

MASTER'S THESIS
INTERNATIONAL ADMINISTRATION
AND GLOBAL GOVERNANCE

African Leaders

and After Office Causes to Corruption

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Abstract

Keywords: African leaders, corruption, post-political prospects, Kenya

The aim of the thesis is to contribute to research about African leadership and causes of corruption and with point of departure in previous research, to add to research about post-political prospects affect on leadership. The thesis wants to investigate the argument that severance pay, arrangements regarding personal security and immunity from prosecution as well as the ability to retain status and have a successful career also after office affect the leaders' level of corruption. The research question in focus is: • Do African national leader's post-political prospects affect the leader's level of corruption? Four presidents in Kenya, after independence to present; Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki och Uhuru Kenyatta are comparative research cases. The method of process tracing is used in the qualitative thesis. Process tracing allows the researcher to use even quantitative data and is excellent at analysing and explain causal mechanisms in complex areas and create a relationship to theoretical explanations. The results indicates that the president's post-political prospects: economy, security and status / career do not particularly affect the leader's level of corruption.

Abbreviations

CPI Corruption Perception Index

EAC East African Community

EACC Ethics and Anti-Corruption Commission

IIAG Ibrahim Index of African Governance

KACC Kenya Anti-Corruption Commission

KANU Kenya African National Union

KPU Kenya People's Union

NARC National Rainbow Coalition

PNU Party of National Unity

TNA National Alliance Party

African Leaders and After Offices Causes to Corruption

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1. Introduction

Africa is advancing - seven out of ten of the fastest growing economies are presently to be found at the continent.¹ The positive trend is however threatened by corruption and as a consequence many people lack clean water and health care, etc.² Kaufmann defines corruption as “the abuse of public office for private gain” that is “corrosive to the development of a state”.³

A way to tackle corruption is through anti-corruption reforms. Anti-corruption reforms main aim has been to enhance institutional capacity. Lack of transparency and accountability has been in focus. Although according to Transparency International (2000) many international, regional and national approaches to corruption however have failed and successful anti-corruption reforms have been rare.⁴

According to Lawson (2009) anti-corruption efforts in the case of Kenya fail because the president’s engagement has been lacking.⁵ The fact that the weekly magazine The East African the latest years has published the African Leadership Index indicates that the question of leadership and governance in Africa is in focus not just in the academic debate, but also among the public.⁶ Another manifestation of quest for responsible leaders is the Mo Ibrahim Prize for Achievement in African Leadership, established in 2007.⁷ In Kenya the call for a new leadership has taken many expressions in recent years, for example by the publication of Mike Mutungi’s (2011) book ‘Kenya Mpya – Selecting and Holding County and National Leaders to Account’⁸ and in the mysterious murals painted in Nairobi 2012:

“...the leaders we want: visionary, patriotic, intelligent, honest, ready to declare their wealth and source of wealth, in touch with people, *ako na solution nasi* “naomba”⁹, competent, courageous, dedicated to serve, solution oriented, doesn’t buy votes/bribe, fairness”¹⁰

Already in the 1970’s there was also a request for research about political leadership in Africa. Cartwright’s (1977) view is that African politics has to take into account the choices made by national leaders otherwise it is neglecting one of the most important factors that determine the manner in which a state may change.¹¹

Many researchers also have tried to capture causes of corruption among leaders.¹² Andersson (2010) is one of them and argues particularly that lack of adequate severance pay, guaranteed personal security and immunity from prosecution and status / career after office affects leadership in an authoritarian direction.¹³

With point of departure in Andersson’s research about ex-presidents an analytical framework has been created. The analytical framework addresses president’s post-political prospects and the president’s level of corruption. As emphasized by previous research the post-political factors economy, security and status/career will be investigated. Each president’s post-political prospects will be aggregated and graded as: poor, adequate or

¹ The Economist. 2011, January 6. Daily chart: Africa’s impressive growth.(http://www.economist.com/blogs/dailychart/2011/01/daily_chart, accessed 2014-11-20)

² Holmberg, S & Rothstein, B. Dying of corruption. *Health Econ Policy Law*. 2011 Oct;6(4):529-47.

³ Kaufmann, Daniel.1997. “Corruption: The Facts.” *Foreign Policy*. 107(Summer):114-31.

⁴ Persson Anna. & Sjöstedt Martin. Responsive and Responsible Leaders: A Matter of Political Will? *Perspectives on Politics*.10(3):617-632. Transparency International. 2000.

⁵ Lawson, I. 2009. The politics of anti-corruption reform in Africa. *Journal of Modern African Studies*. 47(1):73-100.

⁶ The East African. 2013, June 1. The good, the bad and the ugly. The African Leadership Index 2012.

(<http://www.theeastafrican.co.ke/news/The-Africa-Scorecard-2012/-/2558/1869694/-/item/0/-/65bkvxz/-/index.html>, accessed 2014-05-23)

⁷ Mo Ibrahim Foundation. 2014. Ibrahim Prize. (<http://www.moibrahimfoundation.org/ibrahim-prize/>, accessed 2014-02-03)

⁸ Mutungi, Mike. 2011. *Kenya Mpya – Selecting and Holding County and National Leaders to Account*. Nairobi: Michi Media Ltd. 2011.

⁹ swahili, translation; the solutions we want

¹⁰ BBC News – In pictures: Kenyas mystery murals. 2012, April 2th. (www.bbc.com/news/17548225#, accessed 2014-05-07)

¹¹ Cartwright, John. 1977. Some Constraints upon African Political Leadership. *Canadian Journal of African Studies / Revue Canadienne des Études Africaines*, 11(3):435-453.

¹² Kaufmann, Daniel. 1997. “Corruption: The Facts.” *Foreign Policy*. 107(Summer):114-31.

¹³ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2):64-78.

favourable. Material about reforms, development achievements, anti-corruption efforts, corruption at national and presidential level and corruption scandals during the president's years in office will be gathered to an assessment of the president's level of corruption. Each president's level of corruption will be aggregated and graded as: low, intermediate or high level of corruption. The grading will make the leaders' level of corruption able to compare with each other and possibly illustrate that there is a correlation between bad post-political prospects and high levels of corruption and vice versa.

The thesis is an empirical study of leaders in Kenya. Four presidents in Kenya; Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki and Uhuru Kenyatta will be investigated regarding the leader's post-political prospects affect on the leader's level of corruption. Kenya is a politically and economically strategic nation, at present East Africa's strongest economy and the capital Nairobi is also a hub in the region as the UN and many international organisations have offices here.¹⁴ Although the country's achievements, Kenya is currently among the worst quarter of the world's most corrupt states in the world.¹⁵ The nation experienced major corruption scandals, among many the Anglo Leasing Scandal in 2005¹⁶. Samuel Kimeu, the Executive Director of Transparency International – Kenya in December 2013 expressed the last decades many efforts to curb corruption in the following way:

*“Kenya's score has remained disappointingly low and stagnant over a long period of time. Evidently whatever efforts that have been put into the fight against corruption have borne little results. A new impetus and approach to this issue is required.”*¹⁷

The aim of the thesis is, firstly to contribute to research about African leadership and causes of corruption. Secondly the aim is, with point of departure in previous research, to add to research about post-political prospects affect on leadership. The thesis wants to investigate the argument that severance pay, arrangements regarding personal security and immunity from prosecution as well as the ability to retain status and have a successful career also after office affect the leaders' way to handle power regarding aspects of corruption. Is there truth in the saying that ‘lack of advantageous future prospects makes leaders in Africa more prone to cling unto power and take personal advantage’? The research question in focus is:

• Do African national leaders' post-political prospects affect the leaders' level of corruption? The result may be of value for creation of future anti-corruption policies, particularly in Africa.

After the introduction above there is a theory chapter that presents four strands of and the analytical framework, the third chapter addresses design, method and material, the analysis and result are presented in the fourth chapter of the paper and in the last chapter there is a conclusion.

2. Theory

Many explanations to the causes of corruption have been presented.¹⁸ There are four strands of literature that all view the presidential perspective; the paradoxical role of democracy, corruption as part of a political strategy, danger and lack of personal security explanations to corruption and lastly post-political explanations to corruption among national leaders. They are presented here.

¹⁴ Esplund, G & Karlsson, A. 2012. *Kap till Kairo. - Anteckningar längs vägen*. Mölnlycke: Elanders Sverige AB. 2012.

¹⁵ Esplund, G & Karlsson, A. 2012. *Kap till Kairo. - Anteckningar längs vägen*. Mölnlycke: Elanders Sverige AB. 2012.

¹⁶ Wrong, Michaela. 2009. *It's Our Turn to Eat: A Story of a Kenyan Whistle Blower*. London: Fourth Estate. 2009.

¹⁷ Transparency International Kenya. 2013, December, 3. (<http://www.tikenya.org/index.php/press-releases/242>, accessed 2014-05-12)

¹⁸ Kaufmann, Daniel.1997. “Corruption: The Facts.” *Foreign Policy*. 107(Summer):114-31.

2.1.1 The paradoxical role of democracy

According to many researchers democracy may lead to good governance and less corruption.¹⁹ Goldsmith (2001) acknowledges the role of democracy regarding that political competition can change the incentives of the leaders and create accountability and impartiality.²⁰ Andersson (2010) argues that in democracies where officials usually have good future prospects waiting after office, there is evidence that those prospects affect their policymaking. She further acknowledges that democracy requires leaders to agree to be defeated in elections and to resign at term of office. She refers to a quote by Seymour Martin Lipset:

*“democratic norms require a willingness to accept political defeat: to leave office upon losing an election, to follow rules even when they work against one’s own interest”.*²¹

Vicente Fox, former president of Mexico²² said on the same theme: *“The most important thing the president of a new democracy does is to leave”.*²³ Political leaders in a democracy are thus expected to leave power after completion of term of office, which makes to the issue of what happens afterwards current. Acemoglu & Robinson (2007) argues that although democracy is an advantage for the citizens, the future costs for the political elite make the elite invest more in de facto power, to avoid future cost. They further argue that it is harder to change political institutions than economic.²⁴

Democracy can also lead to corruption in the political arena as acknowledged by D’Arcy (2012) that in her research focuses on the relations among the ruling elite. Democratic leaders not only have to concentrate on ruling the nation, but also have to compete against opposition politicians. Just a few weeks after president Hastings Banda had come into office, in the newly independent Malawi, the country experienced a government crisis. Ministers that were threatening his power were sacked and Banda taking strong control of the party and the state.²⁵

Another remarkable fact is that, in newly democratized countries a few of the most severe cases of corruption, for example under Fujimori, the former president of Peru, have appeared (McMillan & Zoido 2004, in Rothstein & Teorell 2008).²⁶ This has also been the scenario in many countries after de-colonization in Africa and after the communist era in Eastern Europe. Accordingly Hong Kong and Singapore are also examples of non-democratic nations that have managed to tackle corruption and create quite impartial state apparatus.²⁷

The role of democracy in this respect is thus paradoxical, on the one hand, democracy can create responsible leaders and curb corruption, on the other part, democratic competition lead to corruption in the political arena.

2.1.2 Corruption as part of a political strategy explanations

Khalil Timamy (2005) explores leaders in Africa and the reason why they have embezzled economic resources. He presents “the political theory of economic embezzlement” as a two-edged strategy: gather an amazing fortune for oneself and withholding resources from

¹⁹ Heymann, Philip B. 1996. Democracy and Corruption. *Fordham International Law Journal*. 20 (2): 323-346.

²⁰ Goldsmith, A. 2001. Risk, Rule and Reason: Leadership in Africa. *Public Administration and Development*. 21:77-87.

²¹ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2):64-78.

²² president of Mexico 2000-2006

²³ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2):64-78.

²⁴ Acemoglu, D & Robinson J. 2007. Persistence of power, elites and Institutions. *American Economic Review*. 98(1):267-293.

²⁵ D’Arcy, Michelle. 2012. Food Security and Elite-Ruler relations in Sub-Saharan Africa: Exploring the impact of democracy on public goods provision. *Quality of Government Working Paper Series* 2012:1.

²⁶ Rothstein, B & Teorell, J. 2008. What Is Quality of Government? A Theory of Impartial Government Institutions *Governance: An International Journal of Policy, Administration and Institutions*. 21(2):165-190.

²⁷ Rothstein, B & Teorell, J. 2008. What Is Quality of Government? A Theory of Impartial Government Institutions *Governance: An International Journal of Policy, Administration and Institutions*. 21(2):165-190.

political opponents. Systematic corruption thus causes undermining of political opposition, by taking their economic means.²⁸

In the context of systemic corruption and threat of post-office danger, electoral competition makes leaders in sub-Saharan Africa feel insecure. Political loyalty has to be purchased and political opponents impoverished. On the other hand can loyalty from national army, police force, parliament and other governmental agencies having coercive power ensure political continuity. To stay in office secure personal survival and requires financial abilities, which are large enough to conquer threats from critics or opponents. The leaders viewed upon as rational, which also refers to Goldsmith above.

Anti-corruption campaigns can also be a political weapon, as in the next example from East Africa. President Mwai Kibaki and the National Rainbow Coalition, NARC came into power in Kenya in 2002. The Kenya National Union, KANU had earlier been ruling the country and was now associated with chronic high levels of corruption. NARC won many votes cause of their promises to have a zero-tolerance against corruption, although in 2005 the Anglo Leasing scandal was a fact. The anti-corruption police unit had during more than two decades only taken five cases to prosecution in court and another 23 cases awaiting trial.

Khalil Timamy (2005) has a clear focus on African leadership, as he investigates the political weapon aspect of corruption. He makes up the hypothetical African country “Robberya”, whose financial resources are mishandled by corrupt leaders. He further argues that the phenomenon of corruption is hard to capture, cause the main incentives for everyone involved are secrecy.²⁹

2.1.3 Danger and lack of personal security explanations to corruption

Khalil Timamy (2005) argues that to retain the political position of power is the greatest incentive for corrupt behaviour, rather than personal wealth. The causality chain: the leaders incentives to stay in power act as protection from dangers, hazards waiting after office. Rent-seeking opportunities are at hand and the incentives are political self-preservation.³⁰

In his article ‘Risk, rule and reason: leadership in Africa’ Goldsmith (2001) acknowledges that to be a political leader in Africa is hazardous, which contributes to poor leadership. Lack of personal security, encourage leaders to pursue short foresight and economically destructive policies. On the contrary, less dangerous environment makes the leader friendlier toward economic reforms. Data from the Quality of Government institute supports Goldsmith’s argument and recognizes that there is a significant correlation between economic development and low corruption on a country level.³¹

Likelihood of being overthrown, killed, arrested and exiled is defining to what extent a country is regarded as free. Leaders are seen as rational actors, if you change the incentives of the leader, the leadership will also change. Safer surroundings reduce the leaders incentives to engage in corrupt activities and encourage a responsible and prospective approach. First when the president has been defeated and left office one can see that constitutional procedures really have taken place.³²

Goldsmith (2001) makes a valuable and thorough quantitative analysis of 180 political transitions. Data about national leadership transitions from year 1960 to 1999 in 48 independent countries in sub-Saharan Africa has been collected.³³

The information about leaders in independent sub-Saharan Africa is gathered in seven tables. The first table “How leaders leave office in Africa”, 1960-1999” shows that the vast

²⁸ Khalil Timamy. 2005. African Leaders and Corruption. *Review of African Political Economy*. 104(5):383-393.

²⁹ Khalil Timamy. 2005. African Leaders and Corruption. *Review of African Political Economy*. 104(5):383-393.

³⁰ Khalil Timamy. 2005. African Leaders and Corruption. *Review of African Political Economy*. 104 (5):383-393.

³¹ The Quality of Government Institute. 2013. (www.qog.pol.gu.se/data/, accessed 2013-03-21)

³² Goldsmith, A. 2001. Risk, Rule and Reason: Leadership in Africa. *Public Administration and Development*. 21:77-87.

³³ Goldsmith, A. 2001. Risk, Rule and Reason: Leadership in Africa. *Public Administration and Development*. 21:77-87.

majority lost power through a coup d'état or outside constitution happening. Out of 180 leadership transitions during the period 101 ended with a coup, invasion or civil war. Ahmed Abdallah, Comoros, David Dacko, Central African Republic and Milton Obote, Uganda were all overthrown twice. President Mobutu, Zaire had been in power for 32 years before he went into exile 1997. Fourteen national leaders have been in office 10 to 20 years. The mean tenure for African leaders is 7,2 years. Table 3 "Fate of Africa's ex-leaders, 1960-99" shows that 64% were overthrown, 17% killed, 23% arrested and 18% exiled.³⁴

Table 6 "Hazards of leadership, by political corruption category" displays that leaders were more frequently overthrown, killed, arrested and exiled in more corrupt countries. The political categories were decided by Transparency International's Corruption Perception Index 1999.³⁵

Table 5 "Hazards of leadership, by economic policy category" displays that the dangers and risk of being a political leader in sub-Saharan Africa mainly occurred in the least free countries, incidents of being overthrown, killed, arrested or exiled were most frequent there, even compared to repressed countries. The Heritage Foundation's Index of Economic Freedom has been used to indicate national economy policies.³⁶

2.1.4 Post-political explanations to corruption among national leaders

State theory addresses moral hazard and mechanisms that make leaders more likely to act corrupt in states where shared social contract are lacking. The first mechanism is that the citizens lack ability to control the rulers (as in the framework about principal-agent) cause they do not have a shared interest.³⁷ Michaela Wrong acknowledge that leaders act in the advantage of their clan, due to the logic of the title *It's Our Turn to Eat: The Story of a Kenyan Whistle-Blower*.³⁸ The second mechanism is that cause there is no compensation after power, the leaders' time horizon become short term as they response to the circumstances under which they govern and thus take advantage of the state resources.³⁹

Andersson (2010) argues that the president's prerequisite when leaving office is a major factor that affects the way a president manage leadership while in power. She further argues that lack of adequate severance pay, guaranteed personal security and immunity from prosecution affects leadership in an authoritarian direction.⁴⁰

An expert, although not scientific, point of view comes from one of US former presidents William Howard Taft⁴¹ as he raises three important aspects; to earn a living, secure his legacy and ensure a stable political transition, which affects the leader's behaviour while in power. Results of studies of the US House of Representatives also indicate that to have a reputation of trustworthiness has a positive affect of the ability to get post-political employment and therefore an incentive to act honesty during term in office.

Khan (2012) presents another argument and emphasizes poor institutional capacity that lacks effectiveness and enforcement as a cause of corruption among leaders.

"A lack of confidence in their ability to protect their own wealth in the future can induce elites to steal and export their capital".⁴²

³⁴ Goldsmith, A. 2001. Risk, Rule and Reason: Leadership in Africa. *Public Administration and Development*. 21:77-87.

³⁵ Goldsmith, A. 2001. Risk, Rule and Reason: Leadership in Africa. *Public Administration and Development*. 21:77-87.

³⁶ Goldsmith, A. 2001. Risk, Rule and Reason: Leadership in Africa. *Public Administration and Development*. 21:77-87.

³⁷ Persson, A. & Sjöstedt, M. 2012. Responsive and Responsible Leaders: A Matter of Political Will? *Perspectives on Politics*. 10(3):617-632.

³⁸ Wrong, Michaela. 2009. *It's Our Turn to Eat: A Story of a Kenyan Whistle Blower*. London: Fourth Estate. 2009.

³⁹ Persson, A. & Sjöstedt, M. 2012. Responsive and Responsible Leaders: A Matter of Political Will? *Perspectives on Politics*. 10(3):617-632.

⁴⁰ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2):64-78.

⁴¹ president of United States 1909-1913

⁴² Noman, A, Botchwey, Stein, H, Stiglitz, J. 2012. *Good Growth and Governance in Africa*. Khan, Mushtaq H. Governance and Growth Challenges for Africa. New York: Oxford University Press. 2012.

The above argument is a variation of Olson's stationary bandits v/s roving bandits. Stationary bandits occur in stable states, where elites can have protection in the future and roving bandits in places where the lives of elites are transitory, thus a certain future.⁴³

Van de Walle (2001) states that when the president has taken the power in claims and in many cases benefited from government resources as their own, employed relatives, enjoyed the admiration of the people, for years sometimes even for decades the alternative to cede the power position is not at all attractive.⁴⁴ The above reasoning may be illustrated with an historical example from the US and another from Poland.

The Former Presidents Act of 1958 in the United States declared that the US presidents would have a pension. Former president were now guaranteed an office, mail privileges, staff salaries and security at the expense of taxpayers. A cause of the law was partly that president Harry Truman had to take a bank loan to afford to leave the White House. The law in US is generous, although in many other nations arrangements for retired presidents vary and are rarely as liberal.⁴⁵ Another example of the causal mechanism is when president Lech Walesa, Poland received severance pay as late as a quarter of a year after he left office in 1996. It happened not until after he applied for his previous job as an electrician at the Gdansk shipyard, although the Polish parliament soon adopted a law providing pensions for ex-presidents.⁴⁶

2.2 Theory in summary, the empirical gap and the research question

The four strands of literature; the paradoxical role of democracy, corruption as part of a political strategy, danger and lack of personal security explanations to corruption and post-political explanations to corruption among national leaders all view corruption from the presidential perspective. The thesis relies mainly on the forth perspective: post-political explanations to corruption and addresses particularly the post-political prospects: economy, security and status / career as key factors.

Firstly the question of presidents' prerequisite has according to Andersson (2010) received way to little scientific attention. In her key research about the executive power she has taken a narrative approach and uses the method of text analysis. Secondly the executives represented in her research are mainly from the United States of America, Europe, Latin America and Australia⁴⁷, although presidents from Africa are lacking in her research.

By focusing on the following research question the thesis wants to address the above acknowledged empirical gap:

- Do African national leaders' post-political prospects affect the leaders' level of corruption?

2.3 Analytical framework

To be able to achieve the aim of the thesis and answer the research question an analytical framework has been created. The empirical study consists of material that addresses president's post-political prospects and president's level of corruption. The material about the four presidents will be asked the three questions that constitute the analytical framework, see next paragraph.

⁴³ Noman, A, Botchwey, Stein, H, Stiglitz, J. 2012. *Good Growth and Governance in Africa*. Khan, Mushtaq H. Governance and Growth Challenges for Africa. New York: Oxford University Press. 2012.

⁴⁴ van de Walle, N. 2001. *African economies and the politics of permanent crisis, 1979-1999*. New York: Cambridge University press. 2001.

⁴⁵ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2): 64-78.

⁴⁶ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2): 64-78.

⁴⁷ Anderson, Lisa. 2010. The Ex-Presidents. *Journal of Democracy*. 21(2): 64-78.

ANALYTICAL FRAMEWORK

President's post-political prospects

- Leadership prerequisites

1. What were the president's post-political prospects regarding A economy, B security and C status / career?

President's level of corruption

- Leadership actions

2. Which reforms, development achievements and anti-corruption efforts happened during the president's term in office?

- Leadership results

3. What was the prevalence of corruption at national and presidential level and were there any corruption scandals during the president's term in office?

The president's post-political prospects are addressed by the first question of the analytical framework. The theory particularly talks about the post-political factors: economy, security and status / career, why those factors are addressed here. The answers to question 1 will be an assessment of the president's post-political prospects: economy, security and status/career. The three aspects of the president's post-political prospects will be graded as; poor, adequate or favourable and then aggregated to an assessment of the presidents' post-political prospects. The criteria for the grading are poor (not regulated by law), adequate (regulated by law and adequate) or favourable (regulated by law and favourable).

The president's level of corruption is addressed by the second and third question of the analytical framework and addresses various aspects of corruption. The second question of the analytical framework addresses corruption in an indirect way and the third in a direct way. An aggregation of the answers to question 2 and 3 will end up in an assessment of the president's level of corruption. The president's level of corruption will be graded as; low, intermediate or high level of corruption. The grading will make the president's level of corruption able to compare with each other. The criteria for the grading: low (marginal amounts taken from state resources) intermediate (noticeable amounts taken from state resources) or high (large amounts taken from state resources).

The empirical data of defining the president's post-political prospects and the president's level of corruption will be gathered in the below tables to be able to clarify the result and finally draw conclusions. If the president's post-political prospects are poor and the president's level of corruption is high, the result does support the theory about post-political explanations. If the president's post-political prospects on the other hand are adequate / favourable and the president's level of corruption is high, the result does not support the theory about post-political explanations.

Table 1. President's post-political prospects

	Jomo Kenyatta	Daniel arap Moi	Mwai Kibaki	Uhuru Kenyatta
A Economy				
B Security				
C Status / career				
> Assessment of president's post-political prospects				

Table 2. President's level of corruption

	Jomo Kenyatta	Daniel arap Moi	Mwai Kibaki	Uhuru Kenyatta
Assessment of president's level of corruption				

3. Design, method and material

3.1 Design

The thesis has a deductive approach and takes point of departure in post-political explanations to corruption among national leaders. President's post-political prospects - economy, security and status / career is the independent variable and the president's level of corruption is the dependent variable. To be able to explore the area of post-political explanations to corruption among leaders the thesis uses a comparative case-study design⁴⁸. Four presidents in Kenya: Jomo Kenyatta, Daniel arap Moi, Mwai Kibaki och Uhuru Kenyatta are research cases. The presidents will be compared with each other regarding post-political prospects and level of corruption. The comparative case-study also includes a historical perspective as the presidents reigned from after independence to present.

3.1.1 Case-selection

Kenya is politically a strategic and prominent nation within the East African Community (EAC)⁴⁹. To be acknowledged is that when there was violence after election in turn of the year 2007, then UN Secretary General Kofi Annan arrived in the country to calm the situation and also to keep peace in the region. The nation has experienced major corruption scandals; for example the Anglo Leasing Scandal in 2005 as well as periods of responsible leadership. The choice of four presidents from Kenya is thus an information-oriented selection⁵⁰ based on the expected variation in the dependent variable, level of corruption. According to Flyvbjerg (2011) the purpose of an information-oriented selection is "To maximize the utility of information from small samples and single cases. Cases are selected on the basis of expectations about their information content."⁵¹

3. 2 Method

The advantage of a qualitative methodological approach is that complex matters can be explained. Particularly the method process tracing is appropriate at describing causal mechanisms in complex areas. George & Bennett (2005) defines process tracing as the "method [that] attempts to identify the intervening causal process - the causal chain and causal mechanism - between an independent variable (or variables) and the outcome of the dependent variable."⁵² Through process tracing causal processes can be analysed and explained. The method is used to conduct research about historical narratives and events and create a relationship to theoretical explanations. Process tracing can also be used to understand the effect of institutional arrangements on actors behaviour and actions.

⁴⁸ Flyvbjerg, B. 2011. Case Study. in Norman K. Denzin & Yvonna S. Lincoln, eds., *The Sage Handbook of Qualitative Research*, 4th Edition (Thousand Oaks, CA:Sage, 2011), Chapter 17, p.301-316.

⁴⁹ Burundi, Kenya, Rwanda, Tanzania and Uganda

⁵⁰ Flyvbjerg, B. 2011. Case Study. in Norman K. Denzin & Yvonna S. Lincoln, eds., *The Sage Handbook of Qualitative Research*, 4th Edition (Thousand Oaks, CA:Sage, 2011), Chapter 17, p.301-316.

⁵¹ Flyvbjerg, B. 2011. Case Study. in Norman K. Denzin & Yvonna S. Lincoln, eds., *The Sage Handbook of Qualitative Research*, 4th Edition (Thousand Oaks, CA:Sage, 2011), Chapter 17, p.301-316.

⁵² George, Alexander L & Bennet, Andrew. 2005. *Case Studies and Theory Development in the Social Sciences*. London: MTI Press. 2005

Particularly can individual behaviour and decision processes can be understood through the method of process tracing.⁵³

Process tracing allows the researcher to use different kinds of data, also quantitative, even if the research is qualitative. In process tracing the researcher is acting as a detective. There are four kinds of test of evidence for causation; straw in the wind, smoking gun, hoop and double decisive. The straw-in-the-wind is the weakest and the evidence is not necessary, neither sufficient for affirming causal inference. The smoking-gun evidence is not necessary, although sufficient. The hoop is necessary, but not sufficient as an evidence of causal interference. The strongest test double decisive is both necessary and sufficient and does hardly exist in political science.⁵⁴

The fact that process tracing is appropriate at describing causal mechanisms in complex areas makes it suitable to explore president's post-political prospects affect on level of corruption in Africa, as corruption is a dark phenomenon and thus hard to catch. According to process tracing, although the thesis is qualitative, qualitative data may also be used. The data about corruption is partly of quantitative nature: Polity IV, Transparency International's Corruption Perception Index, the Ibrahim Index of African Governance and the African Leadership Index. Process tracing can also handle historical perspectives, which makes it suitable for comparison of presidents that are not contemporary.

That process tracing can be used to understand the effect of institutional arrangements on actors behaviour and actions, makes it a natural method in the thesis that mainly is about the institutional arrangement: presidents' post-political prospects effect on the presidents' actions: level of corruption.

3.3 Material

To investigate the theoretical argument, material about the president's post-political prospects and the president's level of corruption is required. Material about the president's post-political prospects are mainly laws: The Constitutions of Kenya 1963 and 2010 with many amendments and the Presidential Retirement Benefits Act 2003, with recent amendments 2012 and 2013. Material about the president's level of corruption consists of laws, presidential speeches and debates, books, scientific articles, newspapers (particularly Daily Nation, Standard and The East African) and indexes, see next paragraph. Newspapers are many times coloured, censored by the national leaders themselves.

Material about the two earliest presidents, Jomo Kenyatta and Daniel arap Moi are mainly found in biographies, while a large share of the material about the two most recent presidents Kibaki and Uhuru Kenyatta consists of magazines, newspapers, the government and NGOs. Primary sources are laws, presidential debates and speeches, biographies, scientific articles, newspapers and indexes are secondary sources. The historical perspective also affects the availability of material. Naturally there will be a bias towards more recent material because access to older material is limited.

3.3.1 Measurements of corruption, governance and leadership

Transparency International's Corruption Perception Index will constitute data about corruption at a national level. Transparency International is a recognized source, although corruption is always hard to measure. The Ibrahim Index of African Governance and the African Leadership Index will also be used to learn about corruption and leadership. The three

⁵³ Falletti, Tullia G. 2013, June 29. Theory-Guided Process-Tracing in Comparative Politics: Something Old, Something New. University of Pennsylvania. (<http://www.polisci.upenn.edu/~falletti/Falletti-CP-APSANewsletter06-TGPT.pdf>, accessed 2014-12-04)

⁵⁴ Bennet, A. 2010. Process tracing and causal inference, in Brady, H.E. & Collier, D.(Eds.) (2010) *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, New York: Roman and Littlefield, p.207-220.

Collier, D. 2011. Understanding Process Tracing. *PS: Political Science and Politics*. 44(4):823-30.

indexes that are used: Transparency International's Corruption Perception Index, the Ibrahim Index of African Governance and the African Leadership Index are described hereinafter.

Transparency International's Corruption Perception Index, CPI

Transparency International measures corruption at a national level. Transparency International's definition of corruption is that "Corruption is the abuse of entrusted power for private gain. It hurts everyone who depends on the integrity of people in a position of authority."⁵⁵ The present scale, from year 2012, of the index is from 0 to 100, where 0 represents highly corrupt and 100 represent very clean.⁵⁶ Data from Kenya is available from 1996, when Kenya ranked 52 out of 54 countries. The score that year was 2,21 out of 10.⁵⁷

Ibrahim Index of African Governance, IAG

The Ibrahim Index of African Governance measures governance. Governance is defined as "the provision of the political, social and economic goods that a citizen has the right to expect from his or her state, and that a state has the responsibility to deliver to its citizens".⁵⁸

The Ibrahim Index of African Governance's four categories are: Safety & Rule of Law, Participation & Human Rights, Sustainable Economic Opportunity and Human Development. IAG contains data about more than 100 variables gathered from over 30 independent sources and represents the most extensive on African governance. IAG cooperates with Afrobarometer and Global Integrity. The highest score on governance is 100. The index is available from 2000-2014.⁵⁹

The African Leadership Index

The African Leadership Index wants to measure leadership performance and can be read in the weekly newspaper The East African, published by the Nation Media Group, NMG. The analytical magazine the East African is distributed throughout the African Great Lake region; Tanzania; Uganda and Rwanda.

The earliest African Leadership Index came about four years ago and had the title 'The African Leaders scorecard; the best and worst of 2010'. The Africa Leadership Scorecard 2011 came the year after. The third African Leadership index was published in the weekly newspaper The East African in June 2013.

The African Leadership Index contains of an aggregate of five indices of governance that are internationally respected, plus the Political Index that is created by the publisher NMG. The indices and their part of the result 2012 are: Mo Ibrahim Index 10%, Democracy Index 10%, Press Freedom Index 10%, Corruption Index 15%, Human Development Index 20% and NMG Political Index 35%.⁶⁰ The scale of the African Leadership Index is from 0 to 100, where 0 represent the worst leader and 100 represents the best leader. The 0-100 score was transformed to letter grades, where 'A' represents the best leaders, 'B' good performers, 'C' passable leaders, 'D', 'E' and 'F' leaders below standard. Two categories were added due to violent and corrupt governance: Intensive Care Unit (ICU) and the Morgue.⁶¹

⁵⁵ Transparency International. 2014. What we do. (<http://www.transparency.org/whatwedo>, accessed 2014-10-23)

⁵⁶ Transparency International Kenya. 2013, December, 3. (<http://www.tikenya.org/index.php/press-releases/242>, accessed 2014-05-12)

⁵⁷ Transparency International. TI Corruption Perception Index 1996.

(http://archive.transparency.org/policy_research/surveys_indices/cpi/previous_cpi, accessed 2014-03-11)

⁵⁸ Mo Ibrahim Foundation. 2014. Ibrahim Index of African Governance. (<http://www.moibrahimfoundation.org/iag/>, accessed 2014-10-23)

⁵⁹ Mo Ibrahim Foundation. 2014. Ibrahim Index of African Governance. (<http://www.moibrahimfoundation.org/iag/>, accessed 2014-10-23)

⁶⁰ The East African. 2013, June. (<http://www.theeastafrican.co.ke/blob/view/-/1870042/data/522546/-/10xnelez/-/pdf2.pdf>, accessed 2014-03-12)

⁶¹ The East African. Africa Review magazine. 2012, February 6-12. The Africa Leadership Scorecard. How presidents fared on governance, democracy, press freedom, corruption, and human development in the past year. (<http://www.africareview.com/blob/view/-/1321242/data/329549/-/n9m4buz/-/PresidentsPDF.pdf>, accessed 2014-12-05)

4. Analysis and results

I Jomo Kenyatta, 1964 - 1978

Jomo Kenyatta became Kenya's first president after independence. He had the presidential title from 1964, December 12th to 1978, August 22d.

Presidents post-political prospect's: economy, security and status / career

President Kenyatta's economy after office was not regulated by any particular law, although Kenyatta's widow Mama Ngina Kenyatta received gratuities after his death.⁶² Neither the presidential security after office was regulated by law. The safety situation after independence was characterized by ethnic conflict, particularly between the president's tribe Kikuyu and the Luo people.⁶³ The president's status / career after office was also not regulated by any particular law. Kenyatta's Pan-African network, particularly Ghana's president Kwame Nkrumah and Tanzania's president Julius Nyerere and also Kenyatta's friendly relation to the former colonial power Britain gave him a political platform after office.⁶⁴

Assessment of the president's post-political prospects

In aggregation, Kenyatta's post-political prospects can be considered to be poor.

President's level of corruption

Reforms, development achievements and anti-corruption efforts

Kenyatta's main message was national reconciliation⁶⁵ and as part of that he introduced a Kenyanization policy.⁶⁶ In 1970-71 Kenyatta announced land reform measures.⁶⁷ Fertile land that were previously reserved for whites were divided and handed over to black Kenyans.⁶⁸ Kenya was a one-part state and there were no general or presidential elections during Kenyatta's presidency. Kenya was a politically and economically stable nation during Kenyatta's legacy.⁶⁹ He managed to maintain a friendly relationship to the West, although the way the British treated him as a suspected Mau Mau leader.⁷⁰ In 1973 Kenya celebrated a decade of independence.⁷¹ In 1973 the UN headquarters for the World Environmental Programme was placed in Nairobi.⁷² The Prevention of Corruption Act was enacted already since 1956. The Police were in charge of enforcing the law.⁷³ Kenyatta had a second heart attack in 1977 and the Kiambu Mafia⁷⁴ wanted to change the constitution cause vice-president Moi was Kalenjin and due to the constitution the vice-president would automatically take

⁶² News from Africa: Archive / Kenya New Era / Analysis. 2003, May. Ochieng, Zachary. Row over Moi's superannuation. (http://www.newsfromafrica.org/newsfromafrica/articles/art_1273.html, accessed 2014-11-28)

⁶³ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁶⁴ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁶⁵ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

⁶⁶ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁶⁷ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁶⁸ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

⁶⁹ Newstime Africa. 2013, April, 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

⁷⁰ Newstime Africa. 2013, April, 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

⁷¹ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁷² Arnold, Guy. 1974. *Kenyatta and the Politics of Kenya*. London: Dent. 1974.

⁷³ Ethics and Anti-Corruption Commission. 2013. (<http://www.eacc.go.ke/default.asp?pageid=2>, accessed 2015-02-04)

⁷⁴ The Kiambu Mafia are Kikuyu people from the Kiambu District of Kenya. At independence, when Kenyatta and KANU was taking power, they benefited financially and politically.

over in case the president died, although Kenyatta safeguarded Moi's position as he made the constitution remain unchanged.⁷⁵

Corruption at national and presidential level and corruption scandals

After independence Kenyatta handed over land to Kikuyu, his own clan and tribe, although the fertile land that had been taken by the colonizers previously belonged to other people, for example Kalenjin. Kenyatta and the family became one of the largest landowners in Kenya.⁷⁶

In 1967 Kenya had a new constitution, which greatly strengthened the presidential power.⁷⁷ In 1967-68 Kenyatta took action against the party Kenya People's Union (KPU) to prevent them from holding public meetings.⁷⁸ The assassination of Tom Mboya happened in 1969, at the 5th of July. Mboya (Luo) was one of Kenyatta's allies that by many were thought on the way to be deemed to be Kenyatta's successor. In the aftermath of the assassination Kenyatta introduced a series of measures; in the area a dusk-to-dawn curfew began to apply, the KPU-party was banned and the leaders, including Oginga Odinga were arrested and jailed.⁷⁹ The consequence for the nation was tension and violence between Luo people and Kikuyu. After the assassination, Kenyatta's position although was unaffected and he was re-elected as president the same year.⁸⁰

In 1974 Kenyatta, who was the only presidential candidate, started his third term as Kenyan president. Until the late 1970s Kenya was at a wave of economic progress thanks to exports and aid, although cracks against Kenyatta's leadership started to appear.⁸¹ Kenyatta's approach became increasingly autocratic as his politics became capitalistic and pro-Western, although African socialists wanted to nationalize property.⁸² Kenyatta and the family were very wealthy and the Kikuyu elite, particularly the Kiambu Mafia had taken advantage of the reform that redistributed land.⁸³ Although prevalence of a vast corruption at national and presidential level, there were no major corruption scandals during Kenyatta's presidency.

Assessment of the president's level of corruption

Taken into account the material gathered in the above paragraphs and particularly that Kenyatta, the family and the Kikuyu clan were the largest landowners in Kenya, the aggregation will be that Jomo Kenyatta's level of corruption can be considered as high compared to his successors.

II Daniel arap Moi, 1978 - 2002

Daniel arap Moi became Kenya's second president after independence. He had the presidency from 1978, August 22 to 2002, December 30th.

⁷⁵ Newstime Africa. 2013, April, 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

⁷⁶ Kenya Advisor – The Independent Kenya Travel Guide. 2014. Corruption in Kenya: The Facts. (<http://www.kenya-advisor.com/corruption-in-kenya.html>, accessed 2014-12-09)

⁷⁷ Arnold, Guy. 1974. *Kenyatta and the Politics of Kenya*. London: Dent. 1974.

⁷⁸ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁷⁹ Assensoh, A. B. 1998. *African Political leadership. Jomo Kenyatta, Kwame Nkrumah, and Julius K. Nyerere*. Malabar, Florida: Krieger Publishing Company. 1998.

⁸⁰ Newstime Africa. 2013, April 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

⁸¹ Newstime Africa. 2013, April 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

⁸² Newstime Africa. 2013, April, 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

⁸³ Newstime Africa. 2013, April 13. Jomo Kenyatta – The legacy of an outstanding statesman and a true African hero. (<http://www.newstimeafrica.com/archives/29291>, accessed 2014-05-19)

President's post-political prospects

Economy, security and status / career

Act 6 of 1992, an amendment to Kenya's constitution of 1963 determines the salary, allowances and benefits of a retired president. The president will receive pension, gratuity, allowances and facilities; staff, office and travel allowances prescribed by an Act of Parliament. "The salary, allowances and privileges of the President shall not be varied to his disadvantage while he holds office." The pension and facilities will also not be changed negatively during his lifetime. The Consolidated Fund takes care of all payments to the president upon retirement.⁸⁴

In 1998 an opposition Member of Parliament came up with a motion that suggested a presidential retirement benefit motion of 250,000 US dollars. The motion was passed by the parliament although the government did not legislate about ex-president's benefits or entitlements.⁸⁵

After Moi left office in 2002 he received 80 % of the last salary in monthly pension. He was also given six cars, whereof two limousines and seven drivers, 34 office workers, nine security staff, a luxurious 12-bedroom house with gym, tennis court, pool and sauna and three cooks and two housekeepers. State resources paid for medical care for him and the family and travel expenses within Kenya and abroad. The retirement package was expected to cost the Kenyan taxpayers 900, 000 US dollars during the first month alone.⁸⁶

According to BBC the generous severance package was a way to make Moi leave office in a peaceful manner.⁸⁷

The security after office is regulated by Act 6 of 1992, an amendment to Kenya's constitution of 1963, that addresses the personal safety of the retired president. After office the president is entitled to receive adequate security.⁸⁸

Regarding status / career after office was 'Moi Day' recognized by law in the parliament in 1989. After 2002, military marches and traditional choirs were no longer part of the celebration of Moi Day at October 10th.⁸⁹ Moi will receive a state funeral.⁹⁰

Moi and president Kibaki became close political allies after that Kibaki defeated Uhuru Kenyatta and became president in the elections 2002. The reason was that Uhuru Kenyatta was Moi's preferred candidate. At autumn before the presidential elections at the end of 2007 Moi also declared his support for Kibaki. Due to political analysts in Nairobi both the former and the current president benefited from the deal. The prediction was that Moi would escape corruption charges under Kibaki's presidency and that Kibaki would gain many votes from Moi's supporters in the Rift Valley region.⁹¹

Assessment of the president's post-political prospects

In aggregation, Moi's post-political prospects can be considered as favorable.

President's level of corruption

Reforms, development achievements and anti-corruption efforts

His leadership motto 'nyayo' (in Swahili) means footsteps and was alluding to that he was taking the path of the legacy of the previous loved one president Kenyatta. In early leadership

⁸⁴ Laws of Kenya. The Constitution of Kenya, 1963 (as Amended to 2008). (www.focusonland.com/download/51b76515764c4/, accessed 2014-12-22)

⁸⁵ BBC News. Africa. 2002, July 30. Moi's golden parachute. (<http://news.bbc.co.uk/2/hi/africa/2161033.stm>, accessed 2014-02-11)

⁸⁶ BBC News. Africa. 2002, July 30. Moi's golden parachute. (<http://news.bbc.co.uk/2/hi/africa/2161033.stm>, accessed 2014-02-11)

⁸⁷ BBC News. Africa. 2002, July 30. Moi's golden parachute. (<http://news.bbc.co.uk/2/hi/africa/2161033.stm>, accessed 2014-02-11)

⁸⁸ Laws of Kenya. The Constitution of Kenya, 1963 (as Amended to 2008). (www.focusonland.com/download/51b76515764c4/, accessed 2014-12-22)

⁸⁹ BBC News. Africa. 2002, October 10. Moi day marks end of era. (<http://news.bbc.co.uk/2/hi/africa/2317761.stm>, accessed 2015-02-04)

⁹⁰ BBC News. Africa. 2002, July 30. Moi's golden parachute. (<http://news.bbc.co.uk/2/hi/africa/2161033.stm>, accessed 2014-02-11)

⁹¹ The Independent. 2007. Report reveals scale of corruption in Kenya. 1 September 2007.

<http://www.independent.co.uk/news/world/africa/report-reveals-scale-of-corruption-in-kenya-401113.html>, accessed 2014-05-29)

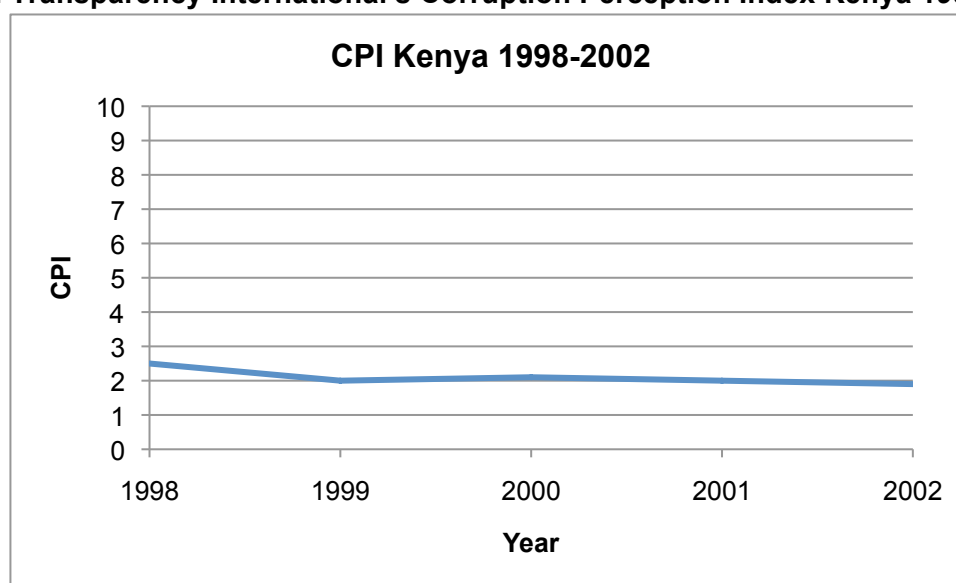
years Moi released political prisoners and travelled to the rural areas.⁹² Although during Moi's rule resources were also transferred to the Kalenjin and the Kikuyu people were gradually marginalized.⁹³ In early 1980's Kenya experienced several droughts and the price of coffee decreased. The economic crisis of the nation worsened, with debts and unemployment as consequences.⁹⁴ In 1992 the first multi-party elections took place in Kenya. There was political violence even before the 2002 election, although not as extensive as in the elections in 1992 and 1997. The both major candidates were Kikuyu and thus ethnicity played less of a role in the election campaign. The result was that KANU lost power for the first time since independence.⁹⁵ Daniel arap Moi left office in 2002, after having served for two 5-years terms, which was the limitation due to the draft constitution. He said: "Today, KANU must accept that it lost the election."⁹⁶

The anti-corruption efforts during Moi's presidency consisted of an Anti-Corruption Squad that was in place 1993-1995,⁹⁷ although the anti-corruption police unit had during more than two decades only taken five cases to prosecution in court and another 23 cases awaiting trial.⁹⁸

Corruption at national and presidential level and corruption scandals

According to Transparency International's Corruption Perception Index corruption at a national level during Moi's four last year as president was relatively stable. In 1998 the score was 2,5 and the year after it sank to 2, see graph 3.

Graph 1. Transparency International's Corruption Perception Index Kenya 1998-2002



Transparency International's Corruption Perception Index measures corruption at a national level. The scale (during years 1996-2011) is 0-10, where 0 represents highly corrupt and 10 represents very clean.⁹⁹

⁹² A global world. 2014. (<http://aglobalworld.com/holidays-around-the-world/kenya-moi-day/>, accessed 2014-03-11)

⁹³ Bertelsmann Stiftung's Transformation Index (BTI) 2012. Kenya Country Report. (http://www.bti-project.org/uploads/tx_itao_download/BTI_2012_Kenya.pdf, accessed 2014-09-17)

⁹⁴ A global world. 2014. (<http://aglobalworld.com/holidays-around-the-world/kenya-moi-day/>, accessed 2014-03-11)

⁹⁵ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

⁹⁶ BBC news. Africa. 2002. Kibaki and Moi speech excerpts.

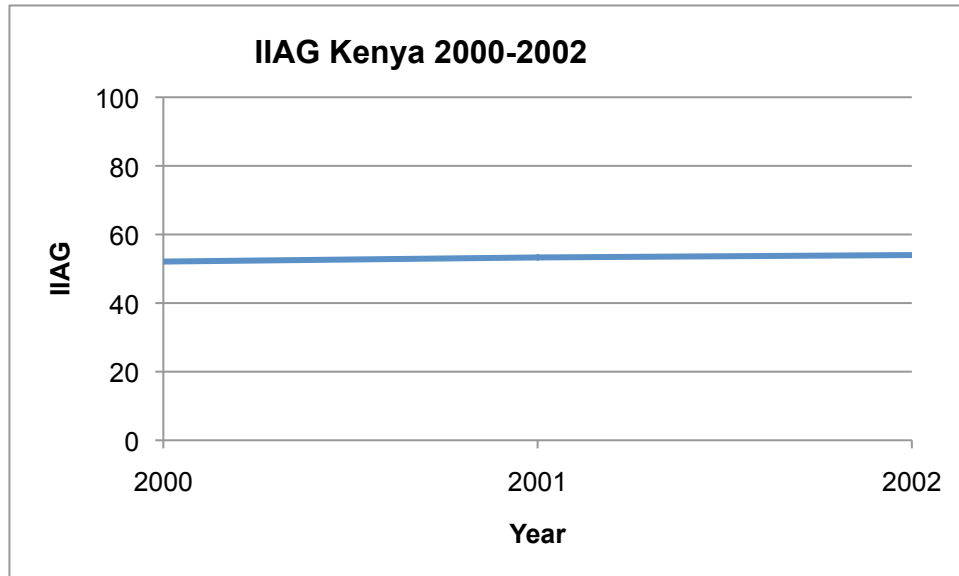
(http://news.bbc.co.uk/2/hi/not_in_website/syndication/monitoring/media_reports/2615369.stm, accessed 2014-02-11)

⁹⁷ Ethics and Anti-Corruption Commission. 2013. (<http://www.eacc.go.ke/default.asp?pageid=2>, accessed 2015-02-04)

⁹⁸ Khalil Timamy. 2005. African Leaders and Corruption. *Review of African Political Economy*. 104(5):383-393.

⁹⁹ Transparency International Kenya. 2013, December, 3. (<http://www.tikenya.org/index.php/press-releases/242>, accessed 2014-05-12)

Graph 2. Ibrahim Index of African Governance, Kenya 2000-2002



The Ibrahim Index of African Governance measures governance. The highest score on governance is 100.¹⁰⁰

Bachelard (2010) describes Daniel Arap Moi’s leadership as 24 years of repressive and corrupt rule.¹⁰¹ The Kenya National Union, KANU that was ruling the country was associated with chronic high levels of corruption.¹⁰² The Kenya National Commission for Human Rights’ chairman Maini Kiai said clearly that during Moi’s regime “large amounts of money were sent out of the country” and that “Moi-ism was simply grab, grab, grab, grab and don’t care about anyone else”.¹⁰³

Moi’s regime is considered as one of the most corrupt in Africa. Due to a report 1 billion pound was stolen during Moi’s 24 years at office. The report of 110 pages made by the international risk consultants Kroll was given to the government in Kenya in April 2004. There report claims that the Moi family have assets in 28 countries; hotels and houses in South Africa and in the US, a ranch of 10, 000 hectares in Australia, as well as residences in London and other places in England. Moi’s presidency would than be placed at the same level of corruption as president Mobutu Sese Seko, Zaire, president Sami Abacha, Nigeria and president Ferdinand Marcos, the Philippines.¹⁰⁴ The report further says that the family of Moi has laundered 400 million US dollars through accounts in Geneva, Switzerland and Frankfurt, Germany. There are also connections to a bank in Belgium where money from Kenya have been laundered. Many secret bank accounts and shell companies are also registered in tax paradises, such as the Cayman Islands in the Caribbean. Philip and Gideon, the sons of Moi owns 384 millions respectively 550 millions British pounds.¹⁰⁵

In July 1990 opposition leaders were arrested and there were riots in Nairobi. Moi’s security forces opened fire to the crowd and about twenty people were killed. The incidents led to an increasing critic towards Moi’s rule. International donors wanted democratic

¹⁰⁰ Ibrahim Index of African Governance. Mo Ibrahim Foundation. 2014. (<http://www.moibrahimfoundation.org/iiag/>, accessed 2014-10-23)

¹⁰¹ Bachelard, J Y. 2010. The Anglo-Leasing corruption scandal in Kenya: the politics of international and domestic pressures and counter-pressures. *Review of African Political Economy*. 37 (124): 187-200.

¹⁰² Khalil Timamy. 2005. African Leaders and Corruption. *Review of African Political Economy*. 104(5):383-393.

¹⁰³ The Independent. 2007. Report reveals scale of corruption in Kenya. 1 September 2007.

<http://www.independent.co.uk/news/world/africa/report-reveals-scale-of-corruption-in-kenya-401113.html>, accessed 2014-05-29)

¹⁰⁴ The Independent. 2007. Report reveals scale of corruption in Kenya. 1 September 2007.

<http://www.independent.co.uk/news/world/africa/report-reveals-scale-of-corruption-in-kenya-401113.html>, accessed 2014-05-29)

¹⁰⁵ The Independent. 2007. Report reveals scale of corruption in Kenya. 1 September 2007. (<http://www.independent.co.uk/news/world/africa/report-reveals-scale-of-corruption-in-kenya-401113.html>, accessed 2014-05-29)

development and also deregulation of the economy and decided to suspend the aid to Kenya.¹⁰⁶

Moi won the presidential election in 1992 and KANU received majority in the national assembly. After the election Moi strengthened his hold on power and violations of human rights continued. At the same time standard of living for many Kenyans decreased, as economic growth did not keep pace with population growth. Extensive corruption contributed to the economic problems.¹⁰⁷

Prior to the 1997 election, there was again political violence among ethnic groups and protest actions against the government were often brutally repressed. Although the government mitigated their actions when it approached presidential elections and Moi with a margin. The ruling Kanu party took just half of the seats in the parliament.¹⁰⁸

In early 1998 there was new commotion and about hundred people died and 300,000 people were displaced. Kalenjii attacked Kikuyu and Luo in the Rift Valley in western Kenya. The government was again accused for not intervening against violence. KANU was also accused for organizing the attacks.¹⁰⁹

The violence and the government's lack of action against corruption led to that the IMF decided to once again freeze parts of their aid to Kenya. Commissions were appointed to investigate corruption and political violence, although they gave no results.¹¹⁰

Moi's personal assets have been compared to Zaire's Mobutu Sese Seko. Report says that he has seven residences in Kenya and that 30 major business companies in Kenya are associated with Daniel arap Moi.¹¹¹

After years of economic failure, corruption and political repression critical voices say he has left the nation of Kenya in a state of poverty and violence. They add that foreign debt, lack of maintenance of infrastructure, human rights violations and ethnic tensions are the result of Moi's rule.¹¹² The Goldenberg scandal happened during Moi's presidency.¹¹³

Assessment of the president's level of corruption

In aggregation, Moi's level of corruption can be considered to be high.

III Mwai Kibaki, 2002 - 2013

Mwai Kibaki became Kenya's third president after independence.

He had the presidential title in Kenya from 2002, December 30th to 2013, April, 9th.

President's post-political prospects

Economy, security and status / career

The laws the Presidential Retirement Benefits Act, 2003¹¹⁴, the Kenyan constitution 2010¹¹⁵, the Presidential Retirement Benefits (Amendment) Act, 2012¹¹⁶ and the Presidential Retirement Benefits (Amendment) Act, 2013¹¹⁷ regulated Kibaki's post-political prospects.

¹⁰⁶ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹⁰⁷ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹⁰⁸ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹⁰⁹ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/odern-Historia>, accessed 2014-06-13)

¹¹⁰ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹¹¹ BBC news. Africa. 2002, July 30. Moi's golden parachute. (<http://news.bbc.co.uk/2/hi/africa/2161033.stm>, accessed 2014-02-11)

¹¹² BBC news. Africa. 2002, July 30. Moi's golden parachute. (<http://news.bbc.co.uk/2/hi/africa/2161033.stm>, accessed 2014-02-11)

¹¹³ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/odern-Historia>, accessed 2014-06-13)

¹¹⁴ Laws of Kenya. The Presidential Retirement Benefits Act, 2003.

(http://info.mzalendo.com/media_root/file_archive/Presidential_Retirements_Benefits_2003.pdf, accessed 2014-05-12)

¹¹⁵ Laws of Kenya. The Constitution of Kenya. 2010. (<https://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>, accessed 2014-05-13)

¹¹⁶ Laws of Kenya. The Presidential Retirement Benefits (Amendment) Act, 2012.

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2012/PresidentialRetirementBenefits_Amendment_Bill2012.PDF, accessed 2014-11-23)

The economy after office is regulated by the Presidential Retirement Benefits Act, 2003 paragraph 5, that addresses pension and benefits for a lifetime after presidency. The ex-president will have severance pay, pension, entertainment, housing, office, cars and medical care as specified below:

Severance pay

- "A lump sum payment on retirement, calculated as a sum equal to one year's salary for each term served as President."

Pension

- "A monthly pension equal to 80 % of the monthly salary currently paid to the President."

Entertainment

- "An entertainment allowance of 200 000 Kenyan shillings per month."

Housing

- "A housing allowance of 300 000 Kenyan shillings per month to cater for both an urban and a rural dwelling."

Office

- "Suitable office space, not exceeding 1000 square metres, with appropriate furniture, furnishings, office machines, equipment and office supplies, to be provided and maintained by the Government."

Cars

- "Two new cars of the retired President's choice, replaceable every three years, each car having an engine capacity of at least 3000 cubic centimetres."
- "Two four-wheel drive motor vehicles of the retired President's choice, replaceable every three years, each vehicle having an engine capacity of 3400 cubic centimetres."
- "A fuel allowance of 200 000 Kenyan shillings per month."
- "An allowance of 300 000 shillings per month for electricity, water and telephone facilities."

Medical care

- "Full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the retired President and his spouse and his children under the age of eighteen years."¹¹⁸

According to the Presidential Retirement Benefits Act, 2003 the pension and other presidential retirement benefits are for exemption from tax.¹¹⁹ The Kenyan constitution 2010, chapter nine – the executive, part 2 – the president and deputy president, 151 (3) ensures the retirement benefits to remain unchanged during the president's lifetime: "The retirement benefits payable to a former President and a former Deputy President, the facilities available to and the privileges enjoyed by them, shall not be varied to their disadvantage during their lifetime."¹²⁰ The Presidential Retirement Benefits (Amendment) Act 2012¹²¹ and the Presidential Retirement Benefits (Amendment) Act 2013¹²² were created to take into account inflation.

The security after office is regulated by the Presidential Retirement Benefits Act, 2003 that addresses personal security issues. The minister that is responsible for national security certifies together with the retired president that there are adequate security for escort (maximum six security guards) and at the urban and rural residences (maximum six security guards) of the retired President.¹²³

The Presidential Retirement Benefits Act, 2003's 6th paragraph takes up the question of a retired presidential role, as in a selection of the text;

- "A retired President shall not hold office in any political party for more than six months after

¹¹⁷ Laws of Kenya. The Presidential Retirement Benefits (Amendment) Act, 2013.

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2013/PresidentialRetirementBenefits_Amendment_ActNo9of20123.pdf, accessed 2014-11-23)

¹¹⁸ Laws of Kenya. The Presidential Retirement Benefits Act, 2003.

(http://info.mzalendo.com/media_root/file_archive/Presidential_Retirements_Benefits_2003.pdf, accessed 2014-05-12)

¹¹⁹ Laws of Kenya. The Presidential Retirement Benefits Act, 2003.

(http://info.mzalendo.com/media_root/file_archive/Presidential_Retirements_Benefits_2003.pdf, accessed 2014-05-12)

¹²⁰ Laws of Kenya. The Constitution of Kenya. 2010. (<https://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>, accessed 2014-05-13)

¹²¹ Laws of Kenya. The Presidential Retirement Benefits (Amendment) Act, 2012.

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2012/PresidentialRetirementBenefits_Amendment_Bill2012.PDF, accessed 2014-11-23)

¹²² Laws of Kenya. The Presidential Retirement Benefits (Amendment) Act, 2013.

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2013/PresidentialRetirementBenefits_Amendment_ActNo9of20123.pdf, accessed 2014-11-23)

¹²³ Laws of Kenya. The Presidential Retirement Benefits, Act 2003.

(http://info.mzalendo.com/media_root/file_archive/Presidential_Retirements_Benefits_2003.pdf, accessed 2014-05-12)

ceasing to hold office as President.”

- ”A retired President shall be expected to play a consultative and advisory role to the Government and the people of Kenya.”

- ”A retired President may be requested by the Government to perform specific official functions and shall be paid a reasonable allowance in respect of such official functions.”¹²⁴

The African Presidential Center (APC) (previously The African Presidential Archives and Research Center (APARC)) at Boston University is a forum for African leaders to meet and talk about Africa’s worldwide relationships with other political and academic leaders. APC also gathers documents and teaches about Africa. The African Leaders’ State of Africa Report provides comments on politics and policies from the perspective of the leaders that actually created them. The report started issued in year 2002.¹²⁵

The establishment of the Forum for Former African Heads of State and Government, (Africa Forum) in 2006 created an opportunity for a political career after finishing office. The aim of the Africa Forum is to make use of the experience, authority and network of former African Heads of State and Government. The Africa Forum also wants to support leaders and inter-governmental institutions in Africa in their efforts to prevent, manage and resolve conflicts, work for democracy and human rights, regional cooperation in Africa and create national peace dialogue among ethnic groups. The criteria for membership is a to be a former head of state in Africa that also has strong democratic credits.¹²⁶

The Ibrahim Forum takes place annually and talks about major challenges in Africa. Political leaders and representatives from the business community, international and regional institutions and civil society take part. The forum offers a platform for former presidents to affect the political agenda in Africa’s nations. The first Ibrahim Forum was held in Mauritius in 2010.¹²⁷ In summary, Kibaki’s post-political prospects can be considered as favorable.

President’s level of corruption

Reforms, development achievements and anti-corruption efforts

The Economic recovery strategy for wealth and employment creation was launched by the government in June 2003, a blueprint for economic recovery after years of stagnation. The implementation of the strategy was successful. In 2004 the Kenya Investment Authority (KenInvest) was launched. The main objective was to promote foreign investment in Kenya. The investment procedure is a five-step process and due to Statehouse Kenya it has made Kenya among one of the easiest nation in the world to invest in for foreign companies.¹²⁸ All ministries and state corporations were placed on Performance contracts in 2005. The aim was to enhance accountability and efficiency.¹²⁹ In June 2008 president Kibaki launched Kenya Vision 2030. The aim of the development plan was to transform Kenya into a middle-income country. The key institutional reforms of the plan were implementation of good governance and rule of law and reduction of corruption.¹³⁰ According to Bachelard (2010) Kibaki made key appointments of reform friendly persons, as when he created the Kenya National Commission on Human Rights he also appointed, the former Africa director of Amnesty in London, Maina Kiai as chairman. Kiai was a wellknown human rights activist in Kenya and

¹²⁴ The Presidential Retirement Benefits, Act 2003.

(http://info.mzalendo.com/media_root/file_archive/Presidential_Retirements_Benefits_2003.pdf, accessed 2014-05-12)

¹²⁵ African Presidential Center. 2014. African Leaders State of Africa Report 2013. (http://www.bu.edu/apc/files/2014/06/SOAR_WEB.pdf, accessed 2014-11-24)

¹²⁶ Africa Forum. 2014. (<http://www.africaforum.org/>, accessed 2015-02-04)

¹²⁷ Mo Ibrahim Foundation. 2014. The Ibrahim Forum. (<http://www.moibrahimfoundation.org/ibrahim-forum/>, accessed 2014-10-23)

¹²⁸ Statehouse Kenya. 2014. (<http://www.statehousekenya.go.ke/presidents/kibaki/kibaki-profile.pdf>, accessed 2014-02-06)

¹²⁹ Statehouse Kenya. 2014. (<http://www.statehousekenya.go.ke/presidents/kibaki/kibaki-profile.pdf>, accessed 2014-02-06)

¹³⁰ Statehouse Kenya. 2014. (<http://www.statehousekenya.go.ke/presidents/kibaki/kibaki-profile.pdf>, accessed 2014-02-06)

also in neighbouring countries.¹³¹ In 2010 Kenya received a new constitution; a president has to be a citizen by birth and can stay in power for maximum two terms.¹³²

Kibaki wanted to retain a strong presidential power. The Catholic Church and many in the business community backed him. His political strengths were the growing economy, but corrupt transactions and continued high unemployment, low him in a barrel.¹³³

In 2007 when Kibaki and Odinga agreed to jointly form government the violence ceased. About 1,300 people had been killed and half a million chased fleeing. Both sides were accused of having staged the violence. A commission was appointed to investigate the events and an expert committee was asked to develop a proposal for a new constitution.¹³⁴

In 2007 the national economy had recovered and the average growth rate was 7.1%, although the year after the economy made a major decline and in 2008 the rate of growth was 1.6%.¹³⁵ In December 2008 the government revealed a plan for subsidization of maize, although there are early allegations of corruption.¹³⁶ In 2010 the fragile coalition government had managed to stay together for three years and no new major outbreaks of violence had affected the country. Kenya's economy was more stable than many expected.¹³⁷

The commission that investigated the post-election violence concluded that both sides had encouraged ethnic violence. In December 2010 the International Criminal Court (ICC) in The Hague published six names of people who risked prosecution. Among them were Deputy Prime Minister and Minister of Finance Uhuru Kenyatta, two other ministers, a police chief, a cabinet secretary and the director of a radio station.¹³⁸

2011 was characterized by numerous strikes, by teachers and medical staff. The protests were about increased living expenses and also lack of security.¹³⁹ In 2012 a decentralized government system was created in Kenya. The devolved system operationalizes a national government and 47 county governments.¹⁴⁰ Presidential and parliamentary elections took place on the 4th of March in 2013.

The anti-corruption efforts during Kibaki's presidency were many. In the elections in 2002, that were considered to be free and fair, Kibaki and the National Rainbow Coalition (NARC) party won a landslide victory and received 61.3% of the votes.¹⁴¹ Kibaki promised to put an end to government corruption, which had been devastating for the national economy.¹⁴² Excerpts of Mwai Kibaki's speech at the inauguration in Uhuru Park, Nairobi on the 30th of December 2002:

"We want to bring back the culture of due process, accountability, transparency in public office."

"Corruption will now cease to be a way of life in Kenya."

"I am calling upon all of you to come out and fight corruption, and agree to support the government in fighting corruption as our first priority."¹⁴³

¹³¹ Bachelard, J Y. 2010. The Anglo-Leasing corruption scandal in Kenya: the politics of international and domestic pressures and counter-pressures. *Review of African Political Economy*. 37 (124): 187-200.

¹³² Laws of Kenya. The constitution of Kenya. 2010. (<http://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>, accessed 2014-02-03)

¹³³ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹³⁴ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹³⁵ Embassy of the republic of Kenya. Washington. (<http://www.kenyaembassy.com/economy.html>, accessed 2014-02-06)

¹³⁶ Africa Centre for Open Governance. 2009. December. The maize scandal. (<http://www.africog.org/reports/Maize%20Report.pdf>, accessed 2014-02-20)

¹³⁷ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹³⁸ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹³⁹ Washington Times. 2011, December 7. Kenyan doctors strike over pay, hospital equipment. (<http://www.washingtontimes.com/news/2011/dec/7/kenyan-doctors-strike-over-pay-hospital-equipment/?page=all>, accessed 2014-02-04)

¹⁴⁰ Laws of Kenya. County governments act. No.17 of 2012. (<http://www.parliament.go.ke/plone/statutory-documents/county-governments-act-no-17-of-2012>, accessed 2014-02-06)

¹⁴¹ Time. 2010. Top 10 Old Leaders. Mwai Kibaki.

(http://content.time.com/time/specials/packages/article/0,28804,2022256_2022240_2022226,00.html, accessed 2014-02-04)

¹⁴² Time. 2010. Top 10 Old Leaders. Mwai Kibaki.

(http://content.time.com/time/specials/packages/article/0,28804,2022256_2022240_2022226,00.html, accessed 2014-02-04)

¹⁴³ BBC news. 2002. Kibaki and Moi speech excerpts.

(http://news.bbc.co.uk/2/hi/not_in_website/syndication/monitoring/media_reports/2615369.stm, accessed 2014-02-11)

*"Corruption will now cease to be a way of life in Kenya and I call upon these members of my government and public officers accustomed to corrupt practice to know and clearly understand that there will be no sacred cows under my government."*¹⁴⁴

Kibaki took vigorous action to clean up the country's police force. To make the police service more effective he appointed an army officer.¹⁴⁵ Kibaki also gave mandate to Kroll to investigate corruption that happened during previous Moi's presidency. Kibaki's anti-corruption campaign was that he wanted to end corruption "as a way of life". The report by Kroll was not published and there was no action taken against what was found. This meant that after less than two years as a president Kibaki was involved and had created a corruption scandal. John Githongo uncovered government contracts of multi-million pound to fake companies. Kibaki did not take action on this and Githongo was threatened to death and had to flee.¹⁴⁶

In line with the United Nations Convention on Preventing and Combating Corruption, 2003 and the African Union Convention on Preventing and Combating Corruption, 2003, the Anti-Corruption and Economic Crimes Act (ACECA) No. 3 of 2003 and the Public Officer Ethics Act, No 4 of 2003 were ratified by the Kenyan parliament in April 2003. The two legislations entered into force on the 2nd of May 2003. The Kenya Anti-Corruption Commission (KACC) was also established to make the laws come into practice.

The Ethics and Anti-Corruption Commission (EACC) replaced KACC in 2011. In August President Kibaki signed the Ethics and Anti-Corruption Commission Act 2011. The same year Kibaki also launched the 'Kenya open data'¹⁴⁷ for citizens to be able to track state affairs. The transparency initiative was the first in an African country and also one out of very few in the world.

The Leadership and Integrity Act 2012¹⁴⁸ is concerned with the implementation of 'Chapter six – Leadership and Integrity' of the Constitution of Kenya, 2010¹⁴⁹ that addresses responsibilities of leadership. Africa Centre for Open Governance (AfriCOG) is an organisation that wants to address corruption and bad governance in Kenya, at a structural and institutional level. The Leadership and Integrity Act 2012 was criticized by AfriCOG due to that several key points that would prevent people that have a questionable integrity to have a public office position was not in place. The organisation says that the act is unconstitutional and does not reflect proposals from the public. Further view is that it does not provide transparency for procedures and mechanisms that would enable an effective administration that was the actual aim of the act.¹⁵⁰ The Kenya Governance Report 2012 that was published by AfriCOG covers governance reforms, laws and charges of the year. The report analyses events of the year, development and critical issues related to the 2010 constitution, implications of anti-corruption efforts and makes policy recommendations for the future.¹⁵¹

¹⁴⁴ BBC news. Africa. 2002, December 30. Kibaki and Moi speech excerpts.

(http://news.bbc.co.uk/2/hi/not_in_website/syndication/monitoring/media_reports/2615369.stm, accessed 2014-02-11)

¹⁴⁵ BBC News. 2004, April, 6. Daniel Arap Moi. (<http://news.bbc.co.uk/2/hi/programmes/newsnight/3605605.stm>, accessed 2014-11-20)

¹⁴⁶ The Independent. 2007, September 1. Report reveals scale of corruption in Kenya.

(<http://www.independent.co.uk/news/world/africa/report-reveals-scale-of-corruption-in-kenya-401113.html>, accessed 2014-05-29)

¹⁴⁷ Kenya open data. 2014. (<https://opendata.go.ke/>, accessed 2014-03-02)

¹⁴⁸ The Leadership and Integrity Act 2012. (<http://www.parliament.go.ke/plone/statutory-documents/leadership-and-integrity-act-no-19-of-2012>, accessed 2014-12-04)

¹⁴⁹ The Constitution of Kenya, 2010. (http://www.icla.up.ac.za/images/constitutions/kenya_constitution.pdf, accessed 2014-12-04)

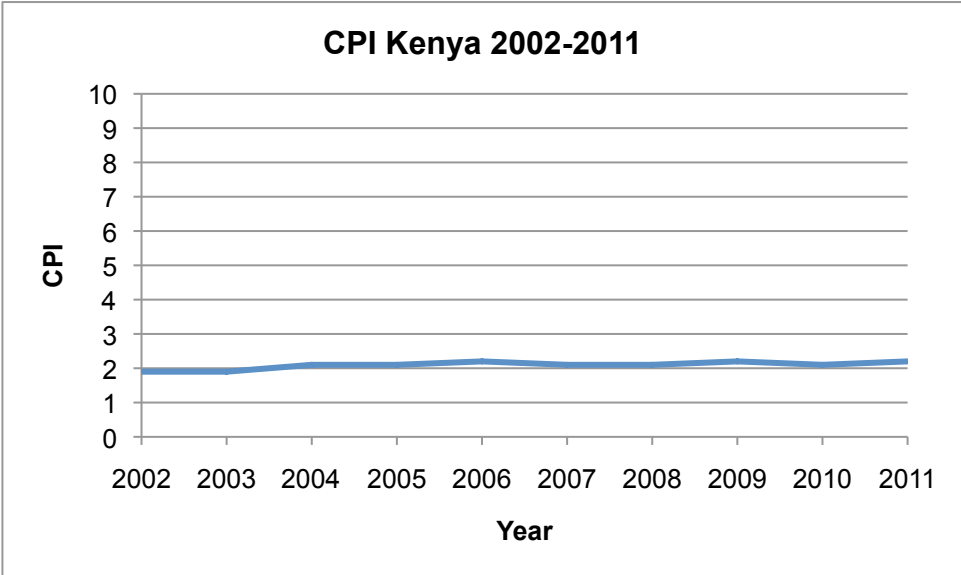
¹⁵⁰ Africa Centre for Open Governance. 2014. Kenya Governance Report 2012. (<http://www.africog.org/content/kenya-governance-report-2012>, accessed 2014-05-26)

¹⁵¹ Africa Centre for Open Governance. 2014. Kenya Governance Report 2012. (<http://www.africog.org/content/kenya-governance-report-2012>, accessed 2014-05-26)

Corruption at national and presidential level and corruption scandals

The Transparency International’s Corruption Perception Index score was relatively stable during Kibaki’s presidency, see graph 6. Although in the ranking 2010 Kenya dropped seven places compared to the year before. The 2010’s year ranking was 154 out of 178 countries. The rank was the lowest among EAC countries. According to the World Bank blog the analysis may be that the level of press freedom is higher in Kenya and thus the perception of corruption more clear.¹⁵² In 2012 Kenya’s CPI score was 27.¹⁵³

Graph 3. Transparency International’s Corruption Perception Index Kenya 2002-2011

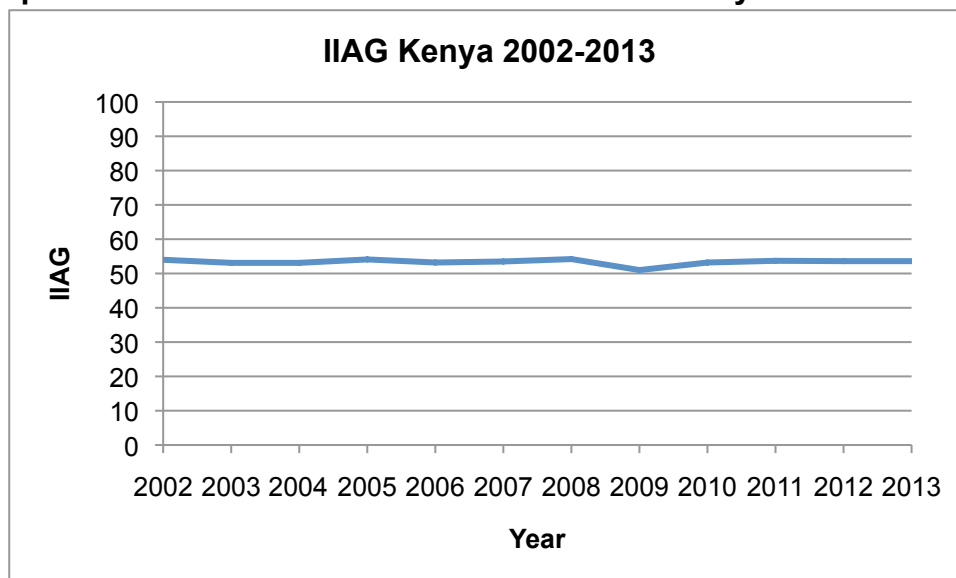


Transparency International’s Corruption Perception Index measures corruption at a national level. The scale (during years 1996-2011) is 0-10, where 0 represents highly corrupt and 10 represents very clean.¹⁵⁴

¹⁵² The World Bank. Africa Can End Poverty. Corruption in Kenya. 2010, November 8. (<http://blogs.worldbank.org/africacan/corruption-in-kenya>, accessed 2014-05-28)
¹⁵³ Transparency International Kenya. 2013, December, 3. (<http://www.tikenya.org/index.php/press-releases/242>, accessed 2014-05-12)
¹⁵⁴ Transparency International Kenya. 2013, December, 3. (<http://www.tikenya.org/index.php/press-releases/242>, accessed 2014-05-12)

The 2005 Ibrahim Index of African Governance ranked Kenya 15 out of x countries, in 2006 the rank was 17 out of x, 2008 27 out of 48, 2009 27 out of 53, 2010 27 out of 53, 2011 23 out of 53 and in 2012 the rank was 25 out of 52 countries.¹⁵⁵

Graph 4. Ibrahim Index of African Governance Kenya 2002-2013



The Ibrahim Index of African Governance measures governance. The highest score on governance is 100.¹⁵⁶

Just before his inauguration in 2002 BBC wrote about Kibaki that he is a respected economist, clean and honest.¹⁵⁷ In his speech of farewell at the inauguration of his successor in December 30th 2002 Daniel arap Moi talked about Kibaki: *"I have always respected him as a man of integrity and courage."*¹⁵⁸ A proposal for a new constitution, which meant that the president could keep a lot of power, was adopted in 2005. There were violent protests on Nairobi's streets. In the referendum 57 percent of the voters said no to the proposal and a few days later Kibaki dismissed his government.¹⁵⁹ In 2007 Kibaki was accused of rigging the election to his own advantage as he won a narrow election victory, 47% of the votes, although he was re-elected as president as the leader of the new alliance Party of National Unity (PNU). The election victory in 2007 was narrow (47% of the votes) and Kibaki was accused of rigging the election to his own advantage. Post-election ethnic violence led to the killing of 1400 people and that 600 000 became refugees. A power sharing agreement with Rail Odinga, the leader of Orange Democratic Movement (ODM) as prime minister (a newly created position) was signed to stabilize the situation.¹⁶⁰ In 2010 again there were corruption allegations against Kibaki. At the African leadership scorecard 2010 Kibaki although scored 50.5 (rank 16 out of 54) and received grade C, a passable leader.¹⁶¹ In 2011 Kibaki owed the Kenya Revenue Authority 8 million Kenyan shilling in unpaid taxes. He was then on the top of the list of unpaid taxes among public officers. At the African leadership scorecard that year, 2011 Kibaki scored 52.6 (23/53) and received a grade C, which was the same as the previous

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¹⁵⁶ Mo Ibrahim Foundation. 2014. Ibrahim Index of African Governance. (<http://www.moibrahimfoundation.org/iiag/>, accessed 2014-10-23)

¹⁵⁷ BBC news. 2002. Profile: Kenya's new leader. (<http://news.bbc.co.uk/2/hi/africa/2612893.stm>, accessed 2014-02-11)

¹⁵⁸ BBC news. 2002. Kibaki and Moi speech excerpts.

(http://news.bbc.co.uk/2/hi/not_in_website/syndication/monitoring/media_reports/2615369.stm, accessed 2014-02-11)

¹⁵⁹ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹⁶⁰ Time. 2010. Top 10 Old Leaders. Mwai Kibaki.

(http://content.time.com/time/specials/packages/article/0,28804,2022256_2022240_2022226,00.html, accessed 2014-02-04)

¹⁶¹ The African Leaders Scorecard; the Best and Worst of 2010. (<http://www.africapedia.com/THE-AFRICAN-LEADERS-SCORECARD;THE-BEST-AND-WORST--OF-2010>, accessed 2015-02-04)

year.¹⁶² At the African leadership index 2012 Kibaki scored 53 (25/52) and received a grade D, which means that he performed below standard among leaders and also worse than the year before.¹⁶³

The major corruption scandal, known as the Anglo-Leasing scandal started when the Kenyan government wanted to introduce a sophisticated passport equipment system in 2002. Equipment was sourced from France and Britain. The transaction of 6 million Euros to a French subcontractor was rather transferred to the British company Anglo Leasing Finance and the amount was changed to 30 million Euro. The tender was also not advertised publicly and a young civil servant leaked the details about the tender to media. In January 2006 John Githongo gave a report about the case. The report revealed that Anglo Leasing Finance was among many fake companies, Kenyan and also British that perpetrated fraud on taxpayers in Kenya, through not delivering goods at all alternatively through massive overpricing.¹⁶⁴ Kibaki had appointed the former journalist John Githongo to a government position to fight corruption, although in 2005 Githongo had to leave the position, after accusing ministers of corruption. Michaela Wrong wrote a book about the case: 'It's Our Turn to Eat: The Story of a Kenyan Whistle-Blower'.¹⁶⁵ John Githongo, former Permanent Secretary in Charge of Governance and Ethics under President Kibaki said that:

*"Ultimately it became clear. I was investigating the president. I knew there was a mafia. Every mafia has a godfather, and the godfather was Kibaki."*¹⁶⁶

In early 2006 there were reports of investigations of two corruption scandals. The transactions had plagued the government, that came to power with promises to fight corruption. The new revelations resulted in that three ministers resigned.¹⁶⁷

Assessment of the president's level of corruption

Kibaki had high ambitions to curb corruption when he came into office in 2002, although at the 2007 elections and during the last presidential term he became increasingly corrupt. The many actions taken against corruption also indicates that the corruption in the nation is vast. The aggregation is that president Kibaki's level of corruption can be considered as intermediate.

IV Uhuru Kenyatta, 2013 -

Uhuru Kenyatta is current president and Kenya's fourth president after independence. He holds the presidential title since 2013, April 9th.

President's post-political prospects Economy, security and status / career

The Presidential Retirement Benefits Act, 2003¹⁶⁸, the Kenyan constitution 2010¹⁶⁹, the

¹⁶² The East African: Magazine – Understanding The Region. (<http://www.theeastafrican.co.ke/magazine/-/434746/1319446/-/10hdavlz/-/index.html>, accessed 2015-02-04)

¹⁶³ The East African. 2013, June 1. The good, the bad and the ugly. The African Leadership Index 2012.

(<http://www.theeastafrican.co.ke/news/The-Africa-Scorecard-2012/-/2558/1869694/-/item/0/-/65bkvxz/-/index.html>, accessed 2014-05-23)

¹⁶⁴ Association of Professional Societies in East Africa. 2010. The Anglo Leasing Scandal.

(<http://www.apsea.or.ke/reforms/index.php/component/content/article/1-injustices/77-the-anglo-leasing-scandal>, accessed 2014-05-21)

¹⁶⁵ Wrong, Michaela. 2009. *It's Our Turn to Eat: A Story of a Kenyan Whistle Blower*. London: Fourth Estate. 2009.

¹⁶⁶ Wrong, Michaela. 2009. *It's Our Turn to Eat: A Story of a Kenyan Whistle Blower*. London: Fourth Estate. 2009.

¹⁶⁷ Landguiden 2014. (<http://www.landguiden.se/Lander/Afrika/Kenya/Modern-Historia>, accessed 2014-06-13)

¹⁶⁸ The Presidential Retirement Benefits Act, 2003.

(http://info.mzalendo.com/media_root/file_archive/Presidential_Retirements_Benefits_2003.pdf, accessed 2014-05-12)

¹⁶⁹ Laws of Kenya. The Constitution of Kenya. 2010. (<https://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>, accessed 2014-05-13)

Presidential Retirement Benefits (Amendment) Act, 2012¹⁷⁰ and the Presidential Retirement Benefits (Amendment) Act, 2013¹⁷¹ regulates Uhuru Kenyatta's economy, security and status / career after office, see the paragraph about Kibaki.

Regarding status / career after office it is noteworthy that in Kenyatta's particular case, although freed, the allegation at the International Criminal Court may have an influence. Uhuru Kenyatta until recently had a charge at ICC. He was accused of organising the ethnic violence related to the presidential election in 2007, although denied the accusations of the clashed when 1 200 people died. Part of the trial was delayed because of the attack against the Westgate shopping center in Nairobi in 2013, that caused the death of 67 people.¹⁷² He was freed from the charges in December 2014.

The African Presidential Center, the Africa Forum and the Ibrahim Forum¹⁷³ may create career ways and be an opportunity to affect the political agenda in Africa even after office. According to the analytical framework and the author the assessment is that the post-political prospects of Uhuru Kenyatta are favourable, compared to the three former presidents in Kenya.

President's level of corruption

Reforms, development achievements and anti-corruption efforts

Land reforms were the main issue during the presidential campaign in 2013.¹⁷⁴ In August 2014 Kenyatta said that the government was determined to complete land reforms that would benefit all Kenyans. The president and the Jubilee Administration want to resolve the land issue, particularly at the coast. The ambition is to do that jointly with people and leaders.¹⁷⁵

According to the pan-African magazine New African Kenyatta are among the most influential Africans of 2014.¹⁷⁶ His core values are:

*"Growing up in the Kenyatta household taught us many things. My father taught us to treat everyone fairly. He taught us the essence of justice and fairness, he told us to learn from history but not to live in history."*¹⁷⁷

According to the official website of the president Uhuru Kenyatta's leadership is transformational, unifying and professional. The three key ambitions 'Umoja, Uwazi na Uchimi' was presented during the election campaign in 2013. Umoja, Uwazi and Uchumi means unity, transparency and economic community in Swahili.¹⁷⁸

According to African Presidential Center in April 2014 Kenya is the sixth largest economy (GDP) in Sub-Saharan Africa.¹⁷⁹ Kenya is also one of the KING-countries (Kenya, Ivory Coast, Nigeria and Ghana) that are advancing economically.¹⁸⁰

¹⁷⁰ The Presidential Retirement Benefits (Amendment) Act, 2012.

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2012/PresidentialRetirementBenefits_Amendment_Bill2012.PDF, accessed 2014-11-23)

¹⁷¹ The Presidential Retirement Benefits (Amendment) Act, 2013.

(http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2013/PresidentialRetirementBenefits_Amendment_ActNo9of20123.pdf, accessed 2014-11-23)

¹⁷² BBC News. Africa. 2014, January 23. Uhuru Kenyatta trial: ICC delays start. (<http://www.bbc.com/news/world-africa-25864314>, accessed 2014-05-20)

¹⁷³ Mo Ibrahim Foundation. 2014. The Ibrahim Forum. (<http://www.moibrahimfoundation.org/ibrahim-forum/>, accessed 2014-10-23)

¹⁷⁴ NTV Kenya. 2013, February 25. Second presidential debate. (<http://www.youtube.com/watch?v=DoBo86ttZCo>, accessed 2014-05-12)

¹⁷⁵ Standard Digital News – Kenya: Ongoing land reforms unstoppable, says President Kenyatta. 2014, August 15.

(<http://www.standardmedia.co.ke/article/2000131616/ongoing-land-reforms-unstoppable-says-president-kenyatta/>, accessed 2014-11-25)

¹⁷⁶ New African Magazine. 2014, November 25. Most Influential Africans of 2014. (<http://newafricanmagazine.com/influential-africans-2014/>, accessed 2015-01-17)

¹⁷⁷ The Presidency, Republic of Kenya. 2014. President Uhuru Kenyatta. (<http://www.president.go.ke/president-uhuru-kenyatta/>, accessed 2014-11-29)

¹⁷⁸ The Presidency, Republic of Kenya. 2014. President Uhuru Kenyatta. (<http://www.president.go.ke/president-uhuru-kenyatta/>, accessed 2014-11-29)

¹⁷⁹ African Presidential Center. 2014, April, 15. Nigeria Now Has Africa's Largest Economy.

(<https://africanpresidentialcenter.wordpress.com/2014/04/15/nigeria-now-has-africas-largest-economy/>, accessed 2014-11-25)

¹⁸⁰ Investing in Africa. 2015. (<http://investinginafrica.net/investing-kings/>, accessed 2015-02-04)

In August 2014 Kenyatta announced infrastructure and water projects in Kwale County. He also opened a conference centre at Kaskazi Beach Hotel in the area, as the security situation in the nation has affected the tourism industry.¹⁸¹

Kenyatta has made many anti-corruption efforts. The Ethics and Anti-Corruption Commission Strategic Plan 2013-2018 was launched in March 2014. President Kenyatta presided the colorful ceremony at the Kenyatta International Convention Center (KICC). The vision of the strategic plan is: 'A corruption free society that upholds integrity and the rule of law'. The strategic plan is anchored to Kenya Vision 2030 and the Kenyan Constitution 2010. The strategic objectives are: "1. To reduce prevalence of corruption and unethical conduct, 2. To establish, maintain and strengthen partnerships and networks against corruption and unethical practices, 3. To promote ethics and good governance, 4. To mobilize resources for effective and efficient service delivery, 5. To strengthen the policy and legal framework."¹⁸² The EACC Strategic Plan's mandate is: "To combat and prevent corruption and economic crime in Kenya through law enforcement, preventive measures, public education and promotion of standards and practices of integrity, ethics and anti-corruption." The core values are: integrity, professionalism, fidelity to the law, courage, team work and innovation.¹⁸³ The International Anti-Corruption Day was commemorated on the 9th of December in 2014. The theme for Kenya was 'Tukomeshe Ufisadi, Tulijenge Kenya' (swahili) meaning Let's eradicate corruption to develop Kenya. The day was commemorated in the six counties; Baringo, Bungoma, Kilifi, Kirinyaga, Machakos and Wajir. The chair of EACC asked all Kenyans to participate in the fight against corruption: "*The war against corruption is a responsibility for all and requires concerted efforts from each one of us.*"¹⁸⁴

Corruption at national and presidential level and corruption scandals

Transparency International Corruption Perception Index ranked Kenya 136 out of 177 countries in 2013. The score was 27.¹⁸⁵ The 2013 Ibrahim Index of African Governance (IIAG) although ranked Kenya 21 out of 52 countries, which was an improvement from previous year.¹⁸⁶ In April 2014 17 ambassadors in Nairobi and the Director of the International Monetary Fund (IMF) stated in the newspaper Daily Nation:

*"Corruption is undermining Kenya's future... systems, processes and procedures needed to make progress in the fight against corruption"*¹⁸⁷

The Forbes Magazine has ranked Uhuru Kenyatta the 23rd richest person in Africa and has estimated his fortune to 500 million US dollars.¹⁸⁸ According to BBC (2013) the Kenyatta family has vast economic interests in the areas of banks, building constructions, insurance and tourism.¹⁸⁹ The Kenyattas owns large areas of land in the Rift Valley, at the central and

¹⁸¹ Daily Nation. 2014, August 15. President Uhuru Kenyatta says govt determined to complete land reforms (<http://www.nation.co.ke/counties/President-Uhuru-Kenyatta-Land-Reforms-Kwale-County/-/1107872/2420284/-/view/printVersion/-/367hew/-/index.html>, accessed 2014-12-27)

¹⁸² Ethics and Anti-Corruption Commission Annual Report 2013/2014. (www., accessed 2015-01-07)

¹⁸³ State House Kenya. 2014, March 18. President Uhuru Kenyatta's Speech During the Official Launch of the Ethics and Anti-corruption Commission Strategic Plan 2013-2018. (<http://www.scribd.com/doc/213069109/President-Uhuru-Kenyatta-s-Speech-During-the-Official-Launch-of-the-Ethics-and-Anti-corruption-Commission-Strategic-Plan-2013-2018>, accessed 2014-11-25)

¹⁸⁴ Ethics and Anti-Corruption Commission. 2014, December 16. International Anti-Corruption Day successfully celebrated in six counties. (<http://www.eacc.go.ke/whatsnew.asp?id=615>, accessed 2015-01-07)

¹⁸⁵ Transparency International Kenya. 2013, December, 3. (<http://www.tikenya.org/index.php/press-releases/242>, accessed 2014-05-12)

¹⁸⁶ Standard Digital News. 2013, October 14. Kenya ranks 21st in 2013 Ibrahim Index of African Governance. (<http://www.standardmedia.co.ke/kenyaat50/article/2000095565/kenya-ranks-21st-in-2013-ibrahim-index-of-african-governance>, accessed 2014-05-26)

¹⁸⁷ Foreign Policy. 2014, May 6. Everyone Is Corrupt in Kenya, Even Grandmothers. Michela Wrong. (http://www.foreignpolicy.com/articles/2014/05/06/everyone_is_corrupt_in_kenya_even_grandmothers, accessed 2014-05-14)

¹⁸⁸ BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

¹⁸⁹ BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

coastal regions. The land issue has been questioned at many connections¹⁹⁰, for example in the presidential candidate debate before the elections in 2013.¹⁹¹ In a BBC-interview in 2008 Uhuru Kenyatta was asked the question about how much land his family owned and answered:

"I don't need to answer that question because that's not the issue. Land reform is not about a person; land reform is about a nation."¹⁹²

The above to be compared with Kenyatta acknowledgement in his election manifesto that:

"Kenya's future prosperity is dependent upon the transformation into a property owning and land-user rights democracy."¹⁹³

"Our ambition is a massive expansion of land user and ownership rights, so that all Kenyans who want to own their own homes are able to do so."¹⁹⁴

The Kenyatta family also has a great influence on national media; they own the TV channel K24, the newspaper The People and many radio stations.¹⁹⁵

Transparency International – Kenya in a pressrelease in May 2014 strongly questions the President's directive to National Treasury about the Anglo Leasing Payments. The organisation considers the payments of a total amount of 1.4 Billion Kenyan Shillings to be *"unethical and a reward to corruption and fraud against the Kenyan people"*.¹⁹⁶ There has been no major corruption scandals during Kenyatta's presidency so far.

Assessment of the president's level of corruption

After not even two years of leadership it is hard to determine Kenyatta's level of corruption. According to the material gathered and taken into account that Kenyatta on one hand has put major efforts in anti-corruption campaigns and on the other hand is one of the countries greatest landowners, the aggregation is that president Uhuru Kenyatta's level of corruption can be considered as intermediate, compared to the three former presidents in Kenya

¹⁹⁰ BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

¹⁹¹ NTV Kenya. 2013, February 25. Second presidential debate. (<http://www.youtube.com/watch?v=DoBo86ttZCo>, accessed 2014-05-12)

¹⁹² BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

¹⁹³ BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

¹⁹⁴ BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

¹⁹⁵ BBC News Africa. 2013, March 9. Uhuru Kenyatta: Indicted president. (<http://www.bbc.com/news/world-africa-21544245>, accessed 2014-05-12)

¹⁹⁶ Transparency International – Kenya. 2014, May, 16. Who is receiving the Anglo Leasing payments, Mr. President? (<http://www.tkenya.org/index.php/press-releases/272>, accessed 2014-05-20)

Table 3. Independent variable: president's post-political prospects

	Jomo Kenyatta	Daniel arap Moi	Mwai Kibaki	Uhuru Kenyatta
A Economy	poor	favourable	favourable	favourable
B Security	poor	adequate	favourable	favourable
C Status / career	poor	favourable	favourable	favourable
> Assessment of president's post-political prospects	poor	favourable	favourable	favourable

Table 4. Dependent variable: president's level of corruption

	Jomo Kenyatta	Daniel arap Moi	Mwai Kibaki	Uhuru Kenyatta
Assessment of president's level of corruption	high	high	intermediate	intermediate

4.2 Results

The results indicates that the president's post-political prospects: economy, security and status / career do not particularly affect the leader's level of corruption. The relationship can actually not be seen clearly in any of the cases. The post-political prospects of Daniel arap Moi, Mwai Kibaki and Uhuru Kenyatta are favourable and thus an improvement from Kenya's first president. The last two presidents Kibaki and Uhuru Kenyatta's level of corruption are intermediate and thus less than the two earliest that are assessed as highly corrupt.

5. Conclusion

The thesis takes point of departure in post-political explanations to corruption among national leaders. The empirical result is that president's post-political prospects do not particularly affect the level of corruption. The relevance of the research area is clear, academic and practical policy

Limitations of the analysis

The main limitations of the analysis are that the variables president's post-political prospects and president's level of corruption are an assessment based on the analytical framework, the material and the assessment of the author that affect the reliability. The dependent variable president's level of corruption is naturally hard to measure, as pointed out by Khalil Timamy (2005) and others.¹⁹⁷ Another hardship about corruption is that there is a narrow line to autocracy and that corruption and autocracy are many times intertwined. The analytical framework addresses development achievements, as part of the assessment of the president's level of corruption. The development of the nation is also a result of the previous presidents. Moi's 24 years of presidency is of course hard to compare with the current president Kenyatta that so far have served not even two years. The historical perspective also makes it hard to compare, as the prerequisites were different for example in the 70ties than they are today.

¹⁹⁷ Khalil Timamy. 2005. African Leaders and Corruption. *Review of African Political Economy*. 104(5):383-393.

Future research

The analytical framework can be used in future research. The four cases, presidents are appropriate for a master thesis, although a larger number of cases would strengthen the validity. Future research would take advantage of comparative research between leaders in various nations, particularly in the in the East African region. It would also be interesting to make comparative case studies between leaders that are perceived as excellent; for example the Mo Ibrahim Prize of Achievement in African Leadership and leaders that are perceived as extreme corrupt, thus a great variation in the dependent variable. Another area would be to conduct quantitative research about level of corruption at a national level and president's severance payment in Africa.

Many factors affect the leader's level of corruption. In Kenya it seems as if president's level of corruption particularly are affected by ethnicity as acknowledged by Wrong (2009)¹⁹⁸, Bigsten & Isaksson (2014)¹⁹⁹ and others.

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