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Focus 14

Corruption in Africa

A Threat to Justice and Sustainable Peace

Editors: Elizabeth Nduku / John Tenamwenye

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Editors

Elizabeth Nduku / John Tenamwenye

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FOREWORD

Corruption has always existed in different forms, and is not determined by politics or geography. It exists in rich and poor countries alike, it involves both individual States and international organizations and its costs are borne by the citizens. It affects the proper running of governments, distorts the correct functioning of economic and political institutions and hampers transparency, exploits the human person for selfish interests, renders respect for rules obsolete and is a manifestation of structural sin. I wish to elaborate this by presenting an experience I had when on one of the trips I made in this part of the world when I forgot to carry along my yellow fever vaccination card. A health officer at one of the airports told me to choose one of the following options: to pay 50 dollars and be allowed through or be taken for an immediate vaccination that would cost 200 dollars. I actually chose none since all I had to do was to indicate that what had brought me to the country was connected to the ministry of education and that the officials from the ministry were waiting for me. Either way I had to play on the sentiment that "I am known to powerful people so please let me through". But just before me in the queue, I had seen someone from an international NGO paying the said USD 50 so they do not have to go through the "vaccination". Was it cheaper? Did vaccination service actually exist? Does the USD 50 or the fact that one is a state visitor undo the spirit of protecting the local citizens from yellow fever?

In our own locality in Kenya, citizens complain about corruption in the high offices but will comfortably cheat each other in the market place. Public transport hikes rates at will without regard to the consequences on the most vulnerable. A young lawyer told me that in their early years of practice, they could not incorporate a company as fast as their colleagues because they had not realized that their

colleagues had been tipping the clerks at the company registry. Big decisions affecting the citizenry are made at coffee tables in hotel lounges where "lobbying" means financial and political inducement. For every special interest bill that makes its way into parliament, members of Parliament seek to be sensitized in terribly expensive seaside resorts. On top of this luxury, huge allowances are paid to members of parliament that attend these "awareness" workshops. Corruption has thus eaten into society threatens to ravage the entire African system.

While the manifestations of corruption are limitless, its roots seem to be identifiable from the fallen nature of the human person. However, one hastens to add that the human person is redeemed and has potential to contest his own inclination to be corrupt. The African self-understanding of the human person in relation to material wealth and power is also important. While wealth in the African traditional setting came along with the responsibility to promote the common good, today wealth seems to be an end in itself. A misdirected pursuit of happiness needs to be clarified. He is happy who is wealthy, seems to enjoy celebrity and power. Very few individuals at least in the public sector pursue beatitude as proper form of happiness. The pursuit of happiness measured by wealth and power actually separates human endeavor from what is truly good and transcendental

The responses to corruption therefore seem to be better guided if they tackle both the condition of the human person at interiority and structurally at the level of society. The struggle against corruption will remain an illusion if individuals are still sympathetic to it as a lesser evil. If politicians are still gauged by how much they donate to their constituents and not on how good their policy or legislation is.

Because of the many challenges that corruption brings to the society, it has become a cause of great concern today not only to the church and state but also to the institutions of higher learning. This concern universities have on corruption is the basis for the reflection in this

book. These reflections capture the sharing at an interdisciplinary conference on: "Corruption: A threat to Justice and sustainable peace in Africa". Corruption is an injustice in itself. Since Justice relates to Peace by way of a logical conjunction then the prevalence of corruption in any state affirms a lack of peace even in the absence of violence. The systemic nature of corruption in many African states actually compounds the structural violence that citizens suffer. In the words of the Pontifical Council for Justice 2006, corruption "is a contradiction of solidarity because it gives rise to injustice and poverty, and a contradiction of subsidiary because it does not respect the different social and institutional roles but corrupts them".

As you read this book may you be inspired to become an agent in the fight against corruption by helping people form their conscience and work for the common good of all.

Sr. Dr. Elizabeth Nduku
Director of the Centre for Social Justice and Ethics
Director of Globethics.net East-Africa

PREFACE

At long last, the so much awaited Conference proceedings on *Corruption in Africa: A Threat to Justice and Sustainable Peace* is ready for our esteemed readers. Corruption paralyzes efforts for the promotion of justice and sustainable peace in Africa. Therefore, the entrenchment of corruption in Sub-Saharan Africa should be a matter of concern for everyone because of its adverse effects. Corruption creates many forms of injustice which affect almost every aspect of daily life for ordinary citizens and no sector of the population is immune from it. Contributors to this book have succinctly demonstrated that corruption in Sub-Saharan Africa impairs political, economic and social development. It retards development efforts, hinders administrative development in the bureaucracy and undermines political institutions by weakening the legitimacy of accountability of governments.

According to Robinson, the practice of corruption breeds wastage, aggravates budget deficit problems, reduces resources available for infrastructure, public services and anti-poverty programs.[1] Corruption has also created unsuitable social environment for talented African elites, making them to seek better paid jobs abroad. The absence of these talented people in Africa has retarded development because human resource is one of the primary inputs for development. Unfortunately, corruption still continue to impede effective utilization of natural resources leaving most African countries vulnerable to and dependent on outside interests and markets. This dependence makes it impossible for them to implement effective development strategies of their own.[2]

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[1] M. Robinson, "Corruption and Development: An Introduction", M. Robinson (Ed). *Corruption and Development*, London: Frank Cass, 1998.
[2] Ibid.

It is clear from the contributors in this book that, corruption is a multifaceted and complex problem that requires a comprehensive approach that cuts across disciplines. This was the approach taken by *The Centre for Social Justice and Ethics* of the Catholic University of Eastern Africa when preparing this conference. Contributors in this book have approached the problem of corruption from their own specific disciplines. This diversity of approaches has greatly enriched this book and made it unique. Most of the contributors in this book admit that corruption is one of the causes of the increasing social problems in Africa. Africa is endowed with abundance natural resources and manpower that gives it a competitive edge in the world scene yet it is among the poorest continent. Over three hundred million people in Africa still live on less than US $1 per day.[3] The fight against corruption is therefore a moral responsibility of every citizen but more especially those who hold public offices. Corruption thus constitutes a serious moral problem. Corruption is indeed:" a form of antisocial behaviour by an individual or social group which confers unjust or fraudulent benefits on its perpetrators, is inconsistent with the established legal norms and prevailing moral ethos of the land and is likely to subvert or diminish the capacity of legitimate authorities to provide fully for the material and spiritual well-being of all members of society in a just and equitable manner".[4]

This explains why the fight against corruption needs to be the concern of every citizen everywhere in the world. In Africa, while the fight should be primarily on national territory, regional and international cooperation is essential. Political will at national level is an essential ingredient to the successful fight against corruption. Moreover, the will of the general public root out corruption is paramount. That is why the

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[3] P. Anassi, *Corruption in Africa: The Kenyan Experience*, Victoria: Trafford Publishing, 2004, p. 19.

[4] S.O. Osoba, "Corruption in Nigeria: Historical Perspectives", *Review of African Political Economy*, 69 (1996), 371-386.

civil society has a great role to play in this regard. Continued public awareness and involvement is also a key element in efforts to eradicate corruption. In addition, leadership is a key element in the efforts to curb corruption in Africa. Africa needs committed leadership with the capacity to restore the morale and integrity of public service through ensuring merit-based recruitment and promotion policies and procedures.

The editors and the entire CSJE fraternity wish to thank the entire University administration, contributors in this book, the participants and the donors for allowing this very important discussion to take place.

Rev. Dr. John Tenamwenye
Catholic University of Eastern Africa
Head of Department of Ethics

1

CORRUPTION: THE BANE OF AFRICA

Patrick Loch Otiendo Lumumba[1]

1.1 Introduction

Corruption is worse than prostitution. The latter might endanger the morals of an individual; the former invariably endangers the morals of an entire country.[2]

Corruption is presently one of the major challenges facing the human race. The world over, corruption is increasingly being seen as a threat to human existence to the extent that some commentators have called for it to be recognised as a 'crime against humanity.'[3] Indeed, corruption has

---

[1] Professor Patrick Loch Otiendo Lumumba has a PhD in Law and served as the Director of Kenya Anti-Corruption Commission from September 2010 to August 2011.

[2] Karl Kraus, Australian satirist, 1874-1936, cited by E Campos & B Bhargava (2007) Tackling A social Pandemic in: E Campos & S Pradhan (2007): *The Many Faces of Corruption: Tackling Vulnerabilities and the Sector Level*. World Bank.

[3] B Ilias (2006): "Corruption as an international crime and crime against humanity: An outline of supplementary criminal justice policies", *Journal of International Criminal Justice*, Vol. 4 Issue 3, 466-486. See also the speech by Hon. Kiraitu Murungi, Minister for Justice and Constitutional Affairs of Kenya during the opening of the 11th International Anti-Corruption Conference in Seoul, South Korea on 25th May 2003 titled 'When corruption is a crime against humanity.'

been identified as the main obstacle to the realisation of good governance, sustainable development and Millennium Development Goals.[4] It has monumental effects on the political, economic, social and cultural well-being of societies. In Africa, for instance, the Commission for Africa identified corruption as a central concern which negatively affects governance and development on the continent.[5]

Africa continues to lag behind other continents. The grim situation of Africa can be summarized in the words of Rwekaza et al (2006)[6] who observed that 'while other regions increased per capita, raised literacy rates and improved healthcare, per capita income in Africa was roughly the same in 1990s as it was at independence in the 1960s'. Africa's development has stagnated and declined significantly over the years, with nearly half of the continent's population living on less than a dollar a day, thus representing 30 percent of the world's poor in the 1990s and even the first decade of 2000. Africa persistently ranks at or near the bottom in global comparisons of social indicators.[7] This state of affairs is mainly attributable to the culture of impunity, corruption and bad governance.

The questions invariably confronting researchers, commentators and policy makers alike are; where did post-independence Africa go wrong in charting a new direction for her people? Can Africa reclaim its lost glory? Are political and other leaders in the continent committed and/or interested in addressing the vice of corruption?

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[4] See Transparency International: *Millennium Development Goals are unreachable without commitment to fighting corruption*, Berlin, Germany, 14th September 2005.

[5] Our common interest, *Report of the Commission for Africa*, 2005, London: Commission for Africa, 28.

[6] Rwekaza M., Fox L and Liebenthal R, *the Political Economy of Pro-Poor Policies in Africa: Lessons from Shanghai Conference Case Studies* in Attacking Africa's poverty: experiences from the ground/ edited by Louise Fox, Robert Liebentahl, World Bank 2006.

[7] Rwekaza M. et al. (note 5 above)

The problem of corruption cannot be seeing solely as an Africa problem. It is imported, nurtured, developed and entrenched in Continent of Africa. Therefore while corruption is a global challenge,[8] its effects are more manifest in Africa and other developing countries. Corruption has 'helped' unseat governments in Brazil, Italy, Ecuador and India and led to a *coup d'état* in Thailand in 2006.[9] Consequently, it has been realised by stakeholders in the governance process that the cost of corruption is pernicious and that no society can survive its grip.

1.2 What is Corruption?

Corruption is seen as a social, legal, economic and political concept. The definitions focus on one of the several aspects of the phenomenon. Khan (2004)[10] proposes that the various approaches of corruption can be placed into five groups, namely Public interest centered, Market centered, Public office centered, and public opinion centered and legalistic. Despite this proposition, corruption is defined in the context of a state–society relationship, where distinctions are made between political and bureaucratic corruption (Petty vs. grand); redistributive and extractive corruption (from below vs. above). More particularly and for the purpose of this paper, corruption is used to mean the "use of public office for private gain"[11].

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[8] Evidenced in global scandals such as the Enron case in the United States, Goldenberg and Anglo Leasing in Kenya, Lesotho Highlands Water Project, recent political awards in the UK and the Elf case in France.

[9] For further reading see NA Lash, *Corruption and economic development*, Loyola University Chicago, 2003.

[10] Khan M M.: Political and Administrative Corruption: Concepts, comparative Experiences and Bangladesh Case, Transparency International.

[11] Pranab Bardhan (Sept., 1997), "Corruption and Development: A Review of Issues". *Journal of Economic Literature*, Vol. 35, No. 3, pp. 1320-1346

1.3 Corruption in Africa: A Foreign Import?

Even though debate around corruption has focused more on Africa in the last decades and present times, corruption itself is as old as human beings. There is ample evidence in the Holy Books indicating that corruption existed and God constantly kept on reminding his people against engaging in it. However, corruption as we know it today seems to have originated from the slave trade and the industrial revolution in the nineteenth century.[12] According to Robb, the industrial revolution gave birth to a complex economy characterised by increasing dependence on finance and investment together with an increase of professionals such as lawyers and financiers that facilitated the expansion and potential for white collar crime.[13]

Corruption increased progressively from one historical era to another with the complex nature of corruption involving finances being introduced in Africa through colonialism.[14] This brand of corruption survived the struggle for independence in many African countries and has since been nourished by the weak Institutions and leadership in post colonial Africa. The Institutions were later emasculated to enhance concentration of state power in the hands of cabals of politicians thus creating an environment not conducive to participatory democracy and the development of an expanded economic role of the state.[15] According to Waliggo, the pattern of evolution of corruption in Africa suggests that it has been increasing progressively from one historical epoch to another

---

[12]Robb (1992) cited in MM Munyae and LN Gwen (1998): "Interrogating our past: Colonialism and Corruption in Sub-Saharan Africa", *African Journal of Political Science,* Vol. 3, No. 2, pp. 15 – 28.

[13] Robb (note 11 above)

[14] Munyae & Gwen (note 5 above) p. 18

[15] A Thomson (2004) *An introduction to African politics*, 2nd Edition, London and New York, Routledge, p. 109.

with an emerging trend of increasing levels of corruption with modernisation and 'civilisation' in all African countries.[16]

1.4 Corruption: A Victimless Crime?

Some commentators and practitioners have long considered corruption a 'victimless' crime that affected no particular individual. This view has, however, changed following the empirical and non-empirical studies on the relationship between corruption and economic and human development.[17] Corruption affects investments,[18] increases and skews allocation of resources and expenditure on basic needs such as infrastructure, education and healthcare in addition to reducing productivity of public investment and infrastructure through misallocation of talent and other resources. It also undermines good governance, democracy and a country's competitiveness and revenue base.

According to Dreher and Herzfeld, the effect of corruption on Gross Domestic Product (GDP) growth is so huge such that 'an increase of corruption by about one index point reduces GDP growth by 0.13 percentage points and GDP per capita by US$ 425.[19] In Africa, the African Development Bank estimates that the continent losses in excess of US$300 billion annually through corruption, an amount that is 25%

---

[16]MJ Waliggo "Corruption and bribery – An African problem?" in: *Uganda Martyrs University*, Nkozi, p. 4.

[17]BR Evans 'The cost of corruption' *A discussion paper on corruption, development and the poor* (2001). See also The World Bank (2000): "Anti-corruption in transition: A contribution to the policy debate", p. 18.

[18] Investors will avoid environments where corruption is rampant due to increased cost of doing business and breakdown of the rule of law. Local investors seeking to invest outside their countries may find it difficult to win the confidence of potential business partners if they come from countries with high levels of corruption.

[19] A Dreher & T Herzfeld (June, 2005): "The economic costs of corruption: A survey and new evidence".

of its GDP and higher than donor and aid inflows. Indeed, the effects of corruption in Africa have been so monumental that one African commentator once observed that 'currently corruption and HIV/AIDS are the two major killers in Africa.'[20]

1.5 Causes of Corruption in Africa

The root causes of corruption vary from place to place depending on the political, social, economic and cultural circumstances. In Africa, some of the identifiable causes of corruption include the negative colonial legacy, poor leadership, politics of the belly, omnipotent state, greed and selfishness, clientelism and patronage nepotism, absence of popular participation of the public in government, weak institutions of governance, lack of accountability and transparency, lack of political will, weak ethical values, centralist nature of the state and concentration of state power, weak judicial system and constant insecurity and conflicts.

Despite the myriad factors that contribute to or cause corruption, in the case of Africa, the deep seated governance problem seems to explain why the continent is viewed as very corrupt. At independence most African states, and by extension leaders, preoccupied themselves with 'politics of survival' using military coups or other means to consolidate power through de-jure or de-facto one party states which guaranteed them security of tenure but which they also used to propagate their so called development agenda for the nation.[21] This only worked to perpetuate neo-colonialism, exploitation of the people and resentment of any dissenting voices. Nepotism, ethnicity, race and other factors became key considerations in the allocation and application of national

[20] MR Meghji (2005): *The cost of corruption for infrastructure development in Africa*, Dar es Salaam, Tanzania.
[21] Rwekaza M. et al. (note 6 above), 2006.

resources. Individuals in high offices in both the public and private sector used their power and influence to amass wealth to the detriment of the common person. This coupled with insensitive donor programmes, created and sustained bad governance, entrenched corruption and impunity and increased poverty levels.

Generally, regardless of ideological persuasion, from the post independence era to date, Africa has produced few States capable of creating enabling environment for economic development. The states are not only guilty of unproductive interventions in the economy[22] but also for retarded economic development through parasitic and corrupt activities that discouraged and made business success dependent on political connections[23]. This led to the structural adjustment programmes (SAPs) of the 1980s geared towards restoring economic growth, restructuring the political-economic patronage system of the post colonial era, pursuing economic and political reforms and improving infrastructure.

While the effects of SAPs on the poor and vulnerable remain controversial to date, they contributed to expansion of democratic space, increased agitation for transparency and accountability from government, reforms of key governance institutions and improved service delivery. The challenge to the full realization the benefits of democratic governance remain weak systems and lack of political will among Africa leaders. Therefore effects of corruption and bad governance are far reaching.

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[22] Through inappropriate taxation policies, misallocation of foreign exchange, the undermining of distribution networks and the redistribution of property.

[23] Berman, Bruce and Collin Leys (1994): "Introduction" in: Berman and Ley, (eds,) *African Capitalists in African Development.* Boulder, Colo.: Lynne Rienner.

1.6 Effects of Corruption in the Continent

The words of Chinua Achebe are very clear on the effects of corruption in Africa, when he said:

> Without doubt, corruption has permeated the African society and anyone who can say that corruption in Africa has not become alarming is either a fool, a crook or else does not live in this continent.[24]

There is abounding evidence in developing countries indicating that corruption negatively affects growth and development. In the words of Kofi Annan, the former United Nations Secretary General, 'corruption undermines economic performance, weakens democratic institutions and the rule of law, disrupts social order and destroys public trust, thus allowing organised crime, terrorism and other threats to human security to flourish…And it is always the public good that suffers.'[25]

Corruption is an impediment to political, economic and social development, hinders administrative development and performance, impairs economic efficiency, leads to brain drain, discourages foreign investments,[26] undermines effective utilisation of natural resources leaving the affected countries vulnerable and dependent on outside interests, subverts democracy, undermines the state legitimacy, leads to capital flight,[27] increases and skews public expenditure on basic needs

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[24] Achebe Chinua (1988): "The Trouble with Nigeria", in: Gbenga Lawal (Jul., 2007): "Corruption and Development in Africa: Challenges for Economic and Political Change". *Humanity and Social Sciences Journal*, 2 (1).

[25] K Annan (2003): "Global action against corruption", *The Merida Papers*, United Nations Office on Drugs and Crime, pp. 1-11.

[26] Africa receives the lowest share of the global Foreign Direct Investments (FDI) inflows due to corruption. According to Bjorvatn (2000: 1) the whole of Africa receives less FDI than Singapore alone.

[27] A report of the Global Financial Integrity titled: *Illicit financial flows from developing countries: 2000 – 2009*, released in January 2011 conservatively estimate that a total of US$1.26 trillion of which 21.9% (US$ 0.276 trillion) is from Africa was flown out of developing countries in 2008. The Report states

such as healthcare, education and infrastructure, leads to environmental degradation, erosion of social values, stifles local initiatives and enterprise and intensifies other social problems such as crime, unemployment, poverty and ethnicity.

Corruption also reduces the productivity of public investment and of the county's infrastructure through misallocation of talent and other resources[28], reduces government revenue due to tax evasion resulting in high taxation of the public and reduces a country's competitiveness at the international level, particularly, with regard to trade, currency stability and investment. These consequences have the overall negative distortion on a country's development.

The effects of corruption have been more evident in Africa more than any other continent, a fact that has made a commentator to state that: "Few would quarrel with the assertion that corruption in Africa has damaged development objectives, undermined long term economic growth, increased poverty, and contributed to the continent's declining position in world trade"[29].

The situation has deteriorated to the extent that whichever way one views corruption, it involves a violation of public duty or deviation from high moral standards in exchange for (or in anticipation of) personal pecuniary gains. Although the direct costs of corruption may be high in terms of lost revenue or funds diverted from their intended use, the indirect costs of the economic distortions, inefficiencies and waste

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that the amount of money that has been drained out of Africa is far in excess of the official development assistance to African countries.

[28] Corruption would lead to collapse of public investments or massive losses and further reduce the quality of roads, telecommunications, housing and sanitation among others.

[29]BR Evans (2001): "The cost of corruption" A discussion paper on corruption, development and the poor.

resulting from corrupt practices are more problematic over the long term and thus make more difficult to address[30].

1.6.1 Public Welfare Effects of Corruption

As early as 1960s various schools of thought had attempted to explain the precise effect of corruption on people's well-being. The classical school viewed corruption as an instrument for tackling problems in service delivery occasioned by the existence of cumbersome regulation, excessive bureaucracy or market restrictions. However, they went further to note that even in cases where corruption can be perceived to be good for the economy, certain negative externalities remained. While underscoring the existence of these externalities, this school of thought did not evaluate the influences of corruption on the economy especially, those economies which had undertaken aggressive reforms and removed bureaucracies and cumbersome regulations. These were the main arguments that informed the general understanding that reforms are better for the economy. Most governments have therefore in the last decade pursued aggressive public sector reforms as a means of tackling corruption (Chetwynd et al, 2003)[31].

From a different angle, corruption can be viewed to be as a result of bad governance hence the genesis of the Governance model. Proponents of the Governance Model maintain that corruption affects poverty and hence public welfare by influencing governance factors, which, in turn, impact on public welfare. First, corruption reduces governance capacity, that is, it weakens political institutions and citizen participation and leads to lower quality government services and infrastructure.

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[30] Gbenga Lawal (Jul., 2007): *Corruption and Development in Africa: Challenges for Economic and Political Change.* Humanity and Social Sciences Journal 2 (1).

[31] Chetwynd E., Chetwynd F. and Spector B (2003): "Corruption and Poverty: A Review of Recent Literature" *Management Systems International, 600 Water Street SW Washington DC 20024 USA*.

The poor suffer disproportionately from reduced public services. When health and basic education expenditures are given lower priority, for example, in favor of capital intensive programs that offer more opportunities for high-level rent taking (such as defense contracts), lower income groups lose services on which they depend. Corruption is consistently correlated with higher school dropout rates and high levels of infant mortality. Secondly, impaired governance increases poverty by restricting economic growth and, coming full circle, by its inability to control corruption. Thirdly, corruption that reduces governance capacity may also inflict critical collateral damage: reduced public trust in government institutions. As trust -- an important element of social capital -- declines, research has shown that vulnerability of the poor increases as their economic productivity is affected. When people perceive that the social system is untrustworthy and inequitable, their incentive to engage in productive economic activities declines. (Chetwynd et al, 2003).

Further analysis by Lambsdorff (2001)[32] affirms that corruption renders the government unwilling or unable to maximize public welfare. He argues that this happens mainly through two channels. First is by distorting the agents' decisions and limiting the contractual space available to agents and governments; and secondly by creating allocative inefficiencies, that cripples its commitment to policies and also opening the door to opportunism. Soreide (2004)[33] concurs with this argument and states that the problem of corruption mainly occurs because of its tendency to replace public welfare as the fundamental concern of public institutions with the personal interest of public employees.

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[32] Lambsdorff J. G. (2001): "How Corruption in Government Affects Public Welfare: A review of Theories". *Center for Globalization and Europeanization of the Economy. Discussion Paper 9*.

[33] Soreide T. (2004): "Corruption and Public Procurement". *A presentation at the UNICEF conference organized by the Confederation of Norwegian Business and Industry (NHO),* Oslo.

1.6.2 Economic Effects

A common argument that has been advanced by academia and researchers alike is that corruption lowers investments, capital productivity, capital inflows and many other macroeconomic indicators that have a direct bearing on public welfare. Chetwynd et al, (2003), suggests that there is a direct causal link between corruption and economic growth. Corruption impedes economic growth by discouraging foreign and domestic investment, taxing and dampening entrepreneurship, lowering the quality of public infrastructure, decreasing tax revenues, diverting public talent into rent-seeking, and distorting the composition of public expenditure.

In addition to limiting economic growth, there is evidence that corruption also exacerbates income inequality; regression analysis has shown a positive correlation between corruption and income inequality. Explanations for this link are that corruption distorts the economy and the legal and policy frameworks allowing some to benefit more than others; leads to unfair distribution of government resources and services; corruption reduces the progressivity of the tax system; corruption increases the inequality of factor ownership; and lower income households (and businesses) pay a higher proportion of their income in bribes than do middle or upper-income households. Economic growth and income inequality are important because they link corruption to poverty and subsequently lower public welfare (Chetwynd et al, 2003).

Low level corruption like bribery has also been seen to affect public welfare, the Principal-Agent model which is based low level corruption, suggests that economic actions are restricted by legislation and regulation, while restrictions should be assumed to be exogenous and that corruption can enlarge the set of possible actions to be taken by the parties involved. Corruption is deemed to take place when an agent trespasses on the rules set up by the principal by colluding with the client and promoting his own benefit. He obtains a bribe that is hidden

to the principal. The aim of a bribe is to loosen loyalty between agent and principal and induces the agent to bend the rules in favor of the client. It is this type of collusion between a client and the agent that distinguishes corruption from simple self-seeking behaviour among agents (Lambsdorff, 2001). In other words persons seeking public services are forced to pay bribes in order to obtain these services. This consequently affects public welfare due to "inaccessibility" of services, which should otherwise be free or charged at a lower fee.

It is imperative to note that empirical studies done in the past to determine the effects of corruption on economic growth and welfare have given mixed results. A study by Mauro, (1995)[34] examines the impact of corruption using Business International's (1984) corruption index and growth rates of per capita GDP from 1960 to 1985. Using these variables, Mauro shows that a one-standard-deviation decrease in the corruption index significantly increases the annual growth rate of GDP per capita by 0.8 per cent but after controlling other variables, including investment, the effect of corruption becomes insignificant.

Another study by Mo (2001)[35] also uses long-term economic growth rates of per capita real GDP from 1970 to 1985. This study shows originality, albeit controversial, in estimating a "direct" effect of corruption, as well as "indirect" effects of various transmission channels (i.e., investment, human capital, and political instability), through which corruption could affect economic growth and hence welfare. Specifically, Mo runs a regression using Transparency International's Corruption Perceptions Index, variables measuring the three transmission channels, and other control variables. By using this method he shows that a one-unit increase in the corruption index reduces the

[34] Mauro, P. (1995): "Corruption and growth", *Quarterly Journal of Economic*s, 110(3), pp. 681–712.
[35] Mo, P.H., (2001): "Corruption and economic growth", *Journal of Comparative Economic*s, 29(1), pp. 66–79.

growth rate by about 0.545 percentage points (i.e., the "total" effect) and hence with reduction in growth, welfare is also reduced to some extent.

1.6.3 Evidence of Economic Effects of Corruption from Africa

Reduced Investment and Growth

According to Dreher and Herzfeld, the effect of corruption on GDP growth is so huge such that 'an increase of corruption by about one index point reduces GDP growth by 0.13 percentage points and GDP per capita by US$ 425.[36] This is well illustrated by the finding concerning the correlation between corruption and FDI and GDP for Kenya between 1991 and 1996 as shown in the table below.

FDI and GDP versus cost of corruption					
	GDP US$M (P/capita)	FDI US$ Thousand	FDI as % of GDP	Corruption as % of GDP	**Total** US$ M
1991	8,043	18,900	0.23	7.44	**598.625**
1992	8,002	6,000	0.07	36.99	**2,960.418**
1993	4,977	1,500	0.03	26.13	**1,300.378**
1994	7,148	4,000	0.06	25.08	**1,793.025**
1995	9,047	33,000	0.36	12.53	**1,134.135**
1996	9,206	13,000	0.14	19.25	**1,771.783**

World Bank, *Africa Aid Indicators* (Washington DC: International Bank of Reconstruction and Development, 2001b). This table shows the correlation between corruption (as a percentage of GDP) and FDI between 1991 and 1996 which made Kenya a less attractive destination to potential investors.

The investment effects of corruption are seen on the form of capital flight associated with massive looting and siphoning of resources by African Leaders from the continent to other destination in the developed

[36] Dreher & Herzfeld (n 18 above), June 2005.

world. The fortunes of some African heads of state published by a French Weekly (May 1997) as presented by Ayittey (2002)[37] are shocking. The table below presents this state of affairs based on information on some past and present leaders.

Name	**Country**	**Fortune in USD**
General Sani Abacha (Late)	Nigeria	$20 billion
President H. Boigny (Late)	Ivory Cost	$6 billion
General Ibrahim Babangida	Nigeria	$5 billion
President Mobutu Sese Seko	Zaire	$ 4 billion
President Mousa Traore	Mali	$ 2 billion
President Henri Bedie	Ivory Cost	$300 million
President Dennis N'guesso	Congo	$200 million
President Omar Bongo (Late)	Gabon	$ 80 million
President Paul Biya	Cameroon	$70 million
President Haile Mariam (Depos.)	Ethiopia	$30 million
President Hissene Habre (Late)	Chad	$3 million

Extracted from Gbenga Lawal (Jul., 2007): "Corruption and Development in Africa: Challenges for Economic and Political Change", *Humanity and Social Sciences Journal* 2 (1).

1.6.4 Weak Political Systems and Bad Governance

Corruption undermines democracy and creates state capture by the political elite. According to Kramer,[38]

[37] Ayittey Geroge (2002): "Biting their own Tails: African Leaders and the internalist intricacies – of the Rape of a continent." A keynote address to SORAC. Nov, 7-9, 2002 – New Jersey. In: Gbenga Lawal (2007): *Corruption and Development in Africa: Challenges for Economic and Political Change.* Humanity and Social Sciences Journal 2 (1): 01-07-2007.

[38] JM Kramer, "Anti-corruption research concerning Eastern Europe and the former Soviet Union: A comparative analysis", United States Agency for International Development, Washington DC.

> Corruption strikes at the heart of democratic polity, the rule of law and the twin principles that all citizens enjoy equal rights in a transparent political process and offialdom exists to promote the public will not self-aggrandizement. In essence, corruption fosters the 'privatizing' of government in the service of specific groups at the expense of the public interest.

The effects of corruption are felt more by the poor in society as has been documented in the World Bank Report of 2010[39] and by Mullei and others in their book titled *'The Link Between Corruption and Poverty: Lessons from Kenya case studies'* that:[40]

> Corruption and corrupt leaders both deepen poverty and make it difficult for ordinary people to get ahead as a result of their own efforts. There is increasing evidence that costs of corruption disproportionately affect the poor, who do not only suffer from lack of services and efficient government, but who are also powerless to resist the demand of the corrupt officials.
>
> This leads to public apathy, despondency and pessimism to the extent that in some African countries citizens have considered the possibility of their colonial masters recolonising them.

1.6.5 Sectorial Perspectives of Corruption

There is adequate evidence suggesting that corruption affects all sectors of the Economy. Several cases studies by the World Bank[41] indicates that corruption permeates all sector, ranging from the

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[39] *Report of the World Bank*, Africa Development Indicators 2010, released in March 2010, Washington DC.

[40] Global Coalition for Africa as quoted by G Mwabu in A Mullei; B Cooksey & G Mwabu (eds) (2000): *The Link Between Corruption and Poverty: Lessons from Kenya case studies*, Nairobi: African Centre for Economic Growth, 2000, p. 29.

[41] E Campos & S Pradhan (2007) *The Many Faces of Corruption: Tackling Vulnerabilities and the Sector Level*. World Bank.

healthcare delivery (procurement, distribution and use of pharmaceuticals), education (bribery, illegal fees, teacher absenteeism, preferential promotion and placement, infrastructure contracting etc), forestry (extortion, bribery, timber concessions, sanctions in change in land use leading to violations of protected areas, climate change, species loss), to electricity (theft of electricity, high costs, poor distribution) among others. These effects undermine the sectors' contribution to the economy and stifles development and poverty reduction.

In summary, corruption gives rise to a number of economic distortions:

- Public infrastructure projects which give monopoly benefits to businesses and commission fees to officials and politicians are often of little public benefit and result in inflated costs to the taxpayer.
- Seats in parliament, ministerships and high bureaucratic offices are often bought in order to get access to this corruption revenue. Ordinary people have to pick up the costs of kickbacks, monopoly pricing, substandard goods and services, and misuse of public funds.
- Illegal super-profits are often laundered through speculative, if legitimate, markets in real estate, stocks and entertainment businesses, magnifying boom-and-bust tendencies in the economy.
- Honest business people are discouraged when faced by competitors who have access to large reserves of cheap funds. Saving, inflation control measures and the work ethic are further undermined when extravagant illicit profits are spent on luxurious consumption. This has therefore enhanced the wider understanding that a sustained fight against corruption would undoubtedly result in improved public welfare. Soreide (2004) expounds on this by arguing that the damage of corruption lies in

its influence on choices and the introduction of inefficiencies. The author argues that in most cases, corruption tends to increase expenditures as prices are inflated; quality cedes for bribe, perhaps resulting in instances like roads full of pot holes and many uncompleted projects (white elephants); and affects the allocation of public resources, where projects more likely to produce opportunities to obtain bribes are preferred to those that may induce faster improvement in public welfare like education and health projects.

All of the above factors lead to decrease in national budget resources and to expenditure cuts. More often than not, lower revenues lead to disproportionately lower levels of spending on education, health care, family benefits and other social services, which would be beneficial to the public.

1.7 Corruption: Redressing Mechanisms

Fighting corruption requires a multifaceted and multidisciplinary approaches and strategies which target its political, economic, legal, administrative social and moral aspects. This requires coherent, consistent and broad based approaches with long term perspective. It is argued that fighting corruption is fundamentally about addressing poor governance rather than catching the crooks[42].

1.7.1 Dealing with Political Corruption

One critical first step in addressing corruption in the countries of Africa is to closely examine how political parties are funded and managed. The fact that most African countries were governed by single party's for a long period of time after gaining independence is not in

[42] E Campos & B Bhargava (2007): "Tackling A social Pandemic" in: E Campos & S Pradhan (2007): *The Many Faces of Corruption: Tackling Vulnerabilities and the Sector Level*, World Bank.

contention. The most recent classic example is the ANC, which has been the ruling party in South Africa since 1994 when the apartheid regime was crushed. William Gumede[43] argues that ANC is confronted with serious corruption challenges ranging from direct party involvement in the business sector, lack of transparency accountability for funding of the party to the 'bling leadership'[44] style that has become the norm among the ruling class in the party. The 'bling' culture breeds corruption, dishonesty and builds a society based on relationships of patronage thus eroding the norms, values and practices of the party and the broader society. In addition, the party leadership, rank and file are not willing to confront corruption within their midst in the name of '...not embarrassing the party'. It is noteworthy that the ANC through its financial arm, the Chancellor House, engages in tendering for government contracts, bringing into sharp contract the role of the ruling party in the business sector[45] and governing in the broader public interest. The direct interest in the business sector also influences sources and magnitude of party funding. This leads to total erosion of values in the party and the inability for the party to generate values that are indispensable in everyday life.

In tackling political corruption, political leaders must lead by example through 'servant leadership', avoid rhetoric, double-speak, and talking in codes. Instead they should promote sound values and morals in the political system and the broader society and develop and

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[43] William Gumede, *Tackling Corruption*, cited from http://www.hsf.org.za/resource-centre/focus-chapters/focus-60-chapters/ WGumede.pdf

[44] Gumede argues that this is a leadership style characterized by the trappings of power where an individual's worth is now increasingly measured on whether one can afford the bling lifestyle – not on ones contribution to public service or doing the public good.

[45] According to Gumede, the ANC's financial arm, Chancellor House, owns a 25% stake in Hitachi Power Africa. In addition, Hitachi was awarded a contract by Eskom, the electricity utility, to supply and install boilers for power stations. The ANC's stake in the deal through Chancellor House was estimated in 2008 to be R5.8 billion.

implement sound policies that address corruption and governance of the party and the state. The supply side of corruption – the business sector - must also adhere to the set 'integrity' standards in pursuing contracts with government.

1.7.2 Busting the Myth that Corruption is a Victimless Crime[46]

As observed by Gumede in the South African case, it must be acknowledged that corruption has disproportionate impact on the livelihood of the poor since it undermines the delivery of public services (health, education, water, houses

and so on), diverts financial and other resources (that could have been used for development, job creation and poverty alleviation), weakens the capacity of the state to deliver effective services equally, undermines the credibility of the democratic system (citizens' trust in government and the rule of law, government credibility in pursuing reforms in the wider public interest). This myth must be busted to indicate in no uncertain terms that the public, especially the poor, voiceless and vulnerable are the main victims of corruption. It must also be stated that corruption is a violation of human rights and crime against humanity.

The numerous conflicts in many parts of Africa can be attributed to corruption, whether it is in Zimbabwe, Kenya or Nigeria. Indeed, the recent 'revolutions' in Egypt and Tunisia have also been prosecuted in the name of poor governance and corruption.

[46] Jack Selebi, the former police commissioner in South Africa, now convicted of corruption, said he found it strange that he was prosecuted because there was not victim of his corruption (William Gumede).

1.8 Reenergizing the Fight against Corruption in the African Continent

1.8.1 Declaration of Corruption a National Disaster

One key strategy for engendering a collective national response to the vice of corruption is to declare it a national disaster that has undermined and will continue to undermine our development efforts to alleviate poverty and suffering among our people. All government of Africa must provide leadership in engaging a national, regional and international response to corruption through effective administration, prevention, education and enforcement. This could help to end the dangerous defensiveness, and in some cases denialism, with in some government and political circles, over the levels of corruption.

1.8.2 Generating and Demonstrating Sufficient Political Will to Tackle Corruption

Political will is the ability to spell out clear anti-corruption policies and interventions and effectively implement them without fear, favor and regardless of who is involved. It is also seen in the ability, will and resolve of the political leaders to deal with the corrupt decisively whether allies, friends, families or colleagues. They must be able to set-up a special public enquiry to probe corruption scandals and act on the recommendations of the inquiry. This has a bearing on just how serious governments are when it comes to fighting corruption. Public confidence will only be restored when there is a proper investigation, prosecution and adjudication over corruption cases.

1.9 Strengthening the Policy, Legal and Institutional Framework to Fight Corruption

The UNCAC and the AU Convection on presenting and combating corruption spell out clear benchmarks and measures for the effective,

prevention, education and enforcement. It is the responsibilities of state parties to ensure that these conventions are fully domesticated so as to tighten legislative gaps. Most countries have put in place some of these measures. Full implementation and citizens' education, information, knowledge and engagement are of paramount importance.

1.9.1 Cleaning up the Political Party System and Machinery: The Power of Setting an Example

Political parties must be properly structured and well governed if they are to effectively champion the boarder public good. This requires that political parties adhere to established laws, rules and norms of society or a nation. Countries that have not put in place laws and systems to govern political parties to ensure fair and effective representation, regulate party funding, streamline party management, ensure transparency and accountability in managing party and national affairs and foster public interest must do so with the urgency that it deserves.

According to Gumede, the parties themselves must punish bad behaviour of their leaders and members, legally, socially and politically, and reward good behaviour. Only if that is done publicly, will government restore its moral authority to deal credibly with transgressions from ordinary citizens. This will help compel ordinary citizens to follow the rules. The parties must consistently bring in a new calibre or leadership at all levels – more competent and more honest. A system of merit must be brought into the internal party elections. Candidates must be judged on the basis of competence, moral character and genuine commitment to public service. The active encouragement of a new class of leader, with a new value system – not solely based on struggle credentials – may help engender a societal change in values.

1.9.2 Increasing Transparency, Access to Information

'Open access to information provides a basis for government accountability and raises the barriers against capricious, self-serving intervention. Without accurate and detailed information it is difficult to assess company and board performance, set targets and allocate capital efficiently'[47]. Therefore as William Gumede argues, more transparency from government departments, state-owned companies and other agencies about their activities is required. Private companies' and SOE payments to elected representatives, public servants, political parties and government departments must also be made public. In the US an amendment to the Dodd-Frank Act, compels oil, gas and mining companies listed on an American stock exchange to disclose details of payments to governments[48]. Therefore all government must put in place freedom of information legislation to ensure that the masses have access to information about official business and on corruption and other ills affecting the society. This will go a long way in improving transparency and accountability in the conduct of public affairs.

1.9.3 The Importance of Life-style Audits and Barring Corrupt Officials and Business

The Anti-corruption agencies in all countries must be vested with responsibilities to conduct life style audits of public officers - all members of parliament, all party leaders, and public servants – so as to name and shame the corrupt, exposure corruption to the public and boost public confidence in the fight against corruption.

In addition, corrupt officials and politicians must be prohibited from employment in the public sector. Corrupt businesses and individuals must also be barred from doing business with the public sector. Civil

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[47] Simon C.Y. Wong (June, 2004): "Improving Corporate Governance in SOEs: An Integrated Approach", *Corporate Governance Internationa*l. Vol. 7, Issue 2, p. 10

[48] See *The Economist* (Oct., 2010): "Naming and shaming: the fight against corruption", International Section, p. 64.

society, trade unions, social movements and NGOs must also shame and put pressure on corrupt business, so that they can feel the reputational effects of corrupt activities.

1.9.4 Protection of Whistleblowers, Witnesses and Anti-corruption Fighters

As is attested by Gumede in the case of South Africa, to be a whistleblower of corruption, whether in the public or private sector, is life-threatening in most countries in the continent. The perception is that Whistleblowers are more likely to be prosecuted than the corrupt individuals. This must change. Proper whistleblower protection legislation must be put in place and more official action should be taken on the information provided by Whistleblowers – otherwise the system will lose credibility.

1.9.5 Increasing Citizen Activism and Engagement in the Fight against Corruption

All countries should introduce citizens' or community forums directly corresponding with departments to keep a watch over corruption and service delivery in departments and monitor the progress of complaints. In Kenya for example, the Muslims for Human Rights (Muhari), a community-based organisation, monitors the use of the budgets given to MPs to distribute as grants to their constituencies[49]. There has to be a grassroots campaign against corruption: the masses must know the extent of corruption, the impact of its public service delivery; and how to monitor and report it, and the importance of holding their elected leaders and public servants more vigorously accountable.

[49] See "Naming and shaming", p. 65.

1.9.6 Setting up Independent Anti-Corruption Institutions across the Continent

Some countries already have dedicated agencies spearheading the fight against corruption while others do not. It is imperative that all governments set up independent anti-corruption agencies with sufficient powers and capacity to fight corruption. There is also need for effective oversight mechanism over such institutions to ensure that the 'watchers are also watched'. The civil society, the private sector, and other watchdog bodies such as the parliament have a responsibility to demand transparency and accountability from the anti-corruption agencies on the implementation of their mandates.

It is also impetrative to strengthen the corruption fighting capacity of existing institutions dealing with corruption. This includes improving co-ordination and integration of anti-corruption work across government. All public institutions have a responsibility to fight corruption within them. This means they should mainstream and institutionalize corruption prevention and enforce public service codes of conduct and ethics and the anti-corruption laws. A multi-stakeholder forum should created to bring on board all actors in the fight and to ensure that everyone engaged has adequate information, appropriate plans of action and reporting and feedback mechanism.

In addition, all governments should improve the enforcement of internal anti-corruption controls within the state. This would include managing conflicts of interests better, improved screening of personnel, better performance valuation and making procurement systems more transparent.

1.9.7 Fostering Values that Reject Corruption

In the long-term, the best antidote to corruption is to foster the values of the constitution. The new value system must reward honesty and discourage dishonesty. Importantly, political leaders must also be seen to adhere to these values. Civil society will have to play a role in

shaming those leaders who maintain corrupt values and encouraging those who behave with integrity.

1.9.8 Introducing Merit into Political System

Merit-based appointments to jobs in the public service, and in politics, will go a long way to reduce the patronage system of jobs for pals, which fosters the environment for corruption. It would be important to professionalize the public services of all countries where this has not been done. Performance agreements across government must be enforced. More transparent methods for appointments should be introduced, including making outcomes of decisions publicly available.

1.9.9 De-Ethnicising and De-Racialising the Corruption Debate

The debate on corruption is often ethnicised –which undermines the fight against it. These tendencies must be eliminated to ensure that when leading public figures are charged with corruption, the process of investigation and prosecution are devoid of ethnic or sectarian accusations such 'my tribe or race is being finished'. Shouting 'my tribe or race is being finished' for self-enrichment at the expense of the public good, or to deflect attention from individual wrongdoing is aiding corruption. What we should not do is, in our bid to debunk outrageous ethnic or racial generalizations, defend individual incompetence, wrong-doing and even corruption, just because the person happens to be from my tribe or race.

1.10 Widen and Deepen Anti-Corruption and Governance Reforms across the Continent

Some of the practical approaches and strategies would include the following:

Governance Structure: There is need to establish a governance structure that promotes good governance in Africa. The structure must

conform to the dictates of the principles of constitutionalism, separation of powers and the rule of law. The structure should provide for checks and balances including the independence of the judiciary, as this is one of the surest ways of ensuring transparency and accountability in the management of public affairs, law enforcement as well as good governance.

Policy Reforms: African countries need to develop policies to guide the anti-corruption legislative and administrative actions and processes which would ultimately promote good governance. It is worth of noting that many African countries are yet to develop anti-corruption policies or review the existing policies to bolster the fight against corruption.

Legislative and Institutional Reforms: The African countries should strive to review their legal and institutional frameworks in order to make corruption a high risk venture with negative returns. The institutional reforms must target all institutions especially within the public sector to ensure that their operations are streamlined to enhance good governance.

Political Reforms: Political reforms are critical if Africa is to address the problem of corruption and bad governance. This would entail putting in place measures to deal with the political structures and processes including the political parties. It is instructive to note that political parties remain the most popular and determinate method of capturing state power worldwide, Africa included. However, recent studies have shown a direct relationship between the management of politics especially funding and the level of corruption. Transparency International Global Corruption Barometer of 2010, for instance, found that political parties were viewed as the most corrupt sector. Given the role and place of political parties in the democratisation process in any country, there is need to initiate reforms to streamline their operations and ensure that they embrace good governance from the party level.

This would also provide the much needed impetus to the anti-corruption process by assuring political will and leadership.[50]

Establishment of Institutions Promoting Good Governance: These are institutions established to buttress the tripartite configuration of government with the goal of enhancing transparency, accountability and the rule of law, and hold the duty bearers accountable. Some of these institutions in contemporary world include the anti-corruption agencies, human rights institutions and election management bodies among others. Accordingly, African states could take advantage of the recent global trends by establishing and operationalising these bodies and cloth them with the necessary powers and independence to promote good governance.

Public Service Reforms: The public service in Africa including the operational framework should be reviewed in order to improve service delivery and enhance good governance. This would entail reviewing the terms and conditions of work, development and enforcement of governance instruments such as codes of conduct, and introduction of sanctions and rewards.

Citizen Empowerment and Participation: Empowerment entails giving a voice to the people to determine issues that affect their lives. It enables citizens to expand their authority and control over resources and decisions that affect them. The key to empowerment and participation can be found in building knowledge base and skills for more effective participation and organisational capacity. In order to enhance governance in Africa, there is need to enhance citizen participation in

[50] The African Development Bank has noted that leadership is critical in fighting corruption especially the political leadership. They must set example and demonstrate the will to fight corruption and respect for the law. See (Jan., 2003): the *African Development Bank Proceedings for the Regional Learning Workshop on Combating Corruption in Africa*, African Union Conference Centre, Addis Ababa, Ethiopia, p. 10.

governance and also institute and nurture social accountability mechanisms such as civic education, participatory budget making and analysis, participatory public expenditure tracking, citizens advisory and oversight boards, social audits, community scorecards, citizens' charters and lifestyle audits.

Civil Society Activism: The civil society has had profound impact on the political, social and economic development the world over. Nowadays, the civil society not only delivers development assistance, but also provides an alternative voice on various issues that affect human development. Indeed, the civil society has developed 'soft law' through formulations of guidelines and recommendations which in some cases have crystallised into hard law thus influencing domestic and international legal regimes. A study by Alexis De Toqueville, for instance, credited the strength of democracy in the United States to the proliferation and advocacy of many citizen oriented associations in the country. Similarly, a recent study on the relationship between civic participation and governance found high public conscientiousness and compliance with the rule of law by the governors in societies with active civic participation.[51] The civil society resolve is informed by the statement of Woodrow Wilson that it is the citizens and not governments that can remove the shackles to the realisation of individual and collective liberties. In order for the civil societies in Africa to accomplish their goal, they need to be vigilant and proactively engage with the governors and the governed and formulate new approaches to promoting good governance, for example, through monitoring and evaluation of public projects and activities.

International Co-operation: The transnational nature of corruption necessitates cooperation within and outside states. In the case of Africa, the member states have to cooperate to develop and enforce anti-

[51] RD Putman in: *Making Democracy Work*, p. 89: citing *Democracy in America* by Alexis De Toqueville, pp. 513-514.

corruption and good governance strategies and processes to make it difficult to engage in corruption or hide corruptly acquired wealth. In addition, the developed countries especially Western countries must cooperate with African countries and where appropriate assist in not only repatriating the looted wealth stashed in their countries, but also make it difficult for the corrupt to hide their loot in their countries.[52] In addition, they must develop and enforce strict anti-corruption rules for their Multi-National Corporations operating in Africa.

Stakeholders Synergy: The fight against corruption requires the involvement of every stakeholder in society. Accordingly for African countries to succeed in addressing the problem of corruption, they need to harness the available resources and synergise the efforts of all stakeholders in the process.

1.11 Conclusion

In conclusion it cannot be gainsaid that the corrosive effect of corruption needs urgent and sustained action which demands that Africa strengthens governance as a way of curbing systemic corruption. The menace of corruption cannot be permitted to be hidden under the carpet of wavering and equivocal political will and legal technicalities.

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[52] The latest Global Financial Integrity report estimates that illicit money in form of bribes and kickbacks is still flowing from developing countries into the West from a figure of US$1.06 trillion in 2006 to approximately US$1.26 trillion in 2008 of which 21.9% (US$ 0.276 trillion) was from Africa. The African Union also estimates that Africa and the Middle East and North African region lose US $148 billion and $526 billion every year in terms of capital flight caused by political corruption. See the UK Africa All Party Parliamentary Group (2006) "The other side of the coin: The UK and corruption in Africa", p. 14. See also L. Ndikumana and J.K. Boyce (2003): "Public debts and private assets: Explaining capital flight from Sub-Saharan African countries", *World Development,* Vol. 31 No. 1.

As the experience has shown in a number of African countries like Cote d' Ivoire, Zimbabwe, Niger, Guinea, Gabon and Kenya, among others, corruption undermines peace, the rule of law and democracy and threatens the very survival of the state.

It therefore behoves all, including the spiritual leaders and the laity to work as a team to eliminate corruption. The writer of Ecclesiastes is still right when he says at Chapter 7 Verse 7: *Extortion turns a wise man into a fool and a bribe corrupts the heart*.

2

WHAT AM I DOING WHEN I AM BEING CORRUPT? AN EPISTEMOLOGY OF CORRUPTION

Evaristus Okechukwu Ekwueme[1]

2.1 Abstract

An epistemological view of corruption reveals the cognitional process that manifests in the human mind when it is engaging in corruption. Irrespective of the educational level, gender, tribe, ethnicity, race, wealth, political, economic, religious or social status of individuals, their cognitional processes are the same when they are being corrupt. Thus, a corrupt high level banker, a military officer, a politician, a religious leader, a petty trader and a house wife arrive at their decisions through the same biased, illogical, fallacious, and irrational epistemological process.

To be corrupt or being corrupt is a violation of the natural human desire to know, to ask questions and to ask further questions until all relevant questions are reasonably answered. This violation is the root of

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all ethical, economic, religious, political and social corruptions. Ethical reasoning presupposes the cognitional process, and the willingness to ask all the relevant questions and further questions in relation with oneself, with others and the environment. What I am doing when I am being corrupt is deliberately refusing to ask the relevant questions and further questions that lead to an "examined life."

2.2 Introduction

This paper will explore the question of corruption from the point of view of epistemology. It will examine corruption not as psychological, economic, political or religious phenomena, but as a consequence of certain cognitional deficiencies in the human process of knowing. Questions of ethics and morality are not based on economy, politics or simply psychology but on epistemology. In order to understand the ethical problem of corruption, one has to go beyond ethics and examine the human consciousness and cognition without which questions of morality would not be possible. In general, corruption is associated with "the practice of using the power of office for making private gain in breach of laws and regulations nominally in force."[2] In terms of politics, M. McMullan explains it as follows: "a public official is corrupt if he accepts money... for doing something that he is under duty to do anyway, that he is under duty not to do, or to exercise a legitimate discretion for improper reasons."[3] Varda Eker argues that corruption is generally perceived as irregular activities related to officialdom.

Unlike government officials, the irregular activities of private individuals in private enterprises are classified as theft, fraud, and embezzlement, and not as corruption. In general, the government is the

[2] Eker, Varda (1981): "On the Origins of Corruption: Irregular Incentives in Nigeria", in: *Journal of African Studies* 19 (1), Cambridge University Press, pp. 173-182.
[3] Eker: "On the Origins of Corruption", p. 173.

focus of all power in most developing countries and therefore determines the nature of economic activities.

The government is the economy. It commands the industrial, agricultural, military, social, religious and legal powers of the society. It's tentacles of power reach every aspect of the society. This concentration and centralization of power in inefficient structures creates bottlenecks and therefore generates overwhelming circumstances of abject corruption.

Therefore, "corruption is thus an exchange mechanism where wealth gravitates towards power in return for preferential treatment"[4] in an unreasonable condition of human structural degeneration.

In general the cause of corruption therefore is located in the economic inequality and low level of trust[5] among members of a society especially relative to the intensity of economic activities and growth.[6] The sufficient condition for the growth of corruption is "a deep and unflinching loyalty to one's family, which precludes very strong morality in other spheres."[7] Such loyalty creates "a society of amoral familists, namely those who 'maximize the material, short-run advantage of the . . . family, assuming that all others will do likewise."[8] In this kind of society, an individual will not further the interest of the group, institution, community, city, country, continent, race or humanity but to his personal advantage. Everyone works with the assumption that the members of the group in power are self-serving and corrupt and are enriching themselves and their families. In amoral familist society, the allegiance to kin is the highest good that restraints an individual's self-interestedness and other moral restraints, for instance, honesty, love of country, integrity of office and profession, duty to oneself. It seems to

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[4] Ibid., 174

[5] Uslaner, Eric M. (2008): *Corruption, Inequality, and the Rule of Law: The Bulging Pocket Makes the Easy Life*, Cambridge: Cambridge Press, p. 6.

[6] Eker, "On the Origins of Corruption," p. 173.

[7] Ibid., p. 174.

[8] Ibid., p. 174

create the scotosis that becomes operative in the individual.

Secondly, success runs at odds with moral conduct. Material extravagances become the only way to show success.[9] This paper will argue that the generally known factors of economic inequality, low level of trust, loyalty to family and kin and misplaced moral priority are the consequences of the epistemological root cause of corruption.
It will argue that corruption should not be restricted merely to the political, economic, religious and governmental spheres of society, but to all individuals that form that society and their relations with members of other societies.

Corruption like water flows from both high level to low level and from originally low level to high if the conditions tilt to its advantage. The potential for corruption is in every individual and in every society. The main question to explore is, therefore, "what am I doing when I am being corrupt?" In order words, as far as the cognitional process is concerned, the question is what the individual involved in corruption doing. What is the matrix or pattern of experiencing the world, the process of examining the data of experience; his/her understanding, his/her judgment and his/her decision to act?

2.3 Corruption of the Human Cognitional Process

Human cognitional process is not a question of recollection or incoherent , but a process of self-corrective reflection and appropriation of insights, the pursuit of further relevant questions, further insights and higher viewpoints until all the probable and actual relevant questions are examined, answered and integrated into the already accumulated insights. Thus the human desire to know follows a scheme of recurrence of experiencing, understanding, judging, and deciding. In order to gain insights, one must follow the cognitional process meticulously, logically

[9] Ibid., p. 178.

and reasonably to understand, know and act accordingly. There is trial and error that gives rise to further questions and in turn yields complementary insights which accumulate, building on the foundational insights. Through this process, the intellectual, affective and moral character of an individual is formed.

Thus moral insights and virtuous living are gained through this process. The individual becomes more conscious of his/her deliberative choice and exerts a decisive influence in the moral atmosphere.[10] The individual appropriates the transcendental precepts of attentive experiencing, intelligent understanding, reasonable judgment, and loving and responsible deciding.[11] Attentive experiencing of one's conditions, circumstance in life and relatedness to the schemes prevalent in his/her historical context is a determinant of the reflective understanding, the judging, the deciding and the moral action. This process can be summarized as the human cognitional process par excellence. It is the epistemological dynamics of a moral agent whose experiencing, willing and acting is based on a disinterested desire to know and follow the moral life as the highest good above all else, in spite of the external consequences either to himself or to anyone else. We will see this in detail in the examined life of Socrates the wisest and most moral man in Athens.

On the other hand, there is the corruption of this pure cycle of human cognitional process, the human desire to know, especially the meaning

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[10] Lonergan, Bernard, Insight (1992): *Collected Works of Bernard Lonergan* . Vol. 3, Ed. Frederick E. Crowe and Robert M. Doran. Toronto: University of Toronto Press, p. 212. See also Ekuwueme, Evaristus Okechukwu (2010): *Emergent Probability, Computers and Insight as Information* and Lonergan's *Emergent Probability Computer Aided Insights, and Their Implementation on Development in African History*, Herstellung: LAP Lambert Academic Publishing, p. 67.

[10] Lonergan, Bernard (1971): *Method in Theology*, Toronto: University of Toronto Press, Incorporated for Lonergan Research Institute, p. 53.

and living of a good life. This process produces a corrupt moral agent.

The corruption of the process of self-correction and appropriation inevitably leads to corruption of experiencing, understanding, judging, deciding and acting. Unlike the moral agent, the corrupt agent's cognitional process mired all relevant questions of attentive experiencing, questions of intelligent understanding, questions of reasonable judgment, questions of loving and responsible deciding and acting.

The further relevant questions are systematically ignored and all irrelevant questions take centre stage. There is an accumulation and complementarities of biased and perverse understanding of concrete situations. Thus, in an effort to exclude an experience or an insight, the further questions that would arise are suppressed and the complementary insights that would logically and reasonably lead to rounded and balanced viewpoint. This leads to the accumulation of unreasonableness, misunderstanding, incomprehension and chronic scotosis: "Scotosis is a psychological condition that hinders the possibility of an understanding of an experience leading to insight and further questions leading to more balanced viewpoint in judging and acting."[12] This generates the corrupt, moral character and the differentiation of the persona which appears before others as a phantom, an unimaginable fantasy. This further subdues the development of one's moral character and the power of self-corrective reflective understanding.

Even if an insight is gained it is quickly discarded as impractical or simply an idea impossible for any human to undertake without supernatural power, thus gaining evidence against the insight. In some cases, it can generate obscurity, bewilderment, of suspicion and reassurance of doubt and rationalization, or insecurity.[13]

Thus, moral impotence or corruption of moral potentiality is not simply

[12] Lonergan, Insight, p. 215
[13] Ibid., p. 216.

due to "external circumstance or psychic abnormality, but of incomplete intellectual and volitional development."[14]

An example of this is the story of Okonkwo, in Chinua Achebe's, *Things Fall Apart*. Okonkwo had just killed Ikemefula, a boy who was exchanged from another village, for the murder of another man from Umuofia. This boy lived in Okonkwo's family, he addressed Okonkwo as his father, until the day the Oracle demanded that he should be killed.

As the elders struck the Ikemefula with their machetes, he ran towards Okonkwo for help, but Okonkwo panicked and struck the final knife blow that killed the boy. After the killing, Okonkwo is restless and started thinking about the moral question of whether he did the right thing. However, he quickly brushed the question aside by thinking to himself: "'When did you become a shivering old woman,'…, 'you, who are known in all the nine villages for your valour in war?

How can a man who has killed five men in battle fall to pieces because he has added a boy to their number? Okonkwo, you have become a woman indeed.'"[15]

He quickly suppressed the relevant questions and entertained instead the question of his reputation as a strong man. He couldn't continue in the reflection, abandoning the questions, he immediately sprang to his feet and went to visit his friend Obierika. At the meeting, Obierika confronts him with the same question of the moral validity of killing a boy who called him father, but he fights back, constantly avoiding the question.

The aim of the development of moral character is not simply for its own sake but for the transformation of humanity in general and the human super structures and the realignment of the highest good. The desire to know leads to technical solutions to human problems and the

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[14] Ibid., p. 650

[15] Achebe, Chinua., *Things Fall Apart*, New York: Knoft Doubleday Publishers, 1995, p. 21.

elevation of the human standard of living and moral character.[16] On the other hand the corruption of the desire to know, generates rationally affectively and humanly obtuse structures of human intersubjectivity that renders human intellect and moral reason insignificant and negligible. It builds up into a system of unimaginable misunderstanding and paralysis in a concrete situation. This constantly growing of the irrelevance of reason, faith and hope and the resultant socio-economic, educational, legal, political, military and religious structures give rise to a chronic corrupt society of injustice and the absence of reasonableness.[17]

2.4 What am I Doing when I am Living an Examined Life?

Ancient Greek philosopher Aristotle in his work, Metaphysics, points out that "All men by nature desire to know."[18] This is indicated in the delight we take in the use of our senses. Our senses are loved not only for their usefulness but for themselves. The sense of sight, he argues, is the most delightful. This is not simply a question of physical sight but also that of "insight," the delight of an understanding. The desire to know is not simply for its own sake but for the usefulness to the moral essence of man. As Bernard Lonergan points out, "Deep within us all, emergent when the noise of other appetites is stilled, there is a drive to know, to understand, to see "why", to discover the reason, to find the cause, to explain."[19]The fact of the potentiality of the human

[16] Lonergan, Insight, p. 4.
[17] Evaristus Okechukwu Ekwueme (2010): "Emergent Probability, Computers and Insights as Information", in: *Longergan's Emergent Probability, Computer Aided Insights, and Their Implementation on Development in African History*, LAP Lambert Academic Publishing, p. 145.
[18] Aristotle, *The Complete Works of Aristotle. Vol. 1* Princeton: Princeton University Press, 1991, (980a22-980a27), p. 2.
[19] Lonergan, Insight, p. 28.

insatiable desire to know, to understand is without doubt the greatest distinction of humanity. This desire to understand can keep a human being from everything else in life, money, fame, food, shelter, honour, glory and even kinship.

It can keep him away from other pursuits in life, other pleasures, and can "invade the very fabric of his dreams… demanding endless sacrifices that are made without regret though there is only the hope, never a certain promise of success."[20] For Socrates, his desire to know virtue and its importance has led him to examine the men of Athens for many years. The proof of his desire to know virtuous and examined life left him with poverty and consequently death penalty in the hands of those he wished to save from ignorance and unexamined life. He asks his accusers, in the Apology, "Are you not ashamed of your eagerness to possess as much wealth, reputation and honour as possible, while you do not care for nor give thought to wisdom or truth, or the best possible state of your soul?"[21]

He has embarked on this quest to live a virtuous life and to enlighten others without any personal gain on his part, "[I] neglected all my own affairs and to have tolerated this neglect now for so many years while I was always concerned with you, approaching each one of you like a father or an elder brother to persuade you to care for virtue."[22] He saw himself as a gadfly that is restless, continually stirring up the moral conscience of men to value virtue: "I never cease to rouse each and every one of you, to persuade and reproach you all day long and everywhere I find myself in your company."[23] The desire to know virtue led him to his death and he was accused of "corrupting" the youth, while everyone else was trying to enlighten them. He insists that "the

[20] Lonergan, Insight, pp. 28-29.
[21] Plato. *Complete Works*. Ed. John M. Cooper (Indianapolis: Hackett Publishing Co., 1997), p. 27.
[22] Ibid., p. 29.
[23] Ibid., p. 28.

unexamined life is not worth living..."[24] Ultimately, every human act of vice is to avoid the worst punishment or to avoid death. Socrates argues that "it is not difficult to avoid death, gentlemen; it is much more difficult to avoid wickedness, for it runs faster than death."[25] Even though he was condemned to death, his accusers were condemned by truth to wickedness and injustice. Everyone must give account of his life based on virtue. The desire to know, therefore, can be directed towards any human inquiry.

Socrates directed his to the understanding of morality and ethical conduct. There is therefore, an inherent connection between human cognitional process and moral reasoning and decision making. He refused to comply with the vices of his days even under pain of death. He refused to be persuaded by his responsibility toward his wife and children. He refused to be saved from the quest and its consequences by his friends. His desire to know moral life remained uncompromised.

2.5 What am I Doing when I am Being Corrupt?

In contrast to Socrates, his countrymen like Meletus and Anytos' only desire was not to know virtue, to bear false witness against anyone who does and to seek death as their final punishment. On one hand, we have a desire to know and on the other the desire not to know. There is a solution to the "paradox that one logically cannot inquire productively into what one does not know nor course into what one already does."[26] Not only is there a point in knowing what one does not know, it is also possible to know more what one already knows. Socrates could prove his theory through the examination of a "Greek slave boy" who was not formally educated but was able to answer questions reasonably on

[24] Ibid., p. 33.
[25] Ibid., p. 34.
[26] Plato. *Complete Works*, p. 871.

geometry even though he was never taught the subject. Moral questions do have answers if and only if one is patient enough to inquire further into the possibilities with the use of imagination, narratives and every available cognitive resource. Unlike Okonkwo, Meletus and Anytus, Socrates pursues the moral questions to his death.

If one looses, does not foster or develop the desire to know and to pursue moral questions every circumstance to arrive at moral decisions, of what use is the power of the intellect. Human knowing can therefore be likened to the salt as the Christian Scripture says, "You are the salt of the earth; but if salt has lost its taste, how can its saltiness be restored? It is no longer good for anything, but is thrown out and trampled underfoot."[27]If one has lost the desire to think about moral wellbeing of himself and others, what use is his intellect. To be corrupt or being corrupt is the loss of the human natural desire to know, to ask questions and to ask further questions until all relevant questions are reasonably answered. This violation is the root of all ethical, economic, religious, political and social corruptions. Ethical reasoning presupposes the cognitional process, and the willingness to ask all the relevant questions and further questions in relation with oneself, with others and the environment. What I am doing when I am being corrupt is deliberately refusing to ask the relevant questions and further questions that lead to an "examined life." Socrates is an exemplary figure in this. He was willing to continually examine himself and his countrymen, to ask them questions. It was his art to ask everyone questions irrespective of their education or academic or political standing in the country.

Similarly, Martin Luther King Jr. describes the relevance of pertinent questions in moral understanding and decision making. In his analysis of the Biblical story of the Good Samaritan in his sermon "On Being a Good Neighbor," he focuses on the questions. The Levite who passes the injured Samaritan says to himself, "If I stop to help this man, what

[27] New Revised Standard Version, (Matthew 5:13).

will happen to me?"[28] This is a genuine, legitimate question of self-preservation and self-interest of the Levite given the dangerous nature of the road between Jerusalem and Jericho. However, the Good Samaritan reverses the question, "If I do not stop to help this man, what will happen to him?"[29]

For Martin Luther King, the usual question we ask ourselves in hindrance to acting morally is, "What will happen to my job, my prestige, or my status if I take a stand on this issue? Will my home be bombed, will my life be threatened, or will I be jailed?"[30] The moral person always reverses the question.

With respect to corruption of the desire to know, the corrupt desire does not ask the altruistic question, "What will happen to the other person, what will happen to the economy, what will happen to the country? What will happen to the families of those I affect with my immorality?" An allegory, from a village in Eastern Nigeria, brings out this point more poignantly. It is about an annual ceremony of New Yam Festivals in which every head of a household is required to bring a jar of fresh palm wine for the celebration. Each man on arrival at the ceremony pours the wine into a bigger container that is taller than six feet. No one really sees inside the container since the wine is poured from overhead. There is a tap at the bottom of the container for siphoning the wine into cups. When the ceremony for the wine commenced, the chairperson for the occasion was required to open the tap and test the wine for all to see. When he taped the wine and tested it, it was simply water. The moral of the allegory is that each man did not ask himself, what will happen to the wine, the people, the ceremony, if he puts water instead of wine? Each thought it was not his responsibility to put fresh wine. They thought to themselves, "others will put wine; if I

[28] Martin Luther King (1981): *Strength to Love*, Philadelphia: Fortress Press, p. 34.
[29] Martin Luther King, p. 34.
[30] Ibid. p. 34.

put water nobody will notice the difference." The fundamental question to ask will be, before replacing wine with water, each should have asked himself, "What moral obligation do I have to the community?" If he were to follow that train of thought and examine all the relevant questions, one will be led to arrive at the correct moral reasoning. The societal structures, institutions and organizations that emerge out of the personality of a corrupt moral agent are those of depravity. They are not only a threat to justice and sustainable peace in any society or in Africa, they are incapable of justice and peace at any sphere.

2.6 Categories of Corruption

As a way of illustration, I would like to focus on the effects of the epistemology of corruption in technology in Africa. In one instance, the civilisation order of any society can be determined from its cognitional capability to defend itself against any diseases, the forces of nature, internal conflicts, external aggression, sabotage and moral depravity. Inasmuch as there are inter-subjectivity between Africa and other continents, there are both internal and external factors that encourage or undermine its technological capabilities.

One of such destructive factors is corruption. In relation to Africa, I would identify the following genre of corruption which are all related by the kinds of questions that the corrupt agent asks himself and the derivative answers that he erroneously arrives at.

The first set of categories is Corruption-with and Corruption-to and the second set is Corruption-for and Corruption-against. Corruption-with is the general manifestation of the epistemological corruption in which the corrupt agent is in collaboration with others to carry out fraudulent or deceptive activities. In general corruption-with does not have a specific agenda as its purpose or interest.

It is being corrupt for its own sake as long as it is in company with

others. Its main tenets are corruption-for and corruption-against. In corruption-with the corrupt agent does not ask the fundamental moral question, "Why am I doing this?" A simple illustration of this kind of corruption is found in the Confessions of St. Augustine. In his reflection, Augustine thought to himself, "I had never committed that theft wherein what I stole pleased me not, but that I stole, nor had it alone liked me to do it, nor had I done it. O friendship too unfriendly! thou incomprehensible inveigler of the soul, thou greediness to do mischief out of mirth and wantonness, thou thirsts of other's loss, without lust of my own gain or revenge; but when it is said, 'Let's go, let's do it,' we are ashamed not to be shameless."[31] He could not fathom the reason behind his stealing what he never needed, only to dispose of them. The only pleasure being the fact that he is doing it with his friends: "But since my pleasure was not in those pears, it was in the offence itself, which the company of fellow-sinners occasioned."[32] This is corruption-with because it desires not interest in knowing and understanding the consequences of its action as long as it is in company of friends who are equally in the same circumstance. Augustine was unable to find the right response to the question, "Why steal the pears?" This is the pure activity of the corrupt agent that is unable to follow through all the relevant questions that can lead to an understanding of the situation at hand.

Corruption-to is the ability to initiate a chain of recurrent schemes of corruption independent of a group as in corruption-with. For instance, it is initiated by social or cultural tendencies to value social power of money rather than power of knowledge or foresight, and self-interest properly understood. This is the incapability of anyone to comprehend a broader or long term perspective of the conditioned series of schemes of recurrence. This is the willingness of anyone to accept less of the natural

[31] Augustine. *The Confessions*, Coradella: Collegiate Bookshelf Editions, 2004, p. 42.
[32] Augustine, *The Confessions*, p. 41.

and human goods rather than more, thereby depicting less rather than more of rationality, morality, reasonableness and freedom. It depicts self-hate rather than love of country, race, humanity and self. It encourages intellectual timidity, worship of the "other" as all knowing, all moral and all having. It is an embodiment of stupidity as the bases of utilitarian relationship in an egotistical global capitalist system. Such corrupt agents pride themselves as objects of deception. The fact that they can be deceived without their awareness means to them that they are valuable. For instance, as Julius Nyerere argued, "It is stupid to rely on money as the major instrument of development when we know only too well that our country is poor. It is equally stupid, indeed it is even more stupid, for us to imagine that we shall rid ourselves of our poverty through foreign financial assistance rather than our own financial resources."[33] There is a sentimental, patronizing and self-appealing perception that Africa's problem is "poverty," and therefore "money" is its solution. Such views are easy traps for self-interest improperly understood. A corrupt agent, irrespective of social, economic, educational, military, religious or political status can set this in motion through a corrupt desire not to know that there are bigger pictures to every human proposition. Each uses the same biased, illogical, fallacious, and irrational epistemological process that is easily dismissed as the state of insanity. The common dialogue in such situations goes as follows, "Do you know what Mr. A or Ms B said or did? Then the commonest, yet accurate response is, "That Mr. A or Ms B is crazy!" A housewife for instance has a power to initiate corruption-to by warming a sour soup with the intention of saving the family money, thereby making every member of the family sick. This corruption of the desire to ask further questions about the integrity of humanity, human life can lead to the children adjusting to their mother's cooking through stealing.

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[33] Nyerere, J. (1967): *Arusha Declaration*. Retrieved from: https://www.marxists.org/subject/africa/nyerere/1967/arusha-declaration.htm. (accessed 22 March 2011).

The fundamental moral question to ask is, "How will this affect everyone else in question?"

Corruption-for and corruption-against can be viewed individually or separately. Individually they represent one side of the moral interest and one dimension of all the relevant questions that can be asked. For instance, corruption-for is usually directed towards the material, political, economic, religious, social, military, intellectual, and bodily benefits of the corrupt agent and other corrupt agents, for, family, friends, kinsmen, village, town, country, institution and organization. It is impossible to have corruption-for without corruption-against, but it is possible to have corruption-against without a corresponding corruption-for. One of such instance is the death of political dictators, their death is corruption-against because they do not gain from their corruption directly. Usually, they hang on to life too long that when death comes, they don't have enough time to disburse their stolen wealth. It is corruption-against the country, but not necessarily corruption-for the dead dictator. As it is said, the dead have no use for money.

A simultaneous look at corruption-for and corruption-against show that they are the commonest and the most obvious kinds of corruption. In relation to Africa, one can see that there is corruption-for the benefit of (some Africans, Europeans, Asians, and Arabs) and corruption-against Africa as a continent, corruption-against its people, resources, children, women and men. And most importantly, there is corruption-against its future. Corruption-for/against is not simply an abuse of economic, social, political or religious power, but will be defined as self-interest improperly understood as necessary and sufficient conditions for a moral life. Africa is vulnerable and is a target of global corruption because of its epistemological, psychological, technological, economic, social, religious and political vulnerability, and strategically weakness. On the other hand, corruption-against Africa is initiated from outside of Africa through the global egotistical capitalist economic

system, the monetary system and through the bloated "aids" or "charity" bureaucracies, institutions or organizations whose existence and sustenance are dependent on poverty-image, short-sightedness of the Africans and self-interest improperly understood. Corruption-against Africa depends on the sabotage of African epistemological, psychological and technological capabilities. It tends to present the Africans with two choices, "serve as agents of exploitation of your own people or be overthrown by others more willing to do so."[34] There are also Africans who due to corruption-to and with unscrupulously engage in corruption-against Africans. It is rooted in the epistemology of corruption to suppress any questions that might demand for the emergence of human dignity, moral responsibility as invaluable components of moral deliberation. The corrupt agent is more than willing to accept less of anything in exchange for the noble moral principles of honour, pride, integrity and duty to oneself. He/she will suppress the emergence of questions that exposes his/ her moral bankruptcy and inevitably the absence of the desire to know, the desire to be free, rational and reasonable. For instance, Dora Akunyili, points out in her presentation on the seriousness of counterfeit medicines as a crime against humanity.[35] Fake or counterfeit drugs have the following characteristics: no active ingredient(s), insufficient active ingredients, expired drugs or drugs without expiry date or re-labelled with extended shelf-life, clones of fast moving drugs, drugs with active ingredients different from what is stated on the label, herbal preparations fraudulently mixed with orthodox medicine, drugs without full name and address of manufacturer, drugs not registered with appropriate agencies.[36]

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[34] Chinweizu (1975): *The West and the Rest of Us, Black Slavers and the African Elite,* New York: Random House, p. 33.

[35] A Presentation by Professor Dora Akunyili, Director General of the National Agency for Food and Drug Administration and Control (NAFDAC), Nigeria to The European Parliament in Brussels on the 10th April, 2007

[36] Ibid.

Such drugs are all over Africa and hundreds of people lose their lives every day due to such medications. Just like the genuine drugs, these counterfeit drugs are made and distributed in the same manner, employing the service of Africans themselves as investors, wholesalers, retailers and consumers. The record of deaths is of no importance to the corrupt agents involved in this corruption-for themselves and corruption-against Africa's past, present and future.

2.7 Conclusion

In conclusion, even in a culture of silent conspiracy corruption can be perceived. The developed world may not practice corruption-against their country, but they are willing to practice against others in as much as others are willing to practice corruption-with, to and against their own countries. An American, Asian, Indian or European contractor who deposits nuclear waste knows that he cannot abandon them within the borders of his country, or in the ocean but is willing to pay another corrupt agent in another country who is willing to kill his own people for money. This too is corruption-for the contractor and his country, but corruption-against the recipient countries. I have argued in this paper that in order to understand corruption, we need to go back to the cognitional process of the individual. Corruption in this paper is defined as the violation of the fundamental human desire to know, to ask further relevant questions, especially moral questions, that pertains to the individual's wellbeing and that of his/her fellow human beings irrespective of family, kin, country, institution, race and country. The desire to know and the resultant pure cycle of the human cognitional process is the trustworthy with respect to examined life, if and only if the individual is willing to abandon any material and external goods.

Corruption-with, corruption-to, corruption-with and corruption-against are the categories that can be deduced from this fundamental

desire to deny our cognitional obligation to know. What I am doing when I am being corrupt is to assume the place of an object, like a tsunami, a hurricane and earthquake that has no cognitional or moral volition to do otherwise. This is the most pitiable state of any human being, and society. Justice, peace and sustainable development in Africa cannot be founded on the personality of the corrupt moral agent. Any such attempts have always and will continue to yield a progressive stagnation, a dance around a maze of circles of ignorance, bias, unreasonableness and corruption.

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3

POLITICAL CORRUPTION AND JUSTICE IN AFRICA

Oita Etyang

3.1 Abstract

Political corruption has been part of human society for decades but the magnitude and its manifestation in public and private spheres of life has triggered interest among scholars and other likeminded practitioners. It involves a wide range of crimes and illicit acts committed by political leaders before, during and after leaving office. --This paper creates a nexus between political corruption and justice. The concept of political corruption and factors that contribute to political corruption in African are interrogated. The paper holds the thesis that political corruption has contributed to injustices in African states. At the end, solutions to curb corruption and injustices are discussed.

3.2 Introduction

Corruption is a cancerous phenomenon that has permeated every facet of society. In a sense, it is not a new development. It has been used from time immemorial to attain “illicit” political and economic power. At this point, it is tempting to accept that corruption is part of human

nature. Indeed Chweya (2005, p. 7) notes that corruption is an act of social deviance that is as old as human society.

In Africa, corruption has been singled out as the main cause of Africa's development crisis. Despite the fact that Africa is endowed with splendid heritage and legacy, with mineral resources comprising large reserves of bauxite, cobalt, diamond, gold, phosphate rock, oil, platinum, copper, uranium, aluminum, coal, steel, vermiculate, zirconium, and abundant equatorial rain forest, Africa as continued to lag behind in development which has in the long run undermined the quest for justice, peace and security. Transparency International Corruption Index (2010) ranks six African nations among the most corrupt countries including Somalia, Sudan, Chad, Burundi, Angola and Equatorial Guinea. In the report, Gambia is ranked 91 alongside Djibouti, while Senegal is at the 105th position and Nigeria is placed at position 134. Botswana is ranked number one in Sub-Saharan Africa.

What then is corruption? Khan defines corruption as an act which deviates from the formal rules/conduct governing the actions of someone in a position of public authority because of private – regarding – motive such as wealth, power or status. The Kenyan Anti-corruption and Economic Crime Act 2003 defines corruption as "misuse of public power for private profit or bribery, abuse of office, fraud, embezzlement or misuse of public funds, breach of trust….". In the presentation of Kivutha *et al* (1996, p. 27), corruption is conceptualized to encompass commission of unlawful acts, cheating , mismanagement of funds, malpractice, irresponsibility, unfaithfulness, indecency, immorality, sinfulness, underpayment of salaries, inequality, destructiveness, political instability, civil war, tribalism, injustice, fear, oppression and ill feelings. From the definitions above, it can be construed that corruption involves acts that go against societal norms for self-aggrandizement. It is the brazen subversion of the social contract.

It is a deviation from the rational moderation of modern society, where each member earns according to his talents, efforts and opportunities, is an elevation of self-interest over the public interest that is inimical to the greater good, is an illegal, unjust, and immoral appropriation to self of goods, services, benefits and advantages not otherwise due to an individual and is the tyranny of the majority by a very small minority (Ringera G. A. 2007, April 25).

Thus, corruption undermines the foundation of democracy. If left to thrive, the consequences become self evident, a dilapidated and fast crumbling physical infrastructure, below per tax remittance and collection, low levels of domestic and foreign investments, wanton and illegal appropriation of public land and assets and their conversion into private hands, economic stagnation, weakening of the state instruments of governance, compromise of the rule of law and constitutional governance, rising and uncontrollable crime and insecurity, rising social upheaval driven by loss of trust in the ability of the state to perform its function; and an increase public awareness that the only way to survive is to suspend the social contract and fend for oneself.

The cry from Tahrir (Egypt) attests to this very fact. It is not any cry for democracy but for democratic freedoms, to express political disgust and ultimately throw out injustice and despotic leadership encrusted with corruption. As Nyong'o (2010, February 20, p. A14). remarks, "it is through the denial of liberties and freedoms that the elite ruling classes in Tunisia and Egypt carried along corruption and crony capitalism without much regard to the objection by the rest of the citizenry....the people decided to assert their voice, much to the chagrin of both Mubarak and Ben Ali."

3.3 Political Corruption and Justice

Political corruption is the abuse of entrusted power by political leaders for private gain, with the objective of seizure of state power. In essence, political leaders are custodians of political power bequeathed to them by the electorates though a popular adult suffrage. They are the custodians of the general will. Thus if leaders abuse or purport to abuse this power then they are perceived to have committed an act of political corruption. If the leaders do not conform to that which is moral for the general good, then they are deemed to have committed acts that amount to political corruption. Gyekye (1997, p.193) defines political corruption as the illegal, unethical and an authorized exploitation of one's political or official position for personal advantage. The word "political" in the context of "political corruption" connotes public (non private,) official or government which specifically entails the official goods, affairs, fortunes, agencies, resources and institutions of the state.

It is imperative to note that political corruption is always linked to acceptance of bribe, stretched further; it may take the form of "trading influence," "horse trading" or granting favours with a view of gaining political mileage. Grafts, fraud, nepotism, favoritism, clanism, cronism, kickbacks, and blatant misappropriation of public funds are all considered acts of political corruption if they are committed by an individual charged with the responsibility of championing and protecting the collective interest of the common wealth. This means that a president who appoints members into constitutional offices in total disregard of constitutional provisions commits acts of political corruption, political aspirants who induce voters to vote for them commit acts of political corruption, and a judge who perverts the wheels of justice in favour of a litigant who offers a bribe commits acts of political corruption.

Thus, it is suffice to say that political corruption is an obstacle to transparency and the pursuit of justice in public life. In established democracies, the loss of faith in politics and lack of trust in politicians and parties challenge democratic values, a trend that has deepened with the entrenchment of corruption in the past decades (Paul 1997) In transitory democracies, political corruption threatens the very viability of democratic ideals. It asphyxiates and makes the newer democratic institutions (legislature, judiciary and executive) vulnerable. In the case of Kenya for example, Ringera G. A. (2007, April 25th) opines that the temple of justice has not been exempted. Judges and magistrates are not only perceived to be corrupt, but they practice blatant corruption in the exercise of their duties. Ringera G. A. (2007, April 25th) asserts that as a judge of the high court, he witnessed firsthand the subversion of justice for reasons that amount to straightforward corruption. Ringera's personal experience brings into reality the magnitude and the entrenchment of corruption in public institutions in African countries. Cases of political corruption reported by the media in the past can be summarized in the table below:

Table: 3.1 Cases of Political Corruption

Individual Mentioned	**Country**	**Allegations**
Dr. Bakili Muluzi	Malawi	Misappropriation of $ 11 million
Fredrick Chiluba	Zambia	Stealing $ 500,000[1]

[1] Chiluba was acquitted by Ndola high court registrar Johns Chinyama sitting as a magistrate in 2009.

Jacob Zuma	South Africa	Racketeering, corruption and money laundering involving 4 million rand[2]
Charles Taylor	Liberia	Embezzlement of $ 1,000,000
Mobutu Sese Seko	Democratic Republic of Congo	Embezzled $12 billion
General Sani Abacha	Nigeria	Human rights abuses, and embezzlement of $ 4 billion
Diepreye Alamieyeseigha	Nigeria – Balelsa State Governor	Embezzlement of £ 1 million

Source: Author's compilation

What then, are the causes of political corruption and how has is subverted the quest for justice in Africa? Political system practiced by a people in a given polity contributes to political corruption. In a sense who gets what, when and how exacerbate political corruption and injustice in a given political organization. According to Werlins (1979, p. 250), rising corruption is a sign of fundamental political disorder. On the other hand Scott (1972) views political corruption as a political event. This implies that political corruption occurs in a politically organized system where actors compete to capture state power. In Africa, upon attainment of independence, many states championed unitary political system where power was centralized under "a demigod." Congo, Cameroon, Ethiopia, Algeria, Central African

[2] Chargers against Zuma were dropped and he was allowed to run for presidency in South Africa 2009.

Republic, Libya, and Togo are cases in point. The implication of this is that accession to political power depends on the proximity to power and the good will and generosity of the "demigod".

At this point it is noteworthy, that the culture of military regimes took root. The military regimes governed by edicts and were responsible to nobody. The Military leaders demanded obedience and extreme veneration. In other words they build a supreme government at the expense of the ruled. In consequence, most leaders at independence depended for support by distributing state largesse to favorites and Kinsmen. Leaders were under pressure to service their "clientele" – offering employment to ill- qualified cronies, allocation of "illicit" land, assassination of political competitors and manipulation of electoral system for self-benefit - the Kenyan famous *Mlolongo* system of 1988 demonstrates this point. Indeed, the one party and military regimes that dominated Africa from 1960s to the 1980s were so allergic to votes and elections that they transformed elections into scheduled calendar rituals, performed to satisfy the curiosity of critics in the West (Kanyingi K. and Okello D (Eds) 2010). The ritual was so effective that it, along other variables produced "president for life" a breed of indomitable leaders across Africa whose rapacity and ruthlessness not only scared the quest for justice but choked the fundamentals of democracy and development.

This state of affairs contributed to unjust marginalization of certain section of society from the state machinery and the spoils of economic development and entrenched inequality. The corrupt unitary political system symbolized the first post independence injustice to the people where the capacity of the state to provide for the basic necessities was skewed (Ihonvbere, 1994, pp.42-60). Government resources are either plundered or directed to areas that are perceived close or friendly to the presidency. This has contributed to underdevelopment and escalation of poverty, diseases and illiteracy in African countries. The resultant effect has been unresolved ethnic conflicts and civil wars. Indeed, the political

crisis witnessed in Ethiopia, Somali, Sudan, DRC, Nigeria, Chad, Algeria and South Africa to mention but a few of the stark examples.

The trend has continued in multiparty trasitionary period in most African states. Political actors subvert the quest for justice by stifling political participation. Chabal and Daloz (1999), Szeftel and Wantchekon (2003) have argued that clientelism has continued to persist today in roughly the same form as it has since the demise of colonialism. According to these scholars, politicians in Africa have continued to gain and maintain their positions by dispensing private goods to their supports at the expense of the rest of the society. Political actors have used the political system to manipulate elections to their own advantage. During electioneering period, bribery, intimidations, voter transportation and vote rigging have been used as instruments to coerce or cajole voters to vote in give pattern. In recent elections in Kenya (2007) Uganda (2011), Ivory Coast (2010) and Benin (2011) international observers cited such cases. The implication of this is that the electorates are denied the opportunity to elect credible crop of leaders. The consequence has been blatant abuse of political office by elected leaders. Bratton and Gyimah-Boadi (2005) reinforce this argument by posing that "if election malpractice benefits political leaders then its net effect is to curtail, not expand opportunities for political participation."

It is imperative to note that political system in Africa has not only been used to perpetuate a culture of corruption but it has been used to obstruct the pursuit of justice. For illustration the death of Nigerian Sani Abacha made it impossible to hold him accountable for acts of political corruption. Carranza (2008) interestingly reports that "to this day, the Abacha family continues to use corruptly acquired assets to maintain influence in Nigerian politics and to preserve the impunity of those who could still be held accountable." In Democratic Republic of Congo (DRC) the story is replicated. The legacy of Mobutu Sese Seko remains unaddressed, including the estimated $ 12 billion in the funds he

embezzled. In the two cases, the post-dictatorship governments have not only failed to hold the former dictators criminally culpable for their scandalous acts but have employed cunning measures to shield them from the orifice of justice. Most of their families and cronies continue to enjoy the fruits from their political plunder.

Weak and vulnerable institutions of government such as the executive, the judiciary, the legislature, the media and other vital democratic institutions have contributed to political corruption and injustice in African states. Interestingly, these institutions have failed to establish lucid framework that promote transparency and accountability in the management of state affairs. In a sense, corrupt institutions imply that the legal and institutional mechanism designed to curb political corruption have been crippled.

The efficacy of the judiciary in Africa has been riddled with corruption. To begin with, the assertion that the judiciary is a catalyst of political corruption and has been used to undermine the quest for justice in Africa is premised on the method of appointment of judicial officers that fails to take into cognizance the legally constituted criteria but proximity to those vested in the power to appoint. Indeed, in most Africa states the purpose of the judiciary is to protect the elite in power. The judiciary thus primarily serves a political purpose of an inferior servant rather than an equal partner, of the executive and legislature.The implication is that most judicial offices are occupied by politically correct officers who in turn obstruct efforts to fight the "scourge" by protecting their political cohorts. In Ivory Coast for instance the Constitutional Council at the behest of Gbagbo overruled the Commission annulling results in nine northern precincts giving Gbagbo 51 to 49 percent victory. This has resulted to injustice being pelted on innocent civilians.

In Kenya, the judiciary has not been spared the bout of political corruption. The Ringera Commission in its report titled *Anatomy of*

Corruption in Kenyans Judiciary noted that corruption was endemic in the Kenyan judiciary. Corruption in the Kenyan judiciary ranges from disappearance of files to the demand of a "search fee" for disappeared file. The judiciary has a complex kickback system where judges and magistrates demand and receive a percentage of damages they have awarded. For instance, a bribe of a paltry 500 shillings from a party in a court case could make a file disappear. The implication of this is that a case cannot continue to its ultimate conclusion. These not only cause anguish among the litigants but also delays and subvert the cause of justice.

The delay of cases in the judiciary is another factor perceived to contribute to political corruption and injustice in Africa. Cases in court take a long period of time to be concluded this implies that justice is delayed and some individuals may use this loophole to engage in acts the amount to political corruption because they are conscious of the fact that their cases will take long and at worst not concluded. Courts have been accused of frustrating the fight against corruption by preferring lenient sentences to persons found guilt. Baku (2009) in reference to Uganda courts laments, "Convicts can get a maximum of 10 years, but the judges have been reluctant to give such stiff sentences. Instead, they give them about three years with the option of paying a fine." This only makes corruption a lucrative business.

Weak transitory institutions such as Truth and Justice Commissions that are charged with the mandate to restore and bequeath justice to victims of political corruption have contributed to the cancer of political corruption and injustice. These institutions have failed to live by the call of their mandate; on the contrary they have avoided investigating acts committed by those who occupy high political offices. Giving a case of South Africa, Carranza (2008, P. 313), notes that the country's Truth and Reconciliation Commission (TRC) did not address issues of political corruption during the apartheid regime simply because it

claimed that the aspect fell outside its mandate. Whether it is true, the implication and consequences of the erroneous omission is an issue to ponder about. Van Vuuren (2006) in a Civil Society Report demonstrates the link between injustice and [political] corruption. Van Vuuren in the report points out that "when the apartheid state was at its most repressive, it was also at its most corrupt" he contends that by not addressing corruption under apartheid the, TRC lost a historical opportunity as:

Evidence of these [political] crimes will be further erased over time and money stolen will continue to enrich the beneficiary of [political] corruption. In taking this path, we choose to close the book on the past. Such decisions will not threaten the South African elite and will no doubt be welcomed by many. It will, however, probably always haunt us as a society.

This citation reinforces the argument that weak institutions have not only condoned corruption but they have contributed to the escalation of political corruption and injustice in African states. Out of 34 Truth Commissions established worldwide between 1974 -2004 only three (Chad, Liberia and Sierra Leone) attempted to have out rightly engaged with economic crimes (read political corruption).

The way of life of the African people embodied in their culture has in somewhat contributed to political corruption in the Africa continent. In other words there are aspects of African culture that encourage and lend socio-structural support to political corruption. As Wolfensohn (2002) warns we should ignore culture at our peril. In the first place, gifts are among traditional diplomatic usages. In a sense, gifts were used to ratify an allegiance in which case, gifts were close to vassals, tribute and to reinforce friendship between mates (Labo 2010). However in modern African society, this pure gesture has been gnarled and political leaders and the electorates have used the "gift gesture" to solicit or anticipate favors. This trend is much prevalent during electioneering

period in many African states where political leaders literary engage in voter buying under the guise of dishing out gifts to the electorates. The resultant effect is that weak and inefficient leaders ascend to power and use that opportunity to plunder and oppress their subjects. Muluka (2008) in his prefatory note in the book *A call for Hygiene in Kenyan Politics* sums this by noting that:

The Kenyan political bigwigs and the ordinary voter alike have brought universal suffrage to unthinkable shame. What happens in the election season in Kenya is worse than scandalous. There is a whole shameless elections industry out there, suffering from wild ignominy. In the final analysis, you are left wondering…. Nobody speaks against the rot of politicians endearing themselves to voters through corruption and violence.

Secondly, the African culture of communalism summed up in the *ubuntu* philosophy of "I am because you are and so you are, I am" is closely linked to political corruption in Africa. The culture of extended family assistance and high level community spirit that encourage those who are economically endowed to act as their "brother's keeper" through financial and other support to relatives and community members can be said to contribute to political corruption. These kind of societal arrangements exert pressure on individuals thus forcing them to engage in acts of corruption with a view of meeting the demand side of community members. According to Egbue (2006) the results of such communal support networks is an inbuilt system for looting of government coffers or bending the rules of probity in government business transactions.

It suffices to say that the above discussion does not necessarily mean that communally oriented societies are more corrupt/ unjust as compared to societies that glorify individualism. Corruption and injustices have been recorded in some communities that espouse individualism.

Another situation, which has caused political corruption and injustice, is the existence of abject poverty material deprivation, vertical and horizontal inequalities in Africa countries. This situation tends to encourage unhealthy competition as people seek to achieve material success at any cost. Egbue (2006) adds that this situation is worsened by modern living cities that present other form of status acquisition besides financial success. This exerts pressure on individuals thus they engage in corrupt deals in order attain societal ascribed status. This has hindered economic development, reduces social services and diverts investments in infrastructure, institutions and social services.

Another possible explanation of individual motive to engage in corruption is offered by the social learning theory developed by the sociological school of thought to explain deviant behaviour (Ronald 1988). This school of thought is propounded by Bandura (1977). Using this theoretical frame it can be argued that one engages in acts of political corruption because of associating or interacting with others who engage in certain kinds of behaviour or express norms, values and attitudes supportive of corrupt behaviour, as well as the indirect association and identification with more distinct reference group. According to this school of thought, the group with which one is in provides the medium through which corruption can be learned. Reinforcing this argument Ikpe (2000), points out that Abacha surrounded himself with only very trusted loyalists and clients. Through this association individuals like Jerry Useni managed to accumulate more than 3 billion US dollars in cash with several billion naira worth of property. Alhaji Ismaili another close confidant to Abacha was alleged to have immersed fortune valued at more than 4 billion US dollars. It can be concluded that such massive fortune could only be acquired through association with the corrupt Abacha's regime.

3.4 Panacea to Political Corruption and Injustice

This paper appreciates the fact that eradicating corruption is a gigantic task for many African countries, some of which are coming out of dreaded civil wars. However in order to fight and curb political corruption and injustice:

A strong constitutional framework should be put in place that will protect the rights of individuals. A constitution that will preserve the dignity of individuals and communities and that will promote social justice and the realization of the potential of all human beings. Constitutional frameworks that will ensure leaders ascend to positions on the basis of personal integrity, competence, suitability or election in free and fair elections. A constitution that will ensure objectivity, impartiality in decision making, that will ensure that decisions are not influenced by nepotism, favouritism, other improper motives or corrupt practices.

Secondly, awareness creation should be conducted, where applicable enhanced in order for the citizenry to appreciate the seriousness of political corruption. Indeed African governments have acknowledged the propensity of this problem and have come up with legislations and quasi- legislations under the banner “zero tolerance” however there is need for the government to do more in terms of investigation and punishment of culprits found guilty. Campaigns to enhance awareness should be bolstered. The media and civil society groups can play a significant role in this front .Injustices bedeviling communities such as torture, lack of amenities, deprivation of land and other properties should be highlighted by the media.

Thirdly, democratic institutions such as the legislature, judiciary and the executive should be reformed and a lined to best democratic ideals. The legislature should be in the forefront to enact laws that will hinder and eradicate corruption in all facets of society – laws that will enforce

justice. The judiciary should punish perpetrators of corruption and injustice severely. As, Jon Quah (1998) explains, the successful corruption and injustice control in Thailand and North Korea began with the introduction of ranging bureaucratic, administrative and psychological reforms. In North Korea, for instance, president Park Chung Hee introduced the reform movement in 1975 to enhance "administrative and political efficiency, elimination of corruption in officialdom clean up of social waste and injustice and valuetional and mental revolution" with emphasis on punishment for corrupt officials. African government can borrow from this robust reform agenda.

International partners and donor agencies have a role to play in the quest for solutions that are comprehensive in scope and local in application, alongside African government who must ensure an even greater leadership role. Political good will and effective and efficient leadership is paramount to combating political corruption and injustices. African leaders should take the baton and lead from the front. Punitive actions should be taken against those who violate the rule of law without fear of favour.

3.5 Conclusion

African countries have thrust issues of corruption and injustices into their national development agenda. Initiatives have been put in place by African government and other agencies to combat political corruption and injustice. Certainly, corruption has affected the growth and development of the continent. Therefore, there is need for concerted efforts from all stokeholds to roll up their sleeves and fight the two monsters head-on. Society as a whole shares the responsibility for political corruption and injustices. The media, education system, politicians as well as civil society should help in this front. All members

of the society should thus be welcomed a board. In other words, African countries should either swim together or drown separately.

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4

POLITICAL WILL AND THE FIGHT AGAINST CORRUPTION IN KENYA

Jane Onsongo[1]

4.1 Introduction

The fight against corruption has been intensified in many countries of the world. In Kenya, corruption has often been described as a major impediment to sustainable social, political and economic growth and development. Those spearheading the fight against corruption have sometimes felt helpless due to a number of challenges they face on a daily basis. Kenya has had an anti-corruption legislation from 1956. The Prevention of Corruption Act (Cap. 65) was in operation from August 1956 to May 2003. Efforts to resuscitate the fight against corruption culminated in the enactment of the Anti-Corruption and Economic Crimes Act, No3 of 2003. The statute became operational on 2 May 2003. Subsequently, the Prevention of Corruption Act (Cap. 65) was repealed by Section 70 of the Anti-Corruption and Economic Crimes Act No. 3 of 2003. The Anti-Corruption and Economic Crimes Act, establishes the Kenya Anti-Corruption Commission (KACC) as a body

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corporate, prescribes its composition and confers powers and functions to it.

In additional to enacting legislation Kenya has also established a number of institutions and watchdog agencies to fight corruption. In spite of the many efforts, the country is still ranked poorly in the region and worldwide. The question one may wish to ask is why the laws and agencies have not succeeded in the fight against corruption. This is a difficult question to answer. The fight against corruption in Kenya may have been affected by various factors including inadequate strategies, political resistance, failure to sustain long term reforms in our public service and lack of knowledge about appropriate tools to establish systemic change (World Bank 1994). However, research done elsewhere suggests that the fight against corruption can be won if there is strong political will demonstrated by a commitment from the leadership at all levels of government (Kpundeh, 1997).

In this paper, an attempt has been made to define political will as it relates to the fight against corruption. Some of the indicator of political will is discussed. The paper starts with definition of political will and moves on to identify some of the characteristics of political and its importance in the fight against corruption. Some suggestions are given on how political will can strengthen the fight against corruption in Kenya.

4.2 Meaning of Political Will in the Fight against Corruption in Kenya

Scholars who have attempted to define political will acknowledge that it is a slippery concept used to connote various meanings. For example some think it is used to imply successful implementation of changes or reforms in a given situation. Kpundeh (1997, p.92) defines **political will** in the fight against corruption as:

the demonstrated credible intent of political leaders (elected or appointed), civil society organizations, faith based organization, non-governmental organizations, stakeholders and the general public to attack perceived causes and effects of corruption at all levels of society.

Charney, C (2009) observes that political will can be defined as a combination of three factors: opinion + Intensity+ Salience. **Opinion** is shaped by how issues are framed. The consideration that frame public opinion decides which way political will is pointing. **Intensity:** People must feel strongly about an issue. **Salience:** Strong opinions should be in connection with what the public thinks about something. Political will is manifest in the degree to which reform initiatives are participative and incorporate a range of political actors and civil society. Without political will government statements to reform the public service, strengthen transparency and accountability, leadership and integrity as contained in chapter six of the constitution of Kenya become mere rhetoric.

Political will need to be widely defined to include a number of things because many governments are “able” but unwilling to fight corruption. Generally it means the willingness by the government and its machineries to speak and act in a manner suggesting that corruption cannot be tolerated at all levels. Where there is political will in the fight against corruption the leaders serve the people as opposed to the people serving the leaders. Political will suggests a top down as opposed to down top approach to fighting corruption. Political will provides foundation for all anti-corruption efforts. It is more than some pious rhetoric, empty sloganeering and public utterances (Chua, 2010).

4.3 Factors Affecting Political Will

Political will does not exist in a vacuum. It is a reflection of a set of complex circumstances that incorporate an individual leader's

aspirations. Political will can reside in many locations for example all branches of governance, the political opposition, civil society, international organisations and both public and private sectors (Kpundeh 1997, p.93). Andrews (2004, 2007 cited in Charney, 2009, p.3) identifies certain factors that are necessary for change to occur and hence these depict political will. These are acceptance, authority and ability. These concepts are explained here briefly:

- **Acceptance:** this occurs when politicians and implementers do not resist reform. It requires an agreement about the need for reform, the specific reform idea or agenda and the monetary costs of the reform. When the political leaders accept that change is necessary they devote their time and resources to ensure it happens. For the war against corruption in Kenya to be won our leaders need to accept that corruption is a cancer that is affecting all aspects our society. After this acceptance they can then work together to eradicate it from all levels of government.
- **Authority:** refers to the existent of reform legislation that does not conflict with pre-existing legislation as well as procedure and organizational discretion to implement the reform. This means that the government needs to enact laws that spell out stiff penalties for those found guilty of corruption related offences.
- **Ability** exists when organizational capacity is adequate to enact the reforms successfully. For Kenya this calls for the establishment of a strong anti-corruption agency that leads the war against corruption. This agency needs to be supported by other oversight and law enforcement agencies such as the police service and the judiciary.

The foregoing requirements suggests that political will exists when there is sufficient set of political actors who have a common understanding of a particular problem on the public agenda who are willing to genuinely support a common effective solution. **A sufficient**

set of political actors are the people who will ensure that the fight against corruption is not blocked by anybody and that it is successful. They will also make the necessary legislation that will anchor the fight in the constitution. There is a positive development in Kenya in this regard because the new constitution in Article 79 states that… *'Parliament shall enact legislation to establish an independent Ethics and Anti-corruption Commission*[2]*'*. These actors need to be lobbied and convinced that corruption is bad for our country and therefore needs to be fought by all stakeholders. These are the political leadership, government officials and sometimes NGOs can play a role but they lack the veto powers and decision and policy making mechanisms to be able to move the process forward. The main political actors in Kenya are the president, prime minister, parliament, state corporations, judiciary and political parties.

The political actors need to have **a common understanding corruption is bad and needs to be** on **the public agenda**: This means that the political actors agree that corruption has reached problem status, they agree on the nature of the corruption and agree that it requires government action. The intentions of political actors to fight corruption cannot create sufficient political will if the intentions are aimed at solving different problems. A lack of common understanding about the dangers of corruption in society often leads to conflict and blocks policy proposals.

In order to gain a common understanding that corruption is a problem in Kenya there is need for public campaigns by the politicians, media, civil society organizations and faith based organisations. These campaigns are necessary in order to generate political support, identify and define issues for attention as well as focus attention on the issue. These campaigns help to show the effects of corruption in society by using numbers and statistics. For example, the National Taxpayers

[2] The Constitution of Kenya, 2010 Article 79.

Association in Kenya through its periodic Citizens Report Card helps to sensitize citizens on how public funds are utilized. In March 2011, the Association released a Citizens Report Card on the Constituency Development Fund (CDF) and the Local Authority Transfer Fund (LAFT) for 28 constituencies and 5 local authorities. Through their audit they found out Funds amounting to KSh 425,096,869 (24%) for CDF and Ksh 18,905,458 (25%) for LAFT for the financial 2007/2008 in the sampled constituencies and local authorities were badly used, wasted and unaccounted for (National Taxpayers Association, 2011). Such statistics can help to create public will in the fight against corruption. The fight against corruption requires mass public support in order to succeed.

After there is a common understanding that corruption is a problem then the political actors **genuinely support the fight**. It is sometimes difficult to measure whether the political actors have genuine intentions to support the fight against corruption. However, some indicators can be used to measure genuiness to support. These are: Political leaders making credible, binding statements or undertake actions of a similar nature. Public pronouncement made by the president and the prime minister to the effect that public servants who engage in corruption will be dealt with should be supported by stiff sanctions and penalties against those senior government officials who are implicated and found guilty of corruption offences. If there is no action taken once can conclude that political will is lacking. There are certain reputational costs when politicians make statement which they do not belief in. Another indicator for genuine support is the sources and direction of pressure for politicians to make certain when their friends and political party members are implicated in corruption. Sometimes civil society groups have put pressure on ministers and permanent secretaries to resign whenever corruption has been reported in their ministries.

4.4 Importance of Political Will in the Fight against Corruption

Political will gives the anti-corruption agency moral support or the operative environment that is necessary in the fight against corruption. It ensures that the laws are good and strong. Lack of political will exploits the existence of weak laws for self-gains. Political will enables the anti-corruption agency and watch dogs agencies such as the auditor general to enforce the good laws without fear or favour. For an anti-corruption agency to act independently it requires political will because:

- Political leadership will vest the agency the much needed independence of action to fight corruption as part of the state agenda
- Political will is demonstrated in the sincerity of purpose from the government and top leadership which results in independence of action by the anti-corruption agency. Political will ensures unity of purpose by all government departments. It is not a one person/agency show. Like the case of Kenya, it should not by the preserve of KACC because as proven from the experience of Singapore an independent agency (working outside of government) *is an odd fish in a sea of multiple state agencies (Chua Cher yak 2010)*. Without political will and government support no anti-corruption agency can succeed in the fight.
- Political will results in the unity of purpose between the three arms of government that is the Executive, Judiciary and Legislature. These three arms of government should be like the biblical Holy Trinity. The Executive provides the necessary leadership and moral support. The legislature makes and enacts effective anti-corruption laws that provide the necessary legislative teeth to the anti-corruption agency and other watchdog agencies. The judiciary adjudicates and ensures speedy

> prosecution of corruption related cases. In other words where there is political will there is no blame game among government institutions. An anti-corruption agency is only effective as the government wants it to be. The government has enough fire power to crush any anti-corruption agency through lack of political will.

Therefore, political will result in the provision of the necessary resources (human and financial) effective laws, effective adjudication, and effective prosecution. It enables the top political leadership in the country to subject themselves to self-scrutiny and self-policing *(Chua Cher yak 2010)*. This only possible when these political leaders have earned the moral authority/mandate/ right to govern the country. **Moral authority** is gained through doing the right thing according to the law and living a transparent life. It is gained through personal integrity. It is not earned through laws, status in society or belonging to a particular ethnic group. Person moral authority is gained through setting high standards for oneself and the people one interacts with on a day to day basis. Moral authority is earned by honest people engaged in honest deeds. People who cannot do to others what they would not like others to do to them. As the first Prime Minister of Singapore rightly observed, if the top leadership lack the moral authority then the fight against corruption is lost. "*The moment key leaders are less than incorruptible, less than stern in demanding high standards, from that moment the structure of administrative integrity will weaken and eventual crumble". (Lee Kuan Yew, Former Prime Minister, Singapore cited in Chua Cher Yak 2010)*

Political will also requires that our leaders have the **moral courage** to fight corruption. This means that they are willing to have even their closest allies, political party members and family members prosecuted and sent to jail if found guilty on corruption related offences. For our leaders to have moral courage they need to put the common good of all

Kenyans before their self-interests. Moral courage demands that one possesses the right TRAITS. This is an acronym name that stands for a person who is *Transparent, Reliable, Accountable* to self and the public, has *Integrity*, is a *Team Player* and *Selfless (Chua Cher yak 2010).* People have moral courage if they have self-confidence that they are doing the right thing both in public and in private. These leaders say what they want to do and do what they say. For these leaders who have the moral courage fighting corruption is *a constant walk not an occasional foray. It is like fighting AIDS not the common cold (Chua Cher yak 2010).* They walk the talk irrespective who, when and where. They preach water and drink water. They lead by example. Indeed these are leaders who are willing to make personal sacrifice for the common good. These leaders like Lee Kuan Yew are conscious that the government will not succeed if corruption exists within its ranks and among the public service.

4.5 Recommendations and Suggestions for Strengthening Political Will

Opportunities exist that can strengthen or weaken political will in any society. Political will can be strengthened during periods of transition for example when there is a change in government when the new leaders would like to garner support for their governments. Transitions provider reformers with an opportunity to galvanize public support for the fight against corruption through moral exhortation or by redefining a new public morality or service ethic. Political will among government officials is a strong during transition periods. However, it is important to note that politically motivated reforms sometimes do not last because some opportunists take advantage and manipulate the political and economic infrastructure. This may lead to the development of weak approaches and strategies to fight corruption. Kpundeh

(1997,p.94) observes that Political based reforms not founded on ideologies. These seek to discredit the previous regime, purge opposition, manipulate the political agenda and gain temporal public opinion. This describes what happened in Kenya in 2003 when the National Rainbow Caolition (NARC) came to power after a 24 year one party rule. The NARC government ascended to power on a zero-tolerance to corruption platform. This is when the government signed and ratified the United Nations Convention Against Corruption and enacted the Anti-corruption and Economic crimes Act (2003) that established the Kenyan Anti-corruption Commission. However, it was difficult to sustain the momentum and soon mega corruption scandals such as Anglo-leasing surfaced.

Political will in the fight against corruption can be strengthened by the following:

- Good governance: This requires that we develop sound economic and social policies. These will ensure that our public administration is geared towards provision of goods and services
- Enhanced democracy that ensures the rule of law and fair competition Democracy is sustained when there is a balance of power between state and society and between political and economic power. Recognizing the imbalances within society and taking corrective action strengthens political will
- A vibrant civil society that recognizes the value of reform. It is able to effectively check on political leaders, abuse of power and challenge the status quo. It plays an important role in exposing wrong doing in the government
- Independent and vocal press. The media; print and electronic plays an important role in exposing corruption and mobilizing public opinion. It can uncover patronage and profiteering in all sectors.

- Reforms in the judiciary, legislature and executive to ensure independence and appropriate checks and balances: Judiciary is ineffective if it is not autonomous, there are poor working conditions and inadequate pay. Kenya is currently experiencing a transition following the promulgation of a new constitution in August 2010. A number of institutions including the judiciary, the police service and director of public prosecutions are being reformed
- Increased public education and awareness raising. This serves to give corruption a human face because by its nature it is very secretive. Public education is possible through radio, television, and community activities. Public education and campaigns begin to personalize corruption hence showing how people are affected by it. They begin to realize that poverty, higher taxes, few schools and health facilities may be as a result of corruption. The citizens become empowered and the start asking questions from the leadership. An educated citizenry should watch out on the constitutional implementation for transparency and accountability, legal and policy frameworks, structures and institutions to check out their mandates, systems, policies, resources, efficacy and governance, systems of revenue collection, fiscal, expenditure, procurement, audit processes, public service commission.
- Active involvement by the private sector. If it acts independently and fosters integrity and ethics in doing business they can strengthen integrity
- Independent organizations strengthen political will. In Uganda, Hong Kong and Singapore, the effectiveness and success of anti-corruption institutions is directly related to their degree of autonomy.

- Politicians must have the willpower to pass legislation to put structure in place and arm them with the capacity to effectively accomplish their goals.

4.6 Conclusion

After this analysis of what entails political will in the fight against corruption, then one is tempted to conclude that the fight against corruption in Kenya has not been won due to lack of political will. Where political will exists one is likely to witness or encounter zero tolerance to corruption. The big and small fish are treated equally before the law. Once people know that the government abhors corruption the chances of engaging in corruption are greatly reduced. There is a challenge in assessing political will because some reforms are artificial as public relations and other strategies that are geared towards bringing about change. There are a number of indicators that can enable one to identify political will.

- A **genuine effort** to analyze the causes and effects of corruption in society. A pertinent question one needs to ask in this regard is whether there been attempts to create the necessary laws, legislation and independent agencies to fight corruption
- The **change process.** Has it been participative to capture the interests of all the stakeholders? Participative approach leads to ownership of the change strategies
- **Choice of strategies** that accomplish the stated goals and objectives on a sustainable basis. In this case the government needs to develop appropriate strategies that can be used to fight corruption.
- A provision is made for **incentives and sanctions**. There is a need for incentives for compliance, publicizing positive

outcomes, and establish effective sanctions to punish those who are found guilty of corruption offences.

- **Creation of an objective process** that monitors the impact of reform and incorporates those findings into strategy that ensures policy goals and objectives. Reporting findings of policy evaluation whether positive or negative enhance public support and strengthen reformers against critics.

However, it will be wrong to assume that only political will is needed in the fight against corruption. There is also the need for effective administration of public institutions. Corruption thrives where there is maladministration due to the many loopholes that exist. If public institutions have the corporate will to fight corruption and put in place stringent anti-corruption policies there is no one who can engage in corruption. Where there is effective administration there is transparency. Procedures are clearly defined and displayed for all to see. There is reliability in the sense that service seekers can predict how long it will take for them to receive a service according to the displayed procedures. An effective administration requires accountability; public officers taking responsibility for the actions.

Some people argue that in some countries there is political will from the government to fight corruption but the people are the problem. The people have taken corruption to be part of their culture and therefore see nothing wrong with appreciating public servants who serve them well. This requires cultural reengineering in order to change people's mindsets. Culture should not be an excuse for corruption. Our cultural values, beliefs and principles should support good governance. For the fight against corruption to succeed in Kenya we need the necessary political will and good governance. The fight should be a government sponsored initiative. We should strive for a national integrity system. We should be ready to swallow the bitter bill, make sacrifices, be ready to report our friends who engage in corruption even if they are from our

tribe. We should not self-rationalize and make excuses for corruption related offences.

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5

CORRUPTION AND VIOLENCE IN AFRICA: A CASE STUDY OF NIGERIA

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5.1 Abstract

Since Nigeria's independence in 1960, the country has witnessed a plethora of social problems such as corruption and violence due to the government's inability to properly account to its citizenry how its petro-gas resources being explored in the Niger Delta region are managed and controlled. Historical analyses of these social problems are traceable to both the governments and multinational oil companies' neglect of the Niger Delta region. The paper examines the concept of corruption and violence in Africa, using Nigeria as a case study, the causes and effect (be it socio-political, psychological and economic) of these social problems to include bad governance, non-functioning democracy, politics driven by ethnical chauvinism, inefficiency of the various agencies of governments to tackle corruption without any form of bias or favoritism and that the existing laws regulating oil exploration in

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Nigeria has helped to promote such injustices and which has given rise to social unrest in the Niger Delta region. Is it that the many challenges of these social problems in Nigeria are common African problem? Is it these social problems that gave rise to the militancy in the Niger Delta region? The paper concludes that these social problems can be resolved if the Nigerian government and the multinational oil companies change its strategies and policies in the Niger Delta region, strengthen the activities of the various agencies of government, adopt good leadership and review or amend those existing laws regulating oil exploration so as to alleviate the political, economic and social injustices that caused these problems.

5.2 Introduction

In order to properly dissect this paper, I will first examine the two social pathologies or terminologies: "corruption and violence"; and then apply them to the Niger Delta region of Nigeria. The development of scientific knowledge of these social pathologies has been the preoccupation of an array of scholars and NGOs. However, their management and control has been a casualty of a peculiar syndrome of bureaucratic manifestation of "specific counter-productivity". The repressive development of troops and judicial responses of the situation resulted in a win-lose outcome. This paper will examine these social pathologies and contribute substantially to situational stabilization process in the African continent.

5.3 Corruption

The Blacks' Law Dictionary, 6th Edition, (1990:345) defines it as "an act done with an intent to give some advantage inconsistent with official duty and the rights of others. The act of an official or judiciary person

who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others:. In Nigeria, corruption and abuse of office is an offence and all matters connected with it are contained in Sections 98 to 110 of the Criminal Code Act, Cap. 77, Laws of the Federation of Nigeria, 1990. Section 98 states that any person who:

- Corruptly gives, confers or procures any property or benefit of any kind to, or for a public official (as defined in Section 98D) or to, on or for any other person, or
- Corruptly promise or offers or confer or to procure or attempt to procure any property or benefit of any kind to, on or for a public official or to on or for any other person;
- On account of any such act, omission, favour or disfavour on the part of any public official as is mentioned in Section 98(1)(i) or (ii), is guilty of the felony of official corruption and is liable to imprisonment for seven years.

The damages corruption has done to the polity of Africa are astronomical. The menace of corruption leads to slow movements of files in offices, police extortion tollgates and slow traffics on the highways, port congestion, queues at passport offices and gas stations, ghost workers syndrome, election irregularities, the use of petro-gas or natural resources for personal advantage, among others. Thus, it is believed by many in the society that corruption is Africa's main problem. Consequently, the issue keeps reoccurring in every academic and informal discussion in Africa.

Some writers say that corruption is endemic in all governments, and that it is not peculiar to any continent, region and ethnic group. It cuts across faiths, religious denominations and political systems and affects both young and old, man and woman alike. Corruption is found in democratic, and dictatorial politics; feudal, capitalist and socialist economies. Christian, Muslim, Hindu and Buddhist cultures are equally

bedeviled by corruption. And corrupt practices did not begin today; the history is as old as the world. Ancient civilizations have traces of widespread illegality and corruption. Thus, corruption has been ubiquitous in complex societies from ancient Egypt, Israel, Rome and Greece down to the present.[2] This does not however mean that the magnitude of corruption is equal in every society. Some countries are more corrupt than others. George Orwell (1997:109) notes in his widely read book, Animal Farm: All animals are equal, but some animals are equal than others. The Amnesty International in its recent report rated Nigeria to rank 130th position out of 180 countries in the world.[3] Also, the rating by Amnesty International on African countries on matters of corruption, are quite high. In the Judges Conference at Abuja, Nigeria, from 23rd to 28th November, 2009, matters of corruption ranked high in the various papers presented at the conference. In fact, the Chairman of the Nigeria's Economic and Financial Crimes Commission (EFCC), Mrs. F. Waziri, lamented on how highly placed Nigerians and political office holders (both past and present), use their ill-gotten wealth to influence the judiciary. In addition, corruption is a behaviour which deviates from the formal duties of a public role, because of private (gains) – regarding (personal, close family, private clique, pecuniary or status gains). It is a behaviour which violates rules against the exercise of certain types of duties for private gains regarding influence.[4] This definition includes such behaviour as bribery (use of a reward to pervert the judgment of a person in a position of trust); nepotism and misappropriation (illegal appropriation of public resources for private uses.[5] To the already crowded landscape Lotterman (2002), adds that corruption is an anti-social behaviour conferring improper benefits

[2] (Lipset and Lenz, 2000:112-113).
[3] (Amnesty International Report, 2009).
[4] (Nye, 1967).
[5] (Basified 1961).

contrary to legal and moral norms, and which undermine the authorities to improve the living conditions of the people.

Even though some of these definitions or analyses of corruption have been around for over decades, the recent development in African countries where discoveries of stolen public funds run into billions of US Dollars, make these definitions or analyses very adequate and appropriate. Corruption is probably the main means to accumulate quick wealth in Africa. Corruption occurs in many forms, and it has contributed immensely to the poverty and misery of a large segment of the African population. In all African countries, allegations of corruption and social injustices are leveled against persons in authorities by NGOs, civil society, media and the international community.

Some studies have taken a holistic (broader) approach in the discussion by dividing it into many forms and sub-divisions. These are:

- Political Corruption (grand);
- Bureaucratic Corruption (petty); and
- Electoral Corruption.

Political corruption takes place at the highest levels of political authority. It occurs when the politicians and political decision-makers, who are entitled to formulate, establish and implement the laws in the name of the people, are themselves corrupt. It also takes place when policy formulation and legislation is tailored to benefit politicians and legislators. Political corruption is sometimes seen as similar to corruption of greed as it affects the manner in which decisions are made, as it manipulates political institutions, rules of procedure, and distorts the institutions of government.[6]

Bureaucratic corruption occurs in the public administration or the implementation end of politics. This kind of corruption has been branded low level and street level. It is the kind of corruption the

[6] (Amundsen, 2000).

citizens encounter daily at places like the hospitals, schools, local licensing offices, police, taxing offices and on and on. Bureaucratic petty corruption, which is seen as similar to corruption of need, occurs when one obtains a business from the public sector through inappropriate procedure.[7]

Electoral corruption includes purchase of votes with money, promises of office or special factors, coercion, intimidation, and interference with freedom of election (Nigeria is a good example where this practice is common. Votes are bought, people are killed or maimed in the name of election, losers end up as the winners in elections, and votes turn up in areas where votes were not cast). Corruption in office involves sales of legislative votes, administrative, or judicial decision, or governmental appointment. Disguised payment in the form of gifts, legal fees, employment, favors to relatives, social influence, or any relationship that sacrifices the public interest and welfare, with or without the implied payment of money, is usually considered corrupt.[8]

Other forms of corruption include:

- Bribery: The payment (in money or kind) that is taken or given in a corrupt relationship). These include kickbacks, gratuities, pay-off, sweeteners, greasing palms.[9]
- Fraud: It involves some kind of trickery, swindle and deceit, counterfeiting, racketing, smuggling and forgery.[10]
- Embezzlement: This is theft of public resources by public officials. It is when a state official steals from the public institution in which he/she is employed. In Nigeria the embezzlement of public funds is one of the most common ways of economic accumulation, perhaps, due to lack of strict regulatory systems.

[7] (The Encyclopedia Americana, 1999).
[8] I bid.
[9] (Alatas, Syed Hussein, 1980).
[10] Ibid., p. 11.

- Extortion: This is money and other resources extracted by the use of coercion, violence or threats to use force. It is often seen as extraction from below (The police and custom officers are the main culprits in Nigeria).[11]
- Favoritism: This is a mechanism of power abuse implying a highly biased distribution of state resources. However, this is seen as a natural human proclivity to favor friends, family and anybody close and trusted.
- Nepotism: This is a special form of favoritism in which an office holder prefers his/her kinfolk and family members. Nepotism, (which is also common in Nigeria), occurs when one is exempted from the application of certain laws or regulations or given undue preference in the allocation of scarce resources.[12]

For effective control of corruption in Nigeria and the African continent, the society must develop a culture of relative openness, in contrast to the current bureaucratic climate of secrecy. And a merit system (instead of the tribal or ethnic bias, state of origin and nepotism or favoritism, which have coloured the landscape) should be adopted in employment and distribution of national resources, etc. More importantly, the leadership must muster the political will to tackle the problem head-on (see Odessey report on second Global Forum on Fighting and Safeguarding Integrity, May 28-31, 1999). Regardless of where it occurs, what causes corruption or the form it takes, the simple fact remains that corruption is likely to have a more profound and different effects in less developed countries, than in wealthy and developed societies. This is due to a variety of conditions, which cannot

[11] Ibid., p. 15.
[12] (NORAD, ch.1, ch.2 & ch.4, Jan. 2000; Amundsen, 1997; Girling 1997; also see Fairbanks, Jr. 1999).

deviate significantly from the nature of their underdevelopment.[13] Because of the corrosive effects of corruption in national development, and given the relative limited resources or poverty in the Africa countries, they can least afford to be corrupt, having regard the definitions or meanings given to this term above.

5.4 Violence

It is "unjust or unwarranted exercise of force, usually with the accompaniment of vehemence, outrage or furry" (Campbell and Black, 1990:1570). Physical force unlawfully exercised; abuse of force; that force which is employed against common right, against the laws and against public liberty. Violence offences are crimes characterized by extreme force such as murder, kidnapping, bunkering, rape, assault and battery by means of dangerous weapons and illegal possession and use of firearms, etc. Violence or threatened violence are offences punishable by the Criminal Code Act of Nigeria, more particularly Sections 401 to 417. The list of such crimes is inexhaustible. The violators now form themselves into cult groups or militancy to commit such heinous crimes against the Nation State.

5.4.1 African perception of corruption and violence

Article 24 of the African Charter on Human and Peoples' Right provides as follows:

All peoples shall have the right to their economic, social and cultural development with the regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

For the right to life in the African Charter on Human and Peoples' Right to be realizable, the right to work, the right to receive social security benefits, the right to education, the right to potable water and

[13] (Nye 1967).

uninterrupted electricity, the right to attend a good hospitable, etc, all these would solidify the right 'to life'.

Western nations and their former colonies put the ability to enjoy these rights on individual abilities and position in society. Democracy should not be confined to voting at elections, belonging to, or forming political organizations, but the manifest ability of every African to social justice that would prepare the person to participate in his or her nation-state governance. The few African leaders that are either governing or wanting to govern their respective countries, come from a class of those, who came into wealth by virtue of malversation, accumulation of state funds, which were once placed under their care and not as a result of intelligence, ability or performance.

Social justice is the life-wire of societal harmony because equity, fairness and peaceful living will remain the strong foundation of such a society. The absence of social justice manifests in social unrest, social contradictions, fear, despair, anxiety, socially mindless and violence.

The African Union at its 37th Ordinary Session of the Assembly of Heads of Government held in Lusaka, Zambia, in July 2001 and also in Durban, South Africa in July, 2002, acknowledging that corruption undermines accountability and transparency in the management of public affairs as well as socio-economic development and the need to address the root causes of corruption on the continent, established the "African Union Convention on Preventing and Combating Corruption" (hereinafter referred to as the "Convention"). The objectives of the Convention as contained in Article 2 are to:

- Promote and strengthen the development in Africa by each State Party, of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in the public and private sectors.
- Promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to

prevent, detect, punish and eradicate corruption and related offences in Africa.

- Coordinate and harmonize the policies and legislation between State Parties for the purposes of prevention, detection, punishment and eradication of corruption on the continent.
- Promote socio-economic development by removing obstacles to the enjoyment of economic, social and cultural rights as well as civil and political rights.
- Establish the necessary conditions to foster transparency and accountability in the management of public affairs.

In Article 3, the State Parties to the Convention undertake to abide by the following principles:

- Respect for democratic principles and institutions, popular participation, the rule of law and good governance.
- Respect for human and peoples' rights in accordance with the African Charter on Human and Peoples Rights and other relevant human rights instruments.
- Transparency and accountability in the management of public affairs.
- Promotion of social justice to ensure balanced socio-economic development.
- Condemnation and rejection of acts of corruption, related offences and impunity.

According to Article 4, the Convention is applicable to the following acts of corruption and related offences:

- The solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for

any act or omission in the performance of his or her public functions;

- The offering or granting, directly or indirectly, to a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
- Any act or omission in the discharge of his or her duties by a public official or any other person for the purpose of illicitly obtaining benefits for himself or herself or for a third party;
- The diversion by a public official or any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the state or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position;
- The offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties.
- The offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is

exerted or whether or not the supposed influence leads to the intended result;

- Illicit enrichment;
- The use or concealment of proceeds derived from any of the acts referred to in this Article; and
- Participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or on any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this article.
- This Convention shall also be applicable by mutual agreement between or among two or more State Parties with respect to any other act or practice of corruption and related offences not described in this Convention.

Article 5 of the Convention sets out the legislative and other measures that could be utilized to pursue corruption thus:

- Adopt legislative and other measures that are required to establish as offences, the acts mentioned in Article 4 paragraph 1 of the present Convention.
- Strengthen national control measures to endure that the setting up and operations of foreign companies in the territory of a State Party shall be subject to the respect of the national legislation in force.
- Establish, maintain and strengthen independent national anti-corruption authorities or agencies.
- Adopt legislative and other measures to create, maintain and strengthen internal accounting, auditing and follow-up systems, in particular, in the public income, custom and tax receipts, expenditures and procedures for hiring, procurement and management of public goods and services.

- Adopt legislative and other measures to protect informants and witnesses in corruption and related offences, including protection of their identities.
- Adopt measures that ensure citizens report instances of corruption without fear of consequent reprisals.
- Adopt national legislative measures in order to punish those who make false and malicious reports against innocent persons in corruption and related offences.
- Adopt and strengthen mechanisms for promoting the education of populations to respect the public good and public interest, and awareness in the fight against corruption and related offences, including school educational programmes and sensitization of the media, and the promotion of an enabling environment for the respect of ethics.

While Article 6 of the Convention explains laundering as the proceeds of corruption to establish as criminal offences:

- The Conversion, transfer or disposal of property, knowing that such property is the proceeds of corruption or related offences for the purpose of concealing or disguising the illicit origin of the property of helping any person who is involved in the commission of the offence to evade the legal consequences of his or her action.
- The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property which is the proceeds of corruption or related offences;
- The acquisition, possession or use of property with the knowledge at the time receipt, that such property is the proceeds of corruption or related offences.

Article 7 of the Convention provides that in order to combat corruption and related offences in the public service, State Parties commit themselves to:

- Require all or designated public officials to declare their assets at the time of assumption of office during and after their term of office in the public service.
- Create an internal committee or a similar body mandated to establish a code of conduct and to monitor its implementation, and sensitize and train public officials on matters of ethics.
- Develop disciplinary measures and investigation procedures in corruption and related offences with a view to keeping up with technology and increase the efficiency of those responsible in this regard.
- Ensure transparency, equity and efficiency in the management of tendering and hiring procedures in the public service.
- Subject to the provisions of domestic legislation, any immunity granted to public officials shall not be an obstacle to the investigation of allegations against and the prosecution of such officials.

The Convention confers each African States the jurisdiction over acts of corruption and related offences (Article 13). Matters related to extradition confiscation and seizure of the proceeds and instrumentalities of corruption, bank secrecy, cooperation and mutual legal assistance, and international cooperation, are covered by the Convention (Articles 15-19).

Resulting from this Convention, each African States' financial crimes commission is to cooperate and ensure the prosecution of persons who committed acts of corruption and other related offences.

In Nigeria, for example, there is the Economic and Financial Crimes Commission (EFCC); and also the Independent Corrupt Practices Commission (ICPC). In Kenya, we have the Anti-Corruption and

Economic Crimes Act, and the Public Servants Ethics Act. Other African countries have similar enactments on economic crimes. The role of civil society and other organizations like Transparency International, the media and the International Financial Institutions have put in place mechanisms, such as economic, social and political measures to fight against corruption.[14] The role of the church to fight against corruption and other social vices, cannot be over-emphasized.[15]

A study on corruption and its impact on the poor by Global Corruption Barometer (2003), revealed the following results:

- That corruption affects income inequality.
- That corruption is a core poverty issue as viewed by the poor themselves;
- That lives of poor to be most affected by corruption;
- That corruption affects the poor by directing resources and holding back development
- That corruption impacts the poor through push service delivery;
- That corruption can affect poor; political choices and participation.
- That corruption affects Poor's access to health and support services;
- That corruption affects Poor's access to education;
- That corruption is a heavy burden to household;
- That there is direct correlation between income levels and incidences of burden encountered by corruption.

In order to fight corruption and violence in Africa, there must be good governance. Governance is conceptualized as the processes and systems by which a government manages the resources of a society to

[14] (Anass, 2005).
[15] (Henriot, 2011:3).

address socio-economic and political challenges in the polity. Thus, a government is elected or appointed to provide good, effective and efficient governance. According to Kaufmann (2005:82), governance embodies "the traditions and institution by which authority in a country is exercised for the common good". A good governance system is defined by its relationship to some key prerequisites, including Accountability, Transparency, Participation, and Predictability.

It is pertinent to note that Kaufmann *et al* (2006:4) have identified six dimensions of g overnance which could be collapsed into the key prerequisites. The six dimensions of governance are:

- "Voice and Accountability (VA), the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and free media.
- Political Stability and absence of violence (PV), perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including political violence and terrorism.
- Government Effectiveness (GE), the quality of public services, the quality of the civil 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.
- Regulatory Quality (RQ), the ability of the government to formulate and implement sound policies and regulations that permits and promotes private sector development.
- Rule of Law (RL), the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence.

- Control of Corruption (CC), 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".

In a mature democratic environment with a high degree of confidence in the elements of governance exemplified, for example, by Canada and the United States of America (USA), Accountability, Transparency, Participation, and Predictability) policy decisions reached via this approach have a higher probability of reflecting a balanced option anchored on informed reasoning, as compared to an infantile democratic environment represented by, for example, the Nigerian polity and other African countries.

But there is an important qualifier in this comparative analysis. That is, the level and scope of corruption in either system. As a prerequisite for granting "poor African countries" debt forgiveness by the G8 at the Gleneagles 2005 Summit, the Summit agreed, inter alia:

To provide extra resources for Africa's peace keeping forces so that they can better deter, prevent and resolve conflicts in Africa; and to give enhanced support for greater democracy, effective governance and transparency and to help fight corruption and return stolen assets.

The determination to enhance "greater democracy, effective governance and transparency, and to help fight corruption" in Africa was a pivotal theme on African development at the 2005 G8 Summit.

In several African countries, corruption, violence, bad governance, non-functioning democracy, politics driven by ethnical chauvinism, inefficiency of the various agencies of governments to tackle corruption without any form of bias or favoritism, has given rise to conflicts and all forms of militancy. African countries such as Nigeria, Liberia, Rwanda, Sierra Leone, etc, have experience civil wars. Today, Ivory Coast is experiencing such conflict in-spite of the interventions by ECOWAS, AU and the international community. Recently, the protest and wind of

change in governance started in Egypt and now it is spreading to Libya, Yemen and other countries.

In view of the problems associated with corruption and violence in Africa, we shall now take a case study approach to examine the Niger Delta Region of Nigeria so as to understand the basis or reasons for their agitation and the causes for the militancy and oil violence in the region, by the application of the two social pathologies or terminologies earlier discussed. We will also examine the efforts by present Nigerian government to resolve these problems.

5.5 The Niger Delta Region of Nigeria

This is one of the most important wetland and coastal marine ecosystems in the world and is home to some 31 million people. The region consists of the following nine states in Nigeria: Rivers, Akwa Ibom, Bayelsa, Cross River, Abia, Imo, Edo, Delta and Ondo. It is the location of massive oil deposits, which have been extracting for decades by governments of Nigeria and multinational oil companies. Oil and gas in the region has generated over $900 billion since the 1960s till date and over 80% of Nigeria income.[16]

5.6 Basis or Reasons for the Region's Agitation

In 2008, Amnesty International researchers documented the impact of oil pollution on human rights and visited a number of oil pollution sites and met with communities in the Niger Delta region who have suffered from pollution. They also talked with the human rights defenders and environmental activists who have been working for years, for an end to oil industry bad practice in the region, who have been

[16] (The Guardian, 2009).

campaigning for justice for those affected by pollution.[17] Oil spills, waste dumping and gas flaring are undermined in the Niger Delta. This pollution, which has affected the area for decades, has damaged the soil, water, and air quality.[18] Hundreds of thousands of people are affected particularly the poorest and those who rely on traditional livelihoods such as fishing and agriculture.[19] The human rights implications are serious, under-reported and have received little attention from the government of Nigeria or the oil companies. This is despite the fact that the communities themselves and local NGOs as well as the African Commission on Human and People's Rights and the United Nations Human Rights Committee have all expressed serious concern about pollution and called on the government of Nigeria to take urgent action to deal with the human rights impacts of oil industry pollution and environmental degradation.

Apart from oil industry pollution and environmental degradation, the Amnesty International Report (2009) have listed the following human rights violations by the Nigerian government and oil companies:

- Violations of the right to an adequate standard of living, including the right to food - as a consequence of the impact of oil-related pollution and environmental damage on agriculture and fisheries, which are the main sources of food for many people in the Niger Delta.
- Violations of the right to gain a living through work - also as a consequence of widespread damage to agriculture and fisheries, because these are also the main sources of livelihood for many people in the Niger Delta.

[17] (Amnesty International Report, 2009).
[18] (Etim, 2003).
[19] (Okaba, 2005).

- Violations of the right to water - which occur when oil spills and waste materials pollute water used for drinking and other domestic purposes.
- Violations of the right to health - which arise from failure to secure the underlying determinants of health, including a healthy environment, and failure to enforce laws to protect the environment and prevent pollution.
- The absence of any adequate monitoring of the human impacts of oil-related pollution - despite the fact that the oil industry in the Niger Delta is operating in a relatively densely populated area characterized by high levels of poverty and vulnerability.
- Failure to provide affected communities with adequate information or ensure consultation on the impacts of oil operations on their human rights.
- Failure to ensure access to effective remedy for people whose human rights have been violated.

Essentially, what the people of the Niger Delta want in 2009 is not so different from what the people of the area wanted as far back as 1951 or what other Nigerians have always wanted. Areas of correlation can be found in the demands of the Ijaw Youths Congress and demands on the Nigerian state by the Movement for the Survival of Biafra, the Arewa Youth Congress or the Odua Peoples' Congress. As citizens, the people of the Niger Delta are asking for equity and justice and due recognition of their rights as citizens. These are contained in the Ogoni Bill of Rights, the Kaiama Declaration and similar declarations by other groups in the Niger Delta.[20]

Simplified, this includes first, the rights to control crude oil resources or at best to be accorded 50 per cent derivation. Second, the

[20] (Adaka Boro Centre, 2009: 3).

people are insisting on a cessation of deleterious oil exploration activities which destroy the Niger Delta ecology and human lives. Third, they want the abrogation of all laws which dispossess them of their rights as a federating unit inside Nigeria. Fourth, they want the crisis of poverty in the Niger Delta to be addressed.

With the oil boom becoming an oil burst and the failure of Nigerian Government to diversify its economy, the country's poverty index has risen sharply and there is poverty in the Niger Delta. Fifth, they want other Nigerians to listen to their message and treat them with respect as equal stakeholders in the Nigerian partnership arrangement.

The Niger Delta presents a curious paradox. The people live in coastal areas surrounded by water, and yet they cannot get potable water to drink. Their neighbourhoods and creeks are littered with pipelines criss-crossing all the way through, bearing petroleum products to other parts of the country, but in this same Niger Delta fuel or petrol is scarce and expensive. The cost of petrol is higher in Yenagoa than in Kano. Revenue from crude oil sale is used to provide infrastructure in other parts of Nigeria: the beautiful roads in Abuja, the skyscrapers in Lagos, the flyovers across the country, but many communities in the Niger Delta are cut-off from civilization because there are no roads or bridges leading to them.

More jobs have been created in Europe and America on account of oil exploration activities in the Niger Delta whereas Niger Delta youths are largely unemployed. The qualified ones among them have to struggle with Yorubas and the Hausa-Fulani to get positions in the oil companies. Conveniently, the oil exploration companies have their head offices in Lagos and Abuja, not in the Niger Delta. Children just grow up and die in the Niger Delta with little hope about tomorrow, whereas children in other parts of Nigeria, attending schools built with oil wealth stand a much better chance. The Niger Delta people feel neglected and provoked. The militants among them have reached a point where the

only choice they find attractive is to destroy the goose that lays the golden egg, simply because the goose is more useful to other people rather than its owners.

5.6.1 Laws Regulating the Oil and Gas Sectors

Most of the laws regulating the petroleum and gas sectors in Nigeria, gave room for grave injustices. An examination of the following laws regulating oil industry activities in Nigeria will help us to ascertain why the Nigerian government and multinational oil companies have taken advantage to exploit the rights of people and communities in the Niger Delta region, thus:

(1) Section 44(3) of the Constitution of the Federal Republic of Nigeria 1999 provide as follows:

> "Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oils and natural gas in under or upon any land in Nigeria, or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly".

(2) Section 1 of the Land Use Act, 1978 also provide as follows:

> "subject to the provisions of this Act, all land comprised in the territory of each state in the federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act"

(3) Petroleum Act, 1969, Section 1 Schedule 1 states thus:

> The entire ownership and control of all petroleum in, under or upon any lands to which this section applies shall be vested in the state

This section applies to all land (including land covered by water) which:

- is in Nigeria, or
- is under the territorial waters of Nigeria, or
- forms part of the continental shelf.

(4) Petroleum (Drilling and Production) Regulations 1969 section 1(1) states:

"Every application for an oil exploration licence, oil prospecting licence or oil mining lease shall be made to the Minister in writing on the appropriate form as set out in the schedule to these regulations".

(5) Petroleum Profits Tax Act 1959 as amended by Petroleum Profits Tax Act No. 15 of 1973 (Part 111) section 2 states thus:

"for the purposes of subsection (1) (b) of the value of any chargeable oil so disposed off shall be taken to be the aggregate of :-

- The value of that oil as determined for the purpose of royalty, in accordance with the provisions of any enactment applicable thereon and any financial agreement; or
- Arrangement between the Federal Government of Nigeria and the company.

(6) Associated Gas Re-Injection Act 1979 (as amended by Act 2008), Section 1 make all natural gas to belong to the federal government of Nigeria.

From the above enactments or legislation, it is obvious that all lands in Nigeria belong to the Government of Nigeria, who deals with the multinational oil companies to the exclusion of its citizenry. Thus, oil companies would ordinarily pay compensation to the following category of persons:-

- Persons who had vested in the land before the commencement of the Land Use Act, 1978 (see Sections 48 and 49).

- It also means that if any person acquire the land (whether in urban or non-urban areas) of the Land Use Act, the Governor of the State by the provisions of Section 28 of the Land Use Act, can revoke the person's right of occupancy.

By Section 29(2) of the Land Use Act, if the holder or occupier is a community, the Governor may direct that any compensation payable to it shall be paid to:

- The community; or
- To the chief or leader of the community in accordance with the customary law, or
- Into some fund specified by the Governor for the purpose of being utilized or applied for the benefit of the community.

There is no specified formula for assessment of compensation or universally accepted amount in any law in Nigeria for persons or land owners whose lands are affected by oil and gas activities under the Petroleum Act as provided by Section 29(2) of the Land Use Act or the Public Lands Act, Cap. 167. Even where damages by way of compensation are awarded by our courts, in most cases they are hopelessly inadequate. How much money can compensate an individual for the loss of his land, being his only source of livelihood or a community for the destruction of their farmlands, fishing rights together with the deaths that result from the drinking water of their polluted streams? The problems created by these laws or legislation violated the rights of people or communities in the Niger Delta region and which the federal government of Nigeria should explore other means such as restoration or restitution and reparation.

5.6.2 The Case of Ogoniland (1992-1995)

Ogoniland is a 404-square mile (1,050 km^2) region in the southeast of the Niger Delta basin. Economically viable, petroleum was discovered in ogoniland in 1957, just one year after the discovery of

Nigeria's first commercial petroleum deposit, with Royal Dutch Shell and Chevron Corporation setting up shop throughout the next two decades. The indigenous people of Ogoni and other ethnic groups in the region attest that during this time, the government began forcing them to abandon their land to oil companies without consultation, and offering negligible compensation. This is further supported by a 1979 constitutional addition which afforded the federal government full ownership and rights to all Nigerian territory and also decided that all compensation for land would "be based on the value of the crops on the land at the time of its acquisition, not on the value of the land itself". The Nigerian government could now distribute the land to oil companies as it deemed fit.[21]

Between 1970s and 1980s the government's promises to the people of Ogoni and the entire Niger Delta were not realizable and hence, the people were dissatisfied and this led to the formation of the Movement of the Survival of the Ogoni People (MOSOP) in 1992. MOSOP, spearheaded by Ogoni playwright and author, Ken Saro-Wiwa, became the major campaigning organization representing the Ogoni people in their struggle for ethnic and environmental rights. Its primary targets, and at times adversaries, have been the Nigerian government and Royal Dutch Shell.

Beginning in December 1992, the conflict between Ogonis and the oil infrastructure escalated to a level of greater seriousness and intensity on both sides. Both parties began carrying out acts of violence and MOSOP issued an ultimatum to the oil companies (Shell, Chevron, and the Nigerian National Petroleum Corporation) which demanded some $10 billion in accumulated royalties, damages and compensation, and "immediate stoppage of environmental degradation", and negotiations for mutual agreement on all future drilling.

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[21] (Human Right Watch, 1999).

The Ogonis threatened to embark on mass action to disrupt their operation if the companies failed to comply. By this act, the Ogoni shifted the focus of their actions from an unresponsive federal government to the oil companies engaged in their own region. The rationale for this assignment of responsibility were the benefits accrued by the oil companies from extracting the natural wealth of the Ogoni homeland, and neglect from central government.

The government responded by banning public gatherings and declaring that disturbances of oil production were acts of treason. Oil extraction from the territory had slowed to a trickle of 10,000 barrels per day (1,600m^3/d) (.55 of the national total).

Military repression escalated in May 1994. On May 21, soldiers and mobile policemen appeared in most Ogoni villages. On that day, four Ogoni chiefs (all on the conservative side of a schism within MOSOP over strategy) were brutally murdered. Saro-Wiwa, head of the opposing faction, had been denied entry to Ogoniland on the day of the murder, but he was detained in connection with the killings. The occupying forces, led by Major Paul Okuntimo of Rivers State Internal Security, claimed to be "searching for those directly responsible for the killings of the four Ogonis". However, witnesses say that they engaged in terror operations against the general Ogoni population. Amnesty International characterized the policy as deliberate terrorism. By mid-June, the security forces had razed 30 villages, detained 600 people and killed at least 40. This figure eventually rose to 2,000 civilian deaths and the displacement of around 100,000 internal refugees.[22]

In May 1994, nine activists from the movement who would become known as 'The Ogoni Nine', among them (Ken Saro-Wiwa, were arrested and accused of incitement to murder following the deaths of four Ogoni elders. Saro-Wiwa, and his comrades denied the charges, but were imprisoned for over a year before being found guilty and sentenced

[22] (Tobias HALLER, 2000).

to death by a specially convened tribunal, hand-selected by General Sani Abacha, on 10 November 1995. The activists were denied due process and upon being found guilty, were hanged by the Nigeria state.

The executions were met with an immediate international response. The trial was widely criticized by human rights organizations and the governments of other states, who condemned the Nigerian government's long history of detaining their critics, mainly pro-democracy and other political activists. The Commonwealth of Nations, which had also plead for clemency, suspended Nigeria's membership in response. The United States, United Kingdom, and the EU all implemented sanctions, but not on petroleum (Nigeria's main export).

Shell claimed to have asked the Nigerian government for clemency towards those found guilty, but its request was refused. However, a 2001 Greenpeace report found that "two witnesses that accused them (Saro-Wiwa and the other activists) later admitted that Shell and the military had bribed them with promises of money and jobs at Shell. Shell admitted having given money to the Nigerian military, who brutally tried to silence the voices which claimed justice".[23]

By 2006, the situation in Ogoniland has eased significantly, assisted by the transition to democratic rule in 1999. However, no attempts have been made by the government or an international body to bring about justice by investigating and prosecuting those involved in the violence and property destruction that have occurred in Ogoniland, (Human Rights Watch, 2002). Although a class action lawsuit has been brought against Shell by individual plaintifis in the US. (Corporate Social Responsibility News, 2002).

5.6.3 The Ijaw-Itsekiri Conflicts (1997)

The late 1990s saw an increase in the number and severity of clashes between militants of the Ijaw ethnic group, the largest in the

[23] (Greenpeace, 2001).

entire Delta region with a population of over 7 million, and those of Itsekiri origin whose number is only about 450,000. The conflict between the two groups has been particularly intense in the major town of Warri. While the Ijaw and the Itsekiri have lived harmoniously alongside each other for centuries, the Itsekiri were first to make contact with European traders, as early as the 16th century, and they were more aggressive both in seeking Western education and in using the knowledge acquired to press their commercial advantages; until the arrival of Sir George Goldie's National Africa Company (later renamed the Royal Niger Company) in 1879, Itsekiri chieftains monopolized trade with Europeans in the Western Niger region. Despite the loss of their monopoly, the advantages already held by the Itsekiri ensured that they continued to enjoy a superior position to that held by the Ijaw, breeding in the latter a sense of resentment at what they fell to be colonial favoritism towards the Itsekiri.

The departure of the British at independence did not lead, as might have been expected, to a decrease in tensions between the Ijaw and the Itsekiri. With the discovery of large petroleum reserves in the Niger Delta region in the late 1950s, a new bone of contention was introduced, as the ability to claim ownership of a given piece of land now promised to yield immense benefits in terms of jobs and infrastructural benefits to be provided by the petroleum companies. Despite this new factor, rivalry between the Ijaw and the Itsekiri did not actually escalate to the level of violent conflict between the two groups until the late 1990s, when the death of General Sani Abacha in 1997 led to a re-emergence of local politics.

The issue of local government ward allocation has proven particularly contentious, as the Ijaw feel that the way in which wards have been allocated ensures that their superior numbers will not be reflected in the number of wards controlled by politicians of Ijaw ethnicity. Control of the city of Warri, the largest metropolitan area in

Delta State and therefore a prime source of political patronage, has been an especially fiercely contested prize. This has given birth to heated disputes between the Ijaw, the Itsekiri and the Urhobo about which of the three groups are "truly" indigenous to the Warri region, with the underlying presumption being that the "real" indigenes should have control of the levers of power, regardless of the fact that all three groups enjoy ostensibly equal political rights in their places of residence.

5.6.4 The Ijaw Unrest (1998-1999)

The December 1998 All Ijaw Youths Conference crystallized the Ijaws' struggle for petroleum resource control with the formation of the Ijaw Youth Council (IYC) and the issuing of the Kaiama Declaration. In it, long-held Ijaw concerns about the loss of control of their homeland and their own lives to the oil companies were joined with a commitment to direct action. In the declaration, and in a letter to the companies, the Ijaws called for oil companies to suspend operations and withdraw from Ijaw territory. The IYC pledged "to struggle peacefully for freedom, self-determination and ecological justice", and prepared a campaign of celebration, prayer, and direct action, Operation Climate Change, beginning December 28.

In December 1998, two warships and 10-15,000 Nigerian troops occupied Bayelsa and Delta states as the Ijaw Youth Congress (IYC) mobilized for Operation Climate Change. Soldiers entering the Bayelsa state capital of Yanagoa announced they had come to attack the youths trying to stop the oil companies. On the morning of December 30, two thousand young people processed through Yanagoa, dressed in black, signing and dancing. Soldiers opened fire with riffles, machine guns, and tear gas, killing at least three protesters and arresting twenty-five more. After a march demanding the release of those detained was turned back by soldiers, three more protesters were shot dead including Nwachuku Okeri and Ghadafi Ezeifile. The military declared a state of emergency throughout Bayelsa state, imposed a dusk-to-dawn curfew,

and banned meetings. At military roadblocks, local residents were severely beaten or derained. At night, soldiers invaded private homes, terrorizing residents with beatings and women and girls with rape.

On January 4, 1999 about hundred soldiers from the military base at Chevron's Escravos facility attacked Opia and Ikiyan, two Ijaw communities in Delta State. Bright Pablogba, the traditional leader of Ikiyan, who came to the river to negotiate with the soldiers, was shot along with a seven-year-old girl and possibly dozens of others. Of the approximately 1,000 people living in the two villages, four people were found dead and sixty-two were still missing months after the attack. The same soldiers set the villages ablaze, destroyed canoes and fishing equipment, killed livestock, and destroyed churches and religious shrines.

Nonetheless, Operation Climate Change continued, and disrupted Nigerian oil suppliers through much of 1999 by turning off valves through Ijaw territory. In the context of high conflict between the Ijaw and the Nigerian Federal Government (and its police and army), the military carried out the Odi massacre, killing scores if not hundreds of Ijaws.

Subsequent actions by Ijaws against the oil industry included both renewed efforts at nonviolent action and attacks on oil installations and foreign oil workers.

5.6.5 The Creation of the Niger Delta Development Commission (2000)

The Niger Delta Development Commission (NDDC) was established by President Olusegun Obasanjo with the sole mandate of developing the petroleum-rich Niger-Delta region of southern Nigeria. Since its inauguration, the NDDC has focused on the development of social and physical infrastructures, ecological/environmental remediation and human development.

5.6.6 The Emergence of Armed Groups, Militancy and Oil Violence in the Region (2003-2004)

The ethnic unrest and conflicts of the late 1990s (such as those between the Ijaw and Itsekiri), coupled with a spike in the availability of small arms and other weapons, led increasingly to the militarization of the Delta. By this time, local and state officials had become involved by offering financial support to those paramilitary groups they believed would attempt to enforce their own political agenda. Conflagrations have been concentrated primarily in Delta and Rivers States.

Prior to 2003, the epicenter of regional violence was Warri. However, after the violent convergence of the largest military groups in the region, the Niger Delta People's Volunteer Force (NDPVF) led by Mujahid Dokubo-Asari and the Niger Delta Vigilante (NDV) led by Ateke Tom (both of which are comprised primarily of Ijaws), conflict became focused on Port Harcourt and outlying towns. The two groups dwarf a plethora of smaller militias supposedly numbering more than one hundred. The Nigerian government classified these groups as "cults", many of which began as local university fraternities. The groups have adopted names largely based on Western culture, some of which include Icelanders, Greelanders, KKK, and Vultures. All of the groups are constituted mostly by disaffected young men from Warri, Port Harcourt, and their sub-urban areas. Although the smaller groups are autonomous from within, they have formed alliances with and are largely controlled from above by either Asari and his NDPVF or Tom's NDV who provided military support and instruction.

The NDPVF which was founded by Asari, a former president of the Ijaw Youths Council, in 2003 after he "retreated into the bush" to form the group with the explicit goal of acquiring control of regional petroleum resources. The NDPVF attempted to control such resources primarily through oil "bunkering", a process in which an oil pipeline is tapped and the oil extracted onto a Barge. Oil corporations and the Nigerian state point out that bunkering is illegal; militants justify

bunkering, saying they are being exploited and have not received adequate profits from the profitable but ecologically destructive oil industry. Bunkered oil can be sold for profit, usually to destinations in West Africa, but also abroad. Bunkering is a fairly common practice in the Delta but in this case the militia groups are the primary perpetrators.[24]

The intense confrontation between the NDPVF and NDV seems to have been brought about by Asari's political falling out with the NDPVF's financial supporter Peter Odili, governor of Rivers State following the April 2003 local and state elections. After Asari publicly criticized the election process as fraudulent, the Odili government withdrew its financial support from NDPVF and began to support Tom's NDV, effectively launching a paramilitary campaign against the NDPVF.[25]

Subsequent violence occurred chiefly in reverine villages southeast and southwest of Port Harcourt with the two groups fighting for control of bunkering routes.

The conflagrations spurred violent acts against the local population, resulting in numerous deaths and widespread displacement. Daily civilian life was disrupted, forcing schools and economic activity to shut down and resulting to widespread property destruction.

The state campaign against the NDPVF emboldened Asari who began publicly articulating populist, anti-government views and attempted to frame the conflict in terms of pan-Ijaw nationalism and "self-determination". Consequently the state government felt the escalated campaign against him by bringing in police, army, air-force and navy forces that began occupation of the Port Harcourt in June 2004.

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[24] (Human Rights Watch, 2002).
[25] (Wikipedia, 2009).

The government forces collaborated with the NDV during the summer, and were seen protecting NDV militiamen from attacks by the NDPVF. The state forces failed to protect the civilian population from the violence and actually increased the destruction of citizens' livelihood. The Nigerian state forces were widely reported to have used the conflict as an excuse to raid homes, claiming that innocent civilians were cahorts with the NDPVF, also accused the military of conducting air bombing campaigns against several villages, effectively reducing them to rubble, because it was believed to be housing NDPVF soldiers. The military denies this, claiming they engaged in aerial warfare only once in a genuine effort to wipe out an NDPVF strong hold.

Innocent civilians were also killed by NDPVF forces firing indiscriminately in order to engage their opponents. At the end of August 2004 there were several particularly brutal battles over the Port Harcourt waterfront; some residential slums were completely destroyed after the NDPVF deliberately burning down buildings. By September 2004, the situation was rapidly approaching a violent climax which caught the attention of the international community.[26]

5.6.7 Nigerian Government's Blueprint for the Niger Delta (2007-2010)

The Niger Delta Region has over the years continued to experience growing unrest and violence. This is as a result of some of the negative aspects of our socio-political evolution. Due to acts of omission and commission, successive governments at national, state and local levels have failed to do what they ought to have done; and in some cases done what they should not have done. It is for these lapses that some groups and individuals have resorted to armed confrontation with constituted authority. Besides, some opportunists have also taken advantage of the milieu to commit crimes against humanity and government.

[26] (Human Rights Watch, 2002).

Unfortunately, many innocent souls have been lost while properties have been destroyed. Losses of revenue to government as a result of these acts of lawlessness are staggering. Despite this unpleasant situation, the Nigeria's president in his magnanimity decided to grant amnesty to all those involved in genuine agitation. The aim of Mr. President, which every well meaning Nigerian should appreciate, is to restore law and order and accelerate the development of our country. It is against this background that the Presidential Committee on Amnesty was set up to prepare a step-by-step framework for amnesty and complete disarmament, demobilization and reintegration in Niger Delta with appropriate time lines.

The amnesty which expired on October 2, 2009, has been generally acclaimed as a huge success. It has ushered in the cessation of armed conflict and wanton destruction of lives and properties and other forms of criminality in the region. With the large number of assorted arms surrendered, a steady return to social cohesion and decency in the region is assured. Besides, there is the economic angle to this Nigeria's oil output has increased from about 1.3 million barrels per day in July to about 1.84 million barrels per day as at September.[27]

Nigeria has a potential of three million barrels per day and that production level is achievable in the next few years if we maintain the present peace efforts. The electricity situation has continued to improve as well. Even the national and international image of Nigeria has improved since the granting of amnesty in the Niger Delta Region. As a member of the UN Security Council, speaking and working for peace all over the world is a responsibility we must be identified with among the comity of nations. With the expiration of the period of amnesty on October 4, 2009, the amnesty programme has entered a critical stage of implementation. This is the Rehabilitation and Reintegration phase which focuses on the ex-militants who have unconditionally embraced

[27] (Newswatch, November 9, 2009).

amnesty, renounced militancy and surrendered their arms. The challenge is to ensure that they are fully resettled to prevent them from returning to the creeks. This aspect of the amnesty involves reorientation, rehabilitation and capacity building, training and skills acquisition. The process we are adopting is original to Nigeria. Although our projection based on initial assessment estimated the figures of all true militants as 17,000, the number we have now is 15,260. These figures cannot be categorical at this stage because of the upsurge in the number of ex-militants since the end of the amnesty period. Some of the groups are yet to authenticate their list. Contacts are ongoing. There are two rehabilitation centres in Aluu, Rivers State, and Agbarho, Delta State, that are fully ready to be occupied. Both Rehabilitation Centres have capacity for 3,000. In the face of accommodation problem, it is intended that the ex-militants will be rehabilitated in batches. The rehabilitation lasted for a period of about four weeks for each batch of ex-militants. To regain the allegiance of the ex-militants who took arms against their nation, they were subjected to an oath of allegiance and would be made to openly sign the renunciation form in the rehabilitation centres.

5.7 Training/Skills Acquisition for the Ex-Militants

In preparation for the training/skills acquisition of the ex-militants, a survey of the needs of the youths in the Niger Delta Region was conducted by the Ministry of Niger Delta Affairs (MNDA). The result indicated that the youths are interested in about 10 sectors ranging from Oil/Gas, Maritime services, Fabrication and Welding Technology, Exploration and production, processing Engineering etc. The hob fair that was conducted by the MNDA showed that employment opportunities exists in some sectors like Oil/Gas, Seafaring, ICT, Maritime, Telecommunications etc. The relevant training institutions have been undertaken. Most of the institutions are located in Nigeria to

save cost and maintain our cultural values and sustain our national pride. The skills/trade available have been compiled from which the ex-militants will make a choice after counseling and proper education on the pros and cons of each trade/skills.

At the end of the training which may lasts between 3-18 months, the ex-militants have the option to either seek wage employment or self-employed. In fact, qualified and interested ex-militants could opt to go back to school and be trained up to the university level at public expense through programmes organized and administered by the Ministry of Niger Delta Affairs. As earlier mentioned, the job fair conducted by the Ministry of Niger Delta Affairs shows that employment opportunities exist in some sectors and the presidential Committee on Amnesty could assist them in getting employment. Loans would be sourced through microfinance organizations for those who will like to go into business. There would be a post employment follow-up to monitor the progress and performance of the ex-militants.

5.8 Infrastructural Development of the Region

In terms of infrastructural and economic development of the Niger Delta, the Federal Government has decided on a bold strategy of embarking immediately on major projects that go beyond the budgetary capacity of state and local governments. In order to accelerate implementation of the development Master Plan for the Niger Delta, the Federal Government is determined to fast-track execution of the projects like:-

- Construction of East-West Highway (ongoing)
- Construction of the Atlantic Coastal Highway (details are being worked out)

- Construction of the East-West rail line running through Calabar-Uyo-Port Harcourt-Yenagoa- Warri-Benin-Lagos. (The first phase will start from Calabar to Benin).
- Development of Inland waterways
- Clean-up of the environment of oil spillages that have blighted the ecosystem (studies are on going).
- Commencement of massive land reclamation; and
- Development of new towns while retaining the history and culture of the people.

There is also provision for direct federal funding of oil-producing communities giving them and their leaders the right to plan and execute projects relevant to their peculiar needs. The modalities are being worked out. Other development infrastructure such as schools and hospitals would fall under the purview of state and local government in the region

5.9 Dialogue/Continuous Engagement

Furthermore, the president is committed to periodic meetings and consultants with leaders of the various communities and militant groups to ensure they remain part of the political dialogue and stay committed to the peace process. In all these, the militant groups and Niger Delta opinion makers will form part of the implementation subcommittee to be established with representatives of the governments of Niger Delta states.

5.9.1 The Multinational Oil Companies

The oil companies would now be challenged anew to review their policies and operational techniques to meet global best practices in the oil and gas industry. They can no longer continue to hide under obsolete

arguments that do not meet modern standard to renege on good neighbourhood responsibilities to their communities.

From a strategic perspective, it is apt that all stakeholders see the end of hostilities in the Niger Delta as opening up opportunities for all players; governments (federal, state and local), local community leaders, youths and oil companies to reassess their modus operandi in dealing with the fundamental challenges of the region. All operators in the region must strive to factor in the larger interest of the local community in their dealing, in a mutually beneficial way. Private sector players must remain faithful to their social responsibilities while exploring wilder latitudes to enhance development in their locations of work.

5.9.2 Equity Participation by Oil Producing Communities

Former Nigeria's President, Umaru Musa Yar 'Adua, unveiled its plan to approve ten percent equity in the existing joint venture operations to assuage the oil producing communities. Following the death of former President Yar 'Adua, the present President Goodluck Jonathan, who was Yar 'Adua's former Vice-President and also a Niger Delta son, is also implementing such plans. To achieve this objective, the government set up a trust fund to manage the revenue on behalf of the trust communities, which have over the years, been denied of revenue from crude oil and gas sales produced within their jurisdictions.

Mr. President presented the proposal before the Federal Executive Council, who in turn after approval through the president send a bill to the National Assembly for appropriate law governing such equity participation and which will be incorporated into the Petroleum Industry Bill (PIB), currently before the National Assembly.

For trust community to benefit from the proposed policy, the following three conditions must be satisfied:

- Such community must have evidence of proven oil reserve or gas in their locality.

- It must have oil facilities, including pipelines either cited or passing through the area.
- Residents of such community must be identified as bona fide residents of the area before they benefit from the trust fund.

5.9.3 The Federal Character Commission

The role of this Agency is to ensure that various ethnic groups and states in Nigeria are properly represented on matters of balanced and equitable distribution of employment and appointments in the Federal Ministries/Parastatals. The power of this Agency was further strengthened to act as a clearing house before employment or appointments are made by states and federal governments.

5.9.4 Review of Laws Regulating the Petroleum and Gas Sector

The Nigerian government has promised to review the laws regulating these obnoxious laws regulating the oil and gas sectors. At present, several bills are before the National Assembly for the review of the laws regulating the oil and gas sectors.

In the light of the above conflict and post-conflict mechanism put in place by the federal government of Nigeria, all parties in the conflict, were encouraged to give peace a chance and participate fully to rehabilitate and encourage the development of the Niger Delta Region of Nigeria. Now that the present government of Nigeria had been able to quell the Niger Delta conflict through the implementation of the above Options A-G, the lingering or turning issue now is: "whether future administration in Nigeria will be able to continue with the programmes in the Niger Delta Region and to abide by it"?

5.10 Conclusion

Taking into consideration the issues so far addressed in this paper, it is obvious that there are adequate laws in Nigeria to punish violators for

the crimes of corruption and violence. Also, the African Union Convention on Preventing and Combating Corruption has provided adequately on matters of corruption. It is for African countries to legislate, enact, enforce and implement such laws. The development of such social problem has given rise to such strategic means of achieving peace and development in the region. The present administration in Nigeria appears resolute in its desire to redress the injustices meted out to the oil communities in the region by successive governments and the multinational oil companies.

African countries, their leaders and those in authority should know that the keys to tackling these social pathologies, and to achieve peace and security in Africa, are: good governance, transparency, accountability, perseverance, sincerity of purpose and the rule of law.

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6

CORRUPTION AND FRAUDULENT CULTURE: THE CASE OF TANZANIA

Conrad John Masabo

6.1 Introduction

6.1.1 The Problem of Corruption: An overview

Despite the remarkable technological development in our world today and its contribution in terms of improving people's lives and their well-being, there have been less contribution of the same in fighting corruption. The situation has been always a paradox; that is; as technology advances corruption practices increases and even at some times technology aids the practice and the fraudulent culture. The fact is that; there have been no technological innovations so far made to help human beings to alleviate the ills of corruption. Instead corruption gets institutionalised day by day and it deprives the life of the majority and put it to periphery. Those in public service offices consider the majority as means to their prosperity through corrupt practices. Thus it is bizarre and unconvincing to see some of our own sons and daughters ignoring the well-being of others.

The corruption phenomenon in Tanzania can be viewed in an incremental manner. For example:

The decade following Tanzania's independence (1960-1970) did not manifest intensive corruption. … [But] as the country expanded the

public sector and public administration institutions progressively decayed, entailing the rise of bureaucratic malfunctioning, opportunities for rent-seeking behaviour and asking and offering bribes started creeping in. …Public officials became driven by a culture of survival and they progressively adopted deviant behaviour patterns … including the use of corruption as income maintenance strategy.[1]

Today's Tanzania is not and cannot be immune not only to petty corruption but also to grand and looting forms of corruption. It is under intensive corruption! Corruption is being institutionalised and it "has been accepted as a vice that one can benefit from"[2] + and it has become "as the cancer in the society". Corruption as a phenomenon has eaten deep into almost if not all strata of African society and it has been and is accepted as part of our culture and "the moral principle in operation here is one of *utilitarianism*: as long as my choice of action brings some good to me, it is okay."[3] If not stopped, corruption is always the main cause of the moral and social break-down of our society.[4] It is even internationally acknowledged that, systematic corruption is prevalent and entrenched in most of sub-Saharan countries of which Tanzania is one of them.

This paper sets forth to argue that, despite the fact that corruption culture has deeply entrenched in society; it remains a vice that most people are not happy with. In so doing the paper will discuss among other things the various attempts that Tanzania community; both, the government, religions and individual have adopted to express their discontent with corruption and their desire to end it to create a free-corrupt society. It is true to most of us that a free-corrupt society is the best.

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[1] Mutahaba, 2005, p. 15.
[2] Opongo and Orobator, 2007, p. 61.
[3] Ignatius, 2010.
[4] Norlen, 2003, p. 334.

To meet this standard, the paper will be divided into four parts. The first is an introduction which addresses the overview of the problem of corruption, definitions, forms, causes and effects of corruption. The second part discusses the evolution of corruption and fraudulent culture in connection to various steps taken to refurbish the economies focusing on Tanzania. The third part will address the various attempts taken to fight corruption as one way of disqualifying the prevalence of corruption culture in our society. The fourth part which is the last and concluding part that also postulates the way the country should take in the realisation of the desire to create a corruption free society.

6.2 Corruption

6.2.1 What is Corruption?

Like any other technical term, the word corruption is not an easy word to define. It is often used to mean bribe though the two do not mean the same though related. Corruption as an "anti-social behaviour conferring improper benefits contrary to legal and moral norms"[5] is not a new phenomenon at all but is topical into the international, national and local debates. The fact is that, a clear, precise and universally accepted definition is hard to arrive at. For example, the *Oxford Advanced Learner's Dictionary of Current English* of 1994, defines the term corruption by associating it with the verb corrupt which is defined as being "immoral" and being 'dishonest' especially through accepting bribes; thus corruption connotes or means an act of corrupting or being corrupted.

Hellsten and Lwaitama (2004) on the other hand defined corruption as "using one's position or office (or public resources in general) for ones private gains." Similarly for Norlén, (2003) understands corruption to mean is a term covering a "wide range of acts committed against

[5] Quoted by Tarimo 2005, p. 95; 2004, p. 181.

official legislation which basically aims to get privileges either for myself or for my group" or it "can also consist of giving oneself privileges which are connected with one position, like facilities of his/her institution or group for their own benefit."

Broadly speaking, corruption can be defined as actions undertaken for mercenary gain with no regard to honour, right or justice. Such actions involve the use of abuse or selfish exercise of the power and influence attached to the public office.

6.2.2 Forms of Corruption

Corruption manifests itself into many forms or types, but "the most common form of corruption is bribery of different kinds aiming at giving …certain privileges in obtaining something…whether it is money, career, protection from the authorities, or other things important to…a citizen."[6] Different scholars and activists have identified different types. But in all, these two forms seem to be the most commonly known types or types of corruption. For example, *The Report of the Warioba Commission on Corruption* identifies are two categories of corruption. Tarimo explains them as follows:

The first category includes those who give and receive bribes because of their low income and standard of living. What they receive and give only helps them to survive. The second category includes those who give and receive at high levels of administration. This category concerns particularly leaders and civil servants whose involvement in corrupt practices arises from greed for wealth and power.[7]

Lwaitama and Hellsten (2004) classify these two categories as "petty *corruption* and *grand corruption"* as well as going little further to presenting another way of classifying corruption which focuses on the manner in which corrupt transaction is done. They thus point out two types, namely; active or coercive and passive or submissive corruption.

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[6] Norlen, 2003, p. 333.
[7] Tarimo, 2005, pp. 95-96.

This is how they construe these:

By *active* or '*coercive*' corruption we mean a situation of extortion in which an agent (public servant, employee, official) is the initiator who gets the direct personal gain from the transaction…. By *passive* or '*submissive'* corruption we refer to a situation in which the client is the initiator who offers a bribe and the office holder agrees to go along it (which is initiated by recipient of service) and deliver such services that clearly are not part of his or her duty.[8]

Cooksey (2010) presents three forms of corruptions but seems different from the first description. He mentioned of the petty corruption, grand corruption and political corruption. The first two are also identified in *The Report of the Warioba Commission on Corruption* as well understood in the same manner, but the third one is what is different.[9] He explains political corruption "as a kind of manipulating public resources for maintaining public order and keeping rulers in power."

But as regard to the types, if the phenomenon is critically assessed there are three main categories of corruption which are very common and obvious to our understanding of the phenomenon in Tanzania; namely petty corruption, grand corruption and looting. Petty corruption is the most common and prevalent form of corruption to the extent that most people in Tanzania literally considers it as a part of life. It involves payment of small amounts of money or other gifts to either speed up state function that are already a taxpayer's right or to avoid legal sanctions for minor infractions of the law. Grand corruption is well understood with the help of examples. Paying a government minister a hefty kickback to facilitate favourable review of tender application is one of the examples of grand corruption. Another is payment of similar large sums to senior customs officials to be allowed to import goods

[8] Lwaitama and Hellsten, 2004.
[9] Cooksey, 2010, 183-184.

without paying tax or custom duty. This level of corruption is quite prevalent. The most hot debates over the issue of national identities in which the Minister of Home Affairs was implicated and said to have been favouring one of the company to win the tender is a current example of this if the investigation will be completed and reveal this and the ongoing DOWANS saga are shining examples.

Looting occurs when the state pays huge sums of money for goods or services that are not delivered. The large number of parastatals that have been totally run into the ground by managers robbing their coffers is also a type of looting. Richmond and Buzwagi scandals fit better in this category. The result is that the enormous sums of money involved have serious macro-economic implications because paying for goods not delivered or services not rendered produces inflation. This kind of corruption can and only takes place with the approval, complicity or knowledge of the head of the states/countries where there is a disproportionate concentration of power in the highest political office.

Commenting on how the African leaders perpetuate the looting of the continent, Wangari Maathai states: "to-day's African leaders are comparable to the African slave barons who facilitated the capturing and the selling-off of millions of their fellow blacks to distant lands where they were subjected into slavery, only today they are subdued within their own borders."[10] Such corruption, which is symptomatic of wide-scale political failure, is essentially cannibalistic because it undermines and eventually consumes the very state that enables it. Looting corruption appears to be unique to sub-Saharan Africa and the most destructive kind of corruption prevalent in Africa.

6.2.3 Causes for Corruption

The list of the causes is too long. But in general "the dynamic force of corruption comes from leaders and civil servants on one hand and

[10] Quoted by Umeodum, 2008, p. 89.

ordinary citizens who are in need of social services on the other."[11] In all cases, acting unprofessionally and unethically serves as major foundation or basis at which other reasons or causes are explained from. Moreover, state organs [such as police, judiciary and Prevention and Combating of Corruption Bureau (PCCB), mentioning just a few] expected to curb corruption has also fallen victims to this practice and thereby worsening the situation (ibid.). The situation of the problem is too intricate interwoven with the poor governance generally and the over-concentration of power in the presidency that is the state is a major actor. Today because of corruption the rule of law does not mean much in Tanzania. To why the country have fallen victim of corruption need a systematic and critical analysis of the causes. The loopholes inherent in the bureaucratic procedures, greed, inadequate incomes and the erosion of moral standards mainly accentuate corruption (ibid.). Mean while let us examine some of these causes.

Tanzania public service is organised in a pyramidal or hierarchical structure. For one to be served has to follow the steps in the hierarchy beginning from the lowest to the top. It is thus true that no one can receive service if he/she has not followed or abided by these bureaucratic procedures in a given public office. This has fostered slow pace of receiving service as is time consuming. This has been a major factor to those who want quick services to buy for their services with the desire to save time. For those in office have used it to ask for illegal pay to offer quick services which could overlap the laid procedures. It has led to the creation of corrupt culture—willingness to give something to ease and speed up procuring of quality services in the public sector. Those who occupy the bureaucratic positions, "although they receive salaries, they also enjoy access to various forms of illicit gains through the practice of corruption." Receiving bribes in public service have

[11] Tarimo, 2005, p. 95.

become the part of the culture. Most of people join the civil service uncorrupted but end up becoming corrupt. Thus,

"Both those who give and those who receive money are caught up in the web of corruption. The chain is a continuous one: you don't give, you don't receive services, you don't ask for money then you should not walk with us because you are a betrayer. In a case if you report to the police they will ask for some money to make the arrest and the arrested person will also pay the police to be released, and if this does not happen then he or she will be taken to court and the judge could be corrupted to rule in favour of the accused, or the civil servants in court chambers could mysteriously misplace the accused person's file". [12]

In most cases grand corruption and looting is what is normally referred to as political corruption for it involves mostly those in political position/class and those with the power to make policies as well as to enter into contracts with different partners on behalf of the citizens. Tarimo puts forward two reasons for the political corruption that are worth of quoting at length:

The first factor involves administrative circles whereby the ruling class and predatory elite promote personal interest by using the state's authority and sovereignty. In addition to bribes, the expanded role of state activity provides additional opportunities for embezzlement and unlawful enrichment…misappropriation of state authority, lack of accountability, and lack of exemplary leadership from the public officials. 'Looting of the national treasury, bribery and thievery are a way of life from the highest government official to the lowest civil servant'…the second factor is the decline of motivation to create wealth and concern of common good. Because of the dependency mentality, the attention of the African administrators' remains focused on the foreign aid instead of increasing the production. This makes it impossible to increase salaries for civil servants and…some political leaders and civil

[12] Opongo and Orobator, 2007, p. 67.

servants end up entrenching themselves into practices fraudulence and corruption.[13]

The grand corruption limits provision of better public services. It has made corruption pervasive and popular. The economy is declining and for the people us in Tanzania can say that grand corruption has increased living expenses and even the public service have dwindled. We remember the case of Richmond which has swallowed nation's billions of money. In regard to the looting form of corruption Umeodum cautions us not to forget the part played by foreign governments. He subscribes as follows:

It is important not to overlook the role of foreign governments and multinational companies and agencies in the corruption and theft in Africa [Tanzania]. While the African [Tanzanian)] officials are fully responsible for siphoning the public wealth and resources and passing them to rich countries, some foreign governments are guilty of their direct or indirect collaboration and involvement despite their ceremonious condemnation of the corruption in Africa…Looting of public funds could be reduced if people would have difficulty finding welcoming ground for depositing such ill-gotten wealth.[14]

The theft at the Bank of Tanzania (BoT) through External Payment Arrears (EPA) account, the buying of the fake military radar and the signing contract with Richmond Company for the emergence power supply fall in this category and were to a large extend externally facilitated. The nation for about two years have been paying capacity charges for non-power generating company just to meet the terms of the

[13] Tarimo, 2005, p. 96.
[15] Umeodum, 2008, pp. 90-91.

contract. The impact was the rising of electricity bills which has led to the price of commodities to sky rocket.

Inadequate income of many civil servants resulting from low wages or salaries accounts to be a number one of most of the petty corruption. The civil servants seem to be poorly paid and thus have to find alternative means of making end meet as "the monthly salary for ordinary people—if they are lucky enough to have a job—is not sufficient to supply the most essential need of a family.[15] Thus those in the offices have changed their office to be the means for acquiring something extra from their client to supplement their budgetary constraints to meet basic needs. To a large extent this had created a corruption culture where one "would not do his or her duty without getting an extra pay…ask for 'a gift' that is actually a bribe."[16] It thus sounds reasonable to conclude that "corruption and poverty walk hand in hand."[17] Though this assertion deserves a credit, we should always be reminded that: "Corruption undermines governance, but does not necessarily prevent growth or poverty reduction."[18]

6.2.4 Effects of Corruption

Corruption has negative effects on peoples' life. The most common effects are; drop in quality and delay of public service, hindering the promotion of human rights, loss of civil servants integrity, moral erosion, retrenchment of workers/employees and making country poor. The fact is that; "corruption is eating away the resources and destroying the public trust."[19] In the past three years deaths have been reported as resulting from corruption implicated incidence. Here the case of Mwananyamala Hospital is a shining example where a patient succumbed death as the result of being delayed service because had yet

[15] Norlén, 2003, p. 334.
[16] Hellsten and Lwaitama, 2004, p. 48.
[17] Henry, 2007, p. 2.
[18] Cooksey, 2010, p. 180.
[19] Hellsten and Lwaitama, 2004, p. 49.

and could not pay some money to procure service that was needed to rescue life though was entitled to such service for free as a tax payer.

Moreover some people who have been strong in fighting against corruption and commonly accepted corrupt practices may risk their job, their social 'respect', their promotion even their life. In some cases sex corruption is a common element. It is not surprising therefore to hear that people are asked for sex in order to be considered a job interview.

6.3 Evolution and Institutionalisation of Corruption and Fraudulent Culture in Africa: Tanzanian Experience

6.3.1 Tanzania's Economic Reform and the Increasing of Corruption Practices

Many people are questioning the prospects of the initiatives that Tanzanian society is taking towards making their place in the global politics. A lot can be said of the years following our political independence. But in the recent past we have had a state of fluid political progress and it is even difficult to say what ideology Tanzanians follow today. Some say they are capitalists while others object by saying that they are socialists. It therefore requires a deep and critical mind to clearly say which side they are in. As opposed to our days today, after "independence in 1961, Tanzania was one of those African states trying to introduce a locally-grounded philosophy-'*Ujamaa philosophy and Education for Self-reliance'*, before being caught up in the whirlwind of change that characterized the late 1980s and early 1990s.[20] But it was evident that "by the mid-1980s, the Tanzanian experiment was experiencing severe economic stress, manifesting in both inflation that was breaching to 30% and the shortage of hard currency and basic commodities" (ibid.). This experience

[20] Rupiya, Lwehabura and le Roux, 2006.

marked the call to reconsider the move from socialist (state) planned economy to capitalist (market) planned economy. It is from the mid-1980s Tanzania was on the move to capitalism (market driven policies) a form which is different from that the country attempted to follow as soon Tanganyika became independent which characterized thee first five year plan up to 1967.

As some suggest that they are capitalists, they are probably trying to interpret what is really happening on the ground. It is only last two years or so when Tanzania was a leading country in the dirty business of killing albinos. Probably this is the ring tone that our society have changed and our value system have diffused to adopt the liberal thinking of only striving for independent freedom under the rule of the jungle. Even if we are really under capitalism ideology; it calls us to reconsider how our society has reached that state. It is therefore wise to ask several questions some of which are:- What then is capitalism and what is the form of the capitalism that Tanzania is transiting to? The Marxist orthodoxies maintain that, capitalism is understood as the socio-economic and political system in which the major means of wealth acquisition is capital and as a social economic and political system in which exploitation of some people by other people is prevalent. But some social analysts and social scientists are arguing that "globalisation of market economies is the most popular and most recent form of capitalism."[21] This is the form of capitalism that Tanzania currently fits in. As we have mentioned earlier that the move to capitalism has a unique and an interesting history. It began in the early 1960s, interrupted in 1967and manifested its actual processes as from mid 1980s to the early 1990 following the relinquishing from power by the first president Mwalimu Julius K. Nyerere in 1985 and subsequently stepping down from the party chairmanship in 1990. In principle, it is the second phase government President Ali Hassan Mwinyi who made major reforms that

[21] Kanyandago, ed., 2002, p. 123.

characterise the 'Transition to Capitalism in Tanzania as from mid 1980s. Explaining what actually happened that marked the beginning of the transition to capitalism Chachage, notes:

After his ascendancy to presidency [Ali Hassan Mwinyi] first signed the IMF agreement, an act that significantly changed the Tanzania-foreign donor relationship… [and when he took over] the chairmanship, CCM launched what became popularly known as Zanzibar Declaration as the part of liberalisation measure…[22]

In that regard, if any one sets forth to study the Tanzanian Transition process to Capitalism might conclude as some scholars have done that; following the "economic reforms introduced in 1986 by the government that came to power with 1985 elections"…. the collapse of central planning mode in Eastern Europe, the change of leadership in Tanzania, and the donor pressure[23]… form the landmarks or the foundation for the move. Thus as from the mid 1980s, Tanzania began its journey to capitalism within the economic and political liberalisation wagon. Despite the existence of organised crime and corruption in Tanzania from time in memorial; the state run economy that was instituted by the Arusha Declaration in 1967 led to "the growth of a centralised bureaucracy, spreading of corruption, economic decline and inefficiency."[24] Thus it served as the foundation or as "a good recipe for corruption and economic problem. In this transition period, "corruption facilitates the diversion of public resources into private hands."[25] Simply what many people have assumed and hoped to benefit from liberalism has been turned to the opposite. Explaining this paradox of economic liberalisation, Mutahaba argues:

It was assumed that increasing space for non-state actors in economic activities would reduce the scope for exercising rent seeking

[22] Chachage, 2000, pp. 86-87.
[23] Chaliga, et.al., 2002, p. 15.
[24] Legum and Mmari, eds., 1995, p. 193.
[25] Kukutwa, 2005.

behaviour on part of public officials and thereby [reducing] the incidence of corruption. … [instead] it turned out that the economic liberalization took place in unplanned, haphazard manner, without regulatory regimes; this fuelled corruption to high levels and saw the beginning of grand corruption in the country, to the extent that for much of the early nineties period Tanzania was consistently listed as one of the most corrupt nations in Transparency International's annual rankings.[26]

In that regard it can be concluded that, increased corruption and rent seeking behaviour in Tanzania have increased following the adoption of new economic reform. Corruption and fraudulent culture are thus core characteristics characterising the transition to capitalism process in Tanzania. Having surveyed this synoptic history of economic reform and its resulting effect of increasing of corruption and fraudulent practices; let me now address what is central to my presentation; the corruption problem.

6.4 Corruption Eradication Dynamics in Tanzania

6.4.1 General Views and Feelings toward Corruption

The reality is that corruption has entrenched its roots in Tanzania, people have made it part of their culture. Some do believe that it requirement to pay bribe to be served in the public office. This fact however does not imply that people approve it. In the following part I am going to present some cases from Tanzania showing the extent to which despite of the fact that people give and take corruption, they do not 100% support it.

[26] Mutahaba, 2005, p. 16.

It has been argued that corruption has become part and parcel of our peoples' life; that is corruption culture. These claims however require reassessment before giving it a credit. In principle, corruption is not a cerebrated phenomenon, and as the result various groups have responded vigorously to pose brake to corruption and corrupt leaders. There have been both national wide, non government organisation and individuals' efforts to bring corruption to an end. All these dismiss the claims that suggest that corruption have became part of our culture, but rather recognising the reality of presence of corruption and working towards eradicating it.

6.4.2 Government Phases and Their Corruption Eradication Initiatives

To begin with, there have been initiatives in Tanzania since 1960s by the first phase government to curb the problem of corruption. For example in 1966 the Permanent Commission of Enquiry was put in place. A remarkable step "to address and control the trends of the increased corruption, the Nyerere Government enacted the leadership code as part of the Arusha Declaration which has been adopted in 1967…[27] Other measures were setting-up Commission for Enforcement of the Leadership Code in 1973 and the Anti-Corruption Squad in 1975. Among all these measures taken by the first phase government the socialist code was the most pronounced one. ... though a socialist code of conduct was making its contribution to fighting against corruption tendencies, the country came to experience a major economic crisis…in the late 1970s and early 1980s…In the end, the harsh realities of scarcity and poverty overwhelmed the dedication to socialist equality and corruption became embedded in Tanzania society. This was left to the second phase government. As Nyerere left the leadership of the country and Ali Hassan Mwinyi took over in 1985, Government recognised the futility of remaining in confrontation with the Bretton Woods

[27] Mutahaba, 2005, p. 15.

institutions, and as part the conflict it adopted economic liberalisation policies (p. 16). Partly this was a means to solve the economic crisis and partly as a way to curb corruption by allowing non-state actors in the economy.

Remarkable and most pronounced measure to eradicate corruption are said to have been taken by the third phase government under president Mkapa. One reason that attributes that claim is that: "Fighting corruption was a major campaign message carried by the presidential candidates as well as those campaigning for parliamentary seats"[28] of 1995 general election campaigns. The move began with "the general election campaign in 1995 the war against corruption was the catchword and …the transparent and truthful government [as] the third phase Government's persistent determination to fight the war against bribery and corruption."[29] CCM and its presidential candidate, Mkapa specifically made a declaration that was intending to making a further step to combat "corruption inherited by the Third Phase Government, which included high and rising levels of rampant petty corruption, which was beginning to eat into the fabric of the Tanzania society, burgeoning grand corruption scourge, the President immediately followed up his election by setting up, early 1996, a Commission led by Judge Sinde Warioba, "… to inquire on the state of corruption in the country and make recommendation on the way forward and year end , the commission produced its report." This constitutes what is commonly referred as "an in-depth diagnostic study of the causes and extent of corruption in the country through the Presidential Commission Against Corruption (PCAC) commonly known as Warioba Commission."[30] To implement what the commission recommended, the "Government adopted a policy of zero tolerance on corruption from that point onwards. In that regard it took two categories of responses, namely, the

[28] Ng'wanza, 1998, p. 73.
[29] Mutahaba, 2005, p. 15.
[30] Hoseah, 2001, p. 2.

immediate action and the institutional changes and policy strategy" manifesting in the National Anti-Corruption Strategy and Action Plans (NACSAP) which further set priority areas and mainstreamed reforms to fit into the NACSAP including "Parastatal Sector Reform Programmes (PSRP), Local Government Reform Programme (LGRP), Legal Sector Reform Programme (LSRP) and Public Finance Management reform Programme (PFMRP)"…[31] to mention but only a few. All these were aiming at striving to make sure justice is dispensed these constitutes the early initiatives.

6.4.3 Institutional Framework for Fighting Corruption

This is the latter or the most recent measures in corruption eradication. Its manifest is particularly "legal and regulatory framework specifically formulated for the purpose of fighting corruption."[32] Among all the institutions "the key institutions for fighting corruption are the President's Office, the Prevention of Corruption Bureau [now Prevention and Combating of Corruption Bureau] , Director of Public Prosecution, the Ethics Secretariat, the Ethics Inspectorate Unit within [Civil Service Department] CSD, the Human Rights and Good Governance Commission … and Civil Society Organisation"(p. 19). But what is obvious is that, the war against corruption is under the Prevention and Combating of Corruption Bureau (PCCB) the former Prevention and Combating of Corruption Bureau (PCB). This is why in the recent past there have been national debates furthering the need to give-teeth to the former PCB to make it work more efficiently towards eradicating corruption in Tanzania. This has led to the change of duties and name: from PCB to PCCB—Prevention and Combusting of Corruption Bureau. This was a tremendous improvement towards fighting against corruption. This Bureau has been involved deeply in the last year's scandals. This is a sign that corruption is not accepted. PCB

[31] Ibid., pp. 8-9.
[32] Mutahaba, 2005, p. 18.

did a lot in educating people about the evil of corruption and duty retained by PCCB today through their advertisements and posters they distribute countrywide.

6.4.4 Some Specific Institutions and Steps in Corruption Eradication

The war against corruption is not only left to be the prerogative of a fore mentioned institutions but the war is open to whole public of Tanzanians. The fact is that various agencies and institutions different from the previously mentioned one have been at the fore front in waging war against corruption. For example the parliament through its Standing Committees is actively engaged in the war against corruption. We can all recall the work done by a Special Parliamentary Committee under the Chairmanship of Dr Harrison Mwakyembe a Member of Parliament for Kyela which was assigned to investigate the Richmond scandal and give some recommendations. We are all the witnesses; it led to the resigning of the Prime Minister and two other ministers from office and the subsequent dissolution of the cabinet in 2008. It was a step to show the extent to which the national parliament disapproves the corruption acts.

The Bagamoyo Statement is another remarkable initiative by the Evangelical Lutheran Church of Tanzania (ELCT) Bishops in their fight against corruption. Quoting from this document Norlén writes:

…corruption has become a chronic problem at all levels of leadership in our country. Receiving and giving of bribes, theft through manipulation of accounts, the misappropriation of government property, are some of actions that have contributed to deterioration of the country's economy—thus making the citizen go without a number of services—which are their rights.[33]

In that document resulting from their meeting they expressed their upset by the society's corrupt behaviour. Their tones called for an active action to eradicate and end corruption. They see corruption as

[33] Norlén, 2003, pp. 333 –334.

"profoundly evil, because it ignores the basic laws and rules of society, because it gives privileges to strong and rich people at the expense of the poor and week." Apart from this religious group other religious leaders such as the Imams and Sheikhs have also been at the fore front to reminding people of how God disapproves corrupt behaviours and the extent to which is important for people to refrain from giving and receiving. Similarly the Tanzania Episcopal Conference (TEC) has been vocal against on corruption on various occasions it has issued rebukes against practices of receiving and giving bribes. These have been communicated through sermons and through the media particularly the TEC's own newspaper *Kiongozi.*

The independent media is another avenue where anti-corruption agenda is widely debated. In the fight against corruption and in a special way the media has been always at the forefront to reveal some cases with some intricate corruption assumption. The media has been educating and informing the public about issues that have some elements of corruption. The debate over EPA, Richmound, Kagoda, Buzwagi and National Identities Printing information and the like has been covered by both print and electronic media ranging from newspapers, magazines, radios, television and internet. Through their investigative writing, they have been able to establish some truths about evil conduct of corruption. They sometimes presented some parts of the contracts that were entered by the government.

Political parties are another avenue where fighting against corruptions is done. For example, through its party program famously known as '*Operation Sangara'* the Chama cha Demokrasia na Maendeleo (CHADEMA) took the lead in exposing corruption scandals. The operation was aiming at unearthing all forms of corrupt tendencies. When citizens are informed it becomes easy for them to stand and say no to asking, giving and receiving corruption in any form be it bribes or *takrima*. Chama Cha Mapinduzi (CCM) on its part has accepted to

abolish the giving of some incentives to voters before election famously known as '*takrima*' equated with the so called Africa hospitality. In the recent past *takrima* have been judged as a form of an institutionalised form of corruption.

Other important institution in the corruption eradication that contributed tremendously to this move is the media. Here I commend the work of both public and private media. In special way I commend the contributions of the private media, both print (newspapers, magazines, journals, conference and symposium papers and books), electronic (internet) and audio and audio visual (radio and television). It was very active in publishing all news, articles and commentary on corruption. The media took a lead in publishing some extract of ill contracts that some government officials signed. They hosted extensive debates, interviews on the ills corruption in the community. Some went as far as publishing names of suspects of corrupt acts in the country including those with top posts.

Apart from the above, individuals though they take and give corruption, they have always shown the extent they frown on corruption. People have been flocking to PCCB offices to inform and ask for the PCCB money to furnish those who asked for bribes that may be trapped and be sent before the court of law, be prosecuted and if proved guilt be executed. Individual initiatives are very vital in our war against corruption. It can be only active if the people are going to be trained and be aware about their rights and their civic responsibilities.

6.5 Conclusion

"Though it is a global problem, corruption in … [Tanzania] manifests itself in an ugly shape and strange manner,…there scarcely exist credible institutions of integrity and competence that can successfully combat the excesses of some disgruntled elements in the

society."[34] It is thus necessary to fight and eradicate corruption and create a free-corrupt society. A strategy to combat corruption will thus have to be highly creative, and to the greatest possible extent work around the institutionalised corruption and institutions that spearhead the fight against corruption to relieve and simplify their work. To be successful, the strategy will have to tackle the fundamental causes of corruption rather than the symptoms. It is evident therefore that when we create a free-corrupt society we will be able to uphold and promote human rights, enhances equity and equality among the people as well as the improvement of the provision of public social services and respect of the clients.

In the fight to eradicate corruption, there should be an integral and well co-ordinated attempt/venture. In order to build a corruption-free society we all have to recognise our rights and duties in the society.[35] All stake holders have to be involved, from the bottom to the top; both citizen and leaders. The need for law review remains a priority if this war to end corruption is to be continued. This law review will enable organs appointed to lead others in the war against corruption. It should also be clear that this is a war in which all people in the society are soldiers; a war that calls for a united venture if we are to succeed. The government, the religious leaders and political leaders have shown us a path; with confidence and determined zeal let us join our hands together to combat corruption. Corruption being a core characteristic of Tanzania transition to capitalism it has to be addressed adequately and be eliminated otherwise the transition will only benefit a few but living the majority in problems.

[34] Umeodum, 2008, p. 89.
[35] Opongo and Orobator, 2007, p. 63.

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7

THE ROLE OF ETHNIC HETEROGENEITY ON CORRUPTION: EXPERIMENTAL EVIDENCE FROM KENYA[1]

Abraham K. Waithim[2] and Justine Burns[3]

7.1 Abstract

Using a one-shot sequential-move bribery game, this paper investigates the role of ethnic heterogeneity on corruption. The interest is premised on the high levels of corruption in Kenya coupled with the rising ethnicization of politics. When ethnic identity is made salient, when a potential bribe-giver and a third party are co-ethnic, the bribe-giver is significantly less likely to offer a bribe to a non-coethnic bribee. Rather, a bribe-giver is more likely to offer a bribe to a co-ethnic bribee when the third party is also co-ethnic. A possible explanation for this behaviour is the bribe-giver's expectation of ingroup reciprocity from both the bribee and the third party. A bribe-giver anticipates that a bribe offered to a non-coethnic bribee might be more likely to be punished by a co-ethnic third party than a bribe offered to another co-ethnic. This

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would be consistent with the notion of ingroup reciprocity in the sense that when a bribe is offered to a co- ethnic bribee, even though this hurts the third party, the disutility experienced is somehow less than when the bribe is offered to a non-coethnic bribee. In other words, even though the third party is adversely affected in both instances, there is some solace to be found in the fact that a fellow co-ethnic is benefitting from the bribe as opposed to a non-coethnic. The anticipation by a bribe-giver that the bribee makes a decision to accept or reject a bribe on the basis of ethnic consideration is mistaken since the bribee's decision is purely opportunistic. The bribee's decision is mainly based on the initial endowment and bribe amounts.

7.2 Introduction

There is a general perception that ethnic heterogeneity contributes to corruption (see Lederman et al. , 2005; LaPorta et al. , 1998; Shleifer and Vishny, 1993). It is not just that ethnic heterogeneity results in higher levels of corruption but that corruption can breed ethnic rivalry especially if perceived to be perpetrated predominantly by an elite from one ethnic group to the exclusion of others (see Githongo, 2006; Seldadyo and Haan, 2006). The resultant effect of ethnic rivalry is that each group tries to maximize its rent-seeking strategy without taking into account the effects of its actions on the other groups' rents. This is what Shleifer and Vishny (1993) term, "un- coordinated bribe-taking". Such ethnic competition leads to weakened institutions and unproductive policies coupled with wasteful distribution mechanisms. Despite the rich theoretical literature, at an empirical level, very little is known about how ethnic heterogeneity facilitates corruption.

Prior to the 2008 post election violence, Kenya was seen as a politically stable country with both a growing economy and democracy by African standards. The ethnic incitements in the build up to the

general elections in 2007 and the post election violence that followed in early 2008 have however exposed the ethnic rivalry that exists, as the country nearly went into a full-scale civil war along ethnic lines. The main opponent to president Kibaki during the 2007 presidential elections, Raila Odinga had constantly raised the issue of the failure of the government to root out corruption arguing that some ethnic groups had enriched themselves through corruption and should give way to uncorrupt leaders (Wahome, 2007). Following the signing of a peace agreement between opposing political parties, the country now has to contend with an enlarged 42 member cabinet mainly to accommodate different ethnic interests.

> "[…] corruption in Kenya, as in other African nations, takes a shape which is extremely ethnic. Politicians routinely operate as ethnic patrons, doling out favors and benefits to members of their own ethnic communities. But this behaviour does not strike leaders or their constituents as improper. They only mind about corruption when they're excluded from it. It's only bad as long as it doesn't benefit your own community". [4]

While some of the literature argues that ethnic diversity causes civil disturbances and sometimes war, Collier and Hoeffier (2000) and Collier and Hoeffier (1998) finds that whereas ethnic dominance doubles the risk of civil war, heterogeneity significantly reduces the risk. What seems to raise governance issues is not heterogeneity per se but dominance of political and economic affairs by one ethnic group over others, a situation that has the potential to breed discontentment among the other ethnic groups. Indeed the violence after the 2007 election and the current uneasiness in Kenyan politics is based on the perceived dominance of the Kikuyu ethnic group which also happen to form the

[4] These remarks are attributed to Michaela Wrong, author of *It's our turn to eat: The story of a Kenyan whistleblower"* (Glimcher and Lambert, 2010)

highest proportion of the Kenyan population. The fear of Kikuyu dominance dates back to the post-independence jostling for power (see for example Atieno-Odhiambo, 2000; Klopp, 2002; Ndegwa, 1997) and other ethnic groups in Kenya have since then viewed the Kikuyus with suspicion.

Kenya's population of 37 million is made up of 42 ethnic groups whose ethnic composition as of 2006 is presented in table 1.Kenya's ethnic composition puts the country's Ethno linguistic Fractionalization Factor (ELF)[5] at 0.86 which is higher than the 1960 figure of 0.83.According to the 1960 ELF measurement, Kenya was ranked among the 15 most ethnically diverse countries in the world behind such countries as Tanzania (0.93), Uganda (0.9), South Africa (0.88) and Nigeria (0.87) (Easterly and Levine, 1997). Interestingly, compared to countries that were more ethnically diverse in 1960 such as South Africa, Kenya has done worse than anyone of them as far as corruption is concerned.

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[5] ELF is computed as:

$$ELF = 1 - \sum \left(\frac{n_i}{N}\right)^2$$

Where is the size of ethnic group i while N is a country's population. ELF measures the probability that two randomly drawn individuals from the population will belong to two different ethnic groups. ELF ranges from 0 (ethnically homogenous) to 1 (most ethnically heterogenous). (For more on ELF see, for example, Esteban and Ray, 1994; Montalvo and Reynal-Querol, 2002). Posner (2004) has challenged the use of ELF on the basis that summarizing ethnic diversity in a single index obscures features of ethnic diversity that may be highly relevant to the relationship between ethnic diversity and economic growth. Moreover, Posner argues that this index ignores the dynamics of inter-group competition and conveys no information about the extent of the divisions between members of different race groups.

Ethnic Group	Percentage of total population
Kikuyu	22
Luhya	14
Luo	13
Kalenjin	12
Kamba	11
Kisii	6
Meru	6
Other (African)	15
Other (non African)	1

Table 7.1: Ethnic composition of the Kenyan population Source CIA World Fact book (2006 edition)

Given Kenyan's ethnic heterogeneity and the fact that Kenya ranks as one of the most corrupt countries in the world, questions that arise with regard to the extent to which ethnic heterogeneity facilitates corruption. This chapter seeks to determine whether a person who engages in corruption cares about the ethnicity[6] of the people who are co-participants in the corruption. This chapter accomplishes this by designing a corruption experiment in which subjects' surnames[7] are used to elicit cues about the ethnic affiliations of the subjects. The understanding of the interplay between ethnic heterogeneity and corruption is key to the development of less corruption-prone institutions especially in Africa where policies are mainly along ethnic lines.

The results show that in a corruption scenario, individuals do respond to ethnic identity in interesting ways. Individuals are less likely to offer a bribe to a non-coethnic partner when they are observed by a third party who holds the power to punish, who is a co-ethnic. In this

[6] We define ethnicity as associating oneself with an ethnic group as opposed to the society as a whole. The consequence of ethnicity is that it as a basis for ingroup-outgroup categorization and thus a basis for discriminating against outgroups.

[7] It is quite easy for a Kenyan to tell the ethnic affiliation of another from surnames.

setting, bribes are significantly more likely to be offered to a co-ethnic. Moreover, the results suggest this behaviour may have been motivated by the anticipated punishment by the third party. The third party, with power to punish, was significantly more likely to punish when a bribe was offered by a co-ethnic to a non-coethnic.

Interestingly, the potential bribe recipient's decision to accept or reject a bribe is purely opportunistic and does not depend on his ethnic relationship to the giver or the third party affected by the bribe. Lower initial endowment however, significantly contributes to the likelihood of bribe acceptance.

Following this introduction the rest of the chapter is organized as follows: section 2 presents the negative effects of ethnic heterogeneity and socioeconomic outcomes, section 3 discusses the experimental design, section 4 presents the results while section 5 discusses the results and concludes.

7.3 Ethnic Heterogeneity and Socioeconomic Outcomes

While many researchers agree on the adverse effects of ethnic heterogeneity and so- cioeconomic outcomes, the literature on the channels through which the effects come is not well developed. One of the suggested explanations for adverse effects is the cost that ethnic heterogeneity imposes on shared common policies arising from individual preferences so that the average utility of the policies is decreases with heterogeneity (Alesina and LaFerrara, 2004).

Ethnic diversity complicates governance especially in the absence of democracy

(see for example Kimenyi, 2006; Collier, 2000; Collier and Gunning, 1999; Collier and Hoeffier, 1998; Collier and Hoeffier, 2000). Etienne (2007), focusing on the interplay between ethnic diversity and

democracy finds that in the presence of ethnic fractional- ization, democracy comes at the cost of high levels of corruption as each ethnic group competes with others for political leadership and the distribution of national wealth. Aghion et al. (2002) argue that in a representative democracy, where the rights of minority groups are upheld, ethnic diversity may lead to a political structure that is more representative.

Both Mauro (1995) and Easterly and Levine (1997) find ethnic heterogeneity slows economic growth. Specifically, Easterly and Levine (1997) find that moving from an ethnically homogeneous country to one that is ethnically heterogeneous corresponds to a decrease in annual economic growth rates of more than 2%. Similar effects of ethnic diversity on economic growth have been reported by Alesina et al. (2003) in which moving from a country that is complete ethnic homogenous to one that is complete heterogenous depresses annual economic growth by 1.9%. Following Easterly and Levine (1997), it has now become almost standard for economists to include a measure of ethnic diversity in their cross-country growth regressions (see for example Rodrik, 1999; Collier and Gunning, 1999; Hall and Jones, 1999; Brock and Durlauf,

1999). Ethnic heterogeneity has also been reported to negatively impact on savings and loan repayment rates (see for example Karlan, 2002; LaFerrara, 2002; Fafchamps, 2000).

There is also considerable attention in the literature given to the effects of eth- nic heterogeneity on public goods provision. Most studies in this area find ethnic heterogeneity to cause underprovision of public goods (see for example Miguel and Gugerty, 2004; Harris et al. , 2001; Miguel, 2000; Goldin and Katz, 1999; Alesina et al. , 1999; Poterba, 1997). The underprovision of public goods in an ethnically heterogenous community stems from the inability to impose social sanctions in such communities. Social sanctions are better imposed within an ethnic group rather than between groups. Miguel and Gugerty (2004) examining

funding of 337 primary schools in Kenya find that local ethnic heterogeneity is negatively correlated with school fund- ing and the quality of school facilities. The study finds that moving from a completely homogenous to a complete heterogenous community reduces average local school fund- ing by about 20%. Ethnic heterogeneity is also associated with poor infrastructure (see for example Alesina et al. , 2003; Khwaja, 2000; Dayton-Johnson, 2000). In particular, Khwaja (2000) using original data on 132 community maintained infrastructure projects in Northern Pakistan finds that social heterogeneity measured as fragmen- tation into different clans, political and religious groups is negatively associated with project maintenance.

At an institutional level, if ethnicity is seen as a basis for categorization where ingroup members engage in corruption, seeking ethnic balance among employees may be a potential anti-corruption strategy. Indeed Andy (2007), using local government expenditures in Kenya finds that in local authorities where the mayor and the town clerk are drawn from the same ethnic group, expenditure per employee is US$ 210 more than those authorities where the mayor and the town clerk are drawn from different ethnic groups.

In part, the relationship between ethnic heterogeneity and corruption may be me- diated through the impact that ethnic heterogeneity has on trust. Ethnic homogeneity has been shown to be associated with trust, an essential ingredient of social capital[8] that is helpful in overcoming costly market failure (Leigh, 2006). Trust hand has been found to be associated with less corruption (LaPorta et al. , 1998). According to World Value Survey (WVS) measurements, countries with the high levels of trust such as Norway, Finland, Sweden, Denmark and Canada have a high degree of ethnic homogeneity. These countries are also

[8] Social capital refers to aspects of network structure such as social norms and sanctions, nat- ural obligations, trust and information transmission that encourage collaboration and coordination between friends and strangers. Social capital is thus embodied within society (Coleman, 1990)

among the least corrupt (Haile et al. , 2004). Thus, one can infer a triangular correlation between ethnic homogeneity, trust and corruption.

Without clear empirical evidence especially at micro level, ethnic diversity both in Kenya and elsewhere has been identified as one of the causes of corruption. For example, Akivanga (2005) attributes the reemergence of corruption in Kenya after 2002 to the ethnicization of politics. In a survey conducted in Kenya in 1996 44.4% of the respondents indicated that ethnicity was a cause of corruption in Kenya (Kibwana et al., 1996). Using USA data on a number of corruption convictions and ethnic diversity, Oguzhan (2008) found a significant positive impact of ethnic diversity on corruption. Mauro (1995) using cross country data found ELF to cause corruption through its negative effect on institutional efficiency and political stability.

The relationship between ethnic heterogeneity and corruption is however not a straightforward one. As Table 2 shows, there are countries, like South Africa, whose populations are ethnically diverse but which continue to record low levels of corruption. On the other hand near mono-ethnic countries such as Somalia and Burundi continue to record high levels of corruption. What seems to aggravate corruption in an ethnically heterogeneous country is the perceived economic and political inequality distributed along regional or ethnic lines. The perceived inequality pits ethnic groups against each other through competition for national resources resulting in corruption as each group looks after its own (Githongo, 2006), thereby exacerbating insider-outsider distinctions along ethnic lines.

Africa's 10 least ethnically diverse countries			Africa's 10 most ethnically diverse countries		
Country	ELF	CPI	Country	ELF	CPI
Burundi	0	1.8	Tanzania	0.93	2.6
Madagascar	0.1	3	Uganda	0.9	2.5

Somalia	0.1	1.1	DRCongo	0.9	1.9
Rwanda	0.1	3.3	Cameroon	0.89	2.2
Lesotho	0.2	3.3	South Africa	0.88	4.7
Mauritania	0.3	2.5	Nigeria	0.87	2.5
Botswana	0.5	5.6	Coted'Ivoire	0.86	2.1
Zimbabwe	0.5	2.2	Chad	0.83	1.6
Mauritius	0.6	5.4	Kenya	0.83	2.2
Benin	0.6	2.9	Liberia	0.83	3.1

Table 7.2: Comparing corruption and ethnic heterogeneity levels among selected African countriesELF figures are adopted from Posner (2004) while CPI is Transparency International's 2009 corruption perception index

More recently, experimental economists have also began to focus on the impact of ethnicity on social interactions. Yet, there is hardly any experiment designed to investigate the effects of ethnic heterogeneity on corruption. It is this gap that this chapter seeks to fill. Previous experiments on corruption have investigated its rela- tionship to gender (see for example Rivas, 2008; Armantier and Boly, 2008; Frank and Lambsdorff, 2008; Alatas et al. , 2009) on the one hand and cultural differences on the other (see Cameron et al. , 2009; Barr and Serra, 2009).

Merwe and Burns (2008) for example conducted a dictator game in South Africa where surnames were used to convey information about the racial identity of partners. The study aimed at determining the effect of racial identity on generosity. White subjects exhibited signs of favoritism to co-ethnics more than black participants. On average white subjects proposed higher amounts to white partners than to black partners, while black subjects did not vary their offers on the basis of the racial identity of partners. Fershtman and Gneezy (2001) used surnames to elicit ethnic identity of subjects to conduct trust, dictator and ultimatum games among Ashkenazic and Eastern Jews. The study aimed at determining the presence of discrimination between the two ethnic

groups. The study reported lower transfers from Ashkenazic subjects to their Eastern Jew partners.

Burns (2004b) used photographs of counterparts in conducting trust games with high school students. The study aimed at determining the effect of race on the propen- sity to trust. The study reported a systematic pattern of distrust towards black part ners even by black proposers, a finding that is attributed to mistaken expectations. A number of other studies have used photographs in experiments to convey the ethnic identity of subjects (see for example Glaeser et al. , 2000; Eckel and Wilson, 2003). In studying the effect of ethnic diversity on public good and trust games (see Habyarimana et al. , 2007a; Habyarimana et al. , 2007b) use interactive computer interface of partners so as to reveal ethnic identities of the subjects.

This chapter adopts the use of surnames to provides cues on the ethnic composition of individuals in a corruption chain. This chapter hopes to contribute to the under- standing of corruption and ethnicity by investigating how people drawn from different ethnic groups would interact to engage in corruption.

7.4 Experimental Design and Subject Pool

The game procedure used for this chapter including the payoff structure is the same as previous example with the exception that subjects revealed their surnames in- stead of their gender. At the beginning of a session, each subject in the manager-public official-citizen trio was required to indicate his or her surname which was displayed on each of the three computers. The displaying of the surnames was meant to provide a cue about the ethnic composition of the trio. Other than the subjects' surname, all other aspects of the trio remained anonymous.

The experiment was conducted with 498 students drawn from 15 universities and colleges in Kenya. Of these 171 (34.3%) were female while 327 (65.7%) were male. The demographic characteristics of the sample and the distribution of the role played in the game is presented in table 3.The ethnic composition is fairly representative of the Kenyan population. The Kikuyu ethnic group which appears disproportionately large consists of three ethnic groups, i. e. Kikuyu, Meru and Embu. The three ethnic groups are grouped together because they share surnames and other ethnic groups view the three as one.

The sample comprised 166 manager-public official-citizen trios ranging from an ethnically homogenous trio to a heterogenous one where each player in the trio was drawn from a different ethnic group. Since the ethnic pairing of the trios was done randomly, there are disproportionately more trios that are completely heterogenous than other compositions. Table 4 provides a summary of the ethnic composition[9] of the trios and the various actions in the game. It is these ethnic pairings and the actions in the game that are analyzed in the results section to determine the role of ethnic composition on corruption.

[9] Ethnic composition implies the ethnic relationship and positioning of the 3 players in the manager- public official-citizen trio. For example, co-ethnic-co-ethnic-co-ethnic implies that the manager, public official and citizen are from the same ethnic group while non-coethnic-non-coethnic-non-coethnic implies that all the 3 players in a trio are from different ethnic groups.

Aspect	Category	Role played in the game			Total	Proportion
		Manager	PO	Citizen		
Ethnic group	Kikuyu	61	68	59	188	0.378
	Luo	23	18	17	59	0.118
	Luhya	17	15	24	56	0.112
	Kalenjin	23	23	24	70	0.14
	Kisii	11	7	10	28	0.056
	Kamba	17	13	8	38	0.076
	Others	14	22	24	60	0.12
Religious affiliation	Protestants	115	109	113	337	0.677
	Catholic	44	45	35	124	0.249
	Muslim	7	12	13	32	0.064
	Others			5	5	0.01
Gender	Male	109	111	107	327	0.657
	Female	57	55	59	171	0.343

Table 7.3: Demographic characteristics of the sample

	Ethnic relationship of the trio			
Ethnic Combination	Manager	Public official	Citizen	Number of trios
A	co-ethnic	co-ethnic	co-ethnic	14
B	co-ethnic	co-ethnic	non-coethnic	28
C	co-ethnic	non-coethnic	co-ethnic	26
D	non-coethnic	co-ethnic	co-ethnic	35
E	non-coethnic	non-coethnic	non-coethnic	63

Table 7.4: Ethnic relationship of the subjects in the trios

7.5 Results

7.5.1 Result One

A manager is as likely to offer a bribe to a co-ethnic public official as to a non-ethnic one

Table 5 shows that a manager is just as likely to offer a bribe to a co-ethnic and non-coethnic public official, with a manager offering a bribe 88% of the time when paired with a co-ethnic public official, compared to 80% when paired with a non- coethnic (MW[10] z=1.2, p=0.23). This result is also confirmed in the regression result presented in column (1) of Table 6.

Moreover, when a manager and public official are co-ethnic, the ethnic status of the citizen to the duo does not significantly impact on the probability of a bribe being offered, this is just as likely (93% compared to 86% with MW=0.67, p=0.51). These results can be seen in column (2) of Table 6.The fact that a manager and public official are co-ethnic does not appear to significantly determine the probability of bribe offering.

7.5.2 Result Two

The probability of bribe offering depending on whether manager and citizen are co-ethnic or not

A manager is less likely to offer a bribe when paired with co-ethnic than if the citizen is non-coethnic. On average, the probability of a bribe being offered is 70% of the time if the manager and citizen are co-ethnic compared to 86% if they are not. The difference is significant (MW, z=2.24, p=0.025). However, if the manager and the citizen are co-ethnic, then the manager is significantly more likely to offer a bribe to a co-ethnic public official than a non-coethnic one (93% compared to 58%,

[10] MW is the Mann-Whitney test of difference.

with MW, z=2.29, p=0.02). This result is confirmed in columns (3 to 5) of Table 6. Thus, the manager is significantly less likely to offer a bribe when the citizen is co-ethnic unless the public official is also co-ethnic.

	Manager & public official are co-ethnic	Manager & public official are non-coethnic	Probability that bribe is offered contingent on whether Manager & citizen are co-ethnic or not
Manager & citizen are co-ethnic	0.93 (n=14)	0.58 (n=26)	0.70 (n=40)
Manager & citizen are non-coethnic	0.86 (n=28)	0.92 (n=63)	0.86 (n=126)
Probability that bribe is offered contingent on whether Manager & public official are co-ethnic or not	not8 (n=42)	0.80 (n=124)	

Table 7.5: Probability that manager offers a bribe conditional on the ethnic relationship of the trio

7.5.3 Result Three

Bribes are significantly more likely to be offered in trios that are either completely homogenous or hetergenous as opposed to other trios

Bribe offering in a homogenous trio is slightly high than in a heterogeneous one, with the probability of bribe being offered being 93% in a homogenous trio compared to 92% in a completely heterogeneous trio. The difference is however insignificant (MW, z= 0.1, p=0.92). Column (7) of Table 6 includes both co-ethnic and non-coethnic trios as independent variables in the determination of bribe offering. Both variables significantly and positively contribute to the

probability of bribe offering. The coefficients are not significantly different from one another (p=0.992).

Variable	All	Manager & public official are		All	Manager & citizen are		All
		Co-ethnic	Non-coethnic		Co-ethnic	Non-coethnic	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Initial endowment	0.178	0.144	0.293	0.223	0.699	0.135	0.202
	(0.179)	(0.442)	(0.214)	(0.178)	(0.48)	(0.181)	(0.172)
Manager is male	0.035	0.001	0.049	0.032	0.374*	(0.015	0.052
	(0.067)	(0.178)	(0.079)	(0.066)	(0.209)	(0.065)	(0.066)
Manager & public official are co-ethnic	0.089			0.006	0.391**	0.031	
	(0.061)			(0.085	(0.122)	(0.072)	
Manager & citizen are co-ethnic		0.038	-0.314***	-0.267**			
		(0.153)	(0.114)	(0.104)			
Co-ethnic trio				0.169***			0.134***
				(0.047)			(0.051
Non-ethnic trio							0.179***
							(0.054)
Religious dummies	yes	yes	yes	yes	yes	yes	yes
Regional dummies	yes	yes	yes	yes	yes	yes	yes
Obs	166	31	124	166	40	126	166

Table 7.6: Probit results on the probability to offer a bribe

*Coefficients are marginal effects. Standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.1*

Ethnic combinations A & B in Table 4 incorporated in column (1), C, D & E in column (3), A & D in column (5) and B, D, & E in column (6)

7.5.4 Result Four

Once a manager has made a decision to offer a bribe, the decision on the bribe amount is independent of the ethnic relationship of the trio

Table 7 presents a summary of the non-zero bribe amounts conditional on the ethnic relationship of the trio. Whether paired with a co-ethnic or non-coethnic public official, the manager on average offers similar bribe amount (60.54 compared to 60.81 tokens; MW, z=-0.145, p=0.89). The bribe amount is not influenced by the ethnic relationship of the citizen to a co-ethnic manager-public official duo. If the citizen is co-ethnic to the duo, the manager offers on average 58.85 compared to 61.46 tokens if the citizen is non-coethnic to the duo. The difference is insignificant (MW, z=-0.9, p=0.37).

	Manager & public official are co-ethnic	Manager & public official are non-coethnic	Average bribe amount offered contingent on whether Manager & citizen are co-ethnic or not
Manager & citizen are co-ethnic	58.85 (n=13)	61.60 (n=15)	60.32 (n=28)
Manager & citizen are non-coethnic	61.46 (n=24)	61.66 (n=58)	60.84 (n=108)
Average bribe amount offered contingent on whether Manager & public official are co-ethnic or not	60.54 (n=37)	60.81 (n=99)	

Table 7.7: Bribe amounts that manager offers conditional on the ethnic relationship of the trio

Faced by a co-ethnic citizen, a manager on average offers a similar bribe to when the citizen is non-coethnic, 60.32 as compared to 60.84 tokens (MW, z=-0.276, z=0.78). The bribe amount is not dependent on the ethnic relationship of the public official to the manager-citizen duo. When a co-ethnic manager-citizen duo is paired with a co- ethnic public official, the manager offers 58.85 compared to 61.6 tokens if the public official is non-coethnic to the duo. The difference is not significant (MW, z=-0.87, p=0.38).

Similarly, a manager offers similar bribe amounts in completely homogenous and completely heterogenous trios (58.85 compared to 61.66 tokens; MW, z=-1.08, p=0.28). In sum, the ethnic composition of a trio does not have any significant impact of the size of a bribe offered[11].

7.5.5 Result Five

A public official's decision to accept or reject a bribe is independent of his ethinic relationship to the trio

Table 8 presents a summary statistic of the probability of bribe acceptance condi- tional on the public official's relationship to the trio while Table 9 presents the probit regression results on the probability of bribe acceptance. Both tables show the in- significance of the ethnic relationship of the trio in the decision to accept or reject a bribe. For example when a public official is offered a bribe by a co-ethnic manager, he is just as likely to accept it as when the manager is non-coethnic. The probability of accepting a bribe from a co-ethnic manager is 61% compared to 66% if the bribe was offered by a non-coethnic manager. The difference is insignificant (MW, z=0.56, p=0.57)[12].

[11] These results are confirmed in regression analysis not reported here.

[12] The ethnic relationship of the citizen to a co-ethnic manager-public official duo has insignificant effect on the decision to accept a bribe. If the citizen is co-ethnic to the manager-public official duo, the probability of bribe acceptance is higher than if the citizen is non-coethnic, 67% compared to 57%, however the

	Manager & public official are co-ethnic	Manager & public official are non-coethnic	Probability of bribe acceptance contingent on whether public official & citizen are co-ethnic or not
Public official & citizen are co-ethnic	0.67 (n=12)	0.71 (n=4)	0.69 (n=32)
Public official & citizen are non-coethnic	0.57 (n=21)	0.60 (n=67)	0.64 (n=104)
Probability of bribe acceptance contingent on whether Manager & public official are co-ethnic or not	0.61 (n=33)	0.66 (n=103)	

Table 7.8: Probability of bribe acceptance conditional on the ethnic relationship of the trio

When paired with a co-ethnic citizen, a public official is more likely to accept a bribe than if the citizen was non-coethnic, with the public official accepting a bribe 69% of the time when the citizen is co-ethnic compared to 64% when the citizen is non-coethnic. The difference is however insignificant (MW, z=0.535, p=0.593) [13]. A public official is more likely to accept a bribe in a co-ethnic trio than in a non- coethnic one, with the probability of bribe acceptance being 67% in a co-ethnic trio compared to 60% in a non-coethnic trio. The difference is however insignificant (MW, z=0.45, p=0.65). Column (7) of Table 9, shows that

difference is insignificant (MW, z=0.53, p=0.59). Column (2) and (3) of Table 9 show the negative but insignificant effect of co-ethnic citizen on the probability of bribe acceptance controlling for the ethnic relationship of the manager-public official duo.

[13] The ethnic relationship of the manager to a co-ethnic public official-citizen duo does not seem to play a part in the decision to accept a bribe. If the manager is co-ethnic to the public official- citizen duo, the probability of bribe acceptance is lower than if the manager is non-coethnic to the duo (67% compared to 71.4%). The difference is however insignificant (MW, z=-0.257, p=0.797). Column (5) and (6) of Table 9, control for both a co-ethnic and non-coethnic public official-citizen duo. The regressions confirm the insignificance of the ethnic relationship of the manager to a public official-citizen duo in the decision to accept or reject a bribe.

both co-ethnic and non-coethnic trios contribute negatively to the probability of bribe acceptance although both coefficients are insignificant.

Variable	All	Manager & public official are		All	Public official & citizen are		All
		Co-ethnic	non-coethnic		Co-ethnic	non-coethnic	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Initial endowment	-0.86***	-1.35*	-0.734**	-0.872***	-1.421*	-0.801**	-0.84***
	(0.291)	(0.724)	(0.332)	(0.291)	(0.828)	(0.328)	(0.298)
Bribe amount	-0.345	-0.716	-0.321	-0.35	-1.01	-0.321	-0.32
	(0.261)	(0.736)	(0.296)	(0.262)	(1.03)	(0.292)	(0.262)
Public official is male	0.073	0.156	0.018	0.07	0.032	0.077	0.062
	(0.094)	(0.226)	(0.106)	(0.096)	(0.281)	(0.107)	(0.095)
Manager & public official are Co(ethnic	-0.076			-0.086	-0.074	-0.77	
	(0.104)			(0.126)	(0.241)	(0.128)	
Public official & citizen are Co-ethnic		0.023	0.095	0.084			
		(0.223)	(0.128)	(0.134)			
Co-ethnic trio				-0.023			-0.076
				(0.24)			(0.178)
Non-coethnic trio							-0.101
							(0.09)
Religious dummies	yes	yes	yes	yes	yes	yes	yes
Regional dummies	yes	yes	yes	yes	yes	yes	yes
Obs	136	32	103	136	23	110	136

Table 7.9: Probit results on the probability to accept a bribe

*Coefficients are marginal effects. Standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.1*

Ethnic combinations A & B in Table 4 incorporated in column (1), C, D & E in column (3), A & D in column (5) and B,C, & E in column (6)

7.5.6 Result Six

A high initial endowment contributes to the probablility of bribe rejection by the public official

Table 9 shows a significant negative relationship between initial endowment and the probability of bribe acceptance. The bribe amount has a negative influence on the public official's decision to accept a bribe, the coefficients for bribe amount are however insignificant.

As shown in a previous chapter, the decision by the public official to accept a bribe is purely opportunistic. It is driven by his or her initial endowment; ethnic composition of the trio does not have significant impact on that decision.

7.5.7 Result Seven

A citizen is as likely to punish a non-coethnic manager as a co-ethnic one

When the citizen decides to punish, he does so at his own cost and both the man- ager and the public official bear the consequence of the punishment. To understand the effect of the ethnic relationship of the trio on the decision to punish, it is necessary to look at the citizen's ethnic relationship to the manager and the public official indi- vidually in relation to the decision to punish. The decision by the citizen to punish and his ethnic relationship to the manager and the public official is summarized in Tables 10 and 11.

	Manager & citizen are co-ethnic	Manager & citizen are non-coethnic	Probability of punishment contingent on whether public official & citizen are co-ethnic or not
Public official & citizen are co-ethnic	0.50 (n=8)	0.83 (n=12)	0.70 (n=20)

Public official & citizen are non-coethnic	0.61 (n=18)	0.68 (n=41)	0.63 (n=68)
Probability of punishment contingent on whether manager & citizen are co-ethnic or not	0.58 (n=26)	0.68 (n=62)	

Table 7.10: Probability of punishment conditional on the ethnic relationship of the trio

If a bribe is offered by a co-ethnic manager, the citizen is less likely to punish than if the bribe was offered by a non-coethnic manager, with the probability of punishment being 58% if the manager is co-ethnic compared to 68% if the bribing manager is non- coethnic. The difference is however not significant (MW, z=0.90, p=0.37). This result is confirmed in the regression result in column (1) of Table 11. If the public official is co-ethnic to the manager-citizen duo the probability of punishment is less than if the public official was non-coethnic to the duo, 50% compared to 61%. The difference is not significant (MW, z=0.52, p=0.6). Column (2) of Table 11 shows the insignificance of the ethnic relationship of the public official to a manager-citizen duo in the decision to punish.

7.5.8 Result Eight

A citizen is more likely to punish a co-ethnic public official than a non-coethnic one for accepting a bribe from a non-co-ethnic manager

When a citizen observes a co-ethnic public official accept a bribe, he is more likely to punish him than if the public official was non-coethnic, 70% compared to 63%. The difference is however insignificant (MW, z=0.554, p=0.58). However, if the public official and citizen are co-ethnic, and public official accepts a bribe from a non-coethnic manager, the citizen punishes 83.3% of the time compared to 50% if the manager is co-ethnic to the duo. The difference is marginally significant (MW, z=1.55, p=0.12). If the initial endowment and bribe amounts are

controlled for in the regression results in column (4) of Table 11, it becomes clear that a citizen is less likely to punish in a homogenous trio.

A corrupt act is less likely to be punished in a completely homogenous trio com- pared to a completely heterogenous one, 50% compared to 68.3%. The difference is however not significant (MW, z=-0.984, p=0.325). Controlling for both completely homogenous and completely heterogenous in column (6), of Table 11, a completely heterogenous trio contributes positively to the probability of punishment while a com- pletely homogenous trio's contribution is negative. The coefficients, however, are insignificant.

All	Manager & citizen are co-ethnic		Manager & citizen are non-coethnic	All	Public official & citizen are non-coethnic		All
(1)	(2)		(3)	(4)	(5)		(6)
-0.487	-0.834		-0.539	-0.554*	-0.59*		-0.547*
(0.316)	(0.735)		(0.374)	(0.326)	(0.361)		(0.329)
-0.107	-0.64		-0.277	-0.107	0.16		-0.125
(0.332)	(0.719)		(0.403)	(0.334)	(0.379)		(0.334)
-0.152	-0.629**		-0.027	-0.169	-0.201		-0.156
(0.107)	(0.129)		(0.131)	(0.106)	(0.122)		(0.107)
-0.111				0.001	0.016		
(0.121)				(0.141)	(0.15)		
	-0.544		0.162	0.182			
	(0.324)		(0.141)	(0.147)			
				-0.444*			-0.249
				(0.254)			(0.22)
							0.058
							(0.117)
yes	yes		yes	yes	yes		yes
yes	yes		yes	yes	yes		yes
88	26		62	88	68		88

Variable		Initial endowment	Bribe amount	Citizen is male	Manager & citizen are co-ethnic	Public official & citizen are co-ethnic	co-ethnic trio	Non-ethnic trio	Religious dummies	Regional dummies	Obs

Table 7.11: Probit results on the probability of punishment

*Coefficients are marginal effects. Standard errors in parentheses. *** p<0.01, ** p<0.05, * p<0.1*

Ethnic combinations A & C in Table 4 incorporated in column (1), B, D & E in column (3), B, C & E in column (5) and B,C, & E in column (6)

Result Nine

Punishment amounts are significantly lower in ethnically homogenous trios

Table 12 summarizes the non-zero punishment amounts conditional on a citizen's ethnic relationship to the trio. The average punishment amount when a citizen faces a co-ethnic bribing manager is less than if the manager is non-coethnic, 46.33 compared to 50.05 tokens. The difference is only marginally significant (MW, z=-1.52, p=0.13). If the public official is co-ethnic to the manager-citizen duo, the punishment amount is less than if the public official was non-coethnic, 42.50 compared to 47.73 tokens. The difference is however insignificant (MW, z=-0.89, p=0.37).

	Manager & citizen	Manager & citizen are	Average punishment amount contingent on whether public official & citizen are co-ethnic or not
Public official & citizen are co-ethnic	42.50 (n=4)	48.40 (n=10)	46.71 (n=14)
Public official & citizen are non-coethnic	47.73 (n=11)	50.46 (n=28)	49.84 (n=43)

Average punishment contingent on whether manager & citizen are co-ethnic or not	46.33 (n=15)	50.05 (n=42)

Table 7.12: Average punishment amount conditional on the ethnic relationship of the trio

As in the probability to punish, a citizen raises the punishment amount if a co- ethnic public official accepts a bribe from a non-coethnic manager. The citizen pun- ishes by a higher amount, 48.4 compared to 42.5 tokens if the manager was co-ethnic to the public official-citizen trio. The difference is only marginally significant MW, z=1.30, z=0.19). The citizen seems to react to the acceptance of a bribe by a co-ethnic public official from a non-coethnic manager by increasing the punishment amount.

The average punishment amount in a non-coethnic trio is significantly higher than in a co-ethnic trio, 50.47 compared to 42.5 tokens (MW, z=1.71, p=0.09). Column (6) of Table 13 shows that while a co-ethnic trio leads to a significantly lower punishment amount, a non-ethnic trio contribute to an increase in the punishment amount but the coefficient is insignificant. Table 14 presents the regression results of the tobit, probit and OLS (non-zeroes punishment amounts) models. The results show the negative impact of initial endowment on the probability to punish and the punishment amount. Controlling for the non-zeroes punishment amounts in the OLS regression reveals the significant impact of the bribe amount on the punishment amount. Both the probit and tobit results in columns (2) and (4) respectively show less likelihood of punishment and a significantly lower punishment amount in a ethnically homogenous trio.

Table 7.13: Tobit results on the determinants of punishment amount

Variable	All	Manager & citizen are		All	Public official & citizen are		All
		co(ethnic	non(coethnic		co(ethnic	non(coethnic	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Initial endowment	-0.168*	-0.009	-0.189*	-0.176*	-0.066	0.20*	-0.181*
	(0.099)	(0.224)	(0.113)	(0.099)	(0.164)	(0.11)	(0.1)
Bribe amount	0.167	0.225	0.083	0.151	-0.67	0.49	0.123
	(0.374)	(0.617)	0.442	(0.373)	(0.6)	(0.43)	(0.375
Citizen is male	-10	-34.37**	-3.28	-11.23	16.08	-12.55	-9.88
	(8.146)	(15.24)	(9.49)	(8.11)	(13.91)	(9.26)	(8.07)
Manager & citizen are co-ethnic	-11.397			-3.4	-5.2	-5.27	
	(10.55)			(9.93)	(11.43)	(10.36)	
Public official & citizen are co-ethnic		-11.59	8.58	9.99			
		(18.12)	(10.97)	(11.08)			
Co(ethnic trio				-29.52			-21.06*
				(19.31)			(12.88)
Non(ethnic trio							5.87
							(8.02)
Religious dummies	yes	yes	yes	yes	yes	yes	yes
Regional dummies	yes	yes	yes	yes	yes	yes	yes
Obs	88	26	62	88	20	68	88

Coefficients are marginal effects. Standard errors in parenthese. s

****p<0.01, **p<0.05, *p<0.1*

Ethnic combinations A & C in Table 4 incorporated in column (1), B, D & E in column (3), A & D in column (5) and B,C, & E in column (6)

Table 14 also shows a significant and negative influence of initial endowment to the determination of the punishment amount. The bribe amount positively contributes to the punishment amount but the coefficient is insignificant.

Variable	Tobit	Probit	OLS if punish>0	Tobit
	(1)	(2)	(3)	(4)
Initial endowment	-0.176*	-0.554*	-0.16	-0.181*
	(0.099)	(0.326)	(0.14)	(0.1)
Bribe amount	0.151	-0.107	0.4**	0.123
	(0.373)	(0.334)	(0.15)	(0.375)
Citizen is male	-11.23	-0.169	0.01	-9.88
	(8.11)	(0.106)	(0.05)	(8.07)
Manager & citizen are co-ethnic	-3.4	0.001	-0.08	
	(9.93)	(0.141)	(0.06)	
Public official & citizen are co-ethnic	9.99	0.182	-0.03	
	(11.08)	(0.147)	(0.06)	
Co-ethnic trio	-29.52	-0.444*	-0.06	-21.06*
	(19.31)	(0.254)	(0.12)	(12.88)
Non-ethnic trio				5.87
				(8.02)
Constant			3.21***	
			(0.98)	
Religious dummies	yes	yes	yes	yes
Regional dummies	yes	yes	yes	yes
Obs	88	88	57	88

Table 7.14: Tobit results on the determinants of punishment amount

Coefficients for Probit and Tobit are marginal effects. Standard errors in parentheses.

**** p<0.01, ** p<0.05, * p<0.1*

7.6 Discussion and conclusion

Ethnicity appears to be important in the decision to offer a bribe. Specifically, when a manager and citizen are co-ethnic, the manager is significantly less likely to offer a bribe to a non-coethnic public official. Rather, a manager is more likely to offer a bribe to a co-ethnic public official when the citizen is also co-ethnic.

Why might this be? One possible explanation is an expectation on the part of the manager that a bribe offered to a non-coethnic public

official might be more likely to be punished by a co-ethnic citizen than a bribe offered to another co-ethnic. This would be consistent with the notion of ingroup reciprocity in the sense that when a bribe is offered to a co-ethnic public official, even though this hurts the citizen, the disutility experienced is somehow less than when the bribe is offered to a non-coethnic public official. In other words, even though the citizen is adversely affected in both instances, there is some solace to be found in the fact that a fellow co-ethnic is benefitting from the bribe as opposed to a non-coethnic. This pattern is also evident in punishment behaviour. These results suggest that a citizen is indeed more likely to punish a co-ethnic public official for accepting a bribe from a non-coethnic manager as opposed to a co-ethnic manager.

A second finding is that bribes are as likely to be offered in ethnically homogenous trios as in completely heterogenous trios. In other words, the probability of a bribe being offered is lower in trios comprising a mix of co-ethnics and non-coethnics. One possible explanation for this is that in trios comprising a mix of co-ethnics and non- coethnics, players may be unsure of what the expected norms of behaviour might be, given the presence of individuals from other ethnic groups. In ethnically homogenous trios, subjects may have shared expectations and norms about appropriate or accept- able behaviour. Similarly, in completely heterogenous trios, it is assumed there are no common norms or values shared by members of the trio, thus making anything possible. However, when two members of a trio share a common ethnic identity, different to that of the third, it is plausible that this introduces doubt as to what constitute acceptable behaviour and this affects subjects' decisions accordingly.

Unlike the manager's and the citizen's decision to offer a bribe and punish corrupt behaviour respectively in which the ethnic composition of the trio matters, for a public official, the decision to accept or reject a bribe was purely opportunistic. When a bribe was offered to a public

official, he or she saw an opportunity to improve his welfare regardless of his ethnic relation to those in the trio. The main factor that the public official took into account, in the decision to accept or reject a bribe, was his initial endowment. The higher the initial endowment, the lower were his chances of accepting a bribe.

Taken together, these results suggest that ethnic balance and variety matter in reducing corruption. While ethnic heterogeneity has been shown to have adverse effects on several socioeconomic outcomes including trust (see for example Burns, 2004b; Eckel and Wilson, 2003; Fershtman and Gneezy, 2001) public good provision (see for example Miguel and Gugerty, 2004; Harris et al. , 2001; Alesina et al. , 1999) and economic growth (see Easterly and Levine, 1997; Mauro, 1995), at an institutional level ethnic balancing may help in breaking the trust required for a corrupt transaction thus reducing corruption.

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8

CORRUPTION AND HUMAN RIGHTS: THE RIGHT TO FOOD IN KENYA

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8.1 Abstract

The fight against corruption is vital to the human rights movement. Anti-corruption activist and human rights campaigners share the common goals of eliminating the corruption and bribery that denies people the rights and services they are entitled to. While human rights and corruption are not always connected, the increased use of corruption in the form of abuse of political, economic, social and cultural power means that the connections between the two are growing stronger. Yet, anti-corruption and human rights movements tend to work in parallel rather than together.

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The current paper will use the theoretical framework put forward by Transparency International and the International Council on Human Rights Policy to analyse the mechanics of corruption and the violation of one of the most fundamental human rights, the right to food, in Kenya. Through this example, the paper will explore how the human rights framework can add value to the anti-corruption work and how corrupt practices violate human rights. The paper will conclude by identifying opportunities for collaboration between human rights and anti-corruption organizations to deal more effectively with food security in Kenya.

8.2 Introduction

International anti-corruption conventions rarely refer to human rights. Similarly, major human rights instruments rarely mention corruption. But in our everyday life the many links between the two are evident. One important link between the two is the role of governments. Governments have the obligation to respect, protect and fulfil human rights. That is, citizens will engage in anti-corruption and human rights activity if their governments are willing to create such a space (Transparency International, 2009).

Different sources of information on the state of corruption and human rights in Kenya provide contradictory findings. For example, Kenya was the first country in the world to sign and simultaneously ratify the United Nations Convention against Corruption (UNCAC) when it was opened for signature in December 2003 (Republic of Kenya, 2009). And while the Government has taken a number of initiatives to eliminate corruption, opinion polls suggest that the public remains pessimistic about the likelihood of reducing or eliminating it. The Corruption Perception Index[3] (CPI), an instrument ranking

[3] The Corruption Perceptions Index (CPI) ranks countries according to the

countries according to the perception of corruption in the public sector, found Kenya to be the 21 most corrupt country of the 178 countries included in the 2010 Index. On a scale of 0 (highly corrupt) to 10 (very clean) Kenya scored 2.1.

A similar contradiction is apparent in the human rights field. Despite the high level of commitment given to the protection of human rights activists (Republic of Kenya, 2010)[4], in reality the effective space in Kenya for human rights defenders to work is steadily shrinking, and like in many countries they are living in increased danger of their life (Human Right House Foundation, 2010)[5]. To date, the Government of Kenya has failed to be effective in taking "appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities" (Human Rights Committee (HRC), General Comment 31).

It is now agreed, that combating corruption and human rights violations requires strong collective efforts from different sectors in society acting in co-coordinated ways (Transparency International, 2009). An integrated understanding of the mechanics of corruption and the nature of human rights abuses could help to better target the efforts of each movement and to develop more precise tools for dealing with corruption, which are affecting and facilitating human rights violations. The report, *Corruption and Human Rights: Making the Connections*, by

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perception of corruption in the public sector. It is an aggregate indicator that combines different sources of information (i.e. surveys and assessments) about corruption, including bribery of public officials, kickbacks in public procurement, embezzlement of public funds, and effectiveness of public sector anti-corruption. The Index uses perception as corruption is to a great extent a hidden activity that is difficult to measure. Over time, perceptions have proved to be a reliable estimate of corruption.

[4] National Report submitted to the Human Rights Council in view of the Universal Periodic Review for Kenya in May 2010.

[5] These findings remain close to those of the East and Horn of Africa Human Rights Defenders Project, *Maximizing the protection of Human rights defenders.* November 2007 and the UN Country team report to the Universal Periodic Review for Kenya, 8th Session, 3-14 May 2010.

Transparency International and the International Council on Human Rights Policy provides an important conceptual starting point for aligning the work of the two movements. The rest of this paper will use the conceptual framework put forward in the Report to analyse the mechanics of corruption and the violation one of the most fundamental human rights, the right to food, in Kenya.

8.3 Conceptual Framework Linking Corruption with Human Rights

Definition of Corruption

Corruption is defined in a number of different ways, depending on the discipline it is approached from. To link corruption with human rights the most appropriate definition is the one based on law, i.e. a list of acts criminalised by law under the heading 'Corruption'. This paper will use the list provided by the United Nations Convention against Corruption (UNCAC) as the most recent and comprehensive list. Moreover, the Government of Kenya as a signatory to the Convention[6] has taken an obligation to domesticate the Convention by enacting appropriate legislation and putting in place other facilitative initiatives to fight corruption. The non exhaustive list of UNCAC includes the following acts: bribery, embezzlement, trading influence, abuse of functions or positions, abuse of entrusted power and illicit enrichment.

8.3.1 Analysing Corruption in Human Rights Terms

Not every corrupt act violates human rights or leads to a violation of human rights. To determine whether a particular corrupt practice violates a human right first we have to establish the scope and content of the human rights obligation in question and whether the state has assumed such an obligation because of domestic laws and not merely

[6] Kenya was the first country in the world to sign and ratify the Convention on 9th December 2003.

because they have ratified international human rights treaties. It is also useful to distinguish corrupt practices that directly violate a human right, from corrupt practices that lead to violation of a human right, or corrupt practices where a causal link with a specific violation of rights cannot practically be established (Transparency International, 2009).

It is commonly agreed that states have three levels of obligation in relation to human rights: the obligations to respect, to protect and to fulfill. The obligation to respect requires the state to refrain from any measure that may deprive individuals of the enjoyment of their rights or their ability to satisfy those rights by their efforts. The obligation to protect requires the state to prevent violations of human rights by third parties, while the obligation to fulfill requires the state to take measures to ensure that people under its jurisdiction can satisfy basic needs that they cannot secure by their own efforts. When a state's acts, or omissions, do not conform with that state's obligation to respect, protect or fulfill recognised human rights of persons under its jurisdiction a violation of a human right occurs.

8.4 The Right to Food

The impact of corruption on social economic rights, including the right to food, has acute impact on the life of many Kenyans. The right to food is also referred to as the right of everyone to be free from hunger. This right is a component yet a *sine qua non* of the more general right to an adequate standard of living (ICESCR, Article 11(2)). The right to adequate food asserts that all people should be in a position to feed themselves.

The state has a wide range of duties to provide or regulate public services in relation to food security. These services generate large public contracts, which in turn create opportunities for corruption, such as diverting essential resources from social spending, which

disproportionate impact on vulnerable and disadvantaged groups, in particular on children and women.

Such corruption can seriously undermine the realisation of the right to food. In fact, the 1996 Declaration of the World Food Summit expressly mentioned corruption as one of the causes of food insecurity. Furthermore, the UN Special Rapporteur on the right to food identified corruption as one of the seven major economic obstacles that hinder or prevent the realisation of the right (E/CN.4/2001/53, para. 69.).

8.4.1 The Causal Link between the Corrupt Practice and the Harm

The next step of analysis is establishing how direct the connection is between the corrupt act and harm suffered by the victim on the one hand, and the content of the human right and the obligation required from the state on the other hand.

Corruption may be linked ***directly*** to a violation when a corrupt act is deliberately used as a means to violate a right. For example, when between May and November 2008, the government-run National Cereals and Produce Board lost money by selling subsidized maize to fake companies. Cases where the same agency sold 277,000 bags of maize that it had not been authorized to take from emergency stocks.

Sometimes, corruption is an ***indirect***, but essential factor contributing to a chain of events that eventually leads to violation of a right. In the same period above, the government also lost money through delays in importing maize that forced Kenya to pay a price higher than planned because of rising food prices. In this example, the rights are not directly violated by the corrupt act ,such as abuse of entrusted power to import or not to import, but the act is an essential factor without which the violation (failure by the poorest to afford the maize) would not have occurred. As such, corruption is an essential contributing factor in a chain of events.

In other situations, corruption will play a more ***remote*** role; it is one factor among others. A seed or herbicide corporation in view of creating

higher dependency on its products in future may compromise a researcher at a national research institution. The dependency on these products may be perpetuated but factors such as shortage of alternative seed or herbicides but the involvement of a particular researcher in the promotion of a seed or herbicide creating dependency may not be ruled out.

8.4.2 Responsibility of the State

The final step of analysis recommended by the Report is evaluating the responsibility of the state for the damaged caused. Specifically analysis should establish whether the state has undertaken an effective investigation and prosecuted those found responsible. Finally, analysis should identify which forms of reparation would be adequate for the given case (e.g. restitution, compensation, satisfaction, etc.) (Transparency International, 2009).

8.4.3 Linking the Act of Corruption with Violation of Right to Food

Under article 11(2) of the Convention on Economic and Social Cultural rights, the right to food, also referred to as the right of everyone to be free from hunger. It is in this regard a component of the more general right to an adequate standard of living. The right to adequate food asserts that all people should be in a position to feed themselves. While the right to food does not imply that states must provide food to everyone. The state's obligation is to take steps to gradually make it possible for all people to feed themselves, provide access to food in an equal and non-discriminatory way, and assist people to obtain food if they are not in a position to feed themselves.

The Committee on Economic and Social Cultural Rights has, in General Comment 12, elaborated the essentials of the right to food. Yet, the UN Special Rapporteur on the right to food identified corruption as one of the seven major economic obstacles that hinder or prevent the realization of the right (E/CN.4/2001/53, para. 69.). The Declaration of

the World Food Summit 1996 mentioned corruption as one of the causes of food insecurity. An analysis of the essentials of the right to food will help illustrate the role corruption plays in violating the right to food in Kenya.

8.4.4 When Corruption May Violate the Right to Food in Kenya

The first is availability of food in a quantity and quality that is sufficient to satisfy the dietary needs of individuals. This also means individuals should be able to feed themselves from productive land or other natural resources, and distribution, processing and market systems should be able to move food from the site of production to where it is needed in accordance with demand.

Availability of food therefore calls on government to desist from any policy decision, act, or omission that has the effect of impeding its peoples' ability to feed themselves. We contend here that any form of corruption related to the government's involvement in large-scale land acquisitions for foreign direct investments (what media refers to as land grabbing) denies the affected people the possibility of feeding themselves.

Corruption consists in abuse of entrusted power. The government of Kenya has allocated 40,000 hectares of land of trust land to a Quatari investor or another 20, 000 for sugarcane and agro production in the Tana River delta. More than 25, 000 people are to be evicted there from, while pastoralists will lose gazing land (FIAN International, 2010). With neither their consent nor a resettlement plan this abuse of entrusted power is affecting the peoples' ability to feed themselves by denying the access to land.

On the distribution chain, it is not uncommon for there to be an bumper harvest in Kitale or the Rift Valley when people in Turkana or Maralal are starving. Fulfilling the right to be free from hunger requires that there is necessary infrastructure or programmes to guarantee proper distribution of food.

The second essential of the right to food is that the food must be safe. Food security may be compromised if food producers obtain licenses by bribing the authorities; and the right to health (and life) may be compromised, if such food producers subsequently put adulterated or unsafe products on the market. We contend here that the government Kenya abused its entrusted power when it chose to allow biotechnology corporations like Syngeta, Cargill, and Monsanto in complete disregard of the Cartagena protocol on Biodiversity. The Protocol calls for the precautionary principle by any state that may choose to admit biological material into its territory. The corporations mentioned originate from the United States, which is not a signatory to the protocol yet they are doing business in Kenya, which is a signatory to the protocol. If there is any corruption in the antecedents to the coming of these corporations then it may have a bearing on the safety of the food available in future.

The third essential of the right to food is accessibility. This includes economic and physical accessibility. If the processes of production and distribution of food are marred by bribery and kickbacks, these amounts will be factored into the wholesale and retail prices to the extent that food prices my increase. Where by interested omission or inaction the monetary and fiscal policy fails to tackle inflation with an adverse impact on food prices, this constitutes a violation of the right to food.

Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Refugees, victims of natural disaster and other specially disadvantaged groups may need special attention and priority consideration. As it does with other ESC rights, corruption diverts essential resources from social spending and thus, directly or indirectly, hinders realization of the right to food.

The fourth essential of the right to food is that Food should be *acceptable* within a given culture. This implies the need to take into account, as far as possible, perceived non-nutrient values attached to food and food consumption and informed consumer concerns. It is an abuse of entrusted power for government to participate in the erosion of tradition foodstuffs in favor of mass production and convenience. By promoting monoculture and the consequent mass production, the diversity of traditional foodstuffs is compromised.

8.5 Opportunities for Collaboration

Civil society organisations, such as NGOs, business associations, scholars and the media, play a crucial role in efforts to combat corruption and human rights violation. However, most of the work takes place in parallel rather than in collaboration. One of the obstacles is the perception that anti-corruption organisations work with the government, while human rights organisations are more adversarial. Another obstacle is the language and approach used by the two movements. Anti-corruption specialists often find the language and concepts of human rights alien and abstract and their approach deficient of practical solutions. Human rights workers, on the other hand, often dismiss the opportunity to use specific legal instruments to combat acts of corruption to fight human rights violations (Transparency International, 2009).

Useful collaboration between the fields will require efforts on both sides to overcome differences of language and practice. This final section of the paper will explore some opportunities for collaboration as identified by Transparency International and the International Council on Human Rights Policy in their report.

8.5.1 Raising Awareness and Empowering People

Demand and support from the public and human rights organizations

for anti-corruption reforms will strengthen the impact of anti-corruption organizations. The two organizations need to combine their respective advocacy technical expertise. An example of such collaboration is the first issue of *Living Large – Counting the Cost of Official Extravagance in Kenya*, written jointly by The Kenya National Commission on Human Rights and Transparency International-Kenya in January 2006. The document explains how the cost of corruption scandals, such as purchase of luxury official cars, affects the lives ordinary citizens.

8.6 Strengthening New Alliances and Engaging the Media

Successful anti-corruption strategies require the creation of national and international alliances involving actors from across civil society, government and the private sector. Therefore, anti-corruption and human rights organizations need to strengthen their relationships with politicians and journalists, development and business associations, and grassroots and popular movements. This may involve some work to make human right language and concepts to be more accessible and less abstract.

Combating corruption is a long-term battle, and engagement of youth is crucial. Effective use of a broad range of media has a great capacity to influence the development of anti-corruption awareness among youth. Recent events in Tunisia and Egypt are powerful examples of the impact of modern media technology in mobilising young people.

8.7 Applying New Analytical Techniques such as Budget Monitoring

Embezzlement of public funds is frequent in both national and local

government, especially from social budgets. Analysis and scrutiny of public resources and spending at many levels, such as sectoral perspective (education, health, etc.), or from the perspective of specific groups (women, minorities, etc.) is a useful tool to assess how public resources are spent. With the growing improvement in data, measurement and analysis and increasing demand for sound analysis human rights organisations will need collect and/or advocate the collection, classification and analysis of quantitative and qualitative data.

8.8 Giving Attention to Local Government

Local governments deliver crucial public services, such as healthcare, infrastructure, etc., that are especially vital for vulnerable and disadvantaged groups. Corruption can increase the cost of such services, lower their quality and distort their distribution. Human rights organisations need to find strategies to influence local governments to be publicly accountable.

8.9 Litigation

While litigation has value it also has it difficulties, such as securing victims' consent to a prosecution or recruiting them as witnesses. In addition, lawsuits may bring serious risks of harm for those involved. As such use of litigation should be carefully considered, preferably as one element of a broader strategy.

8.10 Conclusion

The current paper has used the theoretical framework put forward by Transparency International and the International Council on Human

Rights Policy to analyse the mechanics of corruption and the violation of one of the most fundamental human rights, the right to food, in Kenya. The paper has explored how the human rights framework can add value to the anti-corruption work ad how corrupt practices violate human right to food. The paper has finally identified opportunities for collaboration between human rights and anti-corruption organizations to deal more effectively with food security in Kenya.

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9

CORRUPTION AND HUMAN RIGHTS MORAL THEOLOGICAL PERSPECTIVES

David K. Mbugua[1]

9.1 Introduction

In recent years, scholars have begun to examine the connections between corruption and human rights. The increase in attention given to these connections originated mostly as a result of shifting perspectives, with corruption currently being considered a problem that affects the individual. Corruption has long been regarded as a problem of an administrative nature with the focus placed on public officials. Corruption then grew to be also considered an economic and political problem. Here Corruption is viewed as having a deleterious effect on the economic growth and development of a country. It is also seen as one of the factors underlying ongoing inequalities, whether in developed or developing countries. But more recently, corruption has begun to become regarded as a problem with serious social implications. It is considered to be a problem related to the design and functioning of social institutions and is not seen as exclusively affecting governments, but also private sectors, political parties, football clubs and even

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churches. In this respect, corruption threatens the social fabric of our society. A moral theological approach to corruption places emphasis on the individuals that suffer its consequences. As a result, it has become evident that corruption has an undeniable connection with individuals and their inherent human rights.

Against this background this paper takes a human rights approach to corruption, and examines the effect that corruption has on fundamental human rights. The first part deals with the definition of corruption in order to determine what is understood by the term. There is a tendency to use the term "corruption" in a loose manner and many different definitions and classifications have been applied. Hence, part one of this work aims to clarifying the understanding of its meaning. The second part examines the effects of corruption on human rights, particularly the ways in which specific corrupt practices may violate specific human rights. Prior to this, a brief description of Human Rights and what constitutes is given. The impact of corruption on human rights of vulnerable groups is also explored in this second part. Finally, the paper is closed by suggestion on human right approach in fighting corruption

9.2 Conceptual Understanding of Corruption

9.2.1 Concept of Corruption

There is no universally accepted definition of corruption. Many literatures have a tendency to use the term "corruption" loosely as a catch-all term. There is also considerable disagreement over which specific acts constitute corruption. The term has also been subjected to numerous classifications. A well-known classification of corruption distinguishes between grand and petty corruption. 'Grand corruption' refers to the corruption of heads of state, Ministers, and top officials and usually involves large amounts of assets; whereas "petty corruption"

refers to the corruption of junior officials, customs clerks, and traffic police, and generally involves relatively small amounts of assets[2]

Such varying classifications and differing ideas about what constitutes corrupt practices have resulted in different definitions of corruption. Today, probably the most accepted definition is the one given by Joseph Nye as follows:

Behaviour which deviates from the normal duties of a public role because of private-regarding (family, close private clique), pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence. This includes such behaviour as bribery (use of rewards to pervert the judgment of a person in a position of trust); nepotism (bestowal of patronage by reason of inscriptive relationship rather than merit); and misappropriation (illegal appropriation of public resources for private-regarding uses.[3]

Similar definition is given by C. J. Friedrich who defines corruption in following terms:

Corruption is a kind of behaviour which deviates from the norm actually prevalent or believed to prevail in a given context, such as the political. It is deviant behaviour associated with a particular motivation,

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[2] G. Moody-Stuart (1997)*, Grand Corruption: How Business Bribes Damage Developing Countries*, Oxford, WorldView Publishing. Other classifications are: Political Corruption involves lawmakers, such as monarchs, dictators, and legislators acting in their role as creators of the rules and standards by which a polity operates. Such officials seek bribes/funds for their political and personal benefit and provide favours to their supporters at the expense of broader public benefits; Administrative Corruption includes the use of bribery and favouritism to lower taxes, escape regulations, and win low-level procurement contracts; Corporate Corruption occurs in relationships which exist between private businesses and suppliers or private service providers. It also involves illegal behaviour by corporate officials for private monetary gain; Institutionalised Corruption relates to the corruption of those who hold institutional positions and can influence institutional processes and actions, such as law enforcement personnel, and members of the judiciary; and Operational Corruption is more practical and relates to specific activities and goals.

[3] J.S. Nye, "Corruption and political development," in: *American Political Science Review*, p. 416.

namely that of private gain at public expense. But whether this was the motivation or not, it is the fact that private gain was secured at public expense that matters. Such private gain may be a monetary one, and in the minds of the general public it usually is, but it may take other forms.[4]

Yet, in this work, a much more specific definition is needed. Only by specifying the wide definition of corruption can one expect to design proper policies to combat it. Hence, in order to carry out the present work and analyse the moral connections between corruption and human rights, it is necessary to have recourse to a moral context and a moral definition of corruption.

Corresponding to the Etymological meaning of the word corruption, which comes from the Latin word '*corrumpere*', the term corruption is used to refer to strong imagery of decay and regression, of something becoming less and less capable, potent or virtuous. The idea that through disease, old age, the influence of vice, or any other reason, the ability to seek the good and virtuous is decreased or destroyed. In this sense, we can talk of corruption of the mind, morals, and the will. In Ancient Greek thought, corruption was understood to refer to the process and effects of change.

In Aristotle's physics, for example, all earthly bodies are in a constant process of change. Change may be measured in the growth or reduction of a body, but most importantly, change may also affect the very substance of a body, determining its 'coming-to-be' (or generation) and 'passing-away' (or corruption).[5] The term corruption retains this meaning today. We completely understand the use of the term in the claim, for example, that the youth of Athens were corrupted by Socrates. We further use the term in essentially the same way, when we claim that

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[4] C. J. Friedrich (1989), "Corruption Concepts in Historical Perspective," in (ed.) A.J. Heidenheimer *Political Corruption: a handbook,* New Brunswick, Transaction Publishers, p. 15.

[5] Aristotle, *De Generatione et Corruptione*, p.317.

the minds of the young are corrupted by mass media, the entertainment industry, or that the ability to make sound decisions is corrupted by religious cults, and so on.

The Concise Oxford English Dictionary identifies nine meanings of corruption. These are roughly grouped together in the following categories:

1. Physical: the destruction or spoiling of anything, especially by disintegration, or by decomposition, with its attendant unwholesomeness and loathsomeness.
2. Moral: moral deterioration or decay, perversion or destruction of integrity, in the discharge of public duties by bribery or favour, and the perversion of anything from an original state of purity. [6]

Similarly, the Oxford Advanced Learner's Dictionary describes corruption as, dishonest or illegal behaviour, especially for those people in authority. In addition, the Dictionary regards corruption as an act or effect of making somebody change from moral to immoral behaviour. [7] The Webster New World Dictionary considers corruption as change for worse, evil or wicked behaviour. [8]

These dictionary definitions explicitly include bribery, and encompass both the giving and receiving of bribes. They focus on corruption as a particular form of disloyalty, and as a breach of faith and trust. The assumption of all these dictionary definitions is that, corruption involves deviation from certain standards of behaviour. [9]

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[6] *The Concise Oxford Dictionary of politics*, New York, Oxford University Press, 1996, p 332

[7] *The Oxford Advanced Learner's Dictionary,* London, Oxford University Press, 2000, p.281.

[8] *Webster New World Dictionary,* New York, The world Publishing Company, 1996, P.332.

[9] J.R. Senturia, "Corruption, Political," In *Encyclopaedia of Social Sciences*, Vol. IV, 1991, pp.448-452.

Corruption is also linked to two important elements: authority and morality. Authors like Gould explicitly define corruption as a moral problem, that is, it is an immoral and unethical phenomenon that contains a set of moral aberrations from moral standards of society, causing loss of respect for and confidence in duly constituted authority.[10]

Corruption, in all its forms, is a kind of deterioration of moral standards in the society, the perversion of the integrity that causes harm to the people and the society. Its negative impact is reflected clearly in the loss of moral values, and a progressive reduction in the ability to act in a morally non-corrupt manner among persons and public officials.[11] Moreover, corruption does harm to the common good and solidarity of humanity. It has divisive and discriminatory effects. It creates classes among people and has grave implication especially to the poor. Corruption spreads, infecting large groups of people, and even whole societies with widespread moral decay and fatalism, resulting in hopelessness and inaction.[12] Finally, moralists ethically condemn corruption as it breaches trust, fidelity, and even more importantly,

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[10] D.J. Gould, "Administrative Corruption: Incidence, Causes, and Remedial, p.468.

[11] Aquiline Tarimo (2005), *Applied Ethics and Africa's Social Reconstruction,* Nairobi, Action Publishers, p.95, Aquiline Tarimo puts it those who give and receive bribes because of their low income and standard of living (petty corruption) those individuals such as government file or record clerks who demand bribes before they render services to clients, police officers who are offered *kitu kidogo*. (something small) by suspects in exchange for their freedom and, account clerks who embezzle funds from accounts they are entrusted with by their employers and, those who engage in grand corruption that arises mainly from greed for wealth and power. These include individuals such as senior corporate officials and government officers who cut secret deals involving huge sums of money with local and international organisations, companies and individual businesses or who practice massive embezzlement of public or corporate funds. Cf, also S.O. Osoba "Corruption in Nigeria: Historical Perspectives," in *Review of African Political Economy*, Vol 69, 1999, p 371.

[12] Kathleen A. Getz, "International Instruments on Bribery and Corruption," in (ed.) O.F. Williams, *Global Codes of Conduct: An Idea Whose Time Has Come*, Notre Dame, University of Notre Dame Press, 2000, p.145.

betrays moral principles and norms of social justice. As the Pontifical Council for Justice and Peace rightly states:

Among the deformities of the democratic system, political corruption is one of the most serious because it betrays at one and the same time both moral principles and the norms of social justice. It compromises the correct functioning of the State, having a negative influence on the relationship between those who govern and the governed. It causes a growing distrust with respect to public institutions, bringing about a progressive disaffection in the citizens with regard to politics and its representatives, with a resulting weakening of institutions. [13]

9.3 Corruption as moral theological problem

Morality is the most noble feature of human nature and culture, it leads to infinite perfection of human society but if ignored could lead to destruction. This calls for analysis of human act like corruption and its impact on the person and society.

Morality consists of the standards that an individual or a group of individuals have about what is right or wrong, good or bad. Moral standards themselves are ideals that people try to live up to concerning what is right or wrong, good or evil.

Human is the only moral being (*homo moralis*) whose intimate world, consciousness and conduct function in terms not only of utility, but also of beauty and good. Since the formation of *homo sapiens* in prehistoric times, its nature has acquired a moral essence. Charles

[13] See Pontifical Council for Justice and Peace *The Fight against Corruption*, 4; [Online] available at http://www.vatican. va/roman_curia/pontifical_councils/ justpeace/documents/rc_pc_justpeace_doc_20060921_lotta-corruzione_eN. html accessed on 23/5/2010, 41. See also John Paul II, *Sollicitudo rei Socialis*. 44; Here John Paul II suggests that some nations need to reform certain unjust structures, and in particular their political institutions, in order to replace corrupt, dictatorial, and authoritarian forms of government by democratic and participatory ones.

Darwin wrote that man as a moral creature is able to reflect on his past deeds and their motivations, to approve of some and to condemn others. No other living creature on the earth and perhaps in the whole universe is endowed with mind and reason, with consciousness and self-consciousness, with personality, free will and conscience. As a moral agent Human actions, when done out of deliberation and volition carry with them a moral status that make them either good or bad, depending on whether these actions conform to the natural law or the human positive laws, which have a universal applicability.

Corruption as a human act, done by a morally responsible agent carries with it a moral guilt, because it goes contrary to established moral standards accepted generally or by a particular society. The question of corruption then assumes a status of moral importance, first because it proceeds from the metaphysical nature of man as a being imbued with rationality and freedom. In other words, it proceeds from person as a moral agent. Corruption because of its social effects, hits at the very foundation of the human being seen as a '*homo socialis'* (social being). It threatens the very life of human in the society. For human, to be is to be social; being human is to be social. As Rao Shankar has rightly pointed that:

Man is a social animal. He lives in social groups, in communities and in society. Human life and society almost go together. Man cannot live as man, without society. Solitary life is unbearable for man [woman]. Man [woman] is biologically and psychologically equipped to live in groups, in society[14]

Since corruption works against the common good, any act of corruption is a war against society and consequently a war against human and the metaphysical fabric of his existence. Ochulor underscored this same point when he held that "the practice of amassing wealth through fraudulent means is an act of sabotage against men,

[14] R.Shankar, *Sociology*, New Delhi, Chand books, 2006 p.155.

women and children and touches on their fundamental rights to enjoys good wealth made through legitimate means". [15]

Corruption is Human right problem it is a critical impediment to the realization of human rights in most countries of Africa. 11th International Anti-corruption Conference, held in Seoul declared that large scale corruption should be designated a crime against humanity, as for many around the world it falls into the same category as torture, genocide and other crimes against humanity that rob humans of human dignity. corruption is condemned as immoral, unjust and repugnant to the ideals of humanity enshrined in the Universal Declaration of Human Rights, and confirmed the conviction that all human beings have a basic human right to live in a corruption-free society. A corrupt state creates a vicious circle in which the state quickly loses its authority and ability to govern for the common good. Corruption makes it possible for critics to be silenced, for justice to be subverted and for human rights abuses to go unpunished. When corruption reigns, basic human rights and liberties come under threat in several ways.

9.3.1 Effects of Corruption on Human Rights

Literature is scant that directly establishes the relationship between corruption and human rights. However, a number of authors mention the serious economic, social and political adversity that corruption causes to a nation and its population, which directly results in violation of fundamental rights and freedoms. It is also agreed that Corruption perpetuates discrimination, prevents the full realisation of economic, social and cultural rights, and leads to the infringement of several civil and political rights

[15]C.L. (2008), Ochulor, *Philosophy: A Fundamental and Basic Science.* Calabar, Focus Publishers, p.330.

9.3.2 Human Rights

Human rights are basic moral claims and freedoms to which all humans are entitled.[16] The concept of human rights is usually founded on the affirmation that everyone is endowed with certain entitlements merely by reason of being human. Richard Rwiza describes thus, "Human rights are a form of moral rights and they are distinct because they apply to all people at all times and in all situations." [17] Human dignity and the basic standards emanating from them constitute the basis of human rights. Freedom, justice, peace and equality flow from these rights. Society cannot achieve its developmental goals without respecting them. John XXIII articulates this as follows:

Any human society if it is well ordered and productive must lay down as foundation this principle, namely that every human being is a person; that is his nature is endowed with reason and free will. Indeed precisely because he is a person he has right and obligation flowing directly and simultaneously from his nature. And as these rights and obligation are universal and inviolable, so they cannot in any way be surrendered [18]

Movements for freedom and equality all over the world have made a substantial contribution towards the birth of the concepts underlying human rights. Such concepts are contained in famous documents such as Universal Declaration of Human Rights and African Charter on Human and People's Rights. Governments are advised the steps they should take to ensure respects for the human rights of citizens in the international covenant on human rights.

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[16] R. Rwiza (2010), *Ethics of Human Rights: The African Contribution*, Nairobi, CUEA Publication, p. 14.
[17] Ibid. p. 16.
[18] John XXIII, Encyclical Letter *Pacem in Terris*, 9.

9.3.3 Theological Foundation of Human Rights

Christian perspectives on human rights revolve around four theological concepts that are reflected in Christian traditions.

Image of God: A belief in the dignity and worth of persons as a source for the idea of human rights springs from a Judeo-Christian understanding that persons are created in God's image. The creation narratives in the Bible tell of an all-powerful yet good God who creates humans in God's own image. (Genesis 1 and 2) Consequently, God's image defines humanity. That image is reflected in human intellect and abilities, language and sociality, morality and a yearning to be in communication with God.(Ps. 139) This theology asserts that because God created humans in God's image, human dignity and worth are axiomatic, non-negotiable, and bestowed on all people.(John 1,Hebrews 1). Because persons are created in God's image, Christians through the ages have assigned a transcendent worth to human beings. Augustine (354-430) taught that God's image in humanity is reflected in the power of reason and understanding that sets humans over all irrational creatures.[19]

From this view twin tenants of human rights can be drawn: the freedom to choose and the freedom from harm. An emphasis on justice for individuals, equality, care for the poor, protection of life, and freedom of religion are human rights emphases that spring from this view. Image of God arguments can emphasize the inviolability of humans and the centrality of the individual. Civil and political rights can be derived from this theological point of view

Order of creation: A related theological position used to support human rights is the idea that the Sovereign God created and ordered domains and spheres of influence in the world. God is God of all and

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[19] Augustine of Hippo (1907), *The Confessions of St. Augustine*, E.B. Pusey, D.D. trans., First published 397 c.e. NY: E.P.Dutton & Do. Inc., Reprinted, 1949, p. 345.

creation, as God's work, is good.(Gen. 1) God's sovereignty and will governs the world. Yet God established orders of authority and care and delegates authority and spheres of responsibility to human institutions and individuals. (Gen. 1) The task of humans is to love and glorify God. In this view, God's will is obeyed when authority is properly delegated and utilized. Caring for those under one's charge is a way of glorifying God. Seeking one's own rights is not a priority in this view. Rather, properly fulfilling one's duty, which includes protecting the rights of others, is stressed. Since God created all, God is source of the rights of all. Human institutions, including governments, should properly order and fulfill their authority by respecting human rights, which are based on the higher authority of God. Government's protective role is given by God and is therefore subject to God's sovereign rule.

Human Frailty and Sin: The other side of Christian attention to human rights on the basis of God's image and the good ordering of creation arises from a theology that recognizes human sin. A belief in the inability of individuals and communities to act rightly makes Christian traditions attentive to both individual wrongs and structural evil in the area of human rights.

According to this theology, although God created the world and pronounced the creation good, human action brought evil into that good world.(Gen. 2) Because of this fallenness, humans cannot do the good that they aspire to (Romans 7 and 15). Instead, even with the best intentions, humans do wrong and mistake evil for good.(Romans 3) That confusion results in a frail humanity that lacks both the wisdom to reasonably order the world and the will to do good[20]

***Community and the Human Family*:** That the people of God are a part of the human family is a third theological construct that is central to an understanding of human rights for Christians. Two circles of

[20] Augustine of Hippo, *The Confessions of St. Augustine*, p. 166.

community are important here: the unity of the whole human family and the special community of the church. Christian traditions have articulated those ideas in many ways, but the concepts of brotherhood and covenant stand out as two of the major constructs that describe the relationships of love among humans that define Christianity. Israel, believing that they were the chosen people of God, separated themselves from surrounding communities in many ways. They operated out of the idea that they had a special relationship with God a covenant that required obedience to God and assured God's protection over them. (Deut. 5)

A tradition of care for widows and orphans was part of this covenant. (Old Testament Book of Ruth) This agreement predisposed those communities to protect the human rights of weaker members. Welcoming strangers into their community, protecting slaves and limiting the authority of political leaders, including kings, were also part of the laws of the covenant of Israel. Those expectations point to a universality of human rights hinted at in the tradition, a universality that was sometimes blurred by the subjugation of the Jews by other tribes and the separation of the Jews from surrounding communities

9.3.4 Characteristics of Human Rights

Four characteristic are suggested as basic to human rights. First Human rights do not have to be given, bought, earned or inherited, they belong to people simply because they are human, thus human rights are 'inherent' to each individual. Human rights are inherent because we are born with them.[21]

Second Human rights are the same for all human beings regardless of race, sex, religion, ethnicity, political or other opinion, national or social origin. We are all born free and equal in dignity and rights.

[21] R. Rwiza, *Ethics of Human Rights: The African Contribution,* p. 14.

Human rights are 'universal'. Human rights are universal because they apply to everyone in the world.

Third Human rights cannot be taken away; no one has the right to deprive another person of them for any reason. People still have human rights even when the laws of their countries do not recognize them, or when they violate them, for example, when slavery is practiced, slaves still have rights even though these rights are being violated thus human rights are 'inalienable'. Lastly To live in dignity, all human beings are entitled to freedom, security and decent standards of living concurrently thus human rights are 'indivisible'[22]

9.3.5 Categories of Human Rights

Human Rights can be categorized in six categories, relating to different qualities and factors in a human person this include:

a) *The human rights relating to the life factor in a human per son:*[23] That is, those rights whose violations directly affect the life factor in a human person; it is human life that is at stake when such rights are violated. Such rights are the life to life and freedom from genocide.

b) *The human rights relating to the physical psychological factor in a human person*:[24] That is, those right whose violation directly affects the physical-psychological factor in a human person; it is the somatic and psychological integrity of a person that is at stake when such rights are violated. These include the freedom from torture and inhuman treatment, the freedom from arbitrary detention and the freedom of movement and residence.

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[22] Ibid, p. 15

[23] *Universal declaration of human rights*, art. 3, p.2, *Convention on the prevention and punishment of the crime of genocide*, art. 1, p.143.

[24] *Universal declaration of human rights*, art, 5, p.2, art. 2, p.2, and 9, p.3.

c) *The human rights relating to the intellectual-spiritual factor in a human person:*[25] That is, those right whose violation directly affects the intellectual-spiritual factor in a human person; the violation directly affects the human person as an intelligent and spiritual being. It is the intellectual and spiritual integrity that is at stake when these rights are violated. These rights include the freedom of thought and expression, the right to education and the freedom of conscience, belief and religion

d) *The human rights relating to the political factor in a human person*:[26] That is, those right whose violation affects the human person as a political being. It is the person's self-expression as a political being in a society, with the propensity to contribute to the decisions that affect one's life and with a desire to live in a stable and peaceful society that is at stake when such rights are violated. These rights include the right to self-determination and participation in governance, electoral rights and the right to peace and stability.

e) *The human rights relating to the economic factor in a human person*:[27] That is, those right whose violation affects the human person as an economic being; the violation affects the capacity of the person to have access to basic needs and other amenities required for a happy and meaningful life. These include the rights relating to work, the right to property and the right to an adequate standard of living.

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[25] *Universal declaration of human rights,* art. 19, p. 4.
[26] *African charter on human and peoples right*, art. 20, *Universal declaration of human rights,* art. 21, p. 5.
[27] *Universal declaration of human rights,* art., 23, p. 5

f) *The human rights relating to the social factor in a human person*:[28] That is, those right whose violation affects the human person as a social being. Such rights are the right to freedom of association and assembly and rights relating to family unit.

9.4 Corruption and Human Rights Violation

The impact of corruption on human rights can be separated into two aspects: corruption as leading to human rights violations, and corruption itself as a violation of human rights. Corruption is said to undermine the enjoyment of human rights in all areas, be they economic, social, cultural, civil, or political.

An examination of corruption in terms of the effects that it has on human rights involves highlighting specific rights and how they may be violated. Sometimes there may be difficulties in this, as specific human rights are often bound up in broad concepts. For example, there is some discussion in the literature linking corruption and ideas of development, including aid, and also corruption and ideas of democracy. However, as already pointed out elsewhere currently these analyses tend to focus on the economic and political costs to development and political stability, rather than examining the human costs to any great extent.[29] This study maintain that it is necessary to break down these broad terms such as 'development' and 'democracy', and to identify the values and rights contained within them in order to promote recognition of these rights.

Human rights approach to corruption should also involve consideration of the broader, more systemic effects that corruption has on society as a whole. It is believed that high levels of corruption in a

[28] *Universal declaration of human rights,* art., 20, p.1
[29] A. Morgan (1998), *Corruption: Causes, Consequences, and Policy Implications*, San Francisco, The Asia Foundation, pp. 15-20.

society are likely to disable a State from fulfilling its duties to respect, protect and fulfill the human rights of its citizens. Corruption undermines the ability of States to comply with its human rights obligations because it erodes the capacity and confidence of a State to deliver services to the public. Since corruption depletes resources available for public spending, the United Nations Office of the High Commissioner for Human Rights has argued that corruption disables States from taking steps to the "maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized" in the International Covenant on Economic, Social and Cultural Rights

Corruption does not only deplete resources available for public spending on essential public functions, "corrupt management of public resources [also] compromises the Government's ability to deliver an array of services, including health, educational and welfare services, which are essential for the realization of economic, social and cultural rights. Further, the prevalence of corruption creates discrimination in access to public services in favour of those able to influence the authorities to act in their personal interest, including by offering bribes. The economically and politically disadvantaged suffer disproportionately from the consequences of corruption, because they are particularly dependent on public goods. In addition, in a society with high incidents of corruption as well as lack of aggressive efforts to hold those responsible accountable, one would also anticipate a high prevalence of human rights abuse at the horizontal level

The difficulties encountered in answering the question as to whether corruption can lead to human rights violations may well be one of the reasons why it has not been adequately addressed previously. Corruption may have a direct implication to human rights when a corrupt act is deliberately used as a means to violate a right. For example, a bribe offered to a judge directly affects the independence and impartiality of

that judge and hence violates the right to a fair trial. In other situations, corruption will be an essential factor contributing to a chain of events that eventually leads to violation of a human right. In this case the right is violated by an act that derives from a corrupt act and the act of corruption is a necessary condition for the violation.

This situation will arise, for example, if public officials allow the illegal importation of toxic waste from other countries in return for a bribe, and that waste is placed in, or close to, a residential area. The rights to life and health of residents of that place would be violated, indirectly, as a result of the bribery. These rights are not directly violated by the bribe in this example, but the bribe was an essential factor without which the violation would not have occurred. Even without a direct connection, therefore, corruption may be an essential contributing factor in a chain of events that leads to a violation, and so may violate human rights indirectly. It is argued that the three important ways by which corruption affects human rights are:

- Firstly, corruption worsens poverty and inequality within societies thereby seriously inhibiting the realization of economic, social, and cultural rights. Land and other natural resources occupy a central place in the livelihoods of the majority - corruption diverts these resources from the intended public use in realization of rights to decent livelihoods into private bank accounts. Besides creating sudden and extreme income inequalities, the diversion of these kinds of resources causes massive human deprivations. Corruption also introduces uncertainties into the economic environment that discourages investments which are so critical for economic growth and poverty alleviation. Illegal and irregular allocations of public land are particularly harmful to the poor because they are more dependent on public amenities.

- Secondly, corruption perpetuates discrimination. Whereas the Universal Declaration of Human Rights for example provides that all human beings are born free and equal in dignity and rights, and the International Convention on Civil and Political Rights provides for equality as well as equal protection before the law, corruption makes a mockery of these entitlements. Public land belongs to all citizen of a given country however when it is corruptly allocated to a privileged few, such preferential treatment constitutes discrimination.
- Thirdly, corruption leads to the infringement of numerous civil and political rights. When corruption permeates politics f or example, and electoral outcomes are determined through bribes of public land to political clients, citizens' choices are distorted and they do not get the leadership they deserve. The consequences include generation of leaders beholden to narrow interests, sycophancy and the erosion of democratic principles.

9.4.1 Corruption and Violation of Human Rights Relating to the Political Factor

Everyone has the right to take part in the government of one's country directly or through freely chosen representative (Universal declaration of human rights art 21:5). All people shall have the right to national and international peace and security (African Charter on Human and People Rights art 23:336)

Human rights whose violation affects the human person as a political being. It is the person's self-expression as a political being in a society. These rights affirm that all people have a right to participate in the economic, political, and cultural life of their nation. It is wrong for any person, group, or political elite to exclude others unfairly from participating in matters that affect their lives. The document *Pacem in Terris* observes:

The dignity of the human person involves the right to take an active part in public affairs and to contribute one's part to the common good of the citizens. The human individual, far from being an object, a merely passive element in the social order must be... its subject, its foundation and its end.[30]

There is a close link between personhood and social participation. To be a person is to be active member of civil society, having a part to play in the making of it, through diverse sets of relationships. Corruption alienates people, especially the poor, from such participation. A further source of concern is found in some countries ruled by totalitarian or dictatorial regimes, where the fundamental right to participate in public life is denied at its origin, since it is considered a threat to the State itself.[31] This non-participation is an injustice, which is to be treated actively or abandoned passively as if they were non-members of the human race. To treat people in this way is effectively to say that they simply do not count as human beings Persons are meant to be subjects of their own history and of all the institutions to which they belong, through their participation in the decisions that affect their common lives. Participation is sharing of power, when respected people can shape their own destiny.[32]

Societies and economic system indebted with corruption deny people participation and undermines their sense of self-responsibility. In so doing, they are deprived of a part of their humanity, their personhood, and they suffer serious alienation. Moreover, it can be said that the poor majority in society do not enjoy full citizenship. They are partial and passive citizens. They are awarded some things as concessions, but never as rights. Social justice demands that all persons be active participants in the society's socio-political and economic activity, and

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[30] John XXIII, Encyclical Letter *Pacem in Terris*, 26.
[31] John Paul II, Encyclical Letter, *Centesimus Annus*, 44-45.
[32] Donal Dorr (1992), *Option for the Poor: A Hundred Years of Vatican Social Teaching*, Rev. (eds.) Dublin, Gill & Macmillan, p.366.

that full participation must be recognised as a fundamental right.[33] Basic justice demands the establishment of minimum levels of participation for all in the life of the community, so that peoples' productivity, initiative, creativity, spirituality, culture and thought will find appropriate outlets that give meaning and expression to their lives and values.

9.4.2 Human Rights Relating to Economic Factor: The Right to an Adequate Standard of Living

Everyone has the right to a standard of living adequate for the health and well-being of oneself and of one's family, including food, clothing, and housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstance beyond one's control. (Universal declaration of human rights art 25, p.5)

The right to an adequate standard of living stems from the dignity, unity, social nature and equality of all men. It is based on the Christian socio-anthropological teaching that man is a social and relational being and that society is made of persons of equality dignity with a common destiny. Human persons in society are knitted together and society/state is morally obliged to see to it that all men in society get "everything necessary for leading a life truly human, such as food, clothing and shelter.[34]

On other hand, it is certainly true that individual persons in society have a duty to ensure that the society/state as a whole meets its obligation to ensure that good order and proper functioning is maintained. Only through the promotion of the common good can individuals significantly live, work and develop as persons. According

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[33] Dean Brackley and Thomas, L. Schubeck (2002), Moral Theology in Latin America, in *Theological Studies,* Vol., 63, no. 1, p.146.
[34] Vatican Council II, *Gaudium et spes*, no. 26.

to *Gaudium et spes*, because of universal and inviolable rights and duties and of dignity proper to persons, the human person stands above all things. This theological fact, thus, qualify the human person to have GS no 26 sates:

Everything necessary for leading a life truly human, such food, clothing, and shelter; the right to choose a state of life freely and to found a family; the right to education, to employment, to a good reputation, to respect, to appropriate information, to activity in accord with the upright norm of one's own conscience, to protection of privacy, and to rightful freedom in matters religious too... This social order requires constant improvement. It must be founded on truth, built on justice, and animated by love; in freedom it should grow every day toward a more human balance[35]

Corruption in all its all forms is one of those obstacles obstructing the efforts "for achieving the right to an adequate standard of living for all, because it is based on individualistic criteria of selfish cynicism and illicit special interests. It also destroys representative democracy and enables selfish public officials in collaboration with private individuals to siphon public goods meant for all citizens. The Compendium of the Social Doctrine of the Church observes:

Corruption radically distorts the role of representative institutions, because they are used as an area for political bartering between clients' requests and government services. In this way political choices favour the narrow objectives of those who posses the means to influence these

[35] Vatican Council II, *Gaudium et spes*, no. 26. David Hollenbach writes: any good of a person that is a real good is embedded in the good of the community. Conversely, any common good that is a real good is simultaneously the good of persons. The good shared with others is constitutive of the good of persons regarded one at a time; the good of persons regarded one at a time cannot exist without some measure of sharing in the common good. D. Hollenbach, *The Common Good and Christian Ethics* Cambridge, Cambridge University, Press, 2002, 79. f

choices and are an obstacle to bringing about the common good of all citizens.[36]

Likewise menace of corruption has links to a multitude of vices that threatens human rights. Its roots are linked to injustice, mistrust, suspicion, extremism and terrorist activities. It creates a sense of insecurity, exacerbates poverty and adds to the misfortune of the vulnerable segments of the society. It also instills a sense of hopelessness and despondency and threatens the strength of good values.

9.4.3 Corruption and the Rights of Vulnerable Groups

In theory, corruption should affect the human rights of everyone equally. In this respect, there should be no correlation between the effects of corruption and the fact that the victim of the corrupt act may or may not belong to a specific vulnerable group. In most cases, the person partaking in corruption only guards individual interest in mind, usually to obtain a preference that will benefit them in some way, most often in monetary terms. Nevertheless, in practice, there are indicators that corruption may have more of a tendency to negatively affect the human rights of people that belong to a specific vulnerable group.

Vulnerable groups can see their rights violated by corrupt practices when the person partaking in corruption wants to exploit their vulnerability and social stigma to his advantage. For instance, due to social stigma, it is unlikely that a person belonging to a vulnerable group will publicly challenge the corrupt behaviour of a public official. Thus, vulnerable groups are easy prey for people partaking in extortion.[37] It is known that those who partake in corruption systematically attempt to

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[36] See Pontifical Council for Justice and Peace, Compendium of the Social Doctrine of the Church, no. 411.

[37] C. Nyamu-Musembil (2007), "Gender and corruption in the administration of Justice," in *Transparency International, Global Corruption Report 2007*, Cambridge, Cambridge University Press. p. 123.

protect themselves by maintaining the status quo. Persons in a position of power that are benefiting from corrupt practices will attempt by all means, including further corruption, to protect themselves and maintain their position of power. As a consequence, people that are not in a position of power, such as members of vulnerable groups, are oppressed to prevent any change in social class and power relations.

9.4.4 Combating Corruption in Africa: [38]Human Rights Approach

Combating corruption should move beyond a law enforcement and public policy issue and attain the status of a human right, which must be accompanied by the collective involvement of all people. Thus we must seek means by which the law can serve as a basis for social involvement in the fight against corruption. Here we propose the human rights approach that includes creation of a right to freedom from corruption as well we underlie the necessity of strengthening the guarantee of human rights, especially social and economic rights.

Corruption is not something that 'happens to' a country, but rather a symptom of deeper difficulties. In many respects, it is a profoundly *social* process involving real people in concrete situations.[39] Looked at one way, corruption is a problem of official ethics and public dealings; but viewed another way; it is a function of the opportunities and alternatives that people have in life. While institutional reforms focus rightly upon the opportunities and alternatives open to officials, it makes equal sense to consider those available to citizens, both as they affect their vulnerability to corruption and as they shape possible opportunities for responding to it.

The human rights approach to combating corruption can be based on two aspect: firstly, a need to institutionalise a right to freedom from

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[39] M Johnston "The Search for Definitions: The Vitality of Politics and the Issue of Corruption" in *International Social Science Journal,* p. 88.

corruption and secondly, a proposition that if basic human rights are guaranteed, especially socio-economic rights, then the incidence of corruption and related offences would be reduced. In the light of this, an analysis of the proposal of a right to freedom from corruption is hereby undertaken.

9.4.5 The Right to Freedom from Corruption

Where corruption has become endemic in a particular society, it attacks the fundamental values of human dignity and political equality of the people. Hence, we propose as strategy to combat corruption there is a need to formulate a fundamental human right to freedom from corruption.

The potential significance of promulgating right to freedom from corruption cannot be underestimated. Corruption in every facet in which it appears whether social, economic or political is not a tangible phenomenon. What it does is to destroy a peoples' value system. Where corruption has become engrained or systemic, a strategy intended to address it must, therefore, go beyond rehashing criminal sanctions or educating the populace about its ill effects. The strategy must pronounce corruption as an evil totally averse to the inherent dignity of human being such that engaging in it is not just a crime but also an act contrary to virtues inalienable to every person. In view of this R. Dworkin argues as follows:

The institution of rights against government is not a gift of God, or an ancient ritual, or a national sport. It is a complex and troublesome practice that makes the government's job of securing the general benefit more difficult and more expensive, and it would be a frivolous and wrongful practice unless it served some point. Anyone who professes to take rights seriously, and who praises our government for respecting them, must have some sense of what that point is. He must accept, at the minimum, one or both of two important ideas. The first is the vague but

powerful idea of human dignity. The second is the more familiar idea of political equality.[40]

This right to freedom from corruption is inherently a basic human right because the right to life, dignity, equality and other important human values depend significantly upon this right.

9.4.6 The Guarantee of Human Rights as an Anti-Corruption Strategy

The second proposition to combat corruption is that of a guarantee of human rights. The argument under this proposition is that if basic human rights are guaranteed, especially the rights to the basic necessities of life, then the incidence of corruption and related offences would be reduced. This proposition is a means of canvassing for a preventive approach to combating corruption as the fight against corruption needs to be multi-dimensional, addressing both preventive and curative aspects.

9.5 Conclusions

This paper has highlighted that while corruption is a phenomenon that is widely discussed in the literature, and increasingly addressed on the international arena, a fundamental aspect of corruption has been left out of the discussion. The effect that corruption has on the fundamental human rights of people has been largely ignored, made reference to only in the vaguest of terms of 'development' and 'democracy' The human rights discourse is an integral part of international law, and needs to be incorporated into the international discussion and action against corruption.

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[40] R. Dworkin, *Taking, Rights Seriously*, Cambridge 1977, quoted in C R Kumar "Corruption and human rights: Promoting transparency in governance and the fundamental right to corruption-free service in India" in 17 *Columbia Journal of Asian Law* 38.

The paper has highlighted that human rights are a form of moral rights that emanate from human dignity of Human person. All human beings regardless of their status in the society possess these rights equally.[41] Enjoyment of human dignity is manifestly possible where decision are deliberately taken to enhance the promotion and protection of human rights and corruption runs contrary to this, since corruption disables a State from meeting its obligations to respect, fulfill and protect the human rights of its citizens. Utilising existing human rights discourse and mechanisms may be useful in the efforts to combat corruption, to ensure human rights protection, and accountability and transparency on the part of governments. The international community and indeed every country have an obligation to extend its anti-corruption efforts to the protection of human rights.

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10

JURIDICAL STATUS OF CORRUPTION IN CIVIL LAW AND IN CANON LAW

Fabien Lonema[1]

10.1 Introduction

Corruption is first of all a criminal practice which has received a juridical definition in most of the countries and in the Church. Beyond the juridical divergences about the circumstances, the authors concerned, the object of complicity, there is corruption when the integrity of the public function, its impartiality and its efficacy are compromised. In this paper, we intend to present the understanding of corruption in civil law and canon law. The two juridical systems address the issue of corruption with clarity, each offering a legal framework to that criminal offense from its own perspective.

10.2 Corruption in Civil Law

10.2.1 Corruption in General

Corruption, understood in a generic sense, means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other

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undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.[2] More precisely, corruption means "the solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions."[3] In other words, corruption consists in an agreement between a public official and a private person, whereby the first accepts from the second for an act relative to the exercise of his or her duties, an advantage which is not due to him or her. Since such fact greatly damages the interests of public administration and hinders the correct fulfillment of functional duties, the State forbids it, subjecting to punishment both participants in the agreement, that is, both the public official who gives in to be corrupted and the private person who corrupts him or her.

The components of these two subjects are closely related. To the action of the one who receives corresponds, as necessary element, the action of the one who gives: one is not conceivable without the other. We are therefore in front of a typical pluri-subjective offense and, more particularly, of one of those offenses called "bilateral".[4]

A part of the doctrine recognizes in the fact of corruption two distinct offenses: one committed by the official and the other committed by the private person. The first is called passive corruption, the second,

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[2] Cf. The Convention entered into force on 1 November 2003. As at 4 January 2005 the Convention had been ratified by 21 States: Albania, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Georgia, Greece, Hungary, Lithuania, Malta, Poland, Republic of Moldova, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia and Turkey.

[3] African Union Convention on preventing and combating corruption, art. 4, a), p. 7.

[4] Cf. Francesco Antolisei, *Manuale di diritto penale*. Parte speciale II, Giuffrè Editore, Milano 2003, p. 323.

active corruption. This conception does not duly take into account the elaboration of the doctrine on that form of co-participation in the offense called "necessary complicity in crime" which is characterized by the fact that a plurality of agents is required as essential element of the criminal model fact situation. The law normally punishes the private person involved in the act of corruption with the same punishment established for the public official who accepts the undue payment or favor for an act of administration.[5]

The doctrinal distinction between passive corruption and active corruption cannot affirm the existence of two distinct offenses, but simply of two aspects of a criminal unitary fact according to whether it is seen from the point of view the corrupt or of that of the corruptor.

10.2.2 Various Forms of Corruption

Under this title, we are going to analyze the types of the offense of corruption.

10.2.2.1 Corruption and Extortion

Before examining these various types of the offense, it is necessary that we illustrate the differences which exist between the offense of *corruption* and that of *extortion* (in the sense of coercion, pressure, blackmail, threats, squeezing, exaction (formal), force), because the opinions of the authors are very discordant.[6] According to a tendency which for various periods has dominated in the doctrine and in the jurisprudence, the differentiating element between corruption and extortion by a public official is constituted by the fact that in the corruption, the process is initiated by the private person, whereas in the extortion, the process is initiated by the public official. Therefore, there is corruption, when the official "accepts" a payment or recompense

[5] Cf. *Codice penale italiano*, art. 321.

[6] Cf. Ronco, *Sulla distinzione tra concussion e corruzione,* in *Giur. It.* 1998, p. 1456; Amato, "Quale "discrimen" tra concussione e corruzione?", in *Cass. pen.* 1998, p. 2918.

which is not due to him or her, offered to him or her by a private person; there is instead extortion by a public official when the official asks for an advantage not due to him or her, taking himself or herself the initiative.[7]

This distinctive criterion has justly been criticized because extortion can be realized also with a true and proper request of the official, as in the case whereby the latter, with a behaviour willingly hindering, pushes the private person to give him or her an amount of money or another advantage. The initiative can even start with the private person when he or she would act in fear of the threatened damage or to avoid major damages or nuisances. This has been recognized by the jurisprudence.[8] On the other hand, one cannot speak of extortion, but there is corruption in the case in which, even starting by the initiative of the public official, the act to which it refers represents also for the private person an undue advantage to the detriment of the Administration.

In relation to these remarks, the doctrine and the jurisprudence are orientated towards a different criterion, identifying the essence of corruption in the free agreement between the public officer and the private person, who put in being a true and proper *pactum sceleris* (a criminal agreement). According to this criterion of distinction, which is now prevailing, corruption is characterized by a position of parity or equality between the parties, whereas extortion is characterized by the superiority of the public official, to which corresponds, as a rule, a situation of *metus* (fear) in the private person.[9]

However, when the position between the official and the private person cannot be called equal, there is corruption and not extortion, if the private person tends to obtain an illicit advantage to the damage of the public Administration, either this advantage consists in avoiding a just measure for him or her prejudicial or harmful, or it consists in

7 Cf. Manzini, *Trattato* V, n. 1322, p. 198.
8 Cf. Cass. 23 settembre 1993, in *Mass. Dec. pen.* 1994, n. 195. 529.
9 Cf. Romano, *I delitti dei pubblici ufficiali*, p. 152.

obtaining a gain which is not due to him.[10] In such a case, it is not possible to speak of extortion or blackmail, because the private person is not a victim of the public official, but he or she cooperates in an action which harms the interests of the public body.[11]

In a synthetic form, this last concept has been expressed saying that, in extortion or blackmail, the private person *certat de damno vitando* (is trying hard to avoid a damage), while in corruption *certat de lucro captando* (is trying hard to take an advantage).

The spread of the facts of corruption in our society and the difficulty of their ascertaining, there are considerable legal frameworks to address the issue.

There are various criminal features of corruption. The common fundamental fact is the illicit trafficking of duties inherent to the public function or to the public service which compromises the good performance and the impartiality of the public administration.[12] But, since such trafficking can have as object a behaviour by itself corresponding to duties of office or a behaviour contrary to the same duties, there can be two distinct forms of corruption. The first, having as object an act of office, is generally called *improper corruption*; the second which has as object an act contrary to the duties of office and which, therefore, is obviously more serious, is called *proper corruption*.

In the scope of these due forms of corruption, there is another distinction, the necessity of which is debatable, speaking of other types of corruption: the *antecedent corruption* and the *subsequent corruption*. The former takes place when the trafficking refers to a future act of the official; in the latter, the trafficking concerns an act already carried out.

10 Cf. Cass. 15 aprile 1969, in *Guist. Pen.* 1970, II, 414, 900.
11 Cf. Cass. 12 luglio 2000, in Cass. Pen. 2001, 847; Id. 13 gennaio 2000, in Rev. Pen 2001, 742.
12 Cf. Cass. 19 maggio 1994, in *Guist. Pen.* 1995, II, p. 285.

10.2.2.2 Improper Corruption

As we said before, improper corruption implies the fulfillment of an act of the office. Here we can have two hypotheses: 1) The fact of the public officer who, in order to fulfill an act of his office, receives, for himself or for another person, in money or other gain, a payment which is not due to him, or accepts the promise of it (improper *antecedent* corruption); 2) the fact of the public officer who receives a payment for an act of office already fulfilled by him (improper *subsequent* corruption). The public officer includes also a civil servant who is a State employee because he or she is entrusted with public service.

From this, it is deduced that the offense improper corruption is punishable not only when it is committed by a public official, but also when it is committed by a civil servant. On the other hand, the private person is not punishable is subsequent corruption when he or she gives or promises to give to the gives or promises to the public officer or to a civil servant some money or other gain for an act of office already fulfilled.

The aim of the incrimination of improper corruption is to avoid the damage which derive to the Administration from the mercenariness or venality of the subjects in charge of it, venality which, even when it does not imply the fulfillment of illegitimate acts, harms the dignity and the prestige of the same Administration, because it puts in discredit and suspicion its functioning.

a) The “act of office”, which must be object of the criminal agreement, is the “legitimate” act carried out in the exercise of the public function and which therefore comes in the sphere of competence of the public official. It implies every behaviour of the official which belongs to his office, and which consists in an action or in an omission, even only generically identifiable. The agreement of the subjects must concern, directly or indirectly, one or more determined acts.

b) The payment which the private person gives and the official accepts is indicated in law by the term "advantage". This consists in every service in money or other gain which has the character of payment for the act of office fulfilled by the official. Other gain must be understood with reference to material or immaterial goods. It is required that the advantage be undue, which fact is verified not only when it is expressly forbidden by the juridical system, but also when it is not expressly allowed by it. Of course the advantage, even in the cases in which it is admitted by the juridical norm, by the administrative act, by the legitimating custom, it becomes illegitimate if it goes beyond the allowed limit.

c) After the explanation given about the concepts of « acts of office » and of « advantage», there is no need for other explanation concerning the *objective element*. Since corruption is a plurisubjective offense with heterogeneous behaviours, in which the behaviour of the public official consists in receiving for him or her or for a third party, in money or other gain, a payment which is not due to him or her, or in accepting the promise of it; and the behaviour of the private person consisting in giving or promising the payment for the same.

d) The offense is consummated at the moment in which the official accepts the payment or the promise of payment. One has to keep in mind that, for the perfection of the offense of corruption, it is not required that the act of office, for which the payment has been given or promised, be fulfilled.[13]

[13] Cf. Cass. 3 febbraio 1998, in *Riv. Pen.* 1995, p. 582; Cass. 19 marzo 1997, in *Cass. Pen.* 1998, p. 1625; Cass. 15 maggio 1985, *Riv. Pen.* 1985, p. 285; Cass. 13 febbraio 1985, in *Riv. Pen.* 1986, p. 314.

e) The *dolus* of the official is constituted by the conscience and the will of receiving, for himself or herself or for a third party, an undue payment, with the awareness that it is done to obtain the fulfillment of an act of office or with the awareness that the payment is given for an act of office already accomplished.

As regard the private person, who, as we have seen, is punished only in the case of improper antecedent corruption, the *dolus* implies the conscience and the will of giving or promising to the official a payment not due in order for him or her to fulfill an act of office.

The term *dolus* indicates a deceit, malice, cunning (furberia), any trick to attain a determined end. According to Roman law, the *dolus* is: "Calladitas, fallacia, machinatio, ad circumveniendum, decipiendum alterum adhibita"[14] (Cunning, falsehood, trickery used to deceive and to cheat another). We talk of *dolus* whenever somebody deliberately violates the norm, i.e. with preceding knowledge and will. A person who deliberately violated a law or precept[15] has committed an offense with *dolus*. Two elements are required: the knowledge on the part of the intellect and the freedom on the part of the will. The intellective aspect consists in the knowledge of the law that one is about to violate, i.e. it consists in the fact that he knows that such law exists and it has a determined content, the knowledge of which is demandable to a subject of normal socio-cultural conditions[16]. It is not necessary to know that it is a penal law, but it is sufficient to know the existence of the law and what its normative scope is. It is an offense because it is anti-juridical.

The anti-juridical character is an essential element of an offence, which means the *absence of the causes of justification*. By the absence of the causes of justification, there exists a rapport of contradiction

[14] Ulpian, DS 4, 3, 1, § 2 quoted in G. Pellegrini, *Jus Ecclesiae Poenale*, I, Napoli 1962, p. 82.
[15] Cf. can. 1321, § 2.
[16] Cf. G. Michiels, *De delictis et poenis*, p. 110.

between the fact and the entire juridical system. The punishment is not a constitutive element of the offense, but it is the fact that one knows that his behaviour is against the law, it is anti-juridical, and carries on such an act, that justifies punishment.

10.2.2.3 Proper Corruption

Proper corruption implies an act contrary to the act of office. It refers to the fact that the public official who in order to omit or delay or for having omitted or delayed an act of his office, or in order to fulfill or having carried out an act contrary to duties of his office, receives, for himself or herself or for a third party, money or another gain, or accepts the promise of it.

Both the public official and the private person are punishable. The object of the penal protection in the proper corruption is the general interest to regulate the functioning of the public Administration, interest which is gravely offended by that form of venality which pushes the public official to betray his duty of fidelity to the Administration itself. Obviously the prejudice inherent in the law in question is more than that which is verified in improper corruption, because the act of the official does not only discredit the public institution, but it disturbs its functioning, through the acts which, in the interest of the same institution, must not be fulfilled.[17]

a) In order to have the offense of proper corruption it is necessary that the payment of money or other gain be given or promised for one of these two aims: 1) to omit or to delay un act of office; or 2) to fulfill an act contrary to the duties of office. As regard the fulfillment of acts contrary to the duties of offices, it is to be observed that it includes every act which is in contrast with the juridical norms or with the instructions of

[17] Cf. Cass. 29 luglio 1996, in *Mass. dec. pen.* 1996, m. 205.889; Cass. 28 settembre 1995, in *Mass. dec. pen.* 1996, m. 202.877.

the service, also with the good use of the discretional power, that is to say, a use which is not inspired by impartiality and justice or does not correspond to the aim for which the same power was conferred.[18]

b) The objective element is the same as in improper corruption. Also for the moment of the consummation of the offense the remark made about the improper corruption is still valid, while in reference to the *dolus*, the unique difference consists in the necessity that the subject knows that the money or the gain is given or promised in order to omit or to delay an act of office or to fulfill an act contrary to the duties of office.

10.2.2.4 Corruption in Judicial Acts

Concerning the corruption in judicial acts, the law consists in guaranteeing that the judicial activity must be carried out in an impartial manner. Corruption in judicial acts means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof. The purpose here is to favor or to damage a party in a civil, penal or administrative process. We are here referring only to the acts of magistrates and their institutional collaborators these include the judge, the bailiff, the prosecutor, the advocates, the witnesses, the police, the experts, the notaries, the trial coordinator, the clerk of the court, the reporter.

10.2.2.5 Criminalization of Corruption

It is required that States establish a wide range of acts of corruption as criminal. The criminalization does not only include basic forms of corruption such as bribery and the embezzlement of public funds, but

[18] Cf. Cass. 12 giugno 1997, in *Giust. pen.* 1998, II, 625; Cass. 26 marzo 1993, in *Mass. Dec. pen.* 1993, m. 1993.821; Cass. 13 febbraio 1985, in *Riv. Pen.* 1986, 314.

also trading in influence and the concealment and laundering of the proceeds of corruption. Offences committed in support of corruption, including money-laundering and obstructing justice, must also be dealt with. Some of the acts to be established as offences in regard of corruption concern the problematic areas of private-sector.[19]

10.2.3 Prevention and Combating Corruption

Corruption can be prosecuted after the fact, but first and foremost it requires prevention. An entire chapter of the United Nations Convention against Corruption is devoted to prevention, with measures directed at both the public and private sectors. These include model preventive policies, such as the establishment of anti-corruption bodies and enhanced transparency in the financing of election campaigns and political parties. States must endeavour to ensure that their public services are subject to safeguards that promote efficiency, transparency and recruitment based on merit. Once recruited, public servants should be subject to codes of conduct, requirements for financial and other disclosures, and appropriate disciplinary measures.

Transparency and accountability in matters of public finance must also be promoted, and specific requirements are established for the prevention of corruption in particularly critical areas of the public sector such as the judiciary and public procurement. Those who use public services must expect a high standard of conduct from their public servants. Preventing public corruption also requires an effort from all members of society at large. For these reasons, States are to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it.[20]

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[19] *Corruption. Compendium of International Legal Instruments on Legal Instruments on Corruption*, pp. 1-2.

[20] *Corruption. Compendium of International Legal Instruments on Legal Instruments on Corruption,* United Nations, New York 2005, p. 1.

Furthermore, in Africa, all this means to "strengthen national control measures to ensure that the setting up and operations of foreign companies in the territory of a State must be subject to the respect of the national legislation in force; to establish, maintain and strengthen independent national anti-corruption authorities or agencies; to adopt legislative and other measures to create, maintain and strengthen internal accounting, auditing and follow-up systems, in particular, in the public income, custom and tax receipts, expenditures and procedures for hiring, procurement and management of public goods and services; to adopt legislative and other measures to protect informants and witnesses in corruption and related offences, including protection of their identities; to adopt measures that ensure citizens report instances of corruption without fear of consequent reprisals; to adopt national legislative measures in order to punish those who make false and malicious reports against innocent persons in corruption and related offences; to adopt and strengthen mechanisms for promoting the education of populations to respect the public good and public interest, and awareness in the fight against corruption and related offences, including school educational programmes and sensitization of the media, and the promotion of an enabling environment for the respect of ethics."[21]

10.2.4 Sanctions for Corruption

The "proceeds" of corruption are the profits or other benefits derived by the briber from the transaction or other improper advantage obtained or retained through bribery. Bribery shall be punishable by effective, proportionate and dissuasive criminal penalties. The punishment will include deprivation of liberty and monetary sanctions within appropriate limits. There can also be seizure or confiscation which includes forfeiture where applicable and which means the permanent deprivation

[21] *African Union Convention on Preventing and Combating Corruption*, art. 5, nn. 2-8.

of property by order of a court or other competent authority. This is without prejudice to rights of victims.[22]

Among the civil or administrative sanctions for an act of bribery of a public official, are: exclusion from entitlement to public benefits or aid; temporary or permanent disqualification from participation in public procurement or from the practice of other commercial activities; placing under judicial supervision; and a judicial winding-up order.[23]

10.3 Corruption in Canon Law

10.3.1 What is Canon Law?

Canon law is the name given to the official body of laws of the Catholic Church. The name is derived from the Greek word 'kanon' meaning a measure or rule.[24]

10.3.2 The Importance of Canon Law

Some people wonder why should we have canon law while we already have civil law in place? The Church is a mystery, a reality imbued with the presence of God. The Church is a communion, that is, a unique set of interrelationships among its members and with God, based on faith and love. But the Church is also a human community made up of ornery, erring and sinful people.[25]

Pope John Paul II explained, on the day of the promulgation of the 1983 Code of canon law, that the purpose the juridical system of the Church "is to create an order in the ecclesial society so that, while giving priority to love, grace and charism, their ordered development is

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[22] *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and Related Documents*, OECD 2010, art. 3, p. 7.
[23] Ibid.
[24] Cf. John Burke, *A Dictionary of Canon Law*, Don Bosco Publications, Akure 2006, p. 116.
[25] Cf. James A. Coriden, *An Introduction to Canon Law*, Paulist Press, New York 2004, p. 5.

facilitated in the life of the ecclesial society as well as in the lives of the individuals who belong to it."[26] The Pope went on to say, that "the Code of canon law is absolutely necessary for the Church. Since the Church is established in the form of a social and visible unit, it needs rules, so that its hierarchical and organic structure may be visible; that its exercise of the functions divinely entrusted to it, particularly of sacred power and of the administration of the sacraments, is properly ordered; that the mutual relationships of Christ's faithful are reconciled in justice based on charity, with the rights of each safeguarded and defined; and lastly, that the common initiatives which are undertaken so that Christian life may be ever more perfectly carried out, are supported, strengthened and promoted by canonical laws."[27]

10.3.3 Provisions on Corruption in Code Canon Law

The Church foresees the instances of corruption in its juridical system. The 1983 Code of canon law contains several provisions dealing with corruption under various aspects, especially concerning the usurpation of ecclesiastical offices and offenses committed in their exercise.

10.3.3.1 Simony

According to the Catechism of the Catholic Church, "Simony is defined as the buying or selling of spiritual things. To Simon the magician, who wanted to buy the spiritual power he saw at work in the Apostles, St Peter responded: "Your silver perish with you, because you thought you could obtain God's gift with money!" Peter thus held to the words of Jesus: "You received without pay, give without pay." It is impossible to appropriate to oneself spiritual goods and behave towards

[26] John Paul II, Apostolic Constitution, *Sacrae disciplinae leges*, in AAS 75 (1983-II), XI.
[27] Ibid., XII-XIII.

them as their owner or master, for they have their source in God. One can receive them only from him, without payment."[28]

The 1917 Code defined simony as the deliberate intention to buy or sell for a temporal price something which is intrinsically sacred such as the sacraments, ecclesiastical jurisdiction, consecration, blessing, indulgences, etc. While the present Code does not explicitly incorporate the definition of simony, it does include the negative consequences of this offence, e. g. according to can. 149 § 3, the provision of an ecclesiastical office by simony is invalid. An ecclesiastical office is any post which, by divine or ecclesiastical disposition, is established in a stable manner to further a spiritual purpose (can. 145 §1). Anyone who deliberately sets out to celebrate a sacrament in return for material gain, e.g. money or other goods, and anyone who deliberately receives the sacrament having expended temporal goods for that purpose is said to have committed the canonical offence of simony. The heart of this offense is the deliberate intent to equalize the spiritual and the temporal, that is, to deal commercially in sacred things. An effort to preclude irreverence toward the Church's saving mysteries underlies the law on simony.[29]

This offence is not to be confused with the legitimate practice of making and receiving offerings on the occasion of sacramental celebrations. In order to prevent abuses and misunderstanding, the law regulates this practice (cann. 531, 848, 945 § 2, 952, 1181), particularly to ensure that the poor are not deprived of the services of the clergy for reasons of penury.[30]

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[28] *The Catechism of the Catholic Church*, n. 2121.
[29] Cf. James A. Coriden, Thomas J. Green, Donald E. Heintschel, *The Code of Canon Law. A Text and Commentary*, Paulist Press, New York 1985, p. 925.
[30] Cf. Gerard Sheehy, Ralph Brown, Donal Kelly, Aidan McGrath, *The Canon Law. Letter and Spirit. A Practical Guide to the Code of Canon Law*, Geoffrey Chapman, Dublin 1995, p. 795-796.

In addition, according to canon 188, "a resignation (from an ecclesiastical office) which is made as a result of grave fear unjustly inflicted, or of deceit, or of substantial error, or of simony, is invalid by virtue of the law itself." Simony invalidates resignation as it does conferral of office (can. 149, § 3). In effect, one cannot "buy off" someone by enticing the person to resign for material considerations. Because invalidity in these circumstances is by the law itself, the office does not become vacant even though the resignation may have been accepted. The officeholder or another aggrieved party may take recourse to the competent authority for a declaration of the nullity of resignation.[31]

For the offence of simony, the law prescribes *a ferendae sententiae* penalty, that is, the competent authority, is convinced that there has been an external violation of the law which is gravely imputable, must impose the penalty of interdict; if the offender is a cleric, the authority has the further faculty of imposing a suspension: since the law makes no qualification of this, the suspension is understood to be general (can. 1333 §1).[32]

10.3.3.2 Trafficking in Mass Offerings

A need to foster reverence for the sacrament of Eucharist and to preclude the commercializing of sacred realities accounts for this generically formulated canon penalizing trafficking in Mass offerings. Such trafficking means profiting unlawfully from money or goods received for the celebration of Mass.[33]

This concerns, for example:

[31] Cf. James H. Provost, *Comment on canon 188*, In John P. Beal, James A. Coriden, Thomas J. Green, *New Commentary on the Code of Canon Law*, Paul Press, New York 2000, p. 222.
[32] Cf. Ibid. , p. 796.
[33] Cf. Ibid. , p. 1590.

- a priest who accumulates offerings against the prescriptions of Can. 948 and the Decree *Mos iugiter;* [34]

- a priest who takes more than one Mass offering each day against the prescription of Can. 951;

- a priest who requires an offering higher than that established in accordance with Can. 952;

- a priest who retains part or all of the offering when transferring the obligation of celebrating Mass in accordance with Cann. 955 § 1 and 956.

The offence may also be committed by those who have the responsibility of receiving offerings for Mass at churches, shrines and places of pilgrimage.

When convinced that there has been an external violation of the law which is gravely imputable, the competent authority is obliged to impose on the offender a censure (excommunication, suspension or interdict) or some other just penalty, to be determined by the gravity and frequency of the offence and the harm or scandal caused. [35] Presumably priests are normally envisioned as possible violators of the pertinent canons. However, lay administrators of pious causes might seriously violate their ecclesial trust regarding the disposition of such offerings.

10.3.3.3 Bribery of Church Official

Canon 1386 states: "A person who gives or promises something so that someone who exercises an office in the Church would unlawfully act or fail to act, is to be punished with a just penalty; likewise, the person who accepts such gifts or promises."

This canon punishes bribery and the consequent corruption of a person who exercises a function (*munus*) in the Church in such a way

[34] Sacred Congregation for the Clergy, Decree *Mos Iugiter* 22 February 1991, in *AAS* 83 (1991), pp. 443-446.

[35] Cf. Gerard Sheehy, Ralph Brown, Donal Kelly, Aidan McGrath, *The Canon Law. Letter and Spirit. A Practical Guide to the Code of Canon Law*, p. 798.

that he unlawfully acts or fails to act in discharging that function. Therefore, an essential element of bribery is the malicious intent to corrupt. Corruption, in this context, also cannot occur without two parties acting. Thus, it is active on the part of the person who gives or promises to pay in any way to obtain an unlawful act or failure to act. It is passive on the part of the person who allows himself to be corrupted and accepts gift or promises.

Active corruption is committed by the mere fact of the giving or promising to obtain something, even if the person to whom it is offered does not consent. In that case, only the corrupter commits an offense. If the other person consents, he also commits the offense, and there is passive corruption.

There is also corruption if a person makes a promise, even if he does not keep it, regardless of whether the unlawful act or failure to act occurs. There is also corruption even if the person accepting does not carry out the unlawful action he agreed to perform. However, it is not corruption or bribery to reward after the fact, if there is no prior accord – even implicit – as a sign of gratitude or friendship to the person who unlawfully did or failed to do something.

As the norm expressly states it, the act or failure to act must be unlawful. Otherwise, there is no offense either by the person who gives or promises something or by the person who accepts it. In this, canon law differs from nearly all civil penal law. There are, however, cases when canon law absolutely prohibits accepting any gift. For example, officers of the tribunal are prohibited from accepting any gift on the occasion of a trial (can. 1456). In that case, malicious intent to corrupt on the part of the briber is assumed by the law or, at the least, it seems that the risk of corruption is deemed imminent. For example, in matrimonial causes, offering and accepting gifts is always considered bribery or at least it raises the suspicion of bribery. However, canon law provides no penalty for either giver or the accepter, unless during or

after the trial the accepter causes harm to the other participants or breaches the law of secrecy.

Similarly, under canon 1489, advocates and procurators who betray their office because of gifts, promises or any other consideration must be suspended from exercising their profession and be fined or punished with other suitable penalties.

The penalty is preceptive, but indetermined: "iusta poena puniatur". The penalty is *ferendae sententiae*; it must be imposed by a judge or the ordinary, depending upon whether the judicial or extrajudicial route is followed. The Code makes no distinction between the person who bribes and the person who is bribed; both are to be punished with a just penalty. Nevertheless, since imputability may vary in each of the subjects, it is the judge or the Ordinary who decides the just penalty for each.

Although bribery and corruption are among the offenses in the Code, for which an indeterminate penalty is provided, in today's civil society, which is especially sensitive to social justice, they are considered grave offenses and are severely punished.

10.3.4 Sanctions for Reprehensible Actions of the Procurator and Advocate

Canon 1488 §1 states: "Both the procurator and the advocate are forbidden to influence a suit by bribery, seek immoderate payment, or bargain with the successful party for a share of the matter in dispute. If they do so, any such agreement is invalid and they can be fined by the judge. Moreover, the advocate can be suspended from office and, if this is not a first offence, he can be removed from the register of advocates by the Bishop in charge of the tribunal."

The law directly establishes three prohibitions: a) influencing a suit by bribery; b) seeking unduly large fees; and c) bargaining with the successful party for a share of the matter in dispute. Any such agreement is invalid in law, and the perpetrator can be fined by the judge. An

advocate who is guilty of any of these offences may be suspended from office and, unless it is only a first offense, the Bishop who has charge of the tribunal may remove him or her from the panel of advocates.[36] The reason for this threefold prohibition is obvious: to prevent the advocate from taking advantage of the client's difficulties to gain undue advantage. Obviously, in order to speak of *excessive* fees, it is necessary to have a schedule establishing the fees, which the law requires of the Ordinary (canon 1649) and, in some countries, of the Bishops' conference.[37] Therefore, excessive fees are those higher than the fees established in those norms to have some specific point of reference. According to canon 1488 § 2, " The same sanctions can be imposed on advocates and procurators who fraudulently exploit the law by withdrawing cases from tribunals which are competent, so that they may be judged more favourably by other tribunals." This norm is new and is intended to combat a certain type of unlawful "forum shopping", where the procurator or advocate withdraws a case from a competent forum so as to introduce it to another where it is hoped more easily to gain a favourable outcome. Pope Paul VI referred to abuses in this area in connection with marriage cases, where the second tribunal was approach on the basis of 'artificially created domiciles or fictitious permanent residences'.[38] Other such abuses took place in the 1970s, when it was discovered that some advocates – obviously with the consent or due to ignorance of some tribunals – had diverted to Africa or to the United States, Italian or Spanish causes that could not have been won before the competent courts.[39] Those advocates and procurators guilty of such practices can be punished with the sanctions mentioned in canon 1488 § 1.

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[36] Cf. Gerard Sheehy, Ralph Brown, Donal Kelly, Aidan McGrath, *The Canon Law. Letter and Spirit. A Practical Guide to the Code of Canon Law*, p. 859.
[37] For Italy, Cf. General Decr. Of the CBI, November 5, 1990, art. 57.
[38] Cf. Paul VI, Allocution to the Roman Rota 28 January 1978, in *AAS* 70 (1978), p. 183.
[39] Cf. *Exegetical Commentary*, p.

In addition, canon 1489 prescribes that "advocates and procurators who betray their office because of gifts or promises, or any other consideration, are to be suspended from the exercise of their profession, and be fined or punished with other suitable penalties." Since the principal role of the office of advocates and procurators is to represent and safeguard the rights of their mandatory, the principal way in which they would betray this office would be in acting against the mandator's interest.

10.3.5 Rehearing a Witness and Corruption

Canon 1570 provides that "Before the acts or the testimony are published, witnesses, even though already examined, may be called for re examination, either at the request of a party or ex officio. This may be done if the judge considers it either necessary or useful, provided there is no danger whatever of collusion or of corruption."

Therefore there must be no danger on the one hand of collusion, i.e. the covert and fraudulent agreement between the witness and one of the parties with a view to distorting the truth. On the other hand, there should be no corruption or bribery i.e. any influence exercised by a party on the witness for the purpose of having the witness testify to something other than the whole truth and only the truth.[40] In other words, corruption here is understood as an offer or the promise of money or of gift, of favour, and the like[41] to the witness to get him or her to give more favourable evidence.

10.3.6 Abuse of Office

According to Can. 1389 §1, "A person who abuses ecclesiastical power or an office, is to be punished according to the gravity of the act

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[40] Cf. James A. Coriden, Thomas J. Green, Donald E. Heintschel, *The Code of Canon Law. A Text and Commentary*, Paulist Press, New York 1985, p. 925.

[41] Cf. Luigi Chiappetta, *Il codice di diritto canonico. Commento giuridico-pastorale III , Libro VIII e Indice Analitico*, Edizioni Dehoniane, Roma 1986, p. 138.

or the omission, not excluding by deprivation of the office, unless a penalty for that abuse is already established by law or precept. §2, A person who, through culpable negligence, unlawfully and with harm to another, performs or omits an act of ecclesiastical power or ministry or office, is to be punished with a just penalty."

Church authority must be exercised in a spirit of ecclesial service. This explains the present canon penalizing both abuse of power or function (§ 1) and culpable official negligence damaging others (§ 2). Such abuse means deliberately exercising the power of orders or jurisdiction or some other ecclesiastical function in a fashion contrary to its basic ecclesial purpose. For example, a pastor might employ parish funds for his own personal use rather than responsibly stewarding the parish financial patrimony cc. 532; 1284).[42]

10.4 Conclusion

Corruption refers to an exchange relation which sidesteps a legally prescribed procedure to regulate the relation. Corruption necessarily refers to law, specifically those legal prescriptions which corruption violates, and as such it relates to the normative sense of justice imbedded in law.[43] Corruption is considered a penal offense by the necessity of reacting against facts which represent a grave danger to the uprightness or rectitude and the disinterestedness which must accompany the exercise of the public functions.

In order to fight corruption both the State and the Church should continually enhance the effectiveness of anti-corruption measures. This means to adopt the necessary legislative measures to criminalize active

[42] Cf. Thomas J. Green, "Book VI, Sanctions in the Church (cc. 1311-1399)", in James A. Coriden, Thomas J. Green, Donald E. Heintschel, *The Code of Canon Law. A Text and Commentary*, p. 1593.

[43] Cf. Deflem Mathieu, "Corruption, Law and Justice: A Conceptual Clarification", in *Journal of Criminal Justice* 23, 3 (1995), pp. 243-258.

and passive bribery in the public and private sectors, illicit enrichment, false accounting, as well as acts of aiding and abetting corrupt practices, and the laundering of the proceeds of corruption; to ensure the protection of victims; and to provide each other with judicial and law enforcement cooperation; and to introduce proportionate and dissuasive sanctions.

11

CORRUPTION IN THE EDUCATION SYSTEM: A SOCIOLOGICAL PERSPECTIVE

Theo Katundano[1]

11.1 Introduction

Corruption comes in many shapes and stages both in developed and underdeveloped countries. Some corruption practices have crept over and set its roots in the education system which is the largest or second largest budget item in most countries. According to 'Anti-corruption Resource Centre'[2] it is hard to truck the damage caused by corruption sometimes, but it is reasonable to estimate that it is extensive and has negatively affected many countries. This brings to attention African countries which also are not spared from corruption practices which they have also embraced as part of way of life when it comes to selfishness and the so called "I want it now" desire. Investigators have identified several structural factors that contribute to bureaucratic corruption in Africa. One such structural factor is the "soft state" that is said to

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[2] www.U4.no or http://www.u4.no/themes/education/educationmainpoints.cfm

embody "a weak or diffuse sense of national interest and the absence of a commitment to public service" (Gould and Mukendi 1989: 434)[3]

The paper addresses some of the external and internal causes of corruption in public primary education sector. The paper explores two main questions. Why and where do corruption leakages occur? What can be done alternatively to combat the corruption worms that continue to interfere with human values and good governance in the society and in the education system? The paper briefly states the initial context of primary education since the 1960s when most African countries gained political independence.

Then it visits the role of the education in the society, the external and internal causes of corruption in the education sector, the consequences of corruption practices and what can be done to curb corruption practices as a strategy to save to nurture a health society that creates a sense of harmony and improve living standards.

11.2 The Purpose of Primary Education in Africa

One example that states the purpose of primary education in Kenya is taken from Professor Daniel N. Sifuna[4] as follows: Since the achievement of independence in 1963, the government and the people of Kenya have been committed to expanding the education system to enable greater participation. Education has also been seen as a fundamental factor for human capital development. This statement is not different from other countries of Africa.

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[3] Gould, D.J., and Mukendi, T.B. (1989) "Bureaucratic Corruption in Africa: Causes, Consequences and Remedies." *International Journal of Public Administration* 12(3): 427-57.

[4] Prof. Daniel N. Sifuna teaches in the Department of Educational Foundations at Kenyatta University. The Illusion of Universal Free Primary Education in Kenya. *Wajibu:* A *Journal of Social and Religious Concern* Vol. 20, 6 (2006). He is a director of OWN & Associates, Centre for Research and Development.

In Tanzania, for example, The Father of the Nation, the late Mwalimu Julius Kambarage Nyerere[5]

"in defining what the 1961 independence meant for the poor, young nation and its people, spelled out three basic areas of focus. He said then that the country had three main enemies, namely poverty, disease and ignorance. He elaborated the defeat of the three enemies would free the people and enable them to engage more ably in other areas of building a strong nation. He called on every citizen to join in the fight to rid the country of the three enemies. The people responded to the call with unparalleled enthusiasm, and within a few years the country had recorded significant successes, in many areas." The Guardian (Dec. 10, 2010)

It is also reported by guardian that, the reality is that today, nearly 50 years later, the people are still shackled by poverty, disease and ignorance, raising questions about the nation's ability to eventually free the people from the three enemies. Sad enough, the nation now faces a bigger challenge. Just like any other developing country, Tanzania is being called upon to fight against corruption, embezzlement and mismanagement, all of which if left to thrive, will entrench poverty, diseases and ignorance. It is also a challenge to many African countries to carefully plan and execute strategies to establish and enforce accountability, safeguard public property and reinforce good governance, if they are to win the bigger war against the three enemies. It is within the main former belief and purpose to African countries during the time of political independence that every child has the right of access to basic welfare provisions, including quality education.

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[5] Editor, The Guardian, (December 10th, 2010), Dar es Salaam, Tanzania. *49 years of fighting the three enemies.*

11.2.1 The Role of Education in the Society

According to Steve Hoenisch[6] in his argument on Emille Durkheim's view he noted that the major function of education was the transmission of society's *values*. Without these "essential similarities" the social life is impossible. The creation of social solidarity is an essential task for the formation and sustenance of the societies; and education is expected to do this task. Hoenisch (ibd) argues that: To become attached to society, the child must feel in it something that is real, alive and powerful, which dominates the person and to which he also owes the best part of himself. It should be understood that society can survive only if there exists among its members a sufficient degree of homogeneity; **quality education** that perpetuates and reinforces this homogeneity by fixing in the child from the beginning the essential human values and mostly integrity which collective life demands. The challenge now is whether the primary education system prepares students as expected by the society. Where does the leakage occur? It should be remembered that corruption distorts both the quality and availability of education services in the education system as earlier highlighted by Purity Gitonga (May 10th, 2011)[7].

11.3 External Causes of Corruption

Some of the external causes of corruption in public primary education as identified by Kpaka (2008)[8] include the following:

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[6] Steve Hoenisch in An Essay on Durkheim and Educational Systems. Last updated on November 1, 2005, in London, England Copyright 1996-2005 www.Criticism.Com

[7] Purity Gitonga, from Kenya Anti-Corruption Commission presented a paper on May 10, 2011 at CUEA, Nairobi, Kenya during an International Conference on "Corruption as a Threat to Justice and Sustainable Peace in Africa."

[8] Salia Kpaka a Research Officer and National Accountability group in Sierra Leone presented a paper on November 1, 2008, Altens in Greece at a 13thworkshop on Corruption in Primary Education in Sierra Leone (page 5-6).

- **Poor conditions of service characterized by low salaries and wages** over the years, is a contributing factor to corruption in the primary education sector. Head teachers, teachers and other wage earners in public primary schools do not get salaries and wages that at least ensure an average living standard. As a consequence, "Informal payments are perceived as subsistence strategy that compensate for inequitable working conditions and economic hardships make it less reprehensible to demand or accept bribes for poorly paid staff as a survival coping strategy"[9] Marie Chene at the U4 Help desk Transparency International (November 23, 2009, page 3).
- Alternatively primary school teachers seek self-employment through tutoring late afternoon and evening classes and highly charging each student for financial survival. The student and the parent become the victim of the situation.
- **Teacher wages are still abysmally low**. Apart from low payment, salaries are not paid until months after due and only after civil servants have extorted a percentage. The delay in paying teachers salaries contributes to low quality education services. It is also argued in the section on 'Low Salaries and Corruption' that, "There is a growing consensus that… the government combined with weak monitoring systems are breeding grounds for corruption and misuse of public resources"[10] (Marie Chene ibd)
- **The budgetary allocation** does not adequately cover primary education. This greatly affects the standard of services provided by primary schools, as Head Teachers often

[9] Authored by Marie Chene, U4 Helpdesk Transparency International, mchene@transparency.org or http://U4.no.helpdesk/query or U4 Expert Answer, U4 Anti-corruption Resource Centre, November 23, 2009.
[10]Marie Chene, ibd.

complain that the funds they receive for school fees subsidies are very inadequate to manage

- The schools and that what worsens the situation is the fact that most times these funds come in very late.
- **A lack of teaching material and poor teaching environment.** Some of the school buildings are in bad shape compared to private primary education building. This goes in hand with an argument raised by Chene (ibd) that there is a greater public tolerance for corrupt practices when civil servants income are insufficient for living, …in comparison to private sector salaries.
- **The absence of deterrent measure to check or deal with cases of corruption** Despite the activities of the Anti-Corruption Commission, culprits charged with corruption, if at all they are caught, have not been promptly prosecuted or adequately punished. Develops into mistrust between parents and the primary education administrative personnel.
- **Bad leadership – political, social and religious**: In some of the spheres of governance, there has usually been bad leadership, characterized by the failure on those entrusted with responsibility to provide an example of good leadership that may serve as a model. This has been attributed to political patronage. The society has lost trust and hope in the school leadership. Instead primary education sector is nicknamed as "It's a political game."
- **High level of poverty**: Many African countries including Tanzania are very poor economically with a very low standard of living.
- **Greed and selfishness**: Most Africans do not want to share with their fellow citizens. It is usual to see the gap between the life styles of the very rich and the poor. Refer to Mother

Teresa of Calcutta who once said, "There is enough food to go around. The only problem is that some individuals are greed and are not ready to share with the poor or neighbours."

- **Ignorance** (Anti-corruption survey 2000) states that [Most Africans] are ignorant of the dangers of corruption and even the need to stamp it out. Corruption is seen as normal and constitutes no danger to society.
- **Communication gaps** (Castilla, 2008, page 4-5)[11] On observing transparency in Peruvian education sector which also affects most third countries, it was realized by researchers that there are communication gaps within the education sector which affects quality education within education institutions. It was also realized as the lack of formal channels of communication between different offices. In general, narrates, each public officer knows his or her duties, but he or she is not aware of the impact generated by his or her level of efficiency over the whole system (Samuel Rotta, 2008)[12]

Internal causes of corruption in public primary education triggered by the above external causes of corruption are as follows:

- A lack of accountability or not being a good steward or lack of professional integrity. **Selling school supplies**, **selling grades**- One example, is the embezzlement of funds drawn from the poor parents in local villages, allocated for school maintenance or from the government or donors.

[11] Castilla, S. R. (November 1, 2008). Challenges for Transparency in Peruvian Education: Evidence from Anti-corruption Intervention at Subnational Level.
[11]Samuel Rotta in Peruvian Education System (2008).

- Bribes that are highly demanded by teachers through **private tutoring**
- Poor school management and bad governance.
- Ghost teachers' - salaries drawn for staff who are no longer (or never were) employed for various reasons including having passed away. This affects student-teacher ratios, and prevents unemployed teachers from taking vacant positions.
- Ghost students – whose names are used by backdoor students during the primary education examination (KCPE) or any other national exam.
- Absenteeism of teaching staff and reporting to work late
- Teaching from recycled material (a lack of getting informed and knowledgeable on the topics to teach) – no proper preparation
- Failure to grade students' fairly (doing mass grading and favoritism)

Now that some of the main causes have been established, the main question that remains is, 'What is the outcome of these corruption practices in the education system?'

- Some of the external and internal corruption practices that have been identified above, become the main reason for the drop in academic performance in the primary education sector which has foundations of the educational system.
- Corruption as one of harmful diseases permeates the entire educational system starting from the primary education sector which is the gate way to higher education.
- Employment of unqualified teaching staff in primary schools, and false collection of funds or massive extortion of money from parents and guidance through pupils.

- Little incentive for educated persons to become teachers. Corruption leaves substandard teachers to teach large classes with the result that most pupils leave school barely literate.
- In fact corruption at the primary education level has been blamed as the root of corruption in several countries and has become an accepted norm among pupils at the primary education level.
- Reluctance of school administration and teaching staff to refrain from corrupt practices, e.g. being late to report to teaching duties, etc.
- Above all, corruption in public primary education brings about increased poverty because, "It causes scarce resources to be confined to few undeserving hands leading to majority being denied access to basic necessities such food, water, shelter, health and education included."[13]

11.4 What Can Be Done as the Way Forward?

- **Raise public awareness** of the costs associated with corruption more generally and in particular in the education sector and in rural and urban areas. This could start with the family unit throughout the national level.
- **The Anti-Corruption Commission to Educate and sensitize teachers, parents and students** (the society as a whole) and inform them their rights, the side effects of corruption, their obligations, e.g. the standard of service to be expected of teachers or the duties of parents' and what is required of their

[13] The Anti-Corruption and Economic Crimes Act 2003 Explained: A Manual for Public Officers and Members of the Public. Kenya Anti-Corruption Commission, Department of Education.

children (future generation). Anti-Corruption Commission[14] to educate Small Christian Communities and small political communities on the roots, forms, and consequences and impact of corruption on our African societies, development and human values and on our religious beliefs and practices.

- Influence the Ministry of Education to hear the cry of the public primary education teachers regarding increasing salaries and to avoid delays in salary payment and establish the culture of quality assurance in the education sector.

11.5 Conclusion

Despite the extent of the corruption problem in the public education system, there is still hope if African countries equip themselves with Anti-Corruption Commission. It is expected that the Anti-Corruption Commission will consistently follow up and report corruption practices in collaboration with the public members and the government. Not only that but also if Anti-Corruption Commission is put in place in each country especially in developing world, will take on the role of educating the public on the importance of developing values as the pillar of integrity in our society and at the grassroots of primary education sector throughout tertiary levels. If public primary education system is reformed in terms of resource distribution, quality teaching, paying teaching staff on time and reasonable salaries, maintaining good governance in schools, and the like, there would be a good foundation from where the secondary and tertiary levels will take over.

[14] *Integrity: A Weapon Against Corruption. A Bible Study Guide for Use By Groups and Individuals.* (October, 2010). Kenya Anti-Corruption Commission. Second Edition, printed by Punchlines Limited in October 2010. Edited by KACC, FOCUS Kenya and EAK.

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Steve Hoenisch in An Essay on Durkheim and Educational Systems. Last updated on November 1, 2005, in London, England Copyright 1996-2005 or http://www.Criticism.Com/

12

COMBATING CORRUPTION IN SOCIETY: A CHALLENGE TO HIGHER EDUCATION IN AFRICA

Elizabeth Nduku and Herbert Makinda[1]

12.1 Abstract

Corruption which is a global problem is common in both developed and developing countries. Transparency International's (TI) 2010 *Corruption Perceptions Index (CPI)*, released in October 2010, identified Africa as the most corrupt region in the world.[2] We can therefore argue that corruption is a reality which is experienced in social, political, economic and religious spheres. It has become a challenge to the governments and societies in different parts of the world; it eats the wealth of peoples, hinders investment and weakens the rule of law besides undermining the legitimacy of government, democratic values, human rights and respect for the rule of law. Corruption destroys national economies, undermines social stability and erodes public trust. It distorts access to public services and leads to the

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[2] Transparency International, *Corruption Perceptions Index,* Transparency International, www.transparency.org.

unlawful enrichment of individuals, thereby causing tensions in the society and providing fertile ground for organized crime. According to Proceedings of the Regional Learning Workshop on Combating Corruption in Africa (2003)

In the report, it was affirmed that corruption is one of the most serious afflictions confronting Africa today. Not only is it rampant throughout the continent, but is also deeply rooted in the society, in the public domain and critical sectors of the African. As such, the ultimate victim of corruption and poverty is the human dignity itself and what is evident is that corruption causes breach in the social order and emerges as a potential threat to the prosperity, peace and stability of human civilization across the globe. Based on this fact it can therefore be argued that corruption affects both the society and individual and that is why it is a major concern for institutions of higher learning who are charged with the responsibility of molding the leadership of any country.

12.2 Introduction

According to Furphy (2010), Transparency International's (TI) identified Africa as the most corrupt region in the world. This is not new because we are all aware of the effects of corruption in Africa and its consequences. We have witnessed events in North Africa (Tunisia, Egypt, Libya, West Africa (Ivory Coast, and what is happening in Uganda. These are just few examples of the impact of corruption which definitely poses a challenge to higher education that is supposed to train leaders. One cannot help but ask the role of higher education in transforming Africa for sustainable development of her people.

A core reason for the existence of universit**ies** and tertiary institutions is to mould develop thorough and moral leadership in society through teaching, research and community service. It is crucial for educationist to strive to impart values to their citizens for "education

has an important role to play in each and every nation. It provides a country with a skilled, alert and healthy labour force which is able to create, cooperate and interact in many ways."[3] Mc Williams and Nahadandi (2006), argue that one of the main goals of education dating back to early western civilization is the development of ethical and moral members of a society and higher education has the capacity, knowledge, and research necessary to help achieve these goals."[4]Higher education in particular realizes human capacities by developing analytical abilities, confidence in ones will power and goal setting. This is enhanced further by better technological infrastructure that permits information access and sharing from one place to the other without much struggle. Higher Education also equips and prepares graduates who can compete for job opportunities, improved living standards, compete in the world market, receive improved medical care. It is therefore imperative for a country to be up-to-date with a sound education system because it plays an important role in shaping society's destiny.

Although education has developed positive aspects in the society it is poignant to note that underlying this beauty, are some social evils such as moral decadency, abuse of human rights, poor leadership, inequitable and unequal distribution of resources, poor leadership, unequal access to opportunities and corruption that undermine the role of education in society. In all these social evils lies some element of corruption which is manifested in the misuse of position or power for some unjust gain thus leading to economic, moral, spiritual and intellectual poverty. If education and in particular higher education is responsible for society's

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[3] Oorvashi, Panchoo (June 14,2008), *The real goal of education*, [online] http://www.helium.com/items/1079427-how-should-the-education-system-be-improved accessed on 11/04/2011

[4]Sampson (2003, 2004), the role of higher education in economic development: Higher education in economic development: Higher education Alliance for the rock river region. NIU Outreach, May, 2005

destiny, then it has the challenge of addressing corruption as it has a crippling effect on society's moral fibre. Institutions of higher education have to wake up and defend their former glory in society by fighting corruption for they can play an important role in not only nurturing but shaping society's moral values.

12.3 Conceptualization of Corruption, Forms and its Effects on the Society

There is no international consensus on the meaning of corruption for it is a complex and multifaceted phenomenon[5]. It assumes different guises, operates at different levels, in different sectors and spheres, and is likely to manifest itself very differently according to the setting in which it is found (economy, governance, religion, social settings etc.). Its roots are linked to injustice, mistrust, suspicion, extremism, selfishness, greed, and terrorist activities that result into the abuse of human rights. Corruption creates a sense of insecurity, exacerbates poverty and adds to the misfortune of the vulnerable segments of the society (such as the poor, the marginalized, disabled, women and the youth). It also instils a sense of hopelessness and misery and threatens the strength of good values which have been established over centuries of civilized struggle.

Though corruption is complex, different authors have attempted to explain it. Balkaran as quoted by Tearfund (2010) argues that corruption entails "misusing of one's office for a private gain or unofficial end and involves both a monetary and non-monetary benefit. Bribery, extortion, influence peddling, nepotism, scams, fraud, 'grease money', and opportunism readily spring to mind. It undermines the well-being and

[5] How Bureaucracy and Corruption affect economic growth and convergence in the European Union? The case of Greece. Panagiota Papaconstantinou , Department of Business Administration, University of Patras, available on http://www.idec.gr/iier/new/CORRUPTION CONFERENCE/

quality of life particularly for the poorest and most vulnerable people, and is function of dysfunctional relationships between the actors, institutions and systems of the state and its citizens. For Graham et al (2010), "corruption is understood as the abuse of entrusted power for private gain at the expense of others or the society as a whole"[6]. According to Bannon (World Bank) "Public office is abused for private gain when an official accepts, solicits, or extorts a bribe. It is also abused when private agents actively offer bribes to circumvent public policies and processes for competitive advantage and profit. Public office can also be abused for personal benefit even if bribery does not occur, through patronage and nepotism, the theft of state assets, or the diversion of state revenues."[7]

Afrosai-E Performance Audit (2009) further explain corruption as "the acceptance of bribe by a civil servant who demands or accepts some form of gain to perform or fail to perform an official action within the scope of his/her authorities. It involves redirection and misappropriation of public funds."[8] Corruption will tend to emerge when an organization or person has monopoly power over a good or service which generates profit, has the discretion to decide who will receive it (thus on how rents will be allocated), and is not accountable. Corruption often means that citizens or businesses have to pay for a service that should have been provided free of charge, or that the citizens or businesses that do not pay do not get the services that they are entitled to.

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[6] Grahaman G, Harding S and Akinyemi A (2010). Corruption and its discontents: Assesing the impact of corruption on people living in poverty. Tearfund, Zambia

[7] The fight against Corruption, A World Bank perspective, Central America Country Management and the Caribbean Region, Stockholm, Sweden 25-28 May 1999. Available on http://www.iadb.org/regions/re2/consultative_group/groups/transparency_workshop6.htm accessed on 16/03/2011.

[8] Afrosai-E Performance Audit (2009). Available on http://www.performanceaudit.afrosai-org.za/ content/corruption-and auditors-role-fight-against corruption. accessed on 16/03/2011.

Hallak and Poisson, (2002) explains Corruption in the education sector as "the systematic use of public office for private benefit, whose impact is significant on the availability and quality of educational goods and services, and, consequently on access, quality or equity in education." [9]

From the above explanations it is clear that corruption involves cheating for personal gains, abuse of position, acceptance of bribe of any nature for personal gain at the expense of others or the society as a whole. It also covers a wide range of activities, such as: favouritism; nepotism; clientelism; soliciting or extortion of bribes; and embezzlement of public goods, among others. For the purpose of this paper we will use corruption as the abuse of entrusted power for private gain at the expense of others or the society as a whole.

12.4 Categories of Corruption

Corruption can be categorized into three forms namely grand corruption, petty corruption and quiet corruption.

12.4.1 Grand Corruption

This is corruption that takes place at higher levels of government, and involves large amounts of money mismanagement - for example, diverting funds from a social program for personal use. Grand corruption is sometimes used synonymously with political corruption. For Andvig "grand corruption occurs at the formulation end of public policies and may involve the misappropriation or embezzlement of government funds, or the tailoring of public laws, codes and regulations for the benefit of particular favoured groups in return for bribes, or

[9] Hallak and Poisson (2007). Corrupt schools, corrupt universities: what can be done. UNESCO. International institute for educational planning.

simply to preserve political support and power."[10] Hallak and Poison (2007) on the same adds that grand corruption involves high-level officials and politicians and large amounts of money; it usually has a high economic, political and social impact.

12.4.2 Petty Corruption

This is the type of corruption which "occurs at lower levels and takes place at the implementation end"[11]. Petty corruption involves public officials demanding certain illegal payments to issue licenses and permits, or to allow access to schools, healthcare or other public utilities. Further Hallak and Poisson (2007) say that petty corruption involves public officers at all levels (from central to local and school levels) and many small amounts of money; even though it usually has a limited , impact, it can have a severe social impact, especially for the poor and most vulnerable. It includes "small transactions between lower level government officials and the public. This level of corruption often affects the provision of goods and government services to the people"[12].

12.5.3 Quiet Corruption

According to World Bank (2010), "quiet corruption is when public servants fail to deliver services or inputs that have been paid by the government"[13]. This may entail absenteeism, low level efforts by government officials or bending the rules for personal gain. This can also happen in any organization and higher institutions of learning are

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[10] Andvig Jc, Fjeldstad (2001). Corruption: A review of contemporary research p. 2.

[11] UNDP (2008). Tackling Corruption, Transforming Lives: Accelerating Human development in Asia and the Pacific p.3.

[12] GOPAC (2005). Controlling corruption: A Parliamentarian handbook. World Bank Institute p.20.

[13] World Bank (2010). Silent and Lethal. How quiet corruption undermines Africa's development Efforts quoted by Grahaman G, Harding S and Akinyemi A (2010). Corruption and its discontents: Assessing the impact of corruption on people living in poverty. Tearfund, Zambia.

not exceptional and especially where the clients have rights to services that they have paid for.

12.5 Effects of Corruption in Society

Corruption is a universal problem, "cutting across faiths, religious denominations and political systems."[14] It is endemic in all governments and is found in democratic and dictatorial systems, feudal, capitalist and socialist economies. It has been aptly described as "a cancer festering within society, enriching a few and impoverishing many". Whether grand, petty or quiet, corruption threatens people and their governments. It makes societies unfair but the unfortunate thing is that corruption is usually a kept secret and therefore the behaviour of the corrupt agent becomes sometimes impossible to detect in real life.

12.6 Public Spending and Economic Growth

Regarding the effects of corruption, Tanzi (1998) argued that it leads to "distortions in public spending. It may for instance begin in reshaping the official priorities of government, by deflecting allocated resources away from their original purpose, and by undermining the tax base of the government. It may also lead to a reduction of investment and growth, by increasing investment costs and creating uncertainty"[15]. Incidences of corruption deter investment because higher bribes imply declining profitability on productive investments relative to rent-seeking investments, leading to the crowding out of the former. It discourages investment and growth. This in turn affects the economic growth of a

[14] Mbonu C. Corruption and its impact on the full enjoyment of human rights in particular economic, social and cultural rights. E/CN,4/sub2/2004/23. July 2004.4

[15] Tansi V (1998). Corruption around the world. Staff papers. International Monetary Fund Vol 45pp559-594.

country for the overall implication of notoriously corrupt environments is that many potential investors avoid them. Priorities are distorted and public resources deflected in corrupt regimes, because monetary allocations go where corrupt officials and politicians personally gain the most. Public interest is no longer the measure. It is therefore likely to shift investment from more productive projects and investments to less productive ones. This will automatically pull growth downwards.

12.7 Effects on Governance

According to the Dakar Framework of Action (2000), corruption leads to poor governance by weakening the accountability of state officials and reducing transparency in the governance of state institutions. It is further argued that corruption is a manifestation of institutional weakness, poor ethical standards, skewed incentives and insufficient enforcement. When corrupt officials slowly drain the resources of a country, its potential to develop socially and to attract foreign investment is diminished, making it incapable of providing basic services to or enforcing the rights of its citizens. Corrupt government officials fail to offer citizens adequate and accurate information about government and policies, curtailing the public's opportunities for participation, and violating the public's right to be informed. As such, many citizens suffer either from petty or quiet corruption which results in reduced productivity. We can therefore say that corruption intrinsically undermines the quality of governance. It does so first, because it creates distrust, and the uncertainties associated with arbitrary governance feeds such distrust. Furthermore, corruption fundamentally runs contrary to accountability. Corrupt politicians, officials and their cohorts do not want others to have access to information about resource allocations and the basis for decisions therefore becomes deliberately obscured. In the long run, corruption undermines governance, public

trust in the state's credibility and the ethics of government and society. Corruption negatively impacts on the rule of law. The more systemic, it becomes the more difficult it can be identified.

Furthermore, corruption fuels transnational crime. Terrorists and organized criminals could not carry out their illegal activities without the complicity of corrupt public officials. It threatens security and damages trust in systems which affect people's daily lives. It is a particular concern for the world's police and judicial systems, as corruption in one country can compromise an entire international investigation.

Corruption itself does not produce poverty, but it does have a direct and immediate impact on economic growth and good governance, which in turn raises poverty levels. It remains a major obstacle to the achievement of the UN's eight Millennium Developments Goals, whose primary aim is to reduce poverty.

The most recent analyses indicate that corruption continues to thrive globally. But as the awareness of corruption increases, so too does the understanding of its negative effects on political, economic and social reforms.

Transparency International's 2006 report shows that corruption is rampant despite improved legislation and counter efforts. "More than US$1 trillion is paid in bribes alone each year, according to a World Bank Institute report – compared to the estimated size of the world economy at that time of just over US$30 trillion"[16].

[16] Transparency International Report (2006).

12.8 Effects on Public Administrative Efficiency

Time and money wasted through corrupt activities comes at the expense of productive activities. This impacts both public administration and private enterprises. Public sector efficiency becomes compromised because corruption superimposes informal practices over the proper rules and procedures of government. This adds direct and indirect costs on the execution of programmes.

12.9 Poverty

Corruption perpetuates poverty and strikes the disadvantaged harder than any other group. As well as affecting economic efficiency, corruption can also have distributional consequences. Income inequality and poverty reduces economic growth, undermines a progressive tax system, erodes the level and effectiveness of social programs, and perpetuates an unequal distribution of asset ownership. Poor infrastructure e.g. impassable roads, poor telephone network lead to increased costs of goods and services. This may result in a rise in crime rates, insecurity, and a denial of justice in the leading to social unrest and consequently a negative international image.

12.10 Corruption, a Challenge to Higher Education

The educational system is not immune to corruption and therefore deserves attention because it impacts negatively on society. In the education system, corruption affects access, quality, and equity, and according to Marion, it slows human capital growth. According to Dakar Frame work of action(2000), “Corruption consequences to education are particularly harsh for the poor who, without access to education or with

no alternative but low-quality education, have little chance to escape a life of poverty."[17]

Corruption in higher education according to Heynemann "may be found in the selection and, accreditation process as well as the procurement of educational property."[18] The most direct, and in some ways the most ignored cost of corruption is the waste of the financial resources through misdirected funds. The more serious costs are incurred when children unable to afford bribes are denied access to schooling, talent is misallocated due to promotion being awarded on the basis of bribery rather than merit, and a generation of children come to believe that personal effort and merit do not count and that success comes through manipulation, favoritism and bribery. Tanaka (2001) identified three main areas of corrupt behaviour in education namely procurement, educational administration and teachers' corruption in the classroom while Heyneman (2002) identified two main forms of corrupt practices in education, i.e. "corruption in services and academic corruption"[19]. These include: corruption in procurement; corruption in educational property and taxes; corruption in selection; corruption in accreditation; and professional misconduct. Finally, Rumyantseva (2005) differentiates corruption that does not involve students as agents and has an indirect effect on them (e.g. fraud in public procurement) from corruption that involves the students as agents and has a direct effect on their values, beliefs and life chances (e.g. payment of bribes to obtain their diploma).

According to World Education Forum: Dakar Framework of Action (2000), Corruption in education is particularly damaging because it endangers a country's social, economic and political future due to the fact that:

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[17] World education Forum: Dakar framework of Action (2000)
[18] Heyneman,2000
[19] Ibid.

- Corruption in education is more detrimental than corruption in other sectors because of its long-term effects.
- Corruption threatens equal access, quantity and quality of education.
- Its consequences are particularly harsh for the poor who, without access to education or with no alternative but low-quality education, have little chance to escape a life of poverty.
- Corruption is incompatible with one of the major aims of education: producing citizens that respect the law and human rights.
- If children come to believe that personal effort and merit do not count and that success comes through manipulation, favouritism and bribery, then the very foundations of society are shaken.

12.10.1 Key Areas that Pose Challenges to Higher Education

12.10.1.1 Selection and Admission Process

According to Heyneman (2002), "there is no nation in which the proportion and the age cohort of students attending the end of an education system is a large as it was in the beginning."[20] We realize that the number of students completing the fourth form in Kenya is larger compared to the number of available universities spaces. Educators argue that certain techniques of selection are better than the others. However the choice of technique is determined by available resources, logistical challenges and the level of public accountability. What is important is to ensure that the technique used maintains an equality of education opportunity. The challenge is that each faculty within each higher education administers examination independently. This system is prone to corruption and sometimes it can be unfair and inefficient thus

[20] Heynman, 2002.

limiting students' access to higher education. It's also true that examinations that are centrally scored can also be corrupted.

12.10.1.2 Recruitment of Personnel

Politicization of the process of identification and appointment of (human resource) personnel, favouritism, ethnocentricity, nepotism, the know who not the knowhow, qualification, compromising the quality of the staff. This will in turn affect the quality of education given to the students. The challenge is how to impart values while one is aware that the means they used to get the job was not the right one.

12.10.1.3 Corrupted Systems of Accreditation

Institutions of higher learning are publicly recognized through a system of accreditation. Accreditation has been affected by the mushrooming of many private universities and all of them need to be recognized. As such, it is easy for universities to engage themselves in corrupt measures to have their status recognized since they argue that there are inadequate higher education facilities. According to Sadlak, 1994 and Bogdanov, 2001, "institutions that seek recognition of new programs, or private institutions which seek institutional recognition often have to pay a bribe. This places educational quality at risk because of the licencing of low quality programmes that have not undergone professional scrutinity and whose human capacity to deliver has not been met."[21] In some universities, whole departments may not have a single lecturer with a doctorate degree, etc.

12.10.1.4 Professional Misconduct

Since education is a public good, education must be treated with ultimate respect. When there is professional misconduct in an educational institution, it can have adverse consequences not only on students but also on society in general. Braxton and Buyer (1999) identify the following elements as elements of professional misconduct.

[21] Sadak 1994 and Bogdanov 2001

- Accepting of material gifts or rewards in exchange of positive grades, assessments or selection to specialized programs. Most of the time this compromises the lecturers' moral authority and quality delivery.
- Assigning of grades or assessments biased by a student's race, culture, social class, ethnicity, gender preferences and other inscriptive attributes
- Instating on a students' adoption of the instructor personal values and philosophy without regard of student freedom of conscience
- Disclosing confidential information regarding a student to persons who are not supposed to access that particular information
- Exploiting harassing, or discriminating against particular students
- Utilizing school property such as cars, office equipment, finances, etc for private commercial purposes.

Unfortunately, some of the issues that professionals engage in constitute criminal offenses and may need to be decided by criminal courts. Other areas of staff misconduct include manipulation of research data and overt race and gender discrimination.

12.10.1.5 Student Academic Dishonesty

Park (2003) and Smith (2003) view cheating during tests, plagiarizing, selling of examination papers and transcripts, falsifying data, getting others to write term papers and examinations, misusing resources and manipulating academic staff as forms of student academic dishonesty. Unfortunately this is very common and has contributed to high levels of corruption in universities. Adele laments that these are the students who will become leaders in society and carry with them the values that they will transmit to society. One is left to wonder at the kind

of society we are going to have. This is prevalent both in the north which north and the south which south and especially the problem of plagiarism. Rossouw (2005) as quoted by Adede reports that in 2004 more than 50% fifty percent of what cases of plagiarism were reported at a single university in South Africa. On the same Gbadamosi (2004) explained from research findings that there was "a strong correlation between student misconduct in examinations and their later ethical conduct in business."[22]

12.10.2 University Management

Corruption can occur at any point in a system where decisions that have meaningful consequences for individuals, are made. In universities it can happen at virtually every level, from the lecture hall to the highest office. It can happen when the lecturer fails to do his or her work and awards students grades for non-performance of assignments. It occurs in account offices when students are invoiced more than expected, or during procurement processes when people obtain fake receipts thus diverting university funds to personal gains. In the top administration the following areas are critical focal areas of corruption.

- Finance which occurs through transgressing rules and procedures thus bypassing of criteria, inflation of costs and activities and embezzlement
- Equitable distribution of resources such specific allowances (fellowships, subsidies, etc.);
- Construction, maintenance and school repairs;
- Distribution of equipment, furniture and materials (including transport, boarding, textbooks, canteens and school meals);
- Writing of textbooks;
- Teacher appointment, management (transfer, promotion), payment and training

[22]Gbadamosi, 2004.

- Teacher behaviour (professional misconduct);
- Information systems;
- Examinations and diploma;
- Institution accreditation.[23]

When this happens, the credibility of an institution is at stake and the customers (students) finally become corrupt and extend it to the community and society at large.

12.11 Challenges Facing Higher Education in Combating Corruption

12.11.1 Bad Governance

Higher education is affected by the existing political governance structures. The political class sometimes interferes with the running of institutions of higher learning. They interfere with the selection of university leadership, recruitments of staff and students which to some extend may interfere with the quality of the programmes and the running of the institutions. The activities may be censored and therefore innovation may be compromised. The school Management is also affected by the governance and especially in its primary roles which include but not limited to policy leadership policy. Other responsibilities include creating a vision; (b) establishing goals; (c) setting core beliefs; (d) stirring change; (e) approve and veto policy; (f) allot resources; (g) supervise the implementation of policy; (h) oversee the productivity of management systems; and, (i) mediate issues between public and the district. This diverts the mission of the universities from research, teaching and community service to serve political party's interest at the

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[23] Source - *'Corrupt schools, corrupt universities. What can be done?'* Hallak J. and Poisson M. (2007).

expense of driving the development agenda activists of the entire citizenry of the particular nation states/countries.

Market driven courses are expanding. Universities are out to make money at any cost. The programmes that are being developed are not concerned about the formation of the person but geared towards attracting as many students as possible. In most instances, the programmes that are geared toward character formation are ignored. No wonder then we have so many graduates who have no regard for values. Universities are continually changing because of the type of knowledge required by the globalised markets, which are in favour of technical skills. This type of markets requires a reorientation towards knowledge with technological impact taking the term "technology" in a broader sense than industrial. The programmes that are developed are not practically oriented to bring outputs that will assure creation of wealth, food security and the curing of diseases. The availability of goods and services matter for sustainable development (Andrei Marga, 2009).

12.11.2 Role of Higher Education in Combating Corruption

Institutions of higher learning are vitally important to a nation, given the critical role of education in economic, cultural and social development and thus determine the destiny of the society. According to (UNESCO conference November 1993), institutions of higher learning, universities and colleges are nurseries of ideas and the pursuit of innovative knowledge. They provide for the education of those who will shape the world and the future of peoples and societies. The university as an institution of higher learning plays an important role in shaping the values of a society. The leaders of a country are a product of the educational system in which they grew up and were nurtured. The character and personalities of the leaders, their minds and wills, have been molded to a great extent by the universities in which they received their education.

On the role of higher education, the World Conference on Higher Education organized by UNESCO in 1998 proclaimed in its Article that one of the missions and functions of higher education is "to contribute to the development and improvement of education at all levels, including through training of teachers." The proclamation continued: "...higher education should reinforce its role of service to society, especially its activities aimed at eliminating poverty, violence, and illiteracy…mainly through an interdisciplinary and transdisciplinary approach". It therefore means that. It is impossible to ignore the vital contribution of higher education in the society and specifically in the fight against corruption.

Universities achieve this noble task through the different programs offered which not only speak to the mind but are supposed to touch the heart thus bringing about transformation. The programmes are to inform, form and transform all those who go through it. As institutions of higher education, universities are expected to fight corruption which exists in educational institutions and use education as a tool to fight corruption.
This would bring forth informed citizens who are aware of the social, political and economic issues of the day and will be able to participate actively in public debates. It is widely accepted that the better educated individuals are, the more they contribute to the social, cultural and economic development of a nation. According to Adele, this can be possible if the universities develop institutional moral competence in the cognitive, behavioural and managerial realm. The challenge is about who may be able to do this work, as who are expected to do it are already corrupt. Here we are focusing on the supervisory role and those charged with it. Who will drive this process of transformation (direction)? Who will develop relevant programmes that will address these issues (technocrats), and who will spearhead the sustainable implementation process (supervisory)?

12.12 Conclusion

Looking at the complexity of the state of the matter, there is no easy solution. It therefore requires political will from agents of governance, innovative formation programmes for policy makers, curriculum developers, administrators, legislature to drive the informative, formative and transformative process. We need to have social, political, economic, religious institutions that would ensure the day to day implementation of the process. The role of ethics is critical in all programmes. Ethical component should be integrated in all disciplines: in the design, implementation, accreditation, monitoring and evaluation of every programme.

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13

COMBATING CORRUPTION: A CHALLENGE TO FAITH-BASED ORGANIZATIONS (FBOS) IN CONTEMPORARY AFRICA

Lucy Kimaro

13.1 Introduction

Corruption is a difficult concept to define because people look at it from different perspectives. It can be understood as a "conduct or practice by a public official or private individual done in flagrant violation of existing rule, and procedures for realization of personal or group gains" (Ruzindana, 1998:18). It is an evil that has challenged many societies in the world from antiquity to the present day. In ancient Greek society corruption was mainly in the form of bribery. Accordingly "the payment of persons invested with public functions to induce them to use them unjustly, and juries to procure verdicts against the evidence were … grave forms of corruption" (Hastings, J. 1981: 121).

Corruption is a sad story in contemporary Africa where lack of good governance and abject poverty are huge obstacles to development. The manifestation of corruption has subsequently forced citizens of many African nations to buy their national rights. In this case, public services which are supposed to be free are not rendered until payment is given to the officials concerned. Bribery; and embezzlement of public resources

have become worse and therefore serious impediment to achieving national development plans. With this trend of corruption one wonders if the millennium goals will ever be achieved in Africa. In such scenario administering Justice has become a luxury to the marginalized citizens who are beneficiaries of legal enactment. Instead only few individuals use public laws and resources for their own enrichment. It is regrettable that law protects only the powerful while the poor or powerless remain voiceless.

This paper discusses the general overview of corruption which is deeply entrenched in many world societies and Africa in particular. The views on how corruption undermines justice and retards national development will be highlighted. Africa is very rich in resources but the continent has paradoxically remained the poorest due to unstable, corrupt governments and dishonest leaders. The paper elucidates the role of FBOs in Combating Corruption and Promoting Justice. It is the fundamental duty of FBOs to ensure that human beings get their necessary needs for survival so as to live a respectable life. FBOs foster religious ethics and human rights principles, fighting against corruption is part and parcel of religious witness and evangelization. So, Faith Based Organizations (FBOs) have been part of the struggle against corruption in order to free the exploited and marginalized people from the chains of poverty.

This social problem calls for collective energy and solidarity to solve it. Religious organizations take care not only of the spiritual life but also of the social lives of their adherents. They have an obligation to protect the poor who have no forums to raise their voices. FBOs are expected to be vocal in criticizing corrupt activities that deny justice to the common person. Justice administration will also be discussed, and finally conclusion and recommendations.

13.2 Combating Corruption in Africa: An Overview

Corruption is a systematic and institutional global phenomenon involving all sectors of society which prevails in both developed and developing countries. It undermines social cohesion and values, erodes the social fabric of African societies and impacts most profoundly the poor. It is perceived by every person of good will as illegal acts related to power offices, official institutions, the civil services and other political spheres or in relation to the personal and monetary gain, corruption is a perversion of power (Brasz, 1978:14). Aristotle, an ancient Greek philosopher condemns corruption when he says "only the person who fits for the office should have it", and not entering the office through dubious means. Fundamentally, corruption involves the abuse of power; it is a multitude of sins (Sherman, 1974:5) and colonization of social relations according to Deflem (1995).

In Zoroastrianism corruption in the form of bribery is strongly opposed as an evil deed mentioned in Avesta Text. The emphasis is on moral action, that is, good thoughts, good words and good deeds. Similarly, Buddhism teaches the soul of a bribe taker is destined to suffer horrible torture in the world to come; and that corrupt judges should be severely punished. In the same perspective Hindu law books rank bribery in the class of open theft that the crime is punishable by fine, confiscation of property and banishment (Hastings, 1981:123-124). In the Old Testament bribe is strictly forbidden for instance in 2 Chronicles 19:7 Yehoshaphat, forbade his judges to accept bribes. In Exodus 18:21-23 "…choose capable and God- fearing men, men who are trustworthy and incorruptible, and put them in charge of them as heads of thousands, hundreds, fifties and tens and make them the peoples permanent judges…". All these explanations show the reason for condemning corruption as indeed a shameful practice and most formidable challenges to good governance, development and poverty

reduction in Africa. Corruption is rampant and has considerably reduced the value of human life in Africa. Conversely, it is suggested that people who earn virtually nothing are more susceptible to resort to corruption measures to ameliorate their earnings in order to survive (Bayart, 1993). According to Bansikiza (2007:113):

The conventional wisdom is that corruption keeps poor countries poor. Some bureaucrats steal because their wages are too low because they have not been empowered to take action on the culprits. Some people have, however, denied that corruption has nothing to do with being underpaid. It is rather a widespread crime…"

This implies that corruption in African nations is practiced not because of low earnings but it is due to immoral way of looking at life. It is an offense related to failure of good governance. Even in countries with a lot of wealth citizens live in slums where life situation is pathetic and deplorable. Systems that glorify corruption are known for putting justice in the dustbin. Corruption is a dragon and is an offense related to failure of good governance. Even in countries with a lot of wealth citizens live in slums where life situation is pathetic and deplorable. Systems that glorify Corruption manifest themselves through the undermining of social cohesion and values and eroding the social fabric of societies especially the poor. It is embedded in relationship between individuals and organization in the developed and developing nations, Africa in particular, involving practices that include theft fraud, extortion, nepotism, patronage and laundering of illicit proceeds that stem from the interface between the private and the public sector and public accounts. In fact corruption and partisan interests have led some countries in the world and Africa in particular to lose credibility (Bansikiza, 114).

Moreover, Edet, (2009:629) argues that "Post independent Africa has been notorious for poor and corrupt leadership which has progressively worsened since independence "…most African countries

have toiled under the worst forms of embezzlement, misappropriation and infrequent outright robbery of state treasury by greedy and selfish corps of self-styled leaders and their cronies…". It is a common phenomenon but depressing to see such leaders who look at their citizens dying of hunger due to drought, or dying of diseases that can be treated because the public coffers are empty; but with the money in some banks outside the country.

Corruption involves multinational co operations which are very dangerous particularly involved in controlling big businesses, at times selling fake, counterfeits and sub-standard products imported or produced within the country. A good example is parastatals in the ministry of health given mandate to regulate and control quality standards of food, Drugs, cosmetics, Medical devices, chemicals, detergents and packed water to mention a few. Alao (2007) reports that the director general of National Agency for Food and Drug Administration and Control in Nigeria Professor Dora expressed her distress as some vital drugs donated by charity organizations for some patients were stolen by people and were being sold in the open market for personal gains. According to her such people were heartless to make away with drugs that were meant to save the lives of certain people. This is rather embarrassing for the country that is trying to keep tolerable global image.

Strangely enough, in contemporary Africa even a president who acquires power through vote rigging continues preaching against corruption. It looks like a joke for leaders of such caliber, since they keep warning people against breaking the law. It is not astonishing that such people lose respect for the law and open fluting for regulations are common. As a result ineffectiveness of the government, political philosophies and programmes of those in power tend to lose credibility. This is what makes the initiatives to combat corruption even more complex and tricky.

13.3 Corruption Undermines Justice and Retards Development

According to Oshomuvwe (1998:28) there are two types of corruption, petty corruption basically involving low ranking officials; and Gigantic or Grand corruption involving powerful officials in the government. In grand corruption countries budget is appropriated by a clique of influential individuals leaving the most poor to suffer with no education or health services. It must be noted that Corruption has "….become institutionalized in countries like Nigeria and Kenya, as many African leaders do not even acknowledge the fact that corruption is not only wrong, but detrimental to economic development of a nation" (Ibid. pg:29). It is unfortunate that little action is taken by governments concerned to bring those involved in corrupt scandals to justice. According to Makabila (2011:26) The Kenya Anti-Corruption Chairman, recently expressed his grief concerning the level of corruption among the government ministries. It was noted that 90 percent of government ministries in the current grand Coalition government are corrupt, which is a worrying situation, hence, declaring it a national disaster.

On the same note, it is rare to find a fare election in contemporary Africa with the exception of Ghana and Rwanda although complains were also not missing. Edet, (2009: 630) explores how it has been a custom for powerful leaders in Africa to put justice in the lost basket that:

Evidence of corruption of electoral systems and procedures in Africa are the various forms of malpractices, rigging, ballot stuffing, disenfranchisement of opponents and their supporters, falsification of results, etc. Corrupted political systems and structures, in turn, become self-serving of the interests of the rulers and their cronies…

It must be noted that corruption is both a major cause of poverty in Africa, found in all levels of society, from local and national government, judicially functions, large and small businesses, military, police and other services. Accordingly corruption affects the poorest the most; it is about being unjust to the poor, from the ethical point of view. Simumba (2008:17) observes that corruption poses serious development challenges in Zambia with the economic growth stifled due to the large amounts of money siphoned off for personal gain. Abuse of power is common as shown below that:

with the sort of figures floating around the office corridors and the streets of Zambia, one would hasten to say we are facing serious organized 'Grand Corruption' of immense proportions that involves high level criminal business people, politicians and bureaucrats, including donor organization…that are abetting, thus theft and turning an expedient blind eye to the abuse of resources.

Consequently, there is a call for everyone in Zambia to fight this war "… we are all today admonished to fight against the growing evil of corruption and impunity that has seeped into the very fabric of Zambia's life …" Like St. Paul call to fight against evil (Timothy 6:12), corruption is an evil that involves a huge amount of money being plainly stolen. How long will people continue to turn a blind eye to this wickedness? People from all religions should stand against the abuse of their resources. It is good to appreciate good efforts being made by the government to stop the corrupt activities that bring the economy of many countries in Africa down to their knees. Presidents like Mwanawasa, tried-Task Force on Economic Plunder which is important for corruption prevention strategy, Auditor General and Corruption Commission (Ibid.). However, it is unfortunate that majority of anti-corruption bodies established in African countries seem to be toothless monsters because of its failure to take on high profile individuals with political connections who are implicated in corruption. This means that

despite the major debates, conferences and discussions about corruption in contemporary Africa, the issue remains a major dilemma.

13.4 Corruption and Justice Administration

Perhaps it is logic to ask a question; when does the law protect the rights of all people in Africa? Are some groups of people immune from legal control? Weakness in judiciary system is obvious. It is pathetic to see a state that cannot protect justice and the rights of its people that put it in power. The Church is committed to the service of humanity and ensure that justice is practiced in order to enable people enjoy the fruits of creation. John Paul II (1996:583) emphasizes in *Centisimus Annus* "The State has the function of protecting human rights and promoting justice and solidarity among its citizens..."

It is very rare in Africa to find an electoral body that is not corrupt, and this has been the reason for the increases of loss of respect for the law. On the contrary there is open fluting for regulations, and consequent ineffectiveness of the government. When some people in leadership preach war against corruption but at the same time continue looting and plundering, it is being hypocritical. For instance in Nigeria Cudjoe (2009) reports the abuse of court, meaning that criminals who are very wealthy are left free in court. It implies that there is no justice for the poor since they have no money to bribe the court officials. This is worst crime that retards social, political and economic justice, therefore plunging the country into the darkness where rights of the poor are seen as luxury. With the same view Edet (2009: 633) argues "Justice becomes the perverse, of the highest bidder or those with connections to the ruling class and their cronies, thereby giving free reign for corruption of flourish unabated. For perpetrators regime to thwart the long arm of the law even when prosecuted…" It is sad that some criminals are above the law, and this has continued to foster and shield

endemic corruption in many African countries. Carnes (2005) states that corrupt leaders in Africa are said to have stolen US $ 140 million during the period of independence but no legal action has been taken.

13.5 The Role of FBOs in Combating Corruption and Promoting Justice

There are many roads to the goal of curbing corruption and one of it is to fight against evil in society. Faith Based Organizations have religious obligations to teach the people avoid engaging in evil practices due to their grave consequences. Essentially, Christian vocation everywhere in the world to focuses on the human person, especially the promotion of morals, attitudes, virtues and good actions. This is to ensure that justice is done and human dignity is respected, hence helped to receive salvific gifts of love and justice brought by Christ (Baitu, 1998). The Catholic Church through Pontifical Council for Justice and Peace organized a conference for the international promotion of justice, peace and human rights. Accordingly:

The conference reviewed the main features of corruption, heightened awareness of the need for integrity and good governance at the international level, and the world-wide initiatives and instruments to fight this obstacle to economic and social development, found universally both in the public and private sectors. Recognizing the clear linkage between poverty and corruption, participants explored methods and strategies to tackle this global problem which requires joint solutions from a wider ranging perspective.

This is an obvious example showing that various institutions of the Church are committed to teaching and promoting social justice. This is witnessed in several social, economic, political, cultural programmes organized through conferences, workshops and seminars. It is in this context that the Church strives to promote a faith based approach to

justice through different situations of the people which are core to human values, showing solidarity with them. A good example is the Jesuit Centre for Theological Reflections which carried out outreach activities in Zambia to promote political ethics, constitutional respect of human rights and justice (Robinson, 2008).

Faith Based Organizations are established within their religious framework and religion is the core of their missions. Basically such organizations focus their activities in strengthening common efforts to fight against all kinds of injustices including corruption, hence rendering huge contribution to greater justice, accountability transparency and integrity. According to the research carried out by Hoseah, E. (2009) in Tanzania, 96% associated corruption with greed, selfishness, others 92% said that corruption is the result of moral indecency hence it is the duty of religion to enforce moral laws in the lives of its adherents.

Faith Based Organizations are committed to ensure that the state does justice to the poor; and protection of the legal order to combat arbitrary and illegal powers that put in jeopardy the common good. It is logic to ask this question that; If religious organizations do not respond to the crime of corruption in Africa who will? Integral justice and higher ideals of Christian love should be reflected in war against corruption and promotion of justice. Lack of distributive justice and selfishness is dominant in corruptive governments. So FBOs advocate for proper distribution of goods necessary for minimal decent life "what is just is what is proportionate to the needs and abilities of the persons involved." (Baitu, 1998: 37, 38). All people must participate in the social, economic, and political life in society without any obstacle, hence social justice. Christian principles of love for one another have greater potential to inspire efforts towards the realization of justice. On the one hand, duties of justice are the minimal requirement of love. On the other hand, integral justice calls for the respect of human rights, since they are the basic demands of integral justice and Christian love.

It is a known fact that corruption widens inequalities, and is against human dignity which requires promotion of justice. Moreover, distributive justice is a wider measure of equity and justice to avoid fundamental gap between the poor and rich which is already huge in Africa. For social justice to be realized there must be employment to enable persons gain their living (ILO, 1973, Baitu 1998). In a similar view John Paul 11(1996:433) in his encyclical letter '*Sollicitudo Rei Socialis* challenges corruptive systems for failure to practice justice and encourages the Church to support the poor. He asks "…how can one justify the fact that huge sums of money, which could and should be used for development of peoples, are instead utilized for the enrichment of individuals or groups,…upsetting the real priority?".

The real concern of the Church is to promote the common good of all humanity. It is the responsibility of the Church to ensure that awareness is raised to help the poor of the world and contemporary Africa in particular to be in solidarity among themselves, make efforts to support one another so that together they can acquire justice. Very often this can be seen in public demonstrations on the social scene which without recourse to violence, present their own needs and rights in the face of the inefficiency or corruption of the public authorities. It is a known fact that by virtue of her own evangelical duty the Church feels called to take her stand besides the poor, to discern the justice of their requests, and to help satisfy them without losing sight of the good of groups in the framework of collective good (Ibid, pg. 463). As the Scripture teaches, the Church believes in the principles that all creation is meant for all, hence the wealth of the nation must be used to serve all citizens equally, and it is for the good of all.

The Church proclaims the truth about Christ in concrete situations such as trying to set people free from injustices by awakening their conscience through the Gospel. In his encyclical letter "*Redemptoris Missio*" Pope John Paul 11 (ibid. Pg. 544) puts emphasis on the

formation of conscience. This can help one to mature gradually with ways of thinking and patterns of behaviour that are rounded by moral values. It is the responsibility of the Church to ensure the development of the whole person leading to conversion of heart and ways of thinking, foster the recognition of each person's dignity, encourage solidarity, commitment and service of one's neighbour. To achieve such noble goal the Church organizes workshops to enhance the exchange of information between and among groups, in order to update them concerning ways to enhance war against corruption. Schools, colleges and Universities are places where not only organize campaigns against corruption and injustices in society, but also train righteous future leaders. There is a need for leaders who will give their citizens a place in God's plans that entails building a kingdom of justice free from corruption.

Nevertheless, FBOs give challenge to government officials through presentations and common statements condemning corruption and supporting anti-corruption bodies in fighting against corruption. Anyuru (2006) asserts that FBOs are crucial for awareness creation and community mobilization against corruption. A good example is Busheni Uganda where FBOs relate to community and play an important role in waging war against corruption. They are great pillars in fostering and establishing mechanics to prevent and fight corruption. Moreover, the state of mass ignorance is alarming and therefore massive awareness is vital as the antithesis of corruption. Through public awareness practices of corruption can be reduced and justice be defender of the poor and powerless. Majority of people are involved in corruption due to ignorance. It is the responsibility of the citizens of any country to understand their rights to service delivery, and negative impact of corruption in the social, economic and political life.

In Tanzania the Christian Council of Tanzania organized a special prayer to pray for president Kikwete, to help him realize that it is important to put those involved in grand corruption into task, especially

those who have caused the government to lose a lot of money by entering into agreement with the unknown company DOWANS. The bishop of Good News for all Church, Charles Gadi, condemned corruption and said that the president needed God's power to combat the evil of corruption, especially punishing the culprits involved in huge corrupt scandals to be example to others. According to the bishop people had lost faith in God, hence not caring about difficulty life that common people were experiencing due to poor economy caused by corruption (Gauluhanga, 2011:20). In the same line, Mjema, (2011:16) reported that Prime Minister was asked to punish corrupt officials who have drained money meant for development from the public accounts. It is sad to realize that such people have been transferred to a different district without being punished, so they are being protected instead of being punished.

In order to reduce corruption the Christian Council of Tanzania (2010) organized workshops and seminars in diverse occasions to provide knowledge and understanding concerning their economic political and social rights. It was established that working with other Faith Based Organizations would help to form, defend and foster social justice. The council's aim is to enhance moral life and raise the standard of life. Hence, there is a need to strengthen network of the marginalized and social disadvantaged in order to enable them participate in the development process. In order to achieve this goal FBOs conduct radio programmes on human rights, civic education, policy issues, budget trucking and combating corruption. Lobbying and networking on topical issues of the day, training villagers how to truck public expenditure and accountability is also their concern.

In Sudan the government has been under pressure to address graft after a series of corruption scandals. A group of civil society and Faith Based Organizations have called on political leaders to address graft and insecurity. Twenty eight (28) signatories of the open letter to the

president of Southern Sudan Salva Kiir, include judges, religious leaders for instance bishop Isaac Dhieu from Episcopal Church of Sudan. They demand that war be declared against corruption, saying it corrodes the fabric of the nation. The letter expresses alarm at what it calls a widespread governance deficit in the government, businesses and institutions. The spotlight has been on official graft after allegations that the government still needs to pay fake 400 contractors who claim to have delivered gains to various states in the region (Garang, Ngor A, 2008). The groups demanded that the government establish anti-corruption bodies so that investigative bodies are free of political interference. It is unfortunate because some of those involved are government officials and private business people.

In enhancing efforts to fight corruption in Uganda, Anti-Corruption Coalition in Uganda (ACCU) (2008) was established. FBOs like Church of Uganda, Catholic Church and Interreligious Council of Uganda joined ACCU. In solidarity with other Organizations like Deaf Rights Network (DERINE) and Action for Development (ACFODE), FBOs have intensified the war against corruption. Combating corruption requires a critical mass of players hence bringing several organizations together at the national level since to curb corruption is a noble idea. (Uganda Anti-Corruption Coalition Uganda (ACCU) (2008). The major concern was the establishment of human family free from corruption in the twenty first century. This is a critical move which demands commitment and dedication of many people of good will. Robinson (2008:13) observes "The more we work on globalization and economic and social rights, the more, I know how important it is in holistic way to emphasize participation, accountability and transparency, to tackle corruption…" Fighting corruption is to promote justice and add value to the lives of many poor people. It must be noted that it is this war that gives dignity to human life and work.

In a similar perspective Fix Nigeria Initiative (FNI) (2011) suggests that FBOs are important to pass on messages related to crime prevention to the faithful. It helps people understand the effects of corruption in the country and in people's lives. It is for this reason that religious leaders organize meetings in order to strategize about the way forward. A good example is the use of Mosques, Churches temples, as well as schools to spread the integrity agreement and set up integrity clubs. Evangelization of children and young people concerning the evils of corruption and eventually avoid it, be honest, and people with integrity is vital. Griwold (2008) Quoting the human right watch, says in Nigeria from $ 4 billion to $ 8 billion in government money have been embezzled annually for the last eight years. The state has all but has abdicated its responsibility for the welfare of its people, roughly half of whom live on less than US $ 1 a day. In this vacuum religion has become a powerful source of identity. Northern Nigeria has one of the oldest and most devout Islamic communities which were galvanized, like many others in the 1980s by the global Islamic Awakening that followed the Iranian Revolution. From Christians, too there has been a revolution, high birth rates and aggressive evangelization over the past century. Besides that there has been aggressive preaching against corruption although not all preachers believe this in their hearts.

Henrio (2010) proposes new model of economy, new roles of governments in the economy and new priorities in order to promote justice in Africa. Benedict XV1 emphasized this in his recent encyclical *Caritas in Veritate*. When everyone is treated fairly Justice dominates the social, economic and political sphere.

Group panelists about corruption from different religious traditions shared their experiences and admitted corruption is the setback of corruption is endemic. It touches religions themselves and that it cannot be addressed without sharing moral values of the great traditions. Tomas, (2010) says that major religions have demonstrated in many

ways sharing a moral ground which is one of the solutions for corruption for instance major anti-corruption effort in India *Sadachara Bharati*-based on Ghandian Principles. Such religious efforts can provide an essential dimension of the global and continental struggle (Rao, K.L. , 2010).

Islamic relief Worldwide (2011) asserts that fighting corruption is the duty of all genuine Muslims. Islamic teaching encourages moral framework and call for believers to act justly and in ethical manner. Corruption according to this understanding reduces the quality of life especially for the poor. In the Quran corruption (*fasaad*) is condemned because it undermines the principles of justice like fair and equitable distribution of wealth, provision of basic necessities and protection of the weak from economic exploitation.

Alhabishi, (2011) states that Islam preaches war against corruption and take as the cancer of the public life. The emphasis is on accountability and honesty. It is corruption that led to the implementation of sharia law, however, implementation has been a challenge, because the way it designed seems to be punishing the poor while the leaders or rich are left free.

13.6 Challenges

There are many mechanisms and instruments that already exist to fight corruption, however implementation and monitoring is a challenge. Religious leaders themselves are challenged to practice justice and be accountable especially in executing their various responsibilities. Dolan (2010:10) asserts that like the police, the clergy can develop a secret world that lacks accountability and makes many behave as if they are above the law. Primarily this happens because most organized religions have no internal checks and balances nor systems of accountability. Churches are mostly run by trust and sadaka (offereings). There have

been several scandals that involved clergy but individuals concerned were not taken into task. This is not the best way to fight corruption and promote justice. An example is that there have been cases of looted Church property, disappearing of Harambee cash in Kenya, but the offenders were rarely held accountable or made to face the courts. Accordingly, many are suspended but after a short while they are reinstated (Ibid.). This is a failure of the Church to be accountable to society the way others are held responsible which is a horrible wrong. One would think that such leaders would be more answerable because they are entrusted with more responsibility. It must not be forgotten that integrity and responsibility stewardship are also for the churches, hence transparency and accountability should penetrate all institutions in society.

It must be realized that despite claiming divine origins, Churches are human institutions full of weaknesses, corruption and greed because they are run by humans. One would hope that these faults would be less often found in Churches. But for the weak few and the faithful majority we must put in place structures of accountability and discipline as a matter of urgency (Ibid. pg. 11).

Islam today (2001) reveals that on the practical level the implementation of Sharia face challenges, with its promise or moral justice at the local level, seems to offer an end to corruption but this is not a reality. Absurdly, Nigerian Muslims associate corruption with the failure of Western –style democracy in Africa, hence to reinstate the Sharia is key to good religion. The challenge of Sharia implementation which is on the books in 12 of Nigerian 36 states is obvious. It seems to have had very little practical impact in the war against corruption and advancing justice in people's daily lives. Paradoxically, Northern Nigerian sharia law has not staunched the corruption they face every day. In fact many of the politicians who backed the establishment of Sharia law have been linked to massive corruption, for instance the

biggest advocate the former governor of Zamfara state is rumoured to have paid a man to let the state amputate his hand for stealing livestock. It sounds a failure and a challenge to religion which has not stopped politicians from stuffing the ballot boxes. What is worth is to fight and die for power. In same context six sharia judges were accused by anti-corruption commission of the State of Zamfara for bad conduct, judicial error, and violation of human rights and illegal seizure of other people's properties.

Carnes (2005) says in corruptive situation neither the poor nor the corrupt get transformed. Accordingly, huge amount of foreign aid in cash or kind has been flowing to Africa for the last 50 years to eradicate poverty, achieve universal primary education, improve material health, fight killer diseases, protect the environment, and partner globally for economic development. Nevertheless in Zambia, a heavily evangelized country by Christians for decades, one such forecast predicted the nation would have a per capita income of $ 20, 000. Instead Zambia languish at average of $ 500 per year, the country is as poor as ever.

In Nigeria it is even more shocking. Billions in cash dollars of oil and gas and 3.5 billion in Aid between 1980 and 2000 disappeared. Consequently, Nigeria remains a field of destitution with open sewers, foul tap water, garbage strewn roads, tribal and religious violence and corruption in both state and Church. One former general stole US $ 20 billion from government coffers. In the central Nigerian city of Jos, an Anglican bishop Benjamin Kwashi told Christians today, that the only way the Church can stamp out corruption is to begin from within, in his diocese he said people were merciless insisting on accountability to the last penny (Carnes (2005) p. 38).

Often religious groups have gathered to discuss the problem of corruption due to its endemic nature worldwide. It touches religions themselves and it cannot be addressed without sharing moral values of the great traditions. Religions themselves have been involved in

corruption, hence a challenge to combat the evil. However, the few honest and righteous people who work with sincere faith in God the king of justice can make a majority. In the perspective, there must be fundamental enhancement of the human character that is why religious communities should play an active role in this. Educational and spiritual formation is a decisive tool for combating corruption. Profound moral instructions are also critical since religion cannot be separated from the way of life, the way one works and relates to others (Bikkhu, 2010).

Apparently, corruption is the sign that there is spiritual vacuum in the society. Religions have been marginalized, but themselves have contributed to the problem by their failure to emphasize corruption as a critical moral issue. But still it is important to know that corruption within each of world's great religious is vital in combating corruption. The personal faith with its moral grounding cannot be underestimated (Kenedy, (2010).

Carnes (2005) notes that Christians in public never learn how to deal with a corrupt leader except go alone and cover up or angrily leave him for another leader who more often practices the same methods that allowed the problem to flourish. Some of the politicians who have stolen a lot of money from the government also donate expensive cars to religious leaders, or build churches, schools, mosques which are accepted without knowing that some people have suffered because of the absence of such money. Some religious leaders also know corrupt politicians but cannot criticize them.

13.7 Conclusion

It is obvious that corruption is prevalent and dangerous disease in the heart of African continent. It undermines the good relationship between

human beings and God and human beings themselves. It makes the vulnerable voiceless hence often exposed to lose their rights. However, Faith Based Organizations (FBOs) play an indispensable role as they advocate justice for all in accordance with the teachings in their religions.

The beliefs, ethos and principles in diverse religions create strong basis for war against corruption. Many people obtain strength to be vigilant against the injustice practices to poor people from their religious faiths. So the power of FBOs to fight corruption should not be ignored since it involves different institutions and activities of preaching and mobilization of people against the wickedness, and evil practices in society. Religion has enormous power to inspire its adherents to stop engaging in corruption. However, challenges weaken the achievement of this noble effort. It must be realized that strategies used by FBOs are paths to achieve the goal. What should dwell in mind is that one's justice can never be lost. May justice reign and corruption be buried in the eternal grave forever.

13.8 Recommendations

FBOs should call upon the African people to reassert traditional communal, egalitarian and democratic values and ensure that these values are infused in all the institutions of government and form the basis of a national integrity system in order to counter the rampart pursuit of individual gain.

FBOs should organize more workshops, seminars for leaders at all levels to remind them their duty of leading by examples. There must be a campaign against corruption by prioritizing, prevention strategies and mobilizing all sectors of civil society through Radio and television panel discussions. Radio by its nature reaches multitudes of people. Africa is responsible for its destiny and that of her people.

The Roman Catholic Church Social Doctrine is crucial in combating corruption, but local Church should make efforts to explain to people on how to cultivate justice, raise full awareness due to the seriousness of the problem.

FBOs should pressurize international communities to stop countries abroad from baking the money looted by individuals from national coffers in Africa. A hostile environment for individuals who want to reap where they have not sowed should be created.

The prophetic social justice voice of religion is crucial, hence establishment of intelligence financial unit as mechanisms to prevent and combat corruption. FBOs should cooperate with honest African leaders to recover and return the plundered and unlawfully appropriated public resources and assets to African states from where they are hidden.

FBOs should continue to struggle amidst challenges in order to strengthen justice and integrity in the courts and over site bodies including parliaments and auditors, general and public commissions in the war against corruption.

FBOs should work with governments to give power of prosecution to the Anti-corruption body or allow police and judiciary reform to make them functional and effective.

Creation of integrity clubs in schools, distributing posters, demonstrations for instance the anti-corruption week, to change the mind set of people and inculcate the new culture of integrity, in helping to ensure transparency and accountability.

Integrity awards to be given to least public corrupt public servants and certificates of shame be awarded to those servants perceived to be most corrupt.

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14

RETHINKING CHURCH AND THE WAR ON CORRUPTION IN TANZANIA: THE QUEST FOR DURABLE SOLUTIONS

Alfred u'Wimana Sebahene

14.1 Abstract

We have come a long way from the word "corruption" being almost a taboo two decades ago in Tanzania to corruption topping political agenda and occupying centre stage in public discourse in Tanzania. Now corruption has become the subject of a substantial amount of theorizing and empirical research. This has produced a bewildering array of alternative explanations, typologies and remedies. However, fighting corruption continues to be an extraordinarily complex venture that relies on a large number of actors and institutions.

This paper explores the issue of corruption - *"rushwa"* and *"ufisadi"*[1] as one of the major threats to justice, sustainable peace,

[1] *Rushwa* is the Kiswahili word to describe what Tanzanians call corruption. *Ufisadi* is grand corruption. A person involved in grand corruption is *"fisadi"* which means a person who acts corrupt way, someone who has no shame, no conscience in regards of i.e. management of public resources. I am deliberately using "*rushwa"* and "*ufisadi"* due to the fact that these words have meanings as well as implications beyond the common definition and meaning such as corruption to mean any conduct or behaviour where a person accepts, agrees or offers any gratification for him/her or for another person where the purpose is to act dishonestly or illegally. Such behaviour also includes the misuse of material or information, abusing a position of authority or a breach of trust or violation of duty. This article would want to explore among other things *"rushwa"* and

stability and security in Africa. The paper takes Tanzania as a case study. In the light of a *theological-ethical conviction and public life*[2], the writer wishes to argue that the church and its leaders are critical social and often political players and that their engagement in governance and anti-corruption efforts can help ensure holistic approaches to dealing with endemic corruption in Tanzania.

In its content, the paper is divided into three sections. The *first* section covers the general introduction, a brief analysis and background to the biblical and theological-ethical understanding of corruption. This includes definition, concepts, manifestation and typology of corruption. *Secondly*, the section on justice, sustainable peace, stability and security is discussed in the light of how corruption has, and continues to threaten these virtues in Tanzania and Africa at large. In this section an attempt is made to outline the content of justice. The hallmarks of justice: *equality* and *freedom* are briefly looked at particularly in relation to the issue of corruption. We indicate that although the struggle for equality goes back to antiquity, what we experience in nature and history is inequality[3], obviously corruption has made the situation even worse. *Thirdly*, the paper engages with the Church in Tanzania. Here the special attention is paid to predicaments, perceptions, aspirations and the quest for durable solutions to combat corruption and promote justice, sustainable peace, stability and security that will make a profound contribution to the Tanzanian society. The *fourth* and final section presupposes the need for the church to have a coherent vision based on her theological-ethical

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ufisadi as that which indicate how and why the current state of Tanzania the nation suggests that common values and ethical principles have been substantially squandered.

[2] In this article the writer argues on the foundational teaching that ethics involves examining life in an attempt to interpret what is going on. *Theological-ethics* undertakes this examination with the conviction that all things exist in relation to God.

[3] Lorenzen, T., (2009), *Justice Anchored in Truth: A Theological Perspective on the Nature and Implementation of Justice.* See International Journal of Public Theology, Volume 3 No. 3, 2009, p. 287.

responsibility of the call to reach out to others, to be active in the public sphere and to engage with and confront the contemporary culture of *rushwa* and *ufisadi* within the context of God's reign.

14.2 Introduction

14.2.1 Setting a Scene: Corruption, Justice, Sustainable Peace, Stability and Security in Africa

Up until September 2010, I was working at St. John's University of Tanzania as a lecturer in Theology and Ethics. With the opportunity to teach *Professional and Business Ethics course* to Business students. My role was to help foster among students awareness of ethical concerns across a wide range of professions. Our focus was on the need to help them understand the strengths and weaknesses of various ethical assumptions and arguments, to encourage them to reinforce their personal sense of compassion and fairness in the context of their future professional roles. Likewise we were also concerned with challenging them to test the strengths and weaknesses of various moral beliefs and ethical arguments relevant to business practices as well as to encourage them to apply theological-ethical knowledge to contemporary issues. Throughout my lecturing I could vividly see that, corruption was not only an ethical problems but it raised complex questions and continued to be the most debatable topic. My students were very keen to expose the seriousness of corruption and how it is a key agent in depriving many people of access to basic services, lack of basic fairness in decision-making, the distortion of investments and incentives and the breakdown of trust in public services and institutions.

Now that I am a PhD research student in theological-ethical perspective of corruption in public life in Tanzania, my two years of reading and exploring the issue of corruption has taken me to another stage of understanding. I now content with the available concrete

examples that corruption continues to oil the wheels of exploitation, violent ethnic conflicts, loss peace and security, institutionalized tribalism, cronyism and injustice. This typifies Africa and Tanzania is not immune. The fight against corruption is therefore a theological-ethical task of the church and continues to be central to the struggle for justice, sustainable peace, stability and security in Tanzania and the continent of Africa.

Therefore, there exists a theological-ethical need to address the destructive relationship between corruption, justice, sustainable peace and security in Tanzania and find ways to mitigate its negative impacts, which are normally direct and indirect. Sadly, evidence shows that it is the vulnerable and marginalized – women, children and minority groups – who often suffer corruption's harshest consequences.

14.2.2 Tanzania Case Study: A Stable Political Elite Rocked by Corruption Scandal and Political Crisis

Today in Tanzania words such as *mafisadi*, *rushwa*, *ufisadi*: 'corruption' have attained an unassailable prominence in church circles, journalistic literature, parliamentary debates, official reports, opposition party rhetoric and day to day conversation among members of the public. A scrutiny of the discussions and reports invariably unearths a litany of accusations and counter accusations, allegations and denials of corrupt practices, quite often interspersed with statements of indignation and bold front.

Corruption is a large problem and a major public issue in Tanzania. Today corruption scandals have dominated socio-political scenes. The CAG (*Controller and Auditor General is the statutory auditor of all ministries, independent departments, executive agencies, local government authorities, donor-funded projects, all public bodies and entities whose operations create a liability to the government of the United Republic of Tanzania or who receive public monies for a public purpose*) has recently estimated that over 20% of the government's

budget is lost annually due to corruption, theft and fraud. Generally speaking, the issue of corruption has speeded events in Tanzania's political scene. These are taking place so rapidly nowadays than in any period since the country's independence in 1961. My recent investigation and work on current records of Tanzania's five key institutions of the national integrity system, namely; *Prevention of Corruption Bureau (PCB), Human Rights and Good Governance Commission*, *National Audit Office*, *The President's Office*, and *The Public Leaders' Ethics Secretariat* gives me an understanding of the national context and history of corruption and the impact it has on the country. Commentators have argued that all these are still political disturbances rather than a full blown political crisis. The major questions are: What has gone wrong to this country which is normally regarded as stable political elite? Why is the country rocked by corruption scandal and political crisis? All these are motivating questions for church's engagement in the war against corruption.

In the context of ethics, Tanzanians speak of a huge loss of moral footing in the world. When it comes to talking about their country, most of them argue that the current state of the nation suggests that common Tanzanian (African) values and ethical principles have been substantially compromised. This argument is maintained due to increased *social crimes*, *injustice* and *shaky peace* in the country. The Church in Tanzania talks about the need to apply ethical reflection to various disciplines and people from across all walks of life. The international community[4] talks about the fact that restoring public life

[4] The Presidential Commission on Corruption (The Warioba Commission): In 1998 President Benjamin William Mkapa appointed a commission led by the former Prime Minister Justice Joseph Sinde Warioba. This Commission catalogued a large number of public grievances on corruption and revealed that the public had lost confidence in the Government's ability and will to control the problem. The Warioba Report was remarkable for the detail of its analysis and a large number of documented cases were presented. The report concluded that corruption had penetrated to the core of Tanzanian society and had become

ethics in Tanzania is not a matter of choice but a necessity. Citizens, political decision makers, civil society, private sectors as well as public service employees need to be reminded of the current concerns about declining confidence in public and private institutions.

What then is the extent or magnitude of corruption in Tanzania? According to Transparency International (TI)[5] which defines corruption as the abuse of entrusted power for private gain, the 2010 CPI Score[6] ranks Tanzania at number 116 having scored 2.7 out of 178 countries where research was conducted. The first country is Denmark with the score of 9.3 and the last country is Somalia having scored 1.1. In principle therefore, corruption has arguably reached endemic levels, permeating all sectors of society and negatively affecting all aspects of development, creating inequalities and hindering important nation-building activities[7].

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endemic. The Report distinguished between petty corruption caused by need and grand corruption caused by greed, although it made it clear that both these forms of corruption were result of a fundamental failure of the administrative and political system to impose controls and enforce discipline. The report elucidated the following as some of the causes for the state of affairs: *The erosion of integrity in the public service due to abuse of power by some individuals holding public office; Lack of political will to tackle the scourge; Administrative laxity and lack of transparency and accountability in the oversight of public affairs; The existence of excessive red-tape ineffective regulatory framework and Unfettered economic liberalization and the emergence of competitive conspicuous consumption.* United Nations Development Programme, CASE STUDIES IN ANTI-CORRUPTION TANZANIA, 2000.

[5] The *Corruption Perceptions Index* (CPI) ranks countries according to the perception of corruption in the public sector. The CPI is an aggregate indicator that combines different sources of information about corruption, making it possible to compare countries. The 2010 CPI draws on different assessments and business opinion surveys carried out by independent and reputable institutions. It captures information about the administrative and political aspects of corruption. Broadly speaking, the surveys and assessments used to compile the index include questions relating to bribery of public officials, kickbacks in public procurement, embezzlement of public funds, and questions that probe the strength and effectiveness of public sector anti-corruption efforts.

[6] Ibid CPI 2010

[7]The United Republic of Tanzania; *National Anti-Corruption Forum (NACF), 2009 - Annexure 5: Forum Resolutions* (Dar-es- Salaam: Dar-es- Salaam

14.3 Understanding Corruption

14.3.1 Looking for a Definition

'Corruption' is a very broad term with many dimensions. It is not easy to define a corrupt deal in a few words because there are a number of elements to the transaction. It covers *fraud* (theft through misrepresentation), *embezzlement* (misappropriation of corporate or public funds) and *bribery* (payments made in order to gain an advantage or to avoid a disadvantage). The different types of corruption are likely to be closely linked. It is an act of *theft* (and hence an offence against human relationships), but it is a very particular kind of theft. One definition that has the virtue of simplicity (but which needs unpacking) is "the act by which 'insiders' profit at the expense of 'outsiders' "[8]. So we argue that, in simple terms, *corruption is the betrayal of trust*. Moreover, to corrupt is to destroy or pervert the integrity or fidelity of a person in his or her discharge of duty; to induce to act dishonestly; it is the act of soliciting or offering gratification. Analytically speaking, I am persuaded with the most promising meaning of corruption made by Vito

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University Press) p. 98. NACF was established in November 2008 with the aim of providing a platform for dialogue among all stakeholders on matters of corruption in public conduct in Tanzania. The forum meets annually and includes all state integrity institutions, local government authorities, civil society, private sector, media and development partners. In this forum all stakeholders reviews and discusses reports and other matters related to corruption implemented by them for the previous year. The NACF also seeks to inform the general public on stakeholder's achievements, challenges and the way forward.

[8] Evans, B.R (2009), *The cost of Corruption: A discussion paper on corruption*, development and the poor (Tearfund, 100 Church Road, Teddington, Middlesex TW11 8QE, UK Tel. 020 8977 9144 Fax 020 8943 3594) Tearfund discussion papers are short exploratory research papers aimed at provoking wider discussion of development-related issues among Tearfund staff, organizations and individuals with which Tearfund works. They do not necessarily constitute Tearfund policy. Comments from readers are welcomed. Bryan Evans is a researcher in Tearfund's Public Policy Team and may be contacted by email at: bre@tearfund.org

Tanzi who says: "Corruption is the intentional non-compliance with the arm's-length principle aimed at deriving some advantage for oneself or for related individuals from this behaviour[9]."

14.3.2 A Biblical Viewpoint: Drawing and Theological-Ethical Definition

There are only a limited number of direct references to corruption/bribery in the Bible, and such references made reflect the ambiguous nature of certain payments. Hebrew *shochad* is translated 'bribe', but it also means 'reward'[10]. Likewise Hebrew *mattanah* can mean 'bribe', though its primary meaning is 'gift'. There are several verses in the book of Proverbs where the bible writer merely makes an observation on bribery, without passing any judgment. Chapter 17:8 notes that in the eyes of the giver his bribe is a "magic stone", a short-cut to prosperity. A bribe opens doors in high places, according to 18:16, and "everyone is a friend to a man who gives gifts", says 19:6. Chapter 21:14 refers to the use of a bribe to deflect the wrath of an offended party. However, there is no question about the Bible's opposition to bribery as an affront to the character of God, the incorruptible one (Deut 10:17). Hence a bribe is an "evil device" (Psalm 26:10, cf Micah 7:3), a "gain of oppressions" (Isaiah 33:15), an "unjust gain" (Proverbs 15:27). Even a small bribe (a piece of bread, a handful of barley) has serious consequences (Prov. 28:21; Ezekiel 13:19). A bribe corrupts the mind (Eccles 7:7) and blinds the eyes of officials (Ex 23:8). The Bible is particularly concerned about the perversion of the course of justice through bribery (Deut 16:18-19, 27:25; 1 Sam 8:1-3; 2 Chr. 19:7; Prov. 17:23; Isaiah 5:23; Amos 5:12). Ezekiel 22:12 includes bribery in a list of the symptoms of serious societal break-down, and Proverbs 29:4 says that *when national leaders are implicated in bribery the outcome is*

[9] Tanzi, V. (1995): *Corruption: Arm's-length Relationships and Markets*, in: Fiorentini, G. and Pelzman, S.M (eds.): *The Economics of Organised Crime*, Cambridge: Cambridge University Press

[10]Evans, B.R, p 23.

national ruin. There are a number of cases of bribery being used to further disreputable political ends. Note the following examples: Delilah (Judges 16:5), Ben-hadad (1 Kings 15:18-19), Haman (Esther 3:8 9), Shemaiah (Neh 6:10-13), the chief priests - agreeing to pay Judas (Matt 26:15 and parallels) and bribing the guards at the tomb (Matt 28:12-15). Felix (the Roman procurator of Judaea, c AD 52-59) hoped that Paul would bribe him to expedite his release from prison (Acts 24:26). Apart from direct references to bribery there are important principles laid down in Scripture which are very relevant to the issue.

We therefore note, ***firstly***, the *Bible's demand for integrity in all human dealings* (in contrast to the underhandedness which is characteristic of bribery). The Bible says "no" to *false weights and measures*, "no" to the removal of boundary markers, "no" to *hoarding and over-charging and manipulation*, "no" to *advantage-seeking and stealing a march on others*. Jesus condemned the misuse of the temple, where the buying and selling of sacrificial animals at exorbitant prices, and the high profit margins associated with money changing, turned the outer court of the temple into a "den of robbers" (Matt 21:13). Christ's followers are to be focused on the kingdom of God and his righteousness instead of on the world and its wealth. They must be free of covetousness (e g Eph 5:3, Col 3:5) for hoarded wealth corrupts. They are to be salt (against the corruption of the world) and light (against underhandedness), Matt 5:13-16. Openness should render oaths unnecessary (Matt 5:33-37). When salvation came to the house of Zacchaeus, the inevitable outcome was that he made restitution for his past fraud, Luke 19:8-9[11].

Secondly, we note that corruption involves the exploitation of one's control over resources. The Bible insists that those who hold office or wealth are to think of their position not in terms of control and

[11]Evans, B.R p 24

ownership, but of stewardship. To be a king, priest or judge is to hold a position of trust. The king who pursues, and displays, wealth, the priest who fleeces the sheep of God's flock, the judge who allows himself to be bought, will be weighed and found wanting (see Deut 16:16-17; Ezekiel 34; Isaiah 5:23). In the parables Jesus urged the proper stewardship of wealth, for example, Matt 25:14-30; Luke 12:16-21. (In Luke 16:1-8 the activities of the Unjust Steward seem to be condoned. In fact the parable teaches the use of wealth to benefit others and to build relationships.)[12]

Thirdly, we have noted that corruption involves treating other people as 'outsiders'. In contrast the blueprint for human society set out in the Mosaic legislation patterns an inclusive society. Each family is granted an inheritance. This gives it the means to make a living, freedom from dependence, a stake in society. Even so misfortune may push some people to sell-up, and they are left on the margins of society. Provision is made for them too. The gleanings of the harvest, the mislaid sheaf of corn, the harvest of the Sabbath year are to be theirs. Furthermore, the sell-up cannot be permanent for the family inheritance is inalienable. (This is the point of the jubilee legislation of Lev 25; Deut 15.) Here is a society with no outsiders, only neighbors. Turning to the New Testament we find that, among those who would follow Jesus Christ, relationships must be characterized by the love which treats others as one would like to be treated oneself, see Matt 7:12, 22:39 (quoting Lev 19:18). The soul of a man shrinks or expands according to whether he grasps wealth or shares it with those in need[13].

[12] Evans, B.R p 25.
[13] Evans, B.R p 25

14.3.3 Sub-Conclusion Based on the Meaning and of Corruption in Relation to Justice, Sustainable Peace, Stability and Security

In order that the concept of this article i.e. *"Justice, sustainable peace, stability and security"* is addressed; we are making a sub-conclusion based on three implication of corruption:

- First, we have the *abuse of position*. Human beings are, by nature, interdependent. They must seek services from one another and supply them in turn, and justice requires that there should be fair recompense for service rendered.
- Secondly, we have the *offence against relationships.* The weaker party in the transaction is treated as an 'outsider', but there may be others who are even further 'outside'.
- Thirdly, there is the *underhandedness*. Because the transaction is illegitimate the parties will usually try to keep it from the public domain[14].

14.4 Corruption: A Threat to Justice, Sustainable Peace, Security and Stability in Africa

14.4.1 Corruption: A Threat to Justice in Africa

A theological-ethical perspective on justice reminds us that, one of the great prophetic calls in the Hebrew Bible is for Israel to be a people of justice: '*Let justice roll down like waters and righteousness like an everlasting stream' (Amos 5:24).*[15] With this truth in mind, it is also true to say corruption and justice is not just about diplomacy and state solutions, they are also about social goals, values and norms as well as intergroup relations. This fact brings us to the fact that when values and norms of the people are distorted as a result of corruption they eventually undermine moral standards and promotes charlatans to the

[14] Op. cit p 8.
[15] Biblical quotation from the NRSV

detriment of honest endeavors. This is because corruption is by nature a falsehood. It denies justice[16]. It is gaining an unfair advantage by unfair means. For example, it is now very common to hear that in Tanzania bribes are paid to law enforcement officers. When this happen the confidence in the criminal justice system is reduced and people begin to take laws unto their hands to get their own kind of justice thereby undermining the rule of law and eventually jeopardizing peace and security. It is corruption which allows those involved in corrupt practices not to be caught and investigated. Likewise, it should be clear that when corruption jeopardizes justice, it also kills truth. Justice and truth are not the same, but they need each other.[17] They need to be interrelated; otherwise 'things' may go astray.

Justice is concerned with forming principles, creating structures, shaping institutions and providing guidelines so that persons may receive their due. I argue that justice needs truth for its content and energy, and truth needs justice for its outworking in the context of corruption being a threat to justice and sustainable peace. In the light of a theological-ethical validation, it needs to be asserted and demonstrated that when truth is not there, it is obvious that even equality – equal opportunities, equal remuneration for equal work, equal rights and duties and equality before the law – which is the essence of justice, will also not be there.

Corruption breeds individualism and selfishness. Furthermore, I am of the opinion that, when corruption threatens justice in Tanzania, it also threatens truth as well as equality, another basic ingredient of justice. Together with equality, corruption has also affected peoples' freedom.

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[16]The National Anti-Corruption Strategy and Action Plan - II (NACSAP II) Implementation Report 2009 p 94

[17] It is theologically significant that in the Bible, truth and justice are often interrelated: Ps. 96:13, 119:142 and 160; Isa. 45:19, 48:1, 59:14 and 15; Jer. 4:2, 5:1 and 9:5; Dan. 4:37; Amos 5:10; Zech. 8:16. Unless otherwise indicated, I have used the New International Version of the Bible (NIV).

Again, freedom is an essential ingredient of justice[18]. Because corruption has eroded trust and damaged the ethos of Tanzania, a country known to be of unparalleled political stability that is strife free without ethnic division, democratic rule that respects diversity of opinion and a strong tradition of constitutionality and rule of law, at least when compared with most African States, freedom of institutions such as media as well as individual freedom has been affected.

14.4.2 Corruption: Threat to sustainable peace, security and stability in Tanzania and Africa

At the outset we face definitional challenges of different terms and concepts about peace. In the context of this article, we shall only look at the word peace. We start by asking the question: What exactly do we mean by peace? "The term is highly emotive"; historian Michael Howard wrote, "and is often abused as a tool of political propaganda"[19]. When peace is defined narrowly it can imply passivity and the acceptance of injustice[20].

However, while most people agree that peace has to do with the potential removal of a major future conflict or an absence of organised violence, or an absence of violent conflict, a theological-ethical perspective teaching of peace is anchored on the Hebrew term for peace which is '*shalom*' meaning '*well-being*' (Num. 25:12; Psalm 38:3; Jer. 14:13). In this context therefore, peace covers health, prosperity, security, friendship and salvation. T.J Geddert argues on this reality of

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[18] Lorenzen, T. (2009), *Justice Anchored in Truth: A Theological Perspective on the Nature and Implementation of Justice*, pg 288 in the International Journal of Public Theology(Leiden: Brill).

[19] Howard, M (1977) "*Problems of a Disarmed World*" in Studies in War and Peace (New York: Viking Press) p 225.

[20]Barash, D.P (1991) *Introduction to Peace Studies* (Belmont, CA: Wadsworth Publishing) p 6.

peace when he says, 'it is the desired experience of individuals, families, and Israel as a nation'[21].

As in most African countries, in Tanzania corruption poses threat to peace, tranquillity and security by compromising the conduct and independence of institutions such as the police and judiciary. In many instances, this threat becomes even worse when corruption becomes rampant and an obstacle to principles of democracy, good governance, and human rights. Emil Bolongaita has this to say, 'by weakening the effectiveness and legitimacy of public institutions, undermining economic recovery and jeopardizing international aid and foreign direct investment (FDI), corruption increases the risk of violence and undermines the wellbeing and political empowerment of local populations[22] in Africa.

Many conflict-affected countries are among those perceived to be the most corrupt in the world-Africa is strong evidence to this truth. This is probably why corruption has recently become a major item on the international security agenda[23] in Africa. Concerns among rich countries about corruption and security have largely focused on terrorism,

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[21] Geddert, T.J. (1992). *Peace*. In the Dictionary of Jesus and the Gospels edited by Green, B.J et. al (London: IVP) p. 604

[22] Emil Bolongaita, '*Controlling Corruption in Post-conflict countries*', Kroc Institute Occasional Paper No. 26, January 2005; Philippe Le Billon, '*Corruption, Reconstruction and Oil Governance in Iraq*', Third World Quarterly, Vol.26, No.4, 2005, pp.679–98; Le Billon, 'Overcoming Corruption in the Wake of Conflict', Global Corruption Report, Berlin: Transparency International, 2005, pp.73–82; A. Alix Boucher, William J. Durch, Margarete Midyette, Sarah Rose and Jason Terry, 'Mapping and Fighting Corruption in War-torn States', Washington, DC: Henry L. Stimson Centre, 2006; Madelene O'Donnell, 'Post-conflict Corruption: A Rule of Law Agenda?', in Agnes Hurwitz and Reyko Huang (eds) Civil War and the Rule of Law, Boulder, CO: Lynne Rienner, 2008.

[23] UN, '*Corruption: Threats and Trends in the Twenty-first Century*', UN doc., A/CONF.203/6, 2005

narcotics, organized crime and 'state failure'[24]. Corruption is further perceived as an impediment to peace building[25].

Conclusively, we argue that there are so many irregular threats that seem to dominate peace and security landscape in Tanzania and Africa. For example, we note the current ongoing discussions across Africa about threats such as *terrorism, drug trafficking*, *maritime threats such as piracy in the Indian Ocean and oil bunkering in the Gulf of Guinea*, *militia factions* and *armed gangs*, organized criminal activities, particularly *kidnapping*, *human smuggling* and *trafficking* in persons, *weapon smuggling*, and *environmental* and *financial crimes*. At the centre of all these, it is high level corruption - fueling weak law enforcement, bad governance, and poverty[26] that make Africa a favorable base of operations. In order to solve these problems, corruption must receive a considerable public and policy level attention. For me this is also a theological-ethical task which is to be carried out by the church in Tanzania.

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[24] In the UK, a new anti-corruption and anti-bribery measure was enacted as part of the Antiterrorism, Crime and Security Act 2001. In the United States, see the 1998, 2002 and 2006 'National Security Strategy of the United States'; see also 'Terrorism, Corruption and War', posted by the US State Department (at: usinfo.state.gov/products/pubs/iraq/war.htm); D. Kaufmann, 'Corruption, Governance and Security: Challenges for the Rich Countries and the World', Global Competitiveness Report 2004/2005, Washington, DC: World Bank, 2004; William Reno, 'The Politics of Insurgency in Collapsing States', Development and Change, Vol.33, No.5, 2002, pp.837–58; K. Thachuk, 'Corruption and International Security', SAIS Review, Vol.25, No.1, 2005, pp.143–52.

[25] I refer to peace building as complementary to peacemaking (bringing an end to hostilities) and peacekeeping (maintaining peace through military force to separate conflicting parties). As such, peace building aims to create a 'self-sustaining' peace, one that does not require external peacekeeping.

[26] Sage, A. (2010), *Africa's Irregular Security Threats: Challenges for U.S Engagement*. In Strategic Forum-Institute for National Strategic University http//wwwndu.edu/inss

14.5 Church and the War on Corruption

14.5.1 Predicaments, Perceptions and Aspirations: The Search for Durable Solutions and the Urgent Need for the Church's Coherent Vision

Our concern here is to look at the function of the church – how the communities of believers function in our situation of corruption in Tanzania. To gain an insight into the role and function of the church, we suggest that one should consider it within the theological-ethical realm.

We argue that the church, church leaders and their communities have roles in all dimensions of community life as they so often play key roles in peoples' lives. History suggests that many church leaders continue to bring deep historical appreciation of, and wisdom about, the evolution of social norms and values and tensions that can exist among their different dimensions.

The church can also play her part in the judiciary, by advocating for the preparation of the ground for judicial reform policies both on the national level and within local communities, focusing on improving access to justice, enhancing quality and timeliness of justice delivery, strengthening integrity, accountability, and oversight in the courts, and increasing coordination within the criminal justice system.

In this section we wish to identify circumstances or qualifications that will always at it has been over the centuries, put the church in the forefront in combating corruption and therefore removing threats to justice and sustainable peace in Tanzania and Africa at large.

On the other hand, we also indicate an unpleasant and dangerous situation which is facing the church in Tanzania as it sets required synergies and alliances for effective action against corruption in Tanzania. The final subsection entails the best way forward for lasting solution to corruption.

14.5.2 Perceptions, Aspirations and Suggestions for Durable Solutions

There is hope that the church and faith-based organizations have been useful to the anti-corruption movement as they have a history of changing perceptions and hold a strong influence on people all over the world. The longevity of religion as a force in human society is emphasized here– the idea that religion was present long before NGO work began and will possibly exist long after NGO movements have had their day. As such there is a strong argument that faith people and especially the church should be involved in the anti-corruption movement and that while the role it may play is complex, it is worth exploring.

14.6 Fighting Corruption: Churches are a Significant Part of most Tanzanian and African Societies at large

It must be emphasized that the complete role of the Church is much wider and that churches give expression to the fundamental spiritual motivations of many people in their everyday living and acting. The church has experience of the daily life of people in Tanzania at all levels. They and their partner organizations also have regional, national and international structures throughout the whole continent. Churches have a firm foothold in grassroots communities but equally they are represented on national, African and world levels. They are not organizations, which lobby on single issues on the country or African agenda but structures which have ethical reasons to speak out on and to address a range of current issues – especially corruption in our society. With their many millions of members and supporters, and a presence throughout the continent, churches are well placed to speak on and for the interests of many Tanzanian and African citizens. Moreover, as major employers and organizers of volunteers in areas such as health

care, education and social services, churches have valuable expertise to offer.

14.6.1 Justice and Sustainable Peace: Churches as a Part of Tanzania, African and a World Community

Churches are part of a far-flung ecumenical network which links up churches and church related organizations all over Tanzania, Africa and the world. Through this global network, local congregations are in contact with each other and are informed about developments, injustice and lack of '*shalom*' which affect the lives of people in many parts of Tanzania. This network also serves as an important channel for mutual support. This support helps in maintaining justice and peace by drawing in local experience and expertise. Since religious elements play an important role in developments in many parts of Tanzania and Africa, churches and church related organizations are potentially well placed to promote dialogue about such issues.

14.6.2 Churches and their Related Organizations

Work for social justice and promotion of social inclusiveness are essential parts of the churches' agenda. To fulfill these tasks, churches sometimes use their own internal structures or specialist organizations, which exist to carry out specific tasks. Such organizations sometimes create their own structures, which are separate from but nevertheless closely related to the organizational structures of the churches. In theological terms, they are part of the Church in the broad sense of the term. As they offer activities in different fields, they are all understood as part of the ecumenical family and as instruments for implementing Christian principles in the life style and institutional policies in many areas of everyday life.

14.6.3 Voice of the Unheard

In any attempt to organize a structured dialogue regarding corruption as a threat to justice and sustainable peace between institutions and civil

society there is still a significant part of society, which is usually not represented in any part of the "stakeholders' dialogue." Churches in Tanzania must seek to give a voice to those who are not usually heard or, where this is impossible, to be their advocates. This involves those who are often marginal to mainstream society – most of them seriously hurt by corruption: *the unemployed, the homeless, the outcast and uprooted, victims of violence and those who are excluded by various political systems.* Churches also must seek to speak for those whose human rights, including the right to religious freedom, are not respected. Starting from an ethical view of society as inclusive, churches in Tanzania must seek to stand up for that part of society, which is not able to take part in the stakeholders'[27] dialogue as this term is usually understood.

14.6.4 Faith Based Approach of Churches as the Best Way in Combating Corruption, Maintaining Peace and Justice in Africa

The motivation for action by churches is Christian faith. Christian churches are in favor of good governance for a number of reasons. The world and all that is in it are given to the people as a gift. Their stewardship and care are human responsibilities and form part of Christian service. On the basis of the first biblical story about creation the concept of the human as created co-creator has been developed. Humans are created as relational beings, dependent on others. The idea of a community properly functioning in all its dimensions is one of the basic elements of a Christian understanding of society. The Bible unfolds this understanding on many occasions and comments on many of its facets. One of those basic principles, which give reliable foundation of the life of the whole society, taken from the Old Testament and therefore shared with Jewish communities, is the principle of Jubilee. Following this principle we are convinced that

[27] My 21 years personal experience and priest I have always seen the church being regarded as a key institutional actor in governance and service delivery.

procedures and laws which govern society on the base of societal agreement can never is absolute. Sound governance in society needs to incorporate into its structure a possibility of regularly checking the set of rules and their implementation. Thoughtful governance needs to be open even for radical change of its own set-up. Good governance is recalled at various places in the New Testament. It is uplifting to see that Churches agree with the principle that there must be structures, which organize life of society. The principles of the Christian faith call us, however, to be against any possible misuse of the power and structures of governance – in other words corruption.

14.6.5 Ethical Motivation of the Churches

Faith based principles of Christian life are firmly linked with socio-ethical consequences. Christians believe that the life of individuals and society should be driven by a vision of social justice and individual responsibility. This stands in sharp opposition to the hunt for material prosperity to the exclusion of other values. Churches recognize that a certain level of material wellbeing is necessary for quality of life. They are however convinced that matters of poverty and wealth are not the only sources of the people's problems or their happiness. For us the principal cause of all action is in the sphere of ethics. Ethically-based decisions are then translated into concrete areas of human action on, for example, socio-political issues as well as issues of environment and economy. The church in Tanzania, therefore, can plead for ethical conduct, ethical relations between people and ethical behaviour of citizens as well as institutions. Ethical principles guiding society should be part of any discussion of governance. At the same time, we are convinced that in our consideration of governance, social aspects should take precedence over economic aspects. Part of the Christian consideration of governance involves underlining the role of education for the purpose of raising awareness among believers on issues such as corruption.

14.7 Opportunities and Predicaments as the Church Owns, Scales-Up and Sustains the Agenda for War on Corruption in Tanzania

14.7.1 Corruption and the Church in Tanzania: The Speck in the Government's Eye, the Plank in the Church's

While, interest may be growing and momentum building and that there is a high potential for the church in Tanzania and her institutions to help with the fight against corruption; especially as a rich source for the content of relevant norms; for her ability mobilize their members to support ethics and integrity; for her strength to advise their members on how to interpret and apply ethical norms; and in her potential to give her members reason to obey the ethical norms[28], there still remains the fact that there are also issues that need to be addressed within the church and her institutions so that it can be well placed for the theological-ethical task. First and foremost, corruption is a feature of all institutions and churches are no exception. Mfumbusa argues that, "the church is both human and divine. Its members are naturally capable of saintly as well as sinful acts"[29]. What we hear and see evidence of corruption in the church, it is "indicative of the fact that the church is besotted with problems"[30]. On the same point, Prof Lumumba observes; "but, first we have to ensure that the institution is clean from the incoming forces such as tribalism and nepotism. We have heard of cases, whereby some Church followers have raised eyebrows, when a priest or a bishop has

[28] Katherine Marshall, Executive Director, World Faiths Development Dialogue, Senior Advisor, Berkley Center for Religion, Peace and War Affairs, Georgetown University, and Senior Advisor, World Bank: *Final Workshop Report on Faith and Security,* 13th International Anti-Corruption Conference, 30th October – 2nd November 2008, Athens, Greece.

[29] Mfumbusa, B. *The Church is Growing. Corruption is Growing* East African Media & Social Responsibility, Wednesday, August 11, 2010 see www.themediaproject.org 30/05/2011

[30] Ibid. 30/05/2011

been picked from other communities, but not from that of their own"[31]. However, "still the church is also a community of grace capable of immense good. A lot of good has been done and continues to be done in the name of the church. The association of dominant Christian values and institutions in the post-colony has sometimes reflected badly on the church"[32]. It is therefore high time that the church ensures that the governance structures within their own institutions are sound and robust. By so doing it will be capable of engaging, on the basis of resources her traditions offer, such as that of restructuring of the mind and spirit, to commit fully, individually and institutionally, in the face of the Tanzania's needs including the war against corruption which is part and parcel of the ever arising new, justice, peace, human rights and life-threatening, challenges.

14.7.2 A Need for Awareness, Knowledge and Analytical-Theological Engagement by the Church

General perceptions of the people in Tanzania suggest that there in considerable lack of focus on corruption issues by the church in Tanzania. Commentators argues that the church has for quite a long-time mentioned peace, human rights, and poverty and very little on corruption as an evidence of the church's lack of awareness of the linkages between these issues and corruption. Knowledge on corruption is therefore crucial. An appropriate course of education for churches and her leaders to take as it would not drag them into the controversial arena whereby they would have to confront individual public officers and accuse them of corruption, thereby risking reputations and potentially resulting in individual retaliation. This has been an enormous problem in

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[31] Prof. Patrick Lumumba, Director and Chief Executive Officer of Kenya Anti-Corruption Commission, Speech at the opening of a three-day 3rd International Conference on *Corruption: A threat to justice and sustainable peace in Africa* (May 10-12) at the Catholic University of Eastern Africa, Nairobi, May 10th , 2011

[32] Mfumbusa, 30/05/2011.

Tanzanian media. Finally, we wish to emphasize the importance of Christian faith and the strength of its influence in Tanzanian societies. What we are searching for now, however, is for the church and her faith-based organisations to have a more analytical engagement on the issue of corruption. There is a tension in the church to often see her role as non-political. A theological-ethical realm of the argument is against this tension.

14.8 Conclusion

Conclusively, I argue that the challenges faced by Tanzania and African countries due to endemic corruption are formidable. Less corruption is not only a means for peaceful and just society, better targeted, higher quality and more efficient development assistance from donors, but also a greater contribution to the pos

itive transformation of the local political economy as well as the consolidation of state institutions and legitimate political parties. In short, less or no corruption should help build justice and sustainable peace.

Corruption, however, should not only be 'fought' in domestic governance at the state level, but must also be addressed in a broader sense at multiple sites and interconnections – for me, justice, sustainable peace and security are cross-cutting issues that should be equated with Church mission to follow the example of its founder Jesus Christ, who said so clearly: *"I have come that you might have life, and have life to the full!" (John 10:10)*.

As part of her calling to participate and get involved in issues of public life in Tanzania, the Church in Tanzania has to have a coherent vision for combating corruption**.** If this is not available, then her efforts to fight corruption and promote justice and sustainable peace will be judged as inadequate, inactive, and therefore ineffective leaving the

Tanzanian society to question what the Christian message is for public life and what type of role Christianity is playing in public life in Tanzania.

Through this article and in the light of the crucial issues of concern raised, I wish challenge readers, to think about, discuss, and reflect upon ***"Corruption: A Threat to Justice and Sustainable Peace in Africa"*** and help the church, as one of the institutional actors within African countries governance landscape and public performance especially in the area of service delivery, to be an effective key partner in the fight against corruption because the Gospel shows that Jesus immersed himself completely in this world, renewing and transforming it so that human beings might be fully human. It I until when the church in Tanzania fulfils her theological- ethical task in combating corruption that Tanzanians and Africa at large will enjoy justice and sustainable peace.

15

WHEN CORRUPTION IS SIN

Joachim Msaki

15.1 Introduction

This paper attempts to first answer the question, "what is the relationship between corruption and sin?" The answer to this question leads to yet another question what happens when a society practices corruption with impunity. To answer this question a biblical historical scenario is explored. This is followed by a dialogue with one informed institution, Transparency International, as an attempt of assessing the chances of Africa escaping the fate of a corrupt society. While the chances are poor, the paper will argue that the only long term solution to the problem of corruption is found in the teaching of the Church. The paper will end by providing suggestions of way forward.

15.2 Corruption is Sin

I begin by stating that while corruption is more than sin, it is a product of sin. This is so because at the core of corruption is the abuse of human's exercise of freedom (free will). Sin is the product of

human's choice to do evil rather than good.[1] Human's choices affect, negatively or positively, humans' way of life, such that the negative results of sin are seen as corruption affecting the fabric of society at varying degrees. Sin erodes the fabric of the society which harbors it, leading to the destruction and collapse of that society. Sin by its nature has this social dimension. The fight against corruption is a fight against the effects of sin in society, while the fight against sin is an inner personal struggle against the human inclination to abuse one's free will; it is a spiritual fight against temptation.

Comparatively the fight against corruption involves more comprehensive and popular human measures than fighting sin. The concept of corruption is therefore wider in perspective than sin as it touches almost all aspects of life including politics, religion, economics, education, the family, recreation, and eventually the environment. In the world around us corruption has been fought mostly from the political, economic and legal fronts.

Sin on the other hand is limited to religion, it is spiritual. McBrien[2] observed that the reality of sin is important as it is associated with the existence of evil in the world, and the whole question of retribution, hence heaven and hell. The belief in the existence of eternal hell fire and its association with sin leads, to a large extent, to the deterrence from sin and consequently avoidance of corruption. The role of religion has been to provide, among other things, answers to ultimate questions, including why do the innocent suffer while evil people prosper? What is the human destiny? A religion that does not provide a deterrent answer to the question of evil is highly likely doing disservice to society.

While religions promise heaven as reward and hell as punishment, evidence shows that heaven or hell can also be experienced here on

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[1] Roger Haight (1991) *Sin and Grace* in Francis Schussler Fiorenza and John P. Galvin (Editors), *Systematic Theology: Roman Catholic Perspectives,* Fortress Press, Minneapolis, p. 101-106

[2] Richard McBrien (1994) *Catholicism* Harpar Collins, San Francisco, p. 184.

earth. In other words, God has also shown that for being obedient to his commandments a people will benefit here on earth, and for being disobedient, i.e., indulgence in sin and corruption, a people will experience punishment - death as a people.

15.3 Corruption Leads to the Death of a Civilization

When society indulges in sin, its effect (corruption), spreads to the whole culture of that society. J.S. Mbiti[3] defines culture simply as a way of life of a people. Culture includes how a people make their living (economics), how they govern power relations (politics), how the individuals relate to one another (social), how they relate to the sacred (religion), how they relate to the world around them, (environment) and how they recreate (entertainment). A way of life is not divided, it is organic, and it is a whole.

Any culture has elements which hold it together. Every culture has norms and sanctions to ensure a proper functioning of all its facets. These norms and sanctions glue society together. When there is a violation of the norms and sanctions with impunity, then the fabric of society is weakened and if nothing is done the whole edifice collapses. This is a fact the history of Israel and Judah, as narrated in the scriptures, testifies.

15.4 Death of Israel and Judah

Exodus chapters 19-20 narrate the covenant and the Decalogue.[4] At the time, Israel had not developed the theology of heaven, such that the

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[3] John S. Mbiti (1975) *Introduction to African Religions*, Heinemann, London, p. 19-30.
[4] Donald E. Gowan (1994) *Theology in Exodus: Biblical Theology in the Form of a Commentary*, Westminster John Knox Press, Louisville, Kentucky, p. 168.

Decalogue was the divine guideline for Israel in order to live well in the land Yahweh was giving them. An analysis of the Decalogue suggests that these were rules that can hold any civilized society together. Any serious neglect of the Decalogue, the scriptures implied, would result in the people losing the land Yahweh had granted them; they would cease to be a people. History shows that this truth was shown to be true during the time of Amos the prophet.[5]

Amos began prophesying in Israel around 760 BCE during the reign of Jeroboam. Amos prophesied that Israel was going to be punished because of corruption as expressed in the following four instances:

- In Amos 2:6 good people ("the upright," "the poor") were being sold into debt-slavery for piddling sums ("for silver," "for a pair of sandals").
- In Amos 2:7a, certain "oppressed" people who previously had been living on small ancestral estates were being forced to sell under pressure from upper class elite who were taxing and cheating them to death.
- In 2:8 there were flagrant violation of quite specific legal transactions (see Ex 22:25; Dt 24:12-13, 17) whereby cloaks taken in pledge from the desperately poor as collateral for small loans were being held beyond nightfall (while a cloak would have been essential for warmth while sleeping). Even worse, these same cloaks were being used by those who acquired them for religious celebrations.
- In 2:7b Amos condemned the sexual morality and lack of respect for others that had broken down to the extent that a father and son had no shame about consorting with the same servant girl.

[5] John Miller (1987) *Meet the Prophets* Paulist Press, New York/Mahway.

Why were the elite of Amos' time so oblivious to their own moral decay and so resistant to rebuke and repentance? Three reasons have been advanced:

(a) Complacent Theology: The elite were prosperous and believed Yahweh was with them 5:14. Further they believed that Yahweh being who he is (the greatest of gods), they were the "first of nations" (6:1). They were looking forward to a "Day of Yahweh" when He would bring them as a people to a position of unprecedented preeminence over all the nations (5:18). It was this complacent theology that Amos was attacking, emphasizing that other nations too have been led and helped by Yahweh. Miller (1987) observes that "Yahweh is by no means the soft-hearted, morally neutral deity the Israelite upper class supposed him to be." Yahweh was going to be tough with them.

(b) Soporific Worship: This is the type of worship that led to the neglect of justice. The worship of that time distracted people from doing what was really important, what Yahweh really wanted. It lulled the people into thinking that relation to Yahweh was intact, when what Yahweh wanted of his people, i.e. *justice* and *uprightness* was missing.

(c) Affluent lifestyle: A callously indifferent lifestyle existed among the elite in cities. "The link between the poor and the elite is drawn with poetic sharpness in his biting portrait of an indolent wife, in 4:1, who calls to her husband to bring her yet another drink, while elsewhere the poor are crushed and oppressed. In 6:1-7 the same is said regarding the luxury-loving husbands of such women. While 'Joseph' is being 'ruined,' they lie about on expensive ivory-inlaid furniture eating sumptuous meals and drinking wine by the bowlful (6:4-6)"..

(d) In 721 BCE the Assyrians invaded Israel, deported the leading Israelites to Assyria and that marked the end of the Northern Kingdom. Here the lesson of Amos is clear, sin, and the resultant corruption led to the death of the Northern Kingdom.

(e) A somewhat similar situation, addressed by prophet Jeremiah for Judah, resulted in the defeat, deportation and destruction of the Temple in Jerusalem in 586 BCE by Nebuchadnezzar king of Babylon.

(f) By being sinful and consequently corrupt, both Israel and Judah had brought upon themselves destruction through the gradual weakening of the social fabric which eventually led to death. Notice that Yahweh sent prophets who clearly denounced corruption, but the people made their hearts hard. From history we learn corruption kills a people, let me now explore how corruption is in our time.

15.5 What is Corruption?

According to Transparency International (TI)[6], "corruption is operationally defined as the misuse of entrusted power for private gain." Closely connected with corruption is transparency. According to TI, "Transparency can be defined as a principle that allows those affected by administrative decisions, business transactions or charitable work to know not only the basic facts and figures but also the mechanisms and processes. It is the duty of civil servants, managers and trustees to act visibly, predictably and understandably".

[6] http://transparency.org/global_priorities.

Mu'azu Mohammed Yusuf [7], "defines corruption to cover all instances of bribery, kickbacks, favoritism, nepotism and the use of value influence in running of public affairs."

15.6 Causes of Corruption

TI is one of the institutions which have extensively researched the theme of corruption. I would like to dialogue with TI's findings in the effort to find what chances are there for Africa to survive the fate of a people who indulge in corruption with impunity.[8] The most asked question is, "In what kind of environment does corruption thrive?" According to TI corruption thrives on *bad governance* where controls are weak and *decision-making is opaque, arbitrary and lacking in accountability mechanisms.* It is therefore more likely to flourish in *dictatorships* than in democracies and where there are *extreme inequalities of wealth and power.*" Most African countries qualify here.[9] Situating the question in Kenya the question is **what are the key factors that influence bribe-taking?** According to TI Kenya findings, "...many officials in the public sector believe that they not only can secure immunity for themselves against prosecution, but that the chances of their criminal activities being discovered are low. The fact that many of even the most senior government officials receive low salaries is widely seen as the prime cause of bribe-taking. ….A number of political observers has blamed campaign financing as a major cause of high level corruption."

A sketchy look at the causes can help us to see what chances Africa has of saving itself from disappearing as a people.

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[7] http://mmyusuf.blogspot.com/2008/01/causes-and-effects-of-corruption ,

[8] Unless otherwise expressed, the TI findings are from http://www.cibac.org/content/view/91/56 viewed on 25/04/2011.

[9] http://www/tikenya.org/fqs.asp.

15.6.1 Lack of Democracy

Do democracy and corruption go together? TI has observed that, "in a modern democracy, the power of governing bodies is inherent in the political mandate given by the people. Power is entrusted and it is supposed to be used for the benefit of society at large, and not for the personal benefit of the individual that holds it. Thus corruption - misusing publicly entrusted power for private gain - is inherently contradictory and irreconcilable with democracy….. Because democracy and corruption do not go together it is all the more important to put in place control mechanisms and establish systemic hurdles to prevent people from abusing their power. Where these mechanisms are weak, as in most African countries, corruption may flourish". The problem is compounded when the elite temper with the essential pillars of democracy such as elections and constitutions as it has happened in some African countries[10].

15.6.2 Lack of a Free Press

The mass media ideally keeps people informed, and challenges public institutions to be transparent. The media is important, as TI aptly observes, "Corruption is secretive and private and the corrupt most fear public exposure. Corruption is therefore the enemy of openness and transparency. Where corrupt politicians want to keep the public in the dark, a free press can shed light and help inform and empower the public".

TI has further observed that the freedom of the press has been threatened by *persecution of journalists*,… *restricting the flow of*

[10] TI Kenya asks: **Is corruption really a danger to democracy?** "Yes. Corruption in the electoral and political process has lowered the confidence of wananchi in democratic institutions such as parliament, the executive and the judiciary. …The first queue sells their votes believing that they have no stake in representative politics." Indeed, it has been observed that even in parliament, MPs resort to selling their political vote in parliaments to the highest bidder.

information,… newspapers being intimidated and by *imposition of strict libel laws*.[11]

"But often", TI continues, "The press is handicapped also because there are few journalists and they lack professional training, there are no Freedom of Information laws that can secure access to the government decision-making processes, and investigative journalism is too expensive and time-consuming". The press can be a savior, only after jumping many high huddles in Africa. One of the huddles is the temptation of reporting allegations as facts, for the hidden agenda to catch the market or the attention of the audience.

15.6.3 Poor Gender Balance in Employment

Research findings, according to TI, "suggest the following conclusions:

- Women are disproportionately more likely to suffer from corruption than men.
- Women across different societies appear to be less corrupt than men.
- Empowering women seems to help reduce levels of corruption.
- Research sponsored by the World Bank argues that women are more trustworthy and more public spirited than men. Other research shows that women are less involved in bribery and less likely to condone bribe taking. One way of helping to reduce corruption is by looking at the role of women in countries where corruption is low. Research shows a correlation between a larger share of women in the labor force and in parliament and lower levels of corruption." From these

[11] When the political class has been bought off by corruption, it falls to the press to question, to probe and to act as a watchdog for public integrity. Press reports can force the disclosure of incriminating information and prompt police investigations of corruption.

findings, there is a great potential in the woman. In the case of Africa, where is the African woman? She is everywhere else except where she can save Africa from corruption and death.

15.6.4 Low Salaries

It is a fact that when public officials' income cannot meet their daily needs, the officials are likely to give in to the temptation of receiving bribes. This is compounded if the official has a large dependent family. It is the duty of the government to remunerate its workers to prevent corruption. While this is obvious, TI looks at the hard choices the government has to make.

There are difficult choices here for governments:

- Low salaries seem to encourage corruption but also enable more people to enjoy some kind of regular income.
- A smaller, better paid bureaucracy may be less inclined to corruption but there is likely to be a significant increase in unemployment and a consequent risk to political stability.

But low wages, sometimes irregularly paid, in a context of rapid inflation are likely to ensure that the corruption of low paid officials is widespread and almost unavoidable.

For African leaders the choice of low or high wages presents a crippling dilemma. A poor country attracts investment by promising low wages such that the investor maximizes profits. The benefit for the host country is income from taxing the investor. If a country opts for higher wages, the investor will demand lower taxation or withdrawal of the investment. The African leader is metaphorically to choose either cancer or AIDS. Africa seems to remain trapped in a web where corruption is almost not an option.

15.6.5 The Role of International Trade

TI has observed that, "International trade is the major source of large-scale corruption. This happens when large foreign exporting companies have to bribe to gain or retain businesses…. domestic businesses may influence the government to keep tariffs high…. This influence may be a straightforward bribe or it can take the form of large contributions to election campaign funds." In addition, "when tariff barriers are high this encourages smuggling.[12] What chance do fragile African economies have to survive this thrust of corruption? The chances are indeed poor.

15.6.6 The Role of International Corporations

TI has also observed that "International corporations are the supply side of grand corruption. If they did not offer bribes to gain contracts, concessions and exemptions, there would be a dramatic fall in grand corruption….. Grand corruption particularly arises from mining and oil/gas concessions, construction projects, and sales of military equipment."[13] What is sad about Africa is that it is its elite who are the partners in the corruption. When the elite are challenged to change, they resist because the changes demanded imply demolishing the structure that put them at the top in the first place. To yield is to commit suicide.

Africa is corrupt for a variety of reasons; however, there is need to look for a way out. Let me dialogue with the short term solutions so far applied.

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[12] If a country protects its domestic market by high tariffs, foreign exporters hoping to penetrate new markets may use bribery to gain special exemptions or concessions from governments……. Theoretically, free trade increases efficiency and investment but corruption thrives on inefficiency and increased trade for the corrupt politician means more opportunities for bribes."

[13] Evidence suggests that the drive for profitability among MNC leads to corruption, 'large numbers of multinational corporations from the richest nations are pursuing a criminal course to win contracts in the leading emerging market economies' (Peter Eigen, Transparency International chairman).

15.7 Short Term Measures to Eradicate Corruption

15.7.1 Enforcement of Anti-Corruption Law

"The main reason why anti-corruption laws are not enforced" declares TI, "is because there is no political will to enforce them." I would like to ask, why? According to TI,

"The anti-corruption laws may have been inherited, imposed or accepted as a condition of receiving development assistance… They may not reflect the views of the government or politicians but be deemed necessary in order to gain international respectability and to prevent donors from reducing, suspending or withdrawing their support…..

There maybe domestic political reasons for having anti-corruption laws. They can be passed in order to appease or deflect criticism from political opponents and the media without any commitment from the political leadership to enforce them…….

Anti-corruption laws may, in some cases, be difficult to enforce. They may be poorly drafted or imported from very different jurisdictions. Anti-corruption laws may be enforceable in that they depend on the availability of information and resources, which simply do not exist in the country."

"Enforcement," reports TI, "requires effective auditing and monitoring institutions, a non-corrupt police force with specialist training and an efficient and non-corrupt judicial system. In the absence of any of these elements, the prospects for detecting corruption, accumulating evidence against individuals and securing convictions are poor"[14]. These laws, enacted in some countries in Africa can be seen as short term measures because they lack essential components.

[14] Political will is a necessary condition for rigorous enforcement but it is not a sufficient one. Political will alone will not be enough if corruption is pervasive and deeply entrenched and political will cannot compensate for a lack of funding, personnel and technical skills.

15.7.2 Good Governance: Having Strong Executives/Presidents

TI declares, "A corrupt president is a guarantee of a corrupt government….

But having a 'saint' as a president, who is personally immune to corruption does not ensure that the government will be equally pure……..

Anti-corruption work requires constant vigilance and presidents are too often deflected by wars, famines, financial crises, the wider challenges of development and maintaining their grip on office."[15]

Chinua Achebe[16] writes about patriotism among African leaders. Going through the history of African political leadership after independence, left much to be desired. According to him, "One shining act of bold, selfless leadership at the top, such as unambiguous refusal to be corrupt or tolerate corruption at the fountain of authority, will radiate powerful sensations of well-being and pride through every nerve and artery of national life." He continued to say, "I saw such a phenomenon on two occasions in Tanzania in the 1960s. The first was when news got

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It is sometimes the case that when anti-corruption laws are not enforced, other laws are also not enforced. It is a symptom of a wider breakdown in the rule of law and effective government.
But every government has to make choices about the allocation of resources and when there are multiple pressing needs, as there are in developing countries, anti-corruption enforcement may become one of the less pressing priorities.

[15] When levels of corruption are high, it is possible to determine a structure of corruption that stretches from the lowliest clerk to the presidential palace, from the rural areas back to the capital and each layer of corrupt officials blames the one above them.
Other presidents start with good intentions and give anti-corruption work a high priority and relatively generous resources but, when members of their family or political allies are the target of corruption allegations, their commitment starts to fade.
Fighting corruption depends partly on political will and, if the president is personally free of corruption and willing to lead a sustained attack on corruption, there is some prospect of progress.

[16] Chinua Achebe (1983) *The Trouble with Nigeria*, Heinemann, Edinburgh, p. 17.

around (not from the Ministry of Information but on street corners) that President Nyerere after paying his children's school fees had begged his bank to give him a few months' grace on the repayment of the mortgage on his personal house. The other occasion was when he insisted that anyone in his cabinet or party hierarchy who had any kind of business interests must either relinquish them or leave his official or party position……and many powerful ministers including the formidable leader of TANU Women were forced to leave the cabinet. On these occasions ordinary Tanzanians seemed to walk around, six feet tall." Perhaps President Nyerere was an exceptional rather than the rule.

15.7.3 Joint Social Economic and Political Measures

Why can't governments contain corruption effectively without the help of others? Again TI has helpful findings; first corruption is a social and economic problem as well as a political problem. Secondly, corruption is a global phenomenon, which is no respecter of national boundaries.

Further, "corruption thrives when it is accepted, when victims of corruption do not protest, when it goes unreported and un-investigated and when its consequences are not widely understood. Tackling corruption requires the active participation of the media, the churches, business groups, trade unions, civic associations and voluntary groups, teachers, health workers and NGOs"[17]. Given that most African

[17] Many countries have shortage of personnel with the relevant expertise and experience to combat corruption. They need to go abroad to recruit consultants and expatriate staff engaged in similar work elsewhere to help in:
- Setting up anti-corruption agencies: staff from the Hong Kong Commission has been recruited to work in Africa
- Training local police, prosecutors and judges
- Training auditors, bank staff and key staff in the most vulnerable sectors.
- Advising on institutional reform and sharing best practice.

When the source of corruption is in another country, there is a need for bi-lateral cooperation between governments. When there are multiple sources, there is a need for international cooperation in the form of treaties, agreements, protocols and exchanges of information and personnel.

countries have but fragile institutions, the efforts of politics to handle corruption are at best short term.

15.8 Long Term Solution

The long survey of corruption above has confirmed the observation that the measures taken by politics, economics, and legislation to combat corruption are at best short term. They fail to, in the long run; challenge the human heart, the soul, the psyche, the seat of the human free will, where evil choices are made. The political economic as well as legal efforts are directed to the effects, rather than the cause. The long term solution lies in religions. Religion, among other roles, addresses the human heart, and constantly appeals to the human conscience to avoid evil and do good. Religions, by their nature, have the moral authority and ability to approach that inner segment of humanity where choices are made.

The present day problem of corruption in most parts of Africa is to a large extent a result of capitalism. Capitalism was confronted by the church in Pope Leo XIII's encyclical *Rerum Novarum* of 1891. That encyclical started the modern reaction of the Church to corruption. The church has since then kept writing *The Social Teaching of the Church* convinced that the heart of man will be changed for the better if the church intervenes by teaching, by prophesying as did Amos and Jeremiah.

The Catholic Church has this unique role to influence the world because of its historical position vis-à-vis institutions like the national state. The Catholic Church is the oldest institution in the Western civilization and it is endowed with a world wide net work of personnel,

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Bi-lateral and international cooperation is also essential to help tackle the associated problems of money laundering and tax havens. Containing corruption requires not only the commitment of governments but also the participation of civil society and international cooperation and assistance.

information and institutions. This has given it a duty which no other institution has. Because of its experience and mission, what the church teaches its believers and people of good will affect the rest of the world, including Africa.

DeBerri E.D, Hug J.E et al,[18] analyzed encyclicals with teachings which all along serve as antidote to sin as manifested in corruption. The Church since 1891 has addressed the social questions in its prophetic role. It addresses issues not only as a teacher but also as a mentor, a collaborator and as an empowering agent for change. Below are six of the major encyclicals which essentially challenge the human soul to be just in order to fight corruption in the long run.

(a) On the condition of Labor *Rerum Novarum*, encyclical Letter of Pope Leo XIII, 1891: In this encyclical Pope Leo XIII examines the situation of the poor people and workers in industrialized countries. He states several important principles that should guide the response to these people. He then articulates the role of the church, workers and employers, and the law and public authorities in working together to build a just society. Employers are given the major role as agents for change. Major areas of concern being:

- Care for the poor,
- rights of Workers
- Role of Private Property
- duties of workers and employers
- Return to Christian Morals and
- Role of Public authority.

(b) The Reconstruction of the Social Order (*Quadresimo Anno*, encyclical Letter of Pope Pius XI, 1931. The pope wrote and issued

[18]DeBerri, P. Edward, Hug, E. James et al. (1985) *Catholic Social Teaching,* Orbis Books, Maryknoll, New York

this encyclical during a time when major depression was shaking the economic and social foundations in society worldwide. He strongly criticized the abuses of both capitalism and communism and attempted to update Catholic social teaching to reflect changed conditions. He broadened the Church's concern for poor workers to encompass the structures which oppress them. Major areas of concern included:

- Role of the church
- responsible ownership
- Labor and capital
- Public authority
- Just social order
- Capitalism and socialism.

(c) Christianity and Social Progress *Mater et Magistra*, encyclical Letter of Pope John XXIII, 1961. This encyclical was issued in response to the severe imbalances between the rich and the poor which exist in the world. The Pole "internationalizes" the Catholic social teaching by treating, for the first time, the situation of countries which are not fully industrialized. He articulates an important role for the laity in applying the Church's social teachings in the world. Major areas of concern include:

- Just remuneration
- Subsidiarity
- Agriculture
- Economic development
- Role of the church
- International cooperation
- Socialization.

(d) The Church in the Modern World *Gaudium et Spes*, Second Vatican council, 1965. This document is seen by many to be the most important document in the church's social tradition. It announces the duty of the People of God to scrutinize the "signs of the times" in light of the Gospel. In doing so, it finds that change characterizes the world. These technological and social changes provide both wonderful opportunities and worrisome difficulties for spreading the Gospel. The church's duty in the world is to work for enhancement of human dignity and the common good. Major areas of concern include:

- Human dignity
- Common good
- "Signs of the times"
- Public responsibility
- Respect for families
- Right of culture
- Justice and Development
- Peace.

(e) The Development of Peoples *Populorum Progressio*, Encyclical Letter of Pope Paul VI, 1967. In this encyclical Pope Paul VI speaks to the challenge of development. He explores the nature of poverty and the conflicts it produces. He articulates the role of the church in the process of development and sketches a Christian vision of development. The pope calls for urgent action which respects the universal purpose of created things. He advocates economic planning and aid to promote development. Paul VI urges equity in trade relations as well as universal charity. He concludes by terming "development" the new name for peace and exhorts all Christians to strive for justice. Major areas of concern:

- Human aspirations

- Structural injustice
- Church and development
- New humanism
- Common good
- Economic planning
- International trade
- Peace

(f) The Social Concerns of the Church *Sollicitudo Rei Socialis*, Encyclical Letter of Pope John Paul II, 1988. Twenty years after The Development of Peoples, Pope John Paul II celebrates the encyclical of Paul VI with a strong statement updating the church's teaching on international development. The document reflects the severity of global economies at the end of the 1980s, with debt, unemployment, and recession seriously affecting the lives of millions not only in the developing countries but also in the more affluent countries. It echoes several of the justice-related themes addressed by the Pope in his worldwide travels. Major areas of concern include:

- Authentic development
- North/South Gap
- East/West Blocks
- Solidarity
- Option for the poor
- Structures of sin
- Ecological concerns.

15.9 Way Forward

15.9.1 Mass Education

As acknowledge above by TI, a successful fight against corruption requires the inputs of "the media, the churches, business groups, trade unions, civic associations and voluntary groups, teachers, health workers and NGOs." For this to be achievable a certain basic and mass moral education must be in place. This mass education must be delivered with the specific objective of touching the human mind and soul. This is where all religions are to agree that corruption is to be fought and pay the price of raising a collective war cry against corruption. Special attention is to be paid to the role and power of the family.[19] Families are to be the dispenser of values in the first formative years of the child. Religions are to form an alliance with families to dispense values especially patience, courage, honesty, obedience, respect, simplicity, orderliness, justice and love. If this kind of education is given by all religions, then corruption will be contained as children become adults.

15.9.2 The Church as Mentor

Most African countries are young, compared with countries like China and the nation states of Europe. As emerging nation states these countries are struggling to find a place in modernity characterized by stiff competition and corruption. These countries would have needed mentoring to facilitate a meaningful entry into modernity. With no mentoring they are entering with ill equipped and fragile institutions only to fell prey to ambitious, cut-throat competitors. Most of their institutions are inherited, or imported, but not home grown. The issue of corruption is a result of this lack of mentoring. Without giving up, Africa is still struggling to find means of liberation. Initiatives like the conference on corruption are a means to find a way for Africa lest it

[19] Peter Mbaro, "The Christian Family and Education for Peace," in *The Christian Social Encounter*, No. 1. January-June 2011. p. 22.

disappears like Israel and Judah. Conference, colloquia and other forums are to serve as wake up calls not only to the academia but also to the teaching church to be not only a teacher but a mentor. As history has taught, the first step to contain an epidemic is to speak about it. Let the Church spearhead speaking against corruption, it has done this before in the history of the Church in Europe; it can do it now in Africa.

15.9.3 Advocacy

The content of the Social Teachings of the Church is the antidote of corruption. The position the Church has been taking in its teaching constitute the long term solution to the problem of corruption. It may appear that the effects are not immediately visible, but the truth in the teaching keeps challenging the conscience of people of good will. While the Church may not have as many visible agents to implement its teaching, its members, the laity, in different ways carry on advocacy to convert the teachings into action. The way forward is advocacy to continue as more branches of Justice and Peace Commissions spread even in work places.

15.9.4 New Challenges, New Opportunities

The teachings of the church have borne significant fruits which must be sustained. The United Nations and its various agents is a product of Christians confronting challenges with Gospel values. The Red Cross and The Declaration of Human Rights in 1948 are other witnessing icons. Secularization, which has come with corruption, with its aim of reducing the influence of religion in society is a present day challenge. But like all challenges this is also an opportunity for further creativity and research. The way forward is to retreat to the human heart, mind and imagination to find out what opportunities lay behind the present challenge of corruption. Efforts must continue to bring Gospel values to the market place. This is what has prevented the collapse of Christian civilization for the past two millennia.

15.9.5 Check and Balance

The influence of capitalism and Christianity in the modern world is formidable. Because of this, Christianity has the duty to address issues like corruption, and find ways of eradicating them. Since the corruption as discussed in this paper is found mostly in the economic and political sphere of culture, there has always been the need for an institution outside politics and economics to challenge economics and politics. For the past one hundred and twenty years, the Church has assumed this role in its teaching. This has been an effective, though quiet, check and balance mechanism. The African situation poses a great challenge to the African church, which has to find its place to affect check and balance mechanism. It will be a scandal if the church proves to be ignorant and unconcern. To separate the church and the state, to separate politics and religion must be seen as counter productive because religion has been and still is part of culture just as politics and economics are. This is the whole point of Catholic Social Teaching, and the justification for the existence of institutions like catholic universities.

15.9.6 Evangelizing Modernity

While the Church is ever challenged by the task of evangelization, the greatest challenge for the church as it faces modernity is *how to balance the option for the poor with alliance with the rich who need salvation.* It is to be done without compromising the prophetic voice of the Church. The Church is to avoid running with the hare and dining with the hound. The priest, religious men and women and the laity are to follow the footsteps of Amos and Jeremiah at all costs. The way forward is to witness more to the truths the Church has been entrusted with. Church men and women have to walk on the fine string of avoiding sharing the spoils of corruption while preaching to those who are suffering due to corruption. This will be achieved if those involved are deeply religious addressing the human heart with moral authority. This is the challenge of evangelizing modernity rife with corruption.

15.9.7 Corruption is Sin

The world has to accept that corruption is sin. It is "***when corruption is sin*** that people will listen to their conscience, and to their religious leaders who will be denouncing corruption vehemently." It is "***when corruption is sin*** that people will declare a crusade against it convinced that any achievement against corruption is a step towards salvation here on earth and hereafter". It is ***when corruption is sin*** that churches will emulate businesses and use billboards to condemn corruption like murder; both to be punished here on earth and in eternal hell fire. It is ***when corruption is sin*** that corruption will be an agenda in inter-religious dialogue. So that corruption is fought by all religions, at all times and in all fronts.

15.10 Conclusion

Countries in Africa are corrupt, and differ in degrees. My concluding remark focuses on Kenya because Kenya has put a lot of efforts to fight corruption. It has Kenya Anti-Corruption Commission (KACC) in place as an agent to fight corruption. At this juncture, I would like to quote at length Prof. PLO Lumumba, the Director and Chief Executive of KACC. I want to quote him because he, to a large extent, supports the thesis that religion is the long term solution to corruption. "……I have tremendous faith that religion can inspire all of us in leading lives of integrity and shunning corruption. Although the fight against corruption in Kenya is predicated on the Anti-Corruption and Economic Crime Act and other statutes, the Law of God provides the most enduring influence on our conduct as human beings. ….The commission has continued to employ a three-pronged strategy of law enforcement, corruption prevention and public education in the fight against corruption. It is our understanding as Kenyans that the fight against corruption must be inspired by the personal resolve to shun evil,

do good and aspire towards a society that promotes excellence in values, word and deed. We continue to partner with many law enforcement agencies, other government departments, schools, private sector actors and civil society. However, we believe that this fight will benefit from a much greater impetus if we use places of worship as the vanguard platform of advocacy against corruption in Kenya. It is for this reason that our partnership with the Evangelical Alliance of Kenya (EAK) and Fellowship of Christian Unions (FOCUS) Kenya has yielded this much needed tool in the form of an Anti-Corruption Bible Study Guide in mainstreaming good governance and integrity."[20]

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16

CORRUPTION AS A THREAT TO JUSTICE: A BIBLICAL PERSPECTIVE

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16.1 Introduction

There is a worldwide cry in almost all sectors of human life against oppression, domination, and economic exploitation. People are increasingly being marginalized, and even dehumanized because of misuse of power and wealth. All these wrongdoings form a cluster leading up to the concept of corruption that threatens justice and human relationships. Against this backdrop, we are going to present the notion of biblical justice, and from that notion describe what a just person is. Then we shall attempt to describe corruption and show how it threatens not only justice but also human relationships. In so doing, we shall base ourselves on the Word of God as it is attested to in the Holy Scripture. Our paper will develop in that way because its title is, "Corruption as a threat to Justice: A Biblical Perspective."

16.1.1 The Use and Meaning of Sdq in Old Testament

The words *sedaqah / sedeq* can be applied in two ways to a wide variety of things. In the first place, there *is a non-theological stative use* of the *sdq* group words found most clearly with inanimate of objects.[1] There are ample examples to illustrate this: 'just' way (Gen 24:48), 'just' (*sedeq*) weights and measures (Lev 19:36; Deut 25:15; Ezek 45:10) and just *ephah* (Deut 25:10). Measures are "just" when they conform to the proper standard and are not compromised in any way. Scales are "just" when they give fair measure. The path is 'just" when it leads where one wants to go.

In each of these cases there is no possibility of right action or behaviour, rather, *sdq* refers to some right state of being for each object. This may also be the implication of the blessing of Zebulon and Issachar in Deut. 33:19 where it speaks of the people's offering as "just sacrifices" (*zibhe-sedeq*).

The use of *sdq* in a *stative* sense can also be applied to human beings. Noah is described as a 'just man" (*ish saddiq*), blameless (*"tamim"*) among the people of his time (Gen 6:9). As one who has lived rightly, Noah has "just" status. In 2 Kings 10:9, Jehu confronts the people of Jezreel after the slaughter of Ahab's seventy sons and declares, "You are innocent (*saddiqim attem*). A wide variety of interpretations is given this clause in modern versions.[2] In the context of the narrative, Jehu claims responsibility for the death of Ahab and poses the question of responsibility for the deaths of the seventy. The following verse implies that the wider slaughter is the result of Yahweh's judgment. Of these deaths, then, the people are clear. They

[1] Willem A. Van Germeren, Gen. Edit. *New InternationalDictionary of the Old Testament Theology and Exegesis* Vol 3 (Paternoster Publishing Carlisle Cumbria UK 1996) 748.

have done no wrong, and remain "in the right". In this instance, *sdq* does not refer to something they have *done*, but to something that they *are*.[3]

There are other instances we can provide, such 2 Sam 4:11 where *sdq* is contrasted with *rasa*'and 2 Sam 19:29.[4]

Sdq terminology indicates right behaviour or status in relation to some standard of behaviour accepted in the community. It also entails the adjudication of such behaviour or status as well as the more abstract sense of some claim of it. Nowhere, however, is this standard made explicit, nor is covenant invoked as a ground or basis for *sdq*. If a special notion like covenant is assumed it remains firmly in the background. The picture is rather one akin to natural law, where tacit assumptions about behaviour are held in common, but nonetheless real for that."[5]

Justice (*sdq*) is not only applied to humans in *stative* sense but also to human relationships where *saddiq min* in conflict resolutions: We offer three examples for illustration.

16.1.1.1 Gen 30:33

And my honesty will testify for me in the future, whenever you check on the wages you have paid me. Any goat in my possession that is not speckled or spotted, or any lamb that is not dark-colored, will be considered stolen.

This text is found in a story of Jacob's separation from Laban, after the former's years of service in return for Laban's daughters. As negations between the two tricksters proceed, Jacob settles for what appears to be a poor deal. He will not take wages, but will take "every black animal among sheep and every speckled or spotted one among the goats from the flocks to be his own" (30:32). Thus his flock would be

[3] Van Germeren W., A., Gen. Ed. *New International Dictionary,* 748.
[4]
[5] Van Germeren W. A ., New International 750.

visibly differentiated from Laban's, so "*my 'sdq' will testify for me in the future*" (30:33).

Laban, while ready to accept the deal, is nonetheless suspicious of his son-in law, for he, rather than Jacob, separates the flocks and puts three-day's journey between his flock and the spotted sheep.

The term *sdq* is here differently translated: "righteousness" (KJV); "fair dealing" (AV); "honesty" (NASV; NIV), "uprightness (NJB). While these translations may be suitable for the context, they appear too restricted for Jacob is making the claim that this arrangement will be a guarantee of his right behaviour. Indeed, Von Rad comments:

This is one of the few profane examples of that biblical term which is so difficult to translate. Here, too, it presupposes an existing community relationship and refers to "loyalty" to an agreement equally binding on both partners. The term is then applied by Israel to Yahweh's relationship in exactly the same sense.[6]

16.1.1.2 Gen 38:36: "She is more just than me"

Another story of two schemers, Judah and his daughter-in-law Tamar uses the term *sdq* in a secular sense. It relates to the dealings of Judah and Tamar. After the deaths of two of his sons, Judah sends Tamar to her relatives for fear that a third son, Shelah, would die because of her. As time elapses, Tamar fears she has been forgotten and uses an occasion of the sheep-shearing frolic to lure Judah into having intercourse with her by masquerading as a cultic prostitute. Since Judah had not foreseen the fee, he allows Tamar to depart with his ring, cord, and staff as pledge for payment. This encounter results into Tamar's pregnancy. Soon or later, as news reached Judah, he calls for her execution. Then Tamar produces the ring, cord, and staff as proof of Judah's paternity. Thereupon, Judah confesses: "*She is more righteous*

[6] Von Rad, G *Genesis* (SCM London , 1972) p. 301.

than I" since I wouldn't give her my son (38:26). According to GKC[7] "the phrase *sdq min-* expresses not a comparison, but only a relation existing between one person and another; thus in Gen 38:26. She is in the right as against me".

WOC concur, calling this a "comparison of exclusion": "the subject alone possesses the quality connoted by the adjective or stative verb, to the exclusion of the thing compared" and translate this clause "She is in the right, not I."

16.1.1.3 Sam 24:18: You are more just than I

The context of 1 Sam 24:18 is the first in a series of three stories about lives David might take: Saul's life (cc 24 and 26) and Nabal (c 25). The text suggests that both have "rights" on their side and again that one's behaviour was more virtuous than the other's. Saul here expects that David will kill him and "rightly" so, (the clear implication of the question posed in 24:20) just as Saul would kill David, his enemy. David refrains, however, and Saul declares, "You are more righteous than I". This is not, then, a matter of simply saying that David acts rightly and Saul not at all; rather, David's behaviour is more virtuous than Saul's. This is not the usual interpretation which understands Saul to declare David's innocence and his own culpability. But in this narrative setting we have to reckon with the enmity between them: Saul is seeking David's life but David is seeking Saul's throne.

Each of the above examples shows two individuals in some degree of conflict, with the resolution couched in terms of *sdq* where this has the sense of just or virtuous behaviour. The standard of evaluating this behaviour, however, is not stated but is assumed to be common to both parties. In the cases where the comparative *min* is used, there is also a degree of relativity injected: one party is better behaved than the other.[8]

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[7] *Gesenius' Hebrew Grammar*, Rev. E Kautzsch; trans. A.E. Cowley (2nd ed; Oxford, 1910) 430 n.2

[8] Willem A. van Germeren, Ged. ed. New International, 748.

16.2 What then is "Justice"?

"Justice" conveys a sense of "rightness" or "integrity," things being as they should be.[9] It is further thought to be "fidelity to the demands of a relationship. God is just when he acts as God should, defending or vindicating his people or punishing violations of the covenant. People are just when they are in right relationship to God and to other humans.[10] With Wash, we supplement this description by injecting into it the social dimension of *sedeq* which Walsh[11] describes as "consensus," that is, 'nekoah,'[12] about what is right , even though it differs in concrete situations. Biblical revelation of *sedeq* involves the consensus that is to shape God's people.

16.2.1 Definition of Justice

Sedaqah in the Old Testament is not a righteousness that is oriented to an absolute ethical norm. It is a relational concept whose content and meaning is determined by the particular social context in which it is used. Sedaqah [sic] is the quality of life displayed by those who live up to the norms inherent in a given relationship and thereby do right by the other person or persons involved. The two most important spheres for righteousness were the relationship between Yahweh and Israel defined in the covenant and expressed in the cult, and the relationship of men in the social order of the folk…. In Amos *sedaqah* applies to the relational life of the social partners in the people of Israel.[13]

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[9] John R. Donahue, *What Does the Lord Require? A Bibliographical Essay on the Bible and Social Justice* (Revised and Expanded), The Institute of Jesuit Sources, Saint Louis `MO 2000, 23.
[10] Donahue, J.R. *What Does the Lord Require*, p. 24.
[11] J.P. Walch, *The Mighty From Their Thrones* Philadelphia : Fortress Press 1987) 1-12
[12] *Nekoah* means "what is right, 'what is straightforward, honest, right" in contrast to what is deceptive and false (Am 3:10; Is 30:10).
[13] Mays J.L. *Amos: A Commentary* (OTL: SCM Press, London 1969) 92-93.

Sdq is described as a concept of relation referring to an actual relationship between two persons and implying behaviour which corresponds to, or is true to, the claims arising out of such a relationship. What constitutes, for instance in case of a judge is not the question of impartiality with which a formal standard of justice is applied, but of rightly satisfying those claims which are brought forward as a result of particular concrete relationships; justice (*mshpat*) is no abstract thing, but denotes the rights and duties of each party arising out of the particular concrete relations of fellowship in which they find themselves.[14]

Sedaqah, however, does not stand alone but is often associated with other concepts. In 2 Sam 8:15, *sedeq* is paired with *mishpat*, the implementation of justice (*sedeq*) by action whether juridical or otherwise; in Ps 85:11 kindness (*hesed*) paired with truth (*emet*) and justice (*sedaqah*), with peace (*shalom*). Furthermore, while it is said in Is 32:17 that justice (*sedaqah*) will bring about peace (*shalom*), it is equally said that judgment (*mishpat*) will produce calm and security (Is 32:17). While the Lord will appoint peace (*shalom*) governor, he will also appoint justice (*sedaqah*) ruler of his people (Is 60:17); *saddiq* is paired with *hakam* (Prov 9:9 and 23:24). Finally we have to associate it with *naqam*, literally meaning "vengeance" as the process by which "consensus" or sense ('*nekoch'*) of rightness is restored. In biblical traditions these terms define a consensus against the misuse of power [and wealth] and disclose a God who is on the side of marginal.[15]

Taking into account that words share meanings with others they stand, the word 'justice' shares the meanings of the words indicated above which inject a certain nuance into the word 'justice.' On account of this, "biblical" justice differs from other forms of justice rooted in the

[14] Eichrodt, W. *Theology of the Old Testament* Vol. One (The Westminster Press, Philadelphia 1961) 240-241.
[15] Donohue J.R. *What Does the Lord Require* p.24.

philosophical tradition, namely, commutative justice, distributive justice and social justice:

In the first, biblical justice does not admit of strict philosophical definition. As seen above, it is often linked with qualities such as "mercy," "steadfast love," and "fidelity'. It defies the traditional contrast between obligations in charity and obligations in justice. Jesus expresses this in Matt 23:23 by criticizing the Pharisees for neglecting the "weightier matters of the law – justice and mercy and faith."[16] Second, biblical justice is fundamentally "making things right," not simply recognizing or defining *individual rights*. It is concerned with "the right relation" of human beings to God and among humans themselves. Third, biblical justice is not "blind," nor totally impartial. It is partial or preferential to those most affected by evil and oppression – symbolized in the Old Testament by the four groups of people: the widows, orphans, the poor and the strangers in the land and embodied in the New Testament by Jesus' mission to those on the social and religious margin of the society.[17]

16.2.2 Who is a Just Person?

From Proverbs' frequent use[18] of the adjective '*saddiq*,' we realize that the *saddiq* is one who is honest (Prov. 10:11,31-32; 13:5 cf.12:17; 16:13 with *sedeq*); generous (21:26), steadfast and bold (11:8-10;12:7,12;14:32; 18:10; 24:15-16; 28:1); loyal (12:5); merciful (12:10; 29:7, cf. 31:9); pleasing to God (3:33; 15:28; cf. 15:9; 21:3 with *sedaqa*); in short, a just person is one whose ways lead ways lead to life (10:16; 11:19,30; 12:28; 16:31; 21:21). Furthermore, the *saddiq* is also wise (*hakam*) as suggested by the parallelism in 9:9 and 23:24 (cf.

[16] Donahue J.R. *What does the Lord Require* ? 28
[17] Ibid.
[18] Proverbs prefers the adj. *saddiq*. Of the 92 times the root occurs in the book, 66 times (=77.7 percent) the adjective is used which suggests Proverb's interest in the nature of the "one who is *sdq*" rather than in abstract conceptions of *sdq*.

Eccl. 7:16; 9:1 and 1 En 48:1). The wicked person is equally described by the antonyms of these qualities.

16.3 What is Corruption?

The Old Testament offers us two Hebrew words that connote corruption: the word *'lh* connotes moral corruption,[19] the word *mutteh*, corruption of justice[20]. If we understanding justice from a biblical perspective, corruption is a perversion or subversion not only of *the accepted standards of social justice,* but also *of the existing relationships between the parties concerned* in the society. Thus corruption threatens justice as well as the established social relations between individuals.

16.3.1 Corruption in Human Relationships

First let us refer ourselves to the texts of " saddiq-min" statements which we have mentioned, concerning *Jacob and Laban* (Gen 33:30), *Judah and Tamar* (Gen 38:26) and *Saul and David* (1 Sam 24:18) where *seddaqah* involves human relationship. In addition, we have the prophets Hosea and Isaiah who deal with relationship between God and Israel.

What we have in these texts are three pairs individuals in some degree of conflicts whose resolutions are couched in terms of justice. Because of the relationships that exist in these pairs of individuals, the reader does not perceive clearly who is in the wrong. Indeed, there is corruption of some sort, but in the three cases what comes out clearly is that "one has behaved better than the other" or, "you are just than I" an expression that scholars still debate concerning its sense.

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[19] Van Germeren W.A., Gen. ed. New International Vol. 1, pp.410-11.
[20] Van Germeren W.A., ibid, Vol 2, p. 926.

Hosea locates *sdq* in a theological context that has to do with Israel's relationship with Yahweh (Hos 2:19; 10:21 cf. 14:9). He also uses *hesed* (covenant love) which concerns the renewal of God's people and God's relationship with them. In this perspective, corruption consists of religious syncretism ('going after other lovers), cultic myopia (Hos 6:1-6) and ulterior motives. From the covenant relationship between Yahweh and Israel patterned on the Hittite "vassal-sovereign" treaty, corruption consists in Israel's endeavour to establish a totally different relationship of dependence on other Lord, Ba'al rather than Yahweh.

The covenant relationship summed up in the phrase "I am your God and You will be my people."(Exod 6:7; Hos 2:23;Jer 7:232;11:4;24:7; 31:33; Ezek 14:11;37:23, 27; Zech 8:8). In that relationship, Yahweh is just if he acts as 'Lord of Covenant' is expected to do and Israel is just if as 'vassal' behaves as she is expected in fulfillments of the demands of the covenant. Corruption then is any action that goes against this establishment; it is the breach of covenant stipulations.

This goes parallel with corruption that would take place within the covenant circle. The Decalogue's negative commandments were intended to chart out the outer limits of the covenant in order to create a secure place within the covenant circle in view of life and freedom for its members. A just person is one who promotes life and freedom within the covenant circle (cf. Ezek. 18:5-20) and the corrupt is one who does the contrary.[21]

While Hosea fought against Israel's corruption in its cultic relations with Yahweh, the prophet Isaiah of Jerusalem fought against Israel's corruption in her political relationships with Yahweh that consisted in Israel's trust in international politics. Three times the prophet intervened when Ahaz and Hezekiah were tempted to trust in Assyria and Egypt rather than Yahweh for national safety.

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[21] Eichrodt W.(1970), *Ezekiel,* OTL SCM, London 240.

16.3.2 Corruption of Social Justice

As I have just said, the Hebrew word for corruption of justice is hJ,mu: it comes from the root word "*nth'* that means to "turn", "bend," yielding for this nom. construction "something that is twisted" or "corrupted." This fits well its sole occurrence in which it describes Israel's sin, including "bloodshed in the land and 'corruption' in the city (Ez. 9:9). However, we cannot determine more specific beyond the fact that of being "*an action*" or "*a state*" not acceptable to God and humans because of the word is *hapax legomenon.*

16.3.3 General Statements

Israel's legal codes proscribed against corruption of justice (*mutteh*). The prophets, basing on the legal codes[22], first made general statements against such wrong doing such as oppression, economic exploitation, etc. For example, from Amos, we have the following statements:

"Listen to this saying you cows of Bashan,
living on the hill of Samaria.
Exploiting the weak and ill-treating the poor,
saying to your husbands, "Bring us something to drink"(4:1).

"They turn justice into wormwood
and throw uprightness to the ground".(5:7)

From the prophet Micah, who perhaps stood in the outer courts of the Jerusalem Temple, proclaimed to the officials responsible for legal justice,[23]saying:

"Then I said
Kindly listen, you leaders of the house of Jacob,
[you princes of the House of Israel].[24]

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[22] The legal codes are the Covenant Code (20:22-23:33; Holiness Code (Lev. 17-28; and Deut. Code 12-26.

[23] Wolff, H. W., *Micah A Commentary , trans. Gary Stensell* (Min: Augusburg 1990) 97-98.

Surely you are the ones who ought to know what is right,
and yet you hate what is good and love what is evil,
skinning people alive, pulling the flesh off their bones,
eating my people's flesh, stripping off their skin (3:1-3).

As a final example of the prophetic general statement about corruption we have the prophet Habakkuk's complaint (1:1-4):

How long, Yahweh, am I to cry for help
while you will not listen;
to cry 'Violence' in your ear
while you will not save?

Why do you make me see wrong-doing,
why do you countenance oppression?
Plundering and violence confront me,
contention and discord flourish.

And so the law loses its grip
and justice never emerges,
since the wicked outwits the upright
and so justice comes out perverted.

16.3.4 Specific Statements

The prophets did not only make general statements in their indictments of corruption but also became specific. In order to remain within the perimeters of our scope, we shall limit ourselves to several texts as we try to show specifically how prophets fought corruption that threatened justice in their respective societies. The following are areas throughout the entire Bible where corruption usually took place:

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[24] We think this clause was added later.

16.3.4.1 Corruption of justice took place in marketplaces.

Marketplaces were areas in which one found 'false measures' of both weights and quantity (Deut 25:13-15; Am 8:4-5; Mic 6:10-11;Hos 12:8); and of length and liquid (Lev 19;35-36).

Amos condemns corruption in 8:4-5 (cf. Hos 12:8; Mic 6:10-11)

> Listen to this, you who crush the needy
> you who say, 'When will New Moon be over,
> so we can sell our corn, and the Sabbath,
> then, we can make the bushel-measure smaller
> and the shekel-weight bigger
> by fraudulently tampering with scales."

Amos portrays wealthy merchants chafing at the bit on New Moon and Sabbath festival because they want to get back to the marketplace so that they can go on cheating the poor. They cheat by using false measures .They use an *ephah*, the bushel basket for holding grain that is smaller than standard size so that they can sell buyers less than they pay for. The buyers' money is weighed on scales, but the weight that the sellers put on the other side, the shekel, is larger than expected. Thus, the buyers must pay to much money and are cheated once again.[25]

Besides tampering with scales (Am 8:5) or using 'fraudulent' (Hos 12:8) and 'rugged' scales (Mic 6:11), the wealth merchants intend to cheat the poor by selling even

"the sweepings of the wheat" (Am 8:6).

16.3.4.2 Corruption in Courts of justice

Judicial procedures at city gates: there were partiality (Ex. 23:3) false witness (Ex 23:1-2, Deut 19:15-21); bribes (Ex 23:8; Deut 16:19; Amos 5:12; Mic 3:9-11; Is 1:23; 5:23); false condemnation (Is 10:1-2; 29:21).

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[25] Malchow, B.V., *Social Justice in the Hebrew Bible*, (The Liturgical press, Collegeville MIN 1996) 37.

In ancient Israel, courts of justice were supposed to be bastion of justice. On the contrary, however, the city-gates were not spared of corruption and prophets were forced to launch their indictments to venal judges. In Israel's law codes what received the greatest amount of attention was injustice in the law court. Judges succumbed bribery, (e.g. Am 5:12; Mic 3:9-11; 5:23); partiality, false witness, an unfair sentence/ verdict about the poor individuals that deprive them of their rights[26] (Is 10:1-2; 29:21; Zeph 3:3), condemn them to death (cf. Ps 10:8-10).

In the Northern Kingdom of Israel, the prophet Amos indicts the elders at Bethel during the reign of Jeroboam II.

> For I know how many your crimes are
> and how courageous you sins,
> you oppressors of the upright, who hold people to ransom
> and thrust the poor at the gates (Am 5:12).

In the Southern Kingdom of Judah, Isaiah thundered during the reign of Jotham:

> Woe to those who enact unjust decrees,
> who compose oppressive legislation
> to deny justice to the weak
> and to cheat the humblest of my people of fair judgment
> to make widows their prey and to rob the orphan" (Is 10:1-2).

Lastly in the reign of Johoiakim (600 BCE), Zephaniah describes Judges of Jerusalem in the following words:

> The rulers she has
> are a roaring lions
> her judges wolves of the wastelands
> which leave nothing over for the morning, (Zeph 3:3)

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[26] Otto Kaiser, *Isaiah 1-12, A Commentary*, trans. John Bowden, OTL (Philadelphia: Wesminster, 1974) 278.

In sum, judges uttered judgment that deprive the poor individuals of their rights (Isa 10:1-2; 29:21; Prov. 24:23-26; 28:31; Sir 7:6); false witness (Prv 19:5,9,28; 21:28; 24:28) and giving verdicts for presents (Mic 3:11; Is 1:23).

16.3.4.3 Homes were also areas where corruption would be perpetrated

Human dealings at homes such as borrowing and lending money at interest and usury (Ex 22:25[27]; Deut. 23:19-20[28]; Lev 25:35-37),[29] withholding *wages* (Deut 24:14-15) and abuse of pledges.

Regarding the issue of borrowing and lending money, In time of financial difficulties a poor person would borrow from one who is well off. Though interest was forbidden on any gifts by way of loan to a brother, some corrupt people did so (cf. Neh. 5:1-13). They would take this opportunity to exploit the poor by lending money with an interest and usury. In Lev 25:37 two separate words are used to describe the transaction: '*nesek'* (interest) …..'*tarbit'* ("increase"). The word "*nesek"* refers to the lending of money, and "*tarbit,"* to means of nourishment.[30]

According to Rashi, *nesek* comes from the Hebrew root word '*nsk'* meaning "to bite" and comments that

"it resembles the bite of a snake…. inflicting a small wound in a person's foot which he does not feel at first, but all at once it swells, and distends the whole body up to the top of the head. So it was with interest."[31]

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[27] Ex 22:24 "if you lend money to any of my people, to anyone poor among you, you will not play the usurer with him : you will not demand interest from him.
[28] You must not lend on interest to your brother, whether the loan be of money, of food, or of anything else that may earn interest. You may demand interest on a loan on a foreigner…….
[29] Holiness Code forbids that interest be repaid with a loan (tarbit) as well as paying it in advance.
[30] North M., *Leviticus,* (OTL. SCM Press , London 1965) 191
[31] Quoted in Noth M. *Leviticus* 479.

At times, the interest would be required in advance. The lender would bite it off from the money he is going to lend.[32] In this connection, one has to speak of corruptive people's of withholding wages. According to Deut. 24:14-15 wages were to be paid on the day they were earned (Deut 24:14-15).

In addition to corruption that could be committed at homes, there is also moving a landmark at the border of a neighbour's property (Lev 19:14; 27:17) A simple marker indicated where one person's property ended, and another's began. An unscrupulous person could move landmarks into the property of poor neighbours and thereby steal some of their land.

16.3.5 Lastly, We Mention Latifundism.

This was a corruptive way of confiscating small holdings by joining them to big estates (1 Kgs 21:3; Mic 2:1-3). The prophet Mic 2:1-2, says:

> Disaster for those who plot evil, who lie in bed planning mischief.
> No sooner is it dawn than they do it, since they have power to do so.
> Seizing the fields that they covet, they take over houses as well, owner and house they seize alike, the man himself as well as his inheritance.

This means that the rich would confiscate land and houses for the unpaid debts. They took this advantage to enlarge their estates. This way of land "grabbing" still existed in the times of Jesus especially in Galilee. In the gospels we hear of absentee landlords.

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[32] G. Barrois, "*Debit, Debtor*," IDB 1:809 The Holiness Code (Lev 25:35-37) forbids the deprived repay interest with a loan (*tarbit*) as well as paying it in advance.

We have presented enough examples as evidence of the existence of corruption in ancient Israel. The psalmists think acquiring possession by illegal means took place out of greed (cf. Ps 40:3) and out of confidence since life went on well with evildoers. Furthermore, they thought there was no God or God does not repay people for evil. So they anticipated continued prosperity in the future. As W. Brueggemann points out, they live in the usual mode of social relations. They believe that there are only two parties involved in these relations, themselves and the weak. They dismiss the third player, God, as an effective player in social either no God dismissed as an effective player in social interaction.[33] Thus, they trust in their wealth (Ps 49:7)

Besides motives for corruption thought by the psalmists, there are instances of corruption in the Bible that come out of abuse of power and wealth. 2 Sam 12:1-4 presents David's case of corruption because of power. In Nathan's parable, the rich man abuses his power by forcing the poor man to give up his pet for the wealth man's gain. David's sin also involves similar abuse. His role as the king was to protect the weak, but instead he used his power to oppress and eliminate Uriah[34]

16.4 New Testament

We can hardly make references to corruptions in the New Testament as we have done in the Old Testament. Nevertheless, first century Palestine was not without social structures that led to corruption. Several of Jesus' sayings and, indeed the entire New Testament, originated in the 1st century Palestine whose despotic rulers would definitely not refrain themselves from abuse of power and wealth. For example Jesus

[33] Brueggemann , W., "Psalms 9-10: A Counter to Conventional Social Reality", *The Bible and the Politics of Exegesis,* ed. David Jobling and others (Cleveland: Pilgrim 1991) 8-10.
[34] J. Emmette Weir, (1988) *The Poor are Powerless: A Response to R.J. Coggins*," Exp Tim 100, 27.

saying, "You know that among the gentiles those they call their rulers (*archein*) lord it over (*katakyrieuousin*) them and their great (*megaloi*) make their authority felt (*katexousiazousin*) " ((Mk 10:42)

In this reply to the request of Zebedee's sons concerning 'high positions", Jesus appealed "to what they would have already known from their experience in first-century Palestine under Roman rule."[35] By his use of terms "rule" (*archein*) and "lord it over" (*katakyrieuousjn*) he characterized "the experience as one being subject to unlimited and overwhelming imperial power."[36] The idea of worldly leadership as the exercise of raw power is further developed by the noun *megaloi* ("great ones") and the verb "wield power "*katexousiazousin."*[37] A kind of ruling that implies harshness.

Again, in the Sermon of the Mount, Jesus says, "If anyone requires you to go one mile, go two miles with him." Behind Jesus' 'pacifist' attitude lie the legal right of Roman soldiers to press civilians into service" (cf. Simon of *Cyrene* Matt 27:32).

From Luke's gospel, John Baptist advises the tax collectors:: "Exact (*prassein*) no more than the appointed than rate" (Lk 3:13) and to some soldiers, "No intimidation. No extortion. Be content with your pay." In the former advise, John enjoins collectors of indirect taxes through tolls not to "extort more than the legal (*diatasso*) tolls" and in the latter, to the soldiers (*strategoumenoi*) not "to shake down anyone". In this text, the verb "*diaseiein*" is found with *sycophanteo* in reference to harassment by officials, etc.

Two more instances attesting to the phenomena of corruption are the existence of absentee landlords reflected in Mt. 21:33-46: Wicked Tenants, and the practice of the injustice through *latifundism* (cf.) and the Book of *Revelation* that critiques the Roman regime.

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[35] Donahue J.R. & Harrington D.J., *The Gospel of Mark*, H.D.J. ed. (SP, Liturgical Press, Collegeville MIN 2002) 312.
[36] Ibid.
[37] Ibid.

16.5 The Way Forward

Corruption is a deep seated vice in human societies because, as Gen. 8:21, humans "contrive evil in their hearts." It, however, can be avoided and corrupt people can again walk in the paths of justice. We think repentance is adequate means by which corruption today can be eradicated or at least brought to a low scale. Authors of *Luke-Acts* and *Revelation* present repentance as a way early Christians could reject the Roman imperial ideology with its corruptive system and work out a 'contrast society' based on Gospel values. Another element is shame.

The Greek words of " *repent*" and "*repentance*" occur 25 times in Luke-Acts that is 45 percent of all occurrences in the New Testament.[38] In addition, to the 45 percent, another 22 percent of occurrences are found in the book of Revelation. This shows that the authors of these books did not simply passed on a motif they found in the sources or just repeated a current religious jargon. For them, instead the motif of repentance provided contexts and frameworks within which their messages were to be understood.

The words *metanoeo* and *matanoia* had a subversive role in people's life that necessarily led to concrete transformation of behaviour. An extensive examination of their in classical and Hellenistic Greek literature demonstrate that not only *metanoeo* and *metanoia* literally meant "change of mind," the terms were consistently used to express a fundamental change in thinking that led to a change in behaviour and /or way of living.[39] The demand for repentance in these books is for radical

[38] In the Marcan gospel the noun is used only once (1:4), and the verb *metanoein* only twice (1:15; 6:2); in the Matthean Gospel the noun is found twice (3:8,11 in John's preaching) and the verb five times (3:2;4:17; 11:20, 21;12:41). In the Lukan writings the noun appears five times in the Gospel (3:3,8;5:32; 15:7; 24:47) and six times in the Acts (5:31;11:18; 13:24;19:4;20:21;26:20); whereas the verb is used nine times in the Gospel (10:13;11:32; 13:3,5; 15:7,10;16:30; 17:3,4) and five times in the Acts (2:38;3:19; 8:22; 17:30; 26:20).

[39] Nave , G.D., No Pax Romana 59.

and fundamental change in thinking and living. Specific social, moral, ethical, financial, and religious inequalities are challenged in these books and repentance is presented as the method of correcting them.

We shall not analyze all occurrences of the words *metanoeo* / *metanoia* in Luke-Acts [40]and in Revelation[41] but we shall work only with sufficiently a few texts.

With regard to Luke's gospel, we have three sayings of Jesus and two stories. The three sayings are:

- Lk 10:13:If miracles done in Chorazin and Bethsaida, were done in Tyre and Sidon, they would have repented long ago:
- Lk 11:32: "On judgment Day the men of Nineveh will appear against this generation and be its condemnation, because when Jonah preached they repented; and, look, there is something greater than Jonah here."
- Lk 13:1-3:"….Some people arrived and told him about the Galileans whose blood Pilate had mingled with that of their sacrifices. At this he said to them, "Do you suppose that these Galileans were worse sinners than any others… They were not, I tell you. No; but unless you repent you will all perish as they did."

The two parables are "*the rich Man and Lazarus*" (Lk 16:19-31) and "Jesus visits *Zachaeus"* (19:1-10).

In the sayings as well as the stories repentance is recommended as the ultimate means by which people can to dissociate themselves from wrongdoings. Implied in repentance is a certain subversive role: a certain *coup d'Etat* not only of one's mindset but also of one's existence whose concrete expression is rejection of such evil deeds. Fritzmyer

[40] For "metanoeo" see in Luke's Gospel: 10:13; 11:32; 13:3,5; 17:7, 10; 16:30; 17:3,4. and in Acts 2:38; 3:19; 8:22; 17:30; 26:20. For "metanoia" see in Luke 3:3,8;5:32; 15:7; 24:47 and in Acts 5:21;11:18;13:24; 19:4; 20:21; 26:20.
[41] For "metanoeo" 2:5, 2:16; 2:21; 2:22; 3:3; 3:19;9:20, 21; 16:9,11.

remarks, "another Lukan way of presenting the ideal Christian reaction to the proclamation of Jesus and the disciples is "repentance and conversion." The Greek word for "repentance" is *metanoia*, which literally denote a change of mind. But in the NT is almost always used in the religious sense of a turning from sin, repentance for sin. It connotes a new beginning in moral conduct."[42]

Revelation also regards repentance as means towards fundamental change and its subversive dynamic is implied in its use. The letters to the seven churches make this clear. Almost all the church communities are blamed for one vice or another and all of them are told to "repent": different vices, nevertheless one solution, "Repent."

It is reported in 9:20-21 that the rest of the human race who escaped death by these plagues did not repent of the works of their hands and did not repent of their murders, etc. Likewise in 16:9, people are scorched when the fourth angel opens the bowl over the sun, but would not repent and glorify God. Lastly, in 16:11 people did not only not repent for what they had done but also cursed the God of heaven. Revelation is a vitriolic critique of the Roman Empire because of its corruptive system. The author has written to seven churches criticizing five of them and demanding that they repent. Repentance here entails an abandoning of the oppressive ideology of the Empire.

In both Luke-Acts and Revelation the motif of repentance is used to critique and promote resistance against the imperial ideology. The sayings and the two stories in Luke have parabolic dynamism to lead people to alternative view: to subvert not only the existing mindset but

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[42] Joseph A. Fitzmyer, S.J. *The Gospel According to Luke (I-IX)* (Doubleday & Company, Inc. NY 1981) 237. Other Lukan texts on repentance are 13:5; 15:7, 10; 16:30.

also drive the listener into another world. Repentance, however, will not take place if people have no sense of shame of their corruptive deeds.

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16.7 Key Words

O.T. *'alah*: moral corruption, *emet*: faithfulness, fidelity; *hesed*: covenant love; *mutteh*: corruption of justice; *mishpat*: judicial judgment; *nahm*: repent; *naqm*: revenge; *nekoah*: the acceptable practice in court and trade; *sdq*: justice, *saddiq*: adj. just, righteous, correct, lawful; *sedeq*: justice, rightness, righteousness ; *sedaqah*: righteousness, righteous acts; *tam*: blameless; *shalom*: peace; *shub*: return, convert; and *mishpat'usedaqa*: social justice : hendiadys.
N.T. *katakyrieuinein*: to lord it over; *katexousizein*: to wield authority; *metanoiein*: to repent, *metanoia*: repentance.

17

POLITICS AND CORRUPTION IN AFRICA: A MORAL CHALLENGE

John Tenamwenye[1]

17.1 Abstract

Corruption creates a serious moral challenge in Africa. The practice of corruption in Africa threatens to ravage the entire African system and erode her moral fabric. It frustrates efforts geared at improving the lives of people in economic, social, political and cultural areas. Since independence, nearly 50 years ago most countries in Africa still lag behind in development. The vast majority of Africans live in poor conditions because their leaders abuse their public duty, hampering effective delivery of goods and services. Consequently, Africans continue to remain in abject poverty and misery. Corruption therefore poses a serious challenge to the social, political, economic and integral development in Africa. This paper addresses the dynamics of politics and corruption in Africa from a moral perspective. Corruption is a matter of attitude and lifestyle which are structurally flawed. It is a

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violation of the norms of duty and responsibility for personal advantage. For a better future of the African people, the menace of corruption should be comprehensively addressed.
Key Words: Corruption, politics, development, Structural sin, morality, Africa

17.2 Introduction

The question we would like to clarify in this paper is whether it is possible to do politics without being corrupt. Of course, the answer is simply yes. But one cannot respond adequately to such a question without clarifying the meaning and purpose of politics. Historically, the meaning of politics has been overshadowed by western ideological aura, related to ideas of Hobbes, Machiavelli, Marx and Stuart Mill, Sigmund Freud, Adam Smith and Charles Darwin, making it difficult to formulate a simple definition to such a complex concept. Despite this complexity, the paper will only focus on some basic elements that constitute politics. There is so much abuse in African politics, so much so that, people begin to see no value in politics. Thus, politics is often given a bad name. Generally, many people in Africa do not see politics as a noble undertaking in life. In East Africa for example, one would hear people say *siasa si hasa* (politics is not real), *siasa ni mchezo mchafu* (politics is a dirty game). It is branded as a corrupt game, a game without moral discipline, fairness, justice and integrity.

The prevailing corrupt political leadership in Africa seem to confirm that *siasa si hasa*, making people see no value in political enterprise. In fact, corruption and bad governance have darkened the image of the African continent and impoverished it even more, shattering the hope of many young people for good life and prosperity. George Ayittey has shown how some African heads of state had fished on the shoulder of their people to enrich themselves. He mention eleven heads of state who

kept their loots in safe haven abroad: General Sani Abacha of Nigeria $20 billion, H. Boigny of Ivory Coast $6 billion, General Ibrahim Babangida of Nigeria $5 billion, Mobutu of Zaire $4 billion, Mouza Traore of Mali $2 billion, Henri Bedie of Ivory Coast $300 million, Denis N'gnesso of Congo $200 million, Omar Bongo of Gabon $80 million, Paul Biya of Cameroon $70 million, Haite Mariam of Ethiopia $30 million, Hissene Habre of Chad $3 million.[2] The cases of corruption in many countries in Africa are mounting every day and in East Africa we are not spared either. If these are the kind of leadership squad in Africa, we are probably justified to brand politics as a "dirty game." However, the real problem with this sort of game is that, when it is played both the players and the onlookers are smeared with mud. This sort of game can affect negatively a person's mind, his/her volitional faculty and relational dynamics. Politics, even when it is abused, and so rightly seen as a "dirty game", it can involve many people due to the influence of the corrupt leadership squad. And the more it is played the more it reverses the logic of a normal function of social landscape and perception of social and moral values in society. A corrupt leadership increases forms of corruption in the society. And once corruption is fully entrenched its negative effects multiply. People begin to regard it as the norm. In this way it undermines social values because people will find it easier and more lucrative to engage in corruption than to work hard to obtain their daily bread.

Corruption therefore, can erode the moral values of society and undermine democratic institutions and good governance leading to ineffective delivery of public goods and services. Democratic values such as human rights, respect for the rule of law, trust and tolerance may

[2]This information was originally published by *French Weekly* of May 1997. It is found also in George Ayittey's article "Biting their own Tails: African Leaders and the Internalist intricacies- of the Rape of a Continent". A key note address presented to SORAC, November 7-9, 2002 in New Jersey. See also Gbenga Lawal, "Corruption and Development in Africa: Challenges for Political and Economic Change", in *Humanity and Social Sciences Journal* 2/1 (2007), 4.

be undermined at will, shaking the very legitimacy of government itself. To maintain justice and sustainable peace in Africa the evil of corruption must be dealt with. There must be a committed effort to build a political culture and leadership. The future development of Africa will depend on the seriousness with which people will take these two variables: political culture and leadership.

This paper will attempt to look into the dynamics of politics in Africa and the problem of corruption from a moral perspective. While acknowledging the complexity of the reality of corruption, and the need for an interdisciplinary approach, we nevertheless contend that corruption is primarily a moral issue and we shall try to show how.

17.3 Conceptual Clarification

17.3.1 Corruption

The term corruption has a moral connotation. From its Latin root the term corruption comes from the word *corrumpere*, which literally means to loose value, to become putrid and useless, to ruin, to break, to destroy or to pervert. Corruption therefore may simply mean to loose purity or integrity. It is an act of dishonest, or an illegal behaviour aimed at using public office for one's private gain.[3] It is a conscious or deliberate breach of public morality-a deviation from the formal rules of conduct governing the actions of those entrusted with public authority or the perversion of integrity through bribery, dishonest dealings, undue enrichment, fraud, illegal payments, falsification of documents and records, evasion of tax, deceit, cheating, forgery and concealment.[4]

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[3] SALLY, W (Ed.), *Oxford Advanced Learner's Dictionary Of Current English*. 6th Edition, (Oxford: Oxford University Press, 2000), 261.

[4] M. H. KHAN, "A Typology Of Corrupt Transactions In Developing Countries", In *IDS Bulletin*, 1996. See Also GBENGA LAWAL, "Corruption And Development In Africa: Challenges For Political And Economic Change", In *Humanity And Social Sciences Journal*, 2/1 (2007), 2-3; P. ANASSI,

Corruption is thus an anti-social behaviour that portends danger to the cohesive fabric of any society. It is therefore a vice and a moral evil. Waliggo further defines corruption as a breaking, destroying; disrupting; distorting life; the community, society and the environment. Corruption stands in fundamental contradiction to normality, smooth growth, integrity, harmony, justice, virtue and values. It is a violence done to people by people, to the environment and to the future generations. It is a crime against humanity.[5]

17.3.2 Morality

The term morality originally derives from the Latin noun *mos/mores* meaning custom or conduct. Being moral in this original sense meant to live or act in accordance with morals of a particular community. The meaning of morality is wider and goes beyond mere custom, it refers to a set of norms that define, guide and regulate good behaviour among human being living together in society. It refers to a set of norms governing right human conduct. It is all about how each person should conduct/behave as a human being in the community of persons. Morality is also about good value system, a good way of life, a better way to live as human beings in accordance to reason and personal responsibility. No society can live together without morality or a code of behaviour, ethics, rules or action guide. Morality is about principles that govern human life. Morality of each person is enriched to the extent that he internalizes the moral norms and values that guide social life. Morality is further about commitment to do good and avoid evil, promoting the dignity of every person, basic human values, respecting the rule of law, human

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Corruption In Africa, The Kenyan Experience, Victoria, Trafford Publishing, 2004, P. 16.

[5] J. M. WALIGGO, "Corruption And Bribery: An African Problem", In LEJEUNE And P. W. ROEMANN (Eds.), *Business Ethics In The African Context Today*, (Kampala: Ugandan Martyrs University Press, 1996), 117; J. AYTO, *Arcade Dictionary Of Word Origins*, (New York, 1991), 138; J. CROWTHER (Ed.), *Oxford Advanced Dictionary*, (Oxford: Oxford University Press, 1995), 261.

rights, authentic democracy for the common good of all, and responsible governance and leadership.

17.3.3 Politics

The term politics is rather complex one and it is difficult to give a simple definition. Politics is English rendering of Greek *ta politika* means "affairs of state."[6] It is the art of directing and administrating states, an aggregate of relationships of people in society.[7] Politics thus has got to do with civil government, the state, public affairs, reconciling and regulating diverse range of interests within the state, exercise of power, resource distribution and basic welfare of community, structures of authority and decision-making. It has as object human activities relating to administration of public affairs.[8]

17.4 Articulating Corruption from Moral Perspectives

Corruption is primarily a moral issue. It demonstrates a bad way of being and doing what everybody generally know how it should humanly be done. Even ordinary citizens, despite their lack of sufficient knowledge, they know pretty well that bribe, abuse of authority are actions that do not square up with norms of right conduct. Corruption frustrates the right way of being and acting in accordance with reason, free choice and authentic human experience thus threatening authentic human growth and responsible relationships. Corruption reverses

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[6] J. AYTO, (1990) *Arcade Dictionary Of Word And Origins*, New York: Arcade Publishing, Inc.

[7] L. KNIGHT, Et Al (Eds.) (1998) *Collins English Dictionary And Thesaurus*, Glasgow: Harpercollins Publishers, 880.

[8] MARIA ROSARIA VENITTELLI, Et Al, (Eds.), *Filosofia Del Diritto E Della Politica- Parole E Idee Guida*, (Napoli: Esselibri S.P.A, 2001), 101-102; I. Mclean (Ed.) (1996), *Oxford Concise Dictionary Of Politics*, (Oxford: Oxford University Press, 388-389; P. RAYMOND (1967) *Politics* In J. F. CHILDRESS (Ed.), *A New Dictionary Of Christian Ethics*, (London: SCM Press), 483-484.

authentic moral norms, thus threatening to erode the moral fabric of society, the only true bond for social cohesion. Corrupt acts and attitudes consciously accept to do actions that do not contribute to the human good, actions which are not humanly fulfilling. All forms of corruption in fact break harmonious interpersonal relationship for selfish gains. It is, as Segeja puts it "a scandal of interpersonal relationships that manipulates the ability of the human person to think and understand, to feel and imagine things, to discern, decide or judge and determination to act and transcend the self.[9]

Corruption therefore, is morally dangerous because it weakens the ability of the person to think properly and judge, it affects the will and motives, retarding or even impeding the process of internalization of values that lead to human fulfillment and realization. From a moral perspective, corruption is an effect which points to a deeper cause that lies in the heart of the person. It is an anti-social behaviour, which sacrifices at will or indirectly the values of dignity of the person, respect for life, integrity, honest, diligence, leadership, a sense of duty and responsibility, social responsibility and justice for other acts such as bribery, extortion, fraud, greed, embezzlement, cheating, theft and abuse of power as if they are socially normal acts when in fact, they do not lead a person to the true human good and fulfillment. As a form of anti-social behaviour by individual or social group, corruption confers unjust or fraudulent benefits on the perpetrators, frustrating established legal norms and prevailing moral ethos of a people, often subverting or diminishing the capacity of the legitimate authority to provide fully for material and spiritual well-being of all members of a just and equitable manner.[10]

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[9] N. SEGEJA, *Corruption And Government Instabilities In Africa As A Barrier To Deeper Evangelization: A Pastoral Response*, A Paper Presented To The 13th Interdisciplinary Theological Session, 2nd -4th March 2011 At The Catholic University Of Eastern Africa, Nairobi, Kenya.

[10] S. O. OSOBA, "Corruption In Nigeria: Historical Perspectives", In *Review Of African Political Economy*, 69 (1996), 371-386.

Although corruption is generally considered as an economic problem intertwined with politics, it often describes a dysfunctional relationship, an aberration, a violation of norms of duty and responsibility in the civic order. Corruption is in the first place a deliberate intent of subordinating common interest to personal interest. However, when it is greatly entrenched into the fabric of society it becomes a matter of attitude and life style which is flawed, often thriving due to low political competition, low and uneven economic growth, weak civil society and absence of effective institutional control mechanisms. Unfortunately in Africa the evil of corruption seem to have permeated all facets of human life and has a direct bearing on the level of poverty and inequality in the continent. It is one of Africa's great challenge, and a major hindrance to sustainable economic development, practice of justice and stable political environment and peace. Therefore we are morally bound to ensure that corruption is contained and we enhance a sense of work ethic and responsibility among people.[11] Corruption must therefore be fought at all cost because it threatens the moral fabric of society, it frustrates efforts to help the human person to know the good, to do the good and be good. That is why efforts to fight corruption must focus on the person's inner resources which must be well formed beginning right from the family.

17.4.1 Anthropological Considerations

The human person must be understood for who h/she is. It is the creator of man/woman who knows who man/woman is and what h/she must do to become fully h/herself. The human person becomes who is meant to be when h/she works responsibly and love. This is probably the reason why the command to subdue the earth is essentially and closely

[11] G. NAPAL, "An Assessment Of The Ethical Dimensions Of Corruption", In *Electronic Journal Of Business Ethics And Organization*, Vol. 11, No. 1 (2006), 5-9.

linked to the command to increase and to multiply.[12] The relational dimension of the human person is a key element to h/her growth and realization. Therefore the fight against corruption must acknowledge the essential anthropological nature of the problem. The integral human person is a unity body and soul, heart and conscience, intellect and will. When for example, a person is corrupt, say h/she has committed acts of misuse of public authority with the deliberate intent to obtain monetary rewards or privileges at the expense of public good and violation of established rule and ethical considerations, he/she is endangering h/her human identity, h/her integrity as a person and dishonoring that of others as well. Corruption as a social-ill makes both the giver and the receiver of corruption equally guilty -it is an exchange of relationship, both parties are responsible for the completion of the exchange.

17.4.2 Human Person as a Moral Agent

Morality as we have argued earlier involves two crucial aspects of our humanity: our freedom and our capacity to experience and know the good. All of us have the potential for freedom and the capacity to experience and affirm the value of our world and the persons within it. These aspects are crucial to our status as human beings and their development and realization constitute one's personal quality.[13] The human person is a subject of moral action characterized by freedom and responsibility. Such a person is able to choose freely between good and evil and has responsibility for that choice. Our character as moral subjects is crucial to our humanity. The real problem with us humans is that even when we know the true good of human life one may still choose not to do the right thing, like in the case of choosing to be corrupt. So, our efforts to deal with the problem of corruption must not

[12] GENESIS 1: 28; R. D'AMBROSIO, *Work In The Christian Conception*, Lesson Vi, Correspondence Course Of Missionary Formation On The Church's Social Doctrine Part I, (Roma: Pontifical Missionary Union, 2000), 3.
[13] R. GASCOIGNE (2004) *Freedom And Purpose, An Introduction To Christian Ethics*, (Mahwah: Paulist Press), 57-58.

ignore the moral character of the subject. If we ignore the moral character of a person's action we are likely to abuse our freedom quite often. In this context, corruption may be considered as the abuse of human freedom and an evil against justice in interpersonal relationships.

17.4.3 Freedom and Responsibility

Freedom is a constitutive structure essential to the human condition. It is an essential structure of man/woman. Authentic human freedom has got to do with choosing what corresponds to an authentic harmonious development of the person in accordance with unrepeatable human vocation. That is why one is not really free to do what is evil, say to choose be corrupt as a way of life. Any notion of freedom without any relationship to a value renders useless the very meaning of freedom. This is because it would make every choice indifferent and take away any responsibility.[14] Responsibility concerns a human reality, only rational animal can be responsible. It is expressed through human behaviour; no one can be responsible for what h/she has not done except through omission of required acts.

Responsibility is a basic element of human dignity; it is "man's attitude, at every moment to carry out human acts that are proper to h/him, mediated by the rationality that comes to him from h/her human conscience, capable through h/her own intelligence, will and intellect of responding personally for every positive or negative act done deliberately that involves h/herself, contingent or transcendent reality."[15] From this definition five aspects come out regarding the concept of responsibility: a need for self-responsibility for one's conscious action and free action; a horizontal dialoguing between one's self and other human beings; verticality of one's being toward a higher

[14] R. CIMENELLO, *Man And Human Rights*, Lesson Iv, Correspondence Course Of Missionary Formation On The Church's Social Doctrine, Part I (Rome: Pontifical Mission Union, 2000), 7-8.
[15] Ibid., P. 9.

order and thus the created being before God; responsibility as a personal and historical task or vocation; and finally responsibility as a structure of man/woman and in man/woman through which h/she realizes responsibility itself in general. From the above understanding one can perhaps see how damaging corruption is to a person and h/her dignity. It is the abuse of h/her humanity.

The quality of a person's life is determined by the things h/she is dependent on. A corrupt person for example thinks that the quality of h/her life depends on the amount of wealth h/she accumulates, prestige and fame, but all these actually frustrate h/her true freedom, which has much to do not with having more and more, but with depending on things that raise a person up, develop and ennoble h/her. A free person in this case is one who longs for truth, goodness and love. Thus, to center our life on material things alone is slavery because it does not open a person out and elevate h/him.[16]

Freedom therefore has got to do with realizing one's full potential and corruption can in no way lead us to that end. The most corrupt people are the most un-free, they may have a lot of money but they lack moral integrity, dignity; they are dishonest, do not work diligently to improve and transform society; they put all attention on their own bellies. True freedom thus must consider possible consequences of each choice, to oneself and to others. On the contrary corruption tends to cherish selfish interests and being indifferent to the sufferings of others. It creates a chain of innumerable injustices which affect every aspect of daily life of ordinary citizens. Corruption further impairs political, economic and social development. Therefore no sense of personal freedom can be genuine if it is not accompanied by equally personal sense of responsibility.[17] It seems clear up to this point that corrupt

[16] C. BURKE, *Conscience And Freedom*, (Manila: Sinag-Tala Publishing Inc. 2009), 56.
[17] C. BURKE (2007) *Man And Values*, (New York: Scepter Publishing, Inc.), 24.

people are neither free nor responsible. What then is the root cause of corruption?

17.5 In Search of the Root Causes of Corruption

The magnitude of corruption in Africa is threatening. The African Union has reported that though Corruption is illegal everywhere in Africa, everywhere it is woven deep into the fabric of everyday life. It is costing Africa more than $148 billion dollars a year, increasing the cost of goods by as much as 20%, deterring investment and holding back development.[18] This information raises question as to the cause of the entrenchment of corruption in the continent. The question is significant because corruption poses a serious development challenge. Corruption indeed impedes development initiatives and minimizes the ability of governments to reduce poverty. Many literatures on corruption show that corruption is not limited to Africa alone, it is a global phenomenon and the causes of it are many and varied. However, although many experts on corruption limit the causes of corruption to economic and political, we intend to locate its root causes within the acting person. Corruption is only an effect that points to a problem that lies deep within the person and society. It is in the first place a human problem.

17.5.1 Corruption is a Human Problem

Corruption, as we have tried to explain above, is a human problem. Thus, anthropological consideration is a key aspect for any effort geared at resolving the problem. Corruption touches every one of us in the concrete day to day living. It draws attention to every one of us to enquire as to whether is being honest in h/her day to day activities or whether h/she is doing the right thing or not in whatever course of action

[18] New Report Of The Meeting Of The African Union, Addis Ababa, Ethiopia 2006.

h/she pursues. Often times we tend to distance corruption from us, "it is out there", in the systems and social structures. However, corruption is a problem of the human spirit. And it has existed as long as man/woman existed. Even Aristotle during his time condemned corrupt leaders who failed to reduce social inequalities among citizens because of corrupt practices in the administration of public affairs.[19] Therefore no human society is totally free from corruption of one form or another. Corruption is an indication that something somewhere is not going right in the individual, social group or the entire society. It points to a dysfunctional interpersonal relationship in the society. It demonstrates a lack of moral integrity. Human failure in morals is manifested in any society; it is not limited to Africa. It is however important to acknowledge that the culture of corruption is an acquired habit or practice arising due to selfishness and greed for economic, social and political benefits. It is an abuse of human freedom.

Though corruption is a complex reality and the causes of it are varied: political, socio-cultural, and economic we nevertheless have to locate the root cause of corruption within the human spirit. It is an anti-social behaviour which confers improper benefits contrary to legal and moral norms.[20] It is essentially a lack of moral integrity that manifest itself in actions of misuse of public office or authority, misuse of public property for selfish ends, demanding undue influence, misrepresentation and dishonesty. Such behaviours are motivated by greed and the desire to retain or increase power. This is what we continue to see all across Africa. As an anti-social behaviour, corruption describes a pattern of behaviour that can be found in every sphere of life in the society: education, health, politics, business and church institutions. Therefore it does not occur only in the arena of politics, although it seems to be

[19] Quoted By E. WILLIAM, *The Great Political Thinkers*, (New York, 1962), 108.
[20] Quoted By A. TARIMO (2005) *Applied Ethics And Africa's Social Reconstruction*, Nairobi: Acton Publishers, 95.

essentially a governance issue. That means governments in Africa may have greater share of blame due to poor leadership and management of public resources resulting in much suffering of the citizens who are reduced to poverty and their future shattered.

As a human problem it needs the participation of every citizen in doing all it takes to ensure that resources of the nations are properly used for the good of all. Corruption as we have said is a matter of attitude, behaviour and character of people. It is a moral issue. Therefore people need to be well informed about the problem in order to cultivate correct values that can form right attitudes and behaviour towards others and society. That is why corruption cannot be limited to its socio-economic and political perspectives alone. Therefore, for any comprehensive approach to the problem, it is extremely important to understand the nature of the human person, h/her dignity and destiny. Often times the dynamic force of the evil of corruption comes from leaders and civil servants on the one hand and the ordinary citizens who are in need of social services on the other.[21]

17.5.2 Ethico-Moral Nature of Corruption

As a moral problem corruption originates from within the person. It is a neglect of duty for private gain at public expense; a deliberate act of misuse of duty for selfish ends. Once it is entrenched in the society, corruption breaks the moral and social fabric of society. Corruption is a matter of attitude and character, but also at another time it may be forced by circumstances. In this context, think of a mother whose child is told by corrupt doctors to give *kitu kidogo* for her child to get treatment; she will certainly do whatever she can to get the needed "something" to help her child. Poverty therefore may exacerbate corruption. Thus corruption may come as a result of constraint in a situation of helplessness. A person may demand money or favor for a service h/she is duty bound to

[21] A. TARIMO, *Applied Ethics And Africa's Social Reconstruction*, 95.

render to the public or is in dire need of service and is constrained to do "something" to get it. But even when someone is constrained by circumstances to engage in corrupt activities, at the end of it all h/she has to make a choice. This is to say such a person will be responsible for his/her good or bad choice made. Corrupt persons divert public interests for private gain. It is therefore an act of irresponsibility; it is an abuse of duty; it is a violation of the norms of duty and responsibility for personal advantage.[22] Observed closely, corruption is a matter of lack of integrity, honesty, faithfulness and fairness; it is an act of exploitation and injustice.

Corruption may begin as a simple deliberate act of neglect of duty or abuse of it for selfish ends. Like for example, when the teacher who is employed as a full-time worker deceives head of department or simply tells students that h/she has an urgent commitment in town when in reality h/she has gone to secure goods for h/her business. Then as h/she repeats to do such acts, sooner or later it grows and may affect h/her attitudes. If such a person is charged with decision-making in the society, as it is often the case in political corruption, the evil can easily enter the social structures through policies that are short sighted, meant to camouflage and perpetuate corrupt activities. It may also happen that a person repeatedly does corrupt acts leading to a bad behaviour. It is difficult, at least up to this point to see how anyone can escape corruption of some sort in h/her ordinary and official activities.

This is how what begins as a simple, personal and deliberate human act of violation of justice, finally affects the entire social fabric: social, political, cultural, economic and religious. The problem whenever corruption is entrenched in society and become an acceptable lifestyle, it reverses the values system. Let us explain this further; due to persistence of corruption and its acceptability, the values such as faithfulness and

[22] S. H. ALATAS, *The Sociology Of Corruption: The Nature, Function, Causes And Prevention Of Corruption*, (Singapore, 1968), 13.

mutual help may no longer be considered as virtues. A virtue, from the Latin "virtus" means excellence. That is that which enables human beings to excel in good behaviour. This reverse of value is pernicious to the social and moral fabric of society. For example in business the value of honesty is no longer considered as a sign of integrity. It is common place to use immoral means to make ends meet. A more serious problem is that whenever people maintain corruption as a way of surviving, they tend to assume that everyone else is corrupt.

17.5.3 African Ethical Values and Corruption

From a western ethical perspective one can argue that our political landscape has been overly influenced by utilitarian-individualist-materialistic and by the Freudian theory that human beings are naturally aggressive and selfish. Together with Darwinian "survival for the fittest" maxim, it is obvious that those who are advantaged in society will seek to maximize their self-interests regardless of the fate of many others in the same society. On this basis, most ethical judgments would be influenced by self-motivating factors. However, in the same culture a more balanced approach accommodate the "virtue ethic" of McIntyre and the "duty ethic" of Kant. Generally an individualistic culture tends to allow corruption activities to flourish.

Assuming that this assertion is correct, one may ask why then corruption flourishes in Africa despite the existence of an advanced sense of community life? Truly the traditional African societies had a rich resource of communitarian values, most of which were/are enshrined in their culture. Culture encompasses the entire life of a people: their morals, religious beliefs, social structures, political and education systems, music and arts. The sense of community is a dominant feature of the African social life and communal values of sharing, hospitality, mutual aid, and respect for human dignity, social solidarity, and reciprocal obligation were pillars for social harmony. Much of these values are not practiced today due to western

individualistic influence and the culture of modernity, yet such values are still relevant and may be reclaimed to help construct a balance between the integrity of community and the rights and dignity of the individual within the community.

Although it is not good to argue that corruption is a product of colonization because after all it had existed in every society, the neglect and despise of African culture, method of divide and rule used to achieve their selfish end, creation of hostilities among tribes, favor accorded to African chiefs at the expense of majority Africans and the selfish imperialist goals were all corruptive activities which in so many ways have affected negatively the African continent and its people. At this juncture one may be justified to argue that the imperialist activities did in fact sow the seed of corruption in Africa. However corruption is a matter of choice, it is our present responsibility to fight it and we should never put blame on other people.

The spirit of sharing is a crucial feature that can characterize Africans; therefore such an important value should be reclaimed as an important treasure to be transmitted from one generation to another. To a great extent modern way of life or better say western ways of life has interfered with the spirit of sharing. Greed seems to take over and control people's lives more and more. Yet selfishness has not been accepted as the way of life even though it is practiced. Africans do believe that evil is inherent in human selfishness. Corruption is likened to the desire to help relatives, but it's a distorted form of the traditional gift of hospitality; in a corrupt situation gifts are exchanged not for the purpose of enhancing harmony but for promoting individuals to feel that they are more important than others.[23]

For most indigenous Africans the enemy of hospitality is selfishness and greed. Individualism destroys harmony and burns the bridges of

[23] B. KITURURU, Spirituality *Of Hospitality: African And New Testament Perspectives*, (Nairobi: CUEA Press, 2009), Ix.

relationships. Without hospitality people are living in their houses but they are truly homeless. They are strangers in their own houses. It is personal relations which corruption tends to destroy, that is the root which sustains life. Corruption thus destroys the root that sustains life-relationship. For it is when people are sensitive to the well-being of others, people lead a healthier life.

An African as a "notoriously religious" knows that it is the powerful force of religion that satisfies the human yearning of belonging. Hospitality is the concrete way of cultivating this belongingness. We find our identity not in our separate selves but in the fact that we belong to one another with God as our Father.[24] To cut the bud of corruption we have to go to the root, to our cultural resource, to explore and reclaim certain values like sharing and hospitality which are key pillars for enhancing justice and social harmony. In the case of Africa, the political elites have greater responsibility to ensure these values are integrated into political dynamics. Unfortunately the political situation in Africa is very fragile, which is one of the reasons that make corruption to thrive.

17.6 Dynamics of Politics in Africa and the Evil of Corruption

Corruption is a global problem which manifests itself in Africa with devastating effects. The effects of corruption are felt on politics, administration and institutions. It has been noted earlier that corruption has permeated all facets of human life and has a direct bearing on the level of poverty and inequality in the continent. The impacts of corruption in Africa are horrendous, impeding economic growth and general social stability of nations. The post-independent political leadership in Africa seems to have failed to provide a creative agenda for development and social transformation of the people. In trying to

[24] Ibid., Pp. 9-12.

understand the dynamics of politics and corruption in Africa we would like to look into the issues of leadership and governance, party-politics and democracy, western ideologies and politics, and civil society and politics.

17.6.1 Leadership and Governance

There is a serious leadership crisis in Africa. Africa fought for independence in order to liberate people from the evil of oppression but the post-independent leadership has not demonstrated a collective and sustained effort to liberate Africa and meet the aspirations of African people for integral development and prosperity. African political leadership squad is historically caged around a few individual leaders who were real committed for the future of Africa such as Nkrumah, Senghor, Nyerere, Lumumba, Kaunda, Tom Mboya, and Mandela, to mention but a few. All these leaders had a Pan-African vision and were really committed to liberate Africa and take it to another level, of autonomy, harmony, unity, and prosperity.

However, generally one may say that African leadership seems not to have been able to clean the negative self-image that has been created by colonial powers. They failed to shake off the negative stereotype that Africans are incompetent, lazy, dishonest, corrupt, and dependent. Instead, most of them when they took power from their colonial masters failed to pursue an independent path, and became overly dependent on their oppressors. The failure to assert themselves and pursue an independent path that is home grown and favoring their cultural background, has encouraged or provided potential avenues for corruption to thrive. In addition, some leaders even declared themselves life presidents, taking a country like a private affair, others even resorting to the reign of terror and dictatorship undermining all civilized form of leadership and democracy, often hiding in their tribal and ethnic cocoons. This form of leadership has increased tribal and ethnic animosity which until now Africa has not managed to shake off.

Whereas the ethnic diversity in Africa is a great resource for promoting development, it has been transformed into an instrument of corruption and patronage by bad leaders.

On account of this leadership failure, Africa has not been able to exploit sufficiently the robust human resource base for development, instead they wholesale copied the Anglo-Saxon models of economic development which created further economic and social chaos.[25] To move forward African leaders have to reverse the situation, while taking opportunity of the technological advancement today, they have to trust their people and invest in them, look back to African roots and reclaim whatever value is good to assert their identity. Moreover, they should propose a creative agenda for development, depend less on the West, decide the path for their own development, renew democracy and improve governance, invest in education, revitalize agriculture and strengthen regional economic integration. Until now African leadership has been not a leadership which leads but one that misleads. And it is this "misleading" character of leadership that enrage many people because they know where their leaders should take instead they do not.

That is why corruption in Africa is essentially a governance issue. By governance here it is generally implied the set of processes, laws and institutions affecting the way a country, institution, or society is directed, administered or controlled. Good governance this context implies that these mechanisms function in a way that respects the rights and interests of all in a spirit of democracy; it promotes accountability; strengthen confidence in government and management administration.[26] Good governance is an antidote of corruption in so far as authority and its institutions are accountable, effective and efficient, participatory, transparent, responsive and equitable. Therefore when good governance

[25] S. A. OCHOLA, *Leadership And Economic Crisis In Africa*, (Nairobi: Kenya Literature Bureau, 2007), X.
[26] IFAD, "Governance And Corruption": http://www.Ifad.Org/Operations/Pf/Finance/Governance.

prevails, the state will look for opportunities of job for the people, because by its nature it exists in order to promote the common good,[27] it will ensure effective delivery of public goods and services, put conducive environment for economic growth that will attract foreign investments, encourage efficient use of government revenue and development aid funds, put policies to address corruption, strengthen public sector and civil society institutions, and give sufficient independence to anti-corruption bodies.

Let it be known that, the state is part of the moral order because it has its foundation in human nature and in God. State authority is willed by God and it deserves our respect and cooperation for the good of all. But the state as government, legislator and judiciary power is bound by values vested in the constitutional law.[28] Leaders in Africa need to know that political authority is the power of dominion for the realization of the common good as defined by the law of particular state. It is not for the realization of private interests and the good common to a particular social group or tribe. It is therefore the servant of the common good. Public authorities must exercise their authority within the limits of the moral law and they are required to put institutional mechanisms to ensure they too are subject to control.[29]

So long as there is a misunderstanding in what constitute leadership, and leaders considering themselves as above the law, corruption will continue to thrive. Corruption is ultimately about impunity. Thus, as a strategy to limit corruption, African politicians need to know that the activity of political authority is politics. Politics consists in the appropriate measures for the foundation, preservation and increase of the common good by those responsible for it. Unfortunately politics is all too often regarded as a power game, played by those who are running

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[27] K. PESCKE, *Christian Ethics, Moral Theology In The Light Of Vatican II*, Vol. 2., (Bangalore: Theological Publication In India, 1994), 570-580.
[28] Ibid., 270.
[29] VATICAN II, *Gaudium Et Spes*, N. 74.

for office and fraught with vested interests. The truth however is that, politics is the context in which all people live and which is of great importance for all. All citizens therefore have to be concerned about it. And all who dedicate themselves to politics assume a noble as well as a heavy responsibility. All leaders who commit themselves for political leadership must know the task ahead of them and their moral duties.

17.6.2 Party-Politics and Democracy

All too often leaders in Africa fail to take time to reflect on task of leadership authority entrusted to them and moral duties. Consequently many leaders neglect the official duties for private gain, engaging in unhealthy party-politics. Regarding party-politics and democracy in Africa, we would like to argue that, while learning from the western politics and democracy is a healthy undertaking, a critical and creative evaluation of the same is extremely necessary to avoid a wholesale adoption of other people's ideas without contextualization, leading to unhealthy dependence and neglect of our African roots and cultural resource. It is our view that, the Anglo-Saxon form of democracy, in which adversarial politics through political parties is the norm of political relations, no matter how refined cannot resonate with the African cultural and religious heritage.[30]

The situation in our African context is clear, often times party-politics rotate around social groupings and tribal or ethnic affiliations. All too often in many African countries the electorate return to power the same leaders whom the opposition party may have portrayed as corrupt. Even when the opposition takes over, African history has not recorded one country which has restored stability and stood by what they had promised the people during election campaigns. Though not completely, I submit to Jesse Mugambi's contention, that the reason for this failure is the fact that this mode of political engineering, in which

[30] J. N. K. MUGAMBI, *Christian Theology And Social Reconstruction*, (Nairobi: Acton Publishers, 2003), 43.

the 'winner-takes-all' and the 'loser-breaks-all' is culturally un-realistic and politically unhealthy. I am however of the view that, there is much we can learn from the western forms of democracy, like for example the rationality of the concept of 'the rule of law.' Our responsibility is to take what we think is good for our situation in Africa to further the common good of all. To avoid corruptive leadership which use most times in un-healthy party-politics, there is need for political ethic which would make winners willingly share power with the losers as partners and losers accept the magnanimity of winners in the spirit of cooperation and collaboration. Africa seems to have failed to provide creative and sufficient critique of western political ideologies and integrating good ideas into her political landscape for the better of her people. This failure has been the cause of much confusion and social chaos which is potentially a breeding ground for corruption.

17.6.3 Western Ideologies and Politics in Africa

Africa until now does not have a form of development model or political model of which she can brag about and say, this one is home grown, truly African form either of development or politics. For the past 50 years, that is the post-independent period, Africa has wrestled with little success to affirm her identity, adopting either one form of development model or political model leaving others or even trying to be a little bit creative by trying to integrate the western models with some African ideas. Despite some remarkable successes following the first decade after independence, the period since the 1980s to date have recorded very little success. Africa is, in fact one of the poorest continent despite the abundance of both material and human resources. Capitalism and Socialism are probably the greatest social systems that have greatly influenced mankind since the 19th century. Even after the fall of Berlin wall in 1989, socialist ideas still linger in the head of many people as a moderate alternative in order to limit the tyranny of capitalism.

Our point here is that Africa did not take time to critically assess the western ideologies in order to take for itself only what was good to it, both in development and politics. The whole sale adoption of development models and political ideas has contributed to the economic and political woes in Africa. The leaders immediately after independence did not invest sufficiently and have confidence on the ingenious of Africans; instead with their little experience in politics and development issues they overly depended on the West as their mentor even though in reality they were mentoring them against their own people's desire for self-dependence. Poor leaders, little did they know that by destroying the people's ability to be self-dependent and to ask what they can do for themselves through their own efforts, the development process has produced delinquent recipient countries, which are bereft of communal survival spirit. Now, it seems the politician's language has been to demand for donor assistance, but for God's sake what has development did so far since the 1960s. Leaders in Africa must thus allow their own experts to analyze and assess critically western ideologies and the problems of Africa, and adopting solutions to African problems worked out by Africans' elite, and avoid imported solutions that which do not work for us. This implies the present generation in Africa must commit itself to a new kind of politics that is more sustainable. The African elites and civil society organizations will play a great role in this endeavor. One area where they have to be careful is on the growing tendency by Africans to consider the democratic institutions of the North as superior; we should be worried by the dominance of the market and its instrumental rationality over increasingly large domains of social and cultural life. Inspired by authentic values, civil society have a crucial role to play in sustaining the vision of public life that is crucial to democracy. The west seems to promote the idea that a democratic society can be successfully constructed on self-interest. This is wrong according to our African worldview.

17.6.4 Civil Society and Politics

Civil society is a key agency in the fight against corruption. In any society civil society represents many different voices of society. Given free space by governments, civil society organizations are effective and credible agency of development. It is our conviction that civil society organizations can play significant role in social change and in the fight against corruption in Africa. They are essential social and political actors and contribute greatly to the public good. Participation in public life and the exercise of freedom in society depend on the strength of the communal institutions that give persons a measure of real power to shape their environment including their political environment.

In Africa civil society organizations are weak, they must however be empowered in order to be able to shape the contours of public life and its larger social institutions, the state and the economy. Where civil society is weak, as in the case of Africa, the institutions of democratic governance lack the social base they need to function effectively. In fact, as Putnam puts it, the strength of civil society is a prerequisite to a democracy that works for the benefit of the people.[31] Moreover it important to note that the growing secularization and consequent push of religion to the periphery as if it has nothing to do with public life has increased social evil, including corruption. Therefore religion has a significant social role which cannot be underestimated even in the fight against corruption.

17.7 Christianity and the Fight against Corruption

Christianity as a religion based on the belief that Jesus Christ is the son of God and his teaching found in the Gospels, offers great

[31] R. PUTNAM, "The Prosperous Community: Social Capital, And Social Life", In *The American Prospect*, Vol. 4/13 (1993); Quoted Also By D. HOLLENBACH, *The Global Face Of Public Faith: Politics, Human Rights And Christian Ethics*, (Washington: Georgetown University Press, 2003), 220.

inspirational ideals on the fight against corruption. The Christian vision of the human person and h/his dignity, a person who has been created in the image of the living God but also one who has been wounded by sin, can provide significant insights for understanding the complexity of the evil of corruption.

17.7.1 Christian Ethics and Corruption

We have so far established that corruption is an aberration; it is a moral evil. Evil is a privation of the good that fulfils the human being as such. The basic inclination of man and woman is towards doing what is good and avoiding what is evil. Christians often ask themselves "what should I do or how should I behave because I believe in Christ?" Christian moral living is an invitation to live according to God's design. The eschatological message of Jesus Christ which culminates in the proclamation of the Kingdom of God is a fundamental orientation for moral behaviour of the Christian.[32] The wellspring of Christian morality is the experience of God's love for every individual. Christian ethics therefore express the fundamental human thrust toward the true and the good. Modern living throws up more and more difficult moral problems. Corruption is one of such problem. The revealed morality put quite clearly the evil of corruption. Proverb 17: 23 teach "it is wrong to accept bribes to twist justice." Deuteronomy 16: 19 further cautions "never twist justice to benefit a rich man and never accepts bribe; for bribes blind the eyes of the wisest and corrupt their decisions." Proverb 29: 4 "A just King gives stability to his nation, but one who demands bribes destroys it." Thus the practice of corruption goes against God's design and command. Corruption therefore is a moral evil; it is a sin.

The modern man/woman in a secularized society does not seem to fear sin, let alone corruption, which has almost become a way of life, a structural sin. People these days do not see anything wrong to bribe, as

[32] B. BUJO, "Can Morality Be Christian In Africa", In African Christian Studies, 4 (1988), 16.

they often say in East Africa, "hii ndio hali halisi."[33] Let us understand better the idea of sin. A person in a state of sin has assumed a self-centered orientation which finds expression in the normal daily activity of one's life. Sin translates itself in interpersonal and corporate relationships.[34] Sin can then build itself up destructively into the attitudes and customs of the community. It incarnates itself in the shape of oppressive structures built up for the benefit of a few.[35] Personal sin is nevertheless the ultimate root of oppressive structures. In sinning we destroy solidarity with others, make ourselves less able to love in the future.

This is easy to understand these days, because we know that corruption has created a clique of corrupt individuals who benefit from the loot, and in their comfort zone, are no longer able to feel the needs of the poor majority and their pseudo state impedes a loving relationship with the poor and others outside their protected zone. It is unfortunate though, that corruption flourishes even in a predominantly Christian environment. It is like people feel there is nothing they can do about it. Even our Christian leaders at times, become locked up in the value-system of corrupt political leaders. Church leaders for example have attended rallies of ruling parties; they have at times failed to challenge the wrong doing of the political elites; they have accepted cash donations without enquiring into their source; they have not demanded transparent and accountable election procedures, fixed terms of office and they have facilitated Church structures that in some ways parallel the hegemonic and authoritarian civil structures. We therefore must have

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[33] "Hii Ndio Hali Halisi" A Phrase In Kiswahili Which In This Context Means, "This Is Just How Things Are, You Cannot Do Otherwise, Everybody Is Doing It."

[34] P. RYAN, "The Shifting Contexts Of Sin", In P. RYAN (Ed.), *Structures Of Sin, Seeds Of Liberation*, Tangaza Occasional Papers No. 7 (Nairobi: Paulines Publications Africa, 1998), 11.

[35] Ibid., 12.

courage and believe our ability to change the situation and stand by our Christian principles.

As responsible Christians, we have to discern and identify the prevailing unjust structures and commit ourselves for a genuine and transformative change. We have to stand up and rethink the word of evangelist Mathew, "You are the salt for the earth; but if the salt loses its taste, what can make it salty again? It is good for nothing, and can only be thrown out to be trampled under people's feet."[36] Now, given the moral challenges of our time, for a Christian to be truly the salt for the earth, h/she must embrace the Church's social teaching which gives an orientation on how to face the challenges in economics, politics and socio-cultural life in general. Benedict XVI in the encyclical "Charity in Truth" argues that love in truth is a great challenge for the Church in a world that is becoming progressively and pervasively globalized. The risk of our time, says the pope, is that the *de facto* interdependence of people and nations is not matched by ethical interaction of consciences and minds that would give rise to truly human development.[37]

17.7.2 Christian Social Proposal on the Fight against Corruption

Christianity is a religion with powerful social force to influence human behaviour and bring social change. At least in the Catholic Church, there is a tradition that is well over one hundred years that contain as a well thought, systematic response of the Church on social issues related to economics, politics, culture and societal structures, their organization and administration. These teachings, mainly from the pope seek to address the fundamental moral questions of persons and their social nature in accordance with the Christian vision and tradition. It demonstrates the relationship between Christian morality and the concrete social patterns, practices and institutions within which persons

[36] MATHEW, 5: 13.
[37] BENEDICT XVI, *Charity In Truth* (Caritas In Veritate), (Vatican City: Libreria Editrice Vaticana, 2009), N. 9.

live. It looks at work ethic, politics, culture and economics, and the general social structures of communities. It offers reasoned positions on social issues, calling upon people to take responsibility for themselves and for their neighbours. It aims at reaching the heart and minds, taking seriously the command of Jesus: "love the Lord your God with all your heart and with all your soul, and all your mind… and your neighbor as yourself."[38] Love is indeed a fundamental value in Christianity. Virgil in fact argues that love alone can unite men and women and bring them to their final perfection. It is the key to the moral order and even the physical order. Whoever refuses to love h/she injures the whole humanity.[39]

There can be no doubts that love as a fundamental value of the Gospel is radically opposed to the practice of corruption. In fact, morally reprehensible conduct such as the craving for money, power and public image, as ends in themselves, often evidenced by diminished sense of public service for the sole benefit of individuals or groups; accompanied by a high level of corruption in variety of different forms is the cause of untold suffering among the majority of men and women in this globe.[40] The basis of our relationship with our fellow men and women is love: 'in truth I tell you, in so far as you neglected to do this to one of the least of these, you neglected to it to me.'[41] What we often do not understand is that, "the root cause of non-development is the lack of will and ability to freely serve humanity, by and for each human being which is a fruit of love."[42]

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[38] MATHEW, 22: 37-39.
[39] E. VIRGIL, *The Human Quest: A Search For Meaning Through Life And Death*, (Huntington: Our Sunday Visitor, Inc. 1978), 55.
[40] PONTIFICAL COUNCIL 'COR UNUM', World *Hunger A Challenge To All: Development In Solidarity*, (Nairobi: Paulines Publications Africa, 1996), 10.
[41] MATHEW, 25: 45.
[42] PONTIFICAL COUNCIL 'COR UNUM', *World Hunger A Challenge To All*, N. 10.

The Church recognizes that the issue of corruption is primarily a moral issue; it is based on dysfunctional relationships, a whole series of relationships and complicity that involves the numbing of consciences, blackmail, that first involve overall, people and people's moral conscience and after, their structures.[43] Therefore over and above material dimension, still more harmful is the effects of corruption on immaterial goods, closely connected to qualitative and human dimension of life in society.[44] She further argues that:

Corruption compromises the correct functioning of the state, having a negative influence on the relationship between those who govern and the governed. It causes a growing distrust with respect to public institutions; bring about a progressive disaffection in the citizen with regard to politics and its representatives, with a resulting weakening of institutions.[45]

As already observed earlier, the Church reiterates the fact that corruption weaken the socio-political and economic systems, hindering the promotion of the person and makes societies less just and less open. Corruption contradicts all democratic elements; it embodies the anti-democratic ethos: selfishness, self-centeredness; unfair privileges, exploitation of the defenceless and all manner of shady dealings. Corruption is an unfair, unjust and immoral game, which must be considered a serious agenda in the economic and democratic development of all countries. Corruption is simply a sin.

17.7.3 Corruption is a Social Sin

Sin is a product of human freedom. It is disobedience to God, to His law, to the moral norm that he has given to man/woman. It is the disobedience of a person who, by a free act, does not acknowledge

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[43] VATICAN II, *Gaudium Et Spes*, N. 55.
[44] PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *The Fight Against Corruption*, (Vatican City: Libreria Editrice Vaticana, 2006), N. 4.
[45] COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH, N. 411.

God's sovereignty in h/her life. Often man's break with God through sin leads tragically to divisions between brothers and sisters; it breaks the bond of friendship that unites the human family.[46] Every sin is personal, but every sin is social insofar as it also has social repercussions. The first consequence of sin is in the acting person h/herself whose will is weakened and intellect clouded; but it has social consequences too.

Now, corruption is a sin insofar as it is a direct attack on the neighbour; it is against the love of neighbour; corruption is also a social sin, in the sense that, it is a sin against justice in interpersonal relationships; finally corruption is also a social sin because it is against the rights of the human person, against the dignity and honour due every person, against the common good; it refers further to all the omissions on the part of political and economic leaders who as we observed earlier, do not work diligently to improve and transform society according the requirement and opportunities of the given historic moment.[47]

On the basis of the above analysis, corruption has serious consequences to individuals and society. It can easily pervert a nation's sense of what is right and wrong, reversing the normal logic of moral values; providing a fertile ground for false attitudes or acts of tribalism, nepotism, fraud, dishonest and selfishness, lack of transparency, and disregard for the rule of law; it may also make people cynical, where there is a total loss of public trust, and deadening of people's consciences leading to a lack of respect for life and property. Let us conclude from this description that, where corruption thrive development of both economic and political will certainly be low. Now one question remain, is it possible to have a corruption-free society?

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[46] JOHN PAUL II, Post-Synodal Apostolic Exhortation, *Reconciliation And Penance*, N. 14.
[47] Ibid., N. 16.

17.8 Towards a Corruption-Free Society

Corruption as we have observed above is a complex and multifaceted reality whose causes are varied. Corruption plays a major part in undermining the world's social, economic and environmental development. The World Bank study on corruption has stated that "bribery has become a $ 1 trillion industry." The impact of corruption practices is therefore very significant-it impedes economic growth, distorts competition, lead to environmental mismanagement, and restricts access to basic human rights and widening the gap between rich and poor. In Africa, particularly political corruption has consigned majority of people to perpetual poverty, frustrating social, economic and political development. Corruption in politics is the major cause of rigging in elections.

Now, combating corruption is one of Africa's major challenges. It is a major challenge because it impedes smooth functioning of democratic institutions and sustainable development. However, strategies to limit corruption in Africa need to be realistic and achievable, tailored to the needs of particular countries. As we have explained above, Africa needs to strengthen democratic institutions, in order to ensure governmental accountability and transparency, public participation in decision-making, the working together of private sector and civil society institutions; establish code of ethics for public servants, guaranteeing basic economic rights to all, creating autonomous judiciary; create special corruption court to deal with economic crimes, review of public salaries and have a free media which, work closely with other stakeholders to create awareness, to make sure the public is supportive of the anti-corruption campaigns. Moreover, the fight against corruption escapes the ability of one nation alone, regional cooperation and international cooperation is called for because often international business transaction has been marked as a fertile ground for corruption.

This means that there should be regional and international legal mechanisms to address the problem such as freezing accounts of some corrupt leaders and individuals.

Someone has once said if you want a perfect world, just get rid of all human beings. Thus, due to the weak human condition corruption will be difficult to fight but we must have confidence in the human person who is essentially good and dynamic. Since corruption involves choice, addressing the problem must include the element of choice and that of opportunity. In our modern society corruption has changed the social values of a good and progressive society to nothing else than the unbridled pursuit of wealth, power and society recognition. People no longer appreciate the virtues of good morals, conduct and practices. That is why we have to teach people their need for one another and cultivate shared values for mutual co-existence and solidarity.

More efforts must be made to help people to discover the root cause of corruption in the society and discuss about it. People must know clearly that social services are not the reserve of the privileged few in the society. All individuals need a sufficient degree of education, opportunity of work, access to health facility, conducive environment of religious, moral and cultural life and freedom. The deep feeling of respect for and service to others will help to enhance the spirit of responsibility for the public good. This enhancement is important because corruption has destroyed the sense of creativity, commitment and responsibility in all administrative sectors of political life.

Ultimately the fight against corruption is doomed to fail without the engagement of religion which penetrates the hearts and mind of the human person.

17.9 Conclusion

This paper has attempted to show that corruption creates a serious moral challenge in Africa. The practice of corruption in Africa threatens to ravage the entire African system and erode her moral fabric. It frustrates efforts geared at improving the lives of people in economic, social, political and cultural areas. Since independence, nearly 50years ago most countries in Africa still lag behind in development. The vast majority of Africans live in poor conditions because their leaders abuse their public duty, hampering effective delivery of goods and services. Therefore for a better future of the African people, the menace of corruption should be comprehensively addressed.

The effort to limit corruption is the responsibility of every member of society. There is an urgent need of a program of formation in all sectors of the life of society, developing a culture of work and responsibility. This program should go hand in hand with efforts for capacity-building and empowering the poor in order to know the social forces that affect their lives so that they can become actors rather than victims of the social, political, economic and cultural forces. This is a very important undertaking because the majority of people live in poverty. The poor who are often uneducated but note naïve, perceive quite clearly the true nature of the situation, they know they are excluded and feel out of place because they do not posses power, opportunities, knowledge and skills. This situation creates a feeling of crisis; confusion and helplessness which make people seek refuge in illegal or immoral practices that promise them a better life.

Under the present economic system, every person works for h/her own good fortune but lacking strong economic base, many people are forced to end up following unjustified means such as being dishonesty, stealing and violence. Although they may feel justified, as one would hear them in say *hii ni hali halisi*, in reality dishonesty does not pay, it

only turns them into unproductive parasites. Unfortunately a situation of helplessness sometimes leads to poor self-image; people no longer believe that they can achieve anything through honesty. They convince themselves that those who are better off use the same dishonesty ways, so they too conform to the system.

Following the above reflection it is clear that, although corruption is always identified as economic and political thing, it is above all an ethical problem, an indication that something has gone wrong in the behaviour of the person or structures that support the dynamics of it and condition people to act in a perverse manner. Therefore, the real focus must be on the person whose condition must be improved, so that everyone feels secure and recognize the need to respect another as h/she is, a person, someone created in the image of God.

The Church's social proposal is on the human ecology, identifying basic human values that we have to cultivate for a better and humane world. Every one, the governments, civil society institutions, faith organizations, international organizations; each must play her part. The Church on her part has to cultivate and promote the moral resource that will help to build a human ecology in which corruption will not find a hospitable habitat. For over one hundred years since the encyclical letter *Rerum Novarum*-1891 of Leo XIII to Benedict XVI *Caritas in Veritate*-2009, the Church has shown that Christianity as a religion is a powerful force for social change and transformation, capable of giving orientation toward building a just and humane society, rightly called a civilization of love. Thus she proposes her fundamental principles for building a just and sustainable world: respect for the dignity of the human person, the common good, solidarity, subsidiarity, the preferential option for the poor, and the universal destination of goods.

Corruption as we have explained above stand in radical contrast to all these principles. So the church's social doctrine proposes a perspective of social relationships that is completely at odd with the

practice of corruption. Fighting against corruption is thus a value and a need. Corruption must be called by its proper name; it is an evil, a serious social sin. Thus although we accept other strategies to limit the spread of corruption, like good governance, the rule of law, regional and international cooperation, enhancing democratic institutions, independent anti-corruption bodies and good leadership, it is extremely important to engage the force of religion.

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18

CORRUPTION IN AFRICA AS A THREAT TO JUSTICE AND SUSTAINABLE PEACE: A PASTORAL RESPONSE

Nicholaus Segeja [1]

18.1 Introduction

The challenge of corruption today has eventually become systemic. It is taking on trans-national dimensions through cross-border infiltrations. These trans-national dimensions, in addition to the existing national manifestations, are creating additional challenges for developing countries which are characterized by a lack of resources, government instabilities and despair among many, thereby threatening justice and sustainable peace in Africa. Nevertheless and paradoxically, despite of observable threat, society is increasingly witnessing a powerful thirst for justice and peace.[2] Parallel to this thirst, there is also a new call for ethics, which Pope John Paul II named it a quest for meaning and therefore for an objective standard of values which will delineate the possibilities and limits of progress.[3] This eventually

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[2] John Paul II, Apostolic Exhortation, *Pastores dabo vobis*, 6.
[3] Ibid.

accounts for the thirst for God and for an active meaningful relationship with God-self.

Besides looking at the importance of upholding the rule of law and fostering transparency and accountability in the public sector, this work attempts to bring to surface one of the fundamental truths about the practice of corruption. It is a reality which is often forgotten. In the pastoral and theological perspective, corruption is essentially linked to unhealthy human interpersonal relationships. In order to combat or contain such a reality, therefore, the work begins by narrating, though briefly, the understanding of corruption from theological and pastoral perspective. Furthermore, it discusses possible ways of continual molding of the human person so that he or she becomes even more committed to establishing healthy relationships. This precisely involves liberating one's consciousness from dehumanizing incipient tendencies and injustice practices which are propagated especially by the free market, globalization, scientism and secularism. The work also identifies a few areas which deserve to be considered in order to build a culture of peace and justice.

18.2 A Pastoral Perspective and Understanding of Corruption

It is not our intention here to give a full description about corruption from the pastoral perspective. Rather, we attempt to explain some key realities that may not only help to conceptualize corruption, but and more so, to respond to it in particular contexts. The driving idea is the fact that behind corruption patterns and scenarios observable in society, the human person is always the key actor. Thus, understanding him or her is important. In fact, it commands an urgent attention if we are to combat, eradicate or contain corruption which proves now to be a threat to justice and sustainable peace.

18.2.1 The Human Person and Corruption

Pastoral perspective and understanding, among other things, invests in the knowledge of the revealed truth experienced in concrete situations. Hence, the perspective focuses on practicality and relevancy of the revealed truth. It looks at effective, efficient, concrete and comprehensive realization of truth. It is in this context that the human person can be described as: *a conscious creation of God and free being, divided within itself, called to live interpersonally and capable of transcending the self.*[4] The human person is called to live interpersonally, towards the fulfillment of self and of others. Thus, the fulfillment of self and of others is determined by concrete personal relationships that promote fulfillment, serenity and peace, love and holiness especially when one transcends self.

From its etymology, the word corruption in Latin, *corrumpere*, comes from "*cor*" – heart and *rumpere* to break.[5] It denotes a deliberate action of breaking, destroying or disturbing what is key and central to life. In the pastoral perspective therefore, corruption can be described as conscious breaking of interpersonal relationships for selfish gains. It is a scandal of interpersonal relationships that manipulates the human person's functions of the mind and will. It is a deliberate interference of the ability of the human person to think and understand, feel, imagine things, to discern, decide or judge and determination to act and transcend the self. Corruption, therefore, crops up in the mind and intellect, will and motive. It is essentially relational. When it starts, it

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[4] Amedeo Cencini, *Spiritual and Emotional Maturity*. Nairobi: Paulines Publications Africa. 2004. 67-70. See also Vatican II, *Gaudium et Spes*, 10.

[5] J. Pearsall (ed.), *The Concise Oxford Dictionary*. New York: 1999. 321. See also J. M. Walligo, *Corruption and Bribery, An African Problem*? in M. Lejeune & P. W. Resemann (eds.), *Business Ethics in the African Context Today.* Kampala: 1996. 115-139.

can eventually grow into a style of life which is characterized by unhealthy human interpersonal relationships. Such a style of life consequently leaves many in a mess of failing to freely grow in a self-fulfillment, commitment and accountability, self-mastery and responsibility.

Experience generally indicates that corruption's roots are grounded in unhealthy relationships which make up dehumanizing country's social and cultural history, unjust political and economic development, bureaucratic traditions and policies. As such, corruption has always existed worldwide and it can be seen from a multitude of viewpoints. Nevertheless, it is related to the motive to misuse or abuse power for private benefit. In this backdrop, corruption includes bribery, gift giving and extortion, which necessarily involves at least two parties, and other types of malfeasance that a public official can carry out alone, including fraud and embezzlement.[6] Today, incentives are created for furtherance of corruption. Thus, the reality of corruption has developed from incidental, institutional and eventually becoming systemic. It is, therefore, not always easy to detect corruption.

In the process of developing and spreading of corruption, there is always the pastoral angle as it eventually deals with human relationships whether at the individual, communal or institutional levels. Where there is systemic corruption, the situation is even more complicated and worse. It involves institutions, rules, and norms of behaviour which have already been adapted to a corrupt *modus operandi*. It becomes the rule of the game, a style of life, and therefore an attitude.

Recent research evidences of international nature on the links between corruption, development and stability have generated a growing

[6] Daryl Balia, *Make Corruption History.* London: SPCK, 2009. 5.

body of empirical information.[7] Among others, it is certain that corruption invariably increases transaction costs and uncertainty in an economy while lowering efficiency. Corruption also reduces the transparency of economic transactions both state-owned and private sector firms while undercutting the state's ability to provide essential public goods and services.

Hence, corruption may weaken the state operations and its ability to promote development and social justice. Furthermore, corruption undermines the state's legitimacy and, in extreme cases, may render a country ungovernable and lead to political instability, chaos or war which again amounts to unhealthy personal relationships. When it reaches at this stage, it may render shaky the soundness of financial institutions and contribute to systemic crises. Whilst the official and even international recognition need to fight its growth, corruption remains a serious problem that paralyzes healthy human relationships. All such evidences about corruption, and this is of more significance to pastoral perspective, culminate in a situation which cherishes desecration, hate and insecurity especially among the marginalized members of society like women and youth and those declared *have-nots* or *unfortunate*. The situation further fosters division, unfair competition and selfishness. Worse still, the reality of corruption instigates despair and lack of true hope thereby threatening the realization of justice and peace.

Since justice and peace derive from healthy interpersonal relationships, corruption therefore, poses itself as a threat to it. The Church-Family in Africa after fifty years of her host states' independence will remain credible and relevant to society depending on her concrete contribution towards containing corruption. The

[7] Pieter Bottelier, *Corruption and Development*. Paper presented to International Symposium on the Prevention and Control of Financial Fraud, Beijing, 19-22 October, 1998.

involvement of the Church requires improving interpersonal relationships. This should be founded on nurtured human ability to think and understand, to freely decide and act. Consequently, the ability of the human person to know and establish relationships is crucial to combating or containing corruption thereby fostering justice and peace.

18.3 Corruption and the Human Person's Consciousness

The faculties of mind and will, among others, constitute human consciousness. In fact the faculties are interconnected and dynamically related. It would perhaps be misleading to discuss them separately. Nevertheless, for the sake of clarity, let us discuss them as two distinct but related moments. The functioning of the faculties complement each other in the process of knowing and acting, and therefore of establishing human relationships. The underlining fact here is that the operations of the mind and will do not proceed in any random form. The dynamic process of knowing always operates the same way and at two moments. In the first moment the operations involve experience, understanding and judging. On the other hand, in the second moment, deciding and acting respectively are interwoven and coherently related to the operations of the first moment to make one integrated reality.

18.3.1 Effect of Corruption on Human Experience

The functioning of the mind which subjects the human person to knowing is basically founded on human experience. In fact, human experience constitutes the conditions surrounding the process of the mind to interpret the environment in such a way that it makes sense. It is actually the liaison which opens up the human interpersonal relationships. We can distinguish at least four levels of functioning, though related and form one reality, in the process of knowing. The

levels cut across all operations of the process. They include relating, concern for a solution, radical openness and readiness to change.

The process of knowing begins with human experience. The first level of experience involves the aspect of *relating*. The ability to relate things is the opening and beginning of understanding. The experience of the human person because of his or her feelings, perceptions and senses in general develops ones ability of relating things. The relational operations of the mind, which yield cumulative and progressive results, eventually form normative patterns that help give meaning to a problem or challenge. The results however, are not necessarily confined to a particular field or subject. We want to see in the first place if a new experience, which poses as a challenge forms coherency with our old experience.

Relating a new challenge to our old experience, however, loses direction if it is not explorative. Thus, another key level of experience is the inherent *concern to give solution* or answer to new challenges. A new experience is a challenge to be responded to. It is question to be answered. In any case, the concern to respond to a given challenge comes usually from life experiences. The human person needs to relate a new experience to what he or she has already experienced so that a meaning is eventually established. Karl Rahner perhaps has a beautiful way of explaining this reality as he says: "Every question implies that we as human beings are already involved."[8] In this line of thought, whatever concerns human beings in their history becomes penitent in the process towards establishing either healthy or unhealthy interpersonal relationships. Consequently, in this line of thought, a concern to give solution would precisely mean to be involved in the other, which consists of persons among other things.

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[8] J. J. Mueller, *What Are They Saying About Theological Method?*. New York: Paulist Press, 1984. 10.

Experience and therefore one's history influences one's ability to form relationships. Consequently, looking at experience as a whole and as a relational reality, findings of science and technology, philosophy, literature and even culture contribute to forming ones experience and therefore eventually influence the ability to form interpersonal relationships.

In the process of relating one's experience and involvement to a challenge, one implicitly expresses his or her *radical and dynamic openness* to others and especially to God. This is another level of experience. Through what we experience and know, and in the exercise of relating this to the unknown, the challenge or problem, we become open and ready to accommodate new insights and knowledge from the other. We are opened to be informed, even about ourselves. Hence, the inspiration from others, especially when it is echoed by our formal experience and touches our senses, becomes very important towards either health relationships or unhealthy relationships. The issue of information, and therefore the media, is very crucial in determining the type of relationships that can be established. When people, for example, receive distorted or untimely information, their ability to form interpersonal relationships is accordingly affected.

New insights constitute a formative reality and a body of knowledge which can influence one's life. It is at this level where the acquired knowledge of experience leads to one's transformation and *radical change*. It is actually at this forth level of experience, one opens to continual growth and maturity. Common sense, therefore, is born. Wisdom gradually develops and one's personality is molded. Radical change, built on dynamic openness, involvement, and ability to relate, particularly in the African context, is based on collaborative perception of new situations and experience. Charles Nyamiti perhaps has a better way of explaining this reality as he says that *relationality* determines the personality of an individual, and it is a radical orientation or openness

towards the other. [9] In fact Elochukwu E Uzukwu echoes a similar affirmation saying: "Relatedness is a fundamental principal – a human person is essentially human because of other humans."[10] As we mentioned elsewhere, continual growth and maturity which leads to healthy interpersonal relationships is realized through reverential dialogue.[11]

Perhaps it is worthy mentioning here, the importance of experience especially at the levels of relatedness and openness in the African context. It embraces the whole environment, material and sacred, that surrounds the person in the process of building his or her personality and ability to form healthy interpersonal relationships.[12] In actual fact, this captures all cultural values and norms like solidarity and communality, mutual respect, sense of the sacred to mention but a few. Thus, one gets to experience and to learn to be involved in these values through his daily life as he or she grows and matures. Here, maturity is determined by ones ability to engage in healthy interpersonal relationships.

Consequently, the life of children and young people is very crucial in the process of building or molding their personality. Youngsters mostly understand reality using their experience, which is heavily based on their feelings and perceptions. Thus, the models of life they experience and learn from community, as they grow, have tremendous effects on their ability to form interpersonal relationships. When these experiences are negative and not later ironed, or given a right direction, by other cognitive functions of the mind, as we shall see in the next section, may

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[9] Charles Nyamiti, "The Incarnation Viewed from the African Understanding of Person," in *African Christian Studies*, Vol 7, No 1 (March 1991), 35.
[10] Elochukwu E. Uzukwu, *A Listening Church: Autonomy and Communion in African Churches*. Maryknoll, New York: Orbis Books, 1996. 6.
[11] Segeja Nicholaus Raphael, *An Ecclesiology of Reverential Dialogue in the Family (Shikome)*. Nairobi: CUEA Publications, 1998. 7.

[12] Charles Nyamiti, The Incarnation…, 35. The author calls *totemism* – the African's particular closeness to nature and one's special intercourse with particular plants and animals.

lead to personality disorders. The youngsters are likely, later in their lives as mature people, to react rather than being proactive in their undertakings. They will be more sentimental, perceptional and even self-centred oriented than rational in their way of doing things. In this way, their vulnerability to corruption will stay highly activated.

18.3.2 Cognitive Influence of Corruption

The process of knowing develops from experience to understanding. This consists of the cognitive function of the mind.[13] Like experience, it operates at four integral and comprehensive levels. At the relational level, the cognitive function of the mind entails recalling of information. This is manifested in one's ability to relate and arrange information in a certain order that makes sense or meaning. This can range from naming things, defining or describing and being able to relate them to other similar things.

The purpose of relating or putting information in order, and collating this to other similar realities, is to understand new situations and challenges. This is an inherent desire to discover. It is in fact a second level of the cognitive functioning of the mind. The phenomenon of this level is the ability to interpret the information in one's own words after grasping the meaning of the experience. The mind, thus forms an image or picture of an experience, and is able to explain or discuss it. At this level, one is able to identify, locate or review issues of relevant concern to him or her as an individual and in relation to the community. In fact this level culminates in the ability to use learned information, not only from perception but also from intellectual input, in new and concrete situations.

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[13] http://www.edpsycinteractive.org/topics/cogsys/bloom.html[pdf]. The author illustrates the development intended at a classification system for three domains: the cognitive, the affective, and the psychomotor. The work which is commonly referred to as Bloom's Taxonomy of the Cognitive Domain, presents six levels of knowing in education (education objectives), namely, knowledge, comprehension, application, analysis, synthesis and evaluation.

When one gets involved in new situations, he or she partakes in them. One transcends the self and encounters the other. A new relationship is therefore established which in turn informs the two partners and transforms them. At this level of understanding, the ability to use learned material leads to a discovery of new information which underlines the reason of what we see happening. This is actually a moment of analysis which breaks down knowledge into parts to show relationship among them. When the capacity of the mind excels in this area, it renders the person able to categorize, critically and positively criticize or examine a given reality. It is at this level the person is also able to compare issues. One is able to positively distinguish, differentiate and contrast even related manifestations, patterns and phenomena.

In the whole exercise of functioning of the mind, the expected end result would be the synthesis and evaluation of the knowledge acquired. It is at this level where different parts of knowledge are brought together to form a whole and build relationships for new situations. This is where hope and commitment based on conviction of a better present and future are cultivated. The intercourse between perception and cognitive functioning of the mind give birth to a new experience and life. The expressions of such a life include, among other things, creativity, planning, ability to compose, organize and design.

In actual fact, the mind that seeks understanding is able to transcend the self and acquire transcendental norms and criteria to make judgments. Commitment that derives from radical change is not possible unless one is able to see and attach a meaning to what he or she is doing. Establishing a meaning or rather being able to *interpret the challenge* marks a benchmark in the process of understanding. It is actually an opening to a sense of long lasting values. These are values which in themselves exert something that pertains to the transcendental reality to which the self is called to outreach.

Consequently, at its cognitive level, the ability of the mind to think and to understand plays a crucial role. At this point, as Rahner vividly puts it: "the revelation of Jesus becomes a factor and allows us to know God's involvement with us in the relationship."[14] In fact as he continues to say: "As true God and true man Jesus illuminates the definite nature of the God-human relationship."[15] Hence, the realities which mediate revelation become very important in the process of understanding and building right attitudes. Besides the sense of the sacred, the life of the believing community, scripture, the teaching of the Church and even prayer life, devotions and religious experiences carry in themselves potentialities that can foster healthy interpersonal relationships.

Acceptance to adjust or change which the moment of experience provides is then brought to another moment in the process of understanding. New awareness because of formative new insights leads to transformation within one's self. It brings with it a new way of looking at things, a new attitude and therefore promoting healthy relationships. Thus, true understanding implies *a radical change* or conversion towards perfection. In this line of thought, therefore, life becomes a constant task of becoming transformed into God's holy and loving mystery. Radical change is built on conviction that leads to commitment to be and to do good according to the will of God. This precisely means building His kingdom of love, justice and peace.

18.3.3 Corruption and Will-Power

Consequently this brings us to the second aspect of human consciousness, namely, the will-power. The human person's ability to decide and act in a responsible manner should be guided by norms and standards which foster and promote the very reason for his or her existence. In fact, the ability to decide or judge requires a comparison to a standard. At the first instance, this derives from one's relating moment

[14] J. J. Mueller, *What Are They Saying About Theological Method,* 11.
[15] Ibid., 12.

of experience. However, the same receives a different dimension depending on one's ability to transcend the self and having the experience of involving in the other. This other, especially when it is transcendental, like God, it can guarantee the standard required to make a comparison. The expression of this reality is the thirst to live not only good, but better and if possible best life in the light of the will of God.

The first aspect of the will power, therefore, invests on the ability to judge according to God's transcendental values and norms. Nevertheless, such ability requires growth and maturity in critical thinking. This is precisely because; it entails continual self-appraisal and assessment or critique.

The result of self-assessment brings new formative and transformative information. The knowledge acquired then becomes the basis of living and therefore new experience at a higher level. Such experience initiates creative thinking. It points to a possibility of even rearranging, improving and liberating reality from miserable and dehumanizing situations. In so doing, it eventually cultivates and restores hope in different dimensions and aspects.

Hence, the will-power can be corrupted at two levels. In the first place, corruption occurs when a comparison to genuine standards, values and norms with a judgment as to good, better and best is either frustrated or falsified. This can happen in different and diverse ways. The aggression against life from conception, "structures of sin" which lead to miserable poverty, crisis of the family, cultural and moral relativism to mention but a few have their basis on unhealthy human interpersonal relationships. The will-power, therefore, should be guided by ethical norms and openness to God. Ongoing conversion, and not just a one-time conversion, is the manner by which we establish health relationships and live authentic lives. The act of knowing is not geared to knowledge alone. Knowledge is part of the larger human whole of being in love. The end of the human person is not to know but to

establish love and hope based relationships. Consequently, coming to understand ourselves and the world around us is in fact a way of coming to know God and how he deals with us. It is an issue of establishing healthy interpersonal relationships with neighbour and God.

We mentioned above that the dynamic process of knowing always operates the same way and at two moments. In the first moment the operations involve experience, understanding and judging. In the second moment, deciding and acting respectively are interwoven and coherently related to the operations of the first moment to make one integrated reality. Nevertheless, the moment of understanding is crucial and key to the other moments. It is optional and it has to be built on human freedom. Lonergan calls this "conversion." According to him, conversion takes place at four levels, namely, affective, intellectual, moral and religious. Thus, to be an integrated person who can eventually form healthy relationships requires a fourfold conversion. This implies going beyond affectionate moment, experiential knowledge that comes from our senses to the understanding that is intellectual, scientific and transcendental.

Rationalism attempts to stop the process of understanding from transcending the self to God. In the name of a reductive concept of "science", it renders human reason insensitive to an encounter with revelation and with divine transcendence. Failure to understand and especially failure to transcend one's self renders persons incapable of true human relationships. As a result, to use the words of Pope John Paul II, many, especially children and young people, seek to compensate for this loneliness with substitutes of various kinds, in more or less acute forms of hedonism or flight from responsibility.[16] The Pope goes on to say, that

[16] John Paul II, Apostolic Exhortation, *Pastores Dabo Vobis*, 7.

"Prisoners of the fleeting moment, they seek to "consume" the strongest and most gratifying individual experiences at the level of immediate emotions and sensations, inevitably finding themselves indifferent and "paralyzed" as it were when they come face to face with the summons to embark upon a life project which includes a spiritual and religious dimension and a commitment to solidarity". [17]

Consequently, the human person makes himself or herself the centre of his or her very interest and reason of all reality. Thus, breaking-up of the family and an obscuring or distorting of the true meaning of human sexuality, for example, becomes ordinary human practices. In this context, people would corrupt so as to cherish social injustices and the concentration of wealth in the hands of a few provided those who benefit can maintain their status quo. In fact this has a very negative effect especially on the education of the young people and on their openness to any kind of religious vocation. It introduces into everyday life deeply disturbing lives of people and of whole communities.

18.4 Towards Building a Culture of Justice and Peace

Since corruption is a scandal of human interpersonal relationships, justice and peace can be restored and fostered through the aggregation of the functions of the human mind and will. A culture of justice and peace should be born not only from experience and perception, but and more so from the ability to think and understand, judge and act. Perhaps, it is worthy mentioning at this juncture the challenge encompassing the functions of the human mind and will today. The world has become more diverse, and pluralisms in thought more acceptable. The art of understanding as a unity which cuts across any discipline, therefore,

[17] Ibid.

among other things will depend on the function and reality of communication.

Divergences and convergences of thought when taken together and communicated to all yield disclosures of God in us! Hence, complete human knowing and responsible acting that leads to healthy relationships is both communal and individual. Consequently, besides corruption cropping in the reality of communication, it can also eventually frustrate its effects such as community building and service, the sense of the sacred and coherence. In fact, corruption threatens justice and peace precisely because it paralyzes such aspects of life, thereby leading to unhealthy interpersonal relationships. Developing a culture of justice and peace, would therefore require promotion of genuine communication and its effects.

18.4.1 Promoting Critical and Creative Thinking

In the process of knowing and responsible acting, the moment of understanding, as aforementioned, is crucial. Understanding is penitent to build a personality that leads to healthy human relationships. In this backdrop J. J. Muller says: "We become more authentic persons in possession of ourselves through understanding."[18] However, understanding is enabled by both verbal and non-verbal communication. If corruption is essentially relational, and therefore, linked to interpersonal relationships, we must pay more attention to how, when and what we communicate.

We mentioned above that the process of knowing and acting does not proceed in any random form. Corruption, therefore, may crop at any given moment in such a process depending on the type of communication. Distorted communication and information seconded by the free market spirit, secularism and rationalism is magnified by the advance in science and technology. Thus, it leaves many less and less

[18] J. J. Mueller, *What Are They Saying About Theological Method,* 14.

truly informed and not formed. Many people, especially the youth, strive to learn things the hard way and mostly depending on their perception, yet fail to be knowledgeable. Education has becomes value free and therefore fail to help people transcend their selves. Virtuous life especially that based on transcendental ethical norms is ridiculed. In fact, the media has largely become an instrument of corruption by communicating distorted and untimely information. The media has become a tool of lies and false interpretations of reality and life, thereby, frustrating healthy interpersonal relationships. Hence, it fuels corruption and threatens justice and sustainable peace. In this situation, therefore, the need for critical and creative thinking becomes crucial.

There are many key agents of communication in the process of knowing. Despite of the mega-trends affecting the life of society and the mission of Church today, one realizes interpersonal relationships phenomena that may foster justice and peace.[19] Among others, the following require special attention: the family, positive ethnicity, peer groups, Small Christian Communities (SCCs) and other groups, educational centers, the media, community custodians and leaders of society. In all these, fostering critical and creative thinking is inevitable to ensure healthy interpersonal relationships.

Perhaps, we could say a little more about the family. The crisis of the family today is alarming. Nevertheless, the family remains the fundamental institution both for the Church and society. There should a deliberate concern to foster and promote family life lest the chances to mold children, the youth and even others family into personalities capable of healthy interpersonal relationships may be frustrated. The

[19] Anthony Bellagamba, *Mission and Ministry in the Global Church*. Maryknoll. New York: Orbis Books, 1992. 1-9. The author discusses mega-trends affecting the Church and its mission. Among others, the author mentions resurgence of cultural traditions, revival of religious experience, basic ecclesial communities, problems in ministerial structure, the Western Church in crisis, globalization, the poor as the new evangelizers, new presence and significance of women, new frontiers for mission and co-partnership with the earth.

family life is crucial especially to forming children and youth. Feelings play an important role as children and the youth personally experience reality. For them, these are largely communicated by parents' behaviour and their style of life. Children in turn accommodate them through their feelings and perception as they seek answers to new experiences. Their life and ability to form interpersonal relationships is gradually developed basing on their parents' behaviour and their style of life. Thus, feelings and perceptions both reveal our humanness and at the same time reveal God's activity beginning from the very early stage of growth and person maturation.

Corruption, and therefore a threat to justice and peace, begins especially by communicating information that manipulates the feelings and perceptions of children and youth. When children and youth fail to positively experience reconciliation, love, honest, truthfulness, respect and other values, especially from their parents whom they esteem as role models in life, chances of establishing healthy relationships in their lives are reduced. In fact, children as they grow and increase their ability to think and understand, without having gradually experienced a solid ethical life from their parents and guardians, end up acquiring a strange life. Their advancements in growth though may look magnified, end up lacking the medium for them to make sense. Like heavy objects failing to fall faster in vacuum, their lives then become full of contradictions.

In the situation where the youth are more likely to see or experience a life of frustrations and hopelessness, anxiety, alienation, fear, boredom and confusion than optimistic sense of reality and vision chances of corruption even become higher. Usually, such life besides being vulnerable to corruption, it eventually boils over into anger and reactive tendencies. Because of lack of true understanding echoed by experience in the light of the transcendental reality people may take advantage of the situation and infiltrate in life ideologies and even structures of sin

that propagate corruption. Critical and creative thinking is the only way out to resolve this situation and restore hope.

18.4.2 Fostering the Economy of Communion

We have discussed above that the process of knowing and acting responsibly by establishing healthy interpersonal relationships begins with a moment of experience. Although, experience is important especially at the early stages of growth, the understanding moment especially when transcends the self is also crucial. In fact, all moments in the process of knowing dynamically complement one another. Experience cannot always judge correctly. Truth does not come from experiences any more than understanding. On the other hand, the thirst for God and for an active meaningful relationship with him is guided by genuine understanding and concrete experience. Otherwise, it may lead to rising spread of forms of religiosity without God and proliferation of many sects and failure to take authentic responsibility for our lives. [20] Hence, the process of knowing is essentially communal.

The economy of communion therefore is the basis for genuine knowing and responsible action in favor of justice and peace. There is need therefore to promote communion beginning from the family life level. Despite of different crises we experience today, still the family remains the foundation of both the life of the Church and society. Solid foundation of health interpersonal relationships is built on family solidarity and witness to life of reconciliation, justice, peace and love. It is here where people begin to share experience and learn to build healthy interpersonal relationships against tendencies of individualism, greed and even hate which eventually promote corruption.

The Second Vatican Council (Vatican II) illustrates some characteristics that foster the approach to reality which facilitates the economy of communion. In the first place, the spirit of communion is

[20] John Paul II, *Pastores Dabo Vobis*, 6.

essentially based on the Trinitarian life of God. The communion of three persons in one God is the foundation of healthy human interpersonal relationships. Thus, according to Vatican II, the Church which is the sacrament or sign of God's communion should involve herself in society. In fact, it is in society and in the world in general where the Church fulfills her mission to build healthy relationships. The approach of the Church to reality, therefore, should be concrete so that it can be experienced, holistic, coherent and comprehensive. This is because her members are mystically connected or unified, share common aims, qualities and faith (Acts 4:32). To use the words of Pope John Paul II, the action of the Church is concerned with realization of the dialogue of salvation wrought by Christ as it adapts itself to the needs of the concrete situation and promotes the plan of love of God to the world.[21]

Nevertheless, due to competitive environment and false or distorted information prevailing in society today, the Church's approach to community building should be strategic.[22] It is this approach which will enable the Church to read propaganda signals, uncover the real needs of the time and address the root causes of corruption. This will usually require making strategic decisions which result into major ministerial commitment or action of the Church. [23]

Consequently, the economy of communion, *koinonia,* covers all the aspects of the life and growth of the community at all levels: the family community, the ecclesial community and also the civil community. The

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[21] Ibid., 57.

[22] Dennis J. O'Leary, "Parish Pastoral Councils: Instruments of Visioning" in *Developing a Vibrant Parish Pastoral Council.* ed. Arthur X. Deegan II, New York: Paulist Press, 1995. 31.

[23] Arthur X. Deegan II, "Strategic Pastoral Planning" in *Developing a Vibrant Parish Pastoral Council.* ed. Arthur X. Deegan II, New York: Paulist Press, 1995. 141. See also Robert G. Wittmann and Matthias P. Reuter, *Strategic Planning.* London: Kogan, 2008, 2. Stephen G. Haines, *Successful Strategic Planning.* New Delhi: Viva Books Private Limited, 2004, 3. And Guy S. Saffold*, Strategic Planning, Leadership Through Vision.* Nairobi: Evangel Publishing House, 2005. xii.

practical consequences of this dimension would be that the one who says communion says participation and co-responsibility among the members of the Church and society, and working together.[24] Hence, communion requires consulting and involving people in the process towards containing corruption and other dehumanizing situations. Communion thus builds on common understanding of the reality of corruption, and therefore implies reverential dialogue, common research of the will of God, sharing of different points of view and acknowledgement of the legitimate differences and sensitivities among people at different levels.

What underlines community building is also the thirst for identity and sense of belonging. In fact, there cannot be a community if people do not have the sense of belonging to it. But, they cannot have this sense if they have no identity. Corruption is activated where people no longer feel part and parcel of community. In this respect, human experience and touch is frustrated. Community building at all levels, therefore, is crucial to combating or at least containing corruption.

It is encouraging to realize that among the trends affecting the life of society and even the mission of the Church is also a thirst for interpersonal relationships in small groups. The thirst is either based on religious or cultural motives or socio-economic inclinations. The underlining need here is to share experiences, life and even faith where members can be heard and understood. Besides the alien key concepts and operational mechanisms behind globalization, the need is even activated by today's diverse and complicated socio-economic and spiritual challenges which many ordinary people fail to grasp their root causes. Such groups or communities after the family therefore should be given ample time to experience reality based on sound understanding and correct judgment of concrete situations.

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[24] Rodrigo Mejia, "From Life to Practical Theology, The Pastoral Circle" in *New Strategies For a New Evangelization in Africa.* Nairobi: Pauline Publications Africa, 2002. 115.

18.4.3 Cherishing Boundless Service Spirit

In the process of knowing and acting in a responsible manner, commitment eventually becomes an expression of healthy relationships. Since commitment is based on involvement in the other, it should therefore focus on advancing services, *diakonia,* to the community especially in areas that are deeply human. Thus, service in this backdrop is related to safeguarding human rights and therefore should be cherished by all. Corruption develops when interpersonal relationships are not based on cherishing boundless service spirit. When people experience and live in miserable poverty and have neither decent shelter nor enough to eat, for example, the issue is not just to provide house or food. The root causes of poverty must be addressed lest corruption continues to manifest itself in different facets. Cherishing boundless service spirit implies analyzing situations and *structures of sin*, subverting them by developing those which promote healthy relationships of justice and peace.

A boundless service spirit requires involvement in the other. It entails transcending the self to the other, especially to God. The sense of the sacred is therefore, fundamental not only in promoting a boundless service spirit but, and more so, in establishing healthy relationships with God. It renders human relationships transcend to God thereby evolving through history to greater inclusion in God himself. This is realized especially when human relationships reflect realities of reconciliation, serenity and integral development. In this line, it further cultivates a new experience of living according to the will of God which fosters reconciliation, justice, peace and love. The sense of the sacred, and therefore the right and freedom of religion, should not be detached from the process to fight or contain corruption.

Perhaps, at this point in time, it is worthy relating the salvific event and praxis of Jesus to the process of fighting corruption which also

pertains to the pastoral perspective of the Church.[25] Besides traditionally summarizing it in three-fold mission as Priest, Prophet and King, the praxis of Jesus also, among other things, encompasses *liturgia* (liturgy – public service) and *martyria (martyr* – witness) as its dimensions. [26] Consequently, since the pastoral perspective concerns the action of the Church as it is founded on conscious human and divine interpersonal relationships, the experience of encountering the salvific event is the basis to fight corruption. The fight against corruption is likely to succeed depending on the interpersonal relationship human beings establish with God through Jesus Christ.

The public service, *liturgia*, of the people of God is meant to praise Him and celebrate our communion, our interpersonal relationship in concrete place and time, with Christ and with our brothers and sisters. Behind this dimension is again the sense of the sacred. Witness and testimony, *martyria*, as another dimension of pastoral action and approach must be understood not only at the personal level of individuals but also at the communal level of institutions and programmes in the Church and society.[27] What underlines this dimension is the motivation founded on the thirst to transcend the self and outreach to the doing of the will of God.

18.5 Conclusion

Let us conclude our discussion by once again affirming that the issue of corruption, especially when examined from theological and pastoral

[25] William Pickett, *A Concise Guide to Pastoral Planning.* Notre Dame: Ave Maria Press, 2007. 16.

[26] Rodrigo Mejia, "From Life to Practical Theology, The Pastoral Circle" in *New Strategies For a New Evangelization in Africa.* Nairobi: Pauline Publications Africa, 2002. 111, 113 - 166.

[27] Pope Paul VI, *Evangelii nuntiandi*, 21 – 22.

perspective, is essentially relational. It is found on the failure to establish healthy interpersonal relationships. The case is due given the fact that the human person is a conscious being. As such, the person is capable of knowing and acting responsibly. The process of knowing and acting does not happen in any random way. It operates at two dynamic but complementary moments of the functions of the mind and operations of the will. These include: experience, cognitive functions of the mind and the operations of the will-power. The experience and the functions of the mind take place at four different levels built and dependant on one another, namely, *relationality*, involvement, dynamic openness and radical change or transformation.

Corruption may crop up at any level and moment of the functions of the mind and operations of the will. In any case it eventually affects one's ability to form healthy interpersonal relationships, thereby, threatening justice and sustainable peace. Nevertheless, in all these, the cognitive functions of the mind are crucial. When corruption influences the mind, it takes over and becomes an attitude. It, thus, dictates one's style of life. Consequently, fighting corruption is first and foremost an issue of converting the mind so that it may think critically and creatively. In this exercise, the parameters among other things include community building and cherishing of a boundless service spirit.

19

CUTTING THE BUD OF CORRUPTION: THE PRIMARY TASK OF THE FAMILY

Peter Mbaro[1]

19.1 Introduction

The topic on corruption is in everyone's mouth, particularly in Kenya, in Africa and in the world all over. We have seen with amazement people who are literally corrupt, witnessed institutions of various types collapsing at the weight of corruption. We have witnessed corruption systematized and taking solid structures not easy to demolish. Often we find ourselves tempted to yield to desperation and to accepting corruption as "a way of life".

We note with great interest, that corruption manifests itself in different ways and in diverse areas of life. And so we ask ourselves, where do we find corruption most present? Who are the most corrupt people? What are the effects of corruption in our society?

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We may not be in position, in this paper, to address all these questions. However, we can say a word to capture all these concerns. Corruption is everywhere, practiced by almost all and the effects are devastating.

Nevertheless, one things that characterizes the debate on corruption is that first whenever the topic on corruption is being addressed it is confined only to the political field. In fact, when people take up the fight against corruption, they target government officials, especially the politicians and civil servants, who many claim to be chronically corrupt, because whenever they are entrusted with public funds, such funds are misappropriated and never reach the targeted population in its entirety or ends up disappearing completely. They misappropriate public funds with impunity, and since such people are politically protected, they go scot-free and continue serving the people who elected them in those leadership positions.

Secondly, along the streets it is a popular understanding that corruption is taking place in places of work: in offices. People get employed whether they qualify for the job or not, so long as they are well connected to powerful individuals, or insofar as they have ethnic affinity to the said "boss" or because they are in a position to buy the job vacancy. Other people lose their jobs under unexplained reasons, simply because a vacancy has to be created for someone else, getting seriously inconvenienced and traumatized.

Thirdly, in the production and selling of goods and services, corruption is rampant. For example, we have been exposed to the inherent dangers of counterfeit products and sub-standard goods. People are living in very unsafe houses in our towns, due to failure to follow the laid down construction laws. This situation is favoured by corrupt official entrusted with safeguarding the common good of the consumers.

Fourthly, we cannot fail to cite as vivid example, the human massacre taking place daily on our roads. Thousands have died in recent

times as hundreds of thousands have been subjected to permanent disabilities, with all its physical, psychological, social, and economic burdens to the family, society and the entire nation. We do not need an argument from intellectual sages to get convinced that this has been as a result of corruption on our roads.

The list of the things that we see as a result of endemic corruption is endless. People openly see the devastating effects of corruption in all sectors of social life in our societies. Corruption is detested in any given society as a social evil. Hence, corruption is viewed as very degrading to the personality of the corrupt individuals.

But, do all of us dare to ask how and when the bud of corruption does start showing up. Or in other words, since corruption is a clear indication of a corrupt character; a manifestation of an individual with no integrity, when did it all began showing up? These questions can be formulated in a different way: Is there a time in the process of human development when the seed of corruption is sown in the life of the individual? How can families uproot corruption from its members?

These questions seek an answer and it is in this line of thought that this paper entitled *Cutting the Bud of Corruption: the Primary Responsibility of the Family*, seeks to investigate the family's role in nurturing individuals who will detest corruption in thought and action. The formation of children as responsible citizens by the family stands out as of paramount importance: and must be considered that important so that the war against corruption can be waged from all fronts. In short, this paper endeavours to call the families to strive to make their families *"corruption free zones"*, and empower their children to detest corruption once in public service.

In fact, as Hukka Wario noted, "Corruption is vibrant and dynamic, growing fast and permeating spheres of human existence. It starts petty,

but soon grows into thunder storm,"[2] families have to seriously evaluate their way of doing things which may create an environment that favour development of corrupt individuals who will eventually end up in public arena corrupt and a menace to human person and his/her integral development. In fact this paper seeks to investigate on how our families can try not to become schools of corruption, but instead seek to cut the bud before it matures. How can families achieve this objective?

19.2 The Formative Approach

There are four formative approaches that families can consider as their effort to cut the bud of corruption before it sprouts and grows into a big tree of corruption.

19.2.1 The Formation of the Human Person in the Family

We note first that the role of the family in the nurturing of the human person into a person who will be eventually an artisan of development of society cannot be overemphasized. The fundamental truth on the family and its role in the growth of the human person holds that, "the family", as put by the Church Social Doctrine (hereafter CSD), "has central importance in reference to the person. It is in this cradle of life and love that people are born and grow;..."[3]

The family gives to the human person, upon birth, the place to appreciate the gift of his/her life and that of others. He/she understands the sacred nature of the life of each member of the family, and seeks to uphold and protect the dignity of each other.

He/she likewise recognizes the significant other in the family and learns what it means to be loved. They experience the first move of love

[2] Hukka Wario, "Big Figures Encourage Corruption to Capture and Strangle the Government", in *The Standard Newspaper*, Nairobi, 5th April, 2011, p. 15.
[3] Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, Rome: Libreria Editrice Vaticana, 2004, No. 212.

from their parents, siblings, relatives and neighbours. They also learn what it means to love first the members of his/her family and in this way they reach out to their neighbours. They become loving persons, who brings life and love in the life of others. The person becomes other-oriented rather than self-oriented that has become the thriving ground of the enslaving vice of corruption.

In this way he/she discovers that once he/she becomes other-oriented he/she contributes immensely to the well-being of the society. The family role in formation of the new generation contribute in a significant manner by slowly inculcating in a child the selflessly love as he/she grows up and enters into a network of relationships.

This affirmation is made even more clear by the way the child, especially in African societies is received with jubilation as a precious gift. In fact, the CSD has underscored the same while stating that once "a child is conceived, society receives the gift of a new person who is called 'from the innermost depths of self to communion with others and to the giving of self to others'."[4]

The coming into being of a new person and his/her being integrated into the society becomes the good tidings that the person brings into the society a new life. The new person is considered as one coming into the society to energize it in all aspects. This truth should move the families to examine the way it shapes the person of every child born, seeking to establish whether the child will eventually become source of renewal of the society or will become the propagator of the same bad trends like corruption.

On the same breath, the new person has to be seen as an assurance of the propagation of the family lineage and community. In African context he/she is expected to eventually raise a family of his/her own and bring up children who will be a blessing to the society in all ways. One is expected to commit him/herself to integral development of his/her

[4] Ibid.

children, so that they may not be a disgrace to the society but being well-educated be a source of joy to the entire society.

In addition, as a gift to, both the family and society, through the spirit of self-giving nurtured by the family, the new person is expected to enhance the total growth of the family and community by engaging positively in social, economic, political, cultural and religious activities undertaken by the family and entire society. One is thus considered a builder of the society insofar as these dimensions are concerned.

The family forms a human person for his/her own good and for the common good of the entire society. The society benefits from the family effort to educate children into being patriotic citizens who take up the social, economic, political and cultural responsibilities for the development of their country.

19.2.2 Nurturing Social Virtues in the Human Person

The fight against corruption cannot be won purely on platform of legal framework. Though the rule of law today needs to be emphasized, so that those who are convicted of corrupt practices may be held responsible, more need to be done. We truly need to look at moral integrity: i.e., the attitude and the right disposition that each individual person develops in his/her life towards doing good to other in a selfless way, in order for him/her to be, as we said earlier, other-people-oriented rather than being selfish.

This can only come into realization once the human person develops a system of virtues. By virtue we imply "an habitual and firm disposition to do the good."[5] A virtue "allows the person not only to perform good acts, but to give the best of himself."[6] In the effort to form a virtuous person the family should understand that by cultivation of virtues the

[5] *Catechism of the Catholic Church*, Nairobi: Pauline Publications Africa, 1994, No. 1803.
[6] Ibid.

young person develops in himself/herself moral excellence, uprightness, goodness, strength, vigour, courage and worth.[7]

Insofar as rooting out corruption is concerned, virtues cultivated in the life of the human person assist him/her not only to perform good acts, but more so they motivate one to give the best of himself/herself in the service of others. In other words, the virtuous person tends towards the known good with all his/her sensory and spiritual powers; he/she loves and pursues the good and chooses it in concrete actions.[8]

At this point virtue then helps the person in making right decisions according to the dictates of his/her conscience. We often hear people say "Let your conscience be your guide", and, indeed, this is a reliable moral maxim.[9] But, what kind of conscience should guide a moral agent? Of course, we are referring to a well formed conscience. Insofar as fighting corruption is concerned a lot has to do with the kind of conscience people have. Parents have to understand that as Gula puts it, that "Every conscience is social. That is to say, convictions of conscience are shaped, and moral obligations are learned, within the communities that influence us."[10] The family is the first community of life and love that children encounter as they grow.

Therefore, the role of the family in shaping the conscience of the young one's is indispensable and plays a vital role in preparing them to detest corruption no matter how enticing it may appear. Hence, virtues are regarded as means through which an upright conscience is motivated and on which a good character is build and maintained. They are, in a

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[7] Cf. T. Pazhayampallil, *Pastoral Guide Vol. I,* Bangalore: Kristu Jyoti Publications, 1995, p. 369.
[8] Cf. *Catechism of the Catholic Church*, No. 1803.
[9] R. M. Gula, Moral Discernment, Mahwah, New Jersey: Paulist Press, 1997, p.11.
[10] Ibid., p. 21.

layman's language, human and spiritual dispositions that make a human being a person of integrity in all circumstances.[11]

Often people argue that circumstances compel one to involve himself/herself in corruption for convenience sake. But we would like to emphatically state that cultivation of virtue is paramount, because since virtue is a habitual readiness to do good, it gives one an ease or facility in doing good and so once one possesses virtue, he/she will be steady in doing good always.[12] Hence, such a person does not bend with expediency or self-interest, ending up being corrupt. He/she remains firmly committed to the known principles of integrity.

Following this, we affirm that the family has the responsibility to nurture virtues in their children. This means helping the new generation to develop firm attitudes, stable dispositions, habitual perfections of intellect and will that should help them to govern their actions, order their passions and guide their conduct according to reason and faith.[13] Christian families have to be preoccupied with the concern on the kind of personality their children develop as they grow; whether it is shaped by virtues that helping in fighting corruption or by vices through which corruption continue to have its devastating effects in Africa.

As the family lays the foundation for the development of the primary virtues in children, it has to help them to love and practice good. They should help them to understand that "moral virtues are acquired by human effort and that they are the fruit and seed of morally good acts."[14] Hence, the primary social virtues of love, care, solidarity, honesty, transparency, continue to mature as the young person discovers the social nature of the family that interacts with other families within the

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[11] P. W. Mbaro*, Maker of Peacemakers: Christian Family Based education for Peace in the Context of the Social Doctrine of the Church*, Limuru: Franciscan Kolbe Press, 2010, p. 196.
[12] Cf. T. Pazhayampallil, p. 369.
[13] Cf. *Catechism of the Catholic Church*, No. 1804.
[14] Cf. Ibid.

society. The virtue of love for others moves one to seek the good of other people with whom one lives.

19.2.3 Inculcating the Virtue of Selfless Service

We begin this part by noting that "a virtue makes it easy for us to accomplish what we choose to do as moral subjects and gives joy and contentment to the moral agent."[15] In order to join the fight against corruption, the family has to school its children to develop the right attitude towards service. This can take place in the family environment where children cultivate the virtue of service.

Therefore, the family plays an important role by helping the growing person to inculcate the virtue of selfless service for the good of all. In the family the new person finds an environment of natural affection, which enables them to learn to work towards the good of all. The family being the first and fundamental structure for 'human ecology',[16] the new person is schooled into being a person who dedicates his/her total being; energies, talents, ideas, time, etc, for the good of the family. They learn to offer their services voluntarily for the integral good of all the members of the family, having received from the same family their formative ideas about truth and goodness, and having learnt how to love and to be loved.[17]

As the members of the family fulfill diverse domestic duties, helped by such social virtues, they fulfill these responsibilities driven by the love for service. They find their joy when they serve with the spirit of self-giving, as we had earlier noted. Hence, the obligations rendered by members of the family are not conditioned or limited by the terms of contract[18] that often govern paid services in the business world. The

[15] P. W. Mbaro, p. 196.
[16] Cf. Pontifical Council for Justice and Peace, No. 212.
[17] Cf. Ibid.
[18] Ibid.

obligations are fulfilled voluntarily by all members of the family motivated by the love and committed service for all.

Put in other words, obligations fulfilled by the members of the family are derived from the very essence of the family: whereby the family is known to be founded firmly on the irrevocable marriage covenant of love which binds the couple together. The same family is given structure by the relationships that arise within it following the generation or adoption of children.[19] Looking at the two pillars of love and familial relationship, then we can well understand why the family activities are carried by all members informed by a different spirit and attitude altogether: an attitude of service animated by love and unity for the common good of all.

This approach and attitude to service in the family nurtures the virtues of solidarity that gives joy to the serving members of the family. The family experiences unity that enhances peaceful coexistence. The entire family becomes so united such that they form a natural community; a community that builds the society on unshakeable pillars of solidarity. It is only in the spirit of solidarity can one go out to render service motivated by the desire to make a difference in people's lives rather than by what one gains individually.

As put in other words, the correct attitude and approach to service nurtured by Christian families eventually becomes the informing principle or the driving force behind authentic service in society. In this way the family as the natural community, makes a unique and irreplaceable contribution to the good of the society,[20] making the family the true cell of the society. As well put in *Ecclesia in Africa*: "'the future of the world and of the Church passes through the family.' And not only is the Christian family the first cell of the living ecclesial community, it is also the fundamental cell of society. In Africa, in

[19] Ibid.
[20] Cf. Ibid., No. 213.

particular, the family is the foundation on which the social edifice is built."[21]

When this virtue of service in love is nurtured in children as they grow, the society eventually receives into its various sectors people who are ready to work not motivated so much by what they get in return to the rendered service, but by what they contribute to the society. They derive their joy not from the salary/reward they earn after fulfilling their obligations, though this is also needed, but more so by the good and the joy they have been able to bring into the lives of other people who benefit from their service.

In order to root out corruption in our societies in Africa, the role of the family in the formation of the young children has to be captured in every fight against this vice. The family has to be seen as important to the individual person and to the human community. Its education of children on the evils of corruption in so vital, and, therefore, Christian families must be encouraged, promoted and protected as it carries out this noble responsibility.

In our society today it appears that the fight against corruption is waged on one front, namely, the judicial system ignoring other stakeholders of which the family is a key player. Hence, to ignore this important role of the family in this fight is tantamount to allowing the silent monster of corruption to destroy humanity unabated. Families must be protected at all cost from the familial forms of corruption, if humanity is to be saved from the self-destruction tendency due to corruption.[22]

The family beginning with itself has to uproot out the roots of corruption by actualizing the social values drawn from the Gospel and be actively involved in the development of a more humane society free

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[21] John Paul II, *Post-Synodal Apostolic Exhortation Ecclesia in Africa*, Nairobi: Pauline Publications Africa, 1995, No. 80.
[22] Cf. P. W. Mbaro, p. 85.

of corruption.[23] In fact, the type of society we have depends to a big degree on the families we have, because as put in *Ecclesia in Africa*,

By its very nature, the family extends beyond the individual household: it is oriented towards society. 'The family has the vital and organic links with society, since it is its foundation and nourishes it continually through its role of service to life: it is from family that citizens come to birth and it is within the family that they find the first school of the social virtues that are the animating principles of the existence and development of society itself. Thus, far from being closed in on itself, the family is by nature and vocation open to other families and to society, and it undertakes its social role'.[24]

This teaching on the social role of the family in an individual's life and in society, underlines the fact that the family is the breath of the society insofar as uprooting out of corruption is concerned. This is ascertained by the truth that through the family, society experiences an on-going transformation, because the family continues to enrich society with ready citizens to carry on social development at all levels.[25]

Taking into account what we have highlighted so far regarding the important role played by the family, we ask ourselves: do families really play this role or instead do they create systems and structures that favour growth of corruption? Are there some family practices that are really corrupt practices or that are close to corruption in the family setting?

Let us now review the most common practice in the families as parents seek to motivate their children to act or behave well: Rewards system. The question we seek to answer is: do parents really reward or bribe their children?

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[23] Cf. Ibid., p. 98.
[24] John Paul II, *Post-Synodal Apostolic Exhortation Ecclesia in Africa*, No. 85.
[25] Cf. Mbaro, p. 98.

19.2.4 Reward or Bribe in a Family Setting

As we have out rightly asked: do parents, guardians, sponsors and all who relate with children directly or indirectly reward or bribe their children? Are there some practices in families that out rightly engrave ideas of corrupt practices in the life of the young ones as they grow or are there some that initiate corruption trends in the family? What are long term effects of some of the practices we find common in families that tend to engrave in children the attitude that nothing can be done without an immediate remuneration or reward, or to put it even in a more explicit manner; that nothing can be fulfilled without first receiving or being assured of reward in kind or in monetary form?

Many parents will be quick to state they do not bribe their children to behave well but they reward them for behaving well. It is true that children learn from the reward and punishment systems. The former, i.e., reward, will be what many parents today prescribe to in bringing up their children. They claim that they only manage to control their children through rewards and at times they bribe them to behave in a certain way.

The major problem to parents has been to differentiate between reward and bribe in the home setting. Hence, parents need to have a clue of the difference between the two in order at least to refrain from teaching their children in the wrong way. Robert A. Rohm, an expert in personality and behaviour styles, helps to understand the difference by explaining to parents that the dictionary definition of a bribe is payment used to corrupt the behaviour of another person, on the one hand. And, on the other hand, the definition of reward is payment or recognition for service or merit. In fact, it is being rewarded for doing what is right.[26]

In light of this distinction, one can affirm that when children fulfill their family obligations willingly they receive rewards from their parents

[26] Cf. Robert A. Rohm, "The Difference between a Bribe and a Reward" in http://annettewray.blogspot.com/2010/12/difference-between-bribe-and-reward.html. Accessed on 05-06-2011.

and guardians, as signs of recognition for the good work well done. Often parents recognize and encourage the great efforts from their children and appreciate their initiative to go beyond the already achieved successes even in schools and, therefore, they reward them voluntarily. But in case the same children tug their obedience and fulfillment of their duty on defined condition of a promised reward, then there is no way can the given reward be free from the contamination of a bribe.

It is in this same line that Pinky McKay in the article *Bribes, rewards and praise* tries also to give the difference between bribe and reward. The author notes, for example, that there are three statements often heard from parents. First, parents often say "John if you do this, I will give you something in return." Second, others say, "Thank you Mary for helping your little brother to do his work, I will take you to town for a good tour." Thirdly, there those who put it openly, "I will get you an ice cream now, if you promise that you will behave well in the supermarket."[27]

Reflecting on the three statements, which are so common in child rearing, the author draws clearly the difference between bribe and reward. Punky notes a bribe is something offered before the task in order to get one's child to do what one wants him/her to do, and so, in the three cases above, the first and third examples are bribes. While a reward, which the second example captures, is something that happens after the event or the fulfillment of a given task.[28]

To understand this further, Jody Johnston Pawel, notes "many parents reward children's good behaviour or use bribes to entice children to cooperate. Such rewards can easily turn into bribes. Bribes are gifts or payments which manipulate or influence someone to take a particular action. Rewards pay children for behaving in a desirable

[27] Pinky McKay, "Bribes, rewards and praise" http://www.essentialbaby.com.au/kids/caring-for-kids/bribes-rewards-and-praise-20080630-2z9m.html. Accessed 06.05.2011.
[28] Cf. Ibid.

way."[29] Rewards encourage children to try to do good at all times. But if abused they become bribes which in turn in the family setting clearly sow seeds of corruption in the life of children.

Having noted that there is a difference between reward and bribe, it is good to note that rewards system has a place in the upbringing of children. And as they grow, as youths and young adults, they shape their personality and their attitude towards service of others from the learnt habits acquired as young children. In other words parents can do a lot of harm to their children through the reward system and engrave in their social life the vice of corruption. This can be sustained by the argument by Jody who states that:

Most parents bribe their children because they want to distract the child and get the child to buy into what the parent wants the child to do. Most parents find it's convenient and usually works-- in the short run. But it quickly becomes addictive for the child and ineffective for the parent. Parents need to look at the long term messages they are sending and decide whether these are the lessons they intend to teach. [30]

As noted above, when reward preoccupies the mind of parents and child such that a child can never do anything until a reward is guaranteed, the bribe system in the family then takes root. The bribe replaces reward and such bribes can establish a dangerous dynamic, since parents can unintentionally teach their child to withhold behaviours or service until a bribe is offered.[31] Bribery as a form of corruption then characterizes the family activities.

Then what we eventually finds in such a situation is that, what happens in most of our families is that as children grow they continue raising the standard or the stake of their demands. For example, if they used to receive for a bribe a toy or a chocolate when they were four or

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[29] Jody Johnston Pawel, "Rewards and Bribes", in http://www.parentstoolshop.com/HTML/tips13.htm Accessed on 06.05.2011.
[30] Ibid.
[31] Cf. Ibid.

five, seven, they may demand a cell phone, a bicycle when ten, or may even ask for even something bigger than what their parents can afford. As put by Punky McKay since children become wise they are likely to raise the stakes for bribery and rewards, i.e., ask for bigger incentives as they grow, and, therefore, they may eventually refuse to do a single thing unless there is something in it for them.[32] In other words, they cannot do anything unless they are bribed.

We will all agree that such behaviour from children in families can surely be buds of corruption that are gradually appearing and which cannot be allowed to mature, but which need to be snapped before they mature and flower in the life of the young people.

19.2.5 Point to Ponder: Corruption is Real in our Families

Children have learnt lessons on bribing in order to have things done first in their family setting and outside. May be these are lessons learnt gradually as parents bribe them to demand certain mode of behaviour or to have things done. Corruption is there and well in our families. To say we have not seen it real is because we have decided to hide our heads under the sand and it is indeed very sad. Some relationships between parents and children in our families thrive on corrupt practices and they can't last for long before they backfire with grave consequences.

Examples of practices of corruption by children in the family are innumerable. A few can suffice. The first one was recounted by children in a catechism class whereby one recounted how they used to give their house help or "auntie" a 1000Ksh in order to be allowed to watch the television instead of doing their school assignments. Others confessed of doing the same in order to be allowed watch prohibited channels.

There are incidences where parents are fixed by their children to give certain gifts in form of money or in kind before their children accept to fulfill certain family obligations. I remember this incident where my

[32] Pinky McKay.

little nephew upon being sent by the mother to pick a phone at my other brother's house, had to ask the mother before going "what are you going to give me?" The boys as young as four years had started internalizing that every obligation fulfilled has to be tied to a condition, i.e., an equivalent gift or reward which has to be guaranteed before the execution of the obligation.

Since this is happening at our homes, it is replicated in our schools. In our schools at the very lower level, where one least expect, children are getting things done through corrupt means. For example, there are children who are corrupting their classmates to be class representatives or prefects. There are those who on the same note get certain favours from their class representative. There are those who bribe others to have them do their assignments or copy their classmate's work. They are those who seek other types of assistance from their peers after exchanging money and other goods.

This shows that most of our children in the family have learnt the Kenyan adage "hakuna cha bure"—'nothing for free' which has nurtured corruption in every sector. If this happens in the family setting, what would we expect of the same person brought in such a family environment when he/she will be expected to render service in the society?

19.3 Conclusion

Families have been endowed with an enormous responsibility to help their children to develop integrated personality. They have to understand that the kind of person they form in their children in the family environment is the same person who will be assimilated in the society. The family is the cell of society as far as formation of patriotic citizens is concerned.

Hence, as we talk about the fight against corruption, the family's role has to be considered of paramount importance. It is the responsibility of the family to see to it that children should be given the right formation on integrity, honesty, and selfless service. They have to know right in the family context that fulfilling what is expected of them out of duty does not require one to demand favours or payment, other than what one is entitled to in case of paid service like salaried employment.

In addition, parents have to be extra careful as they deal with their children insofar as reward system is concerned. They should make careful discernment to know when their practice of giving gift to their children can change and become a bribe thus becoming very injurious to the personality of their children.

Parents have to be firm as they train children to render service in the family. Our recommendation should be clear that children should not be paid for domestic chores. Instead they should be encouraged to draw joy and contentment after helping their parents, their siblings and neighbours.

If we are to win the war against corruption, we must seek to cut that bud before it flowers and drops more poisonous seeds into society. This is the sole responsibility of the family.

Let us think about this sad situation and seek to make our families 'Corruption Free Zones.'

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20

THE ROLE OF AFRICAN CIVIL SOCIETY IN COMBATING CORRUPTION

Nadew Zerihun Gebeyehu

20.1 Background

For many years, Africa has been paradoxically known both as the richest and the most impoverished continent. Africa is endowed with natural resources and manpower that gives it a competitive edge to develop as much as or more than the other continents or regions. Ironically, it has been a poster child of poverty owing to different causes including corruption. The Transparency International 2003 Corruption Perceptions Index places the majority of African countries in the bottom half of more than 130 countries included in the index. According to the World Bank Governance Indicators 1996-2002, 75% of Africa was perceived only as less corrupt[1]. According to a report by the African Union presented in 2002, corruption is estimated to cost African economies in excess of 148 billion dollars a year[2]. Needless to say, fighting corruption needs the concerted effort of the public sector, the private sector as well as civil society. The role of civil society in tackling corruption has gained recognition at national, regional and at international levels.

[1] http://www.u4.no
[2] Ibid.

Article 12 of the African Union Convention on Preventing and Combating Corruption calls on states parties to fully engage civil society in the fight against corruption, to create an enabling environment for civil society to hold governments accountable and to ensure and provide for the participation of civil society in the monitoring process.

The global anti-corruption instrument, the United Nations Convention against Corruption (UNCAC), under article 13 obliges states parties to take appropriate measures to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption.

Civil society elsewhere has been active in the fight against corruption. But as favourable situations for the existence and development of civil society began to emerge only recently, African civil society lacked both the capacity and institutional experience to actively participate in the anti-corruption struggle.

Transparency International, the major global non-governmental organization credited for its active role in fighting corruption, defines corruption as, "the misuse of entrusted power for private benefit'' (Transparency International Source book, 2000) Mostly, corruption is exclusively associated with public office. But corruption is no less rampant in private to private relationships as well as in the civil society sector. The AU anti-corruption convention has gone beyond regarding corruption as a public sector phenomenon by including private-to-private corruption. As one writer noted 'private-to-private corruption is no less important, no less widespread, no less harmful and no less worth combating than private-to public corruption' (Argandona, 2003) Hence, non-governmental organisations such as BIAC, TUAC, ICC and TI, have sufficient reasons to strongly advocate the need to extend the

OECD Convention to include private sector corruption, Organization for Economic Development and Cooperation, (2003). Though it is expected to protect the interest of the public by engaging in anti-corruption activities, civil society organizations themselves are not immune from corruption which deprives it the moral high ground and credibility to effectively fight corruption (Argandona, 2003).

20.2 The Role of Civil Society in Combating Corruption

20.2.1 Who is Civil Society?

The term 'civil society' is quite elusive and different writers make distinctions between civil society and NGOs as well as community based organizations, as is indicated in UNCAC, or even in a broader manner between civil society and the state. Most writers on the subject would agree to define it as the public realm between state and family. (Sjögren, 1998) Though the boundaries are fuzzy, distinctions can be made between the government sector, the business sector and the citizenry, the last sector constituting civil society with its formally constituted and informal entities jumbled in it. (Holloway, 2005) This distinction makes civil society synonymous with non-state actors minus the private sector. In this article, civil society is construed to include civil society as defined by some writers in contradistinction to NGOs, community based organizations and non-governmental organizations. Civil society is also considered as 'that segment of the society that does not represent the State and whose representations or representatives, if any, aim at protecting freedom, individual rights, animal rights and the environment at the national level' (Bouare and Naidoo, 1999).

The bottom line is for its supposed function as a counter power to state power and as presumed representative and watchdog of citizens' interest; broader definition of civil society as including non-state actors

such as NGOs, community based organizations and civil society organizations would be more appropriate for the purpose of this article.

20.2.2 Civil Society's Role in Combating Corruption

Corruption has been widely identified as one of the major factors hindering development. Without creating any useful values to society, corruption transfers money from the public realm into a few corrupt individuals' pockets. Corruption weakens competitions and honest dealings in all systems including in the private sector and in the political system. Once the corrupt are in power, most likely through corrupt means, they will distort the system to exploit and abuse it to their own selfish interests. As Holloway says, (Holloway, 2005) corrupt governments know that the poor can't fight back as the latter lack the information, resources, education, and links. Once such governments are in power, they will make sure that such tools are not in the hands of the poor or the citizenry to keep them silent in the face of their corrupt behaviour. Hence, it is not surprising that an empowered and well organized civil society with resources, information, education and links can effectively fight back corrupt governments and stamp out corruption.

Civil society in Africa and elsewhere has been involved in fighting corruption through monitoring and advocacy activities. Civil society's ability to build close relationships based on trust with their members or the sector of society they represent assists them in receiving and providing information highly facilitates their activities (OECD, 2003).

20.2.3 Uganda Debt Network

A coalition of NGOs, Uganda Debt Network (UDN) implemented a grassroots project meant to monitor the expenditure side of the Poverty Action Fund (PAF) (Holloway, 2005). UDN's expenditure monitoring project was combined with budget performance monitoring, anti-corruption campaign and advocacy for accountability and transparency.

Its success has inspired similar initiatives in neighbouring countries (Holloway, 2005). By ensuring that the funds allocated by the government for the improvement of delivery of social services reach the intended beneficiaries, UDN assisted the Ugandan government implement its poverty alleviation measures. UDN set up Poverty Monitoring Committees to monitor the PAF comprising members from diverse sectors of the society. The UDN trained such PMC members and PMCs were established in several districts. UDN used the PMCs for other related activities such as its anti-corruption campaign and its advocacy projects related to accountability and transparency to effectively tackle corruption in the districts where PMCs have been established. UDN ensured sustainability of the project by selecting beneficiaries of the PAF as monitors. UDN worked closely with the media to inform the public about its monitoring project as well as receive feedbacks for improvements. It has also created platforms where the monitors, community leaders and government officials hold meetings to discuss the findings of the monitoring process (Holloway, 2005).

20.2.4 Organization for Economic Cooperation and Development (OECD)

Non-governmental organizations such as Transparency International, International Chamber of Commerce and others have contributed in tackling corruption by closely working with intergovernmental organizations such as OECD in developing legislative frameworks as well as monitoring and advocacy activities. As governance issues have been previously held as 'political' and considered as the turf of the government, civil society used to be indifferent to issues of corruption (Holloway, 2005). However, there have been many improvements recently in this regard which would enable civil society to fight corruption more vigorously. OECD has availed three channels of communication for civil society. Civil society is invited to express its

views to the Working Group on Bribery in writing. Secondly consultation meetings are used as platforms for civil society to express its views. Moreover, civil society is formally invited to participate in onsite visits (OECD, 2003). By using such channels of communications NGOs such as BIAC, TUAC, ICC and TI contributed in the monitoring process and in implementing the OECD anti-bribery instruments. TI chapters in the different countries contributed in analysing and elaborating legislation implementing the OECD Convention. TI and ICC participated in providing information on accounting standards and practices (OECD, 2003).

Non-governmental organizations such as Transparency International along with the press have played a vital role in making sure governments comply with their commitments (OECD, 2003). For example, the press put pressure on the UK government by echoing the assessment of the OECD Working Group's assessment. Transparency International-UK proposed the wording of an amendment to a draft bill in line with the criticisms of the Working Group. In France, TI and the press have also through public pressure managed to get a provision in a draft legislation that expressly excluded ongoing corrupt arrangements to be removed from the draft legislation (OECD, 2003).

Civil society in countries under OECD has been instrumental in encouraging private companies to adopt compliance measures. BIAC, TUAC, ICC and TI regularly emphasised the need to change business attitudes and internal procedures and to develop compliance mechanisms pursuant to OECD Convention and Recommendation. BIAC and TUAC with civil society actors supported the revision of the OECD Guidelines for Multinational Enterprises and BIAC and TUAC were closely involved in its implementation (OECD, 2003).

Civil society to live up to its promise of fighting corruption has to be truly regarded as a credible partner by the public which calls for housekeeping (Gyimah-Boadi, 1999) by civil society organizations as

well as avoiding questionable allegiances with the state or political parties (OECD, 2003).

A well-developed civil society represents diverse interests enabling to view the problem of corruption from different angles ensuring consideration of diverse viewpoints to design a successful strategy that responds to the public interest (OECD, 2003).

20.2.5 Serbia's People's Movement Resistance

In Serbia, the People's Movement 'Resistance' (OPTOR) was a grassroots level movement that mobilized the public in voting Milosevic out of office (Holloway, 2005). It was engaged in anti-corruption activities including monitoring and advocacy. Its establishment of communication channels with the different agencies to effectively carry out monitoring activities, exchanging results of the daily joint monitoring activities through a centre that included the activists. Regular public presentations of project implementation and progress have also helped the organization to garner additional public support and information (Holloway, 2005).

20.3 African Civil Society against Corruption

20.3.1 Challenges

20.3.1.1 Constituency

As Holloway stated (2005) the major challenge of civil society organizations in fighting corruption has been the incongruity between their perception of having the backing of the citizenry as a whole against the limitation in their strategies in enhancing citizens' backing. In a democracy, the state is elected by the citizenry and is presumed to serve the interest of the electorate. As a legitimate representative of the citizenry the state has better credentials than any other entity. Civil society though not directly elected by the citizens claims to have the

interest of the society at heart which indicates overlap of constituency and legitimacy between the state and civil society organizations. This implies clashes and competitions among the two sectors. However, most non-governmental organizations do not start from a populist platform to have a large membership that provide constituency which calls for more endeavour convincing the citizenry about the rightness of their position (Holloway 2005).

20.3.1.2 Enabling Environment

The African Union Convention on Preventing and Combating Corruption under article 12 (2/) calls on African states to create an enabling environment for civil society and the media to 'hold governments to the highest levels of transparency and accountability in the management of public affairs'. Even though there has been progress in many countries in selected political rights areas, it has not translated into enhanced media freedoms, gender equality or political and institutional transparency which highly impact progress in corruption control (Kaufmann, 2006). Civil society is often held as a counter-weight in ensuring good governance in the public sector (Munigiu - Pippidi, 2010). It goes without saying that civil society can exist and thrive under such conducive circumstances where political rights are protected. There have been mixed results in this regard in Africa as there have been improvements in the last two decades though some deterioration has also been recorded (Kaufmann, 2006).

In Africa, despite progress with regard to political rights, deteriorations in the right to expression have been recorded. The right to expression and the media occupy an important place in the anti-corruption struggle (Attila, 2008). According to studies, the access to information is directly related to perception of corruption and a free press may have a powerful controlling influence on corruption.

But in the context of developing regions such as Africa access to information is limited due to poor infrastructures and the financial plight

of the society. Another factor that affects access to information and consequently the fight against corruption is low level of literacy. Besides, the media is also often sanctioned and censored which impacts the free flow of information in fighting corruption (Atttila, 2008).

As was observed in a study of the civil society of MENA which includes the northern part of Africa, civil society law is also a formidable factor in the anti-corruption activities of civil society (Transparency International, 2007). According to the study, countries are categorised into those who highly restrict civil society in the absence of CSO law, those where CSO law serves as a tool to pressure and restrict civil society and countries with relatively liberal laws where implementation hampers civil society (Transparency International,2007). As the regulatory framework may limit the anti-corruption activities of civil society, the legislative framework has to be considered to create a more enabling environment that fully engage civil society in the fight against corruption as required by the AU anti-corruption Convention.

20.3.1.3 Lack of Capacity

Civil society actors in many African countries are 'generally too small and financially dependent on public funds' (Nogara, 2009). Under such situations, one has a reason to be skeptical about their capacity to ensure public accountability and to remain independent and strong in the face of powerful actors in the public sector (Nogara, 2009).

Citizens themselves may impose limits on their own contributions in fighting corruption through the lack of awareness of costs of corruption as well as the existence of tools and methods of combating corruption which hinders civil society from understanding how it fits in the fight against corruption (OECD, 2003).

Even worse, civil society in cases where it fully understands its potential contributions in combating corruption may lack the resources to live engage in anti-corruption activities. In such cases it has to use its

creativity to raise the resources it needs or promote volunteerism to get the expertise it requires.

If fighting corruption is a relatively new area for non-governmental organizations all over the world that lack information, experience or technical capacities, it would be truer for African civil society which itself has a short history compared to civil society in other regions (OECD, 2003).

Local funding of local causes reflects strong social support and as foreign funds come in the form of projects which is against the nature of fighting corruption, i.e. a marathon rather than a sprint , a more sustained funding is needed to build the capacity of civil society organizations (OECD, 2003). The role of African civil society as reactive and intermittent rather than proactive and sustained (Gyimah-Boadi, 1999) could then be attributed among other factors to its capacity.

In the aftermath of the collapse of the Berlin Wall, in the countries that constituted the former Soviet Union, the economy was weak and state dominated, politics was dominated by a single party or cult and corruption was a form of survival. Besides, the participation of civil society in political life was relatively meager which resulted in overpowering of the weak resistance of newly formed civil society by corruption more easily (Carasciuc, 2001).

Similarly, African civil society is described as weak and mistrusted by the government

(Gyimah-Boadi, 1999). African civil society is seen as ‘a struggling entity consisting partly of a variety of NGOs and more or less spontaneous social movements and relatively weak permanent institutions and organisations in urban areas (www.postcolonialweb.org/africa).

In many cases in Africa there is not a long history of NGOs (Holloway, 2005). This may be ascribed to colonialism and lack of a

level ground for them to exist and operate freely even in the post colonialism period. This has deprived African civil society of drawing lessons from their own experiences. On the other hand, African civil society has been pressured into particular roles by governments and donors (Holloway, 2005). The role of African civil society has been limited to exhortations by religious and other moral leaders, episodic focus on corruption scandals and condemnations by some sectors of the society (Gyimah-Boadi, 1999). The underlying causes of such pressures may emanate from lack of an enabling environment as well as lack of own funds to be masters of their own destiny and roles. Once there exists an enabling environment and if civil society can raise resources from their own constituency it would be a stronger and independent force to reckon with.

20.4 Prospects

Civil society could be an asset to the fight against corruption as it has thorough knowledge of issues and challenges in the different sectors as well as the processes in the different sectors that are prone to corruption (Holloway, 2005).

Africa's struggle against corruption should enlist the active participation of civil society. The challenges facing African civil society are not as insurmountable as they may look. In spite of all the aforementioned challenges, there are also recent political, social and economic developments in Africa that encourage civil society to play a major role in combating corruption in Africa. As many people agree, democracy by itself does not guarantee a corruption-free society but it undeniably creates a framework of transparency and enhanced involvement of the citizenry in the political life of a political entity. Africa has recently seen promulgation of liberal democratic constitutions providing for human rights such as the freedom of

expression and association and other favourable situations for civil society to organize and actively engage in anti-corruption activities. Consequently, there has been a surge in civil society including those involved in fighting corruption. Despite all the challenges, a vibrant media enthusiasm in exposing corruption is also emerging. There has also been growing presence and voice for business organizations and an emergence of new class of businessmen who see low corruption as essential to sustained economic development (Gyimah-Boadi, 1999).

Civil society that engages in anti-corruption activities needs to lead by example by being clean. In countries where corruption is endemic enemies of such NGOs will be happy to find examples of corrupt behaviour in NGOs themselves. Identifying examples of clean organizations could even be used to negate scepticisms about fighting corruption (Holloway, 2005).

Civil society can change the curse of scepticism in fighting corruption into blessings by identifying exemplary practices of clean organisations who are role models for good behaviour, good customer service and good governance (Holloway, 2005).

Though the African civil society lacks experience in fighting corruption, it has a lot of cases and examples to emulate both inside and outside Africa. It may also create platforms and networks to share and exchange good practices with civil society organizations and international organisations engaged in fighting corruption.

20.5 Conclusion

The African civil society though infant and entangled in many problems, has been involved in fighting the most difficult battles against corruption. The African Union as well as the UN anti-corruption instruments have underlined the important role of civil society to effectively tackle the problem of corruption. But African civil society

unlike its counterparts in Europe or elsewhere lacks the capacity and an enabling environment to proactively engage in the anti-corruption crusade. The African Union Convention highlights the role of civil society not only as limited to the traditional role of advocating but also in monitoring activities and consultations. To play its role more effectively, the African states need to revisit the enabling environment including the regulatory, legislative and administrative frameworks governing the activities of civil society. The African civil society on its part is expected to start the campaign against corruption at its own doorsteps. A clean civil society organisation attracts support from all sides and would not be easily ignored by the government. As a force that is presumed to represent people who are victims of corruption, civil society organizations need to live up to the expectations by strengthening their legitimacy and constituency with the society at large.

As the challenges facing African civil society engaged in anti-corruption activities are multi-faceted, the solutions come from different sources and directions from the civil society itself to the state and international community. The development of civil society is an ongoing process that should be built incrementally. However, civil society should not wait until it has the fullest capacity to fight corruption as its involvement in the fight helps it to gain more experience and capacity.

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CONCLUSION
AGENDA FOR AFRICA: FACING THE FUTURE WITH COURAGE, COMMITMENT AND CONVERN FOR THE COMMON GOOD

Juvenalis Baitu[1]

The participants in the conference indicated the need for Africa to articulate clearly the agenda for its people and the world. Such concern is held by other African scholars such as Fantu Cheru who argues that, Africa lack coherent, continent-wide agenda or framework for Change.[2] Therefore, to prepare the future of Africa, there is need for countries to strengthen the foundations for democratic governance, and enhance human rights culture. According contributors in this book, it appears that Africa has not yet formulated her own development path that takes cognizance of the cultural context of her people. Lack of committed Leadership seems to be the real problem for Africa. The Kenyan Development Economist admits that "African leadership is responsible

[1] Rev. Prof. Juvenalis Baitu is DVC-Administration at The Catholic University of Eastern Africa.
[2] F. Cheru, *African Renaissance: Roadmaps to the Challenge of Globalization*, London: Zed Books, 2002.

for the present economic development deadlock, which has resulted in a profound socio-economic and political crisis in Africa."[3]

The growing challenges, mainly due to the process of globalization make it more difficult to navigate our own development path amidst very complex and competitive global environment. First and foremost, the international community needs to recognize the rights of African countries to determine a development path of their own. African countries have to find better ways to manage globalization to their own advantage through the adoption of key reforms at national and regional levels. Indeed, for any meaningful development, Africa must make use of her robust human resource base so critical for genuine progress. This means that leadership must be enhanced to ensure improved governance, increased investment in education and infrastructure, improved access of the poor to productive assets and information and adoption of meaningful strategies to eradicate poverty.

The increasing corruption and leadership deficit has hardened the possibility of achieving such objectives. The African leaders have shattered the dream of African renaissance, which renowned scholar Cheik anta Diop enunciated, seeking to capture the dream and aspirations of the people of Africa in their quest for self-determination.[4] The post-independent Africa's crises demonstrate the need to replicate such a dream to ensure a genuine economic and political development. African leaders have failed to exploit people's ingenuity to further development agenda. They need to learn to respect, motivate and to give people the opportunity to exploit their own creativity and resourcefulness.

According to Lardner, it is the luxury of African leaders to allow others to think for us and to drive our own development effort that is the

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[3] S. A. Ochola, *Leadership and Economic Crisis in Africa*, Nairobi: Kenya Literature Bureau, 2007, p. 426.
[4] F. Cheru, *African Renaissance: Roadmaps to the Challenge of Globalization*, p. xv.

real crisis of Africa- the intellectual crisis. It is a "crisis of mind and soul, of a capability to envision a future of one's own; to plan for its achievement and to mobilize the relevant resources for that purpose."[5] Unless African leaders understand this truth, the nature of the real underlying crisis will be missed. Africa therefore must rise up and decolonize the African mindset, have confidence in herself and believe in her power to change and make contribution to the patrimony of humanity. Ochola rightly argues that, it is the use of human intellect, which is the defining line between the developed and the developing countries.[6] This however must include also the empowerment of individuals to exercise civil, political, legal and religious rights. The increasing disregard of freedom embodied in these rights by the members of the ruling elites in Africa and those in the opposition show that a great deal of political education is still required.

The pandemic scourge of corruption in Africa is a threat to sustainable development and peace in the continent. Efforts to curb the scourge will require well-informed and committed leadership who have the concern of the African people at heart.[7] Corruption acts paralyze poorer citizens and small firms. It restricts access to services for more vulnerable citizens and is associated with lower quality of public services. To reverse the process of corruption the state need to be democratized, to allow political competition, transparency and accountability and infiltration of democratic principles in the management of the state machinery. However, it has come out clearly from the contribution of scholars in this book that, given the adverse

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[5] Quoted by S. A. Ochola (2007) from G. E.A. Lardner, The Challenging Dynamics of the World System and where Africa Stands: Defining Africa's Role in the Change that Portrays Self-Confidence and Hope, Unpublished work, ECA, Addis Ababa, 1986, p 6.

[6] S.A. Ochola, *Leadership and Economic Crisis in Africa*, p. 436.

[7] J. V. Mwapachu, *Challenging the Frontiers of African Integration: Dynamics of Policies, Politics and Transformation in the Eastern African Community*, Dar-Es-Salaam: E &D Vision Publishing, 2012.

effects of corruption, no one formula is a panacea for resolving such a complex problem. At the national level, institutional reforms, formation of independent anti-corruption authorities, citizen empowerment and the establishment of codes of ethics for public servants are important.

Such reforms should be designed to enhance accountability and transparency in the operations of the state and major economic institutions. Moreover, the global nature of the problem of corruption demands that greater cooperation with the international community is necessary. The international community however must not usurp the responsibility to stamp out corruption because this responsibility rest primarily with national political leaders and bureaucracies. Africa needs above all to combine public management and private entrepreneurship and to have a new kind of generation committed to a new kind of politics that respect the human rights culture and promote the common good of all. Development process in Africa should be aimed at facilitating structural transformation and engendering change in society by identifying the barriers. Leadership problem and colonial mindset must be fought at all cost in order to facilitate the putting in place basic infrastructures that will eradicate corruption and bring about rapid economic transformation.

Africa is one of the richest continents on earth, yet it is among the poorest in the world. The people who manage state resources lack discipline, frugality, transparency and accountability. Africa therefore must learn to address its own internal obstacles to development. The leaders need to respect the social contract which they have made with the people. Despites all these hurdles, Africa has a great future, with a committed and good leadership, it will be possible to fulfill the dream and aspirations of the African people. The African elites must work hard to strive to develop sufficient knowledge of their own presence, acquire correct, broad and profound grasp of their situation and seek to create and invent alternative means of survival and co-existence with other

nations. Unless Africa unite and work in solidarity, discover and develop her potentialities, sooner or later it will become the battleground in the bid for global control by the Asian economic giants and the West.

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Corruption in Africa

A Threat to Justice and Sustainable Peace

Corruption has always existed in different forms, and is not determined by politics or geography. It exists in rich and poor countries alike, it involves both individual States and international organizations and its costs are borne by the citizens. It affects the proper running of governments, distorts the correct functioning of economic and political institutions, and hampers transparency. While the manifestations of corruption are limitless, its roots seem to be identifiable in the immoderate inclination for material wealth and power. While wealth in the African traditional setting came along with the responsibility to promote the common good, today wealth seems to be an end in itself. It is a misdirected pursuit of happiness in wealth and power.

Because of the many challenges that corruption brings to the society, it has become a cause of great concern today, not only to the church and the state, but also to the institutions of higher education.

This concern on corruption is the basis of this book and capture the sharing at the conference of the Centre for Social Justice and Ethics on: "Corruption: A threat to Justice and sustainable peace in Africa", held at the Catholic University of Eastern Africa.

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