



NATIONAL DEFENCE UNIVERSITY -KENYA

**INSTITUTIONAL DYNAMICS INFLUENCING THE FIGHT AGAINST CORRUPTION
IN KENYA: CASE STUDY OF ETHICS AND ANTI-CORRUPTION COMMISSION
(EACC)**

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of Master of Arts in National Security and Strategy of National Defence University-Kenya

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DECLARATION

I declare that this research thesis is my original work and has not been presented for examination in any other university.


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DEDICATION

I dedicate this work to my mother Truteya Nasimiyu, my wife and children for their support.

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ACRONYMS/ ABBREVIATIONS

ACB	Anti-Corruption Bureau
ANEEJ	African Network for Environment and Economic Justice
ARA	Asset Recovery Agency
AUCPCC	African Union Convention on Preventing and Combating Corruption
CIME	Commission for the investigation of mismanagement and embezzlement
CPI	Corruption Perceptions Index
CPI	Corruption Perceptions Index
CSO	Civil Society Organizations
DCI	Directorate of Criminal Investigation
EACC	Ethics and Anti-Corruption Commission
EFCC	Financial Crimes Commission
EU	European Union
FRC	Financial Reporting Centre
GII	Ghana Integrity Initiative
GIZ	<i>Gesellschaft für Internationale Zusammenarbeit</i>
INT	Integrity vice Presidency
KRA	Kenya Revenue Authority
NACOST	National Commission for Science, Technology and Innovation
NCAJ	National Council on the Administration of Justice
NDU	National Defense University
NPS	National Police Service
OAG	Office of the Attorney General

ODPP	Office of the Director of Public Prosecution
OECD	The Organization for Economic Co-operation and Development
OGP	Open Government Partnership
PACT	Pan African Citizens Network
StAR	Stolen Asset Recovery
TI	Transparency International
UNCAC	United Nations Convention against Corruption
UNODC	United Nations Office on Drugs and Crime

ABSTRACT

The Ethics and Anti-Corruption Commission (EACC) is an institution established by the constitution of Kenya to spearhead integration of ethics in public service. Despite the existence of EACC for over ten years, during which period its services have been decentralized to the sub-national level to support the fight against the twin vices of corruption and unethical behavior by public servants, the two have persisted and the damage is felt by the citizenry who cannot get quality basic public services. This raises further questions as to the efficacy of the mechanisms put in place by the institution to rid public service of the vices. The specific objectives that guided the study include; establishing the level of awareness of the mandate of EACC in the fight against corruption in Kenya, examining the effect of decentralization of EACC to the counties on the fight against corruption in Kenya and assessing the effectiveness of the anti-corruption measures governing the fight against corruption in Kenya. The study was anchored on Institutional Design and the Principal Agent theories to explain the phenomenon of corruption in Kenya. In terms of methodology, the study used a mixed-methods approach in the collection, analysis and interpretation of both primary and secondary data. The target population in this research study included officers drawn from seven state agencies which collaborate with the EACC in the fight against corruption in Kenya and from which a sample size of 96 was obtained using purposive and stratified random sampling procedures. A questionnaire and a Key Informant Interview guide were used for data collection. The resulting quantitative data was descriptively analyzed while the qualitative data was analyzed using the content analysis process. The findings show that the level of awareness of the mandate of the Ethics and Anti-Corruption Commission (EACC) in the fight against corruption in Kenya varies among different segments of the population. While some individuals and organizations have a clear understanding of EACC's role, others have limited awareness, an issue that was attributed to various factors such as education levels, access to information, and communication strategies employed by EACC. Decentralization of EACC to the counties was found to have both positive and negative effects on the fight against corruption. On the positive side, decentralization was found to have enhanced accessibility of anti-corruption services to citizens at the grassroots level, leading to increased reporting of corrupt activities and more effective enforcement of anti-corruption measures in local communities. This is however challenged by resource inadequacy, capacity building shortfalls, and poor coordination of the anticorruption efforts. The study also established that implementation and enforcement of the law and policies aimed at combating corruption faces significant challenges, key among them weak governance structures, lack of political will, unethical conduct within law enforcement agencies, lack of prosecutorial powers and judicial inefficiencies. These factors contribute to the limited success of anti-corruption efforts. Based on these findings, the study recommends promotion of civic education and public awareness of the mandate of EACC, strengthening of institutional controls, regular vetting of anticorruption law enforcers, optimal resourcing of EACC and the granting of prosecutorial powers to EACC for it to deliver on its mandate.

CHAPTER ONE

INTRODUCTION AND BACKGROUND

1.0 Introduction

This chapter provides an overview of the study, focusing on how institutional dynamics impact the fight against corruption in Kenya, with a particular emphasis on the Ethics and Anti-Corruption Commission (EACC) as a case study. It outlines the problem statement, research questions, and objectives, and discusses the study's justification, significance, scope, and limitations.

1.1 Background of the Study

Several global institutional dynamics exist to combat corruption and promote good governance. These frameworks involve international organizations, treaties, conventions, and initiatives that aim to address corruption at a global level. Global anti-corruption frameworks are designed to combat corruption on an international scale by promoting cooperation among countries, setting common standards, and providing guidelines for preventing and addressing corrupt practices (UN, 2004). These frameworks aim to create a unified approach to tackle corruption, which is a pervasive problem that undermines economic development, erode public trust, and leads to numerous social, economic and political consequences. Key among the global institutional anti-corruption frameworks includes the United Nations Convention against Corruption (UNCAC). The UNCAC is a landmark international treaty adopted by the United Nations in 2003. It is a legally binding international instrument which had been ratified by 187 states as at 2004 as reported by UNODC (2004). The framework for addressing corruption is robust, encompassing strategies for prevention, enforcement, and prosecution. It addresses multiple forms of corruption, including bribery, embezzlement, money laundering, and misuse of authority (UNODC, 2004). The convention prioritizes preventive actions, criminalization, and international cooperation in investigating and recovering assets. It also advocates for the creation of anti-corruption institutions and promotes transparency and accountability.

Similarly, the OECD Anti-Bribery Convention, established in 1997, targets the bribery of foreign public officials in international business dealings (OECD, 1997). This convention aims to ensure fair competition by criminalizing bribery and offering guidelines for enforcement and penalties, while encouraging member states to adopt effective anti-bribery measures and collaborate on international investigations.

World Bank also adopted various anti-Corruption initiatives. Specifically, it has been actively involved in anti-corruption efforts through various initiatives, such as the Integrity vice Presidency (INT) and the Stolen Asset Recovery (StAR) Initiative. INT examines claims of fraud and corruption in projects funded by the World Bank, while StAR aids in the recovery and repatriation of stolen assets to their countries of origin (World Bank, 2007). Another significant global framework for addressing corruption is provided by Transparency International (TI), a non-governmental organization dedicated to monitoring corruption on a global scale. TI publishes the Corruption Perceptions Index (CPI), which assesses and ranks countries according to perceived levels of corruption (Transparency International, 2022). Additionally, TI advocates for policy changes, supports anti-corruption research, and promotes public awareness. The TI corruption perception index ranking for Kenya forms the integral component informing this research. However, it is imperative to exhaust other global institutional dynamics for combating corruption before assessing national frameworks.

The Open Government Partnership (OGP) represents a global framework that promotes greater transparency, accountability, and responsiveness in government operations, encouraging governments to engage more effectively with their citizens (OGP, 2021). Participating countries commit to action plans that promote open governance and anti-corruption measures. In order to foster more transparent, accountable, responsive, and inclusive governance, OGP brings together governments, citizens, civil society organizations, academics, and the commercial sector. By

acknowledging the crucial role that local governments play in providing services to their constituents, OGP is able to realize this objective. In order to provide essential services, cities, states, regions, provinces, counties, and other jurisdictions need to have efficient and adaptable local administrations.

Many regions have established their own anti-corruption frameworks to address specific challenges and regional issues. For instance, the African Union Convention on Preventing and Combating Corruption focuses on enhancing transparency, accountability, and integrity in African countries. Several African countries have established independent anti-corruption agencies tasked with investigating and prosecuting corruption cases (Transparency International, 2006). These agencies are authorized to conduct investigations, collect evidence, and recommend legal actions against individuals involved in corrupt activities. Notable examples include Nigeria's Economic and Financial Crimes Commission (EFCC), Senegal's Commission for the Investigation of Mismanagement and Embezzlement (CIME), Malawi's Anti-Corruption Bureau (ACB), and Kenya's Ethics and Anti-Corruption Commission (EACC), which is the focal point of this research. Many African countries have introduced codes of conduct for public officials and measures to protect whistleblowers who report corruption. These measures are designed to encourage transparency, ethical behavior, and accountability within government institutions. Civil society plays a crucial role in advocating for anti-corruption measures and monitoring government actions. Many African countries have active CSOs that raise awareness, engage in advocacy, and provide oversight of public institution. For instance; the African Network for Environment and Economic Justice (ANEEJ) is a Nigerian-based organization that focuses on promoting transparency, accountability, and good governance. They work to fight corruption, poverty, and promote social justice in Nigeria and other African countries (Transparency International, 2006).

In Africa, the Ghana Integrity Initiative (GII) stands out as a leading civil society organization committed to enhancing transparency, accountability, and integrity within both public and private sectors in Ghana (Global Partnership for Social Accountability, 2023). Founded in 1999, GII has played an active role in addressing corruption across the country. As the local chapter of Transparency International, GII advocates for transparency, accountability, and the rule of law to effectively combat corruption in Ghana. Another CSO for combating corruption in Africa is; Muhuri (Muslims for Human Rights) established in Kenya as a human rights organization. Muhuri is a Kenyan organization that advocates for human rights, justice, and the fight against corruption. The CSO is involved in exposing corrupt practices and promoting accountability in Kenya. Others include; PACT (Pan African Citizens Network). PACT is a Pan-African organization that promotes citizen participation and engagement in anti-corruption efforts. They work to mobilize and empower citizens to demand transparency and accountability from their governments.

In Kenya, the government has established various anti-corruption agencies and legal frameworks to combat corruption, which include the Ethics and Anti-Corruption Commission (EACC). The EACC has realized notable achievements in the fight against corruption but despite those achievements, corruption has been observed within various government institutions, including law enforcement agencies, the judiciary, and public service sector (GoK, National Ethics and Anti-Corruption Policy, 2018). Kinisu (2016) argues that, bribery and irregular payments to access public services have been reported, undermining the delivery of essential services to the public. However, the effectiveness of these efforts has been questioned due to factors like weak enforcement, political interference, and lack of sufficient resources. In Kenya today, many persons who have profiled to be of unethical conduct are being appointed to public and state offices which is contrary to the Leadership and Integrity Act. Similarly, there are many anti corruption cases in

Kenyan courts which have been protracted for long periods and majority of them are never concluded, bringing to question the ethical conduct of the Judiciary Arm of the government.

While Kenya is ranked lowly on the global corruption perception index (123/180 Countries), other advanced democratic States have registered high profile corruption. For instance; in the U.S the Star Route scandal, also known as the “Star Route Fraud” or simply “Star Route,” was a major political scandal in the United States during the late 19th century. It involved corruption and fraud within the United States Postal Service, specifically in the handling of mail delivery contracts known as "star routes" (Grossman, M. 2003). The scandal emerged when it was revealed that some contractors and postal officials were involved in fraudulent activities to secure and maintain star route contracts. These fraudulent practices included overcharging the government, inflating the length and difficulty of mail routes, and colluding with postal officials to ensure they received favorable contracts. The Star Route scandal serves as a reminder of the challenges of maintaining transparency and accountability in government contracting and highlights the need for continued efforts to combat corruption within the federal bureaucracy. It remains one of the most notable political scandals in U.S. history, showcasing the impact of investigative journalism and the consequences of public officials engaging in corrupt practices. Another high-profile corruption case is the “*Lava Jato*” investigation, also known as “*Operation Car Wash*,” This was a massive anti-corruption probe that originated in Brazil but had far-reaching implications across Latin America and beyond (Lagunes, P., Svejnar, J., 2020). It is one of the largest and most significant corruption investigations in the world. The investigations to the corruption scandal were officially launched in March 2014 by Brazilian federal police and prosecutors. They initially focused on uncovering a money laundering scheme involving a car wash in Brasília, the capital of Brazil. However, as the investigation progressed, it revealed a vast web of corruption involving some of

the country's most prominent politicians, business leaders, and state-owned companies. Lagunes and Svejnar (2020) note that the scandal implicated high-ranking politicians, including former presidents Luiz Inácio Lula da Silva and Dilma Rousseff. Lula was convicted and imprisoned, although his conviction was later annulled. This investigation had a profound impact on Brazil's political landscape coupled with a broader international reach implicating officials and businesspeople in other Latin American countries, including Peru, Colombia, and Venezuela. It highlighted the global nature of corruption networks.

1.2 Statement of the Problem

Good governance contributes to national development as resources are used for the purpose for which they were intended. Among the characteristics of good governance is transparency and accountability. Kenya has heavily invested in various institutions, laws and sensitization campaigns to promote transparent and accountable governance practices that are devoid of corruption. This effort is fuelled by the understanding that corruption undermines investment which in turn impedes attainment of various forms of security such as economic, political and personal.

This understanding notwithstanding, the country's investments do not seem to be bearing the intended benefits. For instance, a report by the Office of Director of Public Prosecutions noted that the value of public funds lost through corruption between 2017 and 2020 was Ksh 140.2 billion (ODPP, 2020). Another report released by the EACC in 2023 highlighted corruption as the fourth most pressing problem in Kenya (NECS, 2023). Further, Transparency International (T.I) in its County Governance Status Report noted the prevalence of the vice as reported by 66% of the respondents (TI-K, 2020:35). Sitting and former county officials have been arraigned in court for corruption with amounts running into millions of shillings lost reported (Muriuki, 2020). The

culture of corruption seems to be deeply entrenched in Kenya's socio-economic and political fabric. The 2022 Corruption Perceptions Index (CPI) shows that Kenya is failing to stop corruption and more sectors are joining the band-wagon. The Kenya National Police Service (NPS) leads the national bribery league with an index of 68.7%, according to the T.I-Kenya urban Bribery Index Survey (2022) (T.I-Kenya, 2023).

Previous studies on the subject of corruption indicate the existence of several anti-corruption policies and initiatives (Kinisu, 2016; Ondieki, 2005). The persistence of the vice despite these frameworks suggests that the anti-corruption approaches anchored on them have not been significantly effective. The depth of corruption within government departments is so costly, with the fourth president of Kenya, Uhuru Kenyatta noting that the government was losing Ksh 2 billion daily to corruption (Muriuki, 2021). This amount lost daily would be sufficient to fund the annual budget of at least the ministry of education and internal security annually, thus providing two essential public goods.

Arising from this scenario, this study sought to establish how well versed various stakeholders were with the mandate of EACC, the effect of decentralizing EACC to the counties and the efficacy of the various mechanisms intended to support the fight against corruption. The core problem lies in understanding why the EACC has been unable to significantly reduce corruption levels and identifying the structural, operational and political factors that hinder its performance. Addressing these issues is crucial for enhancing the EACC's capability to fulfill its mandate and for promoting transparency and accountability in Kenya.

1.3 General Objective

The general objective of this research study is to assess the dynamics of EACC institutional dynamics in the fight against corruption in Kenya.

1.3.1 Specific Objectives

- i. To establish the level of awareness of the mandate of EACC in the fight against corruption in Kenya.
- ii. To examine the effect of decentralization of EACC to the counties on the fight against corruption in Kenya.
- iii. To assess the effectiveness of the anti-corruption mechanisms governing the fight against corruption in Kenya.

1.4 Research Questions

- i. What is the level of awareness regarding EACC's mandate in the fight against corruption?
- ii. To what extent has the decentralization of EACC to the 47 Counties of Kenya contributed to the fight against corruption?
- iii. To what extent has Kenya's anti-corruption mechanisms for combating corruption been effective?

1.5 Justification of the Study

The prevalence of corruption has had significant impact on Kenya's socio-economic and political progress. In some instances, development partners have pulled out of partnerships intended to alleviate peoples suffering, citing corruption on the part of their Kenyan partners. This implies embarrassment on the part of government. There is also inadequate data on the nexus between anticorruption institutional dynamics and the fight against corruption. Thus, the paragraphs hereunder advance the policy and academic justification of the proposed study.

1.5.1 Policy Justification

This research study is intended to determine the extent of public awareness, civil society engagement, and international pressure on the fight against corruption in Kenya with the aim of orchestrating change in the Country. Policy makers can draw important lessons from this research which intends to identify policy gaps inherent anti-corruption initiatives adopted by the EACC. This study argues that; EACC lacks a comprehensive and a holistic institutional legislative framework which offers witness protection (Whistle blower protection) and raises the public mistrust in the institution. It is imperative to acknowledge that an effective anti-corruption agency requires a strong regulatory framework to support its operations. Outdated or inadequate laws, gaps in legislation, and lengthy legal processes all hamper the EACC's efforts to prosecute corrupt individuals and recover stolen assets which this research sets to change.

1.5.2 Academic Justification

This research is important to the academia for it provides current and empirical evidence supporting the available research on the subject of anti-corruption. Scholars and researchers in particular interested in probing the dynamics, or, lack of it thereof, can refer to this research study to sharpen their skills and knowledge on the subject. It is from the academia that appropriate policies can be developed which can improve public trust, perceptions and confidence in the ability of the EACC to combat national corruption in Kenya. Public perception and trust in the EACC's effectiveness can influence its ability to combat corruption if well harnessed and public engagement and awareness is entrenched in the academic discourse.

1.5.3 General Public

If citizens lack confidence in the (EACC) agency's ability to hold corrupt individuals accountable, they may be less willing to report corruption or support its initiatives. However, with a well-

informed general populace, the fight against corruption can be effective, less costly and citizen-driven. This research provides the general public with the “not politically correct” information regarding anti-corruption in Kenya and therefore clears all the biases associated with corrupt practices since it spares and respects nobody but the rule of law. The general population will benefit from this research through learning the emerging trends related to anti-corruption in Kenya.

1.6 Significance of the Study

The study findings arising from this study will be highly significance as they will add value to the academia by providing empirical evidence on how effectively to deal with corruption. It will also form part of the scholarly research and literature for the future researchers on the same subject. The findings will also go a long way to inform the policy makers and other key players on what ails the war on corruption. The policy makers and other stakeholders will come up with real solutions after identifying the real gaps in the regulatory framework. They might have a paradigm shift in their perception on the war against corruption and deliberately come up with other far reaching solutions including resourcing and capacity building of EACC.

1.7 Assumptions of the Study

They are conditions or events that the investigation takes for granted although they might affect the outcome of the research (Mugenda, 2008). Inquiry about presumptions alludes to parts of an exploration which are fairly out of a specialist’s control, yet without which the study would get to be immaterial. This study assumes that, the respondents are knowledgeable about the dynamics of EACC institutional dynamics for fighting corruption in Kenya, and thus they will be in a position avail the information or data needed to enrich the secondary data. Additionally, the research also assumes that all the respondents will be available for the interview as well as respond to the questionnaires.

1.8 Scope and Limitations of the study

This study concentrates on the dynamics of the Ethics and Anti-Corruption Commission (EACC) institutional framework in Kenya. It specifically examines the regulatory framework for combating corruption, evaluates public awareness of the EACC's mandate, and assesses the impact of EACC's decentralization to county levels on its anti-corruption efforts. Additionally, the study explores the effectiveness of the anti-corruption mechanisms in place. Data collection involved key informant interviews and questionnaires, with the study sample comprising individuals from various EACC and partner organizations across the country.

CHAPTER TWO LITERATURE REVIEW

2.0 Introduction

This Chapter reviews literature related to the influence of institutional dynamics in the fight against corruption in Kenya utilizing a case study of the EACC. This literature review is guided by the study objectives outlined in the previous chapter. This chapter also presents the theoretical reviews, theoretical framework; literature gaps and finally, the chapter summary.

2.1 Empirical Literature Review

2.1.1 The Level of Awareness Regarding EACC Mandate

The level of awareness regarding EACC's regulatory framework in Kenya varies significantly among different groups of people and stakeholders. The general public may have varying levels

of awareness about EACC's regulatory framework. Some may be familiar with its existence and general purpose, while others may not be aware of its functions or regulatory role. 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.

First, in general, Article 6(1) (b) of the United Nations Convention against Corruption (UNCAC) emphasizes the importance of national anti-corruption agencies, such as the EACC, increasing and disseminating knowledge about corruption, while Article 13(1) emphasizes the promotion of individuals' and groups' active participation in raising public awareness on corruption.

Regarding the awareness of the EACC anti-corruption mandate, the legal framework is founded upon Section 11(1) (i) of the EACC Act. Consequently, the EACC is tasked with “promoting public awareness regarding ethical concerns, educating the public on the perils of corruption, and garnering public support to combat corruption, all while maintaining the necessary confidentiality as stipulated by the ACECA.” Furthermore, Section 13(2) (a) of the EACC Act empowers the EACC to “educate and raise awareness on any issue falling within the Commission’s jurisdiction”. Additionally, Section 13(2) (a) of EACC Act grants EACC the power to, “educate and create awareness on any matter within the Commission’s mandate”. The National Anti-Corruption Campaign Steering Committee-NACCSC, in fulfilling its responsibilities, operates within the guidelines outlined in Gazette Notice No. 6707 dated September 19, 2014. 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 regulatory framework. They may be well-versed in its mandates, 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 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). This research endeavors to conduct an empirical study to establish the level of awareness among the different stakeholders. This stems from the realization that; there is no a single study currently available to demonstrate this thematic area of concern. International organizations and foreign governments engaged in anti-corruption efforts in Kenya are likely to have a good understanding of EACC's regulatory framework, as they often collaborate with local authorities.

According to a report of the Task Force on the Review of the legal, policy and institutional framework for fighting Corruption in Kenya, presented to Kenya's Fourth President H.E Uhuru Muigai Kenyatta in October 2015 there exists a strong level of awareness of anti-corruption framework among the Kenya's three arms of the government (Judiciary, Executive and the Legislative institutions) drawn from the much publicized media debate relating to the powers of the EACC to be granted prosecutorial rights. The taskforce report (2015) indicates a strong level of awareness among Kenya's educated population relating to the powers of institutions (particularly those of the ODPP and those of the EACC) as demonstrated by that debate generated by the question of granting EACC prosecutorial powers.

Membership in the Kenya Leadership and Integrity Forum (KLIF), which includes approximately fourteen sectors such as professional associations, the private sector, media, independent offices, trade unions, religious organizations, civil society, constitutional commissions, and the Council of Governors, highlights the level of awareness regarding the EACC's mandate. By acting as a powerful hub for intra-, inter-, and cross-sectoral discussions regarding the development, execution, and reporting of many anticorruption programs in Kenya, the KLIF has enhanced EACC's proficiency.

2.1.2 Effect of decentralization of EACC on the fight against corruption in Kenya

Devolution, a form of decentralization, involves transferring authority, resources, and personnel from the national level to subnational jurisdictions (D'Arcy & Cornell, 2016). Characterized as democratic decentralization, it entails shifting power and resources to lower, relatively independent, and democratically elected levels of government. This contrasts with other forms of decentralization, such as federalism, delegation, de-concentration, and privatization, which involve varying degrees of transfer of administrative, fiscal, and political functions from central to subnational governments.

In the context of this study, decentralization of anti-corruption institutional dynamics 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.

A number of theoretical models have been constructed recently to investigate the possibility of increased or decreased corruption as a result of decentralization. While the literature has helped to shed light on a few key factors, the theoretical investigations offer conflicting interpretations and

do not definitively establish a connection between corruption and decentralization. For instance, Yemek (2005) asserts that competition among governmental levels will lead to less corruption in the area of public service delivery, where officials may look to bribe. Suberu and Rotimi (2001), who contend that a federal state structure fosters rivalry amongst sub-jurisdictions, supports this position by arguing that it leads to more honest and effective government.

The inception of devolution of anti-corruption institutions can be traced as far as 507 B.C in Athens (CLES, 2016). Athenian leader Cleisthenes introduced "demokratia," or rule by the people, which marked the beginning of democracy by dismantling elite rule and decentralizing power to local citizens. This system involved 40,000 free male citizens of Athens, who were granted the authority to make decisions through locally elected mountain-side courts (Ibid). Meetings were led by jurors selected by lottery, allowing residents to influence decisions impacting their communities directly. This concept of devolution later spread to European countries such as the United Kingdom, Italy, and Spain, and eventually worldwide, with various nations adopting devolved governance as an effective model for power and resource distribution. According to Robinson, (Robinson, 2008) devolution was carried out through the law of popular participation (*ley de participation popular-LLP*) in Bolivia where it represents a case study of successful implementation.

The imperative for decentralizing anti-corruption institutions is framed on key thematic concerns which among them include; 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 becomes 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, and because in a fragmented system there are fewer centralized forces and agencies to enforce honesty. For instance; in his book "*The Political Economy of Democratic Decentralization*," James (1999) asserts that decentralization inevitably 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 argue that; there are probably more opportunities for corruption at the local level. This is so because; firstly, local officials usually have more discretionary powers than national decision-makers. Secondly, local bureaucrats and politicians are likely to be more subject to pressing demands from local interest groups in matters such as taxation.

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 (Kenya obtained a score of 32 out of 100 and a rank of 123 out of 180 in global Corruption Perceptions Index-CPI, 2022) and mismanagement of resources poses a great threat to devolution in Kenya as reported by Transparency International in 2022 (Transparency International-Kenya, 2022). The EACC has identified common forms of corruption among counties which include; ghost projects, conflict of interest, bribery, procurement and payroll illegalities and inflated prices among others (EACC, 2021). This study endeavors to reveal how corruption is threatening devolution describing it (corruption) as an "*enemy within*".

The EACC Research Report No. 13 of May 2022 established that County health services such as; ambulance, health facilities and cemeteries (18.7%) were more prone to corruption and unethical

practices for the County Government Departments followed by inspectorate Department (8.7%), Country Transport, county roads, street lighting, traffic and parking (8.5%), Agriculture abattoirs, livestock sale yards, disease control (5.9%) and Trade Development and Regulation -markets, licenses, local tourism (4.8%) (EACC Research Report No. 13 of May 2022). Similarly, the Auditor General's report on the County Governments (County Executives 2021-2022, Vol. 1) a number of Counties failed to comply with best accepted accounting practices when making their financial statements. Counties like Mombasa (01), Kwale (02), Garissa (07) Wajir (08), among others failed to comply with the Public Finance Management Act 2012 guidelines (OAG, 2022). Other Counties had unreconciled and unexplained variances, anomalies, omissions and inaccuracies in the financial statements, incomplete financial statements which is indicative of poor accounting standards and practices. Such poor accounting practices give loopholes for fraud and embezzlement to occur (OAG, 2022). It is in such environment that corruption easily thrives or is covered up.

According to a study done by Kivoi, Nduvi and Naeku (2022) on devolution and the mutation of corruption in Kenya it was 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. 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 (Kivoi, Nduv and Naeku (2022).

2.1.3 Effectiveness of the Anti-Corruption Mechanisms Used in Kenya

Globally, anti-corruption policies refer to a set of measures and frameworks adopted by international organizations, governments, and institutions to combat corruption worldwide. It is generally accepted to define corruption as the abuse of power or authority for personal gain and it

has far-reaching negative consequences on societies, economies, and governance. The anti-corruption policies aim to promote transparency, accountability, and integrity, thereby reducing corruption and its harmful effects. There are several strategies and anti-corruption policies which include; international conventions; legal frameworks; whistleblower protection policies; public sector reforms policies; transparency and open data; independent anti-corruption commissions and agencies; 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.

2.1.3.1 United Nations Convention against Corruption (UNCAC)

Various international agreements and conventions have been established to address corruption on a global scale. One of the most significant and widely adopted is the United Nations Convention against Corruption (UNCAC), which entered into force in 2005. UNCAC sets standards and guidelines for preventing corruption, criminalizing corrupt practices, and enhancing international cooperation in combating corruption. According to Hannes (2017) UNCAC does not define corruption as such, but rather defines specific acts of corruption that should be considered in every jurisdiction covered by UNCAC. These include bribery and embezzlement, but also money laundering, concealment and obstruction of justice. Also, in defining who might be considered as possible participants in corruption, UNCAC uses a functional approach to the term “*public servant*” which covers anyone who holds a legislative, administrative, or executive office, or provides a public service, including employees of private companies under government contract.

The dynamics of UNCAC can be assessed based on its achievements and challenges. On some of its achievements in combating corruption, UNCAC provides a common legal framework for

tackling corruption, making it easier for countries to cooperate in the investigation and prosecution of corruption cases that have a transnational dimension (Gebeye, 2011). As Gebeye asserts, the UNCAC encourages mutual legal assistance and extradition, allowing member states to work together to combat corruption across borders. Additionally, UNCAC emphasizes the importance of preventing corruption through various measures, such as promoting transparency and accountability in public administration, requiring public officials to disclose financial interests, establishing codes of conduct, and encouraging the private sector to adopt anti-corruption measures. These preventive measures are vital for addressing the root causes of corruption.

On the contrary, despite its many positive aspects, UNCAC also faces some challenges signified by the lack of enforcement and implementation. The effectiveness of UNCAC relies on the willingness of member states to enforce its provisions and implement necessary reforms. Some countries lack the political will or capacity to fully comply with the convention's requirements. Hams postulates that the UNCAC also lacks universality in which not all countries are parties to UNCAC, limiting its global reach and effectiveness (Hams, 2000). Such a challenge is compounded by political interference and impunity. In some cases, political interference and lack of independence in the judiciary and law enforcement agencies hinders the proper investigation and prosecution of corruption cases, leading to impunity for corrupt officials.

The United Nations Convention against Corruption has been a significant step forward in the global fight against corruption. It has provided a framework for international cooperation and has encouraged countries to adopt preventive measures, criminalize corrupt practices, and promote asset recovery. However, its dynamics ultimately depends on the commitment and actions of

member states to implement its provisions effectively and address the challenges that hinder its full potential.

2.1.3.2 African Union Convention on Preventing and Combating Corruption

The African Union Convention on Preventing and Combating Corruption and Related Offences, also known as the African Union Convention on Corruption, is an international treaty aimed at promoting good governance, transparency, and accountability in African countries to combat corruption and related offenses. The convention was adopted on July 11, 2003, during the Second Ordinary Session of the Assembly of the African Union in Maputo, Mozambique.

Many African countries have signed and ratified the convention, committing themselves to implement its provisions and take necessary measures to combat corruption within their territories. The convention establishes measures and guidelines to be adopted by member states to prevent and combat corruption in areas such as public procurement, law enforcement, judiciary, and financial management. The convention provides a comprehensive framework for preventing, investigating, and prosecuting corruption at both the national and regional levels.

According to Kidane and Thomas (2007), the coverage of the AU Corruption Convention extends to public officials and to any other person including members of the private sector. A public official is defined as any “official or employee of the State” or its agencies including those who have been selected, appointed or elected to perform activities or functions in the name of the State or in the service of the State at any level of its hierarchy (Won and Snider, 2007). The other major component of the AU Corruption Convention is the enforcement component. This component has two sub-components; one domestic and one international. In the domestic arena, the AU Corruption Convention mandates the establishment of domestic enforcement systems, including

the enactment of laws to give effect to the State Party's Convention obligations. The domestic sub-component also emphasizes the importance of access to information and the involvement of civil society and the media in monitoring, implementing, and enforcing the principles that the AU Corruption Convention sets forth (Schroth, 2003).

The African Union Convention on Preventing and Combating Corruption and Related Offences (AUCPCC) faces a myriad of challenges in its implementation which include; general lack of political will in which some countries, political leaders have not prioritized anti-corruption efforts, leading to weak enforcement and implementation of the Convention's provisions. The implementation of the African Corruption Convention is also hampered by capacity and resources constraints (Schroth, 2003). Some member states may lack the necessary resources and capacity to effectively combat corruption, investigate cases, and prosecute offenders. Further, the AUCPCC implementation and enforcement in national jurisdiction is challenged by corruption within law enforcement and judicial institutions. Schroth (2003) postulates that; corruption within law enforcement agencies and the judiciary undermines efforts to combat corruption effectively. This problem is further exacerbated by cross-border challenges which often involve international networks, and lack of cooperation between countries due to legal and jurisdictional complexities. Among African Countries Corruption is deeply entrenched in societies with weak rule of law, making it difficult to bring perpetrators to justice. Majority of African States have domesticated the AUCPCC by enacting in their national jurisdictions commissions and agencies responsible for fighting corruption, in which Kenya form's part, with the EACC.

2.1.3.3 Anti-Corruption Regulatory Framework in Kenya

Kenya has a comprehensive anti-corruption regulatory framework in place to combat corruption at various levels of government and society. Some of the key components of Kenya's anti-

corruption regulatory framework include; The Constitution of Kenya (2010). The Constitution of Kenya includes provisions that emphasize transparency, accountability, and the fight against corruption. Article 10 of the Constitution establishes principles of good governance, which include integrity, transparency, and accountability.

EACC is another anti-corruption body in Kenya. The EACC as is commonly known as an independent constitutional body established under the Ethics and Anti-Corruption Commission Act, 2011. Its primary mandate is to combat corruption and promote ethics and integrity in public and private institutions. The EACC conducts investigations, educates the public on anti-corruption matters, and recommends anti-corruption policies to the government.

Anti-Corruption and Economic Crimes Act is legal framework for combating corruption in Kenya. This legislation provides the legal framework for investigating and prosecuting corruption-related offenses. It outlines various corruption offenses, penalties, and procedures for asset recovery. The Act also established the Asset Recovery Agency (ARA) to trace and recover assets acquired through corrupt means.

The Public Procurement and Asset Disposal Act is a law governing anti-corruption in Kenya. This law governs the public procurement process in Kenya. It promotes transparency and competition in government procurement to prevent corrupt practices in the allocation of public contracts. This law is coupled with the Whistleblower Protection Act. This Act provides protection to individuals who report corruption and other unethical practices. It establishes mechanisms for reporting and protecting whistleblowers from retaliation. Similarly, the leadership and integrity Act sets out requirements and standards of conduct for public officials, including disclosure of assets and liabilities. It aims to prevent conflicts of interest and promote transparency in government.

Apart from legal framework, there also exist institutions governed by institutional dynamics for the curbing of corruption in Kenya. Among them include; Financial Reporting Centre (FRC). The FRC is responsible for receiving, analyzing, and disseminating information about suspicious financial transactions that may be linked to money laundering and corruption. It plays a crucial role in tracking illicit financial flows. Similar institutions include; the Civil Society and the Media. Civil society organizations and the media play a significant role in advocating for transparency, accountability, and anti-corruption efforts in Kenya. They often collaborate with government agencies and international partners to expose corruption cases. The effectiveness of Kenya's anti-corruption frameworks varies over time and is subject to political, institutional, and social factors.

2.1.3.4 Resource Allocation for the Fight against Corruption in Kenya

Resource allocation for the fight against corruption in Kenya involves the allocation of funds, manpower, technology, and other resources to combat corrupt practices and promote transparency, accountability, and good governance. Allocation of resources for the Commission for the financial year ending 2020 was estimated at KES 2,941,620,000 (EACC, 2021). Recurrent allocation was later increased by KES 163,000,000 in Supplementary Budget Estimates II increasing the total budgetary allocation to KES 3,104,620,000 (EACC, 2021).

The Commission utilized KES 3,022,000,000 to cater for compensation of employees, purchase of fixed assets, overall operations and maintenance. There have been continuous and incremental disbursements from the exchequer to the Commission each year. The Commission's budget has increased from KES. 2,957,220,000 to KES. 3,072,200,000 between 2015 and 2020. This indicates government commitments in fight against corruption. Further, recent developments in the war against graft have sparked greater interest and commitment from partners and donors. Donors have been participating by offering both operational and technical support. Government budget

allocations changes from year to year depending on various factors, including the country's economic situation, government priorities, and the perceived effectiveness of the anti-corruption efforts. It is therefore not easy to generalize whether the budget allocation is sufficient or insufficient.

2.1.3.5 Collaboration and Partnership with other Agencies

Section 11 (3) of the EACC Act, 2011 mandates the Commission to cooperate and collaborate with other State organs and agencies in the prevention and investigation of corruption. Further, Section 11 (6) (C) of the Act provides for the Commission to establish and maintain strategic linkages and partnerships with other stakeholders in the rule of law and other governance sectors. The Commission has been committed to collaborating with national, regional and international players in the fight against corruption and promotion of moral and ethical standards. In this regard, the Commission had engagements with various state and non-state actors that were aimed at collaborating and partnering in the fight against corruption.

The Commission maintained strategic linkages and partnerships with national, regional and international organizations to provide support, enhance coordination of an inclusive framework on the fight against corruption, and optimize on their respective capabilities and strengths. Consequently, the Commission has partnered with the European Union (EU); the United Nations Office on Drugs and Crime (UNODC); the US Embassy; the British High Commission; the *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)*; Faith Based Organizations; Media; Civil Society organizations; National Council on the Administration of Justice (NCAJ); and signed a Memorandum of Understanding with the Salaries and Remuneration Commission (Noor, 2018).

2.2 Research Gap

As established in this literature review, available research that explicitly focuses on the linkages between decentralization (Devolution) and corruption is limited. In particular, there is lack of empirical studies on the ongoing political economic reforms (particularly of State-owned enterprises, popularly called parastatals in Counties) processes that may contribute to informing policy-makers on the strengths and weaknesses of the chosen approaches. The literature review also establishes that; very little is known about the impacts on new public management inspired reforms which may include privatization of public institutions provision and outsourcing of revenue collection (parking fees, garbage collection etc). What kind of justification lends themselves to privatization and what is the effectiveness of the Counties to offer such services devoid of corruption?

Another area which has received little attention is the possible relationship between the degree of decentralization and the number of regulations in a County. Such research would indicate what happens when a County multiplies additional governance levels. What happens if each level pursues its own objectives, not just through taxes and public spending, but also through regulations? Direct observations indicate that the more constrained are the County governments in raising revenue and in spending, the more likely is it that they will try to rely on illegal means to pursue their objective (see Tanzi, 2000). Accordingly, this literature sees a gap on the link between the level and arbitrariness of County government incomes and expenditure, resulting into corruption and bribery which is often misreported.

2.3 Theoretical Framework

It is important to note that the influence of institutional dynamics on corruption is context-specific, and multiple factors may interact to shape corruption levels within a given society. Several theories

have been postulated to explain the influence of institutional framework of corruption and anti-corruption in various jurisdictions. These theories are not mutually exclusive, and they often overlap and complement each other in explaining the dynamics of corruption. Researchers and policymakers continue to explore these theories to develop effective strategies for combating corruption and promoting good governance. This theoretical review focuses on four major theories of explaining institutional dynamics for corruption and anti-corruption. They include Principal-Agent theory and Institutional design theory.

2.3.1 Principal Agent Theory

Principal-Agent Theory is a framework used in economics and political science to analyze the relationships and interactions between two parties: the principal and the agent. The economic models of Rose-Ackerman, Lui, Andvig and Moene, Klitgaard, and Alam are the most thorough. Rose-Ackerman et al. concentrated on bribing bureaucrats by businesses involved in government contracts, which is a classic type of corruption (Rose-Ackerman, S. (1978). This theory can be applied to understand corruption and anti-corruption efforts in both the national and county governments in Kenya. This theory focuses on the relationship between those who hold power (the principals) and those who are supposed to act on behalf of the principals (the agents). This theory explains that; corruption can occur when agents abuse their power for personal gain (Groenendijk, 1997). Strong institutional dynamics, such as effective monitoring and accountability mechanisms, can reduce corruption by aligning the interests of agents with those of the principals.

The principal is the entity or group that delegates authority or tasks to another party, known as the agent. In the context of corruption, the principal represents a government, organization, or society at large. The principal has certain objectives or goals that they want the agent to achieve. On the other hand, the agent is the party entrusted with the responsibility to carry out tasks or make

decisions on behalf of the principal (Walton and Jones, 2017). In the context of corruption, the agent often refers to public officials, bureaucrats, or employees who have been granted power or authority to act in the interest of the principal (government or organization).

Corruption occurs when the agent (public officials, bureaucrats, etc.) deviates from the principal's (government or organization's) objectives and instead seeks personal gain, typically through illegal or unethical means. This misalignment of interests can take various forms, such as bribery, embezzlement, nepotism, or favoritism. The root causes of corruption often include information asymmetry, lack of accountability, and weak monitoring mechanisms (Walton and Jones, 2017). In the context of Principal-Agent Theory, corruption can be seen as an adverse outcome resulting from the agent's opportunistic behavior, driven by a desire to maximize their personal benefits at the expense of the principal's goals.

The principal-agent relationship becomes corrupted when the agent prioritizes their interests over those of the principal. Efforts to combat corruption can also be understood through the lens of Principal-Agent Theory as well. Anti-corruption measures aim to align the interests of the agent with those of the principal and reduce the incentives for corrupt behavior. This can be achieved through incentive alignment where anti-corruption measures attempt to create a situation where it is in the best interest of the agent to act in accordance with the principal's goals (Walton and Jones, 2017). This involves improving public sector wages, providing clear guidelines and incentives for ethical behavior, and implementing transparent and accountable systems.

This theory postulates that; to deter corruption, the principal must implement mechanisms to monitor and oversee the agent's actions effectively. This includes actions such as; audits, inspections, whistle blower protection, and the establishment of anti-corruption agencies. This

theory also emphasizes on penalties and enforcement. Anti-corruption efforts often include punitive measures for corrupt behavior. Agents who engage in corrupt activities should face legal consequences, such as fines, imprisonment, or job termination. These penalties serve as a deterrent to corruption.

Transparency initiatives, such as open data and public reporting, can reduce information asymmetry between the principal and the agent. When the principal and society have access to information about government or organizational activities, it becomes harder for agents to engage in corrupt practices without detection Miller (2005). Generally, Principal-Agent Theory provides a framework for understanding how corruption arises due to the misalignment of interests between those in authority (the agents) and those they are supposed to serve (the principals). Anti-corruption efforts aim to realign these interests, enhance monitoring, and establish mechanisms to hold corrupt agents accountable. By doing so, they seek to reduce corruption and promote ethical behavior among agents.

This Theory has been a foundational framework in economics and management for understanding relationships where one party (the principal) delegates authority or tasks to another party (the agent) to act on their behalf. However, this theory has faced several criticisms, which highlight its limitations and challenges in practical applications. One significant criticism of Principal-Agent Theory is its assumption of rationality and self-interest. PAT often assumes that agents act solely to maximize their own utility or interests, neglecting other factors that may influence behavior, such as social norms, altruism, or intrinsic motivations. In reality, agents' behavior can be influenced by a complex interplay of factors beyond economic incentives, making the simplistic

rationality assumption of PAT insufficient for capturing the full spectrum of human decision-making.

Another critique of PAT is its focus on contractual relationships and the associated transaction costs. The theory often emphasizes the importance of designing optimal contracts to align the interests of principals and agents. However, in practice, creating and enforcing such contracts can be costly and may not fully address the challenges of information asymmetry, uncertainty, and opportunistic behavior. The emphasis on formal contracts also overlooks the role of informal norms, trust, and relational factors that can shape principal-agent interactions. Furthermore, critics argue that PAT tends to oversimplify the complexities of organizational dynamics and human behavior. Organizations are not merely collections of self-interested individuals but are shaped by social structures, power dynamics, and cultural contexts. PAT's narrow focus on individual incentives may overlook broader systemic issues within organizations, such as organizational culture, leadership, and institutional arrangements, which significantly influence agent behavior and performance.

Moreover, Principal-Agent Theory has been criticized for its static and linear view of agency relationships. In reality, agency dynamics are often dynamic, evolving over time in response to changing circumstances, evolving relationships, and shifting incentives. The theory's static perspective may fail to capture the dynamic nature of principal-agent interactions, leading to inadequate explanations and prescriptions for managing these relationships effectively. In conclusion, while Principal-Agent Theory has provided valuable insights into understanding and managing agency relationships, it is not without its limitations and criticisms. Critics argue that the theory's assumptions about rationality, focus on contracts, oversimplification of organizational

dynamics, and static view of agency relationships may hinder its applicability in complex real-world contexts. Addressing these criticisms requires a more nuanced and holistic approach that considers broader social, cultural, and institutional factors shaping principal-agent interactions.

2.3.2 Institutional Design Theory

Institutional Design Theory is a framework used to analyze and understand how the design of institutions, such as government bodies, organizations, and regulatory agencies, can impact the occurrence of corruption and the effectiveness of anti-corruption measures. This theory suggests that the structure, rules, and processes within institutions play a crucial role in shaping the behavior of individuals within those institutions, including their propensity for corruption or their ability to combat it (Sudiby and Jianfu, 2015). This theory emphasizes the importance of the design and structure of institutions in influencing corruption. Well-designed institutions, such as independent judiciary systems, strong law enforcement agencies, and transparent government procedures, can act as safeguards against corruption by creating checks and balances that deter corrupt behavior.

This theory postulates that; the way an institution is structured can either facilitate or hinder corruption. Institutions with centralized power and limited transparency are more susceptible to corruption, as there are fewer checks and balances Thompson (2018). Conversely, institutions with decentralized decision-making and clear lines of accountability can reduce corruption by spreading power and oversight. According to Thompson (2018) the rules and incentives within an institution influences corrupt behavior. If there are weak or ambiguous rules, individuals exploit these loopholes for personal gain. Conversely, strong rules, strict enforcement, and proper incentives can discourage corrupt practices. Institutional design theory emphasizes on transparency and accountability. Transparency mechanisms, such as open records, public reporting, and independent oversight bodies, can deter corruption by making it more difficult to engage in corrupt activities

without detection. Accountability mechanisms, like internal audits and external reviews, can hold individuals and institutions responsible for corrupt behavior.

Institutional Design Theory recognizes that the culture and social norms within an institution can shape behavior. In some organizations or societies, corruption may be seen as acceptable or even expected, while in others, it may be strongly discouraged. Institutions can influence and be influenced by the prevailing cultural and social norms. Institutional Design Theory considers the influence of international organizations and external actors in shaping the design of institutions and anti-corruption efforts. International agreements and pressure from the global community can encourage countries to adopt more robust anti-corruption measures (Bussell, 2015). Generally, Institutional design theory suggests that the structure, rules, and processes within institutions are critical determinants of corruption and the success of anti-corruption efforts. By designing institutions with transparency, accountability, clear rules, and effective enforcement mechanisms, it then becomes possible to reduce corruption and promote integrity within both public and private organizations.

However, while Institutional Design Theory offers valuable insights into the importance of institutional structures, it is not immune to criticism and has faced challenges in its application and explanatory power. One criticism of IDT is its focus on formal rules and structures at the expense of informal institutions and practices. IDT often emphasizes the design of formal institutions, such as laws, regulations, and organizational procedures, assuming that these structures directly shape behavior and outcomes. However, this perspective may overlook the role of informal norms, customs, and cultural practices that also influence behavior within institutions. Informal institutions can often be more resilient and influential than formal rules, yet IDT's emphasis on

formal design may underestimate their significance in shaping organizational and societal dynamics. Another critique of IDT is its limited consideration of power dynamics and political influences within institutions. Institutions are not neutral frameworks but are embedded within broader power structures and political contexts. IDT may overlook how power dynamics and political interests shape institutional design and implementation, leading to unequal distribution of benefits and outcomes within organizations and societies. Without addressing these power dynamics, IDT may provide an incomplete understanding of institutional functioning and effectiveness.

Critics also argue that, IDT's emphasis on design overlooks the process of institutional evolution and adaptation over time. Institutions are not static but evolve in response to changing circumstances, societal demands, and external pressures. IDT's focus on design may neglect the importance of flexibility, learning, and adaptation in institutional development. Understanding how institutions evolve and adapt requires a dynamic perspective that considers both design and the ongoing processes of change and adaptation within institutions. Moreover, Institutional Design Theory has been criticized for its tendency to prioritize efficiency and effectiveness over other societal values and goals. IDT often aims to design institutions that optimize resource allocation and achieve specific objectives, such as economic efficiency or organizational performance. However, this narrow focus may neglect broader considerations of equity, justice, and sustainability in institutional design. Critics argue that IDT should adopt a more inclusive and value-sensitive approach that considers diverse societal goals and values in designing institutions.

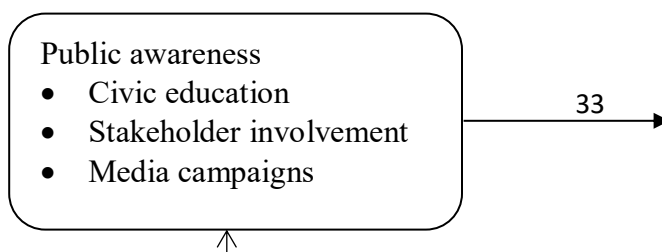
In summary, while Institutional Design Theory offers valuable insights into the importance of institutional arrangements, it is not without limitations and criticisms. Critics highlight IDT's

emphasis on formal rules, its neglect of informal institutions and power dynamics, its static view of institutional evolution, and its narrow focus on efficiency as key areas of concern. Addressing these criticisms requires a more holistic and dynamic approach that considers the multifaceted nature of institutions and their role in shaping behavior and outcomes within organizations and societies.

2.4 Conceptual Framework

Guba and Lincoln (1985) assert that a conceptual framework is a research tool that is intended to assist a researcher to develop awareness and understanding of the situation under scrutiny and communicates it. A dependable variable is a variable of primary interest to the researcher. An independent variable is the one that influences the dependent variable either in a positive or negative way. An intervening variable is a variable that handles the change in the dependent variable due to the change in the independent variable. Figure below demonstrates the variables as employed in the research. In this regard the fight against corruption in Kenya which is the dependent variable relies on an efficient and effective EACC institutional framework (represented by public awareness, decentralizations and the mechanisms used. The Intervening variables include political and public goodwill awareness as illustrated in the figure below.

Independent Variable



Dependent Variable

Intervening variables

Figure 1: *Conceptual Framework*

Source: Author, 2024

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

The study approach that was used to assess the influence of EACC institutional dynamics for fighting corruption in Kenya is described in this section. The research design, study area, target population, sample size, sampling procedures, data collection strategies, and data analysis methodologies, sampling techniques, validity and reliability, ethical considerations that was used for this study are all covered in depth.

3.1 Research Design

This study used a descriptive research design anchored on a mixed-methods approach combining to assess the dynamics of Kenya's institutional framework used in the fight against corruption. The descriptive design enabled the study to report on the what, when where and how of the study variables, thus generate information that can be relied upon to inform change in policy or practice. Quantitative data was analyzed using descriptive statistical techniques to determine trends. For qualitative data, the researcher used thematic content analysis to make sense and report on the findings. A comparative analysis was conducted to identify similarities and differences between various items of interest to the study. The quantitative dataset complemented the qualitative dataset, thus generating reliable results whose recommendations may be relied upon as representing the bigger population (Hanson et al, 2005).

According to Yilmaz (2013), the choice for quantitative data analysis allows the researcher to use pre-constructed standardized instrument or predetermined response categories, into which participants give varying perspectives and experiences. Qualitative data analysis allows participants to communicate their experiences of a phenomenon in their own words. The mix of

methods was chosen because of its ability to deliver credible results due to the complementary nature of the processes and procedures.

3.2 Area of Study

The area of study for this study was Nairobi County which hosts the EACC headquarters as well as the headquarters of other participating institutions. The EACC was chosen as the focal institution because she is the principal institution mandated by the constitution of Kenya to lead the fight against corruption. Moreover, the institution is funded by the taxpayer and there are expectations placed on her in terms of annihilating corruption in the public sector in Kenya. Available information indicates that most Kenyans know that EACC is bestowed with this mandate but there is no evidence of their knowledge of the institution's mandate. Further, the impact of decentralizing the EACC's operations to the county has not been adequately documented even as more cases of corruption within the counties continue to be investigated.

3.3 Target Population

The target population for this research entailed state agencies which collaborate with the EACC in the fight against corruption in Kenya. They include:, Office of the Attorney General, Office of the Director of Public Prosecution (ODPP), Kenya Revenue Authority (KRA), the Judiciary, Asset Recovery Agency (ARA), Transparency International Kenya, as well as Financial Reporting Centre (FRC). The study targets officials from across the ranks and file in each of these agencies who deal with corruption and whose work requires them to work with the EACC. Based on secondary data obtained from each of these agencies, the target population is estimated at 126.

3.4 Sampling Techniques

This study used probabilistic and non-probabilistic sampling procedures. The probabilistic procedure used was stratified random sampling, wherein respondents who were not heads of

departments, or their representatives, were issued with a questionnaire that they were asked to respond to. The non-probabilistic sampling procedure adopted was purposive sampling in which the researcher deliberately selected respondents that he believed were likely to have the information the study was seeking by virtue of their experience and the positions they hold in their institutions. Accordingly, the study went for the senior most available officer in each of the participating institutions who participated in key informant interviews.

3.5 Sample Size Determination

The sample size for this study was calculated using Saunders et al (2009) formula. From the study target population of 126 officials as stated in section 3.3 of this chapter, and a confidence level of 95%, a sample size of 96 respondents was obtained. The working for the sample size determination is as indicated below:

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

Where n= the sample size

α =margin error (0.05%)

N=sample frame

Applying the formula,

$$n = \frac{N}{1+N(\alpha)^2} = \frac{126}{1+126(0.05)^2} = \frac{126}{1+0.315} = \frac{126}{1.315} = 96$$

Therefore, the sample size for this research is 96 Respondents. This was rounded off to 100 during sample allocation to the different categories as shown in the Table 3.1.

n=96

Table 1: *Target Population and Sample Size*

Category	Target Population	Proportionate %	Sample Size
EACC Secretariat	33	26.2	25
DCI	21	16.7	16
ODPP	11	8.7	9
Asset Recovery Agency	6	4.8	4
The Judiciary	11	8.7	9
KRA	11	8.7	9
FRC	23	18.3	17
Office of the Attorney General	3	2.4	2
Transparency International Kenya	6	4.8	4
Total	126	100	96

Source: Author, 2024

Mugenda (2008) notes that a good sample that is representative should be at least 10 percent of the target population.

3.6 Data Collection Tools and Procedure

The study used a questionnaire and a key informant interview (KII) guide to collect data to be used in the study. The two tools were designed to capture socio-demographic data as well as responding to questions related to the specific objectives of the study. The questionnaire comprised of open and closed ended questions organized in terms of demographic data and the three specific objectives. A total of 96 questionnaires were administered by the researcher to respondents other than those 7 that had been purposively obtained to take part in the KIIs. The questionnaire was uploaded on the Google platform for ease of administration to the respondents. Where respondents were unable to access or use the Google form, the researcher dispatched his assistants to deliver the printed questionnaires.

The key informant interview guide comprised of open ended questions that were posed to the 7 key informants and the responses recorded in a note book. The interviews were administered by the researcher himself through a face-to-face interview or an alternative media as agreed between the researcher and the interviewee. The primary data obtained using these two tools was augmented using secondary data obtained from official periodic reports on corruption, government ministries and departments, academic journals, theses, dissertations, monographs, online reports, government website postings and global corruption reports and statistics. During the data collection process, the researcher endeavored to introduce themselves and the purpose of the study to formalize the process and reassure respondents of the confidentiality of the information that they gave.

3.7 Validity and Reliability

Piloting was done to ensure that the tools would enable the researcher collect the kind of data he needed to answer his research questions. Thus 10% of the sample was sourced from the target population to respond to the questions and their feedback used to improve the questions by removing ambiguous and vague questions (Kothari, 2004). To further ensure that the tool was fit to measure what it was intended to measure, it was shared with the research supervisors for their input. The tools' reliability was ensured by subjecting it to Cronbach's test-retest method, where an average of 0.76 was obtained and hence the tool was adjudged as both valid and reliable. Additionally, the researcher used triangulation to ensure the validity of the research findings. Adoption of appropriate scientific procedures enhances objectivity and reduces bias in the study.

3.8 Data Collection Procedures

Once the data collection tool had been validated and found to be reliable, the researcher sought clearance from the university to apply for the data collection permit. Thus, a letter was obtained from the National Defence University-Kenya (NDU-K), introducing the researcher to the National

Council for Science Technology and Innovation (NACOSTI) to be issued with the research permit. The permit was consequently presented to the EACC and other stakeholders from whom data was collected.

3.9 Data Analysis

The study generated two datasets i.e. quantitative and qualitative datasets. The qualitative data obtained from the KIIs and the open ended questions in the questionnaires was analyzed using content analysis where data collected was organized into themes to ease analysis (Hanson et al, 2005). The emergent findings were subsequently presented in the form of narratives and verbatim quotes. Quantitative data collected from the closed-ended questions in the questionnaire were analyzed using descriptive statistics, including percentages, frequency counts, means, and standard deviations. These statistical measures helped bring out trends within the dataset. To ensure a solid analysis, the two datasets were triangulated to bring out the best from the data obtained and the findings discussed within the context of the existing literature.

3.10 Ethical Considerations

The researcher complied with rules and regulations governing research at National Defense University Kenya (NDU-K). Accordingly, permission was sought from the supervisor at (NDU) followed by application of National Commission for Science, Technology and Innovation (NACOSTI). This was followed by the designing, validating and reviewing of research instruments. The confidentiality of the participant's information was a priority concern for this research study. Personal identifying data such as names and addresses was omitted to protect participants' anonymity and confidentiality. The researcher emphasized that; participants shall be allowed to withdraw from the study at any time without justification. The option to allow participants to withdraw at any time during the study assured them that participation was voluntary.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION

4.0 Introduction

This Chapter presents the study findings guided by the major sections of the questionnaire i.e. the demographic information and the three study objectives. Qualitative data obtained using the KII schedule was integrated into the analysis to give a holistic perspective on the study variables. Various aides such as tables, graphs, charts and narratives have been used in presenting and analyzing the study findings.

4.1 Response Rate

The study sent out 96 questionnaires and 9 Key informant interview (KII) requests for data collection. Out of the 96 questionnaires sent out, 96 were returned full filled in and hence used for analysis. Thus the return rate for the questionnaires was 100%. The requests for the KIIs were 7 were honored but the 2 representatives from Assets Recovery Authority were unavailable on the appointed day due to work exigencies. Thus the study registered 78.7% response from the KIIs. Based on this return rate and in line with Cresswel's (2014) recommendation that 70% return rate was good enough to warrant analysis, the study proceeded with the analysis.

4.2 Demographic Data

4.2.1 Gender

Male respondents comprised 63.5 percent of the sample compared with 35.5 percent of the female. These findings show that both genders were represented in the study which could reduce gender bias.

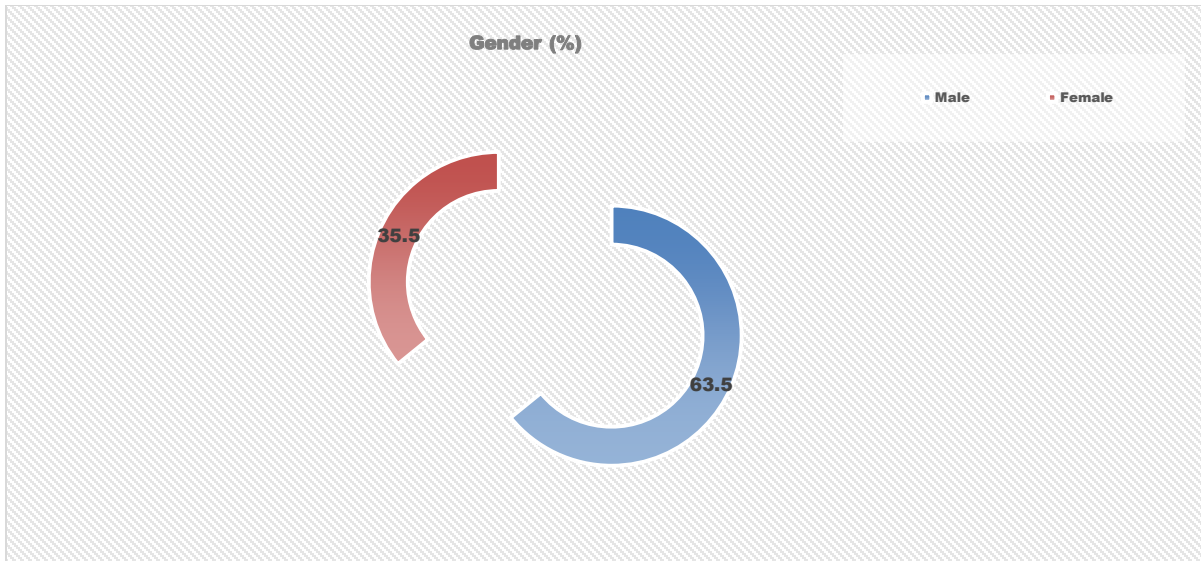


Figure 2: *Sample Size by Gender*

4.2.2 Age of Respondents

By age, 45.8 percent of the respondents were aged 28 – 37 years followed by 28.1 percent those aged 38 to 47 years and 17.7 percent aged 48-57 years. Those aged between 18 -27 years and 58 years and above comprised 7.3 percent and 1.0 percent, respectively. These findings show that age was well represented in the study. This could avail diverse perceptions on the subject under investigation based on age.

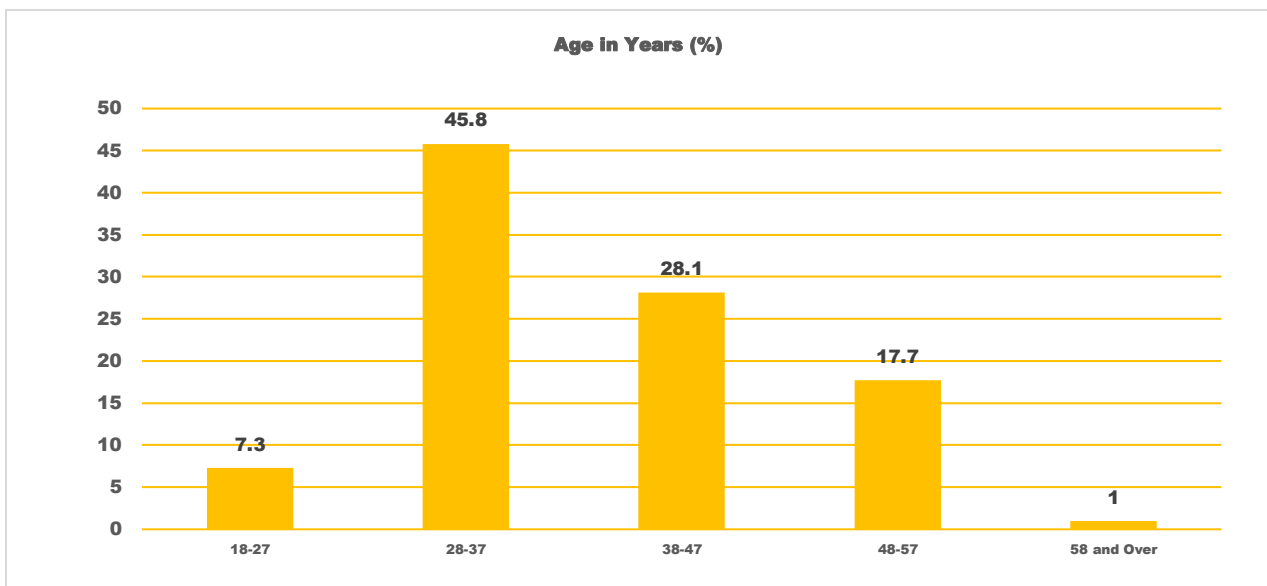


Figure 3: Sample Size by Age

Comparisons of age by gender revealed that males dominated all the age groups. This is explained by the fact that the study participants were predominantly male

Table 2: Sample Distribution by Age and Gender

Gender	Statistics	Age					Total
		18-27	28-37	38-47	48-57	58 and over	
Male	Count	4	25	17	14	1	61
	% within Gender	6.6%	41.0%	27.9%	23.0%	1.6%	100.0%
	% within Age	57.1%	56.8%	63.0%	82.4%	100.0%	63.5%
Female	Count	3	19	10	3	0	35
	% within Gender	8.6%	54.3%	28.6%	8.6%	0.0%	100.0%
	% within Age	42.9%	43.2%	37.0%	17.6%	0.0%	36.5%
Total	Count	7	44	27	17	1	96
	% within Gender	7.3%	45.8%	28.1%	17.7%	1.0%	100.0%
	% within Age	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

4.2.4 Religious Affiliation

Christians constituted 91.7 percent of the sample followed by 7.3 percent who indicated that they are affiliated to Islamic religion. One percent was reluctant to state their religious affiliation. Religion affiliation is important as majority of corruption cases more common in some denominations than others.

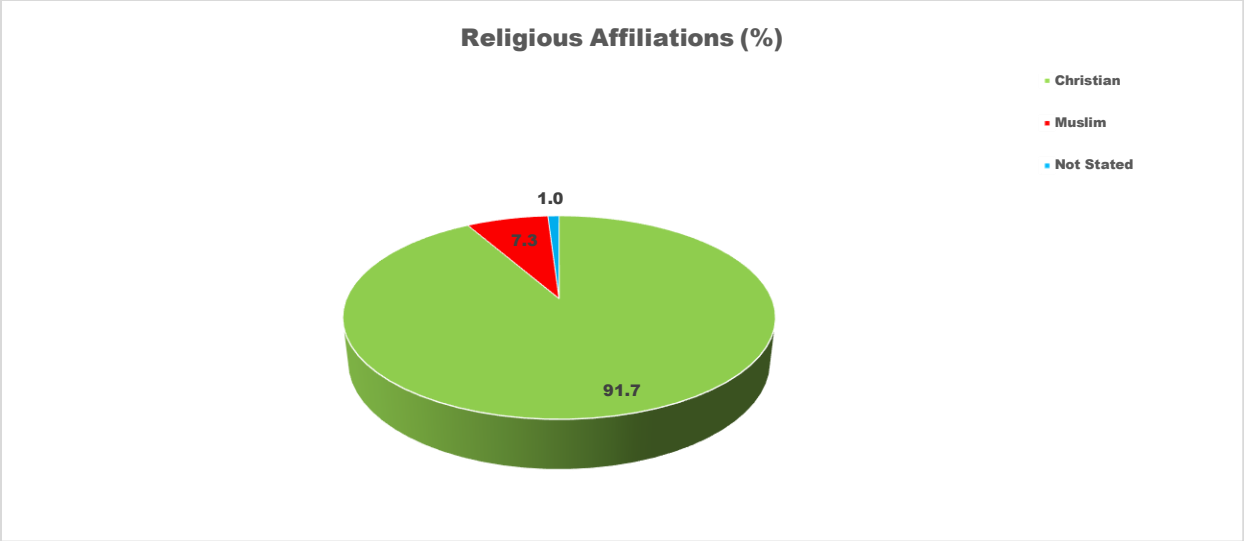


Figure 4: *Religious Affiliation*

4.2.5 Level of Education

Those with post graduate education comprised 54 percent of the sample as the highest level of education attained followed by 31 percent with basic university degree and 5 percent with college qualifications. Those with secondary education constituted 4 percent of the sample as illustrated in Figure 4.4. This indicated all the respondents were educated and thus understood and responded the research questions well.

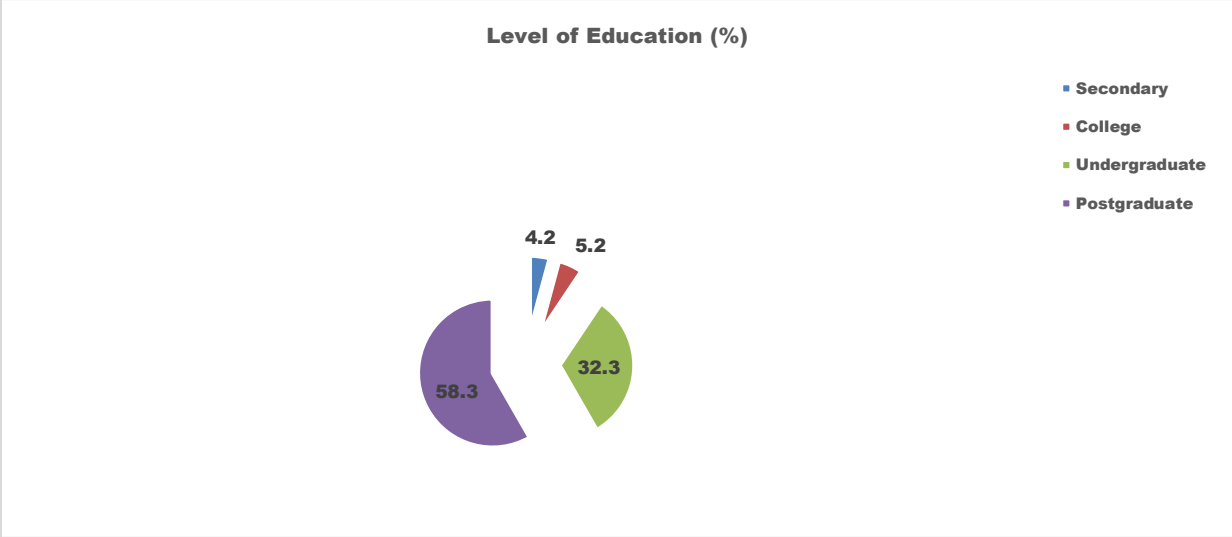


Figure 5: *Highest Level of Education*

4.3 Presentation, Analysis and Discussion of Findings

The study presents the findings obtained from the field in the order the objective are listed in chapter one.

4.3.1 Awareness of EACC and Attitude towards Corruption

4.3.1.1 Awareness of the Mandate of EACC

A likert scale of 1 – 5 was developed to guide respondents in rating their level of agreement with statements regarding the mandate of EACC. The scale implied that a rate of 1 meant ‘strongly agree’; 2 for ‘agree’; 3 for ‘neutral’; 4 for ‘disagree’; and 5 for ‘strongly disagree. Over 54.3 percent of the respondents agree that ‘majority of Kenyans are adequately informed about the mandate of the EACC in the fight against Corruption in Kenya’. Over 46 percent of the respondents agree with the statement ‘EACC asset Recovery approach is effective for restitution’ and 37.8 percent agree with the statement ‘The EACC corruption reporting process is very simple’.

Respondents were split on ‘EACC education materials (IEC) are readily available, relevant, simplified and well designed for the users’ and ‘EACC vetting of people seeking public office appointments is effective’ with an identical 29 percent disagreeing. About EACC infrastructure, 35.5 percent were neutral on the statement ‘Infrastructural (Physical) facilities for EACC are satisfactory’.

From the findings, it is evident that the level of awareness regarding EACC's regulatory framework in Kenya varies significantly among different groups of people and stakeholders. The general public had varying levels of awareness about EACC's regulatory framework. Some were be familiar with its existence and general purpose, while others were not aware of its functions or regulatory role. It is therefore imperative to note that; awareness levels changes over time due to

various factors such as; the level of government campaigns, media coverage, and changes in regulatory frameworks.

Table 3: Awareness of the Mandate of EACC

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly Disagree
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 4.4. 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 4: 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

One of the KIIs had this to say with regard to the study question:

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. (Respondent H)

Expert respondents proposed the need to be more focused on behavioral change communication to ensure citizen responsibility.

4.3.1.2 Attitudes towards the Fight against Corruption in Kenya

Similarly, respondents were asked on a likert scale to indicate their level of agreement with various statements to gauge their attitude towards the fight against corruption in Kenya. From Table 4.3, 58.5 percent of strongly agree that corruption was a widespread phenomenon in Kenya and majority of the government institutions have been unable to eradicate it' followed by 48.4 percent

who similarly strongly agree that ‘I am adequately involved in the fight against corruption and unethical conduct’

Nearly half (48.4%) agree that ‘There is demonstrated credible intent by civil society watchdogs, stakeholder groups to tackle perceived causes and effects of corruption effectively in collaboration with EACC. About penalties, whereas 33 percent agree that ‘penalties meted out on corrupt individuals are adequate’, 22.3 percent disagree. Respondents were split in their opinion on the statement ‘The fight against corruption is headed in the right direction with strong institutional framework’ with slightly more agreeing (31.5%) with the statement compared to 25 percent who disagree.

The results align with Institutional Design Theory which suggests that the structure, rules, and processes within institutions play a crucial role in shaping the behavior of individuals within those institutions, including their propensity for corruption or their ability to combat it (Sudibyo & Jianfu, 2015). This theory emphasizes the importance of the design and structure of institutions in influencing corruption. Well-designed institutions, such as independent judiciary systems, strong law enforcement agencies, and transparent government procedures, can act as safeguards against corruption by creating checks and balances that deter corrupt behavior.

Table 5: Attitudes towards the Fight against Corruption in Kenya

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly Disagree
Corruption is a widespread phenomenon in Kenya and majority of the government institutions have been unable to eradicate it	58.5%	35.1%	1.1%	4.3%	1.1%
I am actively participating in the battle against corruption and unethical behavior.	48.4%	36.3%	9.9%	4.4%	1.1%
The EACC has shown a genuine desire to successfully address the alleged causes and consequences of corruption.	23.4%	45.7%	18.1%	10.6%	2.1%
My income will double if corruption is to be decreased by a half	22.0%	23.1%	34.1%	13.2%	7.7%
The fight against corruption is headed in the right direction with strong institutional framework	18.5%	31.5%	16.3%	25.0%	8.7%
Stakeholder groups and watchdogs from civil society have shown a genuine desire to work with EACC to effectively address the alleged causes and effects of corruption.	16.1%	48.4%	23.7%	9.7%	2.2%
The punishments imposed out to corrupt people are sufficient	9.6%	33.0%	19.1%	22.3%	16.0%

Overall, with a score of 1.56 which coincides with strongly agree, respondents indicated that corruption is widespread in Kenya. Similarly, respondents scored strongly agree on their involvement in the fight against corruption with an average of 1.72 coinciding with strongly agree.

Table 6: Average scores on Attitudes towards the Fight against Corruption in Kenya

Statements	Mean	N
Corruption is a widespread phenomenon in Kenya and majority of the government institutions have been unable to eradicate it	1.56	96
I am actively participating in the battle against corruption and unethical behavior.	1.72	93
EACC has proven to have a credible intention to successfully address the alleged causes and effects of corruption.	2.20	96
My income will double if corruption is to be decreased by a half	2.60	93
There is demonstrated credible intent by civil society watchdogs, stakeholder groups to tackle perceived causes and effects of corruption effectively in collaboration with EACC	2.35	95
The fight against corruption is headed in the right direction with strong institutional framework	2.71	94
Penalties meted out on corrupt individuals are adequate	3.00	96

A KII reacted to this concern as follows:

EACC should enhance public participation in the fight against corruption through reporting of corruption and whistle blowing. There is need to intensify public confidence to citizen who witness corruption cases to report to relevant authorities without their identity being disclosed or victimized. EACC should increase road shows and engage in more print and audiovisual media to reach more people. Further, EACC can have more programs on regular basis in the vernacular TV and radio stations to reach even those at the very grass root level (Respondent K).

Expert respondents emphasized that the fight against corruption is a duty and responsibilities of every citizen, as the effects of corruption are not discriminatory.

4.3.1.3 Sources of Information

Social media emerged top as the leading source of information on the fight against corruption in Kenya in the last 12 months with a proportion of 86 percent of the respondents. It was followed by

Television with 84.9 percent, Newspaper with 82.8 percent and discussions at place of work (81.7%).

The results are in agreement with the Information theory which posits that transparent systems facilitate accountability. When information about government actions, financial transactions, and decision-making processes is readily available, it becomes easier to hold public officials and private individuals accountable for corrupt practices. According to Michael (2018) information theory emphasizes on transparent systems which facilitate accountability. When information about government actions, financial transactions, and decision-making processes is readily available, it becomes easier to hold public officials and private individuals accountable for corrupt practices.

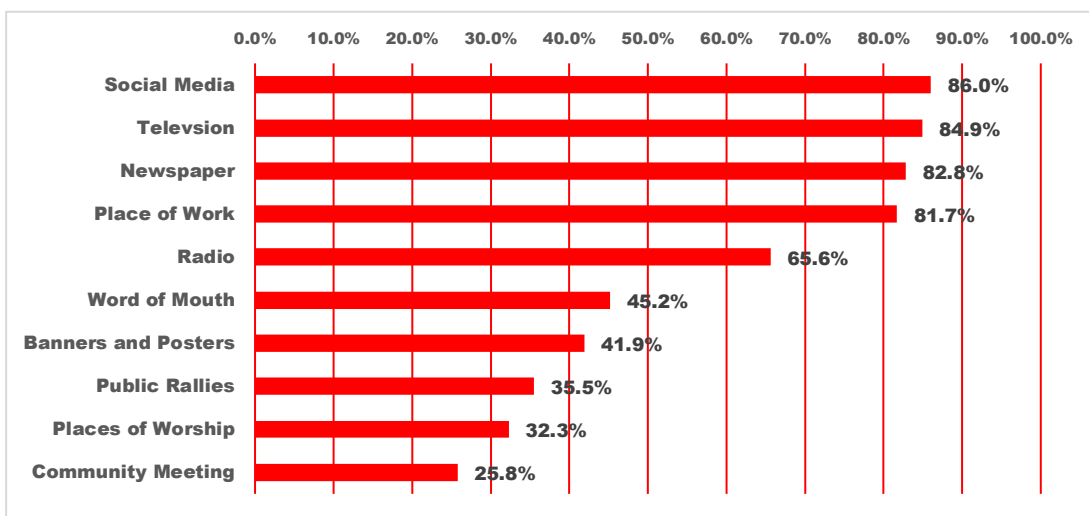


Figure 6: Sources of Information

4.3.1.4 Weaknesses in the Legal and Institutional Framework

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.

Key entities in the fight against corruption must adhere to a framework of fundamental administrative roles and duties, which is outlined in the National Ethics and Anti-Corruption Policy, Sessional Paper No. 2 of 2018. The Anti-Corruption and Economic Crimes Division was formed by the High Court as a special division in order to expedite the hearing and decision-making process for applications and appeals pertaining to corruption and economic crimes.

The Commission identified many critical initiatives for the Strategic Plan 2023–2028, including partnerships, collaborations, and coordination; human capital and infrastructure; financial resources; technology; communications; and branding, in order for the Commission to carry out its objective.

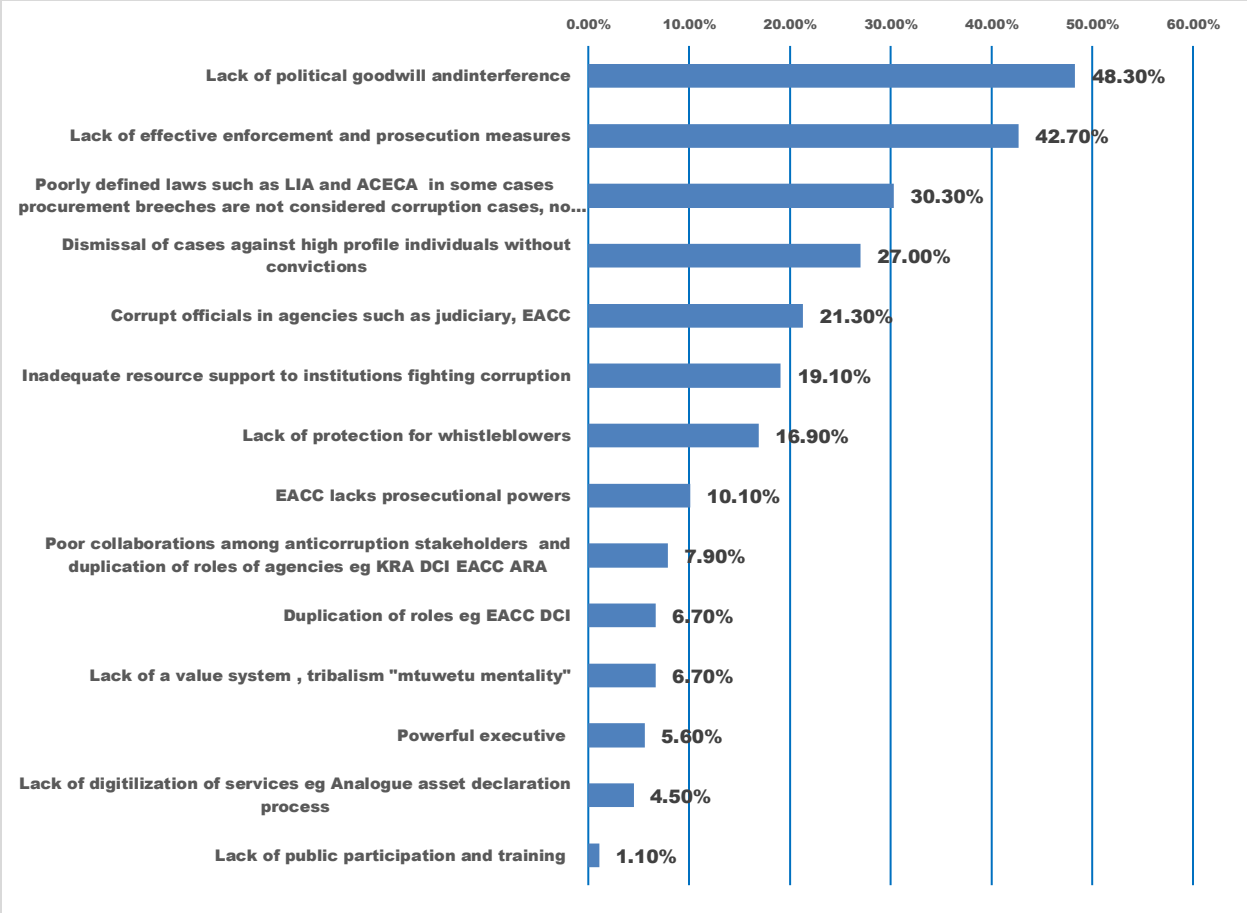


Figure 7: Weaknesses in the Legal and Institutional Framework

4.3.2 Effect of Decentralization of EACC to the Counties

4.3.2.1 Decentralization of EACC

Table 6 presents feedback on statements regarding 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 agreed 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 were optimistic that decentralization of EACC would 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.

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 7 : Decentralization of EACC

Statements	Strongly agree	Agree	Neutral	Disagree	Strongly Disagree
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 enhance integrity among the 47 Kenya's devolved units	28.6%	14.3%	14.3%	42.9%	0.0%
Governors have shown a sincere desire to address the alleged causes and consequences of corruption in the state.	0.0%	7.5%	26.9%	34.4%	31.2%
The political class has shown a genuine desire to assist EACC in efficiently addressing the alleged causes and effects of corruption in autonomous entities.	3.2%	12.8%	18.1%	31.9%	34.0%
MCAs have proven to have a credible intention to successfully address the alleged causes and effects of corruption in their respective counties.	2.1%	6.4%	23.4%	31.9%	36.2%

The average scores in Table 8 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 8: 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
The political class has shown a genuine desire to support EACC in efficiently addressing the alleged causes and effects of corruption in devolved entities.	3.79	96
Governors have shown a genuine desire to address the alleged causes and consequences of corruption in the state.	3.89	95
MCAs have shown a genuine desire to address the alleged causes and consequences of corruption in their own counties.	3.94	96

4.3.2.2 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%).

The findings align with Breit, *et al.* (2015) study which demonstrates that corruption thrives in environments where secrecy is prevalent. Information theory emphasizes that secrecy can be a source of power and control. When corrupt actors keep their actions hidden, they can engage in illicit activities without fear of exposure. Contrastingly, transparency initiatives, such as open

government data, whistle blower protection, and financial disclosure requirements, aim to counteract this secrecy by making relevant information more accessible to the public and oversight bodies.

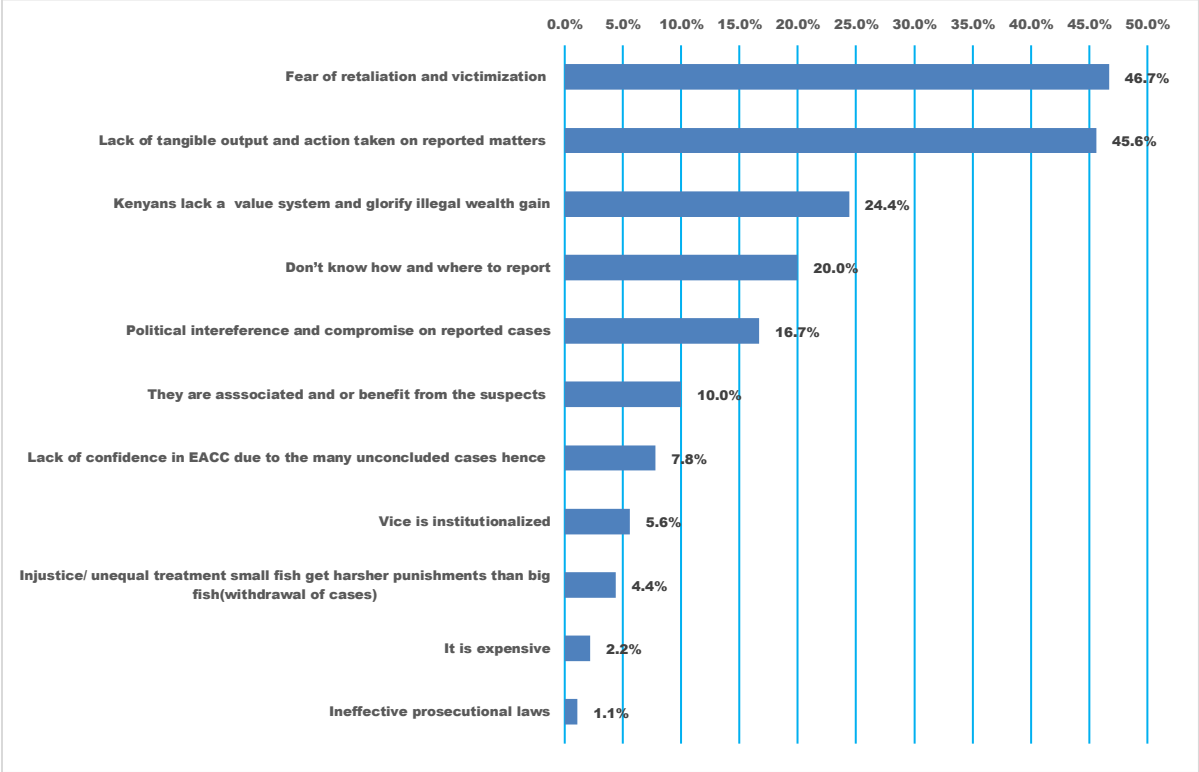


Figure 8: Corruption Reporting

4.3.3 Effectiveness of Kenya’s Anti-Corruption Regulatory Framework

4.3.3.1 Effectiveness of Stakeholders

The Office of the Auditor General was rated as highly effective in the fight against corruption with 34 percent of the respondents followed by the EACC with 31.5 percent.

Those rated effective in the fight against corruption by majority respondents are the Office of the Director of Public Prosecution (52.1%) followed by the Judiciary (43.6%), Office of the Attorney General (43%) and the civil society (40.7%). The Senate which is responsible for over sighting the

Counties was rated as barely effective by 46.1 percent of the respondents in the fight against corruption. Members of the County Assembly (55.3%) and Members of the National Assembly (41.9%) were rated as not effective in the fight against corruption.

The rapidly shifting legislative and legal environment the Commission operates under legal frameworks. Amendment to statutes or judicial pronouncements means 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.

Table 9: Effectiveness of Stakeholders

	Highly Effective	Effective	Barely effective	Not Effective	Do not know
Office of the Auditor General	34.0%	38.3%	21.3%	2.1%	4.3%
Ethics and Anti-Corruption Commission	31.5%	43.5%	19.6%	3.3%	2.2%
Office of the Controller of Budget	27.2%	33.7%	30.4%	3.3%	5.4%
Civil Society	24.2%	40.7%	26.4%	6.6%	2.2%
The Judiciary	21.3%	43.6%	31.9%	2.1%	1.1%
Office of the Director of Public Prosecution	16.0%	52.1%	27.7%	3.2%	1.1%
Kenya Revenue Authority	13.8%	37.2%	34.0%	10.6%	4.3%
Directorate of Criminal Investigation (DCI)	13.8%	35.1%	35.1%	12.8%	3.2%
Office of the Attorney General	10.8%	43.0%	32.3%	9.7%	4.3%
Members of County Assembly	2.1%	4.3%	36.2%	55.3%	2.1%
Senators	1.1%	22.5%	46.1%	25.8%	4.5%
Members of National Assembly	1.1%	18.3%	37.6%	41.9%	1.1%

4.3.3.2 Effective of Anti-Corruption Measures

Asset recovery, which involves the restitution of illegally acquired wealth, was rated as the most effective measure in combating corruption and unethical practices in Kenya by 75% of respondents. This was followed by integrating anti-corruption into the education curriculum, cited by 63.8%. Other effective measures included user-friendly corruption reporting channels (61.7%), employment creation (60.4%), investigations (58.7%), public education and awareness (55.9%), poverty eradication (54.3%), partnerships and coalitions of stakeholders (53.8%), and administrative sanctions on public officials (50.5%).

Devolution or decentralization was rated as not effective by 40.4 percent of the respondents. There are several strategies and anti-corruption policies which include; international conventions; legal frameworks; whistleblower protection policies; public sector reforms policies; transparency and open data; independent anti-corruption commissions and agencies; 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.

Table 10: *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%

4.3.3.3 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 provide political good will and support (18.2%).

Agency theory provides a valuable framework for understanding and addressing corruption in Kenyan counties by focusing on the dynamics between citizens (principals) and elected officials and public servants (agents). By aligning incentives, enhancing accountability mechanisms, and promoting transparency, anti-corruption efforts can be strengthened at the county level, ultimately improving governance and public service delivery. Agency theory highlights the importance of monitoring and accountability mechanisms to ensure that agents are held responsible for their actions. In the Kenyan context, this may involve strengthening oversight institutions, such as county audit offices, ethics and anti-corruption commissions, and independent ombudsman offices, to monitor the activities of county officials and investigate allegations of corruption.

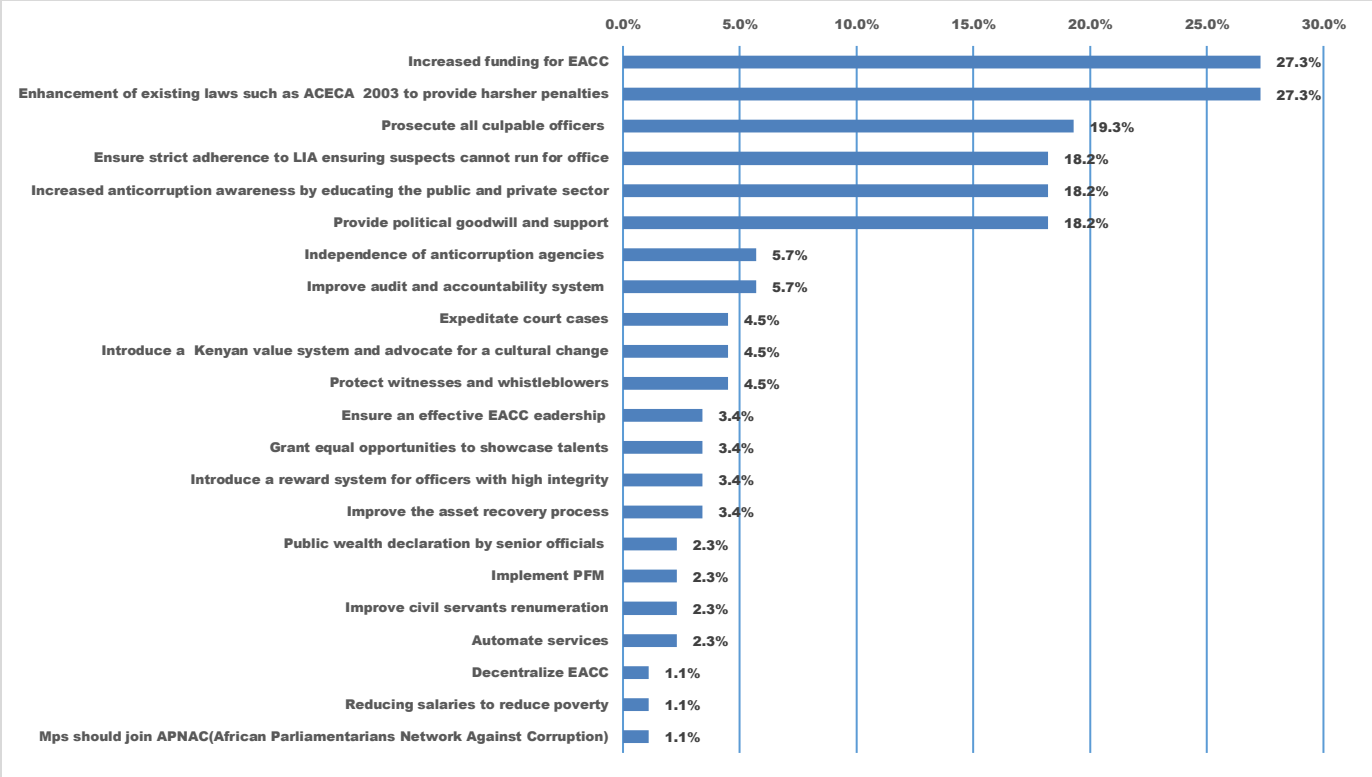


Figure 9: *Suggestions for Anti-Corruption Strategies*

4.3.3.4 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%), regular vetting of County staff (13.8%), whistle blowing 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.

The findings illustrate that it is imperative to decentralize anti-corruption institutions. This is framed on key thematic concerns which among them include; 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 becomes 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).

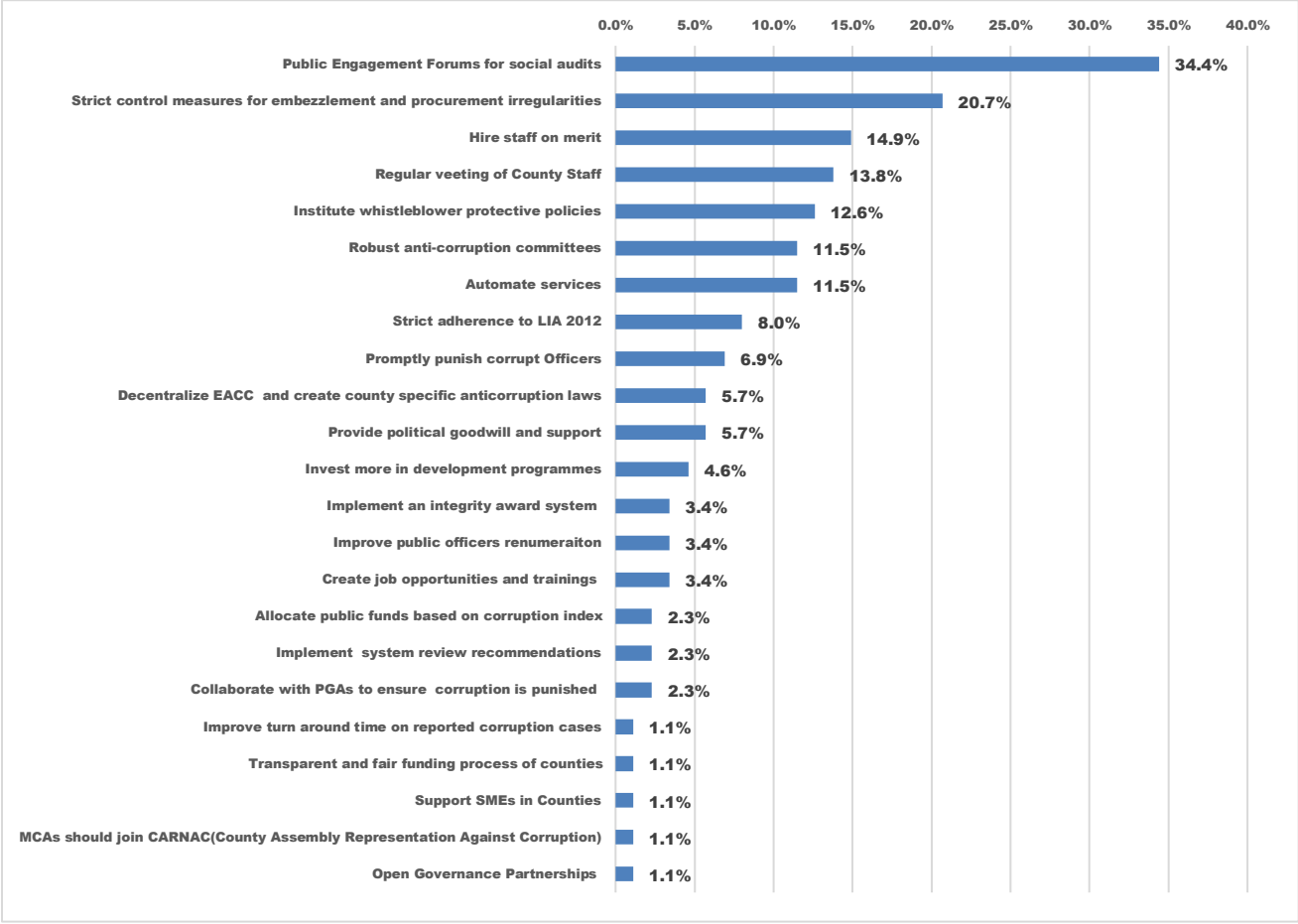


Figure 10: *Suggestions for County governments Anti-Corruption Strategies*

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter summarizes the research study, draws generalizable conclusions, and offers policy recommendations. The primary objective of this study was to evaluate the influence of the institutional framework on combating corruption in Kenya, with a focus on the Ethics and Anti-Corruption Commission (EACC). The research was guided by three main objectives: to determine the level of public awareness regarding the EACC's mandate, to assess the impact of decentralizing the EACC to county levels on anti-corruption efforts, and to evaluate the effectiveness of the anti-corruption mechanisms in place. The study was based on three hypotheses: that there is no statistically significant relationship between public awareness of the EACC's mandate and anti-corruption efforts, that decentralization of the EACC to counties does not significantly affect corruption combat measures, and that the anti-corruption mechanisms in Kenya do not have a statistically significant impact on fighting corruption. The chapter concludes with recommendations aimed at strengthening the institutional framework for combating corruption in Kenya.

5.1 Summary of the Findings

This section presents the summary of the findings based on the objectives.

5.1.1 Level of awareness of the mandate of EACC in the fight against corruption in Kenya

The first objective aimed to determine the level of awareness regarding the EACC's mandate in combating corruption in Kenya. The study findings revealed no statistically significant relationship between the public's awareness of the EACC's mandate and the effectiveness of the fight against

corruption in Kenya. Awareness of the Ethics and Anti-Corruption Commission (EACC) and its regulatory framework varies among different stakeholders and the general public, indicating a discrepancy in understanding and recognition of the EACC's role and efforts. Some are familiar with its purpose and functions, while others may not be aware of its role. Notably, awareness levels fluctuate over time due to factors like government campaigns, media coverage, and regulatory changes. The EACC's anti-corruption mandate is established under Section 11(1)(i) of the EACC Act, which involves promoting public awareness about ethical issues, educating the public on the dangers of corruption, and mobilizing support for anti-corruption efforts. This mandate is carried out while adhering to the confidentiality requirements specified in the Anti-Corruption and Economic Crimes Act (ACECA). According to Open Society Foundations (2016) Government officials, particularly those engaged in anti-corruption initiatives and governance, tend to possess a more comprehensive understanding of the EACC's regulatory framework. They are more likely to be familiar with its mandates, responsibilities, and regulatory instruments. Similarly, companies operating in Kenya, particularly those in sectors susceptible to corruption, are conscious of the EACC's regulatory framework, recognizing the importance of compliance with anti-corruption laws and regulations. Many civil society organizations in Kenya focus on transparency, accountability, and anti-corruption efforts. In this regard, these organizations are expected to possess a thorough comprehension of the EACC's regulatory framework and consistently monitor its activities. In addition, international organizations and foreign governments engaged in anti-corruption efforts in Kenya are likely to have a good understanding of EACC's regulatory framework, as they often collaborate with local authorities.

There also exists a strong level of awareness of anti-corruption framework among the Kenya's three arms of the government (Judiciary, Executive and the Legislative institutions) drawn from

the much-publicized media debate, relating to the powers of the EACC to be granted prosecutorial rights. The level of awareness regarding the EACC's mandate is further reflected in the membership of the Kenya Leadership and Integrity Forum (KLIF). This forum includes representatives from approximately fourteen sectors, such as the private sector, media, professional groups, civil society, trade unions, religious organizations, constitutional commissions, independent offices, the Board of Governors, law enforcement agencies, regulators, and various branches of the executive, legislative, and judicial branches. Being a potent focal point for intra-, inter-, and cross-sectoral conversation regarding the design, execution, and reporting on the execution of various anticorruption measures in Kenya, the KLIF has solidified EACC's knowledge.

5.1.2 Effect of decentralization of EACC to the counties on the fight against corruption in Kenya

The second objective sought to examine the effect of decentralization of EACC to the counties on the fight against corruption in Kenya. The findings established that, the decentralization of anti-corruption institutional dynamics involves dispersing authority, responsibility, and resources aimed at addressing corruption across various levels of government or entities within a nation. The objective is to bolster transparency, accountability, and effectiveness in combating corruption by engaging not only central government bodies but also local and regional authorities. The imperative for decentralizing anti-corruption institutions is framed on key thematic concerns which among them include; 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 becomes more responsive and efficient. Local authorities can therefore investigate and address corruption cases that may not receive adequate attention from the central government.

However, this perspective has been criticized by some researchers who argue that decentralized political systems are more susceptible to corruption. They contend that in such systems, a potential corrupter needs only to influence a segment of the government, and the fragmented nature of governance means there are fewer centralized forces and agencies to enforce integrity and combat dishonesty effectively.

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. The EACC has identified common forms of corruption among counties which include; ghost projects, conflict of interest, bribery, procurement and payroll illegalities and inflated prices among others. According to the EACC Research Report No. 13 of May 2022, county health services, including ambulances, hospitals, and cemeteries, accounted for 18.7% of the more corrupt and unethical practices for the county government departments. The inspectorate department was next, at 8.7%, followed by country transport, which included county roads, street lighting, parking, and traffic; agriculture, which included abattoirs, livestock sale yards, and disease control; and trade development and regulation, which included markets, licenses, and local tourism (4.8%). In addition, on devolution and the mutation of corruption in Kenya, it was 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 and operating costs. 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.

5.1.3 The Effectiveness of the Anti-corruption Mechanisms Governing the Fight Against Corruption in Kenya

The third objective aimed at assessing the effectiveness of the anti-corruption mechanisms governing the fight against corruption in Kenya. According to the study findings, globally, there are several strategies and anti-corruption policies which include; international conventions; legal frameworks; whistleblower protection policies; public sector reforms policies; transparency and open data; independent anti-corruption commissions and agencies; education and public awareness campaigns as well as corporate accountability. 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. For instance, the United Nations Convention against Corruption (UNCAC), which entered into force in 2005, sets standards and guidelines for preventing corruption, criminalizing corrupt practices, and enhancing international cooperation in combating corruption.

On some of its achievements in combating corruption, UNCAC provides a common legal framework for tackling corruption, making it easier for countries to cooperate in the investigation and prosecution of corruption cases that have a transnational dimension. It encourages mutual legal assistance and extradition, allowing member states to work together to combat corruption across borders. Additionally, UNCAC emphasizes the importance of preventing corruption through various measures, such as promoting transparency and accountability in public administration, requiring public officials to disclose financial interests, establishing codes of conduct, and encouraging the private sector to adopt anti-corruption measures. However, UNCAC also faces some challenges signified by the lack of enforcement and implementation. For instance, the

effectiveness of UNCAC relies on the willingness of member states to enforce its provisions and implement necessary reforms. Some countries lack the political will or capacity to fully comply with the convention's requirements.

The African Union Convention on Preventing and Combating Corruption and Related Offences, also known as the African Union Convention on Corruption, is an international treaty aimed at promoting good governance, transparency, and accountability in African countries to combat corruption and related offenses. Many African countries have signed and ratified the convention, committing themselves to implement its provisions and take necessary measures to combat corruption within their territories. However, the AUCPCC faces a myriad of challenges in its implementation which include; capacity and resources constraints, corruption within law enforcement and judicial institutions, cross-border challenges, general lack of political will in which some countries, political leaders have not prioritized anti-corruption efforts, leading to weak enforcement and implementation of the Convention's provisions.

Kenya's anti-corruption regulatory framework is robust and multi-faceted, designed to address corruption across different levels of government and society. Key elements include the Constitution of Kenya (2010), which embeds principles of transparency, accountability, and integrity. Article 10 specifically enshrines principles of good governance. The Ethics and Anti-Corruption Commission (EACC) plays a central role in investigating corruption, raising public awareness, and advising on anti-corruption policies. Additionally, the Anti-Corruption and Economic Crimes Act provides a detailed legal structure for investigating and prosecuting corruption, specifying various offenses, penalties, and asset recovery procedures.

The Public Procurement and Asset Disposal Act is a law governing anti-corruption in Kenya. It promotes transparency and competition in government procurement to prevent corrupt practices in the allocation of public contracts. This law is coupled with the Whistleblower Protection Act. This Act provides protection to individuals who report corruption and other unethical practices. It establishes mechanisms for reporting and protecting whistleblowers from retaliation. Apart from legal framework, there also exist institutions governed by institutional dynamics for the curbing of corruption in Kenya. Among them include; Financial Reporting Centre (FRC) which is responsible for receiving, analyzing, and disseminating information about suspicious financial transactions that may be linked to money laundering and corruption. The Civil Society and the Media play a significant role in advocating for transparency, accountability, and anti-corruption efforts in Kenya. They often collaborate with government agencies and international partners to expose corruption cases. It's important to note that, the effectiveness of Kenya's anti-corruption frameworks varies over time and is subject to political, institutional, and social factors.

5.2 Conclusion

The study concludes that understanding the awareness levels of the EACC's mandate in the fight against corruption in Kenya is crucial for gauging the effectiveness of its efforts. Higher awareness among stakeholders, including government officials, businesses, civil society organizations, and the general public, suggests a greater likelihood of support and cooperation in combating corruption. The decentralization of the EACC to counties aims to bring anti-corruption efforts closer to the local level, potentially increasing responsiveness and effectiveness in addressing corruption issues tailored to specific regional contexts. Evaluating the effectiveness of the anti-corruption mechanisms governing the fight against corruption in Kenya is crucial for identifying strengths, weaknesses, and areas for improvement in the existing regulatory frameworks and

enforcement mechanisms. This assessment helps in determining whether current strategies are adequate in combating corruption or if adjustments are necessary to enhance effectiveness. Therefore, this study rejects the first, second and the third hypotheses which stated that there was no statistically significant relationship between the public's level of awareness on the mandate of EACC, decentralization of EACC to the counties and the anticorruption mechanisms adopted in Kenya have to aid the fight against corruption in Kenya.

5.3 Recommendations

In tandem with the study findings this research study recommends the following academic and policy recommendations;

5.3.1 Policy Recommendations

Firstly, enhancing public awareness of the EACC's mandate and functions is critical. A holistic policy approach should prioritize educational campaigns and outreach programs at national and local levels. This could involve integrating anti-corruption education into school curricula, conducting media campaigns, and organizing community workshops. Collaboration with civil society organizations and the private sector can amplify these efforts, ensuring that citizens understand the role of the EACC in combating corruption and feel empowered to report corrupt practices.

Secondly, the decentralization of the EACC to counties presents an opportunity to strengthen local anti-corruption efforts. Policy recommendations should focus on building the capacity of county-level institutions to prevent and address corruption effectively. This includes providing training and resources to county officials on anti-corruption laws, investigation techniques, and ethical standards. Establishing transparent reporting mechanisms and whistle blower protection programs at the county level can encourage citizen engagement and accountability.

Furthermore, to enhance the effectiveness of anti-corruption mechanisms in Kenya, policy recommendations should emphasize comprehensive reforms across multiple sectors. This includes strengthening legislative frameworks to close legal loopholes and enhance penalties for corruption-related offenses. Additionally, improving coordination between law enforcement agencies, judiciary, and the EACC can streamline investigations and prosecutions. Investing in technology and data analytics for monitoring public procurement processes and financial transactions can also enhance transparency and reduce opportunities for corruption. By fostering a culture of transparency, accountability, and integrity across all levels of governance, Kenya can make significant strides in the fight against corruption and promote sustainable development for the benefit of its citizens.

5.3.2 Academic Recommendations

Firstly, enhancing awareness of the EACC's mandate is crucial for fostering public participation and support in the fight against corruption. Academic institutions can play a vital role in this effort by incorporating anti-corruption education into their curriculum. This could include courses or seminars that cover the legal framework, responsibilities, and achievements of the EACC. Collaborative initiatives between academia and the EACC, such as awareness campaigns, workshops, or guest lectures, can also help disseminate information about the commission's mandate and encourage citizen engagement in anti-corruption efforts.

Secondly, regarding the decentralization of EACC to the counties, academic recommendations should focus on strengthening local capacity and accountability mechanisms. Collaborative research projects can assess the impact of decentralization on anti-corruption efforts at the county level. Findings from such studies can inform policy and practice, guiding efforts to tailor anti-corruption strategies to local contexts. Academic institutions can also advocate for increased

transparency and oversight in county-level anti-corruption initiatives, emphasizing the importance of local ownership and community involvement in combating corruption effectively.

Lastly, to improve the effectiveness of anti-corruption mechanisms in Kenya, academic recommendations should emphasize evidence-based policymaking and institutional reforms. Research studies can evaluate the efficacy of existing anti-corruption laws, policies, and enforcement mechanisms. Recommendations derived from rigorous academic research can inform legislative reforms aimed at closing loopholes, enhancing accountability, and strengthening enforcement capacity. Furthermore, academic engagement in monitoring and evaluating anti-corruption initiatives can provide valuable insights into what works and what needs improvement, facilitating continuous learning and adaptation in the fight against corruption. By leveraging academic expertise and research insights, stakeholders can collaboratively work towards more effective anti-corruption strategies that address local challenges and contribute to a culture of integrity and accountability in Kenya's governance systems.

5.4 Areas for Further Research

This study recommends for further research on the implementation and outcomes of past anti-corruption strategies and initiatives in Kenya, including the National Anti-Corruption Strategy (NACS), so as to identify successes, challenges, and areas for improvement in addressing corruption at the institutional level. Examine public perceptions of corruption in Kenya and its implications for citizen engagement and trust in government institutions as well as assess the role of international actors, including bilateral donors, multilateral organizations, and foreign law enforcement agencies, in supporting Kenya's anti-corruption efforts.

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APPENDICES

APPENDIX 1: CONSENT FORM

Dear Respondents,

My name is Ignatius Wekesa, a postgraduate student at the National Defence University - Kenya, pursuing a Master's degree in National Security and Strategy. I am conducting a study titled: **Dynamics of Institutional dynamics on the Fight against Corruption in Kenya: The Case of Ethics and Anti-Corruption Commission (EACC)**. You have been identified as a potential respondent to provide information in respect of the study. I give my undertaking that all responses will be acknowledged, credited and strictly used for academic purposes. The information obtained will be treated with utmost confidence. Your cooperation and contribution is highly appreciated.

If you agree to participate in this study, kindly mark against the correct statement:

I consent to participate in the study

I do not consent to participate in the study

Thank you.

Ignatius Wekesa

APPENDIX II: QUESTIONNAIRE

Please answer the questions presented below as guided in each section. Thank you for your cooperation.

Bio Data

Please mark the applicable response with an x or a tick (✓)

1. Gender

Male ()

Female ()

Other ()

2. Kindly indicate your age in years?

18 – 27 years ()

28 – 37 years ()

38 – 47 years ()

48 – 57 years ()

Over 58 years ()

3. What is your religious affiliation?

Christian ()

Muslim ()

Hindu ()

Others (please specify)

4. What is your highest level of education?

Primary education ()

Secondary education ()

College education ()

Undergraduate ()

Postgraduate ()

PART A: Level of Awareness of the Mandate of EACC in the Fight against Corruption in Kenya

1) To what extent do you agree or disagree with the following statement relating to Corruption in Kenya. (1=Strongly Agree; 2= Agree; 3= Neutral; 4=Disagree and; 5= Strongly Disagree). Kindly mark one of the five options for each statement.

	Statement	Rating				
		1=S A	2=A	3=N	4=D	5=S D
a	Majority of Kenyans are adequately informed about the mandate of the EACC in the fight against Corruption in Kenya					
b	Corruption is a widespread phenomenon in Kenya and majority of the government institutions have been unable to eradicate it					
c	EACC education materials (IEC) are readily available, relevant, simplified and well designed for the users					
d	The fight against corruption is headed in the right direction with strong institutional framework					
e	There is demonstrated credible intent by civil society watchdogs, stakeholder groups to tackle perceived causes and effects of corruption effectively in collaboration with EACC					
f	Penalties meted out on corrupt individuals are adequate					
g	The EACC corruption reporting process is very simple					
h	I am adequately involved in the fight against corruption and unethical conduct					
i	My income will double if corruption is to be decreased by a Half					
l	There is demonstrated credible intent by EACC to tackle perceived causes and effects of corruption effectively					
k	Infrastructural (Physical) facilities for EACC are satisfactory					
j	EACC asset Recovery approach is effective for restitution					

m	EACC Vetting of people seeking public office appointments is effective					
---	------------------------------------------------------------------------	--	--	--	--	--

2. Of the following sources of information, from which have you received any information on the fight against corruption in Kenya in the last 12 months? Mark all that apply

Source	
a. News papers	
b. Radio	
c. Television	
d. Places of Worship	
e. Community Meetings	
f. Public Rallies	
g. Banners/Posters	
h. Social Media	
i. Word of Mouth	
j. Place of Work	
k. Other (Specify)	

3. In your opinion, what are the weaknesses in the legal and institutional framework in addressing corruption in Kenya?

.....

.....

.....

.....

PART B: Effect of Decentralization of EACC to the Counties on the Fight Against Corruption in Kenya

4. To what extent do you agree or disagree with the following statement relating to Corruption in Kenya. (1=Strongly Agree; 2= Agree; 3= Neutral; 4=Disagree and; 5= Strongly Disagree). Kindly mark one of the five options for each statement.

Statement	Rating				
	1=SA	2=A	3=N	4=D	5=SD

a. The EACC has been devolved to the Counties and this enhances integrity among the 47 Kenya's devolved units					
b. Kenyans at the Counties are optimistic that decentralization of EACC will reduce the incidents of corruption and improve accountability among the County governments					
c. There is demonstrated credible intent by the political class to help EACC to tackle perceived causes and effects of corruption effectively in devolved units					
d. There is demonstrated credible intent by governors to tackle perceived causes and effects of corruption effectively in the county					
e. There is demonstrated credible intent by MCAs to tackle perceived causes and effects of corruption effectively in their counties					
f. Corruption has increased since the advent of devolution of services to the Counties					

5. In your opinion, why do you think Kenyans do not report Corruption cases happening in the Counties?

.....

.....

.....

.....

Part C: Effectiveness of Kenya's Anti-Corruption Regulatory Framework

6. In your opinion, how effective are the following stakeholders in the fight against corruption? (mark as appropriate)

Stakeholders	Not effective at all	Barely effective	Effective	Highly Effective	Do not know
a. Senators					
b. Members of National Assembly					
c. Members of County Assembly					

d. Office of the Attorney General					
e. Office of the Director of Public Prosecution					
f. Office of the Auditor General					
g. Office of the Controller of Budget					
h. The Judiciary					
i. Kenya Revenue Authority					
j. Directorate of Criminal Investigation (DCI)					
k. Ethics and Anti-Corruption Commission					
l. Civil Society					

7. To what extent do you think the following measures are effective in combating corruption and unethical practices in Kenya? (mark as appropriate)

Measure	Effective	Moderately Effective	Not effective at all	Do not know
a. Public education and awareness creation				
b. Existing anti-corruption laws				
c. Investigations				
d. Prevention of corruption				
e. Asset Recovery (Restitution)				
f. Partnerships and coalition of stakeholders in the fight against corruption				
g. Devolution/Decentralization				
h. Administrative sanctions on public officials				
i. Mainstreaming of anti-corruption into the education curriculum				
j. Eradication of poverty				
k. Employment creation				

1. User friendly corruption reporting channels				
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8. What would you recommend to the National government to improve the anti-corruption strategies at the national level to enhance accountability and integrity?

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9. What recommendations would you make to the County governments aimed at improving the anti-corruption strategies at the County level to enhance accountability and integrity?


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THANK YOU

APPENDIX III: INTERVIEW GUIDE

1. In your opinion, would you say that the general public really understands the mandate of the EACC? Please explain.
2. What do you think needs to be done to better spread the information on the role of the EACC?
3. In the wake of the devolved system of governance, do you think it was a good idea to devolve the EACC to the county level? Please explain.
4. In your view, has the decentralization attained the intended purpose? Please explain
5. Looking at the institutional, legal and policy framework, governing the fight against corruption in Kenya, do you think there is synergy between them? Please explain.
6. What suggestions would you make to decouple the legal and policy framework so that the EACC can attain the intended purpose?

APPENDIX IV: NACOSTI PERMIT



REPUBLIC OF KENYA



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

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APPENDIX V: SIMILARITY REPORT

INSTITUTIONAL DYNAMICS INFLUENCING THE FIGHT AGAINST CORRUPTION IN KENYA: CASE STUDY OF ETHICS AND ANTI-CORRUPTION COMMISSION (EACC) By IGNATIUS WEKESA

ORIGINALITY REPORT

14%	12%	7%	6%
SIMILARITY INDEX	INTERNET SOURCES	PUBLICATIONS	STUDENT PAPERS

PRIMARY SOURCES

1	eacc.go.ke Internet Source	1%
2	Submitted to Mount Kenya University Student Paper	1%
3	www.track.unodc.org Internet Source	1%
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