

An illustration in a comic book style showing three hands. A hand at the top right is handing a green Kenyan Shilling 1000 banknote to a hand at the bottom left. A third hand at the bottom right is holding a small gold coin. The background is dark blue with some lighter blue lines suggesting a surface.

Corruption and Governance in Africa

Swaziland, Kenya, Nigeria

Kempe Ronald Hope, Sr.



Corruption and Governance in Africa

Kempe Ronald Hope, Sr.

Corruption and Governance in Africa

Swaziland, Kenya, Nigeria

palgrave
macmillan

Kempe Ronald Hope, Sr.
Development Practice International
Oakville, Ontario, Canada

ISBN 978-3-319-50190-1 ISBN 978-3-319-50191-8 (eBook)
DOI 10.1007/978-3-319-50191-8

Library of Congress Control Number: 2016962449

© The Editor(s) (if applicable) and The Author(s) 2017

This work is subject to copyright. All rights are solely and exclusively licensed by the Publisher, whether the whole or part of the material is concerned, specifically the rights of translation, reprinting, reuse of illustrations, recitation, broadcasting, reproduction on microfilms or in any other physical way, and transmission or information storage and retrieval, electronic adaptation, computer software, or by similar or dissimilar methodology now known or hereafter developed.

The use of general descriptive names, registered names, trademarks, service marks, etc. in this publication does not imply, even in the absence of a specific statement, that such names are exempt from the relevant protective laws and regulations and therefore free for general use. The publisher, the authors and the editors are safe to assume that the advice and information in this book are believed to be true and accurate at the date of publication. Neither the publisher nor the authors or the editors give a warranty, express or implied, with respect to the material contained herein or for any errors or omissions that may have been made.

Cover image © Fanatic Studio / Alamy Stock Photo
Cover design by Thomas Howey

Printed on acid-free paper

This Palgrave Macmillan imprint is published by Springer Nature
The registered company is Springer International Publishing AG
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

PREFACE

Although all countries have laws to control and penalize corruption, it is still widespread and, in recent years, it has been increasingly emerging as a global scourge. Be it the scandals of the Fédération Internationale de Football Association (FIFA), those related to multi-million dollar commissions paid to bribe corrupt governments in oil rich states to win contracts for large western firms, or the offshore banking and tax evasion ones that have ensnared some senior public officials including heads of state and/or government. In fact, Transparency International has noted that the so-called Panama Papers—a massive leak of financial documents revealing the offshore holdings of 140 politicians and public officials (including current and former world leaders) who used more than 214,000 offshore entities to hide the ownership of assets—unmasks the dark side of the global financial system where banks, lawyers, and financial professionals enable secret companies to hide illicit corrupt money primarily from developing countries. This state of affairs even influenced the then Prime Minister of the United Kingdom, David Cameron, to convene an Anti-Corruption Summit in London in May 2016 which, among other things, resulted in the first ever Global Declaration Against Corruption to expose the corrupt, punish the perpetrators, and drive out corruption wherever it is found.

However, in countries with good enough governance and strong institutions functioning under the rule of law, when corruption is detected or reported it is investigated and appropriate sanctions are usually handed down where required. But, in countries with weak institutions, which are also generally the countries with bad governance and a lack of respect for

and enforcement of the rule law, corruption tends to run rampant with impunity for the perpetrators. Most of these countries are regarded as developing countries and most of those are in Africa.

Furthermore, the empirical literature and the governance/corruption indicators, as well as basic research observation, point out that countries with higher levels of corruption also have lower levels of growth, higher rates of poverty, less investment, lower public policy effectiveness, less investment in education and healthcare, lower inward foreign direct investment, and poorer infrastructure. The literature also points out that the effect of corruption on socio-economic development and investment decisions is believed to be much more detrimental in Africa than in other continents such as Asia, for example. In that regard, the *African Governance Report IV: 2016*, by the United Nations Economic Commission for Africa, has correctly observed that, as both a product and cause of poor governance and weak institutions, corruption is one of the major costs and impediments to structural transformation in Africa. It drives resource misallocation and results in the concentration of wealth in the hands of a few kleptocrats, and also has the tendency of eroding the democratic political institutions of African countries.

In 2000, Palgrave Macmillan also published my book, *Corruption and Development in Africa: Lessons from Country Case-Studies*, which was co-edited with, and co-contributed by, Bornwell C. Chikulo. Almost two decades later, corruption has deepened in most of Africa. This volume analyzes the corruption phenomenon in Africa, from a governance perspective, with illustrated case studies from three of the most corrupt of those nations covering, respectively, the Southern Africa region (Swaziland), the Eastern Africa region (Kenya), and the Western Africa region (Nigeria). Drawing on the available data, research literature, and my field practice experience, the nature and extent of corruption are identified; the factors influencing the causes and determining the consequences of corruption are delineated; measures that have been put in place to control corruption are outlined and discussed; and new policy solutions are proposed and advocated to more effectively control the corruption menace.

Finally, I would like to acknowledge that parts of some of the chapters have drawn on, and benefitted from, some of my previous research work and/or published materials which have now been thoroughly updated, revised, revamped, reworked, and consolidated for inclusion and use in this volume. Chapter 1 draws from ‘Contextualizing Corruption in the Health Sector in Developing Countries: Reflections on Policy to Manage

the Risks', *World Medical and Health Policy*, Volume 7, Number 4, 2015 (Policy Studies Organization/Wiley Periodicals); Chap. 2 from 'The Corruption Problem in Swaziland: Consequences and Some Aspects of Policy to Combat It', *Journal of Developing Societies*, Volume 32, Number 2, 2016 (Sage Publications); and Chap. 3 from my paper, entitled 'Corruption and Development in Kenya', prepared for presentation to the First African International Business and Management (AIBUMA) Conference, Nairobi, Kenya, August 2010.

Kempe Ronald Hope, Sr.
Development Practice International
Oakville, ON, Canada

CONTENTS

1	Corruption in Africa: The Health Sector and Policy Recommendations for Managing the Risks	1
	<i>What Is Corruption?</i>	2
	<i>Corruption in Africa</i>	4
	<i>Corruption Risks in the Delivery of Health Services in African Countries</i>	16
	<i>Managing the Corruption Risks for Health Services Delivery: Some Policy Recommendations for Africa</i>	18
	<i>Conclusion</i>	23
	<i>References</i>	24
2	Corruption in Swaziland	31
	<i>The Corruption Problem in Swaziland</i>	33
	<i>Consequences of Corruption in Swaziland</i>	37
	<i>The Anti-Corruption Commission</i>	40
	<i>Controlling Corruption in Swaziland: Some Suggested Policy Measures</i>	43
	<i>Conclusion</i>	54
	<i>References</i>	56
3	Corruption in Kenya	61
	<i>The Causes and Nature of Corruption in Kenya</i>	63
	<i>Consequences of Corruption in Kenya</i>	79

	<i>Controlling the Corruption Epidemic in Kenya</i>	87
	<i>Conclusion</i>	109
	<i>References</i>	112
4	Corruption in Nigeria	125
	<i>The Corruption Problem in Nigeria</i>	128
	<i>The Persistence of Corruption in Nigeria:</i>	
	<i>Institutions and Culture</i>	135
	<i>Measures to Control Corruption in Nigeria</i>	145
	<i>Conclusion</i>	150
	<i>References</i>	154
5	Controlling Corruption in Africa:	
	A Governance Approach	163
	<i>Institution Strengthening</i>	166
	<i>National Anti-Corruption Plans/Strategies</i>	174
	<i>Political Will and Leadership</i>	178
	<i>Final Thoughts</i>	182
	<i>References</i>	185
	Index	193

ABOUT THE AUTHOR

Kempe Ronald Hope, Sr., formerly a senior official with the United Nations, is the Director of the Policy Division, Development Practice International, Ontario, Canada. He has also previously been the Founding Director of the Center of Specialization in Public Administration and Management at the University of Botswana; a Program Manager with the United States Agency for International Development (USAID); and a Professor of Development Studies at universities in North America, Africa, and the Caribbean. Professor Hope has been a technical adviser to several governments on anti-corruption policy, including developing national anti-corruption plans and reform strategies, and on governance and anti-corruption to UNDP, UNODC, and USAID. His books include *Police Corruption and Police Reforms in Developing Societies* (2016); *The Political Economy of Development in Kenya* (2012); *Poverty, Livelihoods, and Governance in Africa: Fulfilling the Development Promise* (Palgrave Macmillan, 2008); *From Crisis to Renewal: Development Policy and Management in Africa* (2002); *Corruption and Development in Africa: Lessons from Country Case-Studies* (Palgrave Macmillan, 2000)—with B. Chikulo; *AIDS and Development in Africa* (1999); *Public Administration and Policy in Botswana* (1998)—with G. Somolekae; *Structural Adjustment, Reconstruction and Development in Africa* (1997); *African Political Economy: Contemporary Issues in Development* (1997); *Development in the Third World: From Policy Failure to Policy Reform* (1996); *Development Finance and the Development Process* (1987); *Economic Development in the Caribbean* (1986); *Urbanization in the Commonwealth Caribbean* (1986); *Guyana: Politics and Development in*

an Emergent Socialist State (1986); *The Dynamics of Development and Development Administration* (1984); and *Development Policy in Guyana: Planning, Finance, and Administration* (1979).

ALSO BY KEMPE RONALD HOPE, SR.

- African Political Economy: Contemporary Issues in Development* (1997)
AIDS and Development in Africa: A Social Science Perspective (1999)
Corruption and Development in Africa: Lessons from Country Case-Studies (with Bornwell C. Chikulo, 2000)
Development Finance and the Development Process: A Case Study of Selected Caribbean Countries (1987)
Development in the Third World: From Policy Failure to Policy Reform (1996)
Development Policy in Guyana: Planning, Finance, and Administration (1979)
Economic Development in the Caribbean (1986)
From Crisis to Renewal: Development Policy and Management in Africa (2002)
Guyana: Politics and Development in an Emergent Socialist State (1986)
Police Corruption and Police Reforms in Developing Societies (2016)
Poverty, Livelihoods, and Governance in Africa: Fulfilling the Development Promise (2008)
Public Administration and Policy in Botswana (with Gloria Somolekae, 1998)
Structural Adjustment, Reconstruction and Development in Africa (1997)
The Dynamics of Development and Development Administration (1984)
The Political Economy of Development in Kenya (2012)
Urbanization in the Commonwealth Caribbean (1986)

ABBREVIATIONS

ACA	Anti-corruption agency
ACAs	Anti-corruption agencies
ACC	Anti-Corruption Commission
ACEC	Anti-Corruption and Economic Crimes
ACI(s)	Anti-corruption institution(s)
ACINET	Arab Anti-Corruption and Integrity Network
ACPU	Anti-Corruption Police Unit
ADB	Asian Development Bank
AfDB	African Development Bank
AGOA	African Growth and Opportunity Act
AFP	Agence France-Presse
AMLAB	Anti-Money Laundering Advisory Board
APRM	African Peer Review Mechanism
ARA	Assets Recovery Agency
AUABC	African Union Advisory Board on Corruption
AUCPCC	African Union Convention on Preventing and Combating Corruption
BPP	Bureau of Public Procurement
CAJ	Commission on Administrative Justice
CARF	Criminal Assets Recovery Fund
CCAC	Cabinet Committee on Anti-Corruption
CCB	Code of Conduct Bureau
CCT	Code of Conduct Tribunal
CHRI	Commonwealth Human Rights Initiative
CIPS	Chartered Institute of Purchasing and Supply
CMS(s)	Central Medical Store(s)
CPI	Corruption Perceptions Index

CRA	Corruption Risk Assessment
CRC	Complaints Review Committee
CRM	Corruption Risk Management
CSCMP	Council of Supply Chain Management Professionals
CSO(s)	Civil Society Organization(s)
DFID	Department for International Development
DGE	Department of Governance and Ethics
DNFIs	Designated Non-Financial Institutions
DPP	Director of Public Prosecutions
EEAACA	East African Association of Anti-Corruption Authorities
EABC	East Africa Business Council
EABI	East African Bribery Index
EAC	East African Community
EACC	Ethics and Anti-Corruption Commission
EACN	European Anti-Corruption Contact Point Network
ECOWAS	Economic Community of West African States
EFCC	Economic and Financial Crimes Commission
EGDI	E-Government Development Index
EITI	Extractive Industries Transparency Initiative
EIP	Effective Institutions Platform
EPAC	European Partners Against Corruption
ERS	Economic Recovery Strategy
ESAAMLG	Eastern and Southern Africa Anti-Money Laundering Group
EU	European Union
FIFA	Fédération Internationale de Football Association
FRC	Financial Reporting Center
FY	Fiscal year
GDP	Gross Domestic Product
GFM	Government Financial Management
GGM	Good Governance for Medicines
GJLOS	Governance, Justice, Law and Order Sector
HIV	Human Immunodeficiency Virus
IATT	Inter-Agency Task Team
IC	Individualized Consideration
ICAC	Independent Commission Against Corruption
ICPC	Independent Corrupt Practices and Other Related Offences Commission
ICT	Information, Communication and Technology
IDPs	Internally Displaced Persons
IEC	Information, Education, and Communication
II	Idealized Influence
IIAG	Ibrahim Index of African Governance
IM	Inspirational Motivation

IMLU	Independent Medico-Legal Unit
IPOA	Independent Police Oversight Authority
IS	Intellectual Stimulation
KABP	Knowledge, Attitudes, Behavior, and Practices
KACA	Kenya Anti-Corruption Authority
KACAB	Kenya Anti-Corruption Advisory Board
KACC	Kenya Anti-Corruption Commission
KCAU	Kenya College of Accountancy University
KESSP	Kenya Education Sector Support Program
KHRC	Kenya Human Rights Commission
KNAC	Kenya National Audit Commission
KNAO	Kenya National Audit Office
KNCHR	Kenya National Commission on Human Rights
KPK	<i>Komisi Pemberantasan Korupsi</i> (Corruption Eradication Commission of Indonesia)
MDGs	Millennium Development Goals
MeTA	Medicines Transparency Alliance
MICNG	Ministry of Interior and Coordination of National Government
MOH	Ministry of Health
MP(s)	Member(s) of Parliament
NACCSC	National Anti-Corruption Campaign Steering Committee
NACP	National Anti-Corruption Plan
NACS	National Anti-Corruption Strategy
NACIWA	Network of National Anti-Corruption Institutions in West Africa
NARC	National Alliance of Rainbow Coalition
NBS	National Bureau of Statistics
NEITI	Nigeria Extractive Industries Transparency Initiative
NEPAD	New Partnership for Africa's Development
NFIU	Nigerian Financial Intelligence Unit
NGO(s)	Non-governmental Organization(s)
NNPC	Nigeria National Petroleum Corporation
NPF	Nigeria Police Force
NPS	National Police Service
NPSC	National Police Service Commission
NTA	National Taxpayers Association
NTFPR	National Task Force on Police Reforms
NYS	National Youth Service
OAG	Office of the Auditor-General
ODA	Official Development Assistance
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security Co-operation in Europe
PAC	Public Accounts Committee
PCAML	Proceeds of Crime and Anti-Money Laundering

PCC	Public Complaints Commission
PCSC	Public Complaints Standing Committee
PFM	Public Finance Management
POCA	Prevention of Corruption Act
POE	Public Officer Ethics
PPARB	Public Procurement Administrative Review Board
PPD	Public Procurement and Disposal
PPOA	Public Procurement and Oversight Authority
PPOAB	Public Procurement Oversight Advisory Board
PRSAP	Poverty Reduction Strategy and Action Programme
PRIC	Police Reforms Implementation Committee
PRSC	Police Reforms Steering Committee
PS	Permanent Secretary
PwC	PricewaterhouseCoopers
RSPS	Royal Swaziland Police Service
SACU	Southern African Customs Union
SAFAC	Southern African Forum Against Corruption
SCM	Supply Chain Management
SCUML	Special Control Unit Against Money Laundering
SDGs	Sustainable Development Goals
SEA-PAC	Southeast Asian Parties Against Corruption
SMO	Senior Medical Officer
TI	Transparency International
TI-Kenya	Transparency International—Kenya
TJRC	Truth, Justice and Reconciliation Commission
TUGAR	Technical Unit on Governance and Anti-Corruption Reforms
UK	United Kingdom
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNCAT	United Nations Committee Against Torture
UNDP	United Nations Development Programme
UNDESA	United Nations Department of Economic and Social Affairs
UNECA	United Nations Economic Commission for Africa
UN-HRC	United Nations Human Rights Committee
UNHRC	United Nations Human Rights Council
UNFPA	United Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
US	United States
USAID	United States Agency for International Development
WGI	Worldwide Governance Indicators
WHO	World Health Organization
ZPPA	Zambia Public Procurement Authority

LIST OF FIGURES

Fig. 4.1	Nigeria corruption perceptions indices and rankings, 2005–2015 (prior to 2012, the CPI scores were calculated out of 10 instead of 100. For useful comparative purposes across all years the scores out of 10 for the period 2000–2011 were multiplied by 10.)	129
Fig. 5.1	Additive effect of transformational leadership	181

LIST OF TABLES

Table 1.1	Description of supply chain models with a CMS	16
Table 2.1	Swazi perception of corruption, 2010	34
Table 4.1	Nigeria enterprise survey corruption indicators, 2014	130
Table 4.2	Accountability indicators scores and rankings for the Africa region and Nigeria, 2010–2014	132

Corruption in Africa: The Health Sector and Policy Recommendations for Managing the Risks

What is corruption? What are the forces driving it and that make it so prevalent in Africa? What are the consequences of corruption in Africa? Why attempts to combat corruption in Africa have not been successful to date and what now needs to be done to control this menace on the continent? This book provides those answers. We begin in this chapter by contextualizing, examining, and analyzing corruption in Africa through an illustrative example of the risks in the health sector. The chapter is based on research observation and lessons learned from field advisory practice. It also incorporates interviews with key health sector personnel. Those interviews were conducted informally, primarily via electronic mail, as a modified knowledge, attitudes, behavior, and practices (KABP) survey of a number of health professionals and policy makers, mostly in the public sector, that included senior medical personnel, other health professionals, procurement officers, medical stores personnel, and Ministry of Health personnel. Drawing on the literature and best practices in other developing countries, this chapter also offers policy recommendations for managing the corruption risks in the health sector and improving health service delivery and equitable access in Africa. The chapter is also intended to improve on the dearth of analytical literature on corruption at the sectoral level in Africa.

In all African countries the health sector falls under the purview of a Ministry of Health (MOH). That ministry's mandate is generally, among other things, to improve the health status of the people by providing

preventive, promotive, curative, and rehabilitative services which will consistently increase longevity and quality of life. Such services are also required to be of high quality, relevant, accessible, affordable, equitable and socially acceptable; to promote healthy lifestyles; and to consistently improve the health care delivery system by focusing on efficiency and sustainability (see, for example, Federal Government of Nigeria [nd](#); Kingdom of Swaziland [nd](#); Republic of Kenya [nd](#)). Notwithstanding all of the initiatives aimed at improving health service delivery there is insufficient support aimed at strengthening the health ministries to help them develop their own capacities to mitigate corruption and associated risks within their health service delivery chains. Corruption in most African and other developing countries is prevalent in many aspects in the health sector (Sayedoff [2007](#); Vian [2008](#); Hussmann [2010](#); Nishtar [2010](#); Vian et al. [2010](#); Chattopdhyay [2013](#); Maduke [2013](#); OECD [2015](#)). In many of the poorer countries, over 80% of their populations have experienced corrupt practices in the health sector (Holmberg and Rothstein [2011](#)). It is therefore imperative that their health ministries demonstrate their commitment towards closing potential corruption loopholes or gaps within their health care systems that could deter access to health service delivery and thereby, ultimately, lead to improvement in the anti-corruption efforts in their health sectors.

In conducting the analysis for this chapter, and the rest of this book, it is important to first set the stage by taking into consideration those key concepts and issues pertaining to the context and nature of corruption, corruption risk assessment, corruption risk management, procurement, and supply chain management that will inform the book's content. Let us begin by noting that corruption is found in both rich and poor countries, developing and developed, albeit in different forms and magnitude. Consequently, eradicating corruption and the fight against it remains a key policy agenda of virtually every country across the globe but, in particular, African countries.

WHAT IS CORRUPTION?

Corruption is a crime. It involves behavior on the part of officeholders or employees in the public and private sectors, in which they improperly and unlawfully advance their private interests of any kind and/or those of others contrary to the interests of the office or position they occupy or otherwise enrich themselves and/or others, or induce others to do so,

by misusing the position in which they are placed. More simply put, it comprises the misuse of entrusted power or responsibility for any private benefit of self or others (Hope 1985, 2000). The principal types of corruption existing in most African countries are: (1) Bribery, kickbacks, and facilitation payments; (2) Embezzlement, theft, and fraud; (3) Offering or receiving of an unlawful gratuity, favor, or illegal commission; (4) Favoritism, nepotism, patronage, and clientelism; (5) Money laundering; and (6) Conflict of interest/influence peddling. These types of corruption can be further classified into petty (low level, small scale, administrative, or bureaucratic) or grand (high level, elite, or usually political) (see, for example, Hope 1987, 2000; Hutchinson 2005; DFID 2015).

Petty corruption applies to the kinds of corruption the ordinary citizen encounters or is likely to encounter in their everyday lives, such as bribery in connection with the implementation of existing laws, rules and regulations, or service delivery. It is the kind of corruption that people can experience more or less daily, in their encounter with public administration and services like hospitals, schools, local licensing authorities, the police, and taxing authorities, for example, and may complement and reinforce high-level corruption and undermine efforts to establish and maintain an honest and well-run state (Hope 1987; Byrne 2009; Holmes 2015; Rose-Ackerman and Lagunes 2015). Grand corruption (usually but not always synonymous to political corruption) refers to corruption at the high or elite level. It is not so much the amount of money involved as to the level in which it takes place—at the high-ranking levels of the public sphere, where policies and rules are formulated in the first place, such that higher-ranking government officials and elected officials exploit opportunities that are presented through government work, for example, politicians adopting legislation that favors a group that has bribed them, or senior officials granting large public contracts to specific firms or embezzling funds from the treasury (Byrne 2009; Graycar and Prenzler 2013; DFID 2015; Holmes 2015).

By its very nature, corruption on the whole involves secrecy, except where it has become so rampant and so deeply rooted that some powerful individuals or those under their protection do not bother to hide their activity as shown in the case studies in this book. Abjorensen (2014: 5) has perfectly captured the nature of corruption as follows:

Corruption is also elusive in that it takes place usually away from the public gaze; it cannot be accurately measured; only estimated through its effects.

It also has multiple causes and, like water always finding its way to lower ground, it naturally gravitates towards real power; where there is power, there is the potential for its misuse. Corruption is always subversive, running counter to the norms of the system in which it operates; and if left unchecked it can take over and destroy that system. Once established, it quickly becomes not just deep-rooted, but also contaminating; corruption breeds quickly. It thrives on weakness, both moral and institutional, and is facilitated by unstable politics, inequality, poverty and precarious societies. One thing is always certain, however: corruption favours the ‘haves’ at the expense of the ‘have nots’. Corruption can be contained to an extent, and even controlled. But it can never be [totally] eliminated.

Corruption is therefore a complex and multifaceted phenomenon with multiple causes and effects, as it takes on various forms and functions in different contexts in different societies (Andvig et al. 2000). It does flout rules of fairness and gives some people advantages that others don’t have and may not be able to get (Uslaner 2008).

CORRUPTION IN AFRICA

With the exception of Botswana, corruption is pervasive across Africa. During the past several decades, Botswana has consistently been ranked as the least corrupt country in Africa as well as the African country with the best governance scores overall. In fact, Botswana’s scores and rankings in the Corruption Perceptions Index (CPI), for example, have consistently been similar to that of such countries as Portugal and Bhutan. In most other African countries corruption is persistent, and it represents a systemic failure of governance where the principal institutions responsible for ensuring public accountability, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. The result is that a chain environment of personal and collective impunity prevails and corruption is therefore both perceived and real as running rampant (Hope 1985, 1999, 2000, 2008). That, in turn, has considerable negative impacts on development and socio-economic progress (Hope 1996, 2000; Dimant 2014). It further leaves citizens helpless and frustrated and leads to activism (that is not always constructive) on the part of non-governmental organizations (NGOs) and donors to advocate on behalf of the citizens for measures to tackle corruption. In many cases, it has

been demonstrated that there is little return on investment from such NGO activities in Africa and other developing countries (see, for example, Holloway 2006).

Corruption results from interactions, opportunities, strengths, and weaknesses in socio-economic and political systems with devastating social, economic, and governance consequences in African countries (see, for example, Hope 2002; DFID 2015; OECD 2015), and as demonstrated in this book. The stench of corruption in Africa lingers over almost every facet of life. According to the Pew Research Center (2014), for example, a median of 85% of people across a survey of seven African economies say corruption and corrupt political leaders are *very* big problems in their country. In countries like Nigeria and Kenya an average of 77–86% of the population are concerned about corruption (Pew Research Center 2014). Similar results can also be found in the Global Corruption Barometer and the CPI surveys conducted by Transparency International. Pring (2015), for instance, found that, in 28 surveyed African countries, over half of the people (58%) said that corruption had increased over the previous year, and for Swaziland it was 66%, in Kenya it was 64%, and in Nigeria it was 75% of the people who expressed such views. One statistic that measures a key element of corruption is illicit financial flows. It is estimated that Africa currently loses more than US\$50 billion to illicit financial flows every year (UNECA 2016). These flows must be considered not only in terms of squandered or stolen resources, but in the lack of those resources for public funding for critical needs. Zucman (2015) has estimated that, in many African countries, the fraction of financial wealth held abroad in 2014 was considerably high at around 30% compared to 22% in Latin America and 4% in Asia. The resulting absolute tax revenue loss to Africa was US\$14 billion.

Undoubtedly, and as this book also shows, corruption has been deepening in most of Africa during the past two decades as measured by the corruption perceptions surveys and other governance indicators such as those from the World Bank and the Mo Ibrahim Foundation, for example. This deepening of corruption in Africa has been occurring even during periods of improvement in other governance indicators in some of the countries. It should also be noted here that, despite recent criticisms of perception surveys and their indices as one approach to the benchmarking or measuring of corruption (see, for example, Cobham 2013; UNECA 2016), in Africa there is a direct relationship between perceptions of corruption and the actual magnitude or facts on the ground

about corruption. So, ‘while corruption is a global threat, the problem is particularly severe in Africa’ (Koranteng 2016: 239).

The key factor now influencing the prevalence of corruption in Africa is that of poor governance in most of the countries which is generally reflected through weak institutions and bad leadership that is usually found throughout the executive, legislative, and judicial branches of government. This deep-seated governance problem significantly explains why the continent is viewed as corrupt (Lumumba 2014). A sustained commitment to tackling corruption with good governance is therefore one of the most important challenges that African nations face. ‘Without reforms that dismantle the financial, political, and administrative structures that perpetuate corruption, Africa will be unable to break the cycle of cronyism and bad governance that has constrained its tremendous potential for economic, political, and social development’ (Bugnacki 2014: 1). In that regard, Owoye and Bissessar (2014: 230) posit, and empirically demonstrate, that ‘Africa’s corruption is a manifestation of its leadership and institutional failures in the post-independence period’.

Consequently, a new political and leadership consciousness is needed to make good on the reform efforts. For as Ganahl (2013: 3–4) reminded:

In far too many cases, efforts to combat authoritarianism, corruption and bad governance in Africa have failed to bring about real change, overwhelmed by a lack of political will to change for the better. Bright spots in one country have been dimmed by plunges into darkness in other countries. Some of yesterday’s *model countries* have become today’s problem children, while some leaders once dubbed Africa’s hopeful *new generation* have meanwhile proven worthy of much less flattering titles. Regimes that have accepted democratization and installed anticorruption mechanisms seem to be accommodating themselves to international and domestic demands just enough to not have to make any substantial changes.

Furthermore, such leadership must be able to come to grips with and positively act on the fact that, although institutionalizing change can be hard, it is the greatest legacy a leader can leave to his or her people (Kaplan 2013). Such leadership must therefore be transformational as discussed in greater detail later in the book. It must be leadership that recognizes the role and importance of good governance for building a more effective state. Corruption is one of the causes of bad governance in Africa, while bad governance provides good fertile ground for corruption to flourish.

Corruption in the Health Sector: Some Stylized Facts

Corruption in the health sector is not exclusive to any particular kind of health system. It occurs in systems whether they are predominantly public or private, well funded or poorly funded, and technically simple or sophisticated (Toebe [2011](#)). However, the extent of corruption is, in part, a reflection of the society in which it operates. ‘Health system corruption is less likely in societies where there is broad adherence to the rule of law, transparency and trust, and where the public sector is ruled by effective civil service codes and strong accountability mechanisms’ (Savedoff and Hussmann [2006](#): 4). In fact, what distinguishes the nature, extent, and reaction to corruption across societies is the state and level of governance that exists in those societies. Where there is good governance—measured by indicators such as the indices of corruption perception, institutional performance, and judicial integrity, for example—there is very little corruption, and where it is detected it is swiftly dealt with (Hope [2000](#); Savedoff and Hussmann [2006](#); Kohler and Makady [2013](#)). On the contrary, in countries with poor governance, such as most African countries, there is rampant corruption and it is usually accompanied by impunity (Hope [2000](#); Earle [2007](#); Kohler and Makady [2013](#)).

Corruption in the health sector exacerbates many of the existing challenges that health systems may face and can create new ones for governments and patients. One study showed that countries with high incidences of corruption have higher infant mortality rates, even after adjusting for income, female education, health expenditure, and urbanization (Gupta et al. [2002](#)). Corruption in the health sector is a reflection of the structural challenges in the health care system as well as where it takes place within the health sector (UNDP [2011a](#)), for example, drug procurement collusion or paying bribes to health professionals for public health services. The scale of corruption also varies. It may be ‘petty’, often taking place at the implementation level where the public interacts with public officials (for example, through informal payments levied on public health services). It may also be ‘grand’, high level or often at policy level (for example, the manufacture of counterfeit medicines for wide distribution) or in the procurement process (UNDP [2011a](#)).

Generally, health care systems in African countries have been unable to efficiently deliver health care due to a number of reasons, including the inadequacy of the basic health infrastructure, human resources,

equipment, and supplies (UNDP 2011b). Access is still the greatest challenge to health care delivery in Africa with fewer than 50% of Africans having access to modern health facilities. Many African countries spend less than 10% of their GDP on health care (Clausen 2015). And, ‘[more-over], these health systems are often further severely compromised by corruption and corrupt practices’ (UNDP 2011b: 74). Widespread and rapacious corruption has meant that large slices of health budgets have gone missing (KPMG 2012). The resulting economic and social damage wrought on Africa by inefficient and corrupt health systems is therefore immense. ‘As a result of corrupt practices, almost 60 percent of healthcare, often obtained in the private sector, is paid by patients out-of-pocket, putting it beyond the reach of many’ (UNDP 2011b: 74).

Consequently, corruption has become a public health issue in most African countries. Poor women, for example, may not get critical reproductive health care services simply because they are unable to pay the informal fees or bribes (Gnocato et al. 2014). In several countries—such as Tanzania and Morocco—as much as 30–50% of those who have consulted service providers in recent years have paid a bribe (OECD 2015). Studies have also found that corruption lowers the immunization rate of children and discourages the use of public health clinics (UNDP 2011a). Some empirical results show that life expectancy, infant mortality, and under-five mortality are significantly affected by corruption such that countries with better control of corruption or a lower level of corruption display longer life expectancy, lower infant mortality, and lower under-five mortality (Lio and Lee 2016). Hanf et al. (2011) estimate that more than 140,000 annual children deaths could be indirectly attributed to corruption. In many African countries, and other developing countries as well, the pervasiveness of corruption has impeded improvement in health outcomes and therefore has become a barrier to the achievement of the international or national development strategies (UNDP 2011a).

Among the key reasons for corruption in the health sector are weak or non-existent rules and regulations, lack of accountability, low salaries, and limited offer of services (that is, demand exceeds supply), and the high risk areas are generally the following: provision of services by medical personnel; drug selection and use; procurement of drugs, supplies and medical equipment; distribution and storage of drugs; some of the regulatory systems for quality in products, services, facilities, and professionals; budgeting and pricing; human resource management; and construction of medical facilities (see, for example, Hussmann 2010; UNDP 2011b;

Agbenorku 2012; European Commission 2013; Maduke 2013; OECD 2015).

Although the severity of each of the foregoing high risk areas may vary slightly among African countries, there exists an emerging consensus that health systems in African and other developing countries are much more prone to corruption because of the large number of actors involved and the complexity of their multiple forms of interaction, as argued by Savedoff and Hussmann (2006) and Hussmann (2010). These actors have been classified into five main categories: (1) government regulators (health ministries, parliaments, specialized commissions); (2) payers (social security institutions, government office, private insurers); (3) providers (hospitals, doctors, pharmacists); (4) consumers (patients); and (5) suppliers (medical equipment and pharmaceutical companies) (Savedoff and Hussmann 2006; Savedoff 2007; Hussmann 2010; UNDP 2011b).

Some of the types of corruption in the health sector (see, for example, Balabanova and McKee 2002; Ensor 2004; Gaal et al. 2006; Lewis 2007; Vian 2008; Gauthier and Wane 2009; Stringhini et al. 2009; Hunt 2010; Maestad and Mwisongo 2011; UNDP 2011a, b; Liu and Sun 2012; Mackey and Liang 2012; Mostert et al. 2012; European Commission 2013; Popović 2015; Stepurko et al. 2015) include:

- Theft for personal use or diversion of public drugs to private clinics by health workers;
- Sale of drugs or supplies to patients that are supposed to be free;
- Diversion of public medical equipment to private clinics;
- Short working hours of health workers due to absenteeism and tardiness;
- Poor handling of patients especially the vulnerable groups such as the elderly and expectant mothers;
- Bribes/informal payments in return for quick service delivery;
- Bribes to speed up the process or gain approval for drug registration, drug quality inspection, or certification of good manufacturing practices;
- Biased application of accreditation, certification, or licensing procedures and standards;
- Embezzlement or fraud related to health care funds;
- Collusion in the procurement process for drugs, medical supplies, medical equipment, and construction and rehabilitation of health facilities;

- Use of public facilities and equipment to see private patients;
- Unnecessary referrals to private practice or privately owned ancillary services;
- Absenteeism;
- Informal payments required from patients for services; and
- Theft of user fee revenue, other diversion of budget allocations.

According to UNDP (2011b), the cost or impact of corruption in the health sector can be classified as threefold:

- *Health*—Loss of government capacity to provide access to quality essential medicines. More unsafe products find their way into government health facilities due to counterfeiting and bribing of officials. Patients suffer and sometimes die.
- *Economic*—Poor countries are hit hardest. Due to high replacement costs of drugs and medical equipment driving up the proportion of health expenditures in the national budget.
- *Image and Trust*—Corruption reduces the credibility of health institutions and erodes public/donor confidence in the government.

Very good sources of quantitative and qualitative information on the cost and impact of corruption in the health sector in African and other developing countries, as per the above three classifications, can be found in UNDP (2011b), European Commission (2013), and in the Organization for Economic Co-operation and Development (OECD) report for the G20 through the latter's Anti-Corruption Working Group (see OECD 2015).

Corruption Risks

Corruption risks can exist at all levels in relation to almost all functions and activities of an institution or agency because corruption is deliberate and not accidental. Unmanaged corruption risks can expose an institution to the possibility of an employee engaging in corrupt conduct. All public sector organizations in Africa are exposed to corruption risks, and there are some general differences between corruption risks in the public and private sectors. Those differences include the following:

1. Public sector agencies generally have fewer choices in the management of their corruption risks. For example, public sector institutions cannot avoid the corruption risks of some functions by choosing to discontinue those functions as the private sector can.
2. Public sector institutions cannot share or transfer corruption risks as they retain ultimate responsibility for their functions, including those that are outsourced or shared with a private organization (ICAC New South Wales 2008).

As observed by ICAC New South Wales (2008), corruption risks can stem from three factors:

- *External Factors*—These are factors outside the control of the institution but of which the institution should be aware. For example, an increase in the illegal market for improperly obtained proof of identity documents is a risk factor that the institution producing those documents should understand. That institution should consider controls designed to protect such documents from improper external access and have procedures that can detect and prevent any improper authorization.
- *Internal Factors*—These are factors largely within the control of the institution and are the result of institution actions or inactions. They include inadequate work review and audit mechanisms and poorly managed contracting or commercial relationships. Institutions should ensure they have effective policies, procedures, and systems; adequate staff supervision; and also a system of checks and sound management.
- *Individual Factors*—These relate specifically to factors that could motivate a staff member to engage in corrupt conduct such as job dissatisfaction or low pay.

Corruption Risk Assessment

Corruption risk assessment (CRA), also referred to as corruption risk analysis or a corruption audit, is simply a careful examination of what could lead to corruption. It is a tool of diagnosis to detect and assess corruption risk exposures within functional areas. It seeks to identify weaknesses within a system that may present opportunities for corruption to occur. It differs from many other corruption assessment tools in that it focuses

on the potential for—rather than the perception, existence, or extent of—corruption. At its core, a CRA tends to involve some degree of evaluation of the likelihood or probability of corruption occurring and/or the impact it would have should it occur (McDevitt 2011).

The purpose of a CRA is usually to supplement evidence of actual or perceived corruption in a given context in order to inform anti-corruption strategies and policies or for advocacy purposes. It can also serve as a baseline for anti-corruption work to track changes in risks over time. ‘CRA can be applied at all levels from government institutions, to donor support programs, down to sectoral programs, as well as in individual organizations or units. It is often undertaken as part of a larger corruption assessment exercise’ (McDevitt 2011: 1).

Based on methods developed by Transparency International, the World Bank, the United States Agency for International Development (USAID), and others, most CRAs undertaken in Africa generally take an institutional approach. That is, they aim to identify weaknesses in (the enforcement of) rules and regulations in the institution, sector, and/or process under analysis. Beyond this, however, the conceptualization of risk varies from tool to tool, for example:

1. Corruption risk can be equated with the set of institutional vulnerabilities within a system or process which might favor or facilitate corrupt practices;
2. Measures of institutional vulnerability can be combined with data on perceptions and/or experience of corruption as a proxy for corruption risk;
3. Risk can be expressed as a factor of the likelihood of corruption multiplied by the impact of corruption which, in turn, can provide a ranking score as noted below;
4. Objective risks (weak institutions and regulations) can be differentiated from subjective risks (tolerance to corruption, personal motivation, weighing up of costs/benefits, past experiences);
5. Corruption risk can be understood as a factor of the level of transparency and level of fairness in a process; and
6. Corruption risk can be understood as the difference between actual and ideal systems (ICAC New South Wales 2008; McDevitt 2011).

Assessment of risk involves two factors. The first is the potential for occurrence or the probability which is a measure of degree of certainty.

The second factor is the estimate of the impact. This can be somewhat subjective but should be based on expert knowledge of both the subject matter and the sector/environment under scrutiny (health sector in this case). Risks can be ranked or prioritized as Low, Moderate (Medium), or High (see, for example, United Nations Global Compact 2013). Impact can be ranked as Critical (an event that, if it occurred, would have disastrous consequences); Serious (an event that, if it occurred, would have significant negative consequences), Moderate (an event that, if it occurred, would not have any extreme consequences), Minor (an event that, if it occurred, would have only small consequences), and Negligible (an event that, if it occurred, would have insignificant consequences).

In recent years a number of diagnostic tools relevant for assessing a health sector's vulnerability to corruption have emerged and are being used in Africa. All of the tools are important as they provide methodologies to help understand how corruption affects the health sector and where anti-corruption interventions might be needed. Among the key diagnostic tools are: (1) the Good Governance for Medicines Program (GGM), which was launched in 2004 by the World Health Organization (WHO). The general objective of the GGM is to contribute to the strengthening of health systems and prevent corruption by promoting good governance in the pharmaceutical sector (WHO 2012); (2) the World Bank Framework for Rapid Assessment in the Pharmaceutical Sector which is a diagnostic tool that aims to help policy makers and development specialists organize information about the pharmaceutical sector (Diack et al. 2010); (3) the USAID anti-corruption assessment handbook which includes a diagnostic for the health sector. It provides some key questions for provisions of services by front-line health workers; health care fraud; procurement and management of equipment of supplies; regulation of quality in products, services, facilities, and professionals; education of health professionals; and hiring and promotion (USAID 2009); (4) The Medicines Transparency Alliance brings together all stakeholders in the medicines market to improve access, availability, and affordability of medicines for the one-third of the world's population to whom access is currently denied. This is being done by increasing transparency and accountability in medicines procurement and supply chains to tackle inefficiency, corruption, and fraud (MeTA 2010); and (5) the Key Informant Interview Diagnostic Tool which is advocated for use by the USAID and the United Nations Development Programme (UNDP). It is intended to tap into the experiences and observations of key informants in the health sector. Those who are confronted with the

present and potential issues related to corruption in the health sector on a daily basis. They are therefore identified as knowledgeable about both corruption and the health sector in general (UNDP 2011a).

Corruption Risk Management Plan

Following on from a CRA should be the development of a Corruption Risk Management (CRM) Plan. In fact, the CRA can be regarded as the first step in the preparation of a CRM Plan. CRM is the entire process that helps to identify potential corruption risks in an organization; assess those identified risks in terms of severity to the organizational (and other) performance, goals and image; analyze their causes; and, ultimately, help in bringing about corrective measures to minimize or eradicate those risks. In a nutshell, CRM includes the methods and processes used by organizations to manage risks related to the elimination of corrupt factors.

Supply Chain Management

According to the Council of Supply Chain Management Professionals (CSCMP), supply chain management (SCM) encompasses the planning and management of all activities involved in sourcing and procurement, conversion, and all logistics management activities. Importantly, it also includes coordination and collaboration with channel partners, which can be suppliers, intermediaries, third-party service providers, and customers. In essence, SCM integrates supply and demand management within and across organizations (CSCMP 2013). SCM is therefore an integrating function, of which procurement is a critical element. In practice, total or complete SCM entails: (1) Selection of products; (2) Procurement; (3) Storage; (4) Distribution; and (5) Disposal (Riungi nd; Mentzer et al. 2001).

Procurement

One of the most critical parts of the SCM process in the health sector is that of procurement. In fact, procurement is an area that tends to present significant opportunity for corruption (Graycar and Prenzler 2013), and particularly in Africa (see, for example, Appolloni and Nshombo 2014). Procurement is the act of obtaining or buying goods and services. The process includes preparation and processing of a demand as

well as the end receipt and approval of payment. Dickens (2011) outlines the procurement models commonly used by developing country governments in the procurement of health commodities. These include centralized procurement, the use of parastatal organizations or autonomous supply agencies, decentralized procurement, and the use of procurement agents. As also noted by Arney and Yadav (2014), although these models can be clearly defined, in practice their attributes may be combined and their use adapted to local circumstances. Among many other factors, funding streams, donor regulations, national procurement policies, and procurement expertise affect the manner in which a procurement model operates within a country's public procurement system (Dickens 2011; Arney and Yadav 2014).

The Case of Central Medical Stores

In many countries, the health sector model for procurement is through a central medical store (CMS). The CMS is usually the backbone of public health procurement and distribution models in African countries. A CMS should serve the public through the selection, procurement, storage, and distribution of good-quality, safe, and cost-effective drugs and health commodities for use in the diagnosis, treatment, and prevention of disease (Rao et al. 2006). However, there are drawbacks from this model, with the main ones being real and potential political or other interference and the lack of accountability and performance in procurement, financial and logistical management, security, and storage (Rao et al. 2006; Govindaraj and Herbst 2010; Watson and Mc Cord 2013; Arney and Yadav 2014).

Some African countries—such as Swaziland and Zambia, for example—have departed from a pure CMS model to a hybrid model with both a Procurement Unit in the MOH or elsewhere and a CMS. The Procurement Unit, generally, is to quantify and estimate all requirements, manage and finance the procurement process, and take custody of contract management while ensuring end-user involvement. The CMS is, generally, re-oriented and made responsible for the receipt, storage, distribution, and disposal of drugs. This hybrid model has been established precisely to deal with corruption risks and inefficiencies. Among other things, the hybrid model leads to a separation of responsibilities in which the official(s) who are providing technical inputs into the procurement process are not also conducting the procurement and are also not involved in the receipts of those items at the CMS. Table 1.1 sets out a description of supply chain models with a CMS.

Table 1.1 Description of supply chain models with a CMS

<i>Model</i>	<i>Description</i>
Traditional CMS	CMS responsible for procurement, warehousing, custody, distribution, and disposal
Alternative Management of CMS	Management of CMS is replaced or outsourced and/or some functions, such as procurement, are eliminated
Parallel CMS with Competition	Use of additional storage site(s) that compete with the CMS
Parallel CMS (complementary and temporary)	Use of temporary additional storage site(s) to help distribute certain health commodities such as in the case of sudden epidemics
Parallel CMS (complementary and permanent)	Use of permanent storage site(s) to complement CMS capacity with coordination across sites

Source: Author with adaptation from Watson and McCord (2013)

CORRUPTION RISKS IN THE DELIVERY OF HEALTH SERVICES IN AFRICAN COUNTRIES

Risks Identified

As noted in DFID (2010), and demonstrated above, corruption in the health sector can have severe consequences on access, quality, equity, and effectiveness of health care services. The key health sector corruption risks in African countries are related to the supply chain as previously conceptualized. That supply chain is now being separated in some African countries into two areas, with procurement being handled by a Procurement Unit and the rest of the supply chain functions being handled by a CMS as also discussed above.

Procurement

Procurement is a major proportion of the budget of all Ministries of Health. The first and most critical risk here pertains to shortage of staff. When there is a shortage of staff, it leads to staff being overworked. That, in turn, lends itself to the risk that staff will take short-cuts and cut corners to get work done. Critical processes and verifications may then get overlooked. Document and other checks may not be performed or only done in a cursory fashion. In addition, staff shortages negatively affect the motivation of the remaining staff due to the increased workload they create, causing extra stress and the risk of more staff leaving or being absent from

work. All of this leads to significant risks because the necessary checks and balances may not have been performed properly, if at all, and that can lead to exploitation for private gain by those inclined to such corrupt activities.

The second risk is related to the capacity of the staff—specifically, weak procurement management experience and inadequately trained procurement staff. Currently, many of the staffs are not qualified in any internationally recognized way with respect to certification and technical proficiency in purchasing and supply. This may considerably hamper their ability to function in an effective way and to hold their own against potential suppliers and others in the procurement business to thereby protect their MOH in its dealings with suppliers. It also means, in turn, that any given MOH would not have the fundamentals in place to operate an effective procurement and supply function.

The third risk is that of the lack of procurement manuals in many African countries. No procurement manual means that procurement is being done in a less than optimal manner. This can expose any MOH to considerable corruption risks as both staff and suppliers will be able to exploit, both before and after tender processes, loopholes in the procurement process. It would also signal to suppliers the lack of adequate internal controls. On the other hand, a procurement manual would allow for all procurement programs and procedures, at all scopes and financial sizes, to be developed and conducted in a way that efficiently serves any MOH and the public.

The fourth risk is concerned with the usually non-existence of procurement plans and/or schedules. Until procurement planning is operationalized, there will continue to be haphazard or ad hoc procurement activities which allow for exploitation by less than ethical suppliers or leads to opportunities for collusion between staff and suppliers. Procurement planning is the process used by organizations to plan purchasing activity for a specific period of time. This is commonly completed during the budgeting process. It is, in fact, the process of deciding what to buy, when, and from what source. During the procurement planning process the procurement method is assigned and the expectations for fulfillment of procurement requirements are determined.

The fifth risk has to do with the poor and insecure records management. Currently, in too many African countries, records are still in the form of paperwork that is stored in files/folders. And, many files are kept in staff members' offices in quite a disorganized manner. This makes them susceptible to mischief by staff members or in collusion with others. Documents

can be removed or inserted in these files to influence decisions/actions or entire files can potentially go missing.

The final risk, which is a problem that afflicts most of the government institutions in Africa but requires mention here in the context of this work, is the lack of the necessary equipment and supplies for staff to efficiently undertake their mandate and deliver health services. In particular, there are issues with stock-outs (lack or shortage of medicines, commodities, and other supplies) (see, for example, UNDP 2011a, 2011b; Bateman 2013), and lack of access to official vehicles resulting in staff members having to occasionally use their personal vehicles or other methods of transportation for the movement and delivery of documents back and forth. This, in turn, poses another security risk as those documents are usually confidential tender or other materials which can be stolen or otherwise obtained and altered or damaged.

Central Medical Stores

The CMS in most African countries is now being tasked with responsibility for all supply chain functions with the exception of procurement, in some cases, as previously indicated. In practical terms, the CMS is more and more becoming a storage and distribution bureau—a status that many CMS managers are quite happy to have assumed.

The key corruption risks now confronting many of the CMSs are the following: (1) Like the Procurement Units, many of the CMSs also suffer from a shortage of staff; (2) Similarly, there are capacity deficits among some of the staff; and (3) Missing delivery items from some deliveries made to health facilities.

MANAGING THE CORRUPTION RISKS FOR HEALTH SERVICES DELIVERY: SOME POLICY RECOMMENDATIONS FOR AFRICA

The recommendations that follow below are derived from the nature of the risks identified, the analyzed current and potential impact of those risks, and the strategic actions for tackling those risks and mitigating their impacts in Africa. Currently, these risks are being poorly managed and are being done in a piecemeal manner in most African countries. The ultimate objective is to drastically improve health security—defined as a state in which all individuals can obtain and use affordable, high-quality health care whenever they need it—which is the key to the effective delivery of health services.

First, the process for hiring and deploying staff needs to be improved and staff shortages eliminated. The current recruitment processes for the public service in most African nations is too lengthy and overly so. Surely, this process can be significantly shortened without compromising its integrity. Dealing with staff shortages needs to be given priority by all ministries of health. This is particularly necessary given the large number of health professionals that will be required in the future. One estimate by Scheffler et al. (2009) shows that in Africa there is a shortage of 792,000 health care professionals, while another study puts the shortage even higher at 817,992 (Naicker et al. 2009).

Second, there is need for capacity development in the health sector, both individual and institutional capacity as shown, for example, by the lessons of experience in Morocco (Fink and Hussmann 2013). For the procurement area, managing the complex procurement mechanism and process of competitive bidding requires specialized knowledge, expertise, and experience. Consequently, some of the staff members of the Procurement Units need to be trained and certified in purchasing and supply. The CIPS (Chartered Institute of Purchasing and Supply) is the premier global organization serving the procurement and supply profession, dedicated to promoting best practice. By being CIPS certified, it provides a badge of competence that carries recognition throughout the world and indicates to suppliers that, among other things, one is quite capable in negotiating and contracting on behalf of one's organization and government. It therefore provides a mitigating factor with respect to corruption approaches.

Similarly, for some of the CMSs staffs, training in SCM, including logistics management, needs to be pursued. By the end of the training, staff should feel comfortable and confident in their ability to use the available tools to effectively manage their CMS supply chains. For health care staff, nurses need to be allowed to undertake refresher courses which would improve their capacity to perform certain health procedures that they now avoid. Perhaps this is an area where training technical assistance can be provided by the international agencies such as the United Nations Population Fund and the WHO, for example.

Third, the Procurement Units need to develop procurement manuals which must be thoroughly followed as guidance for the procurement process. A procurement manual is an indispensable tool for all staff and managers engaged in the procurement of supplies and services. The objective of such a manual is to explain the organization's (MOH or elsewhere)

procurement procedures and to provide guidelines for procurement practices, specifically for those in relation to tendering and quality control. This manual should also ensure adequate internal controls and compliance with donors' requirements and policies.

The ultimate intent of the manual is to establish processes to ensure that the right suppliers are selected, that the supplies meet quality standards, and that the purchase decisions represent the best value for money. The process is also meant to assess the tenderers'/suppliers' abilities based upon financial and non-financial criteria and their overall capabilities. The Procurement Units existing monitoring tools should control and evaluate suppliers based on quality of supplies, quantity of supplies, ability to deliver, service to the MOH, and satisfaction of beneficiaries.

The Procurement Units should also ensure that all funding from the donors is used effectively and complies with the donors' requirements. The donors have the right to access ministries of health and the contractors' records and documentation. All procurement activities must be properly documented and be subject to scrutiny by donors, auditors, and related parties (World Bank 2008).

The Procurement Units procurements must promote the highest ethical standard and social responsibility both among their staffs and external sources that they deal with. The suppliers, contractors, and candidates must be able to guarantee their ethical standards. As for the Procurement Units staffs and contracting authorities, any actions and behaviors that may lead to the appearance of individual and/or organizational conflicts of interests and non-competitive practices must be avoided.

In addition, the procurement procedure has to guarantee that any action or engagement by suppliers, contractors, and candidates in corruption, fraud, collusion, and coercive practices is prohibited. The contracting authorities of Procurement Units must reject any offers/proposals or terminate contracts of those suppliers who are engaged in such practices. Moreover, the relevant donors must be informed if such wrongful and unacceptable cases are discovered.

The procurement manuals should include at least the following parts: an outline of the Procurement Unit's procurement procedure which focuses on procurement methods that can be applied to different value purchases. In addition, this part should also describe the contracting authorities, including their roles in relation to the evaluation of suppliers and the awarding of purchases/contracts. The next part should explain in detail the tendering procedure as it is the core procurement procedure.

The third part should describe the post-tendering procedure including delivery, quality control, receipt, and payment, which are the steps that lead to achieving the end of the supply chain. Finally, the code of ethics and the compliance with donors' policies and requirements should be explained in the next two parts, respectively.

Fourth, procurement plans need to be developed by the Procurement Units, both long term and annual. Until the Procurement Units adopt long-term and an annual procurement planning processes, the need for procurement planning will be stating the obvious. Procurement planning is the process of identifying and consolidating requirements and determining the time frames for their procurement with the aim of having them as and when they are required. A good procurement plan will describe the process in the identification and selection of suppliers/contractors/consultants (Deme 2009). The primary concept of procurement is that advanced planning and scheduling will result in cost savings and more efficient operations. Formulation and development of procurement plans is not just a good practice that must be embraced by all procuring entities but it is also a legal requirement in most countries (ZPPA nd).

For the annual procurement planning, it should be integrated with applicable budget processes and based on indicative or approved budgets. Also, procuring entities should revise and update their procurement plans, as appropriate, during the course of each year. Good procurement planning is regarded in the practice as 80% of the task completed. Poor or no planning manifests itself in inefficiencies in the procurement function. The basic maxim to keep in mind is that 'failing to plan is planning to fail' (ZPPA nd).

Fifth, a more robust and secure records management system (including electronic) needs to be put in place by the Procurement Units and the CMSs. Records must be recognized as a key resource for good SCM. Sound records management is a vital aspect of ensuring transparency and accountability in the public procurement and other SCM processes. Improvement of procurement record keeping practices, for example, will ensure the conduct of procurement transactions in an orderly, efficient, and accountable manner. Good record keeping practices reduce vulnerability to legal challenge or financial loss and promote efficiency in terms of human and space resources through greater co-ordination of the information use, maintenance, and control. In fact, all African governments should hastily move to e-procurement platforms where such technological and infrastructural capabilities exist. In that regard, the World Bank has

been providing financial and technical support for e-procurement initiatives in several African countries, including Botswana, Rwanda, Mauritius, Ghana, Nigeria, Cameroon, Madagascar, Kenya, Uganda, Zambia, and Zimbabwe, for example (Marchessault and Hasan 2015). Undoubtedly, ‘e-procurement has proven itself to be one of the more effective and efficient tools for bringing good governance to the procurement process [and for improving] public sector governance and [moving] beyond traditional, paper-based procurement’ (Marchessault and Hasan 2015: 1; see, also, Dza et al. 2013). Moreover, ‘providing online information about bidding processes and results through an e-procurement online platform is an example of how governments can [among other things] increase transparency and efficiency’ (UNDESA 2016: 32).

Sixth, all necessary equipment, medicines, and supplies must be made available to the Procurement Units, the CMSs, and the health care facilities as applicable. Whether through regular government resources or from development partners, all efforts must be made to ensure that the Procurement Units and the CMSs have all the necessary supplies and equipment to function effectively and efficiently, to reduce or eliminate stock-outs, to improve security, and to remove the possibility that staff become frustrated and act in a disinterested or unethical manner. Government leadership and commitment are considered preconditions to effective public sector procurement.

Seventh, those staff members entrusted with deliveries of medical supplies and equipment that end up with items missing should be punished through a due process mechanism consistent with current civil service policy. Items from deliveries that have been certified to have left warehouses for delivery but did not arrive at their respective destinations suggest either a mistake in the delivery process or pilferage. If it is the latter, and proven to be so, then the individuals involved should be punished consistent with prevailing policy. In other words, punishment as deterrent should be an accepted management tool. Perhaps one approach that can be tried is to vary the delivery schedules and vehicle routes with each delivery without any advance notice to the personnel assigned to the delivery vehicles and routes.

Finally, the health care facilities need to institute a monitoring and inventory plan for drugs, other health commodities, and supplies. It cannot be that the blame for all stock-outs rests solely with a CMS. Undoubtedly, some responsibility for some of the shortages of drugs and other commodities at these health care facilities rests with the health care facility

itself. Many of these facilities do not engage in any meaningful inventory planning, monitoring, or management beyond the use of stock cards which may not always be kept current. Also, without such inventory controls, how would the health facilities know if leakages are occurring and to what extent?

Each pharmacist at each health facility should be able and willing to discuss with the Senior Medical Officer, Matron, and others a plan for determining most of the drug and supplies needs of their facility over a period of a year. Some simple estimates can be made based on what is known about services rendered, population base, and current demand. Moreover, over time, patterns will be obvious and that will also help in determining usage. Also orders for drugs and other commodities should contain quantities that can be regarded as buffer or safety stock.

In addition to developing a monitoring and inventory plan, it should also be the responsibility of each health facility to follow up with their CMS to determine when any of the essential drugs and other commodities, that were not delivered with a given order, are going to be available and ensure they get delivered as soon as they are available. In fact, all of this monitoring and inventory planning should be done through the information technology (electronic) capabilities where available. These information technology capabilities allow for linkage to the CMSs integrated computerized pharmaceutical management systems where available. Such linkage increases efficiency in service delivery through the added opportunity to limit stock-outs at the health care facilities by better inventory and ordering management. The health care facilities must also fully comply with the reporting requirements to the CMSs.

CONCLUSION

As argued to be the case in South Africa, poor governance and corruption share a reciprocal relationship and negatively impact on the health sector (Rispel et al. 2016). Given the emphasis on the health sector as one of the priorities in the development process in African countries, and the considerable financial and other support being provided by development partners to the sector, there now exists an excellent opportunity for African governments to implement policy recommendations (some of which are provided in this chapter), for managing corruption in the health sector. It is imperative that governments tackle the corruption and other risks in the health sector that impact health services delivery through comprehen-

sive policy reforms as advocated in this work. Commitment and diligence need to be demonstrated. The benefits of implementing a CRM Plan will be enormous from the health, economic, and domestic and international reputation points of view. The health ministries, particularly, have to take action—being the principal governing bodies of their respective health systems with the mandate for health policy-making, planning, regulation, monitoring, and evaluation, and for ensuring access to essential health services.

Any shortfall, irrespective of duration and reason, of public sector supply of essential medicines and other health commodities has critical implications for health in all African countries. Improving access to health care has been identified as both a national and international development priority. Managing the risks of corruption that impede that goal must therefore be dealt with severely by all governments. A well-functioning health sector is one of the most crucial services that governments provide for their citizens. Corruption is a crime that therefore must not be allowed to lead to the depletion of national health budgets, and thereby reducing government capacity to provide essential medicines, while increasing the risk of unsafe or ineffective products on the market, for example.

REFERENCES

- Abjorensen, N. (2014). *Combating corruption: Implications of the G20 action plan for the Asia-Pacific region*. Tokyo: Konrad-Adenauer-Stiftung.
- Agbenorku, P. (2012). Corruption in Ghanaian healthcare system: The consequences. *Journal of Medicine and Medical Sciences*, 3(10), 622–630.
- Andvig, J., Fjeldstad, O.-H., Amundsen, I., Sissener, T., & Søreide, T. (2000). *Research on corruption: A policy oriented survey*. Bergen/Oslo: Chr. Michelsen Institute (CMI)/Norwegian Institute of International Affairs (NUPI).
- Appolloni, A., & Nshombo, J.-M. M. (2014). Public procurement and corruption in Africa: A literature review. In F. Decarolis & M. Frey (Eds.), *Public procurement's place in the world: The charge towards sustainability and innovation* (pp. 185–208). Basingstoke: Palgrave Macmillan.
- Arney, L., & Yadav, P. (2014). *Improving procurement practices in developing country health programs*. Ann Arbor: William Davidson Institute, University of Michigan.
- Balabanova, D., & McKee, M. (2002). Understanding informal payments for health care: The example of Bulgaria. *Health Policy*, 62(3), 243–273.
- Bateman, C. (2013). Drug stock-outs: Inept supply-chain management and corruption. *The South African Medical Journal*, 103(9), 600–602.

- Bugnacki, J. (2014, August 4). Critical issues facing Africa: Governance and corruption. *American Security Project*. <http://www.americansecurityproject.org/critical-issues-facing-africa-governance-corruption/>. Accessed 20 June 2016.
- Byrne, E. (2009). Definitions and types of corruption. <http://elaine.ie/2009/07/31/definitions-and-types-of-corruption/>. Accessed 20 March 2016.
- Chattopdhyay, S. (2013). Corruption in healthcare and medicine: Why should physicians and bioethicists care and what should they do? *Indian Journal of Medical Ethics*, 10(3), 153–159.
- Clausen, L. B. (2015, June 16). Taking on the challenges of health care in Africa. *Insights by Stanford Business*. <https://www.gsb.stanford.edu/insights/taking-challenges-health-care-africa>. Accessed 12 Jan 2016.
- Cobham, A. (2013, July 22). Corruption perceptions: Why transparency international's flagship corruption index falls short. *Foreign Policy*. <http://foreign-policy.com/2013/07/22/corrupting-perceptions/>. Accessed 30 June 2016.
- CSCMP (Council of Supply Chain Management Professionals). (2013). Supply chain management: Terms and glossary. http://cscmp.org/sites/default/files/user_uploads/resources/downloads/glossary-2013.pdf. Accessed 9 Oct 2013.
- Deme, A. (2009). Why is it important to undertake good planning before undertaking a procurement process? *FMI Journal*, 21(1), 11–15.
- DFID (Department for International Development). (2010). Addressing corruption in the health sector. London: DFID. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67659/How-to-Note-corruption-health.pdf. Accessed 12 Dec 2015.
- DFID (Department for International Development). (2015). *Why corruption matters: Understanding causes, effects and how to address them: Evidence paper on corruption*. London: DFID.
- Diack, A., Seiter, A., Hawkins, L., & Dweik, I. S. (2010). *Assessment of governance and corruption in the pharmaceutical sector: Lessons learned from low and middle income countries*. Washington, DC: World Bank.
- Dickens, T. (2011). *The world medicines situation report 2011: Procurement of medicines*. Geneva: WHO.
- Dimant, E. (2014). The antecedents and effects of corruption: A reassessment of current (empirical) findings. http://mpira.ub.uni-muenchen.de/60947/1/MPRA_paper_60947.pdf. Accessed 9 May 2015.
- Dza, M., Fisher, R., & Gapp, R. (2013). Procurement reforms in Africa: The strides, challenges, and improvement opportunities. *Public Administration Research*, 2(2), 49–57.
- Earle, A. (2007). The role of governance in countering corruption: An African case study. *Water Policy*, 9(Supplement 2), 69–81.

- Ensor, T. (2004). Informal payments for health care in transition economies. *Social Science & Medicine*, 58(2), 237–246.
- European Commission. (2013). *Study on corruption in the healthcare sector*. Luxembourg: European Union.
- Federal Government of Nigeria. (nd). Federal Ministry of Health: Mission and Vision. <http://www.health.gov.ng/index.php/about-us/mission-and-vission>. Accessed 12 Jan 2016.
- Fink, H., & Hussmann, K. (2013). *Addressing corruption through sector approaches: Exploring lessons from the Moroccan anti-corruption strategy for the health sector*. U4 Practice Insight 2013: 2. Bergen: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute.
- Gaal, P., Belli, P. C., McKee, M., & Szócska, M. (2006). Informal payments for health care: Definitions, distinctions, and dilemmas. *Journal of Health Politics, Policy and Law*, 31(2), 251–293.
- Ganahl, J. P. (2013). *Corruption, good governance, and the African State: A critical analysis of the political-economic foundations of corruption in sub-Saharan Africa*. Potsdam: Potsdam University Press.
- Gauthier, B., & Wane, W. (2009). Leakage of public resources in the health sector: An empirical investigation of Chad. *Journal of African Economies*, 18(1), 52–83.
- Gnolato, K., Harford, A., Jordan, K., & Shelley, E. (2014). *Women, health and corruption: Redefining partnerships for social change*. Geneva: Graduate Institute of International and Development Studies.
- Govindaraj, R., & Herbst, C. H. (2010). *Applying market mechanisms to central medical stores: Experiences from Burkina Faso, Cameroon and Senegal*. Washington, DC: World Bank.
- Graycar, A., & Prenzler, T. (2013). *Understanding and preventing corruption*. Houndmills, Basingstoke: Palgrave Macmillan.
- Gupta, S., Davoodi, H., & Tiongson, E. (2002). Corruption and the provision of health care and education services. In A. K. Jain (Ed.), *The political economy of corruption* (pp. 111–141). London: Routledge.
- Hanf, M., Van-Melle, A., Fraisse, F., Roger, A., Carme, B., & Nacher, M. (2011). Corruption kills: Estimating the global impact of corruption on children deaths. *PLoS One*, 6(11). <http://journals.plos.org/plosone/article/asset?id=10.1371%2Fjournal.pone.0026990.PDF>. Accessed 6 June 2015.
- Holloway, R. (2006). *NGO corruption fighters' resource book: How NGOs can use monitoring and advocacy to fight corruption*. <http://www.richardholloway.org/wp-content/uploads/2014/04/NGO-Corruption-Fighters-Resource-Book.-Impact-pdf.pdf>. Accessed 9 May 2015.
- Holmberg, S., & Rothstein, B. (2011). Dying of corruption. *Health Economics, Policy and Law*, 6(4), 529–547.
- Holmes, L. (2015). *Corruption: A very short introduction*. Oxford: Oxford University Press.

- Hope, K. R. (1985). Politics, bureaucratic corruption, and maladministration in the third world. *International Review of Administrative Sciences*, 51(1), 1–6.
- Hope, K. R. (1987). Administrative corruption and administrative reform in developing states. *Corruption and Reform*, 2(2), 127–147.
- Hope, K. R. (1996). *Development in the third world: From policy failure to policy reform*. Armonk: M.E. Sharpe Publishers.
- Hope, K. R. (1999). Corruption in Africa: A crisis in ethical leadership. *Public Integrity*, 1(3), 289–308.
- Hope, K. R. (2000). Corruption and development in Africa. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 17–39). Houndmills, Basingstoke: Palgrave Macmillan.
- Hope, K. R. (2002). *From crisis to renewal: Development policy and management in Africa*. Leiden: Brill Publishers.
- Hope, K. R. (2008). *Poverty, livelihoods, and governance in Africa: Fulfilling the development promise*. New York: Palgrave Macmillan.
- Hunt, J. (2010). Bribery in health care in Uganda. *Journal of Health Economics*, 29(5), 699–707.
- Hussmann, K. (2010). Addressing corruption in the health sector. A DFID practice note. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67659/How-to-Note-corruption-health.pdf. Accessed 10 May 2015.
- Hutchinson, F. (2005). A review of donor agency approaches to anticorruption (Policy and Governance Discussion Paper 05-3). Asia Pacific School of Economics and Government, The Australian National University. <http://anchorage-net.org/content/documents/pdp05-3.pdf>. Accessed 11 May 2015.
- ICAC (Independent Commission Against Corruption) New South Wales. (2008). *Corruption risk management*. Sydney: Government of New South Wales.
- Kaplan, S. D. (2013). *Betrayed: Politics, power, and prosperity*. New York: Palgrave Macmillan.
- Kingdom of Swaziland. (nd). Ministry of Health: Mission, vision and sector objectives. http://www.gov.sz/index.php?option=com_content&view=article&id=267&Itemid=403. Accessed 11 May 2015.
- Kohler, J. C., & Makady, A. (2013). Harnessing global health diplomacy to curb corruption in health. *Journal of Health Diplomacy*, 1(1), 1–15.
- Koranteng, R. (2016). The fight against corruption in Commonwealth Africa: Overview of progress. In *Key principles of public sector reforms: Case studies and frameworks* (pp. 239–254). London: Commonwealth Secretariat.
- KPMG. (2012). *The state of healthcare in Africa*. <https://www.kpmg.com/Africa/en/IssuesAndInsights/Articles-Publications/Documents/The-State-of-Healthcare-in-Africa.pdf>. Accessed 12 Jan 2016.
- Lewis, M. (2007). Informal payments and the financing of health care in developing and transition countries. *Health Affairs*, 26(4), 984–997.

- Lio, M.-C., & Lee, M.-H. (2016). Corruption costs lives: A cross-country study using an IV approach. *The International Journal of Health Planning and Management*, 31(2), 175–190.
- Liu, T., & Sun, M. (2012). Informal payments in developing countries' public health sectors. *Pacific Economic Review*, 17(4), 514–524.
- Lumumba, P. L. O. (2014). Corruption: The bane of Africa. In E. Nduku & J. Tenamwenye (Eds.), *Corruption in Africa: A threat to justice and sustainable peace* (pp. 17–47). Geneva: Globethics.net.
- Mackey, T. K., & Liang, B. A. (2012). Combating healthcare corruption and fraud with improved global health governance. *BMC International Health and Human Rights*, 12(23), 2–7.
- Maduke, T. (2013). *Corruption in health sectors of low- and middle-income countries*. Washington, DC: USAID.
- Maestad, O., & Mwisongo, A. (2011). Informal payments and the quality of health care: Mechanisms revealed by Tanzanian health workers. *Health Policy*, 99(2), 107–115.
- Marchessault, L., & Hasan, Q. (2015). Pushing the frontier of e-government procurement in Africa with the open contracting standard. <http://blogs.worldbank.org/governance/pushing-frontier-e-government-procurement-africa-open-contracting-standard>. Accessed 6 June 2016.
- McDevitt, A. (2011). Corruption risk assessment. http://gateway.transparency.org/files/uploads/Corruption_Risk_Assessment_Topic_Guide.pdf. Accessed 10 Aug 2012.
- Mentzer, J. T., DeWitt, W., Keebler, J. S., Min, S., Nix, N. W., Smith, C. D., & Zacharia, Z. G. (2001). Defining supply chain management. *Journal of Business Logistics*, 22(2), 1–25.
- MeTA (Medicines Transparency Alliance). (2010). *Medicines transparency alliance: A review of the pilot*. London: MeTA.
- Mostert, S., Sitaresmi, M. N., Njuguna, F., van Beers, E. J., & Kaspers, G. J. (2012). Effect of corruption on medical care in low-income countries. *Pediatric Blood & Cancer*, 58(3), 325–326.
- Naicker, S., Plange-Rhule, J., Tutt, R. C., & Eastwood, J. B. (2009). Shortage of healthcare workers in developing countries – Africa. *Ethnicity & Disease*, 19(S1), 60–64.
- Nishtar, S. (2010). Corruption in health systems. *The Lancet*, 376(9744), 874.
- OECD (Organization for Economic Co-operation and Development). (2015). *Consequences of corruption at the sector level and implications for economic growth and development*. Paris: OECD.
- Owoye, O., & Bissessar, N. (2014). Controlling corruption in African countries: A symptom of leadership and institutional failure. In G. M. Mudacumura & G. Morçöl (Eds.), *Challenges to democratic governance in developing countries* (pp. 227–245). Heidelberg: Springer.

- Pew Research Center. (2014). *Crime and corruption top problems in emerging and developing countries*. Washington, DC: Pew Research Center. <http://www.pewglobal.org/2014/11/06/crime-and-corruption-top-problems-in-emerging-and-developing-countries/>. Accessed 21 Jan 2016.
- Popović, D. (2015). Assessment of corruption in the health care sector in Serbia. http://seldi.net/fileadmin/public/PDF/Publications/Background_documents/SELDI_Background_Document_Corruption_in_the_Health_Sector.pdf. Accessed 12 May 2015.
- Pring, C. (2015). *People and corruption: Africa survey 2015*. Berlin: Transparency International.
- Rao, R., Mellon, P., & Sarley, D. (2006). *Procurement strategies for health commodities: An examination of options and mechanisms within the commodity security context*. Arlington: USAID, DELIVER PROJECT.
- Republic of Kenya. (nd). Ministry of Health: About the ministry. http://www.health.go.ke/?page_id=126. Accessed 10 Oct 2012.
- Rispel, L. C., de Jager, P., & Fonn, S. (2016). Exploring corruption in the South African health sector. *Health Policy and Planning*, 31(2), 239–249.
- Riungi, J. M. (nd). Managing health supply chains in Africa. <http://www.africahap.org/x5/images/stories/scmgmt.pdf>. Accessed 10 Dec 2012.
- Rose-Ackerman, S., & Lagunes, P. (2015). Introduction. In S. Rose-Ackerman & P. Lagunes (Eds.), *Greed, corruption, and the modern state: Essays in political economy* (pp. 1–17). Cheltenham: Edward Elgar Publishing.
- Savedoff, W. D. (2007). Transparency and corruption in the health sector: A conceptual framework and ideas for action in Latin America and the Caribbean. http://www.researchgate.net/profile/William_Savedoff2/publication/254309932_Transparency_and_Corruption_in_the_Health_Sector_A_Conceptual_Framework_and_Ideas_for_Action_in_Latin_American_and_the_Caribbean/links/544500620cf2e6f0c0fc2b96.pdf. Accessed 11 May 2015.
- Savedoff, W. D., & Hussmann, K. (2006). Why are health systems prone to corruption? In Transparency International (Ed.), *Global corruption report 2006* (pp. 4–16). London: Pluto Press.
- Scheffler, R. M., Mahoney, C. B., Fulton, B. D., Dal Poz, M. R., & Preker, A. S. (2009). Estimates of health care professional shortages in sub-Saharan Africa by 2015. *Health Affairs*, 28(5), w849–w862.
- Stepurko, T., Pavlova, M., Gryga, I., Murauskiene, L., & Groot, W. (2015). Informal payments for health care services: The case of Lithuania, Poland and Ukraine. *Journal of Eurasian Studies*, 6(1), 46–58.
- Stringhini, S., Thomas, S., Bidwell, P., Mtui, T., & Mwisongo, A. (2009). Understanding informal payments in health care: Motivation of health workers in Tanzania. *Human Resources for Health*, 7(53), 1–9.
- Toebe, B. (2011). *Human rights, health sector abuse and corruption* (Working Paper No. 64). Groningen: University of Groningen Faculty of Law Research Paper Series.

- UNDESA (United Nations Department of Economic and Social Affairs). (2016). *United nations e-government survey 2016: E-government in support of sustainable development*. New York: United Nations.
- UNDP (United Nations Development Programme). (2011a). *Fighting corruption in the health sector: Methods, tools and good practices*. New York: UNDP.
- UNDP (United Nations Development Programme). (2011b). *Good anti-corruption practices in the water, education and health sectors in sub-Saharan Africa*. Johannesburg: UNDP Regional Service Center for Eastern and Southern Africa.
- UNECA (United Nations Economic Commission for Africa). (2016). *African governance report IV: Measuring corruption in Africa: The international dimension matters*. Addis Ababa: UNECA.
- United Nations Global Compact. (2013). *A guide for anti-corruption risk assessment*. New York: United Nations Global Compact.
- USAID (United States Agency for International Development). (2009). *Anticorruption assessment handbook: Final report*. Washington, DC: USAID.
- Uslaner, E. M. (2008). *Corruption, inequality, and the rule of law: The bulging pocket makes the easy life*. New York: Cambridge University Press.
- Vian, T. (2008). Review of corruption in the health sector: Theory, methods and interventions. *Health Policy and Planning*, 26(4), 984–997.
- Vian, T., Savedoff, W. D., & Mathisen, H. (Eds.). (2010). *Anticorruption in the health sector: Strategies for transparency and accountability*. Sterling: Kumarian Press.
- Watson, N., & McCord, J. (2013). *Alternative public health supply chains: Reconsidering the role of the central medical store*. Arlington: USAID, DELIVER PROJECT.
- WHO (World Health Organization). (2012). *Good governance for medicines: Model framework 2012*. Geneva: WHO.
- World Bank. (2008). *Procurement of health sector goods*. Washington, DC: World Bank.
- ZPPA (Zambia Public Procurement Authority). (nd). Procurement planning. <https://www.zppa.org.zm/procurement-planning>. Accessed 12 Oct 2012.
- Zucman, G. (2015). *The hidden wealth of nations: The scourge of tax havens*. Chicago: University of Chicago Press.

Corruption in Swaziland

Swaziland is a landlocked, open economy in Southern Africa. It is an absolute monarchy with a constitution and laws as well as with the King holding supreme executive, legislative, and judicial powers. Concurrently, there is a parliamentary system of governance headed by a Prime Minister. The 2005 Constitution provides for a separation of powers between the executive, the legislative, and the judiciary and for various individual rights. The Kingdom's currency is pegged to the South African rand, effectively relinquishing Swaziland's monetary policy to South Africa. The government is heavily dependent on customs duties from the Southern African Customs Union (SACU) for revenues, and worker remittances from South Africa supplement domestically earned income. An estimated 63% of the population lives below the poverty line, and about 29% lives below the extreme poverty line (World Bank 2016). Inequality is very high and poverty is strongly correlated with unemployment which is about 28.5% overall and 52.4% among the youth (World Bank 2016). Corruption is significantly prevalent in Swaziland, and public sector corruption is widely blamed for contributing to the Kingdom's development problems.

In fact, corruption has taken a destructive and demoralizing hold on Swazi society, causing government to lose a substantial amount of money through fraudulent behavior. Recognizing also that the relationship between culture and corruption can be regarded as country specific, nowhere is that more demonstrated than in Swaziland. Consequently, as this book also makes clear, controlling corruption must entail a holistic reforms approach that takes into consideration the country-specific cultural

environment that influences the nature and extent of that corruption. As noted by Hooker (2009: 251), ‘because cultures operate in very different ways, different activities are corrupting in different parts of the world’. As such, practices, like bribery, that are often corrupting across cultures are nonetheless corrupting for very different reasons. For many developing countries, such as those in Africa, for example, gift-giving is not corruption and it never leads to bribery or embezzlement. It is simply a way to maintain peace and harmony in the society (Sylla 2014). Therefore, and as observed by Husted (1999), effective approaches for fighting corruption depend on societal culture. Policy makers can therefore use the country-specific cultural aspects of corruption as a guide in adopting a strategic perspective to fight corruption when implementing anti-corruption policy reforms (Seleim and Bontis 2009).

Hence, policy reforms advocated for tackling corruption must consider the cultural connection to corruption in their design. In that regard, as this book proposes for Swaziland and other African countries, and as Egbue (2006) also correctly notes, responsibility for corruption in the society does not reside only with governments. It is not just the outcome of uncontrolled greed among government officials and others. The society as a whole shares in the responsibility for corruption, in other words, collective action that can complement the principal-agent approach (Persson et al. 2013; Marquette and Peiffer 2015). The media, education system, politicians, as well as civil society organizations must all contribute in the eradication of this social ill.

Like many developing countries, especially those in Africa, the Kingdom of Swaziland has an anti-corruption institution—established as the Anti-Corruption Commission (ACC). However, as is also the case in many developing countries, despite the existence of this commission, corruption persists as a major crime problem in the Kingdom which brings with it significant negative consequences on the economy and society. The discussion that follows below in this case study centers on the nature and extent of the corruption problem in the Kingdom and summarizes its consequences and the role and impact of the ACC in controlling said corruption. It then offers, from an analytical perspective, a set of policy measures to combat that corruption, taking into consideration best international practice including the provisions of the United Nations Convention Against Corruption (UNCAC). The recommendations provided also include measures that can lead to the un-capturing of the societal culture

itself that has become captive and therefore a major contributing factor to corruption in the Kingdom.

THE CORRUPTION PROBLEM IN SWAZILAND

Corruption is a crime, plain and simple, in any form that it occurs and a significant problem in Swaziland. As discussed in Chap. 1, corruption is a crime committed by officials (public or private) to procure gain for themselves or others. Corruption in Swaziland is now regarded as persistent, permeating the society as a whole. In fact, the Swazi media, civil society organizations, and even government officials are now frequently engaged in pointing out the corruption crime problem in their country. ‘Corruption cuts across all sectors of society and it affects everybody in one way or another’ (Observer Reporter 2012: 1; *Times of Swaziland* 2012: 1). Quantifying this corruption problem, the revised methodology Corruption Perceptions Index (CPI) 2014 ranked Swaziland at 69 out of 175 countries with a score of 43 (where a score of 100 is very clean and 0 is highly corrupt) (TI 2014). Also, there have been local surveys conducted among a wide sample of Swazis that show similar results. For example, based on the most recent *National Corruption Perception Survey Report* (2010) commissioned by the United Nations Development Programme (UNDP) for the ACC, the major findings with respect to the views of Swazi citizens about the level of corruption, reasons for corruption, experience with corruption, consequences of corruption, and what constitutes corruption are summarized in Table 2.1.

These perception surveys are further supported by the evidence provided by the most recent crime statistics available. For example, The Royal Swaziland Police Service (RSPS) reports that ‘white-collar crime continues to cause a great concern in our society’ (RSPS 2011: 24). They estimated that during the period 2009–2011, the total cost of fraud and commercial crimes to the government and the business community was E59.2 million (approximately US\$6 million) at an annual average of approximately US\$2 million (RSPS 2011). However, as will be seen below, these police statistics only reflect fraud and commercial crimes reported to, and investigated by, them (the police). Other government estimates reveal a much greater magnitude of corruption.

Nonetheless, these corruption crime statistics and national surveys and international rankings are critical official indicators to which the government needs to urgently respond and commit to put in place inclu-

Table 2.1 Swazi perception of corruption, 2010

<i>Perception response item</i>	<i>Proportion of respondents (%)</i>
Yes, corruption is a major problem in Swaziland	94
The most corrupt sectors are:	
Public administration and defense	49
Finance and insurance	37
Administrative and support services	37
Education	35
Repair and motor vehicles	35
Construction	35
Transport and storage	33
Human health and social work	33
Manufacturing	33
The most common types of corruption are:	
Bribery	26
Misuse of public assets	8
Public and private sector employees' collusion	79
Misuse of public assets for private gain	19
The reasons why Swazis engage in corruption are:	
Greed	49
Poverty	34
Unemployment	9
Other	8
Corruption is considered to be:	
Doing something illegal	63
Misuse of state funds or property	10
Abuse of power	10
Requested by a public official to pay them a bribe	67
The consequences of corruption include:	
Leading to poverty	41
Underdevelopment	14
Poor service delivery	8
Instability	8
Increase in unemployment	61
Combating corruption requires:	
Improved justice administration	24
Creating more jobs	16
More transparency and accountability	10
Increased capacity of the ACC	6

Source: ACC (2010)

sive mitigation measures that aim at preventing corruption at all levels, including the strengthening of governance mechanisms in the country. The government's own *Poverty Reduction Strategy and Action Programme* had also found it necessary to observe that 'Corruption and misappropriation of public funds has been widely reported in public institutions' (Government of Swaziland 2006). More vividly, in February 2011, the Minister of Finance revealed that the Kingdom's loss to corruption crime had doubled from his previous estimate of E40 million (approximately US\$5.6 million) per month (Mavuso 2011). That means that the revenue leakage due to corruption was approximately US\$11.2 million monthly by 2011. That was equivalent to US\$134.4 million annually which was 3% of GDP and 14% of government revenues. To put it in further perspective it was equivalent to almost one and a half times the FY2012/13 recurrent budget for health and more than one half of the FY2012/13 recurrent budget for education. However, most observers believe that the revenue leakage due to corruption is much greater than that estimated by the Minister of Finance. In fact, the Prime Minister, Dr. Sibusiso Dlamini, confirmed that it was impossible to quantify the amount lost through corruption in any month, contrary to the recent revelation by the Minister of Finance (Dhladhla 2011).

Although the key areas most affected by corruption include public contracting, government appointments, and school admissions, one type of significant corruption gaining in currency in the Kingdom is that of nepotism/favoritism. This may not be surprising given the homogeneous nature of Swazi society and cultural norms. However, its magnitude has become of some concern in recent times. For example, in September 2012, the Minister of Public Works and Transport became so alarmed that he halted a recruitment process where four vacant posts for inspectors in an Anti-Abuse Unit were to be filled. He had discovered a number of anomalies that he felt were in contravention of the spirit of the recruitment process. The Minister suspected foul play and ordered that the recruitment process be put on hold. The Minister said he did not approve of the way the process was conducted and would prefer that an independent body be tasked with the recruitment process. It was determined that two of the four potential recruits were related to some of the people heading the unit, and the Minister said that cannot be allowed to continue (Masuku 2012). Nonetheless, credible reports abound that government road construction and other contracts; the appointment of officials; employment and promotions; military and police recruitment;

and school admissions are still determined based on a person's relationship with government officials and the authorities rarely took action on reported incidents of nepotism (U.S. Department of State 2015).

Indeed, the Government of Swaziland now seems concerned about this increased prevalence of corruption and would also like to reverse the widely held view that there is a lack of commitment to fight corruption in the country. In fact, dealing with corruption is now regarded as a collective responsibility of everyone by not allowing anyone to put their personal interest above that of the nation. As observed in a speech by the Head of State, His Majesty King Mswati III, when he officially opened the fourth session of the 9th Parliament and pronounced zero tolerance toward corruption:

As we move forward in rebuilding this country amidst all these challenges, one must express serious disappointment at some individuals who continue to plunder state resources for personal benefit. We have seen these individuals divert national funds intended for important projects for their own benefit. We can no longer allow these people to place their personal interest above that of the country. It is time serious action is taken against such selfish people and it should be action that truly serves as a very effective deterrent if this country is to make any progress economically from this day forth. (His Majesty King Mswati III 2012: 16)

In that regard, in April 2015, the Minister of Justice, two judges, and a High Court official were arrested on corruption and abuse of power charges (L. Simelane 2015). At the same time, the then Chief Justice, Michael Ramodibedi, was also suspended for abuse of power and conspiring with others against the effective functioning of the ACC. A warrant was issued for his arrest and after two months of legal battles, evading arrest, barricading himself in his official residence, and his impeachment, he was finally fired in June 2015 by His Majesty King Mswati III and allowed to return to his native Lesotho (Khoza 2015).

In February 2016, His Majesty King Mswati III returned to the corruption theme in his speech for the opening of the third session of the 10th Parliament, where he strongly stated that:

For the country to achieve sustainable development, the root cause of corruption must be dealt with and eradicated completely, once and for all. ... those who are benefiting from this sinful scourge should be ashamed because they are enemies of our economic development. We urge the

anti-corruption organ to continue sharpening its apparatus to arrest this syndrome. The anti-corruption unit and other stakeholders, should work together to ensure corruption is eliminated. (His Majesty King Mswati III 2016: 18)

CONSEQUENCES OF CORRUPTION IN SWAZILAND

As noted in the empirical literature as well as from observed evidence and the perception surveys, corruption is a very serious problem in Swaziland, and other African countries, that has a wide range of negative consequences. Daniel (2011: 10), for example, has stated that ‘the politico-economic environment in Swaziland is conducive to extensive corruption. The result is a level of corruption which is both endemic and pervasive’. Among other things, this level of corruption undermines the rule of law, weakens governance, leads to violations of human rights, inhibits political stability, hinders economic development, reduces social policies, diverts investments in infrastructure and public services, and erodes the quality of life. Moreover, it fosters an anti-democratic environment characterized by uncertainty, unpredictability, and declining moral values and disrespect for constitutional institutions and authority. It therefore reflects a democracy, human rights, and governance deficit that negatively impacts human development and human security (Mbaku 2007; Hope 2008).

Corruption hurts all, but the evidence suggests it hurts the poor disproportionately, resulting in further impoverishment and the perpetuation and increase in inequality (Government of Swaziland 2006). Corruption is therefore a crime committed against the poor and the most vulnerable in society. When money is diverted into private pockets, society suffers. People lose confidence in public institutions, foreign investment and official development assistance stays away, and poverty and crime flourish. Development then stagnates as people and capital take flight (Lucas 2007).

In Swaziland, as in other African countries, corruption crime is also perceived as a key constraint and deterrent to investment and donor funding. The revenue leakage of 3% of GDP and 14% of the annual revenues being lost to corruption, in addition to shrinking the funding available for socio-economic development projects, reduces donors’ and investors’ confidence in the system of governance and hinders the country’s efforts to enhance socio-economic and political development. This is even more important in the context of the crippling fiscal crisis that the country has

been experiencing in the past few years. That fiscal crisis emerged primarily due to the collapse of revenue transfers (now recovering but still unsustainable) from the SACU as well as the historically high level of expenditures (and wages) and the dried-up access of the government to domestic and foreign borrowing (Basdevant et al. 2013). The ensuing liquidity squeeze has hampered growth and employment and impacted households mainly through (1) reduced social service delivery—both due to cuts in social expenditures and the weakening delivery systems, compounded by the lack of predictability and unclear prioritizing of government resources; and (2) the weakened labor market, that is, layoffs, firm closures, and wage cuts (AfDB et al. 2012; United Nations 2012). Also, as far back as 2006, as quoted in H. S. Simelane (2012: 5), His Majesty King Mswati III said in a speech to Parliament that:

While we might be able to put a lot of effort in fast-tracking our economy, we must be alert to the fact that corruption is yet another factor that cripples the nation's development efforts. If left unchecked, corruption will certainly destroy our economy and reverse the gains of the past.

In that regard, the government's position in recent times is also quite significant as stated, for example, in the Prime Minister's statement on the *Government's Programme of Action 2008–2013*:

Corruption is crime. Those who engage in corrupt activities are criminals. Over the past few years, corruption has become increasingly deep-rooted in our society. There is now widespread skepticism about the effectiveness of Government's institutional arrangements to deal with, and deter, corruption. This Administration is building the necessary capacity in our Anti-Corruption Commission and other institutions across Government, at the same time as setting targets for the speedy resolution of all outstanding cases and future corruption allegations. Whether corruption allegations give rise to prosecution or are dismissed for lack of evidence, they must be brought to swift and fair resolution. (Government of Swaziland 2008: 15)

More recently, it was noted in the Kingdom's *Economic Recovery Strategy for Accelerated, Inclusive and Sustainable Economic Growth*, released in September 2011, that:

Corruption is common, particularly in the procurement of public goods and services and the tendering and implementation of capital projects. It takes

place over the entire cycle, from the acquisition of goods and services to the payment of such, and results in Government paying considerably above the market price for goods and services. (Government of Swaziland 2011: 69)

Moreover, in a follow-up to the findings in its 2010 report that there is much fraud, embezzlement, and misappropriation of government funds by both the public sector and private sector, and this kind of corruption coming in the form of collusion and commission paid when procurement is conducted between the public sector and private sector (Kingdom of Swaziland 2011), the Office of the Auditor General also observed in its 2011 report that:

Government created and funded various development programs for its citizens, to uplift their standard of living. But moneys are often abused, defrauded and diverted from their primary purposes. Thus the poverty line is worsening and adversely contributes to the rising crime rate. Therefore the desired results are not achieved. (Kingdom of Swaziland 2012: 12)

Further reflecting those views, the Minister of Finance, in his 2012 *Budget Speech*, noted that:

Despite the noise I have made almost every year on issues of wastage, corruption and mismanagement, it seems my words have fallen on deaf ears. We have not kept pace with global efforts to reduce corruption. I would like to echo the stance taken by His Majesty in His speech from the throne on zero tolerance on corruption. I appeal for the support, co-operation and commitment of all Swazi Citizens to partner with Government in this fight to do everything possible to eradicate the cancer of corruption that is causing moral decay in our society. I would also like to request for a change in attitude, particularly from the “Swazis” who do not report corruption . . . A person who sees corruption taking place and does not report it is as guilty as the perpetrator. At the same time I implore those in positions of authority to decisively deal with corruption once it is identified and reported. The fight against corruption can only be won if we all work together and we all take responsibility as citizens. (Government of Swaziland 2012: 14–15)

In its 2015 report, the Office of the Auditor General found that nothing had changed and stated that:

During the year under review, there are no apparent improvements in the Government systems. The same anomalies reported on in the previous years

still exist. Perhaps with the introduction of the Accountability Index, the budget would be protected against abuse, waste, embezzlement, override of controls, fraud and corruption. (Kingdom of Swaziland 2016: 3)

Consequently, the fight against unnecessary loss of public funds is still far from over. The Public Accounts Committee (PAC) of the 9th Parliament, and the Parliament as a whole, in their attempt to deal with the consequences of corruption, have managed to recover almost E30 million (approximately US\$4 million) in unnecessary expenditure, three dairy cows out of nine, and is awaiting additional money and items to be returned as orders have been sent to the appropriate persons demanding that they return the items (Parliament of Swaziland 2011). In addition to that, the Committee has also made recommendations such as implementing performance audits, referring matters to the ACC, the RSPS, and recommending that some people never be responsible for public funds again (Parliament of Swaziland 2012).

The Swaziland ACC has also summarized the consequences of corruption to the country as follows: (1) It hinders service delivery; (2) leads to increased more serious crimes and vandalism; (3) results in moral degeneration; (4) affects the collection of government revenue which is the main source of public service funding; (5) results in a few individuals enjoying economic benefits; (6) hinders the effectiveness of the administration of justice; (7) results in the poor getting poorer and the rich getting richer; (8) seriously undermines development; (9) results in a loss of employment opportunities and retrenchments; and (10) damages the country's reputation and investment potential (ACC n.d).

THE ANTI-CORRUPTION COMMISSION

The primary institution charged with combating corruption in Swaziland and mitigating its consequences is the ACC. The ACC was officially launched in February 1998 pursuant to *The Prevention of Corruption Order No. 19 of 1993* (read as one with *The Prevention of Corruption (Amendment) Act, 1997*) that created it. The ACC was then re-launched in 2008, as per *The Prevention of Corruption Act (POCA), 2006*, that replaced *The Prevention of Corruption Order No. 19 of 1993*. The ACC is headed by a Commissioner and assisted by two Deputy Commissioners (Administration and Operations, respectively) and other staff appointed under the relevant provision of the *POCA, 2006*. The Commissioner and

Deputy Commissioners are appointed by the King on the advice of the Judicial Service Commission and shall hold office for a period not exceeding five years and may be re-appointed for a further single term, on such terms and conditions as may be determined. The Commission has two departments, namely, the Administration Department and the Operations Department, each headed by a Deputy Commissioner (ACC 2012).

According to the *POCA, 2006*, the ACC is established as an independent body, and its Commissioner and Deputy Commissioners are also to be independent with respect to their duties. The *POCA, 2006* states that: 'In the performance of their functions and in the carrying out of their duties the Commissioner and the Deputy Commissioners shall be independent and shall not be subject to the direction or control of any person or authority' (Kingdom of Swaziland 2006: 8).

The mandate of the Commission is to prevent, investigate, and educate with respect to corruption. The prevention component tasks the ACC with taking the necessary measures to prevent all forms of corruption in the country, with particular emphasis on public and private bodies. In particular, the *POCA, 2006* gives the Commission the mandate to examine the practices and procedures of public and private bodies in order to facilitate the discovery of corrupt practices and secure the revision of their methods of work or procedures which, in the opinion of the Commissioner, may be prone or conducive to corrupt practices. The Commission is also mandated to advise public and private bodies on the ways and means of preventing corrupt practices, and on changes in the practices (ACC 2012).

The ACC recognizes that a clean and honest civil service is important to Swaziland's success. In that regard, it intends to render assistance to government departments in formulating departmental guidelines governing civil service integrity and mapping out tailor-made preventative educational programs for their staff. The ACC also conducts studies of operational and financial processes in the different government departments and public bodies and makes recommendations on preventative measures and follow-up with monitoring reviews. The Commission also endeavors to promote ethics in the private sector and encourage organizations of various trades to take preventative measures against corruption. The ACC also undertakes to organize and run training seminars and conferences for different sectors like banking, construction, customs and excise, immigration, and so on (ACC 2012).

The investigation component of the mandate tasks the ACC with the responsibility to receive and investigate complaints of alleged or suspected

corrupt practices that are made against any person. The aim is to enforce the law vigilantly and professionally in order to seek out and eradicate corruption wherever it exists. In that regard, all complaints are referred to the Complaints Review Committee (CRC) which examines them to determine whether the Commission has the mandate, in terms of law, seriousness of the complaint, and financial implications of the complaint. After taking into account all factors, the CRC advises the Deputy Commissioner (Operations), who, in turn, advises the Commissioner whether or not the Commission should investigate the complaint or refer it to other relevant bodies such as the RSPS. The Commissioner then gives the necessary directions and authorizes what action is to be taken. According to the ACC's available annual reports, from March 2008 to March 2012 the Commission received 604 complaints of corruption. The majority (68%) of these complaint offences were for bribery (23%), fraud (22%), cheating of public revenue (12%), and abuse of power (11%). As of March 2012, a total of only 12 cases were pending in court and there have also been only two convictions recorded (ACC 2011, 2012).

The education component tasks the ACC with disseminating information on the evil and dangerous effects of corrupt practices on the society and to enlist and foster public support against corrupt practices. It is aimed at promoting better public understanding of corruption and encouraging society as a whole to take positive action against such practices. In the government's programs of action for 2008–2013 and 2013–2018 special emphasis on dealing with fraud and corruption has been prioritized as one of the top priorities of government, with the subject to be incorporated into the curriculum of primary schools. This is to ensure that children learn at the earliest possible age of the evil and perils of a corrupt and fraudulent way of life (Government of Swaziland 2008, 2013).

Despite its laudable mandate, the ACC has not been able to undertake the necessary processes to implement its mandate and faces a number of challenges regarding its functioning. It lacks leadership, its administrative and management techniques are sloppy and archaic at best, its budget is inadequate, it lacks general capacity and the appropriate sets of staff skills to undertake its mandate, and its independence has not been observed nor encouraged. Moreover, as observed by Koranteng (2016) it suffers from inadequate financial resources. As noted by H. S. Simelane (2012), by 2009 the ACC had failed to have a significant impact in fighting corruption and it is visibly failing to fight corruption at all levels of Swazi society in spite of being empowered with a sound legal framework.

Other Swazis with influence, such as Members of Parliament (MPs), have also previously been critical of the ACC. Among other things, the MPs have accused the ACC of failing to do its job. According to the *Times of Swaziland* (2010), they have likened the graft-busting unit to a fly-whisk set up just to scare people with no definite function or purpose and expressed concern that corruption has allegedly intensified since its inception with one MP stating that the ACC operated as if it had no vision and sense of direction and saying further that ‘I do not see where we are going with this. How can it be that out of 77 cases that were brought to the Commission, only two were taken to the DPP (Director of Public Prosecutions)? How do you expect this to encourage people to report corruption?’ (*Times of Swaziland* 2010: 1). Another MP said that the delay in finalizing the current cases that have been brought before court is a cause for concern. ‘Corruption is increasing even though we have this body. Nobody can tell me that it is working because we should be experiencing a decrease in corruption but instead it has shot up’ (*Times of Swaziland* 2010: 1).

The Swaziland country report for the *African Economic Outlook 2012* has also noted that the ACC ‘has been facing numerous challenges in its operations, including underfunding and lengthy procedures in the prosecution offices where the corruption cases are submitted’ (AfDB et al. 2012: 11). Clearly, then, to move forward in combating corruption in the Kingdom would require, among other things, significant changes at the ACC and in the manner in which it functions and implements its mandate.

CONTROLLING CORRUPTION IN SWAZILAND: SOME SUGGESTED POLICY MEASURES

Given the current state of affairs with respect to corruption in Swaziland, as discussed above, and bearing in mind best international practices in anti-corruption policy, the following are some key policy measures that are being suggested, with accompanying rationale, for controlling the corruption problem in the country. These policy measures are categorized as legal, institutional, and social.

Legal Measures

First, a Whistleblowers Protection Act and a Witness Protection Act need to be passed into law. Whistleblowers perform an important role. They are uniquely placed to expose serious problems within the management

and operations of public, private, and civil society bodies. The best source of information concerning inappropriate conduct within those bodies is often people who work for or have dealings with such bodies (Wheeler 2004; Whitton 2008). In order to be a protected disclosure, and for the protections under the Act to be available, the conduct must also be serious enough that, if proven, it would constitute a criminal offence or reasonable grounds for dismissal. The Act should also make it a criminal offence punishable by a fine or imprisonment to take detrimental action against a person for making a protected disclosure.

The purposes of the Act should include: (1) To encourage and facilitate disclosures of improper conduct by public, private sector, and civil society officers and their bodies; (2) To provide protection for individuals who make those disclosures and individuals who may suffer reprisals relating to those disclosures; (3) To provide for the matters disclosed to be properly investigated and dealt with; and (4) To protect individuals who are victims of disclosure that are maliciously false or based on unsubstantiated rumor (Wheeler 2004; Whitton 2008).

With respect to a Witness Protection Act (a draft of such an Act has been in existence in Swaziland for several years), this allows for the promotion of law enforcement by facilitating the protection of persons who are involved directly or indirectly in providing assistance to the investigating authorities. It goes beyond just whistleblowers. The detection, investigation, and prosecution of corruption can be a difficult and challenging task. Corruption often involves powerful government officials, business leaders, and others of influence who have various means at their disposal to hide their corruption. To effectively combat corruption, it is important that citizens and employees who become aware of corrupt practices be encouraged to report such practices and to act as witnesses where necessary. Needless to say, such persons must be protected from all forms of reprisal for their cooperation.

Witness Protection Acts generally contain elements that address the following: (1) the making of arrangements necessary to allow a witness to establish a new identity or otherwise to protect the witness; (2) the relocation of the witness; (3) the provision of accommodation for the witness; (4) the provision of transport for the property of the witness; (5) the provision of reasonable financial assistance to the witness; (6) the provision to the witness of services in the nature of counseling and vocational training; and (7) doing anything else the authorities consider necessary to ensure the witness's safety and welfare (Ferguson 2007; UNODC 2008).

Second, the declaration of assets, property, and liabilities, as required under the Leadership Code of Conduct in the Constitution, should be regarded as a public accountability matter rather than a private matter and those declarations should be made to be accessible for public scrutiny upon demand. Asset declaration, sometimes referred to as financial disclosure for public officials, is a significant tool for preventing corruption. The principles underlying these declarations, in international best practice, are (1) to increase transparency and the trust of citizens in public administration, by disclosing information about assets of politicians and other public servants that shows they have nothing to hide; (2) to help heads of public institutions prevent conflicts of interest among their employees and to resolve such situations when they arise, in order to promote integrity within their institutions; and (3) to monitor wealth variations of individual politicians and other public servants, in order to dissuade them from misconduct and protect them from false accusations, and to help clarify the full scope of illicit enrichment or other illegal activity by providing additional evidence (OECD 2011).

Corruption thrives on a lack of reliable information. Governments should therefore guarantee the right of everyone to have access, on request, to official non-state secret documents held by public authorities. This principle should apply without discrimination on any ground. Moreover, the greater the information made publicly available and the more certain its accuracy, the greater the chances for a transparent and truly accountable government. Without such access, confidence in public institutions is placed in jeopardy and democracy suffers. In addition, serving the public interest is the fundamental mission of a government and its public institutions. Citizens are entitled to expect that individual officials will perform their duties with integrity, and in a fair and unbiased way. Public officials who maintain private interests during their time in office can present a threat to this fundamental right. Such conflicts of interest have the potential to weaken the trust of the citizens in public institutions (OSCE 2004).

Third, a law governing the functioning of the Public Service needs to be enacted. This law should cover a number of areas related to public service values; code of conduct; appointments; performance agreements, assessment, and management; discipline; rules relating to gifts; and penalties, for example. It is a very comprehensive piece of legislation that mirrors similar best practice legislation across the globe. This Bill is necessary and should not only be passed but it must also be vigorously observed and

enforced by the Civil Service Commission particularly as it applies to nepotism and disciplinary procedures—two areas in which that Commission's performance has been found wanting.

A significant part of the Bill should be a Code of Conduct. The usual purpose of such codes is to specify the standards of integrity and conduct to be observed by public officials, to help them meet those standards and to inform the public of the conduct it is entitled to expect of public officials. It is an important element of the arsenal of best practices used to curb corruption and build or improve ethical competence and accountable behavior. The objective is to enhance public confidence in the integrity of public office holders and the decision-making processes of government. As a result, Codes of Conduct can be used to build trust in government institutions. Or, their absence can undermine it.

Codes of Conduct (sometimes referred to as Ethics Codes) are as old as antiquity. Religious traditions and civic cultures have codes as their foundations. In each case, codes carry general obligations and admonitions, but they are far more than that. They often capture a vision of excellence, of what individuals and societies should be striving for and what they can achieve. In this sense, codes are some of the most important statements of civic expectation. The use of Codes of Conduct has also been broadly recognized in international anti-corruption agreements. The UNCAC, for instance, includes a public service code as an essential element in corruption prevention. Effective Codes of Conduct, it should be noted, are not merely a text. Rather, they exemplify the fundamental principles and values of institutions.

Finally, under the legal measures, the PAC Order, 1974, and/or the *Parliamentary Privileges Act, 1967*, need to be amended to provide for larger fines for contempt. The maximum fine currently applicable under these two instruments ranges from 100 to 400 Emalangeni (approximately US\$13 to US\$52) and/or imprisonment for a period of six months to two years. These are now outdated penalties and the fines pose no risk to public servants since they are easily payable. Consequently, there is no worry about going to prison for corrupt activities as determined by the PAC. In other words, this is not a deterrent punishment by any means. Consequently, these two instruments need to be amended to provide for more severe penalties. These amendments will, in turn, strengthen the role of parliament in the fight against corruption. Undoubtedly, a strong parliamentary role is required for exercising its oversight and financial control roles and for exhibiting political leadership.

Institutional Measures

The first institutional measure pertains to the independence of the ACC. Undoubtedly, the independence of the ACC needs to be observed, as per the *POCA, 2006*. The role of the ACC as an independent entity in the fight against corruption, with full political support, needs to be reinforced. The establishment of anti-corruption commissions, agencies, institutions, or bodies has been widely heralded, and even promoted in the UNCAC, to be one of the key instruments for tackling corruption at the national level. However, such bodies have been most successful when they have strong political backing at the highest levels of government, appropriate budgets, and relevant management systems.

Appropriate and predictable budgetary levels for the functioning of the ACC needs to be provided, and the Commission should be allowed to raise funds from external sources in support of some of its programming activities. However, the ACC would benefit from proper funding only if it puts its house in order. Management practices and processes need to be streamlined; job descriptions and person specifications for all positions are required and should be followed; methods for the safe and secure storage of information must be implemented and information shared only on a need-to-know basis to prevent leaks and to be able to determine the source of leaks more readily; staff members need to be vetted and then performance evaluated on an annual basis; and there has to be an improvement in the physical security arrangements at the Commission's office and the instilling of better staff awareness to security for and around their office environment.

Second, there should be developed a program of capacity building for the key institutions responsible for corruption investigations (the ACC and the RSPS), and the prosecuting institution—the Chambers of the DPP—with appropriate sourcing and partnerships built for covering the costs. There are acknowledged significant capacity deficits in the institutions charged with investigating corruption. This can only lead to further bottlenecks and work backlogs over the longer term. It is imperative that a program of capacity building be developed for these institutions to enable them to undertake their mandate more expeditiously and effectively and, as well, the building of capacity in the DPP office to process corruption dockets and prosecute the cases more efficiently and effectively. This capacity building program must be related to: (1) hiring appropriate numbers of staff with the appropriate skills; (2) the provision of techni-

cal skills training and improving professionalism including pay and benefits; and (3) the acquisition of the necessary and appropriate office space, equipment, and materials for the fulfilment of mandates. Here capacity building or capacity development is therefore not a stand-alone training intervention but rather a strategically coordinated set of activities aimed at individuals, institutions, and sectors. It is much more than improving the abilities and skills of individuals. Far too often it is simplistically regarded as just training, mentoring, or organization restructuring. It is also about strengthening the performance capabilities of individuals, organizations, and societies (Hope 2009).

Third, all public, private, and civil society sector organizations should adopt, adhere to, and publicize Service Charters. A Service Charter is a short statement describing the level of service the public can expect from an organization and its staff. It represents a demonstration of an organization's commitment to the public and a reflection of its dedication to excellence and fairness in the execution of its mandate. These Charters are therefore written statements that indicate the nature, quality, and quantity of service that citizens should expect from a respective institution. They provide information on (1) what services are provided; (2) the standard of the services to be provided; (3) the sequencing of the processing of services and paperwork; (4) the time frame within which services will be provided; (5) any user charges; and (6) the manner in which the public may seek redress if they are not satisfied with services received or if they are of the view that an institution is not living up to the commitments in its Service Charter (Post and Agarwal n.d; Löffler et al. 2007). All Service Charters should be advertised in the media, on organization websites, and placed prominently in all entrances to an organization and/or its departments. There should be a Service Charter covering the entire organization and one for each department or division.

Service Charters are useful tools in the anti-corruption fight. Among other things, they have the effect of (1) arming the public with information and thereby removing the possibility that a lack of information can be used to extort bribes or result in the need to solicit the use of middlemen/women for obtaining services; (2) assisting organizations to manage the expectations of service users; (3) providing a framework for consultations with service users; (4) encouraging organizations to measure and assess performance; (5) making organizations more transparent by telling the public about the standards they can expect; (6) pushing organizations to improve performance where promised standards have not been achieved;

and (7) increasing satisfaction of service users (Post and Agarwal n.d; Löffler et al. 2007).

Fourth, tender and other procurement processes must be allowed to proceed based on the technical and financial assessments as per the terms specified and advertised and not be influenced through political or other interference. The Procurement Act must be completely observed, and a brief document outlining the tender process should be made available by the Tender Board to all public institutions as well as to the public on demand. This recommendation is self-explanatory. Nonetheless, it can be noted that the ultimate goal of public procurement is to satisfy the public interest like any government action should be. In this sense, good procurement should satisfy the needs of the people, should be fair to businesses, and should save and avoid wastage of public funds. Good public procurement is a good tool to implement public policy in all areas, and should be an instrument for good governance and therefore good government. In that context, good procurement will contribute to the government's legitimacy and credibility.

Workshops on the procurement process need to be conducted at regular intervals for all those dealing with procurement in every government ministry, department, and agency. These workshops should, among other things, provide training on the Procurement Act and the entry points for, and impact of, corruption in the public procurement process in Swaziland. Of course, they must also stress and contain an ethics component to influence public servants to resist attempts to directly or indirectly engage in corrupt procurement practices. This is to be a responsibility of the Tender Board, whose members need to become much more informed about their role and functions.

Generally, in countries like Swaziland, where corruption is rampant, the demand side for anti-corruption measures tends to be low. This can be attributed to citizens not being used to the idea of enforcing their rights, as well as a political environment where the mechanisms for democratic expression of rights may or may not exist. In such contexts, the media can play two important roles, assuming it has the capacity to be informed on the causes, effects, and magnitude of corruption as well as on international anti-corruption norms and standards: it can (1) expose acts of corruption and thus act as a deterrent as well as a monitoring and combating tool; and (2) raise citizen awareness of the direct impact of corruption and weak integrity systems on the economy and people's lives and thereby change social attitudes and empower citizens to demand accountable and transpar-

ent democratic, economic, and corporate governance (Stapenhurst 2000; Arnold and Lal 2012; Camaj 2013). However, it must also be pointed out here that the media can also be corrupt. It is subject to the same social and political pressures as others. The media therefore needs to be accountable and have oversight mechanisms including enforcing integrity through introduction and monitoring of codes of conduct for its members and encouraging owners/editors to allow balanced reporting (Mendes 2013).

Another critical challenge facing the Kingdom of Swaziland is the requirement to restore confidence in the independence of the judiciary. In the perception surveys, it is mentioned that the independence of the judiciary is compromised and this results in another form of corruption. It is therefore important that the government set up clear guidelines and provide adequate resources to ensure that the Judicial Service Commission's operations are in accordance with the constitution and laws pertaining to judicial services and the justice system. Affirming judicial independence and accountability could be strengthened by, among other things, laying down suitable rules and procedures for making judicial appointments and increasing the number of judges in order to expedite and settle the pending corruption cases and deal with future caseloads.

In every national integrity system, the judiciary usually represents the last wall of defense against corruption and impunity in the society. However, where there is no confidence in the judicial system, or where the judiciary personnel (those on the bench as well as the staffs that enable their work) may be regarded as susceptible to corruption, it then creates a pernicious multiplier effect on the rest of society. Even where those on the bench are honest and of the highest integrity and professionalism but their supporting staffs are regarded or known to be corrupt, then the entire judiciary becomes tainted as corrupt. One could consider judicial system corruption as a 'corruption of corruptions' in which those who are responsible for interpreting and enforcing the rules to counteract corrupt practices are themselves deemed to be corrupt.

The ability of the judicial branch to enhance integrity within its own ranks depends on best practice reforms and some commonsense actions as well. These include having clear rules applied to personnel management and budget-related issues. Weak governance in these areas can reduce the level of effectiveness among judicial and administrative personnel. Also of importance is the need to institute quality control methods to monitor and correct deviations from expected procedural times and caseloads that result from law-related corruption (such as case fixing) and proce-

dural judicial corruption (such as paying court employees to delay or even accelerate cases or to process or not process court orders, or where court employees collect proceeds as per a court order and pocket them rather than deposit said proceeds with the court for delivery to the rightful owner as per the court order).

Next, each government ministry or agency should institute an Integrity Committee that will be responsible for internal corruption prevention. Integrity Committees can be useful tools for ensuring that individual organizations are responsible for corruption prevention in their respective organizations. Such committees provide the first line of defense against corruption in the organization, and they also act as a built-in oversight mechanism for corruption control. Integrity Committees are internal institutional committees established and charged with the mandate to spearhead the prevention of corruption within their sphere of control and hence the institutionalization of corruption prevention. The rationale for this institutionalization of corruption prevention is that public institutions exist to serve the public. It is in their interest therefore to ensure that they deliver on their respective mandates in an efficient and effective manner free of corruption. Assistance for the establishment of these committees in Swaziland should be provided and facilitated by the ACC. This would also institutionally and programmatically recognize and reinforce the ACC's role and responsibility in the fight against corruption.

Social Measures

First, the ACC needs to develop and implement a much more robust media campaign for greater public sensitization and awareness to the existence and work of the Commission and for enhanced prevention and education programming. Undoubtedly, much has been done in terms of media outreach on the workings and activities of the ACC. However, the perception surveys indicate that too many people are still not aware of the existence of the ACC and what it is intended to accomplish. Many others have indicated that they do not know where to complain about corruption and how to get in touch with the ACC. Clearly, this situation is untenable and not conducive to the reporting of corruption and the prompt investigations thereof. In addition, the ACC must improve the feel and look of its website, to make it more user-friendly, and place on there its annual reports and other documents that should be available to the public.

A comprehensive awareness campaign, that is supported with education and training, needs to be established at two levels: (1) the raising of awareness and education of employees; and (2) targeted public communication campaigns. The first level entails, among other things, (a) promotion of the guidelines for professional ethics along with training on the practice of professional ethics; (b) sensitization to the current legislative framework as it relates to corruption; and (c) encouragement of employees to blow the whistle on corruption within their work environments. For the second level, it should contain elements that (a) promote the benefits of anti-corruption and good governance; and (b) render messages that are positive with respect to the duty of employees not to tolerate corruption and negative messages of the consequences of corruption to the country and perpetrators.

Also, training and education on corruption and anti-corruption behavior, in the wider context of good governance, now needs to be a compulsory part of the learning curricula in all schools and centers of learning and training from primary through to university, teacher colleges, and vocational and other training institutes. The ACC must be at the forefront of developing such curricula in concert with the management, administrative, and pedagogical staff of these various types of institutions. It is clear that corrupt and unethical practices have become a way of life in Swaziland and are tolerated by the communities. Consequently, influencing the hearts and minds of the young will probably do much more to change the socialization process that promotes corrupt behavior than all other measures combined. Therefore, the fight against corruption through sensitization of the young must be given priority. Once people are aware of the danger and the evil character of corruption and its consequences on them, their families, and relatives as well as on their own businesses, corruption can be reduced (Sylla 2014).

Second, the Kingdom's leadership (political, business, civil society) is called upon to demonstrate their leadership status in the society and steadfastly take every opportunity to influence their fellow citizens to change their behavior with respect to corruption. One of the popular refrains about corruption in Swaziland is that it is part of the cultural and social norms to engage in such behavior. This has also been confirmed by the perception surveys previously discussed. However, there is also much fatigue emerging about the rampant corruption that now exists in the country as its corrosive effects and impact on development are being recognized and felt. Speeches and exhortations that have been made by His Majesty King

Mswati III, the Prime Minister, and the Minister of Finance, for example, denouncing corruption in the Kingdom are most welcome and must continue to be made. Also, there has been much discussion about corruption at the People's Parliament held in August 2012 and this is very encouraging, pointing to the fact that the people of Swaziland are fed up with the persistent corruption that they are experiencing in the country.

However, much more needs to be done, and by all levels of the nation's political, business, and civil society leadership. What is required is leadership for change, in other words transformational leadership. Such leaders must also be regarded as champions of ideas—good ideas for curbing corruption in this case—who lead and maintain commitment to change ideas and transformation toward a better governance environment, influencing others into accepting the changes, and coordinating disparate actors to overcome resistance to change and transformation. These leadership actions are intended to ultimately enhance the acceptance and institutionalization of transformational change for the better (Hope 1999, 2000, 2012).

Transformational leadership can be regarded as a process by which a person influences others to accomplish an objective—to transform behavior. In particular here, the nation's traditional and religious leaders also need to step up and use their influential positions and platforms to drive the message home that corruption is everybody's business and that it is therefore bad for the entire nation. The traditional leaders are very influential given the homogeneity of the Swazi society. Religious leaders are urged to preach the message in their sermons. Business leaders must also frequently make reference to the need to disengage from corrupt activities both to their employees and in appropriate public settings. The private sector has a strong moral duty to support the fight against corruption as they are often the supply side of corruption opportunities. Civil society leaders, generally, don't need to be encouraged to take up a civil cause, but are urged to put much more of a focus on curbing corruption.

Where corruption is systemic or persistent, like in Swaziland, the societal culture itself has become captive. The norm is corruption and penetrating that culture requires building coalitions and mobilizing and coordinating a variety of actors to transform the environment and sustain the change benefits that will be derived. Unless the war against corruption is led by leaders at the top who embody transformation rather than the status quo, it will not be won at the middle or lower levels of the society in general. All of the global evidence reminds us that the war against corruption has had a positive impact only in countries where the top leaders actually led it but

that war failed in all countries where the top leaders themselves were either corrupt and/or fought corruption with empty words only. There must be a zero-tolerance policy from the top representing ethical standard setting through both words and deeds that demonstrate values and commitment to ethical governance (Hope 1999, 2000, 2012).

Third, corruption in Swaziland must be detected and prosecuted in line with existing law. Those who are found guilty to have engaged in corrupt activities, from any walk of life, should be harshly punished. As reported in the press, this recommendation is also consistent with the view of His Majesty King Mswati III, who told the nation at the People's Parliament in August 2012 that 'Swazis should not be afraid to name and shame corrupt people'. He further said that:

People should not only end up being suspects of corruption but be prosecuted so that the nation could know that there was something being done about corruption... The non-finalization of corruption cases does not put the country in good light. People should not get away with corruption. (See Ngozo 2012: 1)

CONCLUSION

Undoubtedly, combating corruption is one of Swaziland's most critical governance and development challenges. As noted by one group of analysts: 'One of the main reasons why Swaziland is ranked so low in terms of comparative competitiveness is corruption. This is prevalent in the economy from the top down, both within the bureaucracy and within the political system' (Vandome et al. 2013: 21). In that regard, the foregoing policy measures represent one approach to the anti-corruption toolkit for the Kingdom. In addition to being anti-corruption specific, these measures are also intended to contribute to an improvement in the overall governance situation in Swaziland—an environment where, for example, ethical standards for public officials are enforced; where there is efficient public sector delivery; where there is public service transparency and accountability; where there is non-wasteful public resource management; where the media plays an effective role in demanding clean government and highlights cases of corruption with objectivity and evidence; where the private sector does not pay bribes to secure public or private contracts; where there is a robust civil society creating social revulsion and resistance to corruption; and where, as convincingly argued elsewhere, corruption is

regarded as a collective action problem (Hope and Chikulo 2000; Persson et al. 2013).

It must be noted, however, that corruption cannot be eradicated quickly and permanently. But, left unchecked, corruption will increase and make the poorest and least educated poorer. Where personal risk and punishment are minimal, as is now the case in the Kingdom, acts of corruption are likely to naturally increase. Therefore, raising awareness without adequate and visible enforcement will only lead to continued cynicism among Swazis and possibly increase the incidence of corruption as no ‘Big Fish’ are being punished. Implementing the policy measures suggested here will not only deal with the problem of impunity but also demonstrate the government’s resolve to combat and control corruption.

In that respect it must also be observed here that Transparency International has reported some improvement in the Kingdom’s Corruption Perceptions Index over the period 2012–2014. As previously stated, by 2014, Swaziland was ranked at 69 out of 175 countries with a score of 43 out of 100 and just behind South Africa ranked at 67 with a score of 44 out of 100 (TI 2014). In 2012, Swaziland was ranked at 88 out of 176 countries with a score of 37 (TI 2012). Swaziland’s 2014 CPI score was equivalent to the global average CPI score and much higher than the sub-Saharan Africa average score of 33 (TI 2014). This improved CPI performance suggests that Swazis are becoming somewhat satisfied with their government’s plan and actions to control corruption, which was identified as one of eight focal areas of the Swaziland Development Index for 2013–2018, as outlined by the Government of Swaziland (2013: 20), which expressed that the:

Government’s commitment to rooting out corruption will be sustained with the continuation of the life-style investigation program combined with a renewed public education program and the introduction of anti-corruption policies and strategies in more Government Ministries and other agencies.

This approach, which had also been commended by the Kingdom’s Auditor General (Kingdom of Swaziland 2014), along with the policies suggested in this chapter, will certainly go a long way to rid the Kingdom of its current reputation vis-à-vis corruption. Nonetheless, in June 2014, the United States withdrew Swaziland’s African Growth and Opportunity Act (AGOA) benefits eligibility, effective January 1, 2015, on the grounds that the Kingdom had failed to make continual progress in protecting

freedom of association and the right to organize. Of particular concern to the United States was Swaziland's use of security forces and arbitrary arrests to stifle peaceful demonstrations, and the lack of legal recognition for labor and employer federations (Oustr 2014). Among the AGOA eligibility criteria are respect for the rule of law, poverty reduction, combatting corruption, respect for worker rights and human rights, child labor protections, and market openness.

Undoubtedly, that action by the United States, among other things, prompted additional corruption control efforts by the Swazi government which, in its 2016 budget speech, further committed to pursuing measures toward the prevention of corruption that include: (1) allocating more resources to the ACC to build its capacity in investigative as well as preventive skills, and strengthen the quality, speed, and volume of investigations; (2) providing the necessary support to strengthen the justice system; (3) providing additional resources, including two judges for the establishment of a specialized and designated Commercial Court so as to expedite the disposal of corruption and commercial crime cases; and (4) allocating more resources to the Auditor General to strengthen accountability, transparency, and integrity of government and public sector entities.

REFERENCES

- ACC (Anti-Corruption Commission). (2010). *National corruption perception survey report*. Mbabane: ACC.
- ACC (Anti-Corruption Commission). (2011). *2011 annual report*. Mbabane: ACC.
- ACC (Anti-Corruption Commission). (2012). *2012 annual report*. Mbabane: ACC.
- ACC (Anti-Corruption Commission). (n.d). How corruption affects you. Mbabane: ACC.
- AfDB (African Development Bank), OECD (Organization for Economic Cooperation and Development), UNDP (United Nations Development Programme), and UNECA (United Nations Economic Commission for Africa). (2012). Swaziland. *African economic outlook 2012*. http://www.youth-policy.org/national/Swaziland_2012_Youth_Unemployment_Briefing.pdf. Accessed 4 July 2012.
- Arnold, A-K., & Lal, S. (2012). Using media to fight corruption. *PTF working paper series no. 1*. <http://ptfund.org/wp-content/uploads/2013/03/15-PAPER-Using-Media-to-fight-Corruption.pdf>. Accessed 7 Apr 2016.

- Basdevant, O., Forrest, E., & Mircheva, B. (2013). *Restoring sustainability in a changing global environment: Options for Swaziland*. Washington, DC: IMF.
- Camaj, L. (2013). The media's role in fighting corruption: Media effects on governmental accountability. *The International Journal of Press/Politics*, 18(1), 21–42.
- Daniel, J. (2011). Countries at the crossroads 2011: Swaziland. http://www.freedomhouse.org/sites/default/files/inline_images/SWAZILANDFINAL.pdf. Accessed 4 July 2012.
- Dhladhla, K. (2011, May 23). There is nothing like E80m – PM. *The Swazi Observer*. Mbabane: The Swazi Observer.
- Egbue, N. G. (2006). Africa: Cultural dimensions of corruption and possibilities for change. *Journal of Social Science*, 12(2), 83–91.
- Ferguson, G. (2007). *Protection and treatment of witnesses and informants under the United Nations convention against corruption and under Canadian Law*. Vancouver: International Centre for Criminal Law Reform and Criminal Justice Policy.
- Government of Swaziland. (2006). *Poverty reduction strategy and action programme* (Vol. 1). Mbabane: Ministry of Economic Planning and Development.
- Government of Swaziland. (2008). Government's programme of action 2008–2013 by his excellency the Rt. Honourable Prime Minister Dr. Barnabas Sibusiso Dlamini (MP) presented to both Houses of Parliament. Mbabane: Kingdom of Swaziland. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174725.pdf. Accessed 4 July 2012.
- Government of Swaziland. (2011). *Economic recovery strategy for accelerated, inclusive and sustainable economic growth*. Mbabane: Ministry of Planning and Economic Development.
- Government of Swaziland. (2012). Budget speech: 2012. Mbabane: Kingdom of Swaziland. http://www.gov.sz/images/stories/2012_budget_speech.pdf. Accessed 4 July 2012.
- Government of Swaziland. (2013). *His majesty's government programme of action 2013–2018*. Mbabane: Kingdom of Swaziland. <http://www.gov.sz/images/programme%20of%20action%202013%20-%202018.pdf>. Accessed 8 Dec 2014.
- Government of Swaziland. (2016). Budget speech: 2016. Mbabane: Kingdom of Swaziland. <http://www.gov.sz/images/doc2016.pdf>. Accessed 1 Apr 2016.
- His Majesty King Mswati III. (2012). Speech from the throne on the official opening of the fourth session of the 9th parliament of the Kingdom of Swaziland. Mbabane: Kingdom of Swaziland.
- His Majesty King Mswati III. (2016). Speech from the throne on the official opening of the third session of the 10th parliament of the Kingdom of Swaziland. Mbabane: Kingdom of Swaziland.

- Hooker, J. (2009). Corruption from a cross-cultural perspective. *Cross Cultural Management: An International Journal*, 16(3), 251–267.
- Hope, K. R. (1999). Corruption in Africa: A crisis in ethical leadership. *Public Integrity*, 1(3), 289–308.
- Hope, K. R. (2000). Corruption and development in Africa. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 17–39). Houndmills, Basingstoke: Palgrave Macmillan.
- Hope, K. R. (2008). *Poverty, livelihoods, and governance in Africa: Fulfilling the development promise*. New York: Palgrave Macmillan.
- Hope, K. R. (2009). Capacity development for good governance in developing countries: Some lessons from the field. *International Journal of Public Administration*, 32(8), 728–740.
- Hope, K. R. (2012). *The political economy of development in Kenya*. New York: Bloomsbury Publishing.
- Hope, K. R., & Chikulo, B. C. (Eds.). (2000). *Corruption and development in Africa: Lessons from country case-studies*. Houndmills, Basingstoke: Palgrave Macmillan.
- Husted, B. (1999). Wealth, culture, and corruption. *Journal of International Business Studies*, 30(2), 339–360.
- Khoza, B. (2015, June 19). Chief Justice Ramodibedi fired. *Swazi Observer*. <http://www.observer.org.sz/news/73818-chief-justice-ramodibedi-fired.html>. Accessed 5 Apr 2016.
- Kingdom of Swaziland. (2006). *The Prevention of Corruption Act, 2006*. Mbabane: Kingdom of Swaziland.
- Kingdom of Swaziland. (2011). *Report of the auditor general for the financial year ended 31st March 2010*. Mbabane: Office of the Auditor General, Kingdom of Swaziland.
- Kingdom of Swaziland. (2012). *Report of the auditor general for the financial year ended 31st March 2011*. Mbabane: Office of the Auditor General, Kingdom of Swaziland.
- Kingdom of Swaziland. (2014). *Report of the auditor general for the financial year ended 31st March 2014*. Mbabane: Office of the Auditor General, Kingdom of Swaziland.
- Kingdom of Swaziland. (2016). *Report of the auditor general for the financial year ended 31st March 2015*. Mbabane: Office of the Auditor General, Kingdom of Swaziland.
- Koranteng, R. (2016). The fight against corruption in Commonwealth Africa: Overview of progress. In Commonwealth Secretariat (Ed.), *Key principles of public sector reforms: Case studies and frameworks* (pp. 239–254). London: Commonwealth Secretariat.
- Löffler, E., Parrado, S., & Zmeškal, T. (2007). *Improving customer orientation through service charters: A handbook for improving quality of public services*. Prague, Czech Republic: OECD/Ministry of Interior of the Czech Republic/Governance International.

- Lucas, J. (2007). Remarks. In UNODC (United Nations Office on Drugs and Crime) (Ed.), *Combating corruption together: Towards a national anti-corruption strategy, Swaziland* (pp. 8–11). Pretoria: UNODC.
- Marquette, H., & Peiffer, C. (2015). Corruption and collective action. *Research paper* 32. <http://publications.dlprog.org/CorruptionandCollectiveAction.pdf>. Accessed 28 Jan 2015.
- Masuku, L. (2012, September 8). Minister of works stops recruitment of inspectors. *Times of Swaziland*. <http://www.times.co.sz/News/79441.html>. Accessed 8 Sept 2012.
- Mavuso, W. (2011, February 24). Govt loses E80m monthly through corruption. *The Swazi observer*. Mbabane: The Swazi Observer.
- Mbaku, J. M. (2007). *Corruption in Africa: Causes, consequences and cleanups*. Lanham: Lexington Books.
- Mendes, M. (2013). Overview of corruption in the media in developing countries. <http://www.u4.no/publications/overview-of-corruption-in-the-media-in-developing-countries/>. Accessed 5 Apr 2016.
- Ngozo, S. (2012, August 13). Teachers should put children first – King. *The Swazi observer*, 1. <http://www.observer.org.sz/index.php?news=41842>. Accessed 18 Aug 2012.
- Observer Reporter. (2012, March 10). All must join fight against corruption. *Swazi observer*, 1. <http://www.observer.org.sz/index.php?news=36410>. Accessed 5 July 2012.
- OECD (Organization for Economic Co-operation and Development). (2011). *Asset declarations for public officials: A tool to prevent corruption*. Paris: OECD.
- OSCE (Organization for Security Co-operation in Europe). (2004). *Best practices in combating corruption*. Vienna: Office of the Coordinator for Economic and Environmental Activities.
- OUSTR (Office of the United States Trade Representative). (2014). President Obama removes Swaziland, Reinstates Madagascar for AGOA benefits. <https://ustr.gov/about-us/policy-offices/press-office/press-releases/2014/June/President-Obama-removes-Swaziland-reinstates-Madagascar-for-AGOA-Benefits>. Accessed 12 Dec 2015.
- Parliament of Swaziland. (2011). *Public accounts committee report for financial year ended 31st March 2010*. Mbabane: Parliament of Swaziland.
- Parliament of Swaziland. (2012). *Public accounts committee report for financial year ended 31st March 2011*. Mbabane: Parliament of Swaziland.
- Persson, A., Rothstein, B., & Teorell, J. (2013). Why anticorruption reforms fail – Systemic corruption as a collective action problem. *Governance: An International Journal of Policy, Administration, and Institutions*, 26(3), 449–471.
- Post, D., & Agarwal, S. (n.d). Citizen charters: Enhancing service delivery through accountability. <http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1193949504055/4348035-1298566783395/7755386-1301510956007/CCFinal.pdf>. Accessed 7 July 2012.

- RSPS (Royal Swaziland Police Service). (2011). *Annual report 2011*. Mbabane: The Royal Swaziland Police.
- Seleim, A., & Bontis, N. (2009). The relationship between culture and corruption: A cross-national study. *Journal of Intellectual Capital*, 10(1), 165–184.
- Simelane, H. S. (2012). The Swazi monarchy and the poor performance of the Swazi anti-corruption agency, 2006–2009. *Journal of Asian and African Studies*, 47(4), 421–435.
- Simelane, L. (2015, April 22). Swazi minister and judges arrested. *News/Africa*. <http://www.iol.co.za/news/africa/swazi-minister-and-judges-arrested-1848633>. Accessed 5 Apr 2016.
- Stapenhurst, R. (2000). *The media's role in curbing corruption*. Washington, DC: World Bank Institute.
- Sylla, K. (2014). Defining corruption in the cultural context of sub-Saharan Africa. In G. Mudacumura & G. Morçöl (Eds.), *Challenges to democratic governance in developing countries* (pp. 171–179). Heidelberg: Springer.
- TI (Transparency International). (2012). *Corruption perceptions index 2012*. Berlin: TI. <http://www.transparency.org/cpi2012/results>. Accessed 5 Dec 2012.
- TI (Transparency International). (2014). *Corruption perceptions index 2014*. Berlin: TI. <http://www.transparency.org/cpi2014/results>. Accessed 9 Dec 2014.
- Times of Swaziland. (2010, November 12). Anti-corruption team failing to do job. *Times of Swaziland*. http://www.ansaafrica.net/index.php/views/news_view/anti_corruption_team_failing_to_do_job/. Accessed 4 July 2012.
- Times of Swaziland. (2012, January 27). Have Swazis become corrupt by nature? *Times of Swaziland*, 1. <http://www.times.co.sz/Features/37057.html>. Accessed 5 July 2012.
- United Nations. (2012). *Rapid assessment of the impact of the fiscal crisis in Swaziland*. Mbabane: United Nations.
- UNODC (United Nations Office on Drugs and Crime). (2008). *Good practices for the protection of witnesses in criminal proceedings involving organized crime*. New York: United Nations.
- U. S. Department of State. (2015). *Swaziland 2015 human rights report*. Washington, DC: U. S. Department of State. <http://www.state.gov/documents/organization/252947.pdf>. Accessed 19 Apr 2016.
- Vandome, C., Vines, A., & Weimer, M. (2013). *Swaziland: Southern Africa's forgotten crisis*. London: Chatham House (The Royal Institute of International Affairs).
- Wheeler, C. (2004). Drafting and implementing whistleblower protection laws. In ADB (Asian Development Bank) and OECD (Ed.), *Controlling corruption in Asia and the Pacific* (pp. 127–145). Manila: ADB.
- Whitton, H. (2008). Making whistleblower protection work: Elements of an effective approach. *U4-CMI brief no. 24*. Bergen: Chr. Michelsen Institute.
- World Bank. (2016). Swaziland: Overview. <http://www.worldbank.org/en/country/swaziland/overview>. Accessed 20 July 2016.

Corruption in Kenya

Kenya remains an important state—economically and politically—in both the East African region and beyond. The country is the most resilient and important market-oriented economy in Eastern Africa and is still the most industrialized in the region with tremendous economic potential and development promise. Within the East African Community (EAC), Kenya has the strongest economy contributing about 40% to the community's total GDP. It is a country whose recent development policies have also been lauded by its development partners. It has a well-educated workforce but poverty rates, although declining, are still too high (Hope 2012a). Corruption also remains a major concern and, according to Githongo (2016: 1), 'corruption invariably crops up in most conversations about the national condition and its effects have started to grind away at some of the country's most vital institutions'. Indeed, corruption has become the most talked about malaise in the country, with weekly headlines about new scandals (Githongo 2015).

Corruption is therefore a particularly large and growing problem in Kenya and has now become a matter of great concern, both domestically and internationally, and primarily because 'it can hardly be said that corruption in [the country] is limited to a few rogue officials at the top. The culture of corruption has grown roots in society at large and become endemic' (Mogeni 2009: 1). As Wrong (2014) noted from comments of Kenyans, everyone is corrupt in Kenya, even grandmothers. Burbidge (2015: 3) has also further observed that 'corruption is bleeding away the

people of Kenya, day in, day out’ and that ‘despite changes in government, national awareness campaigns and judicial reforms, Kenyan society suffers from pervasive corruption, dominating the provision of public services, the formation of contracts and, of course, political life’.

Moreover, even the government’s most recent taskforce on corruption in the country pointed out that ‘Kenya continues to be ranked among the most corrupt countries in the world’ (Republic of Kenya 2015a: 11). And, Willy Mutunga, the former Chief Justice, and the first to be appointed under the democratically progressive 2010 constitution, stipulated that mafia-style corruption cartels in Kenya have turned the country into a ‘bandit economy’ (Lindijer 2016). In particular, opportunistic bureaucrats and politicians have been successfully maximizing their take without regard for such perdition on the size of the overall pie and thereby accounting for the growth of corrupt activities and the particularly adverse impact that corruption has in the country (Kaufmann 1997; Hope 1999, 2008, 2012a; Hope and Chikulo 2000). In fact, Kenya’s political leaders are consciously choosing corruption over performance without any concern given to the long-term impact of what they are condoning (Ngima 2016).

Corruption represents a governance ill. It is a characteristic of bad governance. It persists in Kenya primarily because there are people in power who benefit from it and the existing governance institutions lack both the will and capacity to stop them from doing so. Despite the existence of an Anti-Corruption Commission—formerly the Kenya Anti-Corruption Authority (KACA) created in 1997 and replaced with the Anti-Corruption Police Unit (ACPU) in 2001 which was then replaced with the Kenya Anti-Corruption Commission (KACC) established in 2003 and reframed in 2011 as the Ethics and Anti-Corruption Commission (EACC)—and several other measures that have been put in place to try to tackle the corruption problem, Kenya is still classified as one of the most corrupt states in the world (TI 2009), and is one of the most predatory states in Africa (Hope 2012a). The country is now regarded as a brigand economy where corruption pervades all levels of society despite ongoing government attempts to arrest the situation. The country’s current President, Uhuru Kenyatta, has frequently and clearly spoken out against corruption. Yet, corruption in Kenya has deepened and widened in recent years and is therefore now sliding out of control. Paying bribes to the police and bureaucrats remains routine for ordinary Kenyans, as do other economic

crimes. This case study takes a governance and development perspective to examine the causes and consequences of corruption in Kenya. It identifies the key factors and synthesizes and analyzes available data, indicators, and other information in that regard. It then provides a brief summary of the more important measures that have been put in place to control the corruption epidemic in Kenya and then offers key lessons and analytical policy recommendations for a more effective control of corruption in the country.

THE CAUSES AND NATURE OF CORRUPTION IN KENYA

Where corruption persists, as it does in Kenya, it is an indication of things (such as governance institutions) falling apart. Corruption in Kenya is systemic and goes beyond individuals to the structural and institutional levels. As the former US Secretary of State Hillary Rodham Clinton (2009: 1) noted in a speech in Kenya's capital city, Nairobi, 'the absence of strong and effective democratic institutions has permitted on-going corruption, impunity, politically motivated violence and a lack of respect for a rule of law'. Clinton (2009: 5) further said that 'true economic progress ... also depends on responsible governments that reject corruption, enforce the rule of law, and deliver results for their people'.

The primary cause of corruption in Kenya is therefore related to a societal state of being whereby the basic institutions that underpin and support the rule of law and good governance have been deliberately undermined or neglected to the point where they can no longer uphold the rule of law or act in the best interests of the nation. That undermining and neglect have been systematically applied as Kenya's institutions outside of the executive were weakened in favor of personalized presidential power and a centralized presidency that reached a crescendo under the presidency of Daniel arap Moi (Mueller 2008), who ruled the country for 24 years from 1978 to 2002. In fact, according to the National Anti-Corruption Plan (NACP), the 'emergence of wanton poor institutional governance, an atmosphere of impunity to the rule of law, low morale and inefficiency—contributed immensely to an environment that enabled corruption to thrive and reach devastating levels' (NACP Secretariat, n.d.: 3). The resultant cause as well as effect is the fact that ethical leadership and, therefore, public accountability became seriously lacking. Public accountability means holding public officials responsible for their actions. It is also

central to good governance. Such a lack of real accountability is a major bane of Kenya which has bred irresponsibility among public officials and has further led to much cynicism among Kenyans.

The centralized and personalized presidential power that emerged under President Moi resulted in what can only be characterized as the total exercise of all power attached to national sovereignty. This exercise of state power led to the supremacy of the state over civil society and, in turn, to the ascendancy of predatory forms of neopatrimonialism with its stranglehold on the economic and political levers of power, through which corruption thrived for it was through this stranglehold that all decision-making occurred and patronage was dispensed (Bach 2011). In fact, one analysis asserts that ‘controlling the state was the means [used by President Moi] to entrench an ethnically defined class and to ensure its enrichment’ (Mueller 2008: 188). Another noted that ‘under Moi, economic mismanagement, corruption, and wanton destruction of national resources became rampant’ (Khadiagala 2009: 128). The ‘control of state power meant control of public wealth leading to patronage, looting and bribery’ (NACP Secretariat, n.d.: 3). Consequently, no distinction was made between public and private interests, and government officials simply abused their power, plundered the Treasury, and appropriated state assets (Akech 2011). This further popularized the Kenya vernacular ‘eating’—which means gorging on state resources.

Such was the pervasiveness of corruption in Kenya that the citizenry adapted to it. Individuals, as well as those people in positions of authority and/or influence, tended to shift their loyalties and allegiances to the ruling regime for reasons of both personal survival and economic gain. The system of patronage therefore thrived and corrupt behavior cascaded down to the society at large (Hope 2012a). Being part of, or regarded as belonging to, particular groupings became a more acceptable qualification for a given position or contract, for example, than actual capabilities. The result was that the stage became set for corruption to become rampant. It became truly ubiquitous, reaching into the private sector as well. It also became a way of life, particularly for transactions at a governmental level or with public officials. Those transactions sought to do no more than to secure objectives that were private and personal and not in the interests of the country and thereby corroded popular confidence in Kenya’s public institutions. In fact, one publication observed that under President Moi ‘the impact of State House’s system of authorized looting ... a Minister later estimated to have cost the taxpayer a total of 635 billion Kenya shil-

lings (roughly \$US10 billion) in the space of twenty-four years' (Wrong 2009: 184–185).

Subsequent governments were also caught up in the now entrenched system of corruption in Kenya (Wrong 2009). In 2002, promising to form a government that was committed to good governance and the rule of law, Mwai Kibaki campaigned on an anti-corruption platform and was elected president in a landslide victory, with 62% of the votes, as the presidential candidate of the National Alliance of Rainbow Coalition (NARC), which was an umbrella group of opposition political parties. This victory represented the first transfer of power through elections since independence in 1963 and marked the beginning of some dramatic anti-corruption reforms. Kenyans had therefore hoped that, with the departure of President Moi from Kenya's political scene and the ascension to power of the NARC, the political system that had become almost synonymous with corruption would undergo fundamental redemption (Otieno 2005). As noted by the World Bank (2009a: 1):

the initial reforms—the removal of corrupt judges, the passage of a new procurement law, and the strengthening of the Controller and Auditor General's Office—resulted in a surge in national and international optimism about the direction the country had taken and expectations that improved governance would lead to a more secure and prosperous country.

However, the early governance reforms of 2002 and 2003 soon floundered, undermined by new allegations of corruption and the resurfacing of previous ones. 'The administration's reformist credentials were badly eroded following the revelation of a number of high-profile corruption scandals [in 2006] that implicated senior members of [the] government' (World Bank 2009a: 1). Consequently, and 'unfortunately, what began as a promising experiment in governance in the African context increasingly presented itself as an unwieldy and unruly collection of warring factions' (Otieno 2005: 74). 'The jostling for power paralyzed decision-making and reignited the past practices of corruption, impunity, and subversion of formal institutions by informal ones' (Khadiagala 2009: 129). Examples of the scope and magnitude of public sector-initiated, or involvement in, corruption in the country abound and there have been many such lists published. Global Integrity (2009), Okanja (2010), and Wikipedia (2010), for instance, have compiled timeline dossiers which put the value of these corrupt activities as hundreds of billion Kenyan shillings (tens of

billion US dollars) between 1990 and 2009. This represented considerable revenue leakage with severe consequences for development and economic progress in the country as will be discussed later in this chapter.

Apart from personalized presidential power accompanied by the weakened institutions of governance, there are also some secondary factors that have been contributing to corruption in Kenya, having cascaded down to society at large. One of these factors is the high incidence of bribery. Whatever the transaction—getting a driver’s license, getting a national identity card, tax administration decisions, and government contracts for goods and/or services, for example—required the bureaucratic exercise of assumed powers. This, in turn, meant that bribes were demanded and had to be paid for the transactions to be completed. This can be regarded as the systematic exploitation of illegal income-earning opportunities by public officials and the enhancement of rent-seeking opportunities. Incentives for corrupt behavior have therefore arisen in Kenya, as well as some other African states, because public officials have considerable control over the instruments regulating valuable socio-economic benefits and private parties are willing to make illegal payments to secure those benefits (Hope 2000, 2012a).

Several surveys have been completed and much evidence has been gathered about the extent of bribery in Kenya. Transparency International-Kenya, for example, regularly publishes *The Kenya Bribery Index* and the *East African Bribery Index* (EABI) which are compiled from surveys that capture bribery corruption as experienced by ordinary citizens in their interaction with officials of both public and private organizations (TI-Kenya 2008, 2012a, 2014). Surveys conducted between 2008 and 2014 indicate that between 13% and 68% of respondents encountered bribery in their interactions with both public and private organizations (TI-Kenya 2008, 2012a, 2014). The mean size of bribe during that period was approximately US\$48 and the majority of the bribes were to gain access to services. The most corrupt Kenyan organization, as it relates to bribery, is the Kenya Police, and police corruption is addressed in greater detail in a section below. Suffice to say here that paying these bribes imposes a direct financial cost, an additional tax burden, on Kenyans.

Other surveys on corruption in Kenya’s private sector also indicate that bribery remains one of the top bottlenecks for firms in the country. Seventy-five percent of firms in Kenya reported having to make informal/illegal payments to ‘get things done’ (Iarossi 2009). It is estimated that such corruption costs Kenyan firms approximately 4% of their annual sales,

which is considered to be very high by international comparison (Iarossi 2009). Moreover, Kenyan firms are required to pay approximately 12% of the value of a public contract in informal/illegal payments (Iarossi 2009). In addition, bribes to tax inspectors are also fairly common in Kenya with about one-third of sampled firms reporting that tax inspectors have requested informal/illegal payments. Similarly, as well, are the requests for informal/illegal payments for licensing and utility connections (Iarossi 2009). Then there are 28% of firms that indicated that they expected to give gifts (make illegal contributions) to secure a government contract compared to 26% across sub-Saharan Africa and 30% in low-income countries (Enterprise Surveys 2013). There is also the aspect of the common practice of the police and other officials requesting payments from trucks in transit which is regarded as unique to Kenya (Iarossi 2009; TI-Kenya 2012b). One former Director of the then KACC noted that the transport sector pays bribery to police officers, and other institutions such as the judiciary, equivalent to US\$22.5 million annually (Lumumba 2011).

Also, the bribery culture in Kenya has seeped into the country's Parliament and 'accusations of bribery within parliament abound' (Otieno 2005: 76). As pointed out by Rugene (2009: 1), 'corrupt dealings involving Members of Parliament [MPs] have taken root inside the House' with money frequently changing hands to influence the outcome of some House business. This is both a classic example of a total disregard for the rule of law and the environment of bad governance that it represents. Bribes are allegedly paid to Kenya's MPs from both internal and external sources. Internally, some of their fellow MPs (regarded as wealthy) pay these bribes, while externally the bribes are paid by businesspersons with the same intended outcome—in the guise of lobbying the targeted MPs to debate or vote in a way that favors the interests of the briber (Mars Group Kenya Media 2004; Rugene 2009; TI-Kenya 2010a).

According to Rugene (2009), the politically vulnerable or debt-ridden MPs are generally regarded as soft targets. One MP in a previous parliamentary corps was said to have bribed colleagues to the tune of approximately US\$1500 each to be elected the chairperson of a committee, while another MP admitted that the normal rate of bribe is equivalent to US\$750–US\$3000 depending on the weight of the issue (Rugene 2009). Other MPs have found amusement in these transactions with one quipping that 'some MPs came to Parliament wearing 'twisted shoes' only to become overnight millionaires wearing designer shoes and sharp Italian suits, thanks to questionable deals cut in Parliament' (Rugene 2009: 3).

However, a more mature and sobering thought was offered by a former minister and former MP who described Parliament as an ‘auction house where the highest bidder won crucial battles, even if not in the interest of Kenyans’ (Kamau 2009: 4).

Kenya’s judiciary has also been implicated in corruption and bribery allegations. One study by the EACC (2014) found that officers in the judicial system acknowledged that the forms of corruption encountered in the sector include the practice of payment of bribes to hide files (35%); abuse of office (24%); and bribing the judges, prosecutors, and clerks for favorable judgment (19%). Not surprisingly, therefore, several judges, including some on the Supreme Court, have been accused of taking bribes. At least one was suspended and hauled before a tribunal. In fact, the country’s Supreme Court is at the epicenter of the corruption scandals with judges being accused of taking bribes to rule in a manner favorable to what the briber wants (Osiro 2016). Also, a then sitting Deputy Chief Justice, Kalpana Rawal, was the lone Kenyan among the global list of government officials named in the Panama Papers as having secret offshore bank accounts and links, as a director or shareholder, to a string of shell companies registered in a notorious Caribbean tax haven popular with tax dodgers, dictators, and drug dealers (Kubania 2016; Wikipedia 2016); and a chief registrar was charged with, and fired for, engaging in irregular procurement activities.

Other cases of blatant bribery have also been reported in the press. Caroline Chebet (2010), for instance, was bold enough to write to *The Standard* newspaper complaining about being requested to pay a bribe of approximately US\$3 to be able to collect her national identity card from her area chief’s office. This is just one of several such letters that routinely appear in the press but go unheeded by those in authority with the mandate to take action against those public officers demanding these rent-seeking payments and contributing to the rampant corruption and bad governance in Kenya. It has also been noted that the risk of bribery and corruption seems to be more prevalent in transactions involving dealings with government officials (Hope 2012a). A good example is the discovered and exposed cartel of rogue officers at the then Ministry of Lands who had captured thousands of land files that they had no reason to be holding (Opiyo 2010). Those files related primarily to title deeds and they were found in the possession of public officers who were soliciting kickbacks to produce them and their contents. ‘Kenyans seeking the all-important papers were usually told their files cannot be traced or are

simply lost. But after parting with a bribe—sometimes even shares in the land—the documents quickly resurface’ (Opiyo 2010: 11). Similarly TI (2010) noted that some 87% of surveyed respondents in the capital city, Nairobi, reported witnessing the payment of bribes in order to connect to the city’s water network. This state of affairs has led to much frustration among Kenyans who have become saddened with the reputation their once most prosperous economy in East Africa has now achieved as ‘*nchi ya kitu kidogo*: land of the “little something”, homeland of the bribe’ (Wrong 2009: 2).

Another secondary factor contributing to the persistence of corruption in Kenya is the expanding size of the public sector bureaucracy which has also provided additional opportunities for unlawful gain and enrichment at the expense of taxpayers. At the now constitutionally defunct City Council of Nairobi, for instance, one audit report by PricewaterhouseCoopers that was commissioned by the then Council and funded by the World Bank, found, among other things, that (1) there were over 4000 ghost workers on the payroll—constituting about 35% of the 12,000 strong workforce with an estimated monthly wage bill of approximately US\$800,000; (2) 46 employees had fake degree certificates; (3) 15 employees on the payroll could not be identified; (4) 145 employees on the payroll did not appear on the human resource records; and (5) 307 other employees were holding suspicious employment letters (Mwanzia and Gichura 2010). According to the then Town Clerk, there was a cartel, running a parallel workers list, which had been receiving the money and allowances paid to the ghost workers (Mwanzia and Gichura 2010). Yet, these findings were quite stunning despite the fact that it had been reported elsewhere that:

On employment, most [local] councils have faulty and sometimes non-existent employment procedures. Chief Officers and Councilors disregard qualifications while recruiting people for employment. The procedures and criteria for promotions are vague and many times disregarded. (TI-Kenya 2009: 18)

In March 2015, President Uhuru Kenyatta ordered the release of a confidential EACC report containing corruption allegations against 124 government officials, including five Cabinet Secretaries and three Principal Secretaries. By September 2015, the EACC had submitted 59 of those cases to the Director of Public Prosecutions, which approved 32 cases

for prosecution. These included cases against two Cabinet Secretaries, two governors, four MPs, several directors of state corporations, and a number of county officials. Those cases were still in court by late 2016, and there are numerous similar abuses that continue to be reported (U.S. Department of State [2015a](#)).

In early 2016, the *Global Economic Crime Survey 2016* was released and it sought to understand and explore trends in economic crimes—including providing a glimpse of the views among Kenyan organizations into the various types of economic crime they are exposed to, the attitudes of the organizations toward dealing with these crimes, and the views on how organizations can put in place structures to minimize the incidences. The survey showed that: (1) the reported incidences of asset misappropriation were 72% in Kenya compared to 64% globally and 69% in Africa; (2) bribery and corruption were the second most prevalent form of economic crime in Kenya, whereas the global average was 24% and in Africa it was 35%, Kenya reported a 47% incidence of bribery and corruption, the third highest incidence globally; and (3) the third most prevalent incidence of economic crime as reported for Kenya was procurement fraud with 37% of the respondents having experienced procurement fraud in the last two years, against a global average of 23% and 34% for Africa (PwC [2016](#)).

The Case of the Police

Corruption arises in the daily routines of the Kenya Police and is now a matter of some concern with Kenyans having a considerably negative perception of their police. The police in Kenya have therefore been consistently ranked as the most corrupt institution in Kenya (Hope [2012a](#)). This, unfortunately, is the reputation of the police in most African countries. In a report by the Commonwealth Human Rights Initiative and the Kenya Human Rights Commission, it was observed that:

Kenyans view their police ... in one of two ways. First, they see it as an organization in such a corrupt state that it is little more than an institutionalized extortion racket, that uses illegal and violent methods to uphold the status quo and is only paying lip service to reform initiatives. Alternatively, they see it as an institution that is struggling to reform itself and to overcome its history, to become a disciplined and law-abiding police service more suited to the democracy in which it now exists. (CHRI and KHRC [2006](#): 19)

Survey after survey has found that Kenyans estimate that large numbers of the police service are corrupt. In fact, the 2012 *National Survey on Corruption and Ethics* by the EACC found that the Kenya Police overall leads government departments perceived to be very corrupt by 48% of the respondents with the traffic police ranked as the second most corrupt by 19% of those respondents (EACC 2013). In the 2015 survey, the Kenya Police still led the way as being perceived as the most corrupt of the government agencies by 32% of respondents and by 19% of the respondents for the traffic police (EACC 2015).

Another prominent indicator of police corruption in Kenya is bribery. The most recent (2014) EABI by Transparency International-Kenya showed that the police in Kenya took the lead as the sector most affected by bribery with an aggregate bribery index of 68. This aggregate bribery index value ranges between 0 and 100, with 100 being the worst score, and the aggregation is a composite index of the individual scores of five indicators. The five indicators are (1) Likelihood of encountering a bribery incidence, (2) Prevalence of bribery, (3) Average size of bribe, (4) Share of 'national' bribe, and (5) Impact of bribery. The aggregate bribery index serves to capture an overall reflection of the bribery pattern in an institution (TI-Kenya 2014).

The magnitude of the problem can be further quantified by the fact that, on average, 60–72% of respondents reported the prevalence of a bribe demand by the police and 51% reported that a failure or refusal to comply with such a bribe demand resulted in their failure to access the service or in their incurring punishment (TI-Kenya 2008, 2012a, 2014). In fact, as noted by the Truth, Justice and Reconciliation Commission (TJRC) Kenya (2013: 355), 'those who cannot bribe police officers are the ones who are arrested and charged'. The average size of the police bribe amount was equivalent to US\$55, and the police also accounted for the largest share of the national bribes paid at 43.5% (TI-Kenya 2014). As previously noted, paying bribes imposes a direct financial cost, a rent-seeking tax burden, on Kenyans. These are extortion payments that the police collect from their victims, oftentimes, as per a survey conducted by Andvig and Barasa (2011: 74), 'using imprisonment or the threats of it as their major instrument ... [and] these extortion forms constitute more than 80% of the police corruption incidences reported'. Other indices by Transparency International showing the perceptions of corruption by institution, for example, further confirm that the Kenya Police are the most corrupt with a perceptions index score of 4.8, with the country's

parliament coming second with an index score of 4.0 (TI 2013). For this perception index, the score scale is 1–5, where 1 means not at all corrupt and 5 means extremely corrupt (TI 2013).

The concerns raised about police corruption in Kenya tend to be primarily about, but not limited to, police officers actively misbehaving rather than about any omissions, incompetence, negligence, or poor performance in controlling crime. Accordingly, it seems to be police criminality, plain and simple, that fuels the most negative perceptions about the police. In addition to bribery as discussed above, that criminality includes the perversion of the criminal process, illegal use of force, and abuse of due process. All of this amounts to predatory policing.

The report by the National Task Force on Police Reforms chaired by the retired Justice Philip Ransley (*The Ransley Report*), released in 2009, is still considered the definitive source and analysis (and rightly so) of what ails the Kenya Police and what reforms are needed to improve the organization's performance overall and for democratic/ethical policing. Among other things, the report found or observed that: (1) corruption among junior and senior police officers has been rife and has had a debilitating impact on policing and on public trust; (2) there is corruption and nepotism in the recruitment and promotion process perpetrated through interference by influential individuals and instances where recruits paid substantial sums to join the Police Services. This then presents a basic contradiction in values, in that a police officer, who is expected to uphold law and order, has entered the police force on a corruption platform; (3) corruption within the police services were widespread and endemic with the tolerance levels for corruption for all ranks being unacceptably high and bribery appearing to be blamed on poor salaries and working conditions of the officers. Allegations of links and collusion with organized criminal groups and drug cartels were also raised by the public as a major concern; (4) the public and other stakeholders accused the Traffic Department of corruption and complained of the numerous roadblocks, some of which have become permanent features on the roads and which are used by traffic police officers to extort money from motorists and other members of the public. Many police officers were categorical that a majority of police officers manning road blocks and many others performing traffic duties knew nothing about Traffic Management and Operations while those who have been trained with the objective of taking up traffic duties are deployed elsewhere to perform duties that are completely irrelevant to their training. Nepotism and ethnicity have significantly contributed to

corruption in the Traffic Department; (5) the low salary paid to the police officers contributes highly to their predisposition to corruption, lethargy, and inefficiency in the execution of their duties; (6) the performance of the police has been consistently poorly rated by the public, particularly on violation of human rights, abuse of power, and corruption. This is a matter of great concern to the government, hence the focus of the current reforms; and (7) a major security challenge was found to be emanating from the Northern part of the country through the then Eastern Province of Kenya from Ethiopia and from Somalia through the North Eastern and Coast regions of Kenya. The immigration personnel have not coordinated well with the police, and there are allegations of rampant corruption in facilitating the trafficking (NTFPR 2009).

Other reports by NGOs and the United Nations Committee Against Torture (UNCAT), for example, have also observed that corruption in the police service in Kenya was hindering efforts to deal with violations of human rights and arbitrary arrest by the police. In a 2009 report, UNCAT stated:

The Committee urges the State Party [Kenya] to address the problem of arbitrary police actions including unlawful and arbitrary arrests and widespread police corruption particularly in slums and poor urban neighborhoods, through clear messages of zero tolerance to corruption from superior officers, the imposition of appropriate penalties and adequate training. Arbitrary police action must be promptly and impartially investigated and those found responsible punished. (UNCAT 2009: 3)

Also in 2009, the United Nations Special Rapporteur on Extra Judicial, Arbitrary and Summary Executions accused the Kenya police of having death squads that hunted down and killed people arbitrarily and brutally (UNHRC 2009). In 2012, the United Nations Human Rights Committee (UN-HRC) raised concerns about the slow pace of investigations and prosecutions for allegations of torture and extrajudicial killings by the Kenya police (UN-HRC 2012). The failure to prosecute police officers responsible for human rights violations remains a serious challenge for accountability in Kenya.

In 2013, the Independent Police Oversight Authority (IPOA) conducted and released a *Baseline Survey on Policing Standards and Gaps in Kenya* to gather first-hand data/information and perceptions of Kenyans, including police officers, on policing standards and factors/challenges

affecting effective and efficient policing in Kenya. The Survey found, among other things, that:

- Thirty percent of respondents had experienced police malpractice including assault/brutality, falsification of evidence, bribery, and threat of imprisonment within 12 months prior to the survey. The incidence of police malpractice is higher in rural areas at 61% than in urban areas; higher among men (62%) compared to 38% of women; and higher among younger people aged less than 35 years (64%) than those aged above 35 years (34%).
- Only 30% of those who experienced incidences of police malpractice reported the crime to the relevant authorities.
- Among police officers, 53% admitted to have experienced incidences of police misconduct that included bribery (36%), assault (25%), use of excessive force (25%), injuries from a weapon (14%), falsification of evidence (14%), threats of imprisonment (14%), and unwarranted shooting (9%).
- Among the police officers who had witnessed incidences of misconduct, only 32% of them reported such cases to the relevant authorities.
- Police officers who do not report cases of malpractice by their colleagues indicated that they do not do so for fear of reprisals (56%), threats of being transferred (18%), fear of losing their job (13%), because not much action will be taken (5%), and being unaware of where to report (5%).
- For police officers, the most important factors affecting police performance in Kenya is low pay and incentives (54.6%); limited resources including transportation to fight crime (24.7%); corruption (3%); discrimination, ethnicity, nepotism and favoritism (2.7%); lack of information, communication, and technology (ICT) infrastructure (1.6%); lack of proper training (1.2%); and other factors (2.6%).
- The concept of community policing is fairly well known with 56.3% of the public reporting awareness.
- A surprisingly significant proportion (61%) of the public had confidence in the police to effectively discharge their duties.
- About 34.3% of the public have confidence in the IPOA's ability to effectively hold the police accountable for their misconduct, while 13.7% has no confidence.

- The majority of the police officers (62.5%) has confidence in the IPOA and believes that it can deliver its mandate, while 29.3% are somewhat confident. Only 6% are not confident, while 2.1% are not sure (IPOA 2013).

Even more recently, the evidence continues to show the damning nature and extent of police corruption and misconduct in the country. In a 2014 report published by the Independent Medico-Legal Unit in which they examined 1873 deaths resulting from gunshot wounds over the period 2009–2013, it was found that (1) police use of firearms accounted for 67% of those deaths; (2) inadequate documentation did not allow for perpetrator identification in more than 200 cases; (3) the circumstances of police involvement were unclear or absent in over 60% of these fatal shootings; and (4) the reason for the police resorting to deadly force was not given in over 65% of the shootings (IMLU 2014).

Also in 2014, a monitoring report by the IPOA—on a police security operation undertaken in areas of Kenya perceived to be hideouts for immigrants and intended to flush out terrorists and search for weapons and explosives as well as disrupt and deter terrorism and other criminal activities—found that ‘the operation was marred by widespread allegations of corruption where members of the public were allegedly forced to part with bribes to avoid being arrested and/or detained in unclear circumstances;[and] arbitrary arrests, harassment, assault, unlawful detentions and deportation of individuals’ (IPOA 2014a: 3).

In addition, the Kenyan newspapers are almost daily replete with investigative reports of police corruption. Recently, these reports have been concerned with internal police corruption and misconduct such as the rampant cases of victimization, widespread graft, unexplained salary deductions, and dismissals perpetrated by senior officers against the junior ones. Teyie and Menya (2014), for example, reported that junior police officers who do not cooperate with their seniors in corrupt activities are being arbitrarily dismissed, transferred, or demoted on questionable grounds. This has led some junior officers to question ‘if expertise in corruption is a qualification for one to be promoted in the police service’ (Teyie and Menya 2014: 28).

Other examples of the police corruption menace can be gleaned from the July 2014 attempt by the National Police Service Commission (NPSC) to recruit 10,000 police trainees in one day. This exercise was troubled with allegations of much shameless bribery and tribalism that moved one

commentator to describe it as reaching a new low when it comes to corruption in the police service with the security services having become even more corrupt, politicized, and tribalized since 2013 when a new government came to power (Warah 2014). It had previously been noted by the *Ransley Report* (NTFPR 2009) as indicated above and, subsequently, by the TJRC Kenya (2013: 102) that ‘during the recruitment exercise, money changes hands. If you cannot part with Ksh 60,000 [approximately US\$680], your son cannot be employed’.

The resultant effect of this botched corrupt recruitment of 10,000 police trainees was that a number of institutions and individuals went to court to prevent the selection results from being implemented and that included candidates who were not selected. Among the institutions that moved to the courts was the IPOA. The IPOA filed a case in the High Court seeking to have this police recruitment exercise nullified on the grounds that the exercise was marred by maleficent irregularities, was conducted in a manner that was not in compliance with the constitution and hence led to the great hue and cry from members of the public and aggrieved participants (IPOA 2014b).

In a much more elaborate and dramatic statement, entitled *Police Recruitment: A National Shame and a Sham*, the IPOA outlined its findings and subsequent verdict on the recruitment exercise as its rationale for taking the matter to court. Among its findings was that:

there were reported incidents of influence peddling and conflict of interest. The involvement of NPS [National Police Service] senior officers and the Deputy County Commissioners from the stations within or near the recruitment exercise appeared to complicate the exercise. Given the manner in which many of these officers conducted the exercise, it was easy to conclude that these officers could have been compromised long before the exercise. (IPOA 2014c: 2)

Based on its findings, the verdict by the IPOA was stated as follows:

Therefore, it is the position of IPOA that the recruitment exercise was not transparent and accountable. There were complaints of discrimination on the basis of ethnicity and undefined criteria which disqualified the candidates in the final stage. The exercise was marred by widespread irregularities and, therefore, could not pass muster in the test of a free and fair undertaking including promoting public confidence in policing. Arising from this, we recommend the cancelation of the entire exercise, and its repeat with a more

transparent process owned by as many stakeholders as possible, before commencement of the exercise. We are confident that the process when started afresh, will create a viable relationship between the public and the police, and further, improve the policing function, and this can only start at the recruitment and selection stage. No other way. (IPOA 2014c: 2)

In an attempt to head off court action, the NPSC annulled the recruitment in 36 of the 289 centers suspected to have had malpractices in the exercise and to repeat the process. The 36 centers affected 1215 recruits representing 12% of the total 10,000 recruits. According to the NPSC, the results were annulled for reasons including acts which are criminal in nature, corruption, and professional misconduct (NPSC 2014). The High Court eventually ruled in favor of the IPOA, annulled the entire recruitment process, and ordered that recruitment be started afresh. In a precedent-setting ruling, the High Court said that the July 2014 hiring was tainted with corruption, irregularities, and blatant violation of the Constitution. According to court reporting by Lucheli and Weru (2014: 1), the High Court found and held ‘that the National Police Service Commission failed itself, it failed Kenyans, it failed the recruits, it failed the Constitution and it must be told so’. The High Court further said that ‘the orders that are appropriate in the circumstances is an order quashing the recruitment exercise conducted on July 14 this year. [The Court is] satisfied that drastic action must be taken, painful or unpopular as it may be’ (Lucheli and Weru 2014: 1). And, it was indeed quite interesting and refreshing to notice that the IPOA was vigorously and studiously exercising its civilian oversight role. Perhaps this augurs well for the future as a sign that the policing institutions will be made to comply with the Constitution and all existing policing statutes that have now been put in place in support of said Constitution to bring about a professionalization of the police that significantly eschews corruption. Indeed, the control of police corruption and the professionalization of the NPS must begin at the recruitment and training stages in the quest for the transformation of the NPS into an efficient, effective, accountable, and transparent organization (Hope 2012a).

However, in April 2015 the IPOA, the Court ruling, and the rule of law were all undermined when the President of Kenya irresponsibly ordered the NPS to ignore the Court and accept and begin training the 10,000 police recruits. This was one of the actions taken by the govern-

ment in response to a terrorist attack in a northeastern County that killed more than 145 students on a university campus. The President blamed the insecurity in the country on a shortage of police officers and directed that the recruits start their training immediately. As also observed by Ng'ulia (2015), this directive was not only a blow to the war against corruption but also a boost to impunity by further institutionalizing corruption in the recruitment of police officers and inspiring them to work corruptly. Fortunately, after considerable public outrage, the directive was rescinded and, subsequently, in May 2015, the Court of Appeal upheld the nullification of the recruitment.

It is also interesting to note here that the new police recruitment exercise conducted in April 2015 was deemed by the IPOA to be 'a major improvement compared to the July 2014 exercise. In centers monitored there was semblance of adherence to the principles of transparency, accountability and public participation. Generally, the exercise was not marred by manifest flaws and can pass the test of being free and fair' (IPOA 2015: 26). However, the 2016 recruitment process seemed to have reverted to business as usual. Monitoring conducted by the Kenya National Commission for Human Rights (KNCHR 2016: 22–23) found, among other things, that although 'the levels of bribery allegations witnessed during this process were not blatant and exposed as had been experienced in the previous exercises', 'there were many cases of bribery of various amounts ... with members of the public being used to pass the money to the police officers'. Other corrupt acts included (1) allegations of political interference in certain recruitment centers; (2) allegations of former police officers collaborating with the recruits to pass the required bribes to the members of the recruitment panels; and (3) a local community chief interfering with recruitment, giving preferential bias to people from his community (KNCHR 2016).

In October 2015, the Chairman of the NPSC revealed, in a speech on the vetting process, that the NPSC had fired 63 senior police officers for corruption and integrity issues (Kavaludi 2015). Investigations undertaken for vetting the senior ranks, as mandated by the 2010 constitution, brought to the fore the complex corruption networks and the interface between junior officers and their seniors. 'Through a scrutiny of Mpesa [mobile money] statements, the Chairman said the Commission was able to establish that junior officers working in the traffic department regularly transferred fixed amounts of money to some of their seniors, suggesting

that they had been given targets' (Kavaludi 2015: 2). 'It also emerged that most Mpesa [mobile money] kiosks within and around police stations are either owned or contracted by police officers for purposes of facilitating direct money transfers in order to cover their tracks. The depositors are mostly motorists or junior officers making transfers to their seniors' (Kavaludi 2015: 3). In June 2016, the NPSC announced that another 302 police officers had been fired for corruption (Omollo 2016; Patrick 2016). The officers had refused to be vetted as part of the police reforms process.

Consequently, the endemic culture of police corruption still remains a critical challenge in Kenya, despite attempts at some police reforms, with the Kenya NPS being described as a bribe factory (Mageka 2015). In fact, so pervasive has police corruption become in Kenya that Mageka (2015: 2) reported that even some 'top [police] commanders referred to the police services as an institution that is turning into a criminal enterprise where tribalism, favoritism, and the search for bribes has replaced the vaunted motto of providing service to all'.

CONSEQUENCES OF CORRUPTION IN KENYA

The research literature on corruption has begun to affirm the latter's negative impact on governance. By any measure, and as discussed in Chap. 1, persistent corruption and bad governance go together. In other words, in those countries where corruption is embedded in their political economy, such as Kenya as this chapter shows, there are low governance scores, weak governance institutions, and this translates into sluggish economic performance and lower rates of growth as economic efficiency is impaired. These economic costs of corruption, in turn, fall disproportionately on the poor. Bribes, kickbacks, and illegal payments to make things happen are all rent-seeking activities that have the effect of increasing costs directly to the payer or to the public in general as they are simply added to the final costs of the goods and services (Hope 2000). 'Bribery imposes a tax on citizens because it is an extra payment made in order to use or abuse public services. The costs are relatively higher for poor families squeezed to find money to pay a bribe for a service that they are entitled to get free' (Rose and Peiffer 2015: 2). Moreover, corruption undermines the delivery of public services such as health care and education on which the poor depend. As a former Chairman of the EACC,

Phillip Kinisu (2015: ii), also concluded, corruption across Kenyan counties has resulted:

in County underdevelopment, poor service delivery at the counties, poor road construction, budget deficits, denial of public participation in project selection and budgeting process, unfair recruitment process, hampering service delivery as public funds are embezzled, widened gap between the rich and the poor and enormous loss of Government funds.

As corruption proceeds unchecked it becomes more fundamentally undemocratic as it infringes on the inclusive nature of democracy by, among other things, offering greater access to goods and services to those that are willing to offer bribes or otherwise violate the rules to acquire them. Warren (2004: 329) has observed that ‘corruption is always a form of duplicitous and harmful exclusion of those who have a claim to inclusion in collective decisions and actions’. The personalization and centralization of the state by the ruling elite under President Moi, for example, undermined the legitimacy and credibility of the government and of responsible and accountable public servants and institutions. Whether by design or not, corruption also undermines the value system, the norms, and the very cohesion of society (Fraser-Moleketi 2007). Mueller (2008: 186), for instance, has argued, quite successfully, in this author’s view, that one of the underlying precipitating factors in Kenya’s post-election violence in 2008 was the ‘deliberately weak institutions, mostly overridden by a highly personalized and centralized presidency that could and did not exercise the autonomy or checks and balances normally associated with democracies’. Similar sentiments have been expressed by Githongo (2010). Consequently, democratic values such as trust and tolerance got tossed away and replaced by ethnic violence. That violence, in turn, destroyed families, neighborhoods, infrastructure, and scared away investors and tourists—all of which have had a negative impact on economic progress as real growth rates slid from 7.1% in 2007 to 1.7% in 2008 (Republic of Kenya 2009a). The government itself has noted that, among other factors, ‘the poor economic performance reflects the adverse effects of the post-election crisis’ (Republic of Kenya 2009a: 1).

Similarly, theft, embezzlement, and fraud by public officials reduce the availability of funds for development-related activities. For instance, in December 2010, the then Permanent Secretary of the Ministry of

Finance, in testimony before a parliamentary committee, said that each year corruption and mismanagement of public funds robs Kenya of Ksh 270 billion (approximately a little more than US\$3 billion) (Ochami and Njiraini 2010). To put it in better perspective, this sum was equal to 25–30% of the government's budget for FY 2010–2011. One Ministry (Ministry of Water and Irrigation) was reported by the said official to be losing Ksh10 billion (approximately US\$123 million), about one-third of its budget, annually through malpractice and mismanagement (Ochami and Njiraini 2010). Some examples of the development impact of this magnitude of corruption, apart from the obvious leakage of public revenues, are provided below (Ochami and Njiraini 2010). In other words, alternative uses of, and benefits from, these funds for development activities include:

- Funding of free primary and secondary education for 18 years.
- Meeting the budgets of five critical ministries (Education, Roads, Medical Services, Public Health, and Energy).
- Purchasing of drugs to combat HIV (human immunodeficiency virus), tuberculosis, and malaria for 10 years and prolong the lives of about half a million Kenyans living with HIV.
- Providing hundreds of thousands of Kenyans with safe drinking water by drilling 135 million boreholes.

Other senior public officials in other branches in government have also voiced their worry about the impact of corruption in Kenya. For instance, the then Deputy Speaker of Parliament, during a speech at the opening ceremony of a parliamentary pre-budget workshop in March 2011, expressed concern over rampant graft in government. As reported by Murage (2011), the then Deputy Speaker said that the bulk of the revenue collected by the Kenyan government gets lost through corruption and that is why many government-funded projects have stalled. He went on to say that a paltry 30% of public cash is spent on projects while the other 70% is stolen by bureaucrats, politicians, and contractors, and, as a result, Kenya loses billions to corruption. This concern by the then Deputy Speaker also demonstrates how persistent and entrenched corruption is in Kenya. Each year the National Taxpayers Association conducts audits which continue to show an increase in the proportion of public funds for local development projects that has been allocated to ghost projects, embezzled, or outright stolen (see, for example, NTA 2011).

Also, in January 2010, the US government announced it was suspending education funding to Kenya following reports that more than US\$1 million was missing from the country's primary schooling program (Boswell 2010; Shiundu 2010). In a speech to the American Chamber of Commerce in Nairobi, the then US Ambassador Michael Ranneberger (2010: 3) said the planned US\$7 million disbursement to the Ministry of Education for a capacity building program will stay suspended 'until there is a credible independent audit and full accountability [and] those culpable for the fraud should not merely be sacked, they should be prosecuted and put behind bars'. This move followed a British government announcement in December 2009 that it was withholding an approximate US\$16 million grant over the disappearance of funds for the free primary education program (Otieno 2009; Boswell 2010). The bone of contention for the British was the fact that the Ministries of Finance and Education had failed to account for some US\$1.5 million budgeted for constructing new classrooms and buying textbooks for poor students in poverty-ravaged districts (Otieno 2009).

More recently, in March 2016, the Chairperson of the EACC reported that Kenya was losing a third of its state budget (the equivalent of US\$6 billion) to corruption every year (Reuters 2016). This seems to be a conservative estimate considering that the government recently raised approximately US\$2.75 billion in a Eurobond, which was supposed to be used for infrastructure but it is still unclear what happened to all that money (Gettleman 2015). In addition, in 2015, it was discovered that a sum of approximately US\$9 million had been lost to graft in the National Youth Service, a division of the Ministry of Devolution and Planning. That scandal led to the resignation of the Cabinet Secretary, Anne Waiguru (who was accused of masterminding the scam), and investigation of others.

Corruption and bad governance in Kenya therefore not only distort the availability of funds for development activities but also directly affect development assistance partnerships. The US and the UK are Kenya's two biggest bilateral donors, and they seem to be constantly scolding the Kenyan government and/or withholding or suspending development assistance from it due to persistent corruption. This cannot be good for building and sustaining effective development partnerships where mutual accountability can be assured. Currently, the sheer magnitude of corruption in Kenya and the culture of impunity that goes along with it have resulted in a lack

of confidence in Kenyan government officials to the extent that alternative methods of funding and implementing development assistance programs are being sought and put in place. By 2009, according to the British High Commission Nairobi (2009: 2), ‘only 30% of British aid, closely audited, [was going] through the Government of Kenya because of concerns about financial accountability. British aid to Kenya could be significantly higher each year if corruption and governance concerns were credibly addressed’. Similar sentiments have also been echoed by other donors (see Mouldid 2010; Wangai 2011).

One of the alternative approaches to financing and implementing development projects in Kenya is the use of NGOs. The British government, for example, signaled its intent to rely more on NGOs, for its development assistance projects in Kenya, than on the country’s government when it announced in March 2010 that it was allocating its 2010/11 budget of approximately US\$31 million for education in Kenya outside of government systems, until the risks of fraud are substantially reduced (British High Commission Nairobi 2010). The total estimated loss from the Kenya Education Sector Support Program pool at the time this action was announced was equivalent to US\$3 million. In furtherance of this policy of bypassing the Kenyan government, the British aid budget of £390 million (approximately US\$600 million) to Kenya for the period 2012/2013–2014/2015, for example, was to be provided through NGOs (45%); international organizations such as the United Nations (UN) and World Bank (25%); emergency relief organizations (24%); and commercial service providers (6%) (DFID 2013).

While this approach of the British government bypasses the corruption problem within the Kenyan government, it will also result in an increase in the cost of providing development assistance to Kenya since the channels and partners being used have to be compensated for their participation in this new implementation and delivery regime. Of course, one could cynically argue that the compensation to the NGOs and other partners would be less, and perhaps considerably so, than the potential embezzlement if such funding were to continue through the government. Nonetheless, the fact that some of the development funding would need to be spent on administrative and other support costs to NGOs and others will be a welfare loss to Kenyans. Consequently, one net effect of the corruption in the Kenyan government is that it hurts the poorest most and erodes development, adding to the basic daily costs

and taking money away from fighting poverty and delivering services. Moreover, bypassing government further undermines and weakens the delivery capacity of state institutions. As Ghani and Lockhart (2008: 28) noted:

Ceding what should be functions of the state to outside aid agencies, private companies, and NGOs is not sustainable precisely because it undermines the corresponding branches of the state, whose legitimacy is crucial to its functioning... . Ceding state functions to outside agencies severs the crucial link of accountability between the state and citizens. And once ceded, even if on a temporary basis, entrenched interests develop, which means that the NGO, contractor or agency will lobby for funds to keep performing that function.

More recently, in April 2014, a group of 17 Ambassadors, including those from Kenya's two major donors—the US and the UK—signed an op-ed piece that ran in the local press in which they vehemently expressed their concern that:

Corruption is undermining Kenya's future. It threatens Kenya's economic growth, security, and the provision of government services. It jeopardizes Kenya's Vision 2030 goals. At the moment when Kenya is restructuring government through the devolution process, attracting investment, expanding trade, creating jobs, and fighting terrorism, corruption is holding the country back. It is an unwelcome companion, and has no place in Kenya's bright future. Corruption diminishes government services. People don't get the benefit of their taxes because the money has disappeared into someone's pocket. Money spent to deliver public goods such as safe roads and health care services doesn't go as far. (Chiefs of Mission in Kenya 2014: 1)

Corruption has also stifled initiative and enterprise in Kenya. Rent-seeking activities tend to have the effect of inflating the cost of doing business and thereby destroying investor confidence and driving them away. According to *The Global Competitiveness Report 2015–2016*, for example, corruption remains the largest obstacle to doing business in Kenya (World Economic Forum 2015). From a list of 16 factors, respondents were asked to indicate the five most problematic for doing business in their country/economy and to rank them between 1 (most problematic) and 5 (least problematic). Corruption was ranked number one (World Economic

Forum 2015). Other surveys have also corroborated those concerns. For instance, one survey of business leader perceptions of the investment climate in Kenya found that ‘corruption is the biggest deterrent to investment, with 65% of respondents saying that it would negatively affect their investment decision’ (The Business Advocacy Fund 2008: 9). In addition, ‘some 40% complained that the government is making no effort to tackle corruption’ (The Business Advocacy Fund 2008: 8). Later surveys have confirmed these perceptions (see, for example, EABC 2010; U.S. Department of State 2015b).

Such rational decision-making by private investors means that corruption has the effect of slowing down investment and economic growth either by crowding out productive investment directly or through the uncertainty created by acts of bribery. Corruption, in this sense, can be regarded as a tax which increases risk and reduces the incentive to invest. Consequently, over the longer term, any economy, such as Kenya’s, that is infested with corruption will also suffer from its effects of discouraging potential investors as well as donors as previously discussed. Since private investment, as opposed to public sector spending, spurs growth, generates employment, and can increase tax revenues for public sector expenditures on socio-economic development programs, and ultimately reduce poverty, the web of corruption in Kenya results in the foiling of efforts to improve infrastructure and educational and health standards. In that regard, a Kenya Judicial Commission of Inquiry estimated that the amount of money lost through one government scandal alone—the Goldenberg Affair—was more than the equivalent of US\$0.5 billion (Republic of Kenya 2005a), and had this money been used instead to provide anti-malarial bed nets, the entire Kenya population could have been provided with these nets, the entire country could now be almost malaria free, and 34,000 malaria deaths each year could have been prevented (British High Commission Nairobi 2009). Similar observations have been made about the use of these funds for development projects in Kenya’s constituencies (Sichei 2010). Such ‘leakage from the economy through [corruption therefore] entails unavailability of financial capital that could have been invested in productive activities within the country’ (Sichei 2010: 147).

Kenya has also found itself on the top 20 list of African countries with outward illicit financial flows. These cumulative flows represent the stock of private assets sent and held abroad by Kenyans. It is illegal capital flight. According to Kar and Cartwright-Smith (2010), an estimated

cumulative total of US\$5.6 billion flowed illicitly out of Kenya during the period 1970–2008, with trade mis-invoicing being a significant part of the problem. In terms of development impact, these cumulative flows represented 18% of the country's GDP in 2008, 76% of its external debt stock, 329% of inward flows of remittances, and 386% of the combined total capital flows of foreign direct investment and net official development assistance (ODA) received. Between 2002 and 2010 Kenya was losing a cumulative total of US\$13.6 billion in gross illicit flows—comprised of US\$9.64 billion in illicit outflows and US\$3.94 billion in illicit inflows—which was equivalent to 144% of the total ODA received (Baker et al. 2014).

It is therefore obvious from the foregoing that corruption is a direct impediment to Kenya's development and to improving and sustaining good enough governance, while it is also obvious that, in societies with good governance, corruption can be or is being seriously controlled. Corruption hurts the many and benefits only a few. 'It inhibits the ability of government to respond to citizens' needs and to utilize scarce resources in the most efficient and effective manner. It takes away resources from priority areas such as health, social development and education' (Fraser-Moleketi 2007: 241). It has been demonstrated in this work and elsewhere that it has undermined democracy and good governance in Kenya by subverting the formal processes and rules of conduct to the whims and fancies of a small elite representing 'state capture' (the extraction of private benefits by the political and bureaucratic elite) and thereby hindering the capacity of the state to make the right policy choices, and to provide overall good governance (Hope 2012a).

In fact, as Kaufmann (2004: 11) noted 'state capture implies that corruption is not always merely a symptom of more fundamental factors; instead, the very political and economic forces associated with capture play a pivotal role in shaping policies and political economy outcomes'. That, in turn, has influenced all levels of society with an increasing number of people being virtually forced to adapt to what has become the norm in which corruption of some sort is part of the way of life, whether they like it or not. One negative consequence is that, too often, otherwise honest people are forced to resort to corrupt means to carry on with their daily lives. This has therefore created the ethical dilemma of a forced coexistence with individuals and groups who operate on the basis of different

moral standards and expect all those with whom they interact to behave accordingly (Hassan 2004).

Consequently, and as evidenced in this book, corrupt activities in Kenya, and other African countries, have moved from a passive to an active phase where public servants, in particular, do not wait to be approached and bribed, for example, but actively and boldly solicit individuals to offer bribes or other favors in return for the provision of public services (Hope 2012a). Such payments are now, unfortunately, regarded as necessary and routine. In other words, they have become the unofficial but operating administrative order. The ultimate consequence is that the integrity, credibility, and professionalism of the public service have been compromised and such governance indicators as government effectiveness (including the quality of public service delivery, the quality of the public service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies) and control of corruption (the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as 'state capture' by both elites and private interests) result in very low scores as measured by the World Bank Governance Indicators, for example (Kaufmann et al. 2009).

This state of affairs, as lamented by Mutua (2014: 15), poses an existential threat to Kenya, given that:

It is public corruption that has prevented Kenya from becoming a true democracy. Our elite [are] sick—addicted to public corruption. Everywhere you look—right, left, sideways, behind, and in front—an official has their hand in the public till. That's why they don't catch—and punish—each other because they are in it together.

CONTROLLING THE CORRUPTION EPIDEMIC IN KENYA

In this section, the discussion shifts to a focus on the key lessons of, and offers policy recommendations for more, effective control of corruption in the country. To set the stage, a brief summary is provided of the key measures that have been put in place by Kenyan governments to control the corruption epidemic in the country. These anti-corruption measures may be categorized as either legal frameworks or as institutional initiatives and other strategies.

Control Measures

Legal Frameworks

The Anti-Corruption and Economic Crimes Act, 2003: In 2003, the Anti-Corruption and Economic Crimes (ACEC) Act was passed by Parliament. It was assented to on 30 April 2003 and commenced on 2 May 2003. The objective of the ACEC Act is to provide for the prevention, investigation, and punishment of corruption, economic crimes, and related offences and for matters incidental thereto and connected therewith (Republic of Kenya 2003a). It employs a very broad definition of corruption to include bribery, fraud, embezzlement, or misappropriation of public funds, abuse of office, breach of trust, and any offence involving dishonesty in connection with any tax, rate, or impost levied under any Act. It also goes further to include an offence involving dishonesty under any law relating to the election of persons to public office (Republic of Kenya 2003a).

The Act also established the Kenya Anti-Corruption Commission (KACC) and a Kenya Anti-Corruption Advisory Board (KACAB). The KACC was given a long list of functions primarily related to investigation, advising public bodies on anti-corruption practices, educating the public on the dangers of corruption and economic crime (Republic of Kenya 2003a). The KACAB's principal function was to advise the KACC generally on the exercise of its powers and the performance of its functions under the Act (Republic of Kenya 2003a). A number of offences were also described in the Act.

The Public Officer Ethics Act, 2003: Parliament also passed the Public Officer Ethics (POE) Act in 2003. It was also assented to and commenced on the same dates as the ACEC Act, 2003, respectively, 30 April 2003 and 2 May 2003. The objective of the POE Act is 'to advance the ethics of public officers by providing for a Code of Conduct and Ethics for public officers and requiring financial declarations from certain public officers and to provide for connected purposes' (Republic of Kenya 2003b: 1). Basically, the POE Act provides codes of conduct and ethics for all public officers and is intended to enhance ethics and integrity in the public sector. The Act also provides for the declaration of income, assets, and liabilities by public officers as well as for enforcement of the code of conduct and ethics.

The Government Financial Management Act, 2004: In 2004, the Government Financial Management (GFM) Act was enacted by Parliament. It was assented to on 31 December 2004 and commenced on 1 November 2005. The objectives of the Act were ‘to provide for the management of government financial affairs, to make certain provisions with respect to the exchequer account and the Consolidated Fund, to provide for persons to be responsible for government resources and to provide for other related matters’ (Republic of Kenya 2004: 4). The GFM Act consolidated and streamlined government financial processes and put in place procedures and systems for proper and effective management of government money and property. It spells out ministerial responsibility, treasury duties and powers, expenditure control, specifications for purchase of official government vehicles, required public service offices (such as Accountant General, Director of the National Budget, and Internal Auditor-General), appointment and responsibilities of accounting officers, and appointment and responsibilities of receivers of revenue.

The Public Procurement and Disposal Act, 2005: In 2005, Parliament enacted the Public Procurement and Disposal (PPD) Act. It was assented to on 26 October 2005 and commenced on 1 January 2007 following the gazetting of the subsidiary legislation entitled *Public Procurement and Disposal Regulations 2006*. The PPD Act was intended to ‘establish procedures for efficient public procurement and for the disposal of unserviceable, obsolete or surplus stores, assets and equipment by public entities and to provide for other related matters’ (Republic of Kenya 2005b: 52). The objectives of the Act are to (1) maximize economy and efficiency; (2) promote competition and ensure that competitors are treated fairly; (3) promote the integrity and fairness of those procedures; (4) increase transparency and accountability in those procedures; (5) increase public awareness in those procedures; and (6) facilitate the promotion of local industry and economic development.

The PPD Act also established three entities to regulate public sector procurement: (1) the Public Procurement and Oversight Authority (PPOA); (2) the Public Procurement Oversight Advisory Board (PPOAB); and (3) the Public Procurement Administrative Review Board (PPARB). The PPOA is responsible for the oversight, regulation, and policy development of public procurement in Kenya, ensuring that procuring entities adhere to all legal and regulatory requirements. The PPOA operates under the guidance and supervision of the PPOAB, while the PPARB is charged with

responsibility for handling and reviewing complaints and appeals. In addition, general procurement rules, open tendering requirements, alternative procurement procedures, administrative review of procurement proceedings, PPOA powers to ensure compliance, debarment from participation in procurement proceedings, and disposal of stores and equipment have all been addressed in the Act.

The Proceeds of Crime and Anti-Money Laundering Act, 2009: The Proceeds of Crime and Anti-Money Laundering Act, 2009, was assented to on 31 December 2009 and commenced on 28 June 2010. The objectives of the Act are to provide for the offence of money laundering and to introduce measures for combating the offence; to provide for the identification, tracing, freezing, seizure, and confiscation of the proceeds of crime; and for connected purposes (Republic of Kenya 2009b). Among other things, the Act established a Financial Reporting Center, set out anti-money laundering obligations of a reporting institution, created an Anti-Money Laundering Advisory Board, established an Assets Recovery Agency and a Criminal Assets Recovery Fund, and provided for criminal and civil forfeiture proceedings as well as for the preservation and forfeiture of property (Republic of Kenya 2009b).

The Ethics and Anti-Corruption Commission (EACC) Act, 2011: This Act was assented to on 27 August 2011 and commenced on 5 September 2011. It established the EACC to replace the KACC, pursuant to Article 79 of the 2010 constitution, and to provide for the functions and powers of the Commission, to provide for the qualifications and procedures for the appointment of the chairperson and members of the Commission, and for connected purposes. Except as provided in the Constitution and this Act, the EACC shall be an independent body, in the performance of its functions, and not subject to the direction or control of any person or authority. The mandate of the EACC is to combat and prevent corruption and economic crime in Kenya through law enforcement, preventive measures, public education, and promotion of standards and practices of integrity, ethics, and anti-corruption.

The Commission on Administrative Justice Act, 2011 (Ombudsman Law): This Act, which was assented to on 27 August 2011 and commenced on 5 September 2011, established the Commission on Administrative Justice with functions that include: (a) investigating any conduct in state

affairs, or any act or omission in public administration by any state organ, state or public officer in national and county governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; (b) investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector; (c) inquire into allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehavior, inefficiency or ineptitude within the public service; (d) working with different public institutions to promote alternative dispute resolution methods in the resolution of complaints relating to public administration; (e) promoting public awareness of policies and administrative procedures on matters relating to administrative justice; and (f) taking appropriate steps in conjunction with other state organs and commissions responsible for the protection and promotion of human rights to facilitate promotion and protection of the fundamental rights and freedoms of the individual in public administration.

The Public Finance Management (PFM) Act, 2012: This Act was assented to on 24 July 2012. Pursuant to the 2010 constitution, it is intended to provide for the effective management of public finances by the national and county governments; the oversight responsibility of Parliament and County Assemblies; the different responsibilities of government entities and other bodies, and for connected purposes. The objective of the Act is to ensure that (a) public finances are managed at both the national and the county levels of government in accordance with the principles set out in the Constitution; and (b) public officers who are given responsibility for managing the finances are accountable to the public for the management of those finances through Parliament and County Assemblies (Republic of Kenya [2012](#)). This PFM Act repealed, among others, the GFM Act, 2004.

The Leadership and Integrity Act, 2012: This Act was both assented to and commenced on 27 August 2012. It gave effect to, and established procedures and mechanisms for, the effective administration of chapter 6 of the 2010 Constitution on Leadership and Integrity and for connected purposes. The primary purpose of the Act is to ensure that state officers respect the values, principles, and requirements of the Constitution. Among other things, it delineates a general Leadership and Integrity Code for state officers but also requires each public entity to prescribe a specific Leadership and Integrity Code for the state officers in that pub-

lic entity but which must include all of the requirements in the general Leadership and Integrity Code. Those requirements cover such aspects as professionalism, financial integrity, moral and ethical requirements, wrongful or unlawful acquisition of property, and conflict of interest, for example.

Other Legislation: Apart from the aforementioned Acts, several other pieces of legislation have also been put in place that can aid in the fight to control corruption and improve the governance environment in the country. Among them are (1) the Privatization Act, 2005, to ensure transparency in the privatization of state-owned enterprises and accountable transfer of public assets in a competitive environment; (2) the Public Audit Act, 2003, which established the Kenya National Audit Office and provided for the audit of government, state corporations, and local authorities as well as for economy, efficiency, and effectiveness examinations, and matters relating to the Controller and Auditor-General and the establishment of the Kenya National Audit Commission; (3) the Witness Protection (Amendment) Bill, 2010, which is an Act of Parliament that amended the Witness Protection Act, 2006—as the principal Act on protection of witnesses in criminal cases and other proceedings—and provided for the establishment of an independent Witness Protection Agency, an oversight Witness Protection Advisory Board, a Witness Protection Tribunal, and a Victims Compensation Fund; (4) the Supplies Practitioners Management Act, 2007, which has made provision for the training, registration, and licensing of supplies practitioners and regulation of their practice; (5) the Kenya National Commission on Human Rights Act, 2011, which established the KNCHR, whose functions include: (a) promoting respect for human rights and developing a culture of human rights in the Republic; (b) promoting the protection and observance of human rights in public and private institutions; (c) monitoring, investigating, and reporting on the observance of human rights in all spheres of life in the Republic; and (d) receiving and investigating complaints about alleged abuses of human rights, and taking steps to secure appropriate redress where human rights have been violated; and (6) the Election Campaign Financing Act, 2013, which empowered the EACC to make rules for purposes of administration of the Act and to regulate management, expenditure, and accountability in respect of election-campaign funds during election and referendum campaigns.

Institutional Initiatives and Other Strategies

In 2003, the Government of Kenya established the Department of Governance and Ethics (DGE) in the Office of the President and headed by a Permanent Secretary (PS). The PS and his Secretariat were intended to advise and assist the President on the development, implementation, monitoring, and strengthening of holistic policies and strategies meant to fight corruption and improve accountability and transparency in the conduct of national affairs (Orowe 2004). The DGE was also intended to work closely with the then Ministry of Justice, National Cohesion and Constitutional Affairs, the then KACC, the Director of Public Prosecutions, and the police and intelligence services. The first PS of the DGE was John Githongo, who, as the so-called anti-corruption czar and 'high priest of good governance', fled Kenya in 2005 in fear for his life, after exposing the ruthless pillaging of public funds by the government. He then resigned from abroad (Otieno 2005; Wrong 2009). Since Mr. Githongo's resignation no replacement has been appointed. In fact, on the website of the Office of the President, the DGE is not even listed as one of the departments.

In January 2003, through a Presidential circular, the Ministry of Justice and Constitutional Affairs was established with a mandate that included developing anti-corruption strategies and coordinating and facilitating the war against corruption. With an expanded mandate to include national cohesion and renamed accordingly as the Ministry of Justice, National Cohesion and Constitutional Affairs, its core functions then included (1) setting up structures and institutions for consolidating administration of justice and good governance, transparency, accountability, ethics, integrity, values; (2) review, consolidation, and codification of laws for promotion of democratic governance and rule of law; (3) facilitation of development and institutionalization of anti-corruption strategies and programs; and (4) facilitation and coordination of the Governance, Justice, Law and Order Sector (GJLOS) reforms.

Launched in November 2003, the GJLOS reform program was a sector-wide, cross-institutional development strategy led by the Government of Kenya and supported by more than 15 international development partners. It was coordinated through the then Ministry of Justice, National Cohesion and Constitutional Affairs and was based on recognition of the inter-connected nature of the justice sector, the 'corruption seepage' between its various components, and the need for contemporaneous

reforms within the sector as a whole (Republic of Kenya [n.d.-a](#); Orowe [2004](#)). The vision of the GJLOS reform program was a safe, secure, democratic, just, corruption-free, human rights-respecting, and prosperous Kenya for all, while its mission was to reform and strengthen sector institutions for enhanced protection of human rights, efficient, accountable, and transparent governance and justice (Republic of Kenya [n.d.-a](#)).

In 2003, then President Mwai Kibaki established the Cabinet Committee on Anti-Corruption (CCAC). It was chaired by the then Minister of Justice, National Cohesion and Constitutional Affairs, and its other members were, respectively, the then Ministers of State for Provincial Administration and Internal Security, Finance, Planning and National Development, Roads, Public Works, and Local Government. The CCAC's mandate was to oversee the implementation of government policies on corruption and review the progress in the fight against corruption, so as to ensure a sustainable and well-coordinated war against corruption. The Committee advised the President on anti-corruption initiatives and on principles of better governance (Orowe [2004](#); TI-Kenya [2009](#)).

In June 2003, the government released its *Economic Recovery Strategy for Wealth and Employment Creation 2003–2007* (ERS 2003–2007) which, among other things, observed that corruption and bad governance had become entrenched in Kenya during the previous two decades (Republic of Kenya [2003c](#)). The ERS 2003–2007 (Republic of Kenya [2003c](#): 8), before outlining steps the government had already taken or was in the process of implementing to curb corruption, further noted that:

Most of the problems bedeviling Kenya and its people arise from the many years of bad governance and poor economic management. The rapidly growing poverty, food insecurity and economic collapse are largely related to the previous government's inability to manage the country affairs in the best way possible. The poor management, excessive discretion in government, appointments of people of dubious characters and political interference and lack of respect for professionalism led to widespread corruption, gross abuse of public office in many government departments and incorrigible tolerance—if not outright encouragement of mediocrity and lack of standards. For these reasons the solution of the current national crisis is to be found in our ability to reclaim professionalism and confidence in public officers, and guaranteeing efficiency.

In May 2004, the government created the National Anti-Corruption Campaign Steering Committee (NACCSC) through an appointment by

the President. It is comprised of various stakeholders and representatives from religious organizations, the private sector, senior government officials, statutory commissions, civil society, the media, women's organizations, and universities, for example. The NACCSC is required to work closely with the anti-corruption commission and its mandate includes: (1) establishing a framework or the nationwide campaign against corruption; (2) mobilizing stakeholders across all sectors and the general public to evolve a strong anti-corruption culture and participate in the fight against corruption; (3) sensitizing the public and encouraging them to participate in the fight against corruption; (4) developing policies for strengthening the campaign against corruption; and (5) developing indices for regular monitoring and evaluation of the anti-corruption campaign and publicly report on the progress made in the fight against corruption (NACCSC [n.d.](#); Republic of Kenya [2009c](#)). In August 2009, the NACCSC mandate was renewed and then further renewed in 2014 with a reorganization of its membership. The NACCSC is now administratively under the Office of the Attorney General and Department of Justice.

In May 2006, a National Anti-Corruption Plan was adopted by a National Anti-Corruption Stakeholders' Conference. It was then launched by the government in July 2006. The implementation of the Plan was coordinated by a Secretariat hosted by the then KACC. The vision of the NACP was 'towards a just, democratic and prosperous Kenya built on good governance, ethics and integrity' (NACP Secretariat [n.d.](#): 13). Its scope was to prevent and to fight corruption in all its manifestations in all spheres of social, economic, and political affairs of the nation. It 'drew from the experiences of Kenyans and recognized that preventing corruption required a consistent, coherent, broad-based and collective approach with a long-term perspective' (NACP Secretariat [n.d.](#): 5).

In 2007, a Public Complaints Standing Committee (PCSC) was established by the President and geared toward enhancing good governance, management, and administration in public institutions. The PCSC was generally mandated to receive, register, sort, classify, and document all complaints against public officers in Ministries, parastatals, statutory bodies, or any other public institution. In addition, the PCSC was also specifically required to inquire into allegations of misuse of office, corruption, unethical conduct, breach of integrity, maladministration, delay, injustice, discourtesy, inattention, incompetence, misbehavior, inefficiency, or ineptitude (Republic of Kenya [n.d.-b](#)). The PCSC was housed in the then Ministry of Justice, National Cohesion and Constitutional Affairs, and it

was to eventually become the Office of the Ombudsman (Republic of Kenya [n.d.-b](#)). In September 2011, it did indeed become the Commission on Administrative Justice (Office of the Ombudsman) with a mandate to investigate improper conduct, abuse of power, and misbehavior in the public service. Thus, the Commission has a complementary mandate to ensure compliance with the integrity requirements in the law by public officers.

At the regional and international levels, Kenya has also been exhibiting its alacrity for launching anti-corruption initiatives. For instance, it was the first country in the world to sign and ratify the United Nations Convention Against Corruption (UNCAC) which it did in December 2003 (UNODC [n.d.](#)). In December 2003, Kenya also signed the African Union Convention on Preventing and Combating Corruption and finally ratified/acceded to it in February 2007 (AU [2016](#)). In addition, Kenya is also a member of the Eastern and Southern Africa Anti-Money Laundering Group, having signed its memorandum of understanding in which member countries agree to, among other things: (1) apply anti-money laundering measures to all serious crimes; (2) implement measures to combat the financing of terrorism; and (3) implement any other measures contained in multilateral agreements and initiatives to which they subscribe for the prevention and control of the laundering of the proceeds of all serious crimes and the financing of terrorist activities (ESAAMLG [2008](#)).

In the latter part of 2005 and in early 2006 Kenya also subjected itself to its first peer review through the African Peer Review Mechanism (APRM) of the New Partnership for Africa's Development (NEPAD). To accomplish the objectives and the outcomes of the NEPAD—an initiative by African leaders to place the African continent on a path of sustainable development encompassing good governance and prosperity—African leaders agreed in 2002, among other things, to subject their countries to peer review through the use of the APRM. The APRM is used to assess the performance of African countries in terms of their compliance with a number of agreed codes, standards, and commitments that underpin the good governance and sustainable development framework (Hope [2002](#), [2005](#), [2008](#)). Kenya was among the first group of countries to agree to both the NEPAD and to be peer reviewed. The Kenya Peer Review Report dated May 2006 found that 'Kenya has had, and continues to have, a significant problem of corruption' (APRM Secretariat [2006](#): 25).

In September 2007, Kenya joined other states of the EAC to create the East African Association of Anti-Corruption Authorities

(EAAACA). The association, which was launched in November 2007 when the EAAACA constitution was signed, seeks to enhance cooperation in combating corruption among member states (EAAACA [n.d.-a](#)). Its objectives include to: (1) promote, facilitate, and regulate cooperation among partner states to ensure the effectiveness of measures and actions to prevent, detect, investigate, punish, and eradicate corruption and other related offences in East Africa; (2) promote and strengthen the development in East Africa by partner states of mechanisms required to prevent, detect, investigate, punish, and eradicate corruption and other related offences in the public and private sectors; (3) accord one another mutual legal assistance regarding detection, investigations, prosecutions, identification, tracing, freezing, seizure, confiscation, and repatriation of property, instruments, or proceeds obtained or derived from corruption; (4) assist in extradition of any person charged with or convicted of offences of corruption and other related offences, carried out in the territory of an EAC partner state and whose extradition is requested by that partner state, in conformity with their domestic laws, any applicable extradition treaties, or extradition agreements or arrangements between or among the partner states, or memorandum of understanding and bilateral agreements between the anti-corruption authorities; and (5) facilitate the repatriation of proceeds of corruption or money laundering or ill-gotten wealth and the seizure of any property when requested by any party to the constitution of the EAAACA (EAAACA [n.d.-b](#)).

Toward More Effective Corruption Control: Key Lessons and Policy Recommendations

As the foregoing demonstrates, Kenya has put in place legal frameworks, several institutional initiatives, and other strategies to attempt to control corruption. However, many of these measures exist primarily on paper and are not being utilized to their full potential. The NACP, as an example, was well thought out, had been embraced by national stakeholders (including the judiciary, the then KACC, enforcement agencies, civil society, labor and education sectors, religious organizations, the media, watchdog agencies, and the private sector), and met many of the requirements of the UNCAC. Yet, its implementation was not demonstrated through the various implementation mechanisms and actions it advocated. The private sector, for instance, whose organizations and members frequently complain

about the negative effects of corruption on their investment decisions and bottom line, were not fully engaged in the anti-corruption campaign in a meaningful way.

One of the key lessons from international development research and best practice is that there is strong evidence that the correlation that connects governance to economic development is not a result of higher income leading to improved governance but the other way around. Where there is endemic corruption there is bad governance. Where corruption is controlled, and therefore does not persist, governance is improved and that, in turn, contributes to improved development outcomes. As Kaufmann (2006: 15) has explained:

Our work finds that there is a very strong and causal link from improved governance to higher incomes, which is summarized by the ‘300 percent development dividend’: a country that improves governance by one standard deviation—which is a realistic improvement where political will exists—can expect to more or less triple its annual per capita income in the long run. Conversely, we do not find evidence that there is significant causation in the opposite direction, from per capita income to the quality of governance. Merely acquiring higher incomes (say, due to higher oil prices, or infusion of aid), per se will not automatically result in improved governance.

Moreover, better governance diminishes the extent to which resources are siphoned off for corrupt practices or otherwise wasted (de Ferranti et al. 2009). Consequently, more effective control of corruption will improve the governance environment and thereby lead to better development performance, notwithstanding that good governance and anti-corruption are desirable ends on their own. In addition, the policy frameworks used to address corruption have to be consistently implemented to also help improve governance as the ultimate goal, bearing in mind that Kenya already has the gamut of tools required to do the job. Consequently, rather than dreaming up projects and programs to fit the latest development fad, both the government of Kenya and its donors should concentrate more on properly reforming and funding the poorly functioning institutions such as the judiciary, the police, and the public service. With that governance perspective in further focus, below are some policy recommendations for moving toward more effective control of corruption in the country, drawing on key lessons and best practices in the fight against corruption.

Transformational Leadership

The first recommendation advocated here pertains to leadership. There has been much said and written about the lack of political will to tackle the corruption problem in Kenya. Anassi (2004: 109), for instance, correctly remarked that ‘the political will to fight corruption was absent’ because ‘of the regime’s control of all the arms of government, including parliament and the judiciary’. Consequently:

Corruption was nurtured and perfected by those in authority. Parliament was impotent, because the party threatened those perceived as against the establishment with expulsions. The judiciary was compromised and it did nothing to improve the situation. As we have seen, the judiciary was also corrupt and that made the bad situation worse. (Anassi 2004: 109)

However, from this author’s point of view, there is no universal lack of political will among Kenya’s current crop of political and influential leaders. During his tenure, former Prime Minister Raila Odinga, for example, had frequently demonstrated the political will to tackle the corruption epidemic in Kenya not only in his speeches and exhortations but also in his actions, including the firing or suspension of government ministers and other senior public officials for engaging in corrupt and/or unethical behavior. But, political will in isolation has been demonstrated to be impotent (Hope 1999). What is required also is leadership for change. In other words, transformational leadership. In addition to being publicly perceived as honest, forward-looking, competent, fair, inspiring, and intelligent, such leaders must also be regarded as champions of ideas—good ideas for good governance in this case—who lead and maintain commitment to change ideas and transformation toward a better governance environment, influencing others into accepting the changes, and acting as the ‘fixer’ who coordinates disparate actors to overcome resistance to change and transformation. These leadership actions are intended to ultimately enhance the acceptance and institutionalization of transformational change for the better (Andrews et al. 2010).

Transformation toward good governance is highly desirable in Kenya and that transformation must be significantly geared toward arresting the persistence of corruption in the country. A successful fight against persistent corruption in Kenya must therefore involve strong transformational leadership. Transformational leadership leads to positive changes and benefits for those who follow. Through their own credibility and strength of

their vision and personality, transformational leaders are able to inspire followers to change motivations, expectations, and perceptions to work toward common goals. Such leaders generally commit to undertake change actions to achieve a set of objectives—in this instance, controlling corruption—and to sustain the costs of those actions over time. This is critically important particularly because transformational leaders, by virtue of their agenda to transform, challenge the status quo. This requires, among other things, staying the course and building cross-sectoral coalitions of support that must necessarily go beyond the general public and include public officials, the private sector, and civil society groups, for example.

Where corruption is systemic or persistent, like in Kenya, the institutional culture itself has grown sick. The norm is corruption and penetrating that culture requires building coalitions and mobilizing and coordinating a variety of actors inside and outside of government to transform the environment and sustain the change benefits that will be or have been derived. Unless the war against corruption is led by leaders at the top who embody transformation rather than the status quo, it will not be won at the middle or lower levels of the public sector or society in general. As Wamwere (2010) reminds us, the war against corruption has had a positive impact only in countries where the top leaders actually led it but that war failed in all countries where the top leaders themselves were corrupt and fought graft with empty words only.

Punishment as Deterrent

Corruption in Kenya needs to be made a high-risk activity—a high risk that the perpetrators will be caught and severely punished, irrespective of their status or standing in society. In other words, all those who are engaged in corruption activities, in both the public and private sectors, should receive the harshest available punishment and their loot tracked down and confiscated. However, it must also be pointed out here that punitive measures, including adequate capability for enforcement, only work in tandem with preventive measures that reduce opportunities for corrupt practices. Nonetheless, punishment—particularly of prominent, high-level corrupt officials—sends the right signal, throughout a nation, that the country's leadership is indeed very serious about the campaign against corruption. In fact, there should be a zero-tolerance policy toward corruption and it should be ensured that offenders do not escape legal punishment. This is the area where Kenya needs to

step up and decisively demonstrate visible results in tackling the culture of impunity that has too long been associated with corruption in the country.

To implement a policy of punishment as deterrent also requires the strict enforcement of the various punishment policies both at the administrative and judicial levels. Those involved in corruption must be dealt with severely but transparently. The courts in particular must dispense justice under the rule of law to the fullest extent possible. Those found guilty of corruption, especially grand corruption, must face an appropriate level of punishment to emphasize society's disapproval and abhorrence of their actions and to clearly demonstrate that there is no room for corruption in the country. But, as a first order, investigations and prosecutions of those accused of corruption must be allowed to proceed without interference or undue influence from any quarter, including the legislative branch and the highest levels of the executive branch. In that regard, some critics of the then KACC had considered it as a toothless watchdog institution for lacking prosecutorial powers (Thiankolu 2006; TI-Kenya 2009). However, from this author's perspective, the then KACC's lack of prosecutorial powers was not the issue. It is not which institution is vested with such prosecutorial powers but rather whether the institution with such powers has the necessary capacity, freedom, and independence to use those powers in pursuit of justice, the rule of law, and the good governance agenda generally.

In other words, what is required is non-interference in the investigations, the recommended prosecutions, and the actual prosecutions of those accused of corruption by the EACC which, as previously noted, replaced the KACC as a requirement of the 2010 constitution and was established through an Act of Parliament signed into force by the President in August 2011. As pointed out by AfriMAP (2015: 23), 'the EACC has consistently been the target of major destabilization, or threat of destabilization, since its inception'. And, in fact, 'it is strange that most instances of destabilization, or threatened destabilization, seem to coincide with periods when the institution seems to be making progress on politically sensitive cases' (AfriMAP 2015: 23; see also Okoth 2014). Indeed, between 2010 and 2016 the EACC and its predecessor institution have had three chairpersons, all of whom were seemingly forced out by the politicians (prior to the end of their contracts or constitutional terms) as they attempted to investigate and prosecute the latter's colleagues and other 'Big Fish'.

Reform Strategies

The reform strategies being recommended here are intended to enhance ethical behavior and improve public accountability. These are strategies to be designed to influence behavior modification and resurrect public confidence in public institutions and officials. Institutions matter for achieving and sustaining good governance. Their integrity, legitimacy, and functioning suffer where corrupt practices occur. The country's institutions therefore need to be permanently on the guard against corruption. More importantly, institutions are also the means through which anti-corruption—as any other—policies have to be implemented (Husmann et al. 2009). Institutional strengthening in support of anti-corruption efforts is taken here to mean the improvement of the effectiveness of existing structures, processes, and systems for goods and services delivery in a fair and rent-seeking-free manner. It is the enhancement of governance capacities which may entail reorganization as well as the improvement of the professionalism of the personnel. Before going any further, though, it must be acknowledged here that it is quite easy and simplistic to advocate for institutional strengthening and other reforms, whether in support of anti-corruption efforts or otherwise, by stating the obvious. However, what follows below is a discussion of the specific areas and mechanisms, which, in the author's view, are required as reform strategies for more effective control of corruption in Kenya.

The first of these is related to the police. The post–December 2007 election crisis and violence drove home the point that police reform was necessary and urgent. The police themselves had acknowledged that and various human rights groups and development partners had urged it (World Bank 2009a). In fact, ‘the police believe that low morale, lack of professionalism, inadequate resources, political interference, and corruption have all contributed to the weakness of their organization’ (World Bank 2009a: 16). International lessons have demonstrated that police reforms are an integral part of the democratization and governance process. Changing the Kenya police culture, particularly as it relates to bribery, is the key to effective reforms. When those sworn to uphold the law engage in corruption themselves, it saps citizen confidence in public institutions and contributes to cynicism toward the notion of democracy itself. Like any type of persistent corruption, police corruption is generally a function of larger systemic problems caused by the lack of overall transparency, the absence of checks and balances, weak rule of law, and fragile institutions (Neild 2007). Police corruption in Kenya has compromised

police service delivery and has saddled the institution with a very bad reputation for bribery (Hope 2016). The goal of the reform efforts here must therefore not only be an honest police service but to uphold the tenets of democratic policing (Hope 2015a). The basic tenets of democratic policing require the police to, among other things, uphold the law; be accountable to democratic oversight institutions and the communities they serve; be transparent in their activities; give the highest operational priority to protecting the safety and rights of individuals; and to seek to build professional skills and conditions of service that support efficient and respectful service delivery to the public (Stone and Ward 2000; Neild 2007).

One of the key tools required for police reforms in Kenya and to aid in tackling the police bribery problem is to regularly review and improve salaries and benefits. Pay increases should focus, in particular, on the worst paid lower ranks, and try to reduce undue wage differentials between senior and junior police officers. This need for better paid police officers in Kenya has been recognized by the government of Kenya and still needs to be given more attention by those currently charged with implementing police reforms in the country. Consequently, police salaries in Kenya still need to be appropriately set, especially at lower ranks, to take into consideration the public policy imperative to render the police less prone or less amenable to demanding and/or accepting bribes as a standard practice as it is now. Perhaps the Salaries and Remuneration Commission (established as per the 2010 constitution), whose membership also includes a member of the National Police Service Commission, will fulfill this objective. Moreover, the police reforms also envisaged in the 2010 constitution require the creation and development of a more professionally oriented and disciplined police 'service', as opposed to a police 'force', not only as part of governance reforms but in the broader context of contributing to the outcomes of the country's Vision 2030 strategy.

Police reforms are about change and policing is part of governance at every level. Therefore, the promotion of police reforms must be duly regarded as an element of good governance interventions. The police are accountable for producing public safety and for behaving respectfully and within the law. In Kenya, police corruption, especially the bribery aspect, creates a double demand on police by requiring that police adhere to higher standards of conduct while also providing higher standards of service. Addressing police corruption in the country is essential to maintaining public order and the rule of law, to support the legitimacy of the state, and to maintain or restore public trust in democratic processes and

institutions. Police reforms were also a key component of the GJLOS program—where the police were recognized as a pivotal state institution as well as a key player in the governance and justice system. The foregoing are some of the key issues the current Police Reforms Steering Committee (PRSC) must keep in mind as it proceeds with the reforms of the Kenya National Police Service. The PRSC is mandated to provide a framework for coordinating the ongoing reforms in the NPS and to ensure sustainability of the reforms agenda (MICNG 2015). It was established in 2013 by the Ministry of Interior and Coordination of National Government and replaced the Police Reforms Implementation Committee that functioned from 2010 to 2012 (MICNG 2015).

Another reform strategy pertains to the entire public service. Currently, the Kenya public service is subjected to performance contracts. These performance contracts were piloted in 2004 and rolled out and expanded thereafter such that by 2006 almost the entire Kenyan public service, on the executive side, was participating in performance contracts. It is recommended that performance contracting in Kenya be expanded and refocused. The expansion should be to include all public institutions in all branches and levels of government. The refocusing should occur to use performance contracts—being a tool of performance management—as an anti-corruption measure for strengthening governance (Hope 2012b, 2013).

Although performance contracts have been in use in the Kenya public sector for more than ten years now, it was only in 2010 that a stand-alone corruption eradication target indicator was added with a weight of only 5% which seems quite out of proportion with the magnitude and persistence of corruption in the Kenya public sector and its negative impact on the country's governance performance. The weight of the corruption eradication target indicator therefore needs to be substantially increased, although there were recommendations made by a Panel of Experts to reduce the weight instead of increasing it (Republic of Kenya 2010a). In recent years, the performance contracting guidelines have included a combined corruption eradication/governance indicator with corruption eradication now reduced to a weight of 4% and governance a weight of 1%. To achieve the corruption eradication target, public entities, through their performance contracted staff, are expected to: (1) undertake corruption risk assessments; (2) develop corruption risk mitigation plans; (3) implement the recommendations in the risk assessment reports; (4) strengthen anti-corruption committees; (5) build capacity for anti-corruption;

(6) develop internal mechanisms that encourage and protect whistleblowing; and (7) submit quarterly reports to the EACC (Republic of Kenya 2015b). For the governance target, the expectation is that there be a signing and compliance with a government code on governance known as the Mwongozo Code of Governance (Republic of Kenya 2015b).

Using performance contracts as an anti-corruption measure can lead to improved governance in Kenya (Hope 2012b, 2013). To the extent it is a measurable indicator of public sector performance, the corruption eradication target indicator can strengthen governance. Performance contracts are tools of performance management that are intended to commit public officials to, and hold them accountable for, specified results, and one of those results in Kenya relates to what each public sector institution is doing to eradicate the corruption within it that stems from the rent-seeking and unethical behavior of its staff. Public sector institutions exist to translate the priorities and directions of the government into tangible benefits and results for Kenyans (Odinga 2010). Those benefits and results include the creation of corruption-free public institutions and, in turn, society. Well-functioning institutions, led by individuals with high integrity, are fundamental for people's trust in government, for an end to corruption and impunity, and also for good governance.

Applying the 2010 Constitution

On 4 August 2010, Kenyans voted overwhelmingly (by a more than two-thirds majority) in a referendum for a new constitution and thereby ushering in the Second Republic. The 2010 constitution contains stronger accountability and transparency safeguards and can serve as the gateway for much needed institutional reforms aimed at curbing corruption in the public sector and it should be used to such full effect. Indeed, the new 2010 constitution offers many opportunities for a significant number of general governance reforms, including in the anti-corruption area, to be facilitated and fast-tracked. In fact, the 2010 constitution holds enormous appeal and potential for controlling corruption and generally improving governance (Hope 2011, 2015b). For example, it provides the where-withal for the emergence of a clean judiciary, a more independent Director of Public Prosecutions separated from the Office of the Attorney General, and an improved police service that can assist in the fight against corruption. Judicial authority, judicial independence, judicial offices, and the cadre and appointment of judicial officers are all clearly spelled out and

provide hope for the exercise of judicial temperament consistent with the constitution and laws of the land rather than through political influence.

Similarly, the removal of the Director of Public Prosecutions from the Attorney General's office and the fact that the former 'shall have power to direct the Inspector-General of the National Police Service to investigate any information or allegation of criminal conduct and the Inspector-General shall comply with any such direction', and also 'shall not require the consent of any person or authority for the commencement of criminal proceedings and in the exercise of his or her powers or functions, shall not be under the direction or control of any person or authority' (Republic of Kenya 2010b: Chap. 9, Art. 157), augurs well for the strengthening of the fight against corruption. This independence in prosecutorial authority, more so than where such authority resides, is the most significant factor in the decision-making that influences who gets prosecuted and when. Furthermore, the National Police Service, with its framed functions and command structure, as delineated in the constitution, should result in a greater willingness for the police to robustly engage in investigating high crimes and misdemeanors no matter the stature of the accused.

In addition, the 2010 constitution contains key elements related to devolved government and local governance which can have a major impact on the reduction of corruption. Devolved governments tend to improve governance at the local level with positive externalities for national governance. Decentralization/devolution is therefore an unambiguously desirable phenomenon. With respect to controlling corruption, there is a growing body of literature that demonstrates that decentralization/devolution has a deterrent effect on corruption. This link has been shown through the path of the closer proximity of devolved governments to the citizenry which increases transparency in the use of local resources and strengthens downward accountability mechanisms, resulting in a decrease in corrupt practices (Hope 2014). Indeed, there is now good empirical evidence that fiscal decentralization is correlated with lower levels of corruption (Devas 2005). Given all of the evidence and indices that show the epidemic spread of corruption in Kenya and its negative impact on governance, as shown above, then controlling corruption has to be a welcome and significantly important potential benefit of the country's efforts to decentralize through devolution.

While decentralization/devolution is used for a variety reasons, especially democratization and improving governance, its emphasis on accountability by bringing participation and decision-making closer to

the people provides one of the strongest arguments for anti-corruption efforts (Joaquin 2004). Decentralization has the effect of reducing central government discretion (derived from the centralization of power) that creates much of the opportunities for corruption. In fact, there is very much a clear relationship between corruption and discretion as well as between corruption and a country's level of centralization as currently exists in Kenya. Politicians and senior bureaucrats, particularly, are able to make use of the bureaucracy/government in illicit ways (Joaquin 2004). However, this does not suggest that officials at the local levels cannot be corrupted. Rather, decentralization/devolution provides a much more manageable, transparent, and accountable arena to prevent corruption from erupting or to control it if it does. Empowering local governments reduces the frequency of bribery as well as the amount of bribes paid to officials, for example (Ivanyna and Shah 2010).

Decentralization/devolution can therefore be regarded as an important element of combating corruption in countering the lack of transparency and accountability in government. Moreover, as corruption levels can vary depending on the presence and functioning of democratic institutions, adopting decentralization to institutionalize local democracy offers a tool to fight corruption and thereby disrupt Kenya's current trend as a predatory state. Decentralization/devolution therefore has the potential to be a very powerful tool with a significant positive good governance effect on corruption (Joaquin 2004). This point of view has also been confirmed in a post-2010 constitution referendum poll which found that 60% of Kenyans believe that devolution, including of state resources, will help reduce corruption, while 46% indicated that said devolution will reduce corruption by giving locals more say in resource allocation and utilization (TI-Kenya 2010b).

One other laudable element of the 2010 constitution that can aid in the fight against corruption is that it specifies that the chief executives of government ministries, designated as Cabinet Secretaries, will be appointed from outside parliament and have to be nominated by the President and then confirmed by the National Assembly. MPs that are called upon to take up a Cabinet Secretary appointment will have to resign as legislators. This requirement to appoint Cabinet Secretaries from outside of Parliament does not only ensure separation of powers but allows for the installation of primarily technocrats, as opposed to politicians, as the chief executives of government ministries. This ushers in a new era of techno-

cratic administration that should be less likely to be beholden to special interests and can therefore be much more ethical and clean.

Moreover, the 2010 constitution sets out a framework of leadership and integrity as it pertains to officers of the state including clauses on their conduct, financial probity, and restrictions on their activities. It also mandated Parliament to enact the legislation that established the Ethics and Anti-Corruption Commission with the responsibility for ensuring compliance with, and enforcement of, the provisions of its (the constitution's) chapter on 'Leadership and Integrity'. Furthermore, the 2010 constitution sets out values and principles of public service that include, among other things, (1) high standards of professional ethics; (2) efficient, effective, and economic use of resources; (3) responsive, prompt, effective, impartial, and equitable provision of services; (4) accountability for administrative acts; and (5) transparency and provision to the public of timely, accurate information.

In fact, we have already begun to see the impact of the 2010 constitution in terms of its standards with respect to leadership and integrity which demands that public officials charged with corruption must vacate their appointments. In October 2010, for example, in the space of 10 days, two Ministers, a Permanent Secretary, and the Mayor of Nairobi were all forced to leave office upon facing serious allegations of fraud and corruption. More recently, several officials, including Cabinet Secretaries, were forced out over corruption charges. Prior to the promulgation of the 2010 constitution there was no real legal instrument to force such individuals from office. These departures can only be described as exceptional events given the past environment of impunity, and this absolutely augurs well going forward in the fight against corruption in the country.

Undoubtedly, for both Kenyans and the international community, there is much riding on the 2010 constitution. The lessons of the 2007 post-election crisis and subsequent violence suggest that a new order governed by a supreme national framework of, among other things, rights, fundamental freedoms, democratic participation, devolved government, and implementation and enforcement authority will go a long way toward eliminating high-level corruption and public financial mismanagement, for instance (Hope 2012a). Indeed, this is the view of most Kenyans. In a poll conducted by TI-Kenya (2010b), 97% of the responding Kenyans reaffirmed that corruption is still a key problem in the country but 75% of them also expressed optimism that the 2010 constitution will effectively support anti-corruption efforts.

CONCLUSION

Various assessments continue to rank Kenya as one of the most corrupt countries in the world, and Kenyans themselves cite corruption as an issue of major concern for them (World Bank 2009b; EACC 2015). Recently, Kenya's President also echoed his concern when he said:

Fellow Kenyans, the important question we need to ask ourselves today is: Why should we be worried about corruption? I say we should be concerned about this malpractice because it is harmful to the economy and it undermines the ability of a nation to achieve the goals of its national development agenda, notably poverty reduction and job creation. There is overwhelming empirical evidence showing that corruption undermines development. It distorts resource allocation, diverting them to the personal gain of a few individuals and thus leading to a skewed distribution of income and wealth. Corruption raises the cost of doing business; thus discouraging investment, by both local and foreign investors. With subdued investment, economic growth, job creation and poverty reduction are rendered impossible. Fellow Kenyans, corruption is to the economy and the nation at large what cancer is to the human body. It disgraces and debases a nation. Therefore, corruption must go. (Kenyatta 2014: 1)

Even more recently, the President, in a November 2015 Statement on a National Call to Action Against Corruption, said:

The only way we will make it to Vision 2030 and Beyond as a prosperous, secure and dignified Kenya is for us to relentlessly fight the evils that are Abuse of Office, Fraud, Bribery and Wastage. We will win this fight. Not least because Kenyans for the first time in decades have strong tools to demand accountability. The Constitution we passed has provided for ample provisions which when implemented, not only in letter but in spirit, hold public officials, and indeed all Kenyans, to account. We will make it expensive for anyone stealing from Kenyans and denying them education, health, security, infrastructure, water and other services that they work so hard to receive from their government. I call on every Kenyan to be the eyes, ears, and voice of this redoubled national effort. My office will spearhead these actions and hold everyone I have mentioned today responsible to deliver. (Kenyatta 2015: 4-5)

Corruption has therefore become recognized as embedded in the political economy of Kenya, and this chapter has also demonstrated that cor-

ruption in Kenya is a major governance problem with deleterious effects on development. The country has come to be regarded as a flourishing swamp of corruption where, as Burbidge (2015: 79) declared, ‘a situation of widespread expectations of widespread corruption encourages the mentality, “if you cannot beat them join them”’. This has damaged the country’s development outcomes and poverty alleviation by limiting economic growth, reducing social cohesion, skewing both public and private investments, contributing to political violence and insecurity, and weakening the rule of law. The Kenya case is a perfect example of the description offered by former United Nations Secretary-General Kofi Annan (2003: 1), when he said, ‘Corruption hurts the poor disproportionately by diverting funds intended for development, undermining a government’s ability to provide basic services, feeding inequality and injustice, and discouraging foreign investment and aid’. Wamwere (2010: 1) has also put it much more bluntly, even dramatically, in contextualizing Kenya’s corruption consequences as follows:

In case you don’t know, it is because corrupt people steal from us that we are poor, live in slums, our industries are dead, our youths are unemployed, our agriculture is profitless and dying, our roads are a torture, IDPs [internally displaced persons] are languishing in camps, millions are landless and hungry, and our hospitals are frightening death camps.

Corruption is persistent in Kenya primarily because institutions such as the legislature, the judiciary, and many executive entities have been both weakened and/or become major perpetrators of corruption themselves as well as conduits through which corrupt activities flow. In addition, the rule of law and adherence to formal rules are not rigorously observed, patronage has become standard practice, the independence and professionalism of the public sector has been eroded, and the average Kenyan has come to see corruption as an inevitable facet of life. Moreover, the culture of impunity encouraged, or led to, co-optation of others to participate. As noted by Kiai (2010: 214), this is the main reason why Cabinet and high-level public service positions have been in such demand as ‘endemic, chronic corruption uses public office as a vehicle to loot coffers with little risk of being held accountable’. Consequently, again according to Kiai (2010: 214):

Despite the many official perks that come with these [cabinet and high-level public service] offices, the money one can make from corruption is far

greater. It is no accident that the wealthiest Kenyans today have been or still are in some form of ‘public service’, whether as politicians, civil servants, or officials of public companies.

Apart from its negative consequences on various governance indicators, corruption in Kenya has also induced cynicism as people now regard it as the norm. It has undermined social values because many people now find it easier and even more lucrative to engage in corrupt activities than to seek legitimate public service delivery. It has eroded governmental legitimacy by hampering the effective delivery of public goods and services. It has limited economic growth by reducing the amount of public resources available from both domestic and donor sources, by discouraging private investment, and by impeding the efficient use of government revenue and development assistance funds. So-called ‘eating’ reduces the resources available to finance public services which, in turn, directly disadvantages the poor. ‘Eating’ is a practice of acquiring ignoble wealth by dishonest means which must be halted. Even former President Daniel arap Moi—who, as discussed above, spent 24 years in office aiding and abetting his relatives and cronies to massively steal from the public purse—has now warned, and amusingly so, that corruption is worse than ever in the country (Starkey 2016).

In addition, as the Chiefs of Mission (2014), Wrong (2014), and Wagner (2014) alluded to, there is also a causal connection between grand corruption in Kenya and the continued security threat the country faces. This will require a focused fight since the depths of corruption in Kenyan society permit terrorism to potentially threaten the very fabric of the nation. As averred by the Chiefs of Mission (2014: 1), ‘there is no room for corruption in the fight against terrorism. Corruption jeopardizes lives, plain and simple’. This point of view was further reinforced by US Ambassador Robert F. Godec (2016: 1) who, in a report on the implementation of the *Kenya-U.S. Joint Commitment on Good Governance and Anti-Corruption Activities in Kenya* which was agreed to between President Barack Obama and the Kenyan President Uhuru Kenyatta during the former’s visit to Kenya in July 2015, said that ‘the specter of corruption is haunting Kenya. It undermines the country’s security, prosperity, and even its democracy. It threatens Kenya’s very future’.

In May 2016, the then Prime Minister of the UK, David Cameron, organized, convened, and hosted a landmark Anti-Corruption Summit in London which brought together world leaders, business, and civil society

with the expressed purpose to agree on a package of practical steps in three areas: (1) to expose corruption so there is nowhere to hide; (2) to punish the perpetrators and support those affected by corruption; and (3) to drive out the culture of corruption wherever it exists. Kenya participated in this summit (represented by its Attorney General, Githu Muigai) and contributed a country statement that set out the concrete actions the government will take in order to tackle corruption. Those actions were placed in the three areas covered by the summit and include, among other things: (i) committing to deploying public–private information sharing partnerships to bring together governments, law enforcement, regulators, and the financial sector to detect, prevent, and disrupt money laundering linked to corruption; (ii) enhancing mechanisms for implementation of Open Governance initiatives; (iii) committing to strengthening asset recovery legislation and to strengthening capacities to undertake civil assets recovery; (iv) supporting the development of internationally endorsed guidelines for the transparent and accountable management of returned stolen assets; (v) committing to participate in an Innovation Hub that will facilitate the uptake of new approaches and technologies to tackle corruption; (vi) working with other stakeholders to support accelerated implementation of the voluntary provisions of the UN Convention Against Corruption; and (vii) committing to the creation of international networks among the various professionals in the public and private sectors including twinning arrangements, practitioner exchanges, and peer to peer learning (Republic of Kenya 2016). We will be able to assess in the near future if these actions were indeed implemented and their impact.

REFERENCES

- AfriMAP (Africa Governance Monitoring and Advocacy Project). (2015). *Effectiveness of anti-corruption agencies in East Africa: Kenya, Tanzania and Uganda*. Johannesburg, South Africa: Open Society Foundations. <http://eaaaca.org/wpcontent/uploads/2015/12/AfriMAP-East-Africa-Anti-Corruption-Agencies-text-25Nov1245-WEB.pdf>. Accessed 12 Apr 2016.
- Akech, M. (2011). Abuse of power and corruption in Kenya: Will the new constitution enhance government accountability. *Indiana Journal of Global Legal Studies*, 18(1), 341–394.
- Anassi, P. (2004). *Corruption in Africa: The Kenyan experience*. Victoria: Trafford Publishing.
- Andrews, M., Mc Connell, J., & Westcott, A. (2010). *Development as leadership-Led change: A report for the global leadership initiative*. Washington, DC: World Bank.

- Andvig, J. C., & Barasa, T. (2011). Cops and crime in Kenya: A research report. Norwegian Institute of International Affairs (NUPI) Working Paper 794. Oslo: NUPI.
- Annan, K. (2003). Statement on the Adoption by the General Assembly of the United Nations convention against corruption. http://www.un.org/webcast/merida/pdfs/0389343_Update_press.pdf. Accessed 12 May 2010.
- APRM (African Peer Review Mechanism) Secretariat. (2006). *Country review report of the republic of Kenya*. Midrand: APRM Secretariat.
- AU (African Union). (2016). List of countries which have signed, ratified/acceded to the African union convention on preventing and combating corruption. https://www.au.int/en/sites/default/files/treaties/7786-slafrican_union_convention_on_preventing_and_combating_corruption_21.pdf. Accessed 12 May 2016.
- Bach, D. C. (2011). Patrimonialism and neopatrimonialism: Comparative trajectories and readings. *Commonwealth & Comparative Politics*, 49(3), 275–294.
- Baker, R., Clough, C., Kar, D., LeBlanc, B., & Simmons, J. (2014). *Hiding in plain sight: Trade misinvoicing and the impact of revenue loss in Ghana, Kenya, Mozambique, Tanzania, and Uganda: 2002–2011*. Washington, DC: Global Financial Integrity.
- Boswell, A. (2010). Kenya corruption scandal triggers halt to US education funds. <http://www1.voanews.com/english/news/africa/Kenya-Corruption-Scandal-Triggers-Halt-to-US-Education-Funds-82802517.html>. Accessed 24 June 2010.
- British High Commission Nairobi. (2009). *Towards a better future: Working with Kenya against corruption*. Nairobi: British High Commission Nairobi.
- British High Commission Nairobi. (2010). UK switches education funding away from government. <http://ukinkkenya.fco.gov.uk/en/news/?view=News&id=21894965>. Accessed 17 June 2010.
- Burbidge, D. (2015). *The shadow of Kenyan democracy: Widespread expectations of widespread corruption*. Farnham: Ashgate Publishing.
- Chebet, C. (2010, June 14). Corrupt ways of government officials. *The Standard*, p. 13.
- Chiefs of Mission in Kenya. (2014). Corruption undermines Kenya's efforts to fight terrorism. <http://www.standardmedia.co.ke/?articleID=2000109288>. Accessed 14 Apr 2014. The original title given to this piece by the Mission Chiefs is 'Graft is Kenya's Achilles' heel'.
- CHRI (Commonwealth Human Rights Initiative), & KHRC (Kenya Human Rights Commission). (2006). *The police, the people, the politics: Police accountability in Kenya*. London/Nairobi: CHRI/KHRC.
- Clinton, H. (2009). Remarks at the 8th Forum of the African Growth and Opportunity Act. <http://www.state.gov/secretary/rm/2009a/08/126902.htm>. Accessed 14 June 2010.
- de Feranti, D., Jacinto, J., Ody, A., & Ramshaw, G. (2009). *How to improve governance: A framework for analysis and action*. Washington, DC: Brookings institution Press.

- Devas, N. (2005, June). The challenges of decentralization. Paper presented at the Global Forum on Fighting Corruption, Brasilia. <http://www.cgu.gov.br/ivforumglobal/pdf/nickdevas-2.pdf>. Accessed 4 May 2010.
- DFID (Department for International Development). (2013). DFID's anti-corruption strategy for Kenya. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136636/anti-corruption-strategy-ke.pdf.pdf. Accessed 27 June 2013.
- EEAACA (East African Association of Anti-Corruption Authorities). (n.d.-a). About us. http://eaaaca.org/?page_id=79. Accessed 18 July 2010.
- EEAACA (East African Association of Anti-Corruption Authorities). (n.d.-b). Objectives. http://eaaaca.org/?page_id=92. Accessed 18 July 2010.
- EABC (East Africa Business Council). (2010). *Business leader perceptions of the investment climate in East Africa*. Arusha: EABC.
- EACC (Ethics and Anti-Corruption Commission). (2013). *National survey on corruption and ethics, 2012: Report*. Nairobi: EACC.
- EACC (Ethics and Anti-Corruption Commission). (2014). *A study on corruption and ethics in the judicial sector*. Nairobi: EACC.
- EACC (Ethics and Anti-Corruption Commission). (2015). *National ethics and corruption survey, 2015 report*. Nairobi: EACC.
- Enterprise Surveys. (2013). *Kenya: Country profile 2013*. <https://www.enterprise-surveys.org/~media/GIAWB/EnterpriseSurveys/Documents/Profiles/English/Kenya-2013.pdf>. Accessed 24 Mar 2016.
- ESAAMLG (Eastern and Southern Africa Anti-Money Laundering Group). (2008). Memorandum of understanding of the Eastern and Southern Africa anti-money laundering group (Amended August). http://www.esaamlg.org/documents_storage/2009-3-3-8-3123_esaamlg_mou_as_amended_by_council_of_ministers_mombasa_kenya_august_2008.pdf. Accessed 5 July 2010.
- Fraser-Moleketi, G. (2007). Towards a common understanding of corruption in Africa. *International Journal of African Renaissance Studies*, 2(2), 239–249.
- Gettleman, J. (2015, November 4). An anticorruption plea in Kenya: "Please, just steal a little". *The New York Times*. <http://www.nytimes.com/2015/11/05/world/africa/kenya-government-corruption.html>. Accessed 7 Apr 2016.
- Ghani, A., & Lockhart, C. (2008). *Fixing failed states: A framework for rebuilding a fractured world*. New York: Oxford University Press.
- Githongo, J. (2010). Fear and loathing in Nairobi: The challenge of reconciliation in Kenya. *Foreign Affairs*, 89(4), 2–9.
- Githongo, J. (2015, August 6). Kenya's Rampant corruption is eating away at the very fabric of democracy. *The Guardian*. <https://www.theguardian.com/global-development/2015/aug/06/kenya-barack-obama-visit-anti-corruption-plan-democracy>. Accessed 20 Feb 2016.
- Githongo, J. (2016, March 26). How Kenya can break its cycle of corruption. *Newsweek*. <http://www.newsweek.com/kenya-stuck-corruption-rut-439905>. Accessed 6 June 2016.

- Global Integrity. (2009). Global integrity scorecard: Kenya 2009. <http://report.globalintegrity.org/reportPDFS/2009/Kenya.pdf>. Accessed 17 June 2010.
- Godec, R. F. (2016, April 20). Answering an urgent call on corruption. *The Star*. http://www.the-star.co.ke/news/2016/04/20/answering-an-urgent-call-on-corruption_c1334513?page=0%2C0. Accessed 21 Apr 2016.
- Hassan, S. (2004). Corruption and the development challenge. *Journal of Development Policy and Practice*, 1(1), 25–41.
- Hope, K. R. (1999). Corruption in Africa: A crisis in ethical leadership. *Public Integrity*, 1(3), 289–308.
- Hope, K. R. (2000). Corruption and development in Africa. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 17–39). Houndmills, Basingstoke: Palgrave Macmillan.
- Hope, K. R. (2002). From crisis to renewal: Towards a successful implementation of the new partnership for Africa's development. *African Affairs*, 101(404), 387–402.
- Hope, K. R. (2005). Toward good governance and sustainable development: The African peer review mechanism. *Governance: An International Journal of Policy, Administration, and Institutions*, 18(2), 283–311.
- Hope, K. R. (2008). *Poverty, livelihoods, and governance in Africa: Fulfilling the development promise*. New York: Palgrave Macmillan.
- Hope, K. R. (2011, June 17). Corruption and impunity can only be defeated by the new constitution. *Daily Nation*, p. 13.
- Hope, K. R. (2012a). *The political economy of development in Kenya*. New York: Bloomsbury Publishing.
- Hope, K. R. (2012b). Performance contracting as a performance management tool for good governance: The Kenya case. *PUBLIC*, 26(June), 1–4.
- Hope, K. R. (2013). Performance contracting as a performance management tool in the public sector in Kenya: Lessons of learning. *Teaching Public Administration*, 31(2), 204–217.
- Hope, K. R. (2014). Devolved government and local governance in Kenya: Implementing decentralization underpinned by the 2010 constitution. *African and Asian Studies*, 13(3), 338–358.
- Hope, K. R. (2015a). In pursuit of democratic policing: An analytical review and assessment of police reforms in Kenya. *International Journal of Police Science & Management*, 17(2), 91–97.
- Hope, K. R. (2015b). Bringing in the future in Kenya: Beyond the 2010 Constitution. *Insight on Africa*, 7(2), 91–107.
- Hope, K. R. (2016). Kenya: Police corruption and reforms to control it. In K. R. Hope (Ed.), *Police corruption and police reforms in developing societies* (pp. 85–107). Boca Raton: CRC Press/Taylor and Francis.
- Hope, K. R., & Chikulo, B. C. (2000). Introduction. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 1–13). Houndmills, Basingstoke: Palgrave Macmillan.

- Hussmann, K., Hechler, H., & Peñailillo, M. (2009). Institutional arrangements for corruption prevention: Considerations for the implementation of the United Nations convention against corruption Article 6, *U4 Issue 2009: 4*. Bergen: U4 Anti-Corruption Resource Centre.
- Iarossi, G. (2009). *An assessment of the investment climate in Kenya*. Washington, DC: World Bank.
- IMLU (Independent Medico-Legal Unit). (2014). *Guns: Our security, our dilemma!: Enhancing accountability for police use of firearms*. Nairobi: IMLU.
- IPOA (Independent Policing Oversight Authority). (2013). *Baseline survey on policing standards and gaps in Kenya*. Nairobi: IPOA.
- IPOA (Independent Policing Oversight Authority). (2014a). *Monitoring report on operation sanitization Eastleigh: Publicly known as 'Usalama Watch'*. Nairobi: IPOA.
- IPOA (Independent Policing Oversight Authority). (2014b, August 5). The Independent Policing Oversight Authority (IPOA) files a case to nullify the just concluded police recruitment exercise. *Press Release*, Nairobi.
- IPOA (Independent Policing Oversight Authority). (2014c). Police recruitment: A national shame and a Sham. <http://www.ipoa.go.ke/images/press/POLICE%20RECRUITMENT%20JULY%202014.pdf>. Accessed 10 Sept 2014.
- IPOA (Independent Policing Oversight Authority). (2015). *IPOA monitoring report on the recruitment of police constables: April 2015*. Nairobi: IPOA.
- Ivanyina, M., & Shah, A. (2010). Decentralization (localization) and corruption: New cross-country evidence. *Policy research working paper 5299*. Washington, DC: World Bank Institute.
- Joaquin, E. T. (2004). Decentralization and corruption: The bumpy road to public sector integrity in developing countries. *Public Integrity*, 6(3), 207–219.
- Kamau, M. (2009, December 4). MPs corrupt at expense of Kenyans, says Karua. *East African Standard*. <http://www.marsgroupkenya.org/multimedia/?StoryID=274443>. Accessed 21 June 2010.
- Kar, D., & Cartwright-Smith, D. (2010). *Illicit financial flows from Africa: Hidden resource for development*. Washington, DC: Global Financial Integrity.
- Kaufmann, D. (1997). Corruption: The facts. *Foreign Policy*, 107, 114–131.
- Kaufmann, D. (2004). Corruption matters: Evidence-based challenge to orthodoxy. *Journal of Development Policy and Practice*, 1(1), 1–24.
- Kaufmann, D. (2006). Human rights, governance and development: An empirical perspective. *Development Outreach*, 8, 15–20.
- Kaufmann, D., Kraay, A., & Mastruzzi, M. (2009). *Governance matters VIII: Aggregate and individual governance indicators 1996–2008*. Policy Research Working Paper 4979. Washington, DC: World Bank.
- Kavaludi, J. (2015, October 15). Speech by the Chairman of the National Police Service Commission, Johnston Kavuludi, During the Release of the Results of

- SSPS, SPS, ASPs and IAU Officers, Sky Park Plaza, Westlands. <http://www.npsc.go.ke/index.php/latest-news/202-speech-by-the-chairman-of-the-national-police-service-commission-johnston-kavuludi-during-the-release-of-the-results-of-ssps-sps-asps-and-iau-officers-on-thursday-9th-october-2015-at-sky-park-plaza-westlands>. Accessed 20 Jan 2016.
- Kenyatta, U. (2014, March 18). Speech by His Excellency Hon. Uhuru Kenyatta, During the Official Launch of the Ethics and Anti-Corruption Commission Strategic Plan 2013–2018, Kenyatta International Conference Centre, Nairobi. <http://www.scribd.com/doc/213069109/President-Uhuru-Kenyatta-s-Speech-During-the-Official-Launch-of-the-Ethics-and-Anti-corruption-Commission-Strategic-Plan-2013-2018>. Accessed 23 June 2014.
- Kenyatta, U. (2015, November 23). Statement by His Excellency Hon. Uhuru Kenyatta, C. G. H., President and Commander in Chief of the Defence Forces of the Republic of Kenya on a National Call to Action Against Corruption, State House, Nairobi. <http://www.president.go.ke/2015/11/23/statement-by-his-excellency-hon-uhuru-kenyatta-c-g-h-president-and-commander-in-chief-of-the-defence-forces-of-the-republic-of-kenya-on-a-national-call-to-action-against-corruption-state-house/>. Accessed 20 Jan 2016.
- Khadiagala, G. (2009). Transparency and accountability in Kenya's budget process. In D. de Ferranti, J. Jacinto, A. Ody, & G. Ramshaw (Principal Authors), *How to improve governance: A new framework for analysis and action* (pp. 127–141). Washington, DC: Brookings Institution Press.
- Kiai, M. (2010). The Crisis in Kenya. In L. Diamond & M. F. Plattner (Eds.), *Democratization in Africa: Progress and retreat* (pp. 212–218). Baltimore: Johns Hopkins University Press.
- Kinisu, P. K. B. (2015). 'Foreword' to *Corruption and ethics in devolved services: County public officers' experiences, 2015*. Nairobi: EACC.
- KNCHR (Kenya National Commission for Human Rights). (2016). *Disservice to the service: Report of the Monitoring of the 2016 Recruitment of Police Constables to the National Police Service*. Nairobi: KNCHR.
- Kubania, J. (2016, April 4). Deputy CJ Rawal among high-profile Kenyans with firms in tax havens. *Daily Nation*. <http://www.nation.co.ke/news/Rawal-among-high-profile-Kenyans-with-firms-in-tax-havens/-/1056/3144804/-/13uxlad/-/index.html>. Accessed 26 Apr 2016.
- Lindijer, K. (2016, January 11). Kenya has become a "bandit economy" says Chief Justice Willy Mutunga. *African Arguments*. <http://africanarguments.org/2016/01/11/kenya-has-become-a-bandit-economy-says-chief-justice-willy-mutunga/>. Accessed 24 Feb 2016.
- Lucheli, I., & Weru, J. (2014, November 1). High Court nullifies police recruitment. *Standard Digital*. <http://www.standardmedia.co.ke/article/2000140061/high-court-nullifies-police-recruitment>. Accessed 9 Feb 2015.

- Lumumba, P. L. O. (2011, February 24). Promoting ethics and integrity in the workplace, Public Lecture at the Kenya College of Accountancy University (KCAU), Nairobi.
- Mageka, A. (2015, October 9). Police reform in Kenya: Challenges and opportunities. *Center for Security Governance Insights*. http://www.secgovcentre.org/files/www/CSG_Insights_-_No._9_-_Annie_Mageka.pdf. Accessed 20 June 2016.
- Mars Group Kenya Media. (2004). Bribery a thriving vice in Parliament. <http://www.marsgroupkenya.org/multimedia/?StoryID=80726&p=State+House&page=382>. Accessed 21 June 2010.
- MICNG (Ministry of Interior and Coordination of National Government). (2015). *Revised police reforms program document 2015–2018: A strategy framework for implementation of reforms in the National Police Service*. Nairobi: MICNG.
- Mogeni, D. (2009, February 5). Why corruption persists in Kenya. *Daily Nation*. <http://www.nation.co.ke/oped/Opinion/-/440808/525272/-/42v0lp/-/index.html>. Accessed 12 May 2010.
- Moulid, H. (2010, March 26). European Union warns Kenyan leaders over corruption. *All Headline News*. <http://www.allheadlinenews.com/articles/7018224433?European%20Union%20Warns%20Kenyan%20Leaders%20Over%20Corruption>. Accessed 23 June 2010.
- Mueller, S. (2008). The political economy of Kenya's crisis. *Journal of Eastern African Studies*, 2(2), 185–210.
- Murage, G. (2011, March 29). Speaker says 70% projects money stolen. *The Star*. <http://www.nairobistar.com/national/national/18952-corruption-graft-linked-to-theft-of-70-state-cash>. Accessed 30 Mar 2011.
- Mutua, M. (2014, May 25). Why corruption and not terror is the country's worst enemy. *Standard on Sunday*, p. 15.
- Mwanzia, M., & Gichura, G. (2010, June 10). Report: Council has 4000 'ghost' workers'. *The Standard*, p. 18.
- NACCSC (National Anti-Corruption Campaign Steering Committee). (n.d.). NACCSC mandate. http://www.naccsc.go.ke/index2.php?option=com_content&task=view&id=1&pop=1&page=0&Itemid=1. Accessed 7 July 2010.
- NACP (National Anti-Corruption Plan) Secretariat. (n.d.). *National anti-corruption plan*. Nairobi: NACP Secretariat. <http://www.kacc.go.ke/Docs/Ntional%20Anti-%20Corruption%20Plan.pdf>. Accessed 3 July 2010.
- Neild, R. (2007). *USAID program brief: Anticorruption and police integrity: Security sector reform program*. Washington, DC: USAID.
- Ng'ulia, T. (2015, April 3). How police can redeem tainted image. *Daily Nation*. <http://www.nation.co.ke/oped/Opinion/How-police-can-redeem-tainted-image/-/440808/2675318/-/p1dg8h/-/index.html>. Accessed 30 Apr 2015.
- Ngima, T. (2016, July 12). Corruption in Kenya has become a virtue. *Standard Digital*. <http://www.standardmedia.co.ke/article/2000208291/corruption-in-kenya-has-become-a-virtue/?pageNo=1>. Accessed 18 July 2016.

- NPSC (National Police Service Commission). (2014). *Statement by The National Police Service Commission on the audit of the police constables recruitment exercise held on 14th July 2014*. Nairobi: NPSC.
- NTA (National Taxpayers Association). (2011). Launch of NTA citizens' audit of CDF and LATF funds. <http://www.nta.or.ke/events/277-nta-phase-iii-cdf-and-latf-ranking-2011>. Accessed 31 Mar 2011.
- NTFPR (National Task Force on Police Reforms). (2009). *Report of the National Task Force on Police Reforms* (The Ransley Report). Nairobi: Republic of Kenya
- Ochami, D., & Njiraini, J. (2010, December 3). Sh270b: That's what we lose to graft yearly. *The Standard*, p. 1 and 4.
- Odinga, R. (2010). "Foreword" to *Public sector transformation strategy: From reform to transformation 2010–14*. Nairobi: Public Sector Transformation Department, Office of the Prime Minister.
- Okanja, O. (2010). *Kenya at forty-five: 1963–2008: Economic performance, problems and prospects*. London: Athena Press.
- Okoth, S. H. (2014). Prosecute and punish: Curbing political and administrative corruption in Kenya. In G. M. Mudacumura & G. Morçöl (Eds.), *Challenges to democratic governance in developing countries* (pp. 211–226). Heidelberg: Springer.
- Omollo, K. (2016, June 10). 302 traffic police officers sacked for evading vetting. *Standard Digital*. <http://www.standardmedia.co.ke/article/2000204656/302-traffic-police-officers-sacked-for-evading-vetting>. Accessed 12 Sept 2016.
- Opiyo, D. (2010, June 23). Measures to dismantle corruption cartels. *Daily Nation*, p. 11.
- Orowe, L. (2004). Corruption: The role of government in the anti-corruption fight as opposed to the role of individuals and organizations. http://www.c4idea.com/presentations/Eradicating_Corruption.pdf. Accessed 4 July 2010.
- Osiro, W. (2016, February 9). Corruption in Kenya: Supreme Court judges accused of accepting millions in bribes. *The World Post*. http://www.huffingtonpost.com/washington-osiro/corruption-in-kenya-supreme-court_b_9154580.html. Accessed 7 Apr 2016.
- Otieno, G. (2005). The NARC's anti-corruption drive in Kenya: Somewhere over the rainbow? *African Security Review*, 14(4), 69–79.
- Otieno, J. (2009, December 11). UK withholds Kenya grant over corruption. *Daily Nation*. <http://www.nation.co.ke/News/-/1056/820998/-/view/printVersion/-/ulotlx/-/index.html>. Accessed 24 June 2010.
- Patrick, A. (2016, June 10). Kenya tackles corruption by getting rid of 302 police officers. *Answers Africa*. <http://answersafrica.com/kenya-rids-302-police-officers.html>. Accessed 20 Sept 2016.
- PwC (PricewaterhouseCoopers). (2016). *2016 Global economic crime survey: Kenya report*. Nairobi: Kenya. <http://www.pwc.com/ke/en/assets/pdf/gecs2016-report.pdf>. Accessed 6 June 2016.

- Ranneberger, M. (2010, January 26). Reform, partnership, and the future of Kenya, Speech to the American Chamber of Commerce, Nairobi. http://nairobi.usembassy.gov/speeches/2010-speeches/sp_20100126.html. Accessed 22 June 2010.
- Republic of Kenya. (n.d.-a). Governance, Justice, Law and Order Sector (GJLOS). http://www.justice.go.ke/index.php?option=com_content&task=view&id=35&Itemid=52. Accessed 5 July 2010.
- Republic of Kenya. (n.d.-b). Public Complaints Standing Committee (PCSC). http://www.justice.go.ke/index.php?option=com_content&task=view&id=22&Itemid=83. Accessed 7 July 2010.
- Republic of Kenya. (2003a). *The Anti-Corruption and Economic Crimes Act, 2003*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2003b). *The Public Officer Ethics Act, 2003*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2003c). *Kenya: Economic recovery strategy for wealth and employment creation 2003–2007*. Nairobi: Ministry of Planning and National Development.
- Republic of Kenya. (2004). *The Government Financial Management Act, 2004*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2005a). *Report of the Judicial Commission of Inquiry into the Goldenberg Affair*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2005b). The Public Procurement and Disposal Act, 2005, *Kenya Gazette Supplement No. 77 (Acts No. 3)*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2009a). *Quarterly economic and budgetary review: Third quarter 2008/2009*. Nairobi: Office of the Deputy Prime Minister and Ministry of Finance.
- Republic of Kenya. (2009b). *The Proceeds of Crime and Anti-Money Laundering Act No. 9 of 2009*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2009c, August 14). National Anti-Corruption Campaign Steering Committee, *The Kenya Gazette*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2010a). *Review of performance contracting in the public sector: Report by the Panel of Experts*. Nairobi: Office of the Prime Minister.
- Republic of Kenya. (2010b). *The Constitution of Kenya, 2010*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2012). *The public finance management act, 2012*. Nairobi: Republic of Kenya.
- Republic of Kenya. (2015a). *Report of the task force on the review of the legal, policy and institutional framework for fighting corruption in Kenya*, Nairobi. <http://www.attorney-general.go.ke/wp-content/uploads/2016/03/Republic-of-Kenya-Report-of-the-Task-Force-on-the-Review-of-the-Legal-Policy-and-Institutional-Framework-for-Fighting-Corruption-in-Kenya-2015.pdf>. Accessed 12 May 2016.
- Republic of Kenya. (2015b). *Performance contracting guidelines for the FY 2015/16*. Nairobi: Ministry of Devolution and Planning, The Presidency.

- Republic of Kenya. (2016). Kenya country statement at the London Anti-Corruption Summit. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522719/Kenya.pdf. Accessed 12 May 2016.
- Reuters. (2016, March 10). Sh608 billion of Kenya budget lost to corruption every year – EACC chairman Kinisu. *The Star*. http://www.the-star.co.ke/news/2016/03/10/sh608-billion-of-kenya-budget-lost-to-corruption-every-year-eacc_c1310903. Accessed 7 Apr 2016.
- Rose, R., & Peiffer, C. (2015). *Paying bribes for public services: A global guide to grass-roots corruption*. Houndmills, Basingstoke: Palgrave Macmillan.
- Rugene, N. (2009, May 16). Bribery in Kenya's Parliament. *Daily Nation*. <http://www.nation.co.ke/News/-/1056/599016/-/u6adu9/-/index.html>. Accessed 12 May 2010.
- Shiundu, A. (2010, January 26). US suspends Kenya education cash. *Daily Nation*. <http://www.nation.co.ke/News/-/1056/849984/-/vpg3t6/-/index.html>. Accessed 24 June 2010.
- Sichei, M. M. (2010). Impact of corruption on the national economy. In J. Kivuva & M. Odhiambo (Eds.), *Integrity in Kenya's public service: Illustrations from the Goldenberg and Anglo-Leasing scandals* (pp. 123–151). Nairobi: CLARION (Center for Law and Research International).
- Starkey, J. (2016, March 8). Moi: Kenya corruption is out of control. *The Times*. <http://www.thetimes.co.uk/tto/news/world/africa/article4707526.ece>. Accessed 2 May 2016.
- Stone, C., & Ward, H. (2000). Democratic policing: A framework for action. *Policing and Society*, 10(1), 11–45.
- Teyie, A., & Menya, W. (2014, August 17). GSU officers accuse seniors of harassment and corruption. *Sunday Nation*, p. 28.
- The Business Advocacy Fund. (2008). *Business leader perceptions of the investment climate in Kenya*. Nairobi: The Business Advocacy Fund.
- Thiankolu, M. (2006). The Anti-Corruption and Economic Crimes Act, 2003: Has Kenya discharged her obligations to her peoples and the world? http://www.kenyalaw.org/Downloads_Other/Muthomi%20Thiankolu%20%20AntiCorruption%20And%20Economic%20Crimes%20Act%202003.pdf. Accessed 6 July 2010.
- TI (Transparency International). (2009). *Global corruption report 2009*. Cambridge, UK: Cambridge University Press.
- TI (Transparency International). (2010). *The anti-corruption catalyst: Realizing the MDGs by 2015*. Berlin: TI.
- TI (Transparency International). (2013). *Global corruption barometer 2013*. Berlin: TI.
- TI-Kenya (Transparency International – Kenya). (2008). *The Kenya bribery index 2008*. Nairobi: TI-Kenya.

- TI-Kenya (Transparency International – Kenya). (2009). *Corruption trends analysis: Tracing corruption trends in Kenya's public sector*. Nairobi: TI-Kenya.
- TI-Kenya (Transparency International – Kenya). (2010a). *The East African bribery index 2010*. Nairobi: TI-Kenya.
- TI-Kenya (Transparency International – Kenya). (2010b). *Corruption and the new order: National opinion poll on Kenyan's expectations of corruption trends under the new constitution*. Nairobi: TI-Kenya.
- TI-Kenya (Transparency International – Kenya). (2012a). *The East African bribery index 2012*. Nairobi: TI-Kenya.
- TI-Kenya (Transparency International – Kenya). (2012b). *Bribery as a non-tariff barrier to trade: A case study of East African trade corridors*. Nairobi: TI-Kenya.
- TI-Kenya (Transparency International – Kenya). (2014). *The East African bribery index 2014*. Nairobi: TI-Kenya.
- TJRC (Truth, Justice and Reconciliation Commission) Kenya. (2013). *Report of the truth, justice and reconciliation commission: Volume IIB*. Nairobi: TJRC Kenya.
- UN-HRC (United Nations Human Rights Committee). (2012). *Consideration of reports submitted by States parties under article 40 of the covenant: Concluding observations adopted by the Human Rights Committee at its 105th session, 9–27 July 2012: Kenya*. New York: UN-HRC.
- UNCAT (United Nations Committee Against Torture). (2009). *Consideration of reports submitted by States parties under article 19 of the convention: Concluding observations of the Committee Against Torture: Kenya*. New York: United Nations.
- UNHRC (United Nations Human Rights Council). (2009). *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: Report of the special rapporteur on extrajudicial, summary or arbitrary executions: Addendum: Mission to Kenya*. New York: United Nations General Assembly.
- UNODC (United Nations Office on Drugs and Crime). (n.d.). United Nations Convention against Corruption signature and ratification status. Vienna: UNODC. <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>. Accessed 6 July 2010.
- U.S. Department of State. (2015a). *Kenya 2015 human rights report*. Washington, DC: U.S. Department of State. <http://www.state.gov/documents/organization/252905.pdf>. Accessed 19 Apr 2016.
- U.S. Department of State. (2015b). *Kenya investment climate statement 2015*. Washington, DC: U.S. Department of State.
- Wagner, D. (2014, June 18). Kenya, corruption, and terrorism. *The Huffington Post*. http://www.huffingtonpost.com/daniel-wagner/kenya-corruption-and-terr_b_5505869.html. Accessed 28 July 2014.

- Wamwere, K. (2010). Top leadership must be in the forefront if the battle on corruption is to be won. <http://www.nation.co.ke/oped/Opinion/-/440808/1046170/-/nw15ccz/-/index.html>. Accessed 5 Nov 2010.
- Wangai, K. (2011, August). Canada demands donation refund from Kenya due to corruption. *Christian Courier*, No. 2918, pp. 1–2.
- Warah, R. (2014, August 4). Corruption, politics and tribalism have neutered our security services. *Daily Nation*, p. 12.
- Warren, M. E. (2004). What does corruption mean in a democracy? *American Journal of Political Science*, 48(2), 328–343.
- Wikipedia. (2010). Corruption in Kenya. http://en.wikipedia.org/wiki/Corruption_in_Kenya#Corruption. Accessed 17 June 2010.
- Wikipedia. (2016). List of people named in the Panama Papers. https://en.wikipedia.org/wiki/List_of_people_named_in_the_Panama_Papers. Accessed 7 Apr 2016.
- World Bank. (2009a). *Kenya: Economic development, police oversight, and accountability: Linkages and reforms*. Washington, DC: World Bank.
- World Bank. (2009b). *Kenya poverty and inequality assessment: Executive summary and synthesis report*. Report No. 44190-KE. Washington, DC: World Bank.
- World Economic Forum. (2015). *The global competitiveness report 2015–2016*. Geneva: World Economic Forum.
- Wrong, M. (2009). *It's our turn to eat: The story of a Kenyan whistle-blower*. New York: Harper Collins.
- Wrong, M. (2014, May 6). Everyone is corrupt in Kenya, even grandmothers. *Foreign Policy*. http://www.foreignpolicy.com/articles/2014/05/06/everyone_is_corrupt_in_kenya_even_grandmothers. Accessed 8 July 2014.

Corruption in Nigeria

Nigeria is considered a key power on the African continent, not only because of its size, but also because of its political and economic role in the region (Blanchard and Husted 2016). It has the largest population in Africa with more than 187 million people, which means that one in five people in Sub-Saharan Africa calls Nigeria home, and Nigerians compose the largest African diaspora group in the United States and many other western countries. The country has also overtaken South Africa as sub-Saharan Africa's largest economy, and it is one of the world's major sources of high-quality crude oil. However, 'despite its oil wealth, Nigeria remains highly underdeveloped. Poor governance and corruption have limited infrastructure development and social service delivery, slowing economic growth and keeping much of the country mired in poverty' (Blanchard and Husted 2016: 1).

Corruption has been costly for Nigeria. It has permeated all walks of life and become an everyday occurrence for most Nigerians. In fact also, the government's own report on its transformation agenda states:

The . . . administration recognizes corruption is a major constraint to economic and social development in Nigeria. It constitutes a major disincentive for investment in the Nigerian economy and increases the cost of governance and doing business. It also constitutes a direct and inordinate taxation on the people. The widespread international perception of Nigeria as a corrupt country has caused incalculable damage to the dignity and honour

of many honest and diligent Nigerians and to the country's global competitiveness. (National Planning Commission 2013: 63)

Ever since Nigeria's independence in 1960, corruption has persisted and grown enormously in variety, magnitude, and brazenness, and the pervasiveness of this corruption obtains in both the private and public sectors of the Nigerian society. Since the creation of modern public administration in the country, there have been cases of official misuse of resources for personal enrichment leading to the entrenchment of a chronic kleptocracy. Some analysts have argued that the rise of public administration and the discovery of petroleum and natural gas in post-colonial Nigeria are two major events that have led to a litany of ignoble corrupt practices and bad governance in the country (Adesote and Abimbola 2012; Campbell 2013), with individuals with a higher proclivity to corruption self-selecting into the public sector for rent-seeking motives.

Prolonged military rule, during the periods 1966–1979 and 1983–1999, has also played a crucial role in the prevailing culture of corruption in the country. As Agbiboa (2012: 330) noted, 'driven by personal gain and hobbled by cronyism, [the] military elites, aided by civilian minions, unabashedly looted state property, diverted state funds into their private accounts, and awarded questionable contracts to companies owned by them and their cronies'. Campbell (2013: 34), in turn, observed that 'ubiquitous patronage and corrupt behavior fueled by oil money is a root cause of Nigeria's political and economic sclerosis'. And, Chayes (2015: 125) has, in fact, discerned that 'in the view of most Nigerians and country experts, the second tipping point on Nigeria's path to kleptocracy was—ironically—its conversion to civilian rule in 1999'.

Politicians of the First Republic were nicknamed the '10-percenters' for their practice of demanding 10% of the value of contracts they awarded. This nickname was coined by Major Chukwuma Kaduna Nzeogwu, who led the overthrow of the government (first military coup) in January 1966, to rid the country of corrupt politicians, but which only ushered in an era of much more corrupt military rule (Ezrow 2016; *The Anchor Online* 2015). Major Nzeogwu, in his broadcast where he declared a state of emergency and suspended the constitution, had justified the coup by stating, among other things, that:

The aim of the Revolutionary Council is to establish a strong united and prosperous nation, free from corruption and internal strife... Our enemies are the political profiteers, the swindlers, the men in high and low places that seek bribes and demand 10 percent; those that seek to keep the country divided permanently so that they can remain in office as ministers or VIPs at least, the tribalists, the nepotists, those that make the country look big for nothing before international circles, those that have corrupted our society and put the Nigerian political calendar back by their words and deeds. (*Vanguard News* 2010: 2–4)

Corruption has therefore emerged as Nigeria's biggest challenge. The country has developed both a national and international reputation as a veritable menace of corruption which has eaten into the fabric of the society. Nigeria suffers from what the development literature calls the 'resource curse'—the paradox that developing countries with an abundance of income from natural resources, specifically non-renewable resources like minerals and fuels, tend to have less economic growth, less democracy, and worse development outcomes than countries with fewer natural resources and without such income from minerals and fuels. Nigeria's resource curse is derived primarily from the fact that corruption is a perpetual drain on the country's financial resources and this is aided and abetted by weak institutions. As observed by Chayes (2015: 122), 'valuable raw materials are discovered in a country lacking robust institutional safeguards, and the "rents" these resources produce rupture any contract between rulers and ruled. Quality of life changes negligibly, or even negatively, for regular people despite the bonanza'.

In this case study, it is identified and argued that the weakness of institutions and the use and abuse of cultural norms are the primary reasons for endemic corruption in the country. It therefore discusses and analyzes the corruption problem in Nigeria, with an emphasis on the weakness of institutions and the role of culture in the now pervasive corruption in the country, despite the various measures and attempts that have been undertaken to control this rampant corruption. It therefore also provides salient information on why 'Nigerians who do not believe that the government is working hard enough to combat [poverty and] inequality overwhelmingly say that the state is corrupt' (Uslaner 2008: 201).

THE CORRUPTION PROBLEM IN NIGERIA

Mention Nigeria to most people in the world today and the retort is likely to be some reference to how corrupt the country is for, as a former Minister of Finance found on assuming duty, ‘Nigeria [has] become virtually synonymous with the word “corruption”’ (Okonjo-Iweala 2014: 81). Obuah (2010: 17), for example, concluded that ‘corruption is a persistent cancerous phenomenon which bedevils Nigeria’. As described by Soyinka (2012: 1), ‘there is corruption everywhere—in the Church, police, judiciary, national and state parliaments, in the local authorities; even to play for the country’s national football team, the Super Eagles, one can bribe a coach to get a shirt. It is that bad’. There is therefore hardly anything one does without parting with or exchanging some money either as ‘dash,’ or in big bribery payments (Soyinka 2012). Consequently, Nigeria has indeed acquired a dubious reputation across the globe as one of the most corrupt countries in the world as Nigerian corruption has also extended well beyond Nigeria’s borders (Smith 2007). This reputation has been derived from the extent of corruption that has persisted in all sectors, and which permeates the daily life of Nigerians and influences the behavior of others interacting with and/or conducting business deals with many Nigerians. The ‘every-one-is-doing-it’ (everyday corruption) mentality has taken hold of Nigerian society and precipitated a noticeable slide in moral standards. Nigerians, like many other African citizens, have resorted to corruption as a strategy both for coping and for survival (Hope and Chikulo 2000; Smith 2007).

Evidence on the perception and extent of this persistent corruption in Nigeria abounds. For example, a recent (2015) national poll conducted on corruption found that the vast majority (85%) of adult Nigerians believe that the prevalence of corruption is very high (NOIPolls 2015). There is also the Corruption Perceptions Index (CPI), developed and published annually by Transparency International, which is often cited as an indicator of the level of corruption in a given country. It is a score that ranges from 0 to 100, where 0 denotes extensive corruption and 100 means a highly clean status. As shown in Fig. 4.1, Nigeria has consistently scored below 30 (and below the sub-Saharan Africa average) and has therefore ranked very low compared to other countries. In 2015, the country was ranked as the 32nd most corrupt out of a total of 168 countries assessed but 14th based on CPI score.

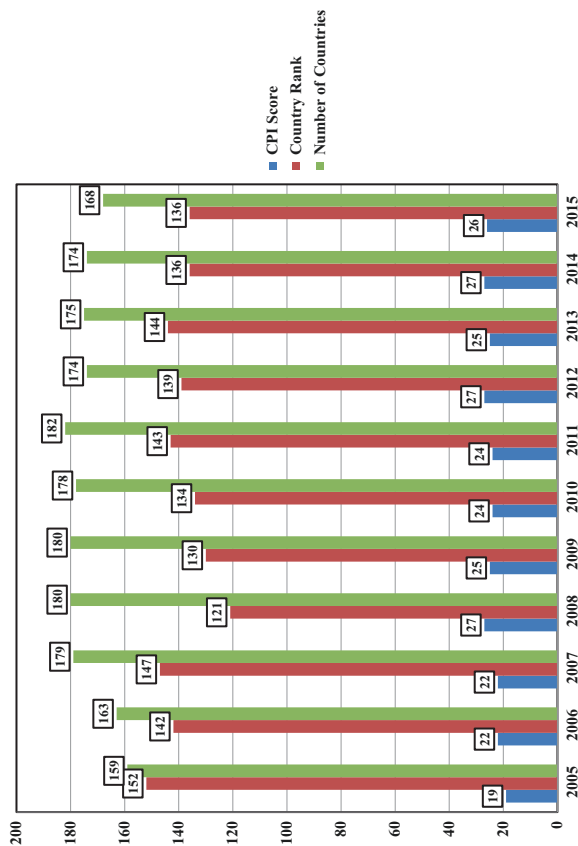


Fig. 4.1 Nigeria corruption perceptions indices and rankings, 2005–2015 (prior to 2012, the CPI scores were calculated out of 10 instead of 100. For useful comparative purposes across all years the scores out of 10 for the period 2000–2011 were multiplied by 10.) (*Source:* Author, derived from data found in TI (nd))

Another useful set of indicators are those compiled in the Enterprise Surveys of the World Bank Group. One such indicator, the Graft Index, is a composite measure of corruption that reflects the proportion of times a firm was asked or expected to pay a bribe when soliciting six different public services, permits, or licenses. For Nigeria, the most recent Enterprise Survey was done in 2014 and the comparative data for the incidence of graft and other corruption indicators are shown in Table 4.1, where it can be seen that Nigeria has a much more robust corruption environment in all of the indicators compared to sub-Saharan Africa and all other countries.

Other credible and internationally recognized corruption indicators, which also show similar trends about corruption in Nigeria, can be found in the Worldwide Governance Indicators (WGI) of the World Bank and the Ibrahim Index of African Governance (IIAG) by the Mo Ibrahim Foundation. The WGI has an indicator for ‘control of corruption’ which captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as ‘capture’ of the state by elites and private interests (World Bank 2015a).

Table 4.1 Nigeria enterprise survey corruption indicators, 2014

<i>Corruption indicators</i>	<i>Nigeria</i>	<i>Sub-Saharan Africa</i>	<i>All countries</i>
Incidence of graft index	29.8	20.4	20.2 ^a
Bribery incidence ^b	28.9	22.8	17.8
Bribery depth ^c	26.0	17.7	13.8
Gifts to tax officials ^d	25.9	17.0	12.8
Gifts for operating license ^e	24.2	19.0	15.1
Gifts for an import license ^f	40.7	16.4	13.7
Gifts to get things done ^g	55.3	26.9	19.5
Corruption as a major constraint ^h	44.8	43.5	35.2

Source: World Bank Group (2014)

^aLower-middle-income countries only

^bPercentage of firms experiencing at least one bribe payment requested

^cPercentage of public transactions where a gift or informal payment was requested

^dPercentage of firms expected to give gifts in meetings with tax officials

^ePercentage of firms expected to give gifts to get an operating license

^fPercentage of firms expected to give gifts to get an import license

^gPercentage of firms expected to give gifts to public officials ‘to get things done’

^hPercentage of firms identifying corruption as a major constraint

For 2014, Nigeria had a control of corruption governance score of -1.27 compared to -1.20 in 2013 on a scale of -2.5 (weak) to $+2.5$ (strong) with a percentile rank (0–100) of 7.21 compared to 8.61 in 2013 (World Bank 2015b).

The IIAG has an indicator on Safety and the Rule of Law which contains sub-indicators for ‘accountability’ which also cover (i) Corruption and Bureaucracy—the degree of intrusiveness of bureaucracy, the amount of red tape likely to be encountered, and the likelihood of encountering corruption among officials and other groups; (ii) Corruption in Government and Public Officials—the level of vested interest/cronyism and corruption in the public sector; (iii) Diversion of Public Funds—the prevalence of the diversion of public funds to companies, individuals or groups due to corruption; (iv) Accountability of Public Officials—the extent of accountability of public officials, including the existence of safeguards against incompetency and the possibility of recourse in cases of unfair treatment; (v) Public Sector Corruption Investigation—the extent to which allegations of corruption in the public sector and the executive are investigated by an independent body; and (vi) Prosecution of Abuse of Office—the degree to which there are legal or political penalties for public office holders who abuse their positions (Mo Ibrahim Foundation 2015a). As shown in Table 4.2, the only indicator, and surprisingly so, where Nigeria does slightly better than the Africa average (but not the regional West Africa average) is accountability of public officials.

Another excellent source of information on views about the extent of corruption in Nigeria can be found in the 2015 Africa surveys conducted by Afrobarometer and published as part of the Global Corruption Barometer reports of Transparency International. Among African countries, Nigeria had the third-highest proportion (75%) of citizens that said corruption had increased over the past year and the bribery rate (the percentage of those who had paid a bribe at least ‘once or twice’ to obtain public service) was 43% (Pring 2015).

Also, in the health sector, the pervasiveness of corruption has impeded the improvement in health outcomes and therefore has become a barrier to the achievement of the international or national development strategies as discussed in Chap. 1. Kamorudeen and Bidemi (2012) found that public officials steal funds intended for fixing dilapidated hospitals and providing drugs and that there is routine arbitrary inflation of the unit price of drugs purchased by the Federal Ministry of Health. In fact, audited

Table 4.2 Accountability indicators scores and rankings for the Africa region and Nigeria, 2010–2014

<i>Indicator/region/Nigeria</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
	<i>Score/ rank</i>	<i>Score/ rank</i>	<i>Score/ rank</i>	<i>Score/ rank</i>	<i>Score/ rank</i>
<i>Accountability</i>					
Africa ^a	36.3	36.4	37.1	36.2	35.5
West Africa ^b	37.4 (2)	38.9 (2)	39.2 (2)	38.1 (2)	37.8 (2)
Nigeria	31.3 (33)	30.8 (36)	32.4 (35)	32 (34)	32.2 (31)
<i>Corruption and bureaucracy</i>					
Africa ^a	45.3	44.7	44.7	44.2	44.2
West Africa ^b	43.8 (3)	44.8 (3)	44.8 (3)	44.8 (3)	44.8 (3)
Nigeria	28.6 (32)	28.6 (34)	28.6 (34)	28.6 (34)	28.6 (34)
<i>Diversion of public funds</i>					
Africa ^a	38.1	35.4	34	32.6	33.3
West Africa ^b	36.1 (4)	36.1 (4)	36.1 (4)	30.9 (3)	32.6 (3)
Nigeria	15.8 (35)	14.8 (35)	14.1 (37)	6.7 (38)	4.2 (40)
<i>Accountability of public officials</i>					
Africa ^a	32.1	32.9	31.8	30.9	30.9
West Africa ^b	35.6 (2)	37.8 (2)	33.9 (3)	33.3 (2)	33.3 (2)
Nigeria	33.3 (11)	33.3 (11)	33.3 (10)	33.3 (8)	33.3 (8)

Source: Mo Ibrahim Foundation (2014, 2015b)

^aContinental average

^bRank out of five African regions

reports (which are not readily available to the public) have shown gross misappropriation of the budgets of the health ministry and, at least in one case, involved a former Minister of Health (Kamorudeen and Bidemi 2012). Corruption is also partly responsible for the proliferation of counterfeit drugs in Nigeria which, in turn, has resulted in heavy costs in both economic terms and in lives lost. Akinyandenu (2013) has outlined the scope and impact of the problem with some history of the lives lost. Corruption and greed is seen from the drug-regulating authorities and the drug importers and manufacturers (Chinwendu 2008; Akinyandenu 2013).

In May 2016, employees of the Federal Ministry of Health headquarters in Abuja closed down the ministry to protest the ministry's

Permanent Secretary, Dr. Amina Shamaki, whom they accused of corruption, high-handedness, and gross misconduct since being deployed to the ministry in November 2015. The employees shut down the power supply, switched off the elevators, and called for the redeployment of the Permanent Secretary from the ministry whom they claimed is the most corrupt Permanent Secretary in the current President Muhammadu Buhari's cabinet. The workers had three weeks previously protested to the Head of the Civil Service, accusing Dr. Shamaki of corruption and incompetence and demanding that she be deployed out of the ministry. Among their allegations against Dr. Shamaki was that she: (1) had awarded contracts without following due process; (2) personalized government affairs by including members of her family in official trips; (3) abused government policies; and (4) converted government properties to personal use (Obi 2016).

Similarly, in the education sector, corruption is rampant and may take many forms. According to Anita (2013), corruption in the education sector is exhibited in bribes paid by parents to teachers to ensure good grades in examination results; bribes paid by teachers to public officials to get preferred postings and promotions; embezzlement of funds allocated to purchase teaching materials or to build schools; the bypassing of criteria in the approval of school establishment and accreditation; cronyism and nepotism in procurement and teacher appointments, resulting in 'ghost teachers'; or the selling of information on exams. Okoduwa (2009) has also further clarified that, in the educational sector, corruption in academic, social, and administrative matters takes the form of admission and certificate racketeering; examination malpractice; bribery; embezzlement; nepotism; sexual harassment; cultism; falsification of official records; over-invoicing; contract kick-backs; unlawful levies; irregular procurement processes; discriminatory recruitment; discriminatory promotion and discipline; and so on.

In Nigeria, billions of dollars each year flow illegally from the public treasury into private hands and this 'kleptocracy [among other things] undermines the regime's ability to combat Boko Haram, a deadly terrorist movement that has displaced two million people in the country's war-ravaged northeast' (Page 2016: 1). In August 2012, the former World Bank Vice-President for Africa, Dr. Obiageli Ezekwesili, announced that an estimated US\$400 billion of Nigeria's oil revenues had been stolen or misspent since the country's independence in 1960. She further claimed that US\$6.8 billion was drained from Nigeria between 2009 and 2012 in

the fuel subsidy scam (Agbibo [2014](#)). Lamido Sanusi, a former Governor of the Central Bank of Nigeria, claimed that over the period January 2012 and July 2013 some US\$18.5 billion in oil revenues had gone missing from the Nigeria National Petroleum Corporation (a state-owned firm that manages the government's shares in oil companies and pays subsidies for fuel imports), and of that amount about US\$12.5 billion appears to have been illegally diverted to private benefit (Sanusi [2015](#)).

In October 2014, the government of Nigeria declared that it had uncovered a total of 60,000 ghost workers in federal establishments across the country following a staff audit of the federal government ministries, departments, and agencies on the implementation of the Integrated Personnel and Payroll Information System. This discovery saved the government about N170 billion (approximately US\$9 billion) (Anthony-Uko [2014](#)). Since then, additional ghost workers have been discovered (see, for example, AFP [2016](#); Kottasova and Giokos [2016](#); *Premium Times* [2016](#)). In January 2016, the Nigerian government's Minister of Information, at the launch of a corruption awareness campaign, claimed that 55 people who were government ministers, state governors, public officials, bankers, and businessmen stole 1.34 trillion Naira (approximately US\$6.8 billion) from Nigeria's public purse over the period of 2006–2013, with a breakdown which included the theft of 147 billion Naira (US\$742.42 million) by 15 former state governors, 524 billion Naira (US\$2.65 billion) by bankers, and 7 billion Naira (US\$35.35 million) stolen by four former government ministers (Reuters [2016a](#)). In June 2016, the Federal Government of Nigeria announced that it recovered the equivalent of US\$9.1 billion in stolen money and assets between 29 May, 2015, when President Muhammadu Buhari took office, and 25 May, 2016 (Ogundipe [2016](#); Quartz Africa [2016](#); Reuters [2016b](#)). According to the government, all of these were monies recovered from individuals and entities who had either hidden, stolen, diverted, or were in possession of monies belonging to the nation and included monies withheld by past government officials, monies kept in private accounts, monies diverted to private pockets, and monies in possession of government officials not disclosed after leaving government, (Reuters [2016b](#); Ogundipe [2016](#)).

Also, Nigeria was ranked 10th among the top ten source economies that exported illicit capital with a cumulative total of US\$178 billion during the period 2004–2013 (Kar and Spanjers [2015](#)), annually averaging 8% of the country's gross domestic product (GDP). Illicit capital

exports or flows are generated by methods, practices, and crimes aiming to transfer financial capital out of a country in contravention of national or international laws. In early 2016, the President of the Nigerian Senate, Bukola Saraki, was found, through the Panama Papers leak, to have ties to at least four offshore companies he failed to declare to the Code of Conduct Bureau (CCB) as Nigerian law requires, and his wife Toyin also had shell companies listed in her name (Mayah and Olufemi 2016). Former Senate President David Marks was listed as the owner of eight shell companies in the leaked Panama Papers and former Delta State Governor James Ibori was also mentioned. Ibori had pleaded guilty in London in 2012 to siphoning at least US\$75 million out of Nigeria while he was in office from 1999 to 2007 and was sentenced to 13 years of jail time (Wikipedia 2016). And, at the same time innocent bank customers are victims of counterfeit Nigerian currency being dispensed from the automatic teller machines of reputable international banks (Business Hallmark 2015).

Most recently, a quantitative study on the impact of corruption on Nigeria's economy found that corruption in Nigeria could cost up to 37% of GDP by 2030 if not curtailed immediately, resulting in a loss to the economy of up to US\$185 billion between 1999 and 2014 and up to US\$534 billion by 2030 equivalent to nearly US\$2000 per person (PwC 2016). Paradoxically, the most recent (2010) official household survey statistics show that 69% of the Nigerian population are living below the poverty line (NBS 2012). Other good historical accounts of the origins, nature, persistence, and further examples of the magnitude of the haulings from corruption in Nigerian society can be found in Amaraegbu (2010), Agbiboa (2013a, 2014), Martini (2014), *Nigerian Corruption Watch* (2014a), U.S. Department of State (2014, 2015), ActionAid Nigeria (2015), and Ijewereme (2015), for example.

THE PERSISTENCE OF CORRUPTION IN NIGERIA: INSTITUTIONS AND CULTURE

The corruption problem in Nigeria has been analyzed, debated, and discussed across many fora nationally and internationally. Scholars, politicians, civil society organizations (CSOs), development partners, and members of the Nigerian public have all weighed in to express their disgust and offer suggestions on how to deal with the scourge of corruption in the country. More than 40 years ago, for example, Ekeh (1975) posited the

notion that the experiences of colonialism in Africa had led to the emergence of a unique historical configuration in post-colonial Africa which he denoted as the existence of two public realms and used corruption as one example to fortify his case for promoting this conceptualization of the two public realms, with specific reference to Nigeria. The ‘two publics’, as he deemed them, were defined as (1) primordial; and (2) civic. In the primordial public realm, primordial groupings, ties, and sentiments influence and determine the individual’s public behavior. This public realm is moral and operates on the same moral imperatives as the private realm. The civic public realm was identified as historically associated with the colonial administration and which has become identified with popular politics in post-colonial Africa. It is based on civil structures, the military, the civil service, the police, and so on. It is amoral and lacks the generalized moral imperatives operative in the private realm and in the primordial public (Ekeh 1975).

The corruption exercised in the civic public was considered to have arisen ‘directly from the amorality of the civic public in order to benefit the primordial public’ (Ekeh 1975: 110) but such corruption did not exist in the primordial public. However, corruption is no longer a function of two publics in Nigeria and hasn’t been for several decades now. What has emerged instead is a culture of corruption where the climate of unethical leadership and bad governance have contributed numerous opportunities for it (corruption) to become an epidemic across all of society (Hope 1999, 2000; Erero and Oladoyin 2000), and, consequently, there is a blurring of the lines between the primordial and civic public realms as postulated by Ekeh (1975). In other words, institutions, rules, and norms of behavior have adapted toward the ultimate goal of predatory gain (Gray and Kaufmann 1998). This entrenchment of corruption in Nigeria points to the fact that something has gone wrong in the governance of the country. Institutions, which were designed for the regulation of the relationships between citizens and the state, are being used instead for the personal enrichment of public officials (politicians and bureaucrats) and other corrupt private agents (individuals, groups, businesses).

According to Obianyo and Emesibet (2015: 22), in their explanation of the blurring of the lines between the primordial and civic publics:

The post-colonial state and its managers Nigerianized the culture of exploitation, privileges and inequality that it inherited from colonial managers and used it to create immense opportunities for personal aggrandizement, and

where and when possible to keep the teeming majority of the people—family members, friends, ethnic/religious members—quiet and supportive in their quest for primitive accumulation through state plunder.

In other words, as succinctly noted by Nta (2015: 2), the post-colonial Nigerian family system is no longer what it used to be. ‘Individualism has taken over from the [primordial] family system... . The society now worships money such that it accords little respect for scholarship and integrity’. As such, as lamented by Nta (2015: 2):

Families no longer ask questions from their members on how they acquired stupendous wealth without any known means of livelihood. The society has also stopped asking this question. Rather, they celebrate and sing praises of the wealthy while denigrating hard working citizens who survive on their earnings.

Smith (2007: 85) has also argued that this entrenchment of corruption as an everyday occurrence demonstrates ‘the complexity of the relationship between inequality, corruption, and social morality. Corruption is part of [the] explanation for the dramatic inequalities that characterize Nigerian society, and a strategy to survive in the face of these inequalities’. Smith (2007) further observed that some forms of corruption, such as pulling strings (exerting some form of influence) to enter a university or to enable a family member to enter a university, are widely considered, throughout Nigerian society, to be morally justifiable, even laudable, as everyone is fully aware that favoritism and nepotism are major factors in gaining access to all potential opportunities.

Consequently, what obtains in Nigeria is the ongoing undermining of the institutions of governance—aided and abetted by their unethical leadership—and their lack of functioning in the interest of the public good. This, in turn, has led to Nigerians adapting to that state of affairs and everyday corruption prevails. The result is that corruption has, in theory and practice, become institutionalized in Nigeria, leading to the concretization of a kleptocratic nation-state where most Nigerians, from every walk of life, have adapted to their country environment as they go about the process and routines of living their daily lives. This then is the foundation upon which the current corruption pandemic in Nigeria rests and which has contributed to what is now a culture of corruption in the country. However, it must also be pointed out here that this culture of cor-

ruption is opposed by large segments of Nigerians notwithstanding the fact that said culture of corruption represents the environment and norms through which they live their daily lives.

Weak Institutions

Institutions loom large in good governance and especially in the context of corruption. In Nigeria, anti-corruption and other institutions, in both the government and non-government sectors, are weak and in some cases have outrightly failed. Much of Nigeria's corruption is institutionalized. It's built deeply into the system which also makes it systemic. The former, and internationally respected, Nigerian Minister of Finance Ngozi Okonjo-Iweala has stated that corruption has persisted in Nigeria because the country lacks the institutions, systems, and processes to prevent it (*Premium Times* 2015a). In other words, what prevails in Nigeria is a state of affairs where the institutions (across all levels and branches of government and in the private sector) have been captured in a systemic manner, and that has created a societal state of being whereby those institutions, having been designed to underpin and support the rule of law and good governance while delivering public services, have been deliberately undermined or neglected to the point where they can no longer uphold the rule of law or act in the best interests of the nation for ethical functioning and service delivery.

In that regard, Akanle and Adesina (2015: 433–434) have posited that:

Corruption can never be prevented and can never be fought without institutions . . . Rulers, administrators, and bureaucrats come and go but institutions and systems remain. This is why the president of the United States of America (USA), Barrack Obama, on a visit to Africa encouraged Africans to build strong institutions and not strong men. Where institutions and systems are lacking, thriving corruption is the result. This is why it has become the norm to have corruption in Nigeria and it has become impossible to fight corruption in the country because of the lack of enduring institutional legacies.

As also noted by Okuduwa (2009), the weakness of institutions manifests itself in, among other things, lax systems, excessive discretion, and lack of openness in official decision-making processes, lack of oversight mechanisms, breakdown in ethics, greed, weak political will, weak enforcement,

impunity, and lack of patriotism. The lament was also observed back in 1999 in the inaugural speech of President Olusegun Obasanjo (1999: 1), when he said:

Instead of progress and development, which we are entitled to expect from those who governed us, we experienced... . persistent deterioration in the quality of our governance, leading to instability and the weakening of all public institutions... . No society can achieve anything near its full potential if it allows corruption to become the full-blown cancer it has become in Nigeria.

Another key institution that has become a routine merchant of corruption in Nigeria is the police. In fact, the Nigeria Police Force (NPF) has consistently been ranked by Nigerians as the most corrupt institution in Nigeria (see, for example, Alemika 2013; TI 2013; NOIPolls 2015). In the 2015 Afrobarometer survey 72% of Nigerians stated that the NPF is the most corrupt institution in Nigeria (Pring 2015). Policing in Nigeria has become downright predatory which is defined here as the devotion of police activities primarily to the personal enrichment and self-preservation of the police themselves rather than to the protection of the public (Hope 2016). The police are known for double-dealing and extortion, by demanding bribes from victims of crimes to start investigations while, at the same time, demanding bribes from crime suspects to drop investigations (Orole et al. 2014; Akinlabi 2015, 2016; Chayes 2015). In fact, ‘for most Nigerian police officers, the police uniform is a license for legitimate income generation and wealth maximization’ (Agbiboa 2015: 113). Kaplan (2013: 101–102), for example, has illustrated this state of affairs in Nigeria as follows:

Taxi drivers, market traders, and shopkeepers routinely encounter armed police officers demanding bribes. Victims who report a crime to the police discover that the police refuse to investigate unless the victim pays for the privilege. Meanwhile, criminals with thick wallets bribe the police to avoid arrest or prosecution, to influence the outcome of a criminal investigation, or even to turn the investigation against the victim. Senior police officers take a cut from the money extorted by junior officers.

Although police corruption is a form of police misconduct, this institutional corruption is different from other forms of police misconduct because of its principal motivation: achievement of personal/private or organizational

gain or advantage. But, although corruption in the Nigerian police is glaring for everyone to see, some officers have argued that it is not unique to the NPF and, instead, have pointed to other government institutions, such as the Nigeria Immigration Service or the National Assembly, as being just as corrupt if not more so (Oluwaniyi 2011; Agbiboa 2013b). This can be understood from the reference point in the context of one study that found that corrupt personnel of the NPF illegally enriched the force with the equivalent of US\$336.5 million arising from roadblock extortion in the three-year period of 2009–2011 (Intersociety 2012). Other estimates of enrichments from predatory policing can be found in Human Rights Watch (2010).

One cannot discuss the weakness of institutions in Nigeria, in the context of corruption, and not also mention the judiciary. According to Hill (2010: 1172), ‘the common, and largely correct, view is that, far from holding the rich and powerful in check, the judiciary actively colludes with them. In so doing, it legitimizes and facilitates their corruption and abuses of office’. Furthermore, the U.S. Department of State (2014, 2015) has observed that although the constitution and law provide for an independent judiciary, the judicial branch has remained susceptible to pressure from the executive and legislative branches and the business sector. Political leaders influence the judiciary, particularly at the state and local levels.

And, in fact, there is a widespread perception that judges are easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and alleged receiving requests from judicial officials for bribes to expedite cases or to obtain favorable rulings (U.S. Department of State 2014). As noted by UNODC (2005), in Nigerian states, there is a strong linkage between delays, corruption, and access to justice or the lack thereof, which suggests that speeding up trials in general and reducing the number of adjournments in particular will assist in (i) increasing the timeliness of justice delivery; (ii) reducing the opportunities for corrupt practices in the courts; and (iii) enhancing access to justice. Quite recently, the Chairperson of the Transition Monitoring Group (a body committed to the advancement of democracy and the practice of democratic values and citizen participation) was quoted as saying that it is reprehensible for the judiciary to be playing ‘judicial apartheid’ by delaying the prosecution of the rich and powerful but being in a hurry to punish the poor who are mostly seen as committing lesser crimes than the influential people (Jimoh 2015).

The problem therefore for Nigeria, in its attempts to arrest the corruption disease across the nation, is not a lack of anti-corruption institutions, or legislative frameworks, or other policy initiatives in that regard. Instead, what exists are weak institutions—some of which, like the NPF, are themselves major perpetrators of corruption—with a general lack of capacity to meet their mandates. The UNECA (2010) also found capacity deficits to be a problem in African anti-corruption institutions (ACIs), including in Nigeria. Capacity is defined here as the competency of individuals, institutions, and local communities to perform functions, solve problems, and engage in activities in a sustainable manner to permit the achievement of their mandates and goals (Hope 2009).

There are three types of capacity lacking in the ACIs. First is the technical capacity of their staffs in terms of their training and experience, particularly with respect to their abilities to detect, prevent, and conduct credible forensic investigations of complaints or allegations of corrupt practices and the prosecution of offenders. Second is the operational capacity of these institutions which is significantly hampered by insufficient budgetary resources leading to some reliance on donor funding for such fundamental things as vehicles, computer systems infrastructure, and even basic office equipment. The third type of capacity that is lacking, and perhaps the most important, is what I refer to as action capacity. This is the lack of capacity to act to meet mandates due to the lack of political will, either from within the ACIs or through overt or covert signals from the ruling political regime. Political will is central to policy outcomes and capacity is an integral part of political will. In its plainest terms, political will is ‘the extent of committed support among key decision makers for a particular policy solution to a particular problem’ (Post et al. 2010: 659). Furthermore, strong and credible political will is manifested where leaders have a demonstrated record of effective action against corruption (UNDP 2011).

The Culture Aspect

Culture is used to refer to concrete factors, such as trust, religiosity, or institutional arrangements, and sometimes to less tangible elements, such as a system of values, norms, and techniques, that a society has developed and that link it to future generations (Hooker 2009; Seleim and Bontis 2009; Banuri and Eckel 2012; Sylla 2014). Studies have shown that, in most societies, culture influences institutions and social norms, dictates

the interactions of agents within a society, and affects the type of corruption that becomes prevalent (Banuri and Eckel 2012).

Smith (2007: 225) has enlightened us on the fact that:

When Nigerians speak of the Nigerian factor and everyone knows immediately that it signifies corruption, it suggests an embedded configuration of practices and cultural logics that cannot be explained without confronting questions about culture. It is impossible to absorb the prevalence of corruption and its discontents in Nigeria without concluding that corruption has become heavily implicated in Nigerians' views of their own culture.

However, corruption as a cultural phenomenon generally, and in Nigeria particularly, can be regarded as a complicated issue. This is so given the fact that a culture of corruption may develop over time (as is the case in Nigeria) while, simultaneously, everyday corruption can undermine a cultural system (as is also the case in Nigeria). As Aluko (2012) put it, when corruption becomes institutionalized in a society, it infiltrates into the value system, it becomes a norm, part and parcel of culture, and subsequently goes into the domain of behavior. He further accurately observes that:

Corruption now appears to have become a permanent feature of the Nigerian polity. It had become completely institutionalized, entered into the realm of culture and the value-system; it is now a norm and no longer an aberration. The young ones are born into it, grew up in it, lived with it, and possibly die in it. The aged are not left out as they are re-socialised and begin to conform to it. Succeeding generations now see it as part and parcel of the social order and the normative system. Cultural transmission takes place and as such behavioral traits which confirms with corruption begins to emerge. (Aluko 2012: 396–397)

The passage of corruption as a way of life then in itself further undermines any remaining vestiges of the moral virtues of society and confirms the demise of Ekeh's (1975) primordial public. Where there is the knowledge that everyone is doing it, as with corruption in Nigeria, it becomes easier and much more accepting to violate what were once ethical norms. Consequently, bribes, for example, are both solicited and offered to effect even the simplest of transactions for there is an expectation that is what will get things done as cultural practices now dictate. Accordingly, behavioral norms to extract private benefits from public resources also extend to

ordinary citizens who hold no public office. Not only is there widespread demand for bribes among public officials but also citizens supply bribes precisely for the purpose of quickly deriving benefits that they are entitled to, but benefits which at times may be at the expense of the greater public interest.

The previous rule-based systems have therefore given way to the new rules which are predicated on the cultural phenomenon of relationships. Those relationships may be temporary, built to complete a single transaction at a single time, or more permanently cultivated to ensure future transactions are smoothly concluded. The first (temporary) relationship may be regarded as uncertainty avoidance while the latter can be seen as future orientation. Uncertainty avoidance refers to the extent to which a society relies on norms and procedures to cover events and situations in their daily lives, while cultural future orientation is the degree to which a society encourages and rewards future-oriented behaviors (Javidan and House 2001; Seleim and Bontis 2009).

Of course, as Kelly (2014: 5) pointed out:

... in terms of corruption, if bribes and kickbacks are not effectively punished, or even encouraged, one who refuses to participate in the practice based on moral grounds will eventually find themselves politically and/or economically at a disadvantage in relation to their peers.

The resultant effect is that no one wants to be at a disadvantage and most of the society therefore goes along to get along and accomplish their daily routines and long-term goals.

Not surprisingly then, as noted above and worth repeating here, in most societies, culture influences institutions and social norms, dictates the interactions of agents within a society, and affects the type of corruption that becomes prevalent (Banuri and Eckel 2012). Nonetheless, one complicating and seemingly contradictory factor in this notion of the culture of corruption, as it applies to most countries, is that large numbers of people in highly corrupt settings, including Nigeria, do not internalize corruption as something morally acceptable. On the contrary, even if they have to take part in corrupt practices to get by or even to survive, they usually identify these practices as morally wrong (Rothstein 2011). But it is these practices that exist in many African societies as a necessary evil (Kelly 2014). Therefore, while most Nigerians may abhor corruption officially, they realize it is crucial for their own survival and so it persists

within the culture. To that extent, Nigerians are participants in corruption, as well as critics and victims.

Consequently, as Smith (2007: 6) puts it, ‘unravelling the connections between corruption and culture is integral to understanding not only contemporary Nigeria but also the broader dynamics of culture, politics, and social change in a world marked by enormous inequality’. Engaging in corruption has therefore become a survival mindset as Obomanu (2014) aptly describes it. People condemn the very practices in which they participate and lament the effects of a system they feel obliged to engage with (Smith 2007). For Nigerians, therefore, engaging in and benefiting from corrupt behavior, which many detest, is requisite. In that context, it may very well be, as suggested by Pierce (2016), that corruption is best understood in Nigeria, as well as in all other nations, as a culturally contingent set of political discourses and historically embedded practices.

Here Aluko’s (2002) diagram showing the stages of the institutionalization of corruption in culture and behavior becomes relevant as he notes that:

At the final stage, new forms of behavior emerge which runs counter to the old social order but conforms with the new value-system in which corruption has been completely institutionalized and entrenched. The new social order becomes the yardstick for measuring behavior. Corruption now governs the society. (Aluko 2002: 397)

Yet, at the same time, as argued above, most Nigerians loathe the systemic corruption that they are forced to participate in. In other words, they demonstrate tremendous discontent about corruption in their country (Smith 2007).

One further observation of the interplay between culture and corruption, in the context of the current conformity to the new social order, has to do with Nigerians being fearful of reporting other Nigerians for corruption because the latter may have political, tribal, or other connections that may be deployed to seriously sanction the former. The resultant effect is that well-intentioned Nigerians are silently intimidated into not reporting corruption for fear of the potential consequences or repercussions. Consequently, instead of the corrupt being frightened about engaging in corrupt activities, they are further emboldened by the fact that they are not likely to be reported and prosecuted.

This unfortunate state of affairs is, undoubtedly, a key factor contributing to the pervasive stench of the culture of corruption in Nigeria. In fact, so corrosive is this ‘emboldenment’ aspect of the culture of corruption, and the individual, tribal, and societal expectations of the continued execution of said culture, that even local (Nigerian) personnel that are hired by international organizations to assist in the implementation of anti-corruption programs for the benefit of their own country are unable to act with integrity in the delivery of such programs. Instead, they attempt to derive personal and/or collective private gain and satisfaction from nefarious behavior such as, for example, the rigging of contracts for local vendor services to engage their preferred vendors; the influencing of the hiring process for consultants so as to be able to hire their preferred candidates who, by definition, are usually the least qualified of the pool of applicants to be considered; and crude attempts to stymie program implementation by more ethical staff members, as well as others in the ACIs, through delays in key implementation activities such as the preparation of key documents, approvals of program actions, and payment approvals.

So, from a general commonsense perspective, and as also observed by Ganahl (2013), if the local employees manning these anti-corruption programs in international and/or other donor-funded organizations are themselves prone to corruption, then the organizations themselves will not necessarily impinge corruption, but merely provide another channel—and in this case, even greater discretion—for corrupt activities. It also confirms findings by Smith (2010) that a central question in the study of corruption in Nigeria, including in the international and local NGO sector, is how ordinary citizens can be, paradoxically, active participants in the social reproduction of corruption, even as they are also its primary victims and at times critics. Perhaps part of the answer can be found in ‘one of the reigning jokes in contemporary Nigeria, told only partly facetiously, that when students complete their education they have two options besides likely unemployment: founding a church or starting [and/or working in] a non-governmental organization . . . [both of which] are fertile grounds for corruption’ (Smith 2010: 243).

MEASURES TO CONTROL CORRUPTION IN NIGERIA

The corruption problem also persists in Nigeria despite the attempts by several successive Nigerian governments to eradicate or curtail this negative menace. Many of these governments have either embraced and/

or implemented what can be categorized as either legal frameworks or as institutional frameworks and other initiatives to combat the corruption problem, and some progress has been made, at least in establishing the institutional initiatives, in the fight against corruption in the country in a manner also largely compliant with the requirements of the United Nations Convention Against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption, and the Economic Community of West African States Protocol on the Fight Against Corruption (see, for instance, TUGAR 2012).

The principal legal frameworks (for a fuller description see, for example, Ogbu 2008; Amaraegbu 2010; Waziri 2011; TUGAR 2012; ActionAid Nigeria 2015; Ijewereme 2015; Obianyo and Emesibet 2015) include the following:

1. *The Criminal Code Act, 1990*: Chapter 12 specifically deals with 'Corruption and Abuse of Office' and others also make specific provisions for various types of corrupt behavior and appropriate sanctions.
2. *The Code of Conduct Bureau and Tribunal Act, 1990*: This legislation provided for the establishment of the Code of Conduct Bureau and the Code of Conduct Tribunal (CCT) to deal with complaints of corruption by public servants for the breaches of its provisions. In 2004, the Act was amended to, among other things, compel every Public Officer to make declarations of assets to the Bureau and provide for the Bureau to examine the assets declarations and ensure that they comply with the requirements of the Act and of any law for the time being in force.
3. *Constitution of the Federal Republic of Nigeria, 1999*: The constitution is the supreme law that contains extensive provisions regarding public probity.
4. *The Corrupt Practices and Other Related Offences Act, 2000*: This Act seeks to prohibit and prescribe punishment for corrupt practices and other related offences, and it established the Independent Corrupt Practices and Other Related Offences Commission (ICPC) while describing the offences and penalties that should apply.
5. *The Economic and Financial Crimes Act, 2002/2004*: This Act established the Economic and Financial Crimes Commission (EFCC) in 2002. The Act was amended in 2004 to provide for,

among other things, the establishment of a Nigerian Financial Intelligence Unit (NFIU) within the EFCC.

6. ***Money Laundering (Prohibition) Act, 2004***: This Act (i) provided for the repeal of the Money Laundering Act, 2003; (ii) made comprehensive provisions to prohibit the laundering of the proceeds of a crime or an illegal act; and (iii) provided appropriate penalties and expanded the interpretation of financial institutions and scope of supervision of regulatory authorities on money laundering activities, among other things.
7. ***Public Procurement Act, 2007***: This Act established the National Council on Public Procurement and the Bureau of Public Procurement (BPP) as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing the existing government policies and practices by regulating, setting standards, and developing the legal framework and professional capacity for public procurement in Nigeria, and for related matters.
8. ***Nigeria Extractive Industries Transparency Initiative (NEITI) ACT, 2007***: This Act provided for the establishment of the Nigeria Extractive Industries Transparency Initiative (NEITI) and also requires extractive industry companies doing business in Nigeria, under penal sanction, to make full disclosure of revenues and costs of operations to NEITI Auditors.
9. ***Other Legislation***: A number of other bills were passed into law that will also be very critical in the fight against corruption in Nigeria. These include a Whistleblower Protection Act and a Proceeds of Crime Act. The latter, which received presidential ascent in July 2015, provides for the recovery of illegally acquired property through forfeiture, confiscation, or civil recovery. It also provides the powers to seize, freeze, and restrain criminals from having access to such property (U.S. Department of State [2015](#)).

With respect to the institutional frameworks and other initiatives, these have primarily resulted in the creation of several anti-corruption institutions as discussed below:

1. ***The Public Complaints Commission (PCC)***: The PCC, Nigeria's Ombudsman, is supposedly an autonomous body with the mandate to investigate and redress complaints of citizens relating to administrative injustice and anomalies against the government or

private entities. The Commission aims at promoting social justice for the individual citizen. It is also to provide a viable option for Nigerians or anyone resident in Nigeria seeking redress against injustice arising from administrative bureaucratic errors, omission or abuse by officials of government, or limited liability companies in Nigeria. The Commission also has the role of improving public administration in the laws, procedures, practices, rules and regulations, and standard behavior of officials. These are provided for in the PCC Act, 2004. The primary function of the PCC is to provide impartial investigation on behalf of the complainants who feel aggrieved by the action or inaction of the government or local government or private companies.

2. *The Code of Conduct Bureau and Tribunal:* The CCB enforces the code of conduct for public officers. Its mandate is to establish and maintain a high standard of morality in the conduct of government business and to ensure that the actions and behavior of public officers conform to the highest standards of public morality and accountability. The CCT is a quasi-judicial body that hears cases referred to it by the CCB and determines punishment, if any, as provided for in the Act. The CCB is a unit of the Presidency and has therefore been accused of partisan and selective investigation and prosecution.
3. *The Economic and Financial Crimes Commission:* The EFCC was first established by an Act in 2002 which was repealed and replaced by the Economic and Financial Crimes Commission (Establishment) Act, 2004. The Act mandates the EFCC to combat financial and economic crimes and empowers it to prevent, investigate, prosecute, and penalize economic and financial crimes including money laundering, embezzlement, bribery, looting, and any form of corrupt practices, illegal arms dealing, smuggling, illegal bunkering, illegal mining, tax evasion, and foreign exchange malpractices including counterfeiting of currency.
4. *The Nigerian Financial Intelligence Unit:* The NFIU is domiciled within the EFCC as an autonomous unit. The core mandate of the NFIU is to serve as the national center for the receipt and analysis of: (a) suspicious transaction reports; and (b) other information relevant to money laundering, associated predicate offences and terrorist financing, and for the dissemination of the results of the analysis to law enforcement and anti-corruption agencies.

5. *Special Control Unit Against Money Laundering (SCUML)*: SCUML was established in 2005 to serve as a structure for the curtailment of money laundering and terrorist financing in the Designated Non-Financial Institutions sector. SCUML works in collaboration with the EFCC and the NFIU.
6. *The Bureau of Public Procurement*: The BPP is charged with the responsibility to, among other things, provide the legal and institutional framework and professional capacity for public procurement in Nigeria. It has the mandate to ensure probity, transparency, and accountability in the procurement process.
7. *The Nigeria Extractive Industry Transparency Initiative*: The NEITI was established with the mandate of ensuring transparency and accountability and eliminating corrupt practices in payments and receipts within the extractive sector.
8. *The Technical Unit on Governance and Anti-Corruption Reforms (TUGAR)*: TUGAR is a research, monitoring, and evaluation unit established in 2006 to respond to the critical need for a rigorous approach to policy making grounded on empirical data collection and analysis; and in-depth country-specific diagnostics on corruption and related governance issues. It is housed in the NEITI Secretariat in the Presidency.
9. *The Inter-Agency Task Team (IATT)*: The IATT is the coordinating platform of various government agencies with anti-corruption or accountability mandates in Nigeria. The IATT came into being with the inauguration of the TUGAR and was established as a mechanism to address the challenge of accountability and anti-corruption mandates in multiple institutions. The TUGAR serves as the IATT's secretariat.
10. *The Auditor-General*: The Office of the Auditor-General (OAG) for the Federation is a separate and independent entity whose existence, powers, duties, and responsibilities are provided for under section 85 of the Constitution of the Federal Republic of Nigeria 1999. The OAG is responsible for auditing the public accounts and presenting periodic reports to the National Assembly on fraud and waste, ensuring value for money in government financial activities for the benefit of the Nigerian people.
11. *The Nigeria Police Force*: The laws of Nigeria, including the Police Act, provide that the NPF is employed for, among other things, the prevention, detection, and investigation of crimes and due

enforcement of all laws and regulations for which they are directly charged. Consequently, the Police have a primary duty for the investigation of crimes including corruption cases. Moreover, in several of the ACIs, it is police officers seconded to those agencies who directly undertake the investigation of offences.

Although the ACIs are many, as shown above, they have been established precisely because succeeding governments felt the need to put them in place to stem the corruption epidemic in the country. Some recommendations have been made in some quarters to eliminate or merge such institutions as the ICPC and the EFCC as they were deemed to be performing the traditional functions of the NPF. However, it would be a grave mistake for the government to accept such recommendations. Bearing in mind the fact that the NPF is consistently rated as the most corrupt institution in Nigeria, as discussed above, the ICPC and the EFCC were established, among other reasons, to provide the capacity, not found in the NPF, to investigate and prosecute corruption. Moreover, the establishment of these institutions was consistent with the UNCAC, Articles 6 and 36, on the need for each State Party, in accordance with the fundamental principles of its legal system, to ensure the existence of a body or bodies, as appropriate, that prevent and combat corruption through law enforcement. Their merger or elimination would therefore impair the anti-corruption drive and send the wrong signal both nationally and internationally.

In addition to the above official government frameworks, development partners have also been providing assistance to counter the corruption problem in the country. Currently, the European Union (EU) is the major driving force of anti-corruption efforts in the country, with most of its assistance being provided for strengthening of the government organizations in the prevention and control of corruption, and development of their capacities by training and tools to strengthen their technical and operational capacities. Similar capacity development assistance is being provided as well to the CSOs involved in anti-corruption work (see EU 2009; TUGAR 2012).

CONCLUSION

Despite all of the measures that have been deployed in the fight against corruption in Nigeria, corruption remains rampant in the country which is also saddled with an international reputation for such. Among the drivers

are ‘major political parties’ office seekers, elected officials, and public officers [who] use their positions of authority and access to power to engage in corrupt activities’ (Obuah 2010: 18). As Agbiboa (2014) has also concluded, corruption is an enduring problem in Nigeria and a major obstacle to its development. *Nigerian Corruption Watch* (2014b: 5) has more dramatically observed that: ‘There is no section or segment of the political, economic, social or moral life of Nigeria or Nigerians which corruption has not debased. Corruption therefore accounts for the most fundamental contemporary social problem in Nigeria’. And, a leading Nigerian bishop, Matthew Kukah, has been quoted as saying that ‘corruption is the only thing that works’ (*The Economist* 2015: 11).

This chapter has identified the weakness of institutions, including an analysis of the contributing factors for their weakness, and the culture of corruption that has developed in Nigeria as the core reasons that corruption remains untamed in the nation. Nigerians are very corrupt because the system under which they live today makes corruption worthwhile. The country will cease to be as corrupt when corruption is difficult and inconvenient, hampered by leadership that does not tolerate it, and by institutions that are given the independence and capacity to act. Where there are weak federal institutions, particularly in the enforcement of laws and regulations, it seems to invite shadowy figures and functions that operate in their own best interests and not necessarily of that of the nation as a whole. ‘The institutionalization of corruption that is present in Nigeria, terrorizes the Nigerian people and further creates a climate that leads to the birth of radical, insurgent groups, such as Boko Haram, that go on to terrorize the Nigerian people’ (Okafor 2014: 1). Successfully combating corruption therefore requires changing habits that eventually changes the culture (Hira 2016). That entails much greater efforts at prevention activities that must encompass information, education, and communication campaigns aimed at public enlightenment and mobilization and education to increase awareness and knowledge for a total galvanization of the people against corruption and to bring about changing attitudes and behavior about corruption.

However, what is also needed is an overarching National Anti-Corruption Strategy (NACS) or road map, with strategic objectives embracing the mandates of all of the ACIs, for national implementation to reduce corruption by providing a platform for coordinating and harmonizing the efforts of the ACIs, the private sector, civil society, and the people of Nigeria in a much more effective fight against corruption. Attempts

have been made in the past to develop such a strategy and there are current drafts of such. The government must exhibit political will and not only adopt that strategy but also vigorously implement it. In fact, through EU assistance there is an anti-corruption project being implemented by the United Nations Office on Drugs and Crime in Nigeria, on behalf of the Federal Government of Nigeria, which has as a major component the implementation of that NACS when it is ready.

Undoubtedly, the endemic state of corruption in Nigeria has retarded growth and development in the country and this has also been recognized by the country's President, Muhammadu Buhari, who was elected on an anti-corruption platform in March 2015. From his inauguration and establishment of his government, he has been preaching a message of tackling the culture of corruption (Koranteng 2016). In several speeches, some of them delivered on his behalf by his Vice President, President Buhari has invariably noted, among other things, that (i) corruption in Nigeria is so endemic that it constitutes a parallel system and it is the primary reason for poor policy choices, waste and bare-faced theft of public resources; (ii) corruption is the main reason why a potentially prosperous Nigeria struggles to feed itself and provide jobs for millions; (iii) the hundreds of thousands of deaths in the infant and maternal mortality statistics, the hundreds of thousands of annual deaths from preventable diseases are traceable to the greed and corruption of a few and this is why we must see it as an existential threat, if we 'don't kill it, it will kill us'; (iv) we [the government] are called upon to clean up the mess and rebuild the institutions that corruption has ravaged over the years; (v) to win the war on corruption requires a change of mindset, change of attitude, and change of conduct; (vi) exemplary leadership is fundamental to any meaningful fight against corruption, noting that mere lip service to the war against corruption had not yielded any positive results so far; and (vii) the systemic nature of corruption in our country demanded our strong resolve to fight it and we are demonstrating our commitment to this effort by bringing integrity to governance and showing leadership by example (Buhari 2015a, b, c, 2016a; *Premium Times* 2015b; Udott 2015).

In that ongoing regard, in August 2015, President Buhari constituted a Presidential Advisory Committee on Anti-Corruption—whose membership includes a few of the leading local experts on anti-corruption issues and persons of integrity—to oversee the anti-corruption effort, promote the reform agenda of the government, and coordinate the implementation plan for anti-corruption legislation and other interventions. Among other

things, the Committee will also articulate and report on strategies toward repositioning and strengthening the anti-corruption agencies including the EFCC, the ICPC, the CCB, and the CCT, and the ways in which the criminal justice administration may be improved (Buhari 2016b). This is indeed a good idea and a very good way to get meaningful advice and recommendations on how to target and leverage all stakeholders, such as the existing ACIs, the Executive branch, the Legislature, the judiciary, civil society, development partners, and the Nigerian people to build on the anti-corruption strategy (when finally approved by the government), within an overall governance framework, to combat Nigeria's corruption menace. Such a strategy must be vigorously implemented including the enforcement of the legislation on whistleblower protection to provide for the manner in which individuals may, in the public interest, disclose information that relates to corrupt practices of others or other unlawful or other illegal conduct; to provide for the protection against victimization of persons who make such disclosures; and to provide for a fund to reward individuals who make the disclosures.

In May 2016, Nigeria also participated in the landmark Anti-Corruption Summit in London, that was referred to in Chap. 3, and was represented by its President Muhammadu Buhari. President Buhari issued a country statement of actions covering the three areas of the summit that includes, among other things: (i) welcoming the proposal from countries to restrict the ability of those involved in grand corruption to travel, invest, and do business overseas with the suggestion that this could be activated where there is a conviction, or public information of the involvement in grand corruption and where it is in the public interest to impose those restrictions; (ii) working together with interested countries to share information between respective public-private partnerships to ensure the most effective response to international money laundering; (iii) applying the Open Contracting Data Standard to the following major projects—(a) Development of Refineries in the oil Sector; (b) Building of Health Centers and Improvement of Health Services; (c) Building of Roads and other Infrastructures; (d) Building of Schools and Improving Transparency in the Management of Education Funds; and (e) Investment in the Power Sector; (iv) welcoming voluntary disclosures through the Extractive Industries Transparency Initiative reporting and by some major companies regarding payments to governments for the sale of oil, gas, and minerals; (v) committing to reviewing penalties and other actions against professional enablers of tax evasion, includ-

ing for corporations that fail to prevent their employees from facilitating tax evasion; (vi) committing to the strengthening of asset recovery legislation, including through non-conviction-based confiscation powers and the introduction of unexplained wealth orders; (vii) committing to developing internationally endorsed guidelines for the transparent and accountable management of returned stolen assets; (viii) launching a practitioner partnership on institutional integrity, coordinated by the Organization for Economic Co-operation and Development and covering the extractives, health, and education sectors, as well as the public service and anti-corruption institutions; (ix) committing to participating in an Innovation Hub that will facilitate the uptake of new approaches and technologies to tackle corruption and to improve access to information; and (x) working with other countries, civil society, and international organizations to support accelerated implementation of the voluntary provisions of the UNCAC and committing to the implementation of the outstanding obligations under the UNCAC (Buhari 2016c). Only time will tell if any, some, or all of these laudable anti-corruption actions get duly implemented.

REFERENCES

- ActionAid Nigeria. (2015). *Corruption and poverty in Nigeria: A report*. Abuja: ActionAid Nigeria.
- Adesote, S. A., & Abimbola, J. O. (2012). Corruption and national development in Nigeria's fourth republic: A historical discourse. *Journal of Sustainable Development in Africa*, 14(7), 81–98.
- AFP (Agence France Presse). (2016, April 20). Nigeria uncovers 17,000 more civil service ghost workers. *France24*. <http://www.france24.com/en/20160420-nigeria-uncovers-17000-more-civil-service-ghost-workers>. Accessed 21 Apr 2016.
- Agbibo, D. E. (2012). Between corruption and development: The political economy of state robbery in Nigeria. *Journal of Business Ethics*, 108(3), 325–345.
- Agbibo, D. E. (2013a). One step forward, two steps back: The political culture of corruption and cleanups in Nigeria. *CEU Political Science Journal*, 8(3), 273–295.
- Agbibo, D. E. (2013b). Protectors or predators?: The embedded problem of police corruption and deviance in Nigeria. *Administration & Society*, 47(3), 244–281.
- Agbibo, D. E. (2014). Under-development in practice: Nigeria and the enduring problem of corruption. *Development in Practice*, 24(3), 390–404.

- Agbibo, D. E. (2015). "Policing is not work: It is stealing by force": Corrupt policing and related abuses in everyday Nigeria. *Africa Today*, 62(2), 95–126.
- Akanle, O., & Adesina, J. O. (2015). Corruption and the Nigerian development quagmire: Popular narratives and current interrogations. *Journal of Developing Societies*, 31(4), 421–446.
- Akinlabi, O. M. (2015, September 15). Young people, procedural justice and police legitimacy in Nigeria. *Policing and Society: An International Journal of Research and Policy*. <http://www.tandfonline.com/doi/full/10.1080/10439463.2015.1077836>. Accessed 12 June 2016.
- Akinlabi, O. M. (2016, July 19). Do the police really protect and serve the public? Police deviance and public cynicism towards the law in Nigeria. *Criminology and Criminal Justice*. doi:10.1177/1748895816659906.
- Akiyandenu, O. (2013). Counterfeit drugs in Nigeria: A threat to public health. *African Journal of Pharmacy and Pharmacology*, 7(36), 2571–2576.
- Alemika, E. E. O. (2013). *Criminal victimization, policing and governance in Nigeria*. Monograph series (Vol. 18). Lagos: CLEEN Foundation.
- Aluko, M. A. O. (2002). The institutionalization of corruption and its impact on political culture and behavior in Nigeria. *Nordic Journal of African Studies*, 11(3), 393–402.
- Amaragbu, D. (2010). *Analysis of anti-corruption policies in Africa: The cases of Nigeria and Ghana*. Saarbrücken: VDM Verlag Dr. Müller.
- Anita, A. W. B. (2013, December 20). Corruption in the education sector. *The Nigerian Observer*. http://nigerianobservernews.com/20122013/features/features6.html#.Vj3j4_mrSu0. Accessed 7 Nov 2015.
- Anthony-Uko, N. (2014, October 22). FG uncovers 60,000 ghost workers. *Leadership*. <http://leadership.ng/news/387811/fg-uncovers-60000-ghost-workers>. Accessed 24 Nov 2015.
- Banuri, S., & Eckel, C. (2012). *Experiments in culture and corruption: A review*. Policy research working paper 6064. Washington, DC: World Bank.
- Blanchard, L. P., & Husted, T. F. (2016). *Nigeria: Current issues and U.S. policy*. Washington, DC: Congressional Research Service.
- Buhari, M. (2015a). Inaugural speech. <http://www.noa.gov.ng/attachments/article/87/MUHAMMADU%20BUHARI'S%20SPEECH.pdf>. Accessed 1 Nov 2015.
- Buhari, M. (2015b). We are called upon to clean the mess of corruption and rebuild institutions. <http://www.statehouse.gov.ng/index.php/news/1621-we-are-called-upon-to-clean-the-mess-of-corruption-and-rebuild-institutions-president-buhari>. Accessed 4 Nov 2015.
- Buhari, M. (2015c, December 11). Incorruptibility: A spiritual premise for material wellbeing. Keynote address at the Osigwe Anyiam-Osigwe foundation lecture, International Conference Center, Abuja. <http://www.statehouse.gov.ng/index.php/news/1772-incorruptibility-a-spiritual-premise-for-material-wellbeing-president-buhari>. Accessed 13 Dec 2015.

- Buhari, M. (2016a, May 11). Keynote address at the Commonwealth event 'Tackling corruption together: A conference for civil society, business and government leaders', Commonwealth Secretariat, London. <http://thecommonwealth.org/sites/default/files/pressrelease/documents/keynote%20address.pdf>. Accessed 12 May 2016.
- Buhari, M. (2016b). My plan to fight corruption in Nigeria. In Prime Minister's Office (Ed.), *Against corruption: A collection of essays* (pp. 37–45). London: Government of the United Kingdom. <https://www.gov.uk/government/publications/against-corruption-a-collection-of-essays/against-corruption-a-collection-of-essays>. Accessed 12 May 2016.
- Buhari, M. (2016c). Draft country statement from Nigeria: London Anti-Corruption Summit. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522723/Nigeria.pdf. Accessed 12 May 2016.
- Business Hallmark. (2015). Bank customers worry over fake notes at ATMs. <http://hallmarknews.com/bank-customers-worry-over-fake-notes-at-atms/>. Accessed 15 Nov 2015.
- Campbell, J. (2013). *Nigeria: Dancing on the brink*. Lanham: Rowman & Littlefield Publishers.
- Chayes, S. (2015). *Thieves of state: Why corruption threatens global security*. New York: W. W. Norton & Company.
- Chinwendu, O. (2008). *The fight against fake drugs by NAFDAC in Nigeria*. Thesis prepared for the 44th International Course in Health Development (ICHHD), September 24, 2007–September 12, 2008, KIT (Royal Tropical Institute). <http://apps.who.int/medicinedocs/documents/s18405en/s18405en.pdf>. Accessed 7 Nov 2015.
- Ekeh, P. P. (1975). Colonialism and the two publics in Africa: A theoretical statement. *Comparative Studies in Society and History*, 17(1), 91–112.
- Erero, J., & Oladoyin, T. (2000). Tackling the corruption epidemic in Nigeria. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 280–287). Houndmills, Basingstoke: Palgrave Macmillan.
- EU (European Union). (2009). *Nigeria-EU joint way forward*. http://ccas.europa.eu/delegations/nigeria/documents/eu_nigeria/the_nigeria-eu_joint_way_forward_en.pdf. Accessed 8 Nov 2015.
- Ezrow, N. (2016, May 14). Why the British PM is right about corruption in Nigeria and Afghanistan. *Newsweek*. <http://www.newsweek.com/nigeria-and-afghanistan-hope-reform-459711>. Accessed 6 June 2016.
- Ganahl, J. P. (2013). *Corruption, good governance, and the African state: A critical analysis of the political-economic foundations of corruption in Sub-Saharan Africa*. Potsdam: Potsdam University Press.
- Gray, C. W., & Kaufmann, D. (1998). Corruption and development. *Finance and Development*, 35(1), 7–10.
- Hill, J. N. C. (2010). Corruption in the courts: The achilles' heel of Nigeria's regulatory framework? *Third World Quarterly*, 31(7), 1161–1179.

- Hira, A. (2016). Broken windows: Why culture matters in corruption reform. *Journal of Developing Societies*, 32(1), 1–16.
- Hooker, J. (2009). Corruption from a cross-cultural perspective. *Cross Cultural Management: An International Journal*, 16(3), 251–267.
- Hope, K. R. (1999). Corruption in Africa: A crisis in ethical leadership. *Public Integrity*, 1(3), 289–308.
- Hope, K. R. (2000). Corruption and development in Africa. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 17–39). Houndmills, Basingstoke: Palgrave Macmillan.
- Hope, K. R. (2009). Capacity development for good governance in developing countries: Some lessons from the field. *International Journal of Public Administration*, 32(8), 728–740.
- Hope, K. R. (2016). An analytical perspective on police corruption and police reforms in developing societies. In K. R. Hope (Ed.), *Police corruption and police reforms in developing societies* (pp. 3–31). Boca Raton: CRC Press/Taylor and Francis.
- Hope, K. R., & Chikulo, B. C. (Eds.). (2000). *Corruption and development in Africa: Lessons from country case-studies*. Houndmills, Basingstoke: Palgrave Macmillan.
- Human Rights Watch. (2010). *Everyone's in on the game: Corruption and human rights abuses by the Nigeria Police Force*. New York: Human Rights Watch.
- Ijewereme, O. B. (2015). Anatomy of corruption in the Nigerian public sector: Theoretical perspectives and some empirical explanations. *Sage Open*, 5(2), 1–16.
- Intersociety. (2012). *Tackling roadblock extortion & killings is a major challenge facing your appointment & ignoring them makes your new headship of the NPF a candidate of failure*. <http://www.intersociety-ng.org/resources/downloads/category/11-news-archives-2012>. Accessed 1 Nov 2015.
- Javidan, M., & House, R. (2001). Cultural acumen for the global manager: Lessons from project GLOBE. *Organizational Dynamics*, 29(4), 289–305.
- Jimoh, A. (2015, November 6). Judiciary undermining Buhari's anti-corruption war—TMG. *Daily Trust*, p. 13.
- Kamorudeen, A., & Bidemi, A. S. (2012). Corruption in the Nigerian public health care delivery system. *Sokoto Journal of the Social Sciences*, 2(2), 98–114.
- Kaplan, S. D. (2013). *Betrayed: Politics, power, and prosperity*. New York: Palgrave Macmillan.
- Kar, D., & Spanjers, J. (2015). *Illicit financial flows from developing countries: 2004–2013*. Washington, DC: Global Financial Integrity.
- Kelly, R. M. (2014). *Corruption in Africa: Cultural, economic and political factors which impact corruption and potential solutions*. A thesis submitted to the Graduate School-Camden Rutgers, The State University of New Jersey in partial fulfilment of the requirements for the degree of Masters of Arts Graduate Program in Liberal Studies. Camden: Rutgers, The State University of New Jersey.

- Koranteng, R. (2016). The fight against corruption in Commonwealth Africa: Overview of progress. In Commonwealth Secretariat, *Key principles of public sector reforms: Case studies and frameworks* (pp. 239–254). London: Commonwealth Secretariat.
- Kottasova, I., & Giokos, E. (2016, February 29). Nigeria cuts 23,000 ‘ghost workers’ from government payroll. *CNNMoney*. <http://money.cnn.com/2016/02/29/news/economy/nigeria-ghost-workers/>. Accessed 20 Apr 2016.
- Martini, M. (2014). Nigeria: Evidence of corruption and the influence of social norms. http://www.transparency.org/files/content/corruptionqas/Nigeria-overview_of_corruption_and_influence_of_social_norms_2014.pdf. Accessed 6 Nov 2015.
- Mayah, E., & Olufemi, J. (2016, April 19). Panama Papers may strengthen case against powerful Nigerian leader. *Mail & Guardian*. <http://mg.co.za/article/2016-04-19-panama-papers-may-strengthen-case-against-powerful-nigerian-leader>. Accessed 8 May 2016.
- Mo Ibrahim Foundation. (2014). *2014 Ibrahim Index of African Governance*. London: Mo Ibrahim Foundation. <http://static.moibrahimfoundation.org/downloads/publications/2014/2014-iiag-country-summaries.pdf>. Accessed 12 Nov 2015.
- Mo Ibrahim Foundation. (2015a). *2015 Ibrahim Index of African Governance: Executive summary*. London: Mo Ibrahim Foundation. <http://static.moibrahimfoundation.org/u/2015/11/03174252/2015-Executive-Summary.pdf>. Accessed 12 Nov 2015.
- Mo Ibrahim Foundation. (2015b). 2015 IIAG data portal. <http://www.moibrahimfoundation.org/iiag/downloads/>. Accessed 12 Nov 2015.
- National Planning Commission. (2013). *Mid-term report of the transformation agenda (May 2011–May 2013): Taking stock, moving forward*. Abuja: National Planning Commission. <http://www.nationalplanning.gov.ng/images/docs/downloadcenter/midtermreportofthetransformationagenda.pdf>. Accessed 13 Nov 2015.
- NBS (National Bureau of Statistics). (2012). *Nigeria poverty profile 2010*. Abuja: NBS.
- Nigerian Corruption Watch. (2014a). How former leaders institutionalized corruption in Nigeria. *Nigerian Corruption Watch*, 4(6), 15.
- Nigerian Corruption Watch. (2014b). Consequences of institutionalizing corruption in Nigeria. *Nigerian Corruption Watch*, 4(6), 5.
- NOIPolls. (2015). *Corruption in Nigeria: Poll report*. http://www.noi-polls.com/documents/Report_-_Corruption_In_Nigeria_Poll.pdf. Accessed 6 Nov 2015.
- Nta, E. (2015). From the Chairman’s desk. *ICPC News*, 10(1), 2.

- Obasanjo, O. (1999, May 29). Inaugural speech by his excellency, President Olusegun Obasanjo following his swearing-in as president of the Federal Republic of Nigeria. <http://nigeriaworld.com/feature/speech/inaugural.html>. Accessed 5 Nov 2015.
- Obi, P. (2016, June 1). Workers shut down health ministry, raise the alarm over corruption, misconduct. *This day*. <http://www.thisdaylive.com/index.php/2016/06/01/workers-shut-down-health-ministry-raise-the-alarm-over-corruption-misconduct/>. Accessed 2 June 2016.
- Obianyo, N. E., & Emesibet, V. (2015, October 26–27). Anti-corruption strategies in Nigeria- failure of theories or failure of policies?: Finding the missing link. Paper presented at the conference on Anti-Corruption Research and Policy-Making in Nigeria: 40 Years after the theory of two publics, Abuja.
- Obomanu, A. (2014). *The survival mindset: A systematic approach to combating corruption in Nigeria*. Bloomington: iUniverse.
- Obuah, E. (2010). Combating corruption in Nigeria: The Nigerian Economic and Financial Crimes Commission (EFCC). *African Studies Quarterly*, 12(1), 17–44.
- Ogbu, O. N. (2008). Combating corruption in Nigeria: A critical appraisal of the laws, institutions, and the political will. *Annual Survey of International & Comparative Law*, 14(1), 99–149.
- Ogundipe, S. (2016, June 4). Nigeria publishes details of recovered assets, withholds names of looters. *Premium Times*. <http://www.premiumtimesng.com/news/headlines/204676-nigeria-publishes-details-of-recovered-assets-withholds-names-of-looters.html>. Accessed 6 June 2016.
- Okafor, U. (2014, August 18). The Nigerian government is a greater threat to its people than Boko Haram. *The Huffington Post*. http://www.huffingtonpost.ca/udoka-okafor/nigerian-government-corruption-_b_5686842.html. Accessed 7 June 2016.
- Okoduwa, R. A. (2009, May 5). The anti-corruption crusade: ICPC perspective. Paper Presented at the Anti-Corruption Seminar organized by the ACTU [Anti-corruption and Transparency Monitoring Unit], Federal College of Education (Technical), Omoku.
- Okonjo-Iweala, N. (2014). *Reforming the unreformable: Lessons from Nigeria*. Cambridge, MA: MIT Press.
- Oluwaniyi, O. O. (2011). Police and the institution of corruption in Nigeria. *Policing and Society: An International Journal of Research and Policy*, 21(1), 67–83.
- Orole, F. A., Gadar, B. K., & Hunter, M. (2014). Leadership style, policing and perception of corruption: A comparative preliminary study within the Nigeria Police Force. *Psychosociological Issues in Human Resource Management*, 2(2), 79–93.

- Page, M. (2016, July 22). Nigeria's kleptocracy has been stealing public funds forever: Here's how to stop it. *The Washington Post*. <https://www.washingtonpost.com/news/monkey-cage/wp/2016/07/22/nigerias-kleptocracy-has-stolen-public-funds-for-years-heres-how-to-stop-this-problem/>. Accessed 23 July 2016.
- Pierce, S. (2016). *Moral economies of corruption: State formation and political culture in Nigeria*. Durham: Duke University Press.
- Post, L. A., Raile, A. N. W., & Raile, E. D. (2010). Defining political will. *Politics and Policy*, 38(4), 653–676.
- Premium Times. (2015a, February 17). Nigeria lacks institutions, systems, to prevent corruption—Okonjo-Iweala. <http://www.premiumtimesng.com/news/more-news/177045-nigeria-lacks-institutions-systems-to-prevent-corruption-okonjo-iweala.html>. Accessed 15 Oct 2015.
- Premium Times. (2015b, September 13). Corruption is cause of poverty in Nigeria—Buhari. <http://www.premiumtimesng.com/news/top-news/189983-corruption-is-cause-of-poverty-in-nigeria-buhari.html>. Accessed 15 Oct 2015.
- Premium Times. (2016, February 28). Nigeria announces removal of 23,846 ghost workers from government payroll. <http://www.premiumtimesng.com/news/top-news/199246-nigeria-announces-removal-of-23846-ghost-workers-from-government-payroll.html>. Accessed 19 Apr 2016.
- Pring, C. (2015). *People and corruption: Africa survey 2015*. Berlin: Transparency International.
- PwC (PricewaterhouseCoopers). (2016). *Impact of corruption on Nigeria's Economy*. Abuja: PwC. <http://www.pwc.com/ng/en/assets/pdf/impact-of-corruption-on-nigerias-economy.pdf>. Accessed 3 Feb 2016.
- Quartz Africa. (2016). Looters anonymous: Nigeria says it's recovered \$9.1 Billion in looted funds, but won't name the culprits. <http://qz.com/700036/nigeria-says-its-recovered-9-1-billion-in-looted-funds-but-wont-name-the-culprits/>. Accessed 7 June 2016.
- Reuters. (2016a, January 19). Nigerian minister says \$6.8 bn of public funds stolen in seven years. *Reuters Africa*. <http://af.reuters.com/article/topNews/idAFKCN0UX0D4?pageNumber=1&virtualBrandChannel=0>. Accessed 22 Jan 2016.
- Reuters. (2016b, June 4). Nigeria says it has recovered \$9.1 billion in stolen money and assets. *Reuters United Kingdom*. <http://uk.reuters.com/article/uk-nigeria-corruption-idUKKCN0YQ0GI>. Accessed 6 June 2016.
- Rothstein, B. (2011). *The quality of government: Corruption, social trust, and inequality in international perspective*. Chicago: University of Chicago Press.
- Sanusi, L. (2015, May 13). Unanswered questions on Nigeria's missing oil revenue billions. *Financial Times*. <http://www.ft.com/cms/s/0/c337c7a4-f4a2-11e4-8a42-00144feab7de.html#axzz3rs61Ovf7>. Accessed 18 Nov 2015.

- Seleim, A., & Bontis, N. (2009). The relationship between culture and corruption: A cross-national study. *Journal of Intellectual Capital*, 10(1), 165–184.
- Smith, D. J. (2007). *A culture of corruption: Everyday deception and popular discontent in Nigeria*. Princeton: Princeton University Press.
- Smith, D. J. (2010). Corruption, NGOs, and development in Nigeria. *Third World Quarterly*, 31(2), 243–258.
- Soyinka, K. (2012). Nigeria: Fighting the corruption scourge. *Montrose Journal*, 12 (Winter). <http://www.montroseassociates.biz/article.asp?aid=76>. Accessed 15 Nov 2015.
- Sylla, K. (2014). Defining corruption in the cultural context of Sub-Saharan Africa. In G. Mudacumura & G. Morçöl (Eds.), *Challenges to democratic governance in developing countries* (pp. 171–179). Heidelberg: Springer.
- The Anchor Online*. (2015, January 15). 49 years after the first coup: The unending problems Nzeogwu tried to solve. <http://theanchoronline.com.ng/49-years-after-the-first-coup-the-unending-problems-nzeogwu-tried-to-solve/>. Accessed 6 June 2016.
- The Economist*. (2015, June 20). *Corruption: The only thing that works: Changing an ingrained culture will take time (Special report: Nigeria: Opportunity knocks)*. http://www.economist.com/sites/default/files/20150620_sr_nigeria.pdf. Accessed 18 Nov 2015.
- TI (Transparency International). (2013). *Global corruption barometer 2013*. Berlin: TI.
- TI (Transparency International). (nd). *Corruption perceptions index*. Berlin: TI. <http://www.transparency.org/research/cpi/overview>. Accessed 28 Jan 2016.
- TUGAR (Technical Unit on Governance and Anti-Corruption Reforms). (2012). *Report of scoping survey of anti-corruption initiatives in Nigeria*. Abuja: TUGAR.
- U.S. Department of State. (2014). *Country reports on human rights practices for 2014: Nigeria*. Washington, DC: U.S. Department of State.
- U.S. Department of State. (2015). *Nigeria 2015 human rights report*. Washington, DC: U.S. Department of State. <http://www.state.gov/documents/organization/252927.pdf>. Accessed 18 Apr 2016.
- Udott, M. (2015). Vice President Osinbajo assures of eradication of corruption. <http://www.statehouse.gov.ng/index.php/news/1127-vice-president-osinbajo-assures-of-eradication-of-corruption>. Accessed 8 Nov 2015.
- UNDP (United Nations Development Programme). (2011). *Practitioner's guide: Capacity assessment of anti-corruption agencies*. New York: UNDP.
- UNECA (United Nations Economic Commission for Africa). (2010). *Assessing the efficiency and impact of national anti-corruption institutions in Africa*. Addis Ababa: UNECA.
- UNODC (United Nations Office on Drugs and Crime). (2005). *Assessment of the integrity and capacity of the justice system in three Nigerian states*. New York: United Nations.

- Uslaner, E. M. (2008). *Corruption, inequality, and the rule of law: The bulging pocket makes the easy life*. New York: Cambridge University Press.
- Vanguard News. (2010). Radio broadcast by Major Chukwuma Kaduna Nzeogwu—Announcing Nigeria's first military coup on Radio Nigeria, Kaduna on January 15, 1966. <http://www.vanguardngr.com/2010/09/radio-broadcast-by-major-chukwuma-kaduna-nzeogwu-%E2%80%93-announcing-nigeria%E2%80%99s-first-military-coup-on-radio-nigeria-kaduna-on-january-15-1966/>. Accessed 6 June 2016.
- Waziri, F. (2011). *Strengthening of anti-corruption commissions and laws in Nigeria*. Dissertation submitted to the Graduate Faculty of the Law School in partial fulfillment of the requirements for the degree of Doctor of Juridical Science, University of Pittsburgh. http://dscholarship.pitt.edu/10526/1/STRENGTHENING_OF_ANTL_CORRUPTION_COMMISSIONS_AND_LAWS_IN_NIGERIA.pdf. Accessed 7 May 2016.
- Wikipedia. (2016). Panama papers. https://en.wikipedia.org/wiki/Panama_Papers#Nigeria. Accessed 8 May 2016.
- World Bank. (2015a). WGI: Control of corruption. <http://info.worldbank.org/governance/wgi/index.aspx#faq-2>. Accessed 14 Nov 2015.
- World Bank. (2015b). WGI: Indicator control of corruption. <http://info.worldbank.org/governance/wgi/index.aspx#reports>. Accessed 14 Nov 2015.
- World Bank Group. (2014). *Enterprise surveys: Nigeria country profile 2014*. Washington, DC: World Bank Group. <http://www.enterprisesurveys.org/~media/GIAWB/EnterpriseSurveys/Documents/Profiles/English/nigeria-2014.pdf>. Accessed 6 Nov 2015.

Controlling Corruption in Africa: A Governance Approach

This book analyzed the corruption phenomenon in Africa with illustrated case studies from three of the most corrupt African nations covering, respectively, the Southern Africa region (Swaziland), the Eastern Africa region (Kenya), and the Western Africa region (Nigeria). Drawing on available data, the research literature, and the author's field practice experience, the nature and extent of corruption were identified; the factors influencing the causes and determining the consequences of corruption were delineated; measures that have been put in place to control corruption were outlined and discussed; and new policy solutions were proposed and advocated to more effectively control the corruption menace. Running throughout the book is the fact that corruption persists despite the proliferation of legal, institutional, and other measures that have been put in place to control said corruption. Systemic corruption undermines the credibility of democratic institutions, counteracts good governance, and weakens nationhood by destroying confidence in public administration and the political process, impoverishing communities and denying opportunity (Fellows et al. 2016a). There is also a significantly high correlation between corruption and an absence of respect for human rights, and between corruption and undemocratic practices (see, for example, Gathi 2009; Murray and Spalding 2015; Peters 2015; Dimant and Schulte 2016; Mondlane et al. 2016). Corruption therefore alienates citizens from their governments diminishing the legitimacy of the state in the eyes of citizens, who respond with disrespect for state institutions, with disregard

for the law, and even with violent conflict in some cases (UNODC 1999; Hope 2000; Johnston 2012; World Bank 2016).

The then Prime Minister of the United Kingdom, David Cameron, also further provided a summary view of corruption, and its consequences, for the landmark international Anti-Corruption Summit he held in London in May 2016, as follows:

Corruption is the cancer at the heart of so many of our problems in the world today. It destroys jobs and holds back growth, costing the world economy billions of pounds every year. It traps the poorest in the most desperate poverty as corrupt governments around the world syphon off funds and prevent hard-working people from getting the revenues and benefits of growth that are rightfully theirs. It steals vital resources from our schools and hospitals as corrupt individuals and companies evade the taxes they owe. It can even undermine our security . . . if the perceived corruption of local governments makes people more susceptible to the poisonous ideology of extremists. . . . If we continue to hide from this problem, how will developing countries blessed with natural resources ever break out of the poverty trap? . . . In the end, we have to deal with corruption if we are to have any hope of a truly prosperous and secure future. Furthermore, people actually want us to deal with this problem, every bit as much as they want us to tackle issues like poverty and migration. They want the law to be upheld and they want the corrupt to be punished, with justice and recompense for those who have suffered. (Cameron 2016: 1–2)

Moreover, the empirical literature and the governance/corruption indicators, as well as basic research observation, point out that countries with higher levels of corruption also have lower levels of growth; higher rates of poverty; less investment; lower public policy effectiveness; less investment in education and healthcare; lower inward foreign direct investment; increased pollution and natural resource depletion; reduced efficiency and increased inequality; reduced levels of the culture of compliance and thereby increasing tax evasion; and poorer infrastructure (see, for example, Florida 2010; Hodge et al. 2011; Ugur and Dasgupta 2011; Otusanya 2011; De Mendonça and Da Fonseca 2012; OECD 2014; O'Toole and Tarp 2014; IMF 2016). On the other hand, countries with very low levels of corruption and with reputations for sound governance tend to perform better economically. For example, 'Botswana has been largely free of kleptocracy and civil conflict; it has maintained a transparent, law-abiding government; and it has implemented good policies . . . which has done

much to diversify foreign exchange earnings and prevent the volatility that typifies many resource-based economies' (Lewin 2011: 89).

The literature also shows that the effect of corruption on socio-economic development and investment decisions is believed to be much more detrimental in Africa than in other continents such as Asia, for example. In that regard, as both a product and cause of poor governance and weak institutions, corruption is one of the major costs and impediments to structural transformation in Africa. It drives resource misallocation and results in the concentration of wealth in the hands of a few kleptocrats with much of that wealth being held offshore. Corruption also has the tendency of eroding the democratic political institutions of African countries.

In addition, the loss of output due to the misallocation of resources, distortions of incentives, and other inefficiencies that are caused by corruption represents the real cost to society (OECD 2015). Fellows et al. (2016b) offer empirical evidence that corruption hampers government effectiveness, including the quality of public services and economic prosperity, with the poorer countries being the ones that can least afford the very significant cost and the collateral damage. What has also emerged is that anti-corruption initiatives should provide key features that address both the demand and supply side of corruption. In fact, as Carlos Lopes (2016: vi), the then Executive Secretary of the United Nations Economic Commission for Africa (UNECA), observed, 'policy-makers must understand the importance and implications of viewing corruption as a broader phenomenon [that both involves and impacts the private sector and other non-state actors] where private agents share significant responsibility'.

Corruption is therefore best controlled if it is prevented, in the first place, and by increasing the risk of detection as well as swift and harsh punishment consistent with national laws and/or international statutes and conventions. Corruption has become a low-risk and high-reward activity in Africa, and this needs to be remedied to make corruption a high-risk and low-reward activity (Hope 2002). 'Certainty of punishment for indulging or being responsible for corruption of any kind in public [and private] services should be perceived across stakeholders' (Rao 2013: 234; see also Søreide 2014). This is necessary since, as noted by Cockcroft (2012: 231), 'the case for combating corruption relentlessly is that it is a force which drives poverty, inequality, dysfunctional democracy and global insecurity. Its most consistent victims are the poor who constitute a majority of the population in low-income countries'. Justesen and Bjørnskov (2014) also demonstrate that poor people are indeed much more prone

to pay bribes to government officials. This suggests that the people who are worst off materially are also more likely to be victims of corruption and increased inequality.

This chapter outlines and discusses the central findings of the book and the governance conclusions that can be drawn from them for policy development and implementation in the ongoing quest to control corruption in Africa. It is deemed that a greater focus needs to be put on strengthening institutions, developing and implementing national anti-corruption strategies or plans, and on political will and leadership as the primary governance elements of future efforts to rein in corruption and mitigate its consequences. These are therefore the tools, if applied consistently and take hold as routine, that will raise the cost of kleptocratic behavior in Africa and thereby discourage it.

INSTITUTION STRENGTHENING

When corruption is widespread, the institutional culture grows sick and the norm is corruption with expectations that corruption will continue (Klitgaard 2015). However, institutions are central in the fight against corruption. For example, getting economic policy right, enforcing laws, maintaining financial management systems, and practicing sound procurement across the public sector all require well-functioning institutions. But, institutions, in particular public institutions, are weak and have become a failure in most African countries. Systemic and persistent corruption generally has its roots in the actions of powerful leaders and officials to deliberately weaken internal institutions of control within government (World Bank 2016). Many of these institutions have therefore become captured by the elite to serve narrow personal interests. The resultant effect has been the lack of the ability of the state to provide the requisite institutional framework to control corruption and support good governance. As proclaimed by Aldcroft (2015: 68), ‘the most appalling aspect of Africa’s decline is the decay of Africa’s institutional capacities. Corruption, criminality, nepotism and oppression are common features of [most] African countries’.

In the majority of African countries, both the public and private sectors do not operate according to widely accepted rules that are transparent and enforced by accountable public institutions. This weakness and/or outright failure of public institutions has, in turn, led to state capture with its attendant and accompanying outcomes for kleptocratic behavior. While

no single ‘one-size-fits-all’ model of governance can be held up as the gold standard, there is a strong consensus around the role and significance of effective, accountable, and inclusive institutions in promoting sustainable anti-corruption policies (Hope 2000). ‘Thus, to cleanup corruption from the African economies . . . national leaders must engage their people in democratic institutional reforms to provide society with transparent, accountable, and participatory governance structures’ (Mbaku 2009: 1425).

This role and significance of institutions is further demonstrated by the fact, as observed by Mungiu-Pippidi (2015: 23), that:

The non-corrupt countries at the top of Transparency International’s Corruption Perception Index (CPI) do not differ from countries on the bottom simply by the *number* of individuals engaged in corrupt acts, but by their institutions: in other words, by the rules of the game influenced by power distribution and the shaping of the allocation of public resources. The countries at the top of the Control of Corruption scale managed to institutionalize open and nondiscriminative access at some point in their past, and so their institutions differ substantially from the ones at the bottom.

Consequently, the challenge for policy makers in African countries is to shape policies for institutional strengthening in ways that encourage and enhance ethical behavior and good governance. Building and maintaining strong institutions are therefore central challenges of good governance and are keys to controlling corruption for, as also noted by Biswas et al. (2016), corruption can be controlled by strengthening institutions and by upholding the rule of law. In other words, the failure of enforcement of the laws by institutions and, by extension, the general rule of law, results in countries being riddled with corruption (Moene and Søreide 2016). However, strengthening institutions for corruption control must be a legitimate process and not result in the creation of good governance facade institutions as defined by Moene and Søreide (2015).

Public institutions which uphold principles of integrity and disclosure, and are subject to objective and thorough oversight processes, are more accountable to the public and less susceptible to corruption and the mismanagement of funds which can divert precious resources away from governments’ goals (OECD nd). To accomplish this requires the strengthening of institutions. However, in this case, it must be institution strengthening to fight corruption and to also mainstream integrity.

For African countries, Owoye and Bissessar (2014: 244) provide some empirical results that ‘suggest that policies aimed at controlling or reducing corruption must begin with laying the foundation for strong institutions—economic, political, and social—in all sectors of [their economies]’. Indeed, and in that regard, institutions also loom large in the post-2015 sustainable development agenda and, as also advanced by the OECD (nd: 7),

Integrity is a key attribute of well-functioning public institutions: there is a strong correlation between people’s perception of government corruption and their trust in political institutions. Strengthening the integrity, openness and credibility of both government institutions and the policy-making process should therefore be a priority for governments around the world. This requires institutionalized mechanisms for disclosure, monitoring and enforcement, as well as for complaint resolution.

Institution strengthening, as advocated here, must entail reforms that include: (1) the introduction of elements of accountability and transparency into organizations; (2) the de-layering or simplification of operations to reduce errors and opportunities to conceal corruption; and (3) more fundamental reforms seeking to change the attitudes and beliefs of those who work in the institutions (UNODC 2002). Some of the critical elements of accountability and transparency that need to be pursued by all African countries must be concerned with the fundamental right of citizens to access and scrutinize information pertaining to the operations of public institutions. This can both be encouraged and accomplished through, among other things, the enactment, adherence, and enforcement of freedom of information laws and the creation of websites on which government information is placed and made easily accessible to citizens.

In addition, there has to be sound budgetary and financial management including appropriate and efficient public procurement processes. When there is inadequate transparency, accountability, and probity in institutions in the use of public resources, the state fails to generate credibility and authority. Systemic corruption undermines the credibility of democratic institutions and counteracts good governance. There is a high correlation between corruption and an absence of respect for human rights, and between corruption and undemocratic practices, especially in Africa. Corruption alienates citizens from their governments and leaders (Hope 1999, 2000, 2008). On the other hand, ‘sustained reductions in

corruption and improvements in service delivery depend upon whether transparency has fundamentally changed incentives and behavioral norms in the public sector' (World Bank 2016: 14).

In recent times, the conceptual approach and purpose of institution strengthening is being referred to as the need to create effective institutions. In fact, an Effective Institutions Platform (EIP) was created in 2012 and jointly run by the Organization for Economic Co-operation and Development (OECD) and the United Nations Development Programme (UNDP). It is an alliance of over 60 countries and organizations that support country-led and evidence-based policy dialogue, knowledge sharing, and peer learning on public sector management and institutional reform. The EIP supports its members in their development of accountable, inclusive, and transparent public sector institutions capable of delivering responsive policies, effective resource management, and sustainable public services for poverty reduction and inclusive growth (EIP [nd](#)). By effective institutions, the EIP refers to those public sector institutions that:

contribute to sustainable growth and poverty reduction by ensuring that resources are well-managed, quality public services are accessible and development goals are met; are accountable, inclusive and transparent fostering public trust and reinforcing societal foundations; communicate and engage with the multiple stakeholders that wish to participate in their policy design, implementation and monitoring; and are responsive to citizen demands and encourage participatory planning and decision-making by adapting to changing needs and priorities. (EIP [nd](#): 1)

Although the concern here is with strengthening institutions for effectiveness, in general, to enhance good governance and combat corruption, some special attention must also be paid to the anti-corruption institutions (ACIs) or agencies (ACAs) which are the dedicated anti-corruption bodies. The establishment and use of a dedicated ACI or ACA has been one of the main institutional recommendations in all of the anti-corruption conventions such as the United Nations Convention Against Corruption (UNCAC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC), for example. However, in most countries, especially those in Africa and including the case studies in this book, the performance of ACIs/ACAs has left much to be desired (see, for example, UNECA 2010; Ganahl 2013; Koranteng 2016; Tikum 2016). Nonetheless, as argued by Pope and Vogl (2000: 6–7):

If major anti-corruption initiatives are to be firmly anchored, there need to be distinct national government agencies dedicated to fighting and controlling corruption. These agencies must command public respect and be credible, transparent, and fearless. They must be subject to review by a free press and by civil society—indeed, they must be accountable to the public'. But, they must also be given considerable political independence so that they cannot be interfered with or removed at the whim of an enraged political elite.

Similar views have also been expressed by de Sousa (2010), Recanatini (2011), and, more recently, Koranteng (2016). In that regard, in November 2012, anti-corruption practitioners and experts from around the world gathered in Jakarta, Indonesia, at the invitation of the *Komisi Pemberantasan Korupsi* which is the Corruption Eradication Commission of Indonesia, the UNDP, and the United Nations Office on Drugs and Crime (UNODC) to discuss a set of 'Principles for Anti-Corruption Agencies' to promote and strengthen the independence and effectiveness of ACIs/ACAs. The participants included several former and current heads of ACIs/ACAs, representatives of regional networks, notably the Network of National Anti-Corruption Institutions in West Africa, the Southeast Asian Parties Against Corruption, the Arab Anti-Corruption and Integrity Network, the Southern African Forum Against Corruption, the East African Association of Anti-Corruption Authorities, and the European Partners Against Corruption/European Anti-Corruption Contact Point Network. They recommended the following principles to ensure the independence and effectiveness of ACIs/ACAs:

Mandate: ACIs/ACAs shall have clear mandates to tackle corruption through prevention, education, awareness raising, investigation and prosecution, either through one agency or multiple coordinated agencies;

Collaboration: ACIs/ACAs shall not operate in isolation. They shall foster good working relations with state agencies, civil society, the private sector and other stakeholders, including international cooperation;

Permanence: ACIs/ACAs shall, in accordance with the basic legal principles of their countries, be established by a proper and stable legal framework, such as the Constitution or a special law to ensure their continuity;

Appointment: ACI/ACA heads shall be appointed through a process that ensures their apolitical stance, impartiality, neutrality, integrity and competence;

Continuity: In the event of suspension, dismissal, resignation, retirement or end of tenure, all powers of the ACI/ACA head shall be delegated by law to an appropriate official in that ACI/ACA within a reasonable period of time until the appointment of the new head;

Removal: ACI/ACA heads shall have security of tenure and shall be removed only through a legally established procedure equivalent to the procedure for the removal of a key independent authority specially protected by law (such as the Chief Justice);

Ethical Conduct: ACIs/ACAs shall adopt codes of conduct requiring the highest standards of ethical conduct from their staff and a strong compliance regime;

Immunity: ACI/ACAs heads and employees shall have immunity from civil and criminal proceedings for acts committed within the performance of their mandate. Their heads and employees shall also be protected from malicious civil and criminal proceedings;

Remuneration: ACI/ACA employees shall be remunerated at a level that would allow for the employment of a sufficient number of qualified staff;

Authority over Human Resources: ACIs/ACAs shall have the power to recruit and dismiss their own staff according to clear and transparent procedures;

Adequate and Reliable Resources: ACIs/ACAs shall have sufficient financial resources to undertake their tasks, taking into account the country's budgetary resources, population size and land area. ACIs/ACAs shall also be entitled to timely, planned, reliable and adequate resources for the gradual capacity development and improvement of their operations and fulfillment of their mandate;

Financial Autonomy: ACIs/ACAs shall receive a budgetary allocation over which they have full management and control without prejudice to the appropriate accounting standards and auditing requirements;

Internal Accountability: ACIs/ACAs shall develop and establish clear rules and standard operating procedures, including monitoring and disciplinary mechanisms, to minimize any misconduct and abuse of power by them;

External Accountability: ACIs/ACAs shall strictly adhere to the rule of law and be accountable to mechanisms established to prevent any abuse of power;

Public Reporting: ACIs/ACAs shall formally report at least annually on their activities to the public; and

Public Communication and Engagement: ACIs/ACAs shall communicate and engage with the public regularly in order to ensure public confidence in their independence, fairness and effectiveness (Jakarta Principles 2012).

Based on case studies of eight ACAs/ACIs in emerging democracies—including three from Africa: Botswana, Ghana, and Mauritius—that were designed to investigate the kinds of pressures ACA/ACI leaders encounter and the ways that context, mandate, and organizational structure shape feasible sets of responses and outcomes, Kuris (2014) has also argued that ACAs/ACIs can be successful if they develop strong internal controls as well as accountability mechanisms; create and maintain alliances with government and non-government actors; focus on preventive and educational efforts that reshape public norms and expectations in hostile political environments; and pursue high-level corruption, under certain conditions, to overcome retaliation by carefully managing timing, resources, and external support. Indeed, as noted by TI (2014: 1):

A well-financed and independent anti-corruption agency or commission can be a strong weapon in the fight against corruption. They need support, however, from both the government, judiciary and law enforcement if they are to do their jobs. Above all they need independence: they need to establish their credentials as independent investigators dedicated to fighting corruption both inside and outside government.

With respect to changing the attitudes and beliefs of those who work in the institutions, usually, where institutions are weak there are also capacity deficits in the human resources that work in those institutions. Consequently, it is now accepted that an important element of institutional strengthening is to deal not only with the operational aspects and functioning of the institutions per se but also with the capacity development of the individuals who work in them. There is also a need for a results-based approach that promotes and applies integrity, accountability, and transparency, as well as a general acceptance of the mind-set, beliefs

and customs that favor integrity over corruption (UNODC 2002). A lack of capacity can contribute to widespread beliefs about corruption with impunity, leading to a culture of poor performance in the public sector (World Bank 2016).

Capacity development is defined here as the enhancement of the competency of individuals, public sector institutions, private sector entities, civil society organizations, and local communities to engage in activities in a sustainable manner for positive development impacts such as poverty reduction or improvements in governance quality, for example. Capacity development is therefore not a stand-alone training intervention but rather a strategically coordinated set of activities for enhancing capacity. It is therefore much more than improving the abilities and skills of individuals. Hope (2009, 2011) has demonstrated the importance of capacity development for good governance in African and other developing countries and has also outlined an implementation framework for such capacity development.

One final, but critically important, piece of the effective institution building architecture in Africa must be the further and ongoing development and use of e-government platforms, including its e-procurement aspects, for controlling corruption and promoting good governance. E-government refers to the use of information and communication technologies, and particularly the internet, to transform the public sector by enhancing its efficiency, effectiveness, transparency, and inclusiveness; supporting access to public services and citizen participation; improving interactions with business and industry; and reducing corruption and costs of/to government (World Bank 2015; UNDESA 2016).

The United Nations Department of Economic and Social Affairs (UNDESA) benchmarks e-government development achieved by all member states of the United Nations and produces an E-Government Development Index (EGDI) in that regard. The EGDI is a weighted average of normalized scores, that fall between the range of 0–1, on the three most important dimensions of e-government, namely, scope and quality of online services (Online Service Index); status of the development of telecommunication infrastructure (Telecommunication Infrastructure Index); and inherent human capital (Human Capital Index). The EGDI is used as a benchmark to provide a numerical ranking of e-government development (see UNDESA 2016). In the low-EGDI group, African countries have consistently been the majority with 26 out of 32 countries in 2016 (UNDESA 2016). Africa continues to lag globally with a low average

EGDI at 0.2882. Except for five countries, all other African countries are in the lower two tiers of e-government development (i.e., the low-EGDI and middle-EGDI groups). The top five performers on e-government with high EGDI values are Mauritius, ranked globally at number 58, Tunisia at 72, South Africa at 76, Morocco at 85, and Seychelles at 86 (UNDESA 2016). The other five countries comprising Africa's top ten for e-government are in the middle-EGDI group. They are Cape Verde with a global ranking at number 103, Egypt at 108, Botswana at 113, Libya at 118, and Kenya at 119 (UNDESA 2016).

NATIONAL ANTI-CORRUPTION PLANS/STRATEGIES

Another measure that has been found to be effective in the quest to combat corruption in developing countries is the development and/or implementation of National Anti-Corruption Plans or Strategies. Fighting corruption requires a well-thought-out and comprehensive strategic plan/strategy. Article 5 of the UNCAC proposes, for example, that:

Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. (UNODC 2004: 9)

Initiating anti-corruption programs without such a comprehensive plan/strategy is akin to engaging in military operations without a concept of the operation. It just should not happen (Coonjohn and Lodin [nd](#)). Most African countries are lacking in this area. Some of the countries have developed these plans or strategies but they have never approved them at the Cabinet level and/or never implemented them. However, such plans/strategies, and covering 2 to 5-year periods at a time, are a proven key ingredient of the corruption control approach. These plans/strategies tend to provide a detailed holistic national framework, with strategic objectives, for tackling corruption including the institutional strengthening element discussed above. In fact, one recent annual report by Kenya's dedicated ACI/ACA observed that 'the lack of a [current] national ethics and anti-corruption policy to guide the fight against corruption affects

the efficient and effective implementation of anti-corruption initiatives' (EACC 2015: 17). Undoubtedly, then, implementing anti-corruption plans/strategies, or programming as Spector (2016) refers to it, benefits developing countries. Indeed, Spector (2016: 435) concluded that: 'When countries effectively implement anti-corruption programs, they are demonstrating that they understand how corruption operates within their institutions, procedures and culture, and they initiate activities they believe can both reduce corruption and produce the benefits of good governance'.

Developing an anti-corruption plan/strategy must be a participatory process that involves consultations and engagement with all stakeholders and that must include the public sector (national and local executive, legislative, and judicial branches); private and civil society sectors, including the media; and citizenry groups to create buy-in and galvanize commitment in the fight against corruption. The main objective is to provide a policy framework for developing ways and means of preventing and combating corruption in a comprehensive, coordinated, inclusive, and sustainable manner highlighting the role of all stakeholders to demonstrate a shared sense of purpose in controlling corruption. The idea is to provide a platform for coordinating and harmonizing the efforts of the public sector (including anti-corruption institutions), the private sector, civil society, and the people toward a more effective fight against corruption.

In October 2013, high-level representatives of anti-corruption authorities as well as national planning authorities and anti-corruption experts from around the world gathered in Kuala Lumpur at the invitation of the UNODC and the UNDP, in partnership with the Government of Malaysia, to discuss a set of 'Guidelines for Anti-Corruption Strategies', that could instruct the process of developing, designing, and implementing sustainable anti-corruption strategies. The participants also included several officials from the executive, legislative, and judicial branches as well as the World Bank, the Asian Development Bank/OECD Anti-Corruption Initiative for Asia and the Pacific, Transparency International, and the U4 Anti-Corruption Resource Center. They reviewed and discussed country experiences from around the world relating to the process of developing anti-corruption strategies, the design and content of such strategies, and their monitoring and evaluation. They recommended the following elements for consideration in the process for the development of an anti-corruption strategy/plan:

Political, Social, Economic and Cultural Context: States must take into account their particular political, social, economic and cultural context when designing anti-corruption strategies.

Political Will: Committed political leadership, ideally from the highest levels of the State, and broader political support to steer the overall process and mobilize necessary resources, is a necessary condition of an effective anti-corruption strategy development process.

Stakeholder Involvement (Inclusive Process) and Ownership: Broad engagement of stakeholders to build ownership and help to ensure acceptability and effectiveness of strategies adopted. State institutions (executive, legislative and judiciary) at national and sub-national levels, civil society organizations, private sector, media, professional societies, trade and industry associations and labor unions, academic institutions, youth and cultural organizations, can all serve as important allies and partners in the development of anti-corruption strategies and can reduce the vulnerability of the reform efforts to changes in political leadership.

Clear and Transparent Process: The process of developing anti-corruption strategies needs to be clear and transparent from the outset.

Common Vision: A consensus should be built around a common vision and intended objectives of strategies.

Strengthened Coordination: Anti-corruption strategies should focus on enhancing inter- and intra-agency coordination during the development process as well as in the implementation and monitoring phases.

Sound Knowledge Base: Development, implementation and monitoring of strategies should be informed by sound diagnostics, needs and evidence of risk and vulnerability areas and gaps in anti-corruption policies and institutions.

Sustainability and Institutionalization of the Process: Development of strategies should be institutionalized to ensure continued relevance and timely modification of the anti-corruption strategies.

Allocating and Mobilizing Resources: Necessary resources should be mobilized at the time of development of strategies to ensure effective implementation and monitoring of those strategies.

Public Communication and Engagement: Anti-Corruption and National Planning Authorities shall communicate and engage with the public regularly in order to ensure public confidence and channel feedback for the effective implementation of anti-corruption strategies (Kuala Lumpur Statement 2013).

Based on this author's practical field experience, the contents of a credible anti-corruption plan/strategy must address and contain most, and preferably all, of the following topics:

1. **Background**—An introduction laying the foundational basis of the plan/strategy and defining and contextualizing what is corruption.
2. **Statement of the Problem**—An exploration of the problem that the plan/strategy is designed to combat by demonstrating and discussing the situation with respect to the nature, extent, and consequences of corruption in the specific country and, hence, the need for an anti-corruption plan/strategy. This topic is sometimes referred to as a situational analysis.
3. **Anti-Corruption Efforts to Date**—An outline and assessment of past and current anti-corruption efforts (such as the legal and institutional frameworks) and including the role and functioning of the anti-corruption institution(s).
4. **Principles Underpinning the Plan/Strategy**—A specification of the core principles underpinning the plan/strategy including a vision and a mission statement.
5. **The Plan/Strategy**—An outline of the plan/strategy delineating objectives with a thorough discussion thereof, and the initiatives to be implemented under each objective through, but not limited to, effective deterrence, effective prevention, effective education, and adequate legal frameworks; and including the associated tasks and the intended outcomes.
6. **The Implementation Framework**—Sets out an implementation road map for the plan/strategy including an action plan matrix showing who is responsible for coordinating and/or managing what tasks and the timelines for completion.
7. **A Monitoring and Evaluation Mechanism**—This is a crucial phase of the plan/strategy cycle. There has to be an effective monitoring and evaluation mechanism to determine outcomes and lessons learned which are important to determine the progress and effectiveness of the anti-corruption efforts. In the long term, the plan/strategy will have to be evaluated to determine whether and how effectively and efficiently it is being implemented. There should also be short-term or mid-term assessments done and these should all be required and indicated in the plan/strategy.

Finally, with respect to this section, the author's lessons of field experience also show that anti-corruption plans/strategies are easier to implement when they are incorporated within broader national development initiatives. This integration into national development frameworks or plans has proved to be an effective way to encourage cross-agency cooperation from the start and avoid silo attempts in promoting corruption control. Also, such an approach reduces the possibility of deficient mechanisms being supported to institutionalize the plan/strategy and thereby ensure its lack of success and sustainability (UNDP 2014). As correctly observed by McCusker (2006: 13), 'sound anti-corruption strategies [plans] recognize the level and degree of formal and informal interaction between agencies, organizations and individuals. It is imperative that such strategies incorporate changes in the practices of the public and private sectors'. Moreover, 'efforts should [also] be made to increase public awareness of corrupt practices and to garner support from the public in the detection and reporting of corrupt behavior'.

POLITICAL WILL AND LEADERSHIP

Botswana represents a sound example of a country where the political commitment to anti-corruption efforts and leadership for good governance have paid handsome democratic and development dividends. According to Sebudubudu (2014: 23) 'the postcolonial leaders were men and women of integrity and with the determination to build a free and fair society out of the ashes of poverty and colonial injustice'. The lessons from Botswana, as an example, clearly indicate that anti-corruption efforts and the quest for good governance can be very successful where the political will exists to ensure that those efforts are mainstreamed and implemented. When corruption is acute, leadership—including at the political level—can therefore play a vital role in changing attitudes and behavior (IMF 2016). As correctly observed by the President of Nigeria, Muhammudu Buhari (2016), where institutions have been completely compromised by corruption, active and sustained political will is essential since powerful vested interests can be effectively challenged only when a country's top leadership sends a clear signal that they are committed to do so. Put another way, without political will at the highest levels, it is almost impossible to combat corruption effectively. In fact, 'if there is no political will to make proper use of these [the anti-corruption] institutions, they will be

ineffective in the fight against corruption, and perhaps even a further conduit of corruption' (Ganahl 2013: 103).

Therefore, political will to fight corruption is a pre-condition for the successful implementation of anti-corruption efforts. Political will, as defined in Chap. 4, implies that a bureaucratic or political actor is willing to commit precious time, effort, and political capital and incur opportunity costs to achieve change, in this case change to combat corruption. It therefore requires a commitment of the actor(s) to undertake actions to achieve the objective of much less corruption and to sustain the costs of those actions over time (Brinkerhoff 2000, 2010). That means any committed effort by any actor, at any level of any organization, who resists or opposes the prevailing culture of doing little or nothing about the corruption that surrounds them.

Lessons of field experience suggest to this author that the political will deficit in most developing countries is related to the lack of leadership and/or leadership initiative for good governance generally (Hope 1997). In Africa, what has been lacking in several countries, and continues to be the case, is 'the demonstration of a credible intent by the political leaders to attack the perceived cause or effects of corruption at a systemic level—translating policy pronouncements and rhetoric into sustainable actions' (Kpundeh 2004: 133–134). So in such a political climate, characterized by poor government-promoted stewardship and leadership, it is unsurprising that many African nations have, to a large extent, been unable to develop effective national responses to their corruption problem. In fact, most of the attempts to develop and implement anti-corruption programs in Africa are too often led and financially supported by foreign donor agencies and governments. What is therefore required is the emergence of transformational leadership as defined in Chap. 3. By definition, where transformational leadership exists there will also be political will.

Transformational leadership can be seen when leaders and followers make each other advance to a higher level of morality and motivation (Burns 1978). Through the strength of their vision and personality, transformational leaders are able to inspire followers to change expectations, perceptions, and motivations to work toward common goals (Cherry 2015). Unlike in the transactional leadership approach, it is not based on a 'give and take' relationship, but on the leader's personality, traits, and ability to make a change through example, and articulation of an energizing vision and challenging goals. There are four components to transformational leadership, sometimes referred to as the four I's. Based on a

summary of Bass and Riggio (2006), Covey (2007), Riggio (2009), and Hall et al. (2015), the following are the four components of transformational leadership:

Idealized Influence (II): This is the degree to which a leader behaves in admirable ways that cause followers to identify with him/her. Idealized leaders display convictions, take stands and appeal to followers on an emotional level. They have a clear set of values and demonstrate them in every action, providing a role model for their followers and genuine trust is built between them and followers on a solid moral and ethical foundation. The leader ‘walks the talk’, and is admired for this.

Inspirational Motivation (IM): Here, it is the degree to which a leader articulates a vision that is appealing and inspiring to his/her followers. Leaders with inspirational motivation challenge followers with high standards, communicate optimism about future goals, and provide meaning for the task at hand. Followers, however, need to have a strong sense of purpose if they are to be motivated to act. It is also important that this visionary aspect of leadership be supported by leaders capable of articulating their vision with precision and power in a compelling and persuasive way. Combined, these first two I’s are what constitute the transformational leader’s [charisma](#).

Intellectual Stimulation (IS): This is the degree to which a leader challenges assumptions, takes risks, and solicits ideas from followers. Leaders with this trait stimulate and encourage creativity in their followers. The leader’s vision provides the framework for followers to see how they connect to the leader, an organization, each other, and the goal. Once they have this big picture view and are allowed freedom from convention they can creatively overcome any obstacles in the way of the mission.

Individualized Consideration (IC): The degree to which a leader attends to the needs of his/her followers, acts as a mentor or coach to followers, and listens to the followers’ concerns and needs. This also encompasses the need to respect and celebrate the individual contribution that each follower can make as the diversity of the group provides it with its true strength. This approach not only fulfills the need for self-actualization, self-fulfillment, and self-worth, it also naturally propels followers to further achievement and growth. This personal attention to each follower is a key element in bringing out their very best efforts.

Fig. 5.1 Additive effect of transformational leadership (*Source:* Author, adapted from Hall et al. (2015))



Pursuant to the foregoing, transformational leaders are supposed to act for the common good and against their self-interest. Fig. 5.1 illustrates the additive effect of transformational leadership. However, one particular dilemma, and especially in Africa, as also identified by Fritzen (2005), is that although political will is now regarded as a most important factor for ensuring the effective implementation of comprehensive anti-corruption strategies, on the other hand, power holders are also potentially the greatest beneficiaries of corruption, with the powers and incentives to use and maintain the corrupt nature of government for their own or others' private benefit. Thus, the critical importance of the existence or lack of political will in the success or failure of governance and anti-corruption reforms has been largely recognized in recent years (Kukutschka 2015).

Moreover, in societies, like those in Africa, with poor governance where transparency, accountability, participation, and the rule of law are limited, generating political will to pursue anti-corruption efforts and good governance can be difficult. In fact, as observed by Rotberg (2012: 13):

In Africa, where governance has been measured systematically and countries ranked accordingly, the nation-states that consistently score more highly on governance are, by definition, all better and much more responsibly led than those farther down on the list. The worst-performing countries, naturally, have been led over the years by dictators, despots, and kleptocrats... .

Nothing seems to matter more than quality leadership... . But much more importantly, quality leadership improves the lives of ordinary citizens.

Consequently, there is an imperative for transformational leadership in Africa to champion the development and implementation of policies to promote good governance and control corruption. Indeed, there are tremendous benefits to be derived from the emergence of such leadership, including enhancing the ethical reputation of both the transformational leaders and the nations they represent through, among other things, the demonstration of political will to control corruption. Spector et al. (2015: 8) have suggested that the following criteria be used to assess political will:

1. Has the government bought-in to the anti-corruption interventions?
2. Have country actors assessed the anti-corruption programming options, identified their costs and benefits, and independently accepted to act?
3. Have many stakeholders been consulted, engaged, and mobilized to participate in the implementation of the anti-corruption programs?
4. Have decision-makers publicly announced their anti-corruption reform goals and allocated sufficient resources to accomplish them?
5. Have effective sanctions for corrupt behaviors been put in place and enforced?
6. Is there evidence of a long-term commitment to anti-corruption reforms? and
7. Have systems been put in place to monitor progress of anti-corruption programming and to adapt the reforms as circumstances change?

FINAL THOUGHTS

Corruption primarily involves the malfunctioning of some, or even all, areas of the public sector and ‘crucial to this malfunctioning is that individuals or whole units within these sectors serve themselves and not the public’ (Lambsdorff 2007: 58). As this book has demonstrated, and as so well summarized about in the document entitled *Combating Corruption, Improving Governance in Africa: Regional Anti-Corruption Programme for Africa (2011–2016)* and developed by the UNECA in collaboration with the African Union Advisory Board on Corruption (AUABC):

Corruption is undoubtedly the most pressing governance and development challenge that Africa is confronted with today. Corruption has debilitating and corrosive effects on progress, stability and development of the continent. It impedes economic growth by discouraging foreign investments, creates distortion in resource allocation and competitive markets, increases the cost of doing business, and reduces the net-value of public spending. It also reduces the quality of services and public infrastructure and the volume of tax revenues, and encourages the misappropriation and misallocation of scarce resources. In the political realm, it undermines the rule of law, respect for human rights, accountability and transparency and weakens government institutions. This in turn erodes public legitimacy in government and compromises good governance. The social costs of corruption are also deleterious as it deepens income inequality, poverty and adversely affects good moral values in the society. In general, corruption is a challenge to sustainable economic development, peace and good governance. (UNECA and AUABC 2011: 3)

The governance approach policy conclusions outlined in this chapter would also be consistent with the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs), and particularly Goal 16 which covers Peace, Justice and Strong Institutions. Specifically, Goal 16 is: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*. Of particular relevance are the following targets of this goal:

- 16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime.
- 16.5 Substantially reduce corruption and bribery in all their forms.
- 16.6 Develop effective, accountable and transparent institutions at all levels.
- 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels.
- 16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance.
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

- 16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime.

The SDGs represent the ambitious agenda agreed upon by 193 countries at the United Nations in September 2015. It replaces the Millennium Development Goals (MDGs) and is a framework that brings together the three aspects of sustainable development—the economic, environmental, and social (in a much more integrated way than the MDGs ever did)—and consists of 17 goals and 169 targets that will apply to all countries, with a deadline of 2030 for them to be met. Among the key proposed indicators (United Nations 2016) for measuring achievement of the Goal 16 targets are: (1) total value of inward and outward illicit financial flows; (2) proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months; (3) proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months; (4) primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar); (5) proportion of the population satisfied with their last experience of public services; (6) proportions of positions (by sex, age, persons with disabilities, and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions; (7) proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability, and population group; (8) number of countries that adopt and implement constitutional, statutory, and/or policy guarantees for public access to information; (9) existence of independent national human rights institutions in compliance with the Paris Principles; and (10) proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law.

Undoubtedly, the recognition and inclusion of corruption and the need to build effective, accountable, and transparent institutions, among other relevant governance aspects, in the SDGs are laudable. Nonetheless, as this book shows and as Hope (2002: 111) noted: ‘the factors contributing to corruption are somewhat like opportunistic diseases which thrive on weak

immune systems. The weak immune system, in this case, stems from the fact that ethical leadership [and strong institutions] and, therefore, public accountability and integrity are seriously lacking'. Consequently, the reforms and policy options advocated in this book loom large in attempts to control corruption and mitigate its consequences. This is even more the case particularly in light of the expressions in the Communiqué emanating from the previously referred to landmark international Anti-Corruption Summit (2016) which stated, among other things, that controlling corruption is vital for sustaining economic stability and growth, maintaining security of societies, protecting human rights, reducing poverty, protecting the environment for future generations, and addressing serious and organized crime.

Furthermore, since no country is immune from corruption, governments need to cooperate with each other and with partners from the business sector and civil society to tackle it successfully with the proceeds of corruption being identified, seized, confiscated, and returned, consistent with the provisions of UNCAC, and facilitated through a Global Forum for Asset Recovery pledged to enable the returning of stolen assets to countries from which they were taken—often by their own government ministers and officials. This Global Forum for Asset Recovery is intended to bring together governments and law enforcement agencies to work together to recover stolen assets (Anti-Corruption Summit 2016). However, it is not yet clear if any or all of these initiatives will remain a lead priority for the government of the United Kingdom given that Mr. Cameron resigned as Prime Minister in July 2016.

REFERENCES

- Aldcroft, D. H. (2015). Governance, institutions and corruption: Negative sovereignty in Africa. In R. N. Ghosh & M. A. B. Siddique (Eds.), *Corruption, good governance and economic development: Contemporary analysis and case studies* (pp. 63–83). Singapore: World Scientific Publishing.
- Anti-Corruption Summit. (2016). *Communiqué*. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522791/FINAL_-_AC_Summit_Communique_-_May_2016.pdf. Accessed 13 May 2016.
- Bass, B. M., & Riggio, R. E. (2006). *Transformational leadership*. Mahwah: Lawrence Erlbaum Associates.
- Biswas, A. K., Tortajada, C., & Boey, A. (2016, May 6). Corruption, economic development and poverty alleviation. *The Diplomat*. <http://thediplomat>.

- com/2016/05/corruption-economic-development-and-poverty-alleviation/. Accessed 7 May 2016.
- Brinkerhoff, D. W. (2000). Assessing political will for anti-corruption efforts: An analytical framework. *Public Administration and Development*, 20(3), 239–252.
- Brinkerhoff, D. W. (2010). Unpacking the concept of political will to confront corruption. *U4Brief*. <http://www.cmi.no/publications/file/3699-unpacking-the-concept-of-political-will-to.pdf>. Accessed 12 Jan 2016.
- Buhari, M. (2016). My plan to fight corruption in Nigeria. In Prime Minister's Office (Ed.), *Against corruption: A collection of essays* (pp. 37–45). London: Government of the United Kingdom. <https://www.gov.uk/government/publications/against-corruption-a-collection-of-essays/against-corruption-a-collection-of-essays>. Accessed 12 May 2016.
- Burns, J. M. (1978). *Leadership*. New York: Harper and Row.
- Cameron, D. (2016). Foreword. In Prime Minister's Office (Ed.), *Against corruption: A collection of essays* (pp. 1–5). London: Government of the United Kingdom. <https://www.gov.uk/government/publications/against-corruption-a-collection-of-essays/against-corruption-a-collection-of-essays>. Accessed 12 May 2016.
- Cherry, K. (2015). What is transformational leadership? <http://psychology.about.com/od/leadership/a/transformational.htm>. Accessed 12 Jan 2016.
- Cockroft, L. (2012). *Global corruption: Money, power, and ethics in the modern world*. Philadelphia: University of Pennsylvania Press.
- Coonjohn, J. J., & Lodin, A. (nd). Developing a strategic implementation plan for anti-corruption. [http://anticorruption.gov.af/Content/files/Afg%20Corruption%20Paper%20I%20Final%20oct-24-11\(1\).pdf](http://anticorruption.gov.af/Content/files/Afg%20Corruption%20Paper%20I%20Final%20oct-24-11(1).pdf). Accessed 12 Jan 2016.
- Covey, S. (2007). The transformational leadership report. <http://www.transformationalleadership.net/products/TransformationalLeadershipReport.pdf>. Accessed 12 Jan 2016.
- De Mendonça, H. F., & Da Fonseca, A. O. (2012). Corruption, income, and rule of law: Empirical evidence from developing and developed economies. *Brazilian Journal of Political Economy*, 32(2), 305–314.
- deSousa, L. (2010). Anti-corruption agencies: Between empowerment and irrelevance. *Crime, Law and Social Change*, 53(1), 5–22.
- Dimant, E., & Schulte, T. (2016). The nature of corruption: An interdisciplinary perspective. *German Law Journal*, 17(1), 53–72.
- EACC (Ethics and Anti-Corruption Commission). (2015). *The fight against corruption in Kenya: Achievements, experiences and the way forward*. Nairobi: EACC. <http://eaaaca.org/wp-content/uploads/2015/10/EACC-Report-for-EAAACA-Conference-2015.pdf>. Accessed 11 Apr 2016.
- EIP (Effective Institutions Platform). (nd). Strategic framework (2015–2020). http://www.effectiveinstitutions.org/media/Strategic_Framework_ENGLISH_3kzrnhk.pdf. Accessed 12 May 2016.

- Fellows, D., Leonardo, J., & Körtrl, C. (2016a, April 28). The challenge of public sector corruption. *World policy blog*. <http://www.worldpolicy.org/blog/2016/04/28/challenge-public-sector-corruption>. Accessed 30 Apr 2016.
- Fellows, D., Leonardo, J., & Körtrl, C. (2016b, April 29). International development and the challenge of public sector corruption. *PfMConnect Blog*. <http://blog-pfmconnect.com/international-development-challenge-public-sector--corruption/>. Accessed 30 Apr 2016.
- Florida, R. (2010, November 10). What makes countries corrupt. *The Atlantic*. <http://www.theatlantic.com/business/archive/2010/11/what-makes-countries-corrupt/66362/>. Accessed 29 Apr 2016.
- Fritzen, S. (2005). Beyond “political will”: How institutional context shapes the implementation of anti-corruption policies. *Policy and Society*, 24(3), 79–96.
- Ganahl, J. P. (2013). *Corruption, good governance, and the African state: A critical analysis of the political-economic foundations of corruption in sub-Saharan Africa*. Potsdam: Potsdam University Press.
- Gathi, J. T. (2009). Defining the relationship between human rights and corruption. *University of Pennsylvania Journal of International Law*, 31(1), 125–202.
- Hall, J., Johnson, S., Wysocki, A., Kepner, K., Farnsworth, D., & Clark, J. L. 2015. *Transformational leadership: The transformation of managers and associates*. <http://edis.ifas.ufl.edu/pdf/HR/HR02000.pdf>. Accessed 20 Jan 2016.
- Hodge, A., Shankar, S., Rao, D. S. P., & Duhs, A. (2011). Exploring the links between corruption and growth. *Review of Development Economics*, 15(3), 474–490.
- Hope, K. R. (1997). Development solutions for Africa: The need for policy reform and good governance. *Issue: A Journal of Opinion*, 25(1), 35–38.
- Hope, K. R. (1999). Corruption in Africa: A crisis in ethical leadership. *Public Integrity*, 1(3), 289–308.
- Hope, K. R. (2000). Corruption and development in Africa. In K. R. Hope & B. C. Chikulo (Eds.), *Corruption and development in Africa: Lessons from country case-studies* (pp. 17–39). Houndmills, Basingstoke: Palgrave Macmillan.
- Hope, K. R. (2002). *From crisis to renewal: Development policy and management in Africa*. Leiden: Brill Publishers.
- Hope, K. R. (2008). *Poverty, livelihoods, and governance in Africa: Fulfilling the development promise*. New York: Palgrave Macmillan.
- Hope, K. R. (2009). Capacity development for good governance in developing countries: Some lessons from the field. *International Journal of Public Administration*, 32(8), 728–740.
- Hope, K. R. (2011). Investing in capacity development: Towards an implementation framework. *Policy Studies*, 32(1), 59–72.
- IMF (International Monetary Fund). (2016). *Corruption: Costs and mitigating strategies*. Washington, DC: IMF.

- Jakarta Principles. (2012). *Jakarta Statement on Principles for Anti-Corruption Agencies*. <http://www.undp-pogar.org/publications/ac/aciac/JAKARTA%20STATEMENT%20-%20Principles%20for%20Anti-Corruption%20Agencies%20-%2026-27%20November%202012.pdf>. Accessed 20 Dec 2015.
- Johnston, M. (2012). Why do so many anti-corruption efforts fail? *NYU Annual Survey of American Law*, 67(3), 467–496.
- Justesen, M. K., & Bjørnskov, C. (2014). Exploiting the poor: Bureaucratic corruption and poverty in Africa. *World Development*, 58(C), 106–115.
- Klitgaard, R. (2015). *Addressing corruption together*. Paris: Organization for Economic Co-operation and Development.
- Koranteng, R. (2016). The fight against corruption in Commonwealth Africa: Overview of progress. In Commonwealth Secretariat (Ed.), *Key principles of public sector reforms: Case studies and frameworks* (pp. 239–254). London: Commonwealth Secretariat.
- Kpundeh, S. J. (2004). Corruption and corruption control. In E. Gyimah-Boadi (Ed.), *Democratic reform in Africa: The quality of progress* (pp. 121–139). Boulder: Lynne Rienner Publishers.
- Kuala Lumpur Statement. (2013). *Kuala Lumpur Statement on anti-corruption strategies*. http://www.unodc.org/documents/southeastasiaandpacific/2013/10/corruption/Kuala_Lumpur_Statement_on_Anti-Corruption_Strategies_Final_21-22_October_2013.pdf. Accessed 30 Apr 2016.
- Kukutschka, R. M. B. (2015). *Building political will: Topic guide*. http://www.transparency.org/files/content/corruptionqas/Topic_Guide-_Political_Will.pdf. Accessed 12 Jan 2016.
- Kuris, G. (2014). *From underdogs to watchdogs: How anti-corruption agencies can hold off potent adversaries*. Princeton: Innovations for Successful Societies, Princeton University. https://successfulsocieties.princeton.edu/sites/successfulsocieties/files/Policy_Note_ID236.pdf. Accessed 20 Apr 2016.
- Lambsdorff, J. G. (2007). *The institutional economics of corruption and reform: Theory, evidence, and policy*. Cambridge, UK: Cambridge University Press.
- Lewin, M. (2011). Botswana's success: Good governance, good policies, and good luck. In P. Chuhan-Pole & M. Angwafo (Eds.), *Yes Africa can: Success stories from a dynamic continent* (pp. 81–90). Washington, DC: World Bank.
- Lopes, C. (2016). Foreword. In UNECA, *African Governance Report IV: Measuring corruption in Africa: The international dimension matters* (pp. vi–vii). Addis Ababa: UNECA.
- Mbaku, J. M. (2009). Corruption in Africa – Part 2. *History Compass*, 7(6), 1416–1427.
- McCusker, R. (2006). *Review of anti-corruption strategies*. Canberra: Australian Institute of Criminology.
- Moene, K., & Søreide, T. (2015). Good governance facades. In S. Rose-Ackerman & P. Lagunes (Eds.), *Greed, corruption, and the modern state: Essays in political economy* (pp. 46–70). Cheltenham: Edward Elgar Publishing.

- Moene, K., & Søreide, T. (2016). Corruption control. *Crime, Law and Social Change*, 66(2), 147–163.
- Mondlane, H. T. C., Claudio, F., & Khan, M. A. (2016). Remedying Africa's self-propelled corruption: The missing link. *Politikon: South African Journal of Political Studies*, 43(3), 345–370.
- Mungiu-Pippidi, A. (2015). *The quest for good governance: How societies develop control of corruption*. Cambridge, UK: Cambridge University Press.
- Murray, M., & Spalding, A. (2015, January). Freedom from official corruption as a human right. *Governance studies at Brookings*. Washington, DC: Brookings Institution. http://www.brookings.edu/~media/research/files/papers/2015/01/27-freedom-corruption-human-right-murray-spalding/murray-and-spalding_v06.pdf. Accessed 20 Apr 2016.
- O'Toole, C. M., & Tarp, F. (2014). Corruption and the efficiency of capital investment in developing countries. *Journal of International Development*, 26(5), 567–597.
- OECD (Organization for Economic Co-operation and Development). (2014). *The rationale for fighting corruption*. Paris: OECD. www.oecd.org/cleang-ovbiz/49693613.pdf. Accessed 21 Mar 2016.
- OECD (Organization for Economic Co-operation and Development). (2015). *Consequences of corruption at the sector level and implications for economic growth and development*. Paris: OECD.
- OECD (Organization for Economic Co-operation and Development). (nd). Building more effective, accountable, and inclusive institutions for all. https://www.oecd.org/dac/_POST2015%20effective%20and%20accountable%20institutions.pdf. Accessed 8 Apr 2016.
- Otusanya, O. J. (2011). Corruption as an obstacle to development in developing countries: A review of literature. *Journal of Money Laundering Control*, 14(4), 387–422.
- Owoye, O., & Bissessar, N. (2014). Controlling corruption in African countries: A symptom of leadership and institutional failure. In G. M. Mudacumura & G. Morçöl (Eds.), *Challenges to democratic governance in developing countries* (pp. 227–245). Heidelberg: Springer.
- Peters, A. (2015). Corruption and human rights, *Working paper series* (Vol. 20). Basel: Basel Institute on Governance, University of Basel. http://www.mpil.de/files/pdf4/Peters_Corruption_and_Human_Rights20151.pdf. Accessed 21 Jan 2016.
- Pope, J., & Vogl, F. (2000). Making anticorruption agencies more effective. *Finance and Development*, 37(2), 6–9.
- Rao, N. B. (2013). *Good governance: Delivering corruption-free public services*. New Delhi: Sage.
- Recanatini, F. (2011). Anti-corruption authorities: An effective tool to curb corruption? In S. Rose-Ackerman & T. Søreide (Eds.), *The international handbook*

- on the economics of corruption* (Vol. 2, pp. 528–566). Cheltenham: Edward Elgar.
- Riggio, R. E. (2009). Are you a transformational leader? <https://www.psychologytoday.com/blog/cutting-edge-leadership/200903/are-you-transformational-leader>. Accessed 12 Jan 2016.
- Rotberg, R. I. (2012). *Transformative political leadership: Making a difference in the developing world*. Chicago: University of Chicago Press.
- Sebudubudu, D. (2014). The evolving state of corruption and anti-corruption debates in Botswana: Issues in good governance. *European Union Anti-Corruption Project*. http://anticorr.eu/wp-content/uploads/2014/03/Botswana-Background-Report_final.pdf. Accessed 12 Jan 2016.
- Søreide, T. (2014). *Drivers of corruption: A brief review*. Washington, DC: World Bank.
- Spector, B. I. (2016). The benefits of anti-corruption programming: Implications for low to lower middle income countries. *Crime, Law and Social Change*, 65(4), 423–442.
- Spector, B. I., Winbourne, S., & Dininio, P. (2015). *Practitioner's guide for anti-corruption programming*. Washington, DC: U.S. Agency for International Development.
- TI (Transparency International). (2014). Fighting corruption: The role of the anti-corruption commission. http://www.transparency.org/news/feature/fighting_corruption_the_role_of_the_anti_corruption_commission. Accessed 20 Dec 2015.
- Tikum, N. (2016, January 21). Time to go beyond anti-corruption agencies in sub-Saharan Africa. *The Global Anti-Corruption Blog*. <https://globalanticorruptionblog.com/2016/01/21/guest-post-time-to-go-beyond-anti-corruption-agencies-in-sub-saharan-africa/>. Accessed 21 Apr 2016.
- Ugur, M., & Dasgupta, N. (2011). *Evidence on the economic growth impacts of corruption in low-income countries and beyond: A systematic review*. London: EPPI-Centre, Social Science Research Unit, Institute of Education, University of London.
- UNDESA (United Nations Department of Economic and Social Affairs). (2016). *United Nations E-Government Survey 2016: E-Government in support of sustainable development*. New York: United Nations.
- UNDP (United Nations Development Programme). (2014). *Anti-corruption strategies: Understanding what works, what doesn't and why?: Lessons learned from the Asia-Pacific region*. Bangkok: UNDP Bangkok Regional Hub.
- UNECA (United Nations Economic Commission for Africa). (2010). *Assessing the efficiency and impact of national anti-corruption institutions in Africa*. Addis Ababa: UNECA.

- UNECA (United Nations Economic Commission for Africa), & AUABC (African Union Advisory Board on Corruption). (2011). *Combating corruption, improving governance in Africa: Regional anti-corruption programme for Africa (2011–2016)*. Addis Ababa: UNECA/AUABC. <http://www.uneca.org/sites/default/files/PublicationFiles/combating-corruption-improving-governance-in-africa-2011-2016.pdf>. Accessed 20 Feb 2016.
- United Nations. (2016). *Report of the inter-agency and expert group on sustainable development goal indicators*. New York: United Nations.
- UNODC (United Nations Office on Drugs and Crime). (1999). *Prevention: An effective tool to reduce corruption*. Vienna: UNODC.
- UNODC (United Nations Office on Drugs and Crime). (2002). *Anti-corruption toolkit*. Vienna: UNODC. <http://www.unodc.org/pdf/crime/toolkit/fltof7.pdf>. Accessed 12 Jan 2016.
- UNODC (United Nations Office on Drugs and Crime). (2004). *United Nations convention against corruption*. New York: United Nations.
- World Bank. (2015). *E-government*. <http://www.worldbank.org/en/topic/ict/brief/e-government>. Accessed 28 July 2016.
- World Bank. (2016). *Making politics work for development: Harnessing transparency and citizen engagement*. Washington, DC: World Bank.

INDEX

A

absenteeism, 9, 10. *See also* corruption, types of
accountability, 4, 7, 8, 13, 15, 21, 34, 40, 45, 50, 54, 56, 63, 64, 73, 78, 82–4, 89, 92, 93, 102, 105–9, 131, 132, 148, 149, 168, 171, 172, 174, 181, 183, 185
African Development Bank (AfDB), 38, 43
African Growth and Opportunity Act (AGOA), 55, 56
African leaders, 96
African Peer Review Mechanism (APRM), 96
African Union Advisory Board on Corruption (AUABC), 182, 183
African Union Convention on Preventing and Combating Corruption (AUCPCC), 96, 146, 169
Afrobarometer, 131, 139
Agence France Presse (AFP), 134
Annan, Kofi, 110
anti-corruption agencies (ACAs), 148, 153, 169–72, 174

Anti-Corruption and Economic Crimes (ACEC), 88
anti-corruption commission (ACC), 32, 38, 47, 62, 88, 90, 95, 108
anti-corruption institutions (ACIs), 32, 141, 147, 154, 169–72, 174, 175, 177, 178
Anti-Corruption Police Unit (ACPU), 62
Anti-Corruption Summit, v, 111, 153, 164, 185
Anti-Corruption Working Group, 10
Anti-Money Laundering Advisory Board (AMLAB), 90
Arab anti-corruption and integrity network (ACINET), 170
Asia, iv, 5, 165, 175
Asian Development Bank (ADB), 175
Assets Recovery Agency (ARA), 90

B

Bhutan, 4
Big Fish, 55, 101
Botswana, 4, 22, 164, 172, 174, 178

- bribery, 3, 32, 34, 42, 64, 66–8, 70–2, 74, 75, 78, 79, 85, 88, 102, 103, 107, 109, 128, 130, 131, 133, 148, 183. *See also* corruption, types of
- British government, 82, 83
- British High Commission Nairobi, 83, 85
- Buhari, Muhammadu, 133, 134, 152–4, 178
- Bureau of Public Procurement (BPP), 147, 149
- C**
- Cabinet Committee on Anti-Corruption (CCAC), 94
- Cameron, David, v, 111, 164, 185
- Cameroon, 22
- capacity
- building, 47, 48, 82
 - development, 19, 48, 150, 171–3
 - individual, 19
 - institutional, 19
- Cape Verde, 174
- Caribbean, 68
- central medical store[s] (CMSs), 15–16, 18, 19, 22, 23
- Chartered Institute of Purchasing and Supply (CIPS), 19
- civil society, 32, 33, 44, 48, 52–4, 64, 95, 97, 100, 111, 135, 151, 153, 154, 170, 173, 175, 176, 185
- clientelism, 3. *See also* corruption, types of
- Clinton, Hillary Rodham, 63
- Code of Conduct Bureau (CCB), 135, 146, 148
- Code of Conduct Tribunal (CCT), 146, 148, 153
- codes
- civil service, 7
 - of conduct, 46, 50, 88
- Commission on Administrative Justice (CAJ) [Office of the Ombudsman], 90, 96
- Commonwealth Human Rights Initiative (CHRI), 70
- Complaints Review Committee (CRC), 42
- conflict of interest, 3, 76, 92. *See also* corruption, types of
- corruption
- administrative, 3, 6
 - and Africa, 165
 - bureaucratic, 3, 18
 - conceptual context, 12
 - control, 51, 56, 97–8, 167, 174, 178
 - cronyism, 6, 126, 131, 133
 - definition of, 88
 - endemic, 98, 127
 - grand, 3, 101, 111, 153
 - health sector, 16
 - menace, vi, 75, 153, 163
 - nature of, 2, 3, 63–70, 152
 - nepotism, 3, 35, 36, 46, 72, 74, 133, 137, 166
 - perceptions, 4, 5, 33, 55, 128, 129
 - pervasiveness of, 8, 64, 131
 - petty, 3
 - prevalence, 6, 36, 128, 142
 - rapacious, 8
 - risk assessment, 2, 11–14, 104
 - risk management, 2, 14
 - risks, 1, 10–11, 14–23
 - systemic, 144, 163, 168
 - types of, 3, 9, 34
 - widespread, 94, 110
- Corruption Perceptions Index (CPI), 4, 5, 33, 55, 128, 129, 167
- Criminal Assets Recovery Fund (CARF), 90

D

decentralization, 106, 107. *See also*
devolution
Department for International
Development (DFID), 3, 5, 16,
83
Department of Governance and Ethics
(DGE), 93
Designated Non-Financial Institutions
(DNFIs), 149
development, vi, 4, 6, 8, 10, 12–14,
19, 21–4, 31, 33, 34, 36–40, 48,
52, 54, 55, 61, 63, 66, 80–3, 85,
86, 89, 93, 94, 96–8, 102, 103,
109–12, 125, 127, 131, 135,
139, 150–4, 165, 166, 168, 169,
171–6, 178, 182–4
devolution, 82, 84, 106, 107. *See also*
decentralization
Director of Public Prosecutions
(DPP), 43, 47, 69, 93, 105, 106
Dlamini, Sibusiso, 35

E

East Africa, 61, 66, 69, 96, 97, 170
East Africa Business Council (EABC),
85
East African Association of Anti-
Corruption Authorities
(EAAACA), 96, 97, 170
East African Bribery Index (EABI),
66, 71
East African Community (EAC), 61,
96, 97
Eastern Africa, iv, 61, 163
Eastern and Southern Africa Anti-
Money Laundering Group
(ESAAMLG), 96
Economic and Financial Crimes
Commission (EFCC), 146–50, 153

Economic Community of West African
States (ECOWAS), 146
Economic Recovery Strategy (ERS),
38, 94
Effective Institutions Platform (EIP),
169
e-government, 173, 174
Egypt, 174
embezzlement, 3, 9, 32, 39, 40, 80,
83, 88, 133, 148. *See also*
corruption, types of
e-procurement, 21, 22, 173
Ethics and Anti-Corruption
Commission (EACC), 62, 68, 69,
71, 79, 82, 90, 92, 101, 105,
108, 109, 175
Ethiopia, 73
Eurobond, 82
European Anti-Corruption Contact
Point Network (EACN), 170
European Commission, 9, 10
European Partners Against Corruption
(EPAC), 170
European Union (EU), 150, 152
Extractive Industries Transparency
Initiative (EITI), 147, 153
Ezekwesili, Obiageli, 133

F

favoritism, 3, 35, 74, 79, 137. *See also*
corruption, types of
Fédération Internationale de Football
Association (FIFA), v
Financial Reporting Center (FRC),
90
Fiscal year (FY), 81
fraud, 3, 9, 13, 20, 31, 33, 39, 40, 42,
70, 80, 82, 83, 88, 108, 109,
149. *See also* corruption, types of

G

- G20, 10
- Ghana, 22, 172
- Global corruption barometer, 5, 131
- Global Forum for Asset Recovery, 185
- Godec, Robert F, 111
- Good Governance for Medicines (GGM), 13
- governance
 - approach, 163–85
 - bad, v, 6, 62, 67, 68, 79, 82, 94, 98, 126, 136
 - democratic, 93
 - good, 6, 7, 13, 22, 49, 52, 63–5, 86, 93, 95, 96, 98, 99, 101–3, 105, 107, 111, 138, 163, 166–69, 173, 175, 178, 179, 181–3
 - level of, 7
 - weak, 50, 79
- Governance, Justice, Law and Order Sector (GJLOS), 93, 94, 104
- government branches
 - executive, 6, 175
 - judicial, 6, 175
 - legislative, 6, 175
- Government Financial Management (GFM), 89, 91
- gross domestic product (GDP), 8, 35, 37, 61, 86, 134, 135
- growth, vi, 38, 55, 62, 79, 80, 84, 85, 109–11, 125, 127, 152, 164, 169, 180, 183, 185

H

- health care professionals, 19
- health sector
 - corruption, 79, 84
 - personnel, 1, 8
 - policy-makers, 165
 - professionals, 1, 7, 8, 13, 19
- health service, 1, 2, 7, 18, 23, 24, 153

- Human Capital Index, 173
- human immunodeficiency virus (HIV), 81

I

- Ibori, James, 135
- Ibrahim Index of African Governance (IIAG), 130, 131
- Idealized Influence (II), 180, 181
- illegal capital flight, 85. *See also* illicit financial flows
- illegal commission(s), 3. *See also* corruption, types of
- illicit financial flows, 5, 85, 184. *See also* illegal capital flight
- immunization rate, 8
- impunity, vi, 4, 7, 50, 55, 63, 65, 78, 82, 101, 105, 108, 110, 139, 173
- Independent Commission Against Corruption (ICAC), 11, 12
- Independent Corrupt Practices and Other Related Offences Commission (ICPC), 146, 150, 153
- Independent Medico-Legal Unit (IMLU), 75
- Independent Police Oversight Authority (IPOA), 73, 75–8
- Individualized Consideration (IC), 180, 181
- inequality, 4, 31, 37, 110, 127, 136, 137, 144, 164–6, 183
- infant mortality, 7, 8
- influence peddling, 3, 76. *See also* corruption, types of
- informal payments, 7, 9, 10, 130. *See also* bribery
- information, communication and technology (ICT), 74
- information, education, and communication (IEC), 151
- Inspirational Motivation (IM), 180

institutions
 building, 167, 173, 184
 effective, 63, 167, 169, 173
 performance, 7
 strengthening, 102, 167, 172, 174
 weak, v, vi, 6, 12, 80, 127, 138–41, 165
 integrity
 committees, 51
 judicial, 7
 Intellectual Stimulation (IS), 180, 181
 Inter-Agency Task Team (IATT), 149
 internally displaced persons (IDPs), 110
 investment, vi, 5, 37, 40, 84–6, 98, 109–11, 125, 153, 164, 165, 183

J

judicial independence, 50, 105
 judiciary, 31, 50, 67, 68, 97–9, 105, 110, 128, 140, 153, 172, 176, 184

K

Kenya

Anti-Corruption Advisory Board (KACAB), 88
 Anti-Corruption and Economic Crimes Act, 88
 Anti-Corruption Authority (KACA), 62, 88 (*see also* Kenya Anti-Corruption Authority (KACA))
 Anti-Corruption Commission (*see* Anti-Corruption Commission)
 Anti-Corruption Commission (KACC), 62, 67, 88, 90, 93, 95, 97, 101

Anti-Corruption Police Unit (ACPU) (*see* Anti-Corruption Police Unit (ACPU))
 Anti-Money Laundering Advisory Board (AMLAB) (*see* Anti-Money Laundering Advisory Board (AMLAB))
 Assets Recovery Agency (ARA) (*see* Assets Recovery Agency (ARA))
 Attorney General, 95, 105, 106, 112
 Auditor-General, 89, 92
 bribery Index, 66, 71
 bribes, 62, 66–9, 71, 75, 78–80, 87, 103, 107
 Cabinet Committee on Anti-Corruption (CCAC) (*see* Cabinet Committee on Anti-Corruption (CCAC))
 capital city (*see* Nairobi)
 Chief Justice, 62, 68
 Chief registrar, 68
 City Council of Nairobi, 69
 Commission on Administrative Justice (CAJ) (*see* Commission on Administrative Justice (CAJ))
 Commission on Administrative Justice Act, 90
 constitution (2010), 62, 78, 90, 91, 101, 103, 105–8
 corruption, 61–112
 County Assemblies, 91
 Criminal Assets Recovery Fund (CARF) (*see* Criminal Assets Recovery Fund (CARF))
 Department of Governance and Ethics (DGE) (*see* Department of Governance and Ethics (DGE))

Kenya (*cont.*)

Deputy Chief Justice, 68
 Director of Public Prosecutions, 69, 93, 105, 106
 Education Sector Support Program (KESSP), 83
 Election Campaign Financing Act, 92
 Ethics and Anti-Corruption Commission (EACC) (*see* Ethics and Anti-Corruption Commission (EACC))
 extortion payments, 71
 Financial Reporting Center (FRC) (*see* Financial Reporting Center (FRC))
 Goldenberg Affair, 85
 Governance, Justice, Law and Order Sector (GJLOS) (*see* Governance, Justice, Law and Order Sector (GJLOS))
 Government Financial Management Act, 89
 Human Rights Commission (KHRC), 70
 Independent Police Oversight Authority (IPOA) (*see* Independent Police Oversight Authority (IPOA))
 Judicial Commission of Inquiry, 85
 judiciary, 67, 68
 Leadership and Integrity Act, 91
 Leadership and Integrity Code, 91, 92
 Ministry of Devolution and Planning, 82
 Ministry of Education, 82
 Ministry of Interior and Coordination of National Government (MICNG) (*see* Ministry of Interior and

Coordination of National Government (MICNG))
 Ministry of Justice and Constitutional Affairs, 93
 Ministry of Justice, National Cohesion and Constitutional Affairs, 93, 95
 Ministry of Lands, 68
 Ministry of Water and Irrigation, 81
 Mpesa, 78, 79
 Mwongozo Code of Governance, 105
 National Alliance of Rainbow Coalition (NARC) (*see* National Alliance of Rainbow Coalition (NARC))
 National Anti-Corruption Campaign Steering Committee (NACCSC) (*see* National Anti-Corruption Campaign Steering Committee (NACCSC))
 National Anti-Corruption Plan (NACP) (*see* National Anti-Corruption Plan (NACP))
 National Assembly, 107
 National Audit Commission, 92
 National Audit Commission (KNAC), 92
 National Audit Office (KNAO), 92
 National Commission on Human Rights (KNCHR), 78, 92
 National Commission on Human Rights Act, 92
 National Police Service (NPS) (*see* National Police Service (NPS))
 National Police Service Commission (NPSC) (*see* National Police Service Commission (NPSC))

National Taxpayers Association
 (NTA) (*see* National Taxpayers
 Association (NTA))
 Office of the Attorney General, 95,
 105
 Office of the Ombudsman (*see*
 Commission on Administrative
 Justice (CAJ))
 Office of the President, 93
 parliament, 67, 68, 72, 81, 88, 89,
 91, 92, 99, 101, 107, 108
 performance contracts, 104, 105
 police corruption, 66, 71–3, 75, 77,
 79, 102, 103
 police reforms, 72, 79, 102–4
 Police Reforms Implementation
 Committee (PRIC) (*see* Police
 Reforms Implementation
 Committee (PRIC))
 Police Reforms Steering Committee
 (PRSC) (*see* Police Reforms
 Steering Committee (PRSC))
 Privatization Act, 92
 Proceeds of Crime and Anti-Money
 Laundering Act, 90
 Public Audit Act, 92
 Public Complaints Standing
 Committee (PCSC) (*see* Public
 Complaints Standing
 Committee (PCSC))
 Public Finance Management Act,
 91
 Public Officer Ethics Act, 88
 Public Procurement and Disposal
 Act, 89
 Ransley Report, 72, 76
 Salaries and Remuneration
 Commission, 103
 Supplies Practitioners Management
 Act, 92
 Truth, Justice and Reconciliation
 Commission (TJRC) (*see* Truth,

Justice and Reconciliation
 Commission (TJRC))
 Victims Compensation Fund, 92
 Witness Protection Act, 92
 Witness Protection Advisory Board,
 92
 Witness Protection (Amendment)
 Bill, 92
 Witness Protection Tribunal, 92
 Kenya Anti-Corruption Authority
 (KACA), 62, 88
 Kenya Anti-Corruption Commission
 (KACC), 62, 67, 88, 90, 93, 95,
 97, 101
 Kenyatta, Uhuru, 62, 69, 109, 111
 Kibaki, Mwai, 65, 94
 Kinisu, Phillip, 80
 kleptocracy, 126, 133, 164
 kleptocrats, vi, 137, 165, 166, 181
 Knowledge, attitudes, behavior, and
 practices (KABP), 1
Komisi Pemberantasan Korupsi
 [Corruption Eradication
 Commission of Indonesia] (KPK),
 170
 Kukah, Matthew, 151

L

Latin America, 5
 leadership transformational, 53,
 99–100, 179–82
 Libya, 174
 life expectancy, 8
 Lopes, Carlos, 165

M

Madagascar, 22
 Malaysia, 175
 Marks, David, 135
 Mauritius, 22, 172, 174

medicines

counterfeit, 7

Medicines Transparency Alliance
(MeTA), 13

Members of Parliament (MPs), 43, 67,
70, 107

Millennium Development Goals
(MDGs), 184

Ministry of Health (MOH), 1, 15, 17,
19, 20, 131, 132

Ministry of Interior and Coordination
of National Government
(MICNG), 104

MOH. *See* Ministry of Health (MOH)

Mo Ibrahim Foundation, 5, 130–2

Moi, Daniel arap, 63–5, 80, 111
money laundering, 3, 90, 97, 112,
147–9, 153

Morocco, 8, 19, 174

Muigai, Githu, 112

Mutunga, Willy. *See* Kenya, Chief
Justice

N

Nairobi, vii, 63, 69, 82, 83, 85,
108

National Alliance of Rainbow
Coalition (NARC), 65

National Anti-Corruption Campaign
Steering Committee (NACCSC),
94, 95

National Anti-Corruption Plan
(NACP), 63, 64, 95, 97, 174–8

National Anti-Corruption Strategy
(NACS), 151, 152, 166

National Bureau of Statistics (NBS),
135

national integrity system, 50

National Police Service (NPS), 76, 77,
79, 104, 106

National Police Service Commission
(NPSC), 75, 77–9, 103

National Task Force on Police

Reforms (NTFPR), 72, 73, 76

National Taxpayers Association
(NTA), 81

National Youth Service (NYS), 82

neopatrimonialism, 64

nepotism, 3, 35, 36, 46, 72, 74, 133,
137, 166. *See also* corruption,
types of

Network of National Anti-Corruption
Institutions in West Africa
(NACIWA), 170

New Partnership for Africa's
Development (NEPAD), 96

Nigeria

Auditor-General, 149

Boko Haram, 133, 151

bribery, 128, 130, 131, 133, 148

Central Bank, 134

Code of Conduct Bureau (CCB)
(*see* Code of Conduct Bureau
(CCB))

*Code of Conduct Bureau and
Tribunal Act*, 146

Code of Conduct Tribunal (CCT)
(*see* Code of Conduct Tribunal
(CCT))

Constitution, 126, 140, 146, 149
corruption, 129, 150

*Corrupt Practices and Other Related
Offences Act*, 146

Criminal Code Act, 146

culture and corruption, 144

Designated Non-Financial
Institutions (DNFIs) (*see*
Designated Non-Financial
Institutions (DNFIs))

Economic and Financial Crimes Act,
146

Economic and Financial Crimes
Commission (EFCC) (*see*
Economic and Financial Crimes
Commission (EFCC))

- education sector, 133, 154
- enterprise Survey, 130
- Extractive Industries Transparency Initiative (NEITI), 147, 149
- Extractive Industries Transparency Initiative Act, 147, 153
- Federal Government, 134, 152
- Federal Ministry of Health, 131, 132
- Financial Intelligence Unit (NFIU), 147–9
- First Republic, 126
- ghost teachers, 133
- ghost workers, 134
- Graft Index, 130
- health sector, 131
- Immigration Service, 140
- independence, 126
- Independent Corrupt Practices and Other Related Offences Commission (ICPC) (*see* Independent Corrupt Practices and Other Related Offences Commission (ICPC))
- Integrated Personnel and Payroll Information System, 134
- Inter-Agency Task Team (IATT) (*see* Inter-Agency Task Team (IATT))
- military coup, 126
- military rule, 126
- Minister of Finance, 128, 138
- Minister of Health, 132
- Minister of Information, 134
- Money Laundering (Prohibition) Act, 147
- National Assembly, 140, 149
- National Council on Public Procurement, 147
- Nigeria National Petroleum Corporation (NNPC) (*see* Nigeria National Petroleum Corporation (NNPC))
- Ombudsman (*see* Public Complaints Commission (PCC))
- police corruption, 139
- Police Force (NPF) (*see* Nigeria Police Force (NPF))
- population, 125, 135
- Presidential Advisory Committee on Anti-Corruption, 152
- Proceeds of Crime Act, 147
- Public Complaints Commission (PCC) (*see* Public Complaints Commission (PCC))
- Public Procurement Act, 147
- resource curse, 127
- Special Control Unit Against Money Laundering (SCUML) (*see* Special Control Unit Against Money Laundering (SCUML))
- Super Eagles, 128
- Technical Unit on Governance and Anti-Corruption Reforms (TUGAR) (*see* Technical Unit on Governance and Anti-Corruption Reforms (TUGAR))
- Transition Monitoring Group, 140
- weak institutions, 127, 138–41
- Whistleblower Protection Act, 147
- Nigeria Extractive Industries Transparency Initiative (NEITI), 147, 149
- Nigeria Financial Intelligence Unit (NFIU), 147–9
- Nigeria National Petroleum Corporation (NNPC), 134
- Nigeria Police Force (NPF), 139–41, 149–50
- non-governmental organizations (NGOs), 4, 5, 73, 83, 84, 145
- Nzeogwu, Chukwuma Kaduna (Major), 126

O

Obama, Barack, 111, 138
 Obasanjo, Olusegun, 139
 Odinga, Raila, 99, 105
 Office of the Auditor-General (OAG), 149
 official development assistance (ODA), 37, 86
 Okonjo-Iweala, Ngozi, 128, 138
 Online Service Index, 173
 Organization for Economic
 Co-operation and Development
 (OECD), 2, 5, 8–10, 45, 164,
 165, 167–9, 175

P

Panama Papers, v, 68, 135
 perception surveys, 5, 33, 37, 50–2
 Permanent Secretary (PS), 80, 93,
 108
 Pew Research Center, 5
 Police Reforms Implementation
 Committee (PRIC), 104
 Police Reforms Steering Committee
 (PRSC), 104
 political will, 6, 98, 99, 138, 141, 152,
 166, 176, 178, 179, 181, 182
 population, 2, 5, 13, 19, 23, 31, 85,
 125, 135, 165, 171, 184
 Portugal, 4
 poverty, vi, 4, 31, 34, 35, 37, 39, 56,
 61, 82, 84, 85, 94, 109, 110,
 125, 127, 135, 164, 165, 169,
 173, 178, 183, 185
*Poverty Reduction Strategy and Action
 Programme* (PRSAP), 35
 predatory policing, 72, 140
 predatory state, 62, 107
 Prevention of Corruption Act
 (POCA), 40, 41, 47
 PricewaterhouseCoopers (PwC), 69,
 70, 135

Prime Minister, v, 31, 35, 53, 99, 111,
 164, 185
 Proceeds of Crime and Anti-Money
 Laundering (PCAML), 90
 procurement
 Act, 49, 147
 decentralized, 15
 of drugs, 8
 manual, 17, 19, 20
 of medical equipment, 8, 9
 plan(s), 17, 21
 planning, 17, 21
 process, 7, 9, 15, 17, 19, 22, 49,
 133, 149, 168
 public, 15, 21, 49, 89, 147, 149,
 168
 of supplies, 19
 unit(s), 15, 16, 18–22
 Public Accounts Committee (PAC),
 40, 46
 Public Complaints Commission
 (PCC), 147–8
 Public Complaints Standing
 Committee (PCSC), 95
 Public Officer Ethics (POE), 88
 Public Procurement Administrative
 Review Board (PPARB), 89
 Public Procurement and Disposal
 (PPD), 89
 Public Procurement and Oversight
 Authority (PPOA), 89, 90
 Public Procurement Oversight
 Advisory Board (PPOAB), 89
 public service, 19, 37, 40, 45, 46, 54,
 62, 79, 87, 89, 91, 96, 98, 104,
 108, 110, 111, 130, 131, 138,
 154, 165, 169, 173, 184
 punishment as deterrent, 22, 100–1

R

Ramodibedi, Michael. *See* Swaziland,
 Chief Justice

Ranneberger, Michael, 36, 82
 Ransley, Philip, 72, 76
 Rawal, Kalpana. *See* Kenya, Deputy
 Chief Justice
 reform strategies, 102–5
 Royal Swaziland Police Service
 (RSPS), 33, 40, 42, 47
 rule of law, v, 4, 7, 37, 56, 63, 65, 67,
 77, 93, 101–3, 110, 131, 138,
 167, 172, 174, 181, 183
 Rwanda, 22

S

Sanusi, Lamido, 134
 Saraki, Bukala, 135
 SEA-PAC (Southeast Asian Parties
 Against Corruption), 170
 Senior Medical Officer (SMO), 23
 Service Charters, 48
 Seychelles, 174
 Shamaki, Amina, 133
 Somalia, 73
 South Africa, 23, 31, 55, 125, 174
 South African Rand, 31
 Southeast Asian Parties Against
 Corruption (SEA-PAC), 170
 Southern Africa, vi, 31, 96, 163, 170
 Southern African Customs Union
 (SACU), 31, 38
 Southern African Forum Against
 Corruption (SAFAC), 170
 Special Control Unit Against Money
 Laundering (SCUML), 149
 state capture, 86, 87, 166
 stock-outs, 18, 22, 23
 sub-Saharan Africa, 55, 67, 125, 128,
 130
 supply chain management (SCM), 2,
 14–15, 19, 21
 Sustainable Development Goals
 (SDGs), 183, 184
 Swaziland

Anti-Corruption Commission
 (ACC) (*see* Anti-Corruption
 Commission (ACC))
 Auditor General, 39, 55, 56
 Chief Justice, 36
 Complaints Review Committee
 (CRC) (*see* Complaints Review
 Committee (CRC))
 corruption, 31–56
 Development Index, 55
 His Majesty King Mswati III, 36–8,
 54
 inequality, 31, 37
 Judicial Service Commission, 41, 50
 judiciary, 31, 50
 Minister of Finance, 35, 39, 53
 Minister of Justice, 36
 Minister of Public Works and
 Transport, 35
 People's Parliament, 53, 54
 poverty, 31, 34, 35, 37, 39, 56
 Prevention of Corruption Act
 (POCA) (*see* Prevention of
 Corruption Act (POCA))
 Prime Minister (*see* Dlamini,
 Sibusiso)
 Public Accounts Committee (PAC)
 (*see* Public Accounts Committee
 (PAC))
 Royal Swaziland Police Service
 (RSPS) (*see* Royal Swaziland
 Police Service (RSPS))
 Tender Board, 49
 traditional leaders, 53
 Whistle Blowers Protection Act, 43
 Witness Protection Act, 43, 44

T

Tanzania, 8
 Technical Unit on Governance and
 Anti-Corruption Reforms
 (TUGAR), 146, 149, 150

Telecommunication Infrastructure
Index, 173

terrorism, 75, 84, 96, 111, 184

terrorist activities, 96

theft, 3, 9, 10, 80, 134, 152. *See also*
corruption, types of

torture, 73, 110

transparency, 7, 12, 13, 21, 22, 34,
45, 54, 56, 78, 89, 92, 93, 102,
105–8, 147, 149, 153, 168, 169,
172–4, 181, 183

Transparency International (TI), v, 5,
12, 33, 55, 62, 66, 67, 69, 71,
72, 94, 101, 107, 108, 128, 129,
131, 139, 172, 175

Transparency International-Kenya
(TI-Kenya), 66, 67, 69, 71, 94,
101, 107, 108

Truth, Justice and Reconciliation
Commission (TJRC), 71, 76

Tunisia, 174

U

Uganda, 22

under-five mortality, 8

United Kingdom (UK), v, 82, 84,
111, 164, 185

United Nations (UN), 73, 83, 112

United Nations Committee Against
Torture (UNCAT), 73

United Nations Convention Against
Corruption (UNCAC), 32, 46,
47, 96, 97, 146, 150, 154, 169,
174, 185

United Nations Development
Programme (UNDP), 7–10, 13,
14, 18, 33, 161, 169, 170, 175,
178

United Nations Economic
Commission for Africa (UNECA),
5, 141, 165, 169, 182, 183

United Nations Human Rights
Council (UN-HRC), 73

United Nations Office on Drugs and
Crime (UNODC), 44, 96, 140,
152, 164, 168, 170, 173–5

United Nations Population Fund
(UNFPA), 19

United States (US), 12, 55, 56, 63,
66, 82, 84, 111, 125, 138

United States Agency for International
Development (USAID), 12, 13
unlawful gratuity, 3. *See also*
corruption, types of

V

vetting, 78

W

Waiguru, Anne, 82

West Africa, 131, 132, 146, 170

whistleblowers, 43, 44, 147, 153

World Bank, 5, 12, 13, 21, 31, 65, 69,
83, 87, 102, 109, 130, 131, 133,
164, 166, 169, 173, 175

World Health Organization (WHO),
13, 19

Worldwide Governance Indicators
(WGI), 130

Z

Zambia, 15, 22

Zimbabwe, 22