

Perception of public corruption in Kenya

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Abstract

Corruption decreases government efficiency and effectiveness, and influences the way citizens perceive the overall quality of the government. The main focus of this paper is to examine why perceptions of public corruption did not change during the Kibaki administration. This administration was in power for 10 years (2003-2013), and invested significant resources in setting up a legislative framework and an anti-corruption agency. Yet, according to the analysis of the Global Corruption Barometer (GCB) reports from 2003 to 2012, there was no change in the public's perception of corruption and of government effort against corruption. Despite anti-corruption agency efforts, optimism dropped, while pessimism increased. To bridge this gap requires political commitment, which is demonstrated by charging all corrupt public officials and recovering any public funds and assets that have been stolen.

Key words: Kenya, corruption, perception, political commitment, public sector

Sumário

Corrupção declina a eficiência e eficácia do governo e influencia na forma como os cidadãos percebem a qualidade do governo. O principal foco deste artigo é examinar as razões das percepções da corrupção pública não mudaram durante a administração Kibaki. Esta administração esteve no poder durante 10 anos (2003-2013), e investiu recursos significativos na estrutura legislativa e uma agência anti-corrupção para combater corrupção. Mas, de acordo com a análise dos relatórios do Barômetro Global de Corrupção (Global Corruption Barometer, GCB) de 2003 a 2012, não houve mudança na percepção pública da corrupção e do esforço governamental contra corrupção. Os níveis de otimismo caíram enquanto o pessimismo aumentou, apesar dos esforços da agência anti-corrupção. Para fazer esta ponte é preciso compromisso político que é demonstrado por acusar todos oficiais públicos e recuperar quaisquer fundos públicos e bens que foram roubados.

Palavras chave: Quênia, corrupção, percepção, compromisso político, sector público

Introduction

Corruption contributes to the way citizens perceive the overall quality of government in their country because corruption increases inefficiency in public service delivery and decreases effectiveness in the public sector (Ledet, 2011). Corruption encourages a cultural tradition of gift giving which in turn generates a culture of distrust towards public institutions (Melgar, Rossi, & Smith, 2010). Corruption perception is an indicator of the pervasiveness of corruption in a country, which differs from the actual experience of corruption, though the latter may influence the former. A lack of trust



in the democratic processes in public institutions not only alienates citizens from the very officials they have elected, but also undermines the ability to fight corruption (Hope, 2000; Uneke, 2010).

The rampant levels of corruption woven deep into the fabric of the lives of most Kenyans, and in the public sector in particular, has resulted in debilitating economic, political, and social effects that can be felt everywhere. For instance, at the local level, lives have been lost at hospitals because of medical staff withholding drugs and medical equipment, public officials embezzling allocated funds, and patients' not being able to give bribes to the medical staff. At the national level, those in power have been siphoning scarce public funds into their private accounts, leaving public services underfunded. Those who are in positions of leadership, like members of Parliament (MPs), have been using their power to raise their salaries unilaterally. For example, in 2013, the Kenyan MPs had a standoff with the Salaries and Remuneration Commission and the public as they attempted to raise their own salaries. The behaviour of the MPs, which was driven by self-interest because they are highly paid, compared to other public officials, was similar to previous parliaments that had raised their salaries even after huge public protest. Today, Kenyan lawmakers are ranked as the second highest paid legislators in the world, exceeding their counterparts from the developed economies of the United States, Great Britain and Japan.

The Transparency International Corruption Perception Index (CPI) indicates that Kenya is perceived as being one among the most corrupt nations in the world. There are clear measurement tools that indicate the corruption in Kenya is pandemic, and this needs to be addressed if democracy and economic progress are to be realised in the country. According to the Transparency International reports from 2003-2012, the CPI shows that Kenya ranged between 1.9 and 2.2 on a scale of 1 to 10. These scores indicate that the experts' perception of the level of corruption did not change significantly over those nine years, even in the midst of ongoing political and economic reforms. The CPI reflects the opinion of experts such as business people, expatriates, and risk analysts who might be living outside the country under assessment; the index can overgeneralise the extent of corruption. It is not a perfect index or measure of corruption but it is robust compared to other measures of corruption based on individual sources, such as Business International, International Country Risk Guide, World Bank Index, and the World Competitiveness Report. Furthermore, the relative stability perception measured over time captures some underlying feature of reality. Since 2003, there have been several GCB reports that highlight the public perceptions of corruption in Kenya and how they assess the government efforts in the fight against corruption. These reports point out public perception on the direction of corruption (increasing or decreasing), especially in the last three years. Furthermore, a survey carried out on behalf of the Ethics and Anti-Corruption Commission (EACC) – formerly referred to as Kenya Anti-Corruption Commission – in 2009, showed that 76% of the respondents perceived corruption as prevalent compared to only 10% who felt that it was declining. This result confirms that where corruption is pervasive, coupled with weak public institutions mandated to enforce the rule of the law, the values system encourages the perception that corruption is not only normal but also a survival strategy to get ahead (Chabal & Daloz, 1999).

There is a gap between the public perception and the government efforts to end corruption. I intend to examine the public perception of corruption as measured by GCB during 2002 to 2012. The Transparency International (2005) GCB measures public perceptions of corruption among the citizens of a particular country, as opposed to the experts. Given that the CPI reflects the opinion of experts, some of whom are based outside the country under assessment, the GCB offers a different perspective on government and its demonstrated ability to reduce corruption. The research question is: Why did public perception on corruption remain the same regardless of the legal effort, investment of resources and establishment of an anti-corruption agency.

To put this question into context, I will look at the Kibaki administration, which, under the banner of the National Alliance Rainbow Coalition, came into power in 2003 with a significant majority (63%) of votes (Akech, 2011). The administration's campaign centred on ending corruption, which resulted in widespread hope that the war against corruption would be over. Unfortunately, when Kibaki's second term was over in March 2013, corruption perception was at its highest and distrust in the political institutions remained intact. I also selected this administration due to available data that was consistent. Compared to President Moi, who ruled Kenya for 24 years, it was during Kibaki's administration that Kenya started making major political reforms, increased political participation, a new constitution was passed, and media freedom increased.

I will analyse three survey questions that measured GCB public perception during 2003-2012, these questions are:

1. Do you expect the level of corruption to change in the next three years?
2. In the past three years, how has the level of corruption in Kenya changed?
3. How would you assess the current government's actions in the fight against corruption?

These survey questions are very basic, direct, general, and very simplified but sufficient to respond to the main research question. These questions have been tested and capture the public perception in Kenya. Therefore, I hypothesise that the public expects corruption levels to increase over the next three years, and this leads to a conclusion that the anti-corruption efforts do not correlate with the CPI level. The conventional wisdom is that the public fight will reduce corruption, thus lowering public perception of corruption. I argue that there are more variables involved in improving the public perception of corruption as opposed to improving the economy and putting legal frameworks in place to reduce corruption.

While the GCB data does not amount to an index of government effort to fight corruption, it does provide feedback on the power of governmental influence on the public agenda, its political will to fight corruption, and to effect real change in a country. To experience a real change in the public perception, there must be political commitment from those in power. Political commitment is conceived as the willingness of the president and other senior officials not to engage in corrupt practices, as well as the willingness of those officials to hold anyone accountable who engaged in such practices. According to Transparency International (2006), good performance by government in anti-corruption can only come about through sustained change that translates into better quality of life for ordinary citizens.



This paper is timely as, in 2013, Kenyans voted for a new administration under President Uhuru Kenyatta. The current administration, which enjoys the independent judiciary and anti-corruption agencies that were put in place during Kibaki's administration, can avoid clientelism and self-interests in dealing with corruption. This paper is organised into three sections. The first section deals with the conceptual analysis; the second section focuses on the contextual analysis, and the third section on the GCB analysis and conclusion.

Conceptual analysis

Defining corruption

Although corruption is a universal phenomenon, its definition still remains a complex issue because there is no single, comprehensive, and universally accepted definition due to the different ways that it manifests in various cultural settings (Langseth, 2006). Transparency International defines corruption as the misuse of entrusted power for private benefits. According to Transparency International, any act that produces public damage in any public institution is corruption if the purpose is to promote undue personal or group advantage. Another similar definition is by Tanzi (1998), who defines corruption as any activity that is illegal, unethical, or a dishonest business practice carried out by a bureaucracy or by political leadership for personal gain. It is worth noting that corruption is not just one single act, as it is a variety of different practices carried out among different people in different ways. It involves behaviours such as “bribery [use of reward to pervert the judgment of a person in a position of trust]; nepotism [bestowal of patronage by reason of relationship rather than merit]; and misappropriation [illegal appropriation of public resources for private-regarding uses]” (Nye, 1967, p. 419).

Types of corruption

Corruption also comes in different shapes and sizes, and can be classified as either grand corruption or petty corruption, depending on its magnitude. Petty corruption, sometimes referred to as administrative corruption, exists within the established public and social frameworks. It involves the exchange of very small amounts of money and the granting of minor favours by those seeking preferential treatment (Langseth, 2006). It is this kind of corruption that the regular citizens encounter daily in places like hospitals, schools, local licensing offices, police stations, and taxing offices. In most cases, petty corruption affects those living at the margin of the society who cannot afford to bribe. Yoo (2007) points out that the cumulative impact of all these small bribes on the efficiency and welfare of many developing economies is substantial, if not staggering. For example, according to the EACC (2011a) report, 66% of the reported cases in Kenya involved low level personnel like police and clerks in the public sector.

On the other hand, grand corruption, which is also referred to as political corruption, pervades the highest levels of government and involves huge sums of public funds (Langseth, 2006). This kind of corruption involves distortion of the central functions of government, leading to a broad erosion of confidence in good governance and respect for the rule of law.

Contextual analysis

Grand corruption cases between 2003 and 2012

Between 2003 and 2012, there were high-ranking corruption cases involving government ministers, among other top public officials. The cases mentioned here are selected cases based on their magnitude and impact and the various administrations' failure to address them. Although Kibaki's administration inherited some corrupt deals from the Moi administration, it continued to uphold the same contracts. For example, the first grand corruption case of the Moi administration was the Goldenberg scandal, which was facilitated by senior public officials and a businessman, Kamlesh Pattni, the owner of the Goldenberg Company in the 1990s. The deal required that the Moi administration, through the Central Bank of Kenya, subsidise exports of gold far beyond standard arrangement by paying 35% more than the foreign currency earnings. It is estimated that Kenya lost as much as US \$600 million, which was more than 10% of the country's annual gross domestic product. Two decades have passed, yet the ghost of this scandal still hovers over Kenya, as none was held accountable. The officials who were implicated in the corrupt deal were indicted and later freed by the court and cleared of all charges.

The second case was the Anglo Leasing and Finance scandal, which involved abuse of lease finances and supplies credit meant to finance security and security-related projects (Mwangi, 2008). The government between 1997 and 2003 signed eighteen separate contracts involving Anglo Leasing worth over US \$740 million. Some of these were completed prior to January 2003, while others were cancelled by the Kibaki administration after the media reported the corrupt deal. A total of US \$243 million was spent on these contracts as of May 2005 (Mwangi, 2008). More than 10 years later, the Anglo Leasing Company case has not been solved and the few individuals implicated have been cleared of any wrongdoing by EACC. President Kibaki ended his second term without addressing the scandal or even prosecuting those involved.

According to Ethics and Anti-Corruption Commission (EACC) reports from 2007 to 2011, some of the ministries involved in these allegations include the Ministry of Agriculture, the Ministry of Education, the Ministry of Foreign Affairs, the Ministry of Medical Services, and the Ministry of Water and Irrigation as well as officials from the prime minister's office. Other government agencies include the National Social Security Fund, the Nairobi City Council, and the Kenya Medical Research Institute. In 2010, a government audit report found that significant portions of the fund for the free primary education programme could not be accounted for in the Ministry of Education. The report indicated that there were allegations of fraudulent disbursement of Kenya Education Sector support funds for seminars and workshops, which involved more than 524 million Kenyan shillings (EACC 2011). As a result, the United States suspended a planned five-year US\$7 million capacity programme that was scheduled to begin in 2010. In addition, Great Britain, which had been supporting the programme since 2005, suspended its financial support of US \$16 million. Unfortunately, the withdrawal of funds by both the United States and Great Britain put the free primary education programme at a risk of failing, which would hurt children from poor families who could not afford to pay the tuition.



A more recent report indicates that there has been an enormous loss of millions of shillings belonging to Kenyan civil servants invested in the National Hospital Insurance Fund (NHIF). It was revealed that the NHIF disbursed hundreds of millions of shillings to medical service providers that did not have enough medical equipment and staff. Both the prime minister and the head of public service disbanded the NHIF board of directors for engaging in malpractice, which ranged from contracting ghost medical suppliers to paying money to nonexistent clinics (Appollo, 2012). Unfortunately, the ownership of these medical service providers could not be established and none of those responsible has been held accountable, as more than 300000 public servants, who cannot afford quality healthcare, hope that their money will not disappear.

The Ministry of Water and Irrigation was also suspected of misappropriating public funds in an emergency drought programme that involved more than 26 million Kenyan shillings. Additionally, the same ministry was accused of irregular procurement of supplies and inflation of prices; and a variation of contract pricing for Umaa Dam by the National Water Conservation and Pipeline Corporation involving close to one billion Kenya shillings (EACC, 2011). The minister in charge ignored public pressure to resign even after the director of public prosecution recommended that EACC continue its investigations on the minister. The minister insisted on her innocence even after charges of conspiracy to defraud as well as violation of procurement and fraudulent acquisition of public property, were brought against her relatives and top ministry officials (Appollo, 2011). Unfortunately, the prime minister and the president turned deaf ears and for political reasons did not remove her from the ministerial position. Even amid previous accusations of corruption, the same minister was appointed in Uhuru Kenyatta's administration as a cabinet secretary, equivalent to a minister. Uhuru's administration lost an opportunity to build public confidence by addressing corruption over politics of votes based on where the minister comes from.

Such corrupt cases and incidents involving senior public officials being reappointed in the government and not being held accountable indicates a lack of willingness to deal with corruption sufficiently. These cases can be attributed to the high perception of corruption and they undermine the efforts and commitment from the public to end the vice that affects them dearly. Perceptions of endemic corruption create a culture where corruption is necessary as it is practiced at the highest government levels. Unfortunately, the effects are interpreted at the lower administrative levels as the public willingly gives into this culture of corruption in order to receive its benefits.

Efforts to deal with corruption

Literature indicates that in Hong Kong and Singapore, the reduction in corruption coincided with the establishment and strengthening of an independent anti-corruption agency with widespread powers (Svensson, 2005). In an effort to tackle graft, Kibaki's administration has implemented adequate legislation and agencies to fight corruption (Wario, 2011). Among such agencies, the EACC replaced the Kenya Anti-Corruption Commission in 2010 as per Article 79 of the Constitution of Kenya, and established it as a public body under Section 3 (1) of the Ethics and Anti-Corruption Commission Act of 2011 as part of anti-corruption initiatives mandated to combat and prevent

corruption. Although the EACC is an independent body, it does not have powers to prosecute alleged offenders. Rather, the case files are passed to the offices of the attorney general's office and later to the office of the director of public prosecution, both of which are overburdened by decreasing human resource capacity (Gbadamosi, 2006). By looking at the analysis of the cases reported by the EACC annual reports of 2008/2009, 2009/2010, and 2010/2011, the results indicate that the number of cases were not significant, thus producing skepticism regarding the level of commitment upon the government. The data in these three operating periods indicate that the number of completed cases continued to fluctuate on a downward trend. The number of cases that were within the mandate of the EACC increased, which implies that there was more exposure of corrupt practices. The agency should ensure that cases that are exposed are quickly investigated.

As seen in Table 1, the EACC reported in 2010/2011 that of the reported 2445 cases taken over for investigation together with another 67 cases that were carried over from previous years, only 130 of these cases were concluded by the end of that period. Another 25 cases were referred to other agencies for review after preliminary investigations, 364 cases were recommended for further action after the preliminary investigations, 1369 of the cases were under intelligence development, while 620 cases were pending for investigations. Unfortunately, even the few cases that were completed do not indicate whether they were successful after those involved with corrupt practices were taken to court. Some of those people indicted over the years have been cleared and none of the stolen assets or funds was recovered.

Table 1: Status of investigation in 2010/2011

No.	Status of investigation	No. of Cases 2010/11	%
1	Cases completed and investigation files forwarded to AG	134	5.3
2	Cases referred to other agencies for investigations after preliminary investigations	25	1.0
3	Cases recommended for no further action after preliminary investigations	364	14.5
4	Reports under intelligence development	1 369	54.5
5	Cases pending investigations	620	24.7
Total		2 512	100.0

Looking at the number of reported cases in the 2010/2011 EACC report, the fight against corruption can be termed as 'big fish versus small fish syndrome', where the big fish represents the top public officials (top bureaucrats, cabinet ministers as well as members of parliament) who are untouchable due to their powerful positions, while the small fish represents the street level bureaucrats (police, clerks, chiefs) (Gbadamosi, 2006). The former director of the anti-corruption agency, P. Lumumba, was often quoted as saying that he was interested in the 'big fish' but there was not much progress over a two-year tenure. According to the EACC report in 2010/2011,



there were 7106 reported cases of corruption. Figure 1 shows that only 7% of the cases involved big fish, while 66% of the cases involved small fish, and 27% involved middle level officers like inspectors and procurement officers. The number of reported cases for senior government officials was significantly smaller compared to those of the low-level government officials, as well as the total number of middle level public officials. As a result, the number of completed cases involving the senior public officials who were charged in the court of law was even smaller compared to those of low-level officers.

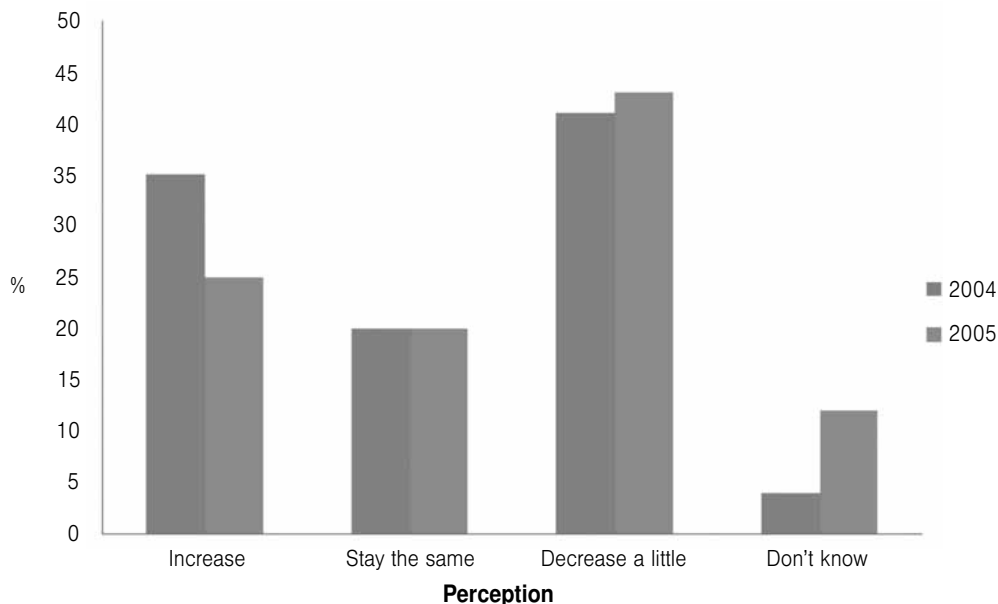


Figure 1: Level of corruption perceptions in next three years

The EACC should address this syndrome of focusing on petty corruption without combatting grand scale corruption practiced by ministers and top public officials. Failure to address this syndrome has left citizens wondering whether the laws are being applied evenly and fairly among all Kenyans. Since the top senior officials are involved in grand corruption, it takes longer to complete investigations and build on evidence that is sufficient to convict. Unfortunately, the majority of them are set free and their charges cleared or cases drag in court for years before a verdict is reached (for example, the Goldenberg scandal that occurred in the mid-1990s). As a result, the EACC has to collaborate with the attorney-general's office, public prosecutor, and judiciary to make sure that evidence is submitted in a timely manner to cut the long waiting period before cases are concluded.

Another setback in the fight against corruption in Kenya is political interference. Before 2011, the judiciary was not independent and was manipulated easily by corrupt politicians. Political

interference in graft cases is a good indicator of political commitment from top leadership, including the president and the prime minister (Kpundeh, Stapenhurst, & World Bank Group, 1999). In Kibaki's era, political interference has been very subtle compared to Moi's era. President Kibaki's hands-off style of leadership has given the ministers and other bureaucrats power to manipulate the judicial process.

It is unfortunate that Kibaki's administration has consistently recycled the same people implicated in previous corrupt practices, leading to a lack of public confidence in the administration's political commitment. Instead, the administration should ensure that all those appointed in public offices are cleared by the EACC without favour or discrimination based on their gender or ethnic background. While the president has sole power to appoint ministers and their permanent secretaries, the prime minister has also turned a blind eye to the permanent secretary in his office and the chief of staff, who were implicated in a report of their involvement in corruption (Adan, 2010). According to the EACC annual report 2004/2005, one of the cases reported was embezzlement of public funds belonging to the National Museums of Kenya, which is a government agency. The EACC recovered 2.5 million Kenya shillings from the museum's former director-general after he was charged in court. Unfortunately, he has been the permanent secretary in the office of prime minister since January 2008.

According to the EACC annual report of 2007/2008, another major gain was the recovery of the Grand Regency Hotel worth 2.9 billion Kenyan shillings. The hotel was built using public funds unlawfully acquired from the Central Bank of Kenya. Recovered properties like hotels should be made public, and culprits should refund any profit accrued over the years that they held that property.

Analysis of public corruption perceptions in Kenya

The decision to use public perception indicates the inherent problems involved in obtaining objective and reliable measurements of corruption because experts' perceptions can be biased, as it is not based in most cases on the actual experience of corruption (Miller, 2006; Razafindrakoto & Roubaud, 2006). In this section, this paper analyses three questions that focus on how the public perceives the trend of corruption in the past and future, and how they feel about the government anti-corruption efforts in Kenya. The data analysed is from Transparency International reports of various years. Overall, by comparing the GCB reports of 2004 and 2005, the respondents seemed to be optimistic about the direction of corruption in Kenya. In assessing how the levels of perceptions had changed in the past three years, analysis indicated that the majority of the respondents felt that it had decreased.

The first question was: Do you expect the level of corruption to change in the next three years? This question measured the public's predictions about the change of corruption levels in the subsequent three years and appeared in the GCB surveys in 2004 and 2005. It is important as it indicated how the public perceived the direction and levels of corruption for the future. As Figure 2 indicates that in 2004, 35% of the respondents were pessimistic compared to 25% in 2005, who

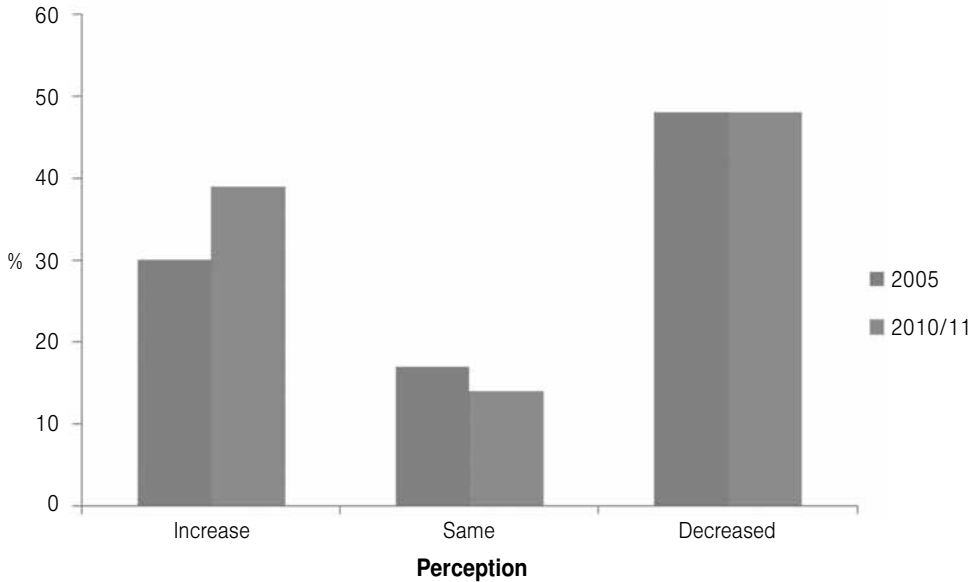


felt that the levels of corruption in the subsequent three years would increase, while 20% in both years felt that it would remain the same. This trend indicates that 10% of the respondents in 2005 had changed their perspective on the direction of corruption and were hopeful. This optimism on the level of corruption could be attributed to different factors such as increased government anti-corruption efforts or the hope of change that was ushered in by Kibaki's administration in 2003. According to the National Corruption Perception study conducted in 2005, Kenyans' optimism increased as they hoped that the anti-corruption agency efforts would continue. The study stated that 58% of Kenyans were confident about the EACC's ability to fight the graft. As a result, the majority of Kenyans believed that corruption had been reduced from the previous year.

On the other hand, those optimistic about the levels of corruption increased by 2% in 2005 compared to 43% in 2004. This increase seems to be consistent with another study undertaken in 2009, which indicated that 62% of the respondents were optimistic that the fight against corruption would succeed compared to 38% who were pessimistic that it would not succeed (EACC, 2009). This optimism could also be caused by the country's better economic performance in 2005, as indicated by the 5.9% gross domestic product growth rate compared to 5.0% in 2004. However, the CPI index remained at 2.1 in both 2004 and 2005, after jumping from 1.9 in 2003 when Kibaki's administration took over. This indicates that the public's perception does not align with the experts' perception even when other factors that determine perception like economic progress are in place.

Overall, the analysis above indicates that the public's perception in those two years was more optimistic. This confirms the proposition that the corruption in Kenya was likely to increase in the subsequent three years. However, this finding does not support an earlier conclusion that respondents from countries with a low CPI score would expect the level of corruption to increase over the next three years instead of decreasing. In contrast, respondents from countries with a high CPI score did not feel that corruption influenced their lives significantly, and expected corruption to decrease over the next three years (Transparency International, 2004). In spite of this optimism, the CPI score did not waver over the two years, though the public perception was on the right track as more people were optimistic that corruption was on the decrease.

Figure 2: Level of corruption in previous three years



The second question was: In the past three years, how has the level of corruption in this country changed? This question appeared in the GCB surveys of 2005 and 2010/2011. This question examined how the public perceived the levels of corruption to have changed in the past three years. As indicated by Figure 3, in 2005, 30% of the respondents perceived that the level of corruption had increased, while 39% of the respondents in 2010/2011 held the same perception. This perception could be attributed to the fact that between 2005 and 2010, the media in Kenya exposed some of the major incidences of grand corruption, especially within the top level of government, which changed the public perception of corruption. Examples include the individuals within the Ministry of Agriculture re-bagging fertiliser donated by the government of Japan to boost food production and planning to sell it, the irregular sale and transfer of public land by the National Social Security Fund, embezzling of public funds by the Kenya Medical Research Institute, and fraudulent purchase of land for use as a public cemetery by the City Council of Nairobi (EACC, 2009/2010).

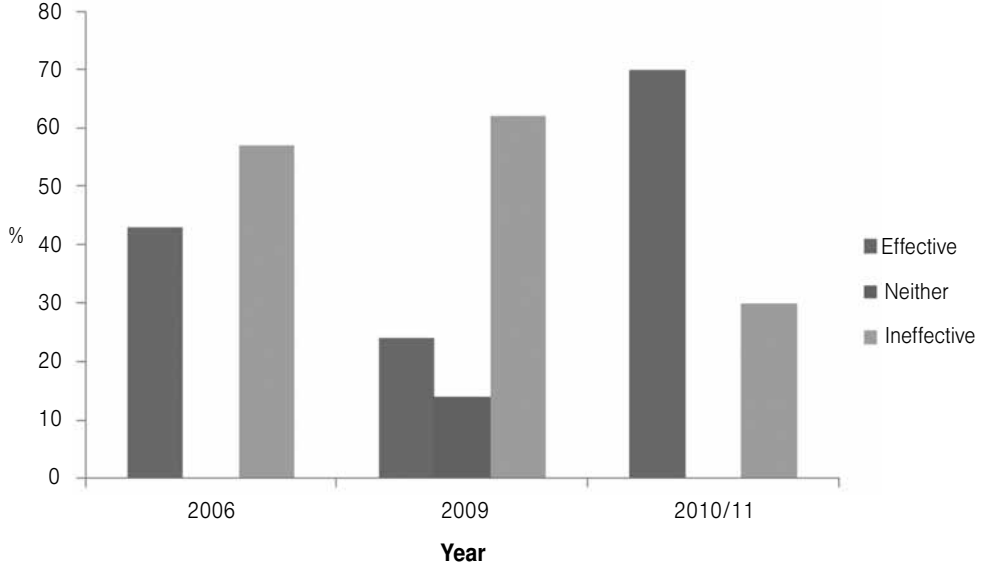
However, the number of those who felt that corruption decreased did not change, but remained at 48% in both years. It is surprising that the public perception in 2010/2011 did not change; even over a period of five years during which many grand corruption cases were exposed and government ministers and other top public officials were indicted on corruption charges. On the other hand, those who perceived the level of corruption as the same decreased by 3% in 2010/2011. This dismal change, even in a period of five years, could be associated with the fact that in 2010, after Kenya attained a new constitution, top public officials implicated in corrupt deals were forced to resign for graft and misuse of public office investigations. Unfortunately, the



temporary resignations did not result in any convictions. This can possibly explain the number of respondents who were less optimistic amidst reforms and exposure of major corruption cases.

In a separate study assessing the level of corruption in 2009, the findings closely matched those of the GCB survey 2010/2011. The study found that 41% of the respondents indicated that the corruption levels had decreased, while 37% were pessimistic as they thought that corruption levels had increased, and 21% felt there was no change (EACC, 2009). Although the CPI score did not change over that particular period, the public's perceptions seem to have become more pessimistic. In spite of some respondents being pessimistic about the levels of corruption, a majority felt that the levels of corruption had decreased.

Figure 3: Level of corruption for three previous years



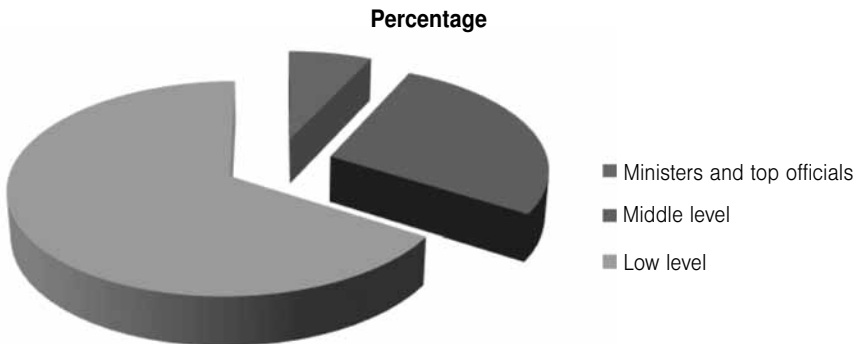
The third question is: How would you assess your current government's actions in the fight against corruption? This question focused on the anti-corruption efforts by the government or the related anti-corruption body. Public perception of the government's efforts is an indicator of the success of anti-corruption policies and initiatives. However, literature suggests that citizens around the world are generally critical about the effectiveness of their government's efforts to fight corruption (Mbaku, 2007). Additionally, the GCB indicates that government efforts to tackle corruption are largely seen as ineffective by the public, especially when the levels of corrupt practices are high.

This question appeared in the 2006, 2009, and 2010/2011 GCB surveys. As shown in Figure 4, the analysis indicated that public perception of whether or not the efforts were effective varied. In 2006, more than 40% of respondents considered the efforts effective compared to 70% in

2010/2011. The analysis showed that in 2010/2011, the number of participants was the highest, while in 2009 it was the lowest, with only 24% of the respondents considering anti-corruption efforts to be successful. In contrast to the other survey periods, the low response in 2009 can be explained by the fact that only 14% of the respondents felt indifferent about the government's efforts. Even if the 14% considered the efforts to be effective, 2009 would still have had the lowest number of participants who considered the government's action as effective.

On the other hand, the number of respondents who felt that the anti-corruption approach was not effective and needed alteration, varied in the three survey periods. In 2006 and 2009, the number of respondents who were skeptical of the government's efforts was higher than 2010/2011, when it decreased by more than a half. In 2009, the results were startling. Despite 14% of the respondents feeling indifferent about the EACC efforts, distrustful respondents increased from 57% in 2006 to 62% in 2009 instead of decreasing. The decrease in the number of skeptical respondents could be explained by the fact that, in 2010/2011, there were increased anti-corruption efforts by the EACC director, who began his tenure in 2010. This brought high hopes of breaking the rampant culture of corruption, which led to the decrease of the public's pessimism by more than 30% in 2010/2011.

Figure 4: Status offender 2010/11



Although the GCB reports were diverse in the three survey periods, it is astounding that the CPI index remained the same at 2.2 score in each year. This confirms that there is no correlation between a good CPI score and the public endorsement of a government's anti-corruption initiatives (Transparency International, 2006). This is because some governments may be in power for only a short period of time when polling is done, while the CPI score reflects the performance of present administrations as well as the previous ones. In addition, effective government anti-corruption efforts can only come about through sustained change that translates into a better quality of life for ordinary citizens. Effective government anti-corruption efforts will, in return, alter how citizens perceive their government commitment, thus increasing the trust level and altering the public perception of corruption.

The above analysis reveals that Kenyans during Kibaki's administration have seen the corruption



level increase even after his promise to tackle graft during his first term. The majority of Kenyans have been pessimistic about the ineffective government's anti-corruption efforts, regardless of the enormous resources spent to address it.

Bridging the perception gap

In order to bridge the gap between public perception and government efforts, the political leaders, and especially the president, have to be fully committed to the fight. From 2003 to 2012, the administration failed to investigate the high ranking public officials; appointed public officials previously implicated in corrupt practices in public positions; and failed to seize stolen public properties. The president and other political leaders should have made public declarations and statements that indicated their unwavering commitment (Kpundeh *et al*, 1999). There was a gap between the executive's actions and the public's declarations against corrupt leaders that were created due to the unwillingness on the part of top public officials to take action against those officials involved in allegations of corruption.

The top leadership dealt with the senior government officials, including ministers, with much empathy. During Kibaki's first term, five ministers implicated in the Anglo Leasing and the Goldenberg scandals were reappointed and moved to different ministries after being cleared by investigators and later by the courts. In 2010, five permanent secretaries, who had been mentioned adversely in reported cases of corruption, were suspended while under investigation (Adan, 2010). Even before the investigations were concluded, some had already been reappointed to their respective ministries or moved to other ministries. Only one permanent secretary was charged in court over a scandal of 280 million Kenyan shillings, which involved the purchase of an alternative burial site for the City Council of Nairobi (Adan, 2010).

The top leadership, led by the president, should make sure that all those who misuse their public office for gain are held accountable. The administration should be committed to the recovery of stolen public properties and funds, which can be accomplished through property seizure and forfeiture, and by freezing culprits' bank accounts (Wario, 2012). The government's anti-corruption agency should increase its efforts to recover public funds and assets that have been hijacked over the years.

Government appointments should be based on integrity as opposed to clientelism, and ethnic and political balancing. The president and his administration should be willing to sacrifice any public official implicated in any corrupt practice, regardless of his or her ethnicity or political influence. This will ensure a government composed of people of integrity, which indicates political commitment to the fight against corruption. Singapore and Hong Kong altered public perception by deregulating rules and rewarding public officials who resisted engaging in corrupt practices, and by showing political will and commitment from the top political leadership in fighting corruption (Svensson, 2005).

Conclusion

Although Kibaki's administration came into power with a promise to deal with corruption, the results have not met public expectations. The economic and political gains that have been made during his administration have been undermined by his failure to address corruption effectively. Furthermore, public perception has not changed even after numerous resources have been spent setting up legislation and anti-corruption agencies. The analysis of the GCB reports over the years shows that the Kenyan public is divided on how the government and the EACC are handling the fight against corruption. While some of the people think that the efforts are working and that graft is decreasing, other Kenyans are skeptical about the fight against corruption.

Regardless of the resources spent on anti-corruption initiatives, Kenyans seem more pessimistic about the trend of corruption, hence the high public perception of corruption. This can be attributed to a weak EACC due to the lack of prosecuting power and big fish versus small fish syndrome. This paper recommends that government officials who have unjustly enriched themselves with public funds and assets should be charged in the court of law regardless of their position in the government. Unfortunately, the top leadership led by the president has shown apathy to the ministers and other bureaucrats implicated in corrupt practices, even when the public expects the president to be the strategic leader in the fight against corruption. The president should not reappoint public officials to their public offices who have not been cleared by the court or the EACC. Instead, the president should appoint men and women of integrity to these positions. This will increase the public trust in the government's commitment to an efficient and effective fight against corruption as opposed to just offering lip service.

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