



**UNIVERSITY OF NAIROBI**

**COLLEGE OF HUMANITIES AND SOCIAL SCIENCES**

**INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES**

**SOCIO ECONOMIC IMPLICATION OF CORRUPTION IN AFRICA: THE CASE OF  
NAIROBI COUNTY IN KENYA.**

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**SUPERVISOR**

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REQUIREMENT FOR THE AWARD OF A DEGREE IN MASTERS OF ARTS IN  
DIPLOMACY**

**2020**

**DECLARATION**

This research is my original work and has not been submitted for any degree to any other university. No part of this research project should be reproduced without authority from the author or and University of Nairobi.

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## **DEDICATION**

I dedicate this project to my family for their unfailing support, constant encouragement and prayers during the period of undertaking this Masters degree

## **ACKNOWLEDGEMENT**

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## CHAPTER ONE

### 1.1 Introduction to the study

This study examines the socio economic implications of corruption in the Nairobi city county government on the residents of Nairobi County. The study explores the impacts of corruption on the wellbeing of the residents of the Nairobi County. In addition, it aims to find out the nexus between bad politics and the fight against corruption as well as provide empirical literature on the relevant legal and institutional framework for mitigation of corruption. The chapter therefore, provides the background of the study, statement of problem, research objectives, research questions, justification of the study, the empirical literature review and research methodology.

### 1.2 Background to the Study

Corruption is a criminal offence undertaken by a person or organization entrusted with a position of authority to acquire illicit benefit or abuse of power for one's personal gain. Daniel Kaufmann, World Bank Economist extended the concept of corruption to include "legal corruption" in which power is abused within the confines of the law- as those with power often have the ability to make laws for their protection.<sup>1</sup> From this point of view, one can argue that most leaders have posed severe impediments on the fight against corruption at the domestic level. The focus of governance in many states has shifted from addressing developmental challenges facing the state to amassing wealth. Corruption is presently one of the major challenges facing the human race. The world over, corruption is increasingly being seen as a threat to human existence to the extent that some commentators have called for it to be recognized as a 'crime against humanity.'<sup>2</sup> Indeed, corruption is a central concern which negatively affects governance and development globally.

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<sup>1</sup>Kaufmann,D. (1997). *Corruption: The Facts*. Washington, D.C : World Bank Group

<sup>2</sup>Allias, B. (2006). "Corruption as an international crime and crime against humanity: An outline of supplementary criminal justice policies", *Journal of International Criminal Justice*, 4 (3), 466-486.



Corruption occurs on different scales that ranges from petty, grand and those that are systemic. Petty corruption takes place at the implementation end of public service when public officials meet the members of the public at the public places such as registration offices or police stations. Grand corruption, takes place at the highest level of government offices involving substantial amount of public funds. Systemic corruption, on the other hand takes place due to a weakness of an organization or a process. Corruption may include many activities, for example, bribery, graft, embezzlement, abuse of discretion, favoritism, nepotism, money laundering, fraud, extortion and blackmail.

Daniel Kaufman states that corruption is not a developing world problem but a global challenge.<sup>3</sup> This has been manifested by a number of scandals that have shaken various countries around the world including Japan, Mexico, Russia, Spain and United States of America. This demonstrates that corruption is global; however, its effects are dominant in developing countries where resources are taken by government officials.

According to World Bank President Jim Yong Kim, Corruption is “public enemy no. 1” in the developing world and “every dollar that a corrupt official or corrupt business person puts in his or her pockets is a dollar stolen from a pregnant woman who needs healthcare, or from a girl or boy who deserves an education, or from communities that need water, roads and schools.” African states are characterized with a high level of corruption that involves interwoven networks of bureaucrats, politicians, public and private sectors. Recently, it has been estimated that as much as \$1 trillion annually is siphoned off from developing countries through corruption, tax evasion and other large financial crimes. The World Bank has estimated that as much as \$40 billion in foreign aid to the world’s poorest countries has been lost to corruption in

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<sup>3</sup> Kaufmann, D., et al. (2011), *Legal Corruption, Economics & Politics*. Berlin, Germany: Springer

recent years. And 3.6 million people die from inadequate health care and living conditions each year in part because corruption has stolen away development aid.<sup>4</sup>

Therefore, corruption remains to be one of the dominant factors responsible for the slow pace of development in Africa considering the amount the African continent is losing annually. Africa continues to lag behind other continents. The grim situation of Africa can be summarized in the words of Rwekaza et al <sup>5</sup> who observed that ‘while other regions increased per capita, raised literacy rates and improved healthcare, per capita income in Africa was roughly the same in 1990s as it was at independence in the 1960s’. Africa’s development has stagnated and declined significantly over the years, with nearly half of the continent’s population living on less than a dollar a day, thus representing 30 percent of the world’s poor in the 1990s and even the first decade of 2000. Africa persistently ranks at or near the bottom in global comparisons of social indicators.<sup>6</sup>This state of affairs is mainly attributable to the culture of impunity, corruption and bad governance.

However, corruption has received global condemnation especially through the United Nations Convention Against Corruption, United Nations Declaration and Action Plan against Money Laundering and the Regional Anti-corruption Programme for Africa (2011-2016) .This is an initiative of the United Nations Economic Commission for Africa (UNECA) in collaboration with the African Union Advisory Board on Corruption via the AU convention on Preventing and Combating Corruption adopted on 11 July, 2003.It provides a multi-track strategic approach that combines policy research and analysis, as well as training and capacity development, peer

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<sup>4</sup> Ibid

<sup>5</sup> Rwekaza, M., Fox, L.,& Liebenthal, R.(2006). *The Political Economy of Pro-Poor Policies in Africa: Lessons from Shanghai Conference Case Studies in Attacking Africa’s poverty: experiences from the ground*. Washington, D.C: World Bank

<sup>6</sup>Ibid

learning and knowledge and information sharing and documentation of best practices on anti-corruption, policy dialogue and special events on corruption in Africa.<sup>7</sup>

Besides, African Union Convention on Preventing and Combating Corruption provides national, sub- regional and regional support for anti-corruption institutions in Africa by allowing non-state actors such as Civil Society Groups role critical in anti-corruption issues in the continent. Although, corruption has received global condemnation in recent years the growth and development of corruption in Africa has been sustained due to the fact that African states are undergoing rapid socio-economic and political changes which affects human behavior because the African system pave way for it. Transparency International asserts that where temptation meets permissiveness, corruption takes root on a wide scale.<sup>8</sup>

In Kenya, corruption manifests itself in both petty and grand cases. Petty corruption has been manifested where people have to pay money to obtain public services in the police stations and national registration offices.<sup>9</sup> Grand corruption is a high level scandal that involves substantial amounts of public funds. Numerous corruption and economic crime outrages have been experienced since 2008; the Maize scam, Troton oil scandal, Free primary Education funds misappropriation, Euro bond scam, Tokyo Embassy scandal, National Youth Service scandal, Ministry of Health scandal, National Cereals and Produce Board have been just but a number of avenues through which Billions of public Funds have been misappropriated making a great toll on the Kenyan development agendas

This study as a result focuses on the Nairobi County which is one of the 47counties of Kenya. Nairobi County is a city of about 4.5 million people and is both the capital of Kenya and the seat

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<sup>7</sup>Available at [www.uneca.org/.../combating](http://www.uneca.org/.../combating)

<sup>8</sup>Available at [www.transparency international.org](http://www.transparency international.org)

<sup>9</sup>Gichio, D.(2014). *Public Procurement in Kenya: Cash cow for the corrupt or Enabler for Public Service Delivery*. Nairobi: Transparency International Kenya

of Nairobi county. Besides being a financial hub for regional and global companies, it hosts dozens of embassies and consulates. In 2013 Kenya inaugurated a devolved system of government comprising forty-seven counties. The counties have elected governors and assemblies, guaranteed with fiscal transfers from the central government, authority to raise local revenues, and constitutionally-delineated functions. These changes followed decades-long battles to decentralize public spending, localize policymaking, and limit the discretionary powers of the “imperial” presidency.<sup>10</sup>

Article 202 (1) of the constitution provides that revenue raised nationally shall be shared equitably among national and county governments. The county budget allocation process is an essential part of government decision making and planning and every financial year, which often begins on 1st July and ends on 30th June, the government allocates funds to different sectors including counties which is supposed to cater for the development projects of the county residents. Over the years Nairobi county officials have been accused of gross misappropriation of the public funds, with all the governors that held the seat of Nairobi County being charged over alleged loss of the county funds. The Nairobi County’s public service corruption and commercialization of the county have become rampant and almost expected behaviour.

### **1.3 Statement of the Research Problem**

The culture of corruption has grown roots in the Nairobi County government of Kenya and has become endemic. Institutions, which were designed for the regulation of the relationships between citizens and the State, are being used instead for the personal enrichment of public officials and other corrupt private agents. Resources allocated to the Nairobi County is to be

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<sup>10</sup>Mookherjee, D. (2016). *Political decentralization*. Boston: University of Boston

utilized in the county services and projects; for social grants, education, Hospitals, Roads, supply of Nairobi residents. Corruption and bad management practices that has been portrayed by the leadership of the Nairobi county government eats into the county's wealth, channeling money away from such projects and the very people dependent on the county for support. Corruption has reduced the total level of public investment and the quality of service procured.

Corruption is undermining the future of the Nairobi County and threatening its economic growth, security, and the provision of government services. Corruption has diminished the county services because the people of Nairobi don't get the benefit for their taxes, because the money has disappeared into someone's pocket. Money spent to deliver public goods such as safe roads and health care services doesn't go as far. Corruption within the county has led to environmental degradation where litters are found in every part of the county, erosion of social values, stifles local initiatives and enterprise and intensifies other social problems such as crime, unemployment, poverty and increase in slums.

Embezzlement of public funds within the county has been witnessed whereby the Nairobi governor Mike Mbuvi Sonko has been accused by the Director of public prosecution Noordin Haji of having embezzled 357.4 million Kenyan shillings, unlawful acquisition of public property and money laundering. The former governor, Evans Kidero as well has been charged over the alleged loss of 237 million Kenyan shillings together with other chief officers in his administration, for conspiring to commit corruption by authorizing payment to various companies, for services not rendered.

This study therefore, seeks to find out why the problem of corruption persists despite the massive resources, mechanisms and strategies that different institutions and governments have invested in the fight against corruption. It also seeks to find out the socioeconomic implications of

corruption on the residents of Nairobi County and the major challenges barring the anti-corruption mechanisms that have been put in place. The Nairobi county government should therefore take the initiative of educating the general public of their role in the fight against corruption, for effective eradication of menace.

#### **1.4 Research questions**

- i. What is the socio-economic impact of corruption on the development of Nairobi City County?
- ii. What is the nexus between bad politics and the fight against corruption in Nairobi City County government?
- iii. How effective are the legal and institutional frameworks of fighting corruption in Nairobi City County government?

#### **1.5 Research Objectives**

##### **1.5.1 General Objective**

The main objective is to assess the socioeconomic implications of corruption in Africa. The case of Nairobi County in Kenya.

##### **1.5.2 Specific Objectives**

- i. To analyze the socio economic implications of corruption on the residents of Nairobi County.
- ii. To explore the nexus between bad politics and the fight against corruption in the Nairobi City County government.
- iii. To examine the legal and institutional frameworks for fighting corruption in the Nairobi City County government.

## **1.6 Literature Review**

This section presents both theoretical and empirical literature on the socio economic implications of corruption in Africa utilizing a case study of Nairobi City County. It attempts to relate the different literatures to the objectives of the study:

### **1.7 Theoretical Literature review**

This section examines the theoretical literature on the subject matter. This was found important to examine the key debate on the socioeconomic implications of corruption. This study examines two main theories: Principle agency theory and Modernization theory:

#### **1.7.1 Principal-agent theory**

Suzan Rose-Ackerman in title *Comparative Administrative Law*; used the principal-agency theory to posit relationships between citizens, civil servants, and clients that provide opportunities for corruption. The principle-agency theory construes a political system with a network of principle agent association that comprises of citizens, state officials, the executives and civil servants.<sup>11</sup> The Nairobi County government is composed of officials that are delegated with task to perform on behalf of the county governor towards the smooth running of the county. The county officials are rarely subjected to rapid checks and monitoring which gives them the discretion in performance of duties. Corruption then rises when the agent who can be a junior civil servant, having an advantage over the access to critical administrative information compared to the principle who can be a senior civil servant. The junior civil servants go against the wishes of the senior civil servant to solicit a payoff which he or she never forwards to the principle. This kind of relationship is defined by how the incentives are arranged; the agent

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<sup>11</sup> Shapiro, S. (2005) Agency Theory. *Annual Review of Social Science*, 31(2), 263 -284

asking for payoff may be acting individually or representing the principle.<sup>12</sup> This means that the position of principle or agent may change depending one's area of analysis<sup>13</sup>.

Proponents of the theory argue that agent's actions of receiving payoffs or bribes for personal gain may not interfere with the principal's interest<sup>14</sup>. However, the principal's inadequate access to important information may threaten his or her interests. In order to prevent this, the principle has three options that can be used to ensure that the agent executes only those assignments that may fulfill his interests. These include giving directives, incentives and persuasion to save supervision costs. The Nairobi county government should therefore be focused on reducing the discretion of civil servants, increasing monitoring mechanisms, promoting transparency in government, supporting anti-corruption civil society groups to serve as watchdogs, and strengthening sanctions on those who engage in corruption, so as to better align the incentives of potential 'agents' with those of their perspective 'principals'. Toke Aidt in title Economic Analysis of Corruption; commented that, under conditions of perfect information, the agency costs are too high for the civil servant to accept corruption.<sup>15</sup>

While Anwar Shah in title Performance Accountability and Combating Corruption argues, with less than perfect information, because of monitoring costs and the difficulty of taking collective action, the public official is able to indulge in corruption without citizens being aware<sup>16</sup>. Principal-agent theory can play a central role in explaining why transparency is essential in transactions. Transparency is a problem in developing economies and in our case the Nairobi city

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<sup>12</sup> ibid

<sup>13</sup>Garen, J. E. (2014). Executive compensation and principal-agent theory. *Journal of political economy*, 102(6), 1175-1199.

<sup>14</sup>Groenendijk, N, A. (1997). Principal-Agent Model of Corruption; *Crime, law and Social Change*, 27 (4), 203-227

<sup>15</sup>Aidt, T. S., Hillman, A., & Liu, Q. (2020). Who takes bribes and how much? Evidence from the China Corruption Conviction Databank. *World Development*, 133(104985),

<sup>16</sup>Shah, A., & Huther, J. (2000). *Anti-Corruption Policies and Programs: A Framework for Evaluation*. World Bank. Washington, DC: World Bank.



county government in which government policies tend to be endogenous and centralized, and civil servants tend to monopolize resource distribution. Shah asserted that empowering citizens through fair elections, effective laws, and other forms of civil engagements can help to reduce information irregularity. The practices of accountability can uncover leadership challenges to addressing corrupt practices by government and business leaders

The agent is better placed to take advantage over the incentives which may range from increased allowances initiated by the principals through concealing his or her actions. Therefore, if the principal is ignorant, he or she is in a vulnerable position and at the advantage of the corrupt agent. This is applicable in the case of Nairobi County where public institutions have weak mechanism of ensuring effective control measures of monitoring agent conduct. The theory will give a brief background on causes of corruption before moving to the reason why it persists.

### **1.7.2 Modernization Theory**

Modernization theory studies the process of social evolution and the development of societies. Modernization refers to a model of a progressive transition from a 'pre-modern' or 'traditional' to a 'modern' society. These theories fit the case of Nairobi county government which is a product of devolution which has decentralized public spending and localize policymaking which has come with rapid societal changes and development. The county government Modernization theory originated from the ideas of German sociologist Max weber. There are two levels of analysis in classical modernization theory: the microcosmic evaluations of modernization, which focuses on the componential elements of social modernization; and the macrocosmic studies of modernization focused on the empirical trajectories and manifest processes of the modernization of nations and their societies, economies, and polities.<sup>17</sup>

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<sup>17</sup>Knöbl, W. (2003). *Theories That Won't Pass Away: The Never-ending Story*. London: SAGE

According to Uneke, there is the modernization theory of corruption, which construes corruption as an integral part of the modernization process. The modernization theory is a development list approach, which conceptualizes corruption as an inevitable part of the modernization process especially to the extent that it facilitates the transition process to institutionalization.<sup>18</sup> He observed that: the process of economic and political development in modernizing societies tends to breed inequality, political instability and corruption which may be defined simply in terms of the use of public powers to achieve private goals.

Modernization theorists explained that: the causes, scale and incidence of corruption and corrupt practices in pre-colonial African states in terms of the logic of patrimonialism, neo patrimonialism, prebendalism, and patro-clientelism and the main proposition common to all these theories of corruption centers on the view that extractive corruption in African is one of the unsalutary consequences of grafting modern political structure and processes on indigenous socio political structures which function on the basis of old values and obligation<sup>19</sup>. In spite of the presumed benefits of mixed government the incidence of corruption in the Nairobi city county government is seen as an outcome of the behavior of public officials which deviates from the accepted norms, and which also signifies the absence of effective political institutionalization that makes it difficult for these officials to divorce their public roles from private ones, thus prompting them to subordinate their institutional roles to exogenous demands on view of the precepts and underpinning of this theory, it is apparent that this theory offers a good conceptualization of corruption and addresses the pertinent issues within the Nairobi County government for the examination of the causes of corruption .

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<sup>18</sup> Myint, U. (2000). Corruption: Causes, Consequences and Cures. Asia. *Pacific Development Journal*. 7 (2),33-46

<sup>19</sup>Ibid

## **1.8 Empirical Literature Review**

This section examines the literature around the three specific objectives being investigated: To analyze the socio economic implications of corruption in the Nairobi County government on the residents of Nairobi County; To explore the nexus between bad politics and the fight against corruption in the Nairobi City County government and to analyze the relevant legal and institutional frameworks of fighting corruption in the Nairobi City County government.

### **1.8.1 The socio economic implications of corruption**

Corruption has fierce impacts on economic and societal development and has permeated through entire global economy. Corruption generates destructive economic, social and political effects such as reduction of the rate of economic growth, reduction of the public expenditure on education and health care, social stratification of the population and the informal employment development. World economies have suffered great consequences due to corruption that has affected the wellbeing of their citizens. In the long run, no country can afford the social, political or economic costs that corruption entails. Globally corruption has had an effect on many different bodies and institutions. Two of the major bodies affected by corruption are the Government and its Public Institutions.

At the global level, corruption has distorted market mechanisms, like fair competition and deterred domestic and foreign investments, thus stifling growth and future business opportunities for all stakeholders. IMF research has shown that investment in corrupt countries is almost 5% less than in countries that are relatively corruption-free. The World Economic Forum estimates that corruption increases the cost of doing business by up to 10% on average. In the case of Siemens, a German engineering giant had to pay penalties of US\$ 1.6 billion in 2008 to settle

charges that it routinely engaged in bribery around the world. This proves that there is a significant negative impact of corruption on a country's capital productivity.

Corruption has threatened the global Security and World Order, Rotberg and Greenhill explore the connection between corruption, trafficking and global security: The durable ties between corrupt regimes and transnational crime and transnational trafficking pose major global security problems because of the ability of criminal organizations to subvert stability and growth in poor countries, by their skill at sapping such impoverished places of revenue and legitimate modernization, by their undermining the fabric of weak and fragile societies, and by their negative reinforcement of the least favorable kinds of leadership in developing countries, by facilitating the spread of small arms and light weapons make civil wars possible and lethal.<sup>20</sup>The link between corruption and nuclear proliferation has been a critical enabling element of the nuclear weapons programs in Pakistan, Iraq and Iran.<sup>21</sup>

In Africa, the African Union (2002) estimates that 25% of the GDP of African states, amounting to US\$148 billion, is lost to corruption every year. In the same view, Forson et al<sup>22</sup> find that corruption poses a long-term threat to the sustainable development of the African economies. Moreover, several studies have associated shadow economy (or informal sector) with low productivity and low economic development. For instance, the shadow economy has a lower share in high-income countries, while counting for as much as 70% of low-income African economies.<sup>23</sup> Therefore , the high rate of corruption in Africa and shadow economy seem to have

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<sup>20</sup>Robert , R.(2009). *How Corruption Compromises World Peace and Stability*. Berlin, Germany: Transparency International Deutschland

<sup>21</sup>Matthew, B. (2009). "Corruption and Nuclear Proliferation. Washington, D.C.: Brookings

<sup>22</sup> Ibid, p. 28

<sup>23</sup>Ibid, p. 33

in common the avoidance of regulations and payments of taxes, thus resulting in lower tax revenues, an increase of public expenditures and the hampering of productivity and growth.<sup>24</sup>

Nairobi County as well has suffered greater inequalities, unemployment, rise in criminality, poor infrastructure and generally affected the quality of livelihood due to the rise in corruption. There has been a huge number of stalled projects, which comes with delayed payments to the contractors, insufficient allocation of funds to projects and litigation cases in court. A particular cause of alarm is the poor state of roads in parts of the city despite the Transport department showing in a report, that the county had used 2.7 billion Kenyan shillings since 2013 to repair and maintain roads, construction of bridges, install street lights and improve drainage systems. According to the report, 1,300 Km of roads have been repaired, six bridges built, 2000Km of drains maintained and 25000 new street lights installed.<sup>25</sup>It also shows that six new 10Km roads have been completed .In the report Mathare 4A Road in Ruaraka, the Kapiti estate access road in South B, Njiwa Road in Makongeni and Vanga Road in Kilimani are listed as being among those roads.

However, most of the projects are poorly done, incomplete, while others are already peeling off after a short time of completion. Public works director addressing a public sector hearing at Charter Hall, blamed the finance department for refusing to pay the contractors who failed to complete most of the projects. They could not stretch more while the county failed to honor their payment deals. This has led to great chaos due to protests over poor roads by residents of Mwiki, Embakasi, Umojaand Kawagware within the Nairobi County. Poorly maintained roads have been one of the major cause's accidents as they create enormous hazards to drivers. They have as well

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<sup>24</sup> Ibid, p. 34

<sup>25</sup> Available at <https://www.nation.co.ke/kenya/counties/Nairobi/Nairobi-county-official-blames-departments-over-stalled-projects-322450>

reduced the accessibility to public facilities for example hospitals and schools, increased risks for pedestrians and made road transport slower than it should be. For these reasons major damages have been incurred by industries that rely on roads to carry goods they produce and raw materials they use as well as discouraged people carrying perishable goods.

Despite claims by the Nairobi County Government officials to having repaired over 31,000 street lights and also installing 21,000 new ones since 2013, residents of Mathare have disputed that saying that over 80 per cent of street lights are not working. Contractors have been blamed by residents of repairing existing street lights in Mathare and getting paid for purportedly installing new ones. Poorly-lit streets or without any lighting pose a danger to pedestrians and motorists more so women leaving them prone to chain snatching and robberies. Concerns have also been raised about the use of pedestrians' walkways by hawkers, car wash business, illegal structures and motorbikes which are becoming unsafe for pedestrians using roads in the city. The department of the Nairobi County Inspectorate has been blamed for the menace on the walkways for failure of enforcing the law to keep away those intruding on the sidewalks by using them for their business, a clear indication of the effects that have come with corrupt dealings.

The Nairobi County has had a garbage crisis that has seen streets covered in rubbish bags, extreme stench and water contamination like in the case of Nairobi River. The environmental department has constantly been blamed for problems with drainage and sewerage systems for failing to collect garbage and deposit them in designated areas despite budgetary allocation channeled to this department. Garbage removed from the drainage is left on the side and once the rain comes, the dirt is swept back. Some of it is carried by the rivers which are a source of water for the people living in the slums. Scientific studies have documented the dangers posed by rampant garbage on the environment and the human health including respiratory issues such as

asthma, coughing, throat irritation as well as heavy psychological toll on the uncertainty of the likelihood of more serious health effects such as cancer.

In conclusion the Nairobi County residents frequently have to pay bribes for everyday bureaucratic tasks and when utilizing the basic public services such as health care facilities and education. Corruption affects all levels of the society and has adverse effects on service delivery and programmes and projects implemented by the government and other stakeholders. Unfortunately, the ones most affected by the level of Kenya's corruption is the poorest citizens who have to pay a larger percent share of their income in bribes, which is also discourages them from utilizing public services. Corruption has divided the people of Nairobi, putting the citizens against each other instead of nurturing a society capable of checking the abuse of the ones in power. Consequently, most of them are allegedly deprived of their basic rights and opportunities while lacking the environment and effort to mitigate it.

### **1.8.2 The nexus between bad politics and the fight against corruption**

In the definition shared by most political scientists, political corruption is any transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoffs.<sup>26</sup> Politicians and state agents, who are entitled to make and enforce the laws on behalf of the people, are themselves corrupt and use the political power they are armed with, to sustain their power, status and wealth. Political corruption leads to the misallocation of resources, affects the manner in which decisions are made, manipulation of the political institutions and the rules of procedure, influencing the institutions of government and the political system, and frequently leads to institutional decay. From this point of view, one can therefore argue that it is something more than a deviation from formal and written legal norms,

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<sup>26</sup>Robert, B. (1909). The Nature of Political Corruption. *Political Science Quarterly*, 24(1), 1-22

from professional codes of ethics and court rulings. The laws and regulations are more or less systematically abused by the rulers, side-stepped, ignored, or even tailored to fit their interests.

While the intensity of the problem may vary across countries and regions, no political system seems to be immune to corruption. Recent scandals have shown that political corruption not only separates the political elite from society but undermines the very concept of democratic representation. From the toppling of presidents in Venezuela and Brazil ,the emergence of the new oligarchs in Russia, to the startling revelations of the Tangentopoli affair in Italy, the cash for peerages scandal in the United Kingdom to the streak of scandals that have long plagued Japanese politics.<sup>27</sup> The list of ethical lapses that have put democratic institutions under stress is truly global. And this still happens in democracies, where a measure of checks and balances are in place.

As Lord Acton's famous aphorism observes "power tends to corrupt, and absolute power corrupts absolutely" and this has been the reason behind the high levels of poverty in countries particularly vulnerable to systemic political corruption. Patronage politics target the poor, the unemployed, the dispossessed and the socially dependent. In most African countries, the legal bases, against which corrupt practices are usually evaluated and judged, are weak and furthermore subject to downright encroachment by the rulers. The formal legal framework of the state is therefore insufficient as terms of reference to assess and judge the problem of political corruption. Here, corruption is rarely a disease that the responsible politicians are eager to avoid, it is a deliberate, wanted and applied practice; it is one of the rulers' modes of enrichment and economic control.

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<sup>27</sup> Casas-Zamora,K., Marcin, W., Jeffrey, C. (1978). *Political Integrity and Corruption - An International Perspective*. Cambridge: Cambridge University Press



The primary cause to the culture of corruption today in Kenya is ascribed to the deliberate neglect and undermining of the basic institutions which are supposed to uphold the rule of law and good governance. Political corruption has undermined democracy and good governance in Kenya by subverting the formal processes and rules of conduct to the whims and fancies of a small elite representing ‘state capture’ (the extraction of private benefits by the political and bureaucratic elite) and thereby hindering the capacity of the State to make the right policy choices, and to provide overall good governance. A study by Martin contends that corruption has failed to stop due to the government’s failure to prosecute senior public officials who have been implicated in corruption since the Goldenberg and the Anglo-Leasing scandals.<sup>28</sup>

Thus, corruption becomes ferocious when checks and balances are not functioning; creating what is called ‘official moguls’, referring to how politicians and officials enrich themselves by altering the system and institutions to secure the wealth and power of themselves and their cronies<sup>29</sup>. This negatively affects the downward accountability mechanism when the people of Kenya lack, to a certain extent, the capabilities to engage with elected officials to gain transparency into the political process and affect the outcome.<sup>30</sup> Furthermore, the case with the most obvious institution to report corruption to – the police – are not perceived as trustworthy and informants often point out how the police is connected into patrimonialism and patronage networks, which deter citizens from reporting to them. On the other hand, the attitude towards anti-corruption agencies was less of fear but rather a perception of incapability, where citizens appear to have low trust that any punitive measurements would take place which discourage from engaging with

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<sup>28</sup>Akech, M. (2015). *Evaluating the Impact of Corruption Indicators on Governance Discourses in Kenya. The Quiet Power of Indicators*. Cambridge: Cambridge University press

<sup>29</sup> Johnston, M. (1996). The search for definitions: the vitality of politics and the issue of corruption. *International Social Science Journal*, 48(3), 321-335.

<sup>30</sup> James, M. (2011). *The Political Economy of Democratic Decentralization*. Washington D.C.: World Bank

them. This should not only be attributed to the anti-corruption agencies but the legal system as a whole, where the general perception of impunity prevails among citizens.

It is therefore obvious why corruption cases at the county levels take lengthy time to be investigated and in most cases no government official gets convicted for corruption cases. A number of corruption cases in the Nairobi city county are still pending in courts, and it is most likely that all the suspects will be acquitted due to lack of evidence as the culture has been in the entire country. Those expected to fight for the rights of the citizens and bring development closer to them are busy building empires with the public funds and creating obstacles towards the fight against corruption. Eventually many are hurt and a few people get to benefit. Even when the effect of democratization in curtailing corruption is not too strong according to the statistics available, and remain debated in the discourse on corruption in the Nairobi city county government, the practical argument here is that corruption can only be reversed by democratizing the state, economic and political competition, transparency and accountability, coupled with the democratic principles of checks and balances, are necessary deterrence instruments.

### **1.8.3 The legal and institutional frameworks for fighting corruption**

There is now increasing recognition at the global and national level that corruption is a serious obstacle to effective government, economic growth and stability, and that anti-corruption policies and legislation are urgently required at both levels. Serious efforts to combat corruption are still believed to be in their infancy in most countries, and reliable information about the nature and extent of domestic and transnational corruption is difficult to obtain. The problems are compounded by the very broad nature of the phenomenon and a lack of consensus about legal or criminological definitions that could form the basis of international and comparative research.

UN Convention against corruption is an inventory of measures for assessing the nature and extent of corruption, for deterring, preventing and combating corruption, and for integrating the information and experience gained into successful national anticorruption strategies. The nature and effects of corruption are unique to each country and society. It is intended to provide a range of options that will enable each country to assemble an integrated strategy that will be as effective as possible in meeting its own needs. This Convention was finalized on 30 September 2003 and adopted by the General Assembly in its resolution 58/4 of 31 October 2003. It has represented a major step forward in the global fight against corruption, and in particular in the efforts of UN Member States to develop a common approach to both domestic efforts and international cooperation. It contains two general provisions (Art.8 and 9) requiring basic anti-corruption offences and preventive measures, but many delegations recognized the fact that corruption was too complex and diverse to be dealt with effectively.

African nations have also created policies and reforms in the fight against corruption.<sup>31</sup> These policies range from public or political policies to financial strategies geared towards addressing graft. African countries have as well been forced by their Western donors to implement policies that boost good governance and transparency. The Kenyan government has endeavored to fight corruption especially since the onset of Kibaki's leadership in 2002, it is surprising that instances of corruption have increased rather than reduced. In fact, the 2007 enactment of the Statute Law (Miscellaneous Amendments) Bill that restricted the newly formed Kenya Anti- Corruption Commission of acts of corruption committed before May 2003 was a major setback. The Miscellaneous Amendments Bill raises questions about the progress that has been made in the

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<sup>31</sup>Ikubaje, J. G. (2015). *Democracy and Anti-Corruption Policies in Africa*. Ibadan, NGR: University of Ibadan Press

country with respect to the fight against corruption having given the perpetrators, worst corruption a de facto amnesty for their corrupt dealings.<sup>32</sup>

Kenya has continued to have ineffective anti-corruption agencies. This is evident due to the government interference in the anti-corruption agencies in Kenya. For instance, in the case of EACC; the commission was initially headed by Patrice Lumumba who had replaced Justice Aaron Ringera, a close ally of President Kibaki. Lumumba had reopened the Goldenberg and Anglo-Leasing with an intention to investigate all the alleged criminals. He later resigned from EACC, citing lack of political goodwill while dealing with corruption issues as the main reason behind his resignation. MumoMatemu was then appointed to head the body.<sup>122</sup> As a result of government interference the anti-corruption agencies in Kenya have proved to be ineffective in the fight against corruption.

Furthermore, the office of the Auditor General which is mandated with the responsibility of combating corruption has also been ineffective in its function. The audit reports from the auditor general offices on corruption are deemed not comprehensive, thus cannot be used to prosecute instances of corruption. This clearly indicates the ineffectiveness of the office since a proper prosecution that is able to curb corruption permanently in Kenya need to be comprehensive and detailed. The auditor general's office was established in 2007 with a mandate of dealing with all the public complaints on civil servants that are corrupt. Nonetheless, according to Transparency International the institution has been considered as vulnerable to political influence and is also contended to be understaffed which has drastically impacted on its effectiveness as a front runner against corruption. In other words, the insufficient staff means that the office is innately

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<sup>32</sup>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), 287-300

incapable of dealing with the large number of cases and complaints of corruption reported by the public which it is supposed to investigate.

Besides, the presence of Public Officers Ethics act of 2003, the enlistment of government employees is as yet not founded on legitimacy but rather is to a great extent impacted by remuneration, nepotism and biasness to the degree that political support stays boundless. The Anti-Corruption and Economic Crimes and the Witness Protection Act are innately feeble. The Anti-Corruption and Economic Crimes and the Witness Protection Act come up short on a dissension component through which public representatives can report corruption attributable to the nonappearance of operational or successful witness protection laws<sup>33</sup>. In fact, there are no official methods for securing the whistle blowers; this obstructs government employees from detailing instances of misrepresentation as they feel that they are not very much shielded from potential repercussions of their whistle blowing.

The incapability of anticorruption procedures in Kenya is ascribed to money related issues among donors and the nation. The troublesome connection among Kenya and outside donors can be exhibited by taking into account benefactor financing the EACC. The general donor commitments to Kenya's primary anti-corruption establishment have dependably been peripheral contrasted with the financing from the Kenyan government. Since budgetary year 2014/2015 the EACC did not get benefactor reserves. However, regardless of whether the EACC can work without donations, it will be more viable with the budgetary sponsorship of global organizations. Notably, in a couple of ways, the measures to control corruption by the Kenyan government have been effective in Kenya.

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<sup>33</sup>Kututwa, N. (2005). *African anti-corruption commitments: A review of eight NEPAD countries*. Africa Portal

The independence of EACC as an anti-corruption agency is another major challenge. The Attorney General has to validate the prosecutions, and this entity was known, of both EACC members and civil society, to be highly politicized. Furthermore, the persistent impunity situation further complicates the efficiency. The lacking independence of an anti-corruption agency is crucial and might explain partially why the institutional settings does not generate more accountability. There is little collaboration between the institutions of conflict resolution (as Attorney General, EACC and court), civil society and the citizens which consequently result in imperfect conflict resolution system forcing many civil society actors to act by themselves which impedes the fight against corruption at the national and county level.

### **1.9 Gaps in the Literature Review**

This study has established several gaps in the literature which demands further investigation. There is a wide range of literature that offers the causes and effects of corruption. However, there is no much literature on why corruption persists even after implementing strategies to fight it.

### **1.10 Hypotheses**

To address the main aim of this study, the research will test the following hypothesis:

H1: There is a relationship between socio wellbeing and corruption among the Nairobi County residents.

H0: There is no correlation between socio wellbeing and corruption among the Nairobi County residents.

H2: The legal and institutional frameworks for curbing corruption in the Nairobi city county are less effective.

## **1.11 Justification of the study**

### **1.11.1 Academic justification**

The ideological perspective underpinning this study is to the fact that corruption in Africa has been the major impediment to socioeconomic development. The Nairobi county government has been coupled with many cases of corruption which has led to great embezzlement of public funds and misappropriations of government resources. This study therefore intends to generate new literature in the efforts of curbing corruption not only in the Nairobi County but also at the national and global level in the fields of humanities and social sciences. This is due to the inadequate literature foundation that has resulted from the small number of study on this subject.

### **1.11.2 Policy justification**

This research will avail empirical evidence regarding corruption in the Nairobi County to policy formulators and the government on the approach to develop a long term and sustainable policy framework for the fight against corruption in Kenya and Africa at large. In addition, civil societies may use the findings of the study to effectively interact and collaborate with the governments more effectively on matters of corruption.

## **1.12 Theoretical Framework**

Theoretical framework is the structure upon which a research study is anchored and supports an existing theory. The theoretical framework section presents the theory upon which the study is anchored.<sup>34</sup> On the concept of corruption, there are several theories that offer credible theoretical argument and analysis of the issue. For purposes of this research the rational choice theory has

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<sup>34</sup>Graeff, P., & Stebl, A. (2010). *Modeling a Rational Choice Theory of Corruption: Norms as a Theoretical Feature of Corruption*. Venice, ITA: Venice International

been applied because it offers causes of corruption, an explanation as to why corruption is persistent and it gives anti-corruption strategies that can be used to fight it.

### **1.12.1 Rational choice theory**

According to Hall and Taylor the basic premise of rational choice theory is that aggregate social behavior results from the behavior of individual actors, each of whom is making their individual decisions and the determinants of the individual choices.<sup>35</sup> It assumes that an individual has preferences among the available choice alternatives that allow them to state which option they prefer. The rational agent is assumed to take account of available information, probabilities of events, and potential costs and benefits in determining preferences, and to act consistently in choosing the self-determined best choice of action. In simpler terms, this theory dictates that every person, even when carrying out the most mundane of tasks, perform their own personal cost and benefit analysis in order to determine whether the action is worth pursuing for the best possible outcome

The ultimate goal for individuals is to maximize utility: to attain whatever goal makes them happier, more satisfied, or better off, such as power or money. This is particularly relevant in the public sector, where government authorities (agents) often enjoy high levels of monopoly and discretionary authority over state resources and decision-making functions. As “corruption is a crime of calculation, not passion”<sup>36</sup>, the ample information advantages enjoyed by government officials as rational actors provide them with opportunities to abuse their entrusted power for private (self-interested) gain.

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<sup>35</sup>Ibid

<sup>36</sup>Ibid



Proponents of rational choice theory assume that the main actors make a decision to persistently engage in corruption on a cost benefit basis which hinges on economic realities that both actors are experiencing at the time of the encounter.<sup>37</sup> Therefore, corruption is considered a crime of calculation. Rational choice theory also offers a framework of fighting corruption. Back argues that cultural factors influencing the understanding of how delegated power is to be used and how abuse of authority is to be conceptualized are based on the rational choice institutionalist conception of corruption. The perception and underpinning of rational theory of corruption offers the best conceptualization of why corruption is persistent and the issues that are critical for this research. Therefore, the research adopts rational choice theory to examine why corruption is persistent and strategies of combating corruption in Nairobi County.

### **1.13 Methodology of the study**

This section focuses on the study design, area of study, target population, sample size, sampling design, data collection instruments, data collection procedures, piloting, reliability and validity of research instrument, data analysis and presentation.

#### **1.13.1 Research design**

Harwell notes that, a research design is a plan, structure and strategy of investigation to acquire answers to research questions and control inconsistency.<sup>38</sup> This study applied descriptive case study research design to help establish the socio economic implication of corruption in the Nairobi city county government on the residents of Nairobi. According to Phil descriptive research studies are designed to obtain information concerning the current situation and other

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<sup>37</sup> Coleman, J. S., &Fararo, T. J. (2012). *Rational choice theory*. Nueva York: Sage

<sup>38</sup> Harwell, M.R. (2005). *Research Design in Qualitative, Quantitative and Mixed Methods*. Washington: University of Minnesota Publication

phenomena and wherever possible to draw valid conclusion from the facts discussed.<sup>39</sup> This study therefore required such an exhaustive approach to carry out an in depth investigation on corruption in Nairobi county.

### **1.13.2 Case Study**

This research adopts the case of Nairobi County which is located in Kenya, an area that has recently, attracted heightened publicity and attention due to the increase in corruption and the fact that some of the officials have had pending corruption cases in courts due to loss of county funds that has not been accounted for. A case study provides a means for extracting practical examples and developing methods of solving real global problems. Nairobi County presents quite a classic case study, due to its large budgetary allocation and the little level of development that have been achieved which has attracted both county and national concern.

### **1.13.3 Data Collection Methods**

This research utilized the Questionnaires and interview guide that were administered to different respondents to obtain primary data. The study utilized both Primary and secondary data to generate information. For the secondary sources of information, this research used policy papers, official documents, reports, journals, magazines, newspapers, periodicals and other published works. The aim was to collect relevant written information to address the issue of corruption on socioeconomic development of Africa.

### **1.13.4 Target Population**

The target population is the specific pool of cases that a researcher wants to study.<sup>40</sup> Thus, the population should fit a certain specification, which the researcher is studying. This study targeted 400 respondents from the Nairobi County, who are well versed with the effects of

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<sup>39</sup> Konthari, P.(2011) *Research methodology; methods and techniques*. New Delhi; New age

<sup>40</sup>Neuman, L. (2006). *Social Research Methods. Qualitative and Quantitative Approaches*. Whitewater: University of Winsconsin, p.224

corruption on their socioeconomic development. The sample population for this study was comprise of County government officials, politicians, judiciary officials, EACC officials, police officers, business Entrepreneurs, Civil servants and Academicians. Therefore, a sample was chosen to represent the relevant attributes of the whole set of units termed as “population.”<sup>41</sup>

### **1.13.5 Sample Size determination**

The simplified formula by Yamane was used for sample size calculation. The formula is:

$$n = \frac{N}{1 + N(e)^2}$$

Where

n= sample size

N= population size

e= precision level usually 0.05

When fitted into the formula:

$$n = \frac{399,227}{1 + 399,227(0.05)^2}$$

$$n = \frac{399,227}{1 + 399,227(0.0025)}$$

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$$n = \frac{399,227}{1 + 399,227(0.0025)}$$

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<sup>41</sup>Graziano, A., & Raulin, M. (1997). *Research methods: a process of inquiry*. New York: Longman Pub Group

n=399,227

1+998.0675

n=399.5 Approximately 400 Respondents

This research collected primary data from the above respondents by issuing Questionnaires to the respondents.

**Table 1.1 Sample Size**

<b>Target Population (Respondents)</b>	<b>Sample Size</b>	<b>Sampling technique</b>
County government officials	50	convenient
National government officials	80	convenient
Security personnel	50	Simple random
Civil society organization	20	convenient
Academicians	25	purposive
Business personnel	100	Stratified random
Religious Leaders	50	Simple random
Politicians	25	Simple random
Total	400	

**Source: Researcher, 2020**

The procedure of selecting the subject was formulated and it included the probability sampling that involved the simple random, stratified random while non probability one included the convenient and purposive technique. Simple random is best applied to larger population whereby each member of the population is equally likely to be chosen as part of the sampling to avoid biasness. The use of stratified random sampling was applied whereby the population was divided

into strata depending on the common attributes at hand. Non probability sampling techniques on the hand relied on the subjective judgment of the researcher.

Purposive sampling for the academicians was be appropriate because the researcher looked at particular characteristics of the academicians that are of interest and have the knowledge about what is being researched on. Convenient sampling involves collecting the sample from somewhere near or convenient.

#### **1.13.6 Data Analysis and Presentation**

In this study, both qualitative and Quantitative methods was used in data analysis. The quantitative analysis mainly focuses on using descriptive statistics. Microsoft office excel was used in the data analysis and study findings represented in tables and charts for clear visualization. Qualitative data was analyzed through content analysis.

#### **1.13.7 Limitations of the Study**

Time and financial constraint was a key limitation to the actualization of this study. To overcome this, the researcher had to supplement all the operations from her personal savings and also used internet services for instance the emails, to send questionnaires to the relevant respondents. The vast geographical coverage of the county and lack of cooperation from respondents was indeed one of the other key challenge, to overcome this, the researcher made frantic efforts in assuring the respondents of their safety and privacy of the information volunteered.

#### **1.13.8 Ethical Considerations**

It is obligatory for research to be guided by acceptable behavioral standards. The researcher was able to explain to the respondents that information taken from them would be purposely used for academic reasons only. The right to participate in this research was based on the respondents' consent and their privacy was protected by strict standard of anonymity. The researcher

followed the laid down procedures for data collection by the University and other statutory organs. The researcher applied for a research permit from the NACOSTI to carry out the research

#### **1.14 Chapter Outline**

This research study was guided by the following Chapter breakdown;

**Chapter one:** is the introductory chapter to the study and comprises of a general introduction to the research, background, statement of the research problem, objective of the study, research questions, theoretical framework within which the research was carried out, methodology applied, limitations and chapter outline.

**Chapter two:** looked at the socio economic implication of corruption on the residents of Nairobi County. Nairobi.

**Chapter Three:** focused on the nexus between bad politics and the fight against corruption in the Nairobi City County government.

**Chapter Four:** Examines the legal and institutional frameworks for fighting corruption in the Nairobi City County government.

**Chapter Five:** presents the Summary, Findings and Recommendations proposed by this study for policy reforms intended for long-time corruption resolution.

## CHAPTER TWO

### SOCIO-ECONOMIC IMPLICATIONS OF CORRUPTION ON THE RESIDENTS OF NAIROBI COUNTY

#### 2.0 Introduction

The first objective of the study was to analyze the socio-economic implications of corruption on the residents of Nairobi County. This chapter contains an analysis of the findings from questionnaires and interviews. These findings are analyzed against the literature review. A conclusion is finally presented.

#### 2.1 Demographic Characteristics of the Study Participants

##### 2.1.1 Response Rate

The study sampled 400 county government officials, national government officials, security personnel, civil society organization, academicians, business personnel, religious leaders, and politicians. From these 321 of 370 questionnaires issues were returned while 27 officials were interviewed. This makes a total of 348. The response rate of 87% for questionnaire participants and 90% for interviewees as indicated on table.

**Table 2. 1: Response Rate**

Category	Targeted	Response/Participants	Percent (%)
Questionnaires	370	321	87
Interviews	30	27	90

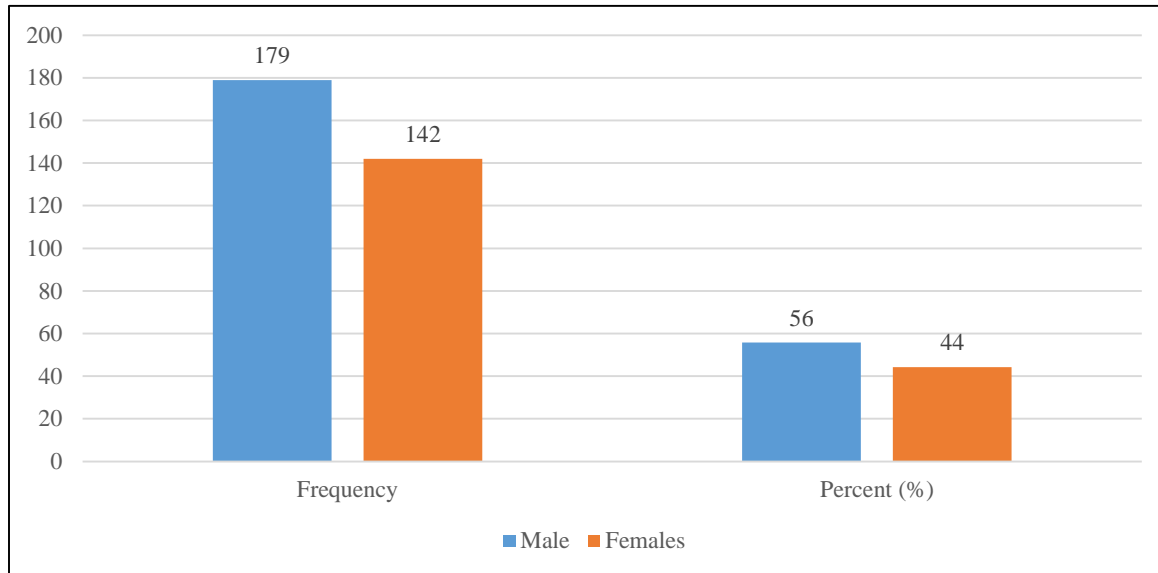
**Source: Researcher, 2020**

##### 2.1.2 Demographic Characteristics of the Respondents

The respondents to the questionnaires were asked to indicate selected demographic information. This included gender and age. The findings are presented in the following section.

### 2.1.2.1 Gender of Respondents

The officials who responded to the questionnaires were asked to indicate their age. The findings show that most of them were male at 56%. These were followed closely by females at 44%.



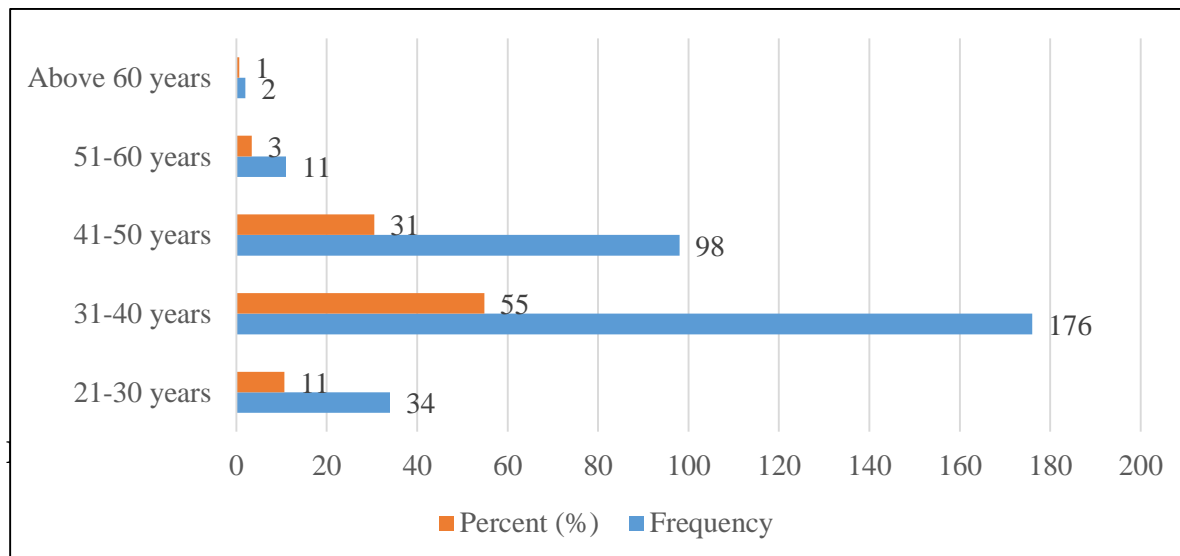
**Figure 2.1 Gender of the Respondents**

**Source: Researcher,2020**

### 2.1.2.2 Age of Respondents

The respondents were asked to indicate their ages. More than half of them were aged 31 to 40 years (55%). These were followed by close to a third (31%) who were aged 41 to 50 years. These findings are indicative of the fact that most of the respondents were old enough to underrate issues related to corruption in Kenya.





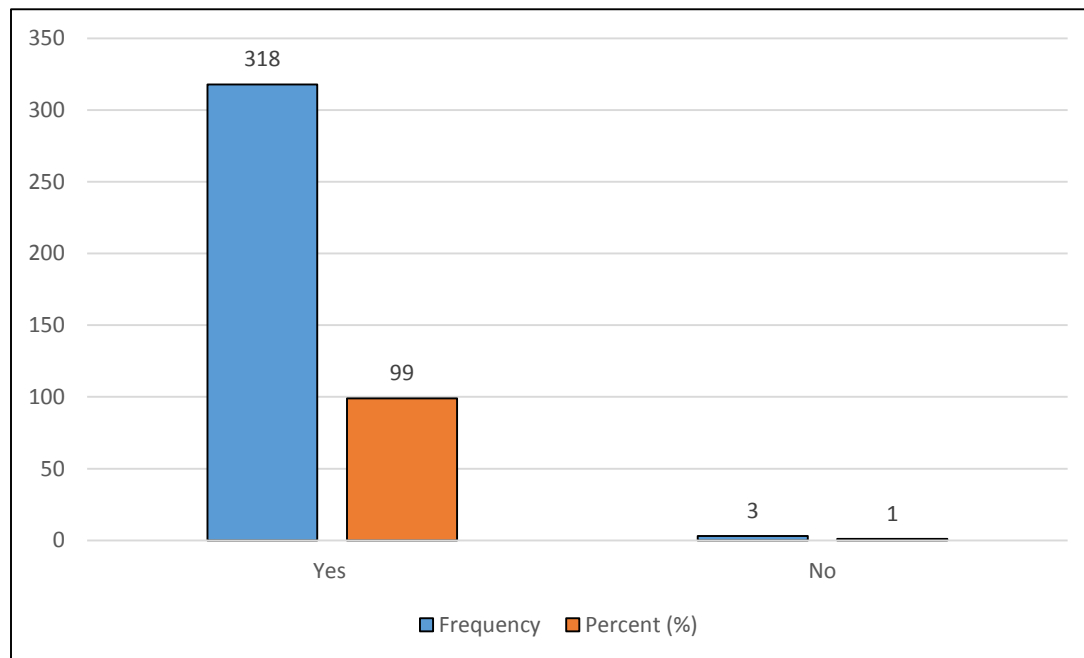
**2.2 Nexus between Corruption in Nairobi City County and Socioeconomic Development**  
**Source: Researcher,2020**

This section presents findings on the effects of corruption in the Nairobi City County government on the socio-economic development of the residents of Nairobi County. Data was collected using questionnaires and interviews. The findings are analyzed against the literature reviewed.

**2.2.1 Presence of Corruption in the Nairobi City County Government**

The respondents were asked to indicate their knowledge and understanding if they thought corruption had been prevalent in the Nairobi City County government. The findings as presented in figure 2.3 show that there was a high level of corruption. In this regard, 99% of the respondents said that there was corruption while 1% were of a contrary opinion. This agrees with Shapiro who reported a high level of corruption in government institutions in Kenya.<sup>42</sup>

<sup>42</sup> Gichio, D. (2014). *Public Procurement in Kenya: Cash cow for the corrupt or Enabler for Public Service Delivery*. Nairobi: International Transparency



**Figure 2.3 Presence of Corruption in the Nairobi City County Government**

**Source: Researcher,2020**

### **2.2.2 Causes of the Increase in Corruption Cases in the Nairobi City County Government**

The respondents were asked to indicate what had caused the increase in corruption cases in the Nairobi City County government. Several causes were identified. These included lack of stringent control measures, poor qualification of staff, loopholes in money collection systems, weak financial systems that were easy to defeat which led to financial wastage.<sup>43</sup>This was attested by one of the respondents who said:

*“It was easy to defeat the control systems in the City County. Some of the offices defeated the set systems by collecting cash instead of paying through mobile money. In some*

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<sup>43</sup> Ibid

*instances, people paid to get swift favours because they were not willing to wait for the stipulated time for some services.”<sup>44</sup>*

Collusion with the officers who approved county government commitments and expenditures also enhanced corruption in the county. This was attested by one of the respondents who said that:

*Sometimes there is collusion to defraud the county government through tendering processes. Some officers accept a bribe to give tenders to some people against the set procurement laws. Curtails are also often formed to steal from the county government in revenue collection processes. Although a lot is being done to stop this, there are cases in which officials have run parallel collection processes using their own receipts and documentations with the approval of some seniors.”<sup>45</sup>*

Furthermore, lack of system upgrades and after the change of government contributed to increases in corruption in the county. Lack of political will as well as political interference (patronage) also contributed to increases in corruption in the county. This buttresses the findings of Mukabi who was of the same opinion.<sup>46</sup> This was attested by one of the respondents who said:

*“Patronage is a real challenge challenging patronage in the county. As a result, corruption and runaway patronage exists in the county due to greed, politics of ethnicity, and deliberate move to steal from the government.”*

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<sup>44</sup> Participant 1, Nairobi, September 2020.

<sup>45</sup> Participant 4, Nairobi, September 2020.

<sup>46</sup> Mukabi, F.K., Barasa, P.W., & Chepng'eno, V. (2015). “Devolved Governance in Kenya; Is it a False Start in Democratic Decentralization for Development?” *International Journal of Economics, Finance and Management*, 4 (1),

### **2.2.3 Expected Results of Increased Cases of Corruption on the Residents of the Nairobi City County**

The key informants were asked to indicate the expected results of increased cases of corruption on the residents of the Nairobi City County. They pointed out that corruption had numerous effects on the residents of the county. It led to the distribution of opportunities to a selected few at the expense of others. Those qualified were denied opportunities in government due to the employment of unqualified personnel as was identified by Kiskel.<sup>47</sup> Additionally, key services were not undertaken in time. This made living conditions in the city difficult. Looting of finances meant for garbage collection for example led to shoddy services and led to environmental pollution. In this regard, one of the respondents said:

*“Corruption led to environmental pollution if money for garbage collection was looted. Incompetent persons were often employed, leading to poor service delivery which affected the performance of businesses.”<sup>48</sup>*

Corruption coupled with non-compliance with health regulations, physical planning rules, and other safety regulations puts the lives of city residents at risk.<sup>49</sup> People encroached on government land which challenges mobility within the city. In case of fire or emergencies, some people were trapped; leading to death. Corruption also led to the selling of counterfeit products, farming along sewer lines, and other social evils that threatened the health of city residents. When resources were stolen, road projects were delayed or poorly undertaken. This had negative consequences on businesses in the city since the movement was hampered. In this regard, one of the respondents said:

*“Corruption meant that government projects such as roads were done poorly. It thus remained a tall order to move from point to point. Businesses are affected due to delayed*

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<sup>47</sup> Kiskel, J. (2011). *Governance Model: Defined*. Cognizant: New Jersey.

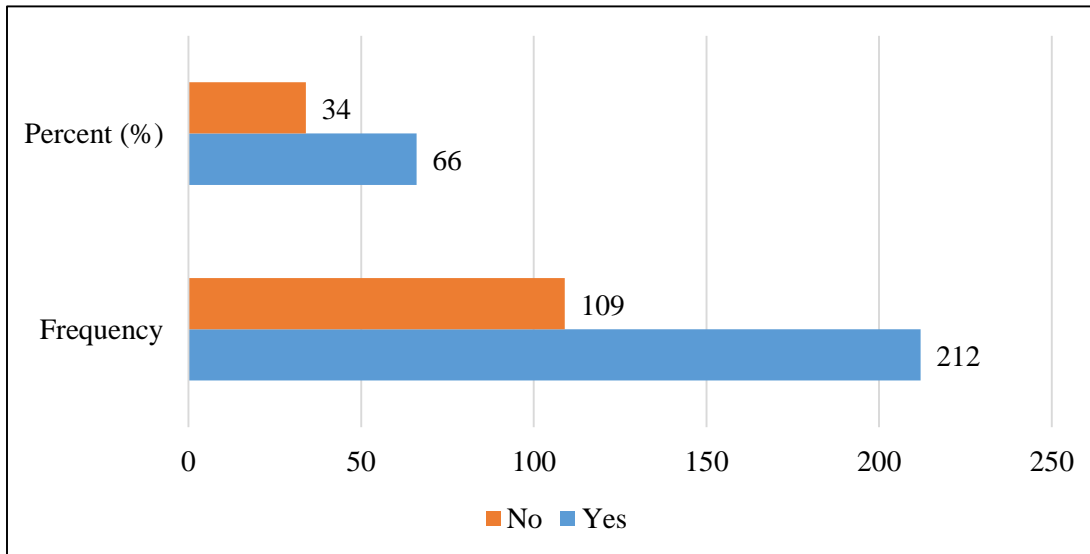
<sup>48</sup> Participant 16, Nairobi, September 2020.

<sup>49</sup> Op Cit

deliveries among others. This goes on to affect the income levels of the inhabitants of the city.”<sup>50</sup>

#### 2.2.4 City Residents Being Asked for Cash and Other Favours to Obtain Public Services

The respondents were posed with the question, “as a resident of Nairobi County have you been asked to part with cash or grant public officials favors in order to obtain public services or goods?” Most of the respondents answered in the affirmative as shown in Figure 2.4. Some of the favours asked for were mostly financial. Some were asked to give “cuts” i.e. a portion of the value of the services they were asked to offer the city government after winning tenders. This agrees with Gichio in “public procurement in Kenya: cash cow for the corrupt or enabler for public service delivery.”<sup>51</sup>



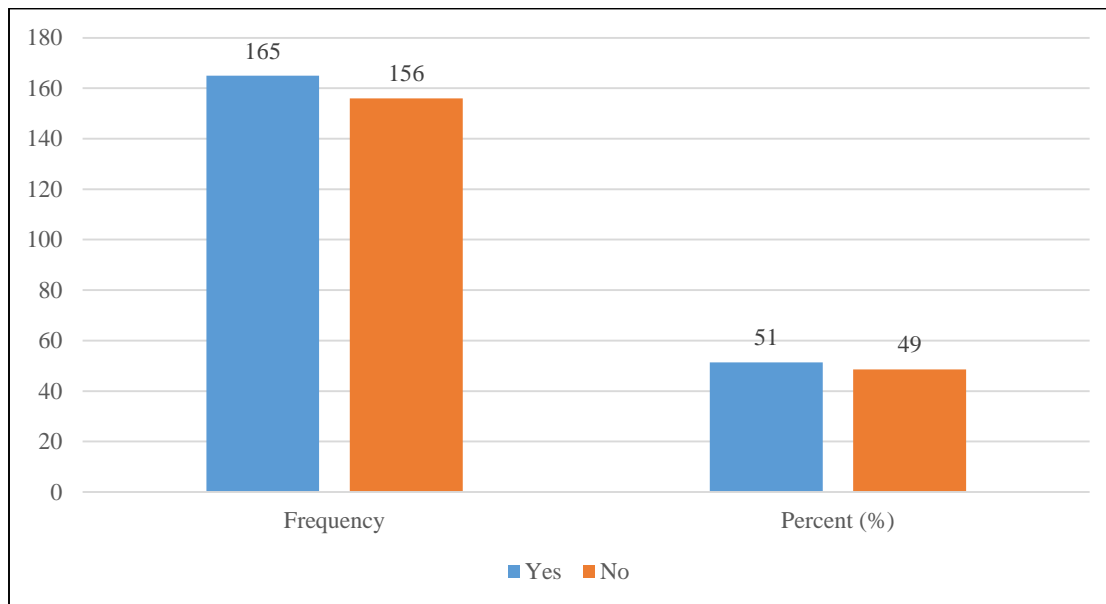
**Figure 2.4 Favours to Obtain Public Services**

<sup>50</sup> Participant 21, Nairobi, September 2020.

<sup>51</sup> Gichio, D. (2014). *Public Procurement in Kenya: Cash cow for the corrupt or Enabler for Public Service Delivery*. Nairobi: International Transparency Kenya

### 2.2.5 Delivery of the Needs of the Residents of Nairobi County

The respondents were asked if in their opinions the Nairobi City County government delivered to the needs of the county residents. Slightly more than half of the respondents (51%) pointed out that the government delivered such needs. This was followed by about a half (49%) who were of a contrary opinion. It is evident that the respondents were almost 50-50 on the ability of the county government to deliver the needs of its residents. It is thus evident that corruption affected service delivery in the county. This agrees with the findings by Kanyane who was of the same opinion.<sup>52</sup>



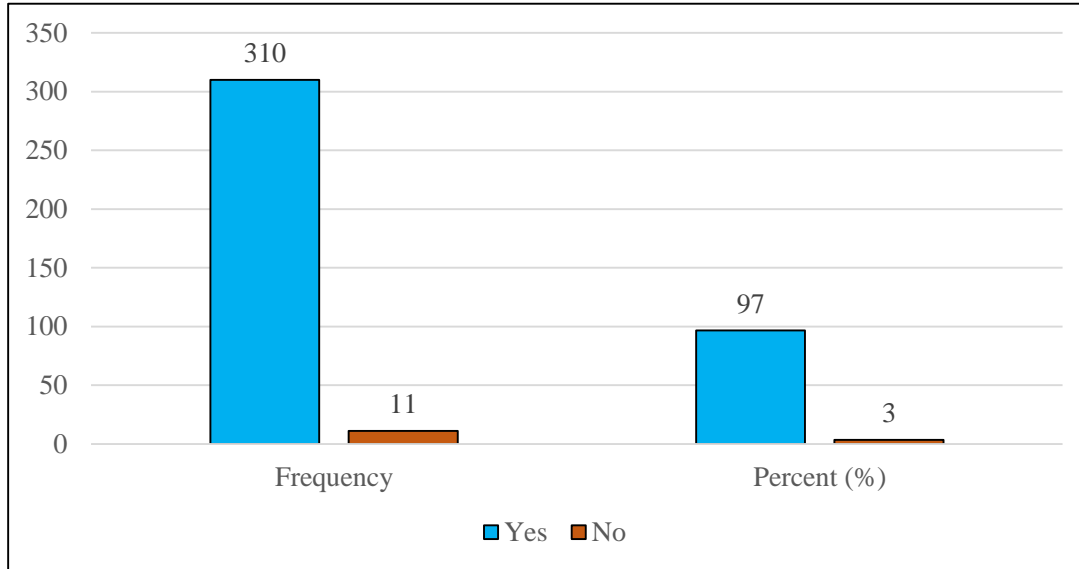
**Figure 2.5 Delivery of the Needs of the Residents of Nairobi County**

**Source: Researcher, 2020**

<sup>52</sup> Kanyane, H.M. (2006). *Conflict of Interest in South Africa: A Comparative Case Study*. Unpublished PhD Thesis. University of Pretoria: South Africa.

### 2.2.6 Effect of Stalled Projects in Nairobi City County on the Wellbeing of the Residents of the Nairobi County

The respondents were asked if the stalled projects in Nairobi City County affected the wellbeing of the residents. In this regard, 97% of them pointed out that stalled projects had affected them negatively. They made movement difficult and affected their ability to work effectively. This affected their income levels and their living standards.



## **Figure 2.6 Effect of Stalled Projects in Nairobi City County.**

**Source: Researcher,2020**

### **2.2.7 Incident where Corruption in the Nairobi County Government had Affected the Socio Wellbeing of the Residents of the Nairobi Residents**

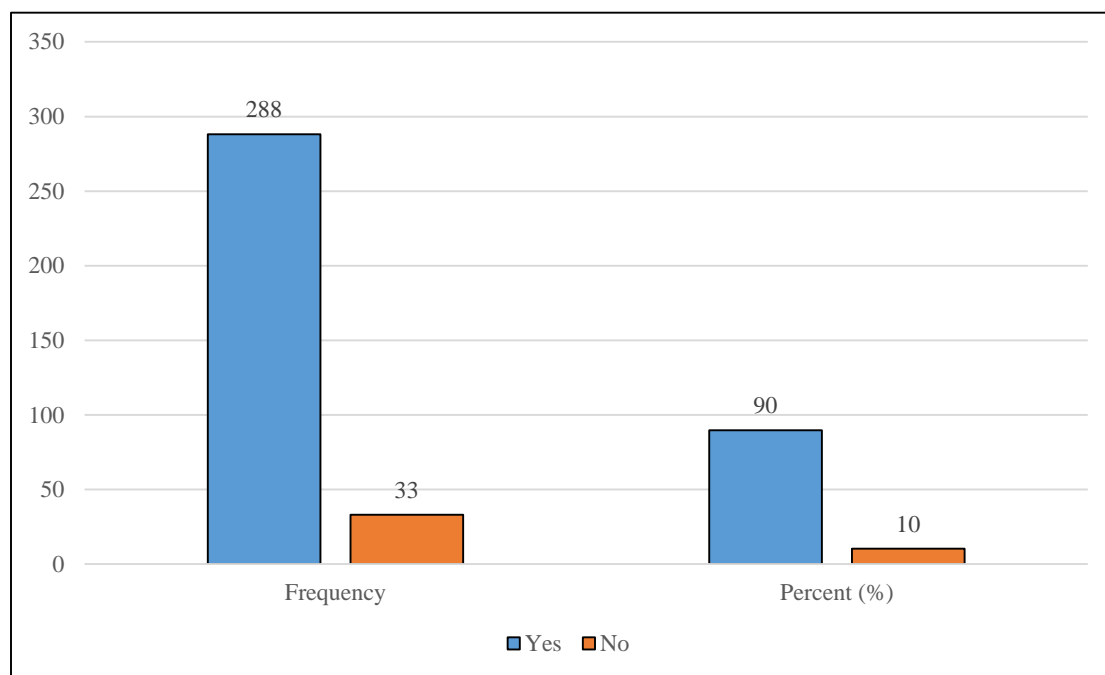
The respondents were presented with the question, “can you point out an incident that you may know where corruption in the Nairobi County government has affected the socio wellbeing of the residents of the Nairobi residents?” Most of them (90%) said that they had seen such incidences as shown in Figure 2.7. In this regard, the respondents pointed out that corruption had reduced the ability of some people from accessing procurement opportunities. This is in line with a study by Njuguna who linked corruption and access to procurement opportunities.<sup>53</sup> Some people lost tenders they were qualified for because they could not offer bribes. Others had jobs taken from them through fraudulent means and offered to others through corruption. In some instances, some of the respondents pointed out that there were instances in which land was taken from them and allotted to others due to political patronage and corruption. This affected their social well-being. Corruption had also led to a delay and total abandonment of some projects.<sup>54</sup> This lead to poor working conditions and affected the economic well-being of the inhabitants of the county.

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<sup>53</sup> Njuguna ,H.K (2012). *The influence of political patronage on the operationalization of public procurement law in Kenya*. Nairobi: University of Nairobi. Kenya.

<sup>54</sup> Ramphele, M. (2012, July). “We must not let SA die in our hands”. *The Sunday Independent Newspaper*





**Figure 2.7 Incident where Corruption in the Nairobi County Government had affected the Socio Wellbeing of the Residents of the Nairobi Residents**

### 2.3 Chapter Summary

The findings show that there is a high level of corruption. In this regard, 99% of the respondents said that there was corruption while 1% were of a contrary opinion. Several causes were identified. These included lack of stringent control measures, poor qualification of staff, loopholes in money collection systems, weak financial systems that were easy to defeat. Collusion with the officers who approved county government commitments and expenditures also enhanced corruption in the county. Furthermore, lack of system upgrades and after a change of government contributed to increases in corruption in the county. Lack of political will as well as political interference (patronage) also contributed to increases in corruption in the county.

The key informants pointed out that corruption had numerous effects on the residents of the county. It led to the distribution of opportunities to a selected few at the expense of others. Those

qualified were denied opportunities in government due to the employment of unqualified personnel. Additionally, key services were not undertaken in time and this challenged living conditions in the city. Looting of finances meant for garbage collection for example led to shoddy services and also resulted into environmental pollution.

## **CHAPTER THREE**

### **NEXUS BETWEEN BAD POLITICS AND THE FIGHT AGAINST CORRUPTION IN THE NAIROBI CITY COUNTY GOVERNMENT**

#### **3.0 Introduction**

The second objective of the study was to explore the nexus between bad politics and the fight against corruption in the Nairobi City County government. This chapter presents the findings obtained from the questionnaires and interviews. Finally, a conclusion is provided.

#### **3.1 Nexus between Bad Politics and the Fight against Corruption in the Nairobi City County Government**

This section presents the findings from questionnaires and interviews.

##### **3.1.1 Consequences of Political Corruption on the Residents of Nairobi City County**

The respondents were presented with the statement, “political corruption in the Nairobi City County government has led to a myriad of consequences. State some of the consequences of political corruption on the residents of Nairobi City County.” The respondents pointed out that political corruption had negatively affected the residents of Nairobi City County. These include loss of finances through bribes to county officials, poor implementation of government projects, exclusion of some citizens from doing business with the government, the skewed award of tenders to corrupt persons, and employment of semi-qualified individuals. As such service delivery was largely challenged. This contributed to the inabilities to obtain services from the government in time. The quality of service from government officials was also poor and this challenged doing business in the City County. These findings are in line with the findings of Kopecky that points out that “in many African countries such as Zimbabwe, South Africa,

Kenya, Nigeria and Uganda, political patronage and corruption often results in poor economic growth, poor institutional performance and financial mismanagement.”<sup>55</sup>

### **3.1.2 Effects due to Bad Politics and the Fight against Corruption**

The respondents were presented with the statement, “Devastating effects due to bad politics and the fight against corruption have been experienced globally. Kindly indicate areas of great concern where these effects have been experienced most in the Nairobi City County.” The findings show that bad governance had affected service delivery in many ways. Political meddling with contractors stalled projects and led to poor quality of projects. Demand for bribes from contractors means that the quality of projects was compromised. In some cases, bad politics meant that incompetent and corrupt persons were elected into county governments. Some of them influenced the employment of incompetent individuals into the county office which was also identified by a study by Ramphele.<sup>56</sup> As a result, the service delivery was thus challenged due to incompetence. Some corrupt officials also by influencing procurement processes in the county government led to the procurement of defective or sub-standard equipment. The cost of maintenance of such equipment robbed the county government of immense financial resources.

There were also cases in which corruption cases were taken to court. Due processes take a lot of time in prosecuting these cases. This delay of projects and further wastage of resources as some of the officials battled with the cases. Some took painful steps to hide evidence, which led to the total loss of the money looted. Corrupt judicial employees also contributed to the total loss of resources as some colluded with county officials to hide evidence and defeat the cases brought before the court. It is thus evident that, corruption had immense consequences on the socio-

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<sup>55</sup> Kopecky, P. (2011). “Political Competition and Party Patronage: Public Appointments in Ghana and South Africa”. *World Politics*, 46 (4), 453–59

<sup>56</sup> Ramphele, M. (2012, July). “We must not let SA die in our hands”. *The Sunday Independent Newspaper*

economic well-being of city residents as well as government officials. This agrees with a report by UNESCO that posits that fighting corruption is affected by the fact that “laid out legal procedures are often overlooked and decision making interfered with by powerful people in government.”<sup>57</sup>

### **3.1.3 Political Impact of Increased Corruption in the Nairobi City County Government**

The Key informants were presented with the question, “in your opinion what has been the political impact of increased corruption in the Nairobi City County government?” Various responses were obtained. Corruption made it hard to achieve the politically defined development agenda of the county. This agrees with the findings of Ramphele who focused on the same subject.<sup>58</sup> As such, corruption meant that the county governments did not deliver their obligations to citizens in areas such as job creation, infrastructural development, and creation of a conducive environment for business among others. In this regard, one of the key informants said:

*“Corruptions made business hard since the right infrastructure was not developed in time. Job creation as promised was not done, leading to poor living standards of some city residents.”*<sup>59</sup>

Corruption also meant that some of the projects inherited from the previous government were either abandoned or poorly implemented due to wastage of resources during transition processes which buttress the findings of Kanyane.<sup>60</sup> Officials of outgoing governments often engaged in corruption in a bid to maximize their gains before leaving office. This affected the socio-economic development of the county and affected the service delivery of subsequent governments. In this regard, one of the key informants said:

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<sup>57</sup> UNESCO (2007). *What is Good Governance? United Nations Economic and Social Commission for Asia and the Pacific*. Bangkok, Thailand : UNESCO

<sup>58</sup> Ramphele, M. (2012, July). “We must not let SA die in our hands”. *The Sunday Independent Newspaper*

<sup>59</sup> Participant 8, Nairobi, September 2020.

<sup>60</sup> Kanyane, H.M. (2006). *Conflict of Interest in South Africa: A Comparative Case Study*. Unpublished PhD Thesis. Pretoria: University of Pretoria

*“There is often an increase in corruption during electioneering periods with some county officials engaging in corrupt undertaking with the hope of covering it up in the chaos of the election. This leads to loss of county resources and affects service delivery during election periods and in the transition period after the new City County government is formed.”<sup>61</sup>*

### **3.1.4 Role of Lack of Political Goodwill in Impeding of Investigation and Prosecution of Corruption Cases**

The key informants were asked to point out how a lack of political good impeded investigation and prosecution of corruption cases. They pointed out that the lack of political will challenged the anticorruption cases in many ways. In this regard, some corrupt officials sought protection from politicians in high offices. This was identified in Mamogale in a related study undertaken in South Africa titled, “Political Patronage and the State Economic Performance in Africa”.<sup>62</sup> This meant that prosecuting them become hard in Kenya where politics of ethnicity and political patronage are rampant. In other cases, some corrupt officials used their connection to buy the silence and the protection of colleagues. This can be affirmed by the words of one of the key informants who said:

*“Politicians often interfered with investigation processes by meddling with witnesses and hiding evidence. They also covered their colleagues and in some instances, they ensured that the cases were defeated if they were culpable.”<sup>63</sup>*

Evidently, the lack of political goodwill was important in the investigation and prosecution of corrupt cases. It was thus pertinent to institute measures for enhancing the willingness of

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<sup>61</sup> Participant 16, Nairobi, September 2020.

<sup>62</sup> Mamogale, M.J. (2007). *Political Patronage and the State Economic Performance in Africa: Evidence from South Africa*. Pretoria: University of Pretoria

<sup>63</sup> Participant 22, Nairobi, September 2020.

politicians to abstain from interfering with corruption cases during investigation and prosecution stages. Another key informant, in support of these findings, said:

*“Corruption could only be avoided if politicians were willing to abstain from interfering with corruption cases. If they could withdraw their interference, it was possible to stem out corruption. However, some of them were often involved in corruption cases which made it hard to deal with corruption.”*<sup>64</sup>

### **3.1.5 Ways of Preventing Political Corruption in the Nairobi City County**

The key informants were presented with the question, “what would you prescribe on the prevention of political corruption in the Nairobi City County government.” They pointed out that some of the methods they would prescribe were ensuring that there was political goodwill for dealing with corruption; ways of dealing with internal political supremacy in Nairobi City County should also be explored. This is in line with Mukabi and others who found out that lack of political goodwill affected anti-corruption interventions in devolved governments such as Nairobi City County.<sup>65</sup> There should also be a workable mechanism for community participation and more stringent anti-corruption laws so as to check corruption. Furthermore, there should be powerful institutions of regulations and oversight that check corruption. This was attested by one of the respondents who said:

*“The county government should put in place powerful mechanisms for dealing with rampant corruption in the county. The current laws should be reviewed and amended where need be to respond to every changing corruption environment.”*<sup>66</sup>

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<sup>64</sup> Participant 27, Nairobi, September 2020.

<sup>65</sup> Mukabi, F.K., Barasa, P.W., & Chepng’eno, V. (2015). “Devolved Governance in Kenya; Is it a False Start in Democratic Decentralization for Development?” *International Journal of Economics, Finance and Management*, 4(1)

<sup>66</sup> Participant 18, Nairobi, September 2020.

There should also be mechanisms for dealing with tribal cultures that sustain corruption through advocacy and other programmatic interventions. This is in line with the findings of Getha-Taylor who argue that political will was important in the fight against corruption.<sup>67</sup> These findings are also supported by one of the key informants who said:

*“Politicians should be encouraged to shun corruption and support anti-corruption drives for purposes of checking rampant corruption in the county. They should be encouraged not to interfere with anti-corruption processes in the county.”<sup>68</sup>*

The City County governments should also put in place a governance model that deals with corruption. Nairobi City County should ensure that county governments have synchronized mechanisms of dealing with corruption within the existing national anti-corruption laws. This is in line with the findings of Mamogale who is of the view that “a good governance model for Africa should have powerful institutions of regulations and oversight for checking corruption. This is for purposes of enforcing the true meritocratic culture that promotes excellence in the civil service as well as dealing with corruption.”<sup>69</sup> This was further supported by one of the respondents who said:

*“The government should ensure that corruption is promptly dealt with by adopting an anti-corruption model that reflects the corruption landscape in Kenya. The existing institutions should be strengthened to deliver on their mandates without any interference as envisaged by the existing national anti-corruption laws.”<sup>70</sup>*

### **3.2 Chapter Summary**

The findings show that political corruption had negatively affected the residents of Nairobi City County. These include loss of finances through bribes to county officials, poor implementation

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<sup>67</sup> Getha-Taylor, H. (2008). Public Management. *Journal of Public Personnel Administration*, 28 (2), 103-119

<sup>68</sup> Participant 3, Nairobi, September 2020.

<sup>69</sup> Op Cit

<sup>70</sup> Participant 19, Nairobi, September 2020.



of government projects, exclusion of some citizens from doing business with the government, the skewed award of tenders to corrupt persons, and employment of semi-qualified individuals. As such service delivery was largely challenged. This contributed to the inability to obtain services from the government in time. The quality of service from government officials was also poor and this challenged doing business in the City County.

The respondents show that bad governance had affected service delivery in many ways. Political meddling with contractors stalled projects and led to poor quality of projects. Demand for bribes from contractors means that the quality of projects was compromised. In some cases, bad politics meant that incompetent and corrupt persons were elected into county governments. Some of them influenced the employment of incompetent individuals into the county office which was also identified by a study by Ramphele. As a result, the service delivery was thus challenged due to incompetence. Some corrupt officials also by influencing procurement processes in the county government led to the procurement of defective or sub-standard equipment. The cost of maintenance of such equipment robbed the county government of immense financial resources.

## CHAPTER FOUR

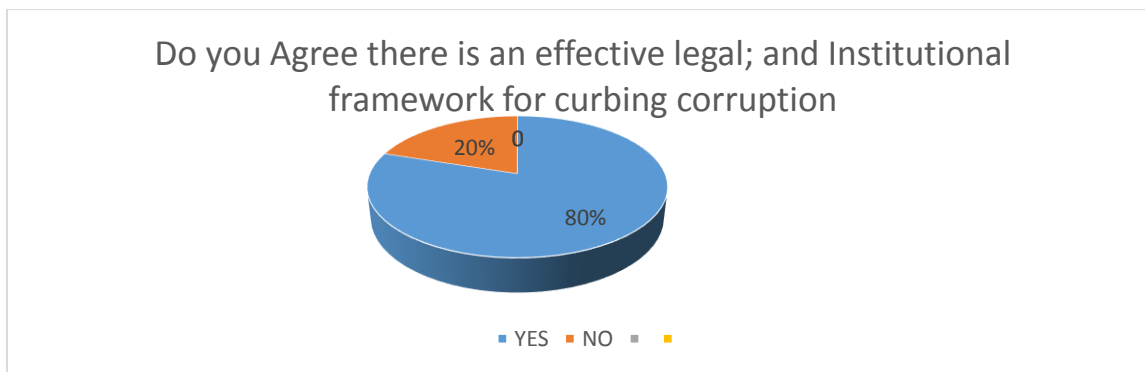
### EFFECTIVENESS OF LEGAL AND INSTITUTIONAL FRAMEWORKS FOR FIGHTING CORRUPTION IN NAIROBI CITY COUNTY

#### 4.0 Introduction

This chapter analyzes the effectiveness of the legal and institutional frameworks governing the fight against corruption in the city county of Nairobi. The analysis probes the ability of the available legislation and its applicability in curbing the incidents of corruption in the county. As well this chapter demonstrates the institutional capability or lack of it thereof in the fight against graft. The effectiveness of the implementation of legal framework is drawn from the completed responses obtained from the respondents who participated in this study.

#### 4.1 Framework for the Criminalization of anti-corruption strategy

When asked to indicate whether the government had established legal and institutional framework for curbing corruption in the counties, majority of the respondents 80% indicated that the government had formulated and established elaborate legal framework which had criminalized corruption in the country. The results are as shown by the diagram below.



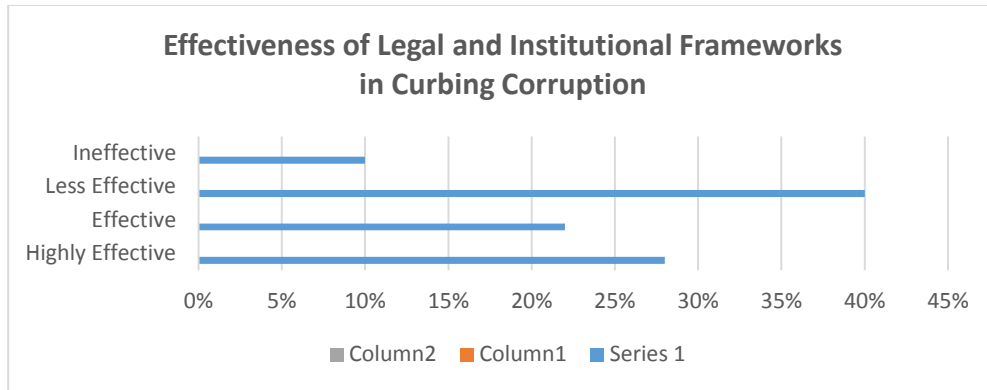
**Figure 4.1: Legal and institutional framework for curbing corruption in the counties**

**Source: Field Data, Researcher 2020**

From the diagram above, it is evident that; the government has established legal and institutional framework which criminalizes corruption and effectively curbs corruption in the devolved units of government. Criminalization of all conduct which constitute corruption is an essential component of facilitating war on graft and serves as a deterrence to commissions of corruption. The introduction of anti-corruption legislation is provided for by a number of laws such as the EACC Act, Public procurement and Disposal Act (PPDA), national Integrity plan and national anti-corruption plan among others. The Government has developed and enacted the National Ethics and anti-corruption policy since 2018 which has mainstreamed ethics and integrity in the management of public issues. The enactment of such legislation has synergized efforts towards the fight against corruption. Under Article 79 of the Constitution the parliament established an independent anti-corruption commission-the EACC for the purpose of ensuring compliance with and enforcement of ethics and integrity requirements.

#### **4.2 The effectiveness of legal and Institutional frameworks for fighting corruption in Nairobi County**

The respondents were tasked to indicate the effectiveness of legal and institutional frameworks established to fight corruption in the county governments. The researcher established that; majority of the respondents 40% indicated the frameworks were less effective, 28% indicated they were highly effective, 22% indicated the frameworks were effective while a minority of 10% indicated they were ineffective. The results are illustrated by the figure below;



**Figure 4.2: The effectiveness of legal and Institutional frameworks for fighting corruption in Nairobi County.**

**Source: Field Data, Researcher 2020**

The effectiveness of the anti-corruption legislation can be derived from the recovery of assets and proceeds of corruption by the anti-corruption commission. Under the Anti-Corruption and Economic Crimes Act of 2003, the legislature in Kenya provides a mechanism for the Ethics and anti-Corruption Commission (EACC) to recover assets and property that belong to the people of Kenya and which were acquired in pursuit of or as a result of acts of corruption. The EACC in 2019 recovered land asset belonging to the University of Nairobi (UoN) valued at Ksh 2 billion which had been grabbed by a private developer.<sup>71</sup> The parcel of land L.R No. 1/514 situated along Galana road had been grabbed and allocated to private developers (Aberdares Engineering Contractors Limited) according to reports obtained by the EACC investigators.

A performance management system (PMS) has been a systematic institutional process for getting better results for curbing corruption in the devolved governments. The system has shown that; procurement financial management in the county governments particularly in the public service

<sup>71</sup>EACC. (2020). *Asset recovery as a strategy in graft fight*. Nairobi: Available at: <https://eacc.go.ke/default/asset-recovery-a-key-strategy-in-the-fight-against-corruption/> Accessed on 31<sup>st</sup> /10/2020

boards is prone to corruption. In particular, bribery, theft of revenue procurement irregularities, nepotism, conflict of interest in awarding tenders, shoddy road and bridges construction and forgery of documents are the most prevalent form of corruption experienced in counties.

The largest bribes were received in roads and public works followed by housing works services, recruitment of personnel and procurement services making the legal and institutional frameworks governing the regulation of corruption in counties less effective as shown in the by the figure above. The effectiveness of the legal and institutional frameworks in fighting corruption were challenged by political interference which was termed as the major obstacle hindering the fight against corruption in the country.

#### **4.3 Performance of Institutional and Legal Frameworks**

This study sought to establish if the government of Kenya had succeeded in implementing the legal and institutional frameworks for mitigating corruption in the county government. The study established that; the government had achieved considerable progress in curbing corruption in the counties. Majority of the respondents 68% affirmed that government had succeeded in apprehending corruption criminals and prosecuting them in courts of law. Additionally, 32% of the respondents indicated that; the government had not succeeded in implementing legal and institutional frameworks necessary for curbing corruption in the county governments. The study finds the fight against corruption to be a gradual process as shown by the respondents' opinions, some of which are captured by this assertion.

*“The government has made tremendous strides in regards to fighting corruption given the high profile cases being prosecuted and the number of grabbed public assets being recovered by the institutions mandated with fighting corruption”*<sup>72</sup>

According to the EACC report issued in 2019, the institution had since 2004 recovered several public assets among them; Uhuru Gardens in Mombasa, the Mayors House in Lavington, Ukunda Airstrip in Kwale, land hived off from the Ngong forest and Karatina Police station land.<sup>73</sup>The government had also partnered with civil society groups, private sector, and professional associations as well as the media in efforts geared towards curbing corruption in the counties and in the national public sphere. Further, the government through the EACC institution had succeeded in partnering with the East African Association of Anti-corruption authorities (EAAACA) which attracted members from Rwanda, Tanzania, Ethiopia, Uganda, South Sudan and Djibouti.<sup>74</sup> Whereas, the war on corruption is an on-going process, there are notable achievements realized by the government and which paint an optimistic image of the future fight against graft.

#### **4.4 Public perceptions of the Government’s efforts of fighting corruption**

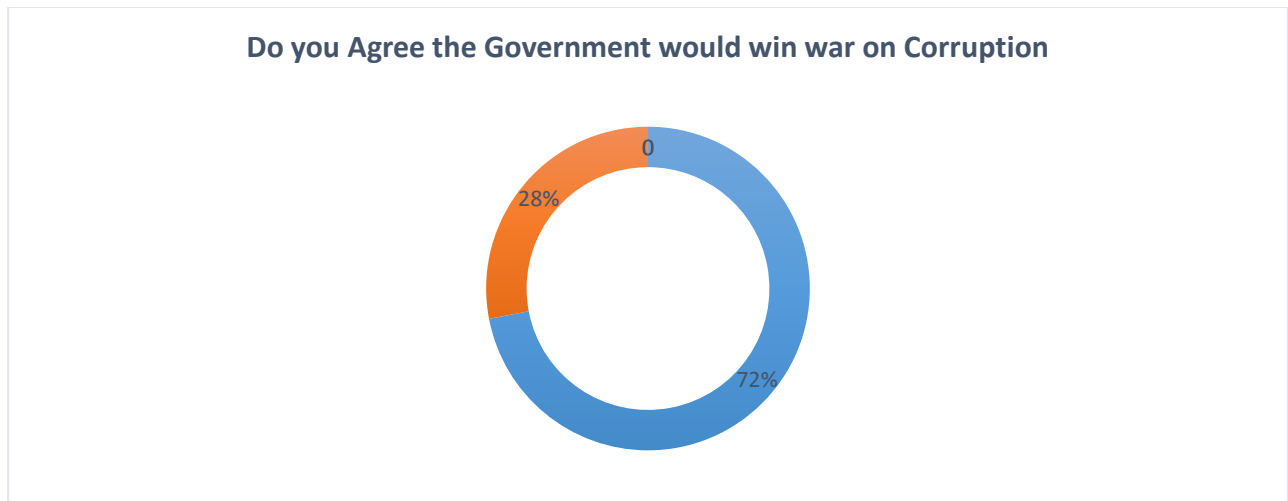
This study sought to establish from the respondents whether the government of Kenya was going to win the war against corruption in the Nairobi City County government, drawing the response from the recent corruption arrests and on-going court processes. Majority of the respondents 72% agreed that; the government was on the right track in regards to fighting corruption in the counties and in the country.

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<sup>72</sup> Participant 20, Nairobi, September 2020.

<sup>73</sup> EACC. (2020). Available at: <https://eacc.go.ke/default/asset-recovery-a-key-strategy-in-the-fight-against-corruption/> Accessed on 2/11/2020

<sup>74</sup> Ibid



**Figure 4.3: Public perceptions of the Government’s efforts of fighting corruption**

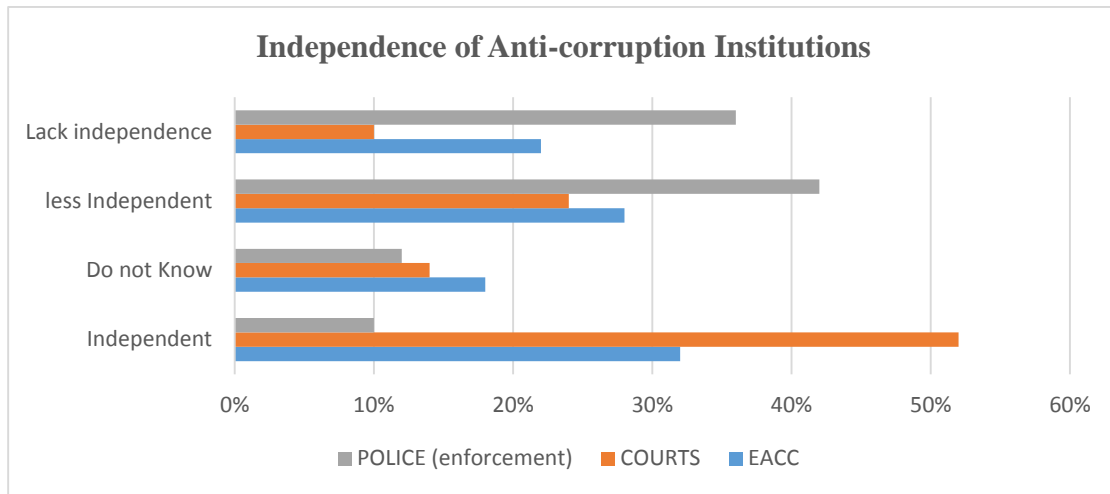
**Source; Researcher, 2020**

According to the statistics obtained from the field, majority of the respondents 72% agreed the government was realizing gradual success in the fight against corruption given the arrest of high ranking individuals implicated in corruption deals, among them; Governors, Cabinet Secretaries (CS) and Principal Secretaries in public offices. The 28% of respondents who disagreed with the government succeeding in fighting corruption attributed their disagreement to conflict of interest and lack of political goodwill from the executive to prosecute grand corruption in the country.

#### **4.5 Independence of institutions for fighting corruption**

This study sought to establish the independence of institutions mandated with fighting corruption in the country. According to the responses obtained by this study, majority of the respondents 42% indicated lack of independence among the police as one of anti-corruption institutions in the country. The EACC was rated 32% as one the independent institution of anti-corruption in the country. The Courts were regarded as the most independent institution of anti-corruption by 52% of the respondents. Explaining the why institutions of anti-corruption lack institutional

independence, some of the responses indicated abuse of power as the leading reason as to why institutions lack independence. The results regarding the independence of the anti-corruption institutions are illustrated by the figure below;



**Figure 4.4: Independence of Institutions for Fighting Corruption**

**Source; Field Data, 2020**

The independence of anti-corruption institutions in the country is integral if the war against corruption is to be won. Lack of independence among the institutions has been bolstered by incorporating other public institutions in the anti-corruption war with the intention of providing checks and balances among the public institutions. Other public institutions enjoined in the anti-corruption war include Key institutions such as the Office of the Attorney General and Department of Justice (OAG and DOJ), Office of the Director of Public Prosecutions (ODPP), Asset Recovery Agency (ARA), Financial Reporting Centre (FRC), National Police Service (NPS), Directorate of Criminal Investigations (DCI), Witness Protection Agency (WPA),



Judiciary, National Anti-Corruption Campaign Steering Committee (NACCSC) and the Public Service Commission (PSC).<sup>75</sup>

Wambua has critically analyzed emerging anti-corruption jurisprudence in Kenyan Courts. He concludes that courts in Kenya have given anti-corruption laws and the constitution a literal interpretation without any regard to the spirit of the law or the ‘mischief the enactments were intended to address.’<sup>76</sup> Consequently the process of bringing to justice many suspects of corruption and economic crimes and recovery of public funds has been disrupted due to lack of independence among the courts.

#### **4.6 Chapter Summary**

This chapter sought to establish the effectiveness of the institutional and legal framework established to fight corruption in the county governments and in the public sphere. The chapter has established that; there is an elaborate legal framework stipulated in the domestic law of Kenya which governs the anti-corruption process in the country. The legal framework is contained in several legislations which can be summarized to include; The national legal framework for preventing and combating corruption comprises provisions from several laws, notably the Anti-Corruption and Economic Crimes Act (ACECA), the Ethics and Anti-Corruption Commission Act (EACC Act), the Public Officer Ethics Act (POEA), the Bribery Act, the Leadership and Integrity Act (LIA), the Public Procurement and Asset Disposal Act (PPADA), the Public Service Commission Act (PSCA), the Public Finance Management Act (PFMA), the Penal Code, and the Proceeds of Crime and Anti-Money Laundering Act (POCAMLA). The Constitution of Kenya, Chapter Six, however forms the basis of all the integrity requirements. This study has established that these legislations are less effective in

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<sup>75</sup>UNODC. (2019). *Country Review of the Republic of Kenya*. Washington D.C: UNODC Publication

<sup>76</sup>Wambua, M.(2008). *Emerging Jurisprudence in the control of irregularities the Conduct of Public Service in Kenya*. Nairobi: University of Nairobi Press

curbing corruption in the country due to poor implementation, political interference and conflict of interest. This assertion is supported by majority of respondents.

While majority of respondents opined that; legal instruments are less effective, others posit that; institutional effectiveness can be illustrated by the number of asset recoveries realized by the anti-corruption institutions. The EACC is perceived as effective in fighting corruption in the country while the Courts of law are regarded as independent enough to fight corruption in a just manner. The Kenya Police service is perceived as lacking institutional independence to effectively fight graft in the country. Both the legal framework and institutional capacity to fight corruption in the counties is regarded as ineffective requiring a holistic review and political will to succeed.

## CHAPTER FIVE

### SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### **5.0 Introduction**

Chapter five gives a summary of study outcomes established based on research objectives outlined in chapter one. The findings are contextualized in the broader study objective of assessing the socio-economic implications of corruption in Africa utilizing a case of Nairobi County in Kenya. To this end, the study sought to: analyze the socio economic implications of corruption on the residents of Nairobi County, explore the nexus between bad politics and the fight against corruption in the Nairobi City County government and lastly to examine the legal and institutional frameworks for fighting corruption in the Nairobi City County government. In this conclusion, the researcher gives some policy recommendation suitable for combating corruption in Kenya which has resulted into negative socio economic implications on the residents of Nairobi.

#### **5.1 Summary of Findings**

Following a detailed examination and consideration of the summary of the findings, the study came up with the conclusions presented hereafter. Recommendations are then presented based on these findings.

##### **5.1.1 The socio-economic implications of corruption on the residents of Nairobi County**

The first objective of the study was “to analyze the socio-economic implications of corruption on the residents of Nairobi County,” the findings show that high level of corruption adversely affected the social-economic development of residents of Nairobi County. This was supported by majority of the respondents 99% who argued that corruption was prevalent in the county. In this regard, corruption impacted negatively on residents on Nairobi as it led to discrimination in

distribution of job opportunities. Majority of Qualified persons were denied opportunities which were offered to unqualified personnel who did shoddy jobs. Looting of resources meant for garbage collection led to environment pollution which put to risk the life's of the residents.

Additionally, corruption led poor service delivery, grabbing of public land, selling of counterfeit products, farming along sewer lines, denied qualified personnel's access to procurement opportunities, and other social evils that threatened the health of city residents, derailed developmental projects as well as affect economic well-being of the inhabitants of the county. Some of the factors attributed to the increase of corruption include: lack of political will as well as political interference (patronage), lack of system upgrades and after the change of government, lack of stringent control measures, poor qualification of staff, loopholes in money collection systems, weak financial systems that were easy to defeat which led to financial wastage. Therefore, it's evident that, these factors have crippled the ability of the county government to deliver the needs of its residents and affected service delivery in the county.

### **5.1.2 The nexus between bad politics and the fight against corruption in the Nairobi City County government**

The second objective of the study was “to explore the nexus between bad politics and the fight against corruption in the Nairobi City County government”, the findings obtained show that political corruption had negatively affected the residents of Nairobi City County. This is evidenced by poor implementation of government projects, especially the infrastructures which affects businesses, loss of resources and finances through bribes to county officials, discrimination and denial of jobs to the qualified personnel's, skewed award of tenders to corrupt persons, political interference of projects also led to poor quality of projects. Further, findings from the respondents indicated that, resources were wasted as some of the officials battled with corruption cases in court as lack of political good impeded investigation and prosecution of

corruption. In this regard, corruption affected the achievement of politically defined development agenda of the county and delivery of services to Nairobi residents. Therefore, to counter the adverse of corruption on social economic development the government should strengthen the mechanism for achieving accountable and transparent, effective and efficient, participatory, responsive, inclusive and consensus-oriented anti-corruption frameworks to avoid rampant corruption.

### **5.1.3 The legal and institutional frameworks for fighting corruption in the Nairobi City County government**

The last objective of the study was “to examine the legal and institutional frameworks for fighting corruption in the Nairobi City County government”, the findings obtained shows that; Kenya government had formulated several anti-corruption legislations which had been enacted into the Kenya’s domestic law. This assertion is supported by majority of the respondents 80% who confirmed of the presence of a legal framework(s) regulating corruption in the Kenya. Among them included; the EACC Act, public procurement and Disposal Act (PPDA) among others. However, the effectiveness of the anti-corruption legislation to curb corruption is perceived to be less effective as demonstrated by 40% of the respondents.

On the effective side of the legislation, this study has established that; asset recovery is the evidence of the legislative effectiveness where public assets have been recovered through a legislative and institutional process. The effectiveness of legal and institutional framework is compromised by political interference and conflict of interest.

## **5.2 Conclusion**

In conclusion, and emanating from the first objective of the study which was “to analyze the socio-economic implications of corruption on the residents of Nairobi County,” it’s evident that high level of corruption in government institutions in Kenya has derailed delivery of essential county services. This hampers realization of the country’s development goals particularly achievement of vision 2030. Corruption had also led to a delay and total abandonment of some projects. This lead to poor working conditions and affected the economic well-being of the inhabitants of the county. Further, the negative implications of corruption have adversely affected the levels of income and the living standards of the resident of Nairobi County. This therefore confirms the first hypotheses which states that there is correlation between socio wellbeing and corruption among the Nairobi County residents.

In line with the second objective of the study which was, “to explore the nexus between bad politics and the fight against corruption in the Nairobi City County government”, it can be concluded that poor governance and bad politics hampered efforts aimed at combating corruption in Kenya and derailed delivery of social services to the residents of Nairobi County. Notably, majority of the African countries experience political patronage and corruption which often results in poor economic growth, poor institutional performance as well as financial mismanagement. Bad politics and governance led to election of corrupt, incompetent and unqualified personnel’s in the government positions who delivered shoddy jobs. This led to wastage of government resources due to high maintenance cost incurred. Therefore, evident that corruption has immense consequences on the socio-economic well-being of city residents as well as government officials and challenged achievement of politically defined development agenda of the county.

Based on the last objective of the study which was “to examine the legal and institutional frameworks for fighting corruption in the Nairobi City County government” it can be deduced that, both legal and institutional framework for curbing corruption is less effective in fighting corruption in the Nairobi city county which confirms the third hypotheses due to poor implementation, political interference and conflict of interest. There is plenty of political interference which interferes with the implementation of legal frameworks enacted to curb corruption in the country. Lack of political will to implement anti-corruption legislation has occasioned impunity in the counties and nationally where people holding positions of authority have committed corrupt offences but get shielded by political elites which waters down the gains made towards curbing corruption in the devolved units of governance.

### **5.3 Recommendations**

From the above findings of the study established, this study recommends the following;

In line with the first objective which sought “to analyze the socio-economic implications of corruption on the residents of Nairobi County,” the study recommends that, the management and administration of Nairobi city county should remain transferred to the current competent authority- Nairobi Metropolitan Services (NMS) in order to ensure efficient and effective delivery of services and restoration of the city to its former glory of the *beautiful city in the sun*.

Based on the second objective which sought to establish the nexus between corruption and bad governance, this study recommends that the government should strengthen anti-corruption institutions in the country to enable them achieve institutional capacity necessary for detecting, mitigating and preventing corruption. Anti-corruption legislation should be applied in a discrete manner which ensures accountability and transparency in governance particularly prudential

utilization of public resources. Political interference should be discouraged in corruption-related cases if the war on corruption is to be won.

Lastly, in regard to objective three which sought “to examine the legal and institutional frameworks for fighting corruption in the Nairobi City County government” the study recommends that; adherence to the rule of law is a prerogative of all citizens irrespective of their status in the society and therefore calls for anti-corruption institutions to enhance their capacity to tackle corruption. This can be achieved through recruitment of competed personnel such as lawyers, arbitrators, surveyors, prosecutors and auditors among others to enable institutions carry out extensive and comprehensive anti-corruption practices, which greatly mitigate corruption in the county governments and in the country generally.



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## **Appendices**

### **Appendix I: Research Questionnaire**

#### **Introduction**

Dear Respondent,

I am carrying out an assessment on the socio economic impacts of corruption in the Nairobi City county government on the residents of Nairobi County. The findings and recommendations established by this study will contribute to knowledge aimed at improving security and saving lives in this particular region of Africa. In this regard, I would like to collect data that will assist in accomplishing the objectives of this study. Kindly answer the questions appropriately since your contribution will be much appreciated and the information provided will be treated with utmost confidentiality.

#### **PART A**

##### **Personal Data**

i. What is your gender? (Please tick in the boxes provided)

a) Male [ ]

b) Female [ ]

ii. Please tick the age bracket in which you fall.

21-30 years ( ) 31-40 years ( ) 41-50 years ( )

51-60 years ( ) above 60 years ( )

iii. Kindly indicate your profession

.....  
.....

**Part B: The effects of corruption in the Nairobi city county government on the socio economic development on the residents of Nairobi County.**

1. From your knowledge and understanding do you think that there has been prevalence of corruption in the Nairobi city county government?

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2. As a resident of Nairobi county have you been asked to part with cash or grant public officials favors in order to obtain public services or goods?

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.....

3. In your opinion do you think that the Nairobi city county government delivered to the needs of the residents of Nairobi County?

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4. Does the stalled projects in Nairobi city county affect the wellbeing of the residents of the Nairobi county?

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5. Can you point out an incident that you may know where corruption in the Nairobi County government has affected the socio wellbeing of the residents of the Nairobi residents?

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.....

**PART C: The nexus between bad politics and the fight against corruption in the Nairobi city county government.**

6. Political corruption in the Nairobi city county government has led to a myriad of factors. State some of the consequences of political corruption on the residents of Nairobi city county.

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7. Devastating effects due to bad politics and the fight against corruption have been experienced globally. Kindly indicate areas of great concern where these effects have been experienced most in the Nairobi city county.

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.....  
8. In your Opinion what has been the political Impact of increased corruption in the Nairobi city county government?

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.....  
9. Elaborate in your own understanding the socio economic Implication of political corruption in the Nairobi city county government on its residents.

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.....  
10. What would you prescribe on the prevention of political corruption in the Nairobi city county government.

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.....  
**PART D: The legal and institutional frameworks for fighting corruption in the Nairobi City County government.**

11. Do you agree that the Kenyan government has formulated and implemented policies to fight corruption in Kenya?

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.....  
12. Do you believe that the existing legal and institutional frameworks are effective enough in addressing the problem of corruption in the Nairobi city county government?

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.....  
13. How can you rate the effectiveness of the institutional Frameworks adopted by the government of Kenya for fighting corruption in the Nairobi City County government?

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.....  
14. Has the government of Kenya succeeded in implementing the legal and institutional frameworks for mitigating corruption in the county government?

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.....  
15. Drawing your argument from the recent corruption cases in the country, do you think the government of Kenya will win the war against corruption in the Nairobi City County government?



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.....  
16. Highlight some of challenges confronting the fight against corruption in the Nairobi city county government

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.....  
17. Would you say that the government of Kenya has established effective institutions with power to fight corruption?

.....  
.....  
18. What would you recommend should be done to make EACC effective in its work?

**Appendix 11: Interview Guide Introduce the interview and ask questions guided by the following questions:**

1. What has caused the increase in corruption cases in the Nairobi city county government?
  
2. What are the expected results of increased cases of corruption on the residents of the Nairobi city county residents?
  
3. How does lack of political good will impede investigation and prosecution of corruption cases?

4. What is the influence of Politics and political goodwill on efficiency of investigation and prosecution of corruption cases?
5. Does the legal and institutional frameworks for fighting corruption have operational independence and freedom from political interference? If yes, explain how? If no, why do you think so?
6. How do challenges in the legal and institutional framework affect investigation and prosecution of corruption cases?
7. To what extent are the institutional frameworks for fighting corruption independent?
8. Does external interference influence investigation and prosecution of corruption? If yes, how? If no, why?
9. Has the legal framework been sufficient for EACC to execute its mandate effectively?

Thank You for Your Participation in the Survey.