 6). (ii) Size and scope of government significantly affects corruption; large governments may facilitate corruption due to huge bureaucracies. (iii) Historical institutional inertia in old countries and new rent-seeking opportunities in younger nations can encourage corruption (p. 5). “History shapes the cultural norms that dictate corrupt acts” (p. 8). “Historical precedents and customs shape a nation’s institutions and contractual norms” (p. 13) (cf also Lambsdorff, 2006). (iv) “While certain geographic factors can mitigate corruption” (p.5), “it is relatively harder to monitor government officials in geographically disperse locations” (p.8). Also, a country’s natural resource endowments create unique opportunities for rent-generation and rent-seeking (p. 14) (Treisman, 2003; Lambsdorff, 2006). (v) Corruption is inherently more likely among subnational governments (Brueckner (2000)). (vi) Corruption is less in countries that follow English Common Law while higher in those that follow French and German commercial law.</p> |
| <p>4. Nilsson, C.</p> | <p>2009</p> | <p>Corruption in Kenya: Individual attitudes and actions towards corruption in Nakuru, Kenya. https://lup.lub.lu.se.</p> | <p>(i) Defines corruption from a private and public stage: Both entail use of power to harm common good and profit the individual (p.12). (ii) “Kenya is one of the most corrupt countries in the world due to a long legacy of corrupt leaders” (p. 2). (iii) After Kenya’s independence in 1963, Jomo Kenyatta became the president. His rule was marked with “rising intolerance, corruption and high-level political assassinations” (Chege 2008, p. 127). The constitution extremely strengthened the president’s office; the president and his political friends used this power for their own benefits (Johnston 2005, p. 170-171). (iv) Explores the corruption of police & matatu conductors in Kenya (exchanging bribe). (v) International donor community recognize[s] corruption as one of the main responsibilities for the failure of development in Africa (Médard 2002, 379). (vi) The scholar explores the corruption of Kenyan police in general, with the poor being the main losers (pp. 20-25). (vii) Corruption hinders economic development and increases poverty since money got from it is not put into smart investment but rather into luxurious imported goods (p. 6; Thelander 2005, 29); slows democracy and stability of political systems. (viii) Tackles the issue of health imbalance in Kenya: The rich can afford to go to private hospitals for proper health care. On the contrary, the poor must go to government hospitals where health services are at their lowest and even there, they need to bribe to get the services (p. 5). (ix) Identifies a theory best placed in studying corruption in Africa: Patron-Client Theory: Scholars of patrimonialism, Michael Bratton and Nicolas van de Walle, argue that African institutions are characterized by neopatrimonialism where one person (“big man”) rules the ordinary people who in turn have no rights or</p> |

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| | | | <p>privileges except those that the ruler gives them (Bratton & van de Walle 1997). They note that neopatrimonialism weakens the formal rules and institutions, but does not necessarily destroy them. Neopatrimonialism internalizes institutions and even continues to live after the death or retirement of the first generations of individual leaders. Neopatrimonialism reproduces over time (Bratton & van de Walle 1997).</p> <p>(x) Fighting corruption should start from motivated citizens (p. 29). See also Karklins, (2005).</p> |
| 5. Majeed, M. T. & MacDonald, R. | 2011 | <p>Corruption and Financial Intermediation in a Panel of Regions: Cross-Border Effects of Corruption https://www.researchgate.net.254417639.</p> | <p>(i) They study the link between corruption and financial intermediation: a standard deviation increase in financial intermediation is associated with a decrease in corruption of 0.20 points (p. 1). Findings: Corruption is negative and significant (p.13)</p> <p>(ii) There is contagion corruption: Though corruption is not directly contagious inter nations, “neighbouring countries share common political cultures and adopt similar institutions. These common political cultures are very close to [levels of] corruption” (p.3) (Hillman & Swank, 2000; Becker et al., 2009).</p> <p>(iii) In markets that have low competition, officials tend to demand higher rents thus higher levels of corruption (p. 5) creating non-collusive corruption (see also Foellmi & Oechslin, 2007). Though a direct increase in capital does not necessarily mean a direct decrease corrupt official.</p> <p>(iv) When corrupt officials have to pay entry fees to get lucrative positions in the bureaucratic hierarchy, using personal connections, they share the corruption stake (expand it) (p. 6/7). (Boerner & Hainz, 2009).</p> |
| 6. MacDonald, R., & Majeed, M. T. | 2011 | <p>Causes of Corruption in European Countries: History, Law, and Political Stability https://www.gla.ac.uk.</p> | <p>(i) “Average level of corruption in European countries during 1984 was a 0.78 unit of the corruption index. Given that the corruption index ranges from 0 to 6, where 0 indicates an absence of corruption and 6 indicates the highest corruption, such a low value of a corruption index implies that European countries were initially close to zero level of corruption. However, the average level of corruption in European countries has increased, up to 2.12 in 2007” (p. 3).</p> <p>(ii) Relatively corruption clean countries in Europe: Finland, Denmark, Sweden, Iceland, Netherlands, Norway, Switzerland, United Kingdom, Germany, Austria, Portugal, France and Belgium.</p> <p>(iii) Relatively corrupt countries: Hungary, Spain, Ireland, Greece, Cyprus, Estonia, Malta, Czech Republic, Italy, Slovenia, Slovakia, Croatia, Latvia.</p> <p>(iv) “Although corruption is increasing in European countries over time it is still lower in comparison to developing economies, and the cleanest economies are developed ones” (p.4).</p> <p>(v) Corruption [is] contagious...corruption norms shift from one country to another (Majeed & MacDonald, 2011)</p> <p>(vi) The euro barometer (2009) reports that the main reasons for corruption in Europe are the lack of a real deterrent for corruption and a lack of transparency in public spending (p. 6).</p> <p>(vii) Corruption flourishes in an environment of unrestrained bureaucracy, but it can be contained when the laws of the land are vigorously enforced (p. 10); corruption is rooted in political deficiencies...established democracy promotes political competition, transparency and accountability (to the voter), thereby reducing corruption (p.11).; also, historical precedents and customs that shape institutions and cultural norms in a country also influence levels of corruption (Lambsdorff, 2006; Paldam 2002).</p> |

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| | | | (viii) Key variables in corruption studies: Economic freedom, Law, Democracy, Government spending, Exports, Imports, Trade Openness, Bureaucracy Quality, and Inflation |
| 7. Taenzler, D., Maras, K., & Giannakopoulos, A. | 2012 | The Social Construction of Corruption in Europe, DOI:10.4324/9781315552835. https://www.researchgate.net/publication/291191005 . | <p>(i) Analyses corruption as social constructionism and as a moral ethical component. They address issues of corruption and the way it is dealt with in Portugal, Poland, Romania, Sweden, UK., France, Italy, Germany, Greece and Turkey.</p> <p>(ii) Link corruption to dysfunctional systems, and to interruption of communication (excluding others), and thus obstructing the self-preservation of the economic, political, juridical, scientific, or educational system; diverting the system from fulfilling its inherent functional objectives (p. 3).</p> <p>(iii) The fertile ground for corruption “emerges when the automatism of rationalising decision making through procedure is interrupted and procedural outcomes become an object of negotiation” (p. 4).</p> <p>(iv) Corruption’s symbolic media is money, power, cultural capital, status, or authority (p.5).</p> <p>(v) Ethical universalism is the equal and fair distribution of public goods to all citizens of a given society (Parsons, 1997). Hence, a corrupt regime is one that systematically deviates from the norm of ethical universalism as a governance principle.</p> <p>(vi) Faces of corruption include clientelism, patronage, nepotism and simony (buying of votes) “Corruption is not a substantial object defined by structural attributes but the subjective interpretation of a social fact and the normative evaluation of a social relation under specific socio-historic circumstances” (p. 16/7) (Höflinger 2002)</p> <p>(vii) In relation to Portugal five statements inform the discourse on corruption:</p> <ul style="list-style-type: none"> • A conduct must be illegal for it to be called corrupt (Q10.A); • We cannot call an act corrupt if everybody does it (Q10.C); • If an act is done for the right reasons, it cannot be called corrupt (Q10.B); • If the result of an action is beneficial for the good of all one cannot label it as corruption (Q10.E); • If an act is practiced without knowing the Law, we cannot say that the person who performed the action is corrupt (Q10.D) (p. 45). |
| 8. Etzioni, A. | 2013 | Political Corruption in the United States: A Design Draft Article in <i>Political Science and Politics</i> , DOI:10.1017/S1049096513001492. https://www.researchgate.net/publication/270940301 . | <p>(i) Discusses political corruption separating individual corruption from state-systemic corruption: Peters and Welch (1978, p. 974) identify three categories of political corruption: “definitions based on legality, definitions based on the public interest, and definitions based on public opinion.” An example is given by Shleifer and Vishny (1993, p. 599) “define government corruption as the sale by government officials of government property for personal gain.”</p> <p>(ii) Michael Genovese (2010, p. 3) draws a distinction between “personal corruption” (i.e., a “bad apple” selling his vote) and “systemic corruption” (i.e., illicit campaign financing that “is embedded in day-to-day operations of the system”) (p. 2).</p> <p>(iii) Adsera, Boix, and Payne (2003, p. 445) find that “[t]he presence of a well-informed electorate in a democratic setting explains between one-half and two-thirds of the variance in the levels of government performance and corruption.”</p> <p>(iv) The scholar singles out debilitating restrictions, weakened enforcement and weakened penalties as</p> |

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| | | | <p>major contributors to continued corruption.</p> <p>(v) There is need to include illegal and illicit (unethical) inclusivities on matters corruption as well as regulatory judicial agencies</p> <p>(vi) He also elaborates on judicial corruption: Shortell (2010) calls [it] ‘acute’ or ‘systemic’ judicial corruption. The former involves judges taking bribes or granting favours to friends, while in the latter the judiciary is co-opted by a particular political regime—a far more corrosive situation (p. 25).</p> <p>(vii) Meón and Weill (2010, p. 3) suggest that corruption “may be positively associated with efficiency in countries where institutions are ineffective” (p.30)</p> |
| Syagga, P. | 2013 | Public land, historical land injustices and the new Constitution http://sidint.net . | <p>(i) Discusses Kenya’s problems associated with land issues in Kenya.</p> <p>(ii) “Land in Kenya [582,000 km²]...is a resource that sustains many livelihoods by providing means for earning incomes, improving the wellbeing of people and enhancing food security. Land is required for settlement (shelter), subsistence and commercial productivity” (p. 2).</p> <p>(iii) Since colonial times, land in Kenya was classified under crown land, private land and native reserves. After independence, Crown land became government land as defined in the Government Lands Act, Cap 280 (natural resources, all minerals and mineral oils, forests, game reserves, national parks, rivers, lakes, etc.), and all roads and thoroughfares.); native reserves became ‘trust land’ under the Trust Land Act, Cap 281. The 2009 National Land Policy and the 2010 Constitution specify that land in Kenya be designated as public land, private land (land held by a person or body corporate under any tenure (freehold through upgrading of trust land, leasehold alienation of public land or private land, and temporary occupation licence (TOL), and community land (land registered in the name of a group, land communally used by a given community for cultural /religious practices, grazing or hunting, and trust land held by county governments. Community land will be vested in the community.) (p. 4).</p> <p>(iv) In 1897, the Commissioner for the Protectorate, using the Land Acquisition Act of India (1894), which was extended to Kenya, appropriated all lands situated within one-mile on either side of the Kenya-Uganda railway for the construction of the railway. The Act was also used to compulsorily acquire land for other public purposes such as government buildings.</p> <p>(v) In the 1904 land agreements and in the Land Titles Ordinance passed in 1908 The Maasai, Nandi and even the Coastal communities continued to lose land (p.7/8).</p> <p>(vi) In 1915, the 1902 Ordinance was repealed and replaced by a new Crown Land Ordinance that now declared all land within the protectorate as crown land, whether or not such land was occupied by the natives or reserved for native occupation. The effect was that Africans became tenants of the Crown, with no more than temporary occupation rights to land (p. 5) (Okoth-Ogendo, 1991). “By 1914 nearly 5 million acres (2 million hectares) of land had been taken away from Kenyan Africans, mostly from the Kikuyu, Maasai and Nandi communities (p. 6) (Mortensen, 2004, p. 4). (vii) The 1915 Lands Ordinance therefore signified the commencement of the disinheritance of Africans from their lands. The ordinance empowered the Commissioner of the Protectorate to grant land to the settlers for leases of up to 999 years. These 999 years notwithstanding, the settlers clamoured for perpetual leases (freeholds) (p. 6).</p> |

(viii) Legal segregation came in 1932 with the Report of the Kenya Land Commission (1934), which recommended fixing the boundaries of the native reserves and the areas reserved for European settlement (called the White Highlands). The Africans were effectively removed from the White Highlands to give assurance to the Europeans that their areas would remain inviolable (p.6). (Kenya Land Commission, 1934: para 1979): “7.2 million acres (1924) ... 7.5 million acres (1962) ... Lord Delamere...I million acres) (p.7) (Van Swanenberg, 1972), thus rural peasants experienced acute land shortages, landlessness and discontent and subsequent Mau Mau in 1950s and 1960s (p.7).

(ix) In order to safeguard their possessions in the event of a power transfer, the colonial government initiated a settlement plan for the Africanization of the White Highlands as well as an elaborate scheme of constitutional and statutory guarantees of property rights in 1960 (p.8). It aimed at maintaining the land ownership status quo in favour of the settler community, and at socializing the new African elites into the colonial political, economic and social patterns through the establishment of a multiracial alliance of European settlers and African landowners to forestall independence and majority rule (p.8), it also sought to prevent the mobilization of a nationalist base that would be opposed to the continuation of colonial policies after independence (Wasserman, 1976) (p.10).

(x) In 1960, a Land Development and Settlement Board (LDSB), was instituted. Through the Yoemen programme (later re-named Assisted Farmers Scheme), 7.5 million sterling pounds were sought from World Bank. This was to facilitate Africans who wanted to buy farmland from the white highlands; 240,000 acres subdivided into parcels of 100 acres each (p.10). “The loans could only be given to those who qualified to repay or had the financial means to pay on cash basis (p.10) (Leo, 1989; KLA, 2004) i.e., politicians with power and money and loyalists who had made their fortunes by being close to the colonial government, as well as businessmen with liquid cash, managed to acquire thousands of acres (p.10). Beneficiaries included, President Kenyatta, Dr Julius Kiano, Mrs Penina Waithira (Kiano’s sister), Peter Shiyuka, Martin Shikuku, President Moi, Jackson Angaine, Mwai Kibaki and Robert Ouko (p. 11) (Kamau, 2009).

(xii) Through a directive by Kenyatta, in 1970 coast ocean prime plots were allocated to politically right people by Eliud Mahihu the Coast Provincial Commissioner (p.15)

(xiii) The Akiwumi Commission (1999) and the Waki Commission (GOK, 2008), show how land issues fuelled ethnic rift in the Rift Valley (p.13).

(xiv) Post-colonial governments under the leadership of Kenyatta and Moi sustained the colonial policies and further contributed to the infringement of citizens’ rights to land (p.7).

(xv) In 1994 (under the Moi Regime) land allocations were through direct land grants (as political rewards or patronage), and the legal Notice (No. 305 of 1994) allowed for the ‘selling’ of allotment letters to third parties on payment of consent fees equivalent to 2 per cent of the selling price or capital value of the land, whichever was higher... this provision that fuelled the “land grabbing” mania in the country, where people would be allocated land and immediately make arrangements to sell it for millions of Kenya shillings (p.14)

(xvi) Kenya’s total land area is 582,000km²...Of this land mass, 17.7 per cent (68.1km²) is occupied by water surfaces, national parks, game reserves and forests (GOK, 2004). Only 16.7 % of the remaining land is classed as high potential, with another 13.3 % classified as low to medium potential suited to ranching or

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| | | <p>irrigation. 70% of it is nomadic pastoral land with less than 300mm (10 inches) of rainfall per year (Syagga, 2006)... bulk of the population is thus concentrated in the south-western part of the country...(14.55 million hectares-25% of land) of the...[i.e.] resultant high population densities [over] (4,842 persons per square kilometre in Nairobi Province, 580 in Western, 466 in Nyanza and 370 in Central)...significant number of people in Kenya are landless – 28.9 per cent of the total population (including 89 per cent of urban and 13.6 per cent of rural populations)(GOK, 2007) – while 32 per cent of the population live on less than 1 hectare per household and only 5.3 per cent own more than 5 hectares of land (p.16).</p> <p>(xvii) The recommendations thus are Land restitution to provide for a process of restitution arising from past land injustices; Land tenure reform to provide for improved and diverse forms of tenure security for all; Land redistribution to provide the disadvantaged and poor with access to land for beneficial use and occupation; and Institutional reform to provide for democratic governance of land (p.18); examples of land reforms are borrowed from South Africa, Hungary, Namibia, India and Brazil (pp. 19-22).</p> |
| 9. Hope, K. R. | 2013 | <p>Tackling the corruption epidemic in Kenya: Toward a policy of more effective control https://www.researchgate.net/publication/291811601.</p> <p>(i) Kenya classified as one of the world’s most corrupt states despite efforts such as The Anti-Corruption and Economic Crimes (ACEC) Act, 2003 bringing to play the Kenya Anti-Corruption Commission (KACC) and a Kenya Anti-Corruption Advisory Board (KACAB);</p> <p>(ii) The Public Officer Ethics (POE) Act, 2003; The Department of Governance and Ethics (DGE) was also established under the Office of the President. Also, the Ministry of Justice and Constitutional Affairs was established with a mandate that included developing anti-corruption strategies and coordinating and facilitating the war against corruption and to coordinate Governance, Justice, Law and Order Sector (GJLOS) reforms. The Cabinet Committee on Anti-Corruption (CCAC) was instituted. Also, the Economic Recovery Strategy for Wealth and Employment Creation 2003-2007 (ERS 2003-2007) was started. It was also the first country in the world to sign and ratify the United Nations Convention Against Corruption (UNCAC) (UNODC, 2010) and the African Union (AU) Convention on Preventing and Combating Corruption, which it ratified in 2007. It is also a member of is also a member of the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG, 2008).</p> <p>(iii) The Government Financial Management (GFM) Act, 2004; The National Anti-Corruption Campaign Steering Committee (NACCSC), was started.</p> <p>(iv) The Public Procurement and Disposal (PPD) Act, 2005; establishing (1) the Public Procurement and Oversight Authority (PPOA); (2) The Public Procurement Oversight Advisory Board (PPOAB); and (3) the Public Procurement Administrative Review Board (PPARB); In 2006, a National Anti-Corruption Plan was adopted by a National Anti-Corruption Stakeholders’ Conference. In 2007, the Public Complaints Standing Committee (PCSC) was established. Also, Kenya joined other States of the East African Community (EAC) to create the East African Association of Anti-Corruption Authorities (EAAACA).</p> <p>(v) The Proceeds of Crime and Anti-Money Laundering (PCAML) Act, 2009;</p> <p>(vi) The Ethics and Anti-Corruption Commission (EACC) Act, 2011 replacing the KACC;</p> <p>(vii) The Public Finance Management (PFM) Act, 2012</p> |

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| 10. Manyara, D. N. | 2016 | Corruption in the Public Procurement process in Kenya: Case of the Ministry of Devolution and Planning. http://erepository.uonbi.ac.ke | <p>(i) In Kenya, procurement is estimated to consume 45% of the national budget (p.6).</p> <p>(ii) Public procurement and disposal act and its regulations in Kenya provides for provision of procurement function professionally with transparency and accountability (OECD, Government at a Glance, 2009) (p.6).</p> <p>(iii) Some of the corrupt practices common in public procurement include; inviting only preferred firms for bidding, favouring and designing tenders in favour of particular firms and giving confidential information to firms of interest (Odhiambo and Kamau, 2005) (p.6).</p> <p>(iv) Government offices particularly those held by politicians and public officials as leading in taking actions that are based on own interest during procurement and management of large contracts (TI, Corruption and Public Procurement, 2010) (p.7).</p> <p>(v) The costs associated with corruption in public procurement process average between 10 to 25% of contract value (TI, Corruption & Public Procurement, 2010) (p.7).</p> <p>(vi) Kenya corruption perception index (2010) ranks Kenya 139th out of 176 this means that Public Procurement Regulations have not succeeded to eradicate corruption. KACC Perception Survey 2010 also indicates that over 80 percent of corruption still occurs in procurement raising the questions as to why the Public Procurement and Disposal Act, together with other legislations have not succeeded to address corruption and other irregularities (p.10).</p> <p>(vii) Collusion (C) of officers awarding tenders [but also we could add collusion of values, of interests], Remuneration (R), Pressure from Management (PM), Pressure from Society (PS), Social Status (SS) and Protection (P) [among officers] are key factors contributing to corruption (p.39).</p> |
| 11. Uslaner, E. M., & Rothstein, B. | 2016 | The historical roots of corruption: State building, economic inequality, & mass education. https://gvpt.umd.edu . | <p>(i) “In the Global Corruption Barometer 2013, which drew on public opinion surveys conducted by TI, Denmark was the only country [of the 107 surveyed] in which a majority of respondents did not indicate corruption to be a major problem” (p.227).</p> <p>(ii) Education is linked to honesty, wealth creation and equality thus lower levels of corruption. Also, more educated people are likely to complain about corruption (p. 229). See also Botero, Ponce, & Shleifer, (2012). It also increases gender equality.</p> <p>(iii) Land egalitarianism creates increased wealth, more access to education and so more likelihood towards lower corruption.</p> <p>(iv) Religion is also linked to low levels of corruption when it serves to nurture values of equality and wealth creation, as well as education.</p> |
| 12. Hellmann, O. | 2017 | The historical origins of corruption in the developing world: a comparative analysis of East Asia https://www.researchgate.net . | <p>(i) Deals with corruption in the developing world.</p> <p>(ii) Breaks away from the assumption that corruption is driven by individualistic self-interest and, instead, conceptualizes corruption as an informal system of norms and practices leading to the unavoidability of bribes. This second is institutionalised corruption: presence of a political market place-investment in loyalty inducing mechanisms-elite cartels/oligarchs & clans’ official moguls (corruption)-transition to full democracy (p.10)</p> <p>(iii) dichotomy between voters ‘who prefer honest officials’ and politicians whose goals are ‘individual</p> |

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| | | | <p>wealth and reelection’ (p. 3).</p> <p>(iv) corruption is supported by the realization that ‘potential profit of engaging in corruption outweighs the risks’ (p. 3) (cf Kunicová, 2006).</p> <p>(v) Discusses three types of corruption: ‘elite cartel’ corruption (The elite buy influence, have large businesses and hold high political positions, work towards preserving status quo, & solidifying their elite networks) (Singapore, Taiwan, South Korea, Malaysia); ‘oligarchs (rich powerful persons holding power; were found in Russia) and clans’ corruption (Thailand, Philippines); and ‘official moguls’(rich powerful individuals) corruption (Indonesia).</p> <p>In Sub-Saharan Africa decolonization was institutionalised into big man-small boy politics (Berman, 1998) thus enhancing fertile ground for corruption.</p> <p>In Anti-corruption overachievers (Chile, Uruguay, Costa Rica & Botswana) there was control over mobilizational resources i.e. no fertile bed for patron-client relationships (p.17)</p> |
| 13. Brioschi, C.A. | 2017 | <p><i>Corruption: A Short History.</i> https://muse.jhu.edu/chapter/1956994/pdf.</p> | <p>(i) Kautilya [also called Chanakya, and contemporary of Aristotle] a Brahmin, in the fourth century B.C., ... who was minister to the Indian king Chandragupta Maurya, wrote a fascinating book on the art of government entitled Arthashastra, which might be translated as “Instructions on Material Prosperity.” The Indian economist Amartya Sen has suggested a simpler translation: “Economics.” The Sanskrit text, discovered in 1905, also explores the vast and evergreen phenomenon of corruption (p. 21).</p> <p>(ii) He notes that “those who govern must use every means to attain their objectives; rules of rigor and honesty seem to apply, at least in substance, only to their subjects” (p. 21).</p> <p>(iii) In reference to public officers he notes, “Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in government work cannot be found out [while] taking money [for themselves]” (p. 22) and also “Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least a bit of the king’s revenue” (p. 22).</p> <p>(iv) Talks of corruption in ancient Mesopotamia: Gimil Ninurta who gains favour from the mayor for offering him a goat. Old Testament judges and rulers who turn their favours to the forthcoming subjects, and has the story of the Poor Man of Nippur (1500 B. C.) . He recalls the law of reciprocity ‘<i>quid pro quo</i>’. This shows corruption as a very old practice.</p> <p>(v) In I Samuel 9:7, Saul hesitates to approach Samuel to seek advice; to the servant who suggests he do so, he explains, “But, behold, if we go, what shall we bring the man? For the bread is spent in our vessels, and there is not a present to bring to the man of God: what have we?” see also Genesis (28:20–22),</p> <p>(vi) On gifts God says to Moses, “And thou shalt take no gift: for the gift blindeth the wise, and perverteth the words of the righteous” (Exodus 23:8) and similar caution is given by Peter in Acts 8:18–19.</p> |
| 14. Lagunes, P., Yang, X., & Castro, A. | 2019 | The State of Corruption in Latin America. Rice University’s Baker | <p>Starts by elaborating how pervasive and worrying the state of corruption in Latin America is. Corruption is realised in procurement, police (targeting the poor for bribes), government operations, political related corruption (political loyalties) and presidential corruption as noted in varied scandals. The</p> |

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| | | Institute for Public Policy Report. https://www.bakersinstitute.org . | vice culminates in limited growth, increased fiscal deficits and debt. The countries explored include Uruguay, Chile, Costa Rica, Mexico, Peru, Paraguay and Bolivia. Attempts to deal with the vice bring to play efforts towards government integrity. There is continued call towards government transparency, making public of government information, enforced penalties, citizen participation and continued use of technology. Also, there are calls to eliminate opportunities for officials to demand rent, as well as the encouragement of whistle-blowers through protection and incentives. |
| 15. van Rij, A. | 2021 | Corruption in Kenya: Understanding a Multifaceted Phenomenon. https://www.ifri.org . | (i) Corruption results from a confusion between public and private interests linked to the neo-patrimonial logic in place since the British colonization. (ii) Corruption operates within moral and political ethnicity. (iii) Corruption is nurtured by the ambiguous relationship between the elites and the population: politicians using it to discredit their opponents so that they can remain in power, while entertaining political discourse in order to re-assure international investors as a way of maintaining wealth. |

Appendix Two: Leadership and Integrity Act (2012): Evaluation Matrix

| Statement | | Question | How would you rate the person you are interrogating / evaluating? | | | | | | |
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| | | | Almost always | Very much | Much | Enough times | Few times | Very few times | Almost never |
| 1 | Respect for and adherence to the Constitution and the law. | To what extent do you/does X adhere to the constitution and to the law? | 5 | 4 | 3 ½ | 3 | 2 ½ | 2 | 1 |
| 2 | Exercise of authority and responsibility in the best interest of Kenyans. | To what extent do you/does X exercise authority & responsibility in the best interest of Kenyans? | | | | | | | |
| 3 | Personal responsibility for any actions or omissions. | To what extent do you/does X have personal responsibility for any actions or omissions? | | | | | | | |
| 4 | Performance of duties efficiently, honesty, transparently and in an accountable manner. | To what extent do you/does X perform duties efficiently, honestly, transparently and in an accountable manner? | | | | | | | |
| 5 | Professionalism in the performance of duties. | To what extent do you/does X exercise professionalism in performance of duties? | | | | | | | |
| 6 | Financial integrity including prohibition of unlawful enrichment and acceptance of personal loans/benefits. | To what extent do you/does X have financial integrity including prohibition of unlawful enrichment and acceptance of personal loans/ benefits? | | | | | | | |
| 7 | Observance of high moral and ethical requirements. | To what extent do you/does X observe high moral and ethical requirements? | | | | | | | |
| 8 | Handling of gifts or benefits in kind. | To what extent do you/does X avoid handle gifts or benefits in kind? | | | | | | | |
| 9 | Wrongful or unlawful acquisition of property. | To what extent do you/does X desist from wrongfully or unlawfully acquisition of property? | | | | | | | |
| 10 | Conflict of interest. | To what extent do you/does X refuse to | | | | | | | |

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| | | engage in activities that have conflict of interest? | | | | | | | |
| 11 | Participation in tenders. | To what extent do you/does X refuse to participate in tenders? | | | | | | | |
| 12 | Public collection of funds. | To what extent do you/does X refuse to collect unauthorised public funds? | | | | | | | |
| 13 | Opening or operating a bank account outside Kenya. | To what extent do you/does X avoid opening or operating bank accounts outside Kenya? | | | | | | | |
| 14 | Acting for foreigners. | To what extent do you/does X avoid unauthorised work for foreigners? | | | | | | | |
| 15 | Care of property. | To what extent do you/does X care for property? | | | | | | | |
| 16 | Misuse of official information. | To what extent do you/does X avoid misusing official information? | | | | | | | |
| 17 | Political neutrality. | To what extent do you/does X exercise political neutrality? | | | | | | | |
| 18 | Impartiality and non-practise of favouritism, nepotism, tribalism, cronyism, corruption or religious bias. | To what extent do you/does X exercise impartiality and non-practice of favourism, nepotism, tribalism, cronyism (people in power giving jobs to their friends), corruption or religious bias? | | | | | | | |
| 19 | Giving of honest, accurate and impartial advice. | To what extent do you/does X give honest and impartial advice? | | | | | | | |
| 20 | Prohibition from other gainful employment. | To what extent do you/does X keep away from other gainful employment? | | | | | | | |
| 21 | Offers of future employment. | To what extent do you/does X fail to entertain offers of future | | | | | | | |

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|----|--|---|--|--|--|--|--|--|--|
| | | employment? | | | | | | | |
| 22 | Prohibition from misleading the public. | To what extent do you/does X avoid misleading the public? | | | | | | | |
| 23 | Falsification of records and mis-information. | To what extent do you/does X avoid falsifying records and giving mis-information? | | | | | | | |
| 24 | Prohibition from holding dual-citizenship. | To what extent do you/does X avoid having dual-citizenship? | | | | | | | |
| 25 | Conduct of private affairs. | To what extent do you/does X avoid conducting private affairs that interferes with public office? | | | | | | | |
| 26 | Payment of taxes, financial and legal obligations. | To what extent do you/does X pay taxes, adhere to financial and legal obligations? | | | | | | | |
| 27 | Outlawing of bullying. | To what extent do you/does X avoid bullying & outlaw it? | | | | | | | |

NB: Total number of marks is 135/135

Excellent: A 120-135

Very Good: B 100-119

Good: C+ 70-99

Average: C 50-69

Poor: D 30-49

Very Poor: E 29 and below

Rather than a reliance on political rallies to decide what an individual scores in the integrity grid, the write-up suggests this systematic Likert scale evaluation.

The questions that are to be asked include: (i) What score has the person attained?

(ii) Who/What informs your scoring?

(iii) How should we be rating those who occupy public offices based on the integrity principles?

Always recall the statement: “*He that is without sin among you, let him first cast a stone at her*” (John 8:6-8).

And the proverb: People who live in glass houses should not throw stones. While this is not an encourager to fail in integrity, it is also an invitation to look at ourselves before we look at others. Only then shall we be accountable and thus have the audacity to hold others accountable.