Rethinking Anti-Corruption Efforts In Kenya: A Critical Analysis Of The Performance Of EACC

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ABSTRACT

Despite the establishment of the Ethics and Anti-Corruption Commission (EACC) to prevent, investigate and recommend offenders of ethical conduct and corruption for prosecution, the two vices persist within Kenya's public service space. This paper sought to review the level of awareness on the commission's mandate, the impact of decentralizing her services and effectiveness of her anti-corruption strategies. Using a mixed-methods approach, a sample of 86 respondents drawn from state agencies that collaborate with the EACC provided the data used in the analysis. Data was collected using a questionnaire and a key informant interview guide and analysed using descriptive and content analysis. The study established that whereas 70% of the respondents were aware of the EACC's mandate as by law established, they held the view that the commission was ineffectiveness, partly due to lack of prosecutorial power and inadequate political goodwill. Further, the study determined that decentralization of EACC's services helped deter corruption at the subnational level but was also undermined by resource gaps, both human and financial, as reported by 62% of respondents. The findings also revealed that the commission's anti-corruption strategies were inconsistent and incompatible with those used by other state agencies in some cases. These dynamics, the study noted, had a negative impact on her overall performance and hence the undermined the fight against corruption in Kenya. The inconsistencies were despite the presence of a robust legal and institutional framework grounding the organization's mandate. The study recommends optimal resourcing and synchronization of anticorruption effort across state organs in a move that typifies a whole-of-government-approach in fighting the vice to ensure complementarity and synergy. There is also need for expeditious disposal of cases relating to graft and ethical breaches, whether they lead to asset recovery or prison sentences, to give impetus to the deterrence component of the efforts.

Key Words: Mandate, decentralization, strategies, law enforcement, resourcing

INTRODUCTION

Corruption is a major problem in both the public and private space at the global level, with examples reported in many different nations (Eigen, 2002). The vice persists for a variety of reasons, key among them the pursuit of power, be it economic, political or cultural in orientation. O'Higgins (2006) contends that corruption is a significant factor contributing to the underdevelopment of many developing regions, including Africa. Despite all countries on the continent being independent for decades, most of them have experienced stagnation or limited progress in terms of socio-economic advancement, a situation that has been attributed to endemic corruption (Odd-Helge Fjeldstad, (2004)).

In response, numerous African countries have devised and implemented various anti-corruption initiatives such as the establishment of institutions to spearhead anticorruption efforts, political reforms, and enactment of laws. Over the past decade, African nations, under pressure from Western donors, have implemented policies aimed at enhancing transparency in governance, and sectoral reforms to combat corruption. Despite some countries such as Rwanda, Liberia, Tanzania, Mauritius, and Ghana, having received recognition for their significant strides in combating graft, many more appear unable to disentangle themselves from the grip of the vice (Kwesiga *et al*., 2022)

In Kenya, concerns over rampant corruption have led to the establishment of several institutions and the enactment of numerous laws aimed at curbing the scourge. These measures include establishment of the Ethics and Anti-Corruption Commission (EACC) to spearhead the anticorruption efforts, specialized courts within the judiciary to handle corruption cases, Assets Recovery Authority to contain money laundering, to name but a few. Some of the laws anchoring the efforts include the Ethics and Anti-Corruption Commission Act 2011, Proceeds of Crime and Anti-Money Laundering Act 2009, Public Procurement and Asset Disposal Act 2015, Public Finance Management Act 2012, to name but a few. These efforts notwithstanding, there seems to be no significant results as the vice remains deeply ingrained in the national social fabric. Major corruption scandals such NCPB maize scandal (KSh 1.9 billion), National Youth Service (NYS) scandal (KSh 791 million) and the Afya House scandal (KSh 5 billion) have been reported and none appears to have been adequately concluded, with punitive measures to enhance deterrence.

These dynamics provide grounds for questioning the comprehensiveness and integratedness of efforts to combat corruption effectively, particularly on the part of the lead organization i.e. the EACC. The EACC is tasked with investigating and combating corruption, promoting integrity, and enforcing ethics and anti-corruption laws across various sectors of government and society. However, despite clarity on the mandate, decentralization of the organization's services and a raft of strategies at various stages of implementation, the public doesn't seem to rate the commission favorably in terms of delivering on its mandate. This paper emphasizes the need for continuous evaluation of these mechanisms to adapt to evolving forms of corruption, and to address systemic challenges that undermine her performance.

Research Question

The Ethics and Anti-Corruption Commission (EACC) was established as an independent constitutional commission to lead and win the fight against corruption and unethical conduct of public servants in Kenya. With an enabling legal framework anchoring this overarching objective, the commission decentralized its services and has devised various strategies to inform its work. However, the impact of these measures has not been evident – many questions abound as to the relevance of the legal framework as well as the logic of decentralization of the commission's services in the face of rampant corruption at all levels of government. It is this concern that forms the crux of this paper. The paper contends that overcoming the challenges that beset these measures is crucial to restoring public trust, promoting accountability, and fostering a culture of integrity in Kenya's governance and public administration.

REVIEW OF EXISTING LITERATURE

Awareness of EACC's Mandate

The level of awareness regarding EACC's regulatory framework in Kenya varies significantly among different groups of stakeholders. It is therefore imperative to note that awareness levels change over time due to various factors such as the level of government campaigns, media coverage, and changes in regulatory frameworks. The level of awareness regarding EACC's regulatory framework in Kenya is a matter of academic investigation which forms part of this research study.

The EACC establishment and mandate draws from the United Nations Convention against Corruption (UNCAC) which emphasizes the importance of national anti-corruption agencies, increasing and disseminating knowledge about corruption and the promotion of individuals' and groups' active participation in raising public awareness on corruption. The Act further mirrors the African Union Convention on Corruption which has also been domesticated in Kenya to inform the fight against corruption. The EACC Act empowers the EACC to "educate the public and raise awareness on any issue falling within the Commission's jurisdiction". According to Open Society Foundations (2016) Government officials, especially those involved in anti-corruption efforts and governance are likely to have a higher level of awareness about EACC's mandate, responsibilities, and regulatory tools. Companies operating in Kenya, especially those involved in sectors prone to corruption risks, are aware of EACC's regulatory framework as matters relating to compliance with anti-corruption laws and regulations are crucial for their businesses.

Many civil society organizations in Kenya focus on transparency, accountability, and anti-corruption efforts. These organizations are likely to have a deep understanding of EACC's regulatory framework and have constantly and actively monitored EACC's activities. Professionals such as Lawyers, Public/private compliance officers, among other professionals are expected to have a strong awareness of EACC's regulatory framework, as they play a crucial role in ensuring their clients' compliance with anti-corruption laws (Maira, 2012).

A Task Force report on the Review of the legal, policy and institutional framework for fighting Corruption in Kenya, 2015, indicates a strong level of awareness among Kenya's educated population relating to the powers of anticorruption institutions, especially the Office of the Director of Public Prosecutions (ODPP) and the EACC. Further, the Kenya Leadership and Integrity Forum (KLIF), which brings together about fourteen sectors which include professional associations, the private sector, media , independent offices, trade unions, religious organizations, civil society, constitutional commissions, and the Council of Governors further demonstrates the degree of awareness regarding the EACC's mandate. By acting as a powerful hub for cross-sectoral discussions regarding the development, execution, and reporting of anticorruption programs in Kenya, the KLIF has projected EACC mandate and connected her with crucial partners in the anticorruption effort. This paper argues that it is this awareness that animates the debate as to whether EACC should be granted prosecutorial powers and more resources to ace anticorruption efforts.

Decentralization of EACC to the Counties

The concept of decentralization of anti-corruption institutional frameworks refers to the distribution of authority, responsibility, and resources related to combating corruption across multiple levels of government or various entities within a country. The goal is to enhance transparency, accountability, and efficiency in the fight against corruption by involving local and regional authorities in addition to central government bodies.

The imperative for decentralizing anti-corruption institutions is framed on key thematic concerns among them, the need for local enforcement and creation of awareness at the local levels. By delegating some anti-corruption responsibilities to local governments and agencies, enforcement is thought to become more responsive and efficient. Local authorities can therefore investigate and address corruption cases that may not receive adequate attention from the central government (Odd-Helge Fjeldstad, 2004). Some researchers critique this position and argue that 'decentralized political systems are more corruptible, because the potential corrupter needs to influence only a segment of the government because in a fragmented system there are fewer centralized forces and agencies to enforce honesty. James (1999) seems to be against decentralization of anticorruption efforts, arguing that decentralization leads to a rise in the individuals engaged in corrupt activities, even though it doesn't necessarily indicate an increase in the total amount of money redirected through corrupt means. This position is supported by Tanzi (2000) who argues that there are probably more opportunities for corruption at the local level, at times targeting the perceived anticorruption champions. Tanzi attributes this to local officials having more discretionary powers than national decision-makers and local bureaucrats and politicians being subject to pressing demands from local interest groups in matters such as taxation and government contracts.

According to Kimenyi (2013), decentralization (devolution) in Kenya has been hijacked by governance malpractice rooted in corruption which has greatly compromised the delivery of public resources and services at the local levels. Grand corruption and mismanagement of resources poses a great threat to devolution in Kenya as reported by Transparency International in 2022. This view is corroborated by the fact that Kenya was ranked at position 123 out of 180 in the Global Corruption Perceptions Index-CPI in 2022. While the EACC has identified common forms of corruption in the counties such as payment for non-existent projects, conflict of interest, bribery, procurement and payroll illegalities and inflated prices among others, she doesn't seem to be significantly succeeding in fighting the vice at the subnational level (EACC, 2021). The evidence of malpractices and corruption

are implied in the Auditors Report of 2022. This study thus sought to establish the gaps that render EACC unable to discharge its mandate, despite this knowledge and facilitation from the national government.

A study conducted by Kivoi, Nduvi and Naeku (2022) on devolution and the mutation of corruption in Kenya noted that the County governments of Mombasa, Meru and Makueni were operating several bank accounts in different banks leading to wastage of funds in terms of maintenance of these accounts in terms of operating costs. The study asserted that with little monitoring and supervision of these accounts there is risk for fraudulent activities being carried out in the county resulting in counties losing revenue. The continued corruption reporting despite the decentralization of EACC's services raises fundamental questions as to the logic of such devolution, if the institution cannot deter or prevent corruption in a relatively smaller administrative unit. These questions were addressed in this study.

Anti-Corruption Strategies Used by EACC

There are several anti-corruption policies and strategies that have been put in place to support the fight against corruption in Kenya. These include assenting to international conventions, establishing legal frameworks such as whistle-blower protection, public sector reforms, establishment of independent anti-corruption commissions and agencies, heightened education and public awareness campaigns as well as corporate accountability (Peeters, 2019). These are some of the internationally approved best practices which constitute the anti-corruption policies adopted by world governments to eradicate and curb corruption in their jurisdictions. The United Nations Convention against Corruption (UNCAC) and the African Union Convention on Corruption are seminal pieces of legislation that have been domesticated in many countries of the world, including Kenya to inform the fight against corruption. Instructively, the extant literature does not address the complementarity of efforts between the EACC and other institutions that play an auxiliary role in the fight against corruption with a view to identifying the weak links and recommend measures to remedy the situation. This is an important area that this paper sought to address.

Theoretical Framework

This paper adopts the modernization and the principal-agent theories to anchor its arguments. Modernization theory examines how societies develop and how social evolution occurs. According to Goorha (2010), modernization theory adopts a developmentalist perspective and views corruption as an inherent aspect of modernization, particularly in-so-far as it eases the process of institutionalization. Modernization theory, however does not fully address the studies concerns and was thus augmented by the principal-agent theory. The principal-agent theory argues that corruption is built on relationships in modern bureaucratic institutions. There must be a giver and a taker for corruption to manifest. The two stand points speak to the need to modernize the EACC and empower it with contemporary capabilities for it to effectively deliver on its mandate seamlessly.

METHODOLOGY

This study employed a mixed-methods approach. The methodology combined qualitative and quantitative methods, utilizing key informant interviews and questionnaires to gather data. The target population included respondents drawn from specific departments within state agencies collaborating with the Ethics and Anti-Corruption Commission (EACC), who were estimated at 126 officials. From this target population, a sample size of 96 respondents was determined using Saunders et al.'s (2019) formula. Purposive sampling was utilized to select two key informants for interview from each participating agency, supplemented by stratified simple random sampling for the rest of the respondents in each agency. Thematic content analysis was used to interpret and analyze qualitative data, while descriptive statistical techniques were applied to quantitative data. Secondary data from official

reports, academic sources, and government publications were used to supplement primary data obtained using questionnaires and key informant interviews. The study took into account all ethical imperatives in the generation of this paper.

FINDINGS

Awareness of the Mandate of EACC

The study sought to determine the level of awareness of the mandate of the EACC among the respondents using statements presented in the form of a Likert scale notated as follows: (SA=Strongly Agree, A=Agree, N=Neutral, D=Disagree, SD=Strongly Disagree). Results (presented in Table 1) showed that over 54.3% of respondents agreed that the majority of Kenyans are adequately informed about the EACC's mandate in combating corruption. Additionally, over 46% agreed that EACC's approach to asset recovery is effective for restitution, while 37.8% agreed that the corruption reporting process with EACC is straightforward. However, opinions were divided on the availability and effectiveness of EACC education materials, with an equal percentage (29%) of respondents disagreeing. Similarly, perceptions were mixed regarding the effectiveness of EACC's vetting process for individuals seeking public office appointments. Regarding EACC's infrastructure, 35.5% of respondents remained neutral regarding the satisfaction level with the commission's physical facilities.

Table 1: Awareness of the Mandate of EACC

Statements	SA	A	N	D	SD
EACC asset Recovery approach is effective for restitution	21.1 %	46.7 %	18.9 %	10.0 %	3.3%
The EACC corruption reporting process is very simple	17.8 %	37.8 %	25.6 %	15.6 %	3.3%
EACC education materials (IEC) are readily available, relevant, simplified and well designed for the users	7.5%	22.6 %	30.1 %	29.0 %	10.8 %
Infrastructural (Physical) facilities for EACC are satisfactory	7.5%	20.4 %	35.5 %	24.7 %	11.8 %
EACC Vetting of people seeking public office appointments is effective	5.4%	28.0 %	18.3 %	29.0 %	19.4 %
Majority of Kenyans are adequately informed about the mandate of the EACC in the fight against Corruption in Kenya	5.3%	54.3 %	18.1 %	17.0 %	5.3%

The average responses for the various attributes are presented in Table 2. EACC scores an average of 2.26, 2.47 and 2.64 on asset recovery, reporting channels and knowledge of mandate which coincides with agree. Similarly, EACC IEC materials, physical facilities and vetting of people scores an average of over 3 which coincides with neutral on the scale

Table 2: Average scores on Awareness of the Mandate of EACC

Statements	Mean	N
EACC asset recovery approach is effective for restitution	2.26	92
The EACC corruption reporting process is very simple	2.47	92
Majority of Kenyans are adequately informed about the mandate of the EACC in the fight against Corruption in Kenya	2.64	96
EACC education materials (IEC) are readily available, relevant, simplified and well designed for the users	3.13	95
Infrastructural (Physical) facilities for EACC are satisfactory	3.13	95
EACC Vetting of people seeking public office appointments is effective	3.26	95

Anti-corruption education has been integrated into the curriculum of Kenyan educational institutions to equip and empower individuals with necessary skills to contribute to a corruption free society. The Commission also through the National Integrity Academy carry out

capacity building and training programs to various target groups on ethics and integrity. EACC has intensified media engagement, seminars and training of public and private entities on anti-corruption, ethics and integrity. Expert respondents proposed the need to be more focused on behavioral change communication to ensure citizen responsibility.

Legal and Institutional Framework

The National Ethics and Anti- Corruption Policy, Sessional Paper No. 2 of 2018 provides for a framework for the core administrative functions and duties that need to be undertaken by key entities in the fight against corruption.

A special division of the High Court (Anti-Corruption and Economic Crimes Division) was established to expedite hearing and determination of applications and appeals on corruption and economic crimes cases.

The Commission in the Strategic Plan 2023-2028 identified Partnerships, Collaborations & Coordination; Human Capital and Infrastructure; Financial Resources; Technology; Communications and Branding as a critical strategy necessary to enable the Commission to achieve its mandate.

The Study revealed that political interference by lack of goodwill is the leading weakness of the legal and institutional framework in addressing corruption in Kenya cited by 48.3 percent of the respondents polled. It was followed by lack of effective enforcement and prosecution measures cited by 42.7 percent of the respondents and poorly defined laws such is the case with leadership and Integrity Act 2012 and Anti-corruption and economic crimes act of 2003 (30.3%). Other weaknesses cited include: dismissal of cases against high profile individuals without conviction (27%), corrupt officials in agencies such as Judiciary and EACC (21.3%), inadequate resource support to institutions fighting corruption (19%) and lack of protection for whistleblowers.

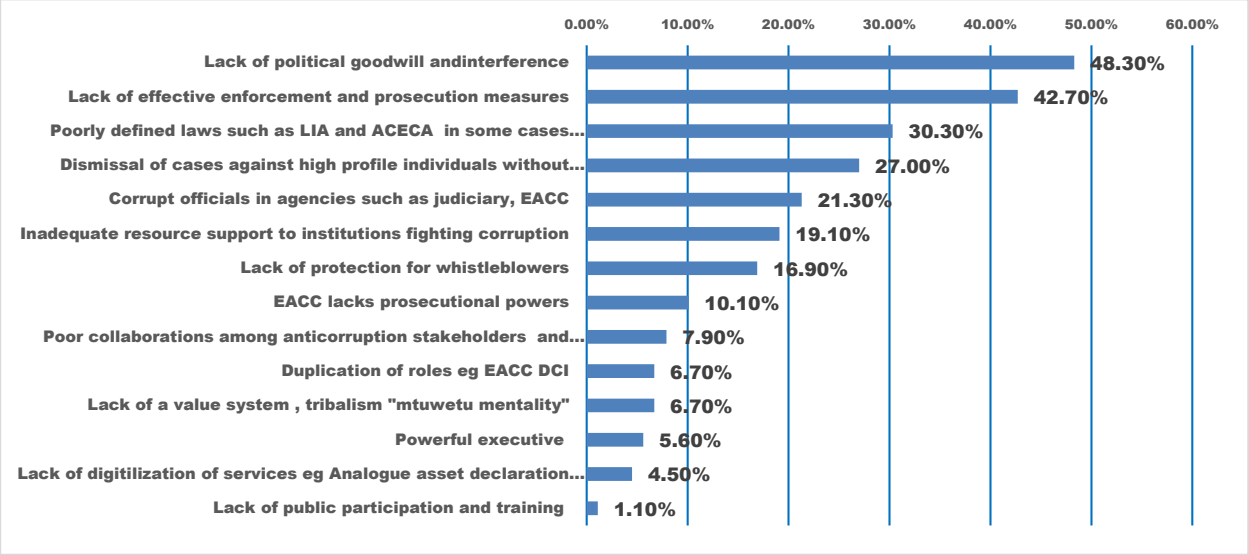

Figure 1: Weaknesses in the Legal and Institutional Framework

Decentralization of EACC

One of the objects of devolution under Article 74 of the Constitution is to facilitate the decentralization of State organs, their functions and services. This particular objective applies to the Commission on two levels. At the first level is that the Commission being a State organ itself, is required to devolve its functions and services across the 47 counties. On the second level, decentralization of functions and services brought with it the hazard of devolved corruption and unethical conduct which results in demand of the Commission's services across the country. It is therefore not only a good idea but also a constitutional imperative for the Commission to devolve its functions and services.

Table 5 presents feedback on statements regarding to corruption in Kenya on a likert scale of 1-5 where 1 = strongly agree; 2 = agree; 3 = neutral; 4 = disagree and; 5 = strongly disagree. Over 45 percent of the respondents strongly agree that 'Corruption has increased since the advent of devolution of services to the Counties'. Similarly, 34.4 percent of the respondents agree that 'Kenyans at the Counties are optimistic that decentralization of EACC will reduce the incidents of corruption and improve accountability among the County governments' compared to 33.3 percent who were neutral.

On the other hand, 36.2 percent strongly disagree that 'There is demonstrated credible intent by MCAs to tackle perceived causes and effects of corruption effectively in their counties', 34 percent that 'There is demonstrated credible intent by the political class to help EACC to tackle perceived causes and effects of corruption effectively in devolved units' and 31.2 percent equally disagree that 'There is demonstrated credible intent by governors to tackle perceived causes and effects of corruption effectively in the county'

Respondents were split on whether EACC has been devolved to the Counties. Whereas 42.9 percent disagree that 'The EACC has been devolved to the Counties and this enhances integrity among the 47 Kenya's devolved units', 28.6 percent strongly agree.

Table 3: Decentralization of EACC

Statements	SA	A	N	D	SD
Corruption has increased since the advent of devolution of services to the Counties	45.7%	25.5%	13.8%	6.4%	8.5%
Kenyans at the Counties are optimistic that decentralization of EACC will reduce the incidents of corruption and improve accountability among the County governments	10.8%	34.4%	33.3%	19.4%	2.2%
The EACC has been devolved to the Counties and this enhances integrity among the 47 Kenya's devolved units	28.6%	14.3%	14.3%	42.9%	0.0%
There is demonstrated credible intent by governors to tackle perceived causes and effects of corruption effectively in the county	0.0%	7.5%	26.9%	34.4%	31.2%
There is demonstrated credible intent by the political class to help EACC to tackle perceived causes and effects of corruption effectively in devolved units	3.2%	12.8%	18.1%	31.9%	34.0%
There is demonstrated credible intent by MCAs to tackle perceived causes and effects of corruption effectively in their counties	2.1%	6.4%	23.4%	31.9%	36.2%

The average scores in Table 3 indicate that corruption has increased with devolution and that decentralization of EACC will have a positive effect in the fight against corruption. However, respondents were non-committal on the role of the political class, governors and members of the county assembly in tackling fight against corruption.

Table 4: Average scores by decentralization of EACC

Statements	Mean	N
Corruption has increased since the advent of devolution of services to the Counties	2.05	96
The EACC has been devolved to the Counties and this enhances integrity among the 47 Kenya's devolved units	2.56	96
Kenyans at the Counties are optimistic that decentralization of EACC will reduce the incidents of corruption and improve accountability among the County governments	2.66	95
There is demonstrated credible intent by the political class to help EACC to tackle perceived causes and effects of corruption effectively in devolved units	3.79	96
There is demonstrated credible intent by governors to tackle perceived causes and effects of corruption effectively in the county	3.89	95
There is demonstrated credible intent by MCAs to tackle perceived causes and effects of corruption effectively in	3.94	96

their counties

Corruption Reporting

Fear of retaliation and victimization (46.7%) is the leading cause for Kenyans not to report Corruption cases happening in the Counties as illustrated in Figure 4.10. This was followed by 45.6 percent who cited lack of tangible output and action taken on reported matters, Kenyans lack a value system and glorify illegal wealth (24.4%) and 20 percent who do not know here to report. Other reasons cited include: political interference and compromise on reported matters (16.7%), they are associated and benefit or from the suspects (10%), lack of confidence in EACC due to the many unconcluded cases (7.8%), vice is institutionalized (5.6%), small fish get harsher punishment than the big fish (4.4%), it is expensive (2.2%) and ineffective prosecutorial laws (1.1%).

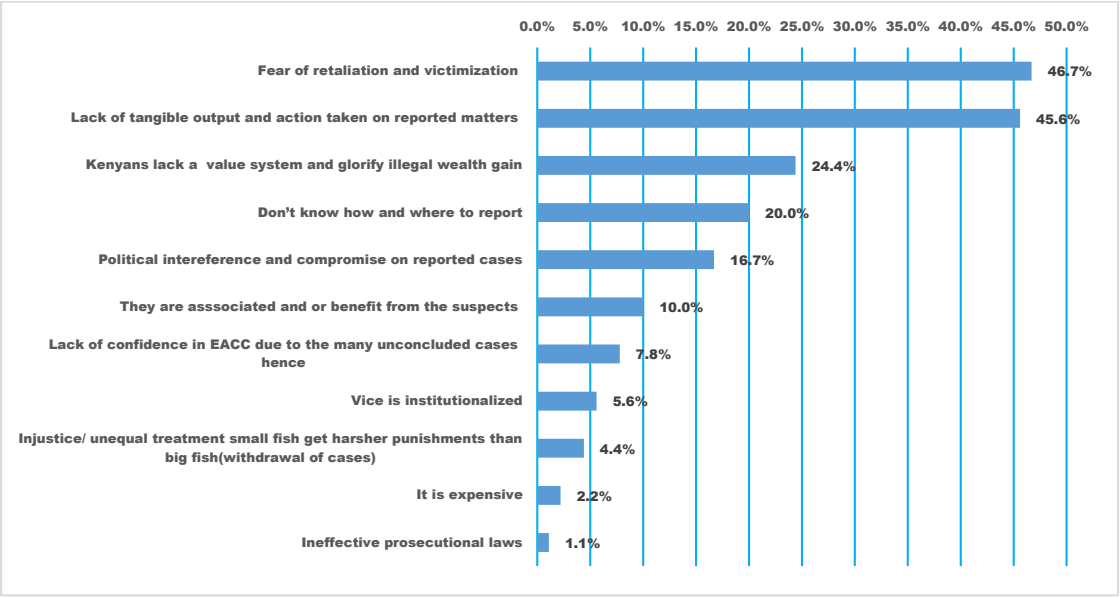

Figure 2: Corruption Reporting

Effectiveness of Kenya's Anti-Corruption Regulatory Framework

The rapidly shifting legislative and legal environment the Commission operates under. Amendment to statutes or judicial pronunciations has meant that the Commission either acquires new mandates and obligations or loses some of its existing powers and functions which the Commission must constantly readjust.

Financial constraints that are as a result of inadequate budgetary allocations have hampered the Commission's ability to have a presence across all the 47 counties. It has also negatively impacted on the Commission's ability to attain its optimal staff complement and to extensively train its staff to achieve the highest degree of competence. The budgetary allocations also mean that the Commission has been unable to adequately compensate its most skilled staff which has resulted in their exit to seek greener pastures elsewhere in the public service or in the private sector. This has also contributed significantly to the backlog of reports pending investigations or evidence analysis.

Effective of Anti-Corruption Measures

Asset recovery that entails restitution of illegally acquire wealth was rated by 75 percent of the respondents as the most effective measure in combating corruption and unethical practices in Kenya followed by mainstreaming of anti-corruption into the education curriculum cited by 63.8 percent. User friendly corruption reporting channels (61.7%), employment creation (60.4%), investigations (58.7%), public education and awareness creation (55.9%), eradication of poverty (54.3%), partnerships and

coalition of stakeholders in the fight against corruption (53.8%) and administrative sanctions on public officials (50.5%) were also rated as effective my majority of the respondents.

Devolution or decentralization was rated as not effective by 40.4 percent of the respondents.

Table 5: Effective of Anti-Corruption Measures

Measures	Effective	Moderately Effective	Not Effective at all	Do not Know
Asset Recovery (Restitution)	75.0%	20.7%	4.3%	0.0%
Mainstreaming of anti-corruption into the education curriculum	63.8%	26.6%	8.5%	1.1%
User friendly corruption reporting channels	61.7%	31.9%	4.3%	2.1%
Employment creation	60.4%	25.3%	12.1%	2.2%
Investigations	58.7%	38.0%	3.3%	0.0%
Public education and awareness creation	55.9%	40.9%	3.2%	0.0%
Eradication of poverty	54.3%	31.9%	11.7%	1.1%
Partnerships and coalition of stakeholders in the fight against corruption	53.8%	41.9%	3.2%	1.1%
Administrative sanctions on public officials	50.5%	35.5%	12.9%	1.1%
Prevention of corruption	49.5%	40.9%	8.6%	1.1%
Existing anti-corruption laws	48.4%	41.9%	9.7%	0.0%
Devolution/Decentralization	24.5%	30.9%	40.4%	4.3%

Suggestions for National Government Anti-Corruption Strategies

Over 27 percent of the respondents suggested that increased funding for EACC and enhancement of the existing anti-corruption laws would improve the anti-corruption strategies at the national level for enhance accountability and integrity respectively. Prosecution of all culpable officers (19.3%), strict adherence to leadership and integrity act of 2012 and bar suspects from running for public office (18.2%), increased anti-corruption awareness creation (18.2%) and provides political good will and support (18.2%).

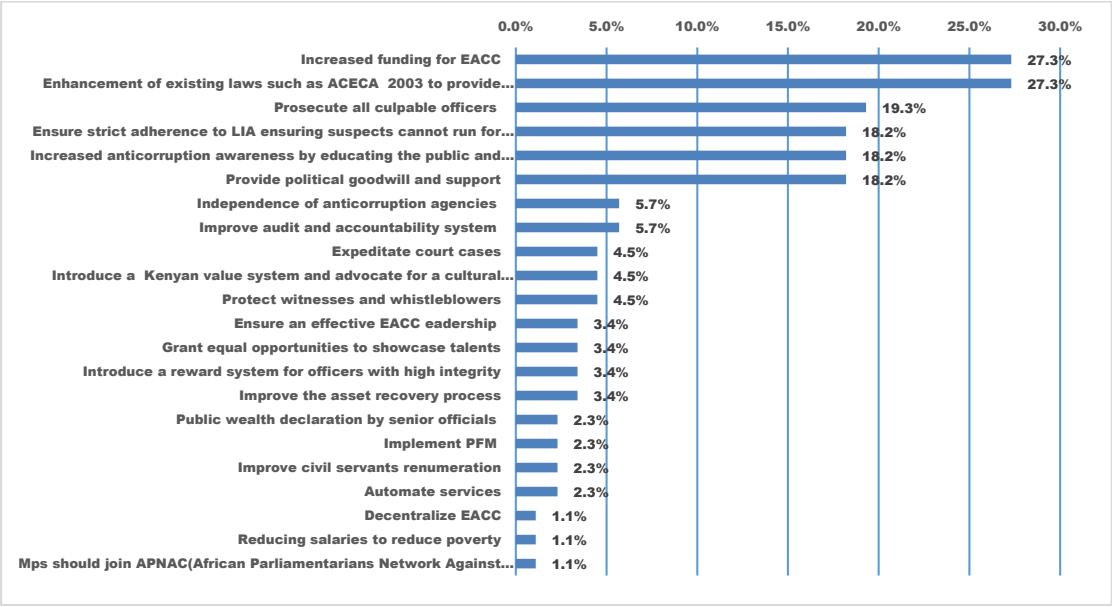

Figure 3: Suggestions for Anti-Corruption Strategies

Suggestions for County governments Anti-Corruption Strategies

Public participation engagement forums were suggested as the best strategy for County governments to improve the anti-corruption, accountability and integrity by 34.4 percent of the respondents. Strict control mechanism to stop embezzlement and procurement irregularities (20.7%), hiring staff on merit (14.9%), and regular vetting of County staff (13.8%), whistleblowing protective policies (12.6%), robust anti-corruption committees (11.5%) and automation of services (11.5%) were touted as the most effective ways county governments can apply to handle the problem of corruption.

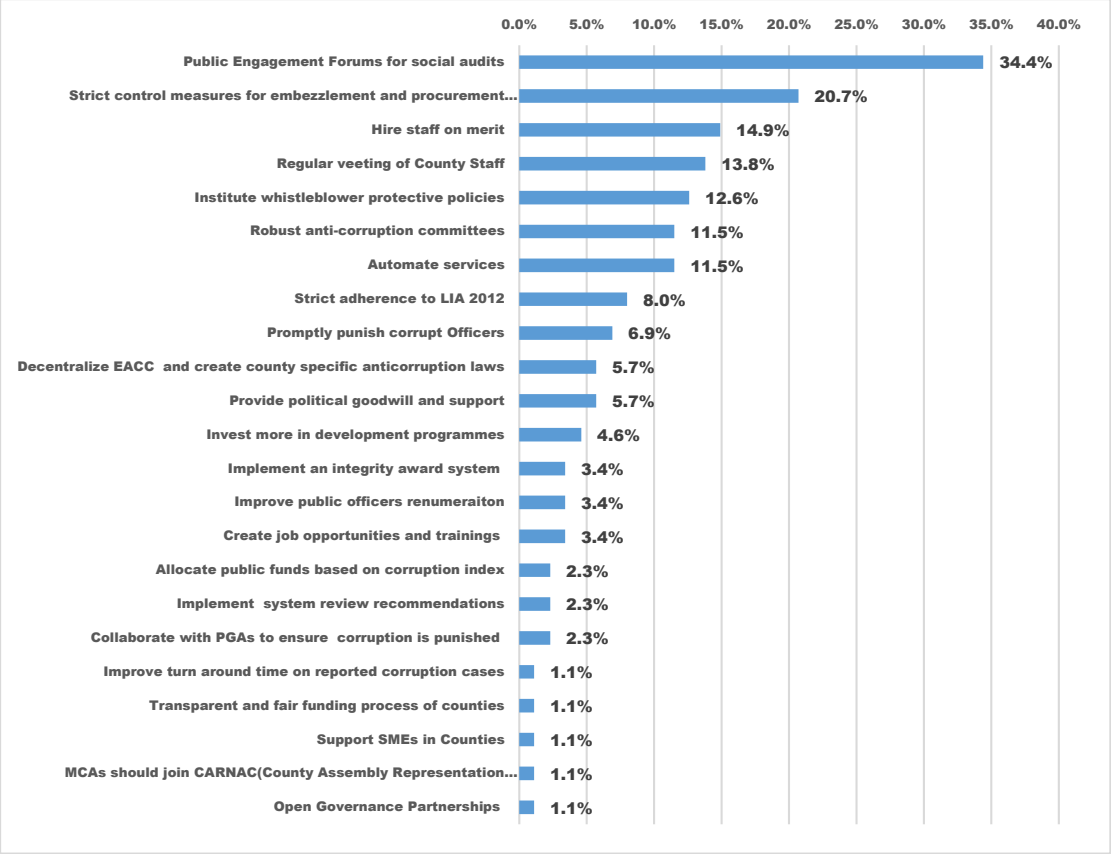

Figure 4: Suggestions for County Government's Anti-Corruption Strategies

CONCLUSION

In conclusion, the journal article provides a thorough analysis of corruption in Kenya and the effectiveness of anti-corruption measures, particularly those implemented by the Ethics and Anti-Corruption Commission (EACC). The findings highlight varied levels of awareness and attitudes towards corruption and EACC's mandate, with mixed opinions on the efficacy of strategies such as asset recovery and corruption reporting processes. Concerns were raised about the decentralization of EACC to counties, with cautious optimism tempered by fears of increased corruption since devolution. Weaknesses in Kenya's legal and institutional framework, including political interference and inadequate enforcement, were identified as hindrances to anti-corruption efforts, necessitating urgent reforms. Challenges in corruption reporting, such as fear of retaliation, were also noted, with suggestions for improvement including increased funding for EACC and stronger enforcement of anti-corruption laws.

RECOMMENDATIONS

Based on the findings and conclusions drawn from the journal article, the following recommendations are proposed to combat corruption in Kenya effectively:

1. The national government should resource the EACC optimally for it to adequately execute its mandate which is well known among the Kenyan populace. This is especially critical in breathing life to the decentralization effort of the EACC. Without the human and financial resources, EACC is unlikely to make an impact in the anticorruption effort.
2. Secondly, there is need for synchronization of anticorruption strategies among all stakeholders in a typical whole-of-government-approach in fighting the vice to ensure complementarity and synergy.
3. Third, it is imperative that graft and ethical breaches cases are expeditiously disposed of, whether they lead to asset recovery or prison sentences, to give impetus to the deterrence component of the efforts.

REFERENCES

EACC Research Report No. 13 of May 2022. *National Ethics and Corruption Survey*, 2022

EACC. (2017). *Ethics and Anti-Corruption Commission 2016-2017 annual report*. Nairobi: Government Printer

EACC. (2021). *Report of Activities and Financial Statements for the Financial Year 2019/2020*. Nairobi: EACC Publication

Eigen, P. (2002). Corruption in a Globalized World. *SAIS Review (1989-2003)*, 22(1), 45–59.

Gichio, D. (2014). Public Procurement in Kenya: Cash Cow for the Corrupt or Enabler for Public Service Delivery? *Adili*, 145

GoK (2015). *Report of the task Force on the Review of the Legal, Policy and Institutional Framework for fighting corruption in Kenya*. Nairobi. Government Printer, Nairobi

GoK, National Ethics and Anti-Corruption Policy. (2018). *Government of Kenya:* Nairobi, Kenya

Goorha, P. (2010). Modernization Theory. In R. A. Denemark (Ed.), *The International Studies Encyclopedia*. Blackwell Publishing.

Goorha, P. (2010, March 1). Modernization theory. Oxford Research Encyclopedia of International Studies. Retrieved February 12, 2024, from https://oxfordre.com/internationalstudies/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-266

James M. (1999). *The political economy of democratic decentralization*. Washington D.C.: The World Bank.

Kenya Anti-Corruption Commission. (2006). *National Corruption Perception Survey*. Nairobi: Directorate of Research, Education Policy and Preventive Services (REPPS).

Kimenyi, S.M. (2013). *Devolution and Resource sharing in Kenya*. Available at www.brookings.edu.ac.ke Accessed on 11/2/2024

Kivoi, D.L, Nduvi, S. & Naeku, C. (2022). *Devolution and the Mutation of Corruption in Kenya* Nairobi: The Kenya Institute for Public Policy Research and Analysis (KIPPRA)

Kwesiga, B., Boujnah, H., Asamani, J. A., & Nabyonga-Orem, J. (2022). To what extent did African countries prepare mechanisms to ensure transparency and accountability of the COVID-19 extra-budgetary funds? *Journal of Global Health*, 12, 03071.

Maira M, (2012). *Kenya: overview of corruption and anti-corruption*. Nairobi. Transparency International. CHR Michalsen Institute

National Crime Research Centre. (2018). *Study on Perceptions and Experiences of Corruption in the Public Service in Kenya, 2017*. Nairobi.

O'Higgins, E. R. E. (2006). Corruption, Underdevelopment, and Extractive Resource Industries: Addressing the Vicious Cycle. *Business Ethics Quarterly*, 16(2), 235–254.

Odd-Helge Fjeldstad, (2004). *Decentralization and corruption A review of the literature*. Bergen, Norway. Michelsen Institute

Open Society Foundations (2016). *Effectiveness of Anti-Corruption Agencies in East Africa* Africa Regional Office (Afro) Policy Brief 2016

Peeters, C. (2019). *Social Network Analysis of Corruption Structures: Adjacency Matrices Supporting the Visualization and Quantification of Layeredness*. Semantic Scholar

Saunders, N., et al. (2019). *Research Methods for Business Students* New York: Pitman Publishing

Sun, Y., & Johnston, M. (2009). Does Democracy Check Corruption? Insights from China and India. *Comparative Politics*, 42(1), 1–19.

Tanzi, V. (2000). *Fiscal federalism and decentralization: A review of some efficiency and macroeconomic aspects. In Proceedings of the Annual World Bank Conference on Development Economics* Washington D.C.: The World Bank.

Transparency International. (2006). *The Global Coalition against Corruption (2006). TI 2006 Corruption Perceptions Index*. Berlin: Transparency International.