CONTRIBUTION OF PRIVATE SECTOR MOTOR TRANSPORT ACTORS IN THE FIGHT AGAINST CORRUPTION AT THE NATIONAL TRANSPORT AND SAFETY AUTHORITY, KENYA.

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A Thesis Submitted in Partial Fulfilment of the Requirements for the Award of the Degree of Master of Science in Governance, Peace and Security in the Department of Governance, Peace and Security Studies, School of Humanities and Social Sciences of Africa Nazarene University

JUNE 2022

DECLARATION

I declare that this thesis describes my original work and that it has not been presented in any other university for examination.

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27/06/2022

20J01DMGP034

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This thesis was conducted under our supervision and is submitted with our approval as the appointed university supervisors.

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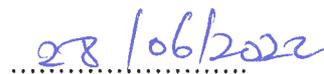
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DEDICATION

I dedicate this thesis to my lovely wife Amina Shaban and my parents for their patience

and unwavering support throughout my studies.

ACKNOWLEDGEMENTS

ABSTRACT

Corruption remains the biggest challenge to the timely and efficient provision of public goods in services such as water, education, healthcare and transportation. This requires the concerted effort of both public and private actors to combat the vice to alleviate the problems emanating from corruption. The study sought to determine the contribution of the private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA). The study was guided by the following objectives: to determine the effectiveness of the strategies used by the private sector motor transport actors in the fight against corruption, to assess the adequacy of the legal framework used by private sector motor transport actors in the fight against corruption and to determine the challenges undermining the private sector motor transport actors efforts in the fight against corruption at the NTSA. The study was anchored on the institutional theory as well as the collective action theory. A descriptive research design was adopted for this study. Data was collected from a sample size of 384 respondents using questionnaires and key informant interviews respondents. Convenience, stratified, simple random and purposive sampling techniques were used in distributing the members of the sample across the strata. Quantitative data was analyzed using descriptive statistics obtained using SPSS version 26 while thematic analysis was undertaken for the qualitative data. The quantitative data was presented using tables, charts and graphs while the qualitative one has been presented using narratives and verbatim quotations. With regard to the effectiveness of the strategies used by the private sector actors in motor vehicle transport to fight corruption at the NTSA, the study established that awareness campaigns were effective as reported by 52% of respondents. Other strategies were found to be ineffective due to cost implications and there dependence on state actors whose collaboration was found to be weak. The study established that the legal framework for fighting corruption was adequate as evidenced by successful prosecution of offenders and termination of graft perpetrators at the NTSA. Its enforcement was however found to be weak besides being riddled with inconsistencies in the various provisions especially on institutional mandates and alignment with the international legal regime. The main challenges to the private sector motor transport actors' efforts to fight corruption were the normalization of the vice as reported by 100% of respondents as well as lack of cooperation from some players in the sector. The study recommends increased collaboration between private and public sector actors and a review of the legal regime to align municipal and international laws. The findings of the study may be beneficial to the various public and private entities in devising strategies and solutions to fight corruption and ensure efficient service delivery to the public.

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OPERATIONALIZATION OF TERMS

Accountability - means the capability of public servants, employees of private institutions, workers (formal/informal) to be answerable and liable for their actions to the people they serve.

Corruption - A dishonest act by a person entrusted by others in a position of authority driven by personal interest and it entails the abuse of the office he or she holds in furtherance of his/her personal gain.

Fight against corruption – this concept has been used in this study to mean the range of activities undertaken by the owners and employees within the public motor vehicle transport sector that are aimed at opposing or inhibiting corruption at the National Transport and Safety Authority so as to ensure effective provision of services to all citizens.

Media - Means of mass communication to the general public either through broadcasting, publishing, and the use of internet.

Public institutions - An institution that is managed by the government for the benefit of the general public.

Private sector – individual citizens or privately owned entities that complement the state in the provision of transportation services to the republic of Kenya. The sector is private because the government plays only a regulatory role rather than a day to day administration.

Vulnerable persons - Individual citizens who are not in positions of privilege within the private and public entities that they can influence for the good and bad for the general public.

ABBREVIATIONS/ACRONYMS

DRC: Democratic Republic of Congo.

EACC: Ethics and Anti-Corruption Commission.

EAC: East African Community.

GDP: Gross Domestic Product

IAC: Indian Against Corruption.

KEPSA: Kenya Private Sector Alliance

KHRC: Kenya Human Rights Commission

NTSA: National Transport and Safety Authority

PSV: Public Service Vehicles

TI: Transparency International.

UNCAC: United Nations Convention Against Corruption

UNODC: United Nations Office on Drugs and Crime

UNDP: United Nations Development Programme.

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CHAPTER ONE
INTRODUCTION

1.1 Introduction

This study sought to determine the contribution of the private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA). The NTSA is a critical player in the transport sector in Kenya with a huge mandate that includes registration and licensing of motor vehicles, inspecting them for roadworthiness compliance, facilitating the education of the members of the public on road safety among others as stipulated in the NTSA Act 2012. The authority has however been beset by pervasive corruption as reported by the consumers of its services and the manifestation of the consequences of its failure such as road accidents resulting from unroadworthy vehicles. This chapter considers the background of the study, the statement of the problem, the research objectives and research questions, the significance of the study, the scope of the study, the limitations of the study, and the conceptual framework.

1.2 Background of the Study

Private actors are part of the existing market players under various economies and a very diverse sector that comprises individuals, partnerships and groups for example traders under sole proprietorships, both small and mid-sized businesses, existing medium and multinational corporations, trade unions and associations. The private sector players are critical in the development of any country because they augment the state efforts in the provision of goods and services. Similarly, they are a crucial component in any efforts aimed at streamlining the public sector in order to enhance its effectiveness in the delivery of goods and services. Corruption is one of the major factors that hinder the delivery of efficient public goods and services (World Bank, 2012). The bank espouses corruption as

a form of unethical conduct, dishonesty, or illegitimate use of the position of trust held by an individual to acquire private gains. This implies that corruption manifests in many forms ranging from bribery to nepotism, influence peddling, to name but a few.

According to Klitgaard (1998) corruption is a crime of calculation rather than passion. This is because the individuals makes a choice to engage in it knowingly, after making cost benefit analysis considerations. Existence of certain forms of corruption in the public institutions for example bribery and patronage interfere with the normal and fundamental rights to services that citizens expect from their government. This calls for government vigilance on the oversight of its institutions to ensure they deliver on the mandates that they have been given. The prevalence of corruption in the public sector the world over, calls for concerted efforts between the public and private sector. This perspective stems from the fact that corruption exists to the extent that there is a giver and a taker. Evidence demonstrates that private sector actors are perpetrators of corruption in public institutions as they seek services, whether out of choice or through compulsion.

Private sector motor transport actors are crucial to reducing corruption by engaging with multiple stakeholders, including both government and fellow private sector entities. Khan and Jomo (2019) reports that in the last decade, the leading business association in Asia undertook intentional private sector integrity programs meant to respond to the existing corruption. The report noted that the private sector cannot assume that anticorruption efforts are a government undertaking but must instead perceive themselves as key actors whose input cannot be overemphasized. According to Transparency International (2020), the private sector companies are fully aware that acting non-corruptly on their own is unlikely to thrive if they do not collaborate with other stakeholders

especially where the service provider or regulator steeped in corruption is a public entity. The TI report notes that the circumstance (anticorruption efforts) improves highly when several companies, or the whole industry sector, makes a commitment to higher standards and follows through that commitment with action. Collaborative working relationships between private entities and government agencies, or external stakeholders have the potential to raise standards of work and elimination of corruption at different levels.

The starting point in anticorruption efforts in the legal framework which then makes it easier to develop strategies that are aligned with the law and against which performance can be measured. One of the foremost legal frameworks in the fight against corruption is the United Nations Convention Against Corruption (UNCAC). This piece of legislation plays an influential role to governments globally in fighting corruption based on the applicable provisions relating to approved corporate integrity. UNODC (2018) reports UNCAC requires states parties to hold legal persons liable for committing acts of corruption, their status as public or private sector actors notwithstanding. State parties have domesticated this convention with various additions to suit their unique needs and circumstances. Specific provisions of the convention such as bribery which is the most dominant form of corruption has been codified into laws in countries like the UK**,** Australia, Chile, India, Italy, Malaysia and Kenya. These form-specific laws along with national constitutions and the conventions constitute the legal framework for fighting corruption in all sectors of the country, including in the transport sector.

In some countries like Australia, Slovenia and Hungary for example, citizens under investigations are encouraged to self-report and cooperate with investigative authorities, the benefit of such action being a possible reduction in penalties if found guilty. This

perspective is qualified by Carr's (2019) assertion that corruption remains a threat globally, and nations across the world have employed different strategies to deal with the problem. Indeed, Van Schoor (2017) notes that the private sector transport actors and activists in the United States of America have been helping in the fight against corruption by creating awareness and pointing out to actions of corruption based on the applicable anticorruption legislation. Strategies such as public naming and shaming of people found to engage in bribery have also been used in Mexico as reported by Sabet (2014).

The World Bank (2012) reports that media campaigns have been mounted through a collaboration between government and private sector actors in Georgia to sensitize the public on the effects of corruption on the provision of public goods and services. The campaigns, the study adds, are intended to affect the citizens' attitude towards corruption so that they can own the anticorruption efforts. The same holds true in China where according to Chen and Wang (2019), the government has been leading the anticorruption effort, albeit with support from the private sector. Corruption is treated as a grave crime and that has played a significant role in reducing the rate of corruption in China. In India Netcoh (2017) reports activists through organizations such as India Against Corruption (IAC) have been working in collaboration with the rest of the private sector in fighting corruption to augment the state efforts. The IAC movement condemns acts of corruption besides mobilizing masses to rally them behind the anti-corruption campaign. Private sector actors have been reported in other Asian countries like Singapore to be conducting background checks on employees before hiring them to ascertain their integrity profiles and potential to support the anticorruption efforts.

In Africa, the roots of corruption run deeper than in some of the regions in the world. South Africa, Somalia, Sudan, Equatorial Guinea, and Libya are some of the nations that have been mentioned as being the most corrupt within the continent, ostensibly because of bad governance. Pring and Vushi (2019) maintain that one of the challenges associated with fighting corruption in Africa is that there is no significant effort to help spur the fight due to conflict of interest from among the state actors charged with leading the efforts and the politicization of the efforts. Pring and Vushi (2019) further argue that the private sector has tried to fight corruption in specific nations, but the dictatorial governments have not been very supportive owing to involvement of persons in high positions being implicated in some of the corruption scandals. In a dictatorial government, it becomes dangerous to point out the corrupt government officers since there is no security provided and the officers can use their influence and power to harm or silence the whistleblowers.

East Africa has demonstrated efforts to fight corruption, which is seen in the decreased corruption cases among some of the nations within the East African community (Strand & Hatakka, 2017). A good example is Rwanda, where the rate of corruption is low compared to other nations. The private sector in the East African region has been vocal in fighting corruption through institutions such as the East Africa Private Sector Alliance (EAPSA), pointing out to the effect of transport sector corruption on business. The media and non-governmental organizations have been active in pointing out actions of corruption (Strand & Hatakka, 2017). However, the lack of uniformity in the implementation of anti-corruption strategies across the nations has delayed the win against corruption.

Kenya has been one of the nations in the world that have been pointed out as harboring endemic corruption. Government institutions have been in the limelight as far as corruption is concerned (Mutungi et al, 2019). In this case, the government has been blamed because it has the power to control events in its institutions. The NTSA is one of the government institutions, and it has been involved in corruption, an act that is done openly (Gamonde, 2019). The Kenyan government has been trying to fight corruption through the establishment of anti-corruption commissions and committees. However, some of the committees and commissions are led by corrupt individuals, making it a challenge for the institutions to succeed under such leadership (Gamonde, 2019). The media and private sector have been condemning and exposing acts of corruption, which has helped fight corruption by a certain percentage. Therefore, the different actors including the government have an interest in fighting and reducing corruption in different institutions for improved service delivery.

1.3 Statement of the Problem

Corruption and misappropriation of public resources has led to loss of jobs, deprivation of basic health, educational services, poor transportation services and other indirect negative consequences. The Ethics and Anti-Corruption Commission (2020) reported that Kenya was losing an estimated Kshs 608.0 billion (7.8% of Kenya's GDP) to corruption annually, a figure that was corroborated by President Uhuru Kenyatta at an anticorruption meeting in 2021 who asserted that the country was losing Ksh 2 billion daily to corruption (The Star, January 18th 2021). The Matatu Owners Association (2019) estimates that the transport sector loses 900 million daily to corruption, a sum that is nearly half of the daily losses the country incurs from corruption. This renders the various actors

in the transport sector key players in any efforts aimed at containing and eliminating the vice.

While the Government of Kenya (GoK) has made efforts to fight corruption through the EACC and other government agencies, the vice remains pervasive in the transport sector, thus raising question on what the private actors in the sector were doing to supplement the efforts of the GoK actors. Very little is known as to their contribution and especially at the NTSA which is the sole entity that licenses and inspects motor vehicles besides working with the Traffic Police to enforce compliance with motor vehicle transport law and regulations on Kenyan roads.

A study by Okebiro (2016) on prevalence of corruption in the transport sector, noted that the traffic police and NTSA officials received bribes from different users of the roads for violating various transport regulations. The study did not however examine the fight against the vice from the perspective of the private sector actors in the motor vehicle transport subsector. Another study by Kempe (2014) argues that corruption thrives due to lack of political will to address it. The study does not address corruption in the transport sector and any efforts from the private sector. From these two studies, it is evident that the efforts of the private sector actors in the motor vehicle sector to fight corruption have not been addressed, especially in light of the effectiveness of the strategies they use, the adequacy of the legal framework that integrates them in the anticorruption efforts and the associated challenges they face in their efforts aimed at combating corruption at the NTSA. These are some of the gaps this study sought to bridge.

1.4. Purpose of the study

The purpose of a study describes the motives for carrying out a particular piece of research work (Mumma-Martinon, 2021). In line with this definition, the purpose of this study was to evaluate the contribution of private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA), Kenya. This was attained by examining the effectiveness of the strategies employed by the motor transport actors, the adequacy of the existing legal framework as well as the challenges that undermine the actors' efforts aimed at eradicating the vice. The study takes the view that motor transport actors drawn from the private sector have contributed in one way or the other in the fight against corruption in public institutions and especially at the NTSA.

1.5 Research Objectives

This study's general objective was to evaluate the contribution of the private sector motor transport actors in the fight against corruption at the NTSA, Kenya. The specific objectives guiding the study were:

i. To determine the effectiveness of the strategies used by the private sector motor transport actors in the fight against corruption at NTSA, Kenya.

ii. To assess the adequacy of the legal framework used by private sector motor transport actors in the fight against corruption at NTSA, Kenya

iii. To evaluate the challenges undermining private sector motor transport actors' efforts in the fight against corruption at the NTSA, Kenya.

1.6 Research questions

The study sought to respond to the following research questions.

i. How effective have the strategies used by the private sector motor transport actors been in the fight against corruption at the NTSA, Kenya?

ii.   To what extent is the legal framework used by the private sector motor transport actors in the fight against corruption at NTSA Kenya adequate?

iii.   What are the challenges undermining private sector motor transport actors efforts in the fight against corruption at the NTSA, Kenya?

1.7 Significance of the study

Maillard (2013) describes significance of a study as the continued contribution a research work offers upon completion in solving the problem that was being investigated. This study's findings may be helpful to the government agencies that lead the anti-corruption effort by bringing to their attention what the private sector actors drawn from the motor vehicle section are doing to curb corruption at the NTSA, given its wide mandate in the transport sector. The findings may be especially useful in policy reviews to help surmount the challenges the private sector faces in fighting corruption at the NTSA as well as making the necessary amendments to the legal framework. The findings may further benefit researchers handling projects related to transport sector corruption and the place of the private sector in the efforts. Specifically, the findings may form the basis for future research on the role of private sector on fighting corruption in the public institutions in Kenya and beyond. Finally, the study findings may as well be useful to actors in the motor vehicle sector in terms of bringing to their attention the ways through which they may unknowingly be contributing to corruption and what they can do to reverse the trend. The findings may further bring to the attention of the public what they can do when using motor vehicle transport to support the fight against corruption.

1.8 Scope of the Study

According to Creswell (2012) the scope of the study is the outline or the boundary within which a study is confined, in terms of its breadth and width. The scope thus describes the geographical coverage of the study, the content being covered as well as the methodology adopted to anchor the study. This study was undertaken in Starehe Subcounty which covers the Central Business District that hosts public service vehicles termini as well as the inspection unit for the NTSA. The study zeroed in on content related to motor vehicle actors' efforts aimed at combating corruption in the transport sector, by specifically focusing on the strategies employed by these actors, the adequacy of the legal framework guiding the anticorruption efforts mounted by the various actors including motor vehicle actors and the challenges that undermine the efforts made by the motor transport actors. Methodologically, the study was guided by the descriptive research design with the intention being the need to describe the contribution of the motor transport actors in the anticorruption efforts in the country and the transport sector in particular. The research questions were limited to strategies used by the motor vehicle actors in fighting corruption at the NTSA, the legal framework that formed the basis for their interventions and the challenges they faced. The study's target population comprised of officials drawn from the EACC, NTSA, Matatu Owners Association (MOA), Long Distance Truck Drivers Association (LDTDA) as well as drivers of private vehicles. Finally, the study was limited to a ten year period spanning 2012 and 2022, which is the duration that the NTSA has been in existence as per its constituting Act.

1.9 Delimitations of the Study

According to Kamau, Githii and Njau (2012), delimitations of a study refer to those elements of a study that can be controlled by the researcher due to their potency to affect

its findings. The delimitations clearly point out the key boundaries for the study, highlighting those things it will not cover. In this study, the researcher did not apply or cover any published material other than those cited and referenced, as a basis for its findings, discussions or conclusions. Secondly, the study did not include the Traffic police or Traffic marshals from the National Police Service (NPS), Nairobi Metropolitan Service (NMS) respectively because they do not fall directly under the control of the NTSA and neither are they in the private sector. Other seemingly appropriate objectives were not covered by the researcher in the process of the study as well as ensuring the study objectives are not changed. The study did also not cover the roles being undertaken in the line ministry under which the NTSA may be aligned with.

1.10 Limitations of the Study

Creswell (2012) describes the limitations of a study as the potential weaknesses that may have been encountered in the study process and how they were overcome. They are essentially constraints that are beyond the control of the researcher but which nevertheless the researcher must seek ways of transcending them if his or her research is to progress and the credibility of the resulting findings or generalizations is not to be questioned (Mumma-Martinon, 2021). The study was conducted at a time when Covid-19 was prevalent and though some restrictions had been lifted, in practice they remained in force. This interfered with physical data collection especially in administration of the research instruments in some instances. Other challenges included fears on the intension of the research, especially from among employees of the NTSA who were targeted to participate in the study, the presence of incomplete or skewed responses from some of the respondents as well as illiteracy from among some of the respondents.

To overcome these limitations, the study assured the respondents on the academic nature of the study and provided them with the authorization documents as evidence that it was a purely academic undertaking. The study further engaged the services of three research assistants who helped with data collection so as to fill in the responses provided by respondents that did not want to touch the questionnaires on account of COVID 19 transmission fears. The assistants also came in handy in supporting the semi-literate drivers. In the one case of a key informant interviewee who could not engage in face to face interviews due to health concerns, the researcher undertook the interview online through phone call at a time agreed between the interviewee and himself. For the incomplete responses, the researcher sorted all questionnaires during data processing and left out those that were incomplete during the data analysis stage. Because of the sensitivity of corruption in Kenya in recent times, the researcher avoided any form of name, group, tribe, institutional association with corruption during topical discussions to enable the deliberations remain objective.

1.11 Assumptions of the Study

According to Leedy and Ormrod (2010), the problem of a study exists only to the extent that there are assumptions, which in their explanation are those elements of the study that the researcher does not know yet are important to the study. The study assumed that the respondents were honest, cooperative, and trustworthy in their responses to the research instruments and that those responses were a reflection of the actual status of the items under study as at the time of carrying out the research. The motor vehicle actors' arm of the private sector was also assumed to play a critical role in the fight against corruption in public institutions, including at the NTSA. The study further assumed that the secondary

data used to help in analyzing the study findings was accurate and reliable, ostensibly because based on it, decisions had been made and future reviews of the same could be made.

1.12 Theoretical Review

Swanson (2013) explains a theoretical framework as the set of arguments around which a study is built. The arguments may be hypothetical and intended to frame a study's objectives contextually by aligning them with the arguments of a given theory and literature in the area of study. A good theoretical framework must as a matter of academic and practical relevance guide responses on the why and how of the observed phenomena. This study was guided by the institutional and the collective action theories which were advanced by Meyer and Rowan (1977) and Olson (1965) respectively. Each of these theories and the arguments it proffers are described hereunder.

1.12.1 Institutional Theory

According to Scott (1995), there is no single and universally agreed definition of an institution in the institutional school of thought. The structures that exists within institutions enables them to attain resilience status and generally being composed of cultural-cognitive, regulative systems and normative that altogether with associated activities and resources are providing stability and relevance to social life. Institutions are managed by varied systems, symbolic systems, routines, relatable systems and facts. In order to survive Scott (1995) further says that organizations and other entities must find ways through which to conform to the rules and belief systems. This in essence implies that economic, social and political factors shape institutions.

Institutions benefits a lot from existing environmental conditions that are at play at every moment. As a result of institutional support, businesses perform more effectively under such conditions. Proponents of institutional theory state that institutions perform based on the support they receive from various actors in the sector within which they operate. If the stakeholders are focused on good governance, then they will demand and contribute through their actions to the good governance they want. Organizational structures performs better when formal structures are supported by the existing stakeholders coupled with innovative ideas and modern technical support. Technological support through innovation are enabling institutions to improve the existing technical efficiency and early adopting organizations within the environment. The exact opposite also holds true.

The theory explains why institutional practices become entrenched as well as why change happens. Among the drivers of institutional change as argued by Jennings (1994) is pressure from stakeholders. Among these pressures are regulations and their stringent enforcement backed up by institutional dependencies. For instance, motor vehicle owners are critical stakeholders in the transport sector and as such can put a lot of pressure on the NTSA as the enforcer of motor vehicle regulations to act on things like corruption that could be interfering with its service delivery as by law stipulated. The swift action of bodies like EACC could put the NTSA on its toes because of their undercover operations and this may go a long way in combating corruption. However, the study notes that at times, institutions may commit themselves to doing what is right through pronouncements and even codes, but the actual practices differ when it comes to operationalization.

This theory contributes towards the study objectives in various ways. First it acknowledges that institutions have stakeholders, both from within and without who play various roles to support or undermine its performance. These stakeholders use a range of strategies to attain the objectives they have for the institutions, whether it is in terms of building it or destroying it. The theory thus becomes very relevant in attending to objective one of this study which focuses on the efficacy of the strategies employed by motor vehicle actors in the fight against corruption at the NTSA.

Secondly, the theory also emphasizes on the place of regulations, customs and norms, all of which may constitute the legal framework of operation for an institution and the officials or stakeholders allied to it. While a specific law may create and give mandate to an institution, this in itself does not mean that the institution will not be bound by other relevant laws, such as those advancing good governance, including building relationships with the range of stakeholders served by that institution. Thus this theory's argument raises issues related to the relevance and adequacy of the legal framework and especially as it relates to the operational efficiency while maintaining good governance. The question though is the extent to which such legal framework is ideal in incorporating all actors in addressing actual or potential governance malpractices such as corruption. Even though theory proposes a number of structural and procedures or rules for success and enhanced performance, the aspect of holding individuals responsible for their actions is missing thereby the researcher proposes collective action theory to complement the contributions of institutional theory in terms of governance and closing possible gaps within public institutions that may be contributing to bad governance that entrenches corruption rather than eliminating it.

1.12.2 Collective Action Theory

Collective action theory was proposed by Olson in (1965) with the argument that individuals or institutions that attempt to offer public goods always find it difficult achieving such efficiently on their own. Olson (1965) describes public goods as any good that cannot feasibly be withheld from other members of the group when one member of the group consumes the good. The collective action helps shed light on why corruption persists despite the presence of a legal framework outlawing the same.

According to Persson, Rothstein and Teorell (2013) institutional corruption which they see as systemic is a collective problem, because in their view, office holders rationalize their own behavior citing what they think others would do if they were in the same situation. In other words, any one in my office or position would do exactly what I am doing and it doesn't make sense for me to do what anyone else would have done! As such, corruption becomes not only rationalized but also normalized, as people see it as the only way to get what they want or aspire.

To combat corruption in these circumstances, there is a need for collective and coordinated approaches, such as alliances of like-minded organizations. The collective action theory argues that collaboration between stakeholders in the fight against corruption is paramount due to the multifaceted nature of corruption. The World Bank (2008:4) maintains that collective action "can complement or temporarily substitute for and strengthen weak local laws and anti-corruption practices". In this case the motor transport actors can pool their efforts as foremost consumers of NTSA services to rid the institution of corruption because if they do not participate in corrupt activities, then there will be no

basis for corruption in the institution since the vice requires a giver and a taker for it to happen.

In terms of addressing the study objectives, the theory is very relevant in anchoring the strategies as well as the legal framework largely because none of the two can be executed single handedly by any institution or individual. It requires the collaboration of actors for efforts to bear results. Collective action theory enhances ownership of actions as well as the existing processes by all the stakeholders in management or leadership that is missing under the institutional theory proposed above. The theory supports the procedures, rules and the structures as proposed by the institutional theory by bringing together the management as well as structures in place to coherently perform for reliability and greater output.

1.13 Conceptual Framework

The Conceptual framework is a diagrammatic representation of the linkage between the independent variables and the dependent variable. It helps bring the variables into perspective. As indicated in the figure 1.1 (conceptual framework) above, fighting corruption in public institutions is dependent on the choices of strategies adopted by the anticorruption crusaders and the enabling legal framework. However, despite the efforts made by motor transport actors from the private sector to curb run away corruption in public institutions such as the NTSA, the have a to content with a raft of challenges that undermine their attempts. Efforts such as public education are crucial as they help share information on why sleaze is bad and no citizen should be involved in it because of the role it plays in entrenching bad governance and the denial of citizens the goods and services that they should be getting from those institutions. Knowledge of the law is also necessary

so that we can evaluate the extent to which it is aiding or undermining the efforts aimed at fighting the vice. The study takes the view that the emergence of the strategies and the law is crucial because it helps unearth the challenges undermining the efforts, some which could be beyond the private sector and which may require amendments for any meaningful change to be seen in the targeted institutions.

Independent Variable   **Dependent Variable**

Effectiveness of Strategies
- Public education/awareness
- Private prosecution
- Support for bills and amendments
- Anticorruption policies and codes of conduct

Adequacy of the Legal Framework
- Composition of framework
- Guidance on qualifiers of corruption
- Harmony of local and international law
- Turnaround timelines for corruption cases

Successful Fight against Corruption at NTSA
- Timely and efficient delivery of services to citizens
- Road worthy vehicles due to inspection
- Greater collaboration between public and private actors in fighting corruption
- Reduction in road accidents due to strict enforcement of the law

Challenges undermining Efforts
- Perceptions of corruption
- Protection of whistleblowers
- Politicization of efforts
- Inaction on reported cases

Figure 1.1: Conceptual model to mitigate corruption at the NTSA

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The study sought to determine the contribution of private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA), Kenya. There exists a lot of information on corruption in many public settings, including in the transport sector and the efforts made especially by state authorities in curbing it. This study seeks to add to this existing body of knowledge and thus, this chapter attempts to review the studies that have been done relating to private actors efforts in the transport sector and the fight against corruption. This chapter therefore will cover theoretical and empirical literature review, in order to situate the research gap.

2.2 Theoretical Literature

The structures that do exists within an institution have the potential to determine the level at which responsibility and commitment to the objectives of an institution is achieved. For instance study by Gamson (2019) considers the role of Jacques Delors in the framing of the Single Market Program of the European Union in illustrating principles that institutions employ to mitigate as well as enhance a particular agenda. Institutional theory and the objectives exercises specifying roles of actors on countering unnecessary actions under institutional theory that can be addressed considering a model of institutional entrepreneurship. A sociological posing of this question defines institutional entrepreneurs as actors who have social skills, that is, the ability to motivate cooperation of other actors by providing them with common meanings and identities relatable on existing systems. The author further argues that individual skill is applied differently across organizational fields that are forming, acquiring stability, and are being transformed. This theory outlines

the important contribution brought about by institutional structures when effective and how much they influence actions of actors.

While institutionalism has effectively achieved dominance in studying macro-organizational phenomena, Barley (2018) observes, there is more concern that the theoretical application has been stretched far beyond its main purposes—to illustrate how organizational structures and processes acquire meaning and continuity beyond their technical goals and being beneficial to the beneficiaries attached to the institutions. There are possible reasons for the application of institutional theory that hold strong potential for bringing institutional reliability and relevance to its core assumptions and objectives; categories, language, work, and aesthetics. Under the contemporary situations, institutional theory is very profound as it encompasses a wide and large body of theoretical and empirical studies brought together by common emphasis on cultural applications and shared expectations.

Collective action theory is focused on the constant availability of the basic goods and services through collective approach and highly achieved more so through two or more individuals thereby there is impact of the externalities on group behavior. Baggio *et al.* (2018) observes there is little attention on systems productivity as well as reliability due to the scale of which this form of collective action is required to attain for adequate resource unit usage within institutions. The theory supports government policies and benefits that is associated to a theory like this thereby encouraging social learning for control and management of corruption loopholes. The study further points out that collective action theory is meant to prioritize community building activities and learning of opportunities

critical for the success of institutions against ills like corruption and adequate growth for full delivery of services to the public members.

Studies on motivating factors why individuals or groups of individuals gang up to benefit from opportunities meant for the general society or for public good that actually reflects the basics of Collective Action Theory (CAT) advocating for public goods as being available for all the people and the key role of public institutions is to provide goods and services equally to all the citizens without some quota having incentives as free rides on behalf of others. For instance a study by Quah (2017) indicates that countries like Singapore's success in minimizing corruption is based on the willingness of political leaders to fight corruption, adequate resources, personnel and operational space based on existing anti-corruption laws within the various sectors. Contribution by the stakeholders across the board without bending or favoring certain sectors definitely benefits citizens through accessing of services equally and efficiently.

2.3 Empirical Literature

Empirical literature refers to past studies that have been done and published in a particular discipline or area of study (Kamau, Githii & Njau, 2014). From this understanding, this study argues that there are many studies that have been published that are relevant and which may form the building block upon which it will be built. Accordingly, this study sought related literature and organized it in line with the study objectives, that is, the strategies used by private actors to curb corruption in private institutions, the legal and policy framework guiding the fight against corruption and the attendant challenges. These aspects are explored in the subsection that follow hereunder.

2.3.1 Effectiveness of Strategies Used by Private Actors to Fight Corruption

Existing literature demonstrates that corruption in public institutions affects the performance of the affected institutions in as far as delivery of public goods and services is concerned. According to Boyne (2003), the more resources that are taken away from an organization in the form of corruption, the poorer the results the organization will post in terms of provision of public goods and or services. Thus, the prevalence of corruption in public institutions requires the concerted effort of both state and non-state actors working hand in glove to eliminate or at least minimize it for there to be an improvement on the quality of services or goods provided. Edmonds and Jugnarian (2016) root for private prosecution as a major anticorruption tool, especially if their efforts are not complemented by state actors.

There are many possible pathways through which corruption occurs in the transport sector, loopholes that must be sealed if corruption is to be contained and eventually eliminated. In a study conducted in Bangladeshi by Transparency International (2009), it was established that 61% of holders of driving licenses had not undergone the requisite tests but obtained them through corrupt means such as payment of bribes. The study documented that the bribe paid varied depending on service sought. For instance, a motorist or vehicle owner was required to pay between 100 and 10000 BDT to receive certificates of compliance for their vehicles despite the motor vehicle not having been inspected. Neild (2007) also reported that motorists had to part with money in the form of bribes at the numerous vehicle stops mounted on the roads by state authorities. These illustrations point to the prevalence of corruption in the transport sector and hence the need for concerted efforts from state and private actors to stamp out the vice.

In a study conducted by Sabet (2014) in Mexico, corruption was found to be very high, precisely over 70% in the road transport sector. The study further reports that to combat the vice in the sector, the state authorities collaborated private sector actors drawn from the transport sector in publicly naming and shaming those that were engaging in bribery, which is a form of corruption. The study however did not look at the extent of effectiveness of that strategy in as far as fighting corruption in the transport sector is concerned, a gap that this study sought to fill.

In Singapore, a study conducted by Quah (2007) established that transport sector employers drawn from the private sector conducted background checks on potential employees before hiring them. The essence of conducting such checks, the study reported, was to ensure that a candidate's profile matched with the employer's integrity needs a part of their commitment to fighting corruption in both the public and private sectors. This strategy was also backed up by a massive anticorruption campaign in the sector as the study further reported. This study established that these efforts had contributed to a drastic reduction in corruption in the sector and by extension in the country. The study findings however though good, were not backed up with data as to the exact contribution of the private sector motor vehicle actors, a gap that this study sought to address.

Various typologies of corruption as well as efforts and anticorruption strategies have been reported in Africa. Among the common offences providing the environment for corruption to thrive in the road transport subsector were driving unroadworthy vehicle and over speeding as established in a study conducted in Namibia by Kashona and Pazvakawambwa (2014). These findings are consistent with those of a different study conducted by Boateng (2021) in Ghana in which common offences that provided the fertile

ground for corruption to thrive in the transport sector included over speeding or driving of unlicensed vehicles. The 'Human instinct or Machine logic' report reveals that bribery and corruption cases are higher in Africa at 77 percent, compared to other regions across the globe (Rensch, 2018). Another survey conducted in Ghana by the Centre for Democratic Development-Ghana with the World Bank in 2000 revealed that most Ghanaians considered the Motor Traffic and Transport Unit (MTTU) of the Police Services as the most corrupt, with most incidences of corruption occurring during licensing and inspection. These studies did not however deal with the strategies used by the private sector motor transport actors in combating corruption, a gap that this study sought to fill.

Chene (2017) studied contribution of civil society of Uganda on the fight against corruption through development of syllabus for learners and determined that designing and delivering anti-corruption education to the citizens through learning institutions was very effective on anti-corruption issues, respect for the law and support to the national policies. According to the study, little effort and focus has been given to the private sector for example civil society's on closely educating and empowering the public. The study, just like this is focused through involving CSOs in designing and implementing public consultation processes enables governments to leverage their existing community relationships, draw on their expertise and role model principles of participation and transparency at all the levels. Private actors' engagement with citizens through the existing platforms like the educational institutions are instrumental towards elimination of corruption.

In a study conducted by Sieber (2012) on fighting corruption in the Kenyan road transport sector, it was established that most corruption in the sector thrives on account of

vested political and economic interests being in charge of the sector. This makes it very difficult to effect any meaningful change. The study is however focused more on the construction sector which falls outside the direct mandate of the NTSA, although the agency has an advisory role to the relevant state agency given its mandate on safety. To this extent, the study sought to establish what the private sector motor transport actors were doing to enable NTSA fulfill this role in a transparent manner.

Kenya's Ethics and Anti-Corruption Commission (EACC) study on measures to curb corruption also shares an overview of the level of corrupt dealings in Kenya (Njuguna, 2017). The study results indicates that 79 per cent of the respondents in Kenya said they perceive corruption to be a common incident in the transport sector, in which the NTSA is a key stakeholder. The study does not however provide information on the role played by the private sector in the fight against corruption, more specifically the strategies they use and the extent of effectiveness of those strategies. This information gap provides the basis for this objective.

2.3.2 Adequacy of Legal Framework in the Fight Against Corruption

Most countries' legal framework for anticorruption efforts across the world are based on the United Nations Convention against Corruption (UNCAC) which came into force in 2005. This does not necessarily mean that there were no such efforts prior to 2005, but rather that the existing legislations then tended to be haphazard, national or regional pieces of legislation rather than coherent sets of laws, fit for purpose. The main objectives of UNCAC that relate to this study's variables are to facilitate the prevention of corruption by involving both the public and the private sector, assisting countries in criminalizing corrupt acts as well as providing a framework for international cooperation in the fight

against corruption. This piece of legislation brings to the fore the fact that the private sector is an important partner for state authorities in the fight against corruption.

According to Spirchez (2016) laws exist in a society to reinforce ethical behavior of citizen in their various interactions whether formal or informal. There are various dimensions of a legal framework that may provide fertile ground for the occurrence of corruption if steps are not taken to seal them. These include the existence of outdated laws that are not consistent with the ever dynamic corruption terrain in the country in question, the absence of formal credible and accountable complaint mechanisms, overregulation and the lack of transparent control mechanisms as reported by Paterson and Chaudhuri (2007).

According to Lim (nd), Singapore relies on two anticorruption laws to combat corruption in both public and private sectors. The laws are the Prevention of Corruption Act (PCA), and the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (CDSA). The two laws are designed to render corruption a high risk, low reward activity. The enforcement of these laws by the Corrupt Practices Investigation Bureau (CPIB) has seen Singapore's Global Perception Index rise steadily to become the least corrupt country in Asia, a feat that has increased the citizen's trust in the government to lead the anticorruption efforts besides instilling in the Singaporean psyche and way of life a culture of zero tolerance to corruption. To this extent, this study takes the view that the legal framework in Singapore has been adequate and responsive to evolving corruption dynamics due to the good will the anticorruption efforts derive from the state as well as the ordinary citizens. Lim's study however is on the anticorruption legal framework and does not narrow down to any specific sector or private stakeholders involved in the efforts, a gap that this study sought to fill.

A study by Wu (2017) analyzing Chinese civil service salary data with comparison on existing number of cases of corruption from the reports of the public prosecutor undertaken with the laws and policies shows that despites salary increment for the employees there was increased corruption trends within the targeted legal, public and private servants. The study understanding or analysis showed that the already contextual factors have serious roles in determining corruption activities despite incentives like salary increment and corruption new laws do not control the contextual factors. Institutional proliferation of opportunities based on corruption are highly linked to economic growth thereby there was no focus on the integrity of recruitment activities, appraisal roles, training and even establishment of merit -based civil service becomes compromised. The study findings on the minor or no contribution of incentives towards mitigating corruption amongst the actors is significant to this study in understanding roles of policies as well as management contribution on fight against corruption by private actors under this study.

According to Rahman (2018), Ghana has a comprehensive anti-corruption legal framework grounded in the country's penal code but faces challenges of implementation (Global Integrity 2011). Efforts at enforcement have been doubled over the years, contributing to a slow but steady rise in corruption perception partly due to the prudent enforcement of the enabling legal framework coupled with the political goodwill from the country's leadership. Despite these positive reports, there is no clarity on why the country lacks an anticorruption specific legal regime and whether that is a good or bad thing. This was a strong area of enquiry that this study endeavored to plug by focusing on how the private sector is roped in the efforts and with what levels of success. Moreover the study

used case study design. This study used the descriptive survey design and hence sought to establish whether the two designs produced consistent results.

In a study conducted in Guinea by Veronika and Emma (2018) it was determined that use of expertise towards development of anti-corruption policies and practices for public institutions in Guinea enhanced trust amongst the locals on the effectiveness of the anti-corruption laws. The study found that Civil Society Organizations (CSOs) are well placed to engage with communities around corruption issues as they often have strong networks and existing trust with stakeholders and beneficiaries throughout their country which they can draw upon. Study findings show that education and awareness-raising activities have been undertaken by CSOs in a multitude of ways. Many CSOs undertake community-level workshops and trainings, often partnering with national ministries, local governments/ councils, faith-based organizations, community groups or even sectoral interest groups (e.g. fishing communities, women's groups, youth groups, people living with disabilities) for greater impact and training-of-trainers activities have been used to help public institutions build their own internal capacity regarding anti-corruption principles and strategies.

A study conducted by Okok and Ssentongo (2020) in Uganda noted that the country had a whole set of laws which could be used for purposes of fighting corruption more effectively. The study however established that the problem in Uganda was more of an enforcement one rather than an inadequacy of the law. The study however does not attend to the place of the private sector in the fight against corruption, the sector notwithstanding. Moreover, their study was a desktop analysis rather than an empirical one, meaning that it did not benefit from perspectives of the law makers, enforcers and other partners affected

directly or indirectly by its application. These are omissions that the current sought to deal with.

According to Transparency International (2018), increment of corruption related cases in Kenya despite the country's wide range of anti-corruption laws was appalling. The increment in corruption despite the availability of a robust legal framework has been attributed to among other things use of the same approaches in different circumstances, duplicity of institutional mandates, causing friction among actors (Owiny, 2009). Various provisions of the Constitution of Kenya (CoK) such as Article 232 which creates the Public Service Commission places high levels of professional ethics and effective provision of services on civil servants. The NTSA Act 2012 sets out the mandate of the NTSA as including the licensing, inspection and providing advisory services to state agencies on road safety. The Act does not however provide for structured consultations with private stakeholders in the transport industry and the effect of this omission remains unknown. Other enabling laws in the fight against corruption include the Bribery Act 2016 which among other things stipulate the penalties for giving bribes, the EACC Act 2003 which provides the mandate of the institution as the prevention, investigation, prosecution, educating and recovering corruptly obtained assets. There are however contradictions within these laws as reported by Gathii (2020), gaps that this study sought to fill.

2.3.3 Challenges for the Private Sector Involvement in the Fight Against Corruption

Like any other undertaking, the fight against corruption by the private sector as well as the public sector has not been an easy one. A myriad of challenges have militated against the efforts mounted by the various actors aimed at ridding state institutions of corruption.

Bhargava (2006) convincingly argues that corruption reports or intelligence requires action because the lack of action hamper effort.

Khan (2019) studied the relationship between political corruption and bureaucratic corruption in public and private institutions in Asia. The study through adoption of non-systematic approach that emphasized on reviews of literature and surveys were complemented by experts for further application. The results indicated corruption is closely linked to the generation of economic rents and rent-seeking practiced within both public and private bodies. Further, factors meant for securing above-the normal returns from an asset through manipulation of the social and political environment to their advantage. The asset thereby becomes adequately more valuable for the institutions of which rent-seeking involves corruption issues for success to be realized. This study depicts that institutions are quite often focusing on opportunities for their growth despite the negative circumstances being experienced like corruption of which the study has not focused on.

Bill and Jaynes (2019) studied threats posed by incentives on the fight against corruption in public institutions of Ghana. The study showed corruption dynamics are highly influenced due to the interactions existing within the social, political and economic activities thereby relationships amongst these actors either formal or informal has an impact on corruption issues. These interactions further are influenced as well as heightened by the levels of engagement. There are motivations at the various levels believed to be influencing factors guiding and managing preferences and behaviors within the existing power structures. Power structures also influences corruption or its mitigation within the various actors. There is the notion that away from the principal agent undertaking corruption, there is as well the collective action that is perpetuated as such within

institutions. The study findings did not show how incentives or actions by the private sector in Ghana, specifically in the area of transport have an impact in either reducing or escalating corruption ideals and practices, a gap that this study sought to address.

In a study conducted in Kenya by Kumba (2013) it was established that state institutions such as the EACC lacked the necessary political good will to effectively fight corruption. The challenge stemmed from political actors being stakeholders in institutions under investigation or owners of properties cited for violating various laws through corrupt means. The study further noted that the various state authorities dealing with corruption cases were many and this resulted in operational ineffectiveness. This situation is the exact opposite of the situation in a Singapore as noted by Lim (nd). Kimemia (2013) also established that corruption had become deeply ingrained in the country's psyche and culture to the extent that it was now normal to engage in open corruption. These studies however did not qualify what political goodwill ought to be and the context of application was more on state institutions, whose dynamics may differ from those of private sector actors, a gap that this study sought to fill in.

2.4 Summary of Review of Literature and Research Gap

There has been very minimal research on the contribution of the private sector motor transport actors in the fight against corruption in public institutions in the sector and especially at the NTSA. The existing literature shows that the most common strategies employed by private sector actors in the fight against corruption in the transport sector have centered on awareness campaigns, private prosecutions, naming and shaming of offenders and conducting background checks. The extent of success of these strategies has not been clear and none of the reviewed studies used the descriptive methodology that this study

used. These were important gaps whose findings contribute to the body of knowledge in the field. Moreover, the legal regimes used in various countries as per the studies reviewed raise questions as to whether many laws or few ones are better in fighting corruption. As to the adequacy of the regimes, the results are mixed and the scenario in the Kenyan context remains unclear. This is an important area whose findings can go a long way in the fight against corruption by the various actors and especially those in the private sector. Finally, evidence suggests that challenges are many and most lean on weak enforcement due to lack of political goodwill and the normalization of graft in some instances. In all the reviewed studies, the place of the private sector in the fight against corruption in the motor vehicle transport sector remains unclear and thus constitutes an important area of inquiry this study made every attempt to fill and the findings thereto documented and discussed in chapters four and five.

In a nutshell, although the government of Kenya has put up a considerable effort towards fighting corruption through establishment of anti-corruption bodies and policies, corruption activities are still practiced and being reported in various sectors of the country's economy. There has been little attention and focus on how the private entities in the transport sector are contributing towards the fight and the elimination within and amongst the public institutions. Similarly, research gaps also arise from the paucity of studies centered on institutional role towards fighting corruption yet the problem of corruption exists in the daily encounters of citizens in public institutions and private at individual or group levels. Again, the varied role being played by the private entities on the fight against corruption has not been common compared to the studies focused on national government

initiatives on the same. These are crucial actors whose contribution need to be well documented.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the methodology that was used in the study. This includes the research design, the research site, target population, sampling design, sample size, data collection instruments, and data analysis methods. The validity and reliability of research instruments are also covered.

3.2 Research Design

According to Kombo and Tromp (2006), a research design is a structured arrangement of conditions to data collection and analysis in line with the relevance of the study's purpose. Myers, Well and Lorch (2013) espouse a research design as a strategy that integrates the various components of a study into a coherent whole so as to attain the research objectives. The study used descriptive research design to collect, analyze and interpret data that came from the field. This design was useful for the study as it enabled the researcher to systematically collect and compare data relating to the phenomenon under study. The design allowed for easy analysis of multiple variables giving considerable flexibility to the study. The design further allowed the use of the questionnaire and interview guides for purposes of data collection and triangulation of the resultant findings.

3.3 Research Site

The study was carried out in Starehe Subcounty which falls within Nairobi County that doubles up as the national capital. Starehe Subcounty is one of the 17 sub counties that make up the administrative units of Nairobi county. Moreover, it is home to the Central Business District (CBD) of the county. With regard to the study, Starehe Subcounty houses some of the National Transport and safety Authority (NTSA) Offices and inspection units

as well as those of the umbrella organizations that bring together motor vehicle actors from the private sector such as the Matatu Owners Association (MOA) and Long Distance Truck Drivers Union (LDTDA). Starehe Subcounty also houses many public service vehicle termini and this were very helpful in terms of quick data collection since they are not far apart. The choice of this research site was also informed by its central location, meaning that many of the members of the target population were in adequate supply and this helped the study overcome the challenges associated with few members of the target population.

3.4 Target Population

A target population is explained by Etikan, Musa and Alkassim (2016) as the entire group of individuals, units or elements a study intents to obtain data from and generalize the findings on. This study targeted public institutions and private stakeholders that are engaged in the fight against corruption, especially in the transport sector in general and the NTSA in particular. Thus, the target population comprised of officials drawn from the NTSA itself, the EACC, MOA, Public Transport SACCOs operating in Starehe Subcounty, LDTDA as well as private motor vehicle actors who consumed the range of motor vehicle inspection services from the Industrial Area office located along Likoni Road in Nairobi. Due to the many private customers who sought services from the inspection unit of the NTSA and whose number is unknown, the study made use of the simple random sampling to obtain the requisite number for the sample size has had been determined using Cochrane's formula stated in section 3.5.2. Thus, the target population of the study comprised of NTSA officials drawn from the inspection unit in industrial area, officials from the EACC who have been engaged in anticorruption activities targeting the NTSA, representatives from MOA, representatives from three public transport SACCOs operating within Starehe Subcounty, representatives of LDTDA and individual drivers of public

service vehicles aligned to the three participating *Matatu* SACCOs at their termini as well as drivers of private cars who came to obtain services from the NTSA inspection unit. The obtaining target population which was also used as the sample size due to the lack of specific numbers on some of the respondents in some particular strata such as the drivers, generated the data that was analyzed and presented as shown in chapter four of this study. The distribution of the target population was shown in Table 3.1.

Table 3.1: Target Population

Category	Target population	Proportionate %
NTSA Industrial Area Office	17	4.4
Matatu SACCO representatives	14	3.9
EACC	5	1.3
MOA representatives	5	1.3
LDTDA representatives	3	0.8
Drivers (Both private and those from *Matatu* SACCOs)	300000	88.3
	300044	**100**

Source: Various (2022)

3.5 Determination of Study Sample

Creswell (2012) describes a sample as a subgroup of the target population that a researcher narrows down to collect data from in order to generalize it on the target population. This study presents a sample as the actual respondents who took part in the study by providing the information sought from them.

3.5.1 Sampling Procedures

Sampling refers to the selection and distribution of respondents who are to take part in a study so that the study benefits from the range of perspectives in the target population (Schreier, 2018). This study made use of both probability and nonprobability sampling techniques. Specifically, the study made use of convenience, stratified, purposive, and simple random sampling. To begin with the convenience sampling procedure was used

because the study could not get the exact number of drivers who sought inspection services from NTSA's Industrial office, yet this was an important group of respondents from which data was required. As such, the study determined the number of drivers required to participate and the first 340 drivers to arrive in the premises over a period of one week and who were willing to participate in the study were engaged. Then the officials from the participating institutions or organizations constituted the remaining part of the sample to make 384. Each of these categories formed a stratum from which data was collected. Thus, the proportionate stratified sampling procedure was made use of in distributing the sample. For the representatives from the state institutions and transport actors associations, the study purposively obtained the head of each or their representatives for key informant interviews while the rest of the team members comprising the group's leadership filled a questionnaire. The private drivers who came to seek inspection services from NTSA were randomly sampled to fill in questionnaires individually or with the help of research assistants who had been enlisted by the researcher into the study. The random sampling was intended to ensure that any driver coming into the NTSAs Industrial Area premises in need of inspection services had a chance to participate in the study, provided they were willing to participate. The study thus benefitted information wise from the depth and breadth of actors involved in the fight against corruption in public institutions, and in particular at the NTSA.

3.5.2 Study Sample Size

According to Kothari (2008), the sample size counts individual samples or observations in any statistical setting, such a scientific experiment or a public opinion

survey. The sample size for the selected respondents was determined using Cochran's

(1977) Formula stated as follows.

$$n = \frac{Z^2 pq}{e^2}$$

Whereby:

n = sample size

z = z score on the normal distribution curve (1.96)

e = the desired level of precision (i.e. the margin of error=5%=0.05),

p = the (estimated) proportion of the population which has the attribute in question (=0.5)

q = 1 − p (1-0.5=0.5)

Applying the formula:

$$n = \frac{1.96^2 (0.5)(0.5)}{0.05^2} = \frac{3.84168 * 0.25}{0.0025} = \frac{0.9604}{0.0025} = 384.16 = 384$$

The sample size for this study was therefore 384 respondents who were distributed across

the various strata comprising the sample a shown in Table 3.2.

Table 3.2: Sample size

Category	Target population	Proportionate %
NTSA Industrial Area Office	17	4.4
Matatu SACCO representatives	14	3.9
EACC	5	1.3
MOA representatives	5	1.3
LDTDA representatives	3	0.8
Drivers (Both private and those from Matatu SACCOs)	340	88.3
	384	**100**

Source: Researcher, 2022

3.6 Data Collection

This section covers the data collection instruments and processes of analyses. The study

made use of both primary and secondary data. The secondary data relied on was mainly

in the form of reports from the EACC, NTSA and the formal associations working in the

transport industry's private sector. Primary data was obtained from the respondents who

were engaged in the study through interviews or the filling in of questionnaires.

3.6.1 Data Collection Instruments

Data was collected using structured questionnaires and interviews. The

questionnaire was used to collect data from drivers who went to seek inspection services

from the NTSA offices and members of the participating institutions or associations other

than the respective leaders or their representatives. The questionnaire which was preferred

because of its ease to administer, hence collect a lot of information in a short while,

comprised of closed and open ended questions. The closed ended questions were aimed at

providing quantitative data that was used to help pick out the trends in respect of the

research questions while the open ended questions were meant to offer the respondents an

opportunity to give their insights and opinions regarding the study items. This instrument

was administered by the researcher along with three research assistants who had been

recruited and trained to help with the administration process. This approach of

administration contributed to the high return rate as reported in chapter four.

An interview guide was used during the key informant interviews to obtain

information from the heads of participating institutions and associations. All the interviews

were conducted face to face by the researcher as the interviewees were available. The heads

of institutions and associations were selected purposively on the understanding that they

held more information than other members in their respective institutions or associations

by virtue of the positions they held and the nature of work they performed in light of combating corruption (Creswell, 2012). They however turned down the request to record the conversation owing to the sensitivity of the subject under discussion, despite the assurance of the confidentiality of the information but gave the researcher the leeway to take notes.

3.6.2 Pilot Testing

After the data collection instruments had been designed and especially the questionnaire to include the kind of questions that would generate the expected data consistent with the research objectives, it was piloted in Thika Subcounty to ascertain its ability to generate the intended data. The piloting was intended to ensure that any deficiencies in the tool were rectified prior to the actual data collection as suggested by Hassan, Schattner and Mazza (2006). Thika Subcounty was considered for piloting because it shared similar profile elements as Starehe Subcounty. A sample size of 10% which translates to 38 respondents was used in the pilot study as recommended by Mugenda and Mugenda (2003).

3.6.3 Instrument Reliability

The reliability of a research instrument refers to its ability to measure what it was designed to measure consistently (Mugenda & Mugenda, 2003). In other words, the focus of reliability scores is on the ability of an instrument to yield consistent or similar results after repeated trials. During the piloting of the data collection instrument, the test retest method was used to help attain the requisite coefficient of reliability of 0.7 as recommended by Gliem and Gliem (2003). While a coefficient of 1.0 was preferred, this was not attained due to a variety of reasons such as the repeated nature of the test and the effect of the

interventions during the piloting stage. Thus, the actual coefficient yielded after piloting was 0.82 which was considered sufficient and the tool used for data collection.

3.6.4 Instrument Validity

According to Cooper and Schindler (2015) validity is the degree by which the sample of test items represents the content the tool is designed to measure. Content validity which this study will employ is a measure of the degree to which data was collected using an instrument representing a specific domain or content of a concept. Content validity, therefore, pertains to the degree to which the instrument comprehensively assesses or measures the construct of interest which in this study was anticorruption efforts. The study looked into the structure of the statements and the indicators making up the statement. Mugenda and Mugenda (2003) suggest that a researcher can also share the instrument with a statistician or an expert in the field of study for their input to enhance the validity of the instrument. Thus, the data collection tool was shared with the university supervisors advising the researcher during the study for their input and approval before its use for the actual data collection.

3.6.5 Data Collection Procedures

After approval of the proposal by the Board of Postgraduate Studies at Africa Nazarene University, the researcher was issued with an introductory letter which he presented to the National Council for Science Technology and Innovation (NACOSTI) in order to be issued with a research permit. Using the university's introductory letter and the permit from NACOSTI, the researcher engaged in data collection and showed the two documents to the institutions and persons that were of interest. Three research assistants were trained on what the study was all about, research ethics ad issues relating to managing

respondents so that they could support the data collection process by administering the questionnaires.

3.7 Data Processing and Analysis

After data was collected, it was subjected to cleaning that was aimed identifying, correcting or removing inaccurate data from the data set (Obwatho, 2014). Any responses found to be incomplete or inconsistent were expunged from the data set as the rest was cleaned and transformed in readiness for analysis. The main transformation processes entailed correction of wrongly spelt words as well as summing up of verbatim or open ended responses by merging similar responses given by different responses.

Quantitative data was analyzed using descriptive statistics such as percentages and frequency counts and was presented using tables and graphs. Raw numerical data was keyed into the Statistical Package for Social Science (SPSS) version 26 to generate the statistical output used for analysis i.e. to show differences, similarities as well as the trends emerging from the data. For the qualitative data, the feedback from interviews and open ended questions was summarized and grouped together based on the themes of interest as per the study. The theme-based content was analyzed and presented in form of narratives and verbatim quotes.

3.8 Legal and Ethical Considerations

According to Gatara (2010) research ethics are the moral principles or codes of behavior which a researcher must take into account to safeguard the rights of his or her respondents and stakeholders. During the research process that culminated in this thesis, the researcher explained to the respondents the purpose of the study in order to obtain their informed consent to participate in the study. The respondents were further reassured of the confidential nature with which the information they offered would be treated. The

researcher also made sure to reference all the works that have been cited in the thesis. Compliance with all requirements such as authorization from the university and licensing by NACOSTI were strictly adhered with.

CHAPTER FOUR
RESULTS AND ANALYSIS

4.1 Introduction

The study sought to evaluate the contribution of private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA), Kenya. To attain this broad objective, the study focused on the strategies used by private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA), the adequacy of the existing legal framework used by private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA) and the challenges faced by private sector motor transport actors in the fight against corruption at the NTSA. This chapter presents an analysis of the study findings as per its specific objectives. The study has skilfully integrated the qualitative findings into the quantitative data which serves as the anchor of the analysis and presentation.

4.2 Response Rate

The study sought to collect data from 384 respondents using a questionnaire and Key Information Interviews. Thus, seven interviews were conducted on heads of participating institutions and organizations or their representatives, namely the EACC, NTSA, MOA, LDTDA and three Matatu SACCOs. All the seven KIIs were successfully undertaken, representing 100% success. 377 questionnaires were administered on members of staff of the NTSA's inspection unit at Industrial Area, EACC, MOA, LDTDA, the three Matatu SACCOs participating in the study, drivers coming for inspection services at the NTSA and Matatu drivers awaiting their turns at the Matatu termini of Muthurwa, Bus Station and Ngara. Out of the 377 questionnaires administered, 358 were returned and upon

further processing in readiness for analysis, they were all found to be fully answered and hence used in the analysis. The 358 questionnaires returned represented a return rate of 94.5%. The study considered this an excellent return rate, based Kumar's (2018) recommendation of 70%. The study attributed the excellent rate of return of the questionnaires on the availability of the research assistants who encouraged spontaneous filling in as well as the long duration of the respondents awaiting services or their turns at the termini. The return rate has been presented in Figure 4.1.
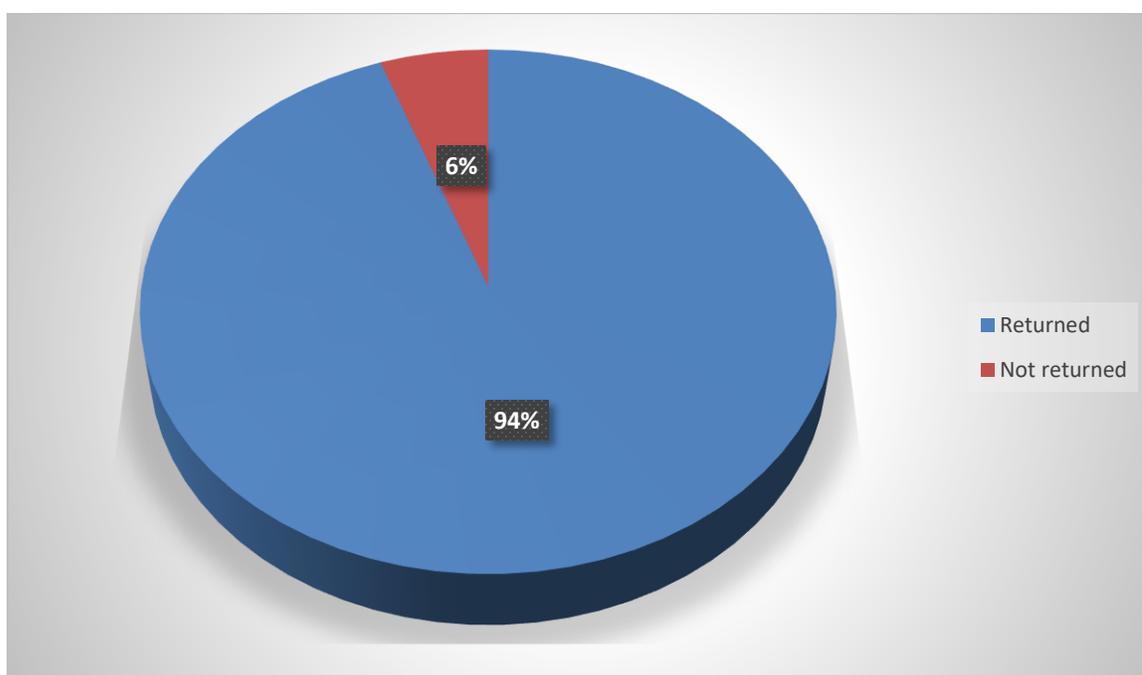
Figure 4.1: Questionnaire Return Rate

Source: Field data (2022)

4.3 Biodata of Respondents

After determining the response rate, the study sought to establish the demographic characteristics of the respondents in terms of their gender, age range and their highest levels of education. The findings in respect of these biodata items were as presented in subsections below.

4.3.1 Gender

The study established that 68% of the respondents, which is the majority finding were males while 32% were females as presented in Figure 4.2. Instructively, none of the respondents drawn from among drivers of public service vehicles was a female while respondents from the SACCO offices were found to be all female, performing administrative roles. The study argues that driving of public service vehicles is one of the careers that have been masculinized the world over. This finding was consistent with that of Mwangi (2014) who established that a vast majority of drivers on African roads were men, and women were engaged very marginally as conductors or office personnel.
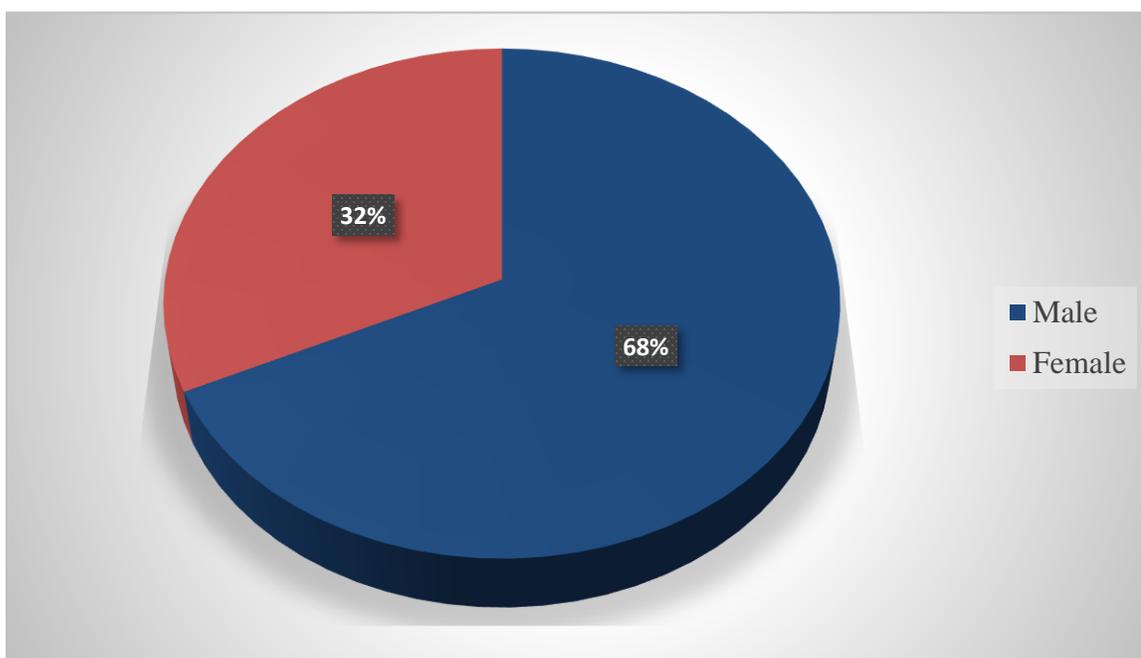
Figure 4.2: Gender representation

Source: Field data (2022)

4.3.2 Age Range

The study sought to establish the age range of the respondents in order to help in the analysis of their responses on the relationship between private sector motor transport

actors programs and anticorruption activities at the NTSA. The study findings presented in Table 4.1 show that 44.1% (n=158) of the respondents who comprised the majority were aged between 38 and 47 years followed by those aged between 28 and 37 years who accounted for 26.8% (n=96) while those aged between 48 and 57 years were found to be 12.3% (n=44). A further 12.1% (n=43) were found to be aged over 58 years. Respondents aged between 18 and 27 years accounted for 4.7% (n=17). Based on this finding, the study takes the view that anticorruption efforts mounted by motor vehicles actors from the private sector targeting the NTSA are likely to bear strong results if the main focus is on people aged between 28 and 47 years, whose cumulative majority is 70.9% and who are also within the productive age as postulated by the World Bank (1995). Given that the study was also undertaken in an urban Subcounty that houses the country's Central Business District, a dynamic which acts as a pull factor for the productive ages, this may also help in putting this finding in perspective.

Table 4.1: Age range of respondents

Age Range (in years)	Frequency (n)	Percentage (%)
18-27	17	4.7
28-37	96	26.8
38-47	158	44.1
48-57	44	12.3
58 and over	43	12.1
Total	**358**	**100**

Source: Field data (2022)

4.3.3 Highest Level of Education

The sought to establish respondents' highest level of education and the findings were as shown in Figure 4.3. The study findings show that a majority of the respondents who accounted for 49.2% (n=176) had a college diploma or certificate followed by those

that had attained a secondary level of education at 24.3% (n=87). A further 14.2% (n=51) of the respondents were found to be undergraduate degree holders and 7.8% (n=28) had attained postgraduate levels of education. The study findings also revealed that 4.5% (n=16) of the respondents had attained a primary level of education while none of the respondents was found not to have attained any formal education. Based on these findings, the study benefitted from informed responses as indicated by a cumulative 71.2% of the respondents who were found to have attained a post certificate level of education. The study thus benefited from the analytical and reasoning abilities of this pool of well-educated respondents in assessing the contribution of the private sector motor transport actors in the fight against corruption at the NTSA. The insights provided by the other respondents also played a pivotal role in attaining the study's stated purpose.

A comparative analysis of the findings further demonstrated that all respondents who indicated that they had attained a degree or postgraduate level of education aligned with the category of respondents working in the formal institutions, associations, SACCOs or private drivers who drove into the NTSA premises seeking inspection services. None of the respondents drawn from among the Matatu drivers indicated that they had a degree. This finding means that the strategies deployed by private motor vehicle actors in the fight against corruption at the NTSA and especially those targeting the public service transport crews must be suited to their level of education.
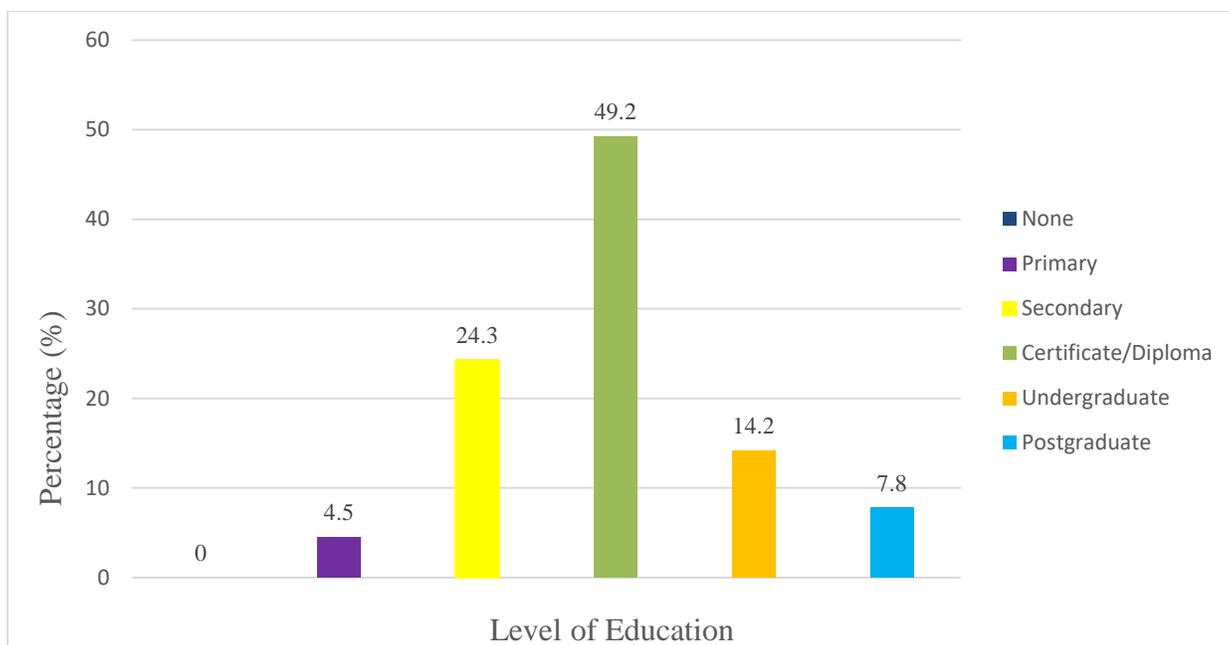
Figure 4.3: Highest level of education

Source: Field data (2022)

4.4 Presentation of Research Findings, Analysis and Interpretation

This section of the research presents, analyzes and interprets the findings guided by the study's specific objectives. The specific objectives that anchor the subsections within this section were: a determination of the effectiveness of the strategies used by the private sector motor transport actors in the fight against corruption at NTSA, Kenya, an assessment of the adequacy of the legal framework used by private sector motor transport actors in the fight against corruption at NTSA, Kenya and an evaluation of the challenges undermining private sector motor transport actors' efforts in the fight against corruption at the NTSA, Kenya. The study findings, analyses and interpretation in respect of each of the specific objectives were as presented hereunder.

4.4.1 Strategies used by the private sector motor transport actors in the fight against corruption at the NTSA

The first objective of the study sought to determine the effectiveness of the strategies used by the private sector motor transport actors in the fight against corruption at the NTSA. To begin with, the study sought to establish the common offences related to the mandate of the NTSA for which the respondents were likely to find themselves in compromising situation as far as enforcement is concerned, thus leading to possible corruption scenarios. As an open ended question, various responses were given by the respondents which included: driving under the influence of alcohol (86%), driving a vehicle without a valid inspection certificate (67%), driving a motor vehicle for which one had not been licensed (37%), use of mobile phone while driving (72%), over speeding (91%) and driving a vehicle with a faulty speed governor (53%). The percentages indicate the proportion of the 358 respondents who highlighted that particular response as presented in Table 4.2. An analysis of the questionnaire based on the category of respondents indicated that respondents from among the PSVs captured the range of all the stated offences while those drawn from among private drivers cited the offences of drunk driving, over speeding or using a mobile phone while driving. Responses from the KIIs indicated that a majority of the consumers of the NTSA's services understood the mandate of the institution, mentioning the common offences for which most offenders were cited for. This finding imply that majority of the target population understands the mandate of the NTSA and thus if they complied with the law, then this could minimize corruption at the institution since the officers will have no basis for demanding any bribes.

Table 4.2: Common offences that create corruption pathways

Offence	Frequency	Percentage (%)
i. Driving under the influence of alcohol	308	86
ii. Driving a vehicle without a valid inspection certificate	240	67
iii. Driving a vehicle for which one has not been licensed	132	37
iv. Use of mobile phone while driving	258	72
v. Over speeding	326	91
vi. Driving a vehicle with a faulty speed governor	190	53

Source: Field data (2022)

The second question sought to establish whether any of the respondents, particularly those not working for NTSA had been asked for bribes which the study had assumed to be the most prevalent form of corruption at the institution. From the findings, it was established that 96% of the respondents had bribes solicited from them while 4% indicated that that had not happened as indicated in Figure 4.4. This finding was corroborated by all the KIIs, demonstrating the prevalence of bribery as a form of corruption at the NTSA. Some of the KII responses were as presented below:

> There are unfortunate scenarios where we have had bribes being solicited from us by NTSA staff for us to be served faster. They normally will tell you that the service may take a while to be offered due to the long queues, during which the vehicle should not be in operation. Bu the official adds that they will see what to do. That is a coded message to the client to offer a bribe for the queue to be skipped (KII 4, April 4th 2022)

> One time, our officer was arrested for over speeding, an offence he accepted. He proceeded to ask the fine he should pay the NTSA official directly asked him to pay half of the fine he was to pay in court to him (KII 5, April 6th, 2022)
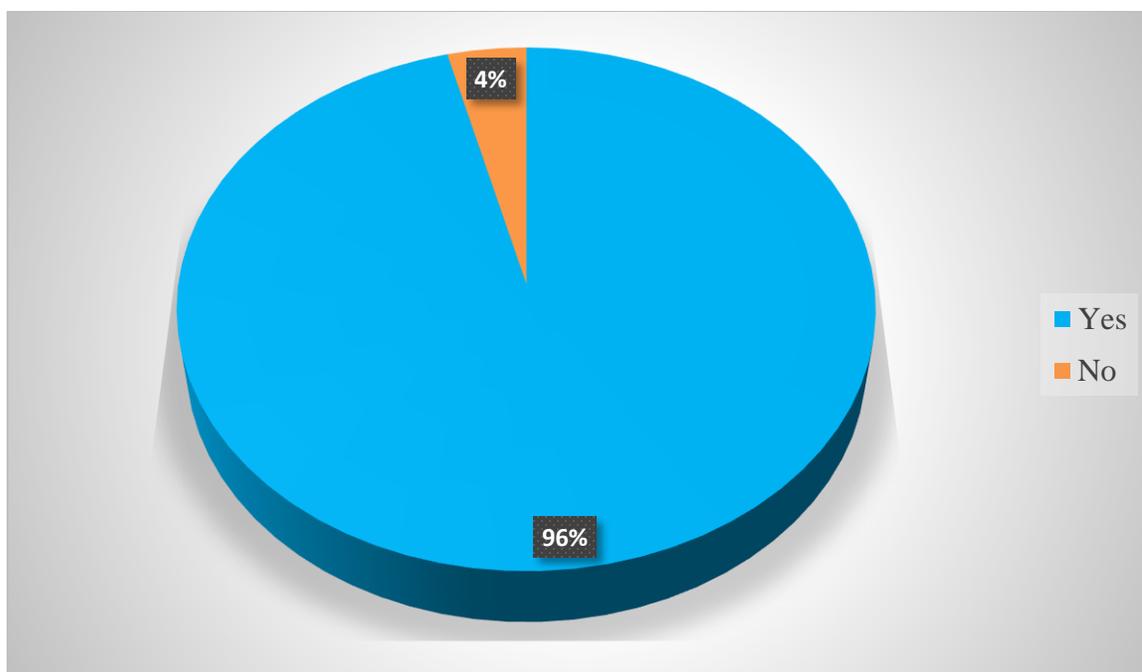
Figure 4.4: Requests for bribes

Source: Field data (2022)

Upon further prodding to determine whether the respondents had offered the bribes being demanded, the study found that 92% of the respondents had actually paid the bribes while only 8% did not offer the bribes as presented in Figure 4.5. Based on the responses drawn from the KIIs, the payment of the bribes was found to be intended to buy freedom for those that had been found to have violated the transport rules for which they were being cited. In some cases, the bribes were described as intended to obtain inspection certificates even when the vehicle in question had not met all the requirements for the clearance being sort. Strange as it may sound, some bribes were paid in order to assist a client skip the queue or fast track the process of releasing the inspection certificates. This finding may be interpreted to mean that if technology was fully adopted and deployed, then some instances of corruption could be eliminated at the NTSA and potentially help minimize some of the

accidents witnessed on Kenyan roads on account of passengers being driven in vehicles that were not roadworthy.
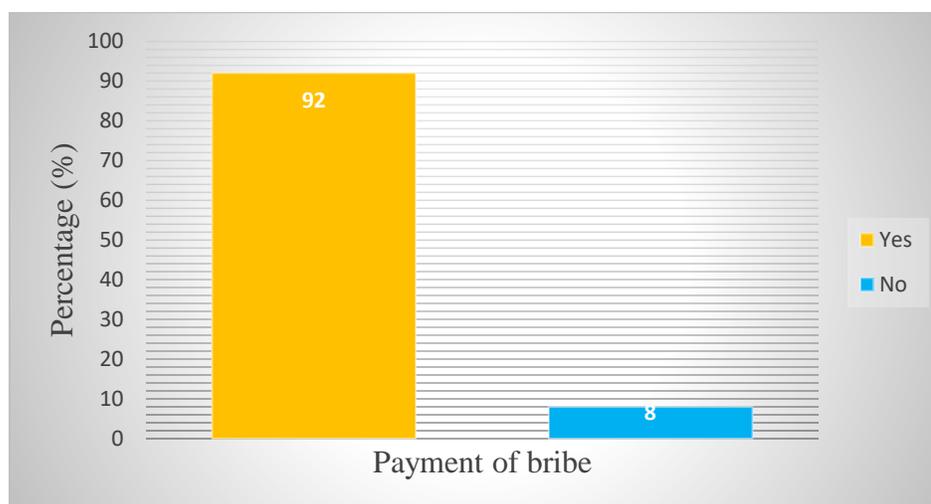
Figure 4.5: Payment of bribe

Source: Field data

The study further sought to establish what the respondents did when they were asked for bribes that they could not afford or did not have at the material time they were found committing the offence by an official from the NTSA. Among the responses that were obtained from the questionnaires included: negotiating with the official along the lines of what the respondent could afford (98%), calling the employer for assistance (76%) for those that were employed, requesting for the official receipt to appear in court (32%), reporting the official to the NTSA (12%) and driving off, choosing to forfeit the driving license. These responses also found expression from among the KIIs, with one noting as follows:

> When our members are caught up in situations of noncompliance with the law, some choose a variety of responses among them calling the owner for assistance or negotiating for reasonable bails [read bribe] with the arresting official. In some instances, some drive off leaving behind the driving licenses and cunningly reporting it to have been lost in the nearest police station to obtain an abstract to evade arrest as they apply for duplicate licenses (KII 2, April 1st 2022).

Another KII had the following to say:

> When any of my drivers call me requesting for money to pay as bribe to any NTSA official, I tell them to ask for the official receipt so that I can appear in court to pay the lawful fines even if they are higher than the bribe money being solicited for. Even in my own experience, whenever I have been asked for a bribe, I turn down the person asking for it on the spot and some become scared and let me go, especially if it was a minor issue. I don't stand corruption and I believe I have a responsibility in fighting the vice (KII 4, April 4th 2022).

This study finding underscores the fact that it takes at least two people for corruption to take place as illustrated by the negotiations between the person asking for it and the potential giver. The inclusion of employers in the corrupt transactions points to the big responsibility that falls on various actors connected to the NTSA directly or indirectly if corruption is to be stamped out or reduced at the institution.

The study further sought to determine some of the common strategies used by private sector motor transport actors to contain corruption at the NTSA using an open ended question as well as through the KIIs. The study findings revealed that the most used strategies were the creation of awareness on the negative effects of corruption through the mass media, collaborating with the EACC to encourage integrity among drivers and NTSA officials, encouraging any state official to prepare a charge sheet in readiness for an appearance in court rather than negotiating a bribe, reporting the bribe seeker to the employer, sensitization of matatu drivers on SACCO policies that outlaw corruption and engaging anticorruption champions to work with employees to further sensitize them on SACCO policies on corruption. During one of the KIIs, an interviewee reported thus:

> We use a variety of strategies to supplement the state's effort in the fight against corruption in the public sector and in our case at the NTSA. These include creation of awareness using various media platforms, sensitizing our employees on the SACCOs anticorruption policy as well as the preference for formal judicial processes to pay fines rather than paying bribes. In doing these we work very

closely with the NTSA leadership as well as the EACC, aware that we cannot go far if we work on our own (KII 1, April 1st 2022).

The stated strategies indicate that the private sector motor transport actors were not passive actors in the fight against corruption in public institutions and especially at the NTSA. Their collaboration with the media to create awareness among drivers and consumers of NTSA services as well as with the EACC were some of the major strategies used in the anticorruption efforts.

To determine the extent of effectiveness of the range of strategies used by private sector motor transport actors in the fight against corruption at the NTSA, the study developed a likert scale comprising of 10 statements, each with three options, (A=Agree, N=Neutral and D=Disagree) from which the respondent was to choose the most appropriate in their case. The findings were as presented in Table 4.3. The findings indicate that all but one of the strategies were not effective. The strategy found to be effective was the creation of awareness using the mass media platforms. The study however argues that while it is easy to count the number of awareness campaigns mounted as reported to be an indicator of effectiveness by a KII, it was difficult to determine whether that had a direct effect on a reduction in corruption levels at the NTSA.

Private prosecution of corrupt officers was found to be the least effective strategy as reported by 97% of the respondents, closely followed by demands to be taken to court at 93% and reporting an NTSA officer demanding for bribes at 91 %. The ineffectiveness of private prosecution was attributed to the cost implication on the part of the private prosecutor and the long duration it takes to conclude a single case. A KII had the following to say in respect of this strategy:

> Private prosecution sounds like a very strong strategy but look at the costs that go with it. As a private actor, much as I support the fight against corruption, I do not have so much resources that I can use in prosecuting corrupt persons. I mean, I am paying loans and I hardly spent the little I get for that. Moreover, cases take too long to conclude in our court. It can take years to deal with a single case. I'd rather let the EACC and the ODPP deal with such (KII 5, April 6th 2022).

Other reasons cited for ineffectiveness of the other strategies cited in Table 4.3 as corroborated by the KIIs included the failure to act on complains by the NTSA, the lower costs of bribe compared to the amount one would pay as fines in the courts coupled with other expenses like transport and time used, the theoretical nature of some of the anticorruption policies compared to the practice as well as pressure from passengers in the case of public service vehicles. Some of the sampled KII responses in respect of these reasons of ineffectiveness were as presented in the excerpts below:

> As stakeholders in the transport industry, we have raised concerns on the prevalence of corruption within the NTSA but all we are told is action will be taken and that is where it ends. Some senior officials will even tell us that we are enablers of the vice since we did not arrest the officer at the time of soliciting for the bribe. Surely, how am I supposed to arrest an officer alone? (KII 2, April 1st 2022)

> Honestly speaking, at times it is cheaper to pay a bribe than be dragged through courts, wasting time that you could have used to recoup the little money spent on the bribe. Compare a matatu being grounded for a day against a bribe of 200 shillings? And yes, it is true you committed the offence. Is it not easier to pay the bribe, make more money, sort out the offence like say having a broken side mirror? (KII 4, April 4th 2022)

> Some clients are very impatient when our vehicles are impounded and in the process of the drivers reasoning with the officers, some clients ask them to pay the bribes to save on time… that they could still make more money through illegal undertakings like overloading. This makes the enforcement of our policies very difficult (KII 1, April 1st 2022).

This study argues that while the strategies adopted by private sector motor transport actors have been good, they are more idealistic than they are realistic considering the Kenyan road transport sector. The fact that all but one have been ineffective in the opinion of the

respondents means that the private sector motor transport actors may want to rethink them with a view to make them more realistic and implementable, given that the implementers are drivers who are actually purveyors of graft. Importantly, the strategies ought to be more driver focused and trainings done so that they can own them and hence implementing them with more commitment and conviction.

Table 4.3: Anticorruption strategies Used by private sector motor vehicles actors

		A	N	D
i.	I refuse to give a bribe when I'm asked for one by NTSA staff on the strength of sensitization done by NTSA communications team	2%	15%	84%
ii.	I demand to be taken to court to pay the right fine rather than paying a bribe to a rogue NTSA officer	3%	6%	91%
iii.	I record and report the details of the officer demanding for a bribe with the NTSA complaints office	7%	0%	93%
iv.	I report the requests for bribes to the association/SACCO under which the vehicle I drive is registered in line with the group's policy	28%	7%	65%
v.	We have a joint reward system between transport sector actors and EACC for NTSA officials who offer services faithfully	6%	0%	94%
vi.	Anticorruption champions are important in the transport sector to curb the vice at the NTSA	18%	11%	71%
vii.	Our SACCO does not pay bribes to anyone, whether in public or private sector	11%	5%	84%
viii.	Members from the SACCOS and the MOA create awareness in the media to drivers and motor vehicle users not to pay bribes or engage in any corrupt undertaking	52%	8%	40%
ix.	Our organization has privately prosecuted NTSA officials engaging in acts of corruption	3%	0%	97%
x.	Private actors in the transport sector sponsor bills and enactment of laws that outlaw corruption	32%	2%	66%

4.4.2 Adequacy of the Legal Framework used by the private sector motor transport actors in the fight against corruption at the NTSA

The second objective of the study sought to determine the adequacy of the legal framework used by the private sector motor transport actors in the fight against corruption at the NTSA. To achieve this objective, the study started by seeking to establish whether the respondents were familiar with the range of legal and policy framework that constituted the legal framework used for combating corruption in Kenya. In this regard, 89% of the respondents who turned out to be the majority indicated their familiarity with the framework as 11% indicated that they were not familiar as shown in Figure 4.6. The majority finding was attributed to the fact that information regarding to anticorruption efforts in Kenya is easily available, thanks to efforts by the EACC and her partners, including those in the transport sector. This finding was also attributed to the fairly high literacy levels among the respondents as indicated in subsection 4.3.3. The study further argues that the awareness efforts made by the NTSA to its clients by way of posters and announcements in strategic places within its premises and through various platforms may have contributed to the high levels of familiarity with the legal framework as established by the study.
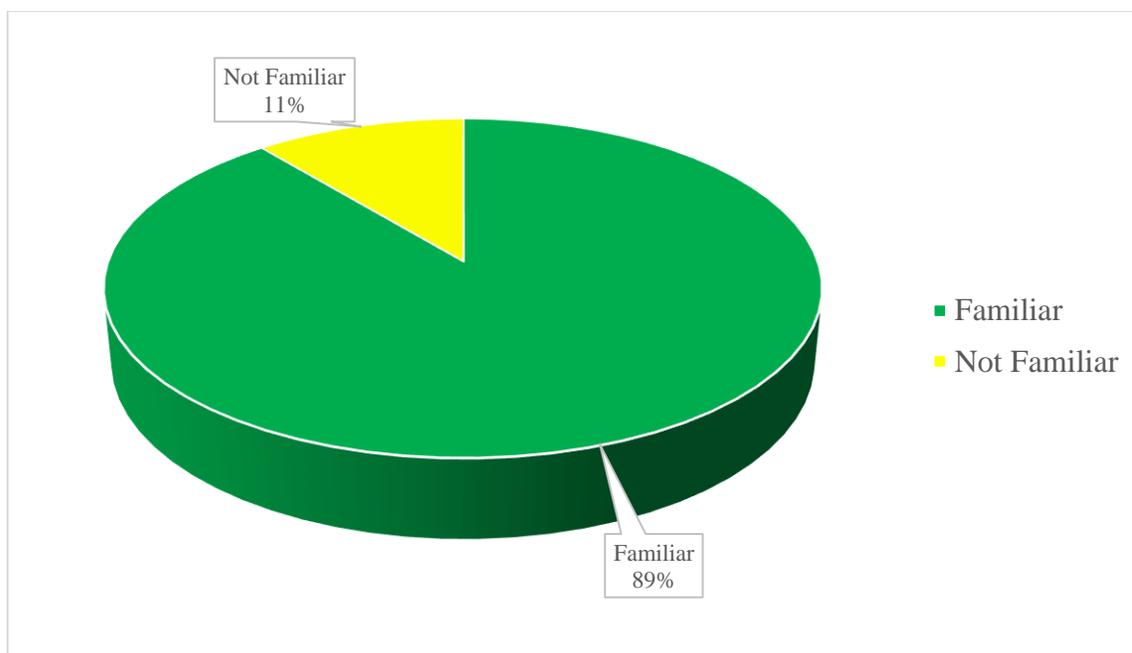
Figure 4.6: Level of familiarity with legal framework

Source: Field data

The second question intended to establish the specific laws used in the fight against corruption that the respondents were acquainted with. The responses in this regard included: constitution of Kenya 2010, Anticorruption and Economic Crimes Act (ACECA) 2003, Public Officer Ethics Act (2003), The Ethics and Anticorruption Commission Act (EACC) 2011, the Bribery Act (2016), the ACECA Regulations as well as the NTSA code of conduct for staff. A deeper analysis of the responses indicated that nearly all respondents were familiar with ACECA and the Bribery Acts while the rest of the cited legislation had been put forward by respondents drawn from the state institutions and the drive in respondents. This finding implies that the workers of NTSA are very much aware of the legal consequences of engaging in corrupt activities but could be taking advantage of the ignorance and impatience of motorists to engage in the vice. Given the high levels of familiarity with ACECA and the Bribery Act, the study takes the view that the two pieces

of legislation could be incorporated into the driving school curricula so that trainee drivers get to know their contents prior to their licensing as motorists. This could go a long way in creating awareness and influencing attitudes, especially when the giver knows the consequences of their actions.

The study further sought to find out from the respondents whether the legal framework guiding the fight against corruption as mounted by the private sector motor transport actors had been effective. To this question, majority of the respondents (68%) reported that the framework was ineffective while 32% were of the view that it was effective as shown in Figure 4.7. The majority response was justified with perspectives such as the ease with which offenders of the law easily got off the hook, the small fines stipulated in the law that were not punitive enough to serve as deterrence, overlap of mandates between various state institutions and the lack of timelines within which to conclude otherwise straightforward cases. A KII explained their view in this regard as follows:

> We have a good legal and policy framework but I do not think it has been effective. The reason why I say this is because, some of their provisions such as fines or even the sentences they prescribe are not punitive enough to deter offenders. I also feel that there is also a lot of overlap in terms of the mandate of various state agencies involved such as the NTSA and the NPS. The pull and push creates loopholes in enforcement which is worsened by the continuous shifting of roles between agencies, which makes it even harder to measure the performance of the institutions (KII 5, April 6th 2022).

Respondents that gave affirmative responses cited the termination of employment contracts for officials found guilty of engaging in corruption, prosecution of officials found to solicit for bribes, reduction in the number of corruption cases and decline in the turnaround time for service delivery, arguing that this was impossible if there was corruption. The study however was not convinced by this explanation because the swiftness in offering of

services can also be explained by the presence of an inducement while reduction in corruption cases reported did not necessarily imply efficacy of the law but rather improved relations between the giver and receiver of the inducement. It was instructive that a majority of the respondents felt that the law was ineffective, despite the presence of over seven different types of legislation that are intended to be complementary in the fight against corruption.
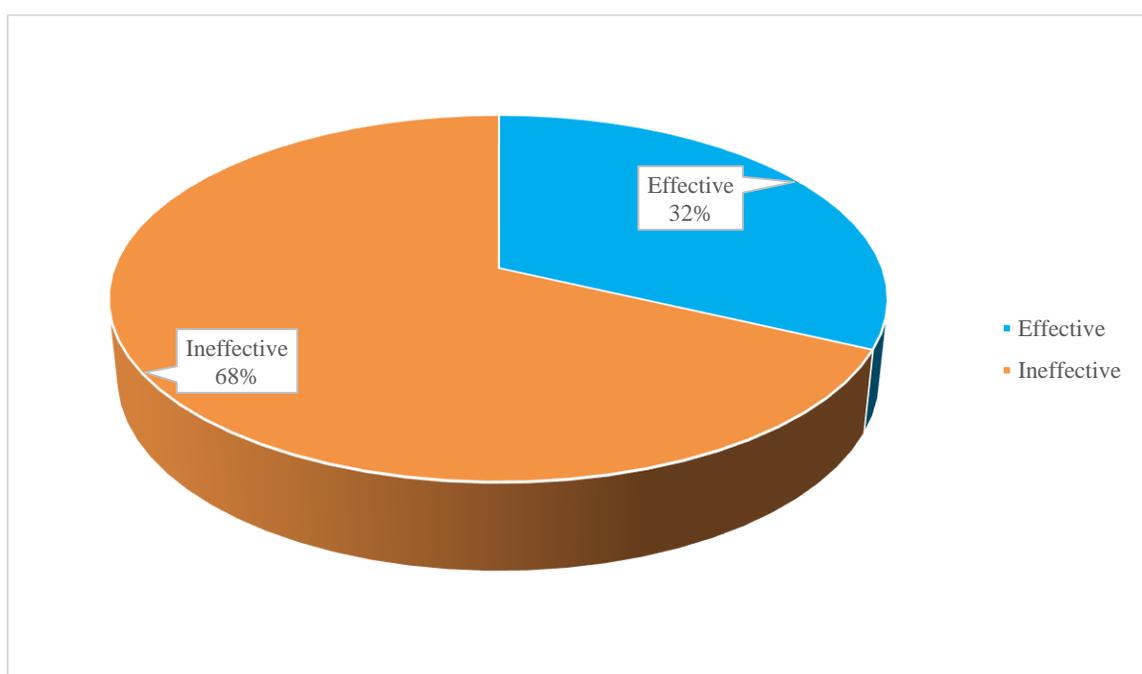
Figure 4.7: Perception of effectiveness of the legal framework

Source: Field data (2022)

Finally, to determine the extent of adequacy of the existing legal and policy framework used by private sector motor transport actors in the fight against corruption at the NTSA, the study developed a seven point likert scale, each with three options, (A=Agree, N=Neutral and D=Disagree) from which the respondent was to choose the most

appropriate in their case. The findings were as presented in Table 4.4. The findings indicate

that 88% of the respondents who represented a clear majority were of the view that the

country had a robust legal framework to ground anticorruption efforts, with the major

weakness being weaknesses in enforcement. This perspective was succinctly captured by

a KII thus:

> This country has one of the best and most elaborate legal framework to anchor the
> fight against corruption and especially in the public sector. Look at the provisions
> of ACECA, Bribery Act and even the Public Officer Ethics Act. Oh, and even the
> Witness Protection Act. I do not think there is a country with such an elaborate set
> of laws. To me the reason why corruption remains pervasive in public institutions,
> including at the NTSA is because of weak enforcement. Period. We do not need
> any extra law. (KII 4, April 4th 2022).

Other indicators of the adequacy of the legal framework in the fight against corruption were

the provision of what would qualify benefit as a corruption attempt (72%) and the

incorporation of private actors in the anticorruption campaigns (57%). During the KIIs, an

interviewee pointed out the details of the legal framework to demonstrate its adequacy as

follows:

> Look at the Public Officer Ethics Act for instance which clearly stipulates the
> manner in which even a gift that a government official receives is to be handled.
> For me this law provides adequate guidance to any public officer on how to conduct
> themselves, avoid conflict of interest and other issues of integrity, which is an
> essential component in anticorruption efforts (KII 5, April 6th, 2022).

For respondents that did not feel that the legal framework used in the fight against

corruption was adequate, 68% of them felt that the legal regime had gaps while 60% took

the view that the framework had inconsistencies that were hampering coherent roll out of

anticorruption efforts and especially those spearheaded by motor vehicle actors drawn from

the private sector. A further 69% were of the view that some offences criminalized by

international instruments to which Kenya was a state party had not been criminalized in the country. On this particular item, A KII explained this view as below:

> While it is not a doubt that Kenya has a good legal framework to guide anticorruption efforts in the public sector that include international conventions, there are some provisions in those instruments that Kenya has not criminalized such as influence peddling, an offence regularly committed by NTSA junior officials while invoking the offices of their seniors. This is worsened by the bureaucracy in most public institutions, including at the NTSA. This makes it very difficult for anticorruption efforts to succeed and easily kills the morale of genuine anticorruption champions (KII 4, April 4th 2022).

On the whole, it is the study's finding that opinion is split right down the middle as to the adequacy of the legal framework used by private sector motor transport actors in the fight against corruption at the NTSA. This was even more explicit when respondents were asked whether the anticorruption legal regime was responsive to the ever evolving corruption practices where opinion was evenly split at 46% and a significant 7% who expressed neutrality, implying that they could swing the tie either way, were they to take one of the two sides.

Table 4.4: Adequacy of the legal framework

		A	N	D
i.	The anticorruption laws are ok, the problem is their enforcement	88%	0%	12%
ii.	Anticorruption laws in Kenya incorporate private actors in the efforts	57%	0%	43%
iii.	The existing legal framework for supporting anticorruption efforts in the transport sector has many gaps	68%	6%	26%
iv.	The existing legal regime gives clear guidance on what qualifies a given benefit to be termed as a corruption attempt	72%	2%	26%
v.	There is coherence in the broad range of pieces of legislation aimed at combating corruption	38%	2%	60%
vi.	The legal framework is responsive to the dynamic corruption practices	46%	7%	47%
vii.	Some offences criminalized by international instruments to which Kenya is a state party are not criminalized here in Kenya	31%	0%	69%

4.4.3 Challenges undermining private sector motor transport actors efforts in the fight against corruption at the NTSA

This objective sought to establish the challenges that undermined the efforts of the private sector motor transport actors in the fight against corruption at the NTSA. To achieve this objective, the study developed a ten point likert scale, each with three options, (A=Agree, N=Neutral and D=Disagree) from which the respondent was guided to choose the most appropriate option based their experience or perception. The findings were as presented in Table 4.5. The findings were emphatic that the normalization of corruption in the transport sector was the biggest impediment to the anticorruption efforts of private sector motor transport actors as reported by 100% of the respondents. This finding was backed up by all the KIIs with one expressing their perspective in this regard as follows:

> Corruption has been so normalized on Kenyan roads such that when a state official flags a car, be it a police officer or an official of NTSA, the driver begins checking his or her pocket to confirm they have money they can offer as a bribe even when they don't know their mistake! The giver and taker even bargain and agree on a price. The taker of a bribe will even give back change in case he is given money of a denomination higher than the agreed upon value. [Laughing] it is so ridiculous. How do you explain such things (KII 2, April 1st 2022)?

The study argues that to the extent that people do not see anything wrong with corruption and that the service seeker initiates the corruption process, it will be difficult to eliminate the vice especially when the efforts are being mounted by private sector actors who lack an enforcement mechanism and who must depend on the goodwill and support of the very state institutions they seek to rid of the vice. This argument is consistent with the finding on the unwillingness of drivers to reject corruption advances as reported by 88% of the respondents. Other key challenges that were found to militate against the efforts were failure to take action on reported cases of corruption involving NTSA officials and the

intimidation of whistle blowers by accused persons or their proxies as reported by 76% and

72% of the respondents in each of these two scenarios. This may be contributing to citizen

apathy towards anticorruption efforts as indicated by 62% of respondents. These responses

were corroborated by KIIs during the interviews with one explaining their frustrations as

follows:

> We take the trouble to report corruption cases and even collect evidence at great risk but when we present to the state authorities, whether at the NTSA or EACC, we get a verbal thank you and assurance that action will be taken but nothing seems to happen beyond that. No follow-ups requesting us to appear as witnesses in court or during disciplinary proceedings. In some instances, our members have even been intimidated or threatened by accused persons directly or through their proxies. *Hadi unajiuliza,* [You even ask yourself] why must I fight a losing battle? It can be exhausting (KII 5, April 6th 2022).

Politicization of anticorruption efforts was also found to be a major drawback as reported

by 76% of the respondents. KIIs drawn from the state institutions explained that some of

the owners of motor vehicles and especially those in public service were politicians who

used their influence within and outside institutions like the NTSA to get things like bailing

of law breakers done unprocedurally and in some cases intimidate officials doing their

work, a perspective that was not denied by the private sector motor transport actors. These

perspectives were captured as follows:

> The transport sector and especially PSV has within it investors who are politicians, some of whom use their political positions to circumvent processes through corrupt means. Others intimidate officials when their vehicles are impounded or their employees detained. Then we are blamed for inaction. What do we do under such circumstances (KII 4, April 4th 2022)?

> It is true that there are some of our members that are politicians or politically connected and they use their positions to frustrate anticorruption efforts that we mount in collaboration with the NTSA. Under such circumstances, our efforts are rendered ineffective (KII 6, April 7th 2022).

The finding on use of same approaches over and over in the fight against corruption was noteworthy because opinion was divided and respondents that returned a neutral response significant as they could tilt the majority finding in the opposite direction. This means that the motor vehicle actors need to keep changing their approaches based on the issues they are pursuing, otherwise a one-size-fits-all approach cannot work in all scenarios. The fight must be pragmatic and evolve with changing times and scenarios.

Table 4.5: Challenges undermining motor vehicle actors' anticorruption efforts

		A	N	D
i.	Intimidation of whistle blowers from some rogue officers at the NTSA	72%	8%	20%
ii.	Unwillingness by the drivers to reject corruption advances by NTSA officials	88%	0%	12%
iii.	Normalization of corruption in the transport sector and especially at the NTSA by stakeholders	100%	0%	0%
iv.	Failure by the NTSA to take action on corruption perpetrators in the institution despite reports from partners in the transport industry	76%	1%	23%
v.	Citizen apathy, denying the effort the good will it deserves	62%	3%	35%
vi.	Lack of collaboration between private sector actors in the motor vehicle subsector and other sectors like media to amplify the efforts	58%	4%	38%
vii.	Political interference	76%	3%	21%
viii.	Use of one size fits all approaches to the fight against corruption at the NTSA	47%	5%	48%
ix.	Failure to mainstream private actors in the anticorruption efforts in public institutions	58%	0%	42%
x.	There are gaps in the legal regime that anchors anticorruption efforts	32%	6%	62%

The respondents were asked to suggest possible remedies that could help surmount the challenges that private sector motor transport actors were facing in their anticorruption efforts at the NTSA. Among the suggestions that emerged were the need to operationalize the witness protection measures so as to safeguard whistle blowers from their tormentors,

aggressive public awareness campaigns on the effects of corruption at the NTSA on the safety and wellbeing of motorists and users of public transport and the entrenchment of functional complementarity between various state organs and the private sector. From the KIIs, a respondent made the following suggestion:

> The private sector actors need to look at themselves as the main purveyors of corruption because they are the main consumers of NTSA services. If they comply with the law they minimize chances of corruption since NTSA officers are only enforcers. That way, their efforts will bear fruit. Emphasizing integrity among members and their employees as well as collaborating with state actors will go a long way in combating corruption at the NTSA and even other public institutions (KII 5, April 6th 2022).

In a nutshell, this study has established that the private sector motor transport actors have a big role to play in the fight against corruption at the NTSA. However, for them to be effective, they require the support of the state agencies because their contribution is more of a complementary than a substantive one due to the lack of an own enforcement mechanism. Thus, collaboration among actors backed up by commitment of stakeholders will rid the NTSA of corruption and hence make the provision of services by the institution more efficient.

CHAPTER FIVE

DISCUSSION, SUMMARY AND CONCLUSIONS

5.1 Introduction

This chapter presents a discussion of the study findings within the context of the existing literature. The chapter also provides a summary, conclusions and makes recommendations that may inform policy making and implementation. Lastly, the chapter provides areas for further study.

5.2 Discussion

This study explored the contribution of private sector motor transport actors in the fight against corruption at the NTSA. The discussion is guided by the study's objectives namely the effectiveness of the strategies used by private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA), the adequacy of the existing legal framework used by private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority (NTSA) and the challenges faced by private sector motor transport actors in the fight against corruption at the NTSA. The objectives-based discussion is preceded by a review of the respondents' biodata.

The study findings showed that male respondents were 68% while the females comprised 32%. The finding implies that the motor vehicle sector in Kenya is male dominated. This finding is consistent with García-Jiménez (2020) finding that the transport sector was dominated by males due to among other things prejudices. The findings further indicated that cumulatively, a majority of the respondents who accounted for 70.9% of the study sample were aged between 28 and 47. This means that if the private sector motor transport actors are to achieve the objective of substantially combating corruption at the

regulators office, they must seek innovative ways of engaging the players within this age bracket. Finally, the study established that 71.2% of the respondents had attained either college or university levels of education, meaning that the study benefitted from reasoned responses. This argument is in line with Campbell's (2006) assertion of education as an explanatory factor in the quality of research responses in a study as well as contributing to a reduction in illegal behaviour, and increased civic responsibility (Oreopoulos & Salvanes, 2009).

5.2.1 Effectiveness of the Strategies

This objective of the study established that the most prevalent offences committed by motorists and which fell within the purview of the NTSA, thereby creating potential corruption pathways were over speeding, driving a vehicle without an inspection certificate, driving unroadworthy vehicle, driving a vehicle for which one is not licensed, the use of a mobile phone while driving among others. These offences were similar to those found to have been committed by road users in Windhoek, Namibia as documented in a study conducted by Kashona and Pazvakawambwa (2014). Some of these offences such as the driving of unroadworthy vehicles on account of corruption have been found to contribute to the rise of road accidents and fatalities that have cost countries crucial human resources in places like Ghana as reported by Boateng (2021). The study argues that the recurrence of these offences could be attributed to the nature of the fines or consequences imposed on the offenders that are not punitive enough and which thus encourage corruption to take root. This argument stems from the study's finding that 92% of the respondents had given bribes when asked for them in order to buy their way out of potential judicial processes for the offences they had committed. The finding that motorists could even

bargain the amount of bribes they could pay with NTSA officials further points to the inadequacy of the fines and other legal interventions which must be reviewed.

On the effectiveness of the specific strategies being used by private sector motor transport actors to fight corruption at the NTSA, the study finding that all but one of the strategies were ineffective according to the respondents was instructive. More telling was the extent of disagreement where all responses registered a minimum of 65% (reporting of the requests for bribes from matatu drivers to their SACCOs for action) and a maximum of 97% in respect of private prosecution. While Edmonds and Jugnarain (2016) present private prosecutions as a strong anticorruption tool, the study found the costs involved and the winding nature of the judicial process as a major drawback, which in effect rendered the approach ineffective from the perspective of the respondents. This holds true for the finding of 91% of the respondents disagreeing that demanded to be taken to court to pay the right fine rather than paying a bribe to a rogue NTSA officer. In other words, judicial oriented strategies are an unattractive strategy for the private sector motor transport actors in the fight against corruption at the NTSA on account of cost and the many processes involved that do not yield immediate results, something that many private actors desire. Kenya's poor record of successful prosecution of corruption cases as argued by Mungai (2019) may also help appreciate the context within which private prosecutions did not attract a favorable response from the study participants.

The study finding that 93% of the respondent disagreed that reporting corrupt NTSA officials had been effective, along with presence of anticorruption champions and policies on zero tolerance to corruption as reported by 71% and 84% of respondents respectively were informative. The findings mean that though corruption propagated by

NTSA officials had been reported, not much had been achieved by way of substantive action to deter other officials from engaging in the vice. Moreover, considerations of corruption as the little price some actors in the private sector had to pay to make more money meant these strategies would not amount to anything in as far as the fight against corruption was concerned. The lack of structured SACCOs in the study area meant unavailability of policies to contain graft at the NTSA because the existing SACCOs were government driven rather than emerging from within the sector itself. Strategies like the presence of anticorruption champions were there on paper rather than in practice because the respondents could not identify any and this was attributed to the lack of coordination among actors. These were important dynamics that rendered the anticorruption efforts ineffective.

5.2.2 Adequacy of the Legal Framework

The study established that 89% of the respondents were familiar with the legal framework guiding the fight against corruption at the NTSA and by extension in whole country. This high level of familiarity could be explained by the high literacy levels as explained in section 5.2 as well as the citation of the relevant laws to the motorists by the enforcers during their encounters. Among the laws that the respondents indicated to be familiar with were the Constitution of Kenya (CoK) 2010, Anticorruption and Economic Crimes Act (ACECA) 2003, Public Officer Ethics Act (2003), The Ethics and Anticorruption Commission Act (EACC) 2011, the Bribery Act (2016), the ACECA Regulations as well as the NTSA code of conduct for staff. An analysis of the CoK has many provisions that make direct contribution to the fight against corruption. For instance article 10 on national values, article 79 that creates the EACC and article 244 that obligates

the NPS to fight corruption are important provisions that catalyzes the fight against corruption in the public sector. Similarly, the ACECA also provides that proceedings may be instituted against public officers as well as those in the private sector. This means that any corruption proceedings against an officer of NTSA must draw in the giver of the bribe and both prosecuted. To this extent, the study argues that the legal framework is adequate in roping in the giver and the taker of bribes.

Asked whether the legal framework guiding anticorruption efforts had been effective, 68% responded in the affirmative as 32% held a different view. For the majority, the indicators of effectiveness cited were the termination of officials found to have engaged in acts of corruption from employment, the prosecution of those that had solicited for the bribes and a reduction in the number of corruption cases reported at the authority. For respondents that held the view that the legal framework was ineffective, they cited the rampant corruption at the authority, repeat offenders due to the fines or sentences not been punitive enough to deter, cases taking too long to conclude on account of following the due process of the law and institutional push and pull owing to overlap of mandates. This findings are consistent with those documented in a study conducted by Owiny (2009) in which he cited duplicity of mandate between institutions as contributing to ineffectiveness of the anticorruption laws.

The study's finding that the anticorruption laws were ok and that the only problem was their enforcement as reported by 88% of the respondents was significant pointer of adequacy, with the main blot to that framework being the gaps in it as reported by 68% of respondents. This means that private sector motor transport actors had the necessary legal backup to roll out their strategies. The finding on gaps in the literature is corroborated by

the findings of a study conducted by Gathii (2020) in which he noted that the anticorruption legislation of Kenya was good but not streamlined to enhance complementarity of efforts among the range of actors involved in the efforts. The study also established that 72% of the respondents were not convinced that the anticorruption legal regime had the necessary qualifiers as to what constituted an action of corruption. This finding is significant in that if the potential givers are not aware of what constitutes an act of corruption, then this had the effect of rendering corruption more endemic.

The study findings returned a split response in respect of whether the legal regime for fighting graft was responsive to the ever changing corruption terrain as evidenced by 46% in favour of the view and 47% against. Those in favour cited the ever growing legal regime in Kenya that is intended to further the anticorruption efforts while those against cited the general nature of the provisions in the legal regime and the overreliance on goodwill for compliance. It is this study's contention that individual goodwill cannot be the basis for compliance with the law, and especially anticorruption law. Moreover, a finding of 69% of the respondents indicating that some of the corruption pathways such as influence peddling had not been criminalized in Kenyan law was insightful. This is because Kenya is a signatory to UNCAC that cites influence peddling as a form of corruption as explained by Transparency International (2016) report. This study has explained elsewhere in this chapter that political actors used their influence to perpetrate corruption at the NTSA. The failure to outlaw the practice then renders the legal framework inadequate as such omissions impede efforts of the private sector motor transport actors to take action against their members engaging in it.

5.2.3 Challenges undermining Private sector motor transport actors anticorruption efforts

The study findings indicated that there various challenges that militated against the efforts of private sector motor transport actors anticorruption efforts at the NTSA. The major challenges that were reported by the respondents included the normalization of corruption in the transport sector, between motorists and NTSA personnel as reported by 100% of respondents as evidenced by the unwillingness of motorists to reject corruption advances made by the NTSA staff. As reported by a further 88% of the respondents. This study concurs with the findings of Kimemia (2013) that corruption is so deeply ingrained in the public sector in Kenya that everybody sees it as something they should participate in. The high levels of corruption is aptly captured in Transparency International's (2021) report that ranks Kenya at position 128 out of 180 with an index of 31, a score which implies high levels of corruption in the public sector on a scale of 1 to 100.

Another challenge that was put forward by the respondents that undercut the efforts of the motor vehicle actors in the fight against corruption was the failure to take action by office bearers at the NTSA and the politicization of the efforts as reported by 76% of the respondents in both dimensions. The study argues that the essence of providing information to those in authority on possible corruption is for further investigations to be made and action taken on accused persons if found culpable. However, when such efforts are not acted upon, the informer may be unwilling to volunteer such information and this has the effect of normalizing corruption which contributes to institutional ineffectiveness and inefficiency. This argument finds expression in Bhargava's (2006) insistence that inaction hampers effort.

Intimidation of whistleblowers by corruption cartels constituting NTSA officials and their proxies was also found to be a big challenge in the anticorruption efforts mounted by the private sector motor transport actors as reported by 72% of the respondents. This finding was consistent with Osamba's (2019) finding that people that had availed information on corruption deals had ended up being threatened and in some cases killed. This raises questions as to the extent of operationalization of the Witness protection Act (2008). The study argues that to the extent that private sector motor transport actors did not feel secured enough to volunteer information on corruption involving NTSA, it means that the adverse effects of corruption will persist and the motor vehicle actors will remain passive in the fight against corruption in an institution that they are key stakeholders.

Finally, the study finding that lack of collaboration was a hindrance in the private sector anticorruption efforts at the NTSA as reported by 58% of the respondents was significant. This is because both international and municipal laws provide for the collaboration between the government and private sector. The finding thus raises questions as to the government's commitment to partner with the private sector in the fight against corruption in the country and in the public sector in particular. While the government through institutions such as the NTSA and the EACC remains the lead enforcer of anticorruption law, it must collaborate with private sector actors, otherwise the efforts of either acting on their own will be denied the necessary synergy that delivers a positive result.

5.3 Summary of Findings

The thrust of this stud was to determine the contribution of private sector motor transport actors in the fight against corruption at the NTSA. This enquiry was guided by the need to establish how effective the strategies used by private sector motor transport

actors were in combating corruption, the adequacy of the legal framework used by the private sector motor transport actors were in combating corruption and the challenges private sector motor transport actors faced in their efforts.

With regard to effectiveness of strategies, the study determined that the major approaches used were mounting of awareness campaigns, reporting corrupt NTSA officials to the employer, sensitizing employees in the private sector to refuse to give bribes and instead ask for the receipt to appear in court, putting in place anticorruption champions to lead the efforts, private prosecutions as well as working with state institutions such as parliament to support lawmaking. Despite the presence of these raft of strategies, only awareness campaigns were found to be effective and particularly because of partnership with other actors such as the media. Strategies such as private prosecutions, reporting to the NTSA and insistence on going to court to pay fines were found to be ineffective due to factors such as the time and cost implications of the suits and administrative bureaucracy within the NTSA.

On the second objective, the study established that the country had a very good legal framework to anchor the fight against corruption. The framework comprised of the constitution, acts of parliament as well as government regulations and codes of conduct. However, the framework was found to have gaps and some inconsistencies within it that were hindering rather than facilitating the anticorruption efforts. For instance, some practices deemed as constituting corruption such as influence peddling and criminalized by international conventions to which Kenya is a signatory have not been expressed criminalized in the local laws. The laws were also found to be too many and scattered while enforcement of regulations and codes of conduct did not have a strong enforcement

mechanism but rather depended on the goodwill of employees. Finally opinion was split down the middle as to whether the legal framework was responsive to the ever evolving corruption practices.

The final objective examined the challenges undermining the efforts of private sector motor transport actors in the fight against corruption. The study established that the major challenges were the normalization of corruption in the transport sector which had created citizen apathy as to whether anything could be successfully done to eliminate the vice. Other challenges included unwillingness of some actors like drivers to report corruption attempts from NTSA officials, the intimidation of whistleblowers due to failure of state agencies to invoke the witness protection act to safeguard them, failure to mainstream the private actors in the anticorruption efforts as well as inaction on the part of NTSA and other state institutions when they were given the necessary information to launch investigations and prosecute offenders.

5.4 Conclusions

From the findings discussed in section 5.2 and in respect of objective one, the study concludes that the strategies deployed by private sector motor transport actors in the fight against corruption at the NTSA have not been effective. This is mainly because of the supplementary nature of efforts of the private sector in the fight against corruption, with the substantive responsibility falling on state institutions. The study argues that to the extent that the efforts of the private sector were auxiliary, their strategies could not be effective because they depended on the state actors. Thus, the two sets of actors must work closely for the strategies, which are good, to yield the anticipated results.

With regard to the adequacy of the legal framework used by private sector motor transport actors in the fight against corruption at the NTSA, the study concludes that the

country had an adequate legal framework to guide anticorruption efforts, including those mounted by the private sector. What was needed was increased awareness of the various provisions among the range of transport industry players and the necessary goodwill from all actors, both private and public, in its enforcement. The framework also needs to be reviewed in order to fully align it with international law and seal the gaps that militate against the efforts of the private sector motor vehicle actor.

Finally, the study argues that the challenges facing private sector motor transport actors in the fight against corruption can be overcome. This is because they do not need any extraordinary resources that are not already available, but rather the commitment of NTSA and all consumers of her services not to break the law. It is this study's contention that if all actors collaborate in word and in deed, the strategies deployed by the private sector motor transport actors to combat corruption at the NTSA will be successful.

5.5 Recommendations

This study makes the following recommendations based on the findings:

The private sector plays a supportive rather than a substantive role in the fight against corruption, at least as established in law and practice. This calls for a paradigm shift in the nature of collaboration that is professed and practiced within and between state institutions such as the NTSA, the EACC and the private sector. In the absence of such unity of effort, no strategy, whether mounted by the state institutions or the private sector can succeed. The restructuring of the collaboration must aim at empowering the private sector to become a key player in the same way it is also a player in the corruption at the NTSA as its biggest client.

Secondly the legal framework needs to be reviewed and synchronized so that the laws and regulations used in Kenya are aligned with the conventions agreed on at the

international level to enhance functional complementarity. This should be done while enhancing the enforcement of the existing laws, rather than dwelling on aesthetics such as badges and uniforms for the personnel of PSVs which is one of the key conduits of perpetuating corruption. Actors in the private sector should also be sensitized on the importance of the legal and policy positions spearheaded by the state institutions such as PSVs being members of SACCOs for them to own and support the anticorruption efforts mounted through such organs.

Finally, the study recommends that whistle blowers be better protected to encourage private actors to give information that could help combat corruption. This must be coupled with aggressive public awareness campaigns by the private actors to their personnel as well as clients so that the efforts become multifaceted. This will help minimize citizen apathy on whether corruption can be eliminated as well as transform mind-sets that corruption is not normal but immoral and an affront on public service delivery. Incentives should also be given to actors that play their roles with integrity to encourage others and render the efforts all inclusive.

5.6 Areas for Further Research

To compare the dynamics of corruption and private sector efforts, the study recommends that a study be conducted in a rural setting targeting the devolved offices of the NTSA and the private sector motor transport actors to establish whether the vice is as rampant as it is in the urban areas where this study focused.

The study also recommends that a future study be conducted on the nature of curriculum that is used for training motorists. Of particular interests should be whether it includes awareness on corruption and ways of shunning the opportunities for it as well as the legal framework governing anticorruption efforts.

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APPENDICES

Appendix I: Informed Consent Form

My name is Suleiman Hamisi Majondo, a Master of Science in Governance Peace and Security at Africa Nazarene University. As part of the requirements to successfully complete the program, I request your participation in a research that I am undertaking on the contribution of private sector motor transport actors in the fight against corruption at the National Transport and Safety Authority. Please note that your written consent is required before you can be engaged in the study and it is for this reason that I request you to tick on one of the statements below to indicate your consent to participate in the study. You remain at liberty to decline to participate or even withdraw your participation at any time in the course of the study. The task for you is to respond to the questionnaire that will be issued to you should you elect to participate. I assure you that you remain anonymous and the information you give will be treated with utmost confidentiality.

I have read the foregoing information and I voluntarily agree to participate in the study.

Signature: ………………………………………   Date: ……………………

Appendix II: Questionnaire

Dear Respondent,

I am a Master of Science in Governance Peace and Security candidate at Africa Nazarene

University. As part of my academic programme, I am carrying out a research survey to

evaluate the role of private sector motor transport actors in the fight against corruption in

public institutions, specifically at the NTSA, Kenya. You are welcome to participate in this

survey by responding honestly and objectively to this questionnaire. The information

collected will be treated with confidentiality and will only be used for the purpose of this

research. Your contribution in facilitating the success of this study is highly appreciated.

Thank You

Suleiman Majondo

SECTION A: Demographic Data

1. Gender

   Male [ ]

   Female [ ]

2. Age bracket

   18 – 27 [ ]

   28 – 37 [ ]

   38 – 47 [ ]

   48 – 57 [ ]

   58 and above [ ]

3. Highest level of education?

   None [ ]

   Primary [ ]

Secondary [ ]

College certificate/diploma [ ]

Undergraduate [ ]

Postgraduate [ ]

SECTION B: Strategies the Private Sector Motor transport actors Use in the Fight

against Public Sector Corruption at the NTSA

4. What are the most common offences you have committed for which you have found

   yourself having to deal with the NTSA?

   …………………………………………………………………………………

   …………………………………………………………………………………

   …………………………………………………………………………………

   In your current occupation, has any official from the NTSA solicited for a bribe or

   any other benefit for their private gain in order to offer the service you sought from

   them or let you free after violating a transport rule or requirement?

   Yes [ ]

   No [ ]

6. If your answer to question 4 above is Yes, did you give the requested bribe or

   benefit?

   Yes [ ]

   No [ ]

7. What do you normally do when you are asked for a bribe or benefit that you are not

   in a position to give immediately?

   …………………………………………………………………………………

   …………………………………………………………………………………

…………………………………………………………………………………………

What are some of the specific strategies used by private sector motor transport actors in the fight against corruption at the NTSA?

…………………………………………………………………………………………

…………………………………………………………………………………………

…………………………………………………………………………………………

…………………………………………………………………………………………

To what extent do you agree with the statements listed below in respect of effectiveness of some of the strategies used by private sector motor transport actors to curb corruption at the NTSA? Please tick (√) one option. A=Agree; N=Neutral; D=Disagree

	A	N	D
i. I refuse to give a bribe when I'm asked for one by NTSA staff on the strength of sensitization done by NTSA communications team			
ii. I demand to be taken to court to pay the right fine rather than paying a bribe to a rogue NTSA officer			
iii.I record and report the details of the officer demanding for a bribe with the NTSA complaints office			
iv.I report the requests for bribes to the association/SACCO under which the vehicle I drive is registered in line with the group's policy			
v. The joint reward system between transport sector actors and EACC for NTSA officials who offer services faithfully has been very helpful			
vi.Anticorruption champions are important in the transport sector to curb corruption at the NTSA			
vii. Our SACCO does not pay bribes to anyone, whether in public or private sector			
viii. Members from the SACCOS and the MOA create awareness in the media to drivers and motor vehicle users not to pay bribes or engage in any corrupt undertaking			
ix.Our organization has privately prosecuted NTSA officials engaging in acts of corruption			
x. Private actors in the transport sector sponsor bills and enactment of laws that outlaw corruption			

SECTION C: Adequacy of the Legal Framework in the Fight against Public Sector Corruption at the NTSA

8. Are you familiar with the legal framework that guides the efforts aimed at curbing corruption in Kenya?

   Yes [ ]

   No [ ]

9. If your answer in question 10 above is yes, can you please state the specific laws you are familiar with?

   ....

   ....

   ....

   ....

   Do you think that the anticorruption legal framework has been effective in fighting corruption in public institutions and especially at the NTSA?

   Yes [ ]

   No [ ]

10. If your answer to question 13 above is yes, what indicators demonstrate the effectiveness of the legal framework?

    …………………………………………………………………………………

    …………………………………………………………………………………

    …………………………………………………………………………………

    If your answer to question 13 above is no, what demonstrates ineffectiveness?

…………………………………………………………………………………………

…………………………………………………………………………………………

…………………………………………………………………………………………

To what extent do you agree with the following statements in respect of the adequacy of the legal framework for combating corruption in the public sector, especially at the NTSA? Please tick (√) one: A=Agree; N=Neutral; D=Disagree

		A	N	D
iii.	The anticorruption laws are ok, the problem is their enforcement			
ix.	Anticorruption laws in Kenya do not incorporate the private actors in the efforts			
x.	The existing legal framework for supporting anticorruption efforts in the transport sector has many gaps			
xi.	The existing legal regime gives clear guidance on what qualifies a given benefit to be termed as a corruption attempt			
xii.	There is coherence in the broad range of pieces of legislation aimed at combating corruption			
xiii.	The legal framework is responsive to the dynamic corruption practices			
xiv.	Some offences criminalized by international instruments to which Kenya is a state party are not criminalized here in Kenya			
xv.	The legal framework adequately covers institutional and private actors co-operation and co- ordination on the fight against corruption.			

SECTION D: Challenges undermining Private sector motor transport actors in the Fight against Public Sector Corruption at the NTSA

11. To what extent do you agree with the following statements in respect of the challenges undermining the efforts mounted by Private sector motor transport actors in combating corruption in the public sector, especially at the NTSA? Please tick (√) one: 1=Agree (A); 2=Neutral (N); 3=Disagree (D)

	1	2	3
i. Intimidation of whistle blowers from some rogue officers at the NTSA			
ii. Unwillingness by the drivers to reject corruption advances by NTSA officials			
iii. Normalization of corruption in the transport sector and especially at the NTSA by stakeholders			
iv. Failure by the NTSA to take action on corruption perpetrators in the institution despite reports from partners in the transport industry			
v. Citizen apathy, denying the effort the good will it deserves			
vi. Lack of collaboration between private sector actors in the motor vehicle subsector and other sectors like media to amplify the efforts			
vii. Politicization of the war on corruption in the public sector			
viii. Use of one size fits all approaches to the fight against corruption at the NTSA			
ix. Failure to mainstream private actors in the anticorruption efforts in public institutions			
x. There are gaps in the legal regime that anchors anticorruption efforts			

12. What suggestions would you offer as remedies to the challenges faced by private

sector motor transport actors in their anticorruption efforts?

....

....

....

....

Appendix III: Key Informant Interview Guide

1. Do you think corruption is a big issue in the Kenyan transport sector? Please explain.

2. What strategies have motor vehicle players instituted to help fight corruption at the NTSA?

3. To what extent would you say that the strategies used by motor vehicle players drawn from the private sector have been effective in the anticorruption efforts?

4. What is the range of legal regime that your organization uses to fight corruption in public institution and especially at the NTSA?

5. Do you think the legal regime you have just cited has been adequate in the anticorruption campaigns? Please explain.

6. What would you say are the issues or gaps in the legal regime that may require improvement for the motor vehicle actors to play a bigger role in the fight against corruption at the NTSA as important stakeholders?

7. In your opinion, what are the major challenges that undermine the efforts of the motor vehicle actors drawn from the private sector in fighting corruption at the NTSA?

8. What suggestions would you make to enhance the efficacy of motor vehicle actors in the fight against corruption at the NTSA?

Appendix IV: ANU Introductory Letter

3rd March 2022

RE: TO WHOM IT MAY CONCERN

Suleiman Hamisi Majondo (**20J01DMGP034**) is a bonafide student at Africa Nazarene University in the School of Humanities and Social Sciences, Governance, Peace and Security Studies department. He has finished his course work and has defended his thesis proposal entitled: - *"Effectiveness of Private Sector in the Fight Against Corruption at the National Transport and Safety Authority, Nairobi County"*.

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

Prof. Rodney Reed.
DVC, Academic & Student Affairs

Appendix V: NACOSTI Permit

REPUBLIC OF KENYA

NACOSTI

**NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY & INNOVATION**

Ref No: **775071**

Date of Issue: **15/March/2022**

RESEARCH LICENSE

This is to Certify that Mr.. SULEIMAN HAMISI MAJONDO of Africa Nazarene University, has been licensed to conduct research in Nairobi on the topic: EFFECTIVENESS OF PRIVATE SECTOR IN THE FIGHT AGAINST CORRUPTION AT THE NATIONAL TRANSPORT AND SAFETY AUTHORITY, NAIROBI COUNTY for the period ending : 15/March/2023.

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Appendix VI: Map of Starehe Subcounty