

**ASSESSING THE EFFECTIVENESS OF ASSET RECOVERY STRATEGY IN THE
FIGHT AGAINST CORRUPTION IN KENYA**

BY

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MGE/37888/2015



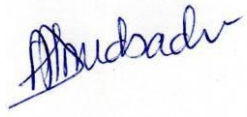
**A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENT FOR THE AWARD OF A MASTER'S DEGREE IN GOVERNANCE
AND ETHICS OF THE MOUNT KENYA UNIVERSITY**

SEPTEMBER 2024

DECLARATION

This project is my original work and has not been presented for a degree in any other University or for any other award.

Signature



Date..... 31/10/2024.....

AHMED SADIK
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I confirm that the work reported in this project was carried out by the candidate under my supervision

Signature



Date

31/10/2024



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DEDICATION

I dedicate this project to my late Mom, my Dad, my Wife, Sisters and my Brothers for their support and prayers.



ACKNOWLEDGEMENT

This project would not have been possible without the kind support and help of my supervisor Dr. Solomon Muhindi. His guidance, criticism, and patience enabled me to complete the proposal on time. Similarly, I would like to express my gratitude to members of my family for their kind cooperation and encouragement during my study.



ABSTRACT

Kenya loses Kshs.2 billion (USD 16.6 million) per day due to corruption. According to Global Corruption Perceptions Index (CPI) released by Transparency International in year 2023, Kenya obtained a score of 32 out of 100, a score that is below the international average score of 43 meaning that Kenya remains among the most corrupt countries around the world at position 123 out of 180 countries sampled. The public officers engage in corruption to divert public resources entrusted to them for personal gain. Embezzlement of funds by public officials will remain tempting as long as the Corrupt are allowed to keep and enjoy the proceeds of their loot. To deter the corrupt, therefore, recovering the gain derived from corrupt dealings will remove the driving force for officers to engage in corruption. Since the traditional ways of fighting corruption have not been bearing fruit, the law enforcement agencies resorted to Asset recovery to eliminate the motivation factor. The general objective of the research was to assess effectiveness of Asset Recovery strategy in fight against corruption in Kenya. The research also sought to examine effect of asset identification and tracing, asset freezing, asset confiscation and asset management and disposal on the fight against corruption in Kenya. This research utilized a pragmatic approach, incorporating both qualitative and quantitative methods, and employed a descriptive design. The study focused on a population of 320 staff members from the Ethics and Anti-Corruption Commission (EACC), Asset Recovery Agency (ARA), and the Office of the Directorate of Public Prosecution (ODPP). Slovin's Formula was used to determine the sample size, leading to the selection of 177 staff members through stratified random sampling. Primary data was collected via semi-structured questionnaires, which included both closed-ended and open-ended questions, providing a mix of quantitative and qualitative data. The qualitative findings were presented in narrative form. Descriptive and inferential statistics were employed in analyzing quantitative information with the aid of Statistical Package for Social Sciences (SPSS version 25) statistical software. Descriptive statistics involved percentages, frequency distribution, measurements of central tendency (mean), and measurements of dispersion (standard deviation). Inferential data analysis was conducted employing Pearson correlation coefficient, and multiple regression analysis. The result was displayed in figures and tables like pie charts and bar charts. The study found that asset identification and tracing had a positive and significant effect on the fight against corruption in Kenya. The study also found that asset freezing had a positive and significant effect on the fight against corruption in Kenya. The study further established that asset confiscation had a positive and significant effect on the fight against corruption in Kenya. The study highlighted that effective asset management and disposal significantly contribute to combating corruption in Kenya. It is crucial for relevant agencies to invest in and enhance their capabilities for asset identification and tracing. This includes providing ongoing training and resources to ensure staff remain proficient and effective in their roles. The study found that the high effectiveness and reliability in detecting and tracing illicit assets warrant ongoing improvements and innovation in methodologies. Adopting technological advancements and data analytics tools can accelerate and refine asset tracing processes, helping authorities keep pace with the sophisticated techniques used by individuals to hide assets.

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ACRONYMS AND ABBREVIATIONS

ACC:	Anti-Corruption Commission
ACECA:	Anti-Corruption and Economic Crimes Act
AR:	Asset Recovery
ARMA:	Assets Derived from Corruption and Other Crimes
BPI:	Bribe Payers Index
CPI:	Corruption Perception Index
CRI:	Corruption Risk Index
EFCC:	Economic and Financial Crimes Commission
GDP:	Gross Domestic Product
LIA:	Leadership and Integrity Act
NACOSTI:	National ^o Commission ^o for ^o Science, Technology ^o and ^o Innovation
NCPB:	National ^o Cereals ^o and ^o Produce ^o Board
NYS:	National Youth Service
ODPP:	Office of the Directorate of Public Prosecution
OECD:	Organization ^o for ^o Economic Co-operation ^o and ^o Development
SDGs:	Sustainable Development Goals
UK:	United Kingdom
UNSC:	UN Security Council
US:	United States
WGI:	World Governance Indicators

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Corruption is a complex and pervasive problem that exists across the globe. However, corruption is common in developing nations than developed nations (Usman & Supanto, 2016). United Nations Office of Drugs and Crime (2023) assert that corruption-related losses in developing nations amount to \$20 to \$40 billion annually through bribery, money-laundering, and other illegal activities. Corruption is a burden on economic development programs and social services, which contributes to the additional plight of the world's poorest nations. It erodes public trust in institutions, hinders development efforts, distorts market mechanisms, perpetuates inequality, and violates human rights (Tajudin, Norziaton & Ismail, 2021). In addition, when public institutions are corrupted, they become less effective, inefficient, and prone to abuse of authority. This lessens adherence to the law and functioning of democratic systems. Also, when corruption is widespread and systemic, it erodes public confidence in the government, breeds social discontent, and can lead to political upheavals (Ziouvas, 2018).

Sustainable Development Goals (SDGs) are a group of 17 international goals established by United Nations in 2015 as part of Sustainable Development Agenda for 2030. These goals seek to address different environmental, economic and social issues to obtain more equitable and sustainable society by 2030 (Zagaris, 2020). While corruption is not explicitly mentioned as a standalone goal, it is recognized as a significant barrier to achieving several of the SDGs. Therefore, in the increasing global complexity, fighting corruption, promoting transparency and strengthening institutions are critical to improve development, economic growth and public trust (Roussell & Dunbar, 2018). In both developed and developing countries, asset recovery strategies play a crucial role in combating corruption by targeting the illicitly acquired assets of corrupt individuals and returning those assets to their rightful owners, which could be the state or victims of corruption (Sittlington & Harvey, 2018).

Globally, assets worth more than \$4 billion have been blocked and are awaiting adjudication or distribution (Kristin & Miller, 2022). Corruption in Ukraine has significantly impacted its governance and economic sectors, with the country ranking 122nd out of 180 in Transparency

International's 2023 Corruption Perceptions Index (Transparency International, 2023). Political corruption, including bribery and embezzlement, remains pervasive, undermining democratic processes and economic stability (World Bank, 2022). However, an enforcement agency known as Assets Derived from Corruption and Other Crimes (ARMA), has been using the asset recovery strategy to recover funds lost through corruption from government employees. ARMA has the authority to identify, trace, freeze, and manage assets generated from other crimes and corruption. By 2022 ARMA had reportedly recovered approximately UAH 27 billion (around USD 730 million) in assets. This includes various types of assets such as cash, real estate, and other property seized from individuals involved in corruption and other crimes (World Bank, 2022).

Corruption in Norway is notably minimal, reflecting the country's strong anti-corruption framework and high levels of transparency. Ranked 8th out of 180 countries in Transparency International's 2023 Corruption Perceptions Index, Norway is recognized for its effective governance, which includes rigorous enforcement of laws and a transparent public sector (Transparency International, 2023). Despite the low incidence of corruption, Norway continues to enhance its practices to ensure ongoing vigilance and effectiveness (Norwegian National Audit Office, 2022). Brummer (2020) observes that having a wide range of Asset Recovery (AR) procedures such as, acknowledgement of civil law actions and proceedings based on nonconvictions, as well as promoting global cooperation and having a dedicated unit of AR has a favorable impact on performance of AR.

Corruption in Angola remains a critical issue, deeply affecting governance and economic development. The country struggles with pervasive corruption, especially in public procurement and the management of its rich natural resources like oil and diamonds, leading to significant economic distortions and a lack of foreign investment (Transparency International, 2023). To address the issue of corruption, the country has established a legal framework to support asset recovery efforts, which enabled the National Asset Recovery Service to recover \$15bn (Komminoth, 2023). The framework provides the basis for identifying, tracing, freezing, confiscating, and returning assets acquired through corrupt practices. Angola has mechanisms in place to ensure due process and adherence to legal requirements in the freezing and confiscation of assets. By early 2022, the government had reportedly recovered approximately USD 6 billion

in assets, including cash, real estate, and other properties seized from corrupt officials and mismanaged funds (World Bank, 2022).

Corruption in Sierra Leone remains a significant challenge, impacting various sectors and undermining economic and governance systems. The country struggles with widespread corruption, including bribery and mismanagement of public funds, which hampers economic growth and exacerbates poverty (Transparency International, 2023). The country has been implementing asset recovery strategies as part of its broader actions taken to thwart corruption and reclaim stolen property (Kamga, 2019). Sierra Leone has enacted laws and regulations that provide the legal basis for asset recovery. The Anti-Corruption Act, 2008 is among the key legislative instruments that support asset recovery efforts in the country. However, recovery strategies for assets derived from corruption have often been ineffective due to several key issues. First, the limited resources and capacity of institutions like the Anti-Corruption Commission (ACC) hinder their ability to effectively track, seize, and recover assets (OECD, 2022). In addition, systemic weaknesses, including inadequate legal frameworks and weak enforcement mechanisms, undermine the recovery efforts (Transparency International, 2023).

Corruption in Kenya is a pervasive issue that affects various aspects of governance and economic development. The country struggles with widespread corruption, including bribery, embezzlement, and mismanagement of public resources, particularly in sectors such as procurement, public service, and law enforcement (Transparency International, 2023). Kenya has made significant strides in recent years in recovering assets stolen through corruption and other illicit activities. Abdulhamid (2021) indicates that multi agencies strategic intervention was crucial, and these factors affected asset recovery and corruption. Multi agencies strategic interventions in prosecution, investigations, coordination of justice administration and provision of resources led to an improvement in asset recovery. Similarly, Omondi (2021) observed that asset recovery strategy was among the methods used to combat corruption. However, strategy has been facing various strategies including institutional overlaps, antagonism, sibling rivalry, parallel investigations and lack of prosecutorial powers. Furthermore, legal framework Kenya for asset recovery across borders and internationally is insufficient, making it difficult for the EACC to receive and provide enforcement cooperation in the context of international recoveries.

Kenya has a robust legal and institutional framework in place, and several government agencies are actively involved in asset recovery efforts. The Proceeds of Crime and Anti-Money Laundering Act (POCAMLA) provide the legal basis for asset recovery in Kenya (Migwi, 2013). It criminalizes money laundering and terrorist financing, and empowers the authorities to freeze, seize, and confiscate proceeds of crime. In addition, the Framework for the Return of Assets from Corruption and Crime in Kenya (FRACCK) is a multilateral agreement between Kenya, Switzerland, the United Kingdom, and Jersey (Low, 2021). It facilitates the repatriation of stolen assets to Kenya. Further, the Assets Recovery Agency (ARA) is the lead agency responsible for asset recovery in Kenya. It is mandated to trace, freeze, seize, and confiscate proceeds of crime (Kopanyi & Muwonge, 2022). The Ethics and Anti-Corruption Commission (EACC) investigates corruption and economic crimes, and can recommend to the ARA that assets be frozen or seized. Further, the Office of the Director of Public Prosecutions (ODPP) prosecutes criminal cases, including those related to asset recovery.

In the Anglo Leasing Scandal that involved inflated contracts for the purchase of equipment, including naval ships and maize mills, in the early 2000s. Over Ksh. 100 billion (US\$1 billion) is estimated to have been lost through the scandal (Assets Recovery Agency, 2022). The ARA has recovered over Ksh. 20 billion (US\$180 million) so far, with efforts to recover more ongoing. In addition, the National Cereals and Produce Board (NCPB) Maize Scandal involved the fraudulent importation of maize in 2009, leading to losses of over Ksh. 70 billion (US\$630 million). The ARA has frozen assets worth over Ksh. 5 billion (US\$45 million) belonging to individuals suspected of involvement in the scandal.

In the National Youth Service (NYS) Scandal, that involved the misuse of funds allocated to the NYS in 2015-2016 where over Ksh. 20 billion (US\$180 million) is estimated to have been lost through the scandal, the ARA has frozen assets worth over Ksh. 2 billion (US\$18 million) belonging to individuals suspected of involvement in the scandal (Ethics and Anti-Corruption Commission, 2022). In the Kemsal Medical Supplies Scandal, over Ksh. 7 billion (US\$63 million) is estimated to have been lost through the scandal. In response, the ARA has frozen assets worth over Ksh. 1 billion (US\$9 million) belonging to individuals suspected of involvement in the scandal (Assets Recovery Agency, 2022).

1.1.1 Asset Recovery Strategy

Asset recovery is the procedure of locating the earnings from public corruption and returning them to the nations and individuals who they were initially stolen from. It is typically carried out by governments, law enforcement agencies, or private organizations to recover funds or properties that have been acquired through illicit activities such as corruption, fraud, money laundering, or organized crime (Lang, 2018). Asset recovery, when properly implemented, can provide required funds to support growth, atone for the wrongs of corruption, and rebuild social confidence. If just a small portion of billions of dollars that were stolen were found and given back to the owners, citizens would gain and dishonest government officials would be brought to justice, all free of charge to taxpayers (Trinchera, 2020).

Primary objective of an Asset Recovery Strategy is to restore stolen or misappropriated assets to their rightful owners or to the public treasury. This process involves a series of coordinated actions aimed at investigating, tracing, freezing, seizing, and repatriating the assets (Moiseienko, 2018). The strategy may also encompass legal proceedings to ensure that the assets are forfeited by the offenders and returned to their legitimate owners. The main components of an asset recovery strategy include asset tracing and identification, asset seizure and freezing, asset confiscation, asset management as well as asset repatriation and utilization (Qisa'i, 2019).

Asset identification and tracing is the process of uncovering, documenting, and tracking assets to determine their origins, ownership, and current locations. This process is a critical component of various fields, including finance, law enforcement, and asset recovery (Herbert & Beckett, 2019). It involves determining the types of assets under consideration, such as financial assets (bank accounts, investments), physical assets (real estate, vehicles), intellectual property, or other valuable possessions. Asset freezing is a legal process that involves the temporary or permanent restriction on the transfer, disposal, or use of assets owned by individuals, organizations, or entities (Lang, 2018). The goal of asset freezing is to avoid disintegration, concealment, or unpermitted transfer of assets, assets that may be linked to illegal activities, pending further investigation, or as a means to enforce court orders or judgments (Harvey, 2020).

Asset confiscation is the legal process by which authorities seize and permanently take ownership of assets that have been determined to be linked to illegal activities or obtained through criminal

means (Sittlington & Harvey, 2018). Confiscated assets are typically used to deter criminal activity, compensate victims, support law enforcement efforts, or contribute to public funds. In many jurisdictions, asset confiscation is based on a criminal conviction where the court determines that the assets were derived from or used in connection with criminal activity. The assets are forfeited as part of the punishment or penalty for the offense (Cahyani & Wardoyo, 2022). Asset management and disposal play an important role in asset recovery process, which involves recovery of assets that have been obtained through illegal means or are the proceeds of crime. Seized assets are professionally evaluated and appraised to determine their market value or worth. This involves engaging qualified appraisers or valuers to assess the assets based on established valuation methodologies (Zagaris, 2020). Proper maintenance and preservation of seized assets are essential to retain their value. If feasible and appropriate, seized assets may be utilized to generate income during the asset recovery process.

Since 1956, Kenya has made attempts to combat corruption, following the passage of Prevention of Corruption Ordinance which later evolved into Prevention of Corruption Act (Cap. 65) upon independence (Ziouvas, 2018). However, methods used to combat the vice have not been very successful in addressing the corruption menace. The current battle to combat corruption in Kenya is grounded in Chapter Six of the Constitution. The Constitution's Chapter Six outlines the standards for integrity and leadership whereas Leadership and Integrity Act (LIA), 2011, Public Officer Ethics Act, 2003 (POEA), and other pertinent laws specify the rules of Conduct and Ethics for public employees. Despite this slew of regulations, there are still significant worries about Kenya's high levels of corruption and its low level of compliance with requirements integrity. This shows that the strategies adopted by law enforcement agencies are still not bearing fruit.

The law enforcement agencies of late have resorted to Asset Recovery as an approach to combating corruption and this has sent a warning to the Corrupt that the benefits of corruption will no longer be left to them to enjoy. The 9th International Anti-Corruption Conference was conducted in 1999 in Durban of South Africa, and Nobel Peace Prize winner Wangari Maathai said that “Let the dishonest people return the items they illegally got and hand them back to the rightful owners (Trinchera, 2020). Make corruption a crime so that corrupt individuals can always be caught, brought to justice, and given their due. Give no room for hiding. Let the governments and banks that store and guard stolen property unlock their vaults. This is retribution money. It results in

children perishing in hospitals that lack medicine, have crumbling facilities, and improper water to drink. It results in children perishing.”

1.1.2 Corruption

Corruption is misuse of power, whether in the public or private sector, for personal gain. It manifests itself in various ways, such as theft, fraud, corruption, misappropriation of funds, and interference with the administration of justice (OECD, 2018). Anti-Corruption and Economic Crimes Act of 2003 (ACECA) outlines offenses that indicate corruption but does not define corruption does not define corruption but enumerates a number of crimes that fall under this category, including abuse of position, dealing with dubious property, disguised incentives for lawyers, deceiving principal, conflict of interest, inappropriate compensation for appointments to trustees, bid rigging, breach of trust, theft of government funds, fraud, bribery, or a crime involving dishonesty in relation to any tax or in relation to the elections of people to public office (The AntiCorruption and Economic Crimes Act, 200).

Corruption is a pervasive problem that can occur in various sectors and levels of society, including government, business, and civil society organizations (Qisa'i, 2019). Corruption destroys institutional credibility and impedes economic growth, distorts the allocation of resources, and exacerbates social inequalities (Abbas, 2017). Corruption can take different forms, including embezzlement, bribery, fraud, nepotism, favouritism, and money laundering. It can occur in developed and developing nations, although its impact may be more severe in the latter due to weaker institutions and governance mechanisms (Adeniran, 2018).

There are various measures and indicators used to assess and measure corruption levels. These measures aim to provide a quantitative or qualitative understanding of the magnitude and effects of corruption within a country or across different countries (Elfeky, 2022). Some of these measures include Bribe Payers Index (BPI), Corruption Perception Index (CPI), World Governance Indicators (WGI) and Corruption Risk Index (CRI). Corruption Perception Index is one of the most commonly used measure of corruption. CPI published yearly by Transparency International, rates nations according to the alleged levels of corruption in public sector. It combines various data sources, including expert assessments and surveys, to provide a comparative index (Harvey, 2020).

In Kenya, corruption has been a great hindrance to development and exemplary leadership since independence (Kichwen, 2017). Even though Kenya has implemented a number of administrative measures, policies and laws to address corruption, corruption still thrives in almost all sectors of the government. When people sense that there is a lot of corruption and corrupt people are not being punished, they lose faith in authorities, governmental agencies, and occasionally even in society and morality itself (Kamga, 2019).

Corruption has emerged as a global scourge, with the corrupt behavior being seen in numerous nations around the world (Kichwen, 2017). Actions of corruption have developed roots in Kenya and are increasingly becoming pervasive (Kireri et al., 2021). According to Ortega et al. (2016), the association between corruption and poor human growth is due to the perverse motivation of corruption that affects investment choices, drives the deployment of resources into rent-seeking enterprises that are not productive, allocates capital incorrectly, and depletes the government's tax base, which is used to fund essential services like education and health. Transparency International has noted that corruption not only lowers a nation's ratio of tax-to-GDP but also damages the economy over time by preventing investment, corrupting tax laws, and eroding taxpayer morality. Keita and Laurila (2021) claims that this forces government to, raise taxes in order to lessen the damaging impacts of corruption on a nation's economy.

1.2 Statement of the Problem

Corruption undermines economic growth and development through manipulating market systems, deterring foreign investment, and directing government resources away from crucial industries. Over the years, prosecution has been used as the main way of fighting corruption in Kenya (Kichwen, 2017). However, since corruption is primarily motivated by money and material gain, prosecution alone is not deterring the corrupt from continuing with the vice. In the recent past, asset recovery has in Kenya been considered a crucial strategy in combating corruption and recovering ill-gotten assets (Kireri, Rintari & Gichohi, 2021). Instead of pursuing often timeconsuming and legally complicated corruption prosecution, the law enforcement agencies changed tack to using asset forfeiture without a conviction and plea deals, which have assisted authorities to go after stolen assets. However, even with the adoption of the asset recovery strategy, corruption cases in Kenya are still increasing (Njeru & Moronge, 2018).

According to Transparency International (2022), corruption index in Kenya increased from 26 in 2016 to 27 in 2018, 31 in 2020 and 32 in 2022. Ethics and Anti-Corruption Commission (2022) estimates that, approximately 7.8% of Kenya's GDP, or Kshs 608.0 billion, is lost to corruption each year. The most recent corruption scandals in Kenya include the initial scandal of National Youth Service (NYS) in 2015 (Ksh. 791 million); the second scandal of National Youth Service (NYS) in 2018 (Ksh. 9 billion); the scandal of Eurobond (Ksh. 215 billion) in 2016; The Afya House scandal (Ksh. 5 billion) in 2016; NCPB Maize Scandal (Ksh. 1.9 billion) THE Arror and Kimwarer Dams Scandal (Ksh. 16 billion) in 2019; and KEMSA Scandal (Ksh. 3.7 billion) in 2021 among others (Ethics and Anti-Corruption Commission, 2022).

There have been numerous investigations on asset recovery strategy in Kenya's battle against corruption. For instance, Abdulhamid (2021) examined a multi-agency strategy intervention on Kenya's level of asset recovery; Omondi (2021) studied asset recovery in corruption cases and efficiency of legal framework for recovering assets; and Chelimo (2021) examined the Enforcement aspects of combating money laundering in Kenya. However, Omondi (2021) adopted efficiency of legal framework for recovering assets as the dependent variable; Chelimo (2021) utilized combating money laundering; while Abdulhamid (2021) adopted Kenya's level of asset recovery. The dependent variable in this study was corruption. Further, Omondi (2021) utilized doctrinal and historical research methodologies, Chelimo (2021) adopted qualitative research approach and Abdulhamid (2021) utilized a cross sectional research deign. Also, none of these studies outlined the effectiveness of asset recovery strategy in the battle against corruption. In light of this context, the research seeks to assess effectiveness of asset recovery strategy in battle against corruption in Kenya.

1.3 Purpose of the Study

The purpose of this study was to assess the effectiveness of Asset Recovery strategy in the fight against corruption in Kenya.

1.4 Objectives of the Study

The research was guided by the following specific study objectives;

- i. To examine the effect of asset identification and tracing on the fight against corruption in

- Kenya ii. To assess the effect of asset freezing on the fight against corruption in Kenya
- iii. To determine the effect of asset confiscation on the fight against corruption in Kenya
- iv. To establish the effect of asset management and disposal on the fight against corruption in Kenya

1.5 Research Questions

The research was guided by the following research questions;

- i. What is the effect of asset identification and tracing on the fight against corruption in Kenya?
- ii. How does asset freezing affect the fight against corruption in Kenya?
- iii. What is the effect of asset confiscation on the fight against corruption in Kenya?
- iv. How does asset management and disposal affect the fight against corruption in Kenya?

1.6 Significance of the Study

The outcomes of the research may be significant to the management of organizations dealing with corruption in Kenya, policy makers along with academicians and other researchers. To Asset Recovery Agency (ARA), management of EACC, and Office of Directorate of Public Prosecution (ODPP), the research will provide information that they can use to develop better strategies to improve asset recovery strategy and reduce corruption in country.

To policymakers, the research evaluates the adequacy and effectiveness of institutional and legal systems in place for asset recovery. This assessment can help policymakers identify areas where legal reforms or institutional strengthening may be needed to enhance efficiency and effectiveness of asset recovery efforts. The research findings enhance legislation related to anti-corruption, money laundering, and asset forfeiture to enable effective investigation, prosecution, and confiscation of illicitly acquired assets.

The research increases the amount of information available on effectiveness of the Asset Recovery strategy in battle to combat corruption in Kenya. To some other academicians and researchers, the research offers information which they can employ as sources for research and in identifying research gaps in related studies. The research provides a foundation for more research can be

conducted on effectiveness of Asset Recovery strategy and the fight against corruption in other countries.

1.7 Scope of the Study

The research concentrates on assessing effectiveness of asset recovery strategy in fight against corruption in Kenya. The research focused on four components of asset recovery strategy, which include asset identification and tracing, asset confiscation, asset freezing as well as asset management and disposal. The population targeted for the research was three Kenyan law enforcement agencies such as Office of Director of Public Prosecution, Ethics and Anti-Corruption Commission and Asset Recovery Agency. The sampling frame was 96 officers in the three law enforcement agencies. Data was gathered from primary sources and secondary sources. Primary information was gathered through questionnaires which semi-structured. The study covered the period between 2019 and 2023.

1.8 Limitations of the Study

Corruption is a very sensitive matter in Kenya hence the respondents were not willing to disclose information. Since the scope of the study was three law enforcement agencies, fiscal resources and time were limited hence prohibiting thorough research. To overcome the non-disclosure of information, researcher informed the respondents on the purpose of the research. The researcher obtained a clearance from Mount Kenya University, which was presented to National Council for Science Technology and Innovation (NACOSTI) to acquire permit for gathering information. Prior to the start of gathering information, researcher acquired authorization from Chief Executive Officers of three enforcement agencies.

1.9 Assumptions of the Study

The investigation assumed that research instruments would elicit reliable responses from the respondents. In addition, the study assumed that the entire target population would co-operate as well as give honest, correct, reliable information to the best of their knowledge. In addition, research assumed that target population would provide genuine and accurate information willingly during collection of data and also the authority would grant permission for collection of data to the researcher.

1.10 Operational Definition of Terms

Asset confiscation: It is the legal procedure of permanently seizing and transferring ownership of assets from individuals, entities, or organizations that have been involved in illegal or illicit activities.

Asset freezing: This refers to the legal action taken to temporarily prohibit the transfer, disposal, or use of assets that are suspected to be linked to illegal or illicit activities.

Asset identification and tracing: It is the process of identifying and tracking assets that have been acquired through corrupt, illicit, or illegal means.

Asset management and disposal: It is the processes and procedures involved in handling and disposing of recovered or confiscated assets that have been obtained through corruption, illicit activities, or other illegal means.

Asset Recovery strategy: This refers to a comprehensive plan or set of actions aimed at identifying, tracing, freezing, confiscating, and repatriating assets that have been acquired through corrupt or illegal means.

Corruption: It is the misuse of authority that has been granted for personal gain or to dishonestly obtain advantages or benefits, typically through illegal or unethical means.

CHAPTER TWO LITERATURE REVIEW

2.1 Introduction

This chapter provides a more comprehensive framework for research topic in terms of earlier scholarly works. The theories, an empirical review, a summary of the literature review and any gaps that were found, and the conceptual framework are discussed.

2.2 Theoretical Framework

This part focuses on presentation of theoretical framework on effectiveness of the asset recovery strategy in fight against corruption in Kenya. The study was anchored on deterrence theory, network theory and principal-agent theory.

2.2.1 Deterrence theory

The deterrence theory was developed from the work of Jervis in 1979 (Trang & Brendel, 2019). Deterrence theory is a prominent framework in asset recovery, positing that the successful confiscation and return of stolen assets discourage future criminal activity. The success stories act as a stark reminder of the consequences of corruption and financial crime, potentially hindering potential offenders from venturing down that path (Piquero & Loughran, 2019). The rational choice assumption rests on the belief that criminals engage in illegal activities after weighing the potential benefits (financial gain, power) against the perceived costs (punishment, social stigma). Deterrence theory postulates that effective asset recovery significantly increases the expected costs of crime, pushing individuals towards lawful behavior.

The effectiveness of deterrence hinges on the perceived likelihood of facing consequences. When criminals believe asset recovery efforts are swift, efficient, and likely to succeed, they become more hesitant to act due to the increased risk of losing their ill-gotten gains (D'arcy & Herath, 2020). While certainty plays a crucial role, the perceived severity of punishment also contributes to deterrence. The message becomes even more powerful when criminals understand that not only will their stolen assets be confiscated, but they may also face significant fines, imprisonment, or other social ostracization. Public awareness of successful asset recovery cases amplifies the theory's impact. Highlighting instances where stolen funds are returned to victims or used for public good projects sends a clear and resounding message that crime does not pay, potentially influencing potential offenders' decision-making (Piquero & Loughran, 2019).

The study used the deterrence theory to explain the effect of assets recovery strategies on corruption. This theory posits that effective asset recovery acts as a deterrent against future criminal activity. The successful confiscation and return of stolen assets demonstrates the consequences of corruption and financial crime, potentially discouraging potential offenders. This focus aligns with initiatives emphasizing strong legal frameworks, swift investigations, and transparent prosecution of asset-related offenses.

2.2.2 Network Theory

Network Theory, which was introduced by Bower in 1981, examines the relationships between elements in a system, often represented as a graph with nodes (elements) and edges (connections)

(Beaman & Mobarak, 2021). These nodes are linked by edges or connections, forming a structure known as a graph. The relationships depicted by these connections are instrumental in analyzing and modeling intricate systems across various domains including asset recovery systems. Central to network theory are several assumptions that underpin its analysis (Borgatti & Halgin, 2019). Connectivity is a fundamental assumption, presupposing the existence of meaningful relationships between nodes. Transitivity posits that if node A is connected to node B and node B is connected to node C, then there is a higher likelihood that node A is also connected to node C, reflecting the tendency for relationships to cluster. Homophily assumes that nodes with similar characteristics or attributes are more likely to be connected, embodying the concept that "like attracts like."

Additionally, network models may assume a scale-free network structure, where the distribution of connections follows a power-law. In such networks, a small number of nodes possess a high degree of connections, while most nodes have only a few connections (Beaman & Mobarak, 2021). Analyzing network centrality measures is a key aspect of network theory, as these measures evaluate the significance or influence of nodes within a network. Key measures include degree centrality, which counts a node's direct connections; betweenness centrality, which assesses a node's role in facilitating the shortest paths between other nodes; and eigenvector centrality, which reflects the influence of a node based on the importance of its neighbors. These metrics provide insights into a node's overall impact and connectivity within the network (Borgatti & Halgin, 2019).

Network theory was used to analyze the impact of assets recovery strategies on corruption in Kenya by considering the relationships and interactions among various entities involved in corruption, law enforcement, and asset recovery. Nodes in this context represent various entities such as government agencies, law enforcement bodies, financial institutions, corrupt individuals, and international organizations involved in the fight against corruption. Edges could represent connections, relationships, or interactions between these entities. For example, an edge could represent cooperation between law enforcement agencies and international organizations in the process of asset recovery. Analyzing the network of corrupt individuals and their connections reveal patterns and clusters. Network theory allows the identification of key players and understanding how corruption spreads within different sectors. Nodes also represent different strategies employed for asset recovery, such as legal proceedings, international collaborations,

financial investigations, and public awareness campaigns. Analyzing the flow of information within the network can shed light on how intelligence and evidence are shared between law enforcement agencies and international partners, influencing the success of asset recovery initiatives.

2.2.3 Principal-Agent Theory

Principal-Agent Theory is a conceptual framework in economics and organizational theory used to examine scenarios where one party, known as the principal, entrusts another party, the agent, with the responsibility to perform tasks or make decisions on their behalf (Shrestha & Edwards, 2019). This theory explores situations where there is a misalignment of interests between the principal and the agent, leading to potential conflicts. Principal is the party delegating authority or decision-making responsibility to another party. Principals seek to maximize their own interests, which may not always align with the interests of the agent (Hausken, 2019). The agent is authorized to act on behalf of the principal but may have personal interests that conflict with those of the principal. The Agency Problem occurs when the principal and agent's interests are not fully aligned. While the principal desires actions that benefit them, the agent might pursue actions that serve their own interests instead.

In the context of corruption, Principal-Agent Theory helps elucidate the mechanisms through which corrupt practices manifest when agents, such as public officials or bureaucrats, prioritize their own interests over those of the principal, often the government or the public. The principal entrusts the agent with authority to execute specific tasks or make decisions, expecting the agent to act in the principal's best interests. However, agents may succumb to the allure of corruption, engaging in activities like bribery, embezzlement, or favoritism, to advance their personal enrichment or political agendas, thereby diverging from the principal's interests (Bernhold & Wiesweg, 2021). This misalignment of incentives, compounded by information asymmetries and inadequate monitoring, creates fertile ground for corruption to flourish, undermining public trust, distorting resource allocation, and impeding economic development. Efforts to combat corruption often involve implementing mechanisms to align the interests of agents with those of the principal, such as transparency measures, accountability frameworks, and stringent enforcement of anticorruption laws, all informed by insights from Principal-Agent Theory.

2.3 Conceptual Framework

This research sought to examine assess effectiveness of Asset Recovery strategy in fight against corruption in Kenya. The independent variables were asset identification and tracing, asset confiscation, asset freezing as well as asset management and disposal. The dependent variable was corruption. Figure 2.1 displays the link between independent variables and dependent variable.

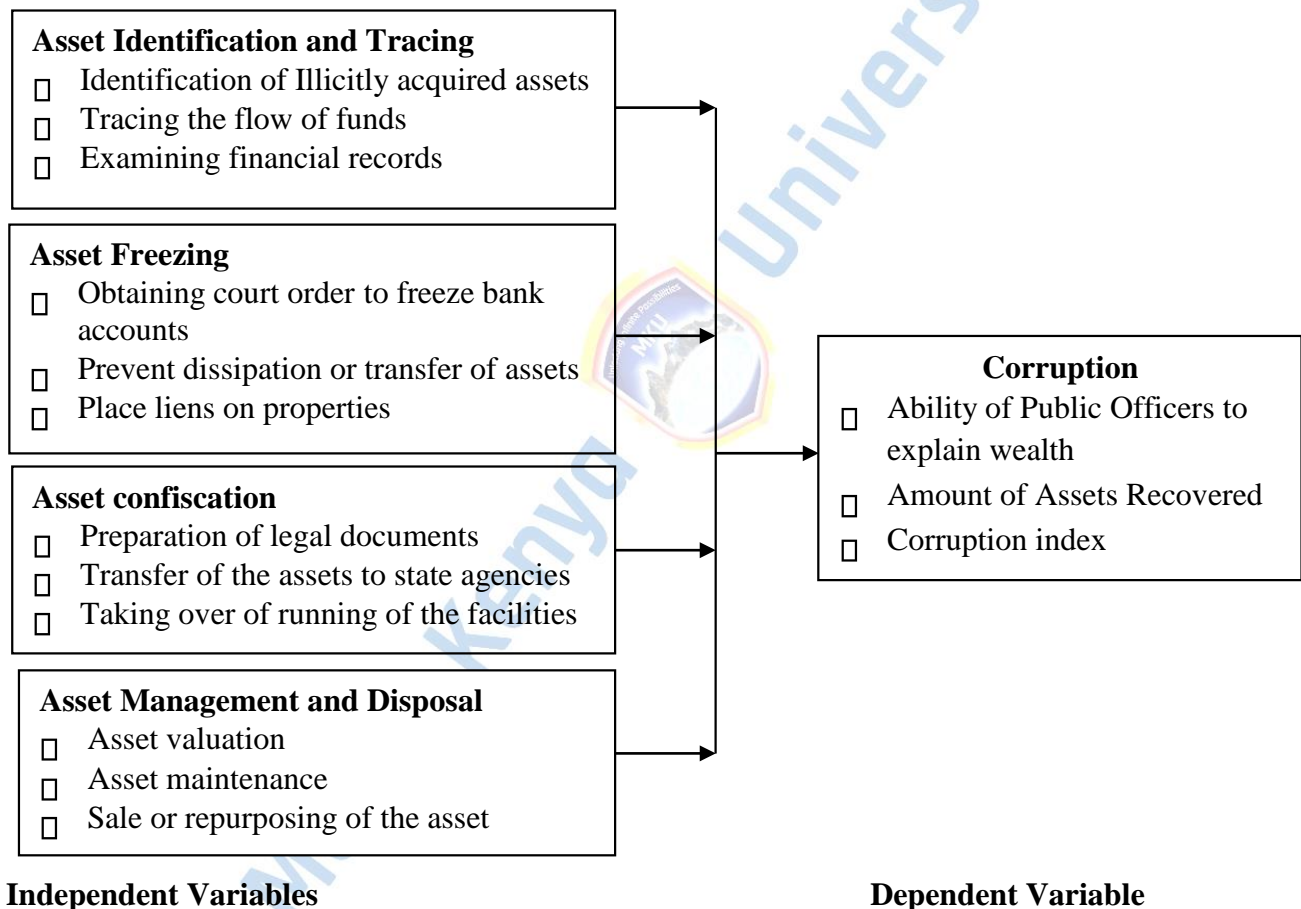


Figure 2. 1: Conceptual framework

Source: Author (2024)

2.4 Empirical Literature Review

This section entails a review of literature on effect of asset identification and tracing, asset confiscation, asset freezing as well as asset management and disposal on fighting of corruption.

2.4.1 Effect of Asset Identification and Tracing on Corruption

In United States, Pacini, Hopwood and Sinclair (2016) conducted a study on tracing domestic asset involving identification, tracking down, and freezing concealed and stolen assets. The study information was obtained from interviews, covert operations, surveillance, electronic databases and others. This research also looked at possible hiding places for assets and the many asset freezing tools available in the US, like injunctions, garnishment, replevin and attachment. The document includes a list of several helpful websites and resources. The results revealed that hidden or stolen property is frequently challenging to recover. When there is a great deal of uncertainty surrounding the results, asset recovery and tracking frequently require making difficult decisions. However, these findings may not be applicable to Kenya, as the study was conducted in the more developed United States, differing significantly from Kenya's developing context.

In United Kingdom, Harvey (2020) examined tracing the global revenues of corruption the difficulties presented by national borders and national agencies. The study adopted a systematic review of literature. Global efforts to combat corruption and deal with the proceeds of wrongdoing have drawn increased attention from around the world in recent years. It takes time to track down and retrieve the money obtained through corruption may have traveled via several different countries. The International Corruption Unit's future is doubtful as a result of lack of "hard results." However, since the study was conducted in the United Kingdom, its findings may not be applicable to Kenya due to differences in the macroeconomic environments of the two countries. Additionally, the study employed a systematic review research design, whereas the current study will utilize a descriptive research design.

In Nigeria, Esoimeme (2020) conducted a study on institutionalizing war against corruption with approaches to recovery and tracing of assets. This study relied on information from primary and secondary sources derived from public sector. Additionally, it utilized documentary research. The analysis was conducted as a desk research, which examined a number of documents, including Financial and Economic Crimes Commission (Establishment) Act and Federal Republic of Nigeria's 1999 Constitution. According to the research, asset recovery program in Nigeria will probably be more successful if Nigerian national government introduces a law to national parliament that would offer a precise framework for utilization of investigative authority by security, security agencies and law enforcement, as well as other public authorities. The study's

findings, based on research conducted in Nigeria, cannot be generalized to Kenya due to differences in legal and macroeconomic contexts, and while it used a documentary research design, the current study will employ a descriptive research design.

In Thailand, Rudravanija (2022) examined financial inquiry and recovery of asset as a way to fight corruption. The study made use of secondary data and systematic review of literature. The findings indicated that the quick expansion of investment and trade opportunities, together with the unrestricted flow of wealth and individual across boundaries, also significantly contributes to the atmosphere in which corruption thrives unchecked and unpunished. To combat this threat, agencies that deal with law enforcement must be able to undertake monetary investigations to find corrupt assets, work with international partners, and have efficient systems in place for transferring assets seized with the required nations. Since the study was conducted in Thailand, its findings may not apply to Kenya due to differing legal frameworks. Additionally, while the previous study employed a systematic review, this research will use a descriptive research design, leading to methodological differences.

In Kenya, Musili and Olando (2022) conducted a study on tracing the effectiveness of Kenya's continuum of anticorruption strategies. The study used a systematic review of literature. The findings indicated that knowing assets can be traced and confiscated discourages potential corrupt officials from engaging in illicit activities. When stolen assets are returned, it undermines the belief that corruption can be a "low-risk, high-reward" crime. In addition, successful recovery showcases commitment to tackling corruption, reinforcing public trust in institutions and the rule of law. Tracing allows authorities to identify and freeze stolen assets, preventing their dissipation or hiding. In addition, effective tracing leads to more successful asset recovery cases, returning stolen funds to the Kenyan government and potentially victims. Recovered assets are be used for public good, like infrastructure development, social programs, or healthcare, directly benefiting citizens. However, the previous study employed a systematic review design, whereas the current study will utilize a descriptive research design.

2.4.2 Effect of Asset Freezing on Corruption

Birkett (2020) conducted a study in Europe examining the impact of asset-freezing procedures on human rights, specifically analyzing decisions from the European Court of Human Rights and the

Inter-American Court of Human Rights. The research reviewed various cases under the European and American Conventions on Human Rights, revealing that asset-freezing measures in both criminal and administrative settings significantly affect individuals' rights to lawful property use, and their privacy, including their home, communications, and family life. However, since this study was based in Europe, its findings may not be directly applicable to Kenya due to differences in the legal and macroeconomic environments. Additionally, the European context may not fully reflect the unique challenges and frameworks present in Kenya.

In United States, Own and Bydoon (2017) conducted a study on asset-freezing evolution by UN Security Council (UNSC). The descriptive and analytical approaches were employed to shed light on evolution of UN Security Council's strategy for asset freeze. The primary goals of this research are addressed using primary and secondary sources. The main goals of this research are addressed by using primary and secondary sources. The results showed that asset-freezing was intended to exert pressure on states to comply with UNSC directives in order to preserve global collective security. Nevertheless, the findings cannot be generalized to Kenya since the study was conducted in United States, a more developed country compared to Kenya which is a developing country. Also, the study used descriptive and analytical approaches, but the current study will use descriptive approach.

Ventura (2022) studied targeted sanctions future and individual accountability quest using freeze and seize Task Forces in United States (US) and United Kingdom (UK). The study made use a systematic review of literature. The "freeze and seize Task Forces" formed by US and EU are a blatant illustration of this pattern in the light of the extraordinary sanctions placed on Russia. The concept of "asset freezing" has come to represent a still-emerging worldwide public order based on personal responsibility, international human rights legislation, the battle against corruption, adherence to international humanitarian law and economic crime. This pattern, which gives a peek of "international sanctions" in the future, demands thoughtful examination. However, the study was conducted in United States and United Kingdom hence the findings cannot be generalized to Kenya due to differences in microeconomic environment between the three countries. Also, the study made use of systematic review research design, but the current study will use descriptive research design.

In Indonesia, Latif, Arie and Kadarudin (2019) examined law enforcement on recovery of asset from corruption crimes by prosecutor through confiscation of asset. The methodology employed was normative legal research with a statute-based technique. The information utilized is secondary information that was gathered through document and book analysis. The outcomes showed that in Indonesia, corruption has resulted to significant losses to state finances, as well as what has transpired in City of Kendari, of the several corruption defendants who have received rulings from the corruption court, however, to recoup the State's financial damages using assets that corrupt officials own is not yet being carried out to its fullest potential by law enforcement, specifically, the prosecutor. Asset confiscation is used by the prosecutor to enforce the seizure of assets as a result of corruption in an effort to make up for lost state funds. According to Article 10 b (extra punishment) of the Criminal Code and further outlined in Articles 39–42 of the Criminal Code, seizure of goods earned through criminal activity is recognized under Indonesian criminal law. Nonetheless, the study was conducted in Indonesia hence the findings cannot be generalized to Kenya due to differences in legal framework between the two countries. Also, the study employed a normative legal research design, but the current study will employ a descriptive research design.

Elfeky (2022) examined tracking and tracking of assets acquired by crimes of corruption Egypt - Nigeria Case studies. The research employed a systematic literature review. The findings showed that certain countries have created technologies to enable quick access to limited information since asset tracing is very time-sensitive and essential to recovery of asset. Nigeria's Financial Crimes Commission (EFCC) and Economic has the authority to track down funds held in banks that are reasonably suspicious of having been obtained via criminal activity. There are various avenues to freeze the assets in Nigeria and Egypt, and they are different among administrative proceedings, temporary measures, or formalized cooperation in law. The application of these strategies has an influence on corruption. Nevertheless, the study was conducted in Egypt and Nigeria and therefore the findings cannot be generalized to Kenya due to differences in macroeconomic environments between the three countries. Also, the study used a systematic review research design, but the current study will use a descriptive research design.

Oldfield (2022) examined the challenges of asset freezing sanctions as an anti-corruption in Kenya. The study used a desktop research. The findings indicated that asset freezing sanctions have emerged as a significant tool in the fight against corruption in Kenya, alongside traditional

prosecution methods. These sanctions involve targeting individuals suspected of corruption by freezing their assets, essentially preventing them from accessing and utilizing any wealth potentially acquired through illicit means. The findings indicated that the threat of having assets frozen acts as a deterrent to potential corrupt officials, hindering their motivation to engage in illegal activities. Freezing assets puts significant pressure on individuals to cooperate with investigations and potentially return stolen funds. In addition, assets frozen through sanctions can be confiscated and subsequently recovered, potentially returning them to the Kenyan government or victims of corruption. Also, imposing sanctions sends a strong message to the public and international community that the government is serious about tackling corruption. Nonetheless, the study focused on asset freezing sanctions while the current study will focus on asset recovery strategies. Also, the study used a desktop research design, but the current study will use a descriptive research design.

2.4.3 Effect of Asset confiscation on Corruption

In Indonesia, Indraguna and Santiago (2021) conducted a study on effectiveness of criminal assets confiscation in enforcement of fair law. The research employed the normative juridical approach. The information was analyzed employing qualitative legal techniques, gathered from field studies and literature, systematically compiled, and descriptively presented. The research emphasized on literature review or secondary information analysis supported by primary information from field surveys. The results show that the lack of efficiency is brought on by the fact that the state receives the confiscated asset rather than the victims when judges in fraud cases decide to seize the offender's property. The challenges confronted by law enforcement in asset seizure are the ineffective rules and regulations currently in place as well as the lack of efforts made by law enforcement to locate and map the suspects' property or assets and other parties accused of having ties to the suspect in the alleged corruption case. The procedure for locating and cataloging assets is followed by a number of preliminary and thorough inquiries to recoup the nations' monetary losses brought on by accused suspect's alleged corruption. However, the study was conducted in Indonesia and hence the findings cannot be generalized to Kenya due to differences in legal framework and macroeconomic environment between the two countries. Also, the study employed a normative juridical approach, but the current study will employ a descriptive approach.

Usman and Supanto (2016) studied the execution of the collateral confiscations to demonstrate return of property gained by corruption activities in Indonesia. This research employed legal research like doctrinal and non-doctrinal. The outcome indicated that institutional framework is not systematic, fundamentally deficient law enforcement agencies. Due to inadequate infrastructure and facilities, attorneys acting as executors still struggle to undertake implementation of replacement fund as property recovery and struggle to maintain a record of hidden and transferred assets. The execution of replacement for state monetary loss is complicated by absence of laws that facilitates seizure of properties suspected of being obtained via corruption activities, variances in how states are perceived financially, and varying losses calculations.

Executing Collateral Confiscation is crucial for ensuring justice, welfare and legal clarity. Additionally, there is a connection between the use of collateral forfeiture and the legal protection principles in terms of making up for the financial losses the state suffered due to corruption. However, the study was conducted in Indonesia hence the findings cannot be generalized to Kenya due to difference in legal framework between the two countries. Also, the study employed legal research design, but the current study will employ a descriptive research design.

In Australia, Moiseienko (2018) carried out a research on confiscated earnings of corruption ownership under UN Convention combating corruption. The research analyzed Convention and the underlying policy considerations. The research showed that a State has more discretion than is typically believed when it comes to returning stolen property. The results also showed that the rule of law would be served better if states take strong efforts to seize corruption proceeds regardless of whether they are eventually sent back home. Nevertheless, the study was conducted in Australia and therefore the findings cannot be generalized to Kenya due to differences in macroeconomic environment between the two countries.

In Botswana, Mogomotsi (2021) conducted an examination of the regulations governing property forfeiture and confiscation without a conviction. The study emphasized the importance of individual property rights, as foundation for having procedural and substantial features of their poverty. The current legislative system makes an effort to balance between needs of state, third parties, and property owners. Results show that Botswana's civil forfeiture laws fully domesticate international standards. However, the study was conducted in Botswana, a country with different

legal framework and macroeconomic environment from Kenya hence the findings cannot be generalized into the current study.

Elfeky (2022) conducted a systematic review of literature to investigate asset confiscation procedures related to corruption offenses in Egypt and Nigeria. In Nigeria, administrative tracking and attachment are necessary before requesting a court for interim forfeiture. In contrast, Egypt's asset disposition procedures, based on the Law of Money Laundering (Article 20, paragraph 2) and Executive Regulations (Article 47), are limited and rely on bilateral or multilateral agreements for managing assets seized under foreign judgments. These procedures cover assets seized for money laundering and terrorism financing. However, due to the differing macroeconomic environments and legal frameworks between Egypt, Nigeria, and Kenya, these findings may not be applicable to Kenya. Additionally, while Elfeky's study utilized a systematic review, the current study will employ a descriptive research design.

In Kenya, Low (2022) examined the effect of asset confiscation on corruption. The study employed a descriptive research design, utilizing both quantitative data (surveys) and qualitative data (interviews) from key stakeholders in anti-corruption agencies. The research indicates that participants have a good understanding of corruption and asset recovery issues in Kenya. Statistical analysis confirms that the multi-agency strategic intervention has a significant impact on both reducing corruption and recovering stolen assets. The threat of losing ill-gotten wealth through confiscation acts as a deterrent to potential offenders, discouraging them from engaging in corrupt activities. This can lead to a decrease in overall corruption levels. Confiscation holds corrupt individuals accountable for their actions, sending a strong message that such behavior will not be tolerated. This can potentially rebuild public trust in institutions and the rule of law. Nonetheless, the study examined the effect of asset confiscation on corruption, but the current study will assess the effectiveness of Asset Recovery strategy in fight against corruption.

2.4.4 Effect of Asset Management and Disposal on Corruption

In Malaysia, Tajudin, Norziation and Ismail (2021) conducted an assessment on elements influencing the effectiveness of asset management in government organizations. This research will examine the concerns frequently brought up in Auditor-General Report, especially with regard to management of asset, and will determine the variables influencing asset management performance.

Conceptual portion involved a thorough search and analysis of secondary sources of data using citations from and evaluations of academic works, Auditor-General's Report, publications and news pertaining to management of asset. Outcomes revealed three problems that should be highlighted: insufficient maintenance procedures, theft and misappropriation of government property, and a lack of expertise in asset management. However, the study was conducted in Malaysia hence the findings cannot be generalized to Kenya due to differences in macroeconomic environment between the two countries.

In Indonesia, Cahyani and Wardoyo (2022) examined law enforcement's efforts to implement restorative justice in the corruption-related asset recovery outcomes. This research method uses the normative method. The act of returning corrupted assets in attempt to reduce losses in state is action that is just as crucial as outlawing corrupt behavior by punishing offenders with harsh or life sentences. Final step in asset recovery method is return of properties obtained by criminal activities of corruption by giving them to victim or country where they were obtained. Both victim and receiving nations must enact legislation and take other steps in accordance with their respective national legal systems in order for the competent body to be able to return the assets. Nevertheless, the study was conducted in Indonesia and therefore the findings cannot be generalized to Kenya due to differences in legal frameworks and macroeconomic environment between the two countries. Also, the study used a normative research, but the current study will use a descriptive research design.

Adeniran (2018) undertook an evaluation of the federal governments' efforts in Nigeria to recover looted assets in order to combat corruption and terrorism. The research adopted a descriptive research design. The findings indicated that terrorism and corruption both directly and indirectly impede national growth, therefore significance of recovering looted assets cannot be overstated. The research also discovered that there is a need for global cooperation, ultimate autonomy, or entire independent operation of the institution in question to increase the effectiveness of assets recovery and maintain careful oversight of the use of recovered assets to avoid re-looting.

Olujobi (2021) explored the necessity to implement a civil forfeiture legal system in Nigeria in order to recover corruption proceeds of corruption and reversing current tendencies. The results showed that there were claims of inconsistencies in the amounts of money collected by Nigeria's

anti-corruption agency. Estimates of amount of assets taken from Nigeria vary significantly due to difficulty of gathering information on corruption earnings since there are no official statistics on the proceeds of corruption that have been recovered as anti-corruption organizations periodically make statements about the amount of assets that have been recovered without providing any details on the types of assets that have been seized, their types, locations, or values. The study's findings, based on research conducted in Nigeria, may not be relevant to Kenya due to differing macroeconomic conditions and legal systems between the two nations. Consequently, the results cannot be extended to the Kenyan context. The disparities in economic and legal environments limit the generalizability of these findings.

In Kenya, Njeru and Moronge (2018) conducted research on how asset disposal procedures affect state-owned firms' performance. The research employed a descriptive approach to assist identify trends in behaviors and attitudes and allow for the generalization of the study's findings. The research gathered information employing drop and pick technique. The research gathered qualitative and quantitative information and analysis was carried out employing quantitative and qualitative techniques. The findings indicated that performance of procurement of state owned businesses in Kenya was impacted by valuation techniques, planning for disposal, assessments of the disposal process, and compliance with disposal protocols as the primary elements that mostly influence how well state-owned businesses perform in Kenyan procurement. Nonetheless, the study examined how asset disposal procedures affect state-owned firms' performance, but the current study will assess the effectiveness of Asset Recovery strategy in fight against corruption.

2.5 Research Gap Analysis

This section highlights in a tabular format a summary of gaps identified in research. The gaps involve conceptual, contextual, empirical and methodological, gaps. The framework for filling the identified gaps is also presented in depth. Table 2.1 shows the recap of literature review and gaps

Table 2. 1: Recap of Literature Review and Gaps

Author(s) and Context		Key Findings	Research Gaps: (Conceptual, Contextual, Methodological or Empirical Gaps)	How the current study will fill the gaps
Abdulhamid (2021)	Multi-Agencies' strategic intervention on Kenya's Level of Recovery of Asset and Corruption	The research confirmed that the investigation significantly influences asset recovery and corruption in Kenya.	The research focused on Asset Recovery level. The study adopted a quantitative research approach	The current research focused on effectiveness of asset recovery plan for combating corruption in Kenya This study combined both a quantitative research approach and qualitative research approach
Kireri (2022)	Analysis of element affecting execution of asset recovery strategies by Kenyan Ethics and Anti-Corruption Commission.	The study shows that there exists a link between asset recovery strategies that are executed and effectiveness of those plans.	The study focused on EACC as an Institution. The study used a case study design	The current study focused on effectiveness of asset recovery in battle against Corruption. This study adopted a descriptive research design
Lena (2021)	Evaluating the impact of recovering	That there exists an extensive legal and organizational	The study did not recommend appropriate	This study recommends reforms in the legal and institutional

Author(s) and Context		Key Findings	Research Gaps: (Conceptual, Contextual, Methodological or Empirical Gaps)	How the current study will fill the gaps
	mysterious wealth in preventing corruption in the government sector. Specifically contrasting a few European and African nations	framework for recovery of explained wealth but laws require to be synchronized.	reforms in the recovery of unexplained wealth. The study adopted a systematic review of literature	framework to enhance asset recovery. This study adopted a descriptive research design
Mbagwa (2014)	The Role of procedural laws in recovery of asset: A Roadmap for Tanzania	There are deficiencies in recovery process since the recovery process is regulated by several statutes.	The study focused on improving Tanzania's asset recovery process	The current research focused on effectiveness of recovery of asset strategy in fight against Corruption.

Ngumbi (2019)	Viability of lifestyle audits as an anticorruption strategy in Kenya: A critical evaluation of administrative, policy and legal framework.	Regarding the execution of lifestyle audits in accordance with ACECA requirements concerning unexplained riches, the strict precursor conditions that EACC must meet prior to publishing a statutory notice	The research identifies significant flaws in the Constitution, LIA, ACECA and POEA among others, to the extent that they envision or permit lifestyle audits.	The current study recommended legal and policy reforms to enhance the asset recovery strategy in the fight against Corruption.
Author(s) and Context		Key Findings	Research Gaps: (Conceptual, Contextual, Methodological or Empirical Gaps)	How the current study will fill the gaps
		contradict the statutory notifications' intended purpose.		
Oldfield (2022).	The challenges of asset freezing sanctions as an anti-corruption	The findings indicated that asset freezing sanctions have emerged as a significant tool in the fight against corruption in Kenya, alongside traditional prosecution methods.	The study did not focus on other asset recovery strategies. The study adopted a desktop research approach.	The study utilized primary data which was collected by use of questionnaires.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This section highlights the research methodology of the study, which in this case will be pragmatic approach covering both quantitative and qualitative research approach. This is followed by research design, location of the research, population targeted, size sampled and sampling method, instruments of research, procedures for collecting data, analysis of data and presentation, and ethical considerations.

3.2 Research Methodology

This research used a pragmatic approach. Philosophy of pragmatics places a strong emphasis on positivism and interpretivism aspect of a certain research to help the researcher create questions that can be answered about the specific concerns being investigated. Pragmatic research often employs mixed-methods approaches that combine qualitative and quantitative methods to gather and analyse data. It may draw on multiple disciplines and incorporate insights from different fields to provide a holistic understanding of the research problem (Bell, Bryman & Harley, 2019). The current investigation employed pragmatic research approach as it involves quantitative and qualitative research method. The research drew on multiple disciplines and incorporates insights from different fields to provide a holistic understanding of the research problem. The study used both qualitative and quantitative approaches to examine the effectiveness of asset recovery strategy in the fight against corruption in Kenya.

3.3 Location of the Study

The research was conducted in Kenya. Republic of Kenya is a nation in Africa that spans 580,895 square kilometers (224,960 miles) or roughly 5200 square miles. The estimated total population of Kenya is 47.6 million, consisting of 23.55 million men, 24.01 million women, and roughly 1524 intersex people (Kenya National Bureau of Statistics, 2020). Kenya, which is in East Africa, shares borders with South Sudan, Ethiopia, Somalia, Tanzania, and Uganda to the northwest, north, east, and south, respectively. Kenya has 47 counties, with Nairobi serving as both the nation's capital and biggest metropolis.

3.4 Research Design

The research adopted a descriptive research design. Descriptive design is the methodical gathering of information in a consistent format from a known group or representative (Devi, 2019). Descriptive designs are employed in exploratory and preliminary investigations to enable researchers to obtain information, synthesize, convey, and interpret it for clarity (Hair, Page & Brunsveld, 2020). The research involved a descriptive design as it enables researchers to systematically describe and explore phenomena, events, or situations as they naturally occur. It provides a detailed and comprehensive account of the characteristics, behaviors, or attributes of a particular population, group, or phenomenon. The study used descriptive research design to assess the effectiveness of Asset Recovery strategy in the fight against corruption in Kenya.

3.5 Target Population

The population targeted consisted of people who are a part of group being studied by researcher. Krishna (2020) defines population as any collection of organizations, individuals, or items that share some traits. The population targeted for this research comprised respondents familiar with the asset recovery strategy. The respondents were drawn from Asset Recovery Agency (ARA), Ethics and Anti-Corruption Commission (EACC), Asset Recovery Agency (ARA), and Office of Directorate of Public Prosecution (ODPP). The target population was 320 staff working in EACC, ARA and ODPP as shown in Table 3.1.

Table 3. 1: Target Population

Category	Target Population(N)
Ethics and Anti-Corruption Commission (EACC)	200
Asset Recovery Agency (ARA)	20
Office of the Directorate of Public Prosecution (ODPP).	100
Total	320

Source: ODPP, EACC, and ARA

3.6 Sample Size and Sampling Technique

For a size sampled to represent a universe population it must be large enough (Kumar, 2019).

Latwal (2020) emphasis that selected sample size by the investigator should have the ability of providing complete information concerning population and one that is simple to analyze. Furthermore, Slovin's Formula was utilized to establish the sample size. The formula was chosen since it puts size of the population into consideration.

$$n = \frac{N}{1 + NE^2}$$

Where by:

n = no. of samples N

= entire population

E = error margin / margin of error (0.05)

$$n = \frac{320}{1 + (320 * 0.05^2)}$$

$$n = 177$$

Stratified random sampling method was adopted to choose 177 staffs from population targeted as shown in Table 3.2. In addition, stratified random sampling entails categorization of population into smaller sub-groups referred to as strata. Strata are created according to participants' common traits and features. After categorization, in a number corresponding to the stratum size, random sample shall be acquired from every stratum when contrasted with the population (Metsamuuronen, 2017). In this research, the strata were the three organizations. Stratified sampling has a major advantage on how it captures major population features in the sample. Stratified random sampling improves precision and accuracy of estimates compared to simple random sampling. Stratified random sampling enhances sample representativeness by ensuring that every stratum in the sample is proportionately represented to its size in the population

Table 3. 2: Sample Size Distribution

Category	Target Population(N)	Sample Size
Ethics and Anti-Corruption Commission (EACC)	200	111
Asset Recovery Agency (ARA)	20	11
Office of the Directorate of Public Prosecution (ODPP).	100	55
Total	320	177

Source: ODPP, EACC, and ARA

3.7 Research Instruments

The study employed primary information, which shall be gathered using questionnaires which are semi-structured. Semi-structured questionnaire is a combination of structured and unstructured questions (Sileyew, 2019). The structured questions were in the form of and nominal scale and Likert scale. The research employed a five point Likert scale to gather information on dependent and independent variables. A nominal scale was employed to gather information on demographic details of participants. Questions which are structured were employed in an attempt to reduce cost and time as well as to facilitate simpler analysis because they are already in usable condition. Furthermore, research employed open-ended, also known as unstructured, questions. Unstructured inquiries yield deep insights that add color and depth to black and white structured inquiries (Babbie, 2017). Unstructured questions were employed since they allow respondents to provide a thorough answer without feeling constrained in disclosing any information. Questionnaires are regarded as cost-effective method of gathering a vast volume of information from many people in a short period (Waddell, 2020). Questionnaires were also employed in this investigation since they protect anonymity as some of information required is confidential or strategically important to particular groups.

There were six sections in the questionnaire. The first component provided the respondents' background information. Questions pertaining to the study's independent variables were included in the second, third, fourth, and fifth sections (identification and tracing, asset confiscation, asset freezing as well as asset management and disposal), while those pertaining to the study's dependent variable (corruption in Kenya) was covered in the sixth section.

3.8 Data Collection Procedures

Data collection process is the procedure used both before and in the process of gathering information from responders (Waddell, 2020). A letter for gathering information will be acquired before starting the gathering of information. Besides that, the researcher obtained permit for gathering information from National Commission for Science, Technology and Innovation and management of three industries. When distributing surveys to participants, researcher employed a drop-off/pick-up later strategy. The surveys were delivered by hand to respondents in the dropoff/pick-up later approach, and they were picked up once they have been completed. Daily

checkups were conducted to see how the responders are doing with the questionnaires. The exercise to gather information is anticipated to take three weeks or so.

3.8.1 Pilot Test

Pilot test is a small-scale preliminary research carried out to assess viability, cost, duration, and unfavorable outcomes, and enhance the study plan before carrying out a comprehensive research project (Sileyew, 2019). A pre-test was administered to find and reword any unclear, erroneous, or poorly phrased questions. Additionally, the pre-test made it easier to fix typos and determine whether the questions are pertinent and acceptable. Pre-testing of research tools were done in EACC. Pre-test participants were made up 10% of the size sampled and was chosen at random from the larger sample population. Babbie (2017) asserts that a sample size should be 10% of sample needed for the entire investigation.

3.8.2 Validity of Research Instruments

Research validity refers to how accurately necessary variables are measured in a study. This research will employ two validity categories, content and face validity. Face validity verifies that measure seems to be evaluating proposed construct being examined (Kumar, 2019). Tests are said to have face validity when their questions appear to be pertinent to individual taking them. It evaluates questionnaire's appearance according to readability, viability, uniformity of formatting and style, and usage of clear language. In this research, face validity was improved by employing experts' reviews with knowledge on assets recovery strategy including the supervisor. Content validity refers to how well items capture or measure the essence of the trait that the researcher intends to assess (Hair, Page & Brunsveld, 2020). It is the extent to which an instrument's constituent parts accurately represent the scope of its intended use. Content validity was improved by organizing questions in questionnaire in accordance to the study's objectives and indicators.

3.8.3 Reliability of Research Instruments

Reliability determines whether assessment tool consistently produces comparable findings when applied to similar contexts and subject kinds. Reliability in this research was evaluated employing internal consistency of various responses on asset recovery strategies (Metsamuuronen, 2017). The internal consistency coefficient estimates the measurement's reliability by making the assumption

that items measuring related constructs should correlate. The most employed technique for gauging internal consistency is Cronbach's alpha. Cronbach's alpha typically ranges from 0 to 1, where higher values indicate greater internal consistency among the items in the scale. Generally, a value of 0.7 or higher is considered acceptable for research purposes, though the threshold may vary depending on the context and the specific scale being used (Bell, Bryman & Harley, 2019). A Cronbach's alpha of 7 in this research was regarded as satisfactory, and a Cronbach's alpha coefficient of less than 0.7 required that assertions in a construct be revised until a Cronbach's alpha of more than 0.7 is obtained.

Table 3. 3: Reliability Results

Variables	Cronbach's Alpha
Asset Identification and Tracing	0.856
Asset Freezing	0.857
Asset confiscation	0.805
Asset Management and Disposal	0.776
Corruption	0.807

From the results, as shown in Table 3.3, asset identification and Tracing had a Cronbach's alpha coefficient of 0.856, asset freezing had a Cronbach's alpha coefficient of 0.857, asset confiscation had a Cronbach's alpha coefficient of 0.805, asset management and disposal had a Cronbach's alpha coefficient of 0.776 and corruption had a Cronbach's alpha coefficient of 0.807. This implies that asset identification and tracing, asset freezing, asset confiscation, asset management and disposal as well as corruption were reliable.

3.9 Data Analysis and Presentation

The study utilized questionnaires to gather both quantitative and qualitative data on asset recovery strategies and corruption in Kenya. To analyze the open-ended responses, thematic analysis was employed, a widely used method in qualitative research. This approach identifies, evaluates, and documents recurring patterns or "themes" within the data, which are crucial for understanding the studied phenomenon. Themes represent common patterns that emerge across various data sets and are key to defining the focus of the study. The results of the qualitative data analysis were presented in a narrative format, detailing the findings on asset recovery strategies.

Quantitative data analysis utilized descriptive and inferential statistics with the help of Statistical

Package for Social Sciences (SPSS) version 25. This software facilitated the comprehensive analysis of the data. Descriptive statistics were utilized to examine the respondents' preliminary details and describe how they responded to indicators of independent, dependent, and moderating variables (Devi, 2019). Descriptive statistics involved percentages, measurements of central tendency (mean), frequency distribution and measurements of dispersion (standard deviation). Inferential information analysis was carried out employing Pearson correlation coefficient, and multiple regression analysis. The model for regression was as follows;

$$Y = \beta_0 + \beta_1X_1 + \beta_2X_2 + \beta_3X_3 + \beta_4X_4 + \varepsilon$$

Where:

Y = Corruption β_0 =

Constant

β_1 - β_4 = Coefficients of determination X_1

= Asset identification and tracing

X_2 = Asset confiscation

X_3 = Asset freezing

X_4 = Asset management and disposal ε

= Error term

3.10 Ethical Considerations

Ethics refers to moral or ethical standards that the investigator will follow when carrying out this research (Krishna, 2020). The researchers obtained proper permissions and adhere to any regulations or guidelines set forth by relevant authorities or stakeholders regarding access to research locations. Respect for the property rights and privacy of individuals in those locations is paramount. A permission to gather information was requested by the researcher from National Commission for Science, Technology and Innovation (NACOSTI) and a letter for gathering information from Mount Kenya University. Information consent entails comprehension and voluntarily participating in a study project (Sileyew, 2019). Since the concept of sensitivity was followed, the participants would be questioned about their willingness to take part in the study.

The survey forms were only distributed to individuals who agree to take part in the research.

In addition, the researcher maintained professionalism and respect cultural norms and expectations when interacting with participants or conducting research in specific contexts. Sensitivity to

cultural differences in behavior, communication, and demeanor is essential to avoid causing offense or discomfort. In order to maintain confidentiality, the researcher assured participants that the utmost secrecy was maintained with regard to any information they choose to share with us during this investigation, and it was employed for educational purposes. The research locked up the data papers and limit access to them by only allowing certain people to examine the data. In order to ensure participants' anonymity, identifiable details should not be recorded in a research tool unless it is absolutely necessary for research methodology. Participants were requested to withhold names or any identifying detail when filling in questionnaires that were used in this research.

The researchers must establish secure protocols for the storage, retention, and disposal of research data to prevent unauthorized access, loss, or misuse. This includes encryption of electronic data, maintaining backups, and adhering to institutional or legal requirements for data retention and protection. In addition, the researcher will acknowledge and respect the intellectual property rights of others by properly citing sources and obtaining necessary permissions for the use of copyrighted material. Plagiarism, including the uncredited use of others' ideas or work, is unethical and undermines the integrity of research. Researchers should adhere to academic standards of attribution and integrity in all aspects of their work.

CHAPTER FOUR

RESEARCH FINDINGS, ANALYSIS AND PRESENTATION

4.1 Introduction

This chapter covers the data analysis, presentation, interpretation, and discussion aligned with the study's objectives. It aimed to evaluate the effectiveness of asset recovery strategies in combating corruption in Kenya, focusing on asset identification, tracing, freezing, confiscation, and management. The chapter starts with the response rate, provides background information, and includes descriptive and inferential analysis of the study variables. The findings are discussed and presented through tables and figures.

4.2 Questionnaires' Response Rate

The sample size of this study was 177 staff working in Asset Recovery Agency (ARA), Ethics and Anti-Corruption Commission (EACC), Asset Recovery Agency (ARA), and Office of Directorate of Public Prosecution (ODPP). The response rate was as presented in Table 4.1.

Table 4. 1: Response Rate

Category	Sample Size	Responses	<u>Response Rate</u>
Ethics and Anti-Corruption Commission (EACC)	111	103	92.79
Asset Recovery Agency (ARA)	11	10	90.91
Office of the Directorate of Public Prosecution (ODPP).	55	48	87.27
Total	177	161	90.96

Out of 177 distributed questionnaires, 161 responses were received, resulting in a response rate of 90.96%. According to Latwal (2020), a response rate of 50% is adequate for analysis, 60% is considered good, and 70% is deemed excellent. Therefore, the 90.96% response rate achieved in this study is well above these benchmarks, indicating a robust dataset for drawing conclusions and making recommendations.

4.3 Background Information

The demographic details collected in this study included respondents' gender, highest education level, tenure with their organizations, their role in asset recovery, and their familiarity with asset recovery practices in Kenya.

4.3.1 Gender of the Respondents

Respondents were asked to specify their gender, and Figure 4.1 illustrates the gender distribution among the study participants.

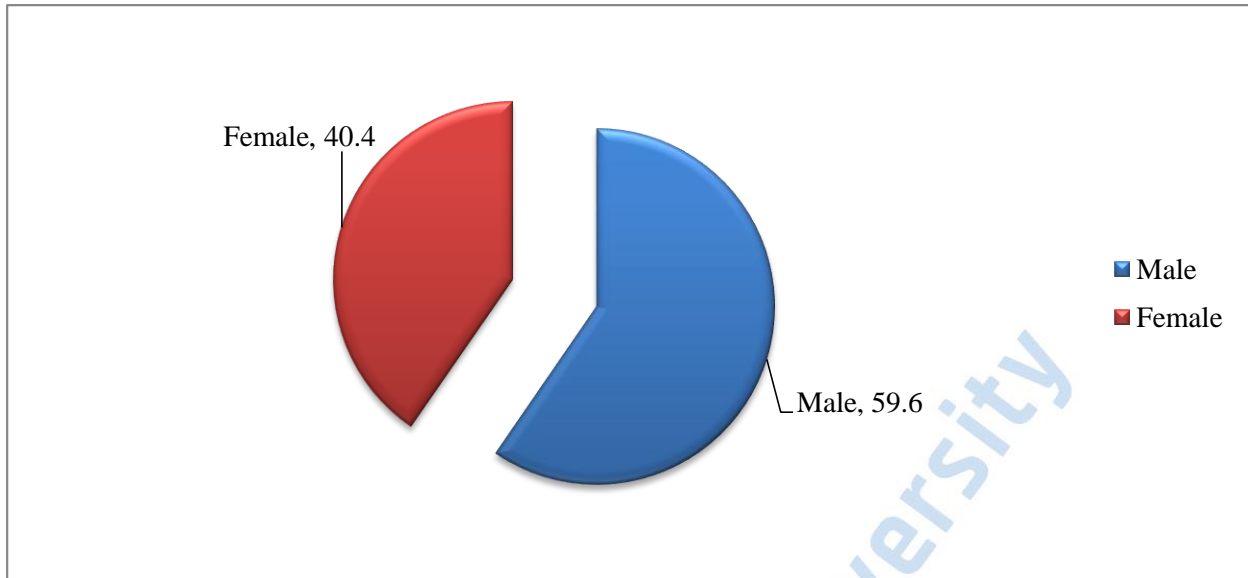


Figure 4. 1: Gender of the Respondents

From the results, as shown in Figure 4.1, 59.6% of the respondents were identified as male while 40.4% of the respondents were identified as female. This shows that majority of the staff working in Asset Recovery Agency (ARA), Ethics and Anti-Corruption Commission (EACC), Asset Recovery Agency (ARA), and Office of Directorate of Public Prosecution (ODPP) were male.

4.3.2 Highest Level of Education of the Respondents

Respondents were requested to specify their highest level of education. Figure 4.2 displays the educational qualifications achieved by the study participants. This figure provides an overview of the respondents' educational backgrounds.

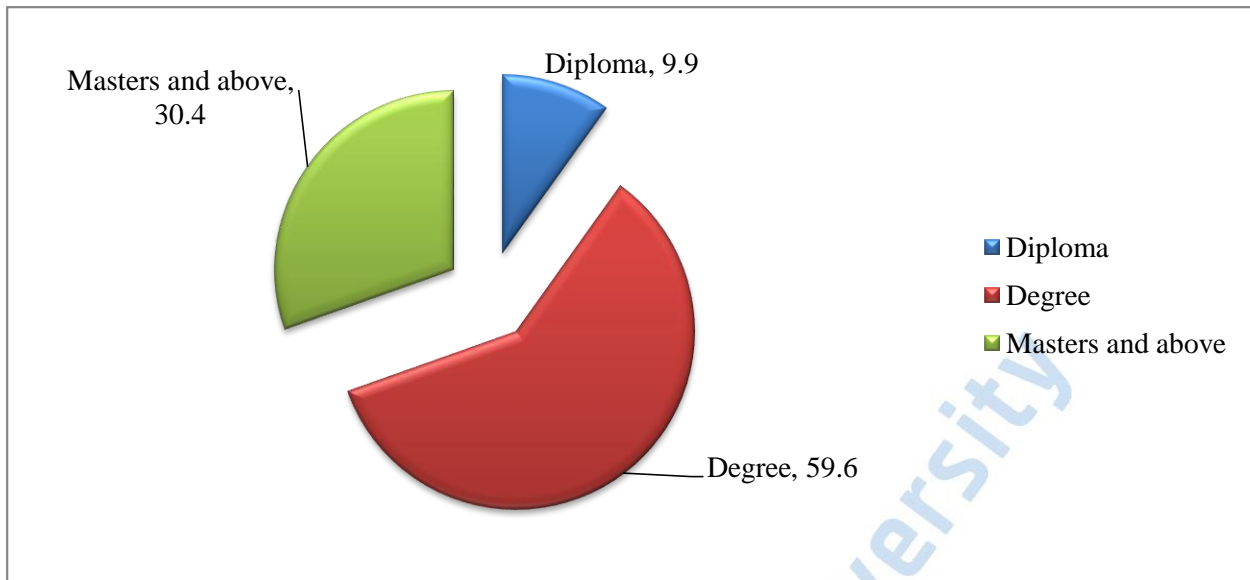


Figure 4. 2: Highest Level of Education of the Respondents

As shown in Figure 4.2, 59.6% of the respondents had attained a degree, 30.4% had achieved a master's degree or higher qualification and 9.9% had diplomas as their highest level of education. This shows that majority of the staff working in Asset Recovery Agency (ARA), Ethics and Anti-Corruption Commission (EACC), Asset Recovery Agency (ARA), and Office of Directorate of Public Prosecution (ODPP) had a degree as their highest level of education.

4.3.3 Duration of Working in Their Organizations

Figure 3 depicts the tenure of respondents at the agency or institution engaged in asset recovery in Kenya. It provides a visual representation of the duration each respondent has spent working with the organization. The data illustrates how long employees have been involved in asset recovery activities.

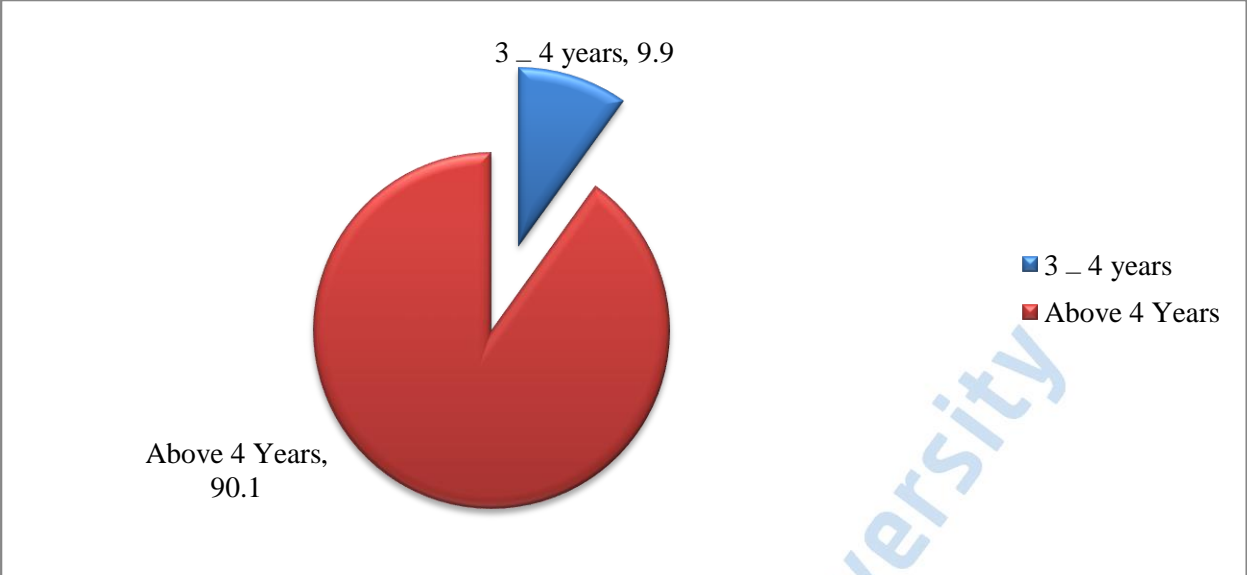


Figure 4. 3: Duration of Working in Their Organizations

From the results, 90.1% of the respondents had worked with the agency or institution for more than 4 years while 9.9% indicated for 3 to 4 years. This suggests a significant level of experience and institutional knowledge among the workforce, which can be beneficial in understanding the complexities of asset recovery processes and navigating the challenges associated with it.

4.3.4 Institutions’ Role in Asset Recovery

Figure 4.4 reflects the opinions of respondents regarding the importance of their institution in asset recovery efforts.

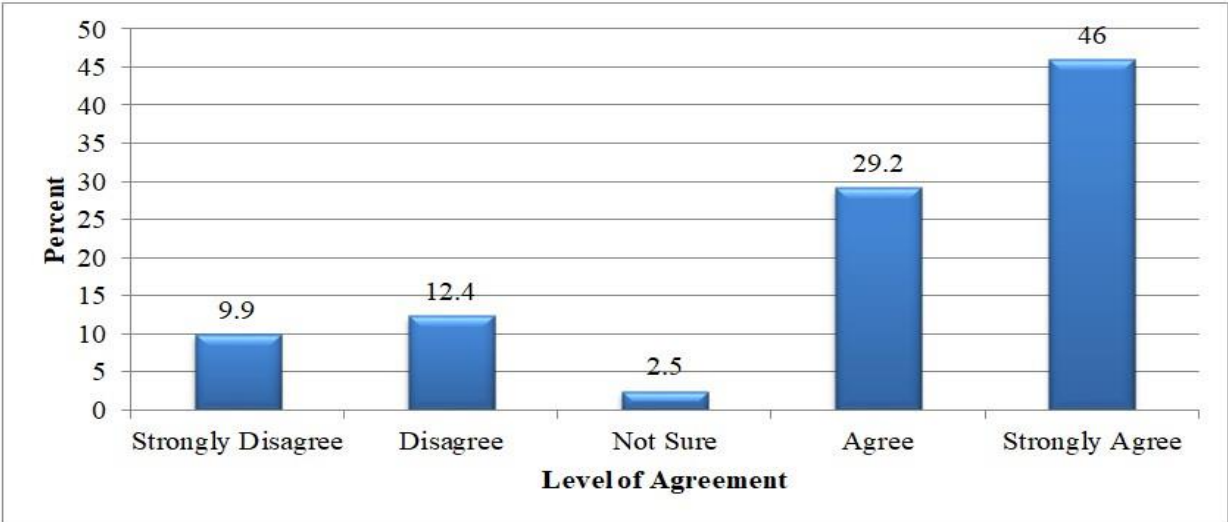


Figure 4. 4: Institutions’ Role in Asset Recovery

The results, as shown in Figure 4.4, show a majority of respondents strongly believe in their institution's pivotal role in asset recovery, with 46.0% strongly agreeing and an additional 29.2% agreeing. This indicates a significant level of confidence among the workforce regarding their institution's effectiveness in asset recovery efforts. However, a notable minority holds contrasting views, with 12.4% disagreeing and 9.9% strongly disagreeing that their institution plays a crucial role. Despite this, only a small percentage (2.5%) are unsure about their institution's contribution. Overall, while there is a range of perspectives within the workforce, the majority perceives their institution as playing a crucial role in asset recovery, suggesting a strong sense of institutional efficacy and importance in combating financial crimes.

4.3.5 Acquaintance with Information Regarding Asset Recovery in Kenya

Figure 4.5 presents results on the extent to which respondents feel acquainted with information regarding asset recovery in Kenya.

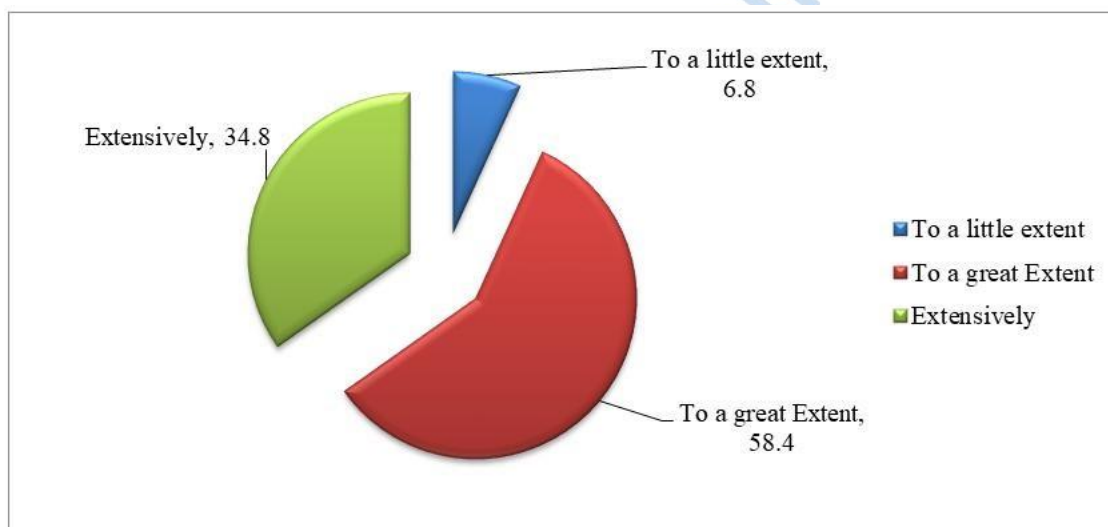


Figure 4. 5: Acquaintance with Information Regarding Asset Recovery in Kenya

The results, as shown in Figure 4.5, reveal that a majority of respondents feel well-acquainted with information regarding asset recovery in Kenya, with 53.4% indicating they are acquainted to a great extent and a further 34.8% feeling extensively acquainted. These findings suggest a significant level of knowledge and expertise within the workforce regarding the topic. However, a smaller proportion of respondents, comprising 6.8%, feel acquainted to only a little extent, indicating a minority with limited familiarity. Additionally, a small percentage, 5.0%, is unsure about the extent of their acquaintance with asset recovery information, possibly indicating a lack

of confidence or clarity. Overall, the results demonstrate varying degrees of acquaintance with asset recovery information among respondents, with a majority expressing a strong level of understanding, while a minority exhibit less confidence or uncertainty.

4.4 Asset Identification and Tracing

The study sought to examine the effect of asset identification and tracing on the fight against corruption in Kenya

4.4.1 Aspects of Asset Identification and Tracing

Respondents rated their agreement with various statements on asset identification and tracing using a five-point Likert scale, with 1 indicating strong disagreement, 2 indicating disagreement, 3 indicating neutrality, 4 indicating agreement, and 5 indicating strong agreement. The findings are detailed in Table 4.2.

Table 4. 2: Aspects of Asset Identification and Tracing

<u>Statements</u>	<u>Mean</u>	<u>Std. Deviation</u>
The identification process effectively detects illicitly acquired assets	4.342	.734
The methods used to identify illicitly acquired assets are reliable and accurate.	4.143	.660
The authorities responsible for identifying illicitly acquired assets are competent and thorough in their investigations	4.248	.887
I have confidence in the effectiveness of the measures taken to identify and trace illicitly acquired assets.	3.944	.673
The process of tracing the flow of funds is effective in uncovering hidden financial transactions.	4.043	.744
The methods used to trace the flow of funds are reliable and accurate.	3.944	.808
The authorities responsible for tracing the flow of funds are competent and thorough in their investigations.	4.149	.653
The process of tracing the flow of funds adequately covers a wide range of financial transactions and entities involved	4.043	.595
The examination of financial records is effective in uncovering evidence of illicit financial activities.	3.646	.793

The methods used to examine financial records are reliable and accurate. 3.646 .793

The authorities responsible for examining financial records are competent 3.702 .842 and thorough in their investigations.

With a mean of 4.342 (Std. Deviation=0.734), the respondents agreed that the identification process effectively detects illicitly acquired assets. Additionally, with a mean of 4.248 (Std. Deviation=0.887), the respondents indicated agreement that the authorities responsible for identifying illicitly acquired assets are competent and thorough in their investigations. The respondents also agreed with a mean of 4.143 (Std. Deviation=0.660) that the methods used to identify illicitly acquired assets are reliable and accurate. Also, the respondents agreed with a mean of 3.944 (Std. Deviation=0.673) regarding their confidence in the effectiveness of the measures taken to identify and trace illicitly acquired assets.

In addition, with a mean of 4.149 (Std. Deviation=0.653), the respondents agreed that the authorities responsible for tracing the flow of funds are competent and thorough in their investigations. Furthermore, with a mean of 4.043 (Std. Deviation=0.744), the respondents agreed that the process of tracing the flow of funds is effective in uncovering hidden financial transactions. Also, with a mean of 4.043 (Std. Deviation=0.595), the respondents agreed that the process of tracing the flow of funds adequately covers a wide range of financial transactions and entities involved. Similarly, with a mean of 3.944 (Std. Deviation=0.808), the respondents agreed that the methods used to trace the flow of funds are reliable and accurate.

Additionally, with a mean of 3.702 (Std. Deviation=0.842), the respondents agreed that the authorities responsible for examining financial records are competent and thorough in their investigations. Moreover, the respondents showed slightly less agreement with a mean of 3.646 (Std. Deviation=0.793) regarding the effectiveness of the examination of financial records in uncovering evidence of illicit financial activities. Similarly, with a mean of 3.646 (Std. Deviation=0.793), the respondents showed agreement that the methods used to examine financial records are reliable and accurate.

4.4.2 Influence of Identification and Tracing on the Fight against Corruption

Respondents were surveyed on the impact of asset identification and tracing on combating corruption in Kenya. The results revealed that efficient asset identification and tracing allow authorities to dismantle complex corruption networks, reveal concealed assets, and interrupt the movement of illicit funds. This approach significantly aids in exposing hidden wealth and disrupting corrupt financial flows. This process not only helps to recover stolen assets but also serves as a deterrent against future corrupt practices by demonstrating the consequences perpetrators face. Moreover, asset identification and tracing contribute to enhancing transparency and accountability within public institutions, fostering public trust in the government's commitment to combatting corruption. Furthermore, asset identification and tracing empower law enforcement agencies and anti-corruption bodies to follow the money trail, uncovering evidence that can be used to prosecute corrupt individuals and bring them to justice. In addition, asset identification and tracing initiatives promote international cooperation and collaboration, as they often involve cross-border investigations and mutual legal assistance to track down and recover assets held in foreign jurisdictions.

4.5 Asset Freezing

The second objective of the study was to assess the effect of asset freezing on the fight against corruption in Kenya

4.5.1 Aspects of Asset Freezing

The respondents were asked to indicate their level of agreement with various statements on asset freezing. The results were as shown in Table 4.3.

Table 4. 3: Aspects of Asset Freezing

Statements	Mean	Std. Deviation	
Obtaining a court order to freeze bank accounts is an effective measure to prevent illicit financial transactions.	4.298	.458	
The process of obtaining a court order to freeze bank accounts is efficient and timely.	3.590	.925	

Freezing bank accounts through court orders is a necessary step in preventing the further flow of illicit funds.	4.497	.672
The authorities responsible for obtaining court orders to freeze bank accounts are competent and thorough in their actions.	4.298	.458
Taking measures to prevent the dissipation or transfer of assets is crucial in preserving the proceeds of illicit activities.	4.199	.600
The measures implemented to prevent the dissipation or transfer of assets are effective in safeguarding the ill-gotten gains.	4.093	.545
The authorities responsible for preventing the dissipation or transfer of assets are proactive and successful in their actions.	4.099	.300
Preventing the dissipation or transfer of assets hinders the ability of individuals engaged in corrupt practices to enjoy the illicit proceeds	4.398	.490
Placing liens on properties is an effective method to secure assets related to corrupt activities.	4.298	.458
The process of placing liens on properties is efficient and ensures the preservation of assets for potential recovery	4.298	.640
The authorities responsible for placing liens on properties are competent and thorough in identifying assets linked to corruption.	4.298	.458

With a mean of 4.298 (Std. Deviation=0.458), the respondents agreed that obtaining a court order to freeze bank accounts is an effective measure to prevent illicit financial transactions. Similarly, the respondents agreed with a mean of 4.497 (Std. Deviation=0.672) that freezing bank accounts through court orders is a necessary step in preventing the further flow of illicit funds. Additionally, with a mean of 4.298 (Std. Deviation=0.458), the respondents agreed that the authorities responsible for obtaining court orders to freeze bank accounts are competent and thorough in their actions. Moreover, the respondents agreed with a mean of 4.199 (Std. Deviation=0.600) that taking measures to prevent the dissipation or transfer of assets is crucial in preserving the proceeds of illicit activities.

Furthermore, with a mean of 4.093 (Std. Deviation=0.545), the respondents agreed that the measures implemented to prevent the dissipation or transfer of assets are effective in safeguarding the ill-gotten gains. In addition, with a mean of 4.099 (Std. Deviation=0.300), the respondents

agreed that the authorities responsible for preventing the dissipation or transfer of assets are proactive and successful in their actions. Moreover, the respondents agreed with a mean of 4.398 (Std. Deviation=0.490) that preventing the dissipation or transfer of assets hinders the ability of individuals engaged in corrupt practices to enjoy the illicit proceeds.

Further, with a mean of 4.298 (Std. Deviation=0.458), the respondents agreed that placing liens on properties is an effective method to secure assets related to corrupt activities, and they also agreed that the process of placing liens on properties is efficient and ensures the preservation of assets for potential recovery, with a mean of 4.298 (Std. Deviation=0.640). Additionally, with a mean of 4.298 (Std. Deviation=0.458), the respondents agreed that the authorities responsible for placing liens on properties are competent and thorough in identifying assets linked to corruption.

4.5.2 Influence of Asset Freezing on the Fight against Corruption

Respondents were asked to describe the impact of asset freezing on efforts to combat corruption in Kenya. From the findings, the respondents indicated that by freezing the assets of those suspected of engaging in corrupt practices, authorities can effectively prevent the further dissipation or transfer of ill-gotten gains, thereby preserving the value of these assets for potential recovery. This action not only safeguards the proceeds of corruption but also sends a clear message that illicit activities will not be tolerated, serving as a deterrent to would-be perpetrators. Moreover, asset freezing empowers law enforcement agencies and anti-corruption bodies to swiftly intervene and mitigate the harmful effects of corruption, allowing for the preservation of evidence and facilitating subsequent investigations and legal proceedings. Furthermore, asset freezing initiatives contribute to strengthening the integrity of Kenya's financial system and enhancing its capacity to combat corruption. By disrupting the flow of illicit funds and preventing their integration into the formal economy, asset freezing measures help to safeguard the integrity of financial institutions and promote transparency and accountability within the banking sector. Additionally, asset freezing efforts often involve collaboration between domestic and international authorities, fostering cooperation and information sharing to track down and freeze assets held in foreign jurisdictions.

4.6 Asset Confiscation

The third objective of the study was to determine the effect of asset confiscation on the fight against corruption in Kenya.

4.6.1 Aspects of Asset Confiscation

Respondents were asked to rate their agreement with several statements regarding asset confiscation. Their responses are detailed in Table 4.4. This table provides a summary of the levels of agreement among participants.

Table 4. 4: Aspects of Asset Confiscation

<u>Statements</u>	<u>Mean</u>	<u>Std. Deviation</u>
The preparation of legal documents is essential for ensuring the legality and validity of asset recovery processes.	4.398	.490
The legal documents prepared in the asset recovery process are accurate, comprehensive, and reliable.	3.994	.897
Properly prepared legal documents provide a strong legal basis for asset recovery actions and subsequent legal proceedings.	4.199	.871
I have confidence in the effectiveness of the legal document preparation process in supporting successful asset recovery efforts.	3.994	.637
The transfer of assets to state agencies is an effective method to ensure their proper management and utilization.	4.199	.400
The state agencies responsible for managing the transferred assets are competent and capable of handling them appropriately.	3.894	.946
Transferring assets to state agencies helps to prevent further misappropriation or misuse of the recovered assets.	3.894	.833
The transferred assets are efficiently utilized by state agencies for the benefit of the public or victims of corruption.	3.894	.703
Taking over the running of facilities associated with corruption is an effective measure to ensure their proper operation and utilization	3.801	.748
The entities or authorities responsible for taking over the running of facilities are competent and capable of managing them effectively.	3.702	.995
Taking over the running of facilities helps to prevent further misuse or mismanagement of the assets and resources associated with corruption.	3.901	.830

With a mean of 4.398 (Std. Deviation=0.490), the respondents agreed that the preparation of legal documents is essential for ensuring the legality and validity of asset recovery processes. Additionally, with a mean of 3.994 (Std. Deviation=0.897), the respondents agreed that the legal documents prepared in the asset recovery process are accurate, comprehensive, and reliable. Moreover, the respondents agreed with a mean of 4.199 (Std. Deviation=0.871) that properly prepared legal documents provide a strong legal basis for asset recovery actions and subsequent legal proceedings. Also, the respondents agreed with a mean of 3.994 (Std. Deviation=0.637) regarding their confidence in the effectiveness of the legal document preparation process in supporting successful asset recovery efforts.

In addition, with a mean of 4.199 (Std. Deviation=0.400), the respondents agreed that the transfer of assets to state agencies is an effective method to ensure their proper management and utilization. Furthermore, with a mean of 3.894 (Std. Deviation=0.946), the respondents agreed that the state agencies responsible for managing the transferred assets are competent and capable of handling them appropriately. However, the respondents showed slightly less agreement with a mean of 3.894 (Std. Deviation=0.833) regarding the effectiveness of transferring assets to state agencies in preventing further misappropriation or misuse of the recovered assets. Moreover, with a mean of 3.894 (Std. Deviation=0.703), the respondents agreed that the transferred assets are efficiently utilized by state agencies for the benefit of the public or victims of corruption.

Additionally, with a mean of 3.801 (Std. Deviation=0.748), the respondents agreed that taking over the running of facilities associated with corruption is an effective measure to ensure their proper operation and utilization. Also, the respondents agreed with a mean of 3.702 (Std. Deviation=1.005) regarding the competence and capability of the entities or authorities responsible for taking over the running of facilities. Lastly, with a mean of 3.901 (Std. Deviation=0.831), the respondents agreed that taking over the running of facilities helps to prevent further misuse or mismanagement of the assets and resources associated with corruption.

4.6.2 Influence of Asset Confiscation on the Fight against Corruption

Respondents were asked to assess the impact of asset confiscation on combating corruption in Kenya. Their feedback highlighted how asset confiscation contributes to disrupting corrupt activities. The insights provided help understand the role of asset confiscation in enhancing

anticorruption efforts. From the findings, the respondents indicated that by confiscating assets acquired through corrupt means, authorities can strip corrupt individuals of their ill-gotten gains, depriving them of the financial incentives that drive corrupt behavior. This not only serves as a deterrent against future acts of corruption but also serves to disrupt the financial resources that sustain corrupt networks, thereby weakening their influence and impeding their ability to perpetrate further crimes. Moreover, asset confiscation contributes to the broader goals of promoting transparency, accountability, and good governance in Kenya. By seizing and forfeiting assets obtained through corrupt practices, authorities demonstrate their resolve to hold individuals accountable for their actions, regardless of their status or position within society. This fosters a culture of accountability and integrity, where corrupt behavior is met with swift and decisive consequences.

4.7 Asset Management and Disposal

The study aimed to evaluate how effective asset management and disposal strategies are in addressing corruption issues. Insights gained from this objective help in understanding the role of these practices in anti-corruption efforts.

4.7.1 Aspects of Asset Management and Disposal

The respondents were requested to express their level of agreement with several statements regarding asset management and disposal. The findings are detailed in Table 4.5. This table presents the responses to these statements on how asset management and disposal contribute to addressing corruption.

Table 4. 5: Aspects of Asset Management and Disposal

<u>Statements</u>	<u>Mean</u>	<u>Std. Deviation</u>
Accurate asset valuation is essential in determining the true value of recovered assets.	4.596	.492
The methods used for asset valuation in the asset recovery process are reliable and objective.	4.193	.607
The professionals responsible for asset valuation possess the necessary expertise and knowledge in accurately assessing the value of recovered assets.	4.391	.672

Proper asset valuation facilitates fair and transparent distribution or disposal of recovered assets	4.596	.492
Proper maintenance of recovered assets is crucial in preserving their value and ensuring their long-term usability.	4.398	.490
The authorities responsible for asset maintenance are diligent in their efforts to keep the recovered assets in good condition.	3.994	.637

Regular and proactive maintenance of assets helps prevent their deterioration or loss of value over time	4.199	.748
Adequate financial resources are allocated to support the maintenance activities of recovered assets	3.994	.778
The sale or repurposing of recovered assets is a viable strategy to maximize their value and utility.	3.901	.538
The decision-making process regarding the sale or repurposing of assets is transparent and well-informed.	3.696	.642
The sale or repurposing of assets is conducted in a fair and competitive manner, ensuring the highest possible return or value for the recovered assets.	3.795	.751

With a mean of 4.596 (Std. Deviation=0.492), the respondents agreed that accurate asset valuation is essential in determining the true value of recovered assets. Similarly, with a mean of 4.193 (Std. Deviation=0.607), the respondents agreed that the methods used for asset valuation in the asset recovery process are reliable and objective. Additionally, with a mean of 4.391 (Std. Deviation=0.672), the respondents agreed that the professionals responsible for asset valuation possess the necessary expertise and knowledge in accurately assessing the value of recovered assets. Moreover, the respondents agreed with a mean of 4.596 (Std. Deviation=0.492) that proper asset valuation facilitates fair and transparent distribution or disposal of recovered assets.

Furthermore, with a mean of 4.398 (Std. Deviation=0.491), the respondents agreed that proper maintenance of recovered assets is crucial in preserving their value and ensuring their long-term usability. Additionally, with a mean of 3.994 (Std. Deviation=0.637), the respondents agreed that the authorities responsible for asset maintenance are diligent in their efforts to keep the recovered assets in good condition. Moreover, with a mean of 4.199 (Std. Deviation=0.748), the respondents agreed that regular and proactive maintenance of assets helps prevent their deterioration or loss of value over time. Additionally, the respondents agreed with a mean of 3.994 (Std. Deviation=0.778)

that adequate financial resources are allocated to support the maintenance activities of recovered assets.

However, the respondents showed slightly less agreement with a mean of 3.901 (Std. Deviation=0.538) regarding the viability of the sale or repurposing of recovered assets to maximize their value and utility. Furthermore, with a mean of 3.696 (Std. Deviation=0.642), the respondents agreed that the decision-making process regarding the sale or repurposing of assets is transparent and well-informed. Lastly, with a mean of 3.795 (Std. Deviation=0.751), the respondents agreed that the sale or repurposing of assets is conducted in a fair and competitive manner, ensuring the highest possible return or value for the recovered assets.

4.7.2 Influence of Asset Management and Disposal on the Fight against Corruption

The respondents were asked to assess the impact of asset management and disposal on combating corruption in Kenya. Their feedback focused on how these practices affect efforts to address corruption. The results offer insights into the effectiveness of asset management and disposal in the fight against corruption. They indicated that effective asset management processes enable authorities to safeguard and utilize recovered assets efficiently, preventing their re-entrenchment into corrupt practices or their misuse for personal gain. By implementing robust asset management procedures, such as proper documentation, valuation, and inventory control, Kenya can mitigate the risk of asset mismanagement or diversion, thereby preserving the value of recovered assets for legitimate purposes. Additionally, transparent and accountable asset disposal practices facilitate the fair and equitable distribution of recovered assets, ensuring that they are directed towards projects and initiatives that benefit society as a whole, rather than being appropriated for personal or political gain. Furthermore, asset management and disposal initiatives contribute to the broader objectives of promoting good governance and strengthening institutional integrity in Kenya. By establishing clear guidelines and oversight mechanisms for asset management and disposal, authorities can instill public confidence in the government's commitment to combatting corruption and upholding the rule of law. Transparent and accountable asset management practices also serve as a deterrent against future acts of corruption, as they demonstrate the consequences that await those who engage in illicit activities.

4.8 Fight against Corruption

The respondents were asked to rate their agreement with various statements regarding the fight against corruption in Kenya. The findings, detailed in Table 4.5, reflect their perspectives on this issue. These responses provide insight into the perceived effectiveness of anti-corruption measures.

Table 4. 6: Aspects of Corruption

Statements	Mean	Std. Deviation
Public officers are capable of providing clear explanations for their accumulated wealth	4.043	.744
Public officers possess the necessary knowledge and skills to justify their wealth through legitimate means.	3.944	.673
Public officers are transparent and open in explaining the sources of their financial assets.	3.298	.900
I have confidence in the ability of public officers to provide convincing explanations for their wealth.	3.143	.982
The amount of assets recovered from corrupt individuals is sufficient.	3.354	.959
The efforts to recover assets from corrupt individuals have been effective.	3.739	.952
The current asset recovery mechanisms are successful in retrieving a significant portion of the ill-gotten assets	3.944	.673
The corruption index accurately reflects the level of corruption in our society.	3.702	.953
The corruption index is a useful tool for measuring and comparing corruption levels across different countries or regions.	4.199	.400
The corruption index influences public perception and awareness of corruption issues.	4.199	.400

With a mean of 4.043 (Std. Deviation=0.744), the respondents agreed that public officers are capable of providing clear explanations for their accumulated wealth. Similarly, with a mean of 3.944 (Std. Deviation=0.673), the respondents agreed that public officers possess the necessary

knowledge and skills to justify their wealth through legitimate means. However, the respondents showed slightly less agreement with a mean of 3.298 (Std. Deviation=1.100) regarding the transparency and openness of public officers in explaining the sources of their financial assets. Furthermore, with a mean of 3.143 (Std. Deviation=1.982), the respondents indicated some confidence in the ability of public officers to provide convincing explanations for their wealth.

Additionally, with a mean of 3.354 (Std. Deviation=1.959), the respondents indicated that the amount of assets recovered from corrupt individuals is sufficient. Moreover, with a mean of 3.739 (Std. Deviation=0.952), the respondents agreed that the efforts to recover assets from corrupt individuals have been somewhat effective. Additionally, with a mean of 3.944 (Std. Deviation=0.673), the respondents agreed that the current asset recovery mechanisms are successful in retrieving a significant portion of the ill-gotten assets.

However, the respondents showed slightly less agreement with a mean of 3.702 (Std. Deviation=0.953) regarding the accuracy of the corruption index in reflecting the level of corruption in society. Furthermore, with a mean of 4.199 (Std. Deviation=0.400), the respondents agreed that the corruption index is a useful tool for measuring and comparing corruption levels across different countries or regions, and they also agreed that it influences public perception and awareness of corruption issues.

4.8.1 Trend of Corruption Index

The respondents were asked to indicate corruption index for the period between 2018 and 2022. The results were as shown in Figure 4.6.

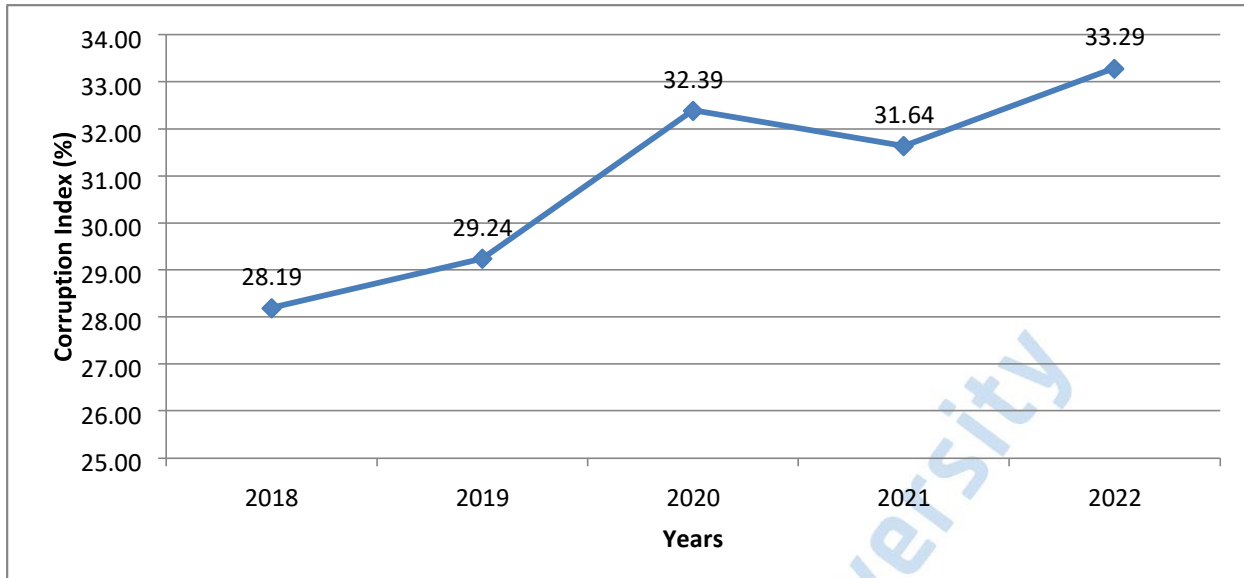


Figure 4. 6: Trend of Corruption Index

As shown in Figure 4.6, Corruption Index score for 2018 in Kenya was 28.189. In 2019, Corruption Index score increased slightly to 29.239. This uptick suggests a possible worsening of corruption perceptions compared to the previous year. Corruption Index score for 2020 rose significantly to 32.387. This substantial increase suggests a notable deterioration in corruption perceptions compared to the previous years. Despite a slight decrease from the previous year, the Corruption Index score for 2021 remained high at 31.636. This suggests that corruption perceptions remained elevated, although there may have been some efforts or developments that led to a slight improvement compared to 2020. Also, Corruption Index score increased again in 2022, reaching 33.288. This indicates a further worsening of corruption perceptions within the assessed regions compared to the previous years. The continued rise in the Corruption Index score suggests ongoing challenges and indicates the persistence of corruption issues that require attention and remedial action.

4.8.2 Trend of Amount of Assets Recovered

The respondents were asked to report the value of assets recovered from 2018 to 2022. The findings are illustrated in Figure 4.6. This data provides an overview of the asset recovery performance during that period.

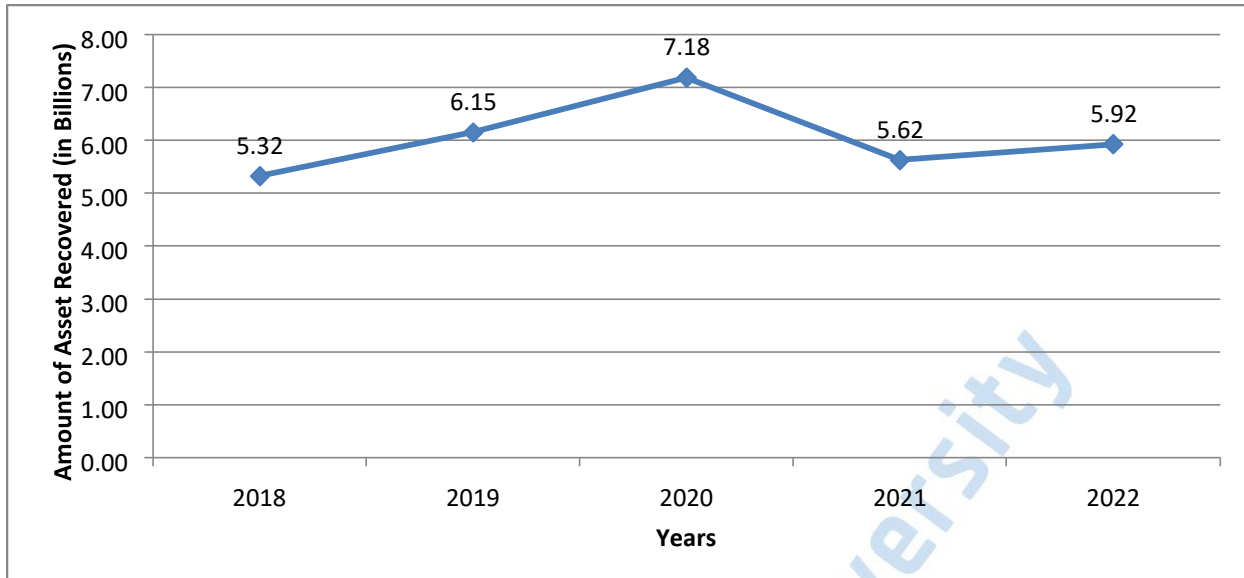


Figure 4. 7: Trend of Amount of Assets Recovered

As shown in Figure 4.7, the results present the amount of assets recovered in Kenya, measured in billions of Kenyan Shillings (Ksh), for the years 2018 through 2022. The amount of assets recovered in 2018 was 5.323 billion Ksh. This indicates the value of assets that were successfully reclaimed through various asset recovery efforts during that year. In 2019, the amount of assets recovered increased to 6.148 billion Ksh. This suggests an improvement in asset recovery efforts or an increase in the value of assets identified and reclaimed compared to the previous year. The amount of assets recovered further increased to 7.182 billion Ksh in 2020. This substantial increase indicates continued success in asset recovery efforts or potentially a higher value of assets identified and reclaimed during that period. However, in 2021, the amount of assets recovered decreased slightly to 5.623 billion Ksh. This suggests a potential slowdown or challenges in asset recovery efforts compared to the previous year. Despite the decrease in 2021, the amount of assets recovered rebounded in 2022 to 5.923 billion Ksh. This indicates a renewed or improved focus on asset recovery efforts, resulting in a higher value of assets reclaimed compared to the previous year.

4.10 Inferential Statistics

Inferential statistics is a key branch of statistics that focuses on drawing conclusions and making predictions about a larger population based on data obtained from a sample. This method is essential in statistical analysis and research because it enables researchers to generalize findings from a representative subset of data to the entire population.

4.10.1 Correlations

Correlation analysis is a statistical method employed to assess the strength and direction of the association between two or more variables. The Pearson correlation coefficient (r) is used in this analysis, with values ranging from -1 to 1, indicating the degree of correlation. The outcomes of the correlation analysis are detailed in Table 4.9.

Table 4. 7: Correlational Results

		Fight against Corruption	Asset Identification and Tracing	Asset Freezing	Asset confiscation	Asset Management and Disposal
Fight against Corruption	Pearson	1				
	Correlation					
	Sig. (2-tailed)					
	N	161				
Asset Identification and Tracing	Pearson	.861**	1			
	Correlation					
	Sig. (2-tailed)	.000				
	N	161	161			
Asset Freezing	Pearson	.776**	.131	1		
	Correlation					
	Sig. (2-tailed)	.000	.095			
	N	161	161	161		
Asset confiscation	Pearson	.684**	.161	-.010	1	
	Correlation					
	Sig. (2-tailed)	.000	.055	.937		
	N	161	161	161	161	
Asset Management and Disposal	Pearson	.792**	.088	.144	.023	1
	Correlation					
	Sig. (2-tailed)	.000	.266	.068	.853	
	N	161	161	161	161	161

*. Correlation is significant at the 0.05 level (2-tailed).

**. Correlation is significant at the 0.01 level (2-tailed).

The correlation analysis reveals significant positive relationships between each variable and the effectiveness of the fight against corruption in Kenya. From the results asset identification and tracing exhibits a strong correlation with the fight against corruption in Kenya ($r = 0.861$, $p < 0.001$), suggesting that as the efficacy of asset identification and tracing improves, so does the overall effectiveness of anti-corruption efforts. Similarly, asset freezing demonstrates a robust positive correlation with the fight against corruption in Kenya ($r = 0.776$, $p < 0.001$), indicating that enhancing asset freezing measures contributes substantially to combating corruption.

Furthermore, asset confiscation exhibits a significant positive correlation with the fight against corruption in Kenya ($r = 0.684$, $p < 0.001$), highlighting the importance of effective asset confiscation strategies in the anti-corruption framework. Additionally, asset management and disposal also shows a strong positive correlation with the fight against corruption in Kenya ($r = 0.792$, $p < 0.001$), underscoring the significance of transparent and accountable asset management practices in advancing anti-corruption objectives.

4.10.2 Regression

Linear regression analysis was used to assess the weight of the effect of asset identification and tracing, asset freezing, asset confiscation and asset management and disposal on the fight against corruption in Kenya.

Table 4. 8: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.854 ^a	0.709	0.684	0.14013

a. Predictors: (Constant), Asset Management and Disposal, Asset Identification and Tracing , Asset confiscation , Asset Freezing

The R-Squared value was 0.709, which indicates that approximately 70.9% of the variability in the effectiveness of the fight against corruption in Kenya can be explained by the linear relationship between the predictors (asset management and disposal, asset identification and tracing, asset confiscation, and asset freezing) and the outcome variable (fight against corruption). However, approximately 29.1% of the variability in the effectiveness of anti-corruption efforts remains unexplained by the model.

Table 4. 9: Analysis of Variance

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	52.163	4	13.041	149.883	.000 ^b
	Residual	13.573	156	0.087		
	Total	65.736	160			

a. Dependent Variable: Fight against Corruption

b. Predictors: (Constant), Asset Management and Disposal, Asset Identification and Tracing , Asset confiscation , Asset Freezing

ANOVA is used to show whether the regression model as a whole is statistically significant in explaining the variability in the dependent variable. The F-calculated (149.883), was lower the Fcritical (2.46) from F-distribution table. In addition, the p-value associated with the F-statistic

was 0.000, which indicates that the overall model is statistically significant. Therefore, regression model can be used in explaining the effect of asset management and disposal, asset identification and tracing, asset confiscation, and asset freezing on the fight against corruption in Kenya.

Table 4. 10: Regression Coefficients

Model	Unstandardized Coefficients		Standardized Coefficients		t	Sig.
	B	Std. Error	Beta			
1 (Constant)	0.748	0.159			4.704	0.000
Asset Identification and Tracing	0.473	0.126	0.413		3.754	0.004
Asset Freezing	0.323	0.127	0.310		2.543	0.024
Asset confiscation	0.261	0.123	0.233		2.122	0.032
Asset Management and Disposal	0.389	0.117	0.354		3.325	0.018

a. Dependent Variable: Fight against Corruption

Using the unstandardized coefficients, the regression equation was as follows;

$$Y=0.748 + 0.473X_1 + 0.323X_2 + 0.261X_3 + 0.389X_4 + \varepsilon$$

The results show that asset identification and tracing had a positive and significant effect on the fight against corruption in Kenya ($\beta_1=0.473$, $p\text{-value}=0.004$). This indicates that for every unit increase in efforts related to asset identification and tracing, there is a predicted increase of 0.473 units in the effectiveness of combating corruption. This underscores the importance of robust mechanisms for identifying and tracing illicitly acquired assets in bolstering anti-corruption initiatives.

In addition, asset freezing had a positive and significant effect on the fight against corruption in Kenya ($\beta_2=0.323$, $p\text{-value}=0.024$). This suggests that enhancing asset freezing measures plays a crucial role in anti-corruption efforts, with a predicted increase of 0.323 units in effectiveness for each unit improvement in asset freezing strategies. Effective asset freezing can prevent the further flow of illicit funds, thereby disrupting corrupt activities and preserving assets for potential recovery.

Further, asset confiscation had a positive and significant effect on the fight against corruption in Kenya ($\beta_3=0.261$, $p\text{-value}=0.032$). This implies that strengthening asset confiscation strategies leads to a predicted rise of 0.261 units in the effectiveness of combating corruption. Confiscating assets derived from corrupt activities not only deprives perpetrators of their ill-gotten gains but also serves as a deterrent against future corruption.

Also, the results indicate that asset management and disposal had a positive and significant effect on the fight against corruption in Kenya ($\beta_4=0.389$, $p\text{-value}=0.018$). Improving asset management and disposal practices is associated with a predicted increase of 0.389 units in effectiveness for every unit enhancement in these efforts. Proper management and transparent disposal of recovered assets ensure their efficient utilization for the benefit of society while minimizing the risk of recorruption.

4.11 Discussion of the Findings

4.11.1 Asset Identification and Tracing

Correlation results revealed that there exists positive correlation between asset identification and tracing and fight against corruption in Kenya ($r = 0.861$, $p < 0.001$). The findings are in line with Pacini, Hopwood and Sinclair (2016) observation that asset identification and tracking down leads to a reduction in corruption. The findings are also in concurrence with Harvey (2020) findings that tracing the global revenues of corruption leads to a reduction in cases of corruption. Regression results show that asset identification and tracing had a positive and significant effect on the fight against corruption in Kenya ($\beta_1=0.473$, $p\text{-value}=0.004$). The findings agree with Esoimeme (2020) observation that recovery and tracing of assets positively influences the fight against corruption. The findings also agree with Rudravaniya (2022) argument that financial inquiry and recovery of asset leads to an improvement in the fight against corruption.

The study established that the processes and methods employed in detecting and tracing illicitly acquired assets, as well as examining financial records in Kenya, demonstrate a high level of effectiveness, reliability, and competency among the responsible authorities. The findings agree with Harvey (2020) argument that methodologies and procedures utilized in identifying and tracking unlawfully obtained assets exhibit a notable degree of efficiency in addressing corruptions. The identification process proves efficient in detecting illicitly acquired assets, with the authorities showcasing competence and thoroughness in their investigations. Similarly, the

methods utilized in identifying these assets are deemed reliable and accurate, instilling confidence in the measures taken to trace and identify them further.

Additionally, authorities responsible for tracing the flow of funds exhibit competence and thoroughness, resulting in effective detection of hidden financial transactions across a broad spectrum of financial entities and transactions. The findings are in line with Esoimeme (2020) observation that entities tasked with tracing the movement of funds demonstrate competence and meticulousness, leading to the successful detection of concealed financial transactions. The methods employed in tracing these funds are perceived as reliable and accurate, reflecting the overall robustness of the process. Furthermore, the examination of financial records by competent and thorough authorities yields evidence of illicit financial activities, further reinforcing the reliability and accuracy of the methods employed.

4.11.2 Asset Freezing

Correlation results revealed that there exists positive correlation between asset freezing and tracing and fight against corruption in Kenya ($r = 0.776$, $p < 0.001$). The findings are in line with Birkett, (2020) argument that human rights on asset-freezing procedures influences fight against corruption. In addition, the findings concur with Own and Bydoon (2017) observation that assetfreezing was intended to reduce corruption cases. In addition, regression results show that asset freezing had a positive and significant effect on the fight against corruption in Kenya ($\beta_2=0.323$, $p\text{-value}=0.024$). The findings are in agreement with Ventura (2022) observation that asset freezing leads to an improvement in the battle against corruption. Also, Latif, Arie and Kadarudin (2019) observed that freezing of asset reduces cases of corruption.

The study found that obtaining court orders to freeze bank accounts emerges as an effective measure in curbing illicit financial transactions, with respondents acknowledging its significance in impeding the further flow of illicit funds. They express confidence in the competency and thoroughness of authorities responsible for obtaining such orders, recognizing their proactive stance in safeguarding ill-gotten gains through preventing the dissipation or transfer of assets. The findings are in line with Own and Bydoon (2017) findings that proficiency and diligence of the authorities entrusted with securing these orders are importance in addressing corruption.

Moreover, respondents affirm the efficacy of measures implemented to prevent asset dissipation or transfer, highlighting their role in obstructing individuals engaged in corrupt practices from benefiting from illicit proceeds. Additionally, placing liens on properties is identified as an effective strategy for securing assets associated with corrupt activities, with respondents acknowledging the efficiency of this process and the competence of authorities in identifying corrupt-linked assets. The findings are in agreement with Ventura (2022) that placing liens on properties as an effective tactic for safeguarding assets linked to corrupt activities, with respondents recognizing the efficiency of this approach and the competence of authorities in identifying assets associated with corruption.

4.11.3 Asset Confiscation

Correlation results showed that there exists positive correlation between asset confiscation and tracing and fight against corruption in Kenya ($r = 0.684$, $p < 0.001$). The findings are in line with Indraguna and Santiago (2021) argument that assets confiscation in enforcement leads to an improvement in the fight against corruption. Also, Usman and Supanto (2016) indicate that execution of the collateral confiscations demonstrates return of property gained by corruption activities in Indonesia. Further, regression results showed that asset confiscation had a positive and significant effect on the fight against corruption in Kenya ($\beta_3=0.261$, $p\text{-value}=0.032$). The findings are in agreement with Moiseienko (2018) observation that confiscated earnings of corruption help in reducing cases of corruption.

The study established that the preparation of legal documents emerges as crucial in ensuring the legality and validity of asset recovery processes, with respondents affirming their accuracy, comprehensiveness, and reliability. The findings are in line with Mogomotsi (2021) findings that preparation of legal documents is crucial in ensuring the legality and validity of asset recovery processes. Properly prepared legal documents are deemed essential in providing a strong legal foundation for asset recovery actions and subsequent legal proceedings, thereby supporting successful recovery efforts. Moreover, the transfer of assets to state agencies is recognized as an effective strategy to ensure their proper management and utilization, with competent state agencies capable of handling assets appropriately to prevent further misappropriation or misuse. The findings are in line with Indraguna and Santiago (2021) argument that transfer of assets to state

agencies is acknowledged as an effective approach to guaranteeing their proper management and utilization.

Furthermore, the efficient utilization of transferred assets by state agencies for the benefit of the public or victims of corruption underscores the importance of this process. Additionally, taking over the operation of facilities associated with corruption is viewed as an effective measure to ensure proper utilization and prevent further mismanagement of assets and resources. The competency and capability of entities or authorities responsible for this takeover are highlighted as crucial factors in its success, reflecting a comprehensive approach towards combating corruption and preserving assets for societal benefit in Kenya. The findings are in agreement with Usman and Supanto (2016) observation that assuming control of facilities linked to corruption is perceived as an efficient step to guarantee their proper utilization and deter additional mismanagement of assets and resources.

4.11.4 Asset Management and Disposal

Correlation results showed that there exists positive correlation between asset management and disposal and tracing and fight against corruption in Kenya ($r = 0.792$, $p < 0.001$). The findings are in line with Tajudin, Norziaton and Ismail (2021) findings that asset management and disposal has a significant effect on the fight against corruption. Also, the findings are in line with Cahyani and Wardoyo (2022) observation that law enforcement's efforts to implement restorative justice in the corruption-related asset recovery outcomes. Also, regression results indicated that asset management and disposal had a positive and significant effect on the fight against corruption in Kenya ($\beta_4=0.389$, $p\text{-value}=0.018$). The findings are in agreement with Adeniran (2018) argument that asset management and disposal reduces cases of corruption. Further, the findings are in line with Olujobi (2021) findings that asset disposal has a significant effect on the battle against corruption.

The study findings revealed that accurate asset valuation is deemed essential for determining the true value of recovered assets, with respondents expressing confidence in the reliability and objectivity of methods used for valuation and affirming the expertise of professionals responsible for this task. Proper asset valuation is seen as facilitating fair and transparent distribution or disposal of recovered assets, while diligent maintenance efforts are recognized as crucial for

preserving their long-term value and usability. The findings are in line with Cahyani and Wardoyo (2022) argument that accurate asset valuation is considered instrumental in enabling fair and transparent distribution or disposal of recovered assets.

Regular maintenance activities are perceived as vital in preventing asset deterioration over time, with adequate financial resources allocated to support these efforts. Moreover, respondents view the sale or repurposing of recovered assets as a viable strategy to maximize their value and utility, with the decision-making process surrounding such actions characterized by transparency and informed judgment. The findings agree with Adeniran (2018) observation that the sale or repurposing of recovered assets as a viable approach to enhance their value and utility.

4.12 Summary of the Findings

The study reveals that asset identification and tracing significantly enhance the fight against corruption in Kenya. Effective methods and competent authorities demonstrate high reliability and accuracy in detecting and tracing illicitly acquired assets. The process of examining financial records and tracing hidden transactions is robust, showcasing thoroughness in uncovering financial misconduct. This efficiency in asset identification instills confidence in the measures used and highlights the effectiveness of the current practices in combating corruption. Similarly, asset freezing is shown to play a crucial role in curbing corruption. Court orders to freeze bank accounts and placing liens on properties are effective measures for preventing the transfer and dissipation of illicit funds. The proactive approach of authorities in securing assets reinforces their importance in disrupting corrupt practices. Asset confiscation also proves significant, with properly prepared legal documents and the transfer of assets to state agencies ensuring proper management and utilization. Finally, accurate asset valuation and diligent maintenance contribute to effective asset management and disposal, maximizing the value and utility of recovered assets while supporting transparency and fairness in the process.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This section sets out the discussion of the summary of study findings, conclusions as well as recommendations. The main study objective was to assess the effectiveness of Asset Recovery strategy in the fight against corruption in Kenya. The study also sought to examine the effect of asset identification and tracing, asset freezing, asset confiscation and asset management and disposal on the fight against corruption in Kenya.

5.2 Summary of the Findings

This section sets out summary of study findings on the effect of asset identification and tracing, asset freezing, asset confiscation and asset management and disposal on the fight against corruption in Kenya.

5.2.1 Asset Identification and Tracing

Asset identification and tracing had a positive and significant effect on the fight against corruption in Kenya ($\beta_1=0.473$, $p\text{-value}=0.004$). The processes and methods employed in detecting and tracing illicitly acquired assets, as well as examining financial records in Kenya, demonstrate a high level of effectiveness, reliability, and competency among the responsible authorities. The identification process proves efficient in detecting illicitly acquired assets, with the authorities showcasing competence and thoroughness in their investigations. Similarly, the methods utilized in identifying these assets are deemed reliable and accurate, instilling confidence in the measures taken to trace and identify them further. Additionally, authorities responsible for tracing the flow of funds exhibit competence and thoroughness, resulting in effective detection of hidden financial transactions across a broad spectrum of financial entities and transactions. The methods employed in tracing these funds are perceived as reliable and accurate, reflecting the overall robustness of the process. Furthermore, the examination of financial records by competent and thorough authorities yields evidence of illicit financial activities, further reinforcing the reliability and accuracy of the methods employed.

5.2.2 Asset Freezing

Asset freezing had a positive and significant effect on the fight against corruption in Kenya ($\beta_2=0.323$, $p\text{-value}=0.024$). The findings indicated that obtaining court orders to freeze bank accounts emerges as an effective measure in curbing illicit financial transactions, with respondents acknowledging its significance in impeding the further flow of illicit funds. They express confidence in the competency and thoroughness of authorities responsible for obtaining such orders, recognizing their proactive stance in safeguarding ill-gotten gains through preventing the dissipation or transfer of assets. Moreover, the efficacy of measures implemented to prevent asset dissipation or transfer, highlighting their role in obstructing individuals engaged in corrupt practices from benefiting from illicit proceeds. Additionally, placing liens on properties is identified as an effective strategy for securing assets associated with corrupt activities, with respondents acknowledging the efficiency of this process and the competence of authorities in identifying corrupt-linked assets.

5.2.3 Asset Confiscation

Asset confiscation had a positive and significant effect on the fight against corruption in Kenya ($\beta_3=0.261$, $p\text{-value}=0.032$). The findings indicated that the preparation of legal documents emerges as crucial in ensuring the legality and validity of asset recovery processes, with respondents affirming their accuracy, comprehensiveness, and reliability. Properly prepared legal documents are deemed essential in providing a strong legal foundation for asset recovery actions and subsequent legal proceedings, thereby supporting successful recovery efforts. Moreover, the transfer of assets to state agencies is recognized as an effective strategy to ensure their proper management and utilization, with competent state agencies capable of handling assets appropriately to prevent further misappropriation or misuse. Furthermore, the efficient utilization of transferred assets by state agencies for the benefit of the public or victims of corruption underscores the importance of this process. Additionally, taking over the operation of facilities associated with corruption is viewed as an effective measure to ensure proper utilization and prevent further mismanagement of assets and resources.

5.2.4 Asset Management and Disposal

Asset management and disposal had a positive and significant effect on the fight against corruption in Kenya ($\beta_4=0.389$, $p\text{-value}=0.018$). The study findings revealed that accurate asset valuation is deemed essential for determining the true value of recovered assets, with respondents expressing confidence in the reliability and objectivity of methods used for valuation and affirming the expertise of professionals responsible for this task. Proper asset valuation is seen as facilitating fair and transparent distribution or disposal of recovered assets, while diligent maintenance efforts are recognized as crucial for preserving their long-term value and usability. Regular maintenance activities are perceived as vital in preventing asset deterioration over time, with adequate financial resources allocated to support these efforts. Moreover, respondents view the sale or repurposing of recovered assets as a viable strategy to maximize their value and utility, with the decisionmaking process surrounding such actions characterized by transparency and informed judgment.

5.3 Conclusions

Despite the adoption of asset recovery strategies and plea deals, corruption remains prevalent, with the Transparency International Corruption Index showing a gradual increase in corruption perceptions from 2016 to 2022 (Transparency International, 2022). Corruption continues to cost Kenya approximately 7.8% of its GDP annually, with notable scandals involving billions of shillings over recent years (Ethics and Anti-Corruption Commission, 2022). Therefore, the purpose of this study was to assess the effectiveness of Asset Recovery strategy in the fight against corruption in Kenya.

The study aimed to evaluate the impact of asset identification and tracing on combating corruption in Kenya. The results showed a positive and significant effect, with a β_1 value of 0.473 and a p value of 0.004, indicating that these practices play a crucial role in the anti-corruption efforts. Specifically, effectively identifying illicit assets, tracking fund movements, and scrutinizing financial records significantly enhance anti-corruption measures. Improved asset identification and tracing could therefore lead to more effective corruption control. These findings align with Harvey's (2020) research, which suggests that tracking global corruption revenues can reduce corruption incidents.

The study's second objective was to evaluate the impact of asset freezing on combating corruption in Kenya. The results showed that asset freezing significantly contributes to anti-corruption efforts,

with a β_2 value of 0.323 and a p-value of 0.024. Specifically, actions such as obtaining court orders to freeze bank accounts, preventing asset dissipation or transfer, and placing liens on properties positively influence anti-corruption measures. Enhancing these practices could further strengthen Kenya's fight against corruption. These findings are consistent with Birkett's (2020) assertion that asset-freezing procedures, while respecting human rights, play a crucial role in anti-corruption efforts.

The third objective of the study was to assess the impact of asset confiscation on combating corruption in Kenya. The findings revealed that asset confiscation positively and significantly affects anti-corruption efforts, with a β_3 value of 0.261 and a p-value of 0.032. The research identified that effective preparation of legal documents, transferring assets to state agencies, and assuming control of the facilities positively influence anti-corruption measures. Enhancing these aspects could further strengthen the fight against corruption in Kenya. These results align with Indraguna and Santiago's (2021) assertion that asset confiscation significantly contributes to improved enforcement and anti-corruption outcomes.

The fourth objective of the study was to evaluate how asset management and disposal impact the fight against corruption in Kenya. The results demonstrated that asset management and disposal significantly and positively affect anti-corruption efforts, with a β_4 value of 0.389 and a p-value of 0.018. Key factors such as asset valuation, maintenance, and the sale or repurposing of assets were found to influence anti-corruption measures effectively. Enhancing these practices is likely to improve the fight against corruption in Kenya. These findings are consistent with Tajudin, Norziaton, and Ismail's (2021) research, which highlights the significant role of asset management and disposal in strengthening anti-corruption initiatives.

The study confirms the effectiveness of a comprehensive asset recovery strategy in combating corruption by emphasizing the integral roles of asset identification, freezing, confiscation, and proper management and disposal. Asset identification involves detecting and tracing illicitly acquired assets, which is crucial for understanding the extent of corruption and ensuring that all relevant assets are accounted for. Freezing assets prevents further dissipation and allows authorities to secure funds and properties while investigations and legal proceedings are ongoing. Confiscation, through legally sound processes, ensures that recovered assets are permanently removed from the hands of corrupt individuals. Finally, effective management and disposal of

these assets—through accurate valuation, maintenance, and transparent sales or repurposing—maximize their utility and ensure they benefit the public or victims of corruption.

5.4 Recommendations

5.4.1 Policymakers

Based on the comprehensive findings indicating the positive and significant effects of various asset-related measures on the fight against corruption in Kenya, several specific and actionable recommendations are proposed for policymakers. Firstly, it is crucial to enhance legal frameworks related to asset identification, tracing, freezing, confiscation, management, and disposal. Policymakers should draft and enact comprehensive legislation that provides clear, detailed guidelines and procedures for these processes. This legislation should specify criteria for identifying and tracing illicitly acquired assets, establish clear protocols for obtaining court orders to freeze assets promptly, set legal standards for asset confiscation to ensure they are permanently removed from corrupt individuals, and regulate the transparent and efficient management and disposal of recovered assets, including their valuation, maintenance, and repurposing.

Strengthening accountability and transparency is another key recommendation. To achieve this, mandatory reporting requirements for all agencies involved in asset recovery should be implemented. These requirements could include annual public reports detailing the assets identified, frozen, confiscated, managed, and disposed of, along with independent audits of asset recovery processes to ensure compliance with established guidelines and transparency standards. Such measures would help build public trust and ensure that the asset recovery processes are conducted fairly and openly.

Fostering interagency collaboration is essential for a cohesive and effective fight against corruption. Policies that promote greater collaboration and coordination among key agencies, such as the Asset Recovery Agency (ARA), Ethics and Anti-Corruption Commission (EACC), Office of the Directorate of Public Prosecutions (ODPP), financial regulators, and other relevant authorities, should be developed. Specific actions to achieve this include establishing multi-agency task forces or working groups dedicated to asset recovery to facilitate information sharing, coordinated efforts, and joint enforcement actions. Additionally, creating a centralized database accessible to all relevant agencies for tracking the status and progress of asset recovery cases and

organizing regular interagency training sessions and workshops will ensure all involved parties are up-to-date on best practices and legislative changes.

Increasing resource allocation to agencies involved in asset recovery is also recommended. Ensuring adequate funding and resources will enhance the effectiveness of asset recovery processes. This includes providing specialized training for investigators, prosecutors, and financial analysts to improve their skills in asset tracing and recovery, investing in advanced technology and tools for detecting and tracing illicit financial flows, and ensuring sufficient staffing levels to handle the workload associated with asset recovery processes.

Finally, developing public awareness campaigns is crucial for informing citizens about the importance of asset recovery in the fight against corruption and encouraging public participation. This can involve launching media campaigns that highlight successful asset recovery cases and the subsequent benefits to the public, setting up hotlines or online platforms for whistleblowers to report suspicious activities related to asset concealment or corruption, and engaging with civil society organizations to monitor and report on the effectiveness of asset recovery efforts. By implementing these recommendations, Kenya can significantly enhance its asset recovery processes and strengthen its overall fight against corruption.

5.4.2 Asset Recovery Agencies

The study revealed that asset identification and tracing positively impact the fight against corruption in Kenya. It is crucial for the Asset Recovery Agency (ARA), the Ethics and AntiCorruption Commission (EACC), and the Office of the Director of Public Prosecutions (ODPP) to enhance their capabilities in asset identification and tracing. This includes investing in staff training and resources to maintain their competence and effectiveness. Furthermore, improving inter-agency collaboration and information sharing can streamline asset tracing efforts and boost efficiency. To stay ahead of sophisticated concealment techniques used by corrupt individuals, these agencies should adopt advanced technologies and data analytics tools. Ensuring access to the latest forensic accounting techniques and implementing regular audits will also support accurate and effective financial investigations.

The study found a positive impact of asset freezing on the fight against corruption in Kenya. Therefore, the study recommends streamlining and expediting the process of obtaining court orders

to freeze bank accounts. This could involve establishing dedicated teams within these agencies responsible for handling legal proceedings related to asset freezing, as well as enhancing collaboration with judicial authorities to ensure timely processing of court orders. Additionally, efforts should be intensified to prevent the dissipation or transfer of assets linked to corrupt activities. This may require implementing stricter regulations and monitoring mechanisms to track and prevent the movement of illicit funds and assets both domestically and internationally. Raising awareness among financial institutions and other relevant stakeholders about their role in detecting and reporting suspicious transactions could help bolster these prevention efforts.

The study revealed a positive impact of asset confiscation on the fight against corruption in Kenya. Therefore, it is necessary to prioritize and enhance the preparation of legal documents related to asset confiscation processes. This could involve providing specialized training to staff members responsible for preparing these documents to ensure accuracy, comprehensiveness, and reliability. Additionally, efforts should be made to strengthen collaboration and coordination between ARA, EACC, ODPP, and state agencies involved in asset management and utilization. This may involve establishing formal partnerships or task forces dedicated to facilitating the transfer of confiscated assets to competent state agencies for proper management and utilization. Clear communication channels and protocols should be established to ensure smooth and efficient transfer processes, with a focus on preventing further misappropriation or misuse of recovered assets.

The study found a positive impact of asset management and disposal on the fight against corruption in Kenya. The study recommends focusing on enhancing the capacity and expertise of professionals involved in asset valuation within these agencies. This could involve providing specialized training and development programs to equip staff members with the necessary skills and knowledge to conduct accurate and objective asset valuations. Additionally, efforts should be made to establish standardized procedures and guidelines for asset management and disposal processes. Clear protocols should be put in place to ensure fair and transparent distribution or disposal of recovered assets, with a particular emphasis on preventing any potential misuse or misappropriation. Furthermore, there is a need to enhance collaboration and coordination between ARA, EACC, ODPP, and relevant stakeholders involved in asset management and disposal. Establishing formal partnerships or task forces dedicated to overseeing asset management processes can help streamline operations and ensure effective utilization of recovered assets.

5.5 Recommendation for Further Research

The purpose of this study was to assess the effectiveness of Asset Recovery strategy in the fight against corruption in Kenya. However, the study was limited to Asset Recovery Agency (ARA), EACC, and Office of Directorate of Public Prosecution (ODPP). The study therefore recommends further studies the effectiveness of Asset Recovery strategy in the fight against corruption in Kenya focusing on the perspectives of the public. The study also found that asset identification and tracing, asset confiscation, asset freezing as well as asset management and disposal explain 70.9% of the fight against corruption in Kenya. As such, more studies should be conducted on other factors affecting the fight against corruption in Kenya. In addition, an in-depth analysis of the role of technological advancements in enhancing asset tracing and identification processes should be conducted. This research could explore how emerging technologies like blockchain, artificial intelligence, and big data analytics can be leveraged to improve the accuracy and efficiency of tracing illicit assets and financial flows.

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APPENDICES

Appendix I: Letter of Introduction

Dear Respondent,

RE: REQUEST TO COLLECT DATA

I am Ahmed Sadik Hilowle, a student at Mount Kenya University pursuing a Master's Degree in Governance and Ethics. As part of my Master's Degree in Governance and Ethics, the University requires that students undertake research in areas of their interest. I am therefore reaching out on the effectiveness of asset recovery strategy in the fight against corruption in Kenya. I am hereby requesting your cooperation in completing the questionnaire as the study respondents. Participation in this research is voluntary and you are not required to write any identifiable information such as your name, email address, or mobile number in the questionnaire. The information you provide in the questionnaire will be utilized for academic purposes only.

Thank you.

Ahmed Sadik Hilowle

Tel: 0723552223

Appendix II: Consent Form

ASSESSING THE EFFECTIVENESS OF ASSET RECOVERY STRATEGY IN THE FIGHT AGAINST CORRUPTION IN KENYA

Introduction: I am Ahmed Sadik, a Masters student in Mount Kenya University, pursuing a Master's Degree in Governance and Ethics. The purpose of my study is to assess the effectiveness of asset recovery strategy in combating corruption in Kenya. Your participation in this research involves providing insights and perspectives on asset recovery efforts in Kenya. This may include

completing a questionnaire, participating in interviews, or sharing relevant documents or information.

Confidentiality and Data Use: Your participation in this research is voluntary, and all information provided will be kept confidential. Your responses and any documents shared will only be used for research purposes and will not be disclosed to any third parties without your consent. Data collected will be stored securely and anonymized to ensure your privacy.

Risks and Benefits: There are no anticipated risks associated with participating in this research. By contributing to this study, you will help generate knowledge that may inform efforts to combat corruption and enhance asset recovery strategies in Kenya, ultimately contributing to improved governance and ethics.

Contact Information: If you have any questions or concerns about the research, you may contact the researcher at Phone number[+254 723 552223].

Consent Statement: I have read and understood the information provided in this consent form. I agree to participate in the research on assessing the effectiveness of asset recovery strategy in the fight against corruption in Kenya. I understand that my participation is voluntary, and I can withdraw at any time without penalty. I consent to the use of my responses and any documents provided for research purposes and understand that my identity will remain confidential.

Participant's Signature: _____ Date: _____

Researcher's Signature: _____ Date: _____

Appendix III: Questionnaire

The information you provide will be used only for this academic study. Please tick or mark as appropriate, or provide your answers in the provided blank spaces. Kindly do not provide any personal details anywhere in the questionnaire.

SECTION A: BACKGROUND INFORMATION

Note: Kindly tick or answer in the blank spaces appropriately

1. Indicate your gender as appropriate.

Male [] Female []

2. Kindly indicate your highest level of education.

Diploma [] Degree []
Masters and above []

3. How long have you worked with the agency or institution involved in Asset Recovery in Kenya?

Less than a year [] 1 – 2 years []
3 – 4 years [] Above 4 Years []

4. Would you agree that your institution plays a crucial role in asset recovery?

Not Sure [] Disagree []
Strongly Disagree [] Agree []
Strongly Agree []

5. To what extent would you say that you are acquainted with information regarding Asset Recovery in Kenya?

To a little extent [] To a great Extent []
Not Sure [] Extensively []

SECTION B: Asset Identification and Tracing

1. Please point out your agreement level on different statements relating to the asset identification and tracing. Where by 1 denotes Strongly disagree, 2 denotes disagree, 3 denotes neutral, 4 denotes agree, and 5 denotes strongly agree.

	1	2	3	4	5
Identification of Illicitly acquired assets					
The identification process effectively detects illicitly acquired assets.					
The methods used to identify illicitly acquired assets are reliable and accurate.					
The authorities responsible for identifying illicitly acquired assets are competent and thorough in their investigations					
I have confidence in the effectiveness of the measures taken to identify and trace illicitly acquired assets.					
Tracing the flow of funds					
The process of tracing the flow of funds is effective in uncovering hidden financial transactions.					
The methods used to trace the flow of funds are reliable and accurate.					
The authorities responsible for tracing the flow of funds are competent and thorough in their investigations.					
The process of tracing the flow of funds adequately covers a wide range of financial transactions and entities involved.					
Examining financial records					
The examination of financial records is effective in uncovering evidence of illicit financial activities.					
The methods used to examine financial records are reliable and accurate.					

The authorities responsible for examining financial records are competent and thorough in their investigations.					
-----------------------------------------------------------------------------------------------------------------	--	--	--	--	--

2. How does asset identification and tracing influence the fight against corruption in Kenya?

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SECTION C: Asset Freezing

3. Please point out your agreement level on different statements relating to the asset freezing. Where by 1 denotes Strongly disagree, 2 denotes disagree, 3 denotes neutral, 4 denotes agree, and 5 denotes strongly agree.

	1	2	3	4	5
Obtaining court order to freeze bank accounts					
Obtaining a court order to freeze bank accounts is an effective measure to prevent illicit financial transactions.					
The process of obtaining a court order to freeze bank accounts is efficient and timely.					
Freezing bank accounts through court orders is a necessary step in preventing the further flow of illicit funds.					
The authorities responsible for obtaining court orders to freeze bank accounts are competent and thorough in their actions.					
Prevent dissipation or transfer of assets					
Taking measures to prevent the dissipation or transfer of assets is crucial in preserving the proceeds of illicit activities.					
The measures implemented to prevent the dissipation or transfer of assets are effective in safeguarding the ill-gotten gains.					

The authorities responsible for preventing the dissipation or transfer of assets are proactive and successful in their actions.					
Preventing the dissipation or transfer of assets hinders the ability of individuals engaged in corrupt practices to enjoy the illicit proceeds					
Place liens on properties					
Placing liens on properties is an effective method to secure assets related to corrupt activities.					
The process of placing liens on properties is efficient and ensures the preservation of assets for potential recovery.					
The authorities responsible for placing liens on properties are competent and thorough in identifying assets linked to corruption.					

4. How does asset freezing influence the fight against corruption in Kenya?

.....

.....

.....

SECTION D: Asset confiscation

5. Please point out your agreement level on different statements relating to the asset confiscation. Where by 1 denotes Strongly disagree, 2 denotes disagree, 3 denotes neutral, 4 denotes agree, and 5 denotes strongly agree.

	1	2	3	4	5
Preparation of legal documents					
The preparation of legal documents is essential for ensuring the legality and validity of asset recovery processes.					
The legal documents prepared in the asset recovery process are accurate, comprehensive, and reliable.					

Properly prepared legal documents provide a strong legal basis for asset recovery actions and subsequent legal proceedings.					
I have confidence in the effectiveness of the legal document preparation process in supporting successful asset recovery efforts.					
Transfer of the assets to state agencies					
The transfer of assets to state agencies is an effective method to ensure their proper management and utilization.					
The state agencies responsible for managing the transferred assets are competent and capable of handling them appropriately.					
Transferring assets to state agencies helps to prevent further misappropriation or misuse of the recovered assets.					
The transferred assets are efficiently utilized by state agencies for the benefit of the public or victims of corruption.					
Taking over of running of the facilities					
Taking over the running of facilities associated with corruption is an effective measure to ensure their proper operation and utilization.					
The entities or authorities responsible for taking over the running of facilities are competent and capable of managing them effectively.					
Taking over the running of facilities helps to prevent further misuse or mismanagement of the assets and resources associated with corruption.					

6. How does asset confiscation influence the fight against corruption in Kenya?

.....

.....

.....

SECTION E: Asset Management and Disposal

7. Please point out your agreement level on different statements relating to the asset management and disposal. Where by 1 denotes Strongly disagree, 2 denotes disagree, 3 denotes neutral, 4 denotes agree, and 5 denotes strongly agree.

	1	2	3	4	5
Asset valuation					
Accurate asset valuation is essential in determining the true value of recovered assets.					
The methods used for asset valuation in the asset recovery process are reliable and objective.					
The professionals responsible for asset valuation possess the necessary expertise and knowledge in accurately assessing the value of recovered assets.					
Proper asset valuation facilitates fair and transparent distribution or disposal of recovered assets.					
Asset maintenance					
Proper maintenance of recovered assets is crucial in preserving their value and ensuring their long-term usability.					
The authorities responsible for asset maintenance are diligent in their efforts to keep the recovered assets in good condition.					
Regular and proactive maintenance of assets helps prevent their deterioration or loss of value over time.					
Adequate financial resources are allocated to support the maintenance activities of recovered assets					
Sale or repurposing of the asset					
The sale or repurposing of recovered assets is a viable strategy to maximize their value and utility.					

The decision-making process regarding the sale or repurposing of assets is transparent and well-informed.					
The sale or repurposing of assets is conducted in a fair and competitive manner, ensuring the highest possible return or value for the recovered assets.					

8. How does asset management and disposal influence the fight against corruption in Kenya?

.....
.....
.....

SECTION F: Corruption

9. Please specify your level of agreement with various statements on corruption level of corruption in Kenya. Where by 1 denotes strongly disagree, 2 denotes disagree, 3 denotes neutral, 4 denotes agree and 5 denotes strongly agree.

	1	2	3	4	5
Ability of Public Officers to explain wealth					
Public officers are capable of providing clear explanations for their accumulated wealth					
Public officers possess the necessary knowledge and skills to justify their wealth through legitimate means.					
Public officers are transparent and open in explaining the sources of their financial assets.					
I have confidence in the ability of public officers to provide convincing explanations for their wealth.					
Amount of Assets Recovered					
The amount of assets recovered from corrupt individuals is sufficient.					
The efforts to recover assets from corrupt individuals have been effective.					
The current asset recovery mechanisms are successful in retrieving a significant portion of the ill-gotten assets.					
Corruption index					

The corruption index accurately reflects the level of corruption in our society.					
The corruption index is a useful tool for measuring and comparing corruption levels across different countries or regions.					
The corruption index influences public perception and awareness of corruption issues.					

10. Kindly indicate the corruption index and amount of assets recovered for the period between 2018 and 2022.

Measure	2018	2019	2020	2021	2022
Corruption index					
Amount of assets recovered					

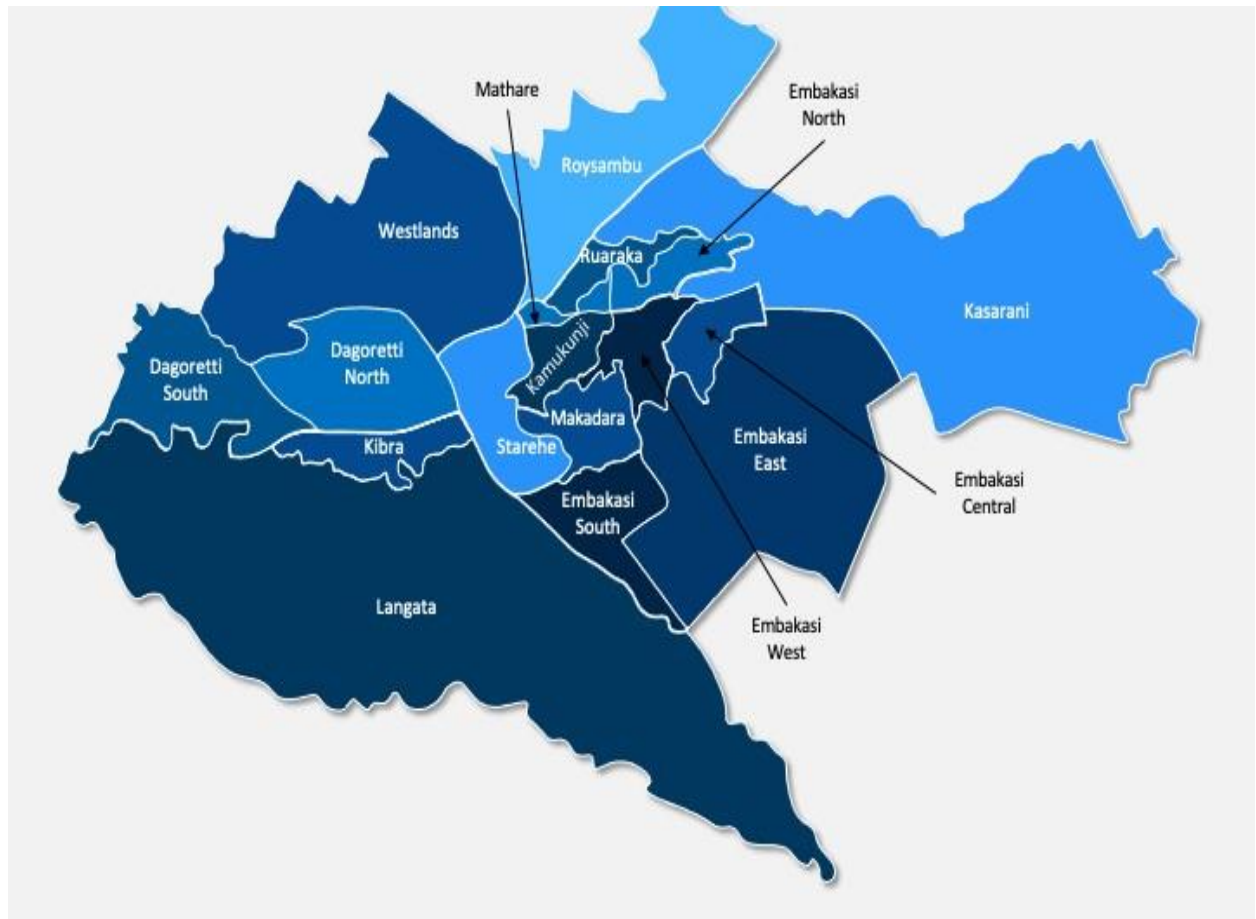
End

Thank You for Your Participation



Mount Kenya University

Appendix IV: Map of Nairobi County



Mount Kenya

Appendix V: Mount Kenya ERC Letter



REF: MKU/ISERC/3477
TO: AHMED SADIK

Date: 28 February 2024

REG: MGE/37888/2015

Dear Sir/Madam,

RE: ASSESSING THE EFFECTIVENESS OF ASSET RECOVERY STRATEGY IN THE FIGHT AGAINST CORRUPTION IN KENYA

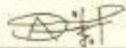
This is to inform you that **Mount Kenya University** has reviewed and approved your above research proposal. Your application approval number is **2521**. The approval period is **28/02/2024 - 27/02/2025**.

This approval is subject to compliance with the following requirements:

- i. Only approved documents including informed consents, study instruments, MTA will be used
- ii. All changes including amendments, deviations and violations are submitted for review and approval by **Mount Kenya University**
- iii. Death and life-threatening problems and serious adverse events or unexpected adverse events whether related or unrelated to the study must be reported to **Mount Kenya University** within 72 hours of notification
- iv. Any changes, anticipated or otherwise that may increase the risks or affect the safety or welfare of study participants and others or affect the integrity of the research must be reported to **Mount Kenya University** within 72 hours
- v. Clearance for export of biological specimens must be obtained from relevant institutions
- vi. Submission of a request for renewal of approval at least 60 days prior to expiry of the approval period. Attach a comprehensive progress report to support the renewal
- vii. Submission of an executive summary report within 90 days upon completion of the study to **Mount Kenya University**

Prior to commencing your study, you will be expected to obtain a research license from National Commission for Science, Technology and Innovation (NACOSTI) <https://research-portal.nacosti.go.ke> and also obtain other clearances needed.

Yours sincerely,



Dr. Alfred Owino, PhD
Chairman, Mount Kenya University ISERC


The Chairman
Mount Kenya University
Educ Review Committee
P.O. Box 342 - 0100, Thika

Appendix VI: NACOSTI Research License


REPUBLIC OF KENYA

Ref No: 693196


RESEARCH LICENSE




This is to Certify that Mr. AHMED SADIK HILOWLE of Mount Kenya University, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Nairobi on the topic: ASSESSING THE EFFECTIVENESS OF ASSET RECOVERY STRATEGY IN THE FIGHT AGAINST CORRUPTION IN KENYA for the period ending : 11/March/2025.

License No: NACOSTI/P/24/33714

693196
Applicant Identification Number


Director General
NATIONAL COMMISSION FOR
SCIENCE, TECHNOLOGY &
INNOVATION

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See overleaf for conditions