



Kenya: The Myth of Anti-Corruption

By John Githongo



Oligarchs, Cartels & Icons

On the morning of the January 15, 2016, hundreds of Al Shabaab militants attacked a Kenya Defence Forces base at El Adde in Somalia. The United Nations later reported that over 150 Kenyan troops, who were members of the African Union Mission in Somalia (Amisom) were killed. The Kenya government has never confirmed how many of our soldiers were killed, injured or captured. Analysts pointed out it was the worst defeat in the history of the Kenya military. Indeed, globally it was the worst defeat of a peacekeeping force in modern history. A [UN report published after the attack](#) was scathing in terms of the general operational performance, coherence, effectiveness and leadership of our troops in the build up to and during the attack.

In 2012, this writer flew into Mogadishu. It was a year after the KDF had invaded Somalia in October 2011. The Somali MPs and Cabinet ministers I interacted with were already describing the KDF as an occupation force and complaining that some of its top brass were facilitating or turning a blind eye to illegal businesses - involving smuggling charcoal and sugar out through the port of Kismayo - thus lending succour and profit to Al Shabaab. They warned that it was highly likely that this situation would eventually lead the terror group to strike dramatically inside Kenya...

The tribe and the bribe are the Siamese twins of our politics

On September 21, 2013, Shabaab terrorists attacked the Westgate Mall in Nairobi in an episode that left 70 dead. However shocking this event was, what was even more quietly disturbing to Kenyans was the behaviour of the KDF soldiers sent in to 'flush out the terrorists. [Videos emerged of wide-scale looting](#) of the mall by our much-vaunted troops. In 2015, the NGO Journalists for Justice released an excoriating report, [Black and White - Kenya's Criminal Racket](#) that detailed the involvement of the KDF in illicit commercial activities that were benefiting Al Shabaab directly.

The Kenya Defence Forces is one of the country's iconic institutions. The professionalism and integrity of the KDF has been one of those things Kenyans define themselves by. As important as the integrity of our beloved athletics fraternity who are world beaters; Kenya Airways that is 'The pride of Africa'; Uchumi Supermarkets; the Kenya National Examination Council (KNEC) that produces the exams that are key to an education system in which Kenyans invest their hopes and aspirations... The sense that corruption, nay, the culture of looting and plunder under the current Jubilee regime has undermined these institutions fundamentally in just the past three years is devastating for many Kenyans. It affects the very way we view ourselves as a people.

For one reason or another, important icons like the Kenya Commercial Bank have somehow managed to escape. But there is a distinct feeling that it is only a matter of time...

The House Has Fallen

The travails of another Kenyan icon, Uchumi Supermarkets, the oldest and largest publicly quoted supermarket chain in the country, have compounded the narrative of a climate engineered to allow not only corruption, but plunder with impunity, in both the public and private sectors. In January, Polycarp Igathe, who chaired the board's committee, said: "I have never had the opportunity to say this, but today I can confirm that in the past two to three years, you have been receiving fraudulent financial reporting including cash flow, balance sheet and other financial details at our annual general meeting." Similarly, the fall from grace of Kenya Airways, reducing the 'Pride of Africa' to the 'Plight of Kenya,' bothered Kenyans in a manner different from the usual shenanigans reported in the mismanagement of other public companies.

Unfortunately, for Jubilee, conflict of interest has been normalised

The sophistication, in particular, of the odious contracts into which Kenya Airways entered with various entities bore the hallmarks of a raid orchestrated by a combination of the most powerful political figures and best legal, banking and accounting minds in the country. While the company is now under the regime of Michael Joseph, formerly of Safaricom, it will be interesting to see what emerges as the clean-up operation gets underway.

For decades, Kenyans have dug deep into their pockets for the funds necessary to educate their children. Over the past decade, over the past five years in particular, the institution at the heart of the national examination system - the Kenya National Examination Council (KNEC) has been embroiled in exam-related scandals and other allegations of corruption that have caused a serious erosion in public trust. It has turned the Education Cabinet Secretary into the anti-corruption Cabinet Secretary by default as the media reports daily on his efforts to manage the machinations of cartels bent on undermining the integrity of the examination system for a profit. Indeed, the world 'cartel' is relatively new to the general corruption lexicon. The term was previously reserved for the illegal narcotics business but today leaders speak of cartels in every sector. Cynics would be

forgiven for asking if entire sections of government have become a cartel in and of themselves, with those complaining most loudly about this condition being the godfathers of the malaise and its primary drivers. The plunder has created oligarchs out of a small number of families in Kenya, concentrating wealth in a few hands in what is already one of the most unequal countries on the continent.

The Most Corrupt Regime in Kenya's History?

A second important development on the corruption front over the past three years has been the drawing to an end of an entire approach to fighting corruption.

One of the defining characteristics of the fight against corruption in Kenya has been an intense level of well-funded activity on the policy reform front - including government, civil society, religious and private sectors - while in the real world corruption has not only deepened but widened in society. After 26 years of 'anti-corruption' in Kenya, the phenomenon is worse than ever. The surveys of local and international civil society and research groups bear this out. More importantly, though, there is a widespread perception that graft has worsened dramatically, particularly over the past three years.

The tenderpreneur thrives in the toxic mix of crony capitalism that feeds off the normalisation conflict of interest and impunity

The sheer number and scale of scandals that have accompanied the current regime are equivalent to a Goldenberg scam (that cost \$1 billion) every six months. While the scale of the plunder has started to have macroeconomic consequences, the impact impunity is having on public morality has been even more devastating (as I discuss below.)

The orgy of theft is discussed in the media - both traditional and social, on the political stump by the political class and citizens are consumed with (and by) it. In part due to the conspicuous consumption that accompanies it; the brazen self-enrichment of senior public officials since 2013 as demonstrated by the multiple wives, cars, houses etc they have acquired; the reports of the Office of the Auditor General; harambees at which politicians dish out millions of shillings in a determined effort to normalise the idea that citizens should not ask where the money is coming from; the reports of stolen public funds being carried around in sacks and other bizarre symptoms - a paradoxical mixture of suppressed outrage and numbness prevails. Devolution has accelerated and spread the collapse in public morality though initial indications are that direct accountability at the local level may ultimately be more robust.

As a result, we have the most corrupt regime in our history running Kenya, as I observed above. Indeed, we no longer speak of corruption but plunder, looting on an unprecedented scale. The abstract language of 'corruption', 'ufisadi', 'rushwa' has lost its cultural resonance in Kenya. Far better to speak of 'wizi' (theft) and 'uporaji' (plunder). An assortment of opinion polls ([Ipsos Synovate](#), [Afrobarometer](#), <http://afrobarometer.org/sites/default/files/publications/Briefing%20paper/AfrobriefNo152.pdf>, [Transparency International](#)) have been consistent in naming corruption one of the most pressing issues facing Kenyans.

The impact on public morality has been especially telling among the youth. In a study on youth attitudes carried out over the past few years, the [Aga Khan University's East Africa Institute](#) found that Kenyans are highly tolerant of corruption. Indeed, 50% of youth in Kenya do not care what means they use to make money as long as they do not end up in jail. This was anchored by 30% who subscribed to the belief that corruption is profitable with 35% ready to give or receive a bribe. Only

40% of the polled youth strongly believed that it was important to pay taxes. A similar situation was evident in the political arena where 62% of youth were noted to be vulnerable to electoral bribery with 40% confessing that they would only vote for aspirants who bribe them.

Public Policy Reform Era Hits a Glass Ceiling

What is clear is that in Kenya's case, the public policy reform/technocratic approach to fighting corruption has become utterly irrelevant in the current political context. The Presidential 'Summit' on Governance and Corruption in November 2016 was the final nail in the coffin of the 'technical fix' to corruption when President Uhuru Kenyatta expressed his helplessness, ripped into his anti-corruption officials and their approach, and basically reduced the event to a public relations exercise. Fundamentally, what started in the late 1990s with a series of legal and institutional reforms aimed at improving governance and fighting corruption. It was a phase that ended with that November conference.

As Kenyans we have done all the anti-corruption benchmarking, most recently with a delegation to study China's anti-corruption efforts; created all the anti-graft institutions, committees, working groups, task forces, units; drafted all the frameworks and policy papers; taken all the advice possible from multilaterals, bilaterals, NGOs, the private sector and others including churches; enacted all the laws and their subsidiaries; held all the conferences, summits, workshops and get-togethers possible. The most ambitious albeit unheralded grand 'technical fix' was agreed upon between Presidents Obama of the USA and Kenyatta [in July 2015](#). We've even drawn up a multitude of 'don't be corrupt' and 'this is a corruption-free zone' slogans, posters and adverts and plastered them over all the most corrupt institutions in the public sector.

Nothing exemplifies this ending of a phase more than President Kenyatta's speech at the 'Summit,' unless perhaps it is the ongoing police vetting process. Despite its having been in train for some years now, this institution has remained almost impervious to change in the current environment. As one policeman told me directly: 'Why be sacked when I am poor?' The vetting's primary impact thus far has been to raise the cost of bribes but not reduce their frequency though my evidence for this is purely anecdotal.

And so corruption has ceased to be a technical problem - it is now ineluctably a political and cultural one.

The tribe and the bribe are the Siamese twins of our politics. We have learnt for example that you cannot digitise integrity from the sorry tale of Kenya's Integrated Financial Management Information System (IFMIS), which has become notorious as the conduit for the ongoing scandals in the national and county governments. The looting at the Ministry of Health, Devolution Ministry and National Youth Service stands out and many more scandals are on the way. Indeed, bureaucratically, sections of the governments are engineered for theft. Commissions, inter-ministerial committees, multi-stakeholder working groups, a swathe of reform projects and programmes with expensive outside help become in and of themselves methods of extraction. Over the coming months multilateral and bilateral donors will begin to realise the extent to which resources they have pumped into various sectors have been cleverly misappropriated.

Kenya has travelled a long and difficult path. We need a different type of 'disruption' regarding corruption as Dr. Kankindi describes it in her analytical feature in this edition of *The Elephant*. We see the difference between Uganda and Tanzania and Angola too as all these countries deal with the fact that initially democratisation has deepened corruption - a reality emerging in the most developed countries as well. In 2017, Kenyans are having to face the reality that solving our issues means finding the political will to make institutions work, recognising this may mean reimagining our political and economic framework (a subject for a later date) and inspiring the people to believe

in the institutions and their leaders.

The Normalisation of Conflict of Interest

The sense of outrage and despondency with regard to the fight against corruption deepened in October 2016 when media reports indicated that members of the president's family were directors of a company that had been paid significant sums of money out of a scandal-prone project at the Ministry Health. While the head of state's family are also business people, this latest revelation caused particular opprobrium. It seemed to demonstrate to Kenyans the extent to which public office has indeed become the source of private gain in Kenya - the personalisation of the state. It also put paid to the finely tuned narrative that the real corruption in Kenya is related to the deputy president while the head of state is too rich to need to dip his fingers in the till.

Perceptions are powerful and in anti-corruption they are over 50% of the struggle.

Since Independence, political leaders whose reputations to this day remain relatively untarnished share one quality - they are perceived as personally incorruptible and similarly have not allowed their families to indulge in corruption. Once this perception changes, the political manoeuvring room available to any political leader will become severely limited, forcing them to rely on identity politics (the tribe) and other forms of negative populism to mobilise support. Unfortunately, for Jubilee conflict of interest has been normalised.

The national icon at greatest peril is the Kenyatta family name and national narrative that accompanies it

As a result, a unique national icon placed in unique jeopardy is the Kenyatta family name that carries with it a narrative intertwined with the very construction of the modern Kenyan nation: Jomo Kenyatta was Kenya's founding father, leader of the struggle for Independence, a wise old man who suffered great hardships that Kenya could become free, who turned it into a prosperous, pro-Western, stable capitalist African nation while neighbours suffered strife. He was a pan-Africanist who was a leader not only in his own country but an inspiration across the continent. That the scion of this legacy, his son Uhuru Kenyatta, is Kenya's fourth president, has ironically threatened to shred this narrative in a single hubristic electoral term characterised not just by corruption on a massive scale but by wizi (theft), uporaji (plunder), ukabila (tribalism) and matharau (a disdain for ordinary citizens and their experience that harks back to the era before Independence).

And that is how this has come to be perceived as the most corrupt regime in the country's history. Kenyan public opinion shifts quickly from the president is a good man surrounded by bad men and advisors; to identifying the bad men; to finally concluding the president is himself Thief-in-Chief in person or as a collective or body corporate.

Published by the good folks at [The Elephant](#).

The Elephant is a platform for engaging citizens to reflect, re-member and re-envision their society by interrogating the past, the present, to fashion a future.

Follow us on [Twitter](#).