

# The Dynamics of Political Corruption and Neo-Patrimonialism in Kenya

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## Abstract

Corruption is one of the major obstacles to the development of many African countries including Kenya. This paper examines the dynamics of political corruption and neo-patrimonialism in Kenya. It achieving this, the paper interrogated the changing manifestations of political corruption and neo-patrimonial practices from the government of Jomo Kenyatta to the present Jubilee government of Uhuru Kenyatta and highlights the implications on Kenya's development. The study is considered important because there has been tendency to propose solutions and strategies for combatting corruption without necessarily taking into consideration the context in which corruption takes place. The paper analysed secondary sources of data with a qualitative approach. It maintains that political corruption in Kenya is similar to many African countries. However, the peculiarity of political corruption in Kenya is that it is deeply rooted in the exploitation of ethnic preferences. The manipulation of ethnicity has been a means by which political office holders use national resources to amass wealth and satisfy individuals needs to the detriment of the common person. The study concludes that concerted efforts should be made to reform the governance structure in Kenya to make it inclusive and participatory for the different ethnic groups in the country.

**Keywords:** Corruption, Neo-patrimonialism, Leadership, Development, Governance,

## Introduction

Kenya is one of the most famous African countries with a long history of democracy since its independence without military intervention. In addition, the country is relatively politically stable, peaceful, predictable and attractive to investors and tourist (Kwaka et al, 2011). Despite its huge potential for development and goodwill from the international community, Kenya is one of the African cases of conspicuous underdevelopment with high rates of poverty, unemployment and inequality (Anassi, 2004; Ochola, 2009; EACC Report, 2015). One single factor that has over the years undermined Kenya's economic development more than anything else is corruption (Kivutha, 2005; Chweya et al, 2005; Kwaka et al.). Since independence, the political leaders in Kenya like some of their African counterparts have misused their positions in government to raid the national treasury through corrupt acts that include inflation of contracts, embezzlement and misappropriation of government resources and nepotism (Anassi, 2004)

The Kenya's report under the African Peer Review Mechanism (APRM) extensively mentioned corruption as one of the main impediments to good governance. The Country Self-Assessment Report (CSAR) concedes that:

*"Corruption still pervades the executive, legislature, judiciary and military, as well as the civil service. The general public perception is that corruption is endemic in Kenya, and that public confidence in government's commitment to fighting corruption has waned" (APRM Country Review Report of the Republic of Kenya, 2006).*

The Kenya National Anti-Corruption Plan maintained that corruption continues to pose one of the greatest challenges facing Kenya. It has continued to undermine good governance and distort public policy, leading to misallocation of resources. It has also contributed to slowing economic growth as well as discouraging both local and foreign investors.

The private sector also has been tainted with issues of governance, in irregular participation in public procurement, bribes and get business licensing. (Transparency International, Kenya Bribery Index, 2004). Despite the enactment of the Public Procurement and Disposal Act, 2005 and operationalization of various regulations, public procurement in Kenya had been tainted with corruption scandals and losses amounting to

billions of shillings according to the annual Auditor General reports. Cases of procurement malpractice include the Anglo Leasing, the National Hospital Insurance Fund civil servants' medical cover scheme, IEBC BVR kits, the NSSF Tassia estate scandal, the NYS scandal are among those that have dominated the media and public discourse. Nearly 75 percent of those interviewed for the World Bank Investment Climate Assessment Study (ICA, November 2004) saw corruption as a severe constraint to doing business in Kenya.

The nature of corruption in Kenya is not significantly different from that of Nigeria, Zambia or the Democratic Republic of Congo and many African countries (Kwaka et al, 2011). As Oyugi, (2003) pointed out, corruption in most African countries constitutes an important means by which individual wants and needs especially in patronage ridden societies can be satisfied. However, the peculiarity of corruption in Kenya is that the various forms of graft cannot be separated from the people's vision of existence as a merciless contest in which only ethnic preferences offer hope of survival (Wrong, 2009).

Neo-patrimonialism in Kenya can be understood from the relationship that had existed between the country and the world economy in the pre-independence era. Kenya was one of the countries that served as a source of raw materials for British industries and a market for British goods. Therefore, the social and economic policies during the colonial regime in Kenya favored the British interest (Brett, 1973). In order to perpetuate its unjust system, the colonial regime relied on divide and rule tactics and political repression. This resulted in ethnic favoritism and authoritarian administration which became a breeding ground for neo-patrimonialism (Mulinge and Lesetedi, 2002).

One of the most enduring attributes of the legacy of colonialism in post-colonial Kenya was a sense of ethnic division that found expression not only in terms of group identity, but also became a mobilising agent in pursuit of economic interests (Nasong'o 2000; Oyugi, 2003; Wrong, 2009). In such a situation where power is treated as an ethnic resource, allocation of resources is skewed in favour of the self-aggrandizing activities of the incumbent regimes together with their supporters. Consequently, nepotism and ethnicity become key considerations in allocating national resources in Kenya while individuals in positions of power use their influence and power to amass wealth to the detriment of the common person.

The paper will further interrogate the role of the political class in perpetuating and abating corrupt practices in Kenya. Noting the bane of corruption in Kenya, the paper will also identify some of the major cases of political corruption that had persisted through the dispensations of Jomo Kenyatta, Arap Moi, Kibaki and the present Jubilee government headed by Uhuru Kenyatta. The analysis of the paper is based on the premise which maintains that understanding the context which corruption takes place is very vital in proposing strategies and solutions for fighting it.

### **Conceptual/Theoretical Framework**

Corruption has different meanings and it is a concept that varies from one society to another. The concept of corruption is often used in a legal context and defined in pertinent laws and regulations. But sometimes it is also used in a wider sense to refer to political or social grievances that may or may not be covered by legal classifications (Ittner, 2009). Nye (1967), defined corruption as behavior which deviates from the formal duties of a public role because of private-regarding (close family, personal, private clique) pecuniary or status gains. Alam, (1989) sees corruption as a deviation from the norms and practices of modern bureaucracy. Nye and Alam's definition are however narrow and restrictive as they limit the vice to only the abuse of public office for private gain. Okullu (2001) argued that corruption is an impairment of integrity or moral principle; inducement to do wrong by bribery or other unlawful means. Anassi (2004) viewed corruption as lack of financial, moral and intellectual integrity in doing business transactions. He defines political corruption as the involvement of politicians in fraudulent or morally unacceptable financial and political deals intended to benefit them financially and politically. This involves embezzlement of public funds through procurement of contracts and tenders, money laundering practices, grabbing of public land, non-collection or non-remittance of government revenue or payment of nonexistent goods or services.

The Anti-Corruption and Economic Crimes Act of Kenya, expanded the definition of corruption to include fraud, embezzlement, or misappropriation of public funds, abuse of office, breach of trust and any offences involving dishonesty, in connection with tax, levies, or any other wide range of offences involving improper agents, and improper benefits to trustees for appointments and fraudulent deals in regards to private property (KACC Act, 2003).

The concept of neo-patrimonialism on the other hand is a multidimensional and multidisciplinary approach which emphasizes the process of patrimonial practices taking place in a modern state (Hyden, 2000). The theory gained prominence in development studies and political science since the 1970s and has been used by several authors to explain the underdevelopment and political instability that has characterized several developing countries especially those in Africa (Clapham, 1985; Mkandawire, 2013).

Neopatrimonialism has its origin in Max Weber's rational-legal bureaucratic systems and patrimonial systems. The rational legal authority is one defined by formal and impersonal democratic institutions with clear separation between public and private sectors (Erdman and Engel, 2007) On the other hand, however, decisions in neo-patrimonial systems are highly politicized with the domination of personal relations and political connections involving characteristics that includes clientism, rent seeking and corruption (Bratton and van de Walle, 1994; Medard, 2002; Pitcher et al, 2009). Thus, the distinction between what constitutes a public sphere and a private sphere exists in theory but this distinction is blurred in practice. Neo-patrimonial systems are characterized by the privatization of public affairs with corruption and patron client relationships being endemic in such societies. Neopatrimonialism also takes into account the personality of leaders, the political and economic structures of a society and historical legacies such as colonial rule in defining African politics since independence (Hyden, 2000; Erdmann and Engel, 2007). It can be applied to a number of different regime types whether they are multi-party democracies, single-party systems, or military oligarchies (Bratton and Van de Walle, 1994).

Clapham (1985) defines neo-patrimonialism as a form of organization in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines. Officials hold positions in bureaucratic organizations with powers which are formally defined, but exercise those powers, so far as they can as a form private property not public service. Bayart (1993) described this form of rule as the 'politics of the belly' whereby there is an intense struggle at all levels of society to gain access to state resources referred to as the 'national cake' which is ultimately controlled by 'big men'.

Neo-patrimonialism in post-independence Kenya is in many ways a continuation of the socio-economic and political order that prevailed under the colonial regime yet retained by the successive post-independent governments (Oloo and Oyugi, 2002; Amadi, 2009; Amutabi, 2009; Triche, 2013). In Kenya, the colonial order has perpetuated itself in the retention of the provisional administration, divide and rule policy by the government and the consequent ethnic favoritism and unfair allocation of public resources. Consequently, the post-colonial elites in Kenya hijacked the neo-colonial state to divvy out economic goodies based on a system of ethnic and regional patronage (Oloo, 2008; Wrong, 2009). Oloo 2008 described this as the "spirit of corruption that got intertwined with the corridors of ethnicity and bred the ideas such as 'kikuyunization' and 'kalenjization' in Kenyan politics." Hence, Kenyatta's government is seen to have favored his Kikuyu community just in the same way his successor Moi, favoured his Kalenjin community and Kibaki's government once again favored the Kikuyu community as seen in the analysis below.

### **3.3 Independence and Jomo Kenyatta's Kiambu Family Kickbacks; 1963-1978**

Being one of Kenya's prominent anti-colonial activists, Jomo Kenyatta was appointed as the Chairman of the Kenya African Union (KANU) in 1947. He led the delegation which secured Kenyan's independence and also led KANU to victory in the 1963 general elections. As the prime minister, he supported the government into becoming a republic in 1964, thus becoming the president of Kenya (Oloo and Oyugi, 2002).

The immediate post-independence period in Kenya was characterized by considerable euphoria not only because of the political gains but because of a universal optimism that it was indeed possible to bring about the so-called revolution of rising expectations (Balogun and Mutahaba, 1983). However, like so many black leaders of the 1960's, the first president of Kenya, Jomo Kenyatta did not overturn but rather maintained the system left behind by the colonial masters. Only this time, it was people from his community particularly the Kiambu area that benefited from the opportunities and resources previously enjoyed by the white men (Oloo and Oyugi, 2002; Amutabi, 2009). Although the state continued to refer to Kenya as a nation and deemphasized ethnicity in its public statements, and policies in land, service and jobs, the unifying rhetoric of nation hood conceded a less palatable truth. Kenyatta empowered only a clique of people who mostly constituted his extended relatives, people from his tribe and a few individuals from other tribes who were loyal to him (Amutabi, 2009).

Kenyatta's tendency to favour his Kikuyu ethnic group seems to have been partly occasioned by the fact that in the post-independence Kenya, the position that had initially been held by the European settlers was increasingly held by the nascent petty bourgeoisie of which the Kikuyu ethnic group happens to have been the most

predominant. Power concentration in the person of Kenyatta therefore has a lot to do with the desire to defend both the petty bourgeois and Kikuyi interest (Oloo, 2008; Amadi, 2009). The desire to defend the petty bourgeois interest has continued to underline power concentration by the successive regimes in the post-independence era. It has been combined with the desires break the Kikuyu ethnic hegemony in favor of that of the Kalenjin under the Moi administration while under Kibaki's Administration, it has been combined with the desire to revive the Kikuyu ethnic hegemony.

Neopatrimonialism practices during Jomo Kenyatta's government was not only limited to allocating resources to political supporters. He also took advantage of his rigid tenure in office to ban opposition partisan which further reduced levels of accountability and consolidated ethnic patronage. In an attempt to consolidate his power, Kenyatta created an imperial presidency which generally concentrated the power at the center of government. He also created a presidential system that resulted in a one-party rule by banning the only opposition party Kenya People's Union (KPU) (Oloo, 2007; Amutabi, 2009). As a result, the constitution was amended several times from 1963-1978 with the express intent of consolidating power (Oloo and Oyugi, 2002). The absence of available statutory order which regulated the powers of the judiciary, executive and legislative in the constitution consequently aided the abuse of power and corruption.

The Kenyatta's stifling of a nascent multiparty democracy also created a layer of well managed ethnic relations and repressive strategies such as detention without trial for dissenters. Although he rewarded his loyalist, he was retributive of those who opposed his government and of his major critics have been reported to die in mysterious circumstances or suffered long jail terms on trumped up charges (Osaghae, 1994; Wrong, 2009).

During Kenyatta's era, parliament's ability to check the executive was also eroded (Oloo, 2007; Mutala et al, 2013). Owing to this political scenario in Kenya, corruption had become a way of life for political office elites while the presidency was a strategic office used to loot from the public coffers. Ethnic dominance at the top filtered down to other levels while each appointment generated power and income for its holder and trickled down to their home area through contracts, jobs, for clients and preferential allocation for development funds (Kiai, 2008; Multala et al, 2013). By the end of the Jomo Kenyatta era, there was 35 Kikuyu District Commissioners of the 41 positions, 5 Kikuyu Provisional Commissioners out of the 8 Provisional Commissioners and 13 permanent Secretaries out of the 19 available. The Kikuyu who accounted for 20.8% of the population claimed between 28.6 % and 31.6 % of the cabinet seats while the Kalenjin accounting for 11.5% of the population held between 4.8% and 9.6%. With Moi's arrival, most of this post fell to favour the Kalejin (Wrong, 2009; Amutabi, 2009).

Since land had been used as an instrument of political patronage in Kenya, the post-colonial elites of the KANU era also continually and illegally allocated public land to influential individuals and corporations in return for political support (Kithinji et al, 2016). As Oyugi, (2003) and Anassi (2004) argued, the ruling elites in the post-colonial era in Kenya had become notorious for their unbridled accumulative appetitive exhibited in massive land grab and plunder of public resources. Instead of passing the land to the poor, especially those who had participated in the freedom struggle, the program instead became an instrument of patronage that the ruling elites exploited to reward their favorites. This was confirmed by surveys carried out by the Ethics and Anti-corruption commission which indicated that Ministry of Land and Survey have persistency ranked among the top five most corrupt public institutions in Kenya since independence (EACC, 2013). Gross abuses and misuse were prevalent in the administration and management of public and community land mainly characterized by influence peddling, illegal alienation/excision/ land grabbing and market distortions.

Like most immediate post independent African leaders, Jomo Kenyatta embarked on the vigorous task of building a multi-ethnic country into 'one nation'. However, the nation building project with time took the form of a unitary process which was ethnic based and also centered on a system of patronage of networks linking other groups and elites.

### **The Goldenberg Scandal and the intensification of Corruption in Moi's Regime Kenya; 1978-2002**

Following the death of Jomo Kenyatta, power was transferred to Daniel Arap Moi in 1978. Moi's government made an immediate pronouncement that it will continue with the footsteps of its predecessor and retain investor's confidence. It developed an ideology, called 'nyayoism', which comprised of elements such as Christian morality, developmentalism, nationalism, anti-tribalism, and African socialism. Nyayoism was however often regarded as Moi's attempt to enforce his political idiosyncrasies on Kenya's political arena

(Chweya, 2005). Amutabi (2009) maintained that contrary to its portrayal as an avenue for galvanizing people for development projects, 'nyayo' was a vague ideology, which equated opposition against Moi's rule with 'anti-nyayoism'.

Moi's regime perfected most of the negative practices predominant in the closing years of the Kenyatta era as he centralised power in his person while the party became a center for conflict. The regime continued with the legacy of control in public affairs with no concerted effort by the government to fight corruption. It intensified efforts in centralizing and consolidating power around the presidency by constant amendments of the constitution. The creation of created a one-party state that aided an authoritarian rule and patrimonial patronage continued in the government (Nyong'o 1989; Oyugi, 2003; Oloo, 2008).

Moi's regime also suppressed any opposition to the government. Some members of the academia and media who spoke against the regime were unlawfully arrested and detained (Amutabi, 2009; Wrong, 2009). The effect of the government's authoritarian tendencies led to the state becoming stronger while the civil society and other institutions of government became weaker. Though it was not officially stated, a KANU identity was sometimes essential for promotion in the civil service or access to loans and state resources (Amadi, 2009; Triche, 2013). Like Jomo Kenyatta, appointments in Moi's government also favored his ethnic group the Kalenjin and those who proved loyal to him. Moi's era witnessed an increase in the cabinet post of the Kalenjin from 11.5% to 22 % while the permanent secretaries soared from 4.3% to 34 % (Wrong, 2009). Though it was not officially stated, a KANU identity was sometimes essential for promotion in the civil service or access to loans and state resources (Triche, 2013; Amadi, 2013).

The peak of series of corruption in Kenya was manifested in the Goldenberg scandal which was hatched and executed between the years 1991-1993. The scheme involved Goldenberg International, a company owned by Kamlesh Pattni and former spy Chief James Kanyatou who had proposed to export gold and diamond jewelry and in return receive compensation for the government for earning foreign exchange. The company was reported to have received \$600 million dollars of tax payer's money within three years but did not actually export any gold and diamond jewelry as it fictitiously claimed (Chweya et al, 2005 Kwaka et al 2011; Hornsby, 2012). As common with most corruption cases in Africa, the powerful connections with the state facilitated the Goldenberg scandal. The company exploited the fact that the government was experiencing serious foreign exchange crises from the export sector and combined with increased threats of aid cuts by development partners who were using aid to press Moi's regime for political and economic reform. Possibly, the Goldenberg fraud was also executed because the government of Daniel Arap Moi was desperate for money to finance national elections of 1992 being the first time that the presidency and KANU were being challenged in democratic elections. The Goldenberg was estimated to have cost Kenya more than 105 of its annual GDP and tore through Kenya's political, economic, and social fabric not just during the years the transaction took place but also long afterwards (Martini 2012). Many years of persistent corruption in public ministries, state corporations, banks and financial institutions during Moi's government depressed Kenya's economic performance to the lowest level in history. The business community as well as Kenya's development partners found it increasingly difficult to continue to operate under a hostile economic and political environment (Brown, 2003; Wrong, 2009).

The struggle for political liberalisation, locally by political parties, religious groups and civil society organizations and internationally by the World Bank and the International Monetary Fund, as well as by the government of the United States of America in the late 80's and early 90's began to mount significant pressure upon Moi's government. This was particularly informed by the need to open the political space to competitive politics after several decades of domination by the one-party regime (Oloo and Oyugi, 2002). These struggles placed primacy on people's participation in decision-making, because the government and the ruling party often imposed decisions that promoted parochial and individual political interests rather than the public good (Oloo & Oyugi, 2002; Murunga and Nasong'o 2007; Kanyinga, 2014).

Moi's government gave in to pressure to end one party rule in 1991. The government approved the restoration of multiparty system in 1992 and general elections involving more than one party were held for the first time since elections of 1966 (Oloo, 2001; Oyugi 2003, Murunga and Nasango, 2007). Even after the Multiparty elections were opened up, neo-patrimonialism continued to define elite power in Kenya. President Moi and his ruling KANU did not hesitate to exploit the vices of corruption, ethnicity, and violence to survive in the new dispensation of competitive politics. Consequently, Kenya began witnessing massive bribery and rigging by politicians especially those from the ruling party in their desperation to canvass for votes. In addition, the country witnessed cycles of election-year ethnic violence especially in the cosmopolitan Rift Valley and Coast regions, which was incited mostly by politicians in the ruling party as they attempted to cleanse what they

considered as their fiefdoms of those from opposing groups (Muranga and Nasongo, 2007; Kwatamba, 2008; Amutabi, 2009; Triche, 2013; Kithinji et al, 2016).

Alliances during the new multi-party system was built round elite consensus rather than democratic principles since the government did not embark on constitutional and economic reforms that will enhance freedom of information and a vibrant civil society. The political parties were also not driven by ideology but represented individual greed and elite personal ambition masked as popular wills of members of the ethnic groups (Oyugi, 2003; Oloo 2007; Hornsby 2012). The government also clamped down on protest and marches using its courts and Parliamentary General Service Unit to arrest those who were opposed to it often on false charges. This consequently escalated to ethnic suspicion and clashes among Kenyans. The predominant Kikuyu community which were at the fore front of opposition were the major targets of state sponsored oppression and ethnic clashes (Oyugi, 2003; Kwatamba, 2008; Wrong, 2009).

Violent clashes erupted from the 1992 and 1997 multi-party elections with high casualties from members of the Kikuyu ethnic group, and others such as the Luhya, Luo and Kisii. President Moi was quick to blame the violence that accompanied political competition on the results of multiparty politics, he had warned against (Kwatamba, 2008; Amutabi, 2009). According to the Kiliku report of 1992, over 3,000 people were killed in the ethnic violence while thousands were displaced, and since they were outside the areas in which they had registered to vote, their votes were rendered useless. The ethnic cleansing was seen as a pre-emptive move by KANU operatives to disfranchise the Kikuyu and other ethnic groups in the vast Rift Valley province (Wrong, 2009). In the absence of an organized and effective opposition, President Moi, won the elections held in 1992 and 1997. Thus, the country continued to witness continuity of past authoritarian practices, increase in ethnic conflicts and high inflation rates. He retired in 2002 as a result of the constitutional bar that restricted him from contesting for the third term.

### **The Anglo leasing Scandal and the Struggle for Control of State Resources In Mwai Kibaki's Government; 2002-2013**

In 2002, Mwai Kibaki came to power as Kenya's third president after winning the December 2002 general election under the National Rainbow Coalition (NARC) platform. The NARC coalition was an alliance of the Kikuyu, Luhya, Luo, Kamba and Maasai which was formed to contest KANU's forty year's grip on power. NARC had campaigned on a reform platform, promising to fight corruption, promote economic recovery and good governance reforms. Due to this, there was much hope and expectation that the government will end the culture of impunity and corruption in Kenya (Oloo, 2008; Kwaka et al, 2011.)

On assumption to power, the new government implemented some good governance reforms, which included initiating a constitutional fight against corruption by establishing the KACC and setting up a Governance and Ethics Department. However, the government soon abandoned the reform path halfway, after the coalition collapsed due to internal disagreements over power and the distribution of state resources (Gaithi, 2009, Lawson, 2009).

After the collapse, NARC, like the previous governments, began to consolidate power for those in leadership positions. A small group of ethnic elites close to President Mwai Kibaki pulled the government out of the reform agenda by manipulating the political environment and renegeing on some of the promises made before coming to power (Kanyinga, 2004; Lawson, 2009).

The NARC government also manipulated the constitutional review process and came up with a draft that reflected their political interests and aided their desire to secure a hold on power. Thus, the officials that were once eager to fight corruption now relaxed. A Survey by the Kenya National Commission and Transparency International Kenya (2009) revealed that in their first twenty months in office, government officials allegedly spent at least \$12 million (878 million shillings) on luxury cars. The sum of the luxury cars was estimated to have been enough to provide 147, 000 HIV positive Kenyans with anti-retroviral treatments for a year (TI Kenya, 2009).

In 2005, a major corruption scandal known as the Anglo-Leasing procurement scandal which involved the abuse of lease finance and supplies credits to finance security related project came to light. In particular, the scandal exposed the corrupt awarding of contracts for a new passport printing system in which state contracts worth hundreds of millions of dollars were awarded to Anglo Leasing Finance Limited. It was later revealed that Anglo Leasing was not a legal entity. Aside from an address in Liverpool, there was an absence of information about the mysterious company which had so many dealings with the Kenyan government (Gaithi, 2009; Wrong, 2009;

Amutabi, 2009, Kithinji et al 2016). Several members of the new government were allegedly involved in the scandal. A report by former Kenyan whistle blower John Githongo claimed that President Kibaki himself had knowledge of the affair. The report also maintained that the Anglo Leasing Finance was just one of the many ghost entities used to siphon off government funds into non-existent companies through fictional or overpriced services (Wrong, 2009). A few days after the Anglo leasing scandal came to light, a suspicious refund was confirmed by the central Bank. As a result, two cabinet ministers were forced to resign, but were then reappointed. However, no report was given by the government (Wrong 2009; Martini, 2012).

In 2010, around 57 billion Kenyan shillings was allegedly misappropriated in the purchase of property to house Kenya's embassy in Tokyo, Japan by the ministry of foreign affairs. The scandal came into light when Parliament investigations established that the foreign affairs ministry rejected a free house offered to them by the Japanese government. The ministry rather withheld 1.6 billion shillings as allocation for the embassy house and in turn used the money to purchase a house at a much lower value. The minister for foreign affairs Moses Wetang'ula was forced to step aside to allow investigation though no major prosecution was carried out (Transparency International Kenya, 2012; Kenya, Kithinji et al 2016).

Apart from the Anglo leasing scandal, and the Tokyo embassy scandal, a report by the Kenyan Anti-Corruption Commission which investigated 12 contracts during Moi's regime and 6 contracts placed in the Kibaki's era revealed that all of these contracts have similar suspicious features which included the absence of subjection to the normal public procurement processes as laid down by government circulars prior to 2001, on the grounds that, among other reasons, the projects were a matter of national security. The report further revealed that while the Central Bank of Kenya was not consulted about financing terms, financing payments were frequently made in advance of goods and services being supplied and were thus apparently being used to acquire those goods and services from third parties, thereby making the Government the true supplier and financier of the projects (KACC Report, 2010; Kwaka et al 2011).

The Transparency International's Kenya Bribery Index of 2007 taken during Kibaki's regime reported that there was little improvement in the public's perception of corruption over the years. This was because the government of 2002 itself became quickly engulfed in major corruption scandals that watered down the credibility of its commitment to fight corruption and brought donors to suspend aid on some occasions. The unwillingness of Kibaki regime to address the outcome of the above grand scandals indicated the lack of significant political will by the regime to reform Kenya's governance. However, unlike Moi his predecessor who received a relatively healthy government with strong institutional framework in 1978, President, Kibaki, inherited a government that was rife with corruption, poor fiscal management, limited government and private investment, public distrust of the executive, and poor economic growth rate.

The NARC government also got engulfed in factional warfare that was structured around ethnic sentiments. Like his predecessors, President Kibaki also tilted his appointments and cabinet slots towards his ethnic group. This along with the reluctance of the government to honor the NARC's memorandum of understanding created suspicion and a breakup of the NARC coalition (Amutabi, 2009; Wrong, 2009; Martini, 2012). The leaders from other ethnic groups in Kenya including Kibaki's allies like the Meru and Embu started distrusting the coalition government after Mwiraria and Murungaru were sacked. His former allies felt their people were used as the sacrificial lambs following the Anglo-Leasing Scandal. In its quest for survival, the Kibaki regime began to warm up to old KANU members earlier accused of looting the countries resources and causing mayhem and bloodshed (Amutabi, 2009; Martini, 2012). For instance, in 2007, the Kibaki's government appointed Moi as special envoy to Sudan on the basis of his "vast experience and knowledge of African affairs.

The deep ethnic suspicion and party conflicts in Kibaki's regime culminated in the 2007/2008 electoral violence in Kenya which lasted for almost two months. Investigations Report by the Independent Review Commission (IREC) on the elections maintained that there were too many malpractices perpetuated by all contesting parties (IREC Executive Summary, 2008). Following a mediation deal, Kibaki continued as president till 2013 while his main opposition leader, Raila Odinga took a newly created post of a Prime Minister.

The above political twist indicates that just like Kenyatta and Moi regimes, Kibaki's regime confirmed that Kenya's political elite was largely ethnic based and centered on consolidating power instead of driving national unity. The pre-election anti-corruption reform promise never materialized due to the ethnic polarizations that President Kibaki's had failed to stem.

## **The Chicken gate and Other Corruption Scandals in the Jubilee Administration Since 2013**

In 2013, Kenyans participated in an election based on a new 2010 constitution. The new constitution included reforms in the judiciary, creation of lower level county governments, reduction in the powers of the presidency and establishment of independent institutions such as the Independent Election and Boundary Commission (IEBC) (EACC Annual Report, 2014)

Within its first four years, the Jubilee government was also emerged in allegations regarding pilfering of public resources and graft scandals by high ranking state officials. Reports by the Auditor General showed massive loss of public funds that was unaccounted for each year, embezzlement by government cartels and corrupt private officers (TI Kenya, 2017). While addressing a global meeting of business leaders on anti-corruption in Nairobi, President Uhuru Kenyatta himself had to declare corruption a national security threat and ordered companies to sign approved code of conduct to transact business with Government. He stated that:

*Even more than the waste of scarce public money, corruption threatens the trust which is at the heart of what it means to be Kenyan. That is why we are so incensed by it. That is why we must end it" (EACC Report, 2015; The Guardian, 23 November, 2015).*

*According to a study by an international audit firm, KPMG in 2015, Kenya is estimated to be losing more than Ksh500 billion Kenyan shillings or about one tenth of GDP annually from bribery, wasteful spending, tendering fraud and other graft practices.*

In 2014, the Kenyan government floated the Eurobond on the Irish stock to raise money for infrastructural development in Kenya. Allegations of corruption was however mounted on the jubilee administration for not accounting for the Eurobond fund especially in terms of the projects it carried out (Standard Digital, September 7, 2016). The Chicken Gate Scandal was also disclosed when a British Fraud Office handed documents detailing the scandal in which a Printing firm named Smith and Ouzman was accused of bribing Kenyan electoral and examination officials with a sum totaling Sh59 million. The fraud office used the data exchanges between the printers and the Kenyan officials, shipping invoices and local purchases orders used in procurement to demonstrate their case (Herbling, 2014; Kimeu, 2017).

Major scandals of corruption have also been reported in the devolution ministry and health sector amongst others. Fifty-two MPs had also been indicted in a National Youth Scheme corruption scandal. The MP's were contracted by some top political officials in 2013 to build refurbish and equip Huduma centers in 47 counties (Kimeu, 2017). Report from the Parliamentary Accounts Investigation revealed though they got lucrative tenders most of them did shoddy work in constructing and refurbishing of Huduma Centers. Investigations by the Committee also indicated Kenyans could have lost Sh1.5 billion through irregular contracts and inflated supplies prices at the Devolution ministry. The investigations also revealed that some opposition law makers also reaped big from the NYS scandal through the contracts (Daily Nation, September 11, 2015; TI Kenya, 2017). This shows that corruption in Kenya like most parts of Africa cuts across party and ethnic differences. It also confirms the assertion Anassi (2004); Wrong (2009); Kwaka et al (2011); Kithinji et al (2016) that ethnic differences in Kenya are often deepened by the political class in order to propagate their interest.

The manipulation of ethnic division and hate speeches by the political elites to whip sentiments for their political interest is also prevalent in the Jubilee government. This is a further indication that the country is still far from being a nation that is united in its multi-tribal diversity.

An Afro barometer study (2015), across the country reported that 70% of the people think their government was doing a poor job at handling corruption, suggesting greater efforts need to be taken by governments to clean up the public sector and to punish officials for their corrupt actions. Only a third of people (27 %) think that their government was doing either fairly or very well at fighting corruption (Global Corruption Afro Barometer Survey, 2015). The opinion of respondents show that corruption is still perceived very high in Kenya and the present jubilee administration. Nevertheless, one of the reasons corruption thrives is because it is done in silence and in secrecy. Therefore, the mere fact that silence no longer protects corruption is an indication the government could still make progress in the fight against it.

### **Conclusion**

The paper asserted that Kenya's potential for development has been greatly undermined by corruption especially by senior political office holders. Since independence, the political leaders in Kenya like some of their African



counterparts have misused their positions in government to raid the national treasury through corrupt acts that include inflation of contracts, embezzlement and misappropriation of government resources and nepotism.

It noted that the colonial rule in Kenya was a fertile ground for the growth of corruption and neo-patrimonialism because the colonial system encouraged ethnic division and injustice. The paper also established that the dynamics of political corruption in Kenya is not significantly different from other African countries. However, the peculiarity of corruption in Kenya is related to ethnic preferences and contest. Thus, ethnicity is a driving force for corrupt practices and patronage by the different governments that ruled the country. This has left devastating consequences on the development of the country.

In consideration of the above, more concerted efforts should be made to restructure the governance system in Kenya to make it all inclusive and participatory for the different ethnic groups in the country. This will reduce the inclination for political office holders particularly the presidency to pre-occupy themselves with correcting perceived ethnic imbalance that was carried out by previous regimes.

The political system must be sanitized to discourage it from being an avenue for materialism and wealth accumulation. The persistent cases of corruption reported in Kenya indicates that many political office holders lack the strength of character and restraint required to manage public office. A radical ethical orientation and a positive change in the values and ideals in the public realm must be upheld if political corruption and neo-patrimonial practices will reduce in Kenya. Also, prosecution for public officers who are convicted of corrupt practices should be concluded by the anti-corruption bodies in order to serve as a deterrence for others. Institutions that will enhance the fight against corruption must also be strengthened to restrain public officials who resort to illegal means of acquiring wealth.

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