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THE DIPLOMACY OF FOREIGN ENVOYS AND DEVELOPMENT PARTNERS ON GOVERNANCE IN KENYA

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ABSTRACT

This paper discusses the role of Western Diplomats in Kenya's anti-corruption measures. One of the realities of relations among nation-states is their independence. No nation-state is so self-sufficient as to exist in isolation from other states. Anti-corruption measures refer to strategies a given state has developed internally and externally to curb and eliminate corruption. In this regard, this paper will investigate and address the following questions: What are the causes and extent of corruption in Kenya? Why and how has corruption attracted the attention of foreign diplomats?To what extent has the intervention of foreign diplomats influenced Kenya's anti-corruption policy and implementation? Answers to these questions will be core to our study.

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INTRODUCTION

In Kenya, corruption has been of internal and external concern. The level of concern varies in the colonial and post-colonial periods. In the first decade of colonial rule, European influence in many African districts was represented entirely by the native chief or white expatriateadministrators. The colonial functionary was dispensable individually because there were many other aspirants. His importance lay not in devising his specific role but in constructively interpreting it so the colonial administration functioned effectively. A successful chief collected the most significant tax, built roads, schools, cattle dips and generally kept peace at no cost to the colonial administration. The colonial functionary regulated the so-called privileges at the grassroots level, including recruitment into the armed forces, enrolment to schools, church membership or even domestic service in white settler homes. The African chiefs, in particular, saw spiritual benefits for themselves in this material. They used official positions to enhance their material wealth in land, wives and livestock despite the close nature of British occupation in their jurisdiction. The colonial administrators were involved in shady deals and scandals, such as construction tenders, maize exports/imports, land, forest resources, rail networks, etc.In post-colonial governments, the same colonial scandals have continued to bedevil the state, such as food insecurity/scandals, grabbing of public land, and financial security tenders. Mega-corruption included Goldenberg and Anglo-leasing scandals.

The culture of corruption in every aspect of life has taken deep roots, becoming a regular thing and acceptable as the norm of "eating where you work". Some actors in corruption have been forced to stray beyond its boundaries due to an urgent bill to pay, a family celebration to subsidize or to satisfy a long-held desire. This culture is located in the continuity of the conflicts of the past. In Kenya, attempts were made to establish an anti-corruption institution after the multiparty transition in 1963, but these have not borne fruit. This paper does not seem to duel so much on the root causes of corruption or the failure of the anti-corruption institutions of Kenya. Still, it intends to analyse the concerns of development partners through their diplomats in Nairobi. The paper will attempt to answer the following core questions: why is the concern by development partners? Are they justified? How are these concerns affecting and shaping Kenya's foreign policy and diplomacy? Which way forward for Kenya?.

Statement of the problem: In Kenya, corruption stems from a confusion of public and private interests that is specific to the neo-patrimonial logic in place since British colonization. It has been of internal and external concern. The strong moral and political ethnicity that characterizes the country fuels an ambiguous relationship between the population and the elite. In the first decade of colonial rule, European influence in many African districts was represented entirely by the native chief or white expatriate administrators. While the abuses of leaders are widely condemned by citizens, many of them show resignation and even tolerance in the face of the

phenomenon, from which they paradoxically sometimes feel the beneficiaries. In this context, the fight against corruption appears above all as a means of discrediting political opponents by the citizens–to maintain power–, and to reassure international investors–to maintain wealth. It is against this background that this study attempts to examine the role of Western Diplomats in Kenya's anti-corruption measures.

Objectives of the study: The objectives of the study are to analyse the causes, consequences, context and classification of corruption in Kenya; and examine the role of Western Diplomats in Kenya's anti-corruption measures.

Causes, Consequences, Context, and Classification of Corruption: Before delving into the area of concern,this article will first answer the above five concerns. Corruption is the misuse of public office for public gain. (Nyong'o Anyang, P. *A. 2007: 78-95.*)Further, corruption is cheating or defrauding private or public for personal benefit (authors). Corrupt activities are found in the interaction of individual and social structural factors. (Gillesepie, Kate and Okruhlik, Gwenn. 1991:77-95) Is it attributed to human nature that must be tamed? Psycho-cultural ambivalence towards behavioural norms, the transition from the colonial status to self-government and socio-economic inequalities. (Carino, Ledvina, V. 1975:278-292; see also, Jose Veleso Abueva, 1966:45-54, and Patrick Dobel 1978:958-973) Scholars have argued that corruption is intense during most phases of modernization. The transition from traditional to modern codes of conduct rendered emerging/developing nations normless. Modernization creates new groups with new resources who want to trade money for political power. The expansion of government authority and regulations hastens the opportunities for corruption and, finally, the lack of influential political parties as corruption varies with political organizations. (Ben-Dor, Gabriel1974:63-83). In the 1960s, revisionists/functionalists contended that corruption serves as a means of channelling demands instead of other alternatives such as violence (Huntington, Samwel, P. "Modernization and Corruption", in Arnold J. Heidenheimer, Michael Johnston and Victor J-Levine, 1989:377-388; see also Jose Veloso Abueva. 1966:45-54)and that it encourages social integration by allowing excluded individuals access to public officials and administrative bureaucracies and thus eases the rigid officials and deliver services. (Gillepsie and Okruhlik: 79).

This position has been challenged by post-functionalists who reject corruption apologists. (Ibid 79). They argue that corruption wastes revenues and resources, which might be utilized elsewhere,solidifying inequalities in service delivery in favour of certain strata of society. (Waterbury, John., 1976:426-445). However, incumbents sometimes utilize corruption to maintain their grip on political power by manipulating access to resources,wealth,positions and strategy.To access desired goods and services, a section of society must endear corruption by the incumbents in the political power, thus legitimizing corruption as a mechanism for buying political loyalty. The ability to manipulate access enhances dependency on the regime and thereby contributes to the survival of the ruling class. (Ibid) The ruling elites use the advantages of political powers to strengthen the insecure position they find themselves in.In other words, mutual back-scratching is established between the regimes and the privileged political intermediaries. This link establishes "a parasitic symbiosis between the public and the private sectors. The unholy alliance between the political elite and internal or external businesses tend to foster corruption that hinders the development of private, indigenous, independent nation-states and contributes to the alienation felt by the groups excluded from the advantages of corruption. (Ibid. p. 439). Corruption is the primary cause of bad governance, poverty and conflict worldwide. It occurs at all levels of societal activities, i.e., local and national governments, state institutions, e.g., judiciary, health and educational facilities,armed forces, multi-nationals, religious and political institutions, etc. Corrupt practices are found in the third world and wealthy nations. Robert Neild has advanced an argument that "Rich countries and their agencies".Commonly, they have been and are accomplices in corruption abroad, encouraging it by their actions rather than impeding it. (Neild, Robert., 2002:209)According to Neild, development partners advanced corruption in developing countries through:

a) Cold War tendencies of supporting dictatorships, destabilizing democracies, funding opposition, etc.So long as they supported the ideological bloc of the time.
b) Multi-national companies give "kickbacks" to the political elites in developing countries to secure contracts in the military sectors, infrastructure tenders, etc.They exploit oil deposits, gold, diamond, and copper, thus keeping corrupt political elites in power.
c) The area of drugtrade where multi-national pharmaceuticals could cause a scarcity value that triggers corrupt engagement by producers, smugglers, official government dealers and consumers. (Ibid).

These corrupt dealings are handled by Western companies that pay local agents 10 per cent of the so-called "negotiation fee" if a contract goes through or is simply termed as legitimate business expenses, which could be claimed for tax deduction at the country of entry. (Shah, Anup. "Corruption" http://ww.global.org/articles/ 590/ corruption). TheWestern and Eastern blocs used diplomacy plus overt and covert military operations to counter each other. This is aggravated by the fact that most developing countries don't use auctions and sell concessions by negotiation.Strategic and diplomatic considerations, therefore, become the way forward, and governments give concessions to companies from governments deemed friendly and possibly helpful to its international relations. Thus, negotiation creates a strong incentive for potential buyers to offer bribes. (Ibid). Hawley concludes that multi-nationals corrupt practices include undermining development and exacerbating inequality and poverty, disadvantaging domestic firms, transfer of money abroad instead of using it for poverty eradication, distortion of decision-making in favour of projects that benefit a few and increased foreign debt,environmental degradation and bending national legislations. (Ibid). Other externalities that promote corruption in developing countries include International Monetary Fund(IMF) and World Bank(W-B)policies that stipulate corruption. These policies include structural adjustment programmes (SAPs), rapid deregulation, and opening trade barriers before developing countries are economically prepared. (Ibid).

Corruption has been globalized at many levels among states and international and local institutions. In many developing and developed states, corruption networks are found upon inequality and are themselves producers of inequality. (Bayart, Jean-Francois. 1993:228). They accumulate and partially redistribute wealth. Malinowski argued that "the primitive state is not tyrannical for its subjects since everybody is linked, in reality, or fiction, to everybody else" through kinship, clan membership or age groups. A man of power who can amass and redistribute wealth becomes a "man of honour". (Ibid 232). In this context, material prosperity is one of an object of disapproval. It has been a habit of those seeking elective posts in the African continent to discredit political opponents by describing their wealth worthiness as did President Houphouet-Boigny of Ivory Coast. (Ibid. 242). In Kenya, the late minister Ole Tip Tip in retired (late) president Moi's government boasted:

> Iam a Maasai. I've got money. I don't sell chickens...I can spend 150 million shillings from my pocket for my son's marriage...I have six cars, two big houses, twelve wives and sixty-seven children. (Ibid).The first president of the Republic of Kenya, Jomo Kenyatta, describing his political opponent, said: "Look at Kungu. He has invested in buses and has earned money, but what have you done for yourself since independence." (Ibid).

However, politicians can appeal to another set of values and capitalize on widespread resentment or perception that the richer ones are thriving on the sweat of the poor through simple acts like those of Jerry Rawlings, Thomas Sankara or Bernard Fonlon, who used Volkswagen Beetle until it was suggested to them that it would be more in keeping with a ministerial carpark if they had Mercedes

Benzes.(Ibid)Social phenomena that Western common sense interprets as corruption of the state or political decay lie at the core of our understanding (Ibid). In Kenya, the culture of bribery has been so institutionalized that Kenyans now pay bribes without even being asked. The many corruption surveys put civil service and the police at the top of the index. Corruption thrives in the service delivery sectors such as immigration, lands ministry, and traffic police, among others. (Okoth, Dann &Saronge, Joseph, 2001:1-7).Corruption has become a domestic concern because taxpayers want effective service delivery and has become an international concern because development partners donate substantial amounts in terms of aid, grants, humanitarian assistance and under the geopolitical position links up or impact on the entire Eastern Africa region.

The Diplomacy of Foreign Envoys and Government of Kenya on Corruption: The international concerns echoed by the donor diplomats here in this paper, referred to as Nairobi Foreign Diplomats, are the focus of our interrogation. We ask three questions: How are the diplomat expressing their concerns? What machinery is at their disposal? Does it contravene Geneva Conventions? How does the Kenyan state react to those concerns? What is the way forward? During Kenyatta's administration, 1963-78 and the early years of President Moi's regime, 1978-89, corruption concerns were handled by Cold War politics. However, following the collapse of the Soviet Union, Moi and, by extension, Kenya found themselves on the defensive side. As noted by Muga, Moi blamed the World Bank (WB) and International Monetary Fund (IMF) for Kenya's economic problems by what he termed as constant shifting of goalposts.(Muga, Wycliffe, "Dangers of Dancing to Donors Tune" March 22, 2003). In the post-2002 general elections in Kenya, the National Rainbow Coalition(Narc) administration under President Kibaki warmed up to Norwegian consideration to give Kenya soft loans to fund reforms as promised by Hilde Johnson, Norway's minister for international development. That would mark the end of ten years of aid suspension (Ng'ang'a, Nixon and Akumu Washington, 2003:17). This was followed by President Kibaki's meeting with Kenya's key development partners and top UN and World Bank officials. The president noted that properly utilizing local and international resourcesis critical to the country's economic recovery. (Presidential Press Services (PPS) "President meets with Kenya's key partners May 22, 2003:1&3)Meanwhile, Goldenberg scandals continue to haunt civil servants and politicians in the former Moi administration. Moi himself was served with a notice to appear at the Goldenberg inquiry. (Muiruri, Stephen, *Daily Nation*, June 17, 2003:1-2; see also Munene, Mugumo and Mugo Njeru, *Daily Nation*, June 24, 2003:1&2). While addressing the second ordinary session of the Assembly of Heads of State and Government of the African Union in Maputo, Mozambique, on July 12, 2003, Kibaki called on African countries to unite against corruption, tribalism and poverty, things he termed as enemies of unity in the continent.(New power play: *East African Standard*, Saturday, July 3, 2004:1&2)

Eighteen months of wrangling in the National Rainbow Coalition rocked the roadmap to a corruption-free Kenya. Kibaki, in a bit to quell the rebellion, carried out a civil service and cabinet reshuffle in what political observers termed as watering down of the coalition and apparent demotion of Mr. John Githongo, president's adviser on corruption, to a permanent secretary in the ministry of justice. Githongo finally fled to the country to the United Kingdom. These political developments disturbed the British High Commissioner to Kenya, Edward Clay, who said the cabinet changes did not respond to donor unease about corruption scandals (Ibid. p 2). Political analysts saw the reshuffle as a "punishment" for the Liberal Democratic Party (LDP), which posed Constant conspiracies to press Kibaki to cede power to it, including working with the opposition to defeat government bills.(Mathangani, Patrick, "More cash wired back by 'ghosts'" *East African Standard*, Friday, July 9, 2004:1; see also the East African, July 12-18, 2004:1-4). At the international forum, former UN Secretary-General Kofi asked Kenyans to conduct the constitutional review process openly and transparently. In his thinking, this process would check on corruption activities. Meanwhile, to attract funds for Kenya's dilapidated road network, thegovernment persuaded development partners that action is being taken on past and emerging corruption in the corridors of power. The government launched an audit into alleged graft in the $101 million Kenya Urban Transport Infrastructure Project (KUTIP) suspended in 2001. (Mogusu, Tom, *East African Standard*, Thursday, July 22, 2004). The European Union (EU) quickly spelt out conditions the Kenyan government had to meet before Kshs. 4.7 billion budget support would be released. The diplomatic crisis over corruption deepened further when, in July 2004, all European Union envoys closed ranks to make fresh demands on the government. They presented a seven-point list of demands for action during a tense meeting at the state house. The seven critical demands made by donors were:

(i) This assures that civil servants and politicians implicated in corruption must face consequences.
(ii) Those implicated must stand aside as investigations take place.
(iii) That parliament's Public Accounts Committee recommendationis followed through with investigations and prosecution of those found culpable.
(iv) The government should stop classifying major procurement projects as "national security" to prevent full disclosure of the transactions.
(v) The establishment of a new action on reforms of procurement and financial systems.
(vi) The strengthening of anti-corruption bodies with more powers for ethics and governance permanent secretary John Githongo and
(vii) Improvements to the system by which public officials declare their wealth.

The July 2004 meeting followed several quiet diplomatic attempts to engage the Narc administration on what donors consideredworrying trends in Kenya's anti-corruption crusade. The Swedish ambassador Bo Goransson, in his letter to the Sunday Nation of September 12, 2004, made the following quote:

"If a sergeant is fined, generals will not notice. If a general is charged, sergeants will tremble." (Envoys give Kibaki seven key demands, *Daily Nation*, Thursday, July 22, 2004:1-3; see also Ng'ang'a Nixon, East African, Tuesday, July 20, 2004:1-2).

According to the Ambassador, people experiencing poverty bear the brunt of corruption and are forced to give bribes. Those with power and money demand bribes as "compensation for services rendered" or bribes to get favours or arrange corruption deals. Those who have paid less get more. Though people experiencing poverty are not involved in grand scandals, they pay for it through increased taxes or more expensive services. (Goransson, Bo "Corruption spells doom for Kenya" *Sunday Nation*, September 12, 2004:11). A decade later, the Kenya Kwanza government in its bid to quell corruption and accountability in its cabinet secretaries (ministers) dismissed the entire cabinet and came up with another cabinet in its first two years of administration, 2022-2024.

Suggested Pedagogics to Curb Corruption Menace: To tackle corruption, there should be an attempt to provide a more just, democratic, and transparent process regarding relations between donor nations' public and private creditors.(Anup Shah, 2011, Global Issues, http://www.globalissues.org/article/590/corruption#). These would involve restoring justice and confidence to a system seen as one-sided where international creditors have played the role of plaintiff, judge, and jury in their court of international finance; introduction of discipline into lending and borrowing arrangements, thus preventing future crises; countering corruption in borrowing and lending througha free media and transparency to civil society, empowering and strengthening local democratic institutions to challenge and influence elites in particular and society in general. Finally, it encourages greater understanding and economic literacy among citizens, empowering them to question, challenge and hold the institutions of governance to account.

Scholars on corruption as an organisational problem suggest that mutual antagonistic surveillance between government agencies should be encouraged. This strategy, they argue reduces the opportunities for corruption to occur. The basic question concerns the strategy to Curb or eliminate corrupt activity. This focus on the method has raised some politically interesting questions. Past investigations on anti-corruption strategies are limited and just impressionistic. A framework to strategize the eradication of corruption within and across the states must be drawn up and adopted for this purpose we adopt anti-corruption strategiesdrawn by Kate Gillepsie and Gwenn Okruhlik. (Gillesepie and Okruhlik, "The Political Dimensions of Corruption Cleanups", p. 85) They draw up five dimensions; political consequence. First, anti-corruption strategies are political phenomena i.e. decisions, scope and initial political targets are political. It is important to understand the political context in which it emerges be it: post-coup, post-revolution,incumbent, post-succession, and or post-election. Second anti-corruption strategies are responses to internal or external stimuli. This includes the personal values of the head of state, challenges from a counter-elite, and popular discontent arising from socio-economic conditions. External stimuli include adverse publicity or investigations which originate in a donor country and major political developments elsewhere. The third strategy is political instruments which may be useful in attaining several objectives: to delegitimize the former administration, to purge opposition, to manipulate the political agenda, or to decrease the incidence of corruption and thereby legitimate the current regime. Fourth, strategies by which anti-corruption measures are conducted in a legal, societal and political-economic means. Lastly, anti-corruption strategies where the political position of the head of state is either protected or undermined. A summary of the above indicates that political context is a useful point of departure. An analysis of anti-corruption strategies within each political context according to their stimulus, objectives, strategy and consequences is given in the table below:

fighting corruption, HIV/Aids, health and education." (Ngang'a and Akumu, "Norway set to resume aid to Kenya", p. 17). Kenya and Norway served diplomatic ties in 1990 over governance and human rights issues and Kenya lost more than Kshstwo billion annually. On May 2, 2003,President Kibaki met and exchanged views with the World Bank country Representative, ambassadors from donor counties and representatives of development agencies accredited to Kenya at the state house Nairobi. President Kibaki told the diplomats that proper utilization of local and international resources was key to the country's economic recovery and that there was no joy in seeking resources that would not help the people. (Presidential Press Services (PPS), the president meets with Kenya's key partners, p. 7) The president warned that "Anybody who is not fighting corruption has no business being in government. We mean business when we say that this country must change as it takes off on the path to prosperity." (Ibid). The new government of Narc had put into full gear its intention to fight corruption. Former president Moi and his two former state house chiefs –Mr Abraham Kiptanui and Mr Joshua Kulei faced interrogation by the corruption police.(Muiruri, "Moi and State House Chiefs to be grilled by Graft Police", p. 1&2). Mutula Kilonzo, Moi's larger and current constitutional affairs minister confirmed that they had called him on the same. On June 23, 2003, Moi was served with a notice to appear at the Goldenberg inquiry. It was served to his lawyer who made a formal application to appear on behalf of the former Head of state and was immediately granted.(Munene and Mugo, "New Goldenberg team send Moi a warning", p. 182). While addressing the African Union in Maputo Mozambique Kibaki called on African countries to unite against corruption, tribalism and poverty, which he termed as enemies of unity in the continent. He noted that the unity exhibited by Kenyans in the general election represented the aspirations of the African people.(Presidential Press Services (PPS), "Unite Against Graft, says Kibaki" *Sunday Nation* July 13, 2003, p. 36). Meanwhile corrupt seemed to have been given about by corrupt judges according to the

Table 1. Anti-corruption strategies

Context	stimuli	objectives	strategies	consequences
Post coup	• Elite instability	• Discredited prior leadership • Justify the assumption of power	• Immediate initiation • High publicity • High-level targets	• Short-term security • Popular cynicism in longer-term
Post-revolution	• Public mandate	• Fulfil mandate • Consolidate power • Manipulate political agenda	• Community justice • New legal codes and commissions • Restructuring of bureaucratic and economic institutions • Return of property from prior leadership	• Consolidation of new leadership • Popular sense of new beginnings
Incumbent	• Societal changes associated with economic development • Major political developments elsewhere	• Political security and acceptance • Manipulate political agenda • Self-preservation	• Legal clarifications and stiffer penalties • Special courts and commissions • Mid-level targets, moderate levels of arrests	• Enhancement of legitimacy • Destabilization
Post-succession	• Need for public recognition and smooth transition	• Public perception of continuity • Consolidate power	• Continue cleanup in progress	• Sense of continuity • Popular cynicism
Post-election	• Electorate demands • Adverse publicity • Challenges of counter-elite	• Facilitate re-election • Consolidate power • Manipulate political agenda	• Enhanced legal restrictions and punishments	• Strengthen allegiance to the ruling party • Lessen chances of re-election

Source: Gillesepie and Okruhlik, "The Political Dimensions of Corruption Cleanups", p.85

The Kenya Foreign Diplomats continued the anti-corruption diplomatic campaign even after the 2002 Narc, the 2007coalition Government, Jubilee, and Kenya Kwanza governments came to power. This isin itself an indication that there was continuity in corruption within the rank and file of government. In 2003 following what was perceived as a democratic election in Kenya in 2002, the Norwegian government promoted to resume aid to Kenya after 10 years.Ms Hide Johnson, Norway's minister for international development said, "We are actively engaged in discussions to identify areas of development cooperation. Some of the programmes are in

integrity and anti-corruption committee chaired by high court Judge Aron Ringera appointed by Justice Gicheru to probe corruption in the judiciary. (Chebet, Dorothy, "Put Corrupt Judges on Trial, says LSK", *East African Standard*, October 3, 2003, p.1&2).LSK chairman Ahmednasir Abdullahi said. "The county faces a crisis because one of the arms of government is rotten to the core." (Ibid).As the year 2003 was coming to a close, the International Monetary Fund (IMF) was being searched by top government and business circles for the resumption of aid. Then finance minister David Mwiraria said Kshs 2.772 billion was available immediately

and would be put to good use while fighting against. Corruption would be given priority. IMF loans total of Kshs 19.5 billion ($253 billion) over the next three years were announced from Washington on November 22,2003. (Kelly, Kevin, "IMF, Thanks a Billion", *Sunday Nation*, November 23, 2003, pp. 1, 2 & 3). Hardly a week passed the donors started fearing a return to what they branded 'bad old habits.' They wanted to sit on a committee they expected to be set up to implement the reforms they would help to pay for. In expressing their concerns about corruption, they cited such cases as the Ksh 45 million insurance contracts and the Kiptoon report on cowboy contractors and pending parliamentary bills as cases they said were "disheartening" in the war against graft.(Irungu, Geoffery, "Donor alarm as graft smears Kibaki's team", *Daily Nation*, November 27, 2003, p.. 1,2 & 3). Donors proposed that the government double the police force to improve officers' pay and housing, new cars on modern crimes, speed up constitutional review probing of scandals involving ministers, update laws on human rights and terrorism and the need to expand fails and raise warders pay. (Ibid). The government in preparation to celebrate JamuhuriDay 2003 set aside Ksh 100 million to spend on choirs specifically coaches to sing anticorruption songs.(Ibid). However, efforts to fight corruption were strangled by the USA and the British diplomatic criticism who received a cabinet reshuffle badly as the new phase in the war of the Narc factories set in. The USA ambassador William Bellamy speaking at the ceremony to mark the U.S.Independence Day said his government was unhappy with the handling of democracy and the war on corruption. He was echoing the sentiments of British high commissioner Edward Clay who said the cabinet changes did not respond to donor unease about corruption scandals (New Power Play. *East African Standard*, Saturday, July 3, 2004, p. 1&2). The concerns were beefed up by the Anglo-leasing Kshs. 7 billion scandals though the government said the shadowy firm was an unknown to it (Mathangani, "More cash wired back by 'ghosts', p. 7).

The diplomatic crisis over corruption deepened still further in July 2004 with all the European Union envoys closing ranks to make fresh demands on the government. Diplomats representing the 19 European Union missions presented President Kibaki with the following 7-point list read by German ambassador Bernd Braun for action: reform on procurement and financial systems, the strengthening of anti-corruption bodies with more powers for ethics and governance permanent secretary, improvements to the systems by which public officials declared their wealth, an assurance that civil servants and politicians at whatever level implicated in corruption must face the consequences, those facing allegations of corruption must stand aside as investigations take place, recommendations of public accounts committee be followed through with investigations and prosecution of those found culpable and lastly, the government should stop classifying major procumbent projects as "national security" to pre-empt full disclosure of the transactions.(Envoys give Kibaki seven key demands. *Daily Nation*, Thursday, July 22, 2004, pp. 1&2). Word had it that donors pressed for the sacking of finance minister David Mwiraria and his national security counterpart Dr. Chris Murungaru to reaffirm the government's intolerance for corruption.(Nganga, Nixon, 'Donors differ in, East African Standard, July 20, 2004, pp. 1&2, see also Mogusu, Tom, "Donors: What we told Kibaki", *East African Standard*, July 22, 2004, p. 182).Following a gruelling emergency meeting with donors from the European Union Anglo-leasing tender scandals Kibaki administration quickly launched a 34-member national Anti-corruption campaign steering committee formally constituted on May 28, 2004.Its terms of reference centre on the necessity for a fundamental change in the perceptions and attitudes to corruption, to evolve a graft-free society driven by values of integrity and accountability (Ibid. p 2). However, diplomatic raw continued into September 2007 when British envoy Edward Clay returned to the attack against corruption in the Kibaki government and ran straight into a public row with Kiraitu Murungi the justice minister Mr. Clay claimed corruption was continually unabated and demanded disclosure of those cases, full investigations and then the culprits prosecuted and punished. Kiraitu snapped back:

> "We are not fighting corruption to please high commissioners …we are fighting corruption because we know what damage it has caused to the country and because it is a fundamental interest of Kenyans." (Clay and Kiraitu in new clash over craft. *Saturday Nation*, September 25, 2004).

Mr. Clay, speaking during a donor funding ceremony, alleged that:

"Too many continued to enjoy office when it is clear they are implicated…the old corrupted networks never went away. The operators of the networks continue in the business."(Ibid. p 3).

As the diplomatic raw continued, it was alleged in Nairobi that the city council was hosting Ksh 1.1 billion amount due to illegal connections.(Bosire, Julius, "Revealed billions lost in graft over water contracts", *Daily Nation*, December 14, 2004, pp. 1 & 4). This gloomy picture painted Kenya's international image negatively and the analysis stated that in a situation where critics have gone into the State, there should be someone to speak up. The commentator of one of The Standard supported diplomatic interventions against corruption by posing a question. Why then do we defile logic to exclude diplomats from reprimanding our leaders when they vomit on our shoes and those of our benefactors? (Diplomacy or Not, the truth has to be told. *The Standard*, February 10, 2005, p. 12). However, at this time in point Kenya found a Far East friend to shower it with promises in the name of the South Korean ambassador to Kenya, Mr. Suk Joo Lee. Speaking during the planting of trees at Karura Forest, the envoy praised the state's economic recovery plan although he conceded it was slow.

The re-afforestation of the controversial Karura, he said was an indication that Kenya's economic growth was on the rise.(Barasa, Lucas, "Envoys supports Kenya's battle against graft", *Sunday Nation*, April 1, 2005). On the other hand, Canada demanded action on corruption. The general view by the Ottawa administration on Kenya was delivered by High Commissioner to Kenya Jim Wall read:

> "The sad reality is that the allegations of grand corruption involving senior levels of government are holding back donors like Canada from dependency on their assistance to Kenya. … Canada was likely to make no new financial pledges at the Nairobi consultative meeting, but would first hear the government's side of the graft story before taking such action." (Mohamed, Hussein, "Canada demands action on corruption", *The Financial Standard*, April 5, 2005, p. 6).

The hard stand signalled alarm to the Narc government as it prepared to square it out with the donors. Canada was speaking loud demanding serious action to root out corruption in the public system. Canada promised to continue supporting targeted projects, particularly in basic health, education and governance. These CIDA hopes will build the foundation of promised reforms and help reverse growing poverty. (Ibid). However, the IMF agreed to release $76.9 million to Kenya in December 2004, and approved a $252.75 million three-year loan to Kenya in November 2003, ending a three-year hiatus because of corruption. A total of $115.4 million of this amount was released. (Hope for Kenya as IMF gives a positive signal. *The Standard*, April 7, 2005).

The government of Kenya and Bretton Woods Institution continued to negotiate for the credit that will help strengthen the budgetary preparation process and execution with strings attached. In the 2005/06 budget finance minister David Mwiraria omitted all donor budgetary pledges citing slow disbursement of funds. Kshs 12 billion budgetary support credits from the European Union had been tied to the enactment of the procurement and privatization bills pending before parliament. However, the ministry did not rule out external funding to reduce the budget deficit.(Kathuri, Benson, "World Bank to commit Shs. 6 billion budget support", *The Standard*, June 15, 2005, p. 10). Graft issues continued to haunt the government in particular followingthe resignation of Ethics and Governance permanent secretary John Githongo. The Federal Republic of

Germany suspended Kshs. 500 million aid and the US withdrew Kshs. 200 million support (Mogonyi, David, "Graft: Germany may resume Kshs. 500 million aid", *Daily Nation*, May 18, 2005, p. 5).

As aid withdrawals were being made on one hand the US continued to justify her Africa aid policy. Mr. Andrew Natsios, administrator for the US Agency for International Development rejected criticism of America's aid policy, saying that Bush's administration had more than doubled its contributions and was using them as an incentive for governments to reform. The US in 2004 spent $19.4 billion which some $3.2 billion was from Africa. Of this amount, some $1 billion was for emerging food aid and $1.5 for technical cooperation and consultants.(United Nations team, "US defends Africa aid policy: *Daily Nation*, June 29, 2005, p. 9; see also William Bellamy, "Kenyans must step up the fight against graft", *Daily Nation*, July 5, 2005, p. 9).

However, Ambassador William Bellamy singed out graft as an example of bad governance in Kenya during the US independence celebration on July 4, 2005, by stating that:

> "Sooner or later Kenyans would resolve bad governance by demanding clean and accountable government … for demanding clean government was the right and duty of Kenyans – honest lawmakers and public servants, its media and civil society, and its ordinary citizens. Those with the courage to stand up and exercise these rights and responsibilities will have the full and unstinting support of the United States."(Orlale, Odhiambo, "US envoy hits out at Narc over corruption", *Daily Nation*, July 5, 2005, pp. 1&2).

Responding to the envoys' comments, the then-foreign minister Mr. Raphael Tuju said Kenyans were unhappy that they had been left out of the Millennium Change Fund and demanded that money should be used directly to benefit the poor and should not get entangled with the politics of US dissatisfaction with a regime – "unless you have decided on a regime change" he posed (Ibid). Diplomatic raw was continued in 2005 when Danish Ambassador to Kenya Finn Thilsted threatened to freeze aid to Kenya over a Danish non-governmental organization. Kenya's government accused Danish MellemsolkligsSamvirke (Ms Kenya) of engaging in subversive activities in late 2004. (Mutua, Martin, "Denmark could freeze aid", *The Standard*, September 30, 2005, p. 7). Meanwhile, in Kenya, the anti-corruption detectives were investigating allegations that Kenyan envoys misappropriated Kshs. 75.8 million allocated to the Kenyan embassy in Berlin, Germany and Kshs. 7.6 million in Beijing, China.(Muiruri, Stephen, "Revealed: How Kenya envoys looted Sh. 83m", *Daily Nation*, September 30, 2005, p. 1 & 2). The scandals came to light in the wake of reports that Kenya's foreign missions are gripped by a serious cash crisis, some threatened with eviction for unpaid rent and others blacklisted by banks while Nairobi foreign diplomats carried diplomatic onslaught on Nairobi administration.

Kenya's development partners continued to caution the government of the impropriety of funds in the 2005 referendum campaigns. The raw was sparked by the news conference at which the diplomats condemned the violence already witnessed in the referendum campaigns. In a rejoinder, eight cabinet ministers reacted angrily to a statement released by 27 envoys and asked them to steer clear of Kenya's internal matters and resort to the laid down rules and protocols when commenting on local affairs. Foreign affairs minister Chirau Ali Mwakwere accused diplomats from America, Canada and the 25 European states of breaching diplomatic etiquette "by going public with criticism of government instead of using the right diplomatic channels."(Ministers attack envoys overwhelming to Kibaki, *The Standard*, September 30, 2005, pp 1&2). Come January 2006, the British government continued to "act tough" as the anti-corruption campaigner John Githongoskilled himself in the UK and Anglo leasing deal which is said to involve $270 million equivalent of Kshs. 20 billion was highlighted by the U.K. High Commissioner to Kenya Sir Edward Clay.(Redfern, Paul, "Britain warns Kenya about high-level graft", *Sunday Nation*, January 22, 2006, p. 5).

This head-on approach was not taken kindly by some Kenyan scholars who even claimed "The successful 2002 elections and the 2005 referendum must have rated the west despite the endless political bickering, Kenya is shining." It is not a failed state. The newly found self-confidence is too noticeable. Could the West be trying to deflate it?(Muga, Wycliffe, "Blaming vocal donors is to miss the point", *Saturday Nation*, February 4, 2006, p. 10). The scholar, Dr. X.N Iraki was rubbishing donors who have funded his studies in the USA and the "deflation" that Iraki was referring to is the frequent harsh speeches delivered by Nairobi-based envoys of development partners. (Ibid. p 10).The scholar we believe deliberately missed the point because Kenya is part of the global world international and independent. To add tothe British voice on anti-corruption DFID Secretary of State for International Development Hillary Ben issued a strong rebuttal by stating that Kenya's government has a unique opportunity to take decisive action to demonstrate its commitment to addressing corruption and that it will be the people of Kenya who will be the judge of that action.(Redfern, Paul, "British foreign aid official denies "going soft" on Kenya" *Sunday Nation*, February 5, 2006, p. 15). However, the donors found a friend who justified the questioning of high–level corruption in Kenya through the Parliamentary Committee on Defence and Foreign Relations. The committee argued that:

"These countries giveus millions of dollars in support of our annual budgets, and they are justified to make all the noise about graft reports in the government … Rampant corruption is denting the country's image abroad."(Parliament team defends the donors. *Sunday Nation*, February 12, 2006, p. 7). Thinking along these lines one cannot fail to attribute Kenyans' poor relations with some political partners to graft which is purely a problem of own making. The standoff between Kenya and Britain on the matter of corruption had a bearing on the signing of the soldiers to train in Kenya. The negotiators had taken more than a year for Kenya to reveal what was explored in December 2004. The media took theforefront in revealing corrupt deals and even bore the draft where hooded people dismantled the equipment and carried away computers. Following this incident, 27 foreign missions demanded a government statement and what actions it would take to investigate cases of assaults, theft, unlawful destruction of property, kidnappings and harassment.(Midnight attack on Standard offices, *Daily Nation*, March 3, 2006, p. 4). This was immediately followed by IMF and World Bank freeze and holds back of Kshs.23.5 billion and Kshs.100billion Goldenberg and Anglo leasing scandals. This was the real cost of corruption at the heart of government. The IMF money was to have been used mainly to meet any shortfall in the annual budget i.e.5 paying salaries and meeting debt repayments. It also sendsthe signal to Kenyans' other donors that they too might wish to consider hanging on to their aid.(Redfern, Paul, "The real cost of corruption", *Saturday Nation*, March 11, 2006, p. 184).

However, a cross-section of leaders related sharply to the decision by the International Monetary Fund to freeze funding to Kenya over graft and press freedom. Planning and National Development Minister Henry Obwocha and SiakagoMP Justin Muturi described the action as unfortunate. Safina leader Paul Muite, said he was not surprised because it was part of a scheme to promote "regime change." (Orlale, Odhiambo, "Swift reactions to aid freeze by IMF", *Sunday Nation*, March 12, 2006, p. 2; also, Ochieng Oreyo, "World Bank tightens conditions for Kenya", *The Standard*, March 13, 2006). The British government threw its weight behind the IMF aid freeze. High Commissioner Adams Wood noted that Britain was a key partner of the World Bank and International Monetary Fund, and therefore, supported their conditions. The British Woods institutions withheld funding to press the government to act tougher on corruption and reforms. (Britain backs aid freeze, *Daily Nation*, March 15, 2006, p. 7).The European Union diplomats visiting Nairobi in May 2008 took to querying not only corruption dealing but also the decision to amend and drop sections of the sexual offences Bill, regarding marital rape and harassment. The head ofthe delegation from Germany, Mr. Jurger Schroder, noted that negative aspects associated with the government on corruption should be addressed.(Savula, Ayub, "Graft:

Top EU team put up on the spot", *The Standard*, May 5, 2006, pp. 1&4). The tussle between the Kenya government and the World Bank was never-ending with the claim on May 4, 2006, that the idea of CDF is good but it's run badly. The bank's country director, Mr. Colin Bruce said that CDF implementation had gaping holes that needed to be sealed.He claimed that projects financed by CDF were not community-driven but community-based and the fund was not well structured and many constituencies had concentrated on quantity rather than quality. In response Kabete MP Paul Muite said CDF was here to stay the same way echoed by MPKaruae Muriuki-Chairman of the constituencies fund committee and dismissed allegations that they manipulated funding to suit their projects, saying this criticism had been orchestrated by their opponents.(Mugonyi, David, "World Bank boss and MPs clash over fund", *Daily Nation*, May 5, 2006, pp. 1&2). However, USA security issues made President George Bush in December 2006 order the reinstatement of some $ 8million equivalent toKshs. 5.8 billion previously denied Kenya US economic aid.The US first suspended this aid after prodding and failing to win over the support of Kenya to exempt Americans from any prosecution at the International Criminal Court at the Hague for acts of genocide war crimes and crimes against humanity.(Mwinzi, Mwende, "Being a US ally cost Kenya dearly", *Sunday Nation*, December 10, 2006).In the year 2007 World Bank report titled Worldwide Governance Indicators, revealed that political instability and violence worsened in Kenya.

Other issues touching on corruption in 2008 included the Grand Regency sale to the Libyan government and graft at the immigration department.(Opiyo, David, "Kenya scores poorly in rule of law report", *Daily Nation*, July 16, 2009, p. 16))In an earlier scandal, Anglo-leasing was terminated in the UK by the serious fraud office for lack of support from the KACC and AG on the investigation of the multi-faceted scandal. The scandal is alleged to have started when the government wanted to replace its passport printing system in 2002. The tender was originally quoted at Kshs. 588 million from a French firm, but was awarded to a British firm, Anglo-leasing financed at Kshs. 2.9 billion. This was a backside on the war against corruption.(Angina, Ben, "Envoy: Why we stopped probe on Anglo-Leasing", *The Standard*, February 6, 2009). This lack of action invited criticism from the Japanese ambassador to Kenya Shigeo Iwatani who blamed the government for doing too little to fight corruption. He said corruption was a major impediment to development in African countries, noting that the problem in Kenya was not unique but must be dealt with trend-on if any progress was to be made. (Ndwiga, Antony, "Envoy chides government over graft war", *Kenya Times*, February 27, 2009, p. 7). However, a commentator of Sunday Nation equated these very envoys with persons fond of intrigues, just like Kenyan politicians.(Wairigi, Gitau, "US ambassador should take a break from his show", *Sunday Nation*, March 29, 2009, p. 11). These attacks from political journalists did not seem to serve off the US ambassador, for not long he issued demands that the US would like Kenya to adhere to before getting US help. He said it could not be business as usual, president Obama, the then-US president insisted that graft must end. Some of the demands include the judiciary, Kenya Police, the constitutional review, and the participation of the youth in leadership and indicated that the US is the biggest bilateral donor to Kenya. (Ottiti, David, "No reforms no help, US tells Kenya", *The Standard*, April 24, 2009).

The US, Canada and the European Union were not alone in the push to end corruption – for in June 2009, thirteen Asian envoys joined the fray to call for sanity and an end to corruption. At the end of a meeting of the envoys with the prime minister, Japanese Ambassador Shigeo Iwatani read a communiqué:

> "Bureaucracy, insecurity and corruption are a concern to us, we hope the Kenya government will address this. We are very encouraged that all the important issues are covered by this government. Although the government is making progress, nobody can tell how fast it can go … it is understandable all issues cannot be addressed overnight." (Ratemo, James, "Asian envoys urge Grand coalition to speed up reforms", *The Standard*, June 23, 2009, p. 4).

These statements are an indication that althoughthe hurdles along the road to reform are understood, envoys expected nothing less than that.

CONCLUSION

Therefore, this article concludes that corruption is part of white-collar crimes in Kenya and thrives in an environment where there is no consensus on what it is. This is evident in the cases highlighted in this article. An important corrective strategy is a common ethical code of conduct or morality. Diplomatic condemnation or legal sanctions on corrupt practices are unlikely to be effective unless they are strengthened by complementary pedagogies like anti-corruption watchdogs with the capacity to enforce their findings including punishing offenders. The use of independent auditing and investigation would increase the probability of detection and conviction, and increase penalties for corruption. Furthermore, strengthening proceedings against all culprits would underscore the law and the determination of the government to end corruption. This study posits that anti-corruption strategies occur within identifiable political contexts: post-coup, post-revolutionary, incumbent, post-succession, and post-election. The stimuli to anti-corruption strategies are of internal origin. They are most likely to succeed when societal cleavages are reinforced by the exclusionary nature of the corrupt activity, in most cases anti-corruption strategies are of the political and legal variety, and enforcement of such sanctions varies markedly by political context over time. The speed and intensity with which anti-corruption strategies are implemented reflect the political insecurity of the ruling elite. Strategies which are opposition-led occur more quickly and with great intensity. Moreover,they target the highest levels of officials. Incumbents and successors deliberately avoid the upper echelons and target mid and low-level officials. However, turning back to our core topic, thisarticle stresses that Kenyan foreign envoys have a duty and moral obligation to ask the leadership in Kenya and the continent to account because donor money is taxpayers' money and must be put to proper use. Diplomacy must supervise the donated funds first to show leadership in governance and secondly to uplift the living standards of people in the developing world who are potential illegal immigrants when corruption makes their countries ungovernable.

Recommendations: This article recommends that the political class should pass laws that could put an end to this kind of crime and lead to good governance. Also, if the politicians who are involved in any form of white-collar crime cases were barred from running for any office in the future, the country could be heading towards good and desired governance.

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