

**SOCIAL MEANING OF BRIBERY AND ITS INFLUENCE ON MATATU
OPERATORS IN KISII COUNTY, KENYA**

BY

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DECLARATION

Declaration by the Candidate

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DEDICATION

I dedicate this thesis to my wife Gladys Nyaiburi, to my late parents Jason Onsarigo Ombworo, Jenes Kerubo Onsarigo, and to my three children Joy Bitutu, Joel Onsarigo and Jeanne Gisemba.

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ABSTRACT

Bribery is a worrisome problem to both businesses and government in Kenya. One sector that has particularly been affected by bribery is the transport sector. According to Transparency International, the police are said to be the most recipients of bribes on the road. This study was therefore undertaken to understand how the players in the *Matatu* industry perceive bribery and the influence of this perception on their behaviour. The objectives of this study were: to investigate the social meaning of bribery among *matatu* operators, to understand how social meanings influence the tactics used by *matatu* operators to bribe, to establish how the social meanings and the attendant tactics affects the prevention of bribery and to examine how government policies, practices and laws on bribery intersect with *matatu* operator's narratives. Social construction and critical discourse analysis theories guided the study. The target population were all the 36 (registered) *Matatu* Sacco's operating from and to Kisii town bus terminus. The sample size for the study was 76. The sampling technique adopted was purposive sampling. In-depth interviews, focus group discussions, Key Informant Interviews and observation were the methods used to collect data. The data collected was organized into themes and then content analysis was used to analyse the data. The study found that the *matatu* drivers, conductors and Sacco managers attached various social meanings to bribery. This included bribery as '*chai*', as '*kitu kidogo*', as 'a blindfold', as 'protection money', among others. The study also found that these constructed social meanings influenced the various tactics used by *matatu* operators to bribe the law enforcement officers. These tactics included, dropping of ksh.100 note on the road, inserting money in the driver's licence, transacting the bribe through 'Mpesa', among others. The study also found that the tactics used by the *matatu* operators to bribe made the prevention of bribery rather difficult. The study further found that the *matatu* drivers, conductors and Sacco managers had little knowledge of the various existing laws on bribery, and in instances where they were aware, they had little or no faith on their effectiveness in preventing bribery. The study recommends that citizens be involved in the fight against bribery. The study has clear policy and theoretical implications. On the policy front, the study demonstrated that there is need for legal, judicial, legislative and societal reforms. On the theoretical front, the study demonstrated that the critical discourse analysis and social construction theories are useful in the understanding of bribery as a social problem. The theories demonstrated that socially constructed meanings do influence human behaviour, and as such, to tackle social ills there is need to understand the language used by the actors and to comprehensively deconstruct the meanings that society bestows on social phenomena as a first step.

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LIST OF ABBREVIATIONS

ACECA	-	Anti-Corruption and Economic Crimes Act
AFRICOG	-	African Centre for Corporate Governance
APNAC	-	African Parliamentarians Network against Corruption
AUCC	-	African Union Convention on Corruption
AUCPCC	-	African Union Convention on Preventing and Combating Corruption
BBA	-	British Bribery Act
BI	-	Business Index
C.S.O	-	Civil Society Organisations
CCG	-	Centre for Corporate Governance
CDA	-	Critical Discourse Analysis Theory
CPI	-	Corruption Perception Index
CTSC	-	County Transport and Safety committee
E.A.B.I	-	East African Bribery Index
EACC	-	Ethics and Anti-Corruption Commission
FCPA	-	Foreign Corruption Practices act
FGD	-	Focus Group Discussion
GCR	-	Global Competitive Report
GDP	-	Gross Domestic Product
H.P.U	-	The highway patrol unit

HIV/AIDS	-	Human Immuno Deficiency Virus, Acquired Immune Deficiency Syndrome
HP	-	Hewlett-Packard
ICESCR	-	International Covenant on Economic Social and Cultural Rights
ICRG	-	International country risk guide
INTP	-	Integrated National Transport Policy
IPOA	-	Independent Police Oversight Authority
KACC	-	Kenya Anti-Corruption Commission
KHRC	-	Kenya Human Rights Commission
KIPRA	-	Kenya Institute of Public Policy and Research Analysis
KPMG	-	A tax and audit firm- Klynveld Peat MarwickGoerdeler.
MOA	-	<i>Matatu</i> Owners Association
MWA	-	<i>Matatu</i> Welfare Association
NCST	-	National Council for Science and Technology
NEPAD	-	New Partnership for Africa's Development
NRSAP	-	National Road Safety Action Plan
NTSA	-	National Transport and Safety Authority
OAU	-	Organisation of African Union
OECD	-	Organization for Economic Cooperation and Development
POEA	-	Public Officers Ethics Act 2003
PSV	-	Passenger Service Vehicle
PWC	-	Price Water Coopers

RTA	-	Road Traffic Accident
SACCO	-	the acronym for Savings and Credit Co-operative.
SAPS	-	South African Police Services
SAPs	-	Structural Adjustment Programs
SMEs	-	Small and Medium Enterprises
TI (K)	-	Transparency International Kenya
TI	-	Transparency International
TLB	-	Transport licensing Board
UK	-	United Kingdom
UNCAC	-	United Nations Convention Against Corruption
USA	-	United States of America

OPERATIONAL DEFINITION OF TERMS

Bribery: This is an offer or receipt of any gift, fee, reward or other advantage to or from any person as an inducement to do something which is dishonest, illegal or a breach of trust, in the conduct of the enterprises business; the idea behind a bribe is to influence someone's action or decision.

Corruption: Is defined as the abuse of entrusted power for private gain, hurting those who trust in the integrity of those positions of authority.

Extortion: The use of the threat of violence, and other intimidation to force someone to do as you want; it is the illicit use of one's position or office to obtain money through coercion or threats

Facilitation payments: Facilitation payments are a form of bribery made to expedite or facilitate the performance by a public official of a routine action/service and any other undue advantage

Fraud: This involves the use of deception, trickery and breach of confidence to gain some unfair or dishonest advantage

Kickbacks: A kickback is a form of negotiated bribery in which a commission is paid to the bribe-taker in exchange for services rendered. Generally speaking, the remuneration (money, goods, or services handed over) is negotiated ahead of time. The term "kickback" comes from colloquial English language, and describes the way a recipient of illegal gain "kicks back" a portion of it to another person for that person's assistance in obtaining it.

Matatu operators, they are the people who own the vehicles that do the business

Matatu, In Kenya and neighbouring nations, *matatu* (or *matatus*) are privately owned minibuses, although pick-up trucks and estate cars were in the past pressed into service. The name derives from a Swahili colloquialism meaning "three". One explanation is that the wagons originally pressed into service as *matatu* could be fitted with three rows of bench seats. Other sources maintain that three cents was a typical fare in the 1960's. The traffic act defines a *matatu* as a public service vehicle having a seating accommodation for not more than twenty-five passengers exclusive of the driver.

Prevention, the act or practice of keeping something from happening. The action of stopping something from happening or arising. 'Crime prevention'

Social meaning, these are perceived meanings given to particular actions or behaviour which are then normalized and accepted in the society or they are Meanings attached to certain actions

Tactics, the art or skill of employing available means to accomplish an end. It is also an action or method that is planned and used to achieve a particular goal.

The *bodaboda*-a form of transport using motor cycles/bike to ferry passengers

CHAPTER ONE

INTRODUCTION

This chapter presents information on the background to the Study, the statement of the problem, the purpose of the study, the research questions, research objectives, justification of study and significance of this study.

1.1 Background to the Study

Bribery is contrarily explained on two strands. The first one is that bribery is like grease to the wheels of the instruments that help to overcome cumbersome bureaucratic constraints, inefficient public service and rigid laws especially when the country's institutions are weak and ill functioning (Meon, 2005; Cerge-Ei, 2012). The second strand argues that corruption curbs economic performance owing to rent seeking, increase of transaction costs and uncertainty, inefficient investments and misallocation of funds (Overland, 2012). These meanings find negative or insignificant relation between bribery and firm's performance.

Bribery is no doubt a global phenomenon that has threatened and still continues to threaten the developmental efforts in many nations. A survey released by Transparency International (2014) found that cases of corruption are on the rise. Out of every 10 people surveyed, Transparency International reported that nine paid a bribe. In North America and Europe, the figures were reported to stand at 67 and 73 per cent respectively. It was found that in these regions (North America and Europe), one in every four people had paid a bribe over the last twelve months when dealing with public institutions and services, from health to education to tax authorities. The police were found to be the most frequent recipients of bribes (TI, 2014). According to Transparency International (2015), the police are said to be the most notorious recipients of bribes on

the roads—the observation, among others, spurred this research. This study relied on the critical discourse analysis and the social construction theories.

Drakard (2009) contends that bribery is a way of life in Africa, it is like a tick on a dog. Others argue that there are some places in Africa where the tick is bigger than the dog. Bribery thus runs rampant in the world and that it has become a ‘Darwinian business tool’. (Drakard, 2009) goes on to explain why corruption happens at many different levels of bureaucracy in many countries in Africa and why it has become a way of life. According to Drakard (2009), found out that in Africa the informal sector amounts to more than 40 per cent of the economy in many countries, reaching well over 50 percent in Nigeria and Tanzania. This he attributes to lack of legal protection and the desire to dodge regulations makes the informal sector easy prey for extortion and the solicitation of bribes by corrupt officials. Transparency International’s (2009) Global Corruption Report bears out Drakard’s (2009), insight yet, corruption in Africa does have its explanation. In May 2008, Transparency international in its study established that 90 percent of entrepreneurs in Burundi thought that paying bribes is standard practice. The main reasons according to TI (2009) was reduced tax payments, advancing a file in the tax service and avoiding fines. But other reasons include influencing an official to retrieve a “lost file” urgently needed for business or immigration purposes, and avoiding the harassment of police for invented traffic offences. This research goes beyond this study by giving the social meaning of bribery and the tactics used by the *matatu* operators to bribe.

Nye (1967:419) defines corruption as; a behavior which deviates from the formal duties of a public role because of private regarding (personal, close family, private clique), pecuniary or status gain; or violates rules against the exercise of certain types of private regarding influence.

Onyango (2012) explain that corruption which he refers to in Kiswahili as *ufisadi* (corruption) as one of the major issues blamed for the failure of widespread development projects in Kenya. The phenomenon is said to reside in the public sector and broods in high and low political offices of the government. His work was majorly on corruption in the Kenyan public sector in Migori district now Migori County. The purpose of this study was to address this void by giving the social meaning of bribery from the actor's perspective. Onyango (2012) goes on to explain that corruption violates rules against the exercise of certain types of private regarding. These include bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of ascriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses)

Transparency International (2013) finds that more than one in every four people paid a bribe. This is based on a survey of 114,000 respondents in 107 countries. Scholars such as Fagan and clenck (2010) argue that some of the reasons why people bribe is to avoid difficulties when dealing with the authorities and to speed up processes. The poor were found to be disproportionately burdened by this vice (bribe). The definition of bribery depends on social and cultural factors; the same is true of the perception of corruption. Thus, social meaning of bribery can be considered as a cultural phenomenon because it depends on how a society understands the rules around it and what action(s) constitutes a deviancy. Indeed, it does not depend only on societies but also on personal values and moral vices.

In two major studies, one by Nation Media Agency (NMA), and by the Kenya Institute for Public Policy and Research Analysis (KIPRA), which studies found out that the main reason why operators pay bribes to police and government is to avoid harassment. NMA

(2006) estimated that Ksh. 48 billion is lost annually due to this type of corruption among corrupt law enforcement officers.

United Kingdom anti-bribery legislation is one of the most comprehensive legislative enactment in the world, enhancing a country's reputation as one of the safest commercial environments in which to do business (BBA, 2014). The bribery act 2010 of UK represents arguably the toughest legal regime against bribery anywhere in the world. This act replaces the anti-bribery and corruption guidance with two general offences previously covering active and passive bribery and specific offences relating to the bribery of foreign public officials. It also introduces a specific corporate offence of failing to prevent bribery from occurring (Bribery Act, 2010).

The principles of countering bribery were developed by a multinational task force of companies working with the world economic forum, TI and Basel institute of governance. This was meant to provide a framework for good business practices and risk management strategy for countering bribery (TI, 2002). They intended to assist enterprises to eliminate bribery, demonstrate a commitment for countering bribery and make a positive contribution to improving business standards (TI, 2002). The guidelines reflect an appreciation that corruption and bribery are corrosive of economic progress and good governance. It recognizes the need for anti-bribery principles that can be applied to industry worldwide and that are based on profound commitment to fundamental values of integrity.

According to Adekoya (2010), bribery affects the ethics and professional conduct of business operating in the international arena. To Adekoya, this is the reason that the menace that is bribery has gained prominence in the laws and policies of most countries. His perception is that no country can survive after debilitating effects of bribery. He

looks at the problem of corruption particularly bribery and its effects on the success of international business transactions giving a brief insight of the meaning of corruption and in particular bribery. The paper goes on to analyze the relationship between cultural practices and acts that may be seen as bribery and it also focuses on whether to bribe or not and the effects of bribery on the success of international business transactions. Adekoya (2010), concludes that the decision to bribe or not to is left in the hands of the business manager who is faced between two options which will affect the success of his business transaction.

According to a survey done by KPMG (2009), bribery and corruption skews the level playing field, attracts less culpable inefficient organizations to execute projects thereby leading to increase in cost of operations. The survey also highlighted that in many cases corruption is induced by private sector. KPMG India fraud survey (2010) mentions of its impacts on mergers and acquisitions and the survey went on to assess the impacts of corruption on business.

Edward Clay (2010), (Former British High Commissioner to Kenya), in the damage corruption is doing to Kenya, he talks on how bribery and corruption are receiving an unexpectedly high degree of attention. Clay (2010) goes on to explain the relevance of aid to fostering or solving the problem is getting some attention. Clay(2010) used his own experience to illustrate the damage corruption does to countries like Kenya and how serious the problem is, how the problem carries ramifications in Britain, for its development assistance and trade policies, anti-corruption and money-laundering regimes; and whether the tide might be turning. Clay's concern was to try and highlight the costs of corruption to developing countries by taking Kenya as his principal case study because that is where he was stimulated by the availability of evidence to get involved in campaigning on the subject. Clay (2010) explains that corruption leads us

not only to the responsibility of poor countries but to the responsibility of donors – governments and individuals – who give aid, or control the International Financial Institutions which make loans, for perpetuating corruption and the poor people they want to help. Actions are needed here if the Kenyan government is to help development, encourage fair markets for clean trade, not to waste resources, and not to make a dishonest living from laundering in a rich country where the proceeds of corruption is from a poor one. In this paper clay was only addressing the SAP's as the cause of corruption in Kenya and other underdeveloped and developing countries.

Anassi (2004) argues that while one person would not pay a bribe another one will due to the consideration that his action is justifiable. This disposition to pay is likely to be positively correlated by people's social meaning of corruption. Anassi (2004), goes on to explain that not many people would like to talk about this subject (corruption) openly and transparently but, in the recent past, it has become a subject of great concern to both developing and developed nations as well. Anassi (2004) goes on saying that corruption has impacted so negatively in our social, economic and political life that we can no longer keep quiet about it. Corruption as a social science has been mystified and even ignored for many generations.

Corruption is eroding the moral values of many nations and condemning many people to perpetual poverty and deprivation, corruption undermines democratic institutions and good governance in the political landscape, it reduces accountability and negates representation and policy making and it abrogates the rule of law in the judiciary. Corruption has given Kenya and Africa in general a bad name and therefore it is recommended that everything must be done to minimize and finally eradicate corruption from the African continent (Anassi, 2004).

Wrong (2009) in the book, *"it is Our Turn to Eat"* focuses on John Githongo, whom Kenyan government hired in 2003 to head the anti-graft unit. Githongo's investigations detailed an intricate web of corruption, allegedly featuring top Kenyan politicians. The account in this book goes beyond corruption by giving intimate details about Githongo's fight against graft and as an insider's, his (Githongo's) insight on how brazen corruption is in the upper echelon. It also humanizes Githongo, who despite being considered a traitor by some and a fearless anti-corruption advocate for others had remained a mysterious figure (Wrong, 2009). The account in this book is this mentality spread across Kenyan society that once your tribe gets into power then state assets are yours to deal with as you wish. Since, the previous tenant had exactly the same approach, then of course you are completely justified to be very greedy to compensate for how your tribe was treated in the past. So, *"it is Our Turn to Eat"* really means, "It's our community's turn at the trough."

Marshall & Robert (2011, 2008) posits that many governments have extensively violated their own laws over a long period of time. In the United States, corruption charges affected close advisers to Presidents Dwight Eisenhower and Lyndon Johnson, forcing some officials to resign. In the 1970's, violations by President Richard Nixon and a variety of his associates resulted in the imprisonment of 25 high-ranking officials, including the U.S. Attorney General and two top presidential aides.

A pardon spared the former president himself from possible prosecution after he resigned. Violations of law during the Watergate scandal included obstruction of justice, conspiracy to obstruct justice, perjury, accepting contributions or bribes from business concerns, bribing individuals to prevent testimony, illegal tactics in election campaigns and misuse for personal purposes of government agencies (Marshall & Robert, 2011, 2008).

Marshall & Robert (2011, 2008) explains that the *iran-contra* scandal was a political scandal in the USA that occurred during the second term of the Reagan administration in the 1980s. The nation witnessed televised hearings concerning similar White House efforts to sell arms to Iran to gain freedom for political hostages. The same high government officials then tried to funnel the profits from the Iranian arms sales to aid a guerrilla army opposing the government in Nicaragua. While the arms sales may have represented only a misjudgment (since no hostages were returned in exchange for the arms shipments), Congress had expressly forbidden Americans from funding the Nicaraguan rebels (called Contras) at the time.

The police departments in New York City and Los Angeles were involved in a number of acts of misconduct which include acts of misconduct and brutality as well as corruption, illegal use of force, harassment, illegal entry and seizures, and violating citizens' civil rights. Other public officials may deliberately neglect duties or abuse their privileges. Agents of regulatory agencies, such as building inspectors, may permit contractors to build without necessary permits in exchange for bribes (Knapp Commission, 1977). Politicians may do illegal favours for those who make substantial campaign contributions. In other countries, governments have extensively practiced imprisonment without due process, torture, and murder. Perpetrators of these acts include Uganda, South Africa, Chile, Cuba, Argentina, China, and El Salvador. Though countries such as Rwanda are said to have seen a little improvement in the fight against corruption, the vice still remains a threat to sustainable and equitable economic and political development (TI, 2014).

The African Executive (2014) argues that in Kenya corruption has been the centre of political debates for over two decades and that the road to see a corrupt free Kenya has been tedious and dangerous. The fight is neither on nor dead. The study further argues

that there is also evidence that corruption is still an inherent factor in economic development even though the correlation between the vice and economic development has proved elusive over the years. The African Executive (2014) explained that the efforts to fight corruption should be focused on specific corruption sites where petty corruption is more prevalent as a target point within the scale of low to grand cases of corruption and formulate measures that befit each level (The African executive, 2014).

Raynor and Mirzoev (2014) in their study explains that traffic accidents are estimated to cause 1.3 million deaths and 50 million injuries worldwide. The Road safety is a challenge in Kenya with its causes being multi-factorial. *Matatus* are largely found to be involved in large proportion of these accidents. According to these authors, financial pressure on *matatu* drivers and excessive level of competition leads to dangerous driving. Corruption of traffic police appears to be another major barrier to improving road safety, as road safety legislations are not enforced and bribery has become the cultural norm.

Brian (2012) on his part focuses primarily on the US foreign corrupt practices act, but also provides information on the UK bribery act and some other key international regulations. The author provides an overview of the laws, their application and related regulations. The author further gives a step by step approach to necessary components of a competent compliance effort. What the author lacks is practical applications to real life problems of bribery and corruption. The author also gives an investigation and outline for investigating potential bribery and corruption cases.

Mbate (2016) examines how economic, social and political factors affect an individual's likelihood to pay a bribe in exchange for public services such as health, education, water, security and permits in Kenya. His main emphasis was placed on economic factors,

which are captured by a multi-dimensional index of poverty and deprivation. He further investigates how accountability mechanisms can deter bureaucratic corruption and promote an egalitarian access to public services across local government counties. Mbate (2016) develops a conceptual framework which depicts the determinants of bribe payments when bureaucrats interact with citizens and then extends the model to illustrate how the introduction of accountability mechanism modifies the nature of this relationship.

Transparency International (K) (2015) show that Corruption remains a key challenge to policing in Africa. It is viewed largely as a manifestation of the impunity fed largely by lack of decisive action by policing authorities against those who go against their oath of service. If left unchecked, corruption will continue to undermine the ability of the police to discharge their responsibilities effectively by alienating those they are supposed to serve. Corruption and bribery are indicative that the police in Kenya are the leading recipients of bribes on the Kenyan roads. In Africa, people see police officers as the most corrupt group. The police and the courts have also the highest rates of bribery. In Kenya particularly, 75% of people view the police as the most corrupt institution in the country (TI, 2013). In Zimbabwe, 92% of people see the police as extremely corrupt, the police has the highest frequency of bribery well above any other sector. Impunity and corruption are also endemic in the police sector Cote d'Ivoire security checkpoints are used by the police to extort bribes from the by-passers. The story is similar across the region. Nearly 75 million people were estimated to have paid a bribe, some to escape punishment by the police or courts cases or to get access to the basic services that they desperately need (TI, 2015)

1.2 Statement of the Problem

Bribery is a form of corruption which according to Oxford English dictionary is defined as the crime of giving money or presents to someone so that they will help you by doing something dishonest or illegal. The problem of corruption is affected by social meanings of bribery and the authority's level of tolerance. This social meaning may affect both the demand and supply of corrupt actions. Consequently, corruption perception might facilitate or diminish the current corruption levels (Cabelkova, 2001). Bribery perception has favoured the growth of institutional instability and the deterioration of the relationships among individuals, institutions and states.

The '*Matatu*' industry has become the biggest corruption industry in Kenya. It has become a cash cow for traffic police officers even as it breeds criminal cartels that seek to control routes across the country. As a result, Kenya has experienced a rise in road accidents leading to the demise of thousands of Kenyans. *Matatu* owners and drivers often complain of police harassment and fraudulent charges. To avoid arrest, *matatu* crew often pay off the officers. To them, giving a bribe is a "normal" activity as it saves time and this will not subject the driver or conductor to court cases.

In the social perspective, the *matatu* drivers, conductors and Sacco managers believe that when they bribe a police officer, they are building friendship and therefore it is not wrong to give. Bribery is problem to both businesses and the various governments of the world including Kenya. The Kenyan government has since independence tried to fight corruption/bribery but the war is far from over. This has seen the government go a notch higher by introducing integrity issues in the constitution under Chapter six and by enacting the Bribery Act No 47 of 2016. Despite these legislations, corruption still remains rampant.

The Global Corruption Barometer (2016) conducted by Transparency International shows that over 61% of Kenyans surveyed think that corruption is a serious problem in the country. Further, in the Corruption Perception Index of 2015, Kenya scored 27 out of 100 where the national police service was and has been ranked by various pollsters in Kenya as the most corrupt institution in Kenya (TI, 2016).

Despite the attempts by the Kenyan government to prevent or eradicate bribery (corruption), the war is far from over and this can be evidenced virtually in every government department. *Matatu* owners, conductors and drivers know that corruption is bad but bribery is like a norm and so they have to bribe to get their way out. There are various rules, regulations and laws against corruption, yet no tangible results. The government has ratified several conventions including AUCC and UNCAC in an attempt to curb and or prevent corruption/ bribery but still no one wants to abide by the laid down rules or enforce the provisions of any of these laws.

The purpose of this research therefore was to fill the void by focusing on the relationship between the social meanings of bribery and its influence on prevention. In order to understand the enculturation of bribery in the *matatu* industry the study was to understand the language used by the *matatu* drivers, conductors and Sacco managers in their daily activities and to establish the meanings given to bribery. The social meaning of bribery is never understood without the stake holders in the *matatu* industry. This study was to find out the social meaning of bribery and its influence on *matatu* operators from their social perspective.

1.3 Purpose of the Study

The main purpose of the study was to assess the social meaning of bribery and its influence on *Matatu* operators in Kisii County.

1.4 Research Questions

The study was guided by the following research questions:

- i. What is the social meaning of bribery among *matatu* operators?
- ii. How do the social meanings influence the tactics used by *matatu* operators to bribe?
- iii. How do these social meanings and the attendant tactics affect the prevention of bribery?
- iv. How do the government policies, practices and laws on bribery intersect with *matatu* operator's narratives?

1.5 Research Objectives

The specific objectives of this study were therefore:

- i. To investigate the social meaning of bribery among *matatu* operators.
- ii. To understand how social meanings influence the tactics used by *matatu* operators to bribe.
- iii. To establish how the social meanings and the attendant tactics affects the prevention of bribery.
- iv. To examine how government policies, practices and laws on bribery intersect with *matatu* operator's narratives.

1.6 Justification of Study

Corruption has been a thorn in the flesh in many governments of the world including Kenya (Ogundiya, 2011). Bribery is the most talked about subject in the social discourse but little is said about the actors who include *matatu* owners, drivers, conductors, the passengers, police, cartels and the brokers of police officers who include the *bodaboda* operators who act as police informants.

The Kenyan government since independence has enacted laws and formulated policies in a bid to eradicate corruption or bribery but this has not yielded fruits. It is believed that without bribing the traffic police officers on the road, it is hard to operate *matatu* business in Kenya. There is a complete disconnect in the policies and mental perception of the people especially when the *matatu* is carrying excess passengers, no passenger complains but instead ask for “*sambaza*” (an extension of the seat) to allow for excess passenger. They don’t see it as wrong to sit on such seats. In the legal perspective, the giving of bribe has been “normalized” as it saves time and this will not subject the driver or conductor to court cases. In the social perspective, it is believed that when you give a bribe to a police officer, you get acquainted to him and therefore it is not wrong to give. This disconnect has led to this study in trying to understand the enculturalisation of bribery in the *matatu* industry. This notion creates an evidence gap concerning *matatu* drivers and conductors who are the stakeholders in the *matatu* industry and by extension in road safety but bribe their way out and do not follow the laid down rules.

Field work for most researches shows that the *matatu* industry creates financial pressure on drivers and conductors and an excessive level of competition, leading to dangerous driving. Bribery of traffic police appears to be another major barrier to improving road safety, as road safety legislations are not enforced, bribery has become the cultural norm.

The key policy implication for improving road safety in Kenya is seeking measures to ensure responsibility on the roads and thereby reforming the *matatu* industry which the end result will be addressing the root causes of corruption and bribery in the long run.

This study therefore besides giving the social meaning of bribery, gives the perception of the stakeholders in the *matatu* industry's social meaning of bribery and its effects. The study also addresses the issue of overloading *matatus* in some routes in Kisii County which is believed that the excess passenger's fare will cater for the bribe given to the traffic police on the road.

There is limited systematic and empirical work about how social understanding or perception of bribery may influence the decision to bribe or not to bribe. High levels of perception of corruption are necessarily good as the lack thereof can diminish efforts to combat it. It is argued that corruption is a multi-faceted phenomenon which requires multi sectorial approach in combating it. The efforts made by various government agencies to mitigate the impact of corruption in the country has neither borne fruit nor produced the impact. The experts and academia have noted that the fight against corruption/bribery is on a trial and error basis. For this reason, combating corruption/bribery on the Kenyan roads, there is need to deconstruct the social meanings given to bribery and understand the language used by *matatu* drivers, conductors and Sacco managers as a first step.

1.7 Significance of the Study

The study has clear policy and theoretical implications. On the policy front, the study demonstrated that there is need for legal, judicial, legislative and societal reforms. On the theoretical front, the study demonstrated that the critical discourse analysis and social construction theories are useful in the understanding of bribery as a social problem and

as such, to tackle social ills (such as bribery) there is need to understand the language used by the actors and to comprehensively deconstruct the meanings that society bestows on social phenomena as a first step.

1.8 Scope of the Study

The study limited itself to finding out the social meanings given to bribery and how such meanings influence *matatu* operators in bribing or not to bribe. The study sought to find out the tactics used by *matatu* operators to bribe, how the social meanings and attendant tactics influenced prevention and how the government policies, practices and laws intersect with *matatu* operator's narratives. This was achieved through the research objectives. The study involved the 10 and 14-seater *matatus* which is the most common for of transporting passengers in Kenya. The study involved the stakeholders who included the *matatu* drivers, conductors and Sacco managers. However, this study did not reflect on the perceptions of the stakeholders operating the pick up *matatus*, pro box saloon cars used as a mode of passenger transport in kisii town, mini buses and buses as the findings may not be generalized to other areas in Kenya because experiences may differ from one part of the country to another.

1.9 Organization of the Study

The rest of the chapters for this thesis are organized as follows:

Chapter Two This chapter presents information on social meanings, social meaning of bribery, social constructions, Forms or types of corruption and bribery, Corruption Perception Index rankings locally, regionally and globally indicating the list of most corrupt institutions, departments and ministries.

This chapter also presents an understanding on how social meanings influence the tactics used by *matatu* operators to bribe, establishes how the social meanings and the attendant

tactics affects the prevention of bribery and examines how government policies, practices and laws on bribery intersect with *matatu* operator's narratives.

Chapter Three details the research methodology and paradigm that are adopted in the study and also a discussion on the research methods. The study site and location, the ethical consideration, trustworthiness and reliability of data is also discussed. The chapter finally discusses the theories that are guiding this research.

Chapter Four presents the results on the data collected from the field and the discussions on the findings on the social meaning of bribery and its influence on *matatu* operators, the developed coding system based on themes covered and analysis of the information which were thematically categorized as per the research questions.

Chapter Five presents the summary of findings from the data collected based on the research objectives, the conclusion and recommendations. The chapter also highlights the areas for futures studies.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter covers the four objectives of the study which is derived from the research questions and represents the thematic areas of the study. These themes are the social meaning of bribery among *matatu* operators, how social meanings influences the tactics used by *matatu* operators to bribe, how the social meanings and the attendant tactics affects the prevention of bribery and how government policies, practices and laws on bribery intersect with *matatu* operator's narratives. This chapter also presents how these social meanings and attendant tactics affects the prevention of bribery among *matatu* operators, the mechanisms put in place to prevent bribery and its effects also have been highlighted.

2.1 Social Meanings

Social meanings are perceived meanings given to particular actions or behaviour which are then normalized and accepted in the society. Meanings attached to certain actions matter a lot as they can be observed and interpreted differently depending on the situation that the individual is in. Social meanings or constructions can be applied in almost all things the world over because of the belief that people attach in them. This is an attempt to come to terms with the nature of reality (Berger & Luckmann, 1991).

Social constructions have been associated with the post-modernism era in qualitative research as an anti-realist, relativist stance (Hammersley, 1992). The term social meaning and social construction are used interchangeably to mean the same thing (Gergen, 1985, Franklin, 1995). Every individual constructs the world of experience

through cognitive processes which have a social rather than an individual focus (Young & Colin, 2004).

Social constructionism originated through Berger & Luckmann (1991) and according to them, all knowledge is socially constructed including the knowledge of what is real. The term social constructionism refers to a tradition of tracing the origin of knowledge and meaning and the nature of reality within human relationships (Lisa, 2008, p. 816). Social constructionism is applied widely in social research and has made significant contributions to the study of deviances, social problems, social movements, the self, gender, race and other areas (Holstein & Miller, 1993; Hosking, 1999; Harris, 2010; Lock & Strong, 2010).

Berger & Luckmann (1966) and the subtle realism of Hammersley (1992) hold that reality is socially defined but this reality refers to the subjective experience of everyday life and how the world is understood by those who give it meaning. Steedman (2000) reiterates that most of what is known and most of the knowing that is done is concerned with trying to make sense of what it is to be human as opposed to scientific knowledge. Social constructionism therefore places great emphasis on everyday interactions between people and how they use language to construct their reality. When something is said to be socially constructed, the emphasis is on the contingent aspects of our social selves. Therefore, without social construction, these things could not have existed. The society gives meanings or construction of things in their present form and the difference is with a naturally existing object that exists independently of us and which we did not have a hand in shaping.

Graycar & Jancsics, (2016), when individuals exchange gifts social bonds are strengthened and reciprocity is created. If the gift and the reciprocation both come from

private resources it is clearly a gift. If what is reciprocated after a gift is given comes from an organization, or is a government resource rather than from “one’s own pocket” then it is most likely a bribe. This is corruption, and a serious danger to public policy. In the *matatu* industry, money given to the traffic police officers is not a bribe but a gift in exchange for a favour from the officer when the *matatu* has defaults and failed to adhere to the traffic rules and regulations. Therefore, the drivers and conductors construct their own reality by clearing themselves of the faults through bribery/gifts.

2.2 Social Constructions

According to the English Oxford Dictionary, social construct is a concept or perception of something based on the collective views developed and maintained within a society or social group originating within and cultivated by society or a particular social group, as opposed to existing inherently or naturally. According to Miriam Webster dictionary, social construct is an idea that has been created and accepted by the people in a society.

Socially constructed things are many and differ from one group to another, from one community to another and from one society to another. Social constructionism is an attempt in making sense of the social world, social constructionists view knowledge as constructed as opposed to created. This construction show how social constructionists construct things and argues that social constructionism is concerned with the nature of knowledge and how it is created. Society is viewed as existing both as a subjective and an objective reality. Constructionists view knowledge and truth as created not discovered by the mind, how it emerges and how it comes to have the significance for society. They view knowledge as created by the interactions of individuals within society which is central to constructionism (Schwandt, 2003).

Humans create social constructs is by structuring what they see and experience into categories. The examples of socially constructed thing in this study help in illustrating how humans use social constructs and how different some social constructs are from other social constructs. These examples also help illustrate that a social construct can include values and beliefs that humans have about the construct and that humans can alter the construct as they continue to interact. Social construction theory says that humans create constructs in order to make sense of the objective world. One way humans create social constructs is by structuring what they see and experience into categories. The socially constructed things include:

In *The Social Construction of Women Refugees*, certain women come to be refugees as a consequence of social events. The idea was to expose the way in which a particular belief has been shaped by social forces. The belief that there is a particular kind of person” *the woman refugee*” deserving of being singled out for special attention. What is real are made, passed on and change through time. This account shows how the world can be socially constructed by the social practices (Moussa, 1992).

Football game is a socially constructed activity which always exist because of some set of guiding rules. These rules must be observed in order for the football game to have meaning in any given social context. The game of football could be played in any way, but there are rules developed over the years that must be observed for the game to be played, the players to be safe and for the referee to enforce such rules on the playing field. The meaning given to football game is therefore socially constructed.

Gender is a social construction of what is male or female, man or woman. Gender represents ways of talking, describing or perceiving men and women, it is also a socially constructed notion which is generally a distinction between sexes which is biological.

This distinction of gender represents an attempt by society through the process of socialization to construct the identities of masculinity or femininity and their corresponding roles based on the physical appearance and genitalia from childhood. Greco & Julianna (2013) reiterates that during the early stages of development, children play with each other, the girl child will be cooking food in the mud symbolizing women doing their household chores while the boys will be fighting and constructing houses or playing symbolizing that the male child is for security.

The social construction of gender is clear from the moment of birth, the child begins socialization into a male or female. Both the constructions of masculinity and femininity serve as a prominent feature in one's life and act as a substantial influence on how their life is led. Through the use of contemporary examples it is clear that gender is socially constructed through our everyday practices (Greco, 2013).

The social construction of race has become more pronounced in different constructions based on different claims of racial distinctions. Some scientific researchers argue that race does not exist because there is no biogenetic basis for racial classifications, while some tend to contradict this claim by suggesting that the way people classify themselves by race reflects real and clear genetic differences among them however, studies have tended to challenge the idea of race by presenting evidence that the scientific basis for racial distinctions is based on shaky grounds (Spencer, 2014).

Appiah, (1998) in his political morality of race, demonstrates that nothing physical or biological corresponds to the categories of colour or race that play a pervasive role in our social lives. These categories exist because of their social function but this is not based on scientific evidence

The notion of race is created for people to fit into, to raise consciousness in line with conceptual boxes so created and often to generate racial outcomes for instance, notions of racial inequality to produce racial superiority. He observes that the construct “black” has in fact changed over time and space, and he questions whether our conceptions of “blacks” have correspondingly changed with the lived experiences and reality of blacks. This invariably reveals the dynamic nature of social reality (Coates, 2004).

Social Construction of Illness, is a major construction in medical sociology which explains that some illnesses are attached to cultural meaning which is not directly derived from the nature of the condition that shapes how society responds to those afflicted and influences the experience of that illness. All illnesses are socially constructed at the experiential level, based on how individuals come to understand and live with their illness. The medical knowledge about illness and disease is not necessarily given by nature but is constructed and developed by claim makers and interested parties (Conrad & Barker, 2010).

A social constructionist approach to illness is rooted in the widely recognized conceptual distinction between disease which is a biological condition and illness which is a social meaning of the condition. In the medical model, diseases are assumed to be universal and invariant to time or place while in social constructionists’ experiences of illness is shaped by cultural and social systems (Conrad & Barker, 2010).

Illnesses have consequences independent from any biological effects. When a physician diagnoses a human’s condition as illness, he changes the man’s behavior by diagnosis which adds a social state by assigning the meaning of illness to disease. It is in this sense that the physicians create illness and that illness is analytically and empirically distinct from mere disease (Freidson, 1970).

These examples demonstrate how social constructionists construct knowledge and their (constructivist) arguments that social constructionism is concerned with the nature of knowledge and how it is created. Society is viewed as existing both as a subjective and an objective reality. Meaning is shared, thereby constituting a taken-for-granted reality. The purpose of these constructions was to uncover the ways in which individuals and groups participate in the construction of their perceived social reality. It involves looking at the ways social phenomena are developed, institutionalized, known, and made into tradition by humans.

2.3 Social Construction of Corruption

As observed by Granovetter (2004), the categories of “gifts”, “favors” and “loans” are morally neutral. But the exact same, if construed as “bribes” or “payoffs”, have very different meanings. He further states that we need to explore what social principles govern our interpretations of things and the categories that exchanges fall into. He also asserts that Public duty in the society should be performed in an objective and impersonal manner so as to avoid the misuse of a public office for personal gains.

Thus, socially when a public official accepts a bribe in exchange for the performance of some favors, he or she essentially disrupts the level playing field owed to all as citizens’ equality under the law (Granovetter 2004; Rosen, 2010). However, not all societies view bribery as being tantamount to corruption. In his understanding of corruption, he describes the shift in meaning that bribery takes when practiced in different cultural and social contexts particularly as it takes place in Arab societies (Rosen, 2010).

Unlike western democracies that stress individuality and equality, the Arab culture conceives the notion of society as an electrical system in which it is the relationship of pluses and minuses perpetually darting about that hold the system together (Rosen,

2010). Within this cultural setting, social cohesion takes precedence over individualism. According to him most societies view bribery as a process that facilitates mutual interdependence and interpersonal ties or aspects that are crucial to social cohesion. When society as whole exchanges gifts in return for favors, there is a sense of indebtedness that all society owes to one another. Bribery facilitates these webs of obligations which are crucial in the formation of deeper social bonds given the cultural significance of forming and maintaining social ties. On the other hand, Arab societies view public officials beyond their role of official duty (Rosen, 2010). An official remains to be the son of so-and-so or the daughter of so-and-so, despite his official title. Indeed, an official who refuses to perform an act for his family member is seen not as someone who is honoring his public duty but, rather as someone who has deserted his principles of familial ties. In this cultural context, nepotism is viewed as just family solidarity. Thus, the link between bribery and corruption, while being quite clear in liberal democracies, becomes slightly obscure in Arab societies (Rosen, 2010).

In Kenya on the other hand an official remains the ladder of a particular family or tribe. Everyone will be saying that we have so and so in the government go look for his father or mother then book an appointment for you so that you can be employed and surely this does not disappoint as he owes a moral duty to his family. So, when a citizen looks up to a family member for employment, he or she is creating a path in a structure where fair and due process in seeking for employment is non-existent. Since most public officials in non-democratic societies are underpaid, the monetary bribes that they receive may supplement their low salaries. In this view, bribery creates an advantage for both parties as each will benefit and also it opens up the public officials to citizens in knowing and recognizing their interests (Rosen, 2010).

Bribery therefore is defined as an act of giving cash or gift to a person which changes his conduct or behaviour once he has received it. Within this cultural setting, social cohesion takes precedence over individualism. Rather than interpreting bribery as corruption, most societies view bribery as a process that facilitates mutual interdependence and interpersonal ties or aspects that are crucial to social cohesion (Ransley, 2002)..

Corruption is a conduct which deviates from formal obligations imposed upon a person due to the position he holds in the public domain. Such a person in authority deviates from such duties imposed upon him by law due to close family ties, his peers or friends for monetary or status gains by disregarding rules against the activity of specific type of private influence (Nye, 2002). There are various opinions on bribery/corruption as most drivers and conductors have an inclination to the nature of work and say that bribery opens a way for quick trips which translates to more money and less stress by the traffic police on the road (McDonald, 2008). Despite the fact that it is regularly observed as something that exists in public domain, it can likewise exist in the private circles (Thelander, 2005).

Social constructionism or the social construction of corruption is relevant to this study as such knowledge will examine the development of jointly constructed understandings of the world that form the basis for shared assumptions about reality in the *matatu* business. This construction centers on the notions that the *matatu* drivers, conductors and Sacco managers rationalize their experiences in the *matatu* business through language and spoken word. By understanding the different meanings given to bribery, we can deconstruct such meanings if we understand the language used in the *matatu* industry and combat bribery.

2.3.1 Types of Corruption

Corruption takes many forms, and perpetrators are skilled in developing new ways to be corrupt and cover their tracks. Corruption may be defined as the abuse of entrusted power for private gain. In its narrowest sense, corruption is interpreted as referring to bribery only. These typologies therefore are in line with understanding bribery. These types of corruption differ from one nation to another thus providing different perspectives as to the definition and understanding of corruption. The importance of classifying the various types of corruption cannot be overestimated as this is meant to ensure that the loop holes created by legal definitions of bribery are catered for and for better understanding of this study which is social meanings of bribery.

President Uhuru Kenyatta in his State of the Nation Address, said he will act swiftly to end the scourge of corruption. He said;

”Corruption makes our country less attractive as an investment destination. It limits access to much needed services, stifles efficiency and eats away at public values.” (State of the Nation Address, Jamhuri magazine, 2017).

The various types or classifications of corruption by various legal instruments, enacted laws and scholars include:

2.3.1.1 Political Corruption

Keita (2011) defines this type of corruption as corruption in the top political circles in the state that takes place whenever there is a transaction in the public authority which view is also held by Sardan (1999; p. 49) that adds that this type of corruption involves only the policy makers. This type of corruption relates to this study in that the same policy makers fail to legislate intentionally because of corrupt under dealings. Lack of legislation means actions by traffic police officers become lawful.

2.3.1.2 Bureaucratic Corruption

Nilsson (2009) quoting Jain (2001, p.75) described this type of corruption as corruption that occurs when there are many legal requirements or processes to be undertaken before certifying the relevant authority for a particular licence like for instance, the requirements for registration of a PSV in Kenya, NTSA requirements must be met and to skip these requirements, a bribe has to be given. These according to her involves bureaucrats and the political elites.

2.3.1.3 Nepotism

Smits, (2013) quoted Morgan (1998) and defined this type of corruption as the process of employing or offering a job to a person who is a close relative. Such a person is employed because of kinship, ethnicity and familial ties at the expense of a qualified person for the job. Generally, this is a favour extended by a public or civil servant to a close friend or kinsman which is determined by culture. This type of corruption relates to this study because the traffic police officers take bribes under the guise that they have their kin at the top in total disregard to existing laws.

2.3.1.4 Petty Corruption

Nilsson (2009) in her work quoted Riley (1999: p; 191) who argues that petty corruption is obviously not petty to those who go through the experience. According to Nilsson (2009), this is corruption that is said to be negligible and that happens at a lower scale and happens at the execution end of public administrations when public authorities meet the general population. For instance, payoff at the police headquarters for possible recruitment to the service. This is true to the *matatu* conductors in Kisii who feel that the ksh.100 given to the police on the road is small but has a big impact on their daily collection. This type of corruption is also known as bureaucratic corruption

2.3.1.5 Frivolous Corruption

This includes little amount of cash or favors in exchange for a service. The exchanges can include authorizing prerequisite, applying for a national identification, driving licence, filing income tax returns (Lambert-Mogiliansky, 2007:352).

2.3.1.6 Systemic Corruption

Hope (2018) This is a systemic failure of governance wherein the principal institutions responsible for ensuring governance, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. In this study, the traffic police are opportunistic ethical violators and are usually not frowned upon by other police officers or the national police service (the system). They actively engage in major Corruption o the roads without any hindrance due to system failure. Corruption in Kenya and in this study the traffic police can be considered systemic as it has been entrenched or normalized within the government systems where individual police officers in position of power misuse their positions for their own personal gain.

2.3.1.7 Police Corruption

Hope (2018), police corruption is a form of police misconduct which may be defined as any action or omission, a promise of any action or omission, or any attempt of action or omission committed by a police officer or a group of police officers characterized by the police officer's misuse of the official position and motivated in significant part with the achievement of personal, private or organizational gain or advantage. In this study, this type of corruption involves an officer failing to arrest a person after a bribe is given or does not impound a vehicle on the road which lacks the necessary requirement for that vehicle to be on the road.

2.3.1.8 Fraud

Overland (2012), this is a form of corruption which involves soliciting of additional funds, assets or other material advantage by deceit. Accordingly fraud is understood in relation to trickery, swindle and acts involving fraud when there is a matter of manipulation or distortion. This in this study explains the action by the police in inventing the fraudulent charges on any *matatu* driver or conductor who does not bribe.

2.3.1.9 Breach of Trust

EACC 2003, this involves the undertaking of an activity which was not planned but damages public trust. In this study, the traffic police officers are entrusted with the law enforcement on the Kenyan but instead, they accept bribes and ignore the deficiencies on the *matatu*. Hence, fiduciary obligations are imposed on the traffic police as a means of cultivating high levels of trust deemed so important in the performance of their duties but they fail by accepting bribes.

2.3.1.10 The Extortive Typology

This is when the *matatu* drivers, conductors and Sacco managers are compelled to pay off the police to avoid being booked. Kibwana (1996) with this type of corruption, the end result is to maintain a strategic distance from hurt being exacted on his advantages or different things esteemed by him or her. This type of corruption relates to this study as the traffic police officers extort money on the understanding that the *matatu* has deficiencies.

2.3.1.11 The Transactive

This is a type of corruption which he explains as alluding to the shared game plan between the provider and the taker towards an objective that advances the enthusiasm of both sides (Kibwana, 1996:33). This type of corruption is related to this study in that

both the police and the *matatu* drivers, conductors and Sacco managers take a bribe to the base commander in advance so that they can be allowed to be on the road with or without meeting the minimum requirements.

2.4 Social Meaning of Bribery

According to Black's Law Dictionary bribery is defined as the offering, giving, receiving or soliciting of any item of value to influence the actions of an official or other person in charge of a public or legal duty. Andvig (2001: p.8) defines bribery as monetary form of favour that makes things run smoother and swifter.

Section 2(1) (a) of the Anti-corruption and Economic Crimes Act No. 22 of 2011, does not define bribery but defines corruption to include among others, bribery. This according to the act, corruption and bribery are synonymous (The ACECA, 2011:4).

The Bribery Act of Kenya No 47 of 2016 defines bribery and the definition includes the giver and the taker. It states under section 5 (1) that:

A person commits the offence of giving a bribe if the person offers, promises or gives a financial or other advantage to another person, who knows or believes the acceptance of the financial or other advantage would itself constitute the improper performance of a relevant function or activity. This section further provides that it shall not matter whether the person to whom the advantage is offered, promised or given is the same person as the person who is to perform, or has performed, the function or activity concerned.

Section 6 (1) of the same act provides:

that a person commits the offence of receiving a bribe if the person requests, agrees to receive or receives a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly whether by that person receiving the bribe or by another person. The request, agreement or acceptance itself constitutes the improper performance by the recipient of a bribe of a relevant function or activity.

During president Moi's regime, *harambee* contributions were seen as good gestures by business people and those in government but to them, there was hidden agenda,

recognition. The same applied to the contributions towards the mayor's Christmas tree. This too was bribery hidden in a contribution and corruption since the contribution could not be accounted for. Therefore, one must be careful when giving meaning to bribery as the legal definition differs from political, social and cultural norms. Expectations of when a contribution is appropriate differ from one place to another. Political campaign contributions in the form of cash for example, are considered criminal acts of bribery in some countries, while in the United States they are legal.

In economics, the bribe has been described as rent seeking and is viewed as a reason for the higher cost of production of goods and services (Aides & Di Tella 1999). Bribery is the most widespread form of corruption driven by lucrative profits and the giving of some form of benefit to unduly influence some action or decision on the part of the recipient or beneficiary. Bribery provides incentives for over-regulation and over-bureaucratization of procedures (Aides & Di Tella 1999).

Aides & Di Tella (1999), Bribery represents the transfer of a portion of rent to government officials. Bribery is committed when a public servant is offered, promised, or granted an in return for an action already carried out or is to be expected. Bribery can be initiated by the person soliciting the bribe or the person offering the bribe. Thus, rent seeking.

Berger & Luckmann, (1991), Social meanings are perceived meanings given to particular actions or behaviour which are then normalized and accepted in the society. Meanings attached to certain actions matter a lot as they can be observed and interpreted differently depending on the situation that the individual is in. Social meanings or constructions can be applied in almost all things the world over because of the belief that people attach in them.

A social meaning /construction concerns with the meanings, notions, or connotations placed on an object or event by a society, and adopted by the inhabitants of that society with respect to how they view or deal with the object or event. In that respect, a social construct as an idea would be widely accepted as natural by the society, but may or may not represent a reality shared by those outside the society, and would be an invention or artifice of that society. For an act to be seen as a bribe, there will be an understanding that the thing offered, paid or promised to be paid is meant to influence the views, actions and conduct of the receiver who if he accepts must reciprocate the gesture by performing the intended act. It is for this reason that general gifts and tips usually given as a token of appreciation for good services cannot be considered as bribes because of the social meanings attached to the. (Berger & Luckmann (1991).

Adekoya (2011) reiterates that in some other jurisdictions, bribery may be treated with less severity and may be more acceptable as a norm or part of the society. It is for this reason that bribes in such jurisdictions have been given names like ‘grease money’ in order to oil the views of the receiver and make him swing into action. Thus, the saying ‘it takes two to tango’ is an apt description of the problem of bribery. This according to Adekoya (2011) is because there are two sides to it. These are the demand and supply side. The demand side of bribery involves the asking of the bribe by the receiver who can request this bribe for himself or on behalf of someone else. On the other hand, the supply side of bribery deals with the offer, the payment or the promise to pay the bribe by the giver to the receiver. Similar to the demand side, the giver of the bribe in the supply side can also be acting either for himself or on behalf of someone else.

Adekoya (2011), every country has its own distinct culture. Such culture helps determine the level of tolerance that that country has towards corruption. This view can be properly understood particularly with countries in Asia and Africa whose culture greatly

influences the way they live their lives. Adekoya (2011) goes to give examples of Nigeria and in particular the *Yoruba* tribe where people are accustomed to giving thank you gifts after a favour or something has been done for you. On the other hand, in the Hindu culture, teachers are revered and it is common practice for students to give them little gifts as tokens of appreciation for the knowledge imparted to them. The intention here is not to affect the teacher's judgment but to show appreciation. Would such a gift be termed as bribery? (Adekoya, 2011).

Graycar & Jancsics (2016), when individuals exchange gifts social bonds are strengthened and reciprocity is created however, if the gift and the reciprocation both come from private resources it is clearly a gift. This is social meaning of a "gift". Lessig (1995), any society or social context has what is known as social meanings. This is the semiotic content that is attached to various actions, inactions or statuses within a particular context. This is meant to find a way to speak of the frameworks of understanding within which individuals live; a way to describe what they take or understand various actions, inactions or statuses to be and a way to understand how the understandings change.

Social constructionism originated through Berger & Luckmann (1991) as an attempt to come to terms with the nature of reality and has its origins in sociology. One can believe that concepts are constructed rather than discovered yet maintains that they correspond to something real in the world (Berger & Luckmann, 1991; Hammersley, 1992). Reality is socially defined but this reality refers to the subjective experience of everyday life, how the world is understood rather than to the objective reality of the natural world.

Blundo & Oliver de Sardan's (2006) in the *Popular Semiology of Corruption* talks about the symbolic terminologies used to refer to corruption. Onyango (2012) explains the

different social meanings attached to corruption. The symbolic languages as discussed in his study which is used to refer to corruption or bribery in the Luo language such as: ‘*osoe ofuko*’ (i.e. put in the pocket to mean compromised with bribes); *asoya* (i.e. bribes), ‘*ogo dhoge bor*’ (i.e. fed with fats to mean compromised with bribes); ‘*kitu kidogo*’ (something small that means bribes); ‘*gol gimoro matin*’ (bring something small used for bribes); ‘*kel ink*’ (bring something for the pen); ‘*gir soda*’ (bring something for the soda); and ‘*gol chai*’ (i.e. offer some tea). These statements are used interchangeably as social meanings, Popular Semiology of Corruption, euphemism or coded expressions for bribes public officials, service seekers and in this study setting.

Rothstein, & Torsello (2013), the variation in how bribery is understood in different cultures does not relate to different moral understandings of the problem of corruption, but to how different societies value the difference. Social meanings differ from one society to another and from one situation to another. What do "beans for the kids" in Kinshasa, "a glass of wine" in Paris, and "little carps" in Prague have in common? The phrases tell you something about local cuisine but they are also euphemisms for bribes. There are certainly many things and facts about these things that are socially constructed in the sense specified by this core idea. Money, citizenship and newspapers are other things that are socially constructed. None of these things could have existed without society and each of them could have been constructed differently had we so chosen.

Granovetter (2004), says that meanings and norms matter a lot, as we can see by observing that many behaviorally identical actions may be interpreted very differently depending on circumstances. The categories of “gifts”, “favors” and “loans” are morally neutral. But the exact same exchanges, if construed as a “bribe” or “payoffs”, have very different meanings. Therefore, our social principles govern our interpretations of what category a given exchange falls into (Granovetter, 2004).

British Broadcasting Corporation (BBC) (online magazine, 11th July, 2013) on enforcement action by the Foreign Corrupt Practice Act (FCPA) were focusing on how companies hide their illegal actions. Kara Brock Meyer in the online magazine, said that if you use common words or phrases to hide bribes in your books and records, corruption has permeated your organization. The authors in the BBC online magazine detailed how some creative euphemisms for bribes are used across the globe. According FCPA the famous code words used in international corruption circles include Cash for Soup (in Turkish is used to symbolize a cup of tea, In Azeri, the word commonly used for bribe “*hurmat*” is interchangeable with the word for respect, A fish starts to stink at the Head (Turkish) The phrase “a fish starts to stink at the head” comes from Turkey, reminding us that petty bribes at street-level are often matched by greater corruption at the top of organisations, in Hungary, doctors and nurses can expect a “gratuity” from their patients in the form of an envelope containing money, in Poland, gifts in kind turn a faceless bureaucrat into an “acquaintance” who may be able to “arrange things” for you in the future, in China, healthcare workers and government officials also expect a “little token of gratitude” for their services, in Russia, you cannot “put ‘thank you’ into your pocket” and in Kenya *Kitu kidogo* in Swahili meaning Something small are the many euphemisms of corruption and bribery.

These Popular phrases, social meanings euphemism used to refer to corruption and are often metaphorical. Therefore, the conclusion one would possibly arrive at is that in both legal and social perspective, bribery is a mutual benefit at the expense of the authority. This is because no one gets hurt as it is a “victimless” crime. In this study a bribe is seen as something normal that builds bridges towards friendship with the traffic police officers and the *matatu* drivers and conductors for mutual benefit. Furthermore, from a constructivist point of view, any one person’s interpretation or construction is as true as

any other person's interpretation or construction as long as it works within a particular context. This is true to Lessig (1995) who pointed out, that Social meanings change, they are contested, and they differ across communities and individuals. Steedman (2000) noted that most of what is known and most of the knowing that is done is concerned with trying to make sense of what it is to be human, as opposed to scientific knowledge. The social meanings of bribery are discussed in the findings herein after.

2.4.1 Types of Bribes

The types or forms of bribery differ from one transaction to another, from one jurisdiction to another. The Bribery Act of Kenya no 47 of 2016 defines bribery as an advantage and under section 2, to include among other things; money or any gift, loan, fee, reward, commission, valuable security or other property or interest in property of any description, whether movable or immovable, release, discharge, any other service, favour or advantage of any description whatsoever, including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary or penal nature, whether or not already instituted profession.

Overland (2012) in his work on corruption across cultures states that bribery is often understood as corruption which he mentions as a sweetener, pay offs or grease money and he quoted Andvig (2001) in his work who concurs and also states that bribery is a monetary form of favour that makes things to run smoother and swifter and in this thesis bribe can be given to a police officer on the road, the prosecutor in the court corridors or a magistrate in a court of law to avert justice as part of the deal (Andvig, 2001).He further states that the bribe is given to further achieve a fair and favorable treatment or taking of money to compromise the judicial system and setting the accused persons free. The prosecutors on the other hand will present a weak case after receiving their bribe and the judge or magistrate will acquit the accused due to lack of sufficient evidence.

Nilsson (2009) quoting Thelander (2005), identified and classified bribes as follows;

2.4.1.1 Public or Civil Servants Bribery

This is one that happens when one accepts a cash payment to speed up or generally do what he is paid to do by the employer. This can also be considered as corruption based on one taking a pay for “No Service,” commonly called, “Ghost workers,” or “Hanging coats in offices.” The officer demands a bribe for the service and failure to bribe leads to missing documents or files

2.4.1.2 The Transaction Bribes

Nilsson (2009) describes this type of corruption as one that is given to speed up things or make the transactions easier and faster. He gives the example of a custom official that receives a bribe so he can speed up the process of getting a certain thing over the border This type of a bribe is given in Kenya when a *matatu* has failed to comply with the NTSA or traffic rules so as to be allowed to be on the road by the traffic police officers.

2.4.1.3 The Variance Bribes

He describes this as money or reward given to an official to make him to disobey or ignore the rules that exist for instance a custom official receives a bribe to let drugs cross the border (Thelander 2005). This is related to a traffic police officer on the road who allows a *matatu* to operate without the minimum requirements to operate a PSV in Kenya.

2.4.1.4 The Outright Purchases

This type is an act of buying the recipient so that the recipient gains at the expense of his own organization (Thelander 2005). This is similar to the actions of the traffic police officer who ignore the minimum requirements for operating a PSV in kenya.by doing

this, the owners will not meet the requirements by paying the government but bribe. In the process the officer benefits at the expense of the government.

2.4.1.5 Active Bribery

This is when a person offers, promises or gives a bribe for instance bribing a public official in order to win a contract in the briber's favour or obtain an inspection report or to be awarded a license which also includes bribe to circumvent planning or safety controls (TI, 2014).

2.4.1.6 Passive Bribery

This is when a person requests, receives, or accepts a bribe. This takes place most often in certain operating functions like when a security officer in a company accepts a bribe from criminals to allow access for theft or a procurement executive demanding a 'kickback' to award a contract (TI, 2014).

2.5 Reasons that trigger giving of a bribe

Rose-Ackerman (1998) quoted by Alexandra Mills (2011) explaining how low salaries and people factors which go beyond the chances of financial reward are the triggers to bribery. This sentiment was also echoed by a study done by the Organisation for Economic Co-operation and Development (OECD) (2007). Mills (2011) goes on to explain that the triggers to corruption and bribery and in this study by the drivers, conductors and Sacco managers is the perceived need to pay for benefits of being left off the hook by the failure to renew the *matatu* legal requirements like licences or to pay to avoid being impounded by the traffic police officers on the road for any violation (Rose-Ackerman, 1998; OECD, 2007).

OECD (2007) in the study of bribery in procurement gave a range of triggers or motivational factors for bribing or why people engage in corrupt activities. This study's

findings were besides greed, the personal relationships with the suppliers, workplace pressures or dissatisfaction and general personal ambitions as contributing factors (OECD 2007). Mills (2011) reiterates that corruption is caused by bad leaders, weak institutions, society's culture and the distribution of resources.

The *matatu* drivers and conductors on the Kenyan roads do not see anything wrong in bribing a police officer on the road as this is helping them to help you. This also is a gesture that the *matatu* may have one or more defects so, when you allow a police to inspect your car on the road, you are exposing your vehicle to more scrutiny which may expose defects which may lead to time wasting, being booked or impounded and owing to the fact that in the *matatu* industry time is of essence, you may waste valued time which will translate to less income by the end of the working day. The only remedy is bribe and get away. Mills (2011) in his study looks at the factors that encouraged, caused or allowed corrupt conduct by an Individual as development of inappropriate relationships with clients and failure to follow existing policies, procedures or systems.

Nilsson (2009) explains from the social standing that it is the circumstances that push people to pay bribes. One does not do it out of will because he wants to do good things but, because he has a family to support. If he tries not to pay a bribe, he will be put in jail and then he cannot support his family. To be able to get out from jail, he has to pay a bail which is more expensive than paying a bribe. He explains that people are not proud of what they are doing but this is what life has pushed them into. This shows that they have really made their position known on the road as earlier mentioned 'a Darwinian tool' you don't work hard on the road and demand for bribes, you get nothing by the end of the day so, it is survival for the fittest. The drivers and conductor too do the same. If you are slow in your reaction to pay a bribe and proceed onward rather than settling it off to the court, you waste a lot of precious time arguing with the police when you can give a one

hundred shilling and carry excess passenger and recover what you have given and also meet the target fixed by the owners of the *matatu*.

Anassi (2004) said if one does not give, another one will give. "Everybody gives" Some conductors cited an expression "*tenda wema nenda zako*" which means do the right thing and go your way. Confrontations by the traffic police will lead to more scrutiny which may disclose defects on the *matatu* and this can be disastrous. Thus, do your part and let the officer do his part by ignoring the defect on your *matatu*.

Cheche (2017) established in her study the reasons why some of the respondents who had broken traffic rules offered bribes to traffic officers. From her study findings majority of the respondents (42%) indicated that getting to courts is tedious and expensive (23.5%) indicated that the officers issued threats when they chose not to give them bribes, (19.6%) explained that going to court means not working the whole day and they needed the money. These findings therefore show that the majority considered going to court is tedious and expensive in terms of court fines and time taken to clear the case therefore resorted to bribing the traffic police officers. The operators have formulated their own ways of surviving on the road by doing what the Sacco managers and or owners of the *matatus* do not allow (bribery).

The National Ethics and Corruption Survey Report (2017) was a survey done by EACC to get information that will inform the anticorruption strategy and policy in the country. It is believed that if you don't give the bribe someone else will and that agitates the police officer as they are perceived to be working on a targeted collection to be shared with their seniors. This Survey Report shows that nearly half of those who paid bribes complied with the legal requirements but since it is the only way they could access

services, hasten up service, avoid problems with the authorities and because it is a norm has made the bribe payment prevalent. This perception is explained in figure 2.1

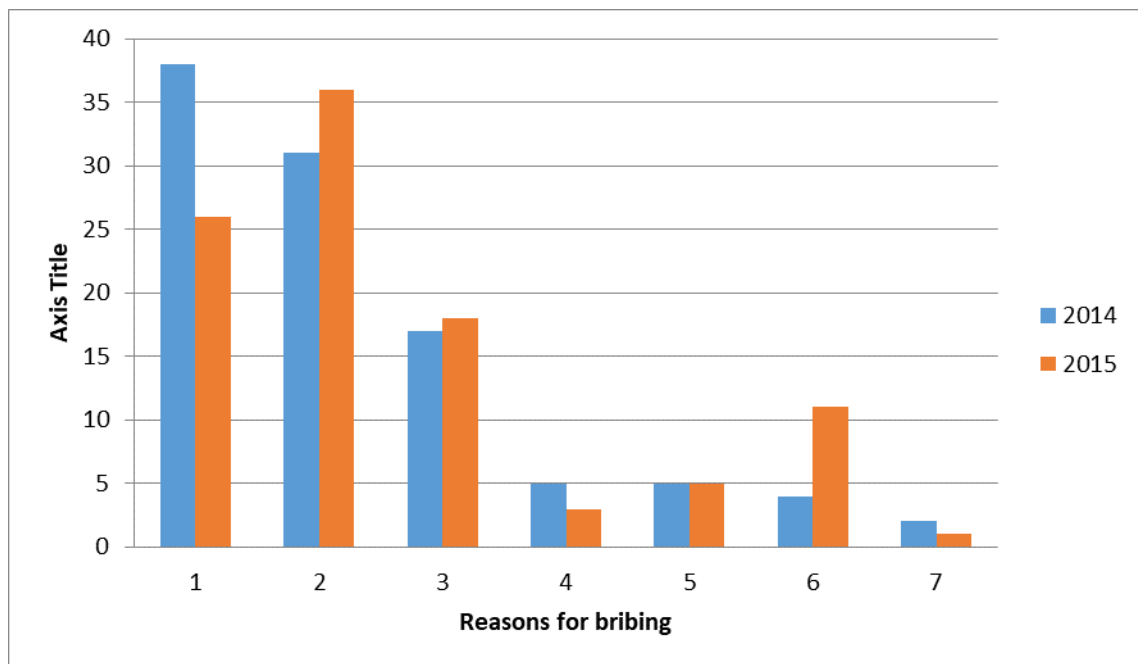


Figure 2.1: Reasons for bribing

Source: The National Ethics and Corruption Survey Report 2017

The key herein below provides an explanation the figure 2.1 herein above

KEY

1. Is the only way to access the service
2. To hasten up the service
3. To avoid problems with the authorities
4. To access service not legally deserved
5. To avoid paying full cost of the service
6. It was expected.
7. Other reasons

The majority of the respondents in figure 2.1 stated that the reasons why they bribe is that is the only way to access the service and or hasten up the service others responded that this is the only way one can avoid problems with the authorities

2.6 Causes of Bribery

Corruption has serious impacts on economic and societal development and has permeated the entire society and the economy. It is a complex social phenomenon and the motivations to engage in corrupt behavior are multifaceted and is the result of interactions at the micro and macro level (Bicchieri and Ganegonda, 2016; Dimant and Schulte, 2016).

Tanzi (1998) in an analysis of the causes of corruption using a cross-country dataset, faced causality problem. Since corruption is not easily measured, indices on corruption are usually based on surveys which capture the perceived level of corruption in a country, such as Transparency International's Corruption Perception Index (CPI). But this perception index differs between countries. This is due to cultural differences as well as historical differences between countries. The size of the population seems to have an impact on corruption.

Mocan (2008) finds a positive relationship with an increase in the population and corruption incidences. Root (1999), finds a positive relation in his hypothesis that economies of scale are the source of corruption: In larger countries, politicians have more resources they can extract in order to pay for measures that keep them in power.

Knack & Azfar (2003) pointed out, that it is just as likely, that small countries have fewer means to employ capable and honest officials and thus suffer more from corruption. The authors claim that governmental corruption is less severe in countries where trade intensity is higher or populations are smaller. These theories are however highly ambiguous on these questions and demonstrate that empirical links between corruption and trade intensity or country size. Most available corruption indicators

provide ratings only for those countries in which multinational investors have the greatest interest.

Pellegrini and Gerlagh (2004) argues that Corruption imposes distortionary effects on a country's economic growth through its detrimental effects on the private sector, the quality of institutions, and the policy makers. Corruption decreased growth levels and that there is a direct and indirect effect of corruption on economic growth. Their findings suggest that corruption slows down growth through its effect on investments and trade policies.

A study that used data from the World Bank during the period 1970–2000 found evidence to support the assertion that growth reduces corruption in the presence of strong institutions, but has no effect when there are weak institutions (Aidt, 2003). According to Sturges (2010), the causes of corruption are not cast on a stone tablet as they are numerous and intricately interconnected. Sturges (2010) contends that the causes of corruption are rooted in a country's socio-cultural history, as well as political and economic development. While the causes of corruption are general, there are also country-specific causes, which are unique to countries (Khan, Ahmed & Mehmood, 2012).

Mbate (2016) identifies three pre-conditions for corruption to occur. These include discretionary power where bureaucrats exercise bestowed authority to design and administer regulations, the existence of economic rents which are prone to capture by special interest groups and accountability mechanisms whose capacity to detect and impose sanctions is weak (Becker, 1968; Jain, 2001). While discretionary power and economic rents create incentives for corruption to thrive, the quality of the accountability system influences the cost of corruption. The interaction of these factors determines the

payoffs for bureaucrats to engage in bribery. Following the influential works of Rose-Ackerman (1975, 1978) and Klitgaard (1988), variation in corruption can be explained by the degree of discretionary power in the allocation and regulation of public services. Derived from a principal-agent model, it is assumed that there exist a 'goal conflict' between principals (citizens) who are guided by public interest and agents (bureaucrats and politicians) who are motivated by self-interest. The principal-agent model hypothesizes that due to information asymmetry, agents may not fully disclose information to the principals, generating incentives to be corrupt. As discussed by Persson (2013). In this study, the police are the agents and the *matatu* drivers, conductors and Sacco managers are the principals while traffic police officers are the agents with discretionary power and economic rents creating incentives for corruption to thrive by giving bribery.

According to Uneke (2010), corruption in sub-Saharan Africa is attributable to profound institutional weaknesses. In Africa, and much of the developing world, the causes of corruption are land awards, bloated public sector, the private sector cooperatives, drug money and the informal sector of the national economy.

Akqay (2006) explains that there exist direct and indirect factors which causes corruption. The direct factors, which cause corruption, include such elements as regulations and policies, decision making among others. The indirect causes of corruption according to Akqay (2006) are such factors as the penalty systems, transparency or rules and accountability, institutional controls and process that promote corruption. This is true with the traffic police officer as they have discretion to arrest or not to.

According to Mbaku (2007), the institutional erosion and the lack of adherence to the rule of law are causal factors for corruption in Africa. Mbaku (2007) explains that other factors which have been identified as causing corruption in Africa include poverty, low salaries and wages as well as high risks of all kinds such as illness, unemployment, accidents and the lack of insurance. The existence of opportunities of people to engage in corruption is in itself a cause of corruption and weak legislative and judicial systems (Uneke, 2010).

Bribe payment according to the research done by transparency international (TI, 2014) was attributed largely to the need to expedite service delivery in the East African countries like in Tanzania (38%), Burundi (44%) and Rwanda (32%), Kenya (31%) and Uganda (46%) Kenya and Uganda having the highest proportion of respondents saying they paid a bribe since it was the only way to access the services they were seeking (TI, 2014).

Adekoya (2009) while examining the effect of bribery in the success of international business transactions, talks about how distinct cultures in different countries help in determining the levels of tolerance that countries have towards corruption. In his view, bribery can be properly understood particularly with countries in Asia and Africa whose culture greatly influences the way they live their lives. He gives an example of the Yoruba tribe in Nigeria where people are accustomed to giving thank you gifts after a favour or something has been done to a person. This act of appreciation to him is not bribery but appreciation.

Adekoya (2009), looks at poverty as a motivating or contributing factor to the incidence of bribery because of economic inequalities and this can spur other people to do what is necessary to be able to gain a foothold with the authorities so as to create some form of

level playing ground or obtain their own needed advantage. This fact is similar to the Kenyan context where the owner of an old *matatu* will bribe so as to hasten the process of obtaining the necessary documents, to avoid paying the full cost besides following the right but long procedure of obtaining the documentation or avoid being on the wrong side of the law enforcers so, he will resort to bribing to cover up what documentation is missing.

In Kenya, the bureaucratic culture encourage corruption and or acts of bribery because people and businesses will rather pay the bribe than lose out due to such bottlenecks, particularly if there is a lot of money at stake. Since culture is created over time payments which are made to fast track documents or avoid bureaucratic bottlenecks will be assimilated as part of the culture of transacting business with government departments. Since culture is dynamic, the realities on the ground in a particular country also contribute to its level of tolerance for corruption. The realities on the ground can be viewed as Income and Social Inequalities, Economic Inequalities or Political Inequalities (Adekoya, 2009). These assertions are to the effects that the social meaning attached to bribery in order to conceal or normalize the action or inaction and as such contribute to bribery and this is enough reason as to why the *matatu* drivers, conductors and Sacco managers bribe the traffic police officer.

2.7 Reason for Under Reporting of Bribery Cases

Corruption is not just endemic but an integral part of the social fabric of life. For those at the bottom end of society, like lowly civil servants, the sale of the limited amount of power they possess is virtually their only means of survival. Higher up, extortion is one of the major avenues of enrichment; it facilitates social advancement and the upholding of one's position. It enables the political elites to fulfill their duties, to meet the expectations of their clients and hence, to enhance their status (Uneke, 2010).

Uneke (2010) goes on to explain that corruption provides public officials with opportunities to generate extralegal income. Selling access to controlled sectors of the economy, extending favors to entrepreneurs or direct appropriation of public resources by public officials for their own private use, and thus, undermines the public interest. Evidently, both private citizens and business enterprises seeking access to government services contribute significantly to corruption, since without the offer of tantalizing bribes, most political and bureaucratic corruption would be limited to illegal taxation, favoritism, and appropriation of public benefits by public servants. Through this, those involved or to be implicated in corruption end up not reporting. Hence, the most important source of extra-legal earnings by public officials accrues from illegal payments made by business owners seeking favourable treatments for their enterprises (Mbaku 1992; 1998, Uneke 2010). The social meanings or constructions in these studies show the reasons for bribing and or what triggers bribery among the *matatu* operators.

In South Africa, the Ethics SA is concerned about the fact that the majority of the South Africans paid a bribe to get out of the consequences of traffic offences and there was an increase of 2% from the previous years. The most common reason for paying a bribe was to get a driver's licence. This means that traffic-related bribes accounted for 51% of all bribes in South Africa. Those who paid the bribe who are about 43%, felt that they had no choice, while 36% said it was convenient, and 8% felt that bribery was not a big deal. Ethics SA indicated that this trend is worrying especially in a country with high levels of road accident deaths and crime. The report established that majority of the people interviewed felt that it was not a big deal, others said who cares anyway. (Corruption Watch an accredited Chapter of Transparency International South Africa (TI, 2016).

TI (Stats SA) (2014) interviewed South African residents on the perceived levels of corruption and on the reasons people are engaging in corruption. The main reasons why

they were paying bribes. The report showed that the reasons for not reporting corruption, the reasons why individual crimes were not being reported varied according to different types of crime, however the most cited reasons for not reporting individual crime to the police were that “police could do nothing” or “police wouldn’t do anything about it” and therefore it is pointless for them to report corruption because nobody will care. Budhram & Geldenhuys (2017), asserts that because of the under reporting of corruption incidences, it is difficult to gauge the incidence and quantify the monetary impact of commercial crime on society and the South African economy.

PWC (2016) in its report found that gross underreporting by victims of economic crime is the norm in South Africa. For the period 2014 to 2015, 66% of respondents surveyed indicated that they address incidents of economic crime internally, using in-house resources, rather than reporting it to the authorities. The Victims of Crime surveys 2014/15 and 2015/16 show that, respectively, 26.8% and 35.0% of consumer fraud incidents were reported to the South African Police Service. This suggests that about two-thirds of consumer fraud are not reported to the SAPS. The two main reasons for the low reporting rate are that victims have reported the crime to other authorities, and the perception or belief that the police could not or would not do anything about it. Bruce argues that crime is widely under-reported in South Africa and that official crime statistics issued by the SAPS do not accurately reflect the real crime situation. Crimes that require a police reference number for insurance purposes (e.g. housebreaking, robbery, vehicle theft and theft out of vehicle) are more likely to be reported. The above findings confirm that the incidence of commercial crime is in reality much higher than what is officially reported (Budhram, and Geldenhuys, 2017).

In East Africa, Transparency international (TI, 2011) reported the prevalence of bribery in Burundi for a person to access a range of public and private services, from customs authorities and courts to health and education ministries, was highest in Burundi with respondents saying they were asked to pay bribes on more than 1 in 3 occasions when they accessed these services. These revealing findings comes from the number of people reporting cases of bribery to authorities. Only 16 % of respondents from Rwanda said they filed complaints, 19% in Uganda and 3.2% in Burundi. The reasons given for not reporting bribery were a lack of faith in the authorities for their lack of action in the reported cases and some respondents feared intimidation from the same officers if seen reporting. Other reasons included not knowing where to report the incident, that the request to pay a bribe was not explicit or that the person didn't see a need to report the case (TI, 2011).

The majority of the citizens in East Africa depend on the public sector to provide basic services and per capita income in such areas is the lowest in the world, citizens can ill afford the additional tax that bribes represent. There is much to be done by governments, service providers and anti-corruption authorities to ensure that people see reporting corruption as worthwhile and that it will contribute to reducing the impact of corruption on their daily lives (TI, 2011).

A research conducted by TI (2014) on the bribery incidents in Kenya, about 90% of the respondents confirmed having encountered bribery incidents. Out of the 90% of those interviewed, only 27% of them said they did not report to any authority or person as they did not know where to report. In the neighbouring Tanzania, the highest proportion of respondents (28%) felt that no action would be taken to resolve their complaint. In Burundi and Uganda, 18% and 33% respectively, did not report because they were

beneficiaries of the bribery deal and in Rwanda, 29% feared self-incrimination (TI, 2014). To this study the *matatu* drivers, conductors and Sacco managers could not report incidences of bribery as the same traffic police officers are the law enforcers and the people taking a bribe. Bribery has economic, social and political effect. So, in effect a *matatu* driver, conductor or Sacco manager's likelihood to pay a bribe in exchange for freedom on the road takes center stage in the business as no one wants to be deprived of the opportunity to make more money.

In Kenya, there are various reasons why people do not report crime in Kenya and more so on corruption or bribery. One is lack of trust in the police and the belief that even if cases are reported, they will do nothing as the culprits are their fellow police officers. Bribery claims against the police have also been documented by other studies including the national corruption perception report by Ethics and Anti-Corruption Commission (EACC), Global Corruption Barometer, (2013) and the Afro-barometer, but bribery continues to affect service delivery as 93 per cent saying they did not report incidences of bribe as most believed that no action would be taken (TI, 2014).

The perception that Kenyan police officers are corrupt is nearly universal, as reflected in Transparency International surveys (TI, 2015) most people do not consider it worthwhile to report crimes to the police. Furthermore, police officers have directly or indirectly been involved in crime. In the 2016 Economic Survey, uniformed officers were involved in 24,647 or 34 per cent of the cases of crimes reported to the police in 2015. Even if a crime is reported and a suspect apprehended, the justice system is also considered to be corrupt and, thus, ineffectual. Institutionalised corruption has thus undermined trust in the police and the courts, pushing people to seek other avenues for justice and security. Others may fear reprisals, especially if they are not sure that the police will apprehend the offenders. In Nairobi's poor neighbourhoods, gangs have taken over the provision of

security, charging residents a fee. Slum residents prefer these gangs because they solve cases faster than the police (TI, 2015).

Adekoya (2011) explains that bribery is more or less illegal and immoral agreement between the recipient and the giver. He further defines bribery as an act that influences the actions or conduct of the recipient in order to gain special treatment. He goes on to explain that in most jurisdictions and in particular in the USA, the FCPA, in Britain the BBA and in Kenya the bribery Act (2016), bribery is seen as a crime, which is punishable by a term of imprisonment, a fine or both. The giver and receiver are both liable to the offence (Adekoya, 2011). It is because of these consequences that bribery cannot be reported.

Sanja (2003) stated that obtaining information about corruption or gaining access to study corruption will be burdened with serious obstacles imposed by a variety of key players like the police officers and supervisors as they will keep the 'lid' on the existing corrupt activities within the agency. The reports about corruption generally, if at all noticed by the public, may lead towards a scandal. Thus, police chiefs and police administrators have strong reasons for their reluctance to talk about police corruption: it may be more rational for the chief and the administration to sweep corruption under the rug rather than confront it publicly, deny its existence for as long as possible, and, once corruption is discovered, downplay its extent and importance as much as possible and swiftly punish a few officers publicly accused of engaging in corrupt acts. For this reason, therefore, corruption is not openly discussed. This is related to the study objective, how the social meanings influence bribery tactics.

Bribery Act of Kenya No 47 of 2016, Section 14(1) provides that every state officer, public officer or any other person holding a position of authority in a public or private

entity shall report to the Commission within a period of twenty-four hours any knowledge or suspicion of instances of bribery. Subsection (2) provides that a State officer, a public officer or any other person who, despite being aware of or suspicious of the commission of an offence under this Act, fails to report the act to the Commission within the specified period commits an offence.

Adekoya (2011) stated in his work that *'it takes two to tango'* and therefore one party cannot be apprehended without the other. For this reason, no one wants to report and even seen to have ignored the act of bribery. Figure 2.2 summarizes the reasons for not reporting bribery incidences.

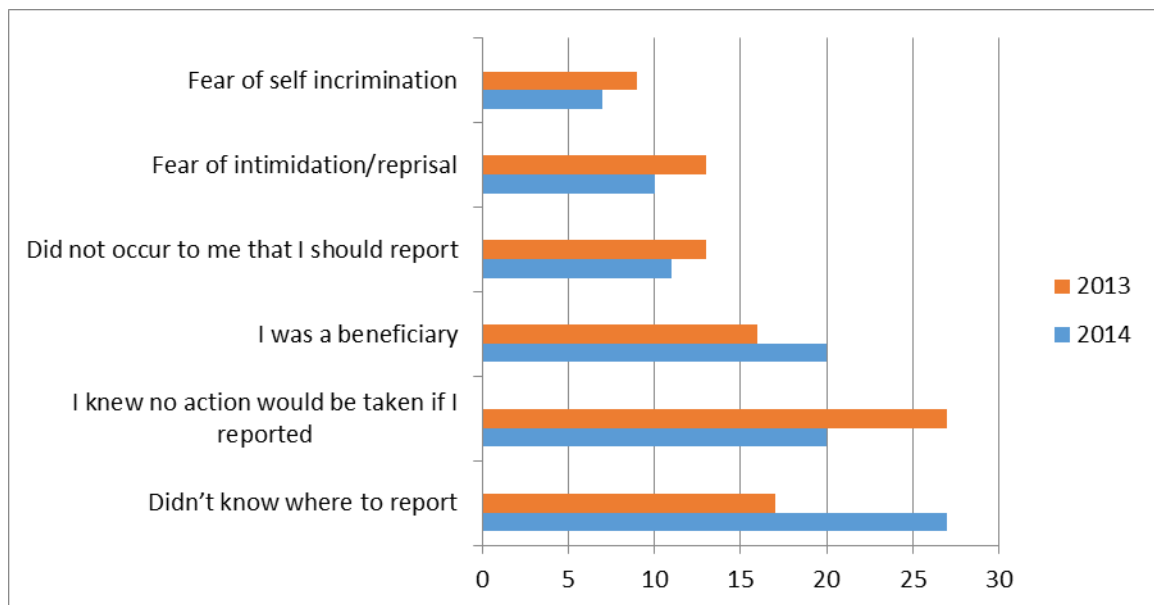


Figure 2.2: Reasons for Under Reporting Bribery

Source: www.ti.org, 2015.

Respondents in figure 2 above stated various reasons for under reporting of bribery cases. The most mentioned reason was that no action would be taken if reported and some respondents did not know where to report such incidences.

2.8 Form /Nature of Bribery

Adekoya (2011) Defines Bribery as an offer, a payment or a promise to pay money or goods, favour, an advantage, privilege, property or an object of value to a person in order

to influence his views, actions or conduct. From this definition Bribery is paid in order to receive preferential treatment for something that the bribe receiver is required to do by law. Therefore, the nature of bribery is cash payment general gifts and tips according to Adekoya.

East African Bribery Index (E.A.B.I) (2015) an annual index was conducted across five regional countries to measure the nature, incidences and reasons for bribery as experienced by the respondents while seeking services both in the public and private sectors. The partners involved in the survey were the Transparency International national chapters in Kenya, Rwanda, Burundi and Uganda and the Concern for Development Initiatives in Africa in Tanzania. The 2015 survey was conducted among 12,924 respondents across the five countries and the survey aimed at establishing institutions where respondents sought services, if they encountered bribery situations and how they paid the bribe. The survey established that individuals were required to pay cash e to access services at the national level.

Bribery in Kenya is always in form of cash. It is a risky business which the giver and the taker want to finalize as quickly as possible. When the Independent Police Oversight Authority (IPOA) conducted police vetting process, the evidence of money exchanging hands was revealed through a series of Mpesa payments made to the police officers. Scrutiny done through the officers Mpesa statements and especially the police officers of a lower rank working in the traffic department who were found to have transferred fixed amounts of money to some of their senior officer also explain the nature of bribery. This was an indication that they had been given targets to accomplish by their seniors. He said in a speech that he has discovered that survival in Kenya's police force and especially the traffic department is 'Darwinian 'only the fittest make it and they do so by adapting. Through this revelation a bribe can be in cash money, property, a guarantee of later

payment or through the mobile money transfer service which can be Mpesa, airtel money or otherwise.

Bribery in the *matatu* industry is a type of police deviant behavior in which officers enforcing law look for self-gratification and enrichment by the misuse of office, for instance by failing to enforce the law on the non-compliant *matatus*. They solicit for bribes in return for not apprehending them or ignoring the defects on the *matatus* (Wedel, 2001).

Okebiro (2016) identifies the nature and the ways corruption is done between the corrupted and corruptor. He mentions that bribery and or corruption is done silently- where people do not talk but do corruption through symbolic interaction like dropping money for the traffic police at the road block to pick when the vehicle takes off. This signifies that bribery is in cash. He further explains that most conductors and drivers always give it in cash because they handle cash in their daily activities and can easily part with it. Cash is the most preferable form of payment as some conductors said “*Ni biashara ya kumalizana*” meaning it is deal to be concluded and no turning back. You either get arrested or you pay in cash and in such a business where everyone wants to play safe, you pay and you are left off the hook.

2.9 Costs and Consequences of Bribery / Corruption in Kenya

Hope (2017), bribery of public officials is estimated to impose a direct financial cost. Police corruption has emerged as a serious security challenge in Kenya. Where police corruption is persistent, it represents a systemic failure of governance in which the principal institutions responsible for ensuring police governance, integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. The Traffic Police is required to enforce traffic rules,

examine PSV drivers and issue certificate of good conduct to *Matatu* crew. However, traffic rules continue to be violated right under the nose of the traffic police due to bribery and or corruption.

Transparency International (TI, Kenya) (2015), the failure of the police to enforce traffic rules is due to massive corruption, ill equipment and the impracticality of some of the rules. This implies that bribery may be raising the cost of living by up to 15% and the cost of doing business by up to 1.4% of turnover due to corruption and bribery.

Odero & Khayesi (2003) observe that Kenya, with an average of 7 deaths from the 35 crashes that occur each day, has one of the highest road fatality rates in relation to vehicle ownership in the world. The Road traffic crashes are the third leading cause of death after malaria and HIV/AIDS and present major public health problem in terms of morbidity, disability and associated health care costs. Despite this huge burden, road safety measures in place are ineffective, characterized by crack downs on motor vehicles following a tragic road crash”. These accidents have been occasioned by the government’s neglect of the road sub-sector.

The importance of a profound understanding of corruption becomes even more clear when looking at the costs: By estimation of the World bank, the annual amount of bribes paid is about one trillion US-Dollars, and although not precisely measurable, estimates show the total costs of corruption add up to 2.6 trillion US-Dollars, an amount equal to up to four percent of the global GDP (OECD, 2014 b) or the whole GDP of France.

The consequences of bribery/corruption are broad, ranging from reduced economic growth to a distortion of public expenses, and are an important obstacle in a country’s development. That in mind, it’s clear that the fight against corruption is not only

morally motivated but it is crucial to cut these immense losses, which are carried by the society as a whole. Needless to say, that one of the 17 Sustainability Development Goals of the UN is fighting corruption. Besides the negative effects on the economy, the negative impact of corruption on intrinsic honesty has been shown in a recent, global experiment (Gächter & Schulz, 2016). The success in the fight against corruption does not only increase wealth but also honesty and morality. Since corrupt behavior is usually hidden from the public, it is very hard if not impossible to measure absolute levels. Scholars therefore usually base their analyses on survey data, which captures the perception of corruption. One of the most important indices is the Corruption Perception Index (CPI) published by Transparency International every year. Business people and country experts are interviewed on the perceived corruption in the public sector. This data is aggregated and standardized in order to rank countries on a scale from 0 to 100, with 100 representing the lowest possible corruption level (TI, 2016).

The costs and consequences of bribery and corruption is that it adds to the cost of doing business, compromising quality by risking innocent lives through road accidents and a further cost relates to leadership. When high profile leaders are involved in bribery and corruption, their impact as role models is very damaging. The message is not only that unethical and illegal behaviour is acceptable, but also that the pursuit of personal gain takes precedence over service delivery. This risk creating an unethical culture among citizens. At a national level, it taints the country's reputation which already is tainted through the global ranking by transparency international (TI, 2015). Corruption has a negative impact to the economy of a nation whether small or big, it undermines economic development by advancing, narrow and selfish economic policies that contribute to incompetence in delivery of services to people (Anassi, 2003).

2.10 Kenya Corruption / Bribery Index

Kenya has maintained a poor score in the global Corruption Perception Index released by the Transparency International (CPI, 2015). Kenya scored 26 on a scale of zero to 100 with zero perceived to be highly corrupt, and 100 very clean. Kenya is ranked at position 148 out of 178 countries and territories included in the 21st edition of the CPI (TI, 2017). This position and score is below the global average of 43 and Sub Saharan Africa's mean of 33. Kenya had a score of 27 in 2012, 2013 and 26 in 2016, demonstrating that efforts to fight corruption has not yielded any fruits. The CPI measures the perceived levels of public sector corruption in countries and territories worldwide based on expert opinion (TI, 2017). The rankings are as shown in 2.1;

Table 2.1: Corruption Perceptions Index 2016 rankings in the world

Rank	Country	2016 Score.	2015 Score.	2014 Score.	2013 Score.	2012 Score.	Region
1	Denmark	90	91	92	91	90	Europe
2	New Zealand	90	88	91	91	90	Asia Pacific
3	Finland	89	90	89	89	90	Europe
4	Sweden	88	89	87	89	88	Europe
5	Switzerland	86	86	86	85	86	Europe
6	Norway	85	87	86	86	85	Europe
7	Singapore	84	85	84	86	87	Maritime SE Asia
8	Netherlands	83	87	83	83	84	Europe
9	Canada	82	83	81	81	84	Americas
10	Germany	81	81	79	78	79	Europe
11	Luxembourg	81	81	82	80	80	Europe
12	United Kingdom	81	81	78	76	74	Europe
144	Mozambique	27	31	31	30	31	Sub Saharan Africa
145	Bangladesh	26	25	25	27	26	South Asia
146	Cameroon	26	27	27	25	26	Sub Saharan Africa
147	Gambia	26	28	29	28	34	Sub Saharan Africa
148	Kenya	26	25	25	27	27	Sub Saharan Africa
149	Madagascar	26	28	28	28	32	Sub Saharan Africa
150	Nicaragua	26	27	28	28	29	Central America
151	Tajikistan	25	26	23	22	22	Central Asia
152	Uganda	25	25	26	26	29	Sub Saharan Africa
153	Comoros	24	26	26	28	28	Sub Saharan Africa
171	Sudan	14	12	11	11	13	North Africa
172	Yemen	14	18	19	18	23	Middle East
173	Syria	13	18	20	17	26	Middle East
174	Korea (North)	12	8	8	8	8	Asia Pacific
175	South Sudan	11	15	15	14	N/A	Sub Saharan Africa
176	Somalia	10	8	8	8	8	Sub Saharan Africa

In the global picture though, more countries improved their scores in the CPI (2017). Overall, two-thirds of the 176 countries in the 2017 index scored below 50. Denmark is ranked first for the 2nd year running with a score of 90, with North Korea, Southern Sudan and Somalia placed at the bottom of the pile, scoring just 12, 11 and 10 points respectively (TI 2017).

In the regional outlook, Sub Saharan Africa has 40 out of 46 countries from the region scoring below 50, demonstrating a serious corruption problem. Only Botswana with a score of 60 and ranked top in the region. Among the East Africa Community (EAC)

countries, Rwanda is at the top with a score of 54 and in position 50 globally with its score increasing by five points from 49 in 2015. Tanzania follows with a score of 30 at position 116, dropping two points from 2015. Kenya is position 148 globally, with Uganda shedding one point from 26 in 2014. Burundi is at the bottom of the pack, gaining one point to record a score of 21 at number 159 ((TI, 2017).

The Corruption Perception Index (CPI) for Kenya shows undesirable results, indicating that the issue of corruption should be taken seriously. The results show that the CPI for the year 2012-2017 has been at 21 and 22 not gaining more points. This is a stagnation. The concern for corruption is apparent for both developing and under developing countries. This statement is made based on the observations of the trends of corruption scores illustrated by the Corruption Perception Index (CPI) and the Kenya CPI by TI 2017 shown in figure 2.2.

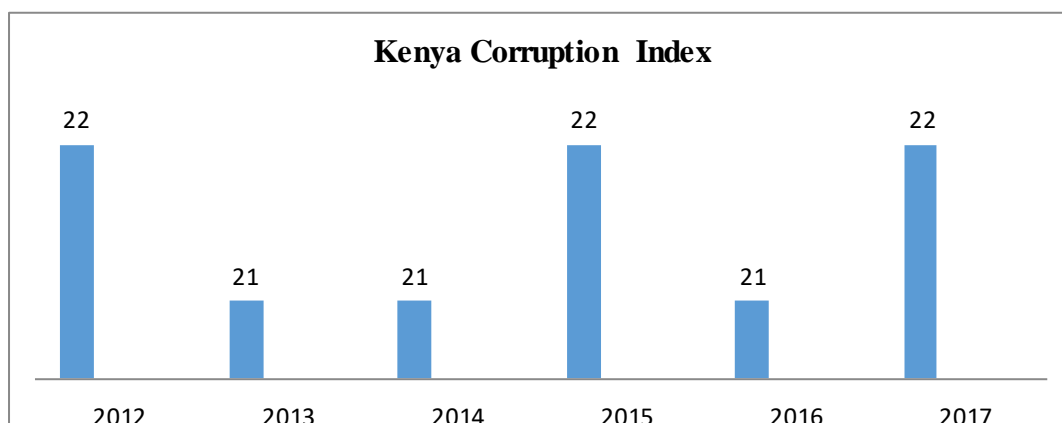


Figure 2.2. Kenya Corruption perception Index.

Source: www.ti.org, www.globalpolicy.igc.org

From Figure 3 above it clear that the perception of the Kenyans on corruption in Kenya is not improving and that one has to pay bribes to obtain services from government offices. Corruption is a barrier in doing *matatu* business in Kenya. This table also presents the findings as compared to those in the previous three KBI's and it emerges that there is little change with a total perception of this nature (TI, 2017).

2.11 Report on Most Corrupt counties and departments in Kenya

The EACC conducted a survey in 46 counties except Mandera, and involved 5,260 face-to-face interviews in 2015 to find out the most corrupt ministries, most corrupt departments and the most corrupt counties. The report comes amid blame being mounted on the commission for doing little to try and fight corruption in the country. Table 2.3 shows the results of the survey by the National Ethics and Corruption Survey 2015:

Table 2.3: Most Corrupt Counties

County	Percentage
Garissa	(89.99%)
Kisii	(78.99%),
Nyamira	(75.23%)
Marsabit	(71.01%).

Source: TI, 2015, www.globalpolicy.igc.org

The report in Table 2.3 indicates the overall and the average number of times a bribe is demanded in the respective County and that it is has increased to 1.66 times from 1.56 in the 2015 Survey though lower than the average of 1.93 in 2012. According to the report, nine out of 10 respondents in Garissa County observed some form of corruption being practiced by public officers. The report says that “a culture change is a must if the fight against corruption is to succeed (EACC, 2015).

Similar survey was done by EACC (2015) with the aim of establishing which of the institutions or department that respondents sought services in the preceding 12 months they encountered corruption/bribery situations. The survey results were analysed along the following study indicators: likelihood, prevalence, impact of bribery, share of national bribe and average size of bribe. The results are shown in Table 2.4.

Table 2.4: Most Corrupt departments/ Ministries

Ministry	Percentage
Interior	47.5
Health	17.9
Lands	13.8
Education	9.9
Transport and Infrastructure	6.1

Source: TI, 2015, www.globalpolicy.igc.org

Respondents in this report by EACC (2015) indicated that one is most likely to experience corruption and unethical conduct in the Ministry of Interior and Coordination of National Government (47.5 per cent) followed by the Ministry of Health (17.9 per cent), Ministry of Lands (13.8 per cent) respectively (EACC, 2015).

The National Ethics and Corruption Survey Report (2017) showed that nearly half of those who paid bribes complied with the legal requirements as per the services sought from the departments. The results of the survey is as shown in Figure 2.5.

Table 2.5: Most Corrupt Departments by EACC, 2017.

Ministry	Percentage
Kenya Police (Traffic Police)	31.9
Chiefs offices	6.2
Judiciary	4.8
Public hospitals	4.1

Source; National Ethics and Corruption Survey Report

Similar survey was done by Transparency international Kenya chapter (TI, 2018) and The Ethics and Anti-Corruption Commission (EACC) released a report titled The National Ethics Corruption Survey in 2018 that presented the findings of comprehensive research conducted from November 16 to December 19, 2018. According to the report, the number of people paying bribes to the government in exchange for services had increased by 35% from 2015 and now stands at 73.1%. The surge of bribers corresponds

with Kenyans who seek government services which have increased by 12 % to 75.3%. The National Corruption Survey ranked the government departments as shown in table 2.6.

Table 2.6: Most Corrupt Department TI, 2018

Ministry	Percentage
Traffic Police	48.1
The Ministry of Public Works & immigration	43.4
Government hospitals	15.7
County governments/Local authorities	15.4
The registrar of persons	13.2
The provincial administration	10.3

Source: www.globalpolicy.igc.org, TI 2018, EACC 2018

The Ministry of Public Works employees according to the research conducted by the global policy (2016) and TI (2015) shows that the demand for the biggest bribe averages Ksh 37, 500 to complete a deal in the police department, followed by officials of immigration department and international organizations, who demand an average of Ksh 36, 800 the county government officials take the smallest bribes of an average of Ksh 110, the Judiciary ranks 6th among the most bribery-prone institutions. This research by Transparency international (Kenya) was dubbed the Kenya Urban Bribery Index. The survey was carried out across Nairobi and five counties of Mombasa, Kisumu, Eldoret, Nyeri and Machakos (TI, 2015). The people interviewed reported their daily encounters with corruption and were asked who they bribe, with how much money, and for what purpose. Respondents were asked how many times they were asked to bribe officials in the public and private sector before being served, plus whether service sought was delivered when the bribe was paid and if the quality of service diminished with a refusal to pay. The questions concerned only monetary bribes, however, it omitted any reference to bribery by offering services or favours (globalpolicy.igc.org, 2016, TI, 2015).

Law enforcement agencies, including the police, Judiciary, and the prisons departments fared poorly in all the six areas of the study. The survey shows that most people seeking help from the police have to pay a bribe to be served. Only one out of 10 people who regularly deal with the police can expect to get proper service without paying. But the bribes are small, averaging Ksh.631 (global policy, 2016).

The Kenya Urban Bribery Index, a first by TI-Kenya, reported that over one third of the organisations in the index have a bribery incidence of 75 per cent. Thirty-six organisations, about two thirds of the total, were found to have a bribery incidence of over 50 per cent. According to the report, only four institutions rank below 25 per cent those are; the Central Bank of Kenya, the private sector and Kenya Wildlife Service. In bribery prevalence, the police topped the ranking (global policy.igc.org, 2016).

The Kenya Bribery Index (KBI), East African Bribery Index (EABI) and Corruption Perception Index (CPI) is an annual index conducted by Transparency International to measure bribery as experienced by the respondents while seeking services both in the public and private sectors. The police in Kenya and across the different countries were poorly rated. The '*Matatu*' industry has become the biggest corruption industry in Kenya. It has become a "cash cow" for traffic police officers even as it breeds criminal cartels that seek to control routes across the country. According to Transparency International (2015), the police are said to be the most notorious recipients of bribes on the roads. This study relied on surveys in order to determine the areas of study in order to explain why corruption happens at many different levels of bureaucracy in many countries in Africa and why it has become a way of life in the *matatu* industry in Kenya (Drakard, 2009).

Rose-Ackerman (1978)'s analysis of corruption is that it stems from defining or giving of meaning to all informal payoffs not forwarded to the rightful recipients as corrupt. Whilst such payoffs are by legal standards illegal, they do not address the contextual legitimacy or informal meanings that may be attached to informal payoffs or even undo their symbolic relevance to actors (Granovetter, 2004).

Todorov (1986) argues that there are direct and indirect meaning of words. He states that differences in direct and indirect meanings may arise due to difference in effect, in which the expressed meaning brings about a certain cognitive perception, and adds that "the suggested meaning also produces charm". Todorov (1986) goes on to explain that these perceived meanings are well understood between the two parties, and produces the "charm".

2.12 How Social meanings of Bribery influence Tactics

According to the Oxford English Dictionary, a tactic is a method of doing things in order to achieve something. It is also an act or procedure deliberately intended to accomplish a particular act or purpose.

Zhou (2013) argues that the more firms perceive social anomie climate as normal, the more likely firms/individuals would bribe. In essence, the social meanings given to bribery have become normalized and hence are perceived as part of our daily lives. In the social construction, bribery has been normalized to symbolic language, euphemism and code words like "*chai*: simply meaning tea. As explained by the constructivism theory, people create reality by giving meaning to what they see or observe, as meaning/reality is constructed through people's experience through interaction with the world (Young & Colin, 2004).

Martin et al (2012) argues, that beyond the dismantling of individual normative controls in the face of institutional barriers, the state of normlessness may permeate the social structure of the society by exerting pressure on individuals to engage in illegal activities in this case bribery in order to achieve their performance goals.

Adekoya (2009) explains that a bribe is a form of corruption which is often used as an offer, payment or promise made in anticipation of a return of some favour. It is this form of understanding that the traffic police on receiving the bribe, to ignore his responsibilities under the law and wave the defective vehicles by.

Onyango (2012) talks of how corruption takes place in the then local authorities, especially when funds have been disbursed. Overnight meetings without anyone taking notes then becomes the order of the day. The most opposing councilors would be asked “why are you still making a lot of noise? *cham mae* (eat this)”. This was quick money and will be acted upon very first. The social meanings attached to bribery therefore influence the traffic police officer in taking the bribe or the *matatu* drivers, conductors and Sacco managers in bribing because this is quick money that is exchanged in a flash without any body noticing.

Atanasov (2011) explains that when one wants to obtain a service from the traffic police officer, the citizen learns that one way of obtaining that service is by bribing the official, but the bribe amount is negotiable. He has other options besides bribing the official, such as paying all legal fees, meeting all the legal requirements and waiting longer on the line for the service. This they do because of the meanings attached to bribery. This is true with Graycar’s (2016) gift giving and corruption where he explains that when individuals exchange gifts, social bonds are strengthened and reciprocity is created. This is social construction of bribery as a gift and therefore it has no relation to the illegal

meaning of bribery as given in the bribery act. Clearly the “gift” in the *matatu* industry is done openly.

2.13 How the Social Meanings and Attendant Tactics Affects Prevention of Bribery

The tactics are used in a concealed manner and no one wants to expose the other while the social meanings are perceived meanings given to particular actions or behaviour which are then normalized and accepted in the society. The social meanings attached to bribery affects the incidences of bribery in a country and that there has been a sharp rise in the incidence of bribery worldwide; but cases from developing countries in Africa have been more worrisome. This is attributed largely to the perception to the givers and the recipients (Osifo, 2012).

The social constructionism has a social rather than an individual focus (Young & Colin, 2004). This is true that every individual constructs the social world in his mind through experience. Adekoya et al (2009) explains that a bribe is a form of corruption which is often used as an offer, payment or promise made in anticipation of a return of some favour. This is true to this study as the traffic police receives a bribe on the road in order to ignore the deficiencies his responsibilities under the law. Thus, the social meanings attendant tactics affect prevention.

Colquitt (2004), acknowledges that police use trickery and deception as part of their tactics in combating crime. The *matatu* driver, conductors and Sacco managers are in cohorts with the police who are already knowledgeable in this act, now also use decoy and trickery to get away with crime. This is true with Graycer & Villa (2011) who observed that people who make corrupt payments feel a sense of high inequality and low trust. This is true from the social meanings attached to bribery by the *matatu* drivers, conductors and Sacco managers who perceive the bribe as a normal act of friendship.

Rodriguez (2005) reiterated similar view by explaining how government officials abuse their power when they (a public official) accepts a bribe or a kickback for his services or less overt exchanges such as gifts, favours, promises. This symbolically seals the handshakes by stretching the notion of abuse of power even further because the said officer will ignore the offences committed and safeguard his interests thereby consolidating social networks (Griffin and O'Leary, 2004; Granovetter, 2007).

Graycar et al (2016) goes on to explain that generally people see no harm in the giving of gifts and that gifts are usually exchanged as part of a regular social relationship. On the other hand, people almost universally condemn bribes, viewing them as undesirable, harmful and destructive. Bribes are given to influence the outcome of a political, bureaucratic, business or professional decision or relationship

According to a survey conducted by EACC (2016) it was reported that it was quite challenging to prevent corruption and or bribery because according to the survey, very few cases were reported, probably mainly due to ignorance and/or partly because it is a give and take. As Atanasov (2011) observed, bribes are sometimes determined through bargaining. The space between the giver and receiver price is known as the zone of potential agreement. This implies that given the social meaning bestowed to the bribe, the *matatu* operators are convinced that bribing is the only out under the circumstances.

Khan (2006) explains traditional models of corruption as being derived from neoclassical economics, which assumes that corruption is driven by the legal powers of the state which give public officials the ability to disrupt otherwise efficient markets. This allows them to create rents or obstacles for private investors and citizens, in most cases, acting inside the law. The discretion of public officials to extract bribes allows for individual rent-seeking behavior, which is detrimental to the society.

Dimant (2013) explains that the behaviour of extorting bribery by public officials is considered illegal and constitutes corrupt behavior. Fundamental to actual corrupt behavior is not only the ability but also the incentive to break the law. Dimant (2013) goes on to explain that these incentives are shaped by intrinsic willingness to give the bribe and the public officials to receive owing to the circumstances at the time.

Onyango (2012) explained how corruption existed in the Councils which were previously known as the local authorities. Citing Mbeya 2011, Anassi (2004), talks of corruption in the local authorities in Kenya as administratively and politically instigated cases. Corruption takes the co-operation of both local politicians and civil servants for some acts of corruption to be successfully executed. He goes on to say that Institutional organization in our Local Authority is in such a way that it is only the Clerk and the Treasurer who are the signatories to funds in the Council accounts. It was said that due to this; the two easily embezzle and hide such information from committee chairs and other section heads. This clearly indicates that the meaning attached to such disbursements is not a bribe but a contribution given as cover-up. In this study the Sacco managers, *matatu* conductors and drivers will freely cover up their corrupt activities because of the fear of being prosecuted. Once the drivers and or conductors know that the traffic police are on the road, they will be ready to bribe. This kind of action showed that it is usual for them to give and the police will also readily accept.

2.14 Government Policies, Practices and Laws on Bribery

Concise Oxford dictionary defines policy as course or principle of action adopted or proposed by a government, party, business, individual or prudent conduct, or sagacity. Owiny (2009) defines policy as a set of interrelated decisions taken by a political actor or a group of actors concerning the selection of goals and the means of achieving them

within a specified situation where these decisions should, in principle, be within power of these actors to achieve.

Owiny (2009) quoting the then Minister for Justice, National Cohesion and Constitutional Affairs during the Kibaki regime admittedly and acknowledged that there was no national anti-corruption policy document in Kenya guiding the fight against corruption and that his ministry was working towards the formulation of a National Anti-Corruption policy to mainstream the fight against corruption in the management of public affairs and resources and provide an enabling environment for operation of law enforcement agencies.

Despite the absence of national anti-Corruption policy then, the government's fight against corruption was on but only on oral or unwritten policies which were inferred from various presidential speeches and statements. To date, there are a number of policies and legislations which have been enacted to curb corruption in Kenya. This fight has seen the government enacting the Bribery Act, 2016, ACECA, 2003, EACA, 2011 and amended various legislations in conformity to the Constitution of 2010. This is the spirited government initiative in the fight against corruption and or bribery. Chapter six of the Constitution was inserted purposively in a bid to curb the menace that has seen the country ranked amongst the most corrupt nations in the world with police department taking the top position in the most corrupt institutions/departments in Kenya according to TI (2017).

The anti-corruption policies include

2.14.1 E.A.C.C Strategic Plan 2013-2018

This is the second phase of the development of anti-corruption policy paper after the strategic plan of 2009-2013. This plan was anchored on the Kenyan government

development blue prints which include the vision 2030, the Constitution, sectorial and thematic blueprints geared towards promoting social-economic and political development. This plan also draws provisions from the E.A.C.C No 22 of 2011 and the Leadership and Integrity Act No 19 of 2012. This plan pursued certain objectives which include among others; the reduction of the prevalence of corruption, the strengthening of the policy and legal frameworks and establishing, maintaining and strengthening partnerships and networking with various bodies in the fight against corruption. This plan provides a roadmap to combat corruption and economic crimes in Kenya through law enforcement, prevention, public education and promotion of sound and ethical standards and practices through 2018 from 2013.

The challenges for the implementation of this plan among others things include the lack of national anti-corruption policy and legal framework guiding the fight , slow speed of the judicial process and inadequate capacity of the commission due to lack of prosecutorial powers and this is a major impediment in the fight against corruption and or bribery in the *matatu* industry.

2.14.2 Ministry of Transport's Integrated National Transport Policy 2009

This policy document was developed by the former transport minister the late John Michuki vide session paper no. 2 of 2012. The policy document was to enable the transport sector effectively play its role which saw the first national transport policy committee launched by the then Minister for transport. This policy paper does not mention anything on bribery. However, the provisions in this session Paper had been challenged by the decision of the high court of Kenya in Nairobi suspending its operation and its fate is unknown. In the context of global events, policy proposals are identified and developed by the various sub-sectors to address the issues of transport safety and security in a country. A key intervention of these policy proposals in Kenya is

the formation of the National Transport Safety Board which saw the establishment of NTSA.

2.14.3 Kenya Road Policy

Wasike (2001) This Sessional Paper was the first major policy statement focusing on the medium and small scale enterprise (MSE) sector in Kenya. The policy enhanced the efficiency of road transport operations then and aimed at continuous review of the laws and regulations that hinder the efficient operations as regards capacity of vehicles on the road and maximum axle loads in a bid to curb bribery by the traffic police officers on the road. These recommendations saw the integrated national transport policy of 2009 prepared (Wasike, 2001). Despite these policies, Kenya lacks sufficient policies on the fight against bribery and corruption since independence. Those that are available lack implementation making it difficult to realise the good intentions of any government to deal with the vice. Despite these emphases, there has been insufficient attention paid to the problem of corruption cleanup and adoption of zero tolerance to corruption policies (Anassi, 2003).

There are various legal instruments and laws ratified, enacted and applied in Kenya in the fight against corruption and bribery. The cross border legal frameworks and the Kenyan policies and legal frameworks are;

2.14.4 The Bribery Act of Kenya No. 47 of 2016

The Bribery Act of Kenya is an Act of Parliament to provide for the prevention, investigation and punishment of bribery and for connected purposes. Section 4 of this act provides for its application to the public, public officers and private entities and Section 5 gives the general bribery offences and it states in subsection (I) that;

A person commits the offence of giving a bribe. If the person offers, promises or gives a financial or other advantage to another person,

who knows or believes the acceptance of the financial or other advantage would itself constitute the improper performance of relevant function or activity.

The Act under section 8 goes on to include any person who bribes a foreign public official with the intention of influencing that official's capacity, commits an offence of bribery. This act was passed in Kenya by incorporating the Foreign Corrupt Practices Act of the USA which was enacted in 1977 with extraterritorial effect in addressing issues of bribery among foreign government officials of United States. This act has been modified in other countries including Kenya in a bid to prevent bribery extra territorially. The British Bribery Act of 2010 is another law which was enacted by the Queen of England in 2010 with general provision for offences of bribery. The Act presents the toughest legal era on offences against bribery in the world including Kenya. This law prompted the Kenyan government to enact her own law; that the bribery act 2016.

The Kenyan constitution under article 2 (6) provides that if any treaty or convention is ratified by the Kenyan government, it shall form part of the laws of Kenya. In an effort to implement this provisions, the Kenyan government has incorporated the provisions of this laws in the bribery act 2016 in a bid to prevent bribery and or corruption in the matatu industry on the Kenyan roads.

2.14.5 The Traffic Act cap 403

The Traffic Act cap 403 is an Act of parliament to consolidate the law relating to traffic on the roads, the act has seen various amendments the latest being 1st July, 2013. This act was intended to regulate traffic on the roads and among other conduct inspection of vehicles and issue certificates of inspection.

Section 30(1) of the act provides that;

No person shall drive a motor vehicle of any class on a road unless he is the holder of a valid driving licence or a provisional licence endorsed in respect of that class of vehicle.

Subsection (6) provides that;

A driver of a public service vehicle (PSV) or a commercial vehicle shall be required to undergo every three years a driving test under section 39 successfully as a condition for each renewal of the licence.

This law has good intentions and with the spirit of bringing sanity to people who drive a motor vehicle and especially a PSV herein “*Matatu*”.

Section 33(1) Further Provides that

No driving licence or provisional licence shall be granted to any person under the age of sixteen years, or endorsed in respect of matatus and motor-omnibuses, unless he is over the age of twenty-four years and has for not less than four years held a licence endorsed in respect of motor-cars or commercial vehicles.

These powers given to a licensing officer are bound to be abused as the officer is given discretionary powers in licensing. If the applicant for a driving licence fails to produce his birth certificate or national identity card, the opinion of the licensing officer shall be conclusive as to a person’s age.

Section 42 subsection (1) provides that

No person shall drive at a speed greater than such speed as may be prescribed as the maximum speed for that class of vehicle. The matatus in Kenya are fitted with speed limiters gadgets to a maximum speed of 80 km/h but in some routes, the speed limit is as low as 30 km/h and 50 km/within the boundaries of any trading centre, township, municipality or city.

This is where the NTSA and traffic police will trap and collect bribes from motorists (section 42(3) cap 403). Any person who contravenes or fails to comply with any of the provisions of section 42 shall be guilty of an offence and liable to a fine of not exceeding

one hundred thousand shillings and not exceeding two thousand shillings and Section 55 provides against unroadworthy vehicles.

2.14.6 The National Transport and Safety Authority (NTSA)

The National Transport and Safety Authority NO. 33 OF 2012 is an Act of Parliament to provide under Section 4 the functions of the Authority which among others include;

- b) Implement policies relating to road transport and safety;*
- (c) Plan, manage and regulate the road transport system in accordance with the provisions of this Act and*
- (d) Ensure the provision of safe, reliable and efficient road transport services*

Subsection 2 of section 4 further provides the functions including Registration and license motor vehicles, conductor motor vehicle inspections and certification, Regulate public service vehicles and advice the Government on national policy with regard to road transport system among others.

The main purpose of enacting the NTSA act was to harmonize the operations of the road transport departments and help in effectively managing the road transport sub-sector by minimizing loss of lives through road traffic accidents. This objective is yet to be realized because it has proved to be a cash cow where the matatu operators negotiate their way out by bribing the officer attached to NTSA to avoid rigorous scrutiny of their matatus for fear of failure to meet the standards and criteria for issuance of a licence as provided for under the act. Section 42 gives the authority and its staff the power to stop and inspect vehicles on the road.it states;

- (1) A police officer in uniform may stop and inspect any vehicle with a view to ascertaining whether or not the provisions of this Act or of any regulations made thereunder have been complied with.*
- (2) A person who obstructs any police officer in the exercise of the powers conferred on such police officer by this section, or fails to comply with any lawful order given by such police officer or refuses to give any information when requested so to do by such*

police officer, commits an offence and shall be liable to a fine not exceeding five thousand shillings.

These penalties are looked at as a chance to and opportunity for officer to settle the offence on the road by taking bribes. The matatu conductors or drivers will not hesitate to give a bribe as the fines are punitive and the legal process is longer and time wasting. The NTSA was through the presidential decree ordered off the Kenyan roads due to overstepping of their mandate and overlapping the duties of the traffic police.

2.14.7 County Transport and Safety Committees (C. T. S. Cs)

This is virtually a branch of the NTSA which is established under section 21 of the NTSA Act in the spirit of devolution by taking the services to the people. The CTSC is therefore established in each county to oversee the management and regulation of the road transport system by the Authority at the county level.

2.14.8 The Police Act cap 84

This is an act Parliament which provides for the functions, organization and discipline of the Kenya Police Force and Kenya Police Reserve. Section 9 of the act provides that no police officer other than a Reserve police officer shall engage himself in any trade, business or employment, or take part in any commercial or agricultural undertaking, outside the scope of his duties as an officer of the Force, except with the authority of the Commissioner. Most if not all police officers have businesses in Kenya and majority if not all operate *matatu* business and all the *matatus* owned by police officers lack the necessary requirements for a *matatu* to be on the road. Despite this anomaly, no action is taken on them and according to the Police Act section 40 (1) (b) no police officer should be in conflict of his duties. Some of these police officers own *matatu* contrary to this provision and the police commissioner has not taken any step to enforce the law in this matter.

Section 26 (1) the police are required to erect barriers across any road or street and subsection (2) provides that any police officer in uniform may take all reasonable steps to prevent any vehicle being driven past any such barrier. This section validates barriers which are commonly known as road block to enables the police officers to extort money from matatu operators.

2.14.9 National Police Service Commission Act no. 30 of 2011

This is an Act of Parliament established in accordance with Article 243 of the Constitution. Section 10 of the Act spells out the functions of the Commission which among others include to keep under review all matters relating to standards or qualifications required of members of the Service, approve applications for any police officer to engage in trade and exercise disciplinary control over persons holding or acting in office in the Service. These powers could have been used to save the image of the force by investigating and or conducting a public inquiry to see what can be done to meet the standard as provided for under section 12 and prevent corruption and promote and practice transparency and accountability.

2.14.10 The Director of Public Prosecutions Act No. 2 of 2013

This is an Act of Parliament giving effect to Articles 157 and 158 of the Kenyan Constitution. The Director of public prosecution under this Act has been given the mandate to direct the Inspector-General to investigate any information or allegation of criminal conduct, to institute and undertake criminal proceedings against any person before any court in respect of any offence alleged to have been committed and to take over and continue any criminal proceedings commenced in any court. This act confirms that the office of the DPP is an independent office but it is yet to take action on the traffic police officers caught on camera taking bribes on the Kenya roads.

2.14.11 The Office of the Attorney General Act no. 49 of 2012

This is an Act of Parliament passed in 2012 in line with Article 156 of the Constitution with the responsibility among others to advise the Government Ministries, Departments, Constitutional Commissions and State Corporations on legislative and other legal matters. This office has taken a low profile in matters legislation or advice the ministries especially the interior ministry in matter police corruption. This office should have taken a cue in advising IPOA and the Independent commission on ways to mitigate corruption not only in the police service but in other departments as well.

2.14.12 The Public Officer Ethics Act 2003 cap 183 (POEA)

This is an Act of Parliament passed to advance the ethics of public officers by providing for a Code of Conduct and Ethics for public officers and requiring financial declarations from certain public officers. Section 10 requires a public officer under subsection (1) to carry out his duties in conformity with the laid down rules and that a public officer shall not use his office to improperly enrich himself or others. This is a clear purpose that the Act is intended to prevent corruption and or bribery. This Act should be applicable to police officers in order to mitigate bribery and or corruption in the police force.

2.14.13 The Ethics and Anti-Corruption Commission (EACC)

This is an act of Parliament to provide for the prevention, investigation and punishment of corruption and economic crimes. This law has seen so many amendments with the aim of making it relevant. These amendments have affected its clear mandate which only gives it power to appoint special magistrates to try the offences under this act. This act under section 2 defines corruption as including bribing agents, bid rigging, abuse of office and dealing with suspect property. Theses definitions given to corruption gives the commission a wide mandate to investigate and prosecute any person involved in bribery

or dishonesty. But the commission is yet to go for the “small fish” let alone the “big fish”. The commission has also not tackled the bribery on the Kenyan roads.

This act under section 48(1) further provides for the Penalties for commission of offences herein aforementioned. A person found guilty for the offences shall be liable to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding ten years, or to both. These penalties are punitive as well as deterrent but Kenyans know that these officers can take a bribe and therefore, they take their chances and do not fear the consequences.so it is the duty of the commission to be agile the offenders as well as its officers.

2.14.14 Anti-Corruption and Economic Crimes Act (ACECA) No. 3 of 2003[Rev. 2016]

This is an Act of Parliament to provide for the prevention, investigation and punishment of corruption, economic crime and related offences. This Act gives the “Commission” (EACC) the mandate to authorize any person conduct an investigation on behalf of the Commission. This act also gives the commission power to investigate offences relating to corruption and economic crime and to receive complaints concerning corrupt conduct. Section 23(3), gives the Secretary and an investigator the power to arrest any person for and charge them with an offence and to detain them for the purpose of an investigation just like a police officer does. This act too has failed in its mandate as complaints which have been launched with EACC and not acted upon should have been undertaken by the ACECA and culprits apprehended

2.14.15 The Kenya Constitution 2010

The Kenyan constitution is the supreme law which under chapter 1 provides for the sovereignty of the people and supremacy of the constitution. The Kenyan constitution

under article 2(1) binds all the state organs and all persons and chapter six on leadership and integrity provides that the authority assigned to a state officer is public trust which is to be exercised in a manner that is consistent with the purposes and objects of this constitution. The guiding principles of leadership and integrity include honesty in the execution of public duties of the traffic police officers and other state and public officers alike. The constitution further provides for the establishment of the various organs, government agencies and commissions in the fight against corruption and or bribery. The constitution further provides that if there is any law which is inconsistent with this constitution, the constitution shall prevail and the other law shall be void. Therefore, all laws shall derive their force and validity from it. However the heads of these constitutional commissions have not realized their mandate and take a lead in the fight against corruption or bribery.

2.15 Theoretical Framework

This section discusses the theories that aided the research. The use of theory in research can serve as an argument, a discussion or a rationale that helps in explaining a phenomenon that might occur in the world and it provides general orientations to research by suggesting potential problems. Theories help in narrowing down the range of facts to be studied, serves as a tool of inquiry, points to gaps in our knowledge and predicts facts. The theories that aided the study include the critical discourse analysis (CDA) and the social construction theory.

2.15.1 Critical Discourse Analysis Theory

Critical discourse analysis theory (CDA) emerged in the late 1980's as a programmatic development in European discourse studies spearheaded by Norman Fairclough, Ruth Wodak and Teun van Dijk. The purpose of CDA is to analyze opaque as well as transparent structural relationships of dominance, discrimination, power and control as

manifested in language (Wodak 1995). CDA studies real, and often extended, instances of social interaction which take partially a linguistic form. The critical approach is distinctive in its view of the relationship between language and society and the relationship between analysis and the practices analysed (Wodak 1997).

Oguro, (2011) defines discourse as the highest unit of linguistic description, words or phrases. It may also be defined as a sample of language usage which may generally be written or spoken and which explains the expressions of a person using words in experiencing the world. Oguro (2011) goes on to explain that discourses are used in everyday contexts for building power and knowledge, for regulation and normalization, for the development of new knowledge and power relations. It is basically referring to written and spoken communications. Van Dijk (1988), Critical Discourse Analysis theory studies the relationships between discourses and ideology-set of beliefs, attitudes and behaviours that constitutes a perspective on the world. It stresses on the significance of studying texts in their social and historical context in detail. It is also involved in studying and analyzing written texts and spoken words to bring out the hidden meaning of the discursive sources of power and dominance and how these sources are initiated, maintained, reproduced and transformed within specific social, economic and political world so as to give a different meaning to what these words actually mean in the real world.

Critical discourse analysis is not only a critical analysis but a combination of theory and application. Van Dijk (2009), Wodak and Meyer (2009) in confirming these assertions, explained that CDA is problem-oriented theory, it is interdisciplinary which involves multiple methods in solving problems in the society as it raises a concern on social problems such as bribery and more so it investigates the dominance in society, highlights

the issues under investigation and helps in understanding the social inequalities in the dominating and dominated social groups and how they deal with the power abuse.

This theory also explains the way in which the dominant forces in a society (in this study, the *matatu* drivers, conductors and Sacco managers) construct language of reality that will favour them in their day to day work. More specifically, it studies the way in which ideology, identity and inequality are (re)enacted through texts produced in social and political contexts (van Dijk 2001).

Wodak (2001), language is considered as crucial in the reproduction of ideologies, which, in turn, is seen as central in establishing and sustaining social identities and inequalities. (Given the hidden meanings of the language that is used in the *matatu* industry by the drivers, Sacco managers and conductors in their daily activities and the use of sign language and coded language to give meaning to this language). The CDA creates awareness and correct a widespread underestimation of the influence of language in shaping ideology and society (Fairclough 1989; Fowler 1991).

Critical Discourse Analysis (CDA) theory explores systematically the relationships between discursive practices, texts, and events and wider social and cultural structures, relations, and processes CDA tries to unify language use by determining the relationship between the actual texts which is a record of an event where language is used to communicate by involving construction of identities of participants. This language of respondents is a strategy to frame the content of the message used in their day today work. In the discursive practices, the process involves creating, writing, speaking, reading, and hearing (Fairclough, 1993).

Fairclough (2000), the social context bears upon the text and the discursive practices. The social context comprises distinct settings where discourse occurs whether in the

work place or playground each with a set of conventions that determine the roles they play and what is expected of them. Simply it discloses how these words are used in a particular social context take for instance the word “*chai*’ literary meaning “tea” but in CDA it means something else.

Critical discourse analysis theory has an assumption that systematic asymmetries of power and resources between speakers and listeners, readers and writers can be linked to their unequal access to linguistic and social resources. In this way, the presupposition of Critical Discourse Analysis is that, institutions like schools act as gatekeepers of mastery of discursive resources: the discourses, texts, genres and grammatical structures of everyday language use. These in effect reframes questions about educational equality in terms of how systematically distorted and ideological communication may set the conditions for differential institutional access to discursive resources. The very educational competences needed for social and economic relations in information-based economies is the same that is required at our work place and for this matter the *matatu* drivers, conductors and Sacco managers adopt a language which can only be understood by the people in the same industry (the coded language).

The Critical Discourse Analysis theory aided this study in the analysis of language used, spoken word or speech used by the *matatu* drivers, conductors and Sacco managers in their daily lives and to unravel the hidden ideologies in order to discover the existence of power of bribing. The use of this theory in this study assisted in discovering the language used to refer to bribery and also in critically analyzing the consequences of the power dominance by either the police or the *matatu* driver, conductor and or the Sacco managers. This is through control of the strategies of language, talk and communication (Van Dijk, 2009).

This theory aided this study in the analysis of language and spoken word or speech as used in the social context by the Sacco managers, *matatu* drivers and conductors in their daily activities and use of hidden ideologies so as to investigate the existence of power in language used in the *matatu* industry

2.15.2 Social Construction Theory

Social construction theory can be traced to the interpretative social science paradigm of Berger and Luckmann (1967), Blumer (1969), Goffman (1963), Levin and Levin (1988) or the dialogical paradigm of Tronvoll and Edvardsson (2008). The theory is primarily concerned with explaining the process by which individuals explain the world in which they live in. These paradigms have their philosophical roots in hermeneutics and phenomenology. The theory postulates that the only way to understand reality as a social construction is as a result of human sense making activities (Walsham 1993). Berger and Luckmann (1966) are the main proponents of this theory but it is also acknowledged that the contribution of scholars like Herbert Mead, Karl Marx, Alfred Schutz and Émile Durkheim led to its development (Burr, 1995).

Social construction theory assume that humans have the potential to learn, adapt and make their own choices. Meaning is to be understood within social structures and systems. The explicit inbuilt meaning is dependent on how humans make sense of social interactions. To understand social meanings, it is necessary to recognize the unique features of specific contexts (Hoffman 1990), and through this, customer value. Penaloza and Venkatesh (2006) suggest that the term meaning captures both a phenomenological interpretation and a cultural context. Meaning is linked to language and social interactions, as well as to roles and positions within a social system. In this regard, Berger and Luckmann (1967) have contended that all knowledge is developed, transmitted, and maintained in social contexts and systems.

The term social constructionism refers to a tradition of scholars tracing the origin of knowledge and meaning and the nature of reality to process generated human relationships (Lisa, 2008). Social constructionism has been applied widely in social research which makes significant contributions to study of deviances and social problems.

Social constructivism and social constructionism are used interchangeably to mean the same thing and both are referred to as constructivism (Charmaz, 2006). Constructivism suggests that every individual constructs the social world in his mind through experience while, social constructionism has a social rather than an individual focus (Young and Colin, 2004). Constructivism therefore is the process through which people create reality. People create reality by giving meaning to what they see or observe. Meaning that reality is constructed through people's experience through interaction with the world. This implies that there are many truths from the constructivist point of view and no one person can dispute the truth by another person as each one of us construct reality through our experience. There is need therefore to expand knowledge to include the role that social and cultural context play in the perception of people when making sense of the world and this is what has led to the development of the postmodern social constructionism.

Social constructionism is described as part of the postmodernism movement because in essence, social constructionism claims that people's thinking is shaped through culture and society and learning takes place through interaction in the society. The interaction in the society is also made possible through agreed, generated, and sustained language (Berger and Luckmann, 1996). This is true in this study as matatu conductors have agreed to meanings given to bribery and reference to a police officer which language is generated and agreed upon. In the matatu industry the stake holders and especially the

matatu drivers and conductors interact with each other in business and speak to each other in coded language but, understand one another.

The fact that there are multiple truths make social constructionism a relevant theory in this study. The *matatu* drivers and conductors generate language, agree and use it in reference to different situations when describing their experiences on the road. Social constructionist acknowledges the equal engagement of the researcher and respondents in the meaning generating process. Qualitative methodology supports the view that there are many truths and multiple realities which the Constructivist generates or develops a pattern of meanings through the language used by the respondents and the interpretive paradigm is associated more with methodological approaches that provide an opportunity for the voice, issues in their setup and practices of the respondents to be heard (Cole, 2006). Therefore, the constructionists/ interpretivists generally focus on the process by which meanings are created, negotiated, sustained and modified (Schwandt, 2003). The proponents of this theory concur that the goals of understanding the world is through the lived experience from those who live in it.

2.16 Conclusion

This chapter presented a review of the various legal framework enacted to curb bribery and or corruption. The various laws and practices by the government is an attempt in the fight against bribery and corruption, an inquiry into the existence of such laws, policies and practices was made so as to establish the level of awareness and knowledge by the stakeholder in the *matatu* industry, the applicable sections and their effects on the *matatu* business was highlighted but the discovery was shocking as there is lack of knowledge on the existence of many laws. This chapter also investigated how the social meanings of bribery intersects with the relevant government policies, practices, laws and the steps that should be followed in order to curb bribery in the *matatu* business in Kenya. The

chapter finally discussed the theories of Critical Discourse Analysis (CDA) and the social construction which guided the study. These theories demonstrated that socially constructed meanings do influence human behaviour and in order to curb corruption/bribery, there is need to deconstruct the meanings that the society bestows on bribery as with this we were able to understand the drivers of bribery and tackle it.

Chapter Three below deals with the research methodology and paradigm that were adopted in the course of data collection. The chapter deals with the methods specifically, the chapter outlines what each method entails and how it aided this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The main purpose of this study is to establish the social meaning of bribery and its influence on *matatu* operators. This chapter details the research paradigm and methodology in accomplishing this purpose based on the research questions and the study site highlighted.

3.2 Study Site

The research was conducted in Kisii County which is in the former Nyanza Province in southwestern Kenya. Kisii town is cosmopolitan but mainly inhabited by the Gusii people and sprinkles of other tribes. The subdivisions with population of the county and subcounties are as shown in table 3.1 below.

Table 3.1: Administrative Divisions

Division	Population	* Urban pop.	*Headquarters
Keumbu	109,837	8,843	Keumbu
Kisii Town	183,000	83,000	Kisii
Marani	89,215	0	Marani
Masaba	105,926	908	Masimba
Mosocho	63,247	0	Mosocho
Suneka	86,030	3,723	Suneka

Source: national census2009, <http://www.knbs.or.ke>

The county has nine electoral constituencies which include; Bobasi, Bonchari, Bomachoge Borabu, Bomachoge Chache, Kitutu Chache North, Kitutu Chache South, Nyaribari Chache, Nyaribari Masaba and South Mugirango Constituencies. Kisii is located in western Kenya, on latitude: 0° 41' 0 S and longitude: 34° 46' 0 E. The town is a driving distance of 309 km (192 mi) from the capital city of Nairobi, located east-southeast, on Class B3 all-weather road. Other urban centres and counties neighbouring

Kisii county are Kisumu City which is 114 km (71 mi) to the northwest; Nyamira county at 23 km (14 mi) to the immediate north Kericho county at 101 km (63 mi) to the northeast; Kilgoris at 46 km (29 mi) to the southeast; Narok at 165 km (103 mi) to the east; and Migori to the south-west 67 km (42 mi) which otherwise connects the town to the Kenya /Tanzania border at Isebania town a further 31 km (19 mi) south as shown in figure 3.1 herein below.



Figure 3.1: Map of Kenya Showing Kisii and the 47 Counties

Source: <https://softkenya.com>, 2019

Kisii County is a business hub and home to several businesses, organizations, educational institutions and government agencies. Kisii County sits right at the centre of the western Kenya tourist circuit that includes the Tabaka Soapstone Carvings, Maasai Mara Game Reserve, Lambwe Valley Game Reserve and the Lake Victoria basin. The county has the following centers as shown in figure 3.2.

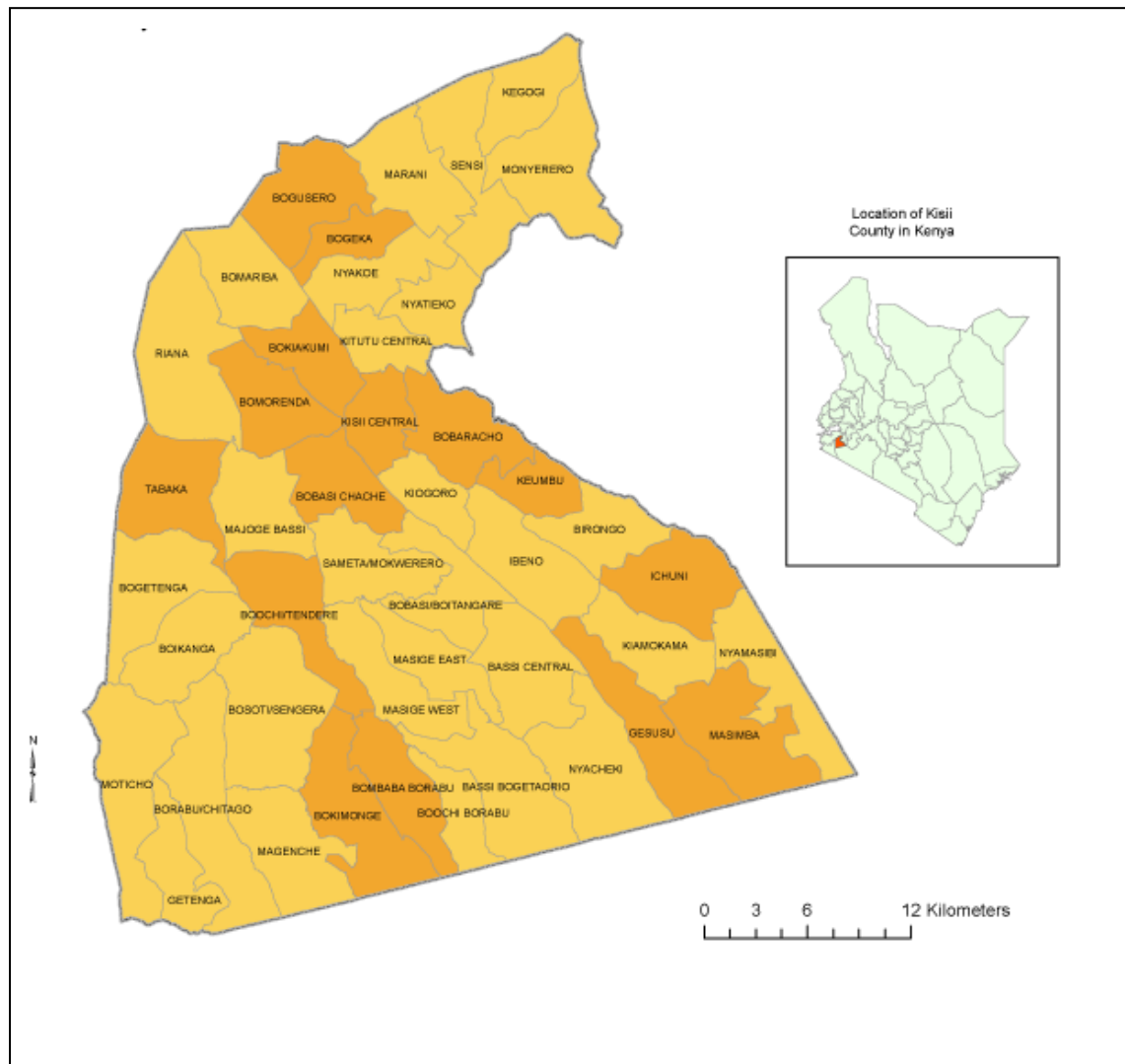


Figure 3.2: Map of Kisii County Showing Various Centers

Source: <https://softkenya.com>, 2019

Kisii town was originally known by the Gusii people as Getembe. It was later renamed Bosongo, and it is believed the name originated from 'Abasongo' (to mean the White people or Whites) who lived in the town during the colonial times. The town was

originally established by British soldiers who were being forced to retreat from Lake Victoria by heavy gunfire from German soldiers' gunboats during the First World War in the early 20th century. The town was chosen to be the District Headquarters of the larger South Nyanza and Kisii region (KBS, 2009).

Among Kenya's urban areas, Kisii municipality has a relatively high population density. However, the population density at 2,862 per km² is relatively high owing to the scarcity of land in the municipality. These has seen settlements being sanctioned by the county government which, in turn, has allowed residents to develop their homes just outside the municipality to alleviate this phenomenon (KBS, 2009).

Kisii County was chosen as the study site because of these unique means of transport. The county is unique because it is now a regional Economic Bloc which spurs economic development of the respective businesses. Kisii community has become dominant in the *matatu* business which was previously dominated by the kikuyu tribe. Kisii county is a bubbling commercial hub characterized by busy streets with public transportation in the County easily available throughout which include *matatus*, taxi cabs, “probox” (saloon cars used as *matatus*) and *boda-boda* (motorcycle taxis) as an alternative to privately owned vehicles and Kisii town has one of the most organized bus terminus and public transport systems in the Country where *matatus* are not allowed in the central business district. These are attributed peaceful environment during and after 2007 elections. The people who were kicked out of towns like Kericho, Kisumu, Migori and Eldoret reinvested their business in Kisii County making it an economic power house in Nyanza. This has seen an increased economic activity in Kisii, which saw it ranked the 15th largest county with a 2.1 % of Kenya's gross domestic product in 2017 while Nairobi had 21.7 % (Economic Survey, 2017).

Kisii County has an expansive road network of approximately 2,500 kilometers both tarmacked and those without, the road network includes the highway to Tanzania with a well planned traffic flow within the County. This makes the study area unique that epitomizes what happens in the transport world within the Kenyan transport system.

3.3 Research Design

The study adopted a case study design. A case study is an approach that focuses on gaining an in-depth understanding of a particular entity or event at a specific time (Willig, 2008). Case studies are not characterized by the methods used to collect and analyze data, but rather focuses on a particular unit of analysis; a “case”.

A case study is a story about something unique, special or interesting stories which can be about individuals, organizations, processes, programs, neighborhoods, institutions and even events (Yin, 2003). The case study was adopted in this research because it gives the story behind the social meaning of bribery by capturing what happens in real time and life among the matatu operators. It also gives an opportunity to bring attention to the bribery challenges in this industry. Case study design is appropriate because there is a unique or interesting story to be told in the matatu industry.

The case study provides more detailed information than what is available through other methods, such as surveys. Case studies also allows the presentation of data to be collected from multiple methods such as surveys, interviews, document review and observation to provide the complete story of what is happening in the matatu industry and why.

The study adopted a qualitative research methodology and the interpretivist/constructivist paradigm was used in the study. The interpretivist /constructivist approaches try to understand the world of human experience by giving

suggestions that reality is socially constructed (Mertens, 2005). The interpretivist/constructivist researchers rely upon the views of the participants in the situation being studied. The qualitative methodology shares its philosophical foundation with the interpretive paradigm which supports the view that there are many truths and multiple realities. Therefore, Constructivist generates or develops a pattern of meanings through the language used. Additionally, the interpretive paradigm is associated more with methodological approaches that provide an opportunity for the voice, issues in their setup and practices of research participants to be heard (Cole, 2006). The interpretivist on the other hand also explores first and then develops theory.

3.4 Sampling Procedures and Sample Size

Sampling is the process of identifying the group to be picked from the target population for the study in such a way that the individuals selected represent the larger group from which they were selected (Mugenda, 2003; 10). The essence of sampling is to secure a representative group which will enable the researcher to gain information about the population (Mugenda, 2003). Population is defined as the complete set of individuals with some common observable characteristics (Mugenda, 2003). It is impractical for a researcher to study the whole population, therefore in this study a target population was chosen from which the researcher generalizes the results. A target population is that population from which the researcher wants to take a broad view to generate the results of a study. It is described as the aggregate of all cases that conform to designated sets of specifications to which the study will generalize the results (Mugenda, 2003).

There were 635 registered *matatu* Sacco's in Kenya as at January, 2015 at 11:38.15 (NTSA, 2015) which formed the basis of selecting the target population of this study. The target population was all the 36 registered *matatu* Sacco's operating from and or

terminating in Kisii town bus terminus. This target population of 36 registered *matatu* Sacco's were operating a 14 and 10-seater *matatus* in Kisii County (NTSA, 2015).

The NTSA (2014) Regulation 5(1) (a) provides that a person who is desirous of operating a passenger service vehicle (PSV) shall be a member of a body corporate which shall among other requirements be licensed to operate only if it owns a minimum of 30 serviceable vehicles and has in its employment a staff including a driver, conductor, inspector, manager among other employees. This translates to 1080 (36 Sacco's multiplied by 30 serviceable vehicles) *matatus* as provided for in the law, if compliance is adhered to. A sample size of 36 (registered) Sacco's was selected using purposive sampling technique. This sampling technique had a predetermined characteristic as the researcher was relying on the *matatu* drivers, conductors and Sacco manager's experiences in the industry and their encounter with the traffic police officers on the roads in Kisii County. The drivers, conductors and Sacco managers were the respondents in this study.

The population of this study was homogeneous, cohesive and near equal level of education as all participants are members of *matatu* industry. A sample as appropriate for saturation during analysis was considered. Given (2016) considers saturation as the point at which additional data do not lead to any new emergent themes. A similar position regarding the non-emergence of new codes or themes has been taken by authors such as Birks and Mills; Olshansky (2015, 2015). Hence, a researcher looks at saturation as the point at which no more data need to be collected. As a result, the data collection process is considered to be complete only when saturation has been achieved (Given, 2011).

Guest, Bunce, & Johnson (2006) proposes that saturation often occurs around 12 participants in homogeneous groups. Consequently, 15 as a minimum for most qualitative interview works very well when the participants are homogeneous. In this study, saturation was reached after interviewing 76 respondents in in-depth interviews. 12 participants were invited for FGD (6 drivers and 6 conductors). The researcher used 4 key informants who are involved in different aspects in the *matatu* industry to give their perspective on different aspects of this study. This was done on a face to face basis.

Latham (2013) states that to ensure that one has attained saturation, one has to go beyond the point of saturation to make sure no new major concepts emerge in the next few interviews. Jwan & Ongondo (2011), in support of qualitative approach and sample size determined through saturation, suggests that the fewer the participants, the higher the quality of data and the more manageable the data and further the deeper the data analysis process.

The respondents for this study was drawn from the following distribution of matatus and routes to and from Kisii bus terminus; Kisii to Nyamira: Kisii to Maarani: Kisii to Keumbu-Keroka: Kisii to Kiamokama: Kisii to Nyamataro-Mosocho: Kisii to Oyugis: Kisii to Suneka: Kisii to Tabaka: Kisii to Rongo-Migori: Kisii to Manga: Kisii to Kisumu: Kisii to Eldoret: Kisii to Ibacho: Kisii to Nyamache: Kisii to Kilgoris: Kisii to Nakuru: Kisii to Nairobi.

3.5 Data Collection Methods

These are the methods or instruments that the researcher used in collecting or gathering data from the field of study. The data collection was done after the sample was determined, selected and validated because data was collected through the samples. The data collected included the primary data from the respondents sampled out, selected and

validated. This was done through in-depth interviews, document review and observation. An interview guide was prepared beforehand based on the research objectives. Secondary data was also collected and the researcher used various books by different authors, journals, reports and statutes enacted by parliaments of Kenya, Britain, and United States among others (Document analysis).

In an endeavor to ensure that the empirical measurements employed in this study sufficiently portray the actual meaning of the phenomenon under examination, a pilot study was conducted in January 2016 in Nyamira County which neighbours Kisii County before the study. This was done in order to enable the researcher familiarize himself with the area and validating the research instruments guiding the broader study. Preliminary interviews were conducted among 4 drivers, 4 conductors and 6 Sacco managers. This study used the following methods to collect the relevant data:

3.5.1 In-depth Interviews

Jwan & Ongondo (2011), interviews in qualitative researches are one of the most important sources of data. This is because qualitative researches deal with real human issues in their social context and such interviews give the respondents or participants the chance to respond and give their accounts, thoughts and their insights. Interviews are recommended in a qualitative research when small number of respondents are involved and can easily be accessible.

In depth personal interviews was used in this study as a method of data collection because it was intended to elicit information as to how the *matatu* drivers, conductors and Sacco managers think the way they do in their normal setting- *matatu* business. The researcher had developed a sampling strategy before and ventured into the field of study and interviewed 76 respondents on a face to face contact. The questions asked were open

ended or semi-structured written in an in-depth interview guide annexed herein and marked Appendix B. These questions intended to elicit answers as per the research questions and objectives of this study. The in-depth interview was used in collecting data from the respondents until saturation. Such interviews involved a predetermined set of questions where answers are given and recorded in a highly standardized techniques of recording (Kothari, 2008:97).

The researcher interviewed drivers, conductors and Sacco managers of various *matatus* plying on various routes in Kisii County but commencing from and terminating at Kisii town bus terminus. The drivers and conductors were interviewed by the researcher separately at an agreed time and some during the journey or trips made by the *matatus* so as to clarify and try to corroborate the information elicited. During such interview, the researcher had to assure the respondents that the information sought was for academic purposes only. This was done in order to cast out doubts and eliminate the fear by the respondents in their responses.

This study method assisted the researcher in establishing the real human issues by giving the respondents or participants the chance to respond and exchange ideas on this topic of study. The researcher used this method in order to understand the socially constructed meanings and how they influenced the respondents in their daily activities.

3.5.2 Observation Method

Every qualitative research must involve some element of observation (Kothari, 2008, Ongondo, 2011). Observation means getting information or data by seeing the respondents in their natural setting as they carry out their day to day duties with a view of getting the insight about their duties (Cohen, 2007). Further it is said that the researcher collects the data in real life situations by looking at what takes place.

Observation as a method of data collection can be controlled or uncontrolled. If the observation takes place in the natural setting, it is termed as uncontrolled observation (Kothari, 2004). In this study the researcher used uncontrolled observations which was conducted in an open and free manner in a sense that the researcher explained the purpose of the research to the participants so the participants knew they were being observed.

During the field research, the researcher asked questions on how the *matatu* drivers and conductors bribed, the researcher had to board the *matatu* as a normal paying passenger in front with the driver and also at the back with conductor strategically in order to get a full view of what was happening and the researcher wrote a description of what was observed in the field notebook. During this time of study in the field, the researcher formulated a thoughtful and well-understood relationship between himself and the participants in order to facilitate truthful responses in explanation to what the researcher saw (observed). These interviews were informal and conversational in nature.

This method was used in this study because the researcher had to see the respondents in their natural setting and how they were bribing, what their reaction was after bribing and how they were engaging the police. This method was used and it proved useful particularly when the respondents were not capable of giving verbal reports of their feelings for one reason or the other and since the activities are done nonverbally, this method proved to be the most accurate as it takes place in the natural settings as observed by Jwan & Ongondo (2011).

3.5.3 Focus Group Discussions (FGD)

A focus group is a form of group interview mainly used to inquire about people's perceptions, opinions, beliefs and attitudes towards a particular phenomenon. In this

method, the participants were 'focused' on a given topic and were selected based on the knowledge they have about the research topic. This method combines both elements of interview and observation and involves a homogeneous group with a common interest (Jwan and Ongondo 2011, Casey and Krueger, 2000).

This method of data collection usually brings out the participants reaction spontaneously and allows the researcher to observe the dynamics of the group. FGD was conducted in open and in the full glare of the group members where each member has an equal chance of making a contribution. The main reason for FGD is to get an understanding of how the respondents feel and think about a given situation (Jwan and Ongondo, 2011; 91).

The researcher made the location and time of the FGD clear to all participants on the invite. The researcher introduced the participants to the discussion topic and made them feel more comfortable sharing their opinion with the group. The researcher identified a good leader among the group members because he remained neutral to ensure that everyone feels comfortable when expressing their opinion then delved into the discussion topic and sought the participants' opinions. The researcher had 3 sessions of the FGD with 4 members each.

The researcher had planned the questions which were simple and short. This being a sensitive topic the questions were asked carefully and the responses were transcribed immediately in the note book so that the nuances of the dialogue are not lost with time. FGD involved drivers, conductors and Sacco managers at different times and the number was 6 at each session. This was resorted into because creating homogeneity in the FGD helped participants feel more comfortable expressing their opinions. Considerations to gender was taken into account when choosing the FGD participants.

This method facilitated a discussion with a small group of respondents on this topic to get the real picture on how they carry out their day to day duties with a view of getting the insight about their duties and feeling. This included drivers, conductors and Sacco managers at different times.

3.5.4 Key informant interviews

Key informant interviews are qualitative in-depth interviews with people who know what is going on in the business activity (Mahmud & Prowse, 2012). The purpose of key informant interviews was to collect information from a wide range of people including *matatu* owners, Sacco managers and staff in the *matatu* industry, the police, EACC and professionals who have first hand knowledge about the business in the *matatu* industry and how bribery is perpetuated in the business. The common technique used to conduct key informant interviews was Face-to-Face Interviews (Kumar, 1989).

The researcher formulated KII questions based on the research objectives which were short and used as the key informant interview guide. The researcher selected the key informants based on the knowledge they were perceived to have based on their work or expertise. Before delving into asking the questions, the researcher did an introduction informing the key informants the purpose of the study, the process that was to be involved and why their cooperation was important.

This method was used in order to gain an understanding of the perspectives, behaviour and motivations of *matatu* drivers, conductors and Sacco managers when they bribe and how bribery is perpetuated. The researcher used 4 key informants who included one traffic police officer, former police officer, employee of Transparency international (TI) and a business man who had vast knowledge of the *matatu* business in the key informant interviews.

3.5.5 Document Analysis

Document analysis is a form of qualitative research in which documents are interpreted by the researcher to give voice and meaning around a research topic. The document analysis involves coding content into themes (Bowen, 2009).

O’Leary (2014), a researcher can use a number of texts for research but the most common is the use of written documents or texts. Bowen (2009) suggests that a wide array of documents is better so long as they are relevant to the research topic. The issues to consider when beginning document analysis according to Bowen (2009) is the subjectivity of the author, the purpose of the document in the research topic and the latent content of the document.

The researcher began content analysis based on the research objectives by checking the documents (laws and policies) that were relevant to this study and developed a coding system which was done thematically. After coding, the researcher paraphrased and wrote summaries of the documents used in the study like the policy manuals, strategic plans, journals, legislations or acts of parliament. Before actual document analysis took place, the researcher went through a detailed planning process in order to ensure reliable results (O’Leary 2014). This method was used because there is a lot of literature and scholarly articles written on corruption and or bribery which include policies and enacted laws/legislations used in this study and therefore this method was used in this study so as to give voice and meaning around the topic bribery by analyzing the content from the written documents in order to make deductions based on this study topic.

These methods of study are summarized in the Objectives and Research Methods Matrix in Table 3.2.

Table 3.2: Objectives and research method matrix

Objectives	Method	Reason
To investigate the social meaning of bribery	1. Observation 2. FGD 3.in-dept interviews	-To see the body language and gestures in real time. -to contextualize the events and how they bribe -to initiate the talk and get the real situations so as to understand meanings given to bribery -to get the feeling of what the respondents know and whether it is wrong to bribe. -to get the causal inferences from the interviewees -To elicit the participant's experiences, perceptions, thoughts and feelings
To establish how the social meanings of bribery influences the tactics used by matatu operators to bribe	1. Observation 2.In-depth interviews 3.FGD	-Get the gestural cues that give meaning to bribery -get the perception of the actors for further analysis -hear the expressions and get the language of respondents in a social set up.
To understand how social meanings and attendant tactics affects the prevention of bribery	1. Observation 2.In-depth interviews 3.FGD	-To get additional evidence from the respondents -To get an understanding of the tactics they use to perpetuate the act -To have a deeper understanding from answer given -to encourage the respondents to gain an insight and to open up
4.How social meanings of bribery intersect with government policies, practices and laws on bribery	1.Document analysis 2. FGD 3. Observation 4.In-dept interview	-To know the existing policies and laws in Kenya -To let the respondent, talk about the existing laws, their effectiveness and whether we need them and what the government has done to minimize or eliminate the vice -To see what the respondents do on violation of law -To know whether they know the various laws affecting them on the road

Source: author; 2017

3.6 Description of the Case: Matatu Operators

Kothari (2008), the case study is a very common method for qualitative studies which involves careful and complete observation of a social unit. The case study emphasizes full analysis of some situations and therefore an intensive investigation of a particular unit under consideration. The objective of the case study method is to look for the factors that give rise to the behaviour patterns of the given unit as an integrated totality

Yin (2009), a case study is a research method that relies on a single case rather than a population or sample. When researchers focus on a single case, they can make detailed observations over a long period of time. Case studies are used to generate an in-depth, multi-faceted understanding of a complex issue in its real life context and involves a careful and complete observation of a social unit, be it a person, a family, an institution, a group (*matatu* operators) or even the entire community. Case study is an appropriate research design when you want to gain concrete, contextual, in-depth knowledge about a specific real world subject. This allows one to explore the key characteristics, meanings, and implications of the case. A case study research can be single or multiple case study. This study used a multiple case study that is the *matatu* drivers, conductors and Sacco managers.

The use of case studies as a research design is to unravel contextual richness of the phenomenon under study. Basically, it is an in depth study used to narrow down a very broad field of research into one easily researchable topic (George & Bennet, 2005, Yin, 2009). The *matatu* operators were taken as a case in this study. A case study is a story about something unique, special, or interesting stories. It can be about individuals, organizations, processes, programs, neighborhoods, institutions and even events (Yin, 2003).

Case study was adopted in this research because it gives the story behind the social meanings of bribery by capturing what happens in real time and life among the *matatu* operators. It also gives an opportunity to bring attention to the bribery challenges in this industry. Case study design is appropriate because there is a unique or interesting story to be told in the *matatu* industry. The case study provides more detailed information and also allows the presentation of data to be collected from multiple methods such as

surveys, interviews, document review, and observation to provide a complete story of what is happening in the *matatu* industry and why.

The study adopted a qualitative research methodology and the interpretivist/constructivist paradigm is used in the study. The interpretivist /constructivist approaches try to understand the world of human experience by giving suggestions that reality is socially constructed (Mertens, 2005). The interpretivist/constructivist researchers relies upon the views of the participants in the situation being studied. The qualitative methodology shares its philosophical foundation with the interpretive paradigm which supports the view that there are many truths and multiple realities. Therefore Constructivist generates or develops a pattern of meanings through the language used. Additionally, the interpretive paradigm is associated more with methodological approaches that provide an opportunity for the voice, issues in their setup and practices of research participants to be heard (Cole, 2006).

3.7 Data Collection Procedure

An introduction letter from Moi University through the head of department addressed to the National Council for Science and Technology (NCST) was issued and sent to NCST for purposes of applying for a research permit. The permit was duly issued after completion of application and payment of the requisite fees. The researcher then booked appointment with the County Commissioners' office to get approval to conduct research in the County. The scanned copy of the permit, letter of introduction is attached herein and marked appendix D and C respectively. In addition, the researcher identified the key informants for a brief on the working and operations. An introduction letter was delivered the Sacco's offices after which appointments were made. The researched dropped the interview guide at the Sacco offices and sufficient time was allowed for

them to respond to the instruments accurately. After responding to the interview schedule, the researcher collected them for data analysis

In-depth interviews, focus group discussions and key informant interviews were conducted in Kiswahili but majority of the respondents used the local language (*Ekegusii*). While the interview schedule and interview guide were in English. The researcher had to verbally translate the questions in the interview guide to *Ekegusii* and or Kiswahili for those respondents that could not read or write in English to respond to them.

3.8 Methods of Data Analysis

Cooper & Schindler (2014), define data analysis as the process of editing and reducing accumulated data to a manageable size, developing summaries, looking for patterns and applying statistical techniques. Qualitative data analysis is therefore a range of processes and procedures whereby the researcher moves from the qualitative data that had been collected into some form of explanation, understanding or interpretation of the people and situations being investigated.

Qualitative data in this study was derived from in-depth interviews and focus group discussions through Interview transcript, field notes, documents and other materials. The researcher after data collection prepared and organized the collected data marking the source, demographics and any other information that will be useful in the analysis. The researcher then reviewed and explored the data several times in order to get a sense of what is contained therein. The researcher conducted data cleaning, which involved identification of incomplete responses or inaccurate responses and removed them or corrected them in order to improve the quality of the responses from the interview schedules.

The research yielded qualitative data. This data is presented herein and categorized thematically based on the research questions. The analysis involved coding of the data, dividing the text into smaller units, phrases, sentence and paragraphs assigning a label to each unit and grouping the codes into themes, then the data was analysed (content analysis) (Creswell and Clark 2011:208).

In the analysis of the interview data, the researcher identified what the *matatu* drivers, conductors and Sacco managers have been doing in the course of their daily activities, how they conveyed their view of the situation and how they classify themselves and others in business who did not bribe the police officers on the road. The researcher purposively sampled and interviewed the *matatu* drivers, conductors and Sacco managers using an in-depth, unstructured interview guide. The elicited answers were then transcribed, interpreted and presented. Also, the visual (observed) data was transcribed then coded into themes according to the research objectives.

The coded themes in the data involved building categories and subcategories that were likely to expand the study during the analysis. The key words and phrases were coded, they were categorized thematically and generalization of these themes was then done and interpreted in the light of the available literature. This was done by comparing findings with already known facts and conclusions were made depending on how the findings fitted to the research questions. Data was then presented thematically and raw data then transformed into information (Kothari, 2006). The interpretation of data and analysis began in the field while the data was being collected. The researcher familiarized himself with the data so as have a fair understanding of the data. The result from the data analysis are discussed in chapter four herein after

3.9 Ethical Issues

A number of ethical issues were taken into account in this study. A research approval was sought from National Commission for Science, Technology and Innovation (NACOSTI) so as to obtain a permit for the research. The researcher personally administered the interview guide to the Sacco managers. Informed consent to participate in the study was obtained from the respondents by explaining the purpose of the study and the respondents were assured that the information given was to be treated as confidential. The researcher also the respondents that the information sought will be used for academic purposes only. Plagiarism, fabrication or falsification of data, conflicts of interest, treatment of human subjects and authorship issues was adhered to (Hammersley & Traianou, 2012). Plagiarism was avoided by the researcher citing and acknowledged all referred sources in this study accordingly. Right to anonymity was maintained throughout by not mentioning the names of respondents. Permission to carry out the study was obtained from the relevant Sacco managers to interview the drivers and conductors (Kombo & Tromp, 2009).

3.10 Trustworthiness of Data

When formulating a detailed tool, reliability and validity (or trustworthiness) are two of the most important characteristics to be considered (Kothari, 2008). Trustworthiness refers to the demonstration that the evidence for the results reported is sound and when the argument made based on the results is strong (Krefting, 1991). It also means the extent to which the study actually investigated the information obtained from the respondents and what is reported and analysed (Jwan and Ongondo, 2011).

The data collected and analysed in this research elicited from the respondents through the various methods and various sources of secondary data (Triangulation) which are

herein cited and adequately acknowledged. No interview of the vulnerable groups was done. The researcher ensured that data was collected, analysed and reported appropriately bearing in mind the ethical considerations. The field notes were recorded and observation transcribed to reflect the feeling and belief of the respondents. The observation, in-depth interview and other methods of data collection were used in a way as to evoke feelings and a sense of the participants.

In this study, trustworthiness was further achieved through the participation and information feedback from the participants (often referred to as member-checking). Member checking was done simultaneously during data collection and after where a selected number of participants were invited to check and approve what had been observed and recorded. This was done by verification of the transcribed narrative by the respondents.

This research also provides a chain of evidence from authors in literature and government documents including the policies, procedures and enacted laws of various countries including Kenya whose legislations are herein referred to. This study also has clear operational definitions of the key terms and these terms are used consistently in this study. The phrases that were used by the respondents have also been explained and defined and their clear meaning given in context. This was done in consultation with my supervisor.

3.11 Conclusion

This chapter has presented the research methodology giving an account of the study site, the study methods used in data collection, a description of the case” *matatu* operators”, sampling and sample size ,methods of data analysis,trustworthiness of data and ethical issues.Chapter four herein below presents.

CHAPTER FOUR

STUDY FINDINGS

4.1 Introduction

This chapter presents the results on the data collected from the field and the findings on the social meaning of bribery and its influence on *matatu* operators. The data collected was coded and analysed thematically as per the following research objectives; to investigate the social meaning of bribery among *matatu* operators, to understand how social meanings influence the tactics used by *matatu* operators to bribe, to establish how the social meanings and the attendant tactics affects prevention of bribery and to examine how government policies, practices and laws on bribery intersect with *matatu* operator's narratives.

4.2 Socio-Demographic Characteristics

This section presents the socio-demographic information of the respondents in regard to age distribution, gender, marital status, level of education and work experience. The respondents are drivers, conductors and Sacco managers/staff distributed as below.

4.2.1 Age

The respondents aged between 25 and 65 the elderly being drivers owing to their experience, nature of tasks involved and the traffic law requirement which under section 33 prohibits issuing a driving licence to persons under the age of 16 years, under the age of 18 years, except in respect of motorcycles, under the age of 24 years and has over four years of experience in respect of *matatus* and motor-omnibuses. The majority of the respondents were between the ages of 25-40 for conductors, 35-50 for driver and 25-65 for Sacco managers. The advanced age in the managerial position is due to the fact that owners of the *matatus* were in the officer managing the affairs.

4.2.2 Gender

Majority of the respondents were male. However, the study interviewed one female driver and two conductors. The study found out that Majority of the respondents were male who represented 98% of the sample while 2% were female. The reason given for this dominance is that this requires one to wakeup early and sleep late. The timings is not conducive for females. Though a few have however managed to be involved in the sector.

4.2.3 Marital status

Majority of the male respondents were married and those who were not was due to their young age. The two female respondents were all married.

4.2.4 Education level

The respondents involved were a homogeneous group with a common interest and near level of education. All the drivers and conductors were K.C.S.E graduates while some of the Sacco managers were university graduates and middle level college graduates.

4.2.5 Work experience

The study established that majority of the respondents had over 10 years experience and majority of those being drivers and Sacco managers. This is due to the requirements of section 33 of the Traffic Act Cap 403 and some of the Sacco managers had worked as conductors and drivers before taking office work.

From the findings herein above, 70 % of the respondents had over 10 years of experience in the *matatu* business working as ether drivers or conductors. This is an indication that they were experienced in terms of the exposure needed on the road, that they are well versed with traffic rules and regulations and that they have experience in dealing with the traffic law enforcers.

4.3 The Social Meaning of Bribery among Matatu Operators.

This was the first objective of the study which examined the social meanings of bribery in the matatu industry. The following were the social meanings that emerged from the study:

4.3.1 Bribery as “Theft”

The study found out that out of 76 respondents in the study 50 respondents referred bribery as “theft”. The reasons given by the respondents herein who were drivers, conductors and all Sacco managers is that whereas the matatu has met all the necessary requirements for a *matatu* to be on the road the traffic police officers would still extort money from the matatu; and should one not pay, they will be booked. To the operators, this is theft. This was explained by one respondent;

Nigo okoboria igoro yeriaki? Koa abasikari riaki aseinche, obwo nooboibi maiso marore (you are asking me about bribery? Giving a bribe to the traffic police to me it is just theft in broad daylight). Source: Driver, Kisii - Keroka

Another one explained it as follows;

Egari netwara amasakara onsi, goika obae echiabo, eyio terioboibi? Otabaeti, abande bakorwa echiabo, togoeta aroro naende, nigo bagokobwata (even if the matatu has all the necessary papers, you must give them money; isn't this theft? If you don't give them [money], others will give and then you will not be allowed to proceed on your business; you will get arrested). Source: Driver, Kisii - Keroka

Similar sentiments were echoed as in the above;

Abanto aba batonyarire, nigo bagotosaba chibesa maiso marore ne chinguru, otabaeti, nigo bagikorikera ekina, obwo noboibi bwa mogaso igoro (these people are too much—they openly ask for bribes and if you don't give in to their demands, you are promptly booked. This to me is just theft during broad day light). Source: conductor, Keroka-Kisii

Some narratives were given on the same sentiments as follows;

Mwizi ni mwizi, hata ukifuata sheria, uweke vitu zote zenye zinahitajika kwa gari, bado watachukua pesa. Hii ni wizi kwa sababu usipowapea watakusumbua (a thief is a thief, and these policemen are

thieves! Even if you have all the necessary documentation as required by law, they will still take the money from you. And if you don't give them, you will know no peace. This is pure theft) *Source: Driver, Kisii - Kilgoris*

These assertions were collaborated as below;

Hawa watu lazima wakule zao, na kama hutawapea, wataomba na watalazimisha uwapee hata kama gari iko sawa.hii ni wizi tu (these people must take their share, and if you don't give them, they will ask and they will coerce you to give even if the matatu has all the necessary requirements. This is mere theft).Source: conductor, Kilgoris- kisii

From the above sentiments, the *matatu* operators see bribery as a form of theft perpetrated by the traffic police. This agrees with Anassi's (2004) observation that people are usually prevailed upon to give bribe for if they don't, they will be arrested and arraigned in court—those who bribe are not taken to court. It is believed that one bribes to pave way for a good day and one gives because they believe that others have already bribed their way through the various road blocks erected by the traffic police officers. As Ngunjiri (2010) observes, Kenyans see the probability of encountering demands for bribery increasingly frequent as years go by. The likelihood of the perceived “theft” will therefore not die anytime soon.

4.3.2 Bribe as a key (Tool to Gain Access)

During the research, 10 Sacco managers, 20 drivers and 10 conductors were of the view that they were giving in to bribes so as to secure access on Kenyan roads. Access in this social meaning meant that bribery was used as a key to enable one pass through police roadblocks without any scrutiny. This is true as once the bribe is given, the traffic police office will be signaled to pull off the Portable Barricades. To the operators this is a key to gain access while on the road.

One Sacco manager said that once you bribe them, the Portable Barricade will be pulled off “*si hivyo amefungua njia?*” meaning isn’t that opening the way? To the respondents, it is the bribe that has opened the way.

This assertion was explained as follows:

Riaki nekebungua omento agotumiia konyora enchera ase abasikari para na korenda tibarigereria amagosa ase egari mono erinde banyore buna etari engiya gosoa para.ase igo riaki nigo rikoigora emerangu (Bribery is the key that one uses to gain access through road blocks and avoid scrutiny as to the un roadworthiness of the vehicles. A bribe opens ‘doors’) *Source: driver, kisii bus terminus*

Similar sentiment was given as follows with a hearty laugh;

Onye gotegete omorembe para, goika origie egento giokoreta omorembe oyio, negento ekio neriaki. Riaki nario enchera yokonyora omorembe oyio. Bae riaki onyore enchera, barine orore ninkigegokobera-nigo bagokorigia erinde bakorikere ekina. (If you want peace on the road, then you need an instrument to access this peace. This instrument is a bribe. Bribe is the key to access peace and success. Bribe them and you gain access; don’t and see what happens to you—they will look for you and you will be booked!) *Source: conductor, Kisii - Oyugis*

The key informant was of the same sentiments when the drivers and conductors said that bribe is a key to gain access. This was corroborated as follows;

Askari akirushiwa pesa yake chini, yeye hana shughuli na wewe, atawacha muendelea na safari lakini usipo mpea utaona siku mrefu. Hii ni ufunguo kweli (when a police officer has received his bribe which is dropped on the road, he has no business with you, he will wave you to continue with your business but if you do not, you will have a rough time. This clearly is access money) *Source: Driver, Oyugis-Kisii*

These sentiments by the Sacco manger, *matatu* drivers and conductors, a bribe is ‘access’ money without which you will not get through the roadblocks. To them, the “key” is to bribe. In social Constructivism, every individual constructs the social world in his mind through experience (Young & Colin, 2004). Constructivism therefore is the process through which people create reality. The Sacco managers, drivers and conductors have created reality by giving a social meaning to this act of bribery-what

they see or observe. to this study, reality is constructed through people's experience and interaction with the world. Bribery has therefore been socially constructed to mean "access", with that meaning being shared between the police and the *matatu* operators.

4.3.3 Bribe as Giving unto 'Caesar what's Caesar's'

This was another social meaning that emerged from the study. 10 Sacco managers a majority being male though not openly admitted that the worst part is to be booked and that some Sacco's have given their drivers and conductors a discretion to assess the situation before bribing. This in effect means that majority of the Sacco do not mind bribery because that is what the traffic police officer wants in the circumstances. 26 drivers and 15 conductors too perceived bribe as the money that 'rightfully' belongs to the police. The respondents who are *matatu* operators said that it is money belonging to the police. Thus give unto 'Caesar what's Caesar's'.

This assertion was explained as follows;

Abanto aba nabaya ekeru moigwananaine. Chibesa nechiabo igo bae motigane mbakorikera ekina. Otabaeti nigo bagokorikera ekina alafu osari rituko nomonyene egari nechibesa ategete marogoba. Abanto aba nabarianania nonya togokonyana. (These people are good when you agree with them. This money belongs to them so we give it to them. When you do this, they will leave you alone and you will not be booked—your day will be thus not be ruined. This money belongs to them). *Source: Driver, Kisii – Migori*

Another assertion was explained with similar view;

Chibesa echi togokorera nechiabo, tokobabogoreria. Intwe bono naabakoreri babo. Chibesa nechiabo omonyene oira echigotigara. (This money we collect on behalf of the police. We act as their collection agents. The money belongs to them). *Source: conductor, Migori-Kisii*

The key informant was of similar sentiments and said "*wapee zao*" meaning give them their money. This was affirmed by a respondent as follows;

Hawa watu ndio wako kwa barabara, wamekuja kazi na unajua hawaoni makosa ya gari ila pesa tu. Wapee pesa zao nenda zako. hii ndio nia yao. kwa hivyo pesa ni yao wapee (the police are the ones

manning the road, they have come to work and you know that they don't see the defects in the matatu but money. Give them their money and go your way. This is their aim therefore this is their money),
Source: Driver, Kisii – Rongo-Nyamarambe

This is therefore a case of “give unto Caesar what belongs to Caesar”. Majority of the *matatu* operators therefore believe that a bribe is money that belongs to ‘Caesar’ (‘Caesar’ being the traffic police officers in this case). What this narrative shows is that the Kenyan society has slowly slipped into a state of anomie because rules have been disregarded and players in the transport business have now formed their own set of rules as Martin *et al* (2012:1403) argues, “Beyond the dismantling of individual normative controls in the face of institutional barriers, normlessness may permeate the social structure of [society], exerting pressure on them to engage in nonconforming rather than conforming behaviour to achieve performance goals”. The question that arises is whether the traffic police are entitled to this money (bribe) that the matatus operators give them. Legally and morally they are not entitled to the money. The entitlement theory makes this clear.

Salahuddin (2017) informs that the entitlement theory posits that a person who acquires a holding in accordance with the principle of justice, is entitled to that holding and a person who acquires a holding in accordance with the principle of justice of transfer, from someone else entitled to that holding, is equally entitled to the holding. Thus no one is entitled to a holding except by (repeated) applications of these two assertions. This is not the case when it comes to the police because they have no right to the proceeds generated by the *matatu* operators; the present state can only be explained by the state of anomie that Martin (2012) pointed out earlier.

4.3.4 Bribe as a “Blind-Fold”

This social meaning emerged from the study and was affirmed by 26 drivers, conductors, 8 Sacco managers and one key informant that bribery is a blind fold. One key informant explained this tactics and said that you have to be ready with the money in hand. One respondent had this to say;

Ukiona mkono unajuani pesa, ukishaa pewa nguvu inaisha na saa hiyo huoni makosa (when you see a hand stretched, you know it is money, once you have received it, the strength to inspect the matatu diminishes and you cannot notice any defect”) *source; driver, Rongo-Nyamarambe*

Two Sacco managers retorted that bribe was money given out to ‘blindfold’ the traffic police officers. This bribe therefore acts as a blindfold such that they (the police) often cannot see the numerous defects (for those *Matatu*’s that are Unroadworthy) the vehicle suffers. This assertion was explained and put as follows;

“Rigereria egari, rora insurance yaerire, sticker teiyio, amagoro aerire na besa nchiyo”. (Look at this *matatu*. As you can see the insurance has expired, it has no valid inspection sticker, the tyres are worn out and there is no money to rectify this).*Source: Driver, Nyamarambe -Rongo*

Another respondent added his voice to this and said that;

“Chibesa echio nechigosaria amaiso erinde tabaise korora amagosa egari ebwate” (bribe therefore is to blindfold the officer’s eyes so that he will not see these defects).*Driver, Nyamarambe -Rongo –Kisii*

These sentiments were expounded as follows:

Chigari chionsi para nigo chibwate ekasoro. Koba para goika omoribie amaiso erinde tarora amagosa. Naki orakore? Gose bae riaki ribasarie amaiso. Ekeru chibesa chiasoire koboko kwabo, tibakorora magoso ande lakini nigo bagokoorokia nokoboko ogende (all these vehicles have defects! To continue operating one therefore has to ‘blind’ the policemen so that they don’t see these defects. How do you do that? By giving them money to ‘blindfold’ their eyes! Once the money is in their hands, they will not see these many defects but will wave you with his hand to go).*Source; conductor, Rongo -Kisii*

This was reiterated and put as follows;

Funika hao. Wanataka pesa, usiwapee muda wala nafasi ya kuona makosa kwa gari, ukisimamishwa, wewe ndio unajua makosa ya gari,

funika hao na uende zako (blind fold them. They want money, don't give them a chance to notice the defects on the *matatu*. Once you have been stopped, it is you who know the defects in your *matatu*, blind fold them and go your way). *Source; conductor, Mosochi-Nyamataro-Kisii*

These sentiments are typical in this study as the *matatu* Sacco's have not neglected putting their fleet in serviceable condition as required by section 30 of the NTSA Act because that defect cannot be an issues on the road because of the "blind fold"

Adekoya (2009) explains that a bribe is a form of corruption which is often used as an offer, payment or promise made in anticipation of a return of some favour. It is this form of understanding that results in a policeman, on receiving the bribe, to ignore his responsibilities under the law and wave the defective vehicles by is a blind fold.

Rodriguez (2005) reiterates similar view by explaining how government officials abuse their power. He explains that when a public official accepts a bribe or a kickback for his services or less overt exchanges such as gifts, favours, promises, symbolically sealed by surreptitious handshakes, he is stretching the notion of abuse of power even further because the said officer will ignore the offences committed and safeguard his interests thereby consolidating social networks (Griffin and O'Leary, 2004; Granovetter, 2007).

4.3.5 Bribery as 'Tea'

This is another social meaning that emerged from the study that bribe money was referred to as "*echae*", *literally* meaning tea. 15 Sacco managers and 50 drivers and conductors experienced this when they met with a traffic police officer. one Sacco manager said this;

Mukikutana na askari na anakujua, atakusalimia, akuulize vile biashara inaendelea alfu ana sema si utoe chai (when you meet with the traffic police officer and he knows you, he will ask you about the business and then ask you for tea) *Source; Sacco manager*

This was also explained as follows:

Omanyete intwe abafrika intonarete kogorera abande echae. ayio naro amasikani mono ekeru omento agokoreire buya gose agokonyire, gose otegete ogokonya korwa ase are, nigototakeire komogorera echae. ase igo ekeru otegete abasigari babe abaya ase ore, gose bagokonyire ase amagosa are, nigo tokobaa echae gose obae chibesa begorere, ase igo ekeru tokobaa ebasa bagore echae, eyio nenchera engiya yokobatebia imbuya mono ase obuya bwabo. (You know it is in our African culture to serve/buy one another tea. This is considered as good manners. Especially when someone has been good to you or you need a favour from him; then you have to buy him tea. So, since we want the police to be good, or because they have done us a good favour, we are reciprocating by 'buying him tea'. But we don't literally buy him tea. We give him money to enable him go and 'buy himself tea' at his own convenient time. So, when you give a policeman money to go buy himself tea that is a sign that you appreciate his services, or his good nature). Source: Driver, Kisii -Kisumu

The money thus given out for "tea" is symbolic of the appreciation that one gives to the police for his/her services. The police officers will not literally buy for themselves tea; rather, the term 'tea' is a euphemism for appreciation. A key informant said that "chai" is one way of bringing you closer. Another respondent was of similar view and said;

Chai ni njia moja ya kukuomba pesa kama gari haina makosa, watajinunulia chenye wanataka (tea is one way of asking for money when the matatu has no visible defects. They will buy themselves what they want) source; driver

Similar view was held and put as follows;

Barabarani nikitu cha maana kukua mpole, ni muhimu tena Zaidi kukaa mpole kwa askari. kwa hivyo kumuonyesha uzuri wetu kwa kazi yenye anafanya kwa barabara, tunawapea chai, si kwamba tunanunua chai lakini atanunua mwenyewe na hii itafanya askari akue rafiki (It is important to be polite on Kenyan roads. It is even more important to be polite to the police. So, in appreciation for the services that they render to us on the roads, we buy them 'tea'. It is not that I will buy him tea, no. I will give him money so that he can go 'buy for himself tea'. This is to appreciate him for his services. This turns a potential foe into a friend) source; conductor, Kisumu-Kisii

These sentiments were echoed by some respondents including 5 Sacco managers but was explained in the following words by a respondent;

Ni kweli askari wanaomba chai, ama uwapee chai ya kawaida na hii ni ishara ya shukrani na mutajuana Zaidi (it is clear that the police will either ask for or receive “chai” in the normal course of their duty. This serves as a sign of gratitude or appreciation. It also cements future friendship). Source; conductor, Kisii-Nyamira

In Kenya, this practice is a well ingrained social act and the phrase is commonly used in most public offices when one is seeking government services. This is therefore not only limited to bribery on the roads in Kisii county but country wide and in all the government departments as was established by Onyango (2012). It is noted that when one seeks for services from a public officer including police officers, they would freely say” *si utoe chai* (buy me tea). The money given for tea usually acts as a sign of appreciation for the services rendered on one’s behalf. But at times, the tea is requested when the police officer has failed to find any fault with the vehicle.

Kibwana (1996:138) says that corruption has been an element of every human society that stems from and is sustained by a social environment of disequilibrium. He explains that at a social level, humans are driven by two attributes which he calls the individual self and social self. According to him, anti-social practices which to him is corruption arises when there is predominance of individual self in one’s response towards some particular situations like low income or weak institutional capacity to allow for adequate monitoring of a system.

One key informant said “*ni kubaatisha tu*” meaning when being stopped the police are just trying their luck. One respondent had this to say;

Sacco zingine ziko na magari mpya,bila kosa lakini askari hua anaisimamisha kujaribu ni kuona kama iko na kila kitu,kama iko sawa,utaombwa tu chai(some Sacco’s have new fleet, without defects, well maintained but through trial and error, they stop them lest they may find a defect, failure of which, they ask for tea) source; driver, kisii-kisumu

These sentiments were affirmed and explained as below;

Lakini ikiwa gari haina makosa, polisi bado watauliza chai. Atakuja karibu na dirisha halafu akwambie, hapa inje ni baridi, si utoe chae. Hapo sasa itabidi ukue mtu mzuri umununulie chai ya shukrani (but if the matatu has no major defects, they will still ask but politely near the window saying outside here is cold, why don't you buy tea. So, you are supposed to be good and buy him tea, so as to just appreciate him. *Chai huwa shilingi mia moja* standard (tea is ksh.100 standard price)!
Source; conductor, Kisumu-Kisii

Bribery and or corruption has been symbolized by many scholars. Rose-Ackerman (1978)'s analysis of corruption stems from defining all informal payoffs not forwarded to the rightful recipients as corrupt. Whilst such payoffs are by legal standards illegal, they do not address the contextual legitimacy or informal values that may be attached to informal payoffs or even undo their symbolic relevance to actors (Granovetter, 2004). Furthermore, this study established symbolic languages of corruption as used in the study setting of Blundo and Oliver de Sardan (2006) where Popular Semiology of Corruption are used to refer to bribery and or corruption. These findings were also true with Onyango (2012) where terminologies in the Luo language were used such as:

'oso e ofuko' (i.e. put in the pocket to mean compromised with bribes); *asoya* (i.e. bribes), *'ogo dhoge bor'* (i.e. fed with fats to mean compromised with bribes); *'kitu kidogo'* (something small that means bribes); *'gol gimoro matin'* (bring something small used for bribes); *'kel ink'* (bring something for the pen); *'gir soda'* (bring something for the soda); and *'gol chai'* (i.e. offer some tea).

These symbols are used interchangeably as coded expressions for bribes by both matatu drivers, conductors and Sacco managers to circumvent their actions

Zhou et al (2013) argue that the more severe the social disorder, theft and crime, the more likely firms/individuals would bribe. He argues that unusual or anomie behaviour may get normalized under such environments. This is true with this study in that if the *matatu* Sacco has defective vehicles-old, they often bribe at the earliest opportunity to

avoid much scrutiny. In doing this, the traffic police officers are confirming the current anomie conditions in police service for doing their job (for which they are paid a salary) Zhou (2013) thus argues that the more firms perceive social anomie climate as normal, the more likely firms/individuals would bribe. In essence, bribery has become a part of life, and it has been normalized to simply buying someone a cup of tea! As explained by the constructivism theory, people create reality by giving meaning to what they see or observe, as meaning/reality is constructed through people's experience through interaction with the world (Young and Colin, 2004). In this particular case, bribery has, through interaction, been reduced to a symbolism, that of buying someone tea.

4.3.6 Bribery as “Something Small”

The study established that bribery was referred to as “something small”. This is the most common social meaning attached to bribery not only in the matatu business but also in every sector in the Kenyan economy. The Sacco managers, key informants, drivers and conductors also referred to bribery as “*kitu kidogo*” meaning “something small” that can enable a police officer to do something.

This social meaning was explained by the key informant as follows:

Mia moja ni nini na huna insurance ama sticker na sopped governor imeharibika (what is ksh.100 when the *matatu haina* insurance, NTSA sticker or the speed governor is defective) *source; KI*

These assertions were affirmed by 10 conductors but one conductor as follows;

Tunapeana kitu kidogo tuwachiliwe kwa sababu usipopeana utapelekwa kotini na hapo utalipa pesa nyingi. Kwanini unataka kupoteza wakati kotini na ulipe pesa nyingi wakati unaweza peana kwa askri barabarani kitu kidogo na shida iisheie hapo.ni vizuri kupeana kitu kidogo. (We pay something small to be released, because if you don't then you have to go to court and you will pay something big! A substantial fine. Why would you want to waste time going to court and then pay this big fine? When you can give the policeman something small the trouble goes away? Isn't this better than that big fine?) *Source; conductor, Nyamira-Kisii;*

Another conductor echoed these sentiments and said:

Polisi wanajua faini yenye utalipa kwa kila makosa.kwa hivyo wakikushika, hua wanakuambia hiyo faini alafu wanakuuliza upeane kitu kidogo kuliko kwenda kotini. Ukiona hizo pesa ni heri kulipa kitu kidogo (The police know the fines applicable to every offense. So, when they arrest you, they will tell you the applicable fine, and then ask you to bribe him with something small, instead of going to court and pay that big fine. You must be reasonable: It is better to part with this little bribe than pay that hefty fine) source; conductor, Kisii-Ibacho

This social meaning was confirmed by one key informant and put as follows;

Mia ni pesa kidogo kulingana na faini yenye utatozwa kotini kwa kosa la traffic na muda utakao poteza kushughulikia hiyo kesi. Wapee na utakua sawa (ksh.100 is a small amount of bribe compared to court fines attached to the offence and the time you will take to clear the charges. Bribe them and you will be ok) source; KI

These meanings are in relation to the fine payable for that offense; hence the social reference to it as “something small”. The “something small” could be as low as 100/= or as high as half the applicable amount for the stated fine. As one conductor put it “why waste time in court while you can pay off a small amount and continue with your business of looking for money?” Bribe as “something small” appears to be a more logical step than proceeding to court to argue out your case which in most cases one is most certain to lose anyway. The distaste with the court process is that one not only loses time, but also money.

In his discussion on the meaning of words, Todorov (1986:12) argues that there are direct and indirect meaning of words. In one of his four propositions (proposition 3), he states that differences in direct and indirect meanings may arise due to difference in effect, in which the expressed meaning brings about a certain cognitive perception, and adds that “the suggested meaning also produces charm”. In this case, the perceived meaning of “something small” is well understood between the two parties, and produces the “charm” that Todorov refers to. This “charm” allows the two parties to transact.

This transaction can be precipitated by many factors, one suggested factor being the failing economies of many developing nations.

Just as Johnston and Hao (1995: 8-9) observe, corruption and bribery thrive when economies are not doing well. The authors argue that continued high inflation has hit populations hard and this has not spared the law enforcement officers, who now find themselves taking something small from citizens to make ends meet. The authors add (p. 9) that continued inflation has only encouraged corruption and its other sister vices which in turn contributes to further corruption and adds to the cost of inefficiencies to the economy. With Kenya's inflation on the rise, and incomes not being able to meet daily needs, this practice of policemen taking something small is bound to continue.

4.3.7 Bribery as “Money for the Pen”

Another social meaning that emerged from the study was bribery as “money for the pen”. This social meaning was affirmed by 2 Sacco managers 2 conductors from among the *matatus* operating town service vehicles.

One Sacco manager had this to say;

Usiwache wakuandiekie kesi, wapee pesa ndio wasiandike (don't let them book you. Give them money so that they don't book you) *source; Sacco manager*

Another one explained in this rather strange phenomenon as follows:

Omanyete, ekeru obwate amagosa, ekaramu nero ekorika ekina kiago. Ekina ekio nakio kegokoiru kotini, gose echera. Nekaramu neroekorika aseigo gwekonya korwa ase aya onsi, bae chibesa chiekaramu mokorane (You know, when you commit an offence, it is the pen that will write down your charges. These are the charges that will commit you to jail or subject you to fines in the courts. And it is that pen that will also be used to write down your offence and commit you to jail or a fine or both! Therefore, to save all this from happening, you need to pay a bribe so that the pen does not write any of these things) *source; conductor, Ibacho-Kisii.*

Another one expounded this social meaning as follows:

Usipolipa kalamu, utachorwa, utaandikiwa kesi, kwa hivyo ni vizuri kulipa kalamu isiikuaandikie kesi (If you don't pay the pen, *utachorwa* (literally translated to "you will be penned down", but in actual sense meaning "you will be charged") so it is wise to stop that pen from writing, *ndugu yangu* (my brother) *source; conductor, Kisumu-Kisii*

Five respondents in FGD reiterated that is important to act swiftly before they start writing. This meant booking. Another respondent had intimated that it is therefore crucial for one to appease the pen. This assertion was reiterated as follows;

Usiandikiwe kesi. Pea yeye pesa ya kalamu.si yeye unapea lakini ni kalamu (don't get booked. Give him the money for the pen. You are not bribing the police but the pen). *Source; driver, Kisii-Kiamokama*

The theory of social construction indicate that people give meanings to phenomena, and in this case, a social meaning has been given to the pen. In essence, the pen has been given life so much that it can be appeased to avoid one coming to grief. From the above explanations therefore, one pays a bribe to the pen so that it does not write the charges. The bribe thus stops it from scribbling down these nasty charges.

As Graycer & Villa (2011:3) observe, people who make corrupt payments feel a sense of high inequality and low trust. In the case observed above, the matatu conductors/drivers appear to be quite frightened by the pen, and by extension to the police and as such, they harbor a sense of inferiority when relating to law enforcement officers. It is this feeling of inequality that then drives them to engage in acts of bribery. The pen is therefore more feared than the courts. The pen must thus be appeased.

Lessig (1995, pp. 951-2.), any society or social context has what is called social meanings – the semiotic content attached to various actions, or inactions, or statuses, within a particular context. This is to find a way to speak of the frameworks of understanding within which individuals live; a way to describe what they take or understand various actions, or inactions and a way to understand how the understandings

change. We should allow not only actions or inactions have social meanings, but also include things such as corn, traffic signals, money and jewelry. Lessig (1995, pp. 954-55).), Points out that these Social meanings change, they are contested, and they differ across communities and individuals.

These assertions by Lessig (1995) and other authors are true to Kenya from the social meanings discussed herein above and also true in other jurisdictions as affirmed by an article in the British Broadcasting Corporation (BBC online magazine, 11th July, 2013) and laid out by the author; Kara Brock Meyer as follows;Cash for soup (Turkish) this code according to the authors is used to symbolize a cup of tea. In Kenya you might be stopped by traffic policemen and asked to contribute to “tea for the elders”. “The tea “is symbolic and signifies a lot when it comes to bribery

Respect, an official requesting a bribe will therefore ask you to “do him a favour”. This on the Kenyan roads will be done as a sign of respect.

A fish starts to stink at the head the phrase “a fish starts to stink at the head” comes from Turkey, reminding us that petty bribes at street-level are often matched by greater corruption at the top of organisations and institutions. In Kenya it is seen in the media how the government ministries and departments are corrupt. This is a reflection on what goes on in the traffic police on the Kenyan roads.

Gratitude, the term corruption implies both illegal and immoral behaviour. But in some regions, what is technically illegal may in fact be seen as acceptable or even moral behaviour. In Kenya the traffic police officers receive bribes in return for a blind eye on the defects on the matatu and this is not regarded as immoral in the matatu industry but a gratitude.

Under the table popular phrases used for speaking about corruption are often metaphorical. The well-known English phrase describing money being passed “under the table”, for example, also exists in Kenyan drivers and conductors know it as sometimes necessary to put something on the palm of a traffic police officer’s hand in order to be allowed to continue work.

Money for tea is the universal popularity of tea and coffee as metaphors for bribes points to another way in which euphemisms function in order to conceal the true nature of a corrupt transactions. In Kenya, tea drinking is an essential part of social life. Asking for “money for tea” carries the suggestion that the bribe will be shared with others.

From the social meanings herein above, the conclusion one would possibly draw is that in both legal and social perspective, bribery is a mutual benefit at the expense of the authority. This is because no one gets hurt as it is a victimless crime. In this thesis a bribe is seen as something normal that builds bridges towards friendship with the traffic police officers and the *matatu* drivers, conductors and Sacco managers for mutual benefit. Furthermore, from a constructivist point of view, any one person’s interpretation or construction is as true as any other person’s interpretation or construction as long as it works within a particular context.

4.4 How Social Meanings Influence the Tactics used by Matatu Operators to Bribe

This was the second objective of this study. A tactic was explained in chapter two herein above as the art or skill of employing available means to accomplish an end. It was also defined as an action or method that is planned and used to achieve a particular goal.

The study established that Sacco managers, drivers and conductors have adopted different tactics in order to perpetuate the act of bribery with the traffic police officers on Kenyan roads. The social meanings attached to bribery as discussed herein above is an

indication that the matatu drivers, conductors and Sacco managers are aware that it is wrong to bribe the traffic police officers on the road and also the police acknowledge the same as they prefer the tactics used. This is because they know the provisions of the applicable laws in Kenya.

This section therefore examines the different tactics used by the *matatu* operators and how these tactics have been devised and adopted by the *matatu* conductor's, drivers and Sacco managers in bribing the traffic police. These tactics are;

4.4.1 Dropping Money on the Road

This is one of the tactics that emerged from the study which involved the driver or conductor dropping the money on the road for the police officers to pick at their own convenient time. This tactic was affirmed by all the 76 respondents in this study. It is believed to be a common practice by the 76 the Sacco managers, *matatu* drivers and conductors. This tactic was espoused as follows;

” kupena pesa kwa askari inamaanisha ushuke kwa gari alafu uende nyuma ya gari kwa askari ndio apokee mahali hawezi onekana na abiria. Ninki ogoikera ekeru oramorutere chibesa inse achore ngora?”
(To hand over the money directly would mean that you alight from the matatu and join the police at the back of the vehicle where he can, out of the public sight, receive this money. Why do you need to do this when you can simply drop the money for them to pick later?) *Source; conductor, Kiamokama-Kisii*

This tactic was also affirmed by two conductors and they said that they are the ones (conductors) who drop the money. one conductor had this to say;

Askari wanasimama kwa mko wa conductor, akikusimamisha, unatoa mkono ukikaribia alafu unarusha chini akishaaona alafu munaenda (police are on the left side of the road which is the side of the conductor, when flagged to stop, you stretch your hand out then on approaching the police, you drop the money then you proceed) source; conductor, Kisii- Kilgoris

This tactic was confirmed by other respondents and were also of the view that this tactic is convenient for them all as all that is required is dropping the money. This was put as follows;

Kobarutera chibesa inse para nigo ere bwango naende buya ekiagera onde tarigokorora gokoruta. Tokobwatu nonde ekiagera korua riaki nokoa omonto chibesa koboko. Enchera eyio tokobwatwa naende monto tagoteba buna kwaire omonto riaki. Abanto b'anticorruption mbagoteba buna kwaire onde riaki, gokobwatwa nigo ogoteba buna chibesa echiagwa inse. Na omosigari gakonyorwa igo agoteba nechibesa chiaye aregochora (Dropping the money on the road is convenient and fast, and it thus ensures that one cannot be caught giving out the bribe. Giving out a bribe involves giving and receiving, but in this way, one cannot be accused of giving out the bribe. I didn't hand it over to him. If caught by the NTSA, I will say that it fell off my hand accidentally, or the police can always say that he was just picking up his money) source; conductor, Kilgoris-Kisii

Another respondent reiterated similar sentiments and had this to say:

Enchera eye nengiya ase abanto ba matatu, chintereba, chiconductor na abasikari ekiagera nigo egotorendera chinsa (This tactic is preferred by the matatu drivers, conductors and by the traffic police officers as it lessens the chances of being caught in the act of giving or receiving a bribe. Another advantage that it has is that it is quick as one driver put it, "igo mbwango, na wamezoea kuokota" (it is faster and they are used to picking up the money). Source; conductor, Kisii-keroka

This was reiterated as follows;

Wanapenda hivyo kwa sababu hawajui ni nani hako kwa gari na ukisimama utawapotezea wakati. Rusha chini nenda zako (they like it this way because they don't know who is in the matatu. when stopped, you will waste their time. Drop the money and go your way) source; driver, Keroka- Metamaywai

In discussing the Theory of Mind (ToM), Barnacz et al (2009) defines it as the ability to attribute mental states to another individual. The authors link self awareness to ToM. In this case therefore, the *matatu* operators have the ability to attribute their mental states to the policemen, who being self-aware of what is expected, observe the tactic used and accommodate it in their work. This therefore makes the tactic understandable between the two parties.

This tactic too is in line with the social meaning given herein above (*'pesa ya polisi'* meaning money for the police), for as one conductor observed “you have to give them their money, so you have to find the most tactful way of doing this. Otherwise you will not be able to operate”. This tactic is preferred as it is time efficient. The police get what they want and the matatu go about their business of generating money. This tactic is safer for both the traffic police officer and the matatu crew as it would be difficult for anti-corruption officers to catch them in the actual act of giving a bribe. It is justified as one conductor said” *eki bategete ne chibesa*” meaning what they want is their money and nothing else, so one has to find an efficient safe tactic that fulfills this and that is dropping the money.

Onyango (2012) talks of how corruption takes place in the then local authorities when money comes, the meeting can be held until late in the night without the secretary. The most opposing councilors then were paid, like, ‘why are you still making a lot of noise *cham mae*’ (eat this). The clerk then goes and makes the deal or pledges a commission with those supposed to clear the money. This is quick money and will be acted upon very first. The same applies to the traffic police officers on the road as they will accept what is given and it is done in a flash without anybody noticing. This tactic makes prevention of bribery challenging as explained herein below as follows:

Kera omonto inkorua are chibesa, onde taiyio otatageti korua ekiagera mbamanyete richiko nebinto bitakeire ase egari. imbamanyete buna gari tebwati masakara onsi nekeru etabwati, abasikari nabwo bakoyebwata gose banyetige ase igo intobwati nchera ende gotatiga kobaa echiabo (The drivers, conductors and Sacco managers are ready and willing to bribe because they are aware of the law as regard the minimum requirements for the matatu to operate on the road. They also know that their matatus lack one or more of the said requirements. The traffic police officer on the road have the discretion and therefore the power to apprehend or forgive. What option do you have?)*Source; conductor, Kisii-Suneka*

Another respondent said that bribery on the road is wide spread and no one can go scot free. They don't think of conviction. He gave an assurance that getting caught is an uphill task and had this to say;

" inche nechibesa inkosangereria nagoika inchitware koboko, baisekoonyora nigo inkobatebia chibesa echiagwa inse nonya nere tagotaka kobwatwa. (I collect fare from passengers if I am caught dropping the money, I will tell them the money just dropped. The police officer too will not want to be arrested) Source; conductor, Kisii-Suneka

These shows that the drivers, conductors and the traffic police officers collude in the acts of bribery. They shield each other from possible arrest and will do every thing to ensure they are not caught or spotted taking and or giving a bribe on the road. The law enforcers are the police themselves and since the matatu drivers and conductor as are aware of this fact, they do it without fear. The fact that there is no law prohibiting a person from picking money or goods dropped on the road, they are safe in this matter.

This tactic was affirmed as follows;

Sisi tunalipwa nauli na abiria, pesa tunabeba mkononi, na askari akikusumamisha, pesa iko mkononi, inaweza anguka kimakosa (we carry passengers and money is in the hand, so it can drop by accident) Source; conductor, Suneka-Tabaka

Most of the respondents including in the FGD and key informant were of the view that no one will be arrested when bribing. The reason, the same police officers are aware that it is wrong and when receiving the money on the road, they discretely do it. One respondent explained on how difficulty it is in arresting perpetrators as follows:

Hizi njia za kupeana hongo ni za siri sana, si rahisi mtu kuona na hata hatutaki mtu ajue hata wewe kwa sababu kila mtu ako kazi. (These tactics of bribery are done secretly and we don't want anybody to know even you (meaning me) because we are working).Source; driver, Tabaka-Kisii

This shows that prevention of bribery by arresting this practice is an uphill task.

According to a survey conducted by EACC (2016) it was reported that it was quite

challenging to prevent corruption and or bribery because according to the survey, very few cases were reported, probably mainly due to ignorance and/or partly because it is a give and take. The police turn a blind eye on the defects of the matatu and the drivers or conductors appreciate.

Atanasov's (2011) explains that when one wants to obtain a service from a government official (in this case the traffic police officer), the citizen learns that one way of obtaining the service is by bribing the official, but the bribe amount is negotiable. He has other options besides bribing the official, such allowing the booking by the traffic police officer and go the full length of paying all legal fees and challenging the case or meeting all the legal requirements and waiting longer on the line for the service. The most advantageous of these option according to Atanasov (2011) is the buyer's Best Alternative to Negotiated Agreement. In this study the best alternative is to bribe.

As observed in the field, the drivers, conductors and Sacco managers were willing to bribe. Atanasov (2011) confirms this and he explains further that when corrupt systems are not centrally organized, determining the price of a bribe becomes a question of negotiation and may require substantial effort and skill from the givers and the takers to negotiate the same and due to this much time taken, no one is willing to give up the vice, it is a give and take and both parties stand to gain. But as Barnacz (2009) argues, knowledge of tactics may make detection of deception easy. The anti-corruption agencies therefore need to be aware of these tactics so as to make meaningful progress towards the reduction of bribery on Kenya roads.

4.4.2 Placing a Folded Note at the Edge of the Side Mirror

The other tactic that the study revealed was that of placing a folded (usually 100 shillings note) at the edge of the side mirror. 20 drivers confirmed that they used this

tactic as it was convenient for them. They did this before embarking on the trip. This was explained as follows:

“Abasikari mbari koegwa inse yemia. Emia eyemo bategete nekeru kwamanyire buna nao bare, igookobeka ebesa eyio ase ekerore, kagogotenenia, kwamoorokia negechara ase chire” (The traffic police are normally given Ksh 100. This is what they want so when one is alerted by other matatu drivers that they (the police) are on the road, you place money at the edge of the side mirror, so that when you are asked to stop, you discretely point at the money strategically placed at the edge of the side mirror. The policeman will tactfully pick the money) *Source; conductor, Kisii-Nakuru*

The respondents affirmed that once the money has been plucked from its strategic position, the traffic police officer will make a show by inspecting the *matatu* stickers and as expected, wave the *matatu* to be on its way.

Another respondent further explained this tactic as follows:

Abanto aba mbamanyete ekio bategete naende nigo bagokorigereria erinde barore gose nkobaorokia ore ase chibesa chire. Nigo bagokorigereria amaiso ime erinde bacha imbaka aseore, gokomoorokereria ase chire, nigo akogenda ochibwata ngora chigoso koboko origereria amasakara erinde otiga egari yagenda (These people know what they want and they will look at you in the eye for you to indicate how you will pay out the bribe. Once there is eye contact, he will approach you and you will indicate by eye movements or by your finger that the money is by the side mirror. He will then proceed and pick it up and wave you on). *Source; driver, Nakuru-Kisii*

He added:

“uwezi kosa kuona pesa, hata wewe ukiangalia utaona tu” (One cannot fail to notice the money even your seated here next to me you will clearly see the folded note). *Source; driver, Nakuru-Kisii*

Another one corroborated on this tactic:

Inche nigo inkobeka chibesa ase ekerore, igo omosikari nigo agochirora bwango erinde ochiira ngora igo gakoboria elicence, origereria ebinto binde.iga ebinto nigo bikoba bwango naende raisi. Inche ninsigete enchera eyio ekiagera timori kominana na gosaria chinsa (I always place cash at the edge of the side mirror. There is no need to waste time as we all know this tactic. In this way, the policeman can quietly pick the cash as he asks for my license, or inspects the car stickers. Once he sees the money, the exercise of inspection runs smoothly and in no time, you will be on your way. I

like this method because we don't have to argue about this and that and we don't have to waste time) *Source; driver, Kisii-Rongo-Homabay*

The study noted that most drivers preferred this tactic as they know in the course of inspecting the papers and necessary requirements, the police officer will see the money, pick it up and move along. The other reason given by other respondents which was also affirmed by the key informant was that this tactic is discrete and avoids much suspicion from the passengers or from agency officers acting under cover.

When asked why they had to resort to this tactic, one of the respondents remarked as follows:

Kutoa hongo ni hatia kwa kisheria na ni hatia mbaya. Lakini inabidi uwapee kitu kidogo na inabidi utafute njia ya kupeana hiyo hongo kwa sababu ni haki yao (Bribing a police officer is a serious crime. But then again you must give them something small. So, one must find a way of giving the police the money that is due to them) Source; driver, Homabay-Kisii

This tactic is mostly used by the driver as they fold the ksh 100 note and place it at the side mirror. *Matatu* is a public service vehicle and at the stage anybody can hang around it. A defence on this tactic was put as follows;

Ukiweka pesa kwa kioo, kila mtu stage anajua ni ya polisi, na hakuna mtu atakusema kwa sababu kila matatu ya hiyo njia itakua imeweka (when you place the money at the side mirror, everybody at the stage knows the money belongs to the police because every matatu plying that route will do the same) Source; conductor, Kisii-Nyamira

Similar assertions were made by some respondents who said that it is not easy to know whether the money is placed at that point. One respondent had this to say in explaining the advantage of this method:

" watajua aje niliziweka hapo? Huwezi ona hizo pesa kama ujui mahali zipo.Hata askari anaonyeshwa ndio achukue.Wakiniuliza hata mimi nitakataa sijui pesa ziko hapo (how will they know I put the money there? You cannot see where the money is placed. The police too are given a signal to see the money and take it .If caught, I will deny knowing the money was there) Source; conductor, Nyamira-Kisii

Another respondent was of the same opinion when talking about prevention and he said:

” huwezi ona na uwezi jua nimeweka pesa hapo. Sisi tumekubaliana na askari kupeana kitu kidogo na hata utafute huwezi ziona lakini askari, conductor ama dereva ya matatu nyingine atazipata (you did not see me place the money there, did you? But we have an agreement with the police that we should give them” kitu kidogo”. So, when they come to examine the vehicle, they will not fail to spot the money. In almost every case they will pick the money).Source; conductor, Kisii-Ogembo

This was a view by most of the respondents and on inquiry one had this in response;

Kila mtu anajitetea, gari ikiwa na makosa, utatoa, isipokua na kasoro, ni heri utoe tu wakikusumamisha ili siku yenye utakua na makosa, wanajua huwa unatoa.hii ni ishara ya urafiki (everybody meaning matatu operators and the police must do something to help themselves. The matatu man will bribe to get away with faulty defects on his vehicle; the police on the other hand will take the bribe to seal a certain financial glitch. In this way, both are helping themselves, while also helping one another. But we do it discretely so that no one is arrested for breaking the law. But we each must survive –so we each must engage in this practice (bribery) this is a sign of friendship as we are both minding the welfare of the other) source; Driver, Ogembo-Kilgoris

As Newburn (1999) explains, much of what the police do are not witnessed by members of the public, and for corruption to be tackled, the public needs to know much more about the intricacies of corruption on the Kenyan roads. Newburn points out that corruption is often located within specialized parts of the police force, in particular those units dealing with the regulation of ‘victimless’ crimes (which in a large extent includes the traffic police unit). Newburn (pp. 49) cautions that complacency about police corruption, or lack of realism about the prospects of reform, will lead to a continuous cycle of police corruption. He offers that realism and vigilance must be the watchwords of the police administrators seeking to control, corruption. Hence, police administrators must be aware of these tactics and suggest reforms that will address police corruption.

This shows that for officers involved in bribery prevention, they must also devise other ingenious ways of spotting these acts of bribery and arresting the perpetrators. This tactic is not easy to prevent as the giver and the taker are both involved in this act of deception.

The act is so discrete that one has to be very keen to spot it. In most cases, as one conductor revealed, the passenger is never even aware that some transaction has taken place (as no actual exchange of money is noted). This echoes the argument advanced by Graycar's (2016) gift giving and corruption where he explains that when individuals exchange gifts, social bonds are strengthened and reciprocity is created. The key variable is not the value of the gift but the transparency of the transaction. Clearly the "gift" in the matatu industry is done openly.

Graycar (2016) goes on to explain a similar view held by *matatu* drivers, conductors and some Sacco managers that generally people see no harm in the giving of gifts and that gifts are usually exchanged as part of a regular social relationship. Most people universally condemn bribes, viewing them as undesirable, harmful and destructive. Bribes are given to influence the outcome of a political, bureaucratic, business or professional decision or relationship but ksh 100 given to the traffic police is a mere gift and that it is a small sum which is part of a regular social relationship. This notion complicates the whole issue of prevention of bribery. For this fight to be won, the agencies tasked with the job must operate smart and swift.

4.4.3 Calling the Conductor/Driver to the Rear of the Matatu

This is another tactic that the study revealed. 50 respondents confirmed this tactic and said it is initiated by the traffic police officers on the road. This tactic was observed in almost all the routes as when the traffic police has stopped the *matatu*, it will stop a head of him and the law enforcement officers would trot to the rear of the vehicle upon signaling the *matatu* to a stop. An explanation on what transpires next was put in the following words:

“akikusumamisha anaende nyuma ya gari, mobwati nemia koboko gokokomokwania” igo nigo akobwata chibesa bwango erinde agenda korigereria amagoro gose aerire erinde ogotige ogende (when the

policeman stops the matatu and trots behind it, you should alight and follow him there—with a folded Ksh 100 note in your palm. You then hand over the money when you greet him. He will then make a show of inspecting the tyres or reflectors but he will soon thereafter wave you on) *Source; conductor, Nakuru-Kisii*

This tactic is however not preferred by the drivers or conductors as they believe this shifts the bargaining power of the transaction to the police as he (the police) now has an upper hand of pointing out the defects and what this means is that one has to part with a larger amount of money than the usual Ksh 100.

He went on to explain

“Obwango bwao nabwo boragokonye musubaishe alafu ongea vizuri nayeye kabla hajafikiria umempea pesa yake kwa mkono nayeye atakuruhusu uende ((how fast you hand over the money is what will save you. One must therefore distract him by talking to him ‘nicely’ then give him the money then he will let you go).Source; conductor, Nakuru-Kisii

This means that if one hesitates in paying out a bribe, then one will have to pay more money or be booked as the officer will have had ample time to note the many defects on the vehicle.

These assertions were affirmed as follows:

Askari hapewi nafasi kungoja pesa yake, akipata nafasi, ataona makosa ya gari, kwa hivyo mtu lazima afanye haraka na akue mpole kwa kukubali makosa ya gari na kumpokelea zake (police officer should not be given a chance to wait for his bribe, if he gets a chance, he will notice the defects on the matatu so the driver or conduct must act fast and be polite to the officer by admitting any mistake by bribing him) source; conductor, Kisii-Eldoret

This tactic was affirmed by one key informant but put as follows by one respondent;

Ukisimamishwa na askari, ujue tu akienda nyuma ya gari ni shida. Ataona makosa mingi ya gari. Wekea yeye pesa mahali inajulikana ili apate pesa haraka (when stopped by the police, know that he will go behind the matatu and that spells doom. He will notice the defects on the matatu. Place the money in the known place so that he will get it without wasting his time) Source; conductor, Kisii- Eldoret

When the respondents were asked why they were willing to be intimidated into giving a bribe, most of them were of the view that when stopped, you have no time to negotiate but just bribe your way out. One respondent said:

Kila matatu ako na deni ya polisi, sisi tunawashikia hizi pesa na lazima tuwarudishie. Hivyi ndivyo maneno yako (Every matatu owes the police money. As I told you, we hold this money in trust for them. So, we have to give it back to them, in one way or another. This is one of those ways. That's just how things are). *Source; driver, Eldoret-Kisii*

As Atanasov (2011:7) observes, bribes are sometimes determined through bargaining. He says that the space between the giver and receiver price is known as the zone of potential agreement. Summoning the driver out of the vehicle is invariably the beginning of the bargaining process. Pointing out the numerous faults with the vehicles sets the stage for the bargain and eventually a settlement is reached. The above implies that given the social meaning bestowed to the bribe, the operators are convinced that paying out the bribe is the best thing to do under the circumstances.

This tactic is easier but difficult to notice as once the driver or conductor has alighted from the vehicle, he heads to the traffic police officer who is at the back of the matatu or in front and the first gesture is greetings. As they exchange greetings, they have a folded note in the hand and it is given and the driver or conductor comes back to the matatu as business has been accomplished. It was also explained as follows;

Abanto aba nigo bamanyete chibesa, uwezi danganya hao. Ekero gwasokire isiko ye gari, nigo okomokwania nechibesa koboko erinde mwakorana. Mbari gochirigereria lakini mbamanyete chibesa. (This people know the feel of money, you cannot cheat them when called outside, you greet the officer and before that you have ksh 100 folded and he feels and takes the money). *Source; FGD-conductors, drivers and KII*

Most of the interviewees were of the similar view and it was said;

Buna mogotenenigwa, soka bwango na komoa chibesa erinde omotebie buna egasi yabeire enkongu. Goika omotebie ebiashara biakongire. hivyo atakuwachilia haraka akishapata yake (when they stop you, get out of the matatu, give him the money when greeting him

and tell him life in the matatu business is hard then tell him the business is bad in this way he will let you go when he has received the money) *Source; conductors, drivers*

This assertion demonstrates that this tactic is not easy to prevent as one will be hard pressed to prove that money actually exchanged hands. This tactic too confirms what Graycar (2016) explained as a gift which always trigger a feeling of obligation to repay for favors done to a person. He goes on to say that the unreciprocated gift makes the person who has accepted it feel inferior because of the sense of indebtedness therefore. On the road, when a *matatu* driver or conductor is called to the rear by the traffic police officer, there is a sense of obligation by reciprocating party (the traffic police officer) in ignoring the defects of the *matatu*. Once bribed, the officer gets the sense of indebtedness and therefore reciprocates the “gift” by allowing the *matatu* to go. This is mutual and application it is a negotiated settlement, neither party will be aggrieved and non-will be obliged to report. This makes it even more difficult to prevent.

4.4.4 Placing the Bribe inside the Drivers License

This is yet another tactic that emerged from this study. This tactic is mostly used by the drivers and 26 of them are driven by the fact that the *matatu* has defects and therefore they have an obligation to bribe. This tactic was said to discrete and convenient by the *matatu* drivers. This was explained as follows:

Kobaa chibesa iga nigo ere buya naende raisi ekiagera omosigari goika agosabe elicence nekeru agosabire, goika kwabekire chibesa ime, gakoyesaba ochinyora ime, ochiiyeria inse erinde ogotiga kwagende kagochichora ngora (This tactic is convenient because the first thing that a traffic policeman will ask from you is your license. So, all we have to do is to place the money inside the license so that when he opens to inspect it, he will immediately see the money, take it, and wave you on). *Source; driver, Kisii-Masimba.*

26 drivers were of the opinion that it also saves time as when the matatu is stopped and the conductor or driver does not come out, the police officer will be obliged to ask for the drivers licence .this was put in this way;:

” hakuna kuongea, wakishaitisha licence. Wanajua ushaweka pesa ndani wakiona pesa ndani, wanaziangusha chini, wakirudusha licence” (there is no conversation. Once they ask for the drivers licence, they know you have already inserted the money in it. All they have to do is pick it up, or let it drop on the ground from whence they will pick it up later. This avoids detection and arrest.) *Source; driver, Masimba- Keroka*

The beauty of this tactic according to the respondents and the key informant is that the act is carried out within the provisions section 36 of the traffic act and this is part and parcel of the normal police work (Production of driving licence on demand). In this manner, no one can suspect that an illegal transaction has taken place. No one will suspect that a bribe has been paid out. They went on to explain

Kutoa hongo ni mbaya na kinyume ya sharia lakini lazima utapeana kwasababu pesa ni yao. Lazima tutawashukuru kwa kazi yao kwa hivyo tunawapea kitu kidogo ndio tuendelee na kazi yetu (Bribery is illegal, but then again you have to give out this money as this money belongs to them. One has to appreciate them as their salaries are also very small. Again, you don't want to be arrested and waste time going to court. So, we just have to give them “*kitu kidogo*” so that we can go on with our business).*Source; FGD-conductors, drivers and KII*

These sentiments show that the stake holders are aware that bribery is illegal, but because of the social meanings attached to the bribe (that for instance that “the money belongs to the police”, “buy them tea”, “blindfold them” among others), the actors feel compelled to pay out these bribes. This has to be done tactfully so as not to arouse suspicion.

Asking for one's driving credentials is within the law as the traffic police officers have been mandated by law to inspect vehicles and demand for the production of driver's licence which must be produced on demand (section 36, Traffic Act No 37 of 2012). The bribe that is resultantly given out is then likened to a gift or a way to gain acquaintance with the officer. This tactic also is adopted as it is a kind of lottery: Should the traffic police not ask for it or take the bribe money, one cannot be accused of having attempted to bribe the policeman. Again, if the policeman does not ask for the license

but simply inspects the vehicle and waves him on having found nothing wrong with his *matatu*, then the driver will not have to pay any bribe; this would have been his lucky day or moment.

Dimant (2013) quoting Khan, (2006) explains traditional models of corruption as being derived from neoclassical economics, which assumes that corruption is driven by the legal powers of the state which give public officials the ability to disrupt otherwise efficient markets. This allows them to create rents or obstacles for private investors and citizens, in most cases, acting inside the law (Khan, 2006:219). The decision power of public officials to extract bribes allows for individual rent-seeking behavior, which is detrimental to the society. Dimant (2013) goes on to explain that such behavior is considered as illegal and constitutes corrupt behavior. Fundamental to actual corrupt behavior is not only the ability but also the incentive to break the law. These incentives are shaped by intrinsic willingness of the *matatu* drivers, conductors and Sacco managers to bribe and the conditions under which they operate will not give them an option but to bribe their way out.

This tactic is thus difficult to prevent as the transaction is camouflaged during the course of a legal practice/action. The *matatu* drivers are by section 36 required to Produce the driving licence on demand. In the process of producing the driving licence, they put money in it. This tactic therefore is done within the provisions of the law and intent or purpose cannot be ascertained then. This tactic therefore difficult to prevent unless the citizens including the *matatu* operators are involved. The implication of this analysis is that anti-corruption efforts should emphasize ways of increasing public outrage (Martin, 2012).

4.4.5 Remittances to Base Commander by the Sacco Managers or Staff

Remittances to base commanders by the Sacco managers was another tactic that emerged from the study. 15 respondents who included the Sacco managers collected the money and remitted it as protection so that no one is not harassed by the police on the road. The respondents said that this tactic favours the town service but not the long distance ones. This tactic also shields one from exposure that accompanies the other tactics that have been mentioned earlier. It thus makes the likelihood of arrest less likely. The method is thus considered safe, convenient and effective for drivers, conductors and Sacco managers. This was described as follows:

“Mkubwa anapiga simu na anauliza ataonwa saa ngapi alafu pesa inapelekwa kwa ofisi. Hizi pesa utolewa na kila matatu na ni mia mbili, ya asubuhi na jioni” (We prefer this method as it has less hustles. The boss will make a call to the base commander and ask him/her what time they should see him and thus deliver the money to him at the police station. Once agreed, this money is sourced from each matatu under that Sacco, and this money caters for the morning and evening drop. The cost on each matatu per day is Ksh 200).*Source; Sacco manager/staff*

This tactic was revealed after 10 conductors said that they remitted the money to the office for a day and on asking, the key informant said that the Sacco managers are responsible for that. They collect the money and remit it directly. One Sacco manager had this to say;

Hii njia ya kutoa hongo ni rahisi kwa mkubwa, dereva, condakta and watu wa ofisi hawana hofu kushikwa hau matatu kushikwa njiani. hii pia ni njia nzuri kwao kwa sababu wanapata pesa zao kwa jumla na mara moja na hakuna sababu ya kushuku kushikwa kwani wenye kupeleka pesa wanajulikana, ofisa pia hako na orodha ya magari yote ya sacco, kwahivyo hakuna kudanganya, pesa itafika yote (This tactic is trusted and said to be convenient to the base commanders, the matatu drivers, conductors and Sacco managers as one will never get worried of a matatu being impounded because no police officer will pounce on these matatus as the protection fee has already been paid. This method is convenient as the officers get their money in lump sum and it eliminates chances of being caught by the enforcement officers from anti-corruption agencies. The officers have a list of all matatus in a particular route and contact for each manager of the Sacco so there is no chance of failing to remit the money). *Source; staff/manager*

Some respondents including the matatu drivers and conductors affirmed this and said:

“Hii ni biashara ya sacco sisi kazi yetu ni kutoa pesa ya siku shilingi mia Mbili na tunaendelea kazi. Hii huwezi hepa, number inapeanwa kwa ofisi baada ya kulipa, usipolipa unakosa number na huwezi enda stage (this is the business of the Sacco managers, our work is to remit the money for the day and we continue working ‘harassment free’. One cannot escape this as one gets the number (number for a matatu to take passengers from the stage) from the office after paying for the day, if one fails, he will not collect passengers from the stage and he will not have peace on the road) Source; Sacco staff/manager

Another one stated that this tactic is more foolproof than the other tactics:

Enchera eye yeriaki nengiya ekiagera nakonng’u konyorwa ekiagera onde taiyio omanyete ekeru chikorwegwa, irenga chire na ingo okoegwa. Chibesa echikobekwa ebahasha chirikire erieta riesacco. (This tactic will be difficult to detect as no one knows when or where the money will be taken to the base commander, how much and who receives it. This money is given directly in a sealed envelope with the name of the Sacco written on it) source; Sacco staff.

This tactics according to majority of the respondents who operate town service believe that the law enforcers must be in cohorts in this with the Sacco managers and since no one is willing to report, because all give, it will be difficult to control or prevent. This was reiterated in his words, he said;

Wenye magari zenye hazina vitu zote wanapenda hii njia kwa sababu wakisha toa pesa, askari hawakuji njiani na hata wakiwa hawawezi simamisha gari zoa. washapata pesa kwa ofisi (Those with the unroadworthy matatus or those that do not meet all the requirements prefer this tactic because once they remit the bribe to the office, no traffic police officer will be assigned on the road and even if assigned, they will not stop their matatu. They have already bribed at the office) Source; Sacco staff/manager

This shows that fleet owners believe that they have to pay out the bribes going by the social meanings attached to the bribe. The police have to be appreciated, they have to be given “their” money and also the pen has to be appeased and so on. The bribe transaction is thus seen as a natural course of events. This is also true in the theory of patron –client where Manzetti & Wilson (2007:953) explains that an informal relationship between two actors (in this thesis the traffic police and the Sacco managers)

are enjoying asymmetrical socio-economic power—where the patron (traffic police) has the upper hand as he controls the kind of resources that his clients (Sacco management) pursue but often cannot receive otherwise.

This type of tactic is what Stefes (2007:5-9) categorizes as systemic corruption where activities such as bribery, extortion and embezzlement are endemic. Grand corruption becomes the rule rather than the exception. The author adds that such corrupt networks make corrupt officials and citizens invulnerable to persecution, decreasing the probability of detection and punishment. He adds further that under conditions of systemic corruption, benefits are primarily given to corrupt officials who then share their illicit gains with their superiors, which then provides additional incentive to be corrupt. The observed tactic described above fits in this category.

Nicols (2012) however argues in favour of the business need to observe laws. He argues that firms that develop and implement programmes and policies that make them comply with existing laws that prohibit payment of bribes in the end are more successful as the consequences for payment of bribes and the continued extortion of such payments are avoided. He argues that bribery imposes costs on the firm or individual and degrades relationships in which the firm or individuals is involved. Thus, though the fleet owners may be of the view that they are saving on costs and time, they are, in the actual sense, imposing more costs onto themselves.

Majority of the respondents said that this tactic is only used by the Sacco officials for that particular Sacco. As earlier explained, money is collected by the officials of the Sacco from all *matatus* on the road that day and remitted to the traffic commandant for the whole day with two shifts at ksh 100 a shift totaling to ksh 200 for the day. This was further explained another respondent who said as follows;

Enchera eye nengiya naende raisi ase abasikari naintwe ekiagera ekero kwarure chibesa, mosikari taiyio ogocha para, na baisa gocha tibiari gotenenia gari chiaito (This tactic is convenient for both the traffic commandant and the matatu owners because once you have paid, no traffic police will be assigned on that route and even if assigned, they will not stop the matatu from that Sacco).*Source; Sacco staff*

Another Sacco staff reiterated this assertion and went on to explain

Gari ende yonsi ye sacco yaito konyora etaracha para yarenge egarage teri goakana naende ase igo enchera eye nengiya ase chigari buna echio nonya tebwati amasakara, nabo egokora ekiagera chibesa chiakanirue (Any matatu from our Sacco which did not register in the morning for reason of being taken for repairs will not pay that day and this is good for such matatu and even if your matatu has no papers, you can still operate as the money is already paid).*Source; Sacco staff*

These assertions were confirmed by 10 Sacco staff and one of them reiterated these sentiments and said;

Hii njia ni nzuri kwetu kwa sababu ukishaa peleka pesa kwa mkubwa, umemalizana na yeye hafuatilii, haulizi. Anapata pesa zake mara moja na sisi tutafanya vile tunataka bila uoga (This tactic is the most convenient because once you have remitted the money to the traffic commandant, your deal is done. No follow up and no inquiries. He gets his money in lump sum and we do what we want on the road without fear).*Source; Sacco staff/manager*

This tactic is difficult to unearth as no agency can catch the bribe giver in the act at the police station or wherever this money is remitted. This is because no one knows the time of remittance as this is usually a well-kept secret. All you will realise is that no traffic police officer is assigned on that route.

This is true with Walton & Jones (2017) in the principal agent theory, asserts that there must be measures taken such as greater transparency and accountability of agents in order for the principal to monitor and sanction the agent. In this study therefore, to prevent bribery using this tactic, the relationship between the cartels, touts, conductors and the traffic police officers has to be broken.

4.4.6 Putting Money under a known sign/symbol along the Road

This however, was found to be a rare tactic as only 2 of those interviewed mentioned this tactic. It was explained that this tactic was rarely utilized as it was only done when there is suspicion that the operators and the police are being watched by anti-corruption officers. One driver explained;

Korua riaki negento ekebe mono. Ekeru abantu ba anti-corruption bachire epara na basikari babo, nigo ekoba bobo, ase igo enchera engiya nokorigia ase mwabeka chibesa echio aroro erinde mwatoma omento ochia obatebia ase chire. kogoteneninigwa, nigo okomomonyerera kwamotebwa" webukala" nakoroche erinde oghenda orusia chibesa echio abwo para gose inse yerigena (Bribing a police officer is a serious thing. And when those EACC boys are around, the danger is multiplied. The safest way then is to have a secret place along the road where you can deposit the money. So, when you are stopped, you simply whisper to him that Webukala's boys are watching, so he can pick his kitu kidogo from the usual road sign or rock or whatever).Source; Sacco staff/manager

This tactic was said to be rarely in use as most of the traffic police officers have their private cars around the scene. This was explained in the following words:

" siku hizi wako na magari zao na haitumiki tena utapeleka pesa saa ngapi na kazi yetu ni ya mbio. Hiyo iliisha (this days the police use their own private vehicle nowadays where one can drop their 'chai' (money). They no longer prefer this tactic any more. This is an old tactic because what time do you have to go hide money under a rock? What if it is picked by a 'parking boy'? There are other more secure and quicker ways of paying this bribe. This tactic is abandoned) Source; Sacco staff/manager

Two respondents and one key informant knew of this tactics and despite dismissing it, some said it is used when the high way patrol police are in the area and the only way to pay the bribe was to put it at the known place. However, this known place changed to the private car owned by the traffic police officer and the police would rather receive the money in their private cars where one officer will be seated and after receiving, the officer will inform others that the money has been received. One respondent said;

Hata kama hii ni ya kitambo, bado inatumika lakini sii sana, siku hizi askari wako na magari zao na wanataka upeleke kwa gari na askari mwenye ako kwa gari anapiga simu akishaa pokea pesa (though this is

an old tactic, it is still in use but not so common. These days the police use their private cars and they want you to take the money to the car where another police officer will receive and call them that he has received) *Source; Sacco staff/manager*

This tactic is no longer preferred as the traffic police are also wary that the drivers can trick them that the money has been deposited at the secret place whilst this is not the case. The police officer no longer trusts anyone, so pay upfront “*na biashara imeeisha*” (and the business is finished). Onyango’s (2012) explanation of the corrupt acts and the tactic used to give the bribe said “*oso e ofuko*” meaning put in the pocket. This he meant that the money obtained through corrupt means must be handed over to the officer directly or put into the pocket in cash. Therefore, this tactic could be easier to prevent if it were still being used as the anti-corruption agencies and the media being agile could have easily detected it and also it could be easy pickings for the members of the public on realizing that a certain spot is the point where the bribe is dropped.

4.4.7 Mobile Money Transfer Platforms

Another tactic that emerged from this study is the paying of bribes through the use of mobile money transfer (the most popular one being the Mpesa). Since its inception, mobile money transfer has made tremendous inroads as the most preferred method of transferring money. The transport sector has not been left behind in adopting this technology. Majority of the Sacco staff just like the remittance to the base commander, were involved in this tactic as they collect the money and withdraw for the officer to collect. This tactic was disclosed in FGD and the key informants were also aware of this. The respondents said that they used by sending the money directly but nowadays they withdraw the money from an Mpesa shop/agent located at the police stations across the country. The police have taken advantage of this and are now using these points to receive/withdraw bribery cash. One respondent put it as follows:

”M-pesa ni ya nini police station? Watu hawatoi pesa ama kuweka pesa station”. Ukienda kwa mkubwa anakuambia uende uweka pesa kwa agent (What is the need for an Mpesa agent at the police station? People don’t deposit money or withdraw money at the police station. These are now conduits for receiving money by the police).Source; Sacco staff/manager

This process was further explained by another respondent and was put as follows:

Ekeru abanto ba chebukati bachire para, tokoa abasikari chibesa koboko ekiagera nigo mokobwatwa mwensi, bono nigo mokobeka chibesa ase M-pesa barabwo bachinyora korwa ase chiagent, torikobatomera ekiagera nabo baranyorwe, nigo okorusia chibesa ase e agent alfu barabwo boyia. Abonto aba nigo bangosete lakini amatuko aya twanarire. (You don’t have to give cash anymore. With Webukala’s boys around, this has become a dangerous practice. What happens now is that the money is withdrawn at an Mpesa agent by the Sacco managers/staff but collected by the police. You don’t send money directly to their phones. That can be traced back to them. You make it in such a way that it appears as if it is you who is withdrawing the money from the agent; while in actual sense it is the officer on the other end who is actually withdrawing the money on your behalf. I was very surprised with this practice when it first happened to me, but nowadays am used to it).Source; Sacco staff

These sentiments were reiterated by some Sacco managers and one had this to say;

Ofisi iko na agent number.Simu inapigwa kwa ofisi alafu anasema anaweka pesa kwa agent na ni pesa ngapi,na jina la sacco .Hakuna mwenye anajua pesa uchukuliwa saa ngapi na ni nani anachukua lakini inakua imechukuliwa (the Sacco office has the agent number then a call is made from the office to the traffic commandant/base commander informing him that the money has been withdrawn, the amount and the Sacco name.No one knows who picks the money, what time the money is picked and who picks it but the money is collected)Source; Sacco staff/manager

From the interviews conducted, it was found that a good number of law enforcement officers are picking up this tactic due to its untraceable nature. More-so it is preferred when the amounts involved are large sums. Given that bribery is illegal and any police officer found to have been involved in acts of bribery is liable for immediate dismissal. This tactic has proven popular with police officers because the said transaction cannot be traced back to them as the money is withdrawn by the Sacco managers and not deposited. Therefore, it is only the bribe giver who will appear on record as having

withdrawn the money. The bribe givers do so because of the held belief that the police deserve this money, given the social meanings discussed in the previous section and it is also a way of negotiating with the law on the defects on the *matatu*.

This statement is true to Spector's (2008) perverse negotiations explains that many countries in transition suffer from chronic and systematic corruption that compromises service delivery. He perceives bribery as a classic negotiation transaction between a public official and citizens. This though he says that the satisfaction of interest is through bribery negotiations which may serve personal goals. He goes on to say that the linkage to negotiation process may be a key to developing a strategy in which the individual goal will be achieved and for this case the mobile money transfer tactic for remitting the bribe.

This tactic however is not favored by majority of the respondents as they said that it is so involving because once you withdraw the money, you have to call the concerned officer to pick it. As stated herein above, the Sacco managers or any other person authorised withdraws the money from the Mpesa agent at the police station after making a call to let the traffic commandant/base commander know the source of the money and how much for his record. Some of the respondents including the drivers, conductors and Sacco managers acknowledged having used this tactic and one had this to say;

Hii ni biashara ngumu kwa sababu lazima uweke pesa kwa simu alafu utumie askari, na siku hizi tangu washikwe hawataki hivyo (this is difficult business because you must have the money in your phone then send to the officer but since they were caught (meaning during the police vetting) they don't want that transaction)Source; Sacco staff /manager

This tactic was laughed off and, in their view, the respondents said;

" safaricom ni wajanja, pesa haiweziingia ukiwa mbali na agent na hivyo hii njia haitumiki tena (safaricom mobile telephone operator have improved their technology that you cannot deposit money directly and if you do, you must be near the Mpesa agent otherwise the

transaction cannot be completed and so this tactic is not used any more) *Source; Sacco staff/manager/FGD*

The respondents who used this method said that it was better than the police collecting it on the road and or taking directly to the police station. However one respondent had this to say;

Hii njia ilitusadia kwasababu hakuna kwenda polisi kupeana pesa. Ukijua ni gari ngapi zitakua siku hiyo, unapiga simu halafu unatoa pesa kwa agent na biashara imeisha (this tactic helps a lot because one does not need to go to the police station to deliver the bribe. Once you know how many matatus will be on the road that day, you call the base commander and let him know how much you are withdrawing and from which Sacco and the deal is done). *Source; Sacco manager/staff*

Similar sentiment were echoed by the respondents in the course of the interview and one;

Askari wanajua ni gari ngapi kila sacco iko nazo na ni mia Mbili kwa kila gari kila siku. Hii ni rahisi na haichukui mda kwa sababu ni simu tu kwa base commander (the police know how many matatu are on the road for a particular Sacco and it is ksh.200 per day per matatu. This tactic is easy and does not consume a lot of time because it is just a call to the base commander and the money) *source; driver, Eldoret-Kisii*

This tactic was an improvement from the earlier one where the money was sent directly to the traffic police officer concerned or the base commander but after the police vetting, they dropped the direct mobile money transfer to this one.

4.4.8 Engagement of Brokers such as the ‘Bodaboda’ Riders

This was yet another unconventional tactic that emerged during the study. This tactic was found to minimize the chances of the traffic police officer being caught in the illegal act of receiving a bribe. This tactic was resorted to as other methods were found to be increasingly risky owing to the agility with which the “sting operation” by the EACC, the increased vigilance from the public and public outcry touching on the excesses of the police force in as far as corruption was concerned. The police have become wiser in shifting the attention and focus from *matatu* driver, conductors in receiving bribes.

The traffic police officers in this tactic had resorted to using the ‘*bodaboda*’ operators as their agents (on an agreed commission) to collect money from *matatu* operators on their behalf. This tactic was said to be in use occasionally and the *bodaboda* too acted as agents of the *matatu* by ferrying the excess passengers past the police road block. one respondent explained as follows:

” Kama ni highway patrol, mambo ni mbaya tunatumia watu ya boba boba, tunawapatia pesa, wanapeleka na number ya gari, wakikubali, tuaenda na hawatusumamishi (when the highway patrol police are on the prowl, we use the bodaboda men to bribe them. We give them money and they ride ahead of us. They then give this money to the police so when we come passing by, we are not stopped as the bribe has already been paid).Source; conductor, Eldoret-Kisii

Similar sentiments were held by other respondents and one had this to say;

Askari wa highway patrol ni wabaya, wanataka kilakitu iwe sawa, karatasi, mshipi, lakini hao pia ni binadamu wanataka kitu. Kwansa tunantuma watu wa boda kujua wanataka aje, wakileta ripoti sisi tunatuma alafu tunaenda ama, tunalipa miambili njia ingine ni kungojea watoke barabarani. Huwa hawakai Sana (the highway patrol police are bad, they are keen on the requirements. They want everything in order, all papers and the necessary requirements. But once they are on the road, we send the bodaboda guys to ask them what they want. They are also human and they want their share. So, we ensure that we ‘sort’ them out as appropriate. We pay them Ksh 200 upfront’ and we operate in peace. Otherwise avoid being on the road as you will most certainly be harassed) Source; conductor, Eldoret-Kisii

This was affirmed by some of the respondents and one explained it in the following words;

Kila mtu kwa hii biashara lazima ajichunge. Siku hizi camera siko kila mahali na hivyo askari wanajua ni kubaya. Waliamua kutumia hawa watu wa boda ndio wasishikwe. (Every one in this business must take care of himself. Nowadays cameras are all over and so the traffic police officers know it is not safe. They therefore decided to use the bodaboda guys to avoid being arrested) source; driver Kisii-Kisumu

The highway patrol unit (HPU) is a special unit which is mobile and moves throughout Kenyan roads keeping an eye on wayward drivers and unroadworthy vehicles. They are usually not acquainted to anyone so they do more diligent policing work than the

ordinary traffic policemen. Field findings revealed that the safest way to approach these officers was to engage the services of the bodaboda riders as agents. These bodaboda riders were used to obtain information from the police as to their conditions (on how much bribe they were willing to accept), after which this is passed on to the matatu drivers and the necessary bribe is sourced and delivered to the police by the bodaboda agents. This method was found to be secure as the police and matatu operator contact is avoided, which would have otherwise raised the suspicion of the anti-corruption agents. The highway patrol mostly operates early morning since it is usually quite cold at this time, buying someone “chai” at this time is symbolically appropriate.

Colquitt (2004: 1389), acknowledges that police have for long used trickery and deception as part of their tactics in combating crime. From the above narration, it seems that the ‘criminals’ in cohorts with the police who are already knowledgeable in this act, now also use decoy and trickery to get away with crime. This noted cooperation between the two would certainly make prevention of bribery difficult.

4.4.9 Cancellation of the Police Bond

This is another tactic that came up from the study. It was noted that the police use this tactic to solicit for bribes. This was explained as to how it works as follows:

Ekeru kwarikeirwe ekina erinde oche ogende ekoti, nigo okorigia enchera yokorusia ekina ekio getaraika aroro ekiagera a fine ne nene goika osibwe, igo nigo okobwatia omosikari oyio asarie ekina ekio nenchera eyio goika orue chibesa ase omosikari gose kotini.igo inchera ende teiyio goika orue inke ase omosikari asarie ekina ekio. (When you are booked and charged, you are released on bond, pending appearance in court. Now, no one wants to take their chances with the courts! You must do everything you can to ensure that you don't appear before a judge, because God forbid, you may be jailed! No one wants that. So, in the process of following up on the bond, the police will offer to cancel the bond if you pay him a bribe. One has no choice because at the end of the day, you will have to pay the money, either to the police or to the judge. Better pay “kitu kidogo” to the police than pay a fortune to the judge). Source; conductor, Kisii-Eldoret

Another respondent in affirming this tactic said;

Siku mbaya ni mbaya, utaandikiwa kesi na watu wa sacco watakuambia uende utoe kesi ndio urudi kazi, hatupendi hivi heri kupeana hongo kuliko kupelekwa kotini (A bad day is a bad day, you will be sued and the Sacco people will tell you to go and get the file removed then go back to work, we don't like this. Better to bribe than being taken to court). Source; conductor, Kisii-Eldoret

Most respondents confirmed that this tactic was used by the police so as to show that they are serious on the road. This is a bad thing to happen and one of the respondents put it this way;

Mara tu ukiwa umehifadhiwa, lazima uende kituo cha polisi ili kujua hatima yako. Mara tu ukiwa kituo cha polisi, ni bora kuzungumza na polisi, kujadili hongo kwa yeye kufuta dhamana. (Once you have been booked, you have to go to the police station to know your fate. Once you are at the police station, its better to dialogue with the police, negotiate the bribe for him to cancel the bond).Source; conductor, Kisii-Eldoret

As observed from these assertions, the *matatu* operator's have resigned to the 'fact' that the money belongs to the police and come what may, they (the police) will end up getting 'their' money. It's best, then, in their measured opinion, to just give them the said money. In their opinion, its best to pay the "kitu kidogo", than paying the large sums of money when you appear in court. This will be done through a negotiated agreement between the giver and the taker. These negotiations are simple transactions of offering a cash payment in exchange of a constraining court case.

Majority of the respondent were of the view that this tactic does not guarantee a negotiated payment at the police station. The conductor or driver who caused the booking may end up being dismissed. one respondent explained it as follows;

"Ukiandikiwa kesi, wewe ndio utaenda police station uende utoe hiyo kesi, na pesa ni nyingi kwa station kwa sababu mkubwa ndio kusema. (If you are booked, you are the one to go to the police station to negotiate and remove the police bond and money involved is more than the bribe given on the road because the traffic commandant has the final word) Source; driver, Keroka-Masimba

Another respondent though with a different view explained and said;

Ukisleki, utaandikiwa kesi. Ukisimamishwa na askari, lazima ufanye haraka umpee pesa zake, ukichelewa atakuandikia na hiyo ni shida (when you hesitate to bribe, you will be booked. When stopped by the police, you are supposed to act fast and give him his money if you are late you will be booked and that is a problem) Source; Sacco managers/staff

The different views held by the respondents was revealed to be due to past experiences in similar situations. One of the respondents on the different account put out as follows;

Hawa watu hua wanajua bila kushika gari kwa wiki moja itawafanya washukiwe kwa sababu hakuna gari yenye haina makosa.kwa hivyo siku mbaya utashikwa na hakuna kubembeleza mbaka station ili mkubwa haone wanafanya kazi (this people(meaning the traffic police officers) normally know that if they have not impounded any matatu in a week, it will make them be suspected because no matatu meets all the requirements and without a defect, so on a bad day you will be booked and you cannot beg them until you are booked and do it at the police station with the traffic commandant. This will proof that they are working) Source; Sacco managers/staff

However another respondent was of similar sentiments and explained his account and said;

Siku zingine unapata askari ni wabaya hata hawachukui hongo na kama wanachukua wanataka nyingi zaidi ya mia mbili.Na kabla achukue anaongea mingi kwa hivyo unawacha tu akuandikie halafu utamtafuta station ndio ararue hiyo bond na akule zake (sometimes the police officers are so tough that they cannot even accept bribes and if they accept, it will be more than the usual one or two hundred and before they accept, they talk too much so you let him book you then look for him to cancel the bond after taking his bribe).Source; conductor,Kisii-Keroka

This tactic is hard to detect and thereby prevention as it falls within the duty of a police in arresting and impounding unroadworthy matatus which is done but, the motive behind this tactic is to extort more money at the police station where the matatu conductor, driver or Sacco manager has no bargaining power. Walton and Jones (2017) argue that corruption has become a norm in developing countries including Kenya. They go on explaining that corruption emerges from group dynamics, particularly lack of group trust. This means when the traffic police officers have been assigned on the road, they

may not share the extortion with the officers leading to mistrust and to curb this, they have to impound vehicles so that the commandant will extort directly.

This tactic is hard to prevent as any person with a police bond has to go to the police station to the specific police officer to be taken to court. One cannot monitor what happens at the police station or how much has been paid. These tactics have evolved with the encounters with the traffic police officers and once money exchanges hands on the road, it will be repeated again and again till perfection. It is difficult to prevent bribery on the road on the basis of the tactics used. The taking and giving of bribe on the Kenyan roads is a mutual thing which according to Graycar (2016) is a sense of indebtedness by both the giver and the taker. Until this” indebtedness” is cleared from the mind of the matatu operators, it will be difficult to prevent bribery.

4.4.10 Bribery as Protection Money

This is yet another tactic revealed during the study. In this tactic the matatu drivers and conductors bribe in order to be protected from the traffic police officer, the county traffic marshals and some Sacco managers because the said *matatus* are picking passengers from undesignated places. These was common occurrence for those *matatu* Sacco’s with a big fleet and those that are not near the queue to pick passengers resort to this tactic. one respondent explained it as follows;

Ekeru okobogoria abiria isoko ye stage, nigo orabwatwe aseigo chibesa echio nechiokorendwa tobwatwa. Chibesa echio nigo bakoegwa ekiagera titori gosoa estage, abasikari becounty, abasikari ba traffic na amanamba, bonsi goika banyore echiabo erinde bakorende tobwatwa naende ekeru egari yabwatitrwe kegopanga isiko yestage, mbwango ogotigwa ekiagera kwabaere echiabo (when you pick passengers from undesignated areas outside the stage, you will be impounded so the bribe is protection money from possible arrest. They are given this money because the matatu picks passengers from outside the stage, county traffic marshals, the traffic police, touts all must get their share so that they can protect you from arrest and if the matatu is impounded, they will release it faster as they have already been bribed)
Source; conductor, Kisii-Keroka

Another respondent was of similar view and explained it in the following words;

Wenye stage wanakula hizi pesa erinde bairera abasikari echiabo, abaskari be county na amanamba anyora echiabo erinde bakorende tobwatwa ekore ogopangera isiko ye stage. Egari etari korwa chibesa echio mbari gwancherwa bapange egari agwo isiko (The owners of the route (cartels) will collect the bribe and in turn will talk to the traffic police officers, the county traffic marshal and the touts (*manamba*) so that they don't impound the *matatu* for picking passengers outside the terminus. The *matatu* which does not bow to these cartel's network are not allowed to collect passengers from there). *Source; conductor, Kisii-Nakuru*

Most respondents especially the drivers and conductors who engaged in this form of picking passengers agreed that if such money was not given, it was inevitable for one to be arrested. so they pay for protection. one respondent had this to say on this issues of protection;

Ikiwa laini ni mrefu na haujafikiwa, lazima utaenda biafra na huwezi ingia statge, hii inabidi kwasababu ukingojea laini, labda hutapanga na hawa watu si wabaya watakuchunga tu ukiwapea kitu (If the queue is long and your number has not been reached, you cannot enter the state to pick passengers and if you wait for the line, you will probably not pick the passengers. these people are not bad they will just take care of you if you bribe them) *Source; conductor, Kisii-Migori*

Another respondent was of similar and explained his account and said;

Ukipanga gari inje ya stage, utashikwa na kwa sababu hawa watu wanajuana na makanga, wataongea na wewe utawapatia kitu kidogo wakupangie gari, na askari wa kanjo wakishakula yao wanakuchunga mbaka gari ijae (when you pick passengers outside the stage, you will be arrested but because these people know each other, they will talk and you give them something small, the touts will ensure the *matatu* is full of passengers and the county traffic marshal once they have their share, they will protect you) *Source; conductor, Kisii-Migori*

The key informant confirmed this assertions and same Sacco managers too but for them it is not official and it is not right to do so. One respondent though said despite this being not right it had to be done. One respondent explained it as follows;

Kuchungwa ni lazima mzee, uwezi ngoja line magari ni mingi, kwa hivyo ukibeba nje ya stage lazima utoe ya wazee ndio uweze (being protected is a must. One cannot wait on the queue when there are so many *matatus* before you. So if you pick passengers from undesignated

places outside the stage, you must give the protection money” pesa ya wazee”) *Source; conductor, kisii -migori*

This tactic involves quite a number of people and in some Sacco’s if caught, the *matatu* will get a penalty of not picking passengers from the stage for two days. This is well within the notice of the respondents and the key informants. The *matatu* driver and conductors take their chances by bowing to the whims of the protectors, squad guys and touts who will ensure the *matatu* has passengers. This is true with the assertions made by Newburn (1999:17) who explains that there are many reasons why police engage in corruption, and these include constant factors (ranging from discretion to charge or not, low managerial visibility, low public visibility, peer group secrecy, managerial secrecy, status problems, contact with temptation) and variable factors such as community structure, organizational characteristics, legal opportunities for corruption, social organisations for corruption and moral ‘cynicism’.

4.5 How the Social Meanings and the Attendant Tactics Affects the Prevention of Bribery

This is the third objective which sought to establish how the social meanings and the attendant tactics used by *matatu* drivers, conductors, Sacco manager and other stake holders influence prevention of bribery. These tactics are influenced by the perceived meanings attached to bribery and are used in a concealed manner. These tactics are used by most of the stakeholders to circumvent the illegal act of bribery and also shield the perpetrators from possible arrest by agencies involved in the fight against corruption and or bribery. This section has illustrated the attendant tactics and how they affect prevention. These illustrations are based on the responses from the study findings. These include;

4.5.1 Dropping Money on the Road

This is one of the tactics that emerged from the study which involved the driver or conductor dropping the money on the road for the policeman to pick at his own convenient time. Majority of the respondents were of the view that preventing bribery on the road why such tactic is used will be an uphill task. Some Sacco managers also affirmed that this trend has been going on for a long time. This means that they are accustomed to bribing. This tactic was espoused as follows;

Ukitaka kumpea kwa mkono, askari ataenda nyuma ya gari ndio apokee na itabidi ushuke kwa gari kwanza. Hii ni pesa kidogo kwanini ujisumbua kupeana. Rusha chini

(If you want to hand over the money directly, the traffic police will go behind the matatu to receive the bribe there. This means you also have to alight from the matatu first. This is a small amount. Why do you need to do this when you can simply drop the money for them to pick later?) *Source; observation, conductor, Kisii-Migori*

26 conductors said that this money dropped on the road is meant to save them time of stopping and negotiating with the police. Majority of the drivers said this is meant for conductors and that their work is to slow down near the police and once money is dropped they move on. This tactic is in line with the social meaning bribery as “something small”. 20 Drivers and 15 conductors also referred to bribery as “*kitu kidogo*” meaning “something small”. This was further explained as follows:

*Tunapeana kitu kidogo ili iwasaidie kufanya jambo na usipopeana utapelekwa kotini na hapo utalipa pesa nyingi. (We pay something small to enable them do something, if you don't then you have to go to court and you will pay something big!) *Source; observation, conductor, Kisii-Migori**

These narratives on the social meanings and the tactics used to bribe are intended to circumvent the act of bribery and the *matatu* drivers and conductors, they see nothing wrong in dropping the money for the police to pick at his own convenient time as what is given is something small but will make the police to release them. These narratives are a finding that prevention of bribery is an uphill task as it is concealed, it is done for the

mutual benefit of both the giver and the receiver. Once the bribe has been given, the *matatu* drivers will go on with their business as usual and since they don't see this action as a violation of the law, they will do this over and over again and non will want to report such incidences. This makes the prevention difficult.

Barnacz et al (2009) the ability to attribute mental states to another individual is like when the *matatu* operators in their ability attribute their mental states to the policemen, who being self-aware of what is expected, observe the tactic used and accommodate it in their work. This therefore makes the tactic understandable between the two parties, in line with the meaning and makes it hard to prevent the same.

4.5.2 Placing a Folded Note at the Edge of the Side Mirror

The other tactic that the study revealed was that of placing a folded note (usually 100 shillings note) at the edge of the side Mirror. Majority of the respondents in this study affirmed to this tactic and they were of the view that if the traffic police officer upon stopping the *matatu* has to check the registration documents. In making the officers work easier, the driver or conductor places the money at the side mirror. One respondent explained this tactic as follows:

Abasikari ne emiaeyemo bategete nekeru kwamanyire buna nao bare, nigo okobeka ebesa eyio ase ekerore, kagogotenenia, kwamoorokia negechara ase chire" (The traffic police want Ksh 100. When the driver is alerted by fellow *matatu* drivers that they (the police) are on the road, you place money at the edge of the side mirror, so that when you are asked to stop, you discretely point at the money strategically placed at the edge of the side mirror) *source; driver, Kisii-Homabay*

This tactic too is in line with the social meaning Bribery as "something small" The drivers and conductors also referred to bribery as "kitu kidogo" meaning "something small". That can be handed over in any manner without anybody noticing. This too will defeat the law as it is given willingly. This shows that for officers involved in bribery

prevention, they must be one step ahead in order to spot these acts of bribery and arresting the perpetrators.

4.5.3 Calling the Conductor/Driver to the Rear of the *Matatu*

This is another tactic that the study revealed. Majority of the respondents in this study reported that the law enforcement officers upon stopping the *matatu* will go to the rear and call the *matatu* driver or conductor there. This tactic was also observed during the study and was confirmed by the key informant that once the *matatu* has been stopped, either the driver or conductor will go to the traffic police. The respondent in explaining what transpires at the rear of the *matatu*, the following words were used;

“Askari kiogopa kuchukua hizo pesa, hua anaenda nyuma ya gari na akishachukua, atakuwacha uende (when the police is reluctant in accepting the bribe in broad view of every one, normally he will go to the rear of the matatu and once he has accepted the bribe, he will let you go) source; conductor, Homabay-Kisii

This tactic as it was established by majority of the respondents in this study, it is not preferred by the drivers or conductors as they believe that it shifts the power of the transaction to the police as he (the police) now has an upper hand in the bargaining process if only he wants more money than the usual (ksh.100).

This tactic is in line with the social meaning in 4.1.2, *Bribe as a key (tool to gain access)*. This is true because most drivers were of the opinion that once you have been called out, you need to bribe them so that you can be left to go thus the ‘key’. This social meaning and tactic complicates the whole issue of prevention as instead of being booked for the offence, you bribe and get your way. This too is true to the suggestion made by constructivists that every individual constructs the social world in his mind through experience. The social constructionism has a social rather than an individual focus (Young and Colin, 2004). The police expect something and the *matatu* drivers know that

the police will accept the bribe. So the issue of not bribing or accepting does not arise and so prevention.

4.5.4 Placing the Bribe inside the Drivers License

This is yet another tactic that emerged from the study which was found to be discrete and convenient by the female *matatu* drivers. This tactic was affirmed by the key informants, it was discussed in the group and in the in-depth interview and it was said to be the most common country wide. No driver will miss to bribe in this way. It was explained as follows;

Ekeru okobaa chibesa ase enchera eye nigo ere buya naende raisi ekiagera omosigari goika agosabe elicence. Otaramoa nigo ogochibeka ime nekeru agosabire, goika etoke kwabekire chibesa echio ime (when you place money in the drivers licence, it is good and convenient because the police will demand for the drivers licence and before you give him, you must have placed the money there) *source; driver, Kisii-Homabay*

This tactic complements the social meaning in 4.1.4, bribery as a “blind-fold” once the police finds the ksh.100 inside the drivers licence, he forgets the whole purpose of stopping the *matatu*, drops the money down and pick it later but will let the *matatu* go.

Another respondent went on to and said;

“Funika hao.Chibesa echio nechigosaria amaiso erinde tabaise korora amagosa egari ebwate” (bribe therefore is to blindfold the officer’s eyes so that he will not see these defects).*conductor, Mosochonyamatara-kisii*

Adekoya (2009) explains this when he argues that a bribe is a form of corruption which is often used as an offer, payment or promise made in anticipation of a return of some favour. It is this manner of understanding that results in a police officer, on receiving the bribe, to ignore his responsibilities under the law and wave the defective vehicles by. The money blind folds him. This tactic and social meanings are hard to detect and therefore prevent as it is so discrete and it is done in the normal course of duty. Most of the respondents were of the view that once you “blind fold” the officer, he weakens and

allows you to go. This is so wide spread and any one driver with a defective matatu will get the money ready in this manner. so the police on asking for the drivers licence are expectant of the bribe. This makes it hard to prevent bribery.

4.5.5 Remittances to Base Commander by the Sacco Managers or Staff

Majority of the conductors were “duty” bound to remit the money to the Sacco offices. In this tactic, the money is remitted to the Sacco office and taken directly to the base commander. The reason given by key informant and most respondents is that once remitted, no traffic police will be assigned on the road that day and if he does, they will not stop the *matatus* who’s Sacco has already paid.

“Simu inapigwa kwa mkubwa na anaambiwa pesa inaletwa na hesabu ni ya matatu ngapi alafu pesa inapelekwa kwa ofisi. Hizi pesa utolewa na kila matatu na ni mia mbili, ya asubuhi na jioni” (A call is made to the base commander informing him that money has been released from the Sacco for a certain number of *matatus*, then the money is taken to him. This will be ksh.200 for each *matatu* morning and afternoon session). *Source; Sacco staff*

This tactic is trusted and said to be convenient to the base commanders, the *matatu* drivers, conductors and Sacco managers as one will never get worried of a *matatu* being impounded because no police officer will arrest these *matatus* as they are already protected. This tactic complements the social meaning bribery as protection money.

This social meaning and tactic makes prevention difficult as the Sacco managers protect their *matatus* from possible booking and by taking the money directly to the base commander, they too protect him from the possibility of being detected and the whole process is protection which makes prevention of bribery on the Kenya roads difficult. According to Stefes’ (2007:5-9), this type of corruption is categorized as systemic corruption where activities such as bribery, extortion and embezzlement are endemic.

4.5.6 Putting money under a known sign/symbol along the road

This tactic however was found to be outdated and is not in use any more. The study established that it was in use when the anti-corruption agency was arresting the police officers and searching them to find any unexplained money in their possession. Some of the drivers conversant with this tactic and the key informant reiterated and said that nowadays, the police are using their private vehicles when assigned to a particular route.

However one respondent explained this and said:

” Hii ni ya kitambo, siku hizi wako na gari zao na hataki pesa iwekwe mbali na hao (this tactic is outdated, nowadays they have their own private vehicles and they don’t want money put anywhere far from them) source; driver and conductor, kisii bus terminus

The study established that this tactic though in use is not preferred as the police are also wary that the drivers can trick them (traffic police officers) that the money has been deposited at the secret place whilst this is not the case. So, pay upfront “*na biashara imeisha*” as one retorted in the FGD (and the business is finished).

Onyango’s (2012) also mentioned this with the popular euphemisms in Luo language “*oso e ofuko*” meaning put in the pocket. This he meant that the money obtained through corrupt means must be handed over to the officer directly or put into the pocket in cash. Therefore, this tactic could be easier to prevent as all it requires is the anti-corruption agencies carrying out an operation and arrest the police officer if they cannot explain or account for the money, they have in their possession.

4.5.7 Mobile money transfer platforms

The study established this tactic of remitting a bribe through the mobile money transfer platform by the mobile telephone operators in Kenya like Mpesa and Airtel money. Most of the respondents on this tactic said that it was a slight modification from the direct deposit to the officer which proved “suicidal” during the police vetting exercise when

some police officers could not account for the number of transactions made. Some respondents said it was an exercise by the Sacco managers as they are the ones who know which officer to be given the bribe money and when. This to most of the respondents, key informant and in FGD has an improved version of withdrawing money from the agents at the police station for the officer to collect the money. This tactic is in line with the social meaning Bribery as “theft”. It was said;

Koa abasikari riaki aseinche, obwo no oboibi maiso marore.unatoa pesa lakini askari ndio anachukua (Giving a bribe to the traffic police to me it is just theft in broad daylight. You withdraw the money but it is the traffic police who takes the money). *Source; driver, Kisii - Keroka.*

It was established so because even if the matatu has all the necessary papers, you must bribe them. This is just theft according to the matatu operators. The same is true with Anassi's (2004) observation that people are usually prevailed upon to give bribe for if they don't, they will be arrested and arraigned in court—those who bribe are not. This makes prevention difficult as others are willing to bribe and those who don't will be booked. To avoid such, the only way is to bribe.

4.5.8 Engagement of brokers/agents such as the ‘bodaboda’ riders

This tactic according to most respondents was found to minimize the chances of the traffic police officer getting caught in the illegal act of receiving a bribe. Those respondents who were aware of this tactic explained that it is not an everyday act but when the high way patrol unit (H.P.U) are in the area when the matatu driver use ‘bodaboda’ operators as their agents (emissaries) to talk to the police, know the conditions and also the police will negotiate the bribe through them (on an agreed commission).they collect money on behalf of the police. This was explained by one respondent who said;

” Kama ni highway patrol, mambo ni mbaya tunatumia watu ya boba boba, tunawaambia waende waongee alafu wanapeleka pesa (if it the

highway patrol unit, we know that things are bad. We therefore use *bodaboda* men to negotiate the bribe then come and collect the money). *Source; driver, Homabay-Kisii.*

The highway patrol mostly operates early morning as they have a wide area to cover and as was explained by the key informant, this is the time when there is traffic and most matatu operators take advantage even those who have not met the necessary requirements to be on the road. They therefore come to the road to extort money from motorist. This is inline with the social meaning, bribery as *chai* (tea) at this time it is symbolically appropriate.

Colquitt (2004: 1389), acknowledges that police use trickery and deception as part of their tactics in combating crime. From the above narration, it seems that the ‘criminals’ are in cohorts with the police who are already knowledgeable in this act, now also use decoy and trickery to get away with crime. This noted cooperation between the two would certainly make prevention of bribery difficult.

4.5.9 Cancellation of the police bond

The study found out that the police use this tactic to solicit for bribes and also as a cover up for their corrupt actions. Female respondents explained this and said that when you are booked, the police want to act tough and show that they can enforce the law. The key informant though was of a different view and said that, they book the matatu without the option of accepting a bribe so that the base commander can receive his bribe from the *matatu* driver, conductor or Sacco manager directly. Those in the office also want some- the key informant said. However this was explained by one respondent on how this works out and said:

Ekeru kwarikeirwe ekina nigo okogende estation origie omosikari oyio erinde orusie ekina ekio. (When you are booked you will look for the police officer at the police station to cancel the police bond). *Source; driver, Kisii-Homabay*

When booked, it spells but there is light at the end of the tunnel as most respondents retorted and said that at the police station, these bonds can be cancelled though this is time consuming and this time you will not be bribing the police officer who booked you but, the pen. Thus the social meaning Bribery as “money for the pen”. When you are booked for the offence, it is the pen that will write down your charges. Therefore, to save all this from happening, you need to pay a bribe so that the pen does not write any of these charges. As Graycer & Villa (2011:3) observed, people who make corrupt payments feel a sense of high inequality and low trust. In these cases observed herein above, the *matatu* conductors and drivers appear to be quite frightened by the pen and by extension to the police. The pen is therefore more feared than the courts. The pen must thus be appeased. This too will be difficult to prevent as it is done at the police station and no one will complain or even arrest a police officer at the police station.

This study established that the social meanings attached to bribery by the *matatu* drivers and conductors is a way of normalizing the act of bribery and the attendant tactics are a way on concealing, condoning or circumventing the illegal from the possible agencies mandated in the fight against corruption and or bribery. Some of these social meanings are universal like “*chai*” or “something small” but the exact same euphemisms when used on the Kenyan roads coupled with the tactics of giving make prevention of bribery difficult.

In Kenya, these terminologies are not only used in the *matatu* industry but in the public service too as established by Onyango (2012). since corruption and or bribery has not been eradicated, in this study too, it will take more than the political will to end police bribery. Rodriguez (2005) reiterated similar view by explaining how government officials abuse their power when they (a public official) accepts a bribe or a kickback for his services or less overt exchanges such as gifts, favours and promises.

This tactics and the attendant tactics in this study symbolically stretches the notion of abuse of power even further because the said traffic police officer will ignore the offences committed and safeguard the interests by consolidating their social networks (Griffin and O’Leary, 2004, Granovetter, 2007).

4.6 Review on how Government Policies, Practices and Laws on Bribery Intersects with *Matatu* Operators’ Narratives

This was the fourth objective which was to understand the current government policies, practices and laws against corruption and or bribery intersects with narratives from *matatu* operators. The findings were from the brief references made to the government practices, the Kenyan laws and policies compared to the ensuing narratives revealed that most of these laws were not known to the *matatu* drivers’ conductors and some Sacco manahger especially the E.A.C.C Strategic Plan 2013-2018 which was geared towards mitigating corruption by strengthening the policy and legal frameworks. This also resulted due to low levels of education for most respondents.

The Ministry of Transport’s Integrated National Transport Policy of 2009 on the other hand was well known by majority of the resopondentd and 2 female drivers were aware of this policy due to its strict application and therefore compliance was not an option. These rules were commonly referred to as the “Michuki rules”. Most of the respondents were aware of them and its effect can be seen up to know as observed by the researcher, most of the shuttle *matatus* have safety belts fitted, drivers and conductors wearing uniforms, donning badges and display their photos and identity tags on the vehicles despite these rules being out lawed on the basis of article 47 of the constitution on the public administration to fair administration of justice.

The *matatus* in Kenya have been flouting the traffic rules and regulations. This is true with Khayesi (2004), Odero (2003) and Chitere (2004) who concur that the PSVs have been accused of over speeding, carrying passengers beyond capacity, playing very loud music, reckless and careless driving, being rude to passengers and driving unroadworthy vehicles. This study established through the social meanings given to bribery and the attendant tactics that these has a lot to do with the road safety regulations because once the matatu driver, conductor and the Sacco managers have bribed, they have a feeling that they are “protected”, they have built acquaintances with the law enforcers and therefore any reported case can be handled by a simple bribe. This is true with Walton & Jones (2017) (quoting Persson, 2013) who argue that corruption has become a norm on Kenyan roads. The laws are enacted and after a few years, they are forgotten and the police extort money on the road without caring for enforcement.

This was affirmed by the key respondent and most respondents who were of similar view that all the police want is money. Why comply. However one respondent explained this and said;

” ona tuko na budge, picha ya dereva na mshipi iko jonjo na conductor ako na budge lakini ukisumamishwa utatoa pesa.hii si sharia ni pesa tu (see we have the budes for driver and conductor, photograph of the driver seat belt intact but once you are stopped you have to bribe. This is not law but money).Source; conductor, Kisii-Migori

The drivers and conductors are aware of these rules though not that the rules were suspended but they said that they are rarely enforced by the traffic police officers as all they want is money. This bribery on the Kenya roads has become a norm (Walton & Jones 2017).

The Bribery Act no 47 of 2016 on the other hand was well known by Sacco managers as this laws was Crucial in the fight against bribery an in Kenya. The respondents and in

the FGD revealed condemnation of the government for passing so many laws when the existing ones are not implemented.

During the FGD revelations were made concerning the laws passed. Most of the members and respondents too were of the view that they are not necessary as too many of them will bring a confusion. One respondent put it in the following words;

Hizi sharia ni za kututafutia makosa lakini hawawezi, askari watakula na hiyo mambo itaasha (these laws are meant to get fault on the matatus but they cannot manage as the police will “eat” (take) their share of bribe and this will soon be forgotten) source; Driver, Kisii-Mosocho

The key informant and other members in FGD argued that the government is enacting so many laws. one respondent said;

Serikali inaunda sharia mingi lakini shida si watu wakupeana hingo, lakini wenye wanachukua na hao ni askari. Wajianzie kwanza (the government is enacting so many laws but the problem is not on the bribe givers but the recipients who are the traffic police. The enforcement agencies should begin with them).Source; Driver, Homabay-Kisii

Bribery and or corruption is spreading in many African countries according to reports done by various organisations including Transparency international. In countries such as Kenya, corruption and or bribery has become a culture. Indeed, those who refused to bribe the officials found it hard to do business or operate a *matatu* business in Kenya (Mbaku, 1996). As a result, *matatu* operators found it necessary to bribe the traffic police officers in order to carry on their business. With the enactment of this law, the offences of bribery highlighted under section 5 and the requirements and procedures for the prevention of bribery given under part III of this act will aid in the eradication of bribery on the Kenyan roads.

On the National Transport and Safety Authority no 33 of 2012(NTSA) 5 members of FGD, were aware of this provision and majority of them including the 20 drivers and 26

conductors were wary of NTSA officer on the road. This was revealed from the study that most respondents especially the female drivers did not have a bargaining power when stopped by the traffic police. The study also revealed that due to the low levels of education, they lacked awareness of the existing laws and how they are protected by the same laws.

The two female drivers said that their presence on the road made it hard for them to meet the target for the day. One respondent had this to say;

Gari zetu zote ni nzuri na tunazipeleka, insection na service kila wakati, na hata wakikupata kwa njia wanataka pesa tu. hawaangalii gari lakini chenye hauna (our vehicles are well maintained, they have inspection stickers but when stopped by NTSA officials on the road, all they want is money. They don't inspect the matatu to see what requirement in not met) source; driver, Kisii-Keroka

Another respondent was of similar view and said;

Hawa watu wakikuja kwa barabara, huwa wanashika magari na kama haina vitu zote, wanatoa number plate. sisi wenye magari si nzuri hua tunangoea watoke ndio tuende kazi. hii ni shida na hakuna gari yenye haina kasoro (These people when on the road, they impound matatus and if it does not meet all the requirements, they will remove the number plates. Those that have met the requirements will keep off the road until these officer leave. This is a problem as you cannot find a matatu without a defect) source; conductor, Kisii-Keroka

The NTSA were clearly overstepping their mandate and overlapping the roles with the traffic police officers which saw them through the presidential decree to stay off the road. This act contributes to this study as the registration of *matatus* to be on the road in the mandate of NTSA, issuance of driving licence and renewal is done by the same body. Section 30 prescribes the conditions to be met by a *matatu* owner. A critical analysis of the Transport and Safety Authority Act 2012 that repealed the Transport Licensing Act Cap 404 does not seem to wholesomely address issues of an integrated modern transport system. This is why the conflict with the traffic act cap 403 saw the presidential decree. The County Transport and Safety Committees (CTSCs), 25

respondents were not aware that the NTSA had branches country wide but on being asked generally, most of the respondents said that the presence of NTSA made life difficult on the road but for those who met the requirements had a good day. One of the respondents had this to say

NTSA wametusumbua sana hata ukitaka kuwapea kitu kidogo, ni wengi hata kuongea ni shida. Wanaelewana na traffic halafu wanaenda kwa barabara. Yenye wanataka ni pesa tu (NTSA have really disturbed us, even when you want to bribe them, they are so many and even talking (negotiating) is a problem. They organise with the traffic police then they come to the road and all they want is money) source; conductor, Kisii-keroka

When I explained that the CTSC under section 22(b) is required to advise the Authority on matters affecting the road transport system within the county, majority of the respondents said that the NTSA has failed in its mandate. Another respondent said;

Hawa watu wanatushika na wanaomba vitu zenye hakuna kwa gari kama fire extinguisher, life saver na hawaulizi juu ya mshipi na governor. hii ni njia ya kukulia (these people arrest us and they inquire about things that are not there like fire extinguisher, life saver triangle but they are not asking for the seat belts and speed governor. This is a way of extorting money from us). Source; driver, Kisii-keroka

This committee has failed in its mandate but they are overlapping the traffic police officers' duties on the road. This saw the president recall all of them from the Kenyan roads leaving the traffic police with their mandate under the traffic act cap 403.

The traffic act as amended in 2012 saw drastic increase in instant fines. Most of the respondents were of the view that such amendments were not necessary as they are unrealistic that the ordinary motorist cannot afford. Some including the key informant who were former police officers were of the view that the amendments would negatively affect the public transport as they will trigger an increase in bribery of traffic police officers.

On the issue of minimum age for issuance of driving licence, majority of the respondents supported that. However one respondent explained it as follows;

Hiyo sheria tunajua lakini hawa watu hata gari ikue na kilakitu, lazima watachukua zao, na hii ni nzuri ili tukimpea zake tutaweka kwa kioo na akiangalia, atapata pesa yake hapo (this is a good law but these police officers even if the matatu meets all these requirements, they must solicit for bribes though, this is a good one in that when we want to bribe them, we will place it at the side mirror and he will pick the money from there).Source; conductor, Kisii-Eldoret

Some respondents retorted and said that it is normal to have regulation but one respondent had this to say;

Hizi sheria ni bure tu, zinaelekeza watu na ni njia ya kuchukua hongo (These laws are mere guidelines and a way to get the bargaining power when they want to solicit for bribes) Source; driver, Kisii-Eldoret

During the FGD, the members said that the matatu owners are usually on the wrong side of the law. They know the law, they need to meet the minimum requirements but they ignore these and expect us (drivers and conductors) to use our common sense to overcome the law enforcer. one respondent had this to say;

Utasema gari iko na kila kitu lakini askari akiangalia atapata makosa. hii ni kwasababu yeye anajua sheria (you will say your matatu has met all the minimum requirements but when a police officer inspects it, he will find a default. This is because he knows the law) Source; driver, Kisii-Eldoret

Section 41 (A) of the traffic Act provides that all vehicles shall be fitted with a speed governor. Most of the respondents especially the drivers and conductors will want to abide by the law but the Sacco managers who are responsible for keeping their fleet in a state of good repair go a head and interfere with the speed governors normal functioning. The reason given for this is that they can compete. one respondent explained this and said;

Hii ni sheria nzuri na kila matatu iko na speed governor lakini askari hawaangalii hizi vitu eti ni kazi ya NTSA, yenye wanataka ni pesa tu (This is a good law and all matatu have been fitted with speed governors but the police officer does not check this as they say it is the work of NTSA. Them they want their bribe and that is all.) Source; driver, Eldoret-Kisii

Kenya has enough legislations and laws that are intended to curb and or mitigate corruption and bribery that if properly enforced, the country and in this case the *matatu* business should not be in the mess as seen on Kenyan roads. The traffic rules, the highway codes and the road transport act's usefulness and effectiveness has been tested with time and this study has established that they are now being used as a negotiating tool for soliciting bribes by the traffic police officers as they compare what they are extorting with the court fines.

The Anti-corruption and Economic Crimes Act (ACECA) of 2003 Was to provide for the prevention, investigation and punishment of corruption, economic crimes and related offences and incidental matters. The Act embodied a broad conception of corruption including bribery, fraud, embezzlement or misappropriation of public funds, abuse of office, and breach of trust or an offence involving dishonesty under Section 45. Most of the respondents had nothing to say on this law. However the key informant said that this law after establishing the EACC, all eyes are on the chairman to give directions on the way forward in combating corruption.

The ACECA 2003 has been found to be weak as it lacks many of the significant features and obligations imposed on state parties under the United Nations Convention against Corruption (UNCAC). The Act does not have adequate provisions to criminalize corruption in the private sector like in the *matatu* industry.

The Ethics and Anti-Corruption Commission Act No. 22 of 2011 (EACC) was to develop and promote standards and best practices in integrity and anti-corruption among others. Most respondents expects the EACC to perform miracles in eradicating corruption and or bribery in all sectors including in the *matatu* industry. The respondents view on eradicating corruption is preventing traffic police officers from soliciting bribers on the

road. The commission is further given the mandate under section 13 to undertake preventive measures against unethical and corrupt practices which include the corrupt practices of the traffic police officers and to conduct investigations on its own initiative or on a complaint made by any person. On hearing this, one respondent said;

Hii anti-corruption inashika polisi peke yao, sisi hawatuguzi na ninasikia wanatakikana kushika mwenye anapeana na mwenye anapewa. Hawa watu wanashika polisi tu kwasababu wanajua hakuna kitu watafanyiwa (this anti-corruption officers arrest police officers taking bribes, they don't arrest drivers and conductors and I have heard that they are supposed to arrest the givers and the takers of bribes. The respondents know what the police are doing but even if they arrest them, they will do nothing to them) *source; conductor, Kisii-Migori*

Another respondent reiterated this assertions and said;

Tunataka kujua ni wangapi wameshikwa na kushtakiwa.na kama wanasaidia kupunguza kupeana hongo barabarani (we want to know how many have been arrested and whether the commission is helping in the reduction of bribery on the roads) *source; driver, Kisii-Migori*

The commission in my view has so far not exhausted the powers given to it under the act and the constitution. Despite the fact that the commission is lobbying for prosecutorial powers so as to avoid disappointments from the courts and office of the DPP, they should have done more through the internal mechanisms on the challenges affecting the EACC.

The Constitution of Kenya 2010 is the supreme law of the land and all the drivers and conductors including the Sacco managers are conversant with it. This constitution under article one proclaims its own supremacy and that of the citizens but it remains a mere law and therefore it should be applied to give the necessary protections from various legislations and violations committed by the various agencies. All the respondents know this law, they understand that it is supposed to protect the them and one of the respondents;

Hii sheria ni ya wachache, wanaiweka lakini wanajua haitawafanyia kitu inatumiza sisi tu (the constitution is for a few people, they passed

it but it will never affect them in what they want to do, it only suppresses the poor) *source; driver*

Another respondent said;

Katiba inatakikana kutulinda wote na kwa hivyo wanahitajika kuiangalia vizuri (the constitution is a protector of all of us so they are supposed to look at it) *source; FGD, conductor*

This is true as the constitution has established the various organs, agencies and various constitutional offices that enjoy independence but these offices are not seen to act as mandated and therefore it only affects a few individuals. For the war against corruption and or bribery to be won, the strict enforcement and adherence to law will be necessary.

4.7 Conclusion

This chapter discussed the thematic areas based on the research objectives in this study. The themes were analysed and a discussion made from the data collected in the field. Chapter five below discusses the summary of the findings, discussion on the findings, conclusion drawn, recommendations and areas for further study.

CHAPTER FIVE

SUMMARY OF FINDINGS, DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary of findings based on the following research objectives:

- i. To investigate the social meaning of bribery among *matatu* operators.
- ii. To understand how social meanings influence the tactics used by *matatu* operators to bribe.
- iii. To establish how the social meanings and the attendant tactics affects the prevention of bribery.
- iv. To examine how government policies, practices and laws on bribery intersect with *matatu* operator's narratives

This chapter presents the summary of the findings, conclusions drawn from the findings and discussions, recommendations arising therefrom and suggestion for further studies.

5.2 Summary of the Findings

The purpose of this study was to establish the social meanings of bribery and its influence on *matatu* operators. The study was guided by the research objectives which were thematically categorized, discussed and the summary of the findings are as indicated herein below;

5.3 The Social Meaning of Bribery Among *Matatu* Operators

This was the first objective of this study which after investigation has found out that bribery has been given different meanings by the respondents who were the *matatu* drivers, conductors and the Sacco managers. The study established that meanings are

attached to bribery so that they can justify their actions of bribing the traffic police officers on the road. The study also found out that these meanings are given to bribery in order to conceal the acts of bribery on the Kenyan roads. The following meanings which are attached to bribery;

Bribery was referred to as “theft”. The study investigated and found out that the Sacco managers, drivers and conductors referred to bribery as theft because in some situations, they could not comprehend the justification for the bribery yet the *matatu* has all the necessary requirements like fitted with the speed governor (section 43) vehicle being in a state of good repair and section 55 of the traffic act and section 26 and 30 of NTSA act relation to registration of motor vehicles. These provisions according to the respondents make them “thieves” in broad daylight.

“Give to Caesar unto Caesar” is a social meaning that was attached to bribery. These meaning was given to bribery because the respondent were of the view that even if you meet are the necessary requirements for a *matatu* to be on the road, the traffic police officers will still ask for the bribe and if you don’t bribe the police officer be booked you. The *matatu* drivers and conductors attached this meaning to bribery because the *matatu* operators viewed bribe as the money ‘rightfully’ belonging to the police. They said that these monies belong to them so give them and leave them alone to avoid being booked. This money belongs to Caesar.

Bribery as a “blind-fold” is another social meaning that emerged from the study. Majority of the respondents gave these assertions because once the money is given out, they don’t see the defects in the *matatu* which by law they are required by law to inspect. Thus ‘blindfolded’. It was found out that if you don’t bribe the traffic police officers, you expose your *matatu* to more scrutiny and no one wants that, so bribe and blindfold

them to avoid more problems. The research found out that this bribe therefore acts as a blindfold in that they (the police) can't see the various defects that the vehicle suffers. The study through literature also established that ideological factors are some of the elements that influence discretionary values that encourage the culture of bribery by the traffic police on the road. Since the matatu drivers don't want to be booked, they blindfold them and get their way out

Bribery as 'tea' this is because some police officers could be bold enough and ask for tea and as indicated hereinabove, it is African culture to buy one another tea. The study found out that it is considered as good manners especially when someone has been good to you. Since the drivers and conductors want the police to be good to them, they buy them "tea". From literature it was also established that the culture of buying "tea" is universal and in Kenya it not only in the *matatu* business but in public and private officers too especially when seeking services.

Bribery as "something small" the study found out that this bribe is not really something small, but something given to enable the police officer ignore defects or to do something with it. Majority of the respondents' elicited similar answer to these social meaning.it was affirmed in the FGD and the key informants were of the same view. The study also through literature established that this social meaning make bribery practices highly institutionalised in the police department because there is an economic incentive to engage in such predatory behaviour. The traffic police officers are also not constrained by any notion of ethics or morality. All they want is something small(bribe).to the respondents in this study is in comparison with what they will pay in form of court fines, time wasted seeking justice in court that makes the ksh.100 they pay small.

Bribery as “money for the pen” is social meaning given in order to shift blame from the traffic police officers to the “pen”. The study found out that the drivers, Sacco managers and conductors know that it is the pen that writes down the charges. To avoid all this from happening, they need to pay a bribe so that the pen does not write all these things. The study also from literature established that social meanings of bribery or popular code words and euphemisms in other jurisdictions are adopted in order to conceal the act. Bribery and or corruption is a social problem which affects social life. Bribery too can be identified with reciprocation, communication, custom/ culture and values to tackle this social problem, this study has demonstrated that the critical discourse analysis and social construction theories are useful in the understanding of bribery as a social problem. The theories have also demonstrated that socially constructed meanings do influence human behaviour, and as such, there is need to comprehensively deconstruct the meanings that society bestows on social phenomena in order to succeed in the fight against bribery.

5.4 How the Social Meanings Influence the Tactics Used by *Matatu* Operators to Bribe

This objective was to establish how the social meanings influence the tactics. The study has established the social meanings and the tactics that are used by the *matatu* drivers, conductors and Sacco managers in perpetuating the vice. This study also established that bribery is widely perpetuated by stake holders in the *matatu* industry. Moreover, the *matatu* industry is often at the centre of bribery practices as enablers. This was established through the government policies and laws enacted to regulate the *matatu* business but because the *matatu* Sacco's are keen on compliance with the laws, they resort to bribery. The tactics that emerged from the study are;

Dropping money on the road; this tactic emerged from the study. The *matatu* drivers and conductors said that they use this tactic as a way of bribing the police officer on the road. A majority of these drivers and conductor explained this tactic was resorted to because all the traffic police officers want is money. From the social meaning “blind fold”, once the money is dropped on the road, they don’t see the need of stopping the *matatu* and waste time inspecting it when they have been “blind folded”. The dropping of the money on the road is also convenient to the givers and the recipients of the bribe and is in line with the social meaning “*give unto Caesar what’s Caesar’s*’. The study established that all the police want is money and as long as they get it, the deal is done.

Placing a folded note at the edge of the side mirror; was another tactic that was revealed in the study. The respondents used this tactic so as to distract the officer from noticing the defects on the *matatu*. This too is in line with the social meaning “*Bribe as a key/tool to gain access*”. The study found out that this tactic is meant to distract the police officer when he approaches the *matatus* he will be shown where the money is and once, he picks it, he forgets the purpose and thereby access is gained and time is saved. It was also established in literature that the tactics are used by the respondents and especially the *matatu* drivers a survival mechanism

Calling the conductor/driver out and to the back of the *matatu*; this tactic was revealed by in the course of data collection through direct observation by the researcher. It was affirmed by the respondents that it is normal for the police officers to go to the back of the *matatu* once they stop it. The study established that the reason why they go behind the *matatu* is to make it difficult being caught. Most respondents in this study believe that if you have not seen then nothing has happened. This tactic as revealed in literature also acts as a negotiating tool but not a good sign as to *matatu* drivers and or conductors as it gives the police officer an upper hand.

Placing the money inside the driving license; this is a tactic that is used by the drivers in the normal course of the traffic police officer's duty to demand and inspect the drivers licence. The study established through literature (the traffic police act, section 36) that the traffic police officer will demand for the driver's licence. The respondents revealed that in the process of the officer inspecting the drivers licence, the starched money will drop and this will solve the issued. Thus "blind folding" the officer. The responses from the interviews also established that this is normal, convenient and part of the normal duty of a traffic police officer but bribery takes place.

Remittances to base commander; the study found out that this tactic is exclusively done by the Sacco managers or staff of the Sacco. This tactic was resorted to in order to avoid harassment by the traffic police officer on the road. The study established that once money has been remitted, no traffic police officer will be assigned on the road. This was revealed through the researcher's direct observation but after affirmation from the FGD, key informants and the in-depth interview, it is clear as to why you rarely see police officers on the road. The study also established that this tactic is convenient to the traffic commandant as hi gets his share directly in cash instead of collecting it on the road. This tactic also minimizes the chances of being caught.

Putting money under a known sign/symbol along the road; this tactic was revealed though nothing much could be said about it. The respondents said that the traffic police officers now use their own private vehicles and could prefer money taken to their vehicles. The few respondents who confirmed this tactic said that it was also safer for the police officers to get money deposited at some other place so that in case of arrest by the enforcement agencies, no evidence is found on them. As confirmed fro literature, the police want the bribe in their pocket" *osoe ofuko*" which in Luo language means put it in the pocket.

Mobile money transfer platforms: were used prior to the police vetting in 2016. The study established that this tactic was convenient, fast and safe at the time because all that was required is the traffic police officers telephone number and the money is wired. After the police vetting, the study found out that this tactic changed slightly and the money is now withdrawn at the Mpesa agent at the police station. This too has proved convenient and safe as it is the matatu driver, conductor or Sacco manager who will withdraw the money for the traffic police officer to collect as long as the amount is made known to the officer.

Brokers like bodaboda riders; the study found out that the bodaboda riders were used in order to approach the traffic police officer especially the high way patrol police who were unknown to the *matatu* driver, conductors or the Sacco managers. The research established that they were acting as emissaries to get the information and eventually deliver the bribe to the police officers. This tactic complements the social meaning "*Bribe as a key /tool to gain access*". This is true to the meaning as when the bodaboda rider delivers the money, the *matatu* will gain access.

Cancellation of the police bond; the study found out that this tactic was used as a cover up in order to minimize public outrage and show the public that the traffic police officers do not just take bribes but, they can work too. The study established that this tactic was also a way of gaining an upper hand because at the police station, the driver, conductor or Sacco manager has a few options; bribe or go to court.

Bribery as protection money; the study established that in this way the *matatu* drivers and conductors were seeking protection from the cartels, touts, county traffic marshals and the traffic police officers for flouting the traffic rules on picking passengers from

undesigned areas. The study found out that it is wrong for them to pick passengers at an undesigned area therefore protection money from possible arrest.

The study established that the social meanings attached to bribery have resulted in the tactics being used by majority of the respondents. One of the key informant a former police officer confirmed that when a *matatu* driver or conductor is allowed to bribe the police, the *matatu* has a defect in regulations therefore they bribe to get away with it. Another key informant a Transparency International (TI) who work closely with EACC said that the traffic police officers are wary of the chances of being caught taking a bribe. These revelations show that the givers and the receivers protect one another from possible arrest and that is why they have given the social meanings to bribery and devised ways of circumventing this through the use of tactics. Therefore, to tackle bribery, the critical discourse analysis and social construction theories aided this study so as to deconstruct the meanings and understand the language used by the *matatu* drivers, conductors and Sacco managers.

5.5 How the Social Meanings and Attendant Tactics Affect Prevention of Bribery

The study established that the *matatu* drivers, conductors and Sacco managers have attached several social meanings to bribery. The same is true to the tactics. The study also from earlier discussions, established that bribery has been given different social meanings and because of its complexity in the law the *matatu* drivers, conductors and Sacco managers have devised the methods or tactics of perpetuating it in order to conceal the act and eventually defeat the law. Empirical findings from literature reviews and interviews also strongly agree with this position that these tactics were therefore employed in perpetuating the vice at the same time defeating the law in its enforcement or prevention. These tactics are;

Dropping money on the road; this was meant for the traffic police officer to pick at his convenience. The study found out that in this tactic a driver or conductor drops the money on the road with intent to circumvent the action and since no one will notice the act, it will defeat the purpose of the law and especially the bribery act 2016 which prescribes penalties for the giver and the recipient. The study established that in this tactic, there is neither the giver nor the recipient and this makes it hard to prevent as the enforcement agencies will not have prove of bribery.

Placing a folded note at the edge of the side mirror; this tactic was used in order to blindfold the officer and not even the recipient of the bribe could guess where the money is placed, so it is hard for the law enforcement agencies to detect and or the anti-corruption agency officials to establish the motive. The bribery Act 2016 makes provision for the giver and the taker and in this instance, no one gives or takes. The study established that this tactic too is hard to prevent unless the traffic police officers are willing to give a hand when they themselves are the perpetrators.

Calling the conductor/driver out and to the back of the matatu; this was used when stopped by the traffic police who then go behind the *matatu*. The study found out that this tactic is too concealed as it is done outside the view of the passengers. The study also established that this tactic is hard to prevent and or detect because the conductors collect fare and hold it in hand. From this it is hard to detect and prevent as no one can claim that bribery has taken place except the conductors and the traffic police officers.

Placing the money inside the driving license; this tactic was argued to be in line with the mandate given to the traffic police officers under the traffic Act cap 403. The study found out that the drivers are required to produce the drivers licence on demand by the officers and in the process ksh.100 which was placed in it in advance exchanges hands.

The study established that this tactic is in line with the social meaning” *kitu kidogo*” which can fit in the drivers licence and since it is “something small”, no one complains and as a result it makes it hard to prevent. The tactic is meant to conceal the act and make it look like a normal inspection but the money is inserted in advance and when the officer finds it, he will drop to pick it after the matatu has moved on. This tactic is hard to detect as it is done by the drivers and hard to prevent as “it needs two to tango”. No motive in this tactic and no law prohibits one to keep money in the drivers licence.

Remittances to base commander by the Sacco managers or staff; was a tactic employed in a bid to avoid being harassed by the traffic police officer on the road. The study established that it is in line with the social meaning “*give ‘Caesar what’s Caesar’s’*”. By the Sacco managers taking money to the base commander in advance before it is demanded clearly shows how ‘Caesar gets what’s Caesar’s’. The study found out that it is the Sacco manager’s duty to know which matatu will not be on the road and then collect ksh.200 for the day and remit the same to the officers. It is not an offence for one to go with cash to the police station as one may be carrying cash to pay for the police bond to secure the release of a suspect from the police custody. This tactic too is concealed, safe secure and hard to prevent as no one knows what goes on except the persons involved.

Putting money under a known sign/symbol along the road; was said to be out dated. The study established that this tactic is no longer in use but this too could have made it hard to control as no one could have been willing to accept money deposited at some known sign on the road without prove or corroborating evidence.

Mobile money transfer platforms; were a tactic in line with the popular code words or euphemism like “*ni biashara yakumalizana*” meaning it is a deal to be accomplished

which saw the traffic police officer give out their telephone numbers for the money to be sent directly. The study found out that since the police vetting, a slight adjustment was made and money is now withdrawn at the Mpesa agent at the police station but collected by the officers. The study established that this could be prevented as the change in technology could trace the telephone calls to and from the person who withdrew the money and where he was at the time. The study also established that this tactic has not be used to fight against corruption and or bribery because of the laxity of the anti-corruption agency /officers. On the other hand, it could be hard too as no one can detect the person receiving the withdrawn amount.

Brokers like bodaboda riders; were used as emissaries to negotiate before hand and give a report then they receive the bribes on behalf of the police. The study established that the police had lost trust in them as they could get away with the money. The study found out that this tactic could have been easy to detect and or prevent as one could only be keen and see the bodaboda riders approaching the officers when delivering the bribe then in the process arrest them.

Cancellation of the police bond; was used by the police to show that they are working. This was a means of giving the traffic police a higher bargaining power at the police station where there is humble time to negotiate and at the same time, the police officers were creating a good public image that they can work without necessarily collecting bribes on the road. The study found out that this tactic is hard to detect and thereby prevent as the booking of a *matatu* for a clear traffic offence is part of the normal duty of a police officer on the road and the booked *matatu's* driver or conductor must go to the police station to be charged before being taken to the court and in the process they bribe to get the bond cancelled.

Bribery as protection money; was used by the *matatu* drivers and conductors to bribe a range of cartels because of picking passengers from outside the *matatu* terminus. The study established that this tactic is easier to prevent as all it needs is every officer including the Sacco managers being agile and do the rounds to see who is flouting the rules. The study also established that no strict observance of the rules is done in order to ensure that no *matatu* picks or drops passengers at an undesignated point. If this were done the study found that this tactic could have been prevented.

The study found out that the *matatu* drivers, conductors and Sacco managers employed various tactics to avoid possible arrest and penalties that could befall them in case they are arrested for bribery. The study also established that the *matatu* Sacco that allowed their drivers and conductors bribe the police officers on the road did not comply with the laid down rules and regulations. The study also established that the Kenyan government has enacted various laws in a bid to curb bribery and or corruption. In view of this, the *matatu* industry has not been left behind in giving the social meanings to bribery and devising various tactics of perpetuating this vice. This study through the use of critical discourse analysis and social construction theories has unearthed these meanings and language used in the *matatu* industry. With this the government agencies can be able to curb bribery in the *matatu* industry.

5.6 How Government Policies, Practices and Laws on Bribery Intersect With Matatu Operators' Narratives

The government of Kenya just like the governments the world has tried to fight corruption/ bribery by enacting various laws and implementing policies. The study found out that there are various legislations by the Kenya government in an attempt to fight bribery and or corruption. These laws are in effect meant to curb bribery and or corruption in Kenya.

The study found out that the respondents in this study had little knowledge about the existence of such laws and or they were not aware of such laws having been enacted by the Kenyan government. This was attributed to the fact that, their level of education, the busy schedules in their work and the lack of faith in the effectiveness of such laws. This implies therefore that you may not be able to implement these laws on the issues of bribery and or corruption on the roads

5.7 Discussions of the Findings

The summary of the findings in this study is based on the discussion which is based on the research objectives as thematically categorized in 5.1 herein above. This study was guided by the Social construction and Critical Discourse Analysis theories. The case study design was adopted and the target population was determined by the saturation method. The target population was all 36 (registered) *matatu* Sacco's operating from Kisii *matatu* terminus. A sample was selected using purposive sampling technique. In-depth interviews, focus group discussions and observation methods were used as the main method to collect data and documents analysis supplemented in the discussions of the various laws and policies. Data analysis involved developing a coding system based on themes covered. The themes covered are discussed herein below;

The first theme/objective was to investigate the social meaning of bribery among *matatu* operators. This study found out that most of the *matatu* drivers conductors and sacco managers operators expressed the social meaning of bribery as '*chai*', '*kitu kidogo*', bribery as money for the pen and bribery as 'blindfold'. The study established that these social meanings are meanings attached to bribery so as to conceal and or circumvent the act of bribery. This study also established that these social meanings are attached to bribery so that when *matatu* operators bribe, it will be perceived as exchange of gifts for social bonds to be strengthened and create reciprocity.

The study also established from literature that these social meanings are given to particular actions or behaviour which are then normalized and accepted in the society. In this study it is an attempt to come to terms with the nature of reality in the *matatu* industry (Berger and Luckmann, 1991). These social meanings in this study are developed and adopted by the *matatu* drivers, conductors and Sacco managers to perpetuate the offence of bribery. Since the social constructionism places great emphasis on everyday interactions between people and how they use language to construct their reality and especially in the *matatu* business, the study used Social construction theory to explain the process by which *matatu* operators explain their world using language and also to explain how the constructed language bring forth their. The study too used the Critical Discourse Analysis Theory in the analyzing the language and spoken word or speech used by the *matatu* drivers and conductors in their daily activities so as to investigate the existence of power in language they use. These two theories have unraveled hidden meanings in order understand bribery as a social problem. Through this, the study demonstrates that socially constructed meanings do influence the behaviour of *matatu* operators in the act of bribery on the Kenya roads.

The second objective was to establish how social meanings influence the tactics used by *matatu* operators to bribe. The study found out that these social meanings have resulted in different tactics being adopted and used by the *matatu* operators to bribe the traffic police officers. These tactics are away of skillfully employing available means to accomplish an end and that is to bribe the traffic police. The particular purpose and that is the social meaning attached to bribery herein above explained is to circumvent the vice of bribery. The study found out the following tactics; inserting money in the drivers licence, dropping money on the road, placing a folded note at the edge of the side mirror, calling the conductor/driver to the rear of the *matatu*, remittances to base commander by

the Sacco managers or staff, putting money under a known sign/symbol along the road, mobile money transfer platforms, engagement of brokers such as the ‘bodaboda’ riders and cancellation of the police bond.

The study found out that these tactics were adopted and used by the matatu drivers, conductors and Sacco managers in a bid to conceal the illicit act. When an activity is widely seen as wrong, perpetrators are at risk of being exposed, condemned, shunned and prosecuted because people are outraged (Martin, 2012). Popular outrage can be a serious threat to perpetrators so to continue with their corrupt activities, they need to minimize this sort of reaction of public outrage by covering up the activity therefore the tactics to conceal the act.

The third objective of the study was to establish how the social meanings and the attendant tactics affects the prevention of bribery. The study found out that these tactics and the social meanings attached to bribery are ways of concealing the illegal act and since the *matatu* drivers, conductors and Sacco managers are willing to bribe and the traffic police officers are willing to put a blind eye on the deficiencies of the *matatu* on the minimum requirements for a matatu to be on the road, the fight against bribery and or corruption is far from over. The study found out that these tactics are meant to protect each other from possible arrest and therefore each perpetrator in his own right will try as much as possible not to be caught and this complicates the whole issue of prevention.

The study established in literature that most cases of bribery are underreported for several reasons among them being in Kenya, out of the 90% of those interviewed, only 27% of them said they did not report to any authority as they did not know where to report. In the neighbouring Tanzania, the highest proportion of respondents (28%) felt that no action would be taken to resolve their complaint. In Burundi and Uganda, 18%

and 33% respectively, did not report because they were beneficiaries of the bribery deal and in Rwanda, 29% feared self-incrimination (TI, 2014).

The study established that a country like Kenya, one cannot operate a *matatu* on the road without paying a bribe. This is because the act of bribery has become normalized and as Anassi (2004) said, if one does not pay another one will. The study found out that bribing the traffic police officers on the road is the only way to succeed in the business. This concurred with social meaning “give unto Caesar what belongs to Caesar”. With these findings, it is hard or near impossible to prevent bribery on the Kenyan roads owing to the social meanings attached to bribery and the tactics used to bribe despite the laws enacted in Kenya.

The fourth objective was to establish how government policies, practices and laws on bribery intersect with *matatu* operator’s narratives. The study established that there are several laws enacted in Kenya in the fight against bribery and or corruption but instead of this laws assisting the agencies to curb bribery, they add misery to the *matatu* operators. The study also established through literature that the institutions and agencies mandated in the fight against corruption have not effectively addressed the issues of bribery and or corruption due to their operational weaknesses. This information was corroborated by the key informant who works with transparency international and a key partner with EACC and ACECA. The ACECA 2003 for instance does not have adequate provisions to criminalize corruption in the private sector like in the *matatu* industry. This is true with Cerge-Ei (2012) who mentions that eradication of bribery is difficult when the country’s institutions are weak and ill functioning. The study also found out that the law enforcers are the same traffic police officer who take bribes on the road and therefore the fear of the consequences is minimized as the same officers have a discretion to arrest or take a bribe and ignore the non-compliance.

This study established through theory the language used in the *matatu* industry can cause confusion because of the manner in which that language is used. This study therefore established that through theory, language in the *matatu* industry can be understood, meanings deconstructed for the war against bribery in the *matatu* business in Kenya to be won.

Andrews (2012) explains that social constructionism places great emphasis on everyday interactions between people and how they use language to construct their reality. It regards the social practices people engage in as the focus of enquiry. This is very similar to the focus in the *matatu* industry which this study intended to deconstruct in order to understand why the *matatu* drivers, conductors and Sacco managers bribe.

This study revealed obvious and known social meanings as used in other studies. These common words or terminologies such as “*kitu kidogo*” and “*chai*”. From the sociological point of view are linked to phenomenological studies, which are on the observations made on unusual people or events as they appear without any further explanation. According to Creswell (2013), phenomenology is an approach to qualitative research that focuses on the commonality of a lived experience within a particular group. The researcher adopted this approach in order to arrive at a description of the nature of the particular phenomenon-social meanings of bribery.

Therefore, through the use of a phenomenological approach, research sought the reality from the *matatu* drivers, conductors and Sacco managers’ narratives of their experiences in the *matatu* business and their feelings after bribing in order to produce in-depth descriptions of this phenomenon as free as possible from unexamined preconceptions and presuppositions (Neubauer, Witkop, & Varpio, 2019).

5.8 Conclusion

The first objective established that social meanings are perceived meanings given to particular actions or behaviour which are then normalized and accepted in the society. Meanings attached to certain actions matter a lot as they can be observed and interpreted differently depending on the situation that the individual is in. Social meanings or constructions can be applied in almost all things the world over because of the belief that people attach in them.

In the second objective, the study established that the several meanings that have been attached to bribery in this study have evolved various tactics used by the *matatu* operators to bribe. The study established that these attendants' tactics have resulted to the *matatu* drivers, conductors and Sacco managers concealing the briber acts.

In the third objective the study established that these meanings have affected prevention and or eradication of bribery on the Kenyan roads because the social meanings attached to bribery and the attendant tactics complicate the whole issue of prevention. This is so because the meanings attached to bribery do not show any thing wrong with bribing a police officer who has not booked you for having not met the necessary requirements.

On the fourth objective, Kenya has several laws enacted in a bid to curb and or prevent bribery, but the tactics used by the *matatu* operators circumvent and or conceal the acts making it difficult to prevent bribery. The established that the Kenyan government has achieved less but more needs to be done on the enforcement machinery's powers which are packaged weakly in the various laws. The fight against bribery also has been more often than not been a trial and error thing, the *matatu* operators are willing to bribe and the traffic police are willing to accept the bribe and this complicates the whole issue.

With this study therefore the fight against bribery will be easier as the agencies involved in the fight will understand bribery from the social perspective that the socially constructed meanings of bribery in the *matatu* industry do influence human behaviour and that there is power in language used in the *matatu* business. With this they can tackle bribery and corruption.

5.9 Recommendations

1. The agencies mandated in the fight against bribery and or corruption should deconstruct the social meanings or constructions in order to win the war against bribery on the Kenyan roads.
2. The government agencies should understand the various tactics used by the *matatu* operators to bribe through creation of partnership with the stake holders in order to win the war against bribery.
3. The government agencies mandated in the fight against corruption and or bribery should educate the stakeholders in the *matatu* industry the importance and effectiveness of the existing laws for the fight against bribery to succeed.
4. Kenya has several laws enacted in a bid to curb and or prevent bribery. These laws should be consolidated for easier access, understanding and application by the enforcement officers

5.10 Areas for Further Studies

This study did not take into consideration the traffic police officer and passengers using *matatus*. Further studies should be done in order to get the view of the passengers and the traffic police officers on the social meaning of bribery. Further studies should include the motor cycle riders, probox *matatus*, pickup *matatus* and buses as they were

featured in this study. This study also did not take the views from the various institutions and agencies mandated in the fight against corruption by the Kenyan government.

-END-

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APPENDICES

Appendix A: Interview Schedule with the Staff Working With Matatu Industry in Kisii County

1. Age: _____ Gender; Male: Female
2. Matatu Sacco _____,
3. Job Categoryposition/office/ driver /conductor
4. Could you please describe your understanding of bribery to me? Probe for triggers to giving a bribe, the nature of the bribe and the social meaning of bribery to the youth.
5. Describe to me how you feel after having given a bribe. Probe for willingness to give, worries about what others will say and self- esteem.
6. Describe to me your daily activities. Probe for impediments to daily activities brought by the police prompting giving of bribes.
7. Describe to me how you socialize with your peers in the stages and other places. Probe for the reaction of peers, owners and significant others to respondent nature of giving a bribe
8. Please remember in the last 6 months and explain about a situation or someone you know who is affected adversely by bribery?
9. What do you understand by corruption?
10. Which social group (women, men or youth or children) is most affected by matatu bribery/corruption?
11. Please explain why you think this is so
- 12 In your opinion do you think corruption can be alleviated or eradicated?

13. Why should corruption be eradicated?
14. In your opinion, does an exposing corrupt practice by the media help in the fight against corruption?
15. Can media help fight corruption
16. As a young person what steps do you think can be taken to alleviate or eradicate bribery/corruption in Kenya?
17. How can we eradicate bribery/corruption in Kenya?
18. Do you know that bribery act, NTSA and traffic act, are laws applicable in Kenya?
19. Are you aware that the traffic act was amended to include number of passengers, speed limit, budges which were formerly referred to as the Michuki Rules?
20. Which laws do you know which talk about bribery and or corruption in Kenya?
21. In your opinion are these laws necessary, do we need more laws or are they effective?
22. Describe to me your expectations in future and what you are going to do to achieve your expectations. Probe for worries about the vice, employment, independence and compliance with the traffic rules.

Appendix B: Interview Guide for SACCO Managers

1. Describe your understanding of bribery. Probe for social construction of bribe, knowledge of the vice including prevention and impacts.
2. Describe to me how the vice is perceived in Kisii community? Probe for the cause, tactics, significance of the vice, and live experiences of those who have paid the bribe
3. Describe the participation of people in the matatu industry in social activities in this community.
4. Which laws do you know are enacted in Kenya which can prevent bribery?
5. Are these laws necessary, enough or we need no to do away with them
6. Describe the likely experiences of people engaged in the matatu business in this community. Probe for likelihood of employment, independence and compliance with the traffic rules.
7. Do you have any code of conduct for your drivers and conductors or employees?
8. The bribery act 2016, section 5 and 6 prohibits taking or giving a bribe, are you aware of the law?

Appendix C: Introduction Letter

Moi University,

Eldoret

Dear Sacco Manager,

**RE: SOCIAL MEANING OF BRIBERY AND ITS INFLUENCE ON MATATU
OPERATORS IN KISII COUNTY, KENYA**

I am a doctor of philosophy student from Moi University, Eldoret currently carrying out research on the above stated subject in kisii town. The research is for study purposes and a requirement for one to complete a PHD programme in sociology.

I am kindly requesting to be allowed to interact and mingle with your staff and or interview the during and after work in order for me to get the information necessary for writing my work and the information collected will be confidential and will only be used in Moi university

Thank you.

Sincerely,

ONSARIGO. T. G

Appendix D: Research Permit and Letter

CONDITIONS

- 1. You must report to the County Commissioner and the County Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit.**
- 2. Government Officers will not be interviewed without prior appointment.**
- 3. No questionnaire will be used unless it has been approved.**
- 4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.**
- 5. You are required to submit at least two(2) hard copies and one(1) soft copy of your final report.**
- 6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice.**

National Commission for Science, Technology and Innovation

RESEARCH CLEARANCE PERMIT

Serial No. A: 8720

CONDITIONS: see back page

THIS IS TO CERTIFY THAT:

MR. THOMAS GISEMBA ONSARIGO
of MOI UNIVERSITY, 8346-30100
ELDRET, has been permitted to conduct
research in Kisii County

on the topic: 'SOCIAL MEANING OF
BRIBERY AND ITS INFLUENCE ON
MATATU OPERATORS IN KISII COUNTY
KENYA

for the period ending:
19th April, 2017

Permit No. : NACOSTI/P/16/80871/10413
Date Of Issue : 20th April, 2016
Fee Received :Ksh 2000

[Signature]
Director General

Appendix E: Authorization Letter from Nacost



NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY AND INNOVATION

Telephone: +254-20-2213471,
2241349, 310571, 2219420
Fax: +254-20-318245, 318249
Email: secretary@nacosti.go.ke
Website: www.nacosti.go.ke
When replying please quote

9th Floor, Utalii House
Uhuru Highway
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No. **NACOSTI/P/16/80871/10413**

Date:

20th April, 2016

Thomas Gisemba Onsarigo
Moi University
P.O Box 3900-30100
ELDORET.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*Social meaning of bribery and its influence on Matatu operators in Kisii County, Kenya,*" I am pleased to inform you that you have been authorized to undertake research in **Kisii County** for the period ending **19th April, 2017.**

You are advised to report to **the County Commissioner and the County Director of Education, Kisii County** before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.

**BONIFACE WANYAMA
FOR: DIRECTOR-GENERAL/CEO**

Copy to:

The County Commissioner
Kisii County.

The County Director of Education
Kisii County.

Appendix F: Authorization Letter from the Department



MOI UNIVERSITY
SCHOOL OF ARTS AND SOCIAL SCIENCES
DEPARTMENT OF SOCIOLOGY AND PSYCHOLOGY

Tel: 254-053-43620

P.O. Box 3900 - 30100
 ELDORET - KENYA

Fax: 254-053-43047

Telex: 35047 MOIUNIVERSITY

E-Mail: vcmu@irmmoi.com

17th November, 2015

The Executive Secretary/CEO
 National Commission for Science Technology and Innovation
 P.O. Box 30623-00100
 NAIROBI

Dear Sir,

RE: REQUEST FOR A RESEARCH PERMIT FOR THOMAS G. ONSARIGO REG.NO. SAS/DPHIL/SOC/04

This is to certify that the above named is a registered Doctor of Philosophy Sociology student in the department of Sociology and Psychology in this University. Mr. Onsarigo has now successfully completed his first year course work and is due to proceed for field work/data collection. His research proposal titled: "**Social Meaning of Bribery and Its Influence on Matatu Operations in Kisii County**" has been presented and approved at the school seminar as per the requirements. He is expected to be in field between the months of November 2015 and April 2016.

Any assistance accorded to him for procurement of the research permit will be appreciated.

Yours Sincerely,

Dr Jamin R M Masinde (PhD)

E-Mail: drjaminmasinde@yahoo.co.uk

HEAD OF DEPARTMENT, DEPARTMENT OF SOCIOLOGY AND PSYCHOLOGY