

**EVALUATION OF THE EFFECTIVENESS OF WHISTLE BLOWING AS A
CORRUPTION INTERVENTION MECHANISM IN THE PUBLIC SECTOR:
THE CASE OF MOMBASA ETHICS AND ANTI-CORRUPTION
COMMISSION IN KENYA**

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DECLARATION

This research project is my original work and it has not been presented for the award of any degree in any university or institution.

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DEDICATION

I would like to dedicate this work to my beloved daughters Ivy Natasha and Beryl Rose for their patience, love, understanding, and encouragement as I worked tirelessly to finalize this study.

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ABSTRACT

Whistle blowing is the act of drawing the attention of the public to a perceived wrongdoing, an unethical conduct, and misconduct. Unethical conducts and misconducts include corruption and abuse of public office which requires whistle blowing to unearth them. Hence, this study sought to evaluate the effectiveness of whistle blowing as a corruption intervention mechanism in Mombasa Ethics and Anti-Corruption Commission in Kenya. Specifically, the study sought; to determine how whistle blowing has contributed to success in prosecution of corruption cases handled by EACC Mombasa, to investigate the various measures in place encouraging whistle blowing as a corruption intervention mechanism in EACC Mombasa and to establish the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa. The study was anchored on institutional theory and prosocial behavior theory. The study adopted a descriptive research design using both quantitative and qualitative approaches for data collection. The target population was 69 respondents which included judges and EACC legal officers. The sample size of the study was 69 which was arrived at by using census sampling technique where all targeted respondents were included in the sample size. The study used 69 administered questionnaires and 8 key informant interviews schedules for collecting data. Data analysis was done with assistance of SPSS version 25 where descriptive statistics was used for analyzing quantitative data. The findings for quantitative data were presented in Tables. Content analysis was used for analyzing the qualitative data. On objective one, the key findings were that whistle blowing has led to increase in number of corruption cases prosecuted in Mombasa law courts. Moreover, most blown corruption related cases are prosecuted to the final stages since adequate priority is given to corruption related cases brought forward (61.4%). On objective two, the key findings were that there are various measures in place for encouraging whistle blowing that are used by whistleblowers as a corruption reporting technique in EACC Mombasa. These include creating platforms for citizens to submit cases related to corruption (59.6%), ensuring whistle-blowers remain unanimous during prosecution of corruption related cases, having clear government policies on protection of whistle-blowers (63.2%). On objective three, the key findings were that there are various mechanisms for improving whistle blowing in EACC Mombasa. These include ensuring anonymity and safety whistle blowers (57.9%), creating awareness on whistle blowing (63.2%) and introducing mechanisms for internal reporting of corruption with guarantees confidentiality. The study concluded that there are various measures in place for encouraging whistle blowing that are used by whistleblowers in EACC Mombasa. The study concluded that there are various mechanisms for improving whistle blowing in EACC Mombasa which included rewarding the whistle blowers and introducing mechanisms for internal reporting of corruption with guarantees confidentiality. The study recommends that EACC investigators need incorporate other measures like investigations for effective prosecution of whistle blown corruption cases. Further, there is need for government to come up with strategies to ensure that whistle blowing mechanisms are effectively utilized to combat illicit activities. This study may inform the practice of preventing corruption through whistle blowing. The study also contributes to the field of governance of accountability.

OPERATIONAL DEFINITION OF TERMS

- Corruption** A form of planned or executed fraudulence or criminal offense by a person or organization entrusted with a position of authority or responsibility, to acquire unlawful gain or exploitation of power for one's/one's organizational own gain (Transparency International, 2017). In the study, the term corruption has been used to mean any act of fraud or unlawful gain for an individual or an organization
- Investigation** The process of gathering legal evidence from which a person or organization can be charged before a court or tribunal for criminal offense (EACC, 2018). Investigation in this research has been used as a description of an act of finding out more about relevant cases and gaining evidence
- Prosecution** The act of charging a person or organization with a crime and putting them on legal trial (EACC, 2018). In the study, this term has been used to describe the process of solving a case with provided evidence and coming up with necessary judgment
- Whistleblower** A person who exposes secretive information or activity or plan of an activity that is deemed illegal, unethical, or not correct within a private or public organization (Transparency International, 2017). In this study this term

has been used to describe anyone who brings to attention information or activity or plan of an activity that is deemed illegal, unethical

Whistleblowing

The act of exposing a secret of an on-going or planned wrongdoing, fraud, unethical scheme which is deemed harmful to an organization or the general public (Transparency International, 2017). In this study, this term describes the act or bringing to attention information described above.

ABBREVIATIONS AND ACRONYMS

CPI	Corruption Perception Index
DCI	Director of Criminal Investigation
EACC	Ethics and Anti-Corruption Commission
EU	European Union
KMA	Kenya Maritime Authority
KPA	Kenya Ports Authority
NGO	Non-Government Organization
NYS	National Youth Service
ODPP	Office of Director of Public Prosecution
OECD	Organization for Economic Co-operation and Development
OWBUS	Office of the Whistleblower of the US
SEC	Securities and Exchange Commission
USD	United States Dollar

CHAPTER ONE

INTRODUCTION

1.1 Introduction

Whistle blowing has since become one of the key anti-corruption strategies practiced the world over. This study therefore examines whistle blowing as a corruption intervention mechanism in the public sector: the case of Mombasa Ethics and Anti-Corruption Commission in Kenya. This chapter therefore presents the background to the study on whistleblowing as an intervention for curbing corruption. Sub-sections discussed in this chapter include the background of the study, the problem statement, the purpose of the study, the study's objectives, the research questions and the significance of the study. Others include the scope of the study, the delimitation, the limitations, the assumptions, the theoretical framework, and the conceptual framework of the study.

1.2 Background to the Study

Whistle blowing is the act of drawing the attention of the public to a perceived wrongdoing, an unethical conduct, and misconduct (Culiberg & Mihelič, 2017). Among the unethical conducts and misconducts or wrongdoing may include corruption, fraud, health and safety violation, bullying, cover-ups and discrimination, or abuse of public office among others. The information of alleged wrongdoing can be classified in many ways: violation of company policy/rules, law, regulation, or threat to public interest/national security, as well as fraud, and corruption (Clark, 2013). A whistle blower is therefore the individual who breaks the information of a secretive illegal or unethical action or a plan to execute such conducts. Whistleblowers can choose to bring information or allegations to surface either internally or externally (Transparency International, 2017). Internally, a whistleblower can bring his/her

accusations to the attention of other people within the accused organization such as an immediate supervisor. Externally, a whistleblower can bring allegations to light by contacting a third party outside of an accused organization such as the media, government, law enforcement, or those who are concerned. Whistleblowers, however, take the risk of facing stiff reprisal and retaliation from those who are accused or alleged of wrongdoing (Minnaar, 2019).

Whistleblowing in the United States traces back to the 1777 during American Revolutionary war. To date, many legislations have been passed regarding whistleblowing. They include the False Claims Amendments Act (FCA) of 1986. As stated by Schultz and Harutyunya (2011; 2015), False Claims Amendments Act (FCA) has throughout time been revised to increase the effectiveness of whistleblowing to encourage private whistleblowers to reveal fraud and to eradicate corruption. According to Rapp (2012), the FCA, throughout its level of amendments has successfully helped in the recovery of significant amount of money for the federal governments. This shows why whistle blowing is a very important mechanisms in intervening the corruption in the public sectors in every country.

In the United States, Whistleblowing has been hailed as an important source to foreign bribery cases besides providing vital evidence for successful prosecution (Organization for Economic Co-operation and Development (OECD, 2016). The United States initiated a program of rewarding the whistleblowers in 2011 and since then, more than USD 160 million was used by the Commission (SEC) for 46 whistleblowers and the Securities and Exchange Commission (SEC) implementing action by whistleblowers resulted in monetary sanctions of over USD 975 million (US SEC, 2017). OECD (2016) reports that as at May 31 2017, 5,612 criminal cases were

reported by whistleblowers in Australia and only 6% of them could not be justified for investigation. Norway has also been in the limelight for protecting whistleblowers for helping to expose fraud (Norway's Phase 3 Report, 2011).

In Scotland, Whistleblowing is handled by Audit Scotland who have to operate under the whistleblowing framework, found in Part IVA of the 1996 Employment Rights Law and the 1998 Public Interest Disclosure Act as amended (Council of Europe, 2014). In Correspondence and Whistleblowing Annual report 2017/2018, Audit Scotland indicated that out of the 300 correspondences they received, 27 came from whistleblowers which was 200% increase compared to the previous year (Audit Scotland, 2018). This implies that the systems are improving with regards to making whistleblowing easier and safe for the members of the public as well employees working in both the public and private sector. Nevertheless, there are no evidence of any successful prosecution of any of the whistle blown cases. Among the major reasons is the technical investigation of the reported cases. Under normal circumstances, findings of investigations are almost entirely validated by evidence of the reported case (Audit Scotland, 2018). In many instances, the investigating authorities hit dead ends with investigation and as such it becomes complex to successfully prosecute on the cases. Brown (2013) while writing on whistleblowing in Australia noted that whistleblowing is a means of achieving and sustaining public integrity provided it is recognized and protected within the public and private sectors.

Just like in the other countries, in Africa, whistleblowing towards solving corruption related cases has been an emerging issue that the various bodies dealing with corruption have been dealing with. In South Africa, many good citizens are willing to create awareness and alert the relevant bodies about any unethical act related to

corruption going on, they are afraid to fall victims as they can be attacked by those involved (Soni, Maroun & Padia, 2015). Fatoki (2013) in his research on finding out the Internal whistleblowing intentions of accounting employees. According to these findings, the researcher recommends that if the government create a protective environment where the whistle blowers can be guaranteed of protection once they come up and raise corruption related issues, the rate at which whistleblowers can assist bodies carrying out corruption investigation can go up thus creating a corruption free country.

In West Africa, Nigeria is a good case study of the progress made regarding whistleblowing. Anti-Corruption Agencies in Nigeria like the Economic Financial Crimes Commission (EFCC) have been relying on the public complaints and petitions about corruption allegation to initiate investigation against fraud (Okechuku & Inya, 2011; Ngwube & Okoli, 2013). The public is encouraged to participate in reporting fraudulent schemes (Sunday, 2015). Nevertheless, the approach has not borne much because it is compromised by several factors, among these factors include lack of credibility in many petitions pushed by the public patriots, lack of sufficient information and evidence can aid forensic investigation (Ethelbert, 2016). Additionally, potential petitioners fear the unknown consequences and thus choose their safety (Enweremadu, 2012). Following the chronic failure of public petitioning approach, the Federal Ministry in Nigerian Government introduced whistleblower policies. The adoption of the policy has since improved governance, transparency and healthy government (Transparency International, 2010).

In Ethiopia, Wozir and Yurtkoru (2017) conducted research to determine the Organizational culture and intentions towards types of whistleblowing and the

protection measures of whistle blowers in Ethiopia, determine that there are fairly several cases reported to the Ethiopia Anticorruption Commission where those who brought into attention to the cases are whistleblowers. In their study, Wozir and Yurtkoru (2017) mention that whistleblowing is greatly encouraged by the governing bodies, however, no clear protection measures are spelled towards protecting the whistleblowers. Due to this, the researchers are certain that the culture of whistleblowing is not dominant among the citizens. Kezie-Nwoha and Were (2018), however, states that among the efforts towards the promotion of equality by the women activists is creating awareness that corruption cases exist and that by pointing out specific instances of corruption to the concerned bodies, the cases can be solved. They promote whistle blowing in areas that are unethical professionally especially towards women and according to the research, they are sure that through this measure, they can make the country better and improve the plight of women in the country.

Kenya has enacted a number of laws which to some level protect whistleblowing. The laws are particularly aimed at minimizing corruption and encouraging good governance. The laws cushion persons who may be witnesses to criminal cases against retaliation. The Examples of such laws include The Anti-Corruption and Economic Crimes Act, 2003, The Public Officer Ethics Act, 2003, The Witness Protection Act (The Laws of Kenya, 2016; The Anti-Corruption and Economic Crimes Act, 2003), as it discourages whistle blowing, stating that “A person who, without lawful excuse, divulges information acquired in the course of acting under the Act is guilty of an offence and is liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or to both”. The Witness Protection Act only provides protection to witnesses. This means persons who agree to testify in court are the ones protected under this Act. However,

the access to information bill that was passed in parliament, advocates for protection of whistle blowers. The bill allows the public to seek for any information from government, and obligates public servants to make sure they provide that information, or risk hefty fines or jail terms (The Laws of Kenya, 2016).

There have been hundreds of corruption cases mostly reported from top government offices, agencies commissions and ministries. Some of the cases were first brought to the attention through people who claimed to be whistleblowers (EACC, 2017). Tracing from the early years of self-rule, corruption cases have occupied most of the airtimes of court proceeding. Examples of such cases include Anglo-leasing scandal, Human extrajudicial killings like the Wagala Massacre, Goldenberg scandal, NYS scandal, and Eurobond. Among the people who have hit the headlines for whistle blowing include John Githongo (Anglo-Leasing), Oscar King'ara, Paul Oulu, David Munyakai (Goldenberg) Jacob Juma (NYS), Abraham Mutai, and the mainstream media among others (Razak, Noor, & Zakaria, 2015; Banisar, 2011). Notably these individuals have faced threats, harassment, and even dismissal from their jobs. Some have had to exile themselves for fear for their lives while others have been forced into permanent exile through murder.

According to EACC (2017), it is recognized that one of the tools on the fight on corruption is detection and exposure of fraud, bribery, theft of public resources or illegal award of tenders for government projects. In Kenya there are many cases which took shape after the patriotic work of the whistleblowers, Cases like Goldenberg, Anglo-leasing, NYS, have been in court some still ongoing because the exposition of the whistleblowers was justified (EACC, 2017). Although it may be complicated to quantify the effects of whistleblowing, it cannot be assumed it has had

no effects because many other institutions such as the crime investigation, the judiciary and the parliamentary accounts committee are involved and depend on each other to successfully prosecute and changes individuals or organizations which have been implicated (Mbuki, 2016).

In the case of Mombasa, the epicenter of corruption is the public sector. State corporations in Mombasa County specifically have been on the radar for corruption cases considering that the county acts as the gateway to East Africa (Nation Team, 2019). Issues ranging from tax aversion, bribery, misappropriation of funds and forgery are still dominant in these organizations (EACC, 2016). This research will specifically focus on how effective whistleblowing has been in the fight against corruption with a particular focus on the Mombasa EACC report.

1.3 Statement of the Problem

In the previous years, the opposition parties in Kenya were the key whistleblowers keeping the government on toes in terms of accountability of the public resources and how they are utilized (Mueller, 2014). This promoted the culture of whistleblowing in Kenya as it led to various instances of corruption being exposed and the relevant bodies taking charge to investigate. Also, there has been several cases of activists who pin point instances of corruption of any given form in institutions, organizations, parastatals and even individuals to the courts and in some cases, the court takes action towards solving the brought-up case. Whistleblowing, however, has been a toll order in Kenya as those willing to reveal cases of corruption face great danger and, in some cases, are even killed by those being exposed thus discouraging whistleblowing among the citizen and even the opposition parties pathing way for corruption prevalence (Oloo, 2007).

Corruption is prevalent in Kenya in almost every sector. Transparency International (2013) reports that the prevalence of the vice is the main barrier to the competitiveness of the country in the international platforms. One of the factors noted to inflate corruption is the demand of bribes by public officials. Corruption is detrimental to the economy and social sectors, it hinders the accomplishment of goals and greatly impacts negatively on government's role of service delivery (Aswani, 2018). Those working in or with the civil service are better placed and the first to see misconduct, dishonest or illegal activity or a serious risk to the public interest such as financial embezzlement and corruption though they can be discouraged from reporting their concerns by fear of reprisals and by the perceived lack of follow-up to address such warnings (Onyango, 2021).

There is limited research on whistle blowing as a corruption intervention mechanism in the public sector. However, a few studies have evaluated whistle blowing as a corruption intervention mechanism in the public sector. For instance, Chamunorwa (2015) did an exploration of whistle blowing in fighting corruption in the public sector in South Africa and Kogo (2017) looked at the legal framework for whistleblower protection in Kenya and examination of economic crimes. Other studies included Mbuki (2016) who looked at the influence of ethnic identity and construal of self on whistleblowing judgments in Kenya and Onyango (2021) examined the whistleblowing behaviours and anti-corruption approaches in public administration in Kenya. However, these studies could not be generalized to cover the case of Mombasa County. This study thus sought to bridge this gap by evaluating of the effectiveness of whistle blowing as a corruption intervention mechanism in in Mombasa Ethics and Anti-Corruption Commission in Kenya.

1.4 Purpose of the Study

The purpose of the study was evaluating of the effectiveness of whistle blowing as a corruption intervention mechanism in in Mombasa Ethics and Anti-Corruption Commission in Kenya. The study envisions achievement of this through finding out the proportion of corruption cases directly linked to whistleblowing in Mombasa, investigating on the challenges facing investigation and prosecution of whistle blown corruption cases, and establishing mechanism which can improve whistleblowing as an essential means to fighting corruption.

1.5 Objectives of the Study

The main objective of this study was to evaluate whistle blowing as a means of reporting cases within EACC Mombasa office. The specific objectives of the study are:

- i. To determine how whistle blowing has contributed to success in prosecution of corruption cases handled by EACC Mombasa.
- ii. To investigate the various measures in place encouraging whistle blowing as a corruption intervention mechanism in EACC Mombasa.
- iii. To establish the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa.

1.6 Research Questions

The study was guided by the following research questions

- i. How has whistle blowing contributed to success in prosecution of corruption cases handled by EACC Mombasa?

- ii. Which are the measures in place encouraging whistle blowing as a corruption intervention mechanism in EACC Mombasa?
- iii. What are the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa?

1.7 Significance of the Study

There are many strategies that the relevant bodies like EACC in Kenya use to approach the corruption pandemic in the Country. Whistle blowing is the least adopted strategy and relevant bodies cannot fully depend on it as a mechanism of solving corruption cases. With proper research, however, better strategies can be formulated on how to improve whistleblowing as a mechanism of fighting corruption.

The findings of the study would be significant to policy makers in the government. The recommendations made to the government would be used to improve on the policies and laws governing whistleblowing for example assuring the citizens about their security. In addition, the study findings would be essential in the reformulation of whistleblowing policies, and laws so that more attention can be given to it in Kenya as a whole at a time when corruption is skyrocketing in the country.

The findings of the study would be beneficial to respondents of the study such as judges and EACC officers in Mombasa County as it would help the Kenya Judiciary system in the war against corruption by recommending better ways of dealing with corruption cases brought about through whistleblowing. It would also provide measures that judges can apply to ensure whistle blowers are protected during the prosecution of the corruption cases.

The study findings would further be beneficial to EACC in Mombasa County as the study would make recommendations on how whistle blowing can be used as effective

mechanism for fighting against corruption in Mombasa County. For instance, the study would suggest how whistle blowers can be protected, encouraged to engage in whistle blowing and how programs for creating awareness among employees in public sector regarding the importance of whistle blowing can be initiated.

The findings of the study would also be beneficial to scholars and academicians as the study is anticipated to add and strengthen already existing literature regarding whistle blowing as a corruption intervention mechanism in the public sector. This would form a foundation upon which the future studies can be done regarding whistle blowing as a corruption intervention mechanism in the public sector based on other counties in Kenya.

1.8 Scope of the Study

The study focused on corruption cases which got to be known through whistleblowing, most particularly in Mombasa as shown in Appendix II. The study focused more on institution and organization-based cases as well as the county government cases brought forward as a result of whistleblowing. More specifically, the study's interest was limited to finding out the success level of whistle blown corruption cases in Mombasa, challenges facing investigation and prosecution of the whistle blown corruption cases attributed to whistleblowing. The research area was the Mombasa law courts which handles whistle blowing cases. The study also deemed to find out the mechanisms that can be put in place in order to improve the level of success of whistle blown corruption cases in Mombasa. The study limited itself to this scope because of the scarcity of resources described under the limitations of the study section.

The primary mode of data collection of the study involved the use of questionnaires (See Appendix I) as well as face to face interviews with sampled respondents. Key informant guide (See Appendix II) was used to collect in-depth information from EACC legal officers. The target population for this study included the court judges in Mombasa law courts, the study also supplemented its data by gathering information from the EACC legal officers.

1.9 Delimitation of the Study

According to Theofanidis and Fountouki (2018), delimitation of a study are factors or issues that are closely related to the study but the researcher chooses not to cover due to some reasons like their complexity making them require an independent study. The study did not generally focus on corruption cases due to the breath of the issues across the whole country. The study was confined in EACC and law courts in Mombasa County. The study only focused on determining the how whistle blowing have contributed to success in prosecution of corruption cases handled by EACC Mombasa, investigating the various measures in place encouraging whistle blowing as a corruption intervention mechanism in EACC Mombasa and establishing the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa. The study only focused on judges and EACC officers for data collection.

1.10 Limitations of the Study

Bryman (2015) describes limitations of a study as constrains that the researcher anticipates to hinder the process of research for instance during data collection, and due to some reason, they cannot be avoided. The researcher anticipated several limitations during the study following the area of study which includes, the sample size is restricted in the sensitive nature of the investigative subject and the fact that

whistleblowers are able to participate in the study. The study due to this limitation focused on the EACC reports which assisted the researcher determine the relevant corruption cases suitable for the study. The study also suffered a limitation of time and finance and due to this reason, the scope of the study was only reduced to corruption cases within Mombasa and not across the country. Other limitations included lack of previous research studies on the topic, inadequate sample size and limited access to data. The researcher addressed these limitations by extensively looking for relevant literature for the study.

1.11 Assumptions of the Study

During the study, there are some factors that the researcher might perceive to be facts and actually might not be the case until proven (Firestone & Scholl, 2016). The researcher therefore assumes that the target audience were willing to give out this type of sensitive information.

The research was based on the assumption that it was possible to reach to all/most the whistleblowers in Mombasa and positive response was received from them. Secondly, it is also assumed that EACC Mombasa, cooperated to help with providing relevant information regarding cases of corruption which are directly linked to whistleblowing, the study also assumed that whistleblowing has a role to play in reduction of corruption cases.

1.12 Theoretical Framework

Theoretical framework refers to models or presumptions that explain a research problem (Gajanayake, Gajanayake & Surangi, 2011). Theoretical framework provides the fundamental ideas which have been researched before and proven to be leading to some results that guide the researcher in obtaining goals of the study. The current

study was anchored on two theories namely, Institutional Theory and Prosocial behavior theory.

1.12.1 Institutional Theory

This study adopted an institutional theory perspective by Meyer and Rowan (1977) to present the challenges and opportunities for whistle blowing as a corruption intervention mechanism in the public sector. This theory is relevant for this study as it focuses on the effects of the institutional environment in motivating organizational action. With its emphasis on the social context that organizations are embedded in, the institutional theory presents a lens to analyze responses to the challenges associated with the institutional environment. As reiterated by Modell *et al* (2017) and Opara and Rouse (2019), the institutional theory builds on a social constructive world view and considers institutions as social constructs. The theory further points to the relevance of institutional work and conflicting institutional logics in empowering actors to change their institutional environment.

Suddaby (2010), however, criticizes the institutional theory stating that this theory weaknesses can be presented into a categorization of three different forms; Insignificance in the institutions where rules are compiled but do not affect the behavior of the actors targeted, non-compliance where state elites and the learned either choose not to enforce the institutional rules or fail to gain societal cooperation with them and Instability of the rules set by the institutions and their nature of volatility.

Despite its above minute stated weaknesses, this theory has been advocated for and used in several researches following its strength in founding researches and explaining various psychology behind social behavior in institutions (Aksan, et al.,

2009). Morgan and Hauptmeier (2014), for instance, strongly advocate for institutional theory, its strength and how it relates to various aspects of institutionalism. They categorize and discuss institutional theory into historical institutionalism, rational choice institutionalism, discursive institutionalism and sociological institutionalism and goes on to state that ideas and dynamic views as well as input from the people matter in advocating for changes in institutional context. The weakness of institutional theory lies in the analysis of internal dynamics for organizational change and ignores the role of power and self-interests OF whistle blowers. Hence it's impossible to establish what motivates whistle blowing among employees in public sector (Suddaby, 2015).

1.12.2 Prosocial behavior Theory

The proponents of this theory were Brief and Motowidlo (1986). Brief and Motowidlo (1986, p. 711) defined prosocial behavior as: behavior which is (a) performed by a member of an organization, (b) directed toward an individual, group, or organization with whom he or she interacts while carrying out his or her organizational role, and (c) performed with the intention of promoting the welfare of the individual, group, or organization toward which it is directed. The study recognizes that this theory regards whistleblowing as a form of positive social behavior (Miceli, Near & Dworkin, 2008; Ceva & Bocchiola, 2019) as it incorporates both selfish (egoistic) and unselfish (altruistic) motives on the part of whistleblowers in stopping organizational wrongdoing (Dozier & Miceli, 1985).

This study focused on the incentive behavior of humans where they voluntarily open up about a scenario of corruption to the relevant body for action. The Prosocial behavior is thus very significant to the study as Matowidlo (1986) explains the theory as a behavior which is performed by a member of an organization directed towards

and individual, group or organization with the intention of promoting the welfare of the individual, group, or organization toward which it is directed. This theory can thus be applied to this study as it can be used to explain what are the motivations behind this prosocial behavior thus leading to the promotion of whistleblowing in institutions or even various organizations.

Penner et al (2005) both supports and criticized this theory of Prosocial behavior. They state that there is a lot involved before an individual openly take part in a positive act of trying to change the status or a group an organization or another group following a psychological explanation of individualism. On the same review paper, they advocate for this theory as they state that it forms a foundational explanation behind several behavior of people both socially and from an institutional perspective. This theory bridges the weaknesses of institutional theory as it establishes measures in place encouraging whistle blowing and mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa.

1.13 Conceptual Framework

Conceptual framework is a summary of the relationship between variable of a study. Conceptual framework explains the direction of a research and founds it firmly in theoretical paradigms. In this proposal, the central focus is to establish how frequent whistle blown corruption cases have been investigated and successfully prosecuted in Mombasa County. According to Transparency International (2013) prevalence of whistle blown cases depends on frequency of successful investigation and prosecution of previous cases, the mechanism laid down to aid whistleblowing as well as the challenges.

When previously reported cases are completed successfully, whistleblowers are motivated to continue with their work thus increasing the prevalence of whistleblowing of similar cases. Similarly, where there are well laid down procedures and mechanism, policies and legislations on reporting fraud and economic crimes, the whistle blowers find it not only easier but cheaper and safer to blow the whistle on planned or ongoing crimes (Vanderkerckhove, *et al.*, 2016). Audit Scotland (2018) also adds that challenges faced by whistleblowers and investigators play important role in determining how frequent cases are whistle-blown to the relevant authorities. Figure 2.1 present the conceptual framework of the study.

The below framework shows the relationship between independent variable which are the enablers of whistleblowing currently in place for instance the platforms and laws regarding protection of whistle blowers and the dependent variable which is the success rate of whistle blown cases and how there are some intervening factors which impact the relationship either negatively or positively.

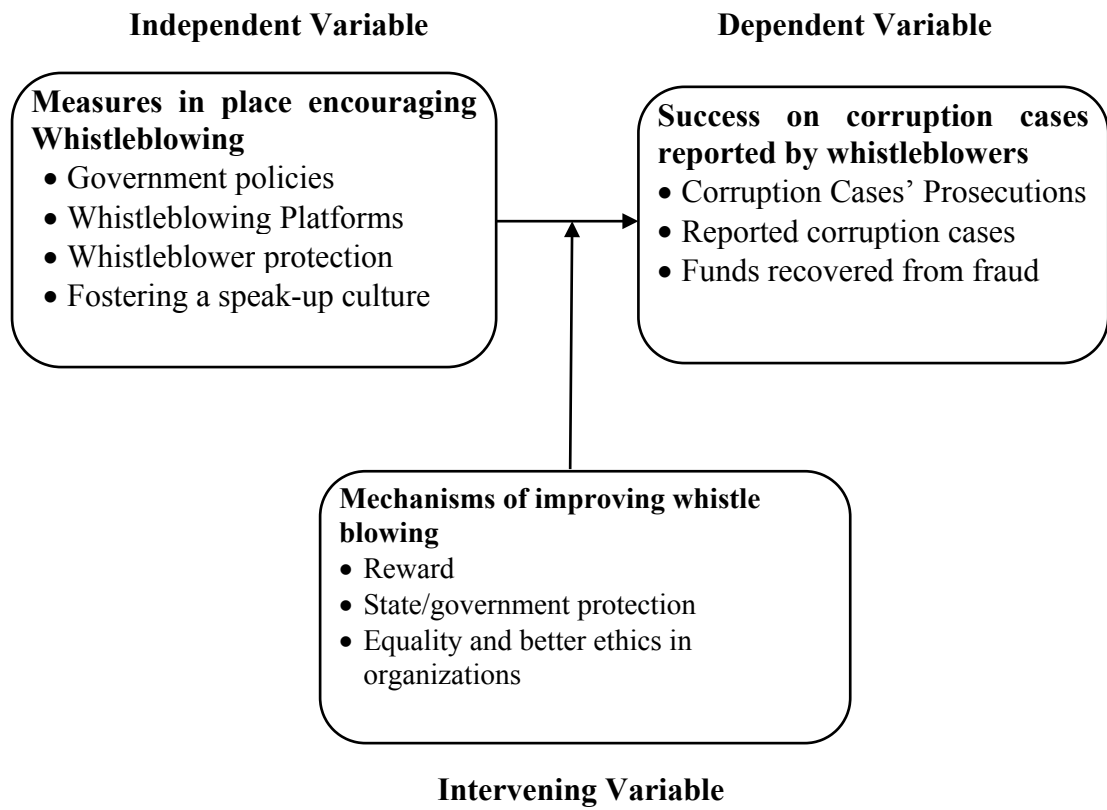


Figure 1. 1: Conceptual Framework

Source: Researcher (2022)

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviews what other scholars have had to say about whistle blowing as a corruption intervention mechanism. It provides empirical review of the past research both globally, international and nationally. It also focuses on summary of research gaps in knowledge that the current study attempted to fill. The study is meant to strengthen whistleblowing and to encourage whistleblowers to continue with their patriotic duty. The study envisioned achievement of this through finding out the proportion of corruption cases directly linked to whistleblowing in Mombasa, investigating on the challenges facing investigation and prosecution of whistle blown corruption cases, and establishing mechanism which can improve whistleblowing as an essential means to fighting corruption. The most available works of literature are found in journals, textbooks, internet works, seminar papers and unpublished projects reports, most of which have a foreign background

2.2 Empirical Literature Review

This section presents empirical literature from previous studies. The literature is organized according to the study objectives. There are several studies conducted previously with the aim of determining the level of success of corruption cases handled as a result of whistleblowing. This section reviews some of the most relevant in reference to the goals and objectives of this study.

2.2.1 Proportion and Rate of Success in Corruption Cases resulting from Whistleblowing

Ogungbamila (2014) carried out a study to investigate the relationship between whistleblowing and anticorruption crusade in Nigeria. In his study, he targeted the various judges and prosecutors of the law courts as his respondents and using a random sampling method, he managed to interview 67 judges with the main aim of determining how many cases of corruption have been reported and prosecuted successfully as a result of whistleblowing. The results revealed that even though several cases were brought up as a result of whistleblowing, very few have been successful following the fact that most of the cases as much as they have strong base argument, they lack enough evidence to hold the victims culpable. The weakness of this empirical study as that it cannot be generalized to cover the case of Kenya.

Relevant to this study, Ayagre and Aidoo-Buameh (2014) conducted research to determine the impacts of a proper reward system to whistleblowing in organizations. Their main aim was to find out if there is any relationship between reward and whistleblowing towards solving unethical cases in various organization. The researchers targeted various organization where by, using a questionnaire, they collected data from the human resource managers who were sampled randomly. The study revealed that indeed there is a positive correlation between reward system and whistleblowing towards solving unethical cases in organizations. In their study, they summarized their findings stating that when individuals are assured of protection, any form of reward and even action upon the reported, the rate of whistleblowing goes up thus reducing unethical behaviors in organizations and institutions. The weakness of this empirical study as that it cannot be generalized to cover the case of Kenya as it looked at organizations in general and not public sector.

Unlike the above studies, Olsen (2019) in his research on politics of whistleblowing in organization contradicts the act of whistleblowing as a measure to curb unethical behaviors including corruption in organizations. In his research where he did a random sampling and asking 5 employees in 20 different organizations and institutions. The results revealed that most respondents were agreeing with his research that through whistleblowing, politics can become an issue where employees can frame each other, backbite and even false accuse one another. He however provides a solution to this by stating that whistleblowing can still be encouraged in organization. The weakness of this empirical study as that it cannot be generalized to cover the case of Kenya as it looked at organizations in general and not public sector.

The proportion of Corruption cases is a function of several interrelated factors including better frameworks of whistleblowing and protection (Annakin, 2011). In the UK, for instance, there has been a striking upsurge in whistleblowing, predominantly in the health and financial services sectors, since new law was inaugurated (European Commission, 2018). The whistleblowing surge corresponded with the UK Bribery Act in 2010 which mainly emphasized on the protection of the whistleblowers and the responsibilities of the state to its citizens who are willing to bring down acts of bribery of any form through whistleblowing. The UK regulator, the Financial Conduct Authority, disclosed at the beginning of 2014 statistics substantiating the opening of 254 new cases on the background of whistleblower evidence between November 2012 and October 2013 (Financier Worldwide Magazine, 2014). It is thus evident that whistleblowing mechanism is one of the factors affecting prevalence of success of whistleblowing as a tool of fighting corruption.

In the US, securities whistleblowers have been supported with a number of inducements and protections by all-inclusive pieces of legal codes. The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 is hailed for its impacts on the milestones which have so far been witnessed including Section 922. In November 2013 the Securities & Exchange Commission (SEC) made preeminent \$14m reward payout to a whistleblower whose work enabled the Commission to recover \$147m swindled from foreign investors in a Chicago-based scheme. The reward translated to about 10% of the recovered funds, which coincides the lowest range established by the Dodd-Frank whistleblower bounty program. The program gives the SEC the discretion to award a whistleblower up to 30 percent of any recovered sum (Financier Worldwide Magazine, 2014).

Schultz and Harutyunyan (2015) conducted a study on combating corruption by focusing on the development of whistleblowing laws in the United States, Europe, and Armenia. The main objective of the study was to examine the role of whistleblowing as a tool to combat corruption. It described the law and role of whistleblowing in a comparative context, focusing on the United States, the European Union, and Armenia. The study revealed that corruption is a persistent problem that plagues the world and a problem facing post-communist countries as they transition to democracies and market economies, as well as established democracies and other regimes. According to the study, while the causes of corruption are varied, the tools often suggested to combat corruption include expanded use of whistleblowing in terms of incentives to encourage it and laws to protect whistleblowers. The study concluded with recommendations regarding how whistleblowing could be strengthened, especially in Armenia, as an example of a post-communist state, to be an effective tool for addressing corruption.

Nurhidayat and Kusumasari (2018) conducted a study on strengthening the effectiveness of whistleblowing system by looking at the implementation of anti-corruption policy in Indonesia. The purpose of the study was to identify and map out various aspects and key elements, which are necessary to strengthen an effective and systematic whistleblowing system (WBS) and ensure adequate protection in accordance with the characteristics typical of Indonesia. The study adopted desktop research. The study established that an effective and systematic whistleblowing system which assures adequate protection, have increased the number prosecuted cases on corruption in public sector of Indonesia. The study also found that whistleblowing has reduced the cases of corruption as the implementation of anti-corruption policy in Indonesia has been effective.

Corruption across Africa has reached cancerous proportions (Mbandlwa & Anwana, 2021). According to Baron (2017), the corruption phenomenon has been so pervasive in the continent and has been labelled the ‘AIDS of democracy’ which is destroying the future of many societies. In Tanzania, the 2015 Whistleblower and Witness Protection ACT in Tanzania handles the twin problems of discouraging corruption as well as protecting whistle blowers from any harms, with some positive results. A corruption allegation in 2008 between the American company Richmond Development Company and the former Tanzania Prime Minister, Edward Lowassa, was first reported through an online whistleblower (Nnadi, 2020). In Nigeria, immediately after the launch of Whistle-Blowing Policy by the Federal Government, recovery of looted fund increased. Daily trust on April 18, 2017 reported that, this laudable initiative had resulted in the discovery of \$9.8 million cash in a Kaduna slum residence in Sabon-Tasha and over \$30 million cash in an apartment in Ikoyi, Lagos State (Makinde, 2019; Salihu, 2019).

Ogbu (2017) looked at whistle blowing policy as a mechanism for energizing the ‘war against corruption in Nigeria. The ethical theory of whistle blowing, universal dignity theory of whistle blowing and framing theory were used to structure the postulations of the study. There is no doubt that the whistle blowing policy in Nigeria has been helpful in uncovering corruption in both the public and private sectors since its introduction in December, 2016. Within six months from the date it was launched, the government was able to recover billions of naira stolen from the public coffers through the tips from whistle blowers. For a country that is struggling with the financial burden of revamping its economy and basic infrastructures, the magnitude of money coming from these recoveries can certainly go a long way in providing necessary assistance.

Okafor, Adebisi, Opara and Okafor (2020) conducted study on deployment of whistleblowing as an accountability mechanism to curb corruption and fraud in a developing democracy. The purpose of the study was to investigate the challenges and opportunities for the deployment of whistleblowing as an accountability mechanism to curb corruption and fraud in a developing country. This study found that, even in the context of a developing country, whistleblowing is supported as an accountability mechanism, but the intervention lacks awareness, presents a high risk to whistleblowers and regulators, including the risk of physical elimination, and is fraught with institutional and operational challenges. In effect, awareness of whistleblowing laws, operational challenges and an institutional environment conducive to venality undermine the efficacy of whistleblowing in Nigeria. The study established that a culturally anchored and institutionalized whistleblowing program encourages positive civic behavior by incentivizing citizens to act as custodians of

their resources, and it gives voice to the voiceless who have endured decades of severe hardship and loss of dignity due to corruption.

2.2.2 Mechanism of Improving Whistleblowing to Facilitate Intervention in the war Against Corruption

Improving the efficiency of whistleblowing on the fight against corruption is not a directly easy matter. Whistleblowers are not employees of any organization, government or agency. Those who have been involved in most cases are people pushed by their own conscience (Barańska, 2009). That notwithstanding, there are notable ways in which whistleblowing mechanism can be improved (Boot, 2017; Fasua, & Osifo, 2017). First is the enactment of clearly defined laws on whistleblowing. In some countries, for instance, Nigeria, Ghana and Kenya, the laws encouraging whistleblowing and protecting whistleblowers are not clear because whistleblowers and their work are not explicitly and comprehensively defined by law (Baron, 2017).

In his study to investigate the relationship between whistleblowing and anticorruption campaign in Nigeria discussed above, Ogungbamila (2014) recommends that for a proper anticorruption campaign in institutions, organization and even government bodies in Nigeria, there must be a motivating factor to engine the initiative. In the recommendations, Ogungbamila states that by the relevant bodies such as the law courts ensuring that these cases are solved and the culprits are charged accordingly, the whistleblowers become more motivated as they get assured that indeed by whistleblowing, a lot of the societal rot can be solved.

According to Transparency International (2013), the weakness of the law in light of these definitions has compromised whistleblowing as a mechanism of fighting

corruption. There is never adequate protection program of the whistleblowers. However, whistleblower reward laws have been enacted. While these reward programs remain limited, initial success indicates that the potential power for global whistleblower reward laws in facilitating the fight against corruption (Brownlee, 2016).

According to the National Whistleblowers Center (2020), in South Korea, the National Tax Service maintains two reward programs which allow individuals with significant information on tax law violations to report. Since 2012, the number of cases has increased each year and whistleblowers have been awarded \$44 million dollars. In 2014, the Canadian Revenue Association introduced a reward program for whistleblowers to report tax fraud. In the year following the introduction of the law, previously unreported offshore income and assets doubled. In 2015, Ontario became the first Canadian province to introduce a whistleblower reward law for reporting securities fraud. The law allows whistleblowers who report securities fraud to the Ontario Securities Commission to receive 5% to 15% of the total monetary sanctions. As of 2020, the program had received more than 200 tips and three recent awards totaled \$7.5 million (National Whistleblowers Center. 2020).

Chalouat, Carrión-Crespo and Licata (2019) who looked at Law and practice on protecting whistle-blowers in the public and financial services sectors. The study revealed that one important aspect in the fight against corruption is the protection of the many alert workers at all hierarchical levels of public and financial institutions who have disclosed information about wrongdoing, often to the detriment of their jobs and careers. The protection of whistle-blowers contributes to an enabling environment for decent work and sustainable growth. It reduces tolerance of corruption, strengthens oversight bodies that are responsible for ensuring fair and decent working

conditions for all workers, and increases transparency in financial transactions that affect both the public and the financial sectors. Protection of whistle-blowers safeguards public investments in infrastructure, which can have a significant multiplier effect on indirect and induced employment.

In Africa, the Ghanaian Whistleblower Act was the first to introduce whistleblower rewards in Africa in an effort to improve the whistleblowing mechanism (Bordeleau, 2011). In 2020, Ghana introduced new incentives for whistleblowers, leading to an increase in the number of reports by whistleblowers. However, Ghana's whistleblower program has been undermined by retaliation against whistleblowers (National Whistleblowers Center, 2020). The regulatory frameworks have altered in South African countries since 1994. It has been extended and includes numerous factors that could entail corruption. The Government of South Africa has taken steps to ensure that the law has been the basis for fighting corruption. The existing legislative framework contains the Corrupt Activity Prevention and Combat Act (Act 12 of 2004). It provides instruments to strengthen anti-corruption policies. The fight, prevention and prosecution of corrupt practices are part of these policies. Corrupt Activity Prevention and Combat Act provides appropriate information and investigation measures for any corrupt actions and establishes a record of all companies and persons convicted of corruption (Chamunorwa, 2015).

Omojola (2019) examined whistleblower protection as an anti-Corruption tool in Nigeria. The study examined the potential of the Whistleblowing Policy to curb corruption in Nigeria and the sustainability of the success of the Whistleblowing Policy. The study established finds that without a robust legislative framework to protect whistleblowers, the Whistleblowing Policy will suffer serious setbacks. The study concluded that Protection of the whistleblower is vital in fighting corruption.

The House of Assembly should therefore expedite action in enacting the WPB 2015 but not without reviewing it in accordance with International Best Practices. The enactment of a comprehensive, dedicated law as the basis for providing whistleblower protection is generally considered the most effective legislative means of providing such protection.

Harmonization of the law can go a long way in improving the whistleblowing mechanism. As has been highlighted, there are some parts of the law which contradict on the rights of whistleblowers. For instance, Section 65 (1) of the Anti-Corruption and Economic Crimes Act (2003), and The Bribery Act (2016), and Section 41 of The Public Officer Ethics Act (2003) contradict each other. While the two former Acts provides protection for any persons who aid fight on corruption or provide essential information to the EACC, the latter discourages whistleblowing. With these controversial Acts, whistleblowers may not be sure of their protection (Transparency International, 2017). With this in mind, many people choose silence regardless of how much and credible evidence they have on a fraud or corruption in their organization or any other organization.

Chamunorwa (2015) did an exploration of whistle blowing in fighting corruption in the public sector in South Africa based on a case of Stellenbosch Municipality. The primary objective of the study was to ascertain the importance of whistle blowing in curbing corruption in the public sector. The study also investigates the extent to which employees are well informed on whistle blowing legislation and other mechanisms. The results of the study indicated that the majority of respondents view the term whistle blowing negatively which might contribute to why individuals are reluctant to blow the whistle. Furthermore, employees agreed unanimously that they lacked confidence in their manager/supervisors to deal with disclosures of corruption. Based

on the findings of this study, Stellenbosch Municipality is commended for its efforts in developing a Fraud and Corruption Policy and establishing a Fraud Hotline. However, there should be enhanced protection of whistle blowers at the Municipality in order to encourage employees to blow the whistle on any corruption that they witness in the organisation.

Further, Kogo (2017) conducted a study on the legal framework for whistleblower protection in Kenya and examination of economic crimes. This research paper sought to contextualize the role whistleblowers have played in Kenya particularly towards the fight against economic crime specifically corruption. It goes on to look at the available legislation to protect whistleblowers in Kenya and the possible theories that can explain the concept of whistleblowers. It discusses the pressures whistleblowers face and how they can be dealt with by looking at a case study on David Munyakei. It also goes on to do a comparative analysis of the legislation in the UK and the USA by giving an analysis of the various acts, how they have been criticized, and what to take into consideration when drafting whistleblower protection laws based on the critiques of the various acts. The UK laws and USA laws on whistleblower protection, although not perfect, offer a basis for Kenya to look at when drafting laws to do with whistleblower protection as the cases of corruption in these countries are not as rampant as it is in Kenya. It is evident that whistle blowers of economic crimes are needed so as to aid in the fight against corruption. This makes it important for Kenya to incorporate steps towards ensuring that the law protects these whistleblowers in order to ensure the culture of anti- whistle blowing is done away with. In Kenya therefore an independent body with powers to prosecute should be established to deal with such cases. Clear laws will enable whistleblowers to come forward and therefore

creating awareness of the importance of whistle blowing will bear fruits as individuals will be encouraged to come forward to report.

2.2.3 Challenges Facing Investigation and Prosecution of Whistle-blown Cases

Whistleblowing, unlike many patriotic acts, is a very risky affair across the globe. Besides the challenges faced by whistleblowers like retaliation and assassinations, the investigation and prosecution processes of cases uncovered by whistleblowers also faces many other challenges. Ndono, Muthama and Muigua (2019) in their study to determine the effectiveness of community policing; a government initiative in Kenya towards curbing the societal related crimes including corruption found out that they key challenges facing a collaboration between the society and the government towards solving crime is the fear of being attacked by those who feel that they are being targeted. In their study, the researchers targeted random community members asking them why they find it hard to collaborate with the police and help them solve crime in the society, a form of whistleblowing. 92 out of 122 respondents said that they were afraid of being attacked. These findings, in their discussion, Ndono, Muthama and Muigua (2019) state that translates to the government policies and laws which are not clear to assure the whistleblowers of their protection.

According to Park, Bjørkelo and Blenkinsopp, (2018), distortion of evidences bar far impedes the success of investigation. The perpetrators collaborate to a far extent that traces of evidence are destroyed as much as practical. Park and Bordello and

Blenkinsopp also adds that in some countries, corruption among investigating agencies and persons. Transparency international also emphasizes that corruption of officers interferes with the investigation process and as such, it becomes complex to complete the investigation. Koudelková (2015) in his journal of the Czech Republic review also observed that in many cases which have either stalled or discarded, there have not been evidences attributed to either corrupting the investigating agencies or destruction of evidence before they could be presented before tribunal.

In Nigeria, despite the support for whistleblowing interventions, the general public still has no information, is at great risk, including the risk of physical threat, for whistleblowers and regulators and is facing operational and institutional issues (Okafor, *et al.* 2020). Separation and discrimination based on race occurred in South Africa during apartheid. The minority white people had control over resources in this setting while the black bulk of the population was exploited and disadvantaged. The government of Apartheid utilized several measures to crush dissenters, including spies that penetrated the totality of society. No one could be trusted in such a society since anyone can be a spy and spies were widely disdained and condemned by those who were exposed to them. These spies and informants were called *impimpis* because they were regarded as traitors that supported the enemy and impeded the struggle against apartheid. It was the most repulsive label that could have been paired with a similar label and no person would like it to be linked with. *Impimpis* were often punished by litting a pneumatic fuel around their necks (Loyens & Wim, 2018). That clearly demonstrates that whistle blowing is not acceptable and therefore confused with spying that continued in the post-apartheid era. Therefore, many people today may dread being labelled traitors or not faithful to their organization. This has led less people to reveal corrupt actions they see because of the stigma around them that are

considered an impairment (Minnaar, 2011). Many people, particularly in the public sector, also cannot realize how crucial such disclosure is to these people.

Even though whistleblowing has been recognized as an effective strategy to fighting corruption, cases of corruption are still rampant in many public service offices in Kenya both at the national and county government levels. One of the major challenges facing the success of whistleblowing is the weak legal framework of protecting the whistleblowers. The law is not very clear on its definition, and the rights of whistleblowers. According to Kogo (2017), the Kenyan law does not provide remedies for whistleblowers who are most likely to suffer or who suffer following their patriotic act of exposing corruption. Transparency International (2017), furthermore notes that the law does not compel any government agencies or private entities to put up measures aimed at protecting the whistleblowers. To make even matters worse, some part of the law discourages the act of whistleblowing. For Examples in Kenya, Section 41 of the Public Officer Ethics Acts Revised (2003) discourages whistleblowing by stating that: “A person who, without lawful excuse, divulges information acquired in the course of acting under the Act is guilty of an offense and is liable, on conviction, to a fine not exceeding 5 million or to imprisonment for a term not exceeding 5 years or to both” (Public Officer Ethics Acts, 2003, p 15). The fear of whistleblowing is itself justified because of the legal declaration made against it. Consequently, people fear coming out as whistleblowers for fear for their lives, their jobs, their reputation and social security. Coupled with the experience of some whistleblowers in Kenya like, Githongo, David Muntakani, and Jacob Juma in 2015, people fear retaliation.

Additionally, investigation, prosecution and charging of offenders is a multiagency responsibility involving the DCI / EACC, ODPP, the judiciary and thus loopholes in one agency can derail the performance of the other. It also suggested that corruption of the investigative process compromises of the investigation process. Subsequently, some cases are thrown out of court because of lack of enough evidence. The offices or individuals involved in the exposed cases through whistleblowing are thought to pay their way out by buying or even facilitating the disappearance of evidence or witnesses including through mysterious murders.

2.3 Importance of Transparency International

Transparency International is a nongovernmental organization dedicated to increasing government accountability and curbing both international and national corruption. The TI movement has multiple concerns: Humanitarian, as corruption undermines and distorts development and leads to increasing levels of human rights abuse; democratic, as corruption undermines democracies and in particular the achievements of many developing countries and countries in transition; Ethical, as corruption undermines a society's integrity; and practical, as corruption distorts the operations of markets and deprives ordinary people of the benefits which should flow from them (Transparency International, 2017).

Transparency International-Kenya is a not-for-profit organisation with the aim of developing a transparent and corruption-free society through good governance and social justice initiatives. Transparency International-Kenya is one of the autonomous chapters of the global Transparency International movement that is bound by a common vision of a corruption-free world. The global movement provides a platform for sharing knowledge and experience, as well as developing strategies to respond to regionally distinct patterns of corruption. The organisation has 20 years' experience in

governance work at the national and county levels. These include direct engagement with the Government, the private sector, individuals and groups. Transparency International-Kenya uses advocacy as its signature approach; this is complemented by other approaches such as partnerships' development, research, capacity building and civic engagement (Transparency International, 2017).

2.4 Summary of Gap in the Literature

There are very limited research studies on whistleblowing more so with the specific objective of establishing the effects on the fight against Corruption in Kenya. There are even the least empirical studies on relationship between whistleblowing and corruption cases in Mombasa. However, much of today's study has concentrated on whistleblowers' conduct, intentions, and experiences on one side, and whistleblowing law on the other. The role of foreign intelligence services, in particular, like the inspector general offices, anti-corruption agencies, ombudsmen and the office of the director of public prosecutions. It is thus impossible to qualify the proportion of cases of corruption which can directly be attributed to whistleblowing.

Alongside the stated studies in this section, close to this research is a study by Vinten (2001) who wanted to determine the effectiveness of whistle blowing in Mombasa as a study area. He conducted research targeting the courts and media houses as his target audience and using focused grouped discussions and questionnaires, he concluded that whistleblowing, then was not a common practice and very little was known about it. Gacheru (2016) conducted a study trying to find out the significance of effective whistleblowers' protection law in Kenya. His key objectives were law focused thus he did not conduct a field study, instead, using the Kenyan law, he

studied and presented various sections in relation to whistleblowing and protection. He came up with a disappointing finding of the inadequacy of laws in existence in Kenya for the protection of whistle-blowers given the clear correlation between lower levels of corruption and the existence of such laws. And whilst the study finds that legislation is important, it also admits that implementation will be a challenge if the rule of law is not respected thus discouraging the activity of whistleblowing.

Also, similar to the study but with a different study area, Ogunbamila (2014) carried out a study to investigate the relationship between whistleblowing and anticorruption crusade in Nigeria. In his study, he targeted the various judges and prosecutors of the law courts as his respondents and using a random sampling method, he managed to interview 67 judges with the main aim of determining how many cases of corruption have been reported and prosecuted successfully as a result of whistleblowing. The results revealed that even though several cases were brought up as a result of whistleblowing, very few have been successful following the fact that most of the cases as much as they have strong base argument, they lack enough evidence to hold the victims culpable.

As such, evident from the previous sections where the researcher reviewed various studies, objectives, their methodologies and results, it is evident that little attention has been given to developing mechanism which can promote whistleblowing as a tool for fighting corruption in Kenya and more specifically in Mombasa. Also, there is no research carried out, specifically in Mombasa trying to determine the effectiveness of whistle blowing, focusing the study on corruption related cases. This forms the very basis on which the objectives of this study are founded in order to fill this research gap.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter examines the methodology that was adopted to conduct the research. It therefore describes the research design, the area of the study, the targeted population in the area of study, the study sample and sample size from the target population. The chapter also describes the sampling and the procedure used in collecting data, and the instruments that was used to collect data from the participants and pilot study, reliability and validity of the instruments and finally the data analysis tools and methods. This order was how the chapter was organized.

3.2 Research Design

A research design entails the plan, structure and strategy to be utilized in investigating the research problem and obtaining answers to research questions (De Zilwa, 2010). It entails a blue print under which a study is conducted, ensuring there is maximum control over factors having potential influence on the validity of the findings (Creswell & Creswell, 2017). This study adopted a descriptive survey research design. This research design allowed collection of quantitative and qualitative data that the study used. Quantitative data was collected utilizing questionnaires while qualitative data was collected using key informant interviews. This certain design was ideal since the research involved the simultaneous collection and comparison of data from the phenomenon.

Descriptive survey is a method of collecting data based on communication with a representative sample of individuals (Sigmund, 2007). This design was the most appropriate for this study as the study involved a one-on-one data collection technique

where a single respondent was giving data representing individuals. Further the design through the use of questionnaires and interviews provided respondents with an opportunity to provide information about themselves, their attitudes and beliefs, demographics and other past, present and future behaviors (Collins, Ogundimu & Altman, 2016). The design was appropriate since the study seeks to evaluate the effectiveness of whistle blowing as a corruption intervention mechanism in in Mombasa Ethics and Anti-Corruption Commission in Kenya.

3.3 Research Site

The study was conducted in Mombasa County. The County is located in the Southeastern part of the Coastal region of Kenya. It covers an area of 229.9 Km² without considering water (ocean) land cover of 65 Km² of water mass which goes as far 200 nautical miles into the Indian Ocean. It borders Kilifi County to the North, Kwale County to the South West and the Indian Ocean to the East. The County lies between latitudes 30 56' and 40 10' South of the Equator and between longitudes 390 34' and 390 46' east of Greenwich Meridian. The County also enjoys proximity to an expansive water mass as it borders the Exclusive Economic Zone of the Indian Ocean to the East. Second County Integrated Development Plan, (2018-2022). The EACC Mombasa county was selected because it has most reported corruption cases as a result of whistle blowing and hence possible to achieve the study objectives.

The choice of the study site was based on the objectives of the study which are all instigated by the case of EACC Mombasa. The county has been highlighted in various corruption cases tracing back to 2005 under the then Municipal Council of Mombasa through to the present county government system. Among the areas which have been marred with corruption include award and management of Contracts, Utilization of the then Local Authority Transfer Funds (LATF), and Road maintenance funds,

Procurements, Approval of housing plans. The prevalence of massive drug deals at the port is attributed to corruption. According to Mombasa County Crime and Violence Rapid Assessment (2017), severe corruption at the port encouraged massive drug trafficking. Warehouses at the port stored drugs in incoming cargo. In 2006, Ksh 6.4 billion worth of cocaine were discovered in Malindi and Mombasa. In 2014, Ksh. 1.3 billion worth of drugs were destroyed while still at sea (Rugene & Mwangefa, 2014). Appendix III, shows the map of Mombasa County.

3.4 Target Population

The target population for this study includes the court judges in Mombasa law courts, some of whom are behind some of the corruption cases reported in Mombasa County. The study was not limited by the level of authority of the judges, that is, it collected data from both the high court, supreme court, court of appeal, the employment and labor relations court, environment and lands court and the subordinate courts targeting those who have dealt with corruption related cases. The study also supplemented its data by gathering information from the EACC legal officers. These are the most appropriate target population as they have been handling corruption cases reported by whistle blowers and hence were in position to give in-depth information about how whistle blowing had contributed to success in prosecution of corruption cases, measures in place encouraging whistle blowing and mechanisms of improving whistle blowing. The target population was as illustrated in Table 3.1.

Table 3. 1: Target Population, Distribution of Law Courts Judges in Mombasa

Category	Target Population	Percentage
High court Judges	6	8.7
Employment and labor relations court judges	16	23.2
Environment and Land court judges	21	30.4
Subordinate court judges	23	33.3
EACC legal officers	3	4.4
Total	69	100

(Source; The Judiciary and the Administration of Justice Annual Report 2019 – 2020)

3.5 Study Sample

A sample is a set of entities drawn from a population in order to estimate the population characteristics (Collins, Ogundimu & Altman, 2016).

3.5.1 Sample Size

For the purpose of this study, the sampled respondents comprised of the judges and advocates deployed at Mombasa law courts as well EACC Mombasa advocate and legal representatives (see Table 3.2 below). Being a pragmatic study targeting the undercover respondents, the researcher intended to work with a small population of 69 respondents (see Table 3.2). As mentioned in the previous section, the researcher also complemented this with data from the 3 EACC legal officers from EACC Mombasa. These are subdivided into the following categories;

Table 3. 2: Sample Size

	Target population	Sample size	Sampling technique
High court Judges	6	6	Census
Employment and labor relations court judges	16	16	Census
Environment and Land court judges	21	21	Census
Subordinate court judges	23	23	Census
EACC legal officers	3	3	Census
Total	69	69	

(Source; The Judiciary and the Administration of Justice Annual Report 2019 – 2020)

3.5.2 Sampling Procedure

This study employed the census sampling method where the researcher targeted all the 69 respondents who included judges deployed to Mombasa law court and EACC

legal officers posted at EACC Mombasa. Mugenda and Mugenda (2019) describes census sampling method as one which data is collected from each and every element or unit of the total population and is common in instances where the target population is of small quantity.

3.6 Data Collection

Data collection is a process or practice of collecting data and information from specified sources or respondents in a bid to find answers to the research problem (Kabir, 2016; Kairuz, Crump & OBrien, 2007). This study used semi- structured questionnaires and key Informant interviews as described in the section below. The researcher used questionnaires to collect data relevant research data from the judges and face to face informant interviews to obtain data from the sampled judges deployed at Mombasa law courts and EACC legal officers.

3.6.1 Data Collection Instruments

The current study's data was collected using primary data collection methods. The primary mode of data collection of the study involved the use of questionnaires (See Appendix I) as well as face to face interviews with sampled respondents. The questionnaires had both closed and open-ended questionnaires and were divided into four sections including Section I which had questions on demographic information, Section II which had questions on success level of whistle blown corruption related cases, Section III which had questions on current measures in place encouraging whistleblowing and Section IV which had questions on measures of improving whistleblowing. The questionnaires were administered to the judges to collect quantitative data. Key informant guide (See Appendix II) was used to collect in-depth information from EACC legal officers handling the corruption cases which were as a result of whistleblowing. The questions of interest revolved around proportions of

corruption cases which have been reported by whistle-blowers and which are either under probe or have been completed.

3.6.2 Pilot Testing of Research Instruments

In research, the pilot test is important since it is through it that researchers are able to test the reliability of the instruments of research adopted before the actual research (Jordans, Luitel, Pokhrel & Patel, 2016; Locklear, 2012). It is by doing the pilot test that researchers are able to notice any mistake with the instrument of research thus amending it accordingly prior to the actual research. The researcher administered 13 questionnaires to a small similar group at the Mombasa law court. However, the respondents who participated in pilot testing were not included in the sample size. Their responses were then evaluated for data accuracy to help remove the vagueness that may characterize the tools. The findings were then utilized to refine the research tools. After receiving and analyzing the results, improvements were achieved if needed. Upon completion, the entire data collection process was rolled out. The pilot testing was done to test for validity and reliability of the research instruments.

3.6.3 Instrument Reliability

Reliability is a measure of the degree to which a research instrument yields consistent results after repeated administration (Creswell & Creswell, 2017). According to Borg and Gall (2009), reliability is the level of internal consistency or stability of measuring device over time. A measuring instrument is only reliable if it provides consistent results. In a research study, reliability coefficient was computed to indicate how reliable data was. The reliability was tested using a Cronbach coefficient where a value of 0.70 or more implied that the instrument was reliable (Creswell & Creswell, 2017). In this study Cronbach's reliability measure was used.

Cronbach's formula

$$\alpha =$$

α is the coefficient of Cronbach alpha, the items number are denoted with k is whereas P_i is the portion of participants who in a given way answer the study topic. The results for all the variables showed that their Cronbach coefficient were greater than 0.7 with success level of whistle blown corruption related cases at 0.708, current measures in place encouraging whistleblowing at 0.806 and measures of improving whistleblowing at 0.733.

3.6 4 Instrument Validity

Validity refers to the suitability of the instrument to measure what it is expected to measure. The validity of data, according to Kabir (2016), is defined as the level of measurement of the intended parameters by the research instrument is defined. The exactness and significance of the conclusions are based on the outcomes of study. Thus, the validity of the measurement is if a device is on the goal. The researcher worked with the supervisor as the expert to assess the validity of the instrument. To ensure content validity, all the study tools were carefully examined. The study measured for construct and content validity for the questionnaire.

3.6.5 Data Collection Procedure

The researcher obtained an introduction letter from the university and a research permit from NACOSTI that was presented to senior officials. The questionnaires were administered to the sampled judges deployed at Mombasa law courts as well EACC Mombasa legal representatives in Mombasa City. To offer respondents adequate time to give thoughtful responses, the researcher employed a drop and pick in administering the questionnaire. This allowed the researcher to build rapport and

elaborate the study's purpose as well as the meaning of any items that may be unclear. In addition, since most judges have busy schedules, the researcher booked appointment so as to administer the questionnaires. Moreover, the researcher conducted 8 key informant interviews with assistance of trained research assistants. Those who were interviewed include senior officers among sampled judges deployed at Mombasa law courts as well EACC legal officers in Mombasa City.

3.7 Data Analysis

According to Elliott (2018), data analysis is a process which implies questionnaire checking, editing, coding, tabulations, graphical representations, data cleaning and data adjusting. Data analysis was done with assistance of Statistical Package for Social Sciences (SPSS Version 25.0). All the received questionnaires were numbered and questionnaire items were coded to facilitate entry of the data. The data was cleaned by checking for errors in data entry. Quantitative data were analysed using descriptive statistics which include frequencies, percentages, mean scores and standard deviations. The findings for quantitative data were presented in tables and figures. The qualitative data from open-ended questions and qualitative interviews were analysed using content analysis. The findings from qualitative data were presented in narratives (verbatim).

3.8 Legal and Ethical Considerations

In every research, especially those involving human beings, observing ethics is imperative. In other words, observing ethics before, during and even after research is important for every study. According to Walliman (2017), observing research ethics prior, during and after the research benefits not only the research participants but also the authority, awarding bodies as well as the researcher. The first ethical consideration was seeking permission from the Department of Governance Peace and Security

Studies, School of Social Sciences and Board of Postgraduate Studies of African Nazarene University. The researcher also sought permission and a license from the National Commission for Science, Technology and Innovation (NACOSTI). By so doing the letter of introduction was issued which was then handed over to the participants through their bosses.

The researcher obtained informed consent from the respondents before administering questionnaires to them or before interviews were conducted. Besides, there was ethical consideration of assuring participants' confidentiality through proper data management approaches. They included: storing the entered data in a password protected laptop, ensure anonymity by substituting codes for participant identifiers and storing filled questionnaires and recorded interviews in locked cabinets. Moreover, after completion of the thesis the questionnaires were destroyed through shredding. Findings were shared with the relevant users through seminars and conferences, publishing the work in refereed journals and also ensuring that the entire thesis was in ANU repository for public access. The highest level of privacy was observed by the use of codes and pseudonyms to replace their real names. All respondents participated voluntarily without coercion or any form of manipulation.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents analysis and interpretation of the primary data. The findings aimed to evaluate the effectiveness of whistle blowing as a corruption intervention mechanism in in Mombasa Ethics and Anti-Corruption Commission in Kenya. The chapter covers findings for response rate, reliability analysis, background information and descriptive statistics on success level of whistle blown corruption related cases, on current measures in place encouraging whistleblowing and on measures of improving whistleblowing. Finally, the chapter presents the Pearson's Correlation analysis. The findings were presented in tables and figures.

4.2 Response Rate

As indicated on Table 4.1 below, the questionnaires that the researcher administered were 69 out of which only 57 were fully filled and returned. This gave a response rate of 82.6%. The non-response of 17.4% was attained as a result of failure to receive back questionnaires from the sampled respondents and also decline to participate in the study by some of the respondents. However, the response rate is within Collins, Ogundimu and Altman (2016) recommendations that a response rate of 50% and above is significant for statistical analysis.

Table 4. 1: Response Rate

	Frequency	Response Rate
Response	57	82.6
Non-response	12	17.4
Total	69	100.0

Source: Field Data (2022)

4.3 Background Information

The respondents' background information sought in this study included gender, age, level at which they have prosecuted cases and how long they have worked in law courts. This information has been presented in sections 4.3.1, 4.3.2, 4.3.3 and 4.3.4.

4.3.1 Gender of the Respondents

The researcher requested the respondents to indicate their gender. From the findings, most of the respondents were male at 59.6% while the rest were female at 40.4%. This implied that the researcher considered all the respondents in data collection since collected the data was from all the respondents regardless of their gender. The results are shown in Table 4.2.

Table 4. 2: Gender of the Respondents

	Frequency	Percent
Male	34	59.6
Female	23	40.4
Total	57	100

Source: Field Data (2022)

4.3.2 Age Bracket of the Respondents

The researcher asked the respondents to indicate their age bracket. The respondents indicated that those who were aged between 41 and 50 years were 47.4%, aged between over 50 years were 35.1%, aged between 31 and 40 years were 12.3% while 5.3% of the respondents indicated to be aged between 21 and 30 years. This shows that Mombasa law courts and EACC Mombasa is dominated by officials aged above 41 years and data collection cut across all the relevant age groups. The results were as illustrated in Table 4.3.

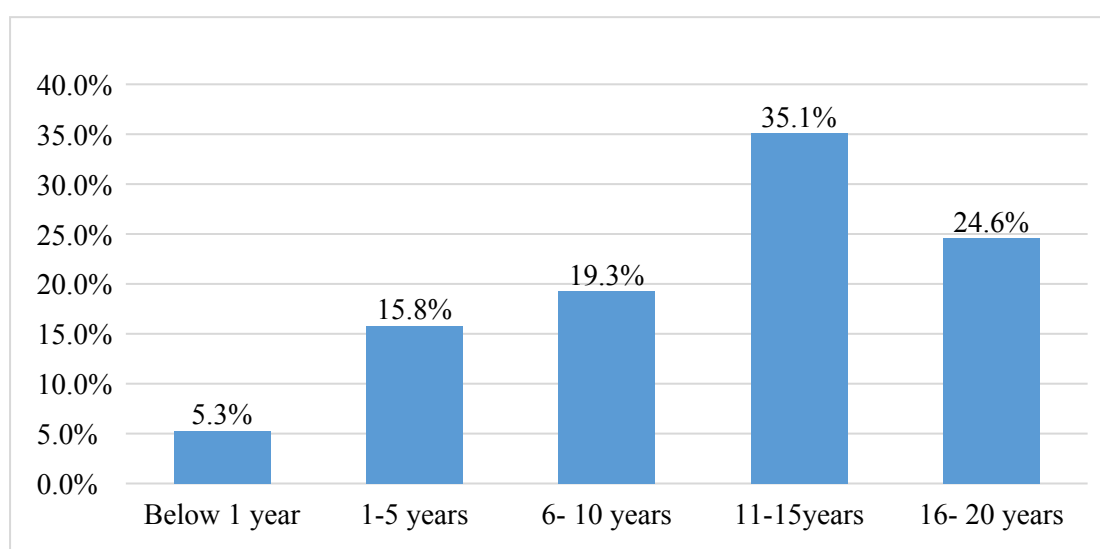
Table 4. 3: Age Bracket of the Respondents

	Frequency	Percent
21 – 30 years	3	5.3
31 – 40 years	7	12.3
41 – 50 years	27	47.4
Over 50years	20	35.1
Total	57	100

Source: Field Data (2022)

4.3.3 Working Experience in Law Courts

The researcher asked the respondents to indicate how long they have worked in law courts. From the findings, the respondents indicated that they have worked in law courts for 11 to 15years as shown by 35.1%, for 16 to 20 years as shown by 24.6%, for 6 to 10 years as shown by 19.3%, for 1 to 5 years as shown by 15.8% and for less than 1 year as shown by 5.3%. This implies that most of the respondents had worked in law courts for long enough to be able to answer questions regarding whistle blowing as a means of reporting cases within EACC Mombasa office. The results were as shown in Figure 4.1.

**Figure 4. 1: Working Experience in Law Courts**

Source: Field Data (2022)

4.3.4 Designation of the Respondents

The respondents were asked to indicate their designation. From the findings, the respondents indicated that they were subordinate court judges as shown by 35.1%, at environment and land court judges as shown by 33.3%, employment and labour relations court judges as shown by 21.1% and high court judges as shown by 10.5%. This is an indication that corruption cases are rampant in every sector in Kenya and prosecuted in every court. This whistle blowing applicable and effective in assisting in prosecuting cases in all courts in Kenya. The findings are shown in Figure 4.2.

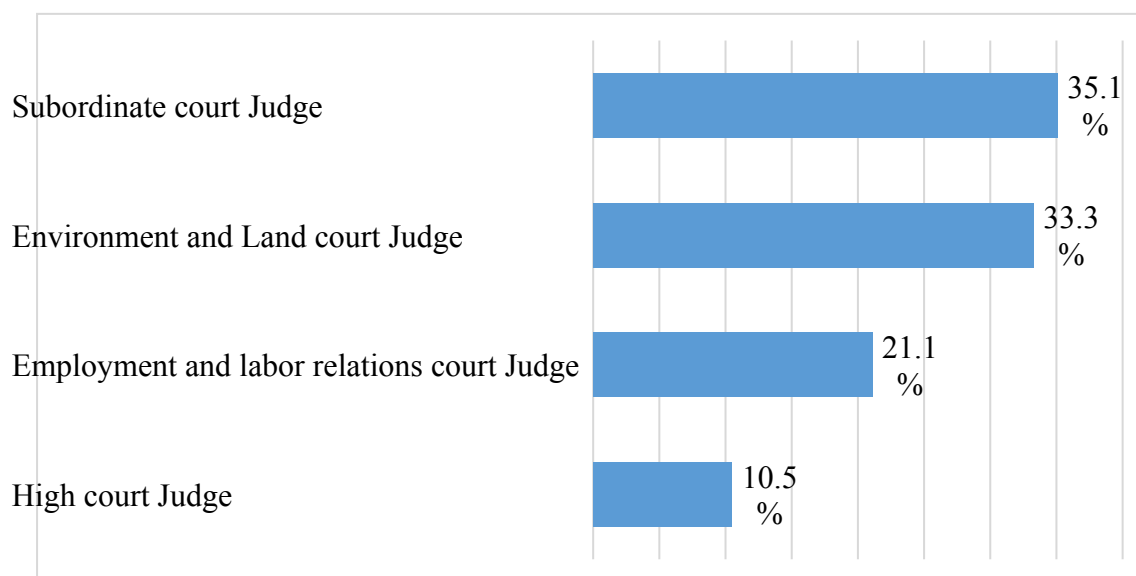


Figure 4. 2: Designation of the Respondents

Source: Field Data (2022)

4.4 Reliability Analysis

Reliability analysis was subsequently done using Cronbach's Alpha which measures the internal consistency by establishing if certain items within a scale measure the same construct. Creswell and Creswell (2017) observed that the coefficient of 0.70 or more implies that there is a high degree of reliability of data. The findings in Table 4.2 illustrates that all the three variables were reliable as their reliability values exceeded the prescribed threshold of 0.7 (Creswell & Creswell, 2017). This therefore,

depicts that the research instrument was reliable and therefore required no amendments. The findings are shown Table 4.4.

Table 4. 4: Reliability Analysis

	Alpha value	Comments
Success level of whistle blown corruption related cases,	0.708	Reliable
Current measures in place encouraging whistleblowing	0.806	Reliable
Measures of improving whistleblowing	0.733	Reliable

Source: Field Data (2022)

4.5 Descriptive Statistics

The descriptive statistics are presented in both quantitative and qualitative data and results in this section describe study variables in light of the collected data. The descriptive statistics presented are for success level of whistle blown corruption related cases, current measures in place encouraging whistleblowing and for measures of improving whistleblowing.

4.5.1 Contribution of Whistle Blowing to Success in Prosecution of Corruption Cases

The first objective sought to determine the how whistle blowing have contributed to success in prosecution of corruption cases handled by EACC Mombasa. The contribution of whistle blowing to success in prosecution of corruption cases was attributed to agreement with statements with mean above 3.5. The respondents were asked by the researcher to indicate their level of agreement with various statements regarding the success level of whistle blown corruption related cases on a scale of 1 to 5 where 1 is strongly disagree (SD), 2 is disagree (D), 3 is neutral (N), 4 is agree (A), 5 is strongly agree (SA).

From the findings, majority of the respondents agreed that there are several cases related to corruption brought forward for prosecution as a result of whistle blowing as shown by 61.4%. This is supported by a mean of 3.965 and a standard deviation of 0.778. This implies that whistle blowing has led to increase in number of corruption cases prosecuted in Mombasa law courts.

Moreover, majority of respondents were in agreement that whistle blown corruption related cases reach the final stages of prosecution as shown by 66.7%. This was supported by a mean score of 3.947 and a standard deviation of 0.666. The findings implies that due to whistle blowers, most corruption related cases are prosecuted to the final stages. In addition, most of the respondents were neutral that Enough priority is given to corruption related cases brought forward as a result of whistle blowing just like other cases as shown by a mean of 2.509.

Additionally, most of the respondents disagreed that there is enough evidence that can assist them to make a judgment on a corruption case brought up as a result of whistle blowing as shown by 40.4%. This assertion is supported by a mean of 2.421 and a standard deviation of 1.085. This implies that whistle blowing alone cannot yield adequate evidence to assist the judges in making judgment on a corruption case brought up by whistle blowers.

Further, majority of the respondents disagreed that whistle-blowers of corruption related cases that they have handled normally have the courage to participate in complete prosecution of the corruption cases as shown by 52.6%. This was supported by a mean of 2.228 and a standard deviation of 0.964. This implies that most of whistle blowers do not have enough courage to participate in prosecution to assist the completion of the corruption related cases.

Finally, most of respondents were in disagreement that whistleblowing alone is sufficient for the entire process of prosecution as shown by 56.1%. This is supported by a mean of 2.158 and a standard deviation of 0.862. This implies that even though whistle blowing is an effective corruption intervention mechanism in the public sector, it is not sufficient alone for the entire process of prosecution. Other measures like investigations need to be incorporated for effective prosecution of whistle blown corruption cases. The findings are illustrated in Table 4.5.

Table 4. 5: Agreement with Statements on Success Level of Whistle Blown Corruption Related Cases

	SD (%)	D (%)	N (%)	A (%)	SA (%)	Mea n	Std. Dev.
There are several cases related to corruption brought forward for prosecution as a result of whistle blowing	0.0	7.0	10.5	61.4	21.1	3.965	0.778
There is enough evidence that can assist you to make a judgment on a corruption case brought up as a result of whistle blowing	19.3	40.4	24.6	10.5	5.3	2.421	1.085
Whistle blown corruption related cases reach the final stages of prosecution	0.0	3.5	14.0	66.7	15.8	3.947	0.666
Enough priority is given to corruption related cases brought forward as a result of whistle blowing just like other cases	7.0	54.4	21.1	15.8	1.8	2.509	0.909
Whistle-blowers of corruption related cases that you have handled normally have courage during the prosecution to assist the completion of the case	19.3	52.6	17.5	7.0	3.5	2.228	0.964
Whistleblowing alone is sufficient for the entire process of prosecution	19.3	56.1	14.0	10.5	0.0	2.158	0.862

Source: Field Data (2022)

The interviewees were asked to indicate whether the corruption related cases brought forward through whistle blowing are successful in terms of prosecution. Some of the interviewees indicated that whistle blown cases are successfully prosecuted while whistle blowers agree to participate in the prosecution of the same. However, other interviewees were of the opinion that whistle blowing alone can not lead to successful prosecution of cases and success may depend on other factors involved in the criminal justice system eg obtaining evidence. One interviewee supported these findings and said:

Some corruption related cases brought forward through whistle blowing are successful in terms of prosecution because the whistle blowers agree to participate in the prosecution of the same while others fail because of the witness intimidation (**Source: Interviewee 4**)

Another interviewee added:

Corruption related cases brought forward through whistle blowing are successful in terms of prosecution largely because they are brought forward by people who understand very well the way the entire corrupt deal has been planned and executed. Also whistle blowing leads to investigations of suspects and witness identification leading to successful prosecution and conviction of suspects (**Source: Interviewee 6**).

The interviewees were asked to indicate the ways in which they thought whistle blowing has helped in reducing corruption in the public sector. Most interviewees indicated that whistle blowing helps in reducing corruption in the public sector by alerting the responsible agencies, public and civil society about corruption, by shaming the corrupt officials and deterring further corruption. The interviewees also said that whistle blowing helps in reducing corruption through exposure of corrupt conduct, prevention of fraud and misconduct by public officials, highlighting

corruption loopholes and informing policy areas of focus to tame corruption. In support of this, one interviewee said:

Some of the ways in which whistle blowing have helped in reducing corruption in public sector are alerting the agencies responsible for fighting corruption, shaming corrupt officials and hence deterring them from engaging in corrupt activities, highlighting corruption loopholes and informing policy areas of focus to tame corruption (**Source: Interviewee 1**).

Another interviewee supported the above arguments and said:

Whistle blowing have enhanced confidentiality of the informants and has reduced tendencies of corrupt activities since the corrupt official don't know who is watching their back. It has also has saved / cut losses of public funds (**Source: Interviewee 3**)

In addition, another interviewee said:

Some of the ways in which whistle blowing have helped in reducing corruption in public sector include early corruption detection, deterrence because of fear of being reported, recovery of stolen property, convictions, strengthening preventive measures (Corruption) and pre-empting or stopping corruption before it occurs (**Source: Interviewee 8**)

4.5.2 Current Measures in Place for Encouraging Whistleblowing

The second objective sought to investigate the various measures in place encouraging whistle blowing as a corruption intervention mechanism in EACC Mombasa. The respondents were asked by the researcher to indicate their level of agreement with various statements regarding some of the things that might encourage whistleblowing as a corruption reporting technique on a scale of 1 to 5 where 1 is strongly disagree (SD), 2 is disagree (D), 3 is neutral (N), 4 is agree (A), 5 is strongly agree (SA). From the findings, majority of the respondents agreed that there are several platforms in places that citizens can submit cases related to corruption as a means of whistleblowing as shown by 59.6%. This is supported by a mean of 3.983 and standard deviation of 0.790. This implies that there are accessible platforms to enable the whistle blowers to report corruption in public sector.

Moreover, most of the respondents agreed that whistle-blowers are able to turn in cases without them being noticed and exposed to the public as shown by 61.4%. This is supported by a mean of 3.983 and standard deviation of 0.744. This implies that there are measures in place to ensure whistle-blowers remain anonymous during prosecution of corruption related cases.

Additionally, majority of the respondents agreed that there are clear government policies on protection of whistle-blowers in place as shown by 63.2%. This is supported by a mean of 3.860 and standard deviation of 0.718. This implies that the government of Kenya have set clear government policies that guarantees the protection for whistle-blowers.

Further, majority of the respondents agreed that all whistle-blowers are assured of safety against those accused of corruption cases as shown by 70.2%. This is supported by a mean of 3.702 and standard deviation of 0.801. This implies that there are measures in place to assure whistle-blowers of their safety against those accused of corruption cases. Also, most of the respondents were neutral that the government through EACC encourages the citizens to turn in cases of whistleblowing through awareness creation as shown by 50.9% and a mean of 2.912.

Finally, majority of the respondents disagreed that whistle-blowers are given rewards in case of any successful case reported and prosecuted to encourage community policing further as shown by 63.2%. This is supported by a mean of 2.421 and standard deviation of 0.823. This implies that in most cases whistle-blowers are not given rewards in case of any successful case reported and prosecuted to further encourage community policing. The findings are illustrated in Table 4.6.

Table 4. 6: Agreement with Statements on Current Measures in Place for Encouraging Whistleblowing

	SD (%)	D (%)	N (%)	A (%)	SA (%)	Mea n	Std. Dev.
There are clear government policies on protection of whistle-blowers in place	0.0	5.3	17.5	63.2	14.0	3.860	0.718
All whistle-blowers are assured of safety against those accused of corruption cases	0.0	14.0	8.8	70.2	7.0	3.702	0.801
There government through EACC encourages the citizens to turn in cases of whistleblowing through awareness creation	0.0	29.8	50.9	17.5	1.8	2.912	0.739
Whistle-blowers are given rewards in case of any successful case reported and prosecuted to encourage community policing further	5.3	63.2	15.8	15.8	0.0	2.421	0.823
There are several platforms in places that citizens can submit cases related to corruption as a means of whistleblowing	0.0	7.0	10.5	59.6	22.8	3.983	0.790
Whistle-blowers are able to turn in cases without them being noticed and exposed to the public	0.0	5.3	12.3	61.4	21.1	3.983	0.744

Source: Field Data (2022)

From the interviews, the interviewees indicated that the measures which are in place to protect whistle blowers include ensuring anonymity of information givers, use of an anonymous reporting mechanisms like business keeper monitoring system (BKMS), establishing witness protection agency for providing safety to whistle

blowers, enacting comprehensive whistle blower protection legislations and changing of names and relocation of whistle blowers. In support of this, one interviewee said:

Some of measures which are in place to protect whistle blowers include ensuring anonymity of information givers and use of an anonymous reporting mechanisms (**Source: Interviewee 1**).

In addition, another interviewee said:

Whistle blowers can be protected by ensuring the information is submitted through use of BKMS, Anonymous reporting and use of complaint boxes. Establishment of witness protection agency and enactment of comprehensive whistle can also help (**Source: Interviewee 3**).

Further, another interviewee added:

Whistle blowers can be protected by allowing them to communicate using anonymous email and submit their reports anonymously and not indicating their identities on the report (**Source: Interviewee 6**).

Finally, another interviewee supported and said:

Whistle blowers can be protected by ensuring there is anonymous reporting system, whistle blowers protection law, interventions for protecting whistle blowers (**Source: Interviewee 8**).

4.5.3 Mechanisms of Improving Whistleblowing

The third objective sought to establish the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa. The respondents were asked by the researcher to indicate their level of agreement with various statements regarding the mechanisms of improving whistleblowing on a scale of 1 to 5 where 1 is strongly disagree (SD), 2 is disagree (D), 3 is neutral (N), 4 is agree (A), 5 is strongly agree (SA). From the findings, majority of the respondents agreed that there is creation of awareness to the public that they can report any corruption related case which can be acted upon as shown by 63.2%. this is supported by a mean of 4.018 and standard deviation of 0.612. This implies that whistleblowing can be improved by creating awareness to the public that they can report any corruption related case which can be acted upon.

Moreover, most of the respondents agreed that whistle-blowing can be improved by coming up with a reward system to encourage whistleblowing and community policing as shown by 57.9%. This is supported by a mean of 3.895 and standard deviation of 0.795. This implies that to improve whistle-blowing, there is a need to come up with a reward system to encourage whistleblowing and community policing.

Additionally, most of the respondents agreed that whistle blowing can be improved by providing an external arbitration option for all whistle-blowers as shown by 57.9%. This is supported by a mean of 3.825 and standard deviation of 1.002. This implies that there is a need for an external arbitration option for all whistle-blowers to be provided so as to enhance whistle blowing.

Furthermore, a majority of the respondents agreed that whistle blowing can be improved by making clear policies by the government stating what security and protection measures are in place for whistle-blowers as shown by 49.1%. This is supported by a mean of 3.754 and standard deviation of 0.851. Also, most of the respondents agreed that the whistle blowing can be improved by providing whistle-blowers with appropriate psychological support and counselling as shown by 59.6% and a mean of 3.719.

Finally, most of the respondents agreed that whistle blowing can be improved by availing several platforms and means with which whistleblowing can be done without recognition as shown by 50.9%. This is supported by a mean of 3.684 and standard deviation of 0.848. This implies that availing several platforms and means with which whistleblowing can be done without recognition can improve whistle blowing. The findings are illustrated in Table 4.7.

Table 4. 7: Agreement with Statements on Mechanisms of Improving Whistleblowing

	SD (%)	D (%)	N (%)	A (%)	SA (%)	Mean	Std. Dev.
Creating awareness to the public that they can report any corruption related case which can be acted upon	0.0	0.0	17.5	63.2	19.3	4.018	0.612
Availing several platforms and means with which whistleblowing can be done without recognition	0.0	10.5	24.6	50.9	14.0	3.684	0.848
Making clear policies by the government stating what security and protection measures are in place for whistle-blowers	0.0	8.8	24.6	49.1	17.5	3.754	0.851
Coming up with a reward system to encourage whistleblowing and community policing	0.0	7.0	15.8	57.9	19.3	3.895	0.795
Provide whistle-blowers with appropriate psychological support and counselling	0.0	15.8	10.5	59.6	14.0	3.719	0.901
Provide an external arbitration option for all whistle-blowers	3.5	10.5	7.0	57.9	21.1	3.825	1.002

Source: Field Data (2022)

The interviewees were asked to indicate the measures which are in place to encourage whistleblowing in the public sector. Most of the interviewees said that whistleblowing can be encouraged by offering a reward to the whistleblower, ensuring the whistleblower's anonymity and safety, creating awareness on whistleblowing and supporting whistleblowers by ensuring that their careers, livelihoods and personal safety are guaranteed. In addition, interviewees indicated that whistleblowing can be encouraged by protecting whistleblowers from unfair treatment once they uncover wrongdoing, introducing mechanisms for internal reporting of corruption with guarantees of confidentiality, encouraging a culture of speaking up on corruption and enacting laws to protect whistleblowers. In support of this, one interviewee said:

I think whistleblowing can be encouraged by offering rewards to the whistleblower, ensuring whistleblowers' anonymity and safety and creating awareness on whistleblowing (Source: Interviewee 1).

In addition, another interviewee said:

Whistle blowing can be ensiuraged by supporting whistle blowers by ensuring that their careers, livelihoods and personal safety are guaranteed, protecting whistle blowers from unfair treatment once theyr uncover wrongdoing and introducing mechanisms for internal reporting of corruption with guarantees confidentiality (Source: Interviewee 2).

Additionally, another interviewee said:

Whistle blowing in our organization is ensiuraged by instilling a culture of speaking up on corruption among employees, establish clear reporting mechanisms like hotline anonymous emails, training employees on reporting process and enactment of laws and policies for protecting whistle blowers (Source: Interviewee 7).

Further, the interviewees were asked to indicate some of the challenges faced while prosecuting whistle blown cases relating to corruption. Most of the interviewees indicated that some of the challenges include intimidation or elimination of key witnesses, financial challenges in providing witness protection resulting from witness withdraw from cases, witness tempering, evidence tempering, court delays and reluctance of the whistle blower to testify as a witness. In support, one interviewee said:

Some of challenges we face in prosecuting whistle blown cases relating to corruption include Witness tempering/disappearance, evidence tempering, witness withdrawal, eexposing whistle blowers by either making them testify against their bosses, Lack of witnesses (Source: Interviewee 7).

CHAPTER FIVE

SUMMARY OF FINDINGS, DISCUSSIONS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The study sought to evaluate the effectiveness of whistle blowing as a corruption intervention mechanism in in Mombasa Ethics and Anti-Corruption Commission in Kenya. The questionnaires and interviewees were used for collecting data from EACC legal officers as well as judges from high court, employment and labor relations court, environment and land court and subordinate courts. The findings of the study have been tabulated and coded and analysed through descriptive techniques. Therefore, chapter presents summary of findings, discussions of findings, deduced conclusions, recommendations and suggestions for further research studies.

5.2 Summary of Major Findings

5.2.1 Contribution of Whistle Blowing to Success in Prosecution of Corruption Cases

The study sought to determine the how whistle blowing have contributed to success in prosecution of corruption cases handled by EACC Mombasa. The study established that there are several cases related to corruption brought forward for prosecution as a result of whistle blowing and that whistle blown corruption related cases reach the final stages of prosecution. The study also revealed that there is no enough evidence that can assist them to make a judgment on a corruption case brought up as a result of whistle blowing, that whistle-blowers of corruption related cases that they have handled normally have no courage during the prosecution to assist the completion of

the case and that whistleblowing alone is not sufficient for the entire process of prosecution.

5.2.2 Measures in Place Encouraging Whistle Blowing

The study also sought investigate the various measures in place encouraging whistle blowing as a corruption intervention mechanism in EACC Mombasa. The study found that there are several platforms in places that citizens can submit cases related to corruption as a means of whistleblowing, that whistle-blowers are able to turn in cases without them being noticed and exposed to the public and that there are clear government policies on protection of whistle-blowers in place. The study established that all whistle-blowers are assured of safety against those accused of corruption cases and that the government through EACC encourages the citizens to turn in cases of whistleblowing through awareness creation.

5.2.3 Mechanisms of Improving Whistle Blowing

The study further sought to establish the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa. The study established that there is creation of awareness to the public that they can report any corruption related case which can be acted upon and that whistle-blowing can improved by coming up with a reward system to encourage whistleblowing and community policing. Moreover, the study found that whistle blowing can be improved by providing an external arbitration option for all whistle-blowers and that whistle blowing can be improved by making clear policies by the government stating what security and protection measures are in place for whistle-blowers. Additionally, the study found that the whistle blowing can be improved by providing whistle-blowers with appropriate psychological support

and counselling and whistle blowing can be improved by availing several platforms and means with which whistleblowing can be done without recognition.

5.3 Discussion of the Findings

This section presents the discussion findings where findings of this study are compared and linked to findings of the previous studies.

5.3.1 Contribution of Whistle Blowing to Success in Prosecution of Corruption Cases

The study found there are several cases related to corruption brought forward for prosecution as a result of whistle blowing. The findings are in line with Ayagre and Aidoo-Buameh (2014) who conducted research to determine the impacts of a proper reward system to whistleblowing in organizations and established that when individuals are assured of protection, any form of reward and even action upon the reported, the rate of whistleblowing goes up thus reducing unethical behaviours in organizations and institutions. Shonhadji and Maulidi (2021) who looked the roles of whistleblowing system and fraud awareness as financial statement fraud deterrent and established that fraud attacks grow more sophisticated, whistleblowing system and fraud awareness can be possible deterrents. By increasing employees' fraud awareness, they do not only recognize fraud symptoms and typologies but also support to raise concerns in good faith and on reasonable grounds.

Prosocial behavior Theory supports the findings as it can be used to explain what are the motivations behind this prosocial behavior thus leading to the promotion of whistleblowing in institutions or even various organizations. The findings concur with Ogbu (2017) who noted that there is no doubt that the whistle blowing policy in Nigeria has been helpful in uncovering corruption in both the public and private

sectors since its introduction in December, 2016. Within six months from the date it was launched, the government was able to recover billions of naira stolen from the public coffers through the tips from whistle blowers.

The study also established that whistle blown corruption related cases reach the final stages of prosecution. The findings concur with Brown (2013) while writing on whistleblowing in Australia noted that whistleblowing is a means of achieving and sustaining public integrity provided it is recognized and protected within the public and private sectors. The findings correlate with Nurhidayat and Kusumasari (2018) who conducted a study on strengthening the effectiveness of whistleblowing system by looking at the implementation of anti-corruption policy in Indonesia and established that an effective and systematic whistleblowing system which assures adequate protection, have increased the number prosecuted cases on corruption in public sector of Indonesia. The study also found that whistle blowing has reduced the cases of corruption as the implementation of anti-corruption policy in Indonesia has been effective.

The study also revealed that there is no enough evidence that can assist them to make a judgment on a corruption case brought up as a result of whistle blowing and that whistleblowing alone is not sufficient for the entire process of prosecution. The findings concur with Ogungbamila (2014) who did a study to investigate the relationship between whistleblowing and anticorruption crusade in Nigeria and established that even though several cases were brought up as a result of whistleblowing, very few have been successful following the fact that most of the cases as much as they have strong base argument, they lack enough evidence to hold the victims culpable. The findings also concur with Culiberg and Mihelič (2017) who argued that whistleblowing is increasingly recognized as an important tool in the

prevention and detection of corruption and other malpractice. By disclosing wrongdoing in an organisation, whistleblowers can avert harm, protect human rights, help to save lives and safeguard the rule of law.

The study established that whistle-blowers of corruption related cases that they have handled normally have no courage during the prosecution to assist the completion of the case. The finding agrees with Banisar (2011) who noted that whistle blowers have inadequate confidence to assist in prosecution of corruption cases as they face threats, harassment, and even dismissal from their jobs and some have ended fleeing the country of birth. The findings are contrary to Anya and Iwanger (2019) who looked at the role of whistle blowing policy as an anti-corruption tool in Nigeria and established that although the policy was received with mixed feelings, it recorded tremendous success at the initial stage as the policy is more interested in recovering funds than in punishing the actors behind the act thus vitiating the punitive objective of the criminal justice system which serves as deterrence.

5.3.2 Measures in Place Encouraging Whistle Blowing

The study found that there are several platforms in places that citizens can submit cases related to corruption as a means of whistleblowing, that whistle-blowers are able to turn in cases without them being noticed and exposed to the public and that there are clear government policies on protection of whistle-blowers in place. The findings also correlate with institutional theory postulated by Meyer and Rowan (1977) as it highlights how when there are measures in place to protect whistle blowers, whistle blowing would be effective in ensuring increase in success level of corruption cases handled by EACC. Schultz and Harutyunyan (2015) conducted a study on combating corruption by focusing on the development of whistleblowing laws in the United States, Europe, and Armenia and revealed that corruption is a persistent

problem that plagues the world and a problem facing post-communist countries as they transition to democracies and market economies, as well as established democracies and other regimes. While the causes of corruption are varied, the tools often suggested to combat corruption include expanded use of whistleblowing in terms of incentives to encourage it and laws to protect whistleblowers. The study concluded with recommendations regarding how whistleblowing could be strengthened, especially in Armenia, as an example of a post-communist state, to be an effective tool for addressing corruption.

The study established that all whistle-blowers are assured of safety against those accused of corruption cases and that the government through EACC encourages the citizens to turn in cases of whistleblowing through awareness creation. The findings correlate with Okafor, Adebisi, Opara and Okafor (2020) who conducted study on deployment of whistleblowing as an accountability mechanism to curb corruption and fraud in a developing democracy and found that, even in the context of a developing country, whistleblowing is supported as an accountability mechanism, but the intervention lacks awareness, presents a high risk to whistleblowers and regulators, including the risk of physical elimination, and is fraught with institutional and operational challenges. In effect, awareness of whistleblowing laws, operational challenges and an institutional environment conducive to venality undermine the efficacy of whistleblowing in Nigeria. The findings also agree with Kogo (2017) who conducted a study on the legal framework for whistleblower protection in Kenya and examination of economic crimes and found that whistle blowers of economic crimes are needed so as to aid in the fight against corruption. This makes it important for Kenya to incorporate steps towards ensuring that the law protects these whistleblowers in order to ensure the culture of anti- whistle blowing is done away

with. In Kenya therefore an independent body with powers to prosecute should be established to deal with such cases. Clear laws will enable whistleblowers to come forward and therefore creating awareness of the importance of whistle blowing will bear fruits as individuals will be encouraged to come forward to report.

However, the study found that whistle-blowers are not given rewards in case of any successful case reported and prosecuted to encourage community policing further. The findings concur with Ogunbamila (2014) who recommends that for a proper anticorruption campaign in institutions, organization and even government bodies in Nigeria, there must be a motivating factor to engine the initiative, a clear government policies on protection of whistle-blowers in place and assurance for whistle blowers regarding their safety against those accused of corruption cases. Relevant bodies such as the law courts ensuring that these cases are solved and the culprits are charged accordingly, the whistleblowers become more motivated as they get assured that indeed by whistleblowing, a lot of the societal rot can be solved. The findings also concur with Omojola (2019) who examined whistleblower protection as an anti-Corruption tool in Nigeria and established finds that without a robust legislative framework to protect whistleblowers, the Whistleblowing Policy will suffer serious setbacks. The study concluded that Protection of the whistleblower is vital in fighting corruption. The House of Assembly should therefore expedite action in enacting the WPB 2015 but not without reviewing it in accordance with International Best Practices. A robust legislative framework equals a bold whistleblower.

5.3.3 Mechanisms of Improving Whistle Blowing

The study established that whistle-blowing can improved by coming up with a reward system to encourage whistleblowing and community policing. Fatoki (2013) in his research on finding out the Internal whistleblowing intentions of accounting

employees. According to these findings, the researcher recommends that if the government create a protective environment where the whistle blowers can be guaranteed of protection once they come up and raise corruption related issues, the rate at which whistleblowers can assist bodies carrying out corruption investigation can go up thus creating a corruption free country. Chamunorwa (2015) also did an exploration of whistle blowing in fighting corruption in the public sector in South Africa based on a case of Stellenbosch Municipality and revealed that employees agreed unanimously that they lacked confidence in their manager/supervisors to deal with disclosures of corruption. Based on the findings of this study, Stellenbosch Municipality is commended for its efforts in developing a Fraud and Corruption Policy and establishing a Fraud Hotline. However, there should be enhanced protection of whistle blowers at the Municipality in order to encourage employees to blow the whistle on any corruption that they witness in the organisation.

Moreover, the study found that whistle blowing can be improved by providing an external arbitration option for all whistle-blowers and that whistle blowing can be improved by making clear policies by the government stating what security and protection measures are in place for whistle-blowers. The findings agree with Olsen (2019) who argued that whistleblowing can still be encouraged in organization; however, enough evidence must be shown to ensure that the organizational politics are not playing part in whistleblowing. The findings also agree with Fasua and Osifo (2017) who noted that there are notable ways in which whistleblowing mechanism can be improved like the enactment of clearly defined laws on whistleblowing. The findings also agree with Chalouat, Carrión-Crespo and Licata (2019) who revealed that one important aspect in the fight against corruption is the protection of the many alert workers at all hierarchical levels of public and financial institutions who have

disclosed information about wrongdoing, often to the detriment of their jobs and careers. The protection of whistle-blowers contributes to an enabling environment for decent work and sustainable growth.

Additionally, the study found that the whistle blowing can be improved by providing whistle-blowers with appropriate psychological support and counselling and whistle blowing can be improved by availing several platforms and means with which whistleblowing can be done without recognition. The findings contradict Annakin (2011) who argues that providing whistle-blowers with appropriate psychological support and counselling may not be effective improving whistle blowing but reward and protection goes a long way in improving and encouraging whistle blowing. However, most of the findings correlate with Wozir and Yurtkoru (2017) who mentions that whistleblowing is greatly encouraged by the governing bodies, however, no clear protection measures are spelled towards protecting the whistleblowers.

The findings also conform to a study by Gacheru (2016) who looked at battle against corruption: significance of effective whistleblowers' protection law in Kenya and found that providing effective protection for whistle-blowers supports an open organisational culture where employees are not only aware of how to report but also have confidence in the reporting procedures. The protection of both public and private sector whistle-blowers is integral to efforts to combat corruption, promote public sector integrity. Wozir and Yurtkoru (2017) also mention that whistleblowing is greatly encouraged by the governing bodies, however, no clear protection measures are spelled towards protecting the whistleblowers. Kezie-Nwoha and Were (2018) also states that among the efforts towards the promotion of equality by the women

activists is creating awareness that corruption cases exist and that by pointing out specific instances of corruption to the concerned bodies, the cases can be solved.

5.4 Conclusions

The study concluded that there is increased success level of corruption cases handled by EACC Mombasa reported by whistleblowers. Whistle blowing has led to increase in number of corruption cases prosecuted in Mombasa law courts. Moreover, most blown corruption related cases are prosecuted to the final stages since adequate priority is given to corruption related cases brought forward. However, for successful prosecution of cases whistle blowing alone cannot yield adequate evidence to assist the judges in making judgment on a corruption case brought up by whistle blowers.

The study concluded that there are various measures in place for encouraging whistle blowing that are used by whistleblowers as a corruption reporting technique in EACC Mombasa. These include creating platforms for citizens to submit cases related to corruption, ensuring whistle-blowers remain anonymous during prosecution of corruption related cases, having clear government policies on protection of whistleblowers and assuring whistleblowers of their safety against those accused of corruption cases. Other include use of an anonymous reporting mechanisms, establishing witness protection agencies and rewarding whistle blowers.

Further, the study concluded that there are various mechanisms for improving whistle blowing as a corruption reporting technique in EACC Mombasa. These include come up with a reward system for encouraging whistle blowers, ensuring anonymity and safety whistle blowers, creating awareness on whistle blowing and introducing mechanisms for internal reporting of corruption with guarantees confidentiality. The

culture of speaking up on corruption and providing whistle-blowers with appropriate psychological support and counselling can also improve whistleblowing.

5.5 Contribution to New Knowledge

The study contributes to new knowledge to already existing literature regarding whistle blowing as a corruption intervention mechanism in the public sector. This is because it explicitly highlights how whistle blowing has contributed to success in prosecution of corruption cases handled by EACC Mombasa, demonstrated the measures in place encouraging whistle blowing and the mechanisms of improving whistle blowing as a corruption reporting technique in EACC Mombasa.

5.6 Recommendations

Since whistle blowing alone cannot yield adequate evidence to assist the judges in making judgment on a corruption case, the study recommends that EACC investigators should be need to be incorporated other measures like investigations for effective prosecution of whistle blown corruption cases. This will authenticate the information provided by whistle blowers and also collect more evidence regarding the reported corruption cases.

The study recommends that the international community should come up with strategies to ensure that whistle blowing mechanisms are effectively utilized to combat illicit activities and corruption in the public sector. There is also need for internal whistle blowing mechanisms to be more encouraged in public sector.

The study also recommends that there is need for policy makers to formulate more government policies for protecting whistle-blowers in the public sector. The policies should guarantee provision of avenues for employees in public sector to raise

concerns and define a way to handle these concerns and guarantee protection and safety of the whistle blowers.

The study also recommends that private sector should effectively implement the reward system for whistle blowers. The rewards given to whistle blowers for any successful prosecution of cases reported will instil whistle blowing culture in the Kenyan public sector.

The study also recommends that the government should initiate programs for creating awareness among employees in public sector regarding the importance of whistle blowing. This will equip every employee with essential information on whistle blowing process and its benefits and hence encourage more people to report any corruption activities in their place of work.

The study also recommends that the government of Kenya through EACC should develop an airtight platform on which whistle blowers can report corruption. The platforms should ensure that whistle blowers can anonymously report corruption in the public sector. There is also a need for EACC to establish a witness protection department to ensure whistle blowers are protected and relocated to another residence when need arise

The study also recommends that the parliament of Kenya should improve the whistle blowing legislation by making proper channels of reporting clear whether it is an internal disclosure or external disclosure to a body or to the public. There is also need to insulate potential whistleblowers from legal retaliation and professional attacks.

The study further recommends that the government of Kenya should initiate programs for providing the whistle-blowers with appropriate psychological support and

counselling. This will allow the whistle blowers to have confidence and courage of dealing with stress and pressure that comes with whistle blowing.

5.7 Areas for Further Research

The study was limited to within EACC Mombasa office. Hence the same study should be done in other developing countries across the world and evaluate whistle blowing as a means of reporting corruption cases. This will help in generalization of findings regarding whistle blowing as a means of reporting corruption cases in EACC. The study also recommends that future studies should look at challenges facing whistle blowing in public sectors in Kenya. Future studies should look at legal framework for whistle blowing in Kenya.

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APPENDICES

Appendix I: Informed Consent Form

My name is **Morlin Odhiambo**, a Masters student at African Nazarene University. I am carrying out a study to **Evaluation of the Effectiveness of Whistle Blowing as a Corruption Intervention Mechanism in the Public Sector: The Case of Mombasa Ethics and Anti-Corruption Commission in Kenya**. I therefore kindly request you to participate in this study by responding to the following questions. This is to assure you that your name will not appear anywhere in this questionnaire and that the information will only be used for research purposes.

Your written consent is required to participate so that I can confirm that you have been informed of the study and that you agree to participate. You are free to decline or discontinue your participation at any time during the study if you wish to do so. All the information obtained in this study will be kept confidential. You will be asked to complete a questionnaire regarding the same. These questionnaire forms should take between 30 minutes but not longer than 45 minutes to complete in one sitting. The outcome of the information obtained during this research will be summarized and utilized in my thesis.

I have read the foregoing information. I understand and agree to the following;

1. My participation in the study is entirely voluntary.

2. I am free to withdraw from the study at any point.

3. I hereby consent to participate in this research.

Signature..... Date.....

Appendix II: Questionnaire

This questionnaire is to collect data for purely academic purposes. The study seeks to **evaluate the effectiveness of whistle blowing as a corruption intervention mechanism in the public sector: the case of Mombasa Ethics and Anti-Corruption Commission in Kenya**. All information will be treated with strict confidence. Do not put any name or identification on this questionnaire.

Answer all questions as indicated by either filling in the blank or ticking the option that applies.

Section 1: Demographic Information (Please tick (✓) where applicable

1. Please indicate your gender by making a tick on the appropriate box below.

Male:

Female:

2. What is your age? (Tick appropriate age group)

21 – 30 years: 31 – 40 years: 41 – 50 years: Over 50years:

3. Please indicate your designation?

High court judge Employment and labor relations court judge

Environment and Land court judge Subordinate court judge

EACC legal officer

4. How long have you worked in law courts?

Below 1 year: 1-5 years : 6- 10 years : 11-15years 16- 20 years

Section II: Success Level of Whistle Blown Corruption Related Cases

5. Below are some of the indicators of how whistle blowing have contributed to success in prosecution of corruption cases handled by EACC Mombasa, on a scale of 1 to 5 where (1 – strongly disagree, 2 – disagree, 3 – neutral, 4 – agree, 5 – strongly agree) please indicate by ticking the most appropriate box your level of agreement or disagreement on the indicators

	1	2	3	4	5
There are several cases related to corruption brought forward for prosecution as a result of whistle blowing					
There is enough evidence that can assist you to make a judgment on a corruption case brought up as a result of whistle blowing					
Whistle blown corruption related cases reach the final stages of prosecution					
Enough priority is given to corruption related cases brought forward as a result of whistle blowing just like other cases					
Whistleblowers of corruption related cases that you have handled normally have courage during the prosecution to assist the completion of the case					
Whistleblowing alone is sufficient for the entire process of prosecution					

6. In your opinion, what can be done to improve success level of whistle blown corruption related cases?

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7. In your own opinion, do you think Whistleblowing have been an effective corruption intervention mechanism? **Explain**

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Section III: Current measures in place encouraging whistleblowing

8. Below are some of the aspects that might encourage whistleblowing as a corruption reporting technique. on a scale of 1 to 5 where (1 – strongly disagree, 2 – disagree, 3 – neutral, 4 – agree, 5 – strongly agree) please indicate by ticking the most appropriate box your level of agreement or disagreement on the availability of the aspects

	1	2	3	4	5
There are clear government policies on protection of whistleblowers in place					
All whistleblowers are assured of safety against those accused of corruption cases					
There government through EACC encourages the citizens to turn in cases of whistleblowing through					

awareness creation					
Whistleblowers are given rewards in case of any successful case reported and prosecuted to encourage community policing further					
There are several platforms in places that citizens can submit cases related to corruption as a means of whistleblowing					
Whistleblowers are able to turn in cases without them being noticed and exposed to the public					

9. What other measures have been put in place to encourage whistleblowing as a corruption reporting technique?

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10. In which ways do you think the measures put in place to encourage whistleblowing have been effective?

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Section IV: Measures of improving Whistleblowing

11. Below are some of the measures of improving whistleblowing. On a scale of 1 to 5 where (1 – strongly disagree, 2 – disagree, 3 – neutral, 4 – agree, 5 – strongly agree) please indicate by ticking the most appropriate box your level of agreement or disagreement on the availability of the aspects

	1	2	3	4	5
Creating awareness to the public that they can report any corruption related case which can be acted upon					
Availing several platforms and means with which whistleblowing can be done without recognition					
Making clear policies by the government stating what security and protection measures are in place for whistleblowers					
Coming up with a reward system to encourage whistleblowing and community policing					
Provide whistleblowers with appropriate psychological support and counseling					
Provide an external arbitration option for all whistleblowers					

12. In your own opinion, how can whistle blowing as a corruption reporting technique in EACC Mombasa be improved?

.....

Thank you for your Participation

Appendix III: Interview Guide

1. Name of your Department
2. Role/position in the department
3. Gender of respondent M/F
4. In which ways do you think whistle blowing have helped in reducing corruption in the public sector?
5. Is whistle blowing a common method of reporting cases in your organization?
6. What measures are in place to protect whistle blowers?
7. Are the corruption related cases brought forward through whistle blowing succesfull in terms of prosecution?
8. What are the measures in place that can be used to encourage whistleblowing further?
9. What are some of the challenges faced while prosecuting whistle blown cases relating to corruption?

Thank you for your participation

Appendix IV: Research Approval

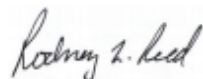


3rd March 2022

RE: TO WHOM IT MAY CONCERN

Morlin Akinyi Odhiambo (15M03EMGP045) is a bonafide student at Africa Nazarene University in the School of Humanities and Social Sciences, Governance, Peace and Security Studies department. She has finished her course work and has defended her thesis proposal entitled: - *"Whistle Blowing as a Corruption Intervention Mechanism in the Public Sector: The Case of Mombasa Ethics and Anti-Corruption Commission Reports in Kenya"*.


Any assistance accorded to her to facilitate data collection and finish her thesis is highly welcomed.



Prof. Rodney Reed.

DVC, Academic & Student Affairs


Appendix V: Research Permit



 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION

Ref No: 954516
Date of Issue: 14/March/2022

RESEARCH LICENSE




This is to Certify that Ms. MORLIN AKINYI ODHIAMBO of Africa Nazarene University, has been licensed to conduct research in Mombasa on the topic: WHISTLE BLOWING AS A CORRUPTION INTERVENTION MECHANISM IN THE PUBLIC SECTOR: THE CASE OF MOMBASA ETHICS AND ANTI-CORRUPTION COMMISSION REPORTS IN KENYA for the period ending : 14/March/2023.

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Appendix VI: Map of the Study Area

