ADMINISTRATIVE AND POLITICAL GRASSROOTS CORRUPTION IN RURAL KENYA: IT TAKES TWO TO TANGO

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"Africa doesn't need strongmen, it needs strong institutions…"

- President Barack Obama (11 July 2009)

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ABSTRACT

This thesis describes public sector corruption in a rural setting of Kenya. It also assesses the effects of civil service wage on reported cases of corruption in the Kenyan public sector. It argues that understanding public sector corruption by primarily focusing on actions of public officials, merely presents half the arena of the practice of corruption in a country like Kenya. Thus, apart from looking at the role of public officials, it is also important to point out contributions being made by service/favor seekers in initiating or completing an act of corruption. By basing its data on a rural setting (Migori district and its surroundings), the thesis implies that knowledge on how corruption is practiced at grassroots may present unit of analysis for understanding cases of grand corruption, that is reported in high places of Kenyan government.

Data for this thesis are presented in three parts: Part one focuses on describing corruption from the perspective of public officials. This part shows how politicians and civil servants co-operate in the embezzlement of funds meant for rural development. Part two looks at how various forms of corruption are practiced by both service/favor seekers and civil servants, and possibilities for such practices to take place. This part argues that both parties are able to initiate corrupt actions, and are therefore both responsible in the creation of favorable environments for corrupt practices. The third part presents data on the role of civil service wage vis-à-vis acts of corruption in the public sector. It finds out that data on the role of wages are inadequate as well as too simplistic to explain the complexity surrounding why civil servants may engage in corruption. Therefore, albeit necessary in explaining some cases of petty corruption, civil service wage is not sufficient in giving structural explanations as to why civil servants practice corruption. This thesis realizes that it is even difficult to find adequate qualitative data to generate empirical concrete discussions on the role of civil service wage in the practice of public sector corruption. The thesis concludes by summarizing key arguments and contributions it makes to corruption research.

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ABBREVIATIONS

BBC	BRITISH BROADCASTING CORPORATION
CEO	CHIEF EXECUTIVE OFFICER
CPI	CORRUPTION PERCEPTION INDEX
CSI	CIVIL SERVANT INFORMANT
DC	DISTRICT COMMISSIONER
DO	DISTRICT OFFICER
EACC	ETHICS AND ANTI-CORRUPTION COMMISSION
IDS	IDENTITY CARDS
IMF	INTERNATIONAL MONETARY FUND
KACC	KENYA ANTI-CORRUPTION COMMISSION
KNBS	KENYA NATIONAL BUREAU OF STATISTICS
KSH	KENYA SHILLINGS
LA	LOCAL AUTHORITY
LASDAP	LOCAL AUTHORITY SERVICE DELIVERY ACTION PLAN
LATF	LOCAL AUTHORITY TRANSFER FUND
MP	MEMBER OF PARLIAMENT
NACCSC	NATIONAL ANTI-CORRUPTION CAMPAIGN STEERING COMMITTEE
NARC	NATIONAL RAINBOW COALITION
NCST	NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY
NGOs	NON –GOVERNMENTAL ORGANIZATIONS
OCS	OFFICER COMMANDING POLICE STATION
OECD	ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
PC	PROVINCIAL COMMISSIONER
PLGO	PROVINCIAL LOCAL GOVERNMENT OFFICER
PSC	PUBLIC SERVICE COMMISSION
PS	PERMANENT SECRETARY
UNCAC	UNITED NATIONS CONVENTION AGAINST CORRUPTION
T.I. KENYA	TRANSPARENCY INTERNATIONAL, KENYA

CHAPTER ONE

The way my stall has only five things, for example, Council tax collector can force you to pay more in tax, like 50 shillings instead of 30 shillings and you only get a receipt reading 20 shillings. The supervisor can also insist that you add more when he finds out that you paid less. But you cannot tell that you already paid more because you might make the collector lose his job. So we just tolerate it. Also I won't pay the extra amount demanded by the supervisor despite my things being taken [confiscated] to council offices where I will have to pay fine to have them back. This is because you may need the collector next time when you have nothing to pay. If you follow a short cut things go very fast despite these shortcuts being dangerous. If he wants 100 shillings, I give 50 shillings, then he gives me a receipt of 20 shillings, we have both gained. The supervisor then looks for the collector and, I don't know what they do. I also know of a relative to one of collectors who is never taxed except during market days by other collectors.

- Story from a vegetable seller at Uriri market, 22.07.2011

1.0.   Introduction

This thesis describes the practice of corruption in a rural setting of Kenya. It also assesses the extent to which civil service wage correlates to corruption in the public sector. With stories such as the above, this thesis contributes to the growing literature on mutual practice of corruption between service/favor-seekers and public officials[1]. It promotes the view that recognizing the role of service/favor-seekers in the practice of public sector corruption may avail an important aspect in designing anti-corruption strategies in a country like Kenya. By describing an internal corruption in the public sector, this thesis also presents detailed insights and analysis of very complex and sensitive issues on corruption reported in the Kenyan public administration (cf. e.g. KACC, 2011).

The writing of this thesis was founded on two main arguments; firstly, knowledge on how corruption is perceived and practiced at the grassroots, is likely to shape how citizens react to its practice in high places of government as well as defining the levels of commitment to its reduction. Secondly, cases of low scale corruption in the rural Kenya are still under-reported

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[1]Herein, a Public official is defined as a person who should perform "any activity in the public interest [as] delegated by [the rule of law on such position in the administration of public affairs]" (OECD, 2008:32). Therefore, public official definition is used here to refer to both civil servants and politicians.

(Kibwana, *et al.*, 1996). As a result, it is said that there is underlying inadequate scientific information on the phenomenon that may partly feed its increased prevalence across the country (cf. e.g. Kibwana, *et al.*, 1996; KACC, 2011).

As a starting point, this thesis adopts the popular definition by Nye (1967:419). Thus herein, corruption is understood as a "behavior which deviates from the formal duties of a public role because of private regarding (personal, close family, private clique), pecuniary or status gain; or violates rules against the exercise of certain types of private regarding influence." These include: "such behavior as bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses)" (ibid).

This chapter covers the following sections: Background Information focusing on the profile of corruption in Kenya; Motivation for the study; Justifications for the study; The Republic of Kenya: An administrative overview; The Study setting; Statement Problem; Objectives of the study, Study questions, Significance of the study and the Overview of study chapters.

1.1.   Background Information: The Profile of Corruption in Kenya

Ufisadi (i.e. corruption) is one of major issues blamed for the failure of widespread developmental projects in Kenya. The phenomenon is said to reside in the public sector and broods in high and low political offices of the government (cf. e.g. Anassi, 2004; Wrong, 2009). No wonder for decades, Kenya has experienced bumpy relationships with major donor governments (cf. John Kirkby & Phil O'Keefe, 2005; Gathii, 1999). To date, this state of affairs in the running of public affairs seem not to change given recent reports on the misuse of donor money, and government funds in Ministries of Education and that of Water and Irrigation, respectively (cf. e.g. BBC, 13.02.2010 '*Kenya officials step down amid corruption inquiries*').

Establishment of anti-corruption institutions as well as circumstances surrounding their disbandment (cf. e.g. Ohito, 2011 'Why new Bill puts high stakes graft cases at risk'), proofs that Kenya is one of the profound victims of corruption in the continent. Both political and

administrative corruption has existed in the Kenyan system of governance for decades (Kibwana, *et al*., 2001; 1996).

Many civil societies in the country and media groups both local and international are credited for their vital role towards exposing corruption scandals in the government and private sector. Civil societies have also been instrumental in the promotion of public awareness on the nature of corruption in the Kenyan society. In this way, there is a huge desire to eradicate corruption among citizens. But, many reports (e.g. TI Kenya Bribery Index, 2008) indicate that the public seems torn between choosing to engage in corruption or to totally refrain from its practice, given proclaimed prominence of corruption in the access to public resources. Thus, despite the positive desire by members of the public to eradicate corruption, it has been reported that acts of corruption are so widespread that it has become part of life of most Kenyans (Kibwana, *et al*., 1996).

For example, on 1st July, 2009, Aljazeera reported that "[l]arge-scale corruption is perpetuated by Kenya's elite, but also by the ordinary Kenyan who has to bribe his or her way through everyday life." Also, in March, 2010, the Financial Times carried a story where the United Kingdom; which is one of the biggest donors to Kenyan's education sector, called off its education funding after £880,000 was reported to have been embezzled by senior officials in the Ministry of Education. But, amidst the said high prevalence of corruption, reports have shown that "Kenya depicted strong macroeconomic environment in 2010 with GDP growth rate accelerating to 5.6% up from 2.6% in 2009" (FSR 2010:8). In addition, the government enjoys credit for taking first essential step of reducing corruption by recognizing it as one of the major development problems in the country. The enactment of Economic Crimes Act, 2003 and the establishment of Anti-Corruption bureau such as Ethics and Anti-Corruption Commission (EACC) are some of the most praised legal steps by the government towards curbing corruption. However, whilst governments of the day have promised commitments to eradicating corruption, their efforts are said to be insignificant towards curbing practices of corruption in the public sector. Even the culprits of major cases of corruption are said to still wonder freely as if such cases never existed in the first place.

For instance, perpetrators of corruption scandals like Anglo-Leasing in 2004 have not been successfully tried in the courts of law. Punishing such perpetrators has instead turned to be

so politically challenging that the government has dared not to undertake; lest it lose political support from perpetrators' political backyard or tribes (cf. Wrong, 2009). In this way, there seem to be an underlying lack of political will compounded by weak institutional capacity towards reduction of corruption in the country. However, as scholars like Gathii, (1999) assert, the seemingly lack of political will towards reducing corruption (Kibwana, et al., 2001), may be because Kenya's anti-corruption measures partly stem from the pressure by donor countries like England and Norway, among others. For example, it has become a common knowledge that until recently, Kenya has not been receiving foreign aid from countries like Britain as well as Norway due to claims of bad governance, and high levels of corruption in the government involving millions of dollars (cf. Kibwana, et al., 1996; Wrong, 2009). Therefore, foreign pressure and seemingly lack of commitment from the government, have presented a complex situation and dilemma vis-à-vis the existing institutional capacity. However, internal actors like the Executive and the Parliament have played significant roles in determining prevalence levels of corruption as well as effectiveness of anti-corruption laws in the country.

The above state of affairs of corruption in Kenya is said to be just a simple summary of a complex and contested phenomenon; deeply rooted in the socio-economic and political structures as well as in the history of the country. Cases of corruption that are leaked to the public by the media are often regarded as merely touching on top of an iceberg. Therefore, amidst efforts by the government to reduce corruption, the practice is still said to have increased in the scope of actors and the money involved (Kibwana, et al., 1996). In fact, most "Kenyans [have become] so used to hearing of corruption in high places that a new revelation amounts to just – another new revelation" (The People, 23rd May, 1993 in Kibwana, *et al*, 1996:43).

1.2.   Motivation for the Study

When I presented an interest to conduct a study on corruption in Kenya, especially, to those living in the West, their immediate concerns were; *isn't it very dangerous for you? Can't you get arrested? Will you be given any permit to conduct such a study? And will you really get any information?* Such fears may have been based on several issues. The first reason may have been related to the inadequate knowledge on the Kenyan setting. The second may have been grounded on the knowledge concerning governments' reactions towards efforts of exposing corruption in

the recent past: Those who publicly stood against corruption in high places of government or tended to publish their work on the topic, were harassed and sometimes regarded as enemies of the state (cf. e.g. Kibwana, et al., 1996). Such individuals could as well be either exiled or their writings could be banned from public consumption. For instance, Wrong (2009) has until recently suffered the same fate from the Kenyan government. Thus, readers with such background information might not only pose prying interests and skepticism on how data for this thesis were accessed, but also wonder what pushed an investigator to venture into the perceived 'dangerous environment' for research.

The third reason may have stemmed from the ambiguity surrounding data on corruption. For example, scholars like McMullen (1961:183) have even asserted that; "corruption is not a subject that can be investigated openly by means of questionnaires and interviews. Even if it were, in principle, possible to quantify the phenomenon, there would be no practical possibility." Whilst studies like that by Wade (1982), and Smith (2007) have over time pacified stances like that by McMullen, there is still an underlying skepticism when it comes to accessibility of valid data on corruption (cf. Andvig and Fjeldstad, 2001; Jos, 1993; Lancaster and Montinola, 2001).

Otherwise, an initiative to study corruption in the Kenyan public sector emerged a few years ago when I was posted to Migori district as a volunteer in one of the public offices; (for purposes of confidentiality the office in question is not mentioned). Due to the inadequate staff in the particular department, volunteers had to perform quite a number of unexpected tasks on behalf of the head of the department. It was then that I met Mr. Owiti (pseudo name) who was the oldest volunteer in the department. He had worked under three departmental heads and was not very pleased with the one who was in charge then. Mr. Owiti's grievance and lack of admiration for our boss was because the latter *ate alone* (he did not share extra funds with us). In his description, the head of the department *slept on* (took) everything and could not give 'something small' (share the portion) to those of us who really helped him to cope with the backlog of work that was usually on his desk.

He said that previous heads of the department were very 'big hearted', and were not that 'greedy'. This is because they remembered him when there was *something fat* (money) that they could use to make their 'mouths sparkle' or 'kill hunger' (to use for personal interest, especially, for lunch). In our study setting, the expressions *make the mouth sparkle* or *kill hunger* are

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directly translated from Dholuo words (the language spoken by the Luo of Western Kenya) of *lenyo dhok* or *nego kech* sometimes used to mean having or in need of something to eat.

Mr. Owiti could bitterly tell me how the head of the department and the secretary shared everything between them, and they just instead '*cunningly sang*' his names when they saw him (i.e. praising his efforts with an intention of diverting his attention elsewhere). This according to Owiti was our boss and his secretary's strategy to drive away their guilt for not *eating*[2] with him. Under the previous heads of the department, he could not be left in the '*cold*' as it was then. He could even have a share of up to Ksh. 5000 (approximately NOK 500) or less for the rent or for running other errands.

As I later came to learn, the money that was secretly being 'eaten' by the head of the department and the secretary were from either the inflated departmental budget or from the remaining funds after hosting stakeholders' seminars. The head of the department could apply for an inflated amount of funds for the seminar and keep the rest. He could also underuse workshop funds and keep the rest for personal use. The secretary had to benefit in this arrangement because she handled almost all the paper work before and after such seminars. It was in one of such circumstances that Mr. Owiti got to know of these funds and *worked his ways* to have a share with the previous heads. But, as he could say, this time round he was not that lucky and he was always '*left in the dark.*'

With such experiences, one might be tempted to wonder or try to understand how public officials really carry out corrupt practices at the grassroots. An investigator may also try to either question what lies behind such acts or investigate how actors interact in the practice of public sector corruption. Some may again pose an interest in knowing forms of corruption in the public sector of such settings. Hence, it is the partial obligation of this thesis to try to clarify some of these issues with the case of public sector in Migori district.

1.3.   Justifications for the Study

Transparency International's Corruption Perception Index, 2010(T.I. CPI), places Kenya in 154th position out of 183 countries as one of the most corrupt states in the world. On 9th December, 2010, the British Broadcasting Corporation's (BBC) also reported that "[t]he Kenyan

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[2] In Kenya the term *eating* is usually used to describe an illegal act of using public funds for personal interest.

government has said it could be losing nearly one-third of the national budget to corruption. Finance ministry officials told a parliamentary committee the losses could be nearly $4bn (£2.5bn) a year." In addition, the government reported in 2010 Economic Report that corruption is one of the major barriers towards economic development in the country. Therefore, research on corruption is necessary in understanding how it occurs and its role in development processes.

1.4.   The Republic of Kenya: An Administrative Overview

Kenya is located in East Africa. It was created by the British colonial government and gained its independence in 1963. Therefore, its institutional history and organization can be directly traced to the colonial structures of governance. However, most of these institutional structures have since independence seen radical modifications and reforms.

With a fast growing population of approximately 38 million (cf. KNBS, 2009), Kenya is administratively divided into eight provinces with Nairobi as its capital. These provinces are headed by the Provincial Commissioners (PCs) appointed by the president and directly under the supervision of the Office of the President. Provinces are further divided into Districts (under the District Commissioners – DCs). Each district is divided into divisions under the District Officers (DOs). Divisions are also divided into Locations and sub Locations, respectively. Locations and sub locations are respectively headed by Chiefs and Assistant Chiefs. Chiefs in this arrangement are the closest to the people at the grassroots and are therefore the most accessible public officials by members of the public. All disputes at the grassroots are first and foremost handled by chiefs before such disputes or issues are taken over by respective public offices.

However, with the newly adopted constitution under implementation, these administrative units as well as positions attached to them are projected to radically change by the end of 2012. This is to pave way for 47 semi-autonomous counties headed by electable Governors in place of the current 8 provinces. Even though these changes are in place by the time of writing this thesis, the provincial system is still operating. Kenya is also a multi-lingual and multicultural society of approximately 42 ethnic groups each with their own language, and cultural practices. Though, Kiswahili and English are largely spoken as the national and official languages, respectively. The key economic backbone of Kenya is agriculture and tourism sectors.

1.5. The Study Setting: Migori District

To some readers the term rural setting may likely to send an impression that in our study setting everybody is familiar with everyone (i.e. almost all people know each other). But this is not the case here. In fact, even public officials are not so familiar to each other that one may tell where one lives or in which particular department one is attached to. In other words, in as much as people can easily relate to each other, our setting is as diverse in terms of religion, and tribes like elsewhere in the country. Therefore, people relate mostly to only those in their networks, and what one may say or do is not enough to identify specific individuals.

Data for this thesis were collected in Migori District and its surrounding. Migori district is located in the southern part of Nyanza province near Kenya –Tanzania border. According to Kenya National Bureau of Statistics, it covers an area of approximately 2,005 km² with a population of 514,897 (KNBS, 1999). However, these statistics may have shifted after Migori district got divided into three other districts: Nyatike, Rongo and Uriri. A study for this thesis was conducted in the current location of Migori district. Economic activities in Migori and surrounding areas are mainly agriculture and small scale businesses. Sugar cane and tobacco are also grown for commercial purposes. The population of Migori is predominately the Luo ethnic group of western Kenya. Migori district is one of the poorest areas in the country despite not being among those areas with lowest economic potentials.

As a study setting, Migori district was selected for two reasons: First was based on the already established contacts in the public sector prior to the fieldwork for this thesis. These earlier contacts made it easy to access civil servants as well as creating trust/rapport between the researcher and public officials. The second reason was based on the understanding of the local language and culture. These reasons, in the view of Taylor (1985), provided me with an ethnocentric comparative advantage that could have not been enjoyed by a foreign researcher in the district.

1.6. The Problem Statement

It is not a secret that despite many efforts to curtail spread of corruption in Kenya, there are still high perceptions of increased corruption in public and private sectors alike (cf. e.g. KACC,

2010). "Grand scale corruption and looting in particular take place within a fairly complex network of individuals and groups with access to enormous wealth, power and influence in both the public and private sector"(Gathii, 1999:408). This arrangement is said to consolidate power and wealth in hands of a few at the detriment of the larger population. The nature of corruption in Kenya, like it is reported in some African states, is said to reside within state apparatus that essentially determine distribution of public resources and dissemination of power in the society (cf. e.g. Mbaku, 2000).

As shown in Wrong (2009), the issue of corruption has been for a long time part of Kenya's political processes. The National Rainbow Coalition (NARC) government of 2002 to 2007 was for example, voted to power on the platform of zero-tolerance to corruption. However, the anti-corruption bureau that followed NARC's occupation of power in 2003: Kenya Anti-Corruption Commission (KACC) was until its abolishment in 2011 referred to as 'a toothless bulldog' that merely barked about corruption with no practical actions.

Prominent studies on Kenyan corruption like Kibwana *et al*., (1996; 2001) and Justice (2002) also imply that existing public institutions are weak and are as vulnerable to corruption as public officials themselves. For example, essential institutions such as the Judiciary are one of the most corrupt after the Police, Nairobi City Council and Ministry of Defense (TI Kenya, The East African Bribery Index, 2009). Kibwana, *et al*., (1996) observes that; the on-going efforts of reducing corruption in Kenya are ineffective because these efforts have been left to some of the most corrupt institutions in the country (i.e. the Executive and the Parliament) (cf. also Menya, W. 26.12. 2011 '*MPs lack will to end graft, says Mutula*').

A case in point revolves around the ineffectiveness of KACC that was contributed to adamancy by the government towards calls by experts and civil societies to give execution powers to the anti-corruption bureau. Moreover, in the history of the said '*war against corruption*' in Kenya, more has been seen in terms of renaming anti-corruption bureau[3] than execution of perpetrators of major cases of corruption in the country. In fact, some of the said perpetrators of scandals such as Goldberg in 1990-993 and Anglo-Leasing in 2004 are, by the

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[3] That is, from Kenya Anti-Corruption Authority in 1997-2003; Kenya Anti-Corruption Commission in 2003-2011, to the current Ethics and Anti-Corruption Commission: 2012 - .

time of writing this thesis, still serving as either members of the cabinet or as Members of Parliament (MPs).

At the same time, if one is to look out for the literature on Kenyan corruption there is a lot of talk about the above status of corruption than on how the phenomenon is really being experienced at the lower levels of the government. It other words, there is a tendency by a bigger section of corruption literature to focus more on grand corruption vis-à-vis tribal political leadership (e.g. Wrong, 2009; Wamwere, 2003), than on how corruption is practiced at lower levels of the government (cf. Justice, 2002). According to these literature, corruption stems from the centralized system of governance, absolute powers embedded in the executive since independence (cf. Gathii, 1999), and the quality of political leadership in the country (cf. Wamwere, 2003; Wrong, 2009). Other causal factors have been said to include; low salaries to civil servants, tribal animosity, and nepotism among other factors (Kibwana, *et al*., 1996).

In addition, most reports and surveys like, KACC, (2009/2010) and Transparency International, Kenya; (TI Kenya Bribery index series) are largely preoccupied with petty corruption in urban areas as compared to such cases in the populous rural parts of Kenya. Consequently, knowledge on rural corruption, how it is perceived and practiced in rural settings are rarely investigated as well as less mentioned. Due to this, this thesis seeks to fill this gap by looking into how corruption is perceived and practiced in a rural setting of Kenya.

Moreover, the tendency by bigger part of corruption literature to focus more on the causes and consequences of corruption than on how the phenomenon is practiced (Pavarala, 1996), also shapes the position of this thesis. Furthermore, the fact that prominent literature on Kenyan corruption is somehow dominated by policy oriented donor sponsored documents and research papers; there seem to be more general other than specific information on the state of corruption in the country. That is, these reports do not understand corruption "in the context of everyday instances of patronage as they occur in networks of kin, community, and interpersonal association" (Smith, 2001:344). These abstract donors' policy focused documents and research reports (cf. OECD, 2008; De Maria, 2007) have also seemed to succumb into emphasizing the intensity and gravity of corruption in countries like Kenya; so much that other important aspects of   corruption   tend   to   be   overlooked.

I argue that this donor approach misleads the fight against corruption in countries like

Kenya. This is because it tends to simplify a diverse phenomenon deeply rooted in the socio-economic and political history of the country (cf. Blundo and Oliver de Sardan, 2006). In other words, this thesis capitalizes on the observation that; in as much "as corruption in Africa is both conspicuous and generalised, it has to be studied from the viewpoint of the participants" (Oliver de Sardan, 1999:25), and within a specific context (Jos, 1993; Smith, 2001; Andvig and Fjeldstad, 2001). Therefore, the thesis seeks to describe the practice of corruption and assess the role of civil service wage in a specific context of public administration in Kenya from socio-economic, political and institutional perspectives.

Thus, this thesis in its own capacity, throws its weight behind efforts of resolving issues that make understanding and reduction of corruption difficult in Kenya. It promotes a view that knowledge on low scale corruption is as essential as understanding grand corruption in the government. This is because prevalence of both forms of corruption in Kenya partly stems from the fact that petty and grand corruption tend to feed each other in public administration (cf. Wrong, 2009; Wamwere, 2003). That is, how corruption is perceived and practiced at lower levels may shape the nature of collective reaction (levels of tolerance, condemnation or even both) towards grand corruption as well as commitments towards its reduction and the reverse may be true. However, this does not mean that I am neglecting reports that show that low scale corruption also directly affects and involves the majority of citizens in the country.

In this way, we must understand the bottom-up aspects of corruption in Kenya (know how low scale corruption takes place) as it has been done with top-down aspects of corruption in both official and media reports. The thesis' socio-economic, political and institutional framework (a triangulation of corruption theories and perspectives) treats corruption as a consequence of some inherent institutional and social-economic as well as political structures that must be redesigned if corruption is to be reduced in Kenya. That is, like in any society in the world, corruption in Kenya "develops and exists within the context of established governance and social frameworks (Langseth in Sampford, et al., 2006:9).

1.7.   Study Questions

The fieldwork carried out for this thesis investigated and answered the following questions:
I.   How does corruption take place at the local level of public administration?

II.   What are the possible enabling environments for corruption to take place?

1.8.   Significance of the Study

This thesis significantly contributes to the already growing literature on how corruption takes place in public sectors of emerging economies in Asia and Africa. It also contributes to the growing debate on effects of civil service wage on public sector corruption in a country like Kenya, as discussed in, for example, Tanzi, (1998) and Fjeldstad (2005;2002), in relation to the phenomenon corruption in the south. Its focus on the two way practice of corruption in the public sector also contributes to the growing research on the briber-bribee relationship.

1.9.   Overview of the Chapters

The thesis is organized into seven chapters. Chapter two covers the conceptual framework where applicable theories and forms of corruption are discussed. Chapter three covers methodology of the study discussing the nature of study, study strategies, data collection techniques and timing, the study setting, variables of the study, data collection sites and informants, data analysis, ethical considerations, and limitations of the study. Chapter four describes corruption in the LA from the perspective of public officials. Chapter five looks at how forms of corruption are practiced by actors and possibilities of such practices. Chapter six locates the correlation between civil service wage and corruption. The last chapter makes a recap of issues discussed and contributions of the thesis to corruption research.

CHAPTER TWO:
CONCEPTUAL FRAMEWORK

2.0. Introduction

This chapter presents conceptual framework of corruption for the thesis: That is, a socio-economic, political and institutional perspectives of corruption. Thus, it focuses on discussing theories of corruption, some common forms of corruption, operationalization elements, and some types of corruption as seen in corruption research. In overall, the chapter presents some analytical lenses that broadly inform presentation and analysis of the thesis' study findings.

2.1.   Theories of Corruption

2.1.1. Economists' Perspective

Classical theories of corruption are "dominated by economic treatments that focus on identifying structures of incentives that make corruption likely and assessing the impact of corruption on economic efficiency" (Granovetter, 2004:152). The most dominant of such theories is that of the principal-agent relationship(or incentive theory) that point to the existence of a superior principal who supervises an agent carrying out delegations and directives that should serve the interests of the principal.

In this principal-agent relationship, corruption arises when an agent (junior civil servant); who has advantage over access to critical administrative information more than the principal (senior civil servants and government auditors), ostensibly goes against the wishes of the principal to solicit extra payoffs of which s/he never forwards to the principal (Rose-Ackerman, 1978; Granovetter, 2004). Thus, the relationship is primarily "defined by how incentives are arranged, and the actors are otherwise indistinguishable or representative individuals" (ibid). That is, positions of a principal or that of an agent may shift depending on the researcher's point of focus or area of analysis. In that case, an agent can be either senior government officials or other public officials, whereas the principal can be voters or the government.

Proponents of agency theory point out that; an agent's actions of accepting or keeping an extra fee (in case of bribery) for personal use may not interfere with the principal's interest. In fact, such illegal or unspecified payoffs may promote efficient achievement of principal's interests (Aidt, 2003; Rose-Ackerman, 1978). However, principal's inadequate access to crucial information is likely to threaten his/her interests. And to guard against this, the principal may be presented with three options in ensuring that an agent executes only those assignments that may fulfill his/her interests. These are; giving incentives (negative or positive), directives and persuasion to save on monitoring and supervision costs (Groenendijk 1997).

However, an agent can either compromise or camouflage to beat the principal's monitoring system. S/he may also opt to refuse to carry out the principal's directives without necessarily compromising either her/his or principal's interests. This means that an agent may still gain by taking advantage of positive incentives or rewards (e.g. increased allowances and salaries) initiated by the principal but incur the diversion and concealment costs (Groenendijk, 1997). Therefore, the principal's ignorance places him/her in a vulnerable position at the advantage of a corrupt agent. This is very likely if public institutions are too weak to enable effective control measures for monitoring agents' conduct by the principal (cf. Mbaku, 2007).

On the other hand, Rose-Ackerman (1978) points out that; agency theory tends to focus largely on the organizational relationship between the agent and the principal leaving out the third party (e.g. service/favor-seeker); who (through unspecified payments) may influence an agent's judgment or decisions to act in ways that may benefit the third party. In essence, agency theory in its original form can be applicable in analyzing specific forms of corruption (e.g. fraud, kickbacks, and favouritism) that can be primarily executed by an agent alone. Therefore, it ignores the functionality of other informal payoffs, as well as showing how such payoffs affect delivery of public services.

Thus, Rose-Ackerman's third party may be essential in understanding other aspects of public sector corruption that are outside principal-agent relationship. In another publication Rose-Ackerman (1999) also adds that; widespread "bribery may indicate that society has structured the agency relationship inefficiently [which may mean weak institutional organization]. If customers [who I see in this thesis as service/favor seekers] commonly bribe

agents [public officials], perhaps it would be more efficient to have customers hire the agents to deal with their old principals [senior public officials]" (Rose-Ackerman, 1999:94).

However, the problem with Rose-Ackerman (1978)'s analysis stems from defining all informal payoffs not forwarded to the principal, as corrupt. Whilst such payoffs are by legal standards illegal, and may as well contradict principles guarding or outlining how the public sector should work. They do not address the contextual legitimacy or informal values that may be attached to informal payoffs or even undo their symbolic relevance to actors (Granovetter, 2004). In addition, incentives theory assumes an existence of a benevolent principal which in practice may not be the case. According to Aidt (2003), there are possibilities that the principal (whether as a citizen or as a senior public official) may be corrupt. We may as well have a corrupt principal and uncorrupt agent or corrupt agent, a non-corrupt principal and non/corrupt third party.

Corruption literature and studies like Wrong, (2009) and Wade, (1982) shows; that in situations where the principal (senior public officials) are corrupt, agents (junior public officials) or the third party (service seekers) may be forced to follow suit lest they lose their positions or fail to access essential public resources. If that happens, we may experience a cycle of corruption running from top to down and vice-versa. Consequently, as observed by, for example, Lewal, (2007) and, Brinkerhoff and Goldsmith (2002); in such situations, there is high likelihood that acts of corruption become so widespread that they tend to be regarded as normal channels for accessing public resources by the majority in the society. Mauro (1998) for instance also tries to explain such situations by posing that if;

> You live in a society where everybody steals. Do you choose to steal? The probability that you will be caught is low … and, even if you are caught, the chances of your being punished severely for a crime so common are low. Therefore you too steal. By contrast, if you live in a society where theft is rare, the chances of your being caught and punished are high, so you choose not to steal (p., 12).

In this way engagement into corruption becomes a matter of rational choice on the side of actors. But, even though an observation like that by Mauro tends to be logical, it oversimplifies the practice of corruption and factors behind its prevalence. Firstly, Mauro's economic perspective treats corruption as a mere act of stealing, ignoring some other aspects related to the concept and

complexity of its practice. Secondly, there is no society where everybody steals. His statement, therefore, indicates a prejudiced way of viewing corruption in societies where it highly prevails. He should have instead emphasized the significance of factors such as institutional capacity or other variables related to socio-economic and political structures of a given society.

Nonetheless, Economists' principal-agent relatioship has been essential in understanding institutional incentives of public sector corruption. But, as Sociologists like Granovetter, poses; whilst analyzing corruption within economic frameworks like incentives theory may be necessary, "in practice they undermine outcomes because they abstract away from the social aspects [that] require analysis of social, cultural, and historical elements" (ibid; also cf. Rose Ackerman, 1978). Therefore, to capture various aspects of corruption, a researcher needs to bring on board other theoretical perspectives that looks beyond principal-agent relationship.

2.1.2. Moralists versus Functionalists' Perspectives

Moralists (or sands the wheel theorists) see corruption as "an immoral and unethical phenomenon that contains a set of moral aberrations from moral standards of society, causing loss of respect for and confidence in duly constituted authority" (Gould, 1991:468; cited by Mohammad Mohabbat Khan (n.d.) in a paper prepared for TI. Bangladesh). According to Montinola and Jackman, (2002:148) moralists also assert that corruption "stems from the social norms that emphasize gift-giving and loyalty to family or clan, rather than the rule of law." Thus, corruption as an immoral practice is harmful to socio-economic and political development of any society (cf. Mauro, 1995). That is, by its functionality it creates inequality in the distribution of public resources in the society at the advantage of a few unscrupulous elites (Rose-Ackerman, 1978).

Even though measuring levels of morality or harmfulness of corruption is not the intention of this thesis, moralists view is worth mentioning because it is unlikely that this thesis may avoid looking into such elements. In particular, concerning a phenomenon where main concerns in have been focused towards its impacts on socio-economic and political development of societies in the south. But, among other reasons that will be seen in the methodology chapter, moralists' definition like that by Nye (1967) was primarily chosen for this thesis based on its recognition of pecuniary and non-pecuniary aspects of corruption.

Nevertheless, moralists' demonization of corruption (or donor approach, as I call it), is likely to be exaggerative even when investigating consequences of corruption in emerging economies. This is because they tend to treat corruption as an independent variable just like weak institutions and social, economic and political structures of the society. Whereas, at the same time, some of these moralists (e.g. Rose-Ackerman, 1999; Mbaku, 2000; Tanzi, 1998) subscribe to the view that corruption is a product of some underlying socio-economic and political structures in a given society.

I hold the view that; approaches that primarily view corruption largely as a problem may mislead the fight against corruption in a country like Kenya. That is, such approaches are likely to draw more attention and resources (that are otherwise limited) towards fighting corruption than to emphasize efforts towards eradicating favorable conditions for corruption in the society. Causality is a so complex matter that we cannot just assign resources and manpower basing on the view that factor X causes condition Y in situations where factor X per se, is even contestable (cf. Yin, 2009; Heidenheimer and Johnston, 2002). The fight against corruption is also costly (Aidt, 2003) and due to the limited resources, the government should instead be pushed to effectively bolster institutions like the judiciary, police and employment agencies such as Kenya's Public Service Commission. It is also dangerous to base our understanding of corruption on the dichotomy of morality and immorality. This is because; morality definitions tend to blame or overlook the legitimacy of social practices. Morality based definitions are somehow problematic since Anthropologists like Blundo and Oliver de Sardan (2006) questions the boundary between morality and immorality of corruption amidst its contested content that vary from place to place.

Thus, in as much as corruption at some levels can be harmful to development of a given society (Mauro, 1995), we should be cautious to avoid jumping into conclusions regarding the gravity of corruption or even draw the morality scale of its nature. It may be better to first understand how corruption takes place and how it is perceived before we can blame public policy failures or inefficient delivery of public services on corruption (cf. Pavarala, 1996). No wonder the formulation of Black, Grey and White concepts of corruption (cf. e.g. Philip, 1997 for details on these definitional approaches).

Functionalists or grease the wheels theorists, contradicts the above moralistic view of corruption, and instead look at the role of corruption in creating efficiency in the distribution of public resources. They say that; corruption can be necessary in some circumstances, especially, in situations where public institutions do not function as they are supposed to (cf. e.g. Khan, 1996). In the words of Johnston (1986:459), functionalists "point to possible benefits of corruption, suggesting that it can speed up cumbersome procedures, buy political access for the excluded, and perhaps even produce de facto policies more effective than those emerging from legitimate channels." Thus, functionalists base their analysis of corruption on the effectiveness of existing institutional structures or political system.

They look at institutional capacity in ensuring indiscriminative distribution of public resources and efficient delivery of public services. Functionalists do not, however, disagree that weak institutions are prone to acts of corruption (Fjeldstad, 2005, Tanzi, 1998). They merely tend to say that, corruption is not as dangerous as moralists say it is. Therefore, they instead assert that corruption greases wheels of an inefficient bureaucracy (Khan, 1998; 1996). Even though moralists' view has tended to carry the day in the standoff concerning consequences of corruption, but empirically speaking, the contestation between moralists and functionalist seems to be a little settled. This is because scholars like Heidenheimer and Johnston (2002), observe that consequences of corruption are not easy to ascertain because other factors may lead to a similar situation or a policy failure as corruption is said to do.

Even students of Public Policy assert that policy implementation is in itself ambiguous as well as complex (cf. e.g., Hill and Hupe, 2009). Therefore, it might be unwise to judge the failure or successfulness of a specific policy or service delivery mechanisms on a single factor like corruption. With such awareness, blaming ineffective public sector on corruption as moralists tend to may be misleading. Probably, moralists tend to overlook institutional organization, and other environmental factors (e.g. informal networks), because; there are evidences that it is primarily upon environmental/contextual factors that public sectors in the south practically function (cf. Jamil, 2007; Hyden, 2006).

Unlike Rose-Ackerman (1978)'s view, functionalists' theory should not be easily trashed as being too simplistic to understand corruption. After all, there seems to be an inter-disciplinary consensus that corruption is endogenous to existing socio-political and economic structures of a

given society. Moreover, studying corruption involves a study of social structures, economic organization and political systems of a particular society (Pavarala, 1996; Ruud, 2000). This observation justifies this thesis' position of viewing corruption as a dependent variable, and as a consequence of socio-economic and political structures of in the society.

However, even though functionalists approach is necessary, it is criticized for neglecting "the political significance of deviance and lack any consideration of power, interest and social structure... and at the same time the whole question of the origins of corruption is not considered" (ibid). In other words, awareness on possible interactions between values, norms, power-relations, nature of institutions, and political system, may influence collective perceptions and/or motivation towards acts of corruption in a country with diverse societal settings like Kenya (cf. e.g. Granovetter 2004). Therefore, a researcher should try to locate corruption within such interactions so as to unravel various aspects of its practice in the public sector. As shown in the data chapters of this thesis, this involves bridging perceptions of various actors in the study setting.

2.1.3. Patronage/Clientelism (Patron-Client Relationship)

Patronage or clientelism is another popular theory used in analyzing corruption in the south. Primarily used by Political Scientist and some Economists to analyze power, political systems, institutions and role of state in the emerging economies, this theory analyzes corruption by looking at the institutional structures and the nature of a political system in place. Accordingly, it follows a patron-client relationship which emphasizes existence of active informal networks that tend to overshadow functionality of public institutions and systems in place (Hyden, 2006; Fjeldstad, 2009).

Thus, how public resources are distributed in the society is primarily determined by the informal interactions based on mutual material gain (Brinkerhoff and Goldsmith 2002). According to Amundsen, (1999:9);

> These clientelist "networks of reciprocities" or "nets of interaction" are used by patrons at different levels to build support through the extraction and distribution of wealth and prestige, constructing a pyramid of social differentiation …. Villagers for instance relate as clients to landowners...local administrators and others taking the roles of patronising middlemen.

In other words, the patron's networks run from the top to down in the grassroots (Heidenheimer and Johnston, 2002). The patron (e.g. a politician or a civil servant) gives resources or creates opportunities (money, jobs) to clients (e.g. villagers) in return for their support and cooperation (votes, attendance at rallies etc.) (cf. Khan, 1998). In this way, the network extends further to create various sites of patrons, sub-patrons, clients and brokers or middlemen (cf. e.g. Amundsen, 1999). Personalized exchanges or transactions and rewards are promoted within these networks. In addition, the nature or type of these exchanges can be influenced by status and power of the patron that may also "vary across a broad range" (Khan, 1998:23).

As shown by Amundsen, (1999) and Brinkerhoff and Goldsmith (2002), whereas this approach has been commonly used in analyzing grand corruption in the south studies like that by Wade (1982), proofs the active presence of patron-client networks at the grassroots. Wade, (1982) unveils a system where villagers placate irrigation officials with grain gifts in return for water to irrigate of their paddy (rice) farms. Whilst pointing out the role of informal networks in how public administration is carried out, this approach does not explain the origin of patron-client relationship and why it actively dominates over formal structures of government. It also ignores the existence of other incentives outside patron/client relationship that may motivate public officials to practice corruption. For example, the theory fails to recognize issues like; civil service wage and the possibility that formal institutions, if appropriately organized, can censure discriminative practices in resource distribution that comes with patronage/clientelism.

Another theoretical argument that tends to replicate patronage is provided by African Sociologists like Ekeh, (1975) and scholars like Agbakoba (2007). Ekeh's statement propounds that there exist two publics in African societies. That is, primordial public (informal values and norms) and civic public (Western-like bureaucracy). These publics co-exist in public administration and function with varying effectiveness in the public sector. As Ekeh says, the primordial public is more influential than the civic public on how public officials conduct themselves, and the way public resources are distributed in the society. Therefore, corruption arises "from the amorality of the civic public and the legitimation of the need to seize largesse from the civic public in order to benefit the [moral] primordial public [responsibilities]" (p.110). The *need to seize largesse* is compounded by the fact that modern African states have no well-established welfare systems. As a result, there exist high pressure towards enhancing the welfare

of extended relatives (drawn from one's clan, kinsmen and tribe). "The traditional extended family and lineage group [operate] as a social welfare system to a large extent. The rich and more successful [are] expected to share their wealth with poorer relatives; in return he gain[s] solidarity, security, protection and services that poor relatives can render …" (Agbakoba 2007:10).

A case in point is provided by Fjeldstad (2005)'s study of the Uganda Revenue Authority. Fjeldstad observes that a non-corrupt tax administrator in the Uganda Revenue Authority is regarded by his community as not only foolish but also selfish. On contrary, a corrupt revenue official is seen as a hero by the community as long as his society gains from his corrupt dealings. Oliver de Sardan (1999:34) gives clear explanation to this when states that;

> …practices that come under the complex of corruption[as he calls this kind of a set up], while being legally culpable and widely reproved, are none the less considered by their perpetrators as being legitimate, and often as not being corruption at all. In other words, the real borderline between what is corruption and what is not fluctuates, and depends on the context and on the position of the actors involved.

Ekeh (1975) further exemplifies his theoretical statement with the case Nigeria where he points out that an act may only be conceived as corrupt and damaging to public interest depending on tribe/clan/community of the perpetrator vis-à-vis that of the beneficiary. If a public official in question favors some other community than his/her own, then an act of corruption in question, may be perceived as corrupt or damaging to public interest and the reverse is true. This is the phenomenon behind Wrong (2009)'s work title; *It's our Turn to Eat* concerning the Kenyan story of grand corruption and tribalism in the government.

Agbakoba (2007) further makes an interesting thesis by observing that the incompatibility of the modern public sector (or *alien Public Service* as he calls it) suffers from the problem of *identification without commitment* by public officials. That is, public officials and members of the public simply identify themselves with the state or public sector to enjoy privileges and opportunities that may arise from belonging to it. Due to this, Agbakoba asserts that; identification without commitment by public officials results to: "perfunctory attitude to work, non-responsiveness, lethargy, inefficiency and corruption. It is [thus] very easy for employees to constitute themselves into working groups with group loyalties and goals that

diametrically opposed to that of the public service and the state" (p., 5). These working groups (or what I conceive as informal networks) can be used in the allocation of public resources either legally or illegally.

Hence, as Agbakoba observes, it is upon these working groups (or negative working groups) that defines mutual assistance among and between public officials and service seekers, respectively. He exemplifies this informal organization structure by pointing out to the Nigerian concept of *You put for me, I put for you or you scratch my back, I scratch your back* – traced to the Nigerian Igbo proverb which poses that "when a goat feels the itching of its back or torso, it rubs it against a tree; but if the back of a human being is itching, he/she asks a fellow human being to scratch it" – this describes the mutual assistance that human beings should render to one another"(ibid). However, this mutual assistance takes another form when it comes to the issues of state and public welfare. That is, *you for put me, I put for you* concept "does not …in this context describe simple positive, mutual assistance, but mutual protection in exploiting the state and the public through bribery and corruption rackets, cronyism, perversion of justice, impunity undermining of merit and the rule of law" (ibid). Consequently, Agbakoba says that whistle blowing by a member of this network or working group, "is seen as a heinous crime [or betrayal of a brother] for a member of a group…"(ibid; also cf. Ekeh, 1975).

This is because, given the circumstances under which public service and the state in Africa were created (imposition by colonizers), public sector is seen as foreign concept (Hyden, 2006; Ekeh, 1975; Abgakoba, 2007) where one cannot easily sell his brother to such foreign laws. Thus, as mooted in the Kenyan case, the mentality among public officials that; that which belongs to the public belongs to none and that corruption is a victimless crime because on one is stolen from (PLO Lumumba Director of the defunct KACC in one of his televised speeches in Kenya) may encourage embezzlement of public resources in the public sector.

2.1.4. Social Aspects of Corruption

Sociologists and Anthropologists who dominate socio-economic perspectives of corruption argue that acts of corruption can be better understood within a specific social context (Lancaster and Montinola, 2001). This is because; some forms of corruption like bribery are "morally loaded terms" (ibid, p.93) that can be appropriately defined within a socio-economic and political

setting. That is, these scholars say that; corruption like other socio-economic and political practices is part of or is as a result of societal power-relations, interests, stakes in the system and norms practiced and learned by a given group of people (Pavarala, 1996; Agbakoba, 2007; Ruud, 2000; Blundo and Oliver de Sardan, 2006; Smith, 2001; Fjeldstad, 2009).

Ruud (2000:271) in his analysis of corruption in Indian villages of West Bengal says that "…in the wider context of social life, the simple act of corruption (for the moment understood as an illicit deal involving the holder of a public position) is only one among many outcomes of habitual practices". Thus, public sector corruption involves "habitual networking, negotiation and manipulative application of ideas and moral arguments - it just happens to involve a holder of a public position [or even a service/favor-seeker towards the office-holder]" (ibid).

Pavarala (1996) in his study of elite perception of corruption in India's Andhra Pradesh, also points out some issues that may be useful in the presentation and analysis data for this thesis. He uses what he calls *social construction of corruption* (cf. also Granovetter, 2004). According to this theory; he argues that studying corruption as a social problem (treated here as a socio-economic and political condition) as well as actors involved should be related to the "contextual information on [actors'] social positions, interests and stakes in the system as well as on the political, economic and social conditions within which they function" (p. 25). He bases his arguments on the premise of *contextual constructionism* which argues that; "knowledge about social conditions can not only be used to explain the emergence of particular claims, but also to understand why certain claims receive greater attention or shape public policy" (ibid).

He adds that, elites as actors in a social set-up have what some sociologists call 'ownership of public problems'. That is, elites (seen in this thesis as public officials) have the authority, the influence, and the power to resolve social problems like corruption (Pavarala, 1996). Therefore, it is upon this ownership of public problems and elites interpretations and perceptions towards such problems vis-à-vis elites' interests, social composition, stakes in the system and their structural locations that will determine how these problems are resolved or even how acts like corruption are carried out by elites and actors (service/favor-seekers) they relate to.

However, Pavarala's approach tends to ignore the contribution of non-elite groups in the creation and even resolution of social problems in a particular setting. There are evidences showing that elites may even be detached from social realities and impacts of such problems to

the society. That is, how a particular societal problem is viewed may be largely influenced or determined by one's (or a group's) social, economic and political status in the society. Therefore, different person(s)/group may react differently, adapt or perceive a particular social problem. In this way, Pavarala's approach ignores the possibility that elites may have no absolute influence over social problems. In fact, elites may not even know causes of a particular problem in the first place. In other words, a society and social problems can be too diverse to be just understood from perceptions of a single group in the society like that of elites. However, there are also indications that elites may not likely to be independent of popularly practiced societal norms or values (cf. e.g. Jamil, 2002; 2007). Hence, elites are likely to pose inherently similar perceptions to those other members of the community. This is because; as Jamil (2007) observes, elites or public officials have various sources of information – traditional and non-traditional sources – that may shape their views/actions towards a particular socio-economic and political condition.

The information sources, though not pointed out in Jamil's distinction but somehow still discussed in the literature, may include societal norms or other environmental factors in the society where elites come from. Therefore, an investigator on corruption should try to put into consideration these societal norms and environmental factors that may influence how public officials behave. This is because it is said that, elites undergo socialization processes posed by such cultural norms, societal practices as well as other environmental factors. In this way, perceptions and actions towards corrupt practices by elites or public officials and members of the public may stem from similar environmental factors or even from the same logics of societal interactions like reciprocity common in the study setting.

Thus, this thesis embraces the above assumptions together with other theories like agency and patron/client to come up with all-inclusive perceptions (from elites or public officials and non-elites or members of the public) in studying corruption in the Kenyan setting. This may bring forward contributions of each group in creating as well as understanding various aspects of corruption in the study setting. For example, as earlier mentioned, corruption as any other social, economic and political phenomenon may be defined differently by elites in official documents from how it is perceived or defined by members of the public or service seekers. That is, Pavarala's top-down model in looking for perceptions of corruption may be necessary but not wholly applicable even in societies not based on a caste system.

Moreover, albeit Pavarala recognizes issues that may make public officials and private practitioners engage in corruption (interests, stakes in the system, social positions), he does not tell us how the practice is undertaken by actors involved. But, as we are being informed by Oliver de Sardan (1999), Pavarala's approach can be necessary when investigating corruption from the perspective of participants, or when looking for causal relationship between corruption and other variables, as well as when designing anti-corruption strategies in a particular society. Pavaral's reference to historical aspects may also be important when investigating the origin, nature and how corruption is organized in societies with colonial backgrounds like India and Kenya. Pavarala's level of analysis (elite focused) can also be used to understand the top-down prevalence of corruption in a country like Kenya. According to Oliver de Sardan (1999:28), this is because; corruption in Africa has become "common and routine element of the functioning of the administrative and para-administrative apparatus, from top to bottom". This top-down prevalence of corruption has gone ahead to influence perceptions and the practice of petty corruption by common citizens. This is what I later refer to as the contagiousness of grand corruption in data chapters.

On the other hand, apart from Pavarala's social reality theory of corruption, other scholars like Kibwana and his colleagues (1996:138) also make an interesting sociological dimension analysis of corruption in their study: *The Anatomy of Corruption in Kenya*. They say that, corruption has been an element of every human society and it stems from and is sustained by a *social environment of disequilibrium*. This is because, at a social level, humans are driven by two attributes which are: *individual self* and *social self*. Thus, to discourage an anti-social aspect like corruption, a fusion of individual self and social self attributes is needed. Otherwise, anti-social practices such as corruption arises when there is predominance of individual self in one's response towards particular situations (e.g. low income, or weak institutional capacity to allow adequate monitoring system).

Therefore, a "social environment of disequilibrium comes into existence the moment access to resources, power and authority becomes contestable" (ibid). In situations where a particular group of individuals dominate access to resources, power and authority at the expense of the rest in the society, corruption becomes an alternative and a channel for either sustaining the already unfair system in place, or for circumventing constraints faced by the disadvantaged

group (Brinkerhoff and Goldsmith, 2002). Consequently, under such circumstances we might witness the emergence of negative implications of clientelism or patronage.

The problem with *sociological dimension of corruption* as explained by Kibwana *et al.*, (1996) may be traced to lack of recognition of the redistributive aspect of corruption that to some extent can be justified by the *social self*-attribute of actors. That is, actors can use both individual self (e.g. inadequate wages) and social self (e.g. giving back to relatives and/or clan members) attributes to justify corrupt practices. In the words of Agbakoba (2007:14);

> Social Motives may be defined as the motives of an individual, which he/she comes to hold on account of the opinions, expectations, and desires of the members of his/her community. Interactive skills are the sum total of the way an individual regulates - or does not regulate – with the aid of internal control mechanisms, his/her relations with other human beings in the various contexts and roles in which they are encountered; setting out concrete expression of attitudes, motivations, desires of individuals in relation to one another, including one another's property, opportunities, welfare, etc.

Which mean that, in as much as blaming corruption on the predominance of individual self, may be in some cases logical, it sounds rather too simplistic to describe other aspects of corruption based on social interactions and the sharing mentality seen in most African countries. In Kenya the situation described by Agbakoba (2007) come in forms of ethnically influenced recruitments into civil service or discriminative resource distribution in the country (cf. e.g. Wamwere, 2003).

Furthermore, by placing corruption within a dichotomy of social and anti-social behaviors (which I liken to moral and immoral distinction) may be as well simplistic and can tantamount to making unwise generalization of a complex phenomenon like corruption. Thus basing on complexity of corruption, as well as recognizing the inadequacy of this perspective, Kibwana and his colleagues incorporate other theoretical arguments that cut across legal, political, historical and economic perspectives of corruption in their study.

Almost in line with the above sociological, economic and political explanations of corruption, some scholars have also tended to blame *African corruption* on the cultural settings of African societies. Culturalists, as this group is called, argue that corruption in Africa can be largely understood from the cultural context of its people. That is, they blame the reported high levels of corruption on the informal networks, reciprocity and other informal payments they claim to stem from cultural norms common in these societies.

However, culturalists' view has over time won scathing attacks from scholars like Blundo and de Sardan, (2006); who argues that viewing corruption in Africa as a product of culture is misleading. This is because; "…culturalists explanations…tend to identify corruption as an essentially African problem and avoid any reference to history" (p. 34). In fact, emphasis on cultural aspects in explaining corruption in emerging economies sounds exaggerative, if not a prejudiced approach for understanding or fighting corruption in these societies. Otherwise, if corruption is a product of culture, then all cultures of human race can be as well said to be corrupt given the universality of corruption in the world (Tanzi, 1998).

But, those dealing with cultural aspects and public administration like Jamil (2007) may wonder or pose prying interest on how culturalists and their rivals define the cultural aspect of corruption. This is because culture as a concept is said to be ambiguous and difficult to define just like the concept of corruption. Therefore, it seems that the debate on whether or not culture has a correlation to corruption has some pressing issues to settle or hurdles to overcome in relation to their conceptualization of culture vis-à-vis corruption in the south. In other words, I argue that the concept of culture used in studying corruption, and the definition for corruption correlated to it by culturalists, tends to be blurry (cf. Blundo and Oliver de Sardan, 2006:25 on Culture and Corruption). Thus, before we correlate the two contested concepts, we must first deal with the problem of definition putting into consideration issues of contextuality that may threaten the validity of a working definition for both concepts. Culturalists must also convince us how they have managed to confine elements such as reciprocity and patronage (said to provide channels for corruption) to African societies alone. Reciprocity which I see as unwritten law in all human interactions, and patronage that I regard as a form of political-economy that rises and thrives under weak public institutions, are elements that scholars cannot and have not confined to Africa.

Nevertheless, it is of great importance for the investigator to be aware of the influence of informal institutions or networks in the practice of corruption. In particular, when defining whether or not payoffs that come in forms of gift giving or tipping public officials, said to be common in the south, are acts of corruption (cf. e.g. Rose-Ackerman, 1999:91-110). In other words, it is said that contextual definition of what is wrong or right (morality and immorality) in relation to acts seen as corrupt can be more rewarding in studying corruption (cf. Gupta, 1995).

But this might be challenging if not backed with the existing formal laws that stipulates how the public sector should work and how public officials should conduct themselves. Therefore, taking into consideration contextual definitions of corruption as perceived by the population under study is not adequate *per se*; we also need to embrace formal laws that create and define public institutions like the public sector (cf. Jos, 1993; Philip, 1997). Therefore, Nye (1967)'s legalistic definition used in this thesis gave provided the direction for data collection.

The above discussed theoretical perspectives broadly shape conceptual lenses for presentation and analysis of data in the following chapters. In other words, this thesis' conceptual framework triangulates above theoretical premises. This was based on an observation by scholars that; the phenomenon of corruption is so complex that no single theory can fully uncover how it exists; explain its real occurrence as well as unveil its real impacts on the functionality of the public sector (cf. Heideinheimer and Johnston, 2002; Andvig and Fjeldstad, 2001).

In spite of theoretical triangulation, a shortcoming presented by the assumptions of some theories shown above (principal-agent, and patron-client) lies on their tendency of answering the why or what aspects of corruption. That is, most theories used in studying corruption tend to either focus on explaining why or what leads to corrupt practices in the public sector and effects of corruption, but not how corruption takes place. Even though, focusing on why aspect of corruption tends to be unavoidable when talking about or studying corruption, we should try to describe how it lies in the system if we are to design effective anti-corruption strategies. I argue that, the reigning emphasis on causes and consequences of corruption in the larger section of corruption literature seem to stem from the covertness/secrecy, and illegality of corruption that limits data on how it actually takes place (Andvig and Fjeldstad, 2001). The fact that corruption takes place in different forms (some of which are contestable) and differ from place to place, may have also contributed to the difficulty in theorizing how corruption takes place in the public sector.

2.2. Typologies of Corruption and Operationalization Elements

In their study, Kibwana et al., (1996:33) embrace seven typologies of corruption. These are; extortive, transactive, investive, nepotistic, autogenic and supportive. The extortive typology is

where the giver is forced to bribe in order to avoid harm being inflicted on his/her interests, or other things valued by him or her. The transactive refers to the mutual arrangement between the giver and the taker towards a goal that promotes the interest of both parties. Defensive is payment in self-defense donated by the victim of extortive corruption.

Investive corruption "involves the offer of goods and services without any direct link to a particular favour, but in anticipation of future occasions when the favour will be required." A nepotistic corruption is the unjustified favour or recruitment/appointments of friends, family members to public office, or doing them favour which involves pecuniary gain that is in violation of rules and regulations. Autogenic corruption only involves a single actor (by one's self for her/himself). For instance, fraud, or inflation of fuel costs; prices of products, and budget funds for the department. On the other hand, Supportive corruption "does not directly involve money or any other immediate returns, but describes corrupt action undertaken to protect and strengthen the existing corruption." For example, financial advice to a corrupt public official on how to cover a fraudulent act from the sanctioning authority like anti-corruption bureau.

Another typological criterion that is somehow related to the above, Mohammed Mohabbat Khan (n.d.) in a paper he prepared for TI-Bangladesh; identifies three types of corruption: collusive, coercive and non-conjunctive. Whereas, coercive is like the extortive corruption, collusive corruption is where the givers or corruptees are not willing but are also active participants of the practice. That is, corruptees use corruption "as an instrument for inducing wrong action or inaction on the part of the authorities, deriving benefit greater than the cost of corruption on their part" (ibid). In non-conjunctive corruption, "benefits are obtained at someone else's cost and the victims are unaware of their victimization" (ibid).

2.2.1. Forms of Corruption as promulgated in some Official Documents

Corruption experts and official documents like the United Nations Convention against Corruption (UNCAC) have to identifying some forms of corruption instead of defining ther term corruption. According to UNCAC (2004), Chapter 3, Articles 15 to 24 some major forms of corruption identified include: embezzlement, bribery, trading in influence (exchange of influence related to public office for other gains); misappropriation or diversion of property by public official, obstruction of justice and concealment, illicit enrichment, and abuse of functions.

In addition to these, Kenya's Economic Crimes, Act, 2003 identifies other forms to include: fraud (solicitation of extra funds or other material advantage by deceit); misappropriation of public funds (wrongful use of public property by public officials); breach of trust (undertaking unexpected action that hurts public trust); tax evasion by public officials; distorting elections procedures to render it not free and fair; involvement in secret inducements; improper benefits to trustees for appointments; and bid rigging (not submitting or distorting the contents of a tender, quotation, proposal or a bid).

On the other hand, Tanzi (1998:565) also highlights the following forms: "bureaucratic (or "petty") or political (or "grand"); for example, corruption; by the bureaucracy or by the political leadership; cost-reducing (to the briber) or benefit enhancing; briber-initiated or bribee-initiated; coercive or collusive; centralized or decentralized; predictable or arbitrary; and involving cash payments or not." However, this thesis does not use the scale of money involved to distinguish between administrative (or bureaucratic) corruption and political corruption, as seen in the distinction used by Tanzi (1998) above or as seen in Andvig and Fjeldstad (2001). Instead, I made a distinction by focusing on actors involved and their roles as public officials. That is, administrative corruption was understood as illegal actions by civil servants that go against expectations attached to them and position as public officials. Conversely, political corruption was regarded as illegal actions by grassroots politicians that can be formally understood as corrupt or those actions that legally undermine their roles as public officials.

In another literature, Shleifer and Vishny (1993) identify two types of corruption in their work. That is; corruption with theft and that without theft. *Corruption with theft* is where a civil servant keeps public funds generated from public service provision for personal advantage. In this classification, a civil servant can charge lower prices on government services to make such services attractive to members of the public and maximize revenue for personal benefits. Consequently, Corruption with theft may result to the failure of expected outputs in the management of government projects or services. A case in point is the poor quality of dam construction in south India due to illegal contract giving as uncovered by Wade, (1982), or low tax revenue collection in Uganda, as shown by Fjeldstad (2005).

Meanwhile, *Corruption without theft* is where a civil servant charges bonus cost on top of the original price. S/he then keeps the bonus fee and forwards the original fee to the government.

Here, the achievement of the intended output is likely to be witnessed. A closer look at Shleifer and Vishny's forms of corruption liken them to the abuse of functions, or abuse of office as started in UNCAC (2004). The challenge with the abuse of office or functions typology is in locating its boundaries (i.e. it is so broad in content that it becomes unclear what entails abuse of office or functions). In essence, abuse of office or functions may encompass all the other forms of corruption because, in one way or the other, all these forms point to abuse of office or functions.

On their part, Amundsen (1999), Andvig and Fjeldstad (2001) and Subedi (2005) give more flesh to some of the above mentioned forms as seen below:

Bribery is often operationalized by; pay offs speed and grease money, sweeteners, informal taxation, kickbacks, and gratuities, or like in the case of Nepal, "when public officials charge additional amount under-the-table or expected 'gifts' from clients" (Subedi, 2005:2). It is therefore a "payment (in money or in kind) given to or taken by the state official in a corrupt relationship" (ibid, p.11). Others see it as an unofficial form of taxation paid directly to the public official. Fjeldstad, (2005) illustrates bribery with how tax officials in the Uganda Revenue Authority illegally exempt some business personalities from paying taxes after receiving bribes. Bribery is also seen in Wade (1982)'s study of administrative and political corruption in the south Indian Irrigation department. Wade estimates that 15 percent of the official expenditure in the institution is kicked back between public officials to initiate a transfer or to terminate the processes of transfer depending on the extent to which the transferee solicit illegal revenue in his current position.

The unfair transfer of personnel seen in Fjeldstad (2005) and Wade (1982) is used as a punitive tool towards non-compliant officials who fail to give bribes or follow corrupt interests of their seniors. Personnel transfers are also portrayed in these studies as one of the techniques used to absolve perpetrators of corruption in the face of detection. Both studies indicate that bribery is offered where uncertainty is high. This is because uncertainty creates vulnerability, and the will to pay bribes when there is a pressing need.

Scholars have argued that bribery creates inequality by allowing access to only those who can pay for public services (cf. e.g. Rose- Ackerman, 1999). In the Kenyan context, studies like

that by Kibwana, *et al.*, (1996:53), found out that bribery is used to circumvent the rule of law. For example, Kibwana, and his colleagues confer to a newspaper report where a "man charged with highway robbery (of Ksh. 2.5 million) allegedly gave Ksh. 50, 000 to a policeman so that he could be released." In another study on Kenyan corruption by Anassi, (2004), it was discovered that it has become quite obvious in the Kenyan setting that the police and the prosecutors solicit bribes to obstruct the system of justice. In fact, Anassi unveils an institutionalized system of corruption in the police department where senior and junior officers co-operate to solicit bribes from both law abusers as well as from the victims of the abusers.

Nevertheless, another methodological dilemma being presented by bribery in corruption research is when to detach bribes from other informal payments such as tips or gifts to public officials. Some scholars have argued that gift giving and tips are in some circumstances used to disguise acts of bribery (cf. Oliver de Sardan, 1999). This is clearly exemplified in Wade (1982). Wade asserts that some irrigation officials prefer bribery in form of gifts because it is less detectable and easy to collect. Despite of this datum, other scholars have argued that gift giving and bribery are not the same because gift giving is not executed in secrecy as an act of bribery. In addition, some say that, a gift can become embarrassing when it is too much for the receiver who can or usually gives it back to the giver. However, it is difficult to know how big a gift should be to be returned, and how to link future favors towards the giver by the recipient (public official). The solution might therefore be traced to the intention and history of the relationship between the giver and the taker, but which may still be challenging to for the researcher to establish.

Fraud "involves some kind of dishonesty, swindling or cheating" (ibid). For example, if public officials and contractors cooperate to undervalue the purchased construction equipment or inflate the construction cost to create material advantage (cf. e.g. Olken, 2007). Various studies have confirmed common cases of fraud in the public sector. In Uganda Revenue Authority, for instance, Fjeldstad (2005) says that senior tax officials in the Unit of Large Tax Payers Department were accused to have swindled 338 million Uganda Shillings. Other Tax departments are also involved in undervaluation, smuggling, and "underdeclaration of income and taxable goods…" (p. 6). Wade (1982) also points out this form of corruption where irrigation officials and contractors connive to do a shaky work and divert renovation funds to fulfill personal interests. To add on, Engineers in Wade's study save lots of money by distributing

illegally acquired funds to their trusted and weak contractors who can be easily manipulated or punished.

Moreover, in the Kenyan situation, Anassi (2004) blames the stalled projects on the widespread fraudulent use of funds by public officials. He says that almost half of the disbursed project funds end up facilitating personal interests of some public officials responsible for designing and managing such projects.

Extortion is the "money and other resources extracted by the use of coercion, violence or threat to use force [by] creating an atmosphere of insecurity where individual citizens, private businesses and public officials are harassed and intimidated" (ibid, p.3). We can still exemplify this definition by borrowing findings of a study by Fjeldstad (2005). He asserts that tax officials in Uganda are accused of using threats and harassments to mobilize illegal revenues from tax payers. As a result, there is widespread incompliancy in payment of taxes by members of the public. In Kenya, the police have been accused of extorting members of the public to mobilize illegal funds (cf. Anassi, 2004; Kibwana, *et al*., 1996). From how it is illustrated, extortion seems work best where there is little trust in public institutions like in the Justice System or police where the victims can relay or seek redress for their mistreatment.

Favoritism has been blamed for the prevalence of corruption in the south where the practice is common. A study on Bangladeshi corruption by Zafarullah and Siddiquee (2001), asserts that there is raging patronage in the Bangladeshi bureaucracy. "This often explains why the process of awarding major contracts bypasses competitive norms, and instead, is governed by the criterion of personal linkages with key decision makers in government departments"(p., 470)

Favoritism is also illustrated in Wade (1982) when he states that contractors used by Engineers are those either very close to Engineers or to Members of Legislative Assembly. Nepotism and favoritism have also been said to determine the hiring of public officials in Kenya (cf. Wamwere, 2003). In addition, in Uganda, appointments and recruitments are done on tribal and political connections. For example, President Museveni of Uganda has been accused of interfering in major appointments in the tax agency. The president's appointees' fraudulently use public funds and none has been prosecuted despite the fact that they have been indicted in courts of law (Fjeldstad, 2005; also cf. Mwenda and Tangri, 2005). A system infested by nepotism/favoritism has been identified by some authors to usher into the public service

unqualified personnel who concentrate more energy on accumulating illegal wealth than consolidating professional careers (cf. Rose-Ackerman, 1999). In addition, "favouritism can secure substantial prerogatives and profits for certain families, clans or some social sub-groups" (ibid, p.15).

The above described forms of corruption were contextualized in the fieldwork for this thesis. They were also used in the analysis of empirical data to be discussed in the later chapters. But these are not the only forms in the practice of corruption and more forms can be added to the ones already mentioned and discussed above (Tanzi, 1998). By investigating and describing the above forms of corruption at the local level, this thesis' position on the practice of corruption; recognizes that "some researchers have made the distinction between corruption initiated by the office-holder and corruption initiated by the favour seeker" (ibid, p., 5). And basing on this background, it seeks to bridge the unbalance between; a few studies focusing on the role of favor/service-seekers versus dominant studies focusing on the role of the office-holder in Kenya. It does this by focusing on the contributions by both public officials and service/favor seekers in the practice of corruption. In other words, the thesis takes to the middle ground in describing practice of corruption in the public sector of the area under study. In this way, it highlights contributions being made by each party in the practice of public sector corruption.

2.3 Conclusion

The chapter discussed relevant theoretical premises and perspectives of corruption that shapes presentations, and analyses of data in the later chapters of this thesis. The discussion showed a socio-economic, political and institutional framework for corruption that will be portrayed in data chapters of this thesis. Triangulation of these theories is because; reality *per se* is said to be so complex that a single perspective cannot adequately address its contents. As Andvig and Fjeldstad (2001) observes, corruption is a complex and a comprehensive field of study whose analysis and study may require an amalgamation of theories, and concepts to better understand how it occurs in the public sector. Otherwise, none of the above presented theories can fully singlehandedly explain how corruption is practiced as well as unravel its impacts on delivery of public services and management of government projects in the study area. Discussed perspectives in this chapter broadly define issues to be discussed in data chapters of the thesis.

CHAPTER THREE:

METHODOLOGY

3.0. Introduction

This chapter explains the design of the study for the thesis: how data were collected, issues taken into consideration and challenges faced in accessing data.

3.1. Nature of the Study: A Qualitative Research

The use of qualitative approach to study corruption was based on the following considerations: The first was on the proof that quantitative methodology, like direct surveys, is unlikely to undo the complexity of corruption (Treisman, 2000; Blundo and Oliver de Sardan, 2006). This is because scholars say that corruption is better understood in a specific context that takes into consideration socio-economic and political aspects of the society under study. As Blundo and Oliver de Sardan, (2006:11-12) explains this:

> [Q]ualitative studies are necessary [in studying corruption to] make it possible to demonstrate the *action logics* of the actors involved, the description of corrupt *processes* and the associated techniques, the analysis of the popular *representations* and forms of *justification* and condemnation associated with corruption.

Based on this, a phenomenological approach was employed to unravel contextual ingredients of corruption and how it is practiced by the population under study. To use Lester (1999)'s words, phenomenology is meant "to illuminate the specific, to identify phenomena through how they are perceived by the actors in a situation" (p., 1). Apart from providing the contextual perceptions and practice of corruption in the study area, phenomenology was also essential in ensuring description of how members of the public and public officials practice corruption. Such forms of interaction in the fieldwork may have as well helped in reducing bias that would have emerged due lack of contextual data. The success of qualitative tradition in studying corruption is further exemplified by renowned studies like: Wade (1982); and Gupta (1995); Blundo and Oliver de Sardan (2006), Smith (2007), among others that have ushered in rich empirical evidences on corruption which has been a challenge in corruption research.

Furthermore, a qualitative study discovered symbolic languages of corruption as used in the study setting (cf. Blundo and Oliver de Sardan, 2006's *The Popular Semiology of Corruption*). These included terminologies such as: 'oso e ofuko' (i.e. put in the pocket to mean compromised with bribes); *asoya* (i.e. bribes), 'ogo dhoge bor' (i.e. fed with fats to mean compromised with bribes); 'kitu kidogo' (something small that means bribes); *'gol gimoro matin'* (bring something small used for bribes); 'kel ink' (bring something for the pen); 'gir soda' (bring something for the soda)*;* and 'gol chai' (i.e. offer some tea). These statements are used interchangeably as coded expressions for bribes by both public officials, and favor/service seekers in the study setting.

Whilst the use of qualitative study ensured contextual richness of data collected, the main weakness of these data may ironically lie with the very research tradition used. The possibility of inheriting methodological shortcomings associated with qualitative research cannot be overruled. In that case, maybe a study for this thesis could have benefitted from the complementary nature of the mixed methodology research (cf. e.g. Creswell, 2009). But mixed methodology as well has its own shortcomings. Therefore, like any study tradition, qualitative methodology used was necessary but not perfect like any other research tradition.

3.2.   Description of the Case: Migori Local Authorities (LAs)

The use of case study as a research strategy was based on two grounds; a) a case study approach unravels contextual richness of the phenomenon under study (Yin, 2009; George and Bennet, 2005); and b) case study was devised to avoid the trend set by most studies on corruption that "ignore the fact that recognizing (and analyzing) a social condition [of] a social problem [like corruption] requires subjective evaluation" (ibid., 23); which can be best achieved by intergrating perceptions and norms in a specific context (also cf. Oliver de Sardan, 1999). Therefore, Local Authority in Migori was chosen as a case study for this thesis. It is also methodologically appropriate to state that; the case of Migori Local Authority was not an initial area of focus for this thesis. It instead emerged during data collection, and in this way, the problem of selection bias of case was resolved. Note that Migori district and Migori LAs are different. The former is an administrative unit (study area) under the DC, whereas the latter are Local Government institutions (case study) currently under the Ministry of Local Government.

LAs of Migori district is divided into two (for the sake of confidentiality the two LAs will not be mentioned by names). The first LA is responsible for the administration of services, taxation, formulation and implementation of specific development projects within Migori metropolitan. On the other hand, the second LA: which is the unit of analysis for this thesis, is concerned with the administration of services, taxation, formulation and implementation of developmental projects in the periphery of Migori district.

Both institutions, otherwise known as Councils, are locally managed. Their finances are locally mobilized from economic activities in their areas of jurisdiction. Also, the central government through the Local Authority Service Delivery Action Plan (LASDP) sends specific amount of funds to each LA depending on some conditions that LAs are supposed to fulfill. LASDP is a government programme initiated in 2001 "as a tool to improve governance in LAs through greater accountability, empowerment and responsiveness to the citizenry" (cited by Mbeya, *et al*., 2011:2). LAs are thus designed to bring services closer to the people and to implement locally initiated development projects.

They are supposed to identify local areas for potential development as well as sources of finance and then take appropriate steps in line with requirements of the Local Government Act, Cap 265. This Act "defines their service provision mandate as well as the processes for constituting leadership of councils among others" (ibid, p.25). In that respect, "LAs provide opportunity for constituting local leadership through elections in the same mould as the National Assembly through the law-making mandates [bylaws] of councils [which]are confined to issues under specific jurisdiction of individual LAs"(ibid).

Each Council is run by Board of Directors (a replica of the National Assembly system). The board, which is practically the council, consists of elected councilors representing Wards and senior Administrative staff (the Clerk and the Treasurer). Councilors are automatic members of the board by the virtue of being Ward representatives. The Board is usually chaired by the Chairman or the Mayor – elected by Councilors – depending on the type of the Council. There are also various Committees that formulate and carry out functions assigned to the Council. Councilors elect the chair of these committees among themselves. The Clerk is an ex-officio member (unelectable) of all the council committees and therefore attends all sittings of every committee. All administrative activities of LAs in the province are supervised and approved by

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the Provincial Local Government Officer (PLGO). S/he sits at the provincial headquarters and is represented in each LA by the Clerk who is the Chief Executive Officer (CEO) in the running of a particular LA. Therefore, before any LA gets involved in communications with the national headquarters in Nairobi, the PLGO must be aware and must be appropriately contacted in such communications.

It is important to remember or emphasize that this is a case study based on empirics from one council/district, which might not be representative for rural districts in general in Kenya.

3.3. Data

3.3.1. Data Collection Sites

Fieldwork for this thesis was divided in two parts and data were randomly collected from the public sector of Migori and the surrounding areas. The first part of data collection was on the practice of corruption by both members of the public and civil servants. Under this group, data were collected from: Internal Auditor's Office, Ministry of Youth Affairs and Sports, Ministry of Gender, Children and Social Development, Ministry of Planning and Vision 2030, Migori District Hospital, Migori Market, Uriri Market located around 20 kilometers from Migori town, Oyani and Stella Centers which are about 15 and 10 kilometers respectively from Migori Town. Members of the public were also randomly selected in restaurants, cyber cafes, local shops, clinics, bus parks, and at the public park of Migori town.

The second part of data collection focused on a Local Authority. This was to unveil how public officials (civil servants and councilors) execute corruption in the Local governance. These data were mainly intended for describing a system of corruption at the grassroots. The National Anti-Corruption Campaign Steering Committee (NACCSC) in Migori was also purposely selected to access more information on corruption in the local authority. Other Ministries were purposely selected to find data for assessing effects of civil service wage on corruption.

3.3.2. Data Collection Methods

Wade (1982) and Fjeldstad (2005) observe that data on corruption is not easy to get. They emphasize that such data can hardly be got through traditional data collection methods such as; formal interviews, random sampling, and structured questionnaires. Both formal and informal

approaches are required. Thus, data collection for this thesis embraced triangulation of informal in depth discussions, formal interviews, focus group discussions, informal conversations, note taking, drawing of organograms, and distribution of semi-structured questionnaires. Tape recording was also used where informants felt comfortable or allowed to be recorded. It should be made known that data collection for this thesis involved daily interactions with civil servants and members of the public in the study area.

Formal Interviews

I must emphasize that it is not an easy task to have heads of the departments talk about corruption in their departments. For example, in one of group discussions it was said that; it is impossible to have the heads of the departments admit acts of corruption. Even their subordinates can hardly give such nature of information unless an investigator has informal contacts in the department. But despite the challenge of accessing corrupt practices from perspectives of the heads of the departments, formal interviews were still essential in identifying information on some aspects of corruption in public offices.

Face-to-face interviews were formally used to collect data from members of the public and public officials. These included: 2 civil servants; from the District Internal Auditors' office and department of Gender and Social Development; a total of 8 Council employees. These were 2 area councilors and 6 civil servants from the Council (2 from the Internal Auditors' office, a senior civil servant in the council, and 4 from the Revenue Office). There were also 3 health workers from the Ministry of Public Health and Sanitation – 1 in the administration office and 2 from the Procurement department – A volunteer in one of the public offices – name withheld being that s/he was the only volunteer in that particular department – was also formally interviewed. In addition, a total of 4 randomly selected members of the public (i.e. service seeker informants –SI) were interviewed. These included; a male electronic shopkeeper, a female storekeeper, a female cereal seller at Migori market, and a male cobbler. I should make it clear that informants from the council and Ministry of Public Health were approached after recommendations from their colleagues. However, those from the Department of Gender and Social Services and Internal Office, were purposely selected given their strategic role in rural development initiatives which was the initial focus for this thesis.

A shortcoming with formal interview technique was that it presented a very formal atmosphere to some interviewees. As a result, some informants became nervous and reserved. At the same time, it could not capture some aspects of corruption. For example, in the formal interviews civil servants gave more information on the available anti-corruption measures and how they have worked hard to eradicate corruption in their departments. Therefore, how corruption takes place in these departments hardly came by; as they could merely and easily talks about corruption in other departments apart from their own. Also, during formal interviews, some Council employees were cautious in giving specific information about corruption in the council. For example, council employee said that it is risky if one is found giving information on corruption in the council. Therefore, she (an informant) had to '*look over her shoulders'* to confirm whether or not any of her colleagues were in the restaurant where I met her for the informal conversation.

In-depth Informal Discussions and Interviews

This method availed majority of the findings for the study in form of stories and discussions surrounding the topic of corruption (cf. effectiveness of informal interviews in corruption research by looking at e.g. Wade, 1982 and Smith, 2007). Since most informants tended to shy away from formal interviews, especially, when these interviews was to be tape recorded, informal discussions and interviews became very successful in capturing perceptions and corruption stories about corruption. In-depth informal discussions involved three council employees, a NACCSC employee, 4 civil servants, one of the local religious leaders, 5 members of the public and conversations in the compound of one of LAs with, for example, truck drivers and grounds men. Informal conversations also involved motorcycle operators (known as *boda boda*), cyber café owners, shopkeepers and hawkers.

Whilst this method was the most resourceful of all other methods in accessing in-depth information on corruption, it can be misleading to fully trust information provided based on informants' personal opinions and experiences. We cannot rule out the possibility that these experiences and opinions may have been distorted or manipulated to fit the context of the conversation. Informants could have also given the information that they may have thought would please the researcher rather than being objective in their views. This possibility threatens

data validity. But, like in any other qualitative study, data on corruption is about opinions, experiences and stories of informants (Blundo and Oliver de Sardan, 2006).

In fact, even if we are to take such opinions as mere perceptions about corruption but not real cases of the phenomenon, there are still evidences to prove that such perceptions actually correlates to cases of real corruption in a particular study setting (Abramo, 2008). Therefore, the researcher is tasked with the duty of regulating levels of bias that may come from informants as well as guard against those biases that may stem from his/her own experiences. This is in order to ensure valid analyses of the phenomenon under study (cf. Yin, 2009).

Focus Group Discussions (FGDs)

Group discussions are said to provide "valuable insight into social relations and that 'stories' produced in the collaborative performance of a focus group better reflect the social nature of knowledge than a summation of individual narratives extracted in interviews"(Goss and Leinbach, 1996:115). However, one might question the validity of group discussions when looking for data on corruption. This is because; corruption is said to be a phenomenon that informants may find uncomfortable to discuss openly, especially, in government premises by civil servants.

It is rather obvious that an investigator can hardly mobilize a group of civil servants to discuss a sensitive issue like corruption. Whilst, this is likely to have been the case for me, two issues made it possible for me to have a group of civil servants discuss acts of corruption. The first is based on the earlier contacts established in some public offices prior to fieldwork for this thesis. Through my contacts, I easily got to know other civil servants and established rapport. Also, because I understand the context in public offices, I managed to have groups of civil servants discuss the phenomenon over lunch breaks or in evening hours when they are almost set to leave offices. It is common in our setting that towards the end of the day (especially on Fridays); civil servants are fond of forming chatting groups to pass time as they wait to close offices. It is at these moments that a researcher can request for an opportunity to have a group of civil servants discuss corruption. However, to achieve all these, researcher's personality has a lot to do with establishing rapport with such informants (cf. Yin, 2009).

The second reason is that; in the study setting, despite the sensitivity surrounding the topic of corruption, both civil servants and members of the public do easily talk about it (not on specific cases but as a general topic). Civil servants of the same employment scale but from different departments could more comfortably talk about corruption in a group than when approached as individuals. Therefore, basing on these two enabling factors, four group discussions were conducted. These included two with members of the public, consisting of; hawkers at Uriri market and *boda boda* operators (motorcyclists) both at Stella center and Migori town. The other two consisted of civil servants from various ministries and departments. However, some of these civil servants were known to me prior to data collection. Otherwise, it can be very difficult for a new face or a foreign researcher; with no contacts to easily penetrate a group of civil servants and ask them to talk about corruption. Civil servants informants (CSI) were drawn from the department of Children, Ministry of Youth Affairs and Sports, department of Gender and Social Development, Ministry of Education, and that of Lands. Some of them included secretaries, accountants and assistants to heads of department in the district.

Focus group discussions (FGDs) were essential for making clarifications about certain issues that appeared in questionnaires. They gave further explanations on perceptions and practice of corruption from perspectives of members of the public as well as civil servants. FGDs also uncovered various connotations and figurative languages used for corruption.

Note Taking, and Drawing of Organograms

Note taking (field notes) and drawing of organograms were very useful in capturing unrecorded information. This is because information on corruption is treated confidentially by some civil servants. But with the help of some informants, notes on key points and drawing of organograms on how corruption is executed in the LA, were undertaken. Recording conversations was used to store information from group discussions, formal interviews and informal conversations. However, note taking and drawing of organograms could not capture all details of the received information. Thus, I could immediately write down main points after interviews (as I did with unrecorded informal conversations).

Distribution of semi-structured Questionnaires

Informants who were not comfortable with interviews or who did not have time to participate in interviews preferred filling questionnaires at their own time and speed. Members of the public and civil servants filled different designs of questionnaires. This was based on the assumption that civil servants and members of the public may perceive and experience corruption differently. Therefore, questionnaires were designed and administered depending on the nature of the informants. These targeted 10 civil servants among whom 7 responded. Moreover, out of the total 50 open ended questionnaires randomly distributed, only 10 were successfully filled by members of the public. The semi-structured design of questionnaires was intended to capture unknown/unstudied variables.

Nevertheless, questionnaires could not capture all aspects of corruption and the method may not have been spared of bias or insincerity usually associated with it (cf. Yin, 2009). However, since triangulation of methods was used, weaknesses of this method were complimented by the strength of other methods like informal interviews and discussions.

3.3.3. Characteristics of the Informants

The table below summarizes characterization of the informants in the study:

Category of Interviewees	Number of the interviewees	Location of Interviewees	Age of Interviewees	Gender of Interviewees	
Heads of departments	4(1filled questionnaire & 3 interviewed)	Migori Town from four different ministries	30-55	MEN 4	W/MEN
Secretaries	(filled questions)	Migori Town	27-35		3
Other civil servants	7 (2 interviewees & 5 in FGD)	Migori Town	29-45	3	2
Council Employees	6 (3 interviewees & 3 in FGD)	Migori Town	25-55	4	2
Councilors	2 (interviewees)	Migori Town	35-45	2	
Hawkers/Shopkeepers/others	19 (9 filled	Uriri, Migori town,	20-68		7

	questionnaires & 6 & 4 in FGD)	Oyani center.		12	
Boda Boda operators	10 (6 FDG 4 filled questionnaires)	Stella center, Migori Town, Uriri.	25-30	10	
Total	51 Informants				

3.3.4. Data Collection Procedures and Timing

Procedures for fieldwork went this way. I applied for a permission to undertake data collection from the National Council for Science and Technology (NCST) in Nairobi. I then conducted a two day pilot study in Migori town to test effectiveness of study questionnaires, applicability of study variables, hypotheses and concepts of the phenomenon under study. In the pilot study, six members of the public (two women and four men randomly selected) participated. These participants were between ages of 28 to 50. They included; a master's student, a private sector employee, cyber café operator, health worker and a shopkeeper. However, in the main fieldwork, a total of 51 informants participated. These included; 20 civil servants, 2 councilors and one NACCSC employee.

The remaining 29 informants included; health workers, shopkeepers, hawkers, *bodaboda* operators, farmers, and truck drivers. Formal interviews, discussions and informal interviews were conducted in the local language (Dholuo). Kiswahili and English were also partly used depending on the preference of informants. Most public officials used English, whereas members of the public used all languages depending on one's fluency in any of them. But, questionnaires were drafted in both English and Kiswahili, respectively. I also had to verbally translate content of questionnaires in Dholuo for informants who could not read or write English and Kiswahili.

3.4. Explaining study Variables and underlying Hypotheses

3.4.1. Dependent Variable: *Administrative and Political Corruption*

Administrative and political corruption was defined in relation to positions of the perpetrators in the study setting. That is, acts like embezzlement, bribery, nepotism, fraud, and bid rigging by civil servants were defined as administrative. Whereas, the same acts but related to political

process or practiced by local politicians, were considered as political corruption. Even though, defining corruption by positions of the perpetrators contradicts the popular perspective that respectively; defines administrative corruption as petty corruption and Political Corruption as grand corruption, the distinction adopted here was appropriate in relation to the scope of corruption in the study setting: low scale corruption.

My distinction is similar to the one made by Mohammad Mohabbat Khan in his paper: *Political and Administrative Corruption: Concepts, Comparative, Experiences in Bangladesh Case*; that discusses these forms of corruption in Bangladesh. Herein, administrative and political corruption included: solicitation of illegal funds by public officials; paying for favors from public officials; nepotism; favoritism; Illegal payoffs to get a job; fraud, bid rigging and illegal use of government properties (e.g. vehicles) assigned to civil servants.

However, Nye (1967)'s definition adopted for this thesis, is said to fall under moralist approach. It therefore inherits weaknesses associated with moralists' theory that renders it inadequate in understanding corruption (cf. e.g. Philip, 1997). This is because this definition "tends to individualize a societal phenomenon and attempts to dichotomize as to what is good and what is bad. In the process societal contexts are ignored and the gap between formal forms and the underlying practice-girded norms are not analysed" (ibid). Due to this, components of public opinion were embraced. Thus, corruption was largely understood from the perspective of actors involved (cf. Philip, 1997; Jos, 1993). In this way, various forms of corruption were investigated in relation to how corruption is officially defined vis-à-vis how it is perceived and practiced by members of the public, as well as public officials.

Also, as Jos (1993) asserts, legalistic definitions like that by Nye (1967) are first and foremost important in understanding corruption. Thus it makes data on corruption forthcoming. This is because in Kenya, corruption as defined by law is different from how it is understood or perceived by members of the public, as well as how it is defined by its impacts on the general population (Gardiner, 1993; Kibwana, et al., 1996). Nye definition, therefore, presented to me a point of departure in investigating public sector corruption in the study area.

3.4.2. Explanatory Variables

Civil Service Wage

Civil service wage is said to be one of the immediate variables that can explain public sector corruption of emerging economies. Studies like Wamalwa (1993 in Kibwana, et al., 1996) say that in Kenya "most corrupt officials are forced to resort to the practice (of corruption) by adverse economic factors, including low remuneration, in order to make ends meet" (p., 82). In several occasions, Kenyan civil servants have gone on strikes to demand for more wages. A case in point is on October 23, 2011 when it was reported that the Union of Kenya Power and Lighting Company employees called for a countrywide strike to, among other things, push for 13 percent increase in wages (*Daily Nation*, 23.10.2011). In November the same year, it was also reported that public doctors threatened to go on strike over low pay and demanded 400 percent wage increase (*Sunday Nation*, 20.11.2011).

In addition, the Kenyan government has more than once increased civil service wage in efforts to reform public institutions, especially, the Police and other government departments (cf. MSPS, 2008, New Salary Scales for Civil Servants; MSPS, Strategic Plan, 2008/2012). However, my concern is that; it seems that the extent to which civil service wage affect public sector corruption is more talked about than it has been actually investigated in Kenya. In that case, data were collected to assess effects of civil service wage vis-à-vis acts of corruption in the public sector of the study setting. In the fieldwork, civil service wage was operationalized with gross benefits legally assigned to civil servants that account for their basic source of income.

The Institutional Capacity

Institutions are important in governing public affairs (March and Olsen, 1989). However, in Africa formal institutions are regarded as weak. That is, they are penetrated by incompatible informal norms or actions of what Agbakoba (2007) refer to as *negative working groups* that render these institutions ineffective in delivery of public services (Agbakoba, 2007). Therefore, reported cases of corruption in Africa have been traced to the weak institutional capacity that is unable to guard against illegal actions by Public officials or negative working groups – what I refers to later as corruption networks (also cf. e.g. Aidt, 2003:2).

According to Fjeldstad (2002:10), corruption networks are essential in evading anti-corruption agencies or internally established monitoring systems. He says that such networks "often function as 'repositories of knowledge' for members, e.g., on the attitudes of the top management to corruption, how the internal monitoring unit works, who is potentially bribable among staff members and management, etc..." In other words, as Shleifer and Vishny (1993:599) say, "government institutions and political process[s] are very important determinants of the level of corruption." Thus, well-functioning institutions ensure effective monitoring system that guard against prevalence or occurrences of corruption in the public sector.

This thesis' fieldwork assumed that institutional capacity of any public sector determines the extent to which possibilities of corruption can occur in the administration of public services and projects (cf. e.g. Fjeldstad, 2005). It also assumed that; capability of an institution determines techniques used to initiate corrupt practices by public officials and/or service seekers in a particular setting. For example, if institutions have weak capacity, there is likelihood that recruitments of less qualified personnel into the civil service or nepotistic corruption will be common (cf. Rose-Ackerman, 1999; Kibwana, et al., 1996).

Institutional capacity as a variable was operationalized with elements like: structures of decision making, effectiveness of control measures, how funds are disbursed or how they are accessed by public officials, how administration of services are undertaken, and qualification of staff members, recruitment of employees, how transfer of personnel are undertaken, and how auditing procedures are organized.

Socio-Economic Factors or Social Expectations

In Kenya, like it is reported elsewhere in emerging economies of Africa, "[s]ocial pressure is very strong in the direction of the accumulation of wealth in view of redistribution" (ibid. p., 43). Practices of reciprocity and successes associated with occupying a public office may be partially used to explain why public officials practice corruption (cf. Oliver de Sardan, 1999). Moreover, the extent to which public officials fulfill some societal responsibilities through nepotism, reciprocity, and favoritism may influence how public services are delivered. For example, studies show that grassroots institutions like the LAs are highly influenced by societal believe in the way they work. That is; "it is at the local level that issues like nepotism, tribalism and even

clanism are most profoundly manifested" (ibid. p.126). Social practices based on patronage may lead to hiring of unqualified personnel into civil service who have less knowledge on how public sector functions (Agbakoba, 2007) and may thus easily resort into corrupt practices (Rose-Ackerman, 1999). For example in Kenya, a report by PricewaterhouseCoopers in April, 2012 stated that the;

> "staffing at Nairobi City Council [NCC] has concluded that 92 per cent of the Council's 11,392 employees are 'incompetent' [and] that more than nine-out-of-ten City Hall employees were either semi-skilled or unskilled, a fact that seriously impairs the Council's efficiency. More than half of NCC employees never   progressed beyond primary school education[4]

On the same note, Kenyan public officials are said to be influenced by their tribal/clan/community affiliations in the way they run public affairs (Mutua, M. 22/11/2011). It is said that; in Kenya recruitments into the civil service, promotions, contracting out and acquisition of property are largely determined by informal networks of mutual benefits based on tribal/clan connections (cf. Brinkerhoff and Goldsmith, 2002; Ruud, 2000). Socio-economic factors may not only impact negatively on service delivery and management of government projects, but they may also inspire or socially 'legitimize' corrupt actions in the public sector. This variable looked at how social related practices like reciprocity, favoritism, and nepotism correlates to practice of corruption by service seekers and public officials (cf. Ekeh, 1975; Agbakoba, 2007; Smith, 2001; 2007).

3.5.   Limitations to the study

Study Period: I must point out that data on how corruption takes place in the LA and other public offices of the study setting can hardly be generated within a period of three months. In particular, if the researcher is a foreigner or a non Dholuo speaker. That is, it might take a foreign researcher a period of not less than eight months, or even more to establish contacts, gain trust, create gatekeepers and learn local connotations of corruption in the study setting (cf. Wade, 1982). Therefore, previously established contacts in Migori, speaking the local language, and understanding the social setting of the area were very essential in accessing data for this thesis.

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[4] Kenya Forum (26, April, 2012), Nairobi City Council and the PriceWatersCoopers Report (part 1): overstaffed and incompetent: accessed at http://www.kenyaforum.net/?p=3897

In spite of this, the time frame in the fieldwork was still limited. A longer period in the field may have allowed more room to access additional information as well as get to know other strategically placed officials who may have detailed information on corruption in the LAs or public offices under Migori district. More time may have also provided an opportunity to visit other areas under the jurisdiction of unit of analysis such as; Karungu, and Nyatike, as well as visiting location of some stalled projects blamed on corruption in the council. However, earlier contacts and understanding of the context provided me with a comparative advantage that greatly resolved extreme consequences of limited time in collecting data for this thesis.

Fear of giving information on Corruption: Fear of giving information is expected in a study touching on sensitive issues and illegal acts like corruption. For example, when I asked one of my informants whether or not it was alright with her for me to record information she was giving to me, she exclaimed in Dholuo, *then I see why some people keep off from giving you information. You cannot record this information I am to give you because it is very confidential and I do not want to be heard in a recorder*. Even though, researcher's personality has a lot to do with whether or not s/he can be able to make contacts, and ensure that informants are comfortable and secure to share information on corruption, fear of giving information about corruption seems to be a challenge difficult to resolve in corruption research.

This is because, for one to have information on corruption, especially, from public officials, s/he must gain trust and confidence of informants. Otherwise, s/he can hardly find any detail on corruption (Wade, 1982). Whilst such contacts and confidence were created in the fieldwork, some informants were still insecure to explain certain details on their experiences of corruption. Therefore, the likelihood that such informants may have intentionally distorted original information on corruption cannot be ruled out. As I earlier pointed out, they could have simply given information that they thought I wanted to hear. As a researcher, this kind of awareness is important in reducing levels of bias in data collected.

It also emerged that public officials found it uncomfortable to talk about corruption within government premises. For example, I had to make an arrangement (i.e. identify a place, e.g. a café or a park in Migori town) outside LA premises to meet informants who had specific information on corruption. It was less suspicious to sit in the park or in a café and discuss at length how corruption takes place in some public offices. This is because; those who are

involved in corruption were said to be usually on the alert and they tend to easily suspect any stranger seeking information about corruption in the Council and other public sectors.

For instance, as I was interviewing a council employee at the council premises, she quickly alerted me that …*the news has already gone around that you are here and that I am talking to you, please don't put me into trouble by asking about corruption in this council as I see indicated in that letter [i.e. the university letter]*. As soon as she alerted me, one of the senior councilors arrived in the office, suspiciously looked at me, and on his way out he directed a warning toned question at my informant, *who is that you are talking to*? Such incidences may have made potential informants to shy off or limited the scope of information provided to me.

Moreover, those public officials who are knowledgeable on how funds are being embezzled in the system hardly allowed me to tape record any information they gave about corruption. Therefore, I was presented with a difficult task of remembering some information from such informants. But, as Layder (1998) says in his study, I wrote down such information immediately after discussions or conversations. Fear among junior civil servants to give information on corruption and laxity by the heads of the departments can also be used to show how confidential certain acts of corruption are treated in some public offices of our study setting. The kinds of reactions from civil servants pointed out here can be as well treated by an investigator as data on whether or not there is likelihood of corruption in the public sector.

Perceptions of Corruption and Real Cases of Corruption: Given that data on corruption touches on sensitive issues and that concrete information on the phenomenon can hardly come by (Wade, 1982; Fjeldstad, 2005), an investigator may not only be tasked with describing every step of data collection processes as well as the nature of actors involved, but also in the way s/he present information to the reader. Whereas the challenge starts from how informants and the information were accessed, to whether or not the information was reliable, there is also the task of distinguishing between perceptions of corruption and real cases of corruption (cf. Olken, 2006; Abramo, 2008).

Just like in the majority of empirical studies on corruption, data upon which this thesis is based are largely personal stories, opinions, perceptions and experiences. There were no official documents or documented cases of corruption to back up accessed data. It was also not possible to completely verify personal experiences and stories as they emerged. In that case, it is

important to mention that the thesis' sources of evidence lie between high perceptions and real cases of corruption. Because, whereas some informants admitted to have not experienced corruption, others said that they have participated in its practice.

After all, Olken, (2006:4) warns that despite the point that "individual beliefs are biased does not necessarily mean that, in aggregate, corruption perceptions will give misleading results when investigating the determinants [or possibilities] of corruption [like civil service wage]." However, it was not an intention of this thesis to measure corruption, other than to know how it is practiced and possibilities of its occurrence. Therefore, issues on prevalence of corruption, does not arise.

But, the nature of data poses a challenge on how to present it to readers. That is, these data and their analyses are likely to be presented hypothetically. This is because; informants provided more information on undocumented evidences on how corruption is being practiced and possibilities of corruption in the public sector and it became impossible to further validate personal stories and experiences apart from looking for the same line of stories, perceptions, opinions and experiences. This hinders concrete presentation of data. However, this tends to follow a trend set by other empirical studies like Wade (1982); Ruud (2000); Gupta (1995) which are to some extent dominated by informants' personal stories, perceptions and experiences. Maybe, hypothetical presentation of data on corruption is likely to stem from the covert nature of corruption, as well as its almost unobservable forms like bribery unless one is involved but of which may also pose serious methodological dilemmas (Sissener, 2002).

3.6. Data Analysis

Being a qualitative study, data analysis took forms of analytical discussions and explanation building. These were based on inherent relevant theories and perspectives in corruption literature discussed in chapter two. Tape recorded data were transcribed in their original or raw language. Transcription made it easy to link various data with variables and issues under discussion. Informants were grouped into categories of gender, age and profession. Findings were also grouped into four categories. The first category was data collected in Migori town alone; the second category involved data collected outside Migori town (Uriri, Oyani and Stella centers). The third category constitutes findings from mainly civil servants. The last category covered data

collected about the LA from council employees and councilors. All data were broadly divided into those from members of the public (service seekers), those from civil servants and data from local politicians (known as councilors).

3.7. Validity Procedures and Ethical Considerations

Validity challenges for data emerged from two fronts: Methodological issues surrounding the phenomenon under study and those that are associated with research tradition used in studying the phenomenon. However, on the first front, despite of its contested definition, as well as causes and consequences in the society, corruption is still researchable (Lancaster and Montinola, 2001). Thus, to resolve all the first and second challenge; clear constructs or operationalization elements for corruption, its credibility in relation to available evidences and even its applicability to other contexts, if possible, were fulfilled. In that respect, some of the following validity tasks were undertaken in relation to three principles of qualitative research (construct, internal and external validity processes).

3.7.1. Constructs for the phenomenon of corruption

To identify operationalization elements for the definition used in this thesis, Informants were presented with the question: 'which of the following can you regard as element(s) of corruption?' I) Doing a favor to one's tribe, relative or kinsman; (II) Using public property for other uses not regarded as official (e.g. a vehicle); (III) Paying to get a job; (IV) Paying to have a transfer or promotion; (V) Paying for services meant to be accessed for free; (VI) Being paid by your clients after giving services; (VII) Being taken for a cup of tea to do a favor to a client.

Drafting of these questions were partly inspired by the work of Kibwana, et al., (1996). Out of seven civil servants informants (CSIs) who answered these questions, six ticked all choices whereas one left out '*the use of public property for other uses not regarded as official; and being taken for a cup of tea to do a favor to a client*'. In other words, it seems that six CSIs agreed that all the above elements can be defined and operationalized as acts of corruption. But, their colleague did not agree that elements (II) and (VII) can be seen as corruption. In addition, when members of the public were asked to describe what they think of when they hear of corruption (Kibwana et al., 1996), the following responses came out:

Toa kitu kidogo (give something small); being asked and giving money to a public officer for favors or quick services; it is stealing indirectly because the boss usually force those in need; corruption is inheritable; favoring someone because of their tribe or clan when applying for jobs; lack of true commitment to the field of work and also lack of good rules in the government; stealing government money like Anglo-Leasing [i.e. a 2004 corruption scandal in Kenya].

3.7.2. Credibility of the Study (Internal Validity)

According Yin (2009:42), credibility of a case study research, like this one, lies with the extent to which factor *y* caused the existence of condition x putting into consideration the existence of the third factor that might also cause condition *x*. Thus, as part of capturing other potential variables in assessing the extent to which civil service wage correlates to corruption in the public sector, following questions were asked:

(a.)   What do you think can make a public officer to be corrupt?

(b.)   What is your opinion on the salary level of public officials and corruption?

Informants gave the following observations; *Low salaries* to questions (a) and (b). Two of them pointed out *delayed salaries*. The others said lack of contentment and being in a position not to effectively provide for their families, like paying school fees and other expenses. Some civil servants suggested an *upward adjustment of their salaries* to counteract increasing inflations. At the same time, a civil servant and two members of the public suggested that public officials should *live within their pockets* (avoid illegal solicitation of extra funds and make a living out of their official incomes).

One of group discussions organized variables in the order of importance in relation to how they affect acts of corruption as follows: *Low Salaries, Inflation, over taxation, Poor equipment* and *Greediness, poor institutional organization of funds, mismanagement of funds* and *tribalism*. From this, it seems that low salaries have some effect on corruption in service delivery and project management. However, it also emerged that factor *y* (civil service wage), is not the only factor leading to condition *x* (corruption). There are also other competitive factors that might lead to condition *x* like poor institutional organization. But one can also say that

inflation, over taxation and delay of salaries are still related to the wage factor. That is, they determine purchasing power of civil servants' official income.

Various sources of evidence and triangulation of data collection methods enabled the likelihood of establishing correlation between independent and dependent variables of the study. Also, interviews and informal discussions brought on board various aspects of the relationship between these variables. For example, as others in the questionnaires responded positively of the correlation between wages and corruption, some group discussions, pointed to a contradicting relationship between wages and corruption. In addition, the thesis adopted thick description of the case, in depth interviews and analytical discussions on issues that emerged in the fieldwork.

3.7.3. Transferability of the Study (External Validity)

Transferability, applicability or external validity of a case study aims at making analytical generalization where an investigator strives "to generalize a particular set of results to some broader theory" (Yin, 2009:43). This usually lies with the research design of a study, as well as with theories to be tested concerning a given model or particular theoretical perspective. Data for this thesis test the hypothesis that levels of civil service wage has more or less correlation to acts of corruption in situations where; one argument "points to a negative relationship between wages and corruption across developing countries" (Rijckeghem and Weder, 1997:1) and another argues that low wages can cause high temptations for civil servants to be corrupt. External validity for the case study was grounded on findings that low wages or delay of civil servants' wages may present civil servants with an excuse to practice corruption. The findings also contribute to the popular perspective that social factors and poorly designed public institutions may make corruption possible in emerging economies (cf. e.g. Rose-Ackerman, 1978).

3.7.4. Other Validity Procedures

Data collection tools were clear on the purpose and intention of study. Rights of informants were well stated in study questionnaires and prior to interviews/conversations. My identity as a student researcher was clearly stated to all participants by presenting the university letter. In addition, in as much as very detailed information on corruption was needed, leading questions on the phenomenon and study variables were avoided. This was to capture the phenomenon under study

as is experienced and perceived by the population under study, as well as to control and minimize the role/influence of the researcher on findings.

For example, when I approached one of the councilors introduced to me by some informants in the council, and asked him if he had time to talk about issues of accountability and financial management (avoiding to use the term corruption) in the Council, he immediately said that; *so you want to know how we councilors are eating money in the council, let me just finish with these revenue officers, then I will tell you all that you want to know here.* As he later told me, an issue he was clearing with the revenue office concerned a case where a commission worker from his Ward had not been paid his wages for eight months in a row by the Council despite of mobilizing funds of approximately Ksh. 80.000 for the Council. It is important to highlight this case because; one, it gives the picture of interactions in the field and how some information were accessed and, two, it gives us an important case of reference on the issue of wages and the likelihood of corruption in the council. In other words, this story portrays some aspects of the administration of the LA that may have not been accessed by the researcher.

To further ensure issues of validity, Informants' names or anything that could undo their identities were avoided. The only details allowed were: informants' profession, age, gender and the date when information was given. An effort to reduce bias was also ensured by putting into discussion views held by informants and the researcher in group discussions. This allowed for the emergence of other aspects and views on corruption. I did counter checking with informants and member checking with group discussions concerning discussed information. These helped in revising certain information on corruption and in further investigation on some claims that might have been otherwise rendered biased.

CHAPTER FOUR:

DESCRIBING CORRUPTION IN THE LOCAL AUTHORITY

4.0.   Introduction

The purpose of this chapter is to describe how acts of corruption are executed by politicians (Councilors) and civil servants in a Local Authority (LA) of rural Kenya. It shows how corruption in the Council is sustained by patronage, lack of professionalism, favoritism, personnel transfer, and ignorance. It argues that acts of corruption in the LA are largely exacerbated by weak institutional capacity and the subsequent faulty monitoring systems in place. The semi-autonomous management of the Council also provides corrupt senior officials with more discretionary powers to practice corruption for personal enrichment.

The chapter again shows how administrative and political corruption feed each other in a system where election of representatives is a practiced norm of governance (cf. e.g. de Leon, 1993). As noted in studies of some public institutions in East Africa (e.g. Fjeldstad, 2005; 2002), corruption in our LA is organized and executed within a network (or negative working groups) well bound by trust. From the lowest ranking officer to the clerk, corrupt practices come in various forms and the amounts of money involved. The amount of funds being swindled depends on the position of the perpetrator. That is, the lower the perpetrator's position, the 'pettier' the money, and the higher the position the 'bigger' the money. Described in the words of a LA employee; *when senior administrators and politicians steal, they steal big money*, or as expressed by another civil servant; *everyone is eating where their arm can reach*.

For the sake of clarity, thick description will be used to keep the reader on track. In this respect, description of the organizational setting of the LA, sources of finance and how acts of corruption are executed by public officials (politicians and civil servants) will be helpful.

4.1.   Institutional Organization of the Local Authority

In its organizational mission, the LA or the Council (which is the unit of analysis for this thesis), strives to "ensure effective and efficient utilization of resources for sustainable socio-economic

development" (Website not indicated since it shows the name of the LA). As said by the Clerk in the institution's website, this Council "is at the forefront of implementing Government's Poverty Reduction and Economic Recovery Strategy" (ibid) in areas under its jurisdiction.

The organograms below represent the hierarchical organization of the council indicating various units of administration. It might be also rewarding to mention that the organograms presented here were drawn by informants, apart from the position of the PLGO, added by myself for the purposes of clear description. The organograms were effective in explaining various sites of corruption in the comprehensive administrative (civil servants) and civic wings (board of elected representatives or councilors) of the LA as it will be later emerge:

Figure A: **Structure of the Administrative Wing**
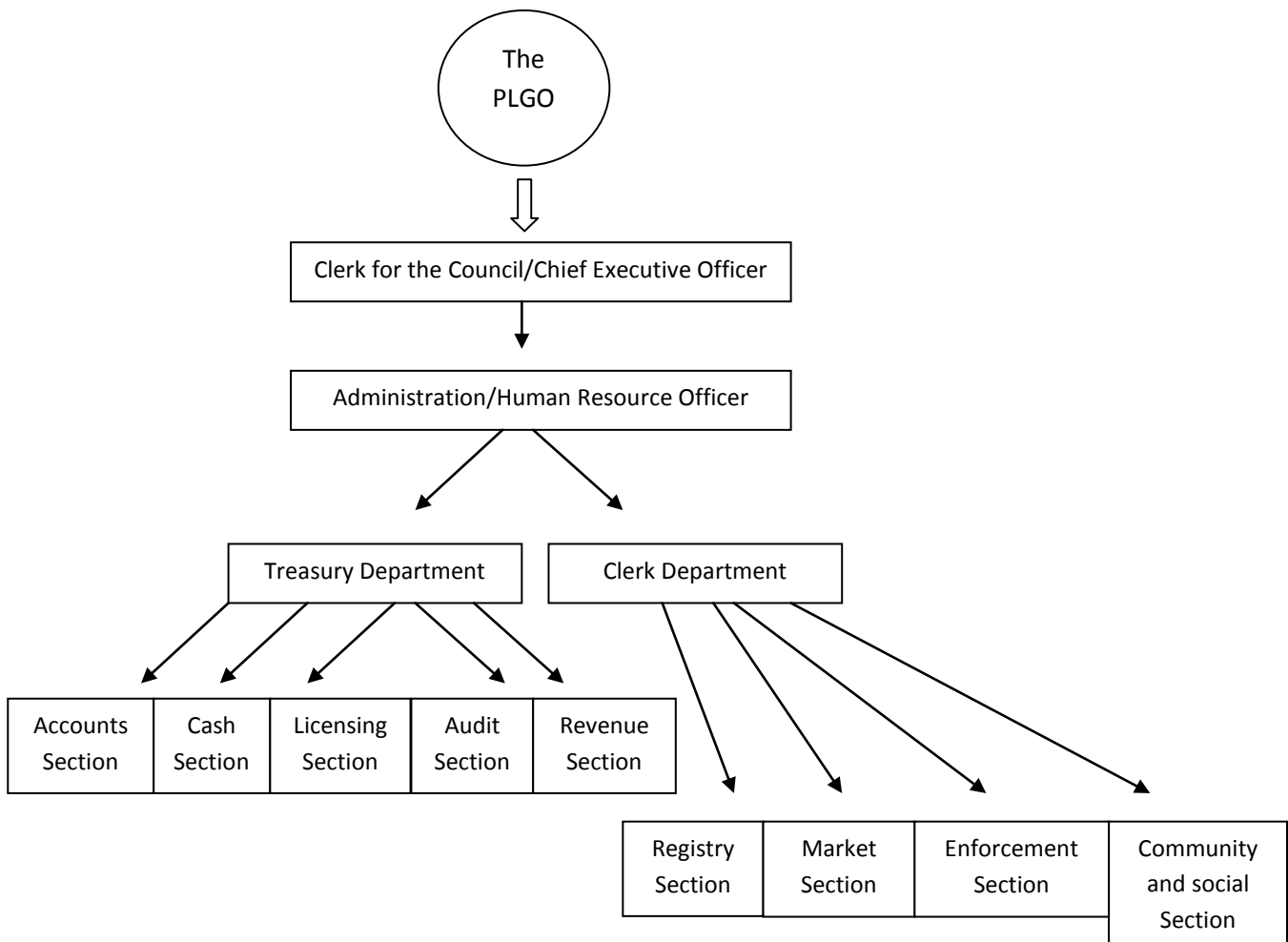
Source: *Drafted by Informants when explaining organization of corruption in the Council*

Explanation for Figure (A): As earlier mentioned, the Council is headed by the clerk as seen in the above Administrative hierarchy. The Administrative wing is respectively divided into two departments: Treasury and Clerks departments. The Treasury; which is one of the most outstanding departments, is headed by the Treasurer. It houses Accounts section, Revenue section, Audit section, Licensing section, Cash Office section, and Stores section. Clerks department is composed of the administrative/ Human Resource section, Enforcement section, Markets section, the Registry/Records office, headed by Records Officer, and Community and Social Services section.

The Treasurer is the Financial Advisor of the council and s/he heads all financial sections of the institution. Clerk's department is responsible for the recruitment as well as administration of all other duties in the Council. Various sections are headed by, for example, the Cashier for Cash Office section, Revenue Officer for the Revenue section, Accountant for the Accounts section and the Auditor for Audit section. These four sections are important sites in the execution of corrupt activities in the Council. However, it does not mean that other sections like the Store and Licensing officers play insignificant role when it comes to corruption in the institution.

It is important to note that corruption in our LA was said to go beyond the above structure to include external forces like the PLGO at the provincial headquarter. It is also better to know that Council employees are unequally exposed to access of funds and each may be corrupt in their own way. Accessibility of funds determines the difference between how much the accountant frauds in comparison to the Store officer. It emerged that the more funds a corrupt civil servant accesses the more s/he can swindle. Probably, this can be used to explain why some employees are more corrupt than others, no matter the wage variations. However, this is a story for the sixth chapter which assesses effects of civil service wage on corruption.

The Treasurer and the Clerk are the only ex-officio members of the Local Council Assembly. Their employment scales range from 1 to 9 and are recruited by the Public Service Commission (PSC). By being in senior positions, the two enjoy relatively high discretionary powers in the council. Like other section heads; such as the Accountant, and the Auditor, the Clerk and his Treasurer should be graduates with either a university degree or a university-college diploma. According to PSC's Job scales, council employees are determined by either their levels of experience or their education qualifications. A university degree holder should

occupy scales between 1 and 9. However this is sometimes not the case and it might never correlate to one's salary level as it is supposed to. It is common that employees with lower qualifications occupy senior positions (including that of the Clerk) than the highly qualified civil servants depending on many factors that include informal networks actively in places.

Like all other council employees, the accountant and the treasurer are under Clerk's supervision. The Clerk as the CEO possesses the authority, and influence over employees' transfers and promotions. As earlier mentioned, all council employees are paid locally. An employee speculated that, the Clerk might take up to over Ksh.120, 000 per month in salaries. In other words, the CEO is the highly paid civil servant in the council. In the current provisions by the Local Government Act Cap 265, the Clerk, the Accountant and the Treasurer are the only officials who can access details of Council's bank accounts.

Figure B: **Structure of the Political or Civic Wing**
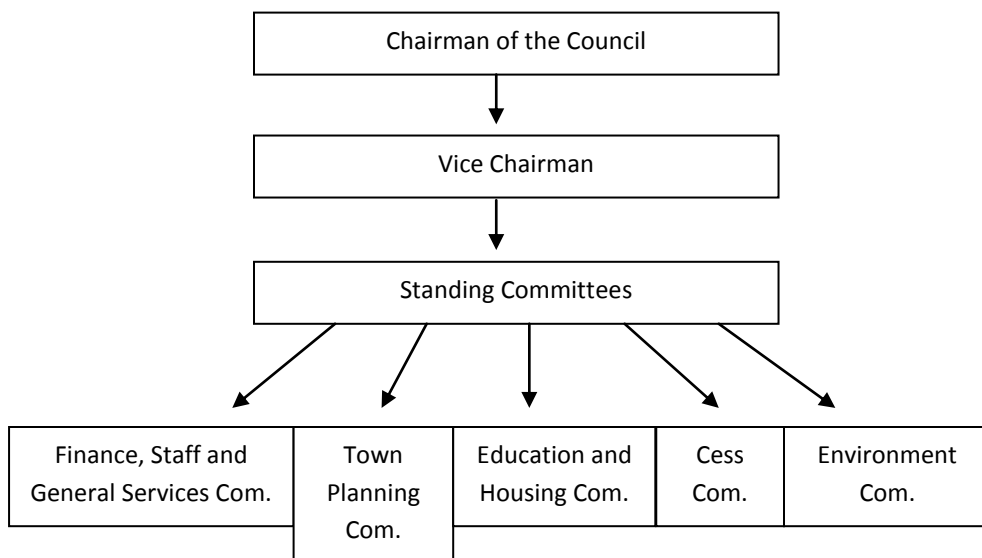
Source: *Drafted by Informants when explaining organization of corruption in the Council*

Explaining Figure (B): Being a political wing of the council, academic qualifications are not emphasized for one to become a councilor. The Chairman who heads this wing is elected by civic representatives (Councilors) after every five years. Councilors are elected in the civic elections to represent Wards in the Local Authority Assembly. In our setting, the wards are the lowest political constituency. Elections in these wards are conducted at the same time as

presidential and parliamentary elections in Kenya. There are 31 councilors representing various wards within the jurisdiction of our LA. However, eight of these councilors are nominated by their respective political parties. A nominated councilor here refers to unelected political representative appointed by a given political party as required by the law in relation to the administration or management of the LA.

The civic wing forms the council's assembly and five council committees mandated with debating, assessing and approving activities of the council. These committees are: Finance, Staff and General Purposes; Town Planning, Works and Trade; Education, Housing and Social Services; Environment and Health; and Cess Committee. The committees define our LA's areas of focus in the bid to deliver socio-economic development in the wards. Like the Chairman, committee chairs are also elected by councilors. Given the number of wards, each committee has not less than 9 members also elected by councilors. Committee members and the ex -officio members make up the Board of Directors of the council.

4.2.   Employment Types in the Council

Majority of Council employees are recruited and paid locally. All LAs in Kenya have employment scales of 1 to 20. The Council has full authority over employees of scales 10 to 20. On the other hand, the PSC posts to each council, employees of employment scales of 9 to 1. However, it is still in the mandate of the council to pay and request for the recruitment of PSC employees. Councilors are exempted from salary payment and are instead accorded monthly allowances. To efficiently execute its mandate, our LA has various ways of hiring employees of employment scales 10 to 20. These are members to Workers Commission that advocates for workers' welfare in the LAs. Various employment types include:

Commission Agents: the wages of this group depend on how much they have collected in the field. Commission agents usually get 10 percent of funds they helped to mobilize.

Casual workers: This group of employees is temporarily employed depending on the scope of work. They therefore work in specific periods of the year when there are increased activities involving the Council such as; transportation sugarcane to the factory.

Temporary Employees: These are workers whose contracts are subject to renewal depending on their individual performance, and the liquidity position of the council at the time.

4.3.   Revenue Types in the Council

Our LA has both internal and external sources of finance. Internal funds come from various forms of cess, market dues, auctions and plot rents. The key source of external fund comes from the central government through the **Local Authority Transfer Fund (LATF)**. I will briefly describe various sources of funds as follows do avoid the likelihood of later confusion:

Cess Revenues: These are grouped into Fish cess; from fish transportation or other fishing related activities in LA's area of jurisdiction. The Sand cess; from sand transportation and any other related activity within our LA's area of operation. The Cane cess is revenues collected from transportation of sugarcane and other related economic activities under the council's area of operation. There is also Tobacco cess being collected from tobacco farming and transportation within the jurisdiction of the council. It was speculates that both the cane and sand cess can be approximately Ksh. 200,000 (approximately NOK. 20,000) per week.

Market Dues: These are revenues collected on daily basis from markets under the jurisdiction of the council; like in Nyatike, Sori, Uriri, Stella and some areas of larger Migori.

Plot rents, auctions and the council grader: Our LA rents out plots of land to interested individuals as a way of mobilizing funds. It can also auction confiscated properties from fee defaulters to members of the public. The council owns a grader and vehicles that it hires out to contractors and sugarcane farmers in the district in return for funds. Local taxes (i.e. revenues collected) have different bank account from that of LATF.

LATF: This is an inter-governmental financial scheme for LAs. According to Odhiambo, *et al*., (2006:64-5 in Mbeya, *et al*., 2011:2), LATF is meant for the following purposes: "(1) to enable LAs improve service delivery to citizens; (2) to enhance economic governance by improving financial management and revenue mobilization; (3) to eliminate outstanding debts within five years, and; 4) to strengthen stakeholder participation in the affairs of LAs." Thus, LATF is the key source of income that finances more than half of the council's Annual Budget (Mbeya, et al., 2011). Its quantity depends on the performance the LA in service delivery as required by the Local Authority Service Delivery Action Plan (LASDAP). As far as citizen empowerment is concerned, LASDAP was a government tool initiated in 2001 to bring about participatory and accountable governance in LAs (Mbeya, *et al*., 2011:3). It requires citizens'

participation in the prioritization and identification of projects for government funding. In this way LASDAP is supposed to ensure transparency in the local management of resources. "Preparation for LASDAP is [therefore] one of the conditions that trigger LATF disbursements" (ibid, p.2).

Among other requirements, our LA and its employees should in addition fulfill conditions put by statutory bodies. Tax deductions like the; Pay As You Earn (P.A.Y.E), and Value Added Tax (V.A.T) should be submitted to Kenya Revenue Authority. Deductions to Retirement schemes and statutory bodies like; the National Social Security Fund (NSSF), Local Authority Provident Fund (LAPF), National Insurance Health Fund (NHIF) and Higher Education Loan Board (HELB) must be submitted before LATF is disbursed. The council and its employees were said to submit approximately 15 and 12 percent, respectively, in tax deductions.

Our LA should also clear all its debts to other stakeholders before applying for LATF funds. LATF is disbursed three times in each financial year (from July to June of the following year). Our LA receives around Ksh. 100 million (approximately NOK. 10 Million) from LATF. It is important to know that other sources of funds, like Cess, are unreliable and they usually depend on economic activities (e.g. sugarcane transportation) in the area which are only high between months of January and May.

4.4. How Corruption Exist in the Council under Study

As seen in various studies on LAs in Kenya (cf. e.g. Mbeya, et al., 2011; Anassi, 2004), Corruption in our LA is not a special case. Both administratively and politically instigated cases of corruption lie side by side in the council depending on positions of perpetrators. It takes the co-operation of both local politicians and civil servants for some acts of corruption to be successfully executed. Corruption in the LA can be described under the following sub headings.

4.4.1. The Administrative Wing and Corruption in the Council

Clerk's position is lucrative when it comes to mobilization of illegal funds. His influence over local recruitments ensures total loyalty, especially, from those employed through his influence in either the Auditing or Treasury sections. He also has an overview of all financial engagements of the council and even influences how funds are allocated. In other words, the clerk influences and oversees implementation of all council resolutions. He is also entitled to more allowances than

any other employee in the council. For example, he has to receive at least Ksh. 10, 000 (approximately NOK, 1000) for a night out (seminars) if he is in job group grade 1 to 4.

With such night outs, the Clerk was said to solicit illegal funds by forging 'ghost' night outs. *Ghost night outs* are non-existing workshops that are formally recorded to have been attended by the clerk. Given the current institutional structure (that was accused of posing weak monitoring system) the Clerk occupies an invincible position in the LA. He is not answerable to anyone apart from the PLGO who sits at provincial headquarters, and who may as well only depend on the information provided by the clerk and his cronies regarding our LA.

As said by a councilor informant (COI) and a member of the Finance Committee, "the CEO [i.e. the Clerk] has even powers to, for example, instructs the Treasurer to give Ksh. 30, 000 [NOK 3000] to someone who goes to him to ask for financial help and then tells the Treasurer to find a way of covering that up…. He can also tell the treasurer to give him Ksh. 50, 000 to settle some issues" (COI1: 3/08/2011). Institutional organization in our LA is in such a way that it is only the Clerk and the Treasurer who are the signatories to funds in the Council accounts. It was said that due to this; the two easily embezzle and hide such information from committee chairs and other section heads. For instance, the CEO and his Treasurer were said to illegally 'wire' (send) funds to personal accounts, or write a cheque to the Council chairman and Finance Committee chair without the knowledge of the internal auditors.

It was also said that the CEO influence elections of various committee heads to secure his position and corruption dealings. Informants said that as long as the County chairman and some politician supporters are *successfully put in the pocket* (compromised with bribes), the CEO will have no opposition to do anything he feels like. By influencing who gets to be elected as a committee chair among councilors, the CEO also has control and powers to impose his wishes on various committee councils. Among influential committees that the CEO must control, is that of Finance. Therefore, he must "put the chair of the Finance Committee in the pocket" (COI1: 03/08/2011).

A member of Finance Committee said that; 'rebel councilors' (those councilors who are opposed to the CEO and the Chairman) are rarely elected to chair any council committees. But with the control, power and support from his corrupt network or negative working group, any oppositions by rebel councilors, in many cases are, inadequate to stop the CEO and the

Chairman's teams in full council meetings (when all councilors meet to pass council resolutions that determine operations of the council). However, this does not mean that the CEO and the Chairman easily get their corrupt maneuvers sail through in the full council meetings. It was said that; sometimes situations may arise where the CEO is even being locked out of his office by councilors. To avoid such scenarios, the CEO must find a way of placating or controlling majority of the councilors.

It emerged that, if there are signs of the CEO being locked out; for example, if he finds his office locked with big chains or workers demonstrating against him, he respectively wire approximately Ksh. 50,000 each to the DC and the area's Police Chief (Officer Commanding Police Station – OCS). The DC and OCS then send the police to help in quelling a rebellion led by councilors and their supporters. Such rebellions were said to be common if the CEO fails to conform to demands from either councilors or workers commission concerning management of funds or wages, respectively.

Another area that was said to be usually targeted by the CEO and his group was said to involve LATF. An informant said that LATF is always eagerly waited for by the executives (the CEO and Treasurer) and it is almost squandered as immediately as it comes. An informant asserted that;

> When the money comes, the meeting can be held until late in the night without the secretary. The most rowdy ones [opposing councilors] are paid, like, 'why are you still making a lot of noise… cham mae' [eat this]. The clerk then goes and makes the deal or pledges a percentage of money with those supposed to clear the money [i.e. PLGO and says] just do me a favor. Then a cheque is disbursed. After a month the money is done and councilors travel or take tours to cover the expenses [i.e. for auditing purposes] (CSI2: 30/07/2011).

However, to be on a safe ground with all these, the CEO must also *ensure good relations* (always facilitated with offer of bribes or kickbacks) with his principal/supervisor who is the PLGO. Close relations with the PLGO is important on both administrative and political grounds. This is because; the PLGO is the one who approves all operations, loans to be borrowed, and activities (e.g. budget) of all councils in the province before such details are forwarded to the ministry headquarters. It should be made known that final approvals on disbursement of funds as well as on the implementation of projects by LAs countrywide are done at national headquarters.

'Good relations' with the PLGO also make the PLGO not to heed to calls of transfer of the CEO by rebellious councilors or workers' commission. Though this depends on how much the PLGO gains from his/her relationship with the CEO, or how appropriate our CEO scratches the back of the PLGO. That is, unlike how the phenomenon of *scratch my back, I scratch yours* is explained by Agbakoba (2007), both the CEO and the PLGO scratch each other's back but the exercise leans more to the advantage of the PLGO (principal) than on the side of the Clerk. This is because; the PLGO has so many (clients) scratching his/her back that s/he has a wide range of choices to make depending on the most attractive offer. In this way, an informant observed that our CEO has to rise to the occasion (update and weigh his offer) to please the PLGO in every way possible.

Informants reiterated that, if the CEO wants high ratings of the Council to be able to receive more LATF from the central government, he bribes the PLGO or pledges an attractive kickback from LATF when it is disbursed. This was partly described by an informant to go this way: If the council collects revenue of Ksh. 3 million per month, the PLGO can put it at Ksh. 6 million and forward this report to national headquarters for final approval. If LATF is disbursed as was intended by the Clerk and the PLGO, part of it (approximately over Ksh. 60, 000) is kicked back to PLGO's account. In the same way, with PLGO's knowledge, the CEO can also inflate the council's budget or revenue base to increase the amount of LATF to be disbursed by the central government.

In addition to attractive kickbacks, it was said that the PLGO is also assured of vacancies within the council (for example 3 of 10 vacancies) which s/he sells out at lucrative bribes to those in need of employment or transfers. For instance, if the PLGO approves the transfer of a PSC employee to another LA, s/he receives bribes of at least Ksh. 40, 000 from the transferee. Such transfers were said to be common in cases where funds have been embezzled and a transferee is considered one of the key suspects. For instance, a previous case was mentioned where some councilors and clerks connived and embezzled large sums of money. However, there was no further action taken against perpetrators (clerks) apart from being transferred to another LA whereas the councilors merely vacated their positions in the council committees.

It was also pointed out that LASDAP projects provide reliable avenues for extracting illegal funds by the CEO and the Treasurer. The cost for projects like construction of classrooms

in the local schools were said to be overvalued in terms of construction materials used. For example, if officially size y12 of metal was supposed to be used, the Clerk and the Treasurer can purchase size y9 or even y8 which are less costly alternatives. The remaining funds are diverted for personal benefits. Funds raised in this way can amount to thousands of Kenyan shillings depending on the size and cost of the project(s) in question.

An informant said that the CEO is also in a position to divert a percentage of loans borrowed by the council to his account. Even though, I found this information to be suspicious, my informant persisted by reminding me that; it is only the executives who are the signatories to the accounts. Furthermore, if the CEO can credit other accounts, what can stop him from crediting his own? Apart from the above case, another informant said that some funds even leave the account without being captured in the voucher. In cases like this; where the CEO and the Treasurer connive to use some funds without a vote of the council (authority), it becomes so difficult to know about such funds that only the Cashier, (who withdraws council money from the bank), is exposed to such transactions. However use of funds without the council's vote may be problematic to the Clerk and his crew. That is, apart from difficulties of entering such funds into official vouchers, the External Auditor is likely to find out about the missing funds. External Auditors usually come from headquarters to verify levels of accountability in the management of council funds.

Therefore, the internal auditing clerks are instructed by the CEO to find a way of covering up the missing funds. An informant said that one of such cover ups techniques include; entering the missing funds as *entertainment* in the official voucher. These fraudulent acts were said by a councilor informant to be made possible by the weak and compromised auditing section and procedures. For example, the Council's Auditing Committee headed by an elected councilor was said to be too weak to find out such malpractices. Even by the time of data collection for this thesis, a councilor said that the composition of the Auditing committee had not been agreed upon. Also, one of the clerks said that; given high political interests at play, and active informal networks in the council, the auditing committee is composed of unqualified persons whose recruitment were influenced by some councilors and the CEO. As a result, such quality of auditors is not able to cover up all financial mismanagement from a team of external auditors.

In another scenario, it also happens that funds can be misdirected by the use of fake receipts (receipts books whose serials numbers are not part of the official auditing procedures). Fake receipts are also used to convince rebel councilors who are likely to demand to be informed how funds are used or councilors who are otherwise driven by an urge to 'revenge' the CEO or Chairman. The revenge aspect stems from political competitions and interests in the Council. Being the central figure in this set-up, the CEO can un/knowingly get entangled in these competitions. But, as was said by a councilor, fake receipts are never presented to a team of external auditors and are treated as very confidential information by perpetrators.

Another area where fraud was reported concerned the *loose money*. The loose money are funds with no specified allotments that may come after completion of a particular LASDAP project(s) or from local sources of revenue like hiring of the Council track, and from grader operations. The CEO has complete access to 'loose money' in the council. It was said that; there are cases where the Clerk does not take the loose money directly to the bank, especially, those from the grader operations. For instance, by the time of the fieldwork for this thesis, there were contestations in the Finance Committee concerning funds presented by the Clerk worth Ksh. 80,000 said to have been from the grader operations since January 2011. Some councilors claimed that, funds from grader were more than the amount presented to the committee by the clerk.

Unlike in cases of the loose money, it should be remembered that the clerk cannot singlehandedly squander relatively huge sums of money. He must co-operate with the Chairman, and the Treasurer. The chairman is very important in mobilizing and taking control of the civic wing. Also, as part of securing his position and quelling opposition from the councilors, an informant said that; the current clerk has so successfully brought a good number of councilors under his control that they have instead regarded him as their boss. However, this is because most of the sitting councilors were said to be highly ignorant and illiterate. Even the current chairman was said not be well-qualified because he is just a high school graduate who became the chair through *good relations* with the CEO and other councilors. As said by one of the councilors, the intention of the councilors was not to elect the current chairman. But because he has money (rich), and tends to lean towards covering corrupt actions of the Clerk, he was elected the chairman.

An employee in the local Anti-Corruption civil society said that; in most cases, embezzlement of council funds goes public if the clerk and the treasurer fail to divide stolen funds among concerned committee members. There are also situations where the Treasurer may disagree with his clerk. But if this happens, "the clerk can collude with junior officers to block the treasurer or the administrator. He always shops for a person of his own choice" (CSI5:30/07/2011).

The politics of alliances and betrayal as being seen here does not stop with the CEO and his rivals. It was said that such cases also exist between other junior LA employees. For example, by the time of data collection, a case of corruption emerged in the sister council. According to an informant, this incident went as follows: An employee (say Agent A) not working in the Revenue section asked for bribes from a service seeker (say Client) who wanted to rent out a plot of land. Because the council approves renting of land, it is illegal for members of the public to rent or sell plots of land without an approval from the council. Therefore, basing on this, Agent (A) told the Client to pay only Ksh.3, 000 instead of the legal fee of Ksh. 8,000 so that the latter's problem can be sorted out. Agent (A) by the virtue of not working in the Revenue section was not in a position to receive any revenues to the council. Therefore, he called his colleague (say Agent B) in the revenue section, and told him that the Client had paid him Ksh. 1000 which they would share fifty-fifty if Agent (B) issues the client with the receipt.

Un/fortunately, the deal went soar when another council employee (say, Agent C) found out about what was going on between agent (A) and the Client. He (Agent C) hurriedly informed the client that she will not get the receipt because Agent (A) was not in the rightful position to help her. The client, now knowledgeable of the trick she nearly fell for, went to Agent (B) who informed him of all the deal and procedures required before renting any plot owned by the council (in our setting all the land is assumed to be owned by the council and it only becomes private by an approval of the council). It later turned out that, agent (A) had once pre-empted a previous corrupt deal involving Ksh. 56,000 and of which agent (C) was a party to.

As I further investigated, the scam of Ksh. 56,000 went this way: A female member of the public wanted to sell an acre of land to three other persons who were to pay Ksh. 8, 000 each to the council. But being the seller, the woman had to do all the paper work with the council. Therefore, she had paid Ksh. 56, 000 as required to the Surveyor, the Works officer and his crew.

The surveyor and others illegally shared this money among themselves depending on the seniority of their positions.

However, it happened that among the Works clerks, a member was left out in the all deal. Thus, the sidelined clerk went ahead and leaked the information to Revenue officer; who acted by asking for the transaction voucher from the surveyor and parties involved. Left with no choice, parties involved mobilized each other, raised the money and credited it to the council's account and then forwarded payment details to the Revenue clerk. Agent (A) in our first case above happened to be the sidelined member of Works section who leaked information to 'revenge' his colleagues for previous exclusion in our first description.

4.4.2. Auditing and Corruption in the Council

The Internal Auditor as an agent of the Clerk is concerned with issues of accountability on how our LA funds are used. S/he heads the auditing section which writes cover notes that explains daily usage of funds. The auditor must be bribed in case of any misappropriation of funds so as to write 'a good' cover note for the purposes of pleasing the external auditors. For example, it was said that if a grant of Ksh. 400,000 was meant for the construction of a given project (e.g. a pit latrine in the market) and instead Ksh. 600,000 was used, the internal auditor must write a cover note to give fake accounts on how the money rose by Ksh. 200,000. S/he can for instance write that the foundation of the building went deeper than it was initially expected, or prices of construction materials shot up leading to the rise in total cost of construction of the project in question.

An informant said that; the internal auditor is sometimes being compromised to an extent that he becomes the '*corrector*'. That is, the auditor by being a member of corruption network or after s/he has been bribed, tells the Clerk and the Chairman's team how to 'correct' or cover up auditing loopholes that may land them into trouble with the External Auditor. However, it is in a few cases where the internal auditor may not be involved in corrupt practices from the very beginning. In such cases, he is simply informed by the Treasurer or the Clerk that "we used some money there for something, so can you find a way of putting it in the records or find a way avoiding problems with it" (CSI6:6/07/2011). Such incidences are the ones that may make the Clerk to clarify financial mishaps at the council to a team of External Auditors. An informant

said that, the external auditor's team can also find out about misappropriation of funds because of the poor quality of the council's auditing clerks.

Actually, it was said that the External Auditor's team usually come expecting this. However, when the team of External Auditors find out about the embezzled funds, the clerk must find a way of '*silencing*' them (expressed locally as *go dhoggi bor* – to mean smearing their mouths with fats). The clerk does this by ensuring that external auditor's team is well catered for: He does the booking and payment for their hotel, food and all other expenses. This is further crowned by hefty bribes (e.g. Ksh. 50, 000 or more to the External Auditor) to ensure that s/he writes a 'good' report on financial management of the council. The External Auditor's report is very important for maintaining future inflow of LATF. Therefore, the clerk must be very cautious and patient when dealing with them lest he face an uphill task of trying to resolve subsequent problems that may threaten his position.

Apart from the internal auditor, it was said that the Surveyor, Engineer and the Revenue officers also co-operate to beat auditing procedures. The surveyor who approves allocation of plots colludes with the Revenue officers to keep the newly allocated land details from the auditing section. For example, an informant said that; if plot X's fee is Ksh. 6000, it is divided into parts A and B or even C, D and F and each part is charged at Ksh. 6000.

In other words, in such cases the council should have Ksh. 6000 x 4. However, in the council's records only plot X will be reflected and the Engineer/Surveyor and the Revenue clerk will only forward Ksh. 6000 instead of Ksh. 24,000 to the council. The rest is shared amongst themselves. The Revenue Clerk in agreement with field collectors can as well issue fake receipts to service-seekers, and enter wrong amount collected (usually less) on official receipts.

On the use of receipts and acts of corruption in the LA, a group discussion by members of the public gave the following accounts: Field collectors from the sister council were said to charge *bodaboda* operators operating outside its area of jurisdiction an illegal parking fee of Ksh. 100. But if it happens that a motorcyclist defaults to pay this fee, he will be asked to pay not less than Ksh. 50 on conditions that he will not get the receipt. Otherwise, his motorbike will be confiscated by field collectors and he will be forced to pay Ksh. 4,000 to have it back. Informants said that, even after payment of such fines "there are no names written down. There is no formal written form … enforcing [the] payment" (FGD1: 17/08/2011). A motorcyclist is

also allowed to bargain for lesser bribes between either Ksh. 3, 500 or less with no issuance of a receipt. Thus, even with official receipts field collectors are still able to circumvent auditing procedures by entering lower fee collected instead of the real figures received.

4.4.3. The Civic Wing and Corruption in the Council

It was discovered that Councilors have a tendency of bringing forth their campaigners to be employed by the council, especially, at the auditing section. This was described as *backdoor* recruitment. It was said that those recruited through the *backdoor* cannot be easily fired even if they misappropriate funds. Councilors who act as patrons to *backdoor* employees, never allow their clients to be sacked through council resolutions. In this way, councilors were said to plant their allies in the administrative wing of the council.

Whereas, councilors are not entitled to salaries, a good number of them are said to relatively get from '*rugs to riches*' overnight. This is because; councilors are the ones who propose projects, identify contractors and ask for the disbursement of funds from the council treasury. Informants said that these projects provide councilors with the best opportunity to make a fortune. Some of these projects are either never undertaken or even never existed in the first place.

In addition, the firm contracted to carry out these projects may belong to the councilor. It was also pointed out that Councilors enter into an agreement with contractors in question to ensure that the project's cost is inflated or even undervalued after it has been budgeted for by the council. For example, if the council allocates Ksh. 1 million for a project, the councilor can agree with the contractor to keep the real cost at Ksh. 600, 000. The remainder is shared between the councilor and other parties involved. To further worsen this situation, informants said that, the auditors for these projects usually come three to six months later after their completion. In this way, it becomes impossible to audit real cost of a pit latrine after its completion three or six months later. As an informant exemplified, it is difficult to audit the cost of a renovated un-tarred road (known as rough roads) after being faced out by erosion six months after its renovation. In other words, late auditing exercise provides an escape route for perpetrators.

Councilors were again said to connive with some well-placed clerks in the council to *eat* from the plot selling exercise. In the study setting, plots of land to be sold out are formally advertised for members of the public to apply. Applicants are required to pay a non-refundable

fee of Ksh. 2, 500 per plot. However, it happens that some application details are left out to attract even illegible applicants. For instance, there was a plot of land to be sold out in Nyatike (one of the areas under the jurisdiction of our LA) and over 3, 000 applicants were said to have applied and paid the application fees. However, the council did not mention that applicants from areas other than Nyatike were illegible. Therefore, all non-Nyatike resident applicants were disqualified after the deadline with no refund of their application fees. Again, some successful candidates had to pay bribes of Ksh. 15, 500 within two weeks deadline or lose the plot.

Amount of bribes for the advertised or sold plots of land never go public. Councilors are usually approached by payees to broker or facilitate bribe payments between concerned civil servants and the payee. And in such cases, Councilors must have their share from concerned civil servants and must also be bribed to act as brokers in such circumstances.

Finally, given the above state of corruption in our LA, one may wonder what can happen if a whistle blower comes up to report some of these cases. Firstly, as posed by Amundsen (1999), corruption in our LA "has a strong inclination for "collectivisation". [That is, to] keep quiet and gradually take part in the practice [seems] much less costly than to blow the whistle, inform, and confront" (ibid, p.5). Secondly, as I said before, majority of the employees in the Council were recruited through what the locals refers to as the *backdoor*. Logically, such employees may not have the will, the ability and even knowledge on why they should undermine an act they benefit from or why they should *betray their brothers*. Thirdly, there are no laws protecting whistle blowers. Therefore, questions such as: *who will protect you after whistle blowing corruption in the council or where will I work thereafter* may be faced by potential whistleblowers. Moreover, the feeling that *everyone is in it* (i.e. practicing corruption), makes it more beneficial to keep quiet and concentrate on ones' own welfare than engage in confrontations with influential corrupt networks.

However, it should be made known that the Kenyan Anti-Corruption bureau (KACC now EACC) had an anonymous online reporting of corruption. Therefore, those willing to report cases such as the above are able to do so anonymously. But it seems that this is not the case here. Even if such cases are to be reported, the anti-corruption bureau will need to have strong documented evidences; which may not be easy to access. This is because; most corrupt practices are never documented or recorded. Even those in the position to provide such evidences may be

part of the network and will therefore destroy any documented evidences that may pre-empt any transaction. Lack of documentation of corrupt practices is a challenge both to accessing data on corruption as well as finding appropriate measures to curb its prevalence (cf. e.g. Andvig and Fjeldstad, 2001). But the failure to report such cases in our setting, in spite of the anonymous online reporting system, may put into question the effectiveness as well as the publicity of anti-corruption bureau. Thus, one may wonder whether or not members of the public are aware of the duties and functions of an Anti-Corruption bureau.

4.5.   Conclusion

The chapter described corruption from actions of public officials in the Local Authority. Describing Corruption in the local governance helps in understanding corruption in specific societal context and within an institution that is designed for and mainly serves the local population. The above description shows how corruption creates trust and dependency among perpetrators; a situation that makes corruption difficult, if not expensive for the government to eradicate (Aidt, 2003). Specifically, when agents like the clerk have control over critical administrative information more than the government or citizens as seen above. The chapter shows that; weak institutional capacity and patronage or negative working groups in the LA, denies the public sector quality public officials who may, to some extent, uphold principle of professionalism that may reduce acts of corruption. Thus, the subsequent ineffective monitoring system in is prone to corruption (cf. e.g. Fjeldstad, 2002). I argue that; these findings can present basic unit of analysis when investigating why grand corruption has become difficult to resolve in Kenya. That is, the witnessed weak institutional capacity, poor quality public officials, and patronage are replicated in cases of grand corruption in the country (Kibwana et al., 1996). Data presented in this chapter can also provide an important source of information for designing anti-corruption strategies for the public sector in our study setting.

CHAPTER FIVE:
CIVIL SERVANTS VERSUS SERVICE-SEEKERS

In any government office, you cannot miss corruption. Here in Migori, just like other government offices in the country, you must dip your fingers into your pockets before any document like a title deed is processed for you. Otherwise, you will just be told to come the next day, and the next day, and the next day. Sometimes the excuse is that the officer to sign [the document in question] is absent or he has gone for a seminar in Nairobi or Mombasa [i.e. approximately 400 and 800 kilometers away, respectively]. Sometimes it is that you have not properly filled a section on an application form. Sometimes it is that your records are missing in their files. It has now taken almost a year for my title deed to be processed. I have so far used Ksh. 50, 000 on bribes to have the surveyor, the lawyer and other persons sign this form. Even the secretary must be given at least Ksh. 200 to type required details. You must pay to have the process move or they will be just be staring at you whenever you go there...

- excerpts from a conversation held on 25.07.2011

5.0.   Introduction

This chapter seeks to discuss the practice of corruption and its enabling environments in a rural setting of Kenya. It presents how various forms of corruption are locally practiced by civil servants, contractors and service-seekers. The chapter challenges the view that tends to wholly blame public sector corruption on public officials; basing on their discretionary power and access to information. Instead, this chapter empirically shows that, such views merely present half of the arena in the practice of corruption in countries like Kenya.

Unlike in the description made in the last chapter – that mainly focused on how public officials in the Local Authority execute acts of corruption – data to be presented here broadens this focus. That is, it brings on board the practice of corruption from actions of service/favor seekers, contractors and civil servants. Thus, it shows that it takes all concerned parties to practice corruption in the public sector.

Like in the last chapter, the challenge with data to be presented here lies on the fact that they tend to avail opportunities for corruption but not actual documented cases of corruption. However, this does not render these data totally inadequate in understanding the practice of

corruption in a setting like ours (cf. Blundo and Oliver de Sardan, 2006, pp.3 and 110). Furthermore, it may imply lack of critical analysis to criticize these data basing on the absence of documented cases of corruption. This is because data on corruption is not like data on Medical Research where findings can be easily accessed from the clinic or hospital databases. On contrary, given its attributes of illegality, condemnation and covertness, corruption is a practice that can be rarely recorded. It is therefore almost impossible to access documented data in situations where perpetrators are quite aware of the danger posed by recording their controversial actions.

5.1. Bribery and Service Delivery in the Public Sector

Fieldwork conducted for this thesis discovered that majority of the people in the study setting are prepared to either offer or refuse to give illegal payoffs to public officials. Some informants pointed out that an act of bribery is a two way exercise where both parties (i.e. service-seekers and civil servants) may willingly play an equal role in initiating bribe payments. In other words, some service seekers find it easy to entice civil servants with bribes so as to grease service delivery processes, solicit favors for job opportunities, evade payment of tax or win contracts. At the same time, public officials may resort to techniques that include; bid rigging, extortion, denying and delaying delivery of services to make service-seekers or contractors pay bribes in exchange for services or to win tenders.

This mutual engagement into acts of bribery is shallowly discussed in corruption literature. Also, these corruption literatures have mainly emphasized factors that make service seekers practice corruption (causes) and the role of public officials in corrupt transactions. In doing so, they have tended to draw more focus and attacks towards actions by public officials than the role of service seekers in corruption. According to findings made for this thesis, when civil servants were asked; 'do you think anybody can ask a public official to receive 'kitu kidogo' (i.e. bribes) in exchange for favors?' Some of the following responses came out: *Yes – so that he/she can be served quickly; Yes: You'll always wait without being served in some offices unless you pay; Yes it is not easy to get some vital documents e.g. IDs, Land title deeds, registration of birth without bribes.* Also, when some members of the public were asked: 'Is it appropriate to say that payment of bribes makes it easy to get services?' Some of the following

responses came up: *Somehow it really helps the service to be easier; Corruption does not only make efficient but quicker to have services; Payment [of] bribes makes it easy to get service*; *It is not good but it is helpful*

A group discussion by service-seekers observed that:

> A person himself trains his dog and it is the public training the public officers. So when one gives [bribes] the other follows. So the problem is with those who wants services….if the public refuses to pay there can be no corruption, but because they want quick services, they pay…. The system is efficient but it is those who serve it that makes it inefficient by just taking tea and making unnecessary phone calls. They [civil servants] behave as if they are not paid by the government making them asking us for bribes (FGD 2: 03/08/2011).

Given the above responses, two probable implications can be used to explain the mutual practice of corruption implied by the informants: Firstly, if one's relationship with the bureaucracy has over time witnessed acts of bribery, it may reach a point where such acts become widespread and normal (cf. Lewal, 2007). Therefore, a service-seeker who has over time bribed to access public services may develop a tendency of bribery. S/he can easily make an attempt to bribe a public official in exchange for favors or services. Some interviewees lamented that they do not think of any other way of accessing services apart from bribing. Whilst authenticity of this statement may be difficult to ascertain, it tends to reaffirm findings by Blundo and Oliver de Sardan, (2006) and Smith, (2007) that in western Africa; bribery can become means of survival in a setting like ours. In particular, if public institutions are not too effective to sanction corrupt practices in the public sector.

Secondly, some civil servants attributed public sector corruption to contagiousness of grand corruption in high places of government. They based this on the fact that nepotism and trade in influence by well-placed public officials is common in the public sector. As they further claimed, some senior public officials influence civil service recruitment or even sell civil service vacancies to members of the public who buy such positions at *good prices*. Based on this, informants observed that; a civil servant who bribed to join civil service is more likely to be corrupt than the one recruited on merit. The former will also view bribery as normal ways of 'doing business' in the public sector. In effect, the bigger the number of corruptly recruited civil

servants, the lower the transparency in service delivery and project management, and the higher the incidences of bribery.

In reaction to this, an interviewee said that corrupt civil servants tend to run government offices as personal business premises; where acts of bribery are executed and payees rewarded accordingly. This was said to be a predominant scenario in the way some Chiefs – who go as far as delivering official duties from their homesteads – administer services to members of the public. As said in the description of the case, Chiefs and their assistants are the lowest ranking public officials in Provincial administration in Kenya. They are local representatives of the DO who is answerable to the DC in a hierarchy that goes up to the Office of the President.

According to an interviewee, in order for one to have the chief's attendance in most cases, s/he has to "part with something small" (SI8: 23/06/2011). For instance, the same interviewee explained that; "if you go to the chief for his sign, he forces you to give your *harambee* [a method of fund raising that has been so far illegalized in Kenyan public offices] which must be paid to have his sign, and because you want his sign you must pay and go your way."

In addition, the Chief can ask 'gimoro matin' (something small) and a service seeker may as well promise to give 'gir erokamano' (a thank you offer). However, the 'gir erokamano' is never effective. This is because it largely depends on trust, and unless one is trusted by the chief, the chief may not bother to offer his help. Another interviewee said that the chief cannot help for free; because sometimes those who have 'gained' from him turn away after their issues are resolved. This is locally expressed as *wang'gi lokore* which literally mean changing the look on their faces. However, the chief can bait on the promise (known as *singo*) to have a share of benefits associated with the issue to be resolved. The percentage of chief's share depends on the bargaining power of the giver and severity of the matter to be resolved.

For instance, the chief must be bribed in disputes over land where a plot of land is owned by more than two people, but sold by the same seller. In such cases, the chief take sides with the party that offers more bribes or one that is more influential than the other. At the same time, the case might be investigated and a decision executed without the knowledge of a party to the dispute (one of the buyers).

That is to say, if a service-seeker (say S1) realizes that there exists another party (say S2) owning the same plot of land or intends to own a plot S1 would also like to buy. Then S1 and the seller might agree to shortchange S2 by, bribing all the necessary government departments in the hierarchy. Usually, it was said that; an affair like this starts with bribing the chief, the ministry of land and maybe some court officials; just in case S2 resorts to legal procedures. But this does not guarantee that S1 and S2 will have their objectives achieved. Because, the winning formula depends one's influence or amount of bribes s/he is ready to offer.

This observation concurs with the view of a civil servant who said that; some acts of bribery are partly because some public offices like Chief's office have made it; "not easy to get some vital documents e.g. IDs, Land Title deeds, registration of birth, without bribes"(CSI4:27/06/2011). Thus, members of the public are sometimes forced to pay for such vital documents or have their issuance delayed for months. As a result, a feeling of helplessness on the side of the public is created, and corrupt civil servants were reported to use this situation to solicit illegal incomes in the service delivery. As described by one of the shopkeepers, "the public give in [bribe] with no otherwise, it puts [them] at a loose end, [where they] give or perish" (SI6: 22/07/2011).

It was also said that some service seekers may completely fail to have these services without bribing. In other words, in our setting some public offices are run in such a way that it becomes too tempting to offer bribes in exchange for services. However, with this said, one should not lose the sight of those corrupt practices initiated by service seekers. It emerged that, service seekers are also to be blamed for corrupt practices in the administration of public services. In a group discussion, civil servants posed that "Kenyans really like shortcuts and avoids even simple queuing procedure put to allow first come first serve protocol"(FDG4:10/08/2011). In an elaboration to the role of service-seekers; one of the group members posed that:

> I think by the time one left his home to come here, he or she must have known that he is coming here and should be ready to adhere to the system. But some of these people come here and want to be served immediately, and in the process offers *kitu kidogo* to the public officer who gets tempted and takes the money(FGD3: 28/07/2011).

Whilst the above assertion unveils the role of service-seekers in creating possibilities for corruption, it leaves out the likelihood that some public officials may over time have created an inefficient system of service delivery to maximize illicit incomes. Probably, the history of incompetency in the public sector has overtime socialized service-seekers to disregard service delivery procedures, and instead 'grease' the said protocol of service delivery. In the same way, an inherent limited commitment by members of the public to abide by formal laws in the public sector regarding service delivery and recruitments, may be traced to this history. Therefore, we can at least safely say that; the ineffectiveness in service delivery has over time created the culture of bribery by service seekers. In effect, ineffective system of service delivery has become a blessing in disguise for the poorly paid civil servants to solicit extra incomes.

The thesis traces this ineffective system in public sector to weak institutional capacity of public institutions as well as the influence of some socio-economic factors in the society. As observed by Pavarala (1996), public officials' perceptions towards a societal condition like corruption are determined by among other factors; their stakes in the system, position in the society and interests at play. Therefore, institutional capacity of the public sector will determine how public officials create as well as achieve these interests and even how they resolve issues that may threaten these interests.

That is to say; weak institutional capacity presents a faulty monitoring system that can appropriately determine how civil servants carry out service delivery. How these institutions are organized may also determine whether or not public services are prone to bribery by both civil servants and service seekers. Moreover, with weak institutional capacity socio-economic factors such as patronage and other informal networks may allow recruitment of unqualified civil servants as seen in chapter four above. But despite of upholding roles of institutions, we must not overlook the role of other variables like individual responsibility; as defined by popular social expectations (e.g. reciprocity) in the society. Whereas there can be weak institutional organization in place, it is still an individual responsibility for both service-seekers and civil servants to determine whether or not service delivery mechanism is free of corruption.

In other words, the underlying inefficiency should not be wholly blamed for slow services that must be greased with bribes. The fact that a service can be hastened by bribes in our setting may as well mean that there is a possibility that civil servants have the capacity to hasten

delivery of public services without bribes. Therefore, we are also putting into question the motivation of civil servants and the co-operation by service-seekers in creating possibilities for corruption or in the maintenance of a corrupt system in the public sector. Because one may argue that; it is largely the responsibility of civil servants to guide and charge their public duties diligently and transparently.

Again, one may say that service seekers are vulnerable to bribery because they are not knowledgeable on how public services are supposed to work, and therefore civil servants may capitalize on this to solicit bribes. For example, an interviewee stated that: "the level to which people offer bribes to officials [partly] depends on whether the public or the person paying bribes is aware of his rights and [even] how public institutions work"(SI15:30/07/2011). A civil servant also added that; "some citizens don't know their rights that they should be served for free" (CSI3:29/07/2011). This may partly imply that ignorance highly feeds acts of bribery in government offices of our study setting.

However, if bribery rides on ignorance, then it may be as well interesting to question why some well-educated members of the public bribe civil servants. In fact, it was discovered that some civil servants (as service-seekers), go to an extent of bribing their colleagues in other departments to quicken service delivery. This was said to be particularly in cases where a civil servant applies for a birth certificate, seeks favor to preside over national elections, or is in the bid to secure their children admissions to local secondary schools.

Engagement in corruption by civil servants or other well informed members of the public limits the role of ignorance on the side of some service seekers. After all, not all corrupt service seekers are ignorant, which make us wonder why well-informed service-seekers engage in bribery if ignorance is used to explain why service/favor-seekers practice corruption. However, as earlier hypothesized, given that a civil servant who bribed to get into the civil service is, respectively, unlikely to carry out public service duties transparently and legally access public services. As a result, it was said that a cycle of bribery is created in the public sector between the giver and the taker; both when getting into civil service as well as when delivering public services. On the other hand, some acts of bribery were said to stem from difficulties in distinguishing between legal and illegal payoffs. It emerged that bribery is sometimes so concealed that one may not even know whether or not the payment s/he makes to a civil servant

is illegal. This is witnessed in situations where the service in question requires a payment of some legal fee.

An informant said that in cases where access to a particular service involves a payment of some legal fee, three scenarios take place. First, we see the practice of Shleifer and Vishny (1993)'s *corruption with theft*: That is, a service seeker pays less to a civil servant and gets the same treatment as other service-seekers who made formal payment. However, the less fee paid never go into official records but are instead '*pocketed*' (kept for personal use) by a civil servant. A service-seeker is not guaranteed any receipt of the transaction made; so that if anything go wrong a service seeker will have to '*die his own death*' (locally put as *tho thoni iwuon*). At the same time, there are also cases where a receipt can be issued to a service-seeker who paid less than the required formal fees. But, in such cases there is high likelihood that receipts issued are forged or bogus as we saw in the last chapter describing corruption in the council.

According to findings, a group discussion said that fake receipts (receipts not being accounted for or are not being audited) may be helpful in cases where a civil servant is faced with a 'stubborn service-seeker' (locally expressed as *ng'at mong'e mang'eny*). A 'stubborn service-seeker' is one who insists on receipts, one who is not likely to offer bribes and often asks '*very many questions*' if not given a receipt.

It emerged that some service seekers are aware of fake receipts as well as the trick behind it by civil servants. Though, it is sometimes difficult to distinguish between forged receipts from official ones. But as said by an informant, service seekers do not usually care as long as an evidence of payment is provided to them by collectors. For example, hawkers at the local markets know about forged receipts issued by revenue collectors from the Council but do not bother making further inquiry. This is because, they either pay lower fees than is required or they simply tolerate such receipts to establish good relations with revenue collectors.

A former Mayor and an employee of a local Anti-Corruption civil society argued that; forged receipts are due to the delay in payment of salaries of Revenue Collectors. They also said such behaviors are courageously carried out by collectors because of the said widespread corrupt practices by senior officials in the council. Actually, a councilor said that he know some of Council collectors with unofficial receipt books used by the latter to mobilize illegal cash at the local markets. Instead he defended collectors' actions by saying that; "employees are humans too

and they cannot feed on stones given a six month delay of their wages by the [council]" (COI2: 04/08/2011).

As seen in the opening story of this thesis, both the Council and service-seekers tolerate fraudulent acts by some revenue collectors. In this respect, both parties play a significant role in maintaining the daily practice of corruption in the administration and access of public services by the local population. For instance, a Councilor informant asserted that; "it is these people in the local markets who start up this thing of *kitu kidogo* [bribes], *eti jatelo* [that officer] take this we'll work better next time…and a hungry [poorly paid]collector cannot leave an offer like that…" (COI2: 04/08/2011).

The second scenario with charged services also portray Shleifer and Vishny (1993)'s practice of *corruption without theft*. That is, a service-seeker pays more than usual for the service in question. An extra cost incurred by a service seeker covers for both required fee and bribes. In this case, a service-seeker gets the receipt which does not indicate the actual amount paid but accurate in relation to the official fee required. Members of the public said that the extra fee is usually said by civil servants to be for the pen, for the ink, for the treatment book or registration forms. This was emphasized to be common in Migori District hospital and in the Ministry of Immigration and Registration of Persons.

The last scenario unveils open bribery or grease payments (what in some corruption literature is referred to as active corruption). Here, a corrupt civil servant confidently (locally expressed as *penjo kod wang' matek* which literally mean asking with *hard eyes* and usually seen as a rude expression) tells a service-seeker his/her intention of not entering the latter's payment in official records. Thus, he either tells a service-seeker; *'we acham mae or wakonyre'* (i.e. let me eat this or let us help each other). It was said that; a civil servant can as well just go ahead and 'pocket' the money as 'if everything is normal'. That is, s/he expects a service-seeker to understand the practice.

However, informants said that such cases are rare in our setting with an exception of the police (there is even a common expression that *do not expect change from a police officer*). This is because; usually a civil servant may seek some kind of confirmation from the client. The confirmation may come in form of '*I hope you understand these things? And there is no problem because you will still have what you want*'. In a situation like this, the successfulness of 'eating'

such fees on the side of a civil servant depends on the service-seeker's personality. If a service-seeker happens to be a stubborn one, then a civil servant has no choice but to offer services as demanded by the former. Though, this is not likely to beat corrupt maneuvers of a civil servant committed to fraud. As posed by an interviewee, there are still "many ways to kill a cat" (CSI13: 20/07/2011). That is, a corrupt civil servant has too many techniques at his disposal to tame 'uncooperative client' as well as divert the fees for his own interests.

In addition to issuing fake receipts as in the case of LAs, a corrupt civil servant was said to delay provision of services, or use other means to frustrate a service-seeker including even entirely refusing to offer services. However, in our setting refusing to offer services is common with the police and tax revenue officials, not our civil servants. But if all mentioned techniques fail at a given point in time, and with a particular service-seeker, there is always the next time. Stubborn service-seekers are somehow put on a 'red list'. In other words, their files or application forms are placed in a different location from the rest for a more difficult relationship with a particular civil servant or even with the entire department.

As it emerged, two conditions may render the red list scenario effective: These are, if the number of civil servants involved in corruption is big in a particular department or ministry; and if the so called *stubborn* service seeker consistently seeks services in that particular department (e.g. health center, ministry of Immigration or police station). Usually, when red listed service seekers go back to the public office in question, a civil servant may as well say that all receipt books have been used. And there is no any other means until the department makes an order for more materials from headquarters in Nairobi. Therefore, a service seeker will either be forced to pay without having receipts or chose to forgo the service. The first option is commonly taken by such service-seekers.

Moreover, it was again said that; a corrupt civil servant can go ahead and ask a service-seeker to 'talk well' (expressed as *wuo maber* that means offer bribes) because he is not allowed to give services without issuing receipts, and in that way s/he does the latter a big favor. A case in point was when an informant said that; "the officer tells you to buy bamba 50 [airtime worth Ksh. 50] to make a call to headquarters without any result. He tells you later that the number [he was to call] disappeared" (SI12: 29/06/2011).

Conversely, if a service seeker is an *understanding* type. That is, those who care less about formalities as long as their interests are served; a corrupt civil servant finds it easy to *pocket* the fees. Therefore, s/he will ensure that a service seeker is served *quickly* before anybody comes to know of their transactions, especially his/her colleagues who may either condemn or ask for a share. *Understanding* service seekers are usually fond of either paying lower fees than the legal fee or may even pay later. Also, understanding types willingly offer bribes to civil servants before or after service delivery. This group of service seekers (locally known as *joma omakore* or *joma ong'ere i.e.* those who are known) has overtime created *good relations* with the department in such a way that they become too fond of civil servants to even sometimes have fee oriented services for free.

A service seeker 'who is known' may tell the civil servant 'do not worry, we are still working' (expressed as; *ter weche mos, pod watio*), particularly, if the civil servant happens to ask him to pay the required fees. However, if a civil servant asks a service seeker 'who is known' to give formal fee on services, s/he is merely sending a message that; 'remember you owe me on this one too.' The notion of later payment of fee charge services was said to create a quid pro quo relationship between the respective civil servant and a service seeker.

Occasionally, corrupt civil servants either give 'free services' to their longtime understanding service seekers. Such 'free services' also establishes trust between parties involved. They are based on a belief that a service seeker will in one way or the other, pay back the favor. Trade in influence is witnessed in this relationship. That is, a reciprocate relation is common if a service seeker occupies an essential position which a civil servant finds rewarding. For example, if a service seeker is a principal of a well performing local secondary school where a civil servant may seek admission for his child or for his/her relatives' children. Hence, in our setting a reciprocate service delivery is a 'give me, I give you' or *you put for me, I put for you* as seen in Agbakoba(2007) relationship created by both service seekers and civil servants.

But, both the giver and the taker must have some underlying discretionary powers at their disposal. A civil servant and a service seeker therefore know each other's capability or influence. Some reciprocate services also come inform of promises, such as taking a civil servant for lunch, *chai*: a cup of tea. This relationship was said to be very visible if a service seeker in question is one of the richest individuals in the area. In effect, such relationships sometimes go beyond

formal interactions to create a group of influential individuals or a network of common interests; that Pavarala (1996) may consider as a local group of elites with the ownership of social problems.

This relationship is also largely sustained by the nature of services in question. That is; services in question must be so essential that members of the public either find it hard to access or they take long procedures to be delivered unless one resorts to bribery (e.g. a driving license or a title deed). A case in point was when an interviewee lamented that he had to wait for six months for birth certificates for his four children after he refused to pay bribes worth Ksh. 2000 for each certificate. In contrast, his colleague who applied for the same certificates on the same day as he did had his certificates in a period of only three days. This was after the latter bargained or negotiated to pay lower bribes worth Ksh. 1000 for each certificate.

An implication from the above scenario may be that; bribery can prove essential in creation of networks in the public sector by those occupying various positions in the society. We may also assert that amounts offered in bribery can be partly defined by one's bargaining skills vis-à-vis the civil servant's expected gain or social position. But at the same time, it might be a misleading statement to assert that an expected gain by the civil servant can define the amount of bribery to be offered by a service seeker. This is because; it emerged that in many circumstances these bribes are too petty to subsidize civil servants' official incomes in our setting: They are basically for covering petty expenses such as lunch, fuel, fare and airtime, among others. Cumulative advantage of bribery to civil servants did not emerge as it is discussed in some corridors of corruption literature.

Furthermore, in some occasions acts of bribery are initiated by service seekers. Therefore, it is usually upon a service seeker to come up with an amount that s/he thinks can sway the targeted civil servant to do him/her the favor. In fact, sometimes civil servants do not care how much bribes are offered to them as long as it is 'free earned money'. This usually comes with an attitude described locally, as *gima imiya mana nono ni* – what I am simply being offered for free. Maybe, such an attitude can be partly explained by the reigning 'common sense' in our study setting that an offer less than Ksh.100 may be embarrassing, especially, after receiving a favor from the civil servant.

The embarrassing nature with bribes of about Ksh.100 or less, may come with an indication that goes 'just have this jatelo (i.e. an officer) I will treat you better next time'. On his part, the civil servant can either take it wholeheartedly or refuse depending on his personal character, or on time and energy spent in delivering the favor. But such situations only arise if the civil servant and a service seeker did not agree on the amount of bribes to be offered to the former. This brings us to the functionality of bribery as discussed in corruption literature.

Findings unveiled that functionalists' efficiency of corruption and its side effects go hand in hand. There is high perception that despite the efficiency posed by acts of bribery in accessing public services, these acts have created an inherent inequality between those who can pay and those who cannot pay for the same services (cf. e.g. Rose-Ackerman, 1999). As seen in the opening excerpts from a conversation with one of the interviewees at the beginning of this chapter, acts of bribery have also made processes of acquiring some essential documents like IDs so cumbersome that some of those who cannot afford to pay bribes have even seen their lands resold for lack of formal documents (title deeds).

However, as commented by Oliver de Sardan (1999), sometimes the function of bribery is not for the purposes of acquiring a service or a favor. That is, a bribe does not guarantee that a service seeker will get what s/he wants in our setting. In some cases, bribes are simply used to present one's self to the civil servant or a broker but not to necessarily have a favor done. It may come like, 'I am so and so jatelo. I hope you will not mind having this for fare or for lunch (locally known as *loso weche* i.e. networking).

In addition, as observed by an interviewee, in our setting, bribes differ with the intention or the purpose it is supposed to serve. There are bribes for creating contacts (i.e. networking) as seen above – for the purposes of a job for one self or for a relative. Then there is a bribe to have quick services and a bribe that comes from frustrations created by the civil servant (this is what has been defined as extortion. However, in our case it becomes a bribe because it is not directly asked by the one in authority but is instead offered out of earlier frustrations or experiences by a service seeker).

There is also a bribe to circumvent the arm of law. For example, if one is arrested for brewing an illicit brew in the area, she has to *purchase her freedom* by bribing the police officers (locally expressed as *jitetee* i.e. defend yourself). There are also bribes that are usually paid after

the execution of services or favor (e.g. a job). It is common that in cases of a job, a bribe is usually the favor-seeker's first salary, or part of it to respective contacts (patrons). As we said in the case of *singo* (promise), there are those who promise the patron or the middleman part of his/her salary in case the latter succeeds in 'fixing' (finding – locally expressed as *soya kamoro*) him or her a particular position in either the public sector or in the NGO.

However, bribes for jobs were said to be the most expensive forms of bribes and are usually seen as an investment (investive corruption). Locally, payment for such bribes may require one to sell a cow or a plot of land to get the money for bribes. The cheapest form of bribe was said to be that for quick services. This is partly because; a civil servant may not want his/her boss or colleagues to know of such a transaction. Data discovered that despite the evidenced acts of bribery in the service delivery, bribes are actually not too predictable or secure to civil servants. Accordingly, project funds have become key targets for solicitation of extra incomes.

5.2.   The culture of Tipping and Bribery

Due to above discussions on bribery and service delivery in our public sector, I need to point out that not all informal payments in our setting can be considered as bribery. Thus, a context like ours may require a researcher on corruption to tread carefully. This is to avoid succumbing into the overwhelming high perceptions and evidences on the acts of corruption, lest s/he come up with a misinformed or highly biased data. At a glance, it might be challenging to distinguish between a corrupt payment and other informal pay offs in our setting. At the same time, it can also be very hard to trust the emerging information concerning prevalence of corruption. In addition, as seen in for example; Jamil (2007) and Agbakoba (2007), civil servants in our setting tend not to be professionally independent of popular societal expectations. A closer analysis shows that; these expectations do infiltrate the bureau to inform or justify some actions by civil servants that are otherwise contradicting their professional code.

It was uncovered that tipping (*erokamano* or thank you payment) to civil servants after service delivery is a common norm in the public sector of our setting. It is necessary at this point to state that in our setting; gift giving has more special attachment than a tip. A tip is considered as an immediate reaction which in most cases does not embrace intensive thoughts concerning

the nature of feedback from the recipient. In other words, a gift is a well-planned offer that is intended to please the recipient before or after a favor has been executed.

It puts into consideration what the recipient would be very pleased to receive and be convinced to create amicable relationship. It our case, non-pecuniary gifts are more acceptable and it is very rare to give a monetary gift. As sounded in Rose-Ackerman (1999), gift giving in our setting usually depends on the history of the relationship between the giver and the recipient. Though, in many cases gifts are rarely delivered at the recipient's office. However, if it happens that a gift is offered at the office environment, then it has to be either for the purposes of corrupting the recipient or it was merely delivered on grounds of convenience, especially, in cases where it is easier to meet the receiver at the office environments than anywhere elsewhere.

Conversely, unlike gift, tipping is only offered after the service is delivered. It is usually in form of a light thank you which is in most cases pecuniary in nature. Though, in the context of this study, the term *gir erokamano* may connote to both gift and a tip. In this way, the difference between two forms of payments lies on the time of delivery vis-à-vis favor done as well as the level of commitment attached to either of them. It was said that both gifts and tips can transform into bribery under special circumstances where either one party feels unwillingly obliged to offer or exploits his/her discretionary powers to have any of these informal payments, respectively.

As Oliver de Sardan (1999) and Rose-Ackerman, (1999) points out, societal practices like gift giving, or tipping, have been used to initiate or facilitate corruption in the public sector. A good number of my interviewees were very keen in making this statement. For example, one pointed out that tipping as an act of bribery depends on the intention of both the giver and the recipient. In her argument she said that tipping is not an act of bribery because it is just a tool for showing one's appreciativeness. But, she quickly warned that a civil servant should not demand a tip or present the giver with a situation where s/he has to tip for the service. Another informant further described this argument by asserting that; "Just as giving a tip to a hotel waiter should not be regarded as corruption but appreciation for good services, tip payment to a public official should not be regarded as a corrupt action. But in many occasions it causes them [public officials] to expect it and later demand it if it is not forthcoming" - (SI10: 20/07/2011).

At the same time, the giver should also not give a tip with an intention of having favors from a civil servant. In other words, a tip should be purely voluntary and largely given out of

compassion for assistance received. However, one may wonder where to put the wedge between purely voluntary tips; with no intentions of seeking future favors from the receiver, and voluntary payment with; future expectations of favors from the receiver.

Thus, as said by some informants; tipping may become suspicious if it is so much that even a civil servant would feel too insecure or embarrassed to receive. Accordingly, a tip should be petty in form and should not lead the civil servant to think of reciprocating the offer. It emerged that tipping has over time been used to engage in bribery by service seekers and civil servants. In a group discussion, discussants agreed that; civil servants who have developed a tendency of receiving tips usually show dissatisfaction if a service seeker fails to tip (locally expressed as *giyo nga'to gi wang' marach*). As a bribe, a tip was said to come in form like "…let me give the officer this chicken he might remember my request later" (FDG1:17/08/2011).

In some instances tips successfully achieve their obligation. That is, there are cases where service seekers voluntarily offer tips to civil servants with no demand from the latter. Although one may argue that given civil servants' position, they should not accept such payoffs. But, as put by a civil servant informant, "there is nothing wrong in taking a tip, as long as I did not ask for it or forced the one giving"(CSI6: 13/07/2011). A circumstance like this puts into question the role of service seekers when analyzing corruption as a practice in the public sector.

Actually, sometimes civil servants are obliged to take a tip because it is socially impolite to refuse a genuine offer. On the other hand, one may tip well-known corrupt civil servants to avoid 'bad relationship' in the future. This is because in the context of Migori, uncorrupt and corrupt public officials may be well known by service/favor seekers in such a way that when one gives a tip; s/he understands whether or not it is a bribe.

However, none of the finding made tended to put into consideration the concept of public trust as enjoyed by civil servants. In other words, various responses connoted that socially inspired practices such as tips may reign on unawareness of how civil servants should conduct themselves, as assumed in Western bureaucracies. In fact, many informants did not find anything wrong in giving gifts or tipping public officials as long as it does not qualify as an act of extortion which may hurt 'public trust'. Unfortunately, it was also said that without a tip some civil servants may hardly attend to a given service seeker in the latter's next visit for services.

Therefore, it might be challenging to distinguish whether or not one is offering a tip or a bribe in such instances. Consequently, distinguishing between a genuine tip and a bribe lies with the intention of the giver and the taker: which brings to light potential pitfalls in defining some act of corruption in a non-Western context like ours; where informal payoffs like tips to public officials are morally acceptable.

5.3.   Middleman and Corruption in the Public Sector.

Given the illegality of corruption, public officials use their cronies to bargain and receive bribes. The middleman technique is very beneficial to key perpetrators, especially, the patron in such arrangements: The technique assures patrons' 'safety' and makes their actions more convert than if they could have engaged directly with clients. Key perpetrators are kept out of the picture from the very beginning in case anything goes wrong. They are not likely to take any responsibility for engaging in corruption and the middleman may be readily *sacrificed* to cover up the scam.

It can be said that this technique is very successful in societies like Kenya; where distribution of resources is highly defined within a system of patronage. The key perpetrator occupies senior or a beneficial position in the government or in any other position of influence in the society. The relation between the main perpetrator and the middleman follows the arrangement of patron-client relationship.

The middleman handles all those who want to discuss '*business*' with the patron. In the case of politicians, the middlemen were said to be their personal assistants or local campaign leaders. And the closer such brokers are to the patron, the more influence they have over clients. Local civil servants usually use their junior 'loyal' colleagues to discuss some details with their potential clients. As we said before, the position of the patron and that of the client depends on the researcher's focus of analysis: nationally or locally focused analysis.

It emerged that some locally based senior civil servants in our setting are mere brokers between potential clients and the highly placed patron, for example, area MP or civil servant at headquarters in Nairobi. Loyal colleagues in our case are civil servants who may have found their way into civil service with the help of the patron or with the help of just another like-minded corrupt fellow. According to data, patrons, whether based locally or not, are not easily accessible or they are nearly never seen in most corrupt transactions. In the words of an

informant;

> Just a simple certificate, you must pay Ksh. 1000 plus or else it will stay there for a period about six months, and you don't pay directly to the public officer but use an intermediary they might know. It is not even that easy to reach public officers [i.e. patron]. If you don't pay you will not have your certificate [birth certificates]. The public officers are in business. He goes in the morning to open his business… (SI2: 21.07.2011).

The middleman handles everything and reports outcomes to both the patron and the favor seeker. In some occasions, the middleman is a relative, or a friend to the patron. Even though, using middlemen was said to be very secure for patrons, some informants accused middlemen of insincerity. Many of those interviewed said that; those who have used middlemen are said to have lost large sums of money in trying, albeit with a little success, to reach the patron.

This adds to what I earlier pointed out that not all corrupt transactions achieve their purpose. It was discovered that the middleman or even the patron can as well not be in a position to deliver, and s/he may also go further in the hierarchy or within the network to corrupt other actors depending on their level of influence. As a result, layers of corruption sites are created in the public sector. In many cases, these sites are very costly to the client who has to incur all bribes (commonly termed as facilitating money). If there are several layers to be bribed, it means that the benefit is so rewarding that the client may be ready to spend as much money in bribes as required by the respective actors. In particular, in cases where the client seeks entrance into the civil service or in the army and even in the private sector.

However, it was said that one is spared of these expenses if s/he has a relative or has a direct contact with the patron. A council employee posed that; he was very lucky not to use the middleman to meet the PLGO in his recent promotion because it could have been very expensive for him. Also, an interviewee whose cousin is the LA Clerk in one of the neighboring districts said that; "I could have easily got a job in the council in case I needed because my cousin is very close to PLGO" (SI11: 05/08/2011).

The high cost in using the middleman stems from the fact that apart from mobilizing bribes for the patron, one must also know that middleman always solicit a share of bribes to be handed over to the patron. This is locally rooted on the notion that there is nothing for free in Kenya: Locally expressed as *lwedo nono ok cham* which directly mean that an empty hand

cannot be eaten. Such a scenario was said to be especially common when one is looking for a job that can be easily influenced by the patron.

It also emerged that it is a common phenomenon that middlemen are sometimes created by clients themselves. In such cases, a client (e.g. a job seeker) approaches a civil servant well-known by patron, gives him or her '*something small*' and then asks the middleman to deliver a favor request to the patron. The success of such deals were said to largely depend on the level of corruptness of the patron, the amount of bribes involved, and the nature of the patron – middleman relationship. But given that it is sometimes cumbersome to leave everything to the middleman, it was said that some clients prefer to use the middleman for only introductive purposes to the patron. A case in point was when an informant admitted that; "…it is better I go to a high placed officer and give bribes than a lower one because he will still divide to the lower officer" (SI14:29/07/2011).

In this way, middlemen are directly and indirectly essential in establishing networks in the public sector, especially, in cases of employment, promotion and to initiate or terminate a transfer. As stated by a civil servant, "you have to know somebody to influence your promotion in case you want one, otherwise, it can be very hard"(CSI8:15/08/2011). However, the successfulness of all these depends on the influence of one's network.

For instance, by the time I was in the fieldwork, there was an administrative crisis in the council: It was said that, it was the third time such an incident occurred involving the same actors. That is, another council administrator was said to be '*sitting on the verandah*'. That is, he did not have an office because there was already an administrator at the council and the one 'sitting on the veranda' was said to being imposed 'from above*'*. An informant said that the verandah administrator was sent with a letter from the Permanent Secretary's office. In Kenya, Permanent Secretaries (PS) are the most senior civil servants appointed by the president. According to an informant, in spite of the council's reiterated position not to employ another administrator;

> Someone in the PS' office was trying to recruit the new administrator into the council after being
> bribed in several occasions. This is not the first time he is here, he first went to PLGO's office some
> months ago but we refused, and this time round he says that he now has the letter from PS' office….
> He can sit on the veranda as much as he wants (CSI1:09/08/2011).

The above statement may give three implications: First, there is likelihood that either someone was bribed in the PS' office to draft an official letter to our veranda administrator or he simply had connections in the PS' office but not with any influential figure. However, given that he failed at the PLGO's office, there is a possibility that he was not able to meet the PLGO himself and instead used a less influential middleman as he did at the PS' office. Secondly, our office administrator might have had more powerful connections than that of his colleague or paid extra bribes to distort his colleague's plans at the PS and PLGO's offices. Thirdly but closely related to the second, a civil servant said that our office administrator is more close to the clerk than any other official in the council. Therefore, he may have gained from the clerk's powerful networks in the hierarchy. Informants even said that our office administrator's recruitment was influenced by the clerk himself.

5.4. Management of Project Funds and Contracting

A study by Anassi, (2004:49) states that; in "every stalled project in Kenya, there is most certainly a corrupt activity behind it." Data herein confirms that government funded development projects present civil servants and private firms with the most attractive avenues for extracting illegal funds through well-planned embezzlement, bid rigging and fraud. From the time tenders for such projects are announced and contracted out to the time of their evaluation, there are well orchestrated auditing loopholes laid down by public officials to divert large sums of government funds for personal use.

As said by a civil servant, projects avail lots of funds and public officials have a tendency of looking forward for the disbursement of such funds to use for settling personal obligations. These obligations range from the construction of personal houses to settlement of school fees arrears for their dependents. This is compounded by the fact that the existing departmental anti-corruption measures are never effective and do largely exists in paper. Heads of departments have invented the art of circumventing project auditing procedures and even sort to bribing internal auditors in such endeavors. Bribing internal auditors in this case, acts as a tool for bringing on board potential witnesses against perpetrators in case something goes wrong. Given that some projects may be managed by more than one department or a ministry, embezzling

government money is sometimes rendered very difficult, and in the same way too complicated to audit when it is finally 'eaten'.

The more a department is involved or is responsible for managing various projects in the area of study, the more it is locally seen as prestigious to work with. Such departments are seen to be 'full of money' and are locally referred to by civil servants as *kama chue* to mean a 'fatty place'. Heads of departments in ministries such as that of Roads or that of Planning, are expected to be more 'developed' (own more property) than their colleagues in 'dry ministries'. 'Dry ministries'; that are locally named by civil servants as *kama otwo*, are those departments involved in the management of a few projects or none, like Department of Children. For instance, it was said that; it is a common scenario to witness disgruntlement by some civil servants if they are moved to or transferred from a fatty ministry to a dry one. Such transfers occur in occasions when public officials experience inter-departmental or ministerial transfers depending on circumstances at hand.

It is important to emphasize that '*eating*' government's money, demands great caution: Informants said that, it requires experience, collaboration and sometimes creativity to succeed. Therefore, we cannot confidently ascertain the laxity by the government or by an Anti-corruption agency towards cases of corruption in the public sector. That is partly why we put into question the capacity of existing institutions or other social factors – because; even an anti-corruption agency will only be effective if available institutions are effective to ensure effective control and monitoring systems. Otherwise, in our setting, anti-corruption strategies are implemented by those who are most likely to be part of corruption network in the public sector. For example, if a researcher with no prior contacts interviews civil servants about misappropriation of funds in a particular department, s/he will be taken through a comprehensive auditing and procurement procedures in place; said to be thoroughly undertaken, but which are in the real sense not effective.

There are also internal and external auditors who ensure that transparency is observed. Just like in the case of the LA, the internal auditor refers to the locally based civil servant responsible for the day to day auditing of each ministry's spending. On the other hand, an external auditor is sent from headquarters to confirm, verify and audit the accuracy of the information provided by the internal auditor. In the words of a civil servant, because of this

"there is nothing done outside government procedures at any point" (CSI8:15/08/2011). Nevertheless, it is still the civil servants who run institutions as well as implementing government policies. Therefore, they may have the capacity to learn and circumvent all sanctioning measures (cf. e.g. Fjeldstad, 2002).

In this respect, our curiosity is directed towards knowing how civil servants beat these auditing procedures to misuse project funds, like funds for the construction of the town market in Migori that was mooted to have been misappropriated by the council. First, we can borrow asymmetrical access to information of the agency theory. We will assume that there is an inherent unequal access to critical managerial information between the government as an employee and citizens as beneficiaries of these projects, on one hand, and street level bureaucrats in the study area, on the other hand. We base our knowledge on the proof that projects to be funded in the study setting are largely identified or even designed by local civil servants. It is also appropriate to know that even the tendering and implementation of other procurement procedures are done locally.

This means that the most needed information to ensure effective monitoring by the government or by citizens is owned and controlled by civil servants. Therefore, the government just gives directives on the nature and scope of projects, and due to the underlying information gap, it becomes very difficult, if not also expensive, for the government and citizens to ensure reliable accountability, and full transparency in the management of these projects. Consequently, as said by a junior civil servant; most projects never achieve their objectives because suddenly, money becomes inadequate due to the evident willingness and competition among civil servants in the *eating* of project funds. In essence, there is the underlying poor institutional organization of the public sector that encourages corruption in the management of government projects.

Secondly, some civil servants blamed embezzlement of project funds on the contagiousness of grand corruption in high places of government. Findings unveiled that some public officials sometimes justify their corrupt actions by, for example, stating that; "I am only taking a little, don't you see how *wakubwa* [senior public officials] eat big money and go nowhere? Eat when you have the opportunity to do so" (FGD4: 10/08/2011). That is, the system is corrupt and those who '*play holy*' (restrain from corruption) are the ones to lose as their corrupt colleagues develop: accumulate wealth and property by swindling government funds.

Another datum from a group discussion by members of the public observed that; "if the one at the top is corrupt, the one below is also corrupt because the system is corrupt and no one is accountable. Children follow the footsteps of their parents. So *wanafuata Nyayo*[5] [corrupt civil servants follow footsteps of their seniors]" (FGD2: 30.07.2011). This indicates that public officials view corruption as a fashionable formula in the accumulation of wealth and property for personal benefits (cf. e.g. Kibwana et al. 1996; Anassi, 2004).

According to data, misuses of funds by civil servants come in various forms. These include: compromising Tendering processes, Delivery of false, inadequate or faulty products applied for by the office, inflating prices of goods and tenders, inflating costs of fuel funds, spare parts, computers and other stationeries (autogenic corruption). Informants explained some of these techniques as follows:

Tendering: Bid rigging is a co-operative exercise that must involve the boss (the head of the department), the tendering firm, and offices of the District Accountant as well as that of Internal Auditor. It is usually well planned and is carried in various methods. One method was described as follows: Civil servants identify a tendering firm (say F1). Then an agreement follows between F1 and civil servants on the amount to be taken by each party. An advertisement is placed to call for a competitive tendering process. This is followed by opening of tendering box. Then interested firms are asked to drop their proposals or quotations into the box. All tender quotations are monitored daily to see which firm has the most expensive quotation.

However, since tendering firms always try to give best prices, their quotations are always lower than what civil servants would expect to *eat*. In that case, the F1 has an advantage from the start because it has the highest price for the tender. When the deadline is due (approximately a few hours left), F1 is asked to drop its quotation into the tendering box. Concerned civil servants then pick F1's quotation and close the box. F1 is immediately announced the winner and the tender assignments are carried out.

An informant said that; approximately 40 percent of all tendering funds may be kicked back by F1 to civil servants involved or in some occasions F1 pledges a 50-50 share of funds. According to a civil servant, "that is the time when the public might hear of a scandal if all the

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[5] Nyayo is a Kiswahili word for footsteps which is politically used in Kenya as a philosophy by former president Daniel A. Moi to show his commitment in fulfilling wishes of his predecessor from 1978-2002.

money is divided into half and the project gets grounded until more money comes" (CSI10:18/08/2011). However, sometimes F1 might 'betray' the other party, especially; if the firm has connections with more senior public officials (this replicates findings in Wade, 1982). The 'crafty merchants' as such firms were called by my informant, can refuse to honor the initial agreement and submit even a lesser share to concerned civil servants. Usually, crafty merchants are well established and *experienced in the game*. A civil servant stated that, "…they [crafty merchants] never get threatened by the officers, and do not even care how much the officers need because they are sure of winning many contracts" (CSI10: 18/08/2011).

As a result, concerned civil servants prefer *weak tendering* companies. Weak firms are not well-established and even in many occasions usually lack funds for pursuing the tender. Therefore, a weak firm can ask for startup funds from the head of the department and his colleagues to kick-off the tender (e.g. road repair, car repair or renovation of government buildings among others). Concerned civil servants must have their share of the initial amount already dispatched to the firm. As observed by a civil servant, weak firms are very easy to manipulate and to *drag around* (put on notice or on probation) so much that they might even end up with nothing to complete the tender.

In instances where offices of the Internal Auditor and District Accountant are not involved from the start, they "will wait for the firm at the issuing of the tender cheque…and the firm must be *eaten* at this point [expressed as *nyakato chame*]" (CSI11:18/08/2011). For, example, the firm must pledge a kick back of about 10 – 30 percent of the money after cashing in the cheque. In case the firm becomes '*stubborn*', then the cheque will be delayed until that time it gives in to the deal. At the same time, a civil servant posed that, the firm may resort to negotiating table or going back to the drawing board and "sweet talk the officers to release the cheque"(CSI11:18/08/2011). Furthermore, as we earlier said, acts of corruption in the bureau are not entirely initiated by civil servants alone; some firms have formed *a business of eating* with civil servants in return for huge kickbacks if the firm wins the tender. As it came out, tendering funds are swindled right from the top to junior supervisors employed by tendering firms. Frauds are organized at each level and almost nothing is left to complete tenders in some cases.

Procurement Maneuvers: It was said that civil servants have overtime designed various techniques to circumvent procurement procedures in the bureau. Most fraudulent acts are

undertaken when purchases are being made. For example, prices of goods to be purchased are inflated with an extra of approximately 5 – 20 percent depending on the cost of the good: The higher the prices of goods to be purchased are, the higher the inflated price is. If prices of goods to be purchased are lower, there are also other ways to ensure that "a good amount of money is reaped from such kind of an opportunity" (CSI2:30/07/2011).

That is to say, the firm given the tender to deliver goods like stationaries can be asked to write receipts showing that goods delivered were of higher quality, and therefore were more expensive than was initially intended. But in reality, the firm delivers substandard goods such as computers at a mini price. The rest of the money is divided between the firm and the head of department or other concerned parties.

Another target area was said to be in the supply of fuels and spare parts; head of a department may agree with the supplier on an inflated price and divide the money between them. There are also some instances where the store man is brought on board to avoid such information from being leaked to other departments – make such actions a 'departmental business'. In cases where all departmental members are involved and feel satisfied with their share, it becomes very difficult to access information on corruption in such a department.

An investigator on corruption might as well receive unfriendly reception and even be denied a chance for any interview. All members in such circumstances treat all information as confidential and try their best to protect their '*generous*' boss. In other words, information on corruption at a given department is mostly leaked out by dis-satisfied colleagues or former members of the department as well as in cases where the head of the department *eats* alone. This datum concurs with an observation made by Wade (1982) in his study of administrative and political corruption in the irrigation department of South India.

Thus, data from such sources may be easily questionable; because much of the information is likely to fall short of objectivity. Possibilities of such information being either exaggerated or underreported to fit an informer's intention or dissatisfaction, cannot be easily ruled out. Therefore, data presented here may not capture the whole reality on corruption in our setting. However, as the saying goes; there is no smoke without a spark of fire. Therefore, we cannot rule out existence of corruption in the study area. We can merely question its scope

(number of actors and money involved). More research is thereby encouraged in the study area to better understand or further unveil how corruption lies in the public sector.

5.5.   Conclusion

The chapter proved that the practice of corruption and possibilities for its occurrences are both the making of service seekers and civil servants. Basing on the faulty monitoring system in place, the chapter unveils weak institutional capacity of the public sector in our study setting that is unable to curb acts of corruption by various actors. Data implies that corruption partially stems from some socio-economic practices (reciprocity, and nepotism etc.); that un/consciously determine how civil servants and members of the public conduct themselves. As a result, the efficiency of service delivery and management of development projects are determined by perceptions of both actors towards these practices vis-à-vis the existing institutional capacity that may regulate discriminative tendencies exhibited by such socio-economic practices. However, we should be cautious when blaming failures of projects on corruption as implied above. Because; as said by some civil servants; apart from financial mismanagement, failures of these projects are also as a result of: poor institutional organization (top down oriented that does not put into consideration contextual aspects); inadequate funding from donor agencies; that are biased in relation to areas of funding; and inadequate skilled manpower. In other words, as researchers, we should not over/under-estimate corruption but should instead embrace sobriety when investigating how it takes place as well as locate its real effects in the society.

CHAPTER SIX:

CIVIL SERVICE SALARY AND CORRUPTION

6.0.   Introduction

The purpose of this chapter is to trace the correlation between civil service wage and corruption in the public sector of the study setting. Civil service salary has become an integral element in the public sector reforms in Africa (cf. e.g. IMF working Paper, 1997). In Kenya, agendas for public service reforms like, Kenya's Civil Service Reform programme (1993) have tended to correlate low salaries and poor living conditions of civil servants to inefficiency in the public sector. As a result, the government has severally proposed an upward adjustment of civil servants wage to ensure an efficient public sector; in terms of public service delivery and project management.

This chapter will empirically and hypothetically try to find and discuss the link between public service salary, and the reported prevalent acts of corruption in the public sector of the study setting. In other words, as a phenomenon claimed to be one of the major barriers to effective public service delivery in Africa (cf. e.g. ECA, 2003); does corruption really correlates to low wages in civil service, specifically, in Kenya's rural based public sector that deals with those in need of government services the most?

6.1.   The Stand-off between Wage factor and Corruption

A good volume of corruption literature (e.g. Besley and McLaren, 1993; Rijckeghem and Weder, 2001) view civil service wage as a variable that cannot be overlooked when explaining why civil servants are likely to engage in corruption. Part of these literature argue that; "civil servants may not be motivated by greed, but may instead willingly forego opportunities for corruption, provided wages meet subsistence levels or are 'fair'"(Rijckeghem and Weder, 2001:309). In the case of West African countries Oliver de Sardan, (1999:32) also adds that;

> the `under-payment' of civil servants, whether in comparison to their northern counterparts (with whom, owing to` globalisation ', they increasingly share the same training and aspirations to a similar style of life), or in the light of the economic crisis (indebtedness, devaluation and structural adjustment), has

obliged them to look elsewhere for the resources which are no longer provided by their salaries.

Embracement of civil service salary increment as an anti-corruption strategy in some emerging economies has been based on this identifiable correlation of civil service wage to corruption in the public administration (cf. e.g. Chew, 1990). Though, at the same time, some scholars have posed skepticism on the role of wages in reducing acts of public sector corruption in emerging economies. Tanzi (1998), for example, asserts that for wage increase to be successful in reducing corruption, it needs "large increase… [that] can be very costly to the budget of a country and can achieve only part of the objective" (p., 572). No wonder some countries in the south have in many occasions postponed implementation of civil service wage increments.

For instance, the Kenyan government has been hesitant in increasing civil service salaries amidst pressure and threats of strike from labor unions as well as civil service lobby groups (cf. e.g. Menya, W. 19, Dec, 2011). Fjeldstad (2005) also shows that wage increases implemented by the Uganda Revenue Authority partly saw decreased acts of corruption, and increased productivity in early stages, but which shortly afterwards, took a down turn in just two years. Fjeldstad (2005) partly contributes this negative down turn in productivity, and increased acts of corruption to the *declining real wages* due to inflation, and also on the fact that wages in the Uganda Revenue Authority were not the most attractive in the public sector. He further says that there was a big gap in wage levels between senior and junior officials which, among other factors like patronage, presented unfavorable conditions for achieving a bonus system implemented by the institution.

However, despite of difficulties associated with wage factor in resolving public sector corruption or inefficiency, governments of many emerging economies seem to still believe in civil service wage increments as a remedy to reported prevalence of corruption in these countries. For instance, in Robertson-Snape (1999:590)'s study of corruption in Indonesia; former Indonesian President Suharto is quoted to have said that, "…when economic development has gone so far as to produce a good overall standard of living, government employees will receive adequate salaries and have no reason to practise corruption".

In Kenya, studies like that by Kibwana *et al.*, (1996) and Anassi (2004) also traces some causes of corruption to low civil service salary. That is, the reason for prevalence of corruption in

the Kenyan Police force, for example,"…is lack of resources in government to pay decent salaries to police officers" (ibid. p., 37). In their study of corruption in western Africa states, Blundo and Oliver de Sardan, (2006) also recognizes that low civil service salary determines prevalence of corruption in the public sectors of these countries.

Thus, amidst the stand-off on whether or not civil service salary have correlation to public sector corruption, "[t]here is a growing consensus that low government wages combined with weak monitoring systems are breeding grounds for corruption and misuse of public resources"(U4 Anti-Corruption, 2009:2). Basing on this backdrop, this chapter seeks to weigh findings on wage variable vis-à-vis other factors in relation to public sector corruption. As earlier mentioned, this chapter argues that even though civil service wage is necessary in explaining some cases of petty corruption, it is insufficient in providing structural explanations for public sector corruption. This is very likely if other variables related to the socio-economic (e.g. reciprocity) and political practices (like patronage) as well as institutional structures are put into consideration.

6.2.   Civil Service Wage Aspect of Corruption in the study setting

I must admit that findings made on the role of wages vis-à-vis public sector corruption in the study setting, are not adequate in generating very concrete empirical discussions. This is may be partly because, in a pure qualitative study like the one conducted for this thesis, it is very unlikely that; apart from asking informants whether or not wages correlate to practices of corruption by civil servants, an investigator will have other options to further validate findings on effects of civil service wage on corruption.

Informants' responses; which in most cases mainly came in forms of short answers of no or yes, were shallowly explained and also tended to lack structural analysis or arguments that can link some aspects of corruption to civil service wage. In this way, blaming corrupt practices on institutional capacity as well as on societal practices such as nepotism or favoritism can be more appropriate than using the wage factor. However, albeit it is not a strong variable in explaining public sector corruption, wage factor cannot be ignored when investigating some forms of corruption in a setting like ours. According to data, it is likely that wage factor can explain aspects of corruption such as; extortion, fraud, non-conjunctive, sweeteners, speed or grease

money and gratuities.

Data also uncovered that low wages, delayed wages, high interest rates in loans by local banks as well as high tax deductions, are the most outstanding income related factors used to justify why civil servants engage in corruption. Civil servants informants said that; due to their inadequate incomes, they find themselves in huge loans borrowed to fulfill their financial obligations like paying school fees for their dependents. Consequently, most civil servants are embroiled in a cycle of debts to local banks and labor associations which are, in addition to formal tax returns, deducted from their monthly incomes so much that they are almost left with nothing in their accounts at the end of the month.

According to data, when service seekers were asked on what they thought make public officials in various public offices to ask for bribes; some of the following responses were noted: "...the work load in health center and [department of] immigration is very high and there [sic] basic salary is very small compared to other government offices."(SI7:20/07/2011). "They are paid low salaries" (SI9:20/07/2011). "Their money is highly deducted [in taxes] leaving them with little money....kwa mfano [i.e. for example] if you are paid [Ksh] 4.0000, 15.000 can go to taxes" (SI5:29/06/2011).

On the other hand, when some public officials were asked that; 'What is your opinion on the salary level of public officials and corruption?' Some of the following responses came up: "Salary is the problem here. I control millions of money while I am only being paid 12,000 shillings [i.e. after all tax deductions]. I have children to educate, family to feed and myself [sic] to take care of…so what do you think you can do if you are the one?" (CSI7: 21/06/2011). Others said: "Salaries are low and so an officer can do corruption to supplement"(CSI9:21/07/2011). "The salary level of very low [sic] hence promote corruption in most public offices"(CSI4:27/06/2011). "The low salary levels are a recipe for corruption as the cost of living continues to soar against more or less static salaries/wages"(CSI13:20/07/2011). "High income tax deduction" (COI2: 04/08/2011).

However, civil servants were also quick to point fingers at other variables when they were asked to explain the possibilities for acts of bribery and misuse of project funds in the public sector. These other variables included; overwhelming financial obligations and demands from relatives; ignorance of members of the public entitled to services; lack of training on ethics

and integrity of government officials; Greediness, corrupt nature of individuals; desire to live a luxurious life; inflation and patronage.

Hence, as seen in the above chapters, it was established that in spite of salary differences, acts of corruption are carried out by both the heads of the department or well-paid civil servants, and junior (lowly paid) civil servants. Although, when corruption was measured with the number of civil servants involved, the prevalence was high among low earning civil servants than the heads of the department. Probably, this could have been because, in the study setting, junior officials are the majority in the public sector. On the other hand, when corruption was measured with the amount of money involved, senior officials were found to be in a position to embezzle '*big money*' more than the total amount of bribes earned by junior officials put together.

It should be remembered that wage levels goes hand in hand with seniority of civil servants. Thus, it was discovered that some forms of corruption are more dominant at a given position than others depending on the level of seniority. That is, embezzlement, bid rigging, trade in influence and kickbacks were said to be executed by senior officials or well-paid civil servants, whereas; fraud, grease money, sweeteners, and favoritism are common among junior officials or lowly paid civil servants.

Following this observation, it may be appropriate to say that, wage factor is more effective in explaining cases of petty corruption than in understanding cases such as kickbacks to well-placed civil servants like the PLGO. In other words, as motivation to engage in corruption for a junior civil servant is likely to be low wages; corrupt acts by senior officials (e.g. the PLGO) can be somehow challenging to explain. At this point is when is when I argue that other variables like societal expectations and weak institutional capacity can provide us with structural explanations to explain corrupt actions by senior civil servants in a context like ours.

That is; *if wage factor correlates to acts of petty corruption, how can we explain corruption by well-paid civil servants?* Or *why is it that even with adequate salaries, some civil servants still engage in corruption*? In the bid to resolve such questions, I embraced some of the following perspectives and hypotheses to explain why well-paid civil servants in our context engage in acts seen as corrupt. However, each of these hypotheses per se is connected to the issue of civil servants' income.

6.3.   Institutional Capacity and Chances of Being Caught Practicing Corruption

It emerged that illegal solicitation of funds by civil servants in our study setting is calculated within a self-defined cost-benefit analysis. That is, perpetrators weigh their options based on the level of risk involved when caught vis-à-vis the gain at hand (cf. e.g. Rose-Ackerman, 1999). As observed in some Economic corruption literature, civil servants and politicians make rational choices by going for the beneficial or rewarding options (cf. e.g. Besley and McLaren, 1993).

In this case, the choice to practice corruption primarily depends on the effectiveness of institutional capacity: The extent to which such institutions ensure effective monitoring system to guard against illegal conducts within *negative working groups* by public officials, determines the choice on whether or not to engage in corruption. Institutional capacity also defines the level of compliance by the giver and even the nature of a transaction (pecuniary e.g. kickbacks or non-pecuniary e.g. favoritism).

For example, a councilor lamented that it is the current institutional structure that enables the CEO and a few other public officials to embezzle council funds. This is because; it is only the Clerk, the Accountant and the Treasure who have access and control of council funds. Therefore, the three can and are easily misleading the Board of Directors and council Committees on how funds are used in the institution. This poor institutional structure, gives an upper hand to the Clerk, the PLGO and External Auditors over any anti-corruption measure that can be initiated by the government.

Despite of the evident practice of corruption in our setting, it is not common to punish corrupt public officials. For example, apart from three reported cases in the media since 1996 to date, there has never been any known legal action against corrupt civil servants in the study setting. Even two cases that appeared in parliamentary debates in 1996 and 2005 respectively (cf. Kenya National Assembly Records, 10th April 1996 and 29th Sept. 2005), did not give details on legal actions taken against perpetrators. Another reported case appeared on 17 January, 2003 in *The Standard* newspaper where a Migori Senior Resident Magistrate appeared before anti-corruption court in Nairobi for charges of corruption but with no further details.

In other words, known cases of corruption have been rarely punished, and as stated earlier, even those senior officials who have been accused of embezzling large sums of money in renowned scandals such as Anglo-Leasing are still serving as either cabinet ministers or as MPs

by the time of writing of this thesis. Therefore, even though public officials in the study setting are cautious when engaging in corruption, weak institutional capacity make it difficult for the government to mobilize adequate evidence to validate and prosecute cases of corruption. Civil servants also enjoy intact job security in the current institutional organization. In fact, it was said that the commonly witnessed forms of punishment given to corrupt civil servants, majorly come inform of mere transfer of culprits to other districts or departments.

A civil servant said that such transfers have also been used to maintain networks of corruption as well as used as techniques for covering up acts of corruption in the ministry of Public Health. This datum concurs with findings made by Wade (1982) and Fjeldstad (2005) on how personnel transfers are used to cover up corrupt practices in the public sector. It was again said that some Councilors and civil servants in the Council, embezzle relatively large amount money and are just punished with a transfer to another LA in the province. Moreover, transfer as a technique for punishment is used by principals like the Clerk to replace those civil servants unfriendly to their corrupt practices. A civil servant who had served in the council before; said that he was transferred to another ministry as a result of calling for financial accountability in relation to workers' salaries that could take months to be paid.

In other words, it is more risky to confront established corrupt networks than opting to keeping quiet (Amundsen, 1999). As seen in chapter four of this thesis, it can be beneficial to simply observe or facilitate such actions. Otherwise, the network is so powerful and entrenched that it might take a lot of risks and money to fight. Those who stand against corrupt senior public officials are likely to lose their jobs or get transferred to 'dry departments'.

6.4.   Socio-Economic Practices or Informal Networks (Patronage)

In our setting, there are high social expectations towards economic redistribution (reciprocity). Those who are 'financially successful' are expected to take care of the 'less fortunate' relatives; by paying school fees for relatives' as well as finding them jobs or taking care of their daily needs. It was said that civil servants are held in the pursuit of fulfilling some socio-economic responsibilities expected of them by their dependents/society. As said by Agbakoba (2007:10), these social expectations;

put a lot of pressure on workers to provide the resources to meet some of these needs and in the situation where the government and the Public Service is taken to be alien, the general ethics is particularistic, excluding the Public Service as an area in which one is bound to act in accordance with the benevolent standards of the traditional ethical code, relatives frequently mount pressure on workers (public servants) to break the rules, embezzle funds, and disregard merit, etc. in order to satisfy the needs of the extended family and clan.

Thus, ensuring the welfare of an extended family member in our setting is a moral obligation that proves one's lack of selfishness and commitment in sharing with his/her kinsmen or 'brothers'. "Indeed the pressure is so much that, people who are not seen as helping to provide the needs of the extended family and clan when they were [or are] in the Public Service, are despised…"(ibid, p.,10). A civil servant reiterated that; some of his colleagues are the sole bread winners in their families and they have big financial obligations to fulfill. This may imply that, these socially conditioned financial obligations accumulatively reduce the wage of civil servants. In this way, even with adequate salaries a civil servant may still engage in corruption to supplement high expenditures stemming from highly entrenched dependence levels (Fjeldstad, 2005). This is compounded by the reported widespread poverty, and too weak public institutions to ensure effective public resource management/distribution. Under such circumstances, the position and income of a civil servant in our setting provides a 'lifeline' to a big number of people in the society.

For example, a civil servant said that; he has six dependents in the university; two in high school and the rest are all looking up for him in anything that involves money. Out of the six university students, only two are his own children, the rest belong to extended family members. Ekeh (1975); Agbakoba (2007) and Fjeldstad (2005) say that such social responsibilities make corruption as an alternative way for relieving the overwhelming financial responsibilities. The active role of patronage in public administration may make corruption effective and rather beneficial to perpetrators. Therefore, informal networks used to mobilize illegal funds, are sustained by a system of patronage in the public sector.

Thus, the practice of corruption becomes logical for corrupt civil servants and service seekers to respectively fraud and bribe or co-operate with corrupt principals to have corrupt actions executed. Moreover, these networks make it easy for civil servants to get promotions, transfers

and to find their dependents job opportunities in both the public and private sectors. Therefore, it is more beneficial to use such corrupt networks for one's advantage than desist from corruption.

For example, in regard to local recruitments by the council, a motorcycle operator said that, "if you do not know someone up there [in the council], then yours is not there" (SI8: 12/08/2011) when vacancies are placed for members of the public to apply. A civil servant and a councilor also said that; 'backdoor' recruitments have been used to sustain alliance of corruption in the council. In fact, it was said that it is risky not to play along with the corrupt practices executed or sustained by these informal networks in the LA. If this is true, then even well-paid civil servants may engage in corruption to secure their positions as well as build their careers. Therefore, it may be unwise to go against an otherwise powerful network of corruption run by both internal and external forces.

An informant said that; even clerks cannot take two years in the council if they do not collaborate with the area MP (the patron). For example, "[t]he recent one had been transferred due to this. He was forced to come in by the former MP despite workers demonstration against him. He has over six years now" (CSI4: 27/06/2011). No wonder, a council employee reiterated that they do not care about corrupt practices as long as they have their salaries on 28th of every month. Furthermore, as earlier pointed out, informal networks in the public sector ushers into the civil service unskilled manpower whose main motivation is likely to accumulate wealth instead of building a career. Such quality of public officials, amidst high social expectations mentioned above, will willingly practice corruption despite being paid adequate wages. After all, as said by an informant, public officials in our setting tend to solicit more income from corrupt endeavors than they would have got through legal means. In this way, corruption becomes more attractive than official civil service wages (cf. e.g. Besley and McLaren, 1993; Fjeldstad, 2005).

6.5.   Simplistic view of corruption hypothesis

Due to economic hardships in our setting, motivation to pursue a given field of work or study is largely drawn from how well a particular area of work or profession pays. By the time students chose subjects to specialize in schools to the time they become civil servants, the target and dream is how to become rich by pursuing a profession that is better paying than the rest. Many factors can be contributed to this, including lack of welfare system that leaves people with more

focus to survive or to provide for their families than follow personal interests (Agbakoba, 2007). Economic hardships and desire to become rich may make indulgent into corruption just a means to an end prior planned by a civil servant or a private practitioner. This is probably why NGO related jobs are too attractive to members of the public and civil servants alike in settings like ours (cf. Oliver de Sardan, 1999). Most of our civil servants prefer to work in *fatty departments*: benefitting from NGO funded programmes. In that respect, Cheung (1996)'s simplistic view of corruption can be used to explain corruption by civil servants like the PLGO and other adequately paid heads of the departments. Cheung says that; public officials like any other employee, are income driven actors who are first and foremost in their positions to generate income. He states that, like anybody else public officials are without an exception *constrained self-maximizers* driven by their conviction or interest to accumulate wealth and property. Accordingly, he says that "under the usual social and political constraints corruption is generally the most convenient avenue to achieve this goal" (p., 1).

He goes ahead to assert that; public officials' initiated institutional regulations and controls are merely maintained or created to carry out corruption. Therefore the established institutional constraints will evade any perfection since they are created and enforced by benefactors and beneficiaries of corruption. Thus, benevolent actions like initiating effective anti-corruption policies are rare as well as very short lived, in case they are effective.

I must make it known that the said Ksh. 50.000 that is either being kicked back to PLGO or sent to DC's account by the Clerk – to dismantle internal opposition against him, and to ensure flow of funds from the central government – is approximately more than a salary of most civil servants in the study setting. In other words, judging by local standards or by PSC salary levels Ksh. 50.000 is too much money to just lay hands on by any civil servant, not only in our study setting, but also in the all country. Therefore, it seems the PLGO and the Clerk access relatively huge amounts of money in addition to their official earnings that are more than most average civil servants in the country. However, as seen in previous chapters, they are still involved in corrupt practices and they seem to sustain a network of corruption in collaboration with the political wing of the LA. In a nutshell, Cheung implies that; even if civil servants are offered attractive wages they are likely not to stop practicing corruption to generate extra incomes.

An informant who is a relative to one of the Clerks in the province said that; his cousin (the Clerk) rose to riches in a very short time. He owns plots of land and several rental apartments in some neighboring districts of Migori. Corrupt practices between LA Councilors, civil servants and the team of external auditors; can thus be seen as a mere 'brotherhood of convenience' with intentions to harmoniously, and illegally accumulate wealth. Therefore, public sector corruption is part of the system whose existence and prevalence lie on public officials' underlying interests, stakes in the system, societal expectations, position in the society and their perceptions towards corruption (Pavarala, 1996). Probably, this may be the reason why civil service wage increments have been ineffective as an anti-corruption strategy in public sectors of some African countries (cf. e.g. Chew, 1990). Since public officials are in the constant urge to mobilize extra incomes to fulfill both formal and informal obligations.

6.6.   Conclusion

This chapter assessed the extent to which civil service wage correlates to practice of corruption in the public sector. It proved that civil service wage has correlation to public sector corruption as discussed in corruption literature. That is, a poorly paid civil servant is more susceptible to acts of corruption than a well-paid colleague. However, the fact that even well paid civil servants practice corruption pities wage factor against other variables. Thus, unlike the institutional capacity and socio-economic practices, civil service wage does not seem to provide structural reasons why civil servants practice corruption: which reduces it to a variable that just provides civil servants with a justification to practice corruption.

It is even clear from discussions in this chapter that generating adequate qualitative data to further validate the role of civil service wage in public sector corruption seems troublesome. As a result, wages are more effective in explaining petty forms of corruption such as sweeteners, grease money, and gratuities, albeit, partly. Therefore, we can say that the effectiveness of civil service wage in facilitating corrupt practices is preconditioned by a corruptible environment already created by the reigning social-economic factors like; reciprocity, nepotism, patronage and other informal networks that determine how services are delivered and how public resources are managed. This is exacerbated by the existing weak institutional capacity to regulate infiltration or negative impacts these socio-economic practices (or negative working groups) and illegal actions that may arise due to low wages in the public sector.

CHAPTER SEVEN:

SUMMARY AND CONTRIBUTIONS OF THE THESIS

7.0.   Introduction

This chapter is divided into two sections: The first section makes the recap of outstanding issues discussed in this thesis. The second section points out contributions of the thesis to corruption research.

7.1.   Summary of the Thesis Discussions

The general purposes of this thesis were to describe how corruption takes place in a rural setting of Kenya. It was also to assess the effects of civil service wage on corruption in the Kenyan public sector. To fulfill these purposes, Nye (1967)'s definition of corruption was used together with public opinion definitions (perceptions, opinions and stories from informants) to generate data on corruption (cf. Jos, 1993; Philip, 1997). Therefore, this thesis discussed major issues in an array of two broad study questions. These are: How does corruption take place at the local level of public administration? ; What are the possible enabling environments for corruption to take place? Accordingly, the thesis described the practice of corruption in two fronts. The first description focused on the unit of analysis (one of the two L As in the study setting). This was to specifically give an inside practice of corruption in a public sector from the perspective of public officials.

The second description focused on forms of corruption and the mutual engagement in the practice of corruption by the members of the public and civil servants. This part unveiled practice of corruption from the perspectives of all the parties to public sector corruption (public officials and service/favor-seekers). In the same chapter, some possibilities for acts of corruption to occur in the public sector are pointed out. These mainly revolved around weak institutional capacity and socio-economic stimulated practices such as nepotism, favoritism and reciprocity. Both descriptive chapters also unveiled some techniques used to solicit or give illegal payoffs and squander project funds by local public officials and members of the public.

Data presented shows how a system of patronage exists at the grassroots. However, despite the fact that the system of patronage may be effective in its own way – in terms of resource distribution – it denies the public sector meritocratic recruitment of civil servants. This instead exacerbates or sustains the practice of public sector corruption in a setting like ours. Because, those recruited due to the influence of such informal networks or negative working groups, tend to owe allegiance to their patrons. As a result, the beneficiaries hardly go against corrupt dealings that promote the interest of these patrons or the working groups they belong. These negative working groups or corruption networks are also sustained by forces external to the public sector in the study area. In addition, the above data proves that weak institutional capacity of the public sector (e.g. lack of effective monitoring system, unfair recruiting system, poor auditing system and faulty organization of financial management) favors prevalence of corruption in the public sector. As a result, there is recruitment of unqualified personnel into the civil service; whose motivation lies more with accumulation of wealth than consolidation of professional legacy (Rose-Ackerman, 1999). Weak institutional capacity also denies the government or citizens an effective monitoring system to detect or control corrupt practices by public officials.

In this way, weak institutional capacity provides concrete and structural explanations on how and why public sector corruption takes place. Data shows that weak/ineffective institutional capacity creates an environment that may allow the negative aspects of socially, economically and politically conditioned variables like patronage, nepotism and favoritism. These variables were found to determine how service delivery and project management are carried out by public officials. As a result, there is likelihood of prevalence of corruption in the public sector. Thus, the institutional analysis of corruption shows that effective institutional capacity can structurally guard against infiltration of negative informal norms that may render service delivery and project management inefficient.

In the bid to locate the role of civil service wage in the public sector corruption, the thesis's finds out that civil service wage soundly correlates to corruption in the public sector. However, the wage factor is not adequate in understanding why public officials engage in corruption. That is, unlike the institutional capacity and socio-economic variables, civil service wage fails to provide us with structural explanations in regard to why or how corruption takes

place. In fact, the role of civil service wage tends to be overshadowed by the effectiveness of socio-economic variables when explaining why civil servants are likely to practice corruption. According to the findings, the thesis observes that it is even challenging to accumulate adequate qualitative data that can generate concrete empirical discussions on the role of wage in the public sector corruption. Thus, the thesis concludes that wage factor is partly effective in explaining why civil servants engage in petty corruption, but it may not be applicable in understanding grand corruption as well as in explain why well-paid civil servants engage in corruption.

The thesis further posits that; civil servants' affinity towards corruption largely lies on their level of access to public funds. Therefore, unlike their highly paid colleagues, lowly paid civil servants are more likely to practice petty forms of corruption because they have low access to or control of project funds that may present them with an opportunity to illegally solicit huge amounts of money. In other words, the nature of corruption – grand or petty – is determined by the position of the perpetrator (whether highly placed or not). In the setting of this thesis, this phenomenon is referred to as 'eating at an arm's length' (expressed as *kar nyalo mar ng'ato*). Thus, the amount of funds to fraud, embezzle or to kickback, depends on the perpetrator's level of accessibility and control of public funds (Heidenheimer and Johnston, 2002).

In effect, the thesis promotes a view that understanding how petty corruption is executed in the rural settings of a country like Kenya may be helpful in understanding grand cases of corruption. This is because; no matter their positions in the government, public officials are a product of the society, and they may hardly detach themselves from the underlying or informal political economy of their societies (cf. Ekeh, 1975; Agbakoba, 2007; Jamil, 2002; Fjeldstad, 2009). How corruption is perceived and practiced at the grassroots is likely to shape how the majority rural population will react (total or divided condemnation, tolerance or indecisiveness) to cases of grand corruption in the government. Consequently, this determines the prevalence of corruption or effectiveness of the existing anti-corruption strategies. I base this on an observation that how a system of patronage, reciprocity and other socio-economic practices prevail at the grassroots, may be replicated in the high places of government (cf. Kibwana, et al., 1996; Smith, 2001; Anassi, 2004).

It was established that corruption at the top erodes trust in the system and opens avenues for corrupt practices (contagiousness of grand corruption). This concurs with the findings, for

example, by Cho and Kirwin, (2007) on corruption and trust in the public institutions. As a result, extractive nature of corruption as popularized by moralists' literature on corruption (cf. e.g. Mauro, 1995) may be experienced. Thus, from this perspective petty and grand corruption seem to be feeding each other in the Kenyan public administration.

Ignorance was an unintended variable that came up in the fieldwork as an explaining for corruption in the public sector under study. It emerged that corruption in Migori, rides on ignorance of members of the public as well as among unskilled and unqualified public officials (cf. Mbeya, et al., 2011). These categories of public officials and members of the public have less knowledge on how the public sector should work. For example, one of the Council employees said that members of the public do not know how the Council functions, and how they should participate in the identification and implementation of various government projects administered by the council. Instead, "some members of the public just attend our public forums to come and drink sodas [rather than raise issues in regard to the effectiveness of the council]" (CSI12: 6/08/2011).

Patronage, ignorance of members of the public and public officials, and weak institutional capacity combined, creates the mutual practice of corruption in the public sector. These data on the mutual practice of corruption assisted in unveiling the arena of the practice of corruption in the study setting. However, another datum faults the effectiveness of ignorance by showing that even well informed service/favor seekers are involved in the practice of corruption. In this respect, the key variables – Institutional capacity, wage factor and socio-economic practices like patronage and nepotism that determines the functionality of formal institutions – are still more appropriate than ignorance. I argue that the mutual practice of corruption depends on one's history of relationship with the bureaucracy. That is, in situations where one has constantly bribed to access services or get recruited/promoted/transferred in the civil service, corruption becomes normal way of doing 'business'. As a result, "people who have low expectations regarding the efficiency and impartiality of government try to look for an alternative to obtain access to public resources" (Cho and Kirwin, 2007:6; also cf. Lewal, 2007; Kibwana, et al., 1996). According to data, if this happens, it leads to a cycle of corruption in the public sector.

These chapters show that institutional capacity of a particular public sector and given the socio-economic and political ingredients of corruption as well as the use of figurative languages in its practice, the phenomenon is best understood from the perspective of actors within a specific context (Oliver de Sardan, 1999; Lancaster and Montinola, 2001). The thesis recognizes that some acts of corruption emerge from contextually instigated practices like reciprocity, nepotism and favoritism that tend to legitimize the system of patronage in the society. A system where patronage largely determines *who gets what and how* confirms the weak capacity of public institutions in the distribution of public resources and opportunities. Therefore, if institutions are well organized, the negative implications of socio-economic practices may not infiltrate the public sector to determine how public resources are managed, or who accesses public services. Also, effective institutional capacity may reduce forms of corruption that are likely to arise from inadequate civil service wage in the public sector.

Data presented in this thesis focused on corruption in service delivery – whose data were largely collected from the service seekers – and corruption in the management of government projects – whose data was mainly collected from public officials. Apart from capturing various aspects of corruption, this pattern of data collection was meant to show, and operate the thesis' aspect of it takes two to tango in the practice of public sector corruption.

As seen in data and methodology chapters, the empirical foundation of this thesis tends to lie between high perceptions of corruption (that may be due to the widely reported cases of corruption in the media), and real cases of corruption in the study setting. The real cases of corruption were based on evidences that some informants admitted to have been part of corrupt practices in the public sector. Therefore, whereas absence of documented data is a challenge to these findings, it may be unwise and misleading to rule out real cases of corruption in our study setting by merely holding onto this fact (lack of documented data). This is because, apart from the research tradition used for collecting evidences for this thesis; studying corruption like any other socio-economic and political phenomenon in the society, is largely about personal experiences, stories and opinions (Blundo and Oliver de Sardan, 2006).

Personal experiences, perspectives, stories and opinions are likely to unravel the social, economic and political structures of the population under study, formal and informal power relations in place, beliefs, forms of social interactions, and social positions, the nature of existing

institutions, practices, values, and symbolisms attached to these institutions, practices and positions of the actors. Knowing the role played by these elements and how they shape the way actors behave and their interactions as well as how these elements inform perceptions and practice of corruption, is of great importance in studying corruption (Pavarala, 1996; Ruud, 2000, Smith, 2001; 2007; Oliver de Sardan, 1999, Blundo and Oliver de Sardan, 2006, Gupta, 1995).Therefore, like any other data, data presented by this thesis on how corruption is practiced in the public sector, are justifiably valid despite of the absence of documented evidences of corruption in the study setting.

But, as earlier acknowledged reality is so complex and intertwined that we cannot confidently assert that these data wholly presents the state of corruption in the public sector of the study setting. In that case, I encourage or call for more research as a follow up study to confirm or validate some of the findings made and discussed in this thesis. This is because; the possibility that I or my informants failed to notice some aspects of the claimed cases of corruption in the public sector under study, cannot be confidently ruled out. Some of my informants and I may have also possibly misinterpreted each other's questions/statements and views. In addition, we cannot confidently ascertain that my informants and I even interpreted the concept of corruption in the same way. This possibility may pose as a threat to the validity of the findings made. Hence, a call for further research since it is said that the purpose of research is to know the reality, and I argue that such a reality is only a reality if it can avail itself in a continuous process; when investigated or exposed under the same circumstances and procedures. This is what scholars like Lincoln and Guba (1985), as well as Yin (2009) may respectively term as dependability or reliability in social research.

7.2.   Contributions of the Thesis to Corruption Research

If the problem in corruption research is usually how to access data (Andvig and Fjeldstad, 2001; Rose-Ackerman, 1978; Sissener, 2002; Lancaster and Montinola, 2001; Heidenheimer and Johnston, 2002; McMullen, 1961) then the main contribution made by this thesis lies on its rich data on how corruption is practiced at the lower levels of the government. It adds to the increasing empirical data on corruption in Africa following the tradition set by studies such as Smith (2001; 2007); Blundo and Oliver de Sardan (2006); Fjeldstad (2002; 2005); Kibwana, et

al.,(1996); Justice(2002) and many other reports by Anti-Corruption institutions like Transparency International. Its internal description of corruption in a grassroots institution makes it a few of its kind in presenting detailed insights and analysis of very complex and sensitive issues on corruption. Therefore, this thesis' data fulfills the tradition set by studies like Wade (1982); Gupta (1995); Ruud (2000), Smith (2007); and Blundo and Oliver de Sardan(2006) by showing how corruption is perceived, and experienced by participants in a specific setting.

Describing how corruption takes place in the public sector is not only important in understanding the phenomenon, but it may also inform the design for anti-corruption strategies in countries like Kenya. This idea stems from claims that the existing anti-corruption measures in emerging economies like Kenya, are largely influenced by the donor agencies that do not put into consideration the contextual knowledge, and the setting of corruption in such countries (cf. e.g. De Maria, 2007; OECD, 2008). As a result, the fight against corruption is mooted to have been reduced to a policy issue for donor countries in the bid to achieve their underlying interests. No worry, some authors have shown skepticism by referring to anti-corruption measures for African countries as an enterprise by Western powers to promote Neo-Colonial ideals in the continent.

Another contribution made by this thesis is by deviating from (what I term as) the popular tradition of corruption as seen in most literature on the topic. That is, most corruption literature talk more about the causes and consequences of corruption in Kenya than on how it is being practiced by actors involved. In addition, causes and consequences literature tend to set a habit of viewing practices of corruption mainly from actions of public officials, and somehow treat other actors (service/favor seekers) as victims of the discretionary powers misused by public officials. Instead, this thesis argues that viewing corruption mainly from the role of public officials, unveils half the arena of the practice of corruption. Its data shows that service/favor seekers/contractors have the capacity and the willingness to initiate as well as complete corrupt practices in the public sector. Therefore, the thesis contributes to the growing literature on the bribee – briber relationship (cf. e.g. Rose-Ackerman, 1978).

The thesis also tends to make an interesting correlation between administrative culture in the public sector and corruption. It does this by using the arguments from Sociologists like Ekeh (1975), Anthropologists like Oliver de Sardan (1999); Economists like Rose-Ackerman (1978) and literature on Philosophy like Agbakoba (2007) on one hand, and Public

Administration/Political Science literatures like Jamil (2007) and Hyden (2006), on the other, to explain how behaviors and informal actions by public officials and members of the public determines the functionality of the public sector. This aspect does not only contribute to corruption research, but it also confirms that interdisciplinary approach towards analyzing the said public sector or governance problems in the south like inefficiency and slow pace of public sector reforms (cf. e.g. Mbaku, 2000). This interdisciplinary approach has been admired as the appropriate way to go in studying effectiveness and functionality of public institutions or implementation of public policies (cf. e.g. Agbakoba, 2007).

The thesis empirically contributes to the growing literature and debate on the effects of civil service wage vis-à-vis public sector corruption in the south, and Africa in particular. It finds out that whilst wage level in the public sector is necessary in explaining some forms of corruption by civil servants; it is inadequate and does not give structural explanations to the practice of corruption per se.

From the above discussions, it emerges that public institutions play a vital role in the effective management of public affairs. Therefore, the fact that the role of negative working groups, patronage, and the wage factor in public sector corruption tend to be regulated by the effectiveness of existing institutional capacity, the thesis promotes institutional analysis of prevalence of corruption in countries like Kenya. That is, until effective institutions are established in countries like Kenya, high prevalence of corruption or widespread practice of public sector corruption may be a persistent phenomenon in the public administration (Mbaku, 2000; Fjeldstad, 2005; Rose-Ackerman, 1999; Johnston, 1986). However, this analysis alone is not adequate in understanding various aspects of the practice of corruption in a context like ours. In that way, the thesis used a socio-economic, political and institutional framework to understand and describe corruption in the study setting.

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APPENDICES

Appendix 1: THE REFERENCE LIST OF CITED INFORMANTS

INFORMANTS	POSITION	SEX	LOCATION
COI1: (03/08/2011)	COUNCIL	MALE	MIGORI TOWN
COI2: (04/08/2011)	COUNCIL	MALE	MIGORI TOWN
CSI1: (09/08/2011)	COUNCIL.	FEMALE	MIGORI TOWN
CSI2: (30/07/2011)	AUDITING OFFICE	MALE	MIGORI TOWN
CSI3: (29/07/2011)	PROCUREMENT	MALE	MIGORI TOWN
CSI4 (27/06/2011)	DEPT. HEAD	MALE	MIGORI
CSI5: (30/07/2011)	COUNCIL	MALE	MIGORI TOWN
CSI6: (6/07/2011)	DEP. HEAD OF DEPT	MALE	MIGORI TOWN
CSI7: (21/06/2011)	REVENUE SECTION	FEMALE	MIGORI TOWN
CSI8: (15/08/2011)	DEPT. HEAD	MALE	MIGORI TOWN
CSI9: (21/07/2011)	SECRETARY	FEMALE	MIGORI TOWN
CSI10: (18/08/2011)	AUDITING OFFICE	MALE	MIGORI TOWN
CSI11: (18/08/2011)	VOLUNTEER	FEMALE	STELLA CENTER
CSI12: (06/08/2011)	COUNCIL	MALE	MIGORI TOWN
CSI13: (20/07/2011)	YOUTHS' OFFICE	MALE	MIGORI TOWN
FGD1: (17/08/2011)	SERVICE SEEKERS	MEN	MIGORI TOWN
FGD2: (30/07/2011)	SERVICE SEEKERS	MEN	OYANI CENTER
FGD3: (28/07/2011)	CIVIL SERVANTS	MIXED	MIGORI TOWN
FGD4: (10/08/2011)	CIVIL SERVANTS	MIXED	MIGORI TOWN
SI1: (09/08/2011)	FARMER	MALE	URIRI MARKET
SI2: (21/07/2011)	SHOOPKEEPER	FEMALE	MIGORI TOWN
SI5: (29/06/2011)	BUSINESS WOMAN	FEMALE	MIGORI TOWN
SI6: (22/07/2011)	BUSIENESS WOMAN	FEMALE	MIGORI TOWN
SI7: (20/06/2011)	PRIEST	MAN	MIGORI TOWN
SI8: (12/08/2011)	BODABODA		MIGORI TOWN
SI9: (20/07/2011)	RETAIL ASSISTANT	MALE	MIGORI TOWN
SI10: (20/07/2011)	PLANNER	MALE	URIRI
SI11: (5/08/2011)	SHOPKEEPER	MALE	STELLA CENTER
SI14: (29/07/2011)	PHYSICIAN	MALE	MIGORI TOWN
SI15 (30/07/2011)	COMPUTER TECHNICIAN	MALE	MIGORI TOWN

Appendix 2: THE STUDY QUESTIONAIRES

A.)   INTERVIEW QUESTIONAIRE ANSWERED BY PUBLIC OFFICIALS

INTRODUCTION

The purpose of this study is to find out the extent to which public accountability and financial transparency is observed in the public offices within Migori district. Thus, the main aim is to know your opinion on the level of transparency in financial management and the quality of public service delivery in the respective offices. That is, to find out accountability on financial management and service delivery in Migori public offices. The data collected is for the purpose of writing a master's thesis in Public Administration at the University of Bergen and nothing more. You are **STRICTLY** not expected to write down any detail that might unveil your identity in any way. This is to ensure your anonymity and confidentiality of the information you give. The information you give will **ONLY** be accessed by the researcher. You have the right to question the appropriateness of any question in this questionnaire before you can answer. You also have the right to provide as many answers as you wish or answer nothing at all. You also have the right to stop the interview at any time or choose not to answer any given question.

1. A.) Gender _____B.)Age_____C.) Level of Education_____D.) Profession_____E.)Are you a public officer_____ or working with an NGO_____?
2. How long have you worked in the above position? _____
3. Does your department or organization work with any donor organization (e.g. IFAD)_____
4. A.) Are you or your department involved in any government project? _____
    B.) If yes, please specify which one_____

5. What is your take on the successfulness of your project in achieving its objectives_____
6. May you please highlight some challenges being faced in the implementation of the government projects you know_____
7. What is your opinion on financial management in your department_____
8. Do you think there is discrimination in the public offices?(*please explain*)_____
9. Do you think there is fair recruitment into the public service(*please explain*)_____
10. Do you think there is fair transfer of public officials (*please explain*)_____
11. Do you think public servants are fairly promoted? _____
12. Do you think there is any payment involved to have a promotion _____
13. If not, do you know of any officers who have paid to get a transfer or a promotion? _____

14. What is your take on public service salaries_____

15. Which of the following can you regard as element(s) of corruption(*Please Tick where applicable*)

   A. Doing favor to ones tribe, relative or kinsman_____

   B. Using public property(e.g. a car) for other uses not regarded as official_____

   C. Paying to have a job_____

   D. Paying to have a transfer or a promotion_____

   E. Paying for services meant to be accessed for free_____

   F. Being paid by your client after giving services_____

   G. Being taken for a cup of tea to do a favor to a client_____

   H. Demanding or accepting a tip after offering services_____

16. Do you think anybody can ask a public official to receive kitu kidogo so as to do him/her some

   Favor_____

17. Do you think there is corruption in the public offices of Migori? (*please explain*)_____

18. What is your opinion on the salary level of public officials and corruption?(*please explain*)_____

19. What do you think brings corruption in some public offices? _____

B.) QUESTIONS ANSWERED BY MEMBERS OF THE PUBLIC

INTRODUCTION

The purpose of this study is to seek knowledge on management of public services and measure the extent to which public accountability and transparency is observed in the public sector. The questions are purely for Research purposes and of which you are not required to state your names or any detail that might unveil your identification. This is so to ensure your anonymity and confidentiality in this study. The information you provide will only and strictly be accessed by the researcher and no one else is allowed to ensure that the principle of confidentiality is followed. You are free to provide information as much as you can in the spaces provided as long as you think it is relevant to the question asked. You are also free to terminate the interview anytime as well as chose not to answer any question.

Gender_____Age_____Date_____Profession (e.g. Farmer) _____
Education_____

Q1. Are you aware of various services made available for free public access by the government (please cite some examples)? _____

Q2. Do you find government services important? (Please explain)_____

Q4. How satisfied have you been with the services or assistance from government offices? _____

Q5. Do you think there is any discrimination in the public service delivery? _____

Q6. What do you think can make a government official to discriminate a person in service delivery? _____

Q7. Have you been discriminated by any public official in any way (please specify how) _____

Q8. Do you think it is appropriate to for a public official to ask for TKK? _____

Q9. Have you ever found yourself in a situation where you had to pay TKK? _____

Q10. What do you think about such payoffs? _____

Q11. Is there anybody or people you know that has ever given TKK? _____

Q12. How many of them can you remember in the past one year? _____

Q13. Why do you think people pay for services that are supposed to be free or pay more? _____

Q14. What do you think can make a government officer to ask or force you to give payoffs? _____

Q15. How do you understand corruption? (E.g. bribery) _____

Q16. What do you think about civil servants' salaries and corruption? _____

What do you think about social expectations or culture and corruption? _____

Q17. What do you think of corruption in Migori public offices? _____

Q18. What are some examples known to you that you think can be seen as corruption? _____

Q19. Do you think it is appropriate to say that the public are more corrupt than the public officials? _____

Q20. What do you think about corruption in relation to access to public service in Kenya? _____

Appendix 3: NCST RESEARCH PERMIT

CONDITIONS

1. You must report to the District Commissioner and the District Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit

2. Government Officers will not be interviewed with-out prior appointment.

3. No questionnaire will be used unless it has been approved.

4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.

5. You are required to submit at least two(2)/four(4) bound copies of your final report for Kenyans and non-Kenyans respectively.

6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice

GPK6055t3mt10/2011

REPUBLIC OF KENYA

RESEARCH CLEARANCE PERMIT

(CONDITIONS—see back page)

PAGE 2

THIS IS TO CERTIFY THAT:

Prof./Dr./Mr./Mrs/Miss/Institution

Gedion Onyango

of (Address) *University of Bergen*
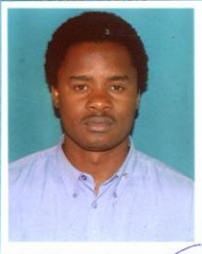
Norway

has been permitted to conduct research in

	Location
Migori	**District**
Nyanza	**Province**

on the topic: Bureaucratic corruption and rural development in Kenya.

for a period ending 31st Dec 2011

PAGE 3

Research Permit No. *NCST/RRI/12/1/SS011/10.30*

Date of issue 29th July 2011

Fee received **KES 1000**

Applicant's Signature

Secretary National Council for Science and Technology

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