

ANALYSEN UND BERICHTE

Corruption and the Future of the Public Service in Africa

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Introduction

“Throughout the world bureaucrats and people in authority are indefatigably manoeuvring to position themselves in a tiny monopoly where they can be bribed for issuing a license, approving an expenditure or allowing a shipment across a border”¹

“The dynamics of corruption in the public sector can be depicted in a simple model. The opportunity for corruption is a function of the size of rents under a public official’s control, the discretion that official has in allocating those rents, and the accountability that official faces for his or her decisions”².

Why should anyone take on the burdens and responsibilities of public leadership if there were no personal advantages, no compensating reward?”³.

Corruption (or rent-seeking as it is euphemistically referred to) has for a long time been the most formidable challenge to the public service in Africa. Corruption has not only eroded the public service’s established principles such as merit, neutrality, equality, accountability and representativeness but also its legitimacy or public confidence. The importance of public confidence and trust in the public service cannot be over-emphasized. This is because the public service must have a strong legitimate foundation based on its endorsement by the public. Although the bases of legitimacy include such common occupational

¹ *P. Mauro*, Why Worry About Corruption? Economic Issues Series, No. 6, International Monetary Fund, Washington, D.C., 1997, pp. 5-6.

² *World Bank*, World Development Report 1997: The State in a Changing World, Oxford University Press, New York, 1997, p. 4.

³ *G.E. Caiden*, Towards a General Theory of Official Corruption, Asian Journal of Public Administration, Vol. 10, No. 1 (1988), p. 4.

criteria like efficiency, meritocracy, professionalism and responsiveness, the most crucial dimension of such legitimacy is its success in acquiring and maintaining a considerable degree of public confidence. However, this legitimacy of the public service in Africa has come under serious challenge due to diminishing public confidence caused by corruption. In short, the public image of the public service has been seriously undermined by corruption⁴.

Against this background, this paper discusses the implications of continuing corruption on the future of the public service in Africa in the wake of democratisation and reform of the public sector. The paper is divided into four sections. Section 1 is devoted to the definition of corruption and its various forms. Section 2 discusses the causes of corruption and their effects on the African public service. Section 3 examines the measures that can be put in place to curb corruption in the public service. Section 4 highlights recommendations that could improve the efficacy of the measures aimed at controlling corruption vis-a-vis the future of the public service.

Corruption: its Definition and Forms

Defining Corruption

Corruption (political and administrative/bureaucratic) is a term of many meanings. At the broadest level, corruption is the misuse of office for unofficial ends⁵. Heidenheimer et al.⁶ classify definitions of corruption into three often overlapping categories: misuse of public office for private gain; inappropriate exchanges of money or favours for undue influence or power; violations of public interest or norms of behaviour for special advantages or self-serving purposes. The catalogue of corrupt acts includes bribery, extortion, influence-peddling, nepotism, fraud, speed money and embezzlement⁷.

⁴ M.S. Haque, *Legitimation Crisis: A Challenge for Public Service in the Next Century*, *International Review of Administrative Sciences*, Vol. 64 (1998), pp. 13-26.

⁵ See Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences and Reform*, Cambridge University Press, Cambridge, 1999; R. Klitgaard, *Controlling Corruption*, University of California Press, Berkeley, 1988; H.H. Werlin, *Revisiting Corruption: With a New Definition*, *International Review of Administrative Sciences*, Vol. 60 (1994), pp. 547-558.

⁶ A.J. Heidenheimer / M. Johnston / V.T. LeVine (eds.), *Political Corruption: A Handbook* Transaction Books, New Brunswick, N.J., 1989, p. 8.

⁷ See A.J. Heidenheimer (ed.), *Political Corruption: Readings in Comparative Analysis*, Holt, Reinhart and Winston, New York, 1970; E. Harsch, *Accumulators and Democrats: Challenging State Corruption in Africa*, *Journal of Modern African Politics*, Vol. 31, No. 1 (1993), pp. 31-48; P. Heywood, *Political Corruption: Problems and Perspectives*, in: P. Heywood (ed.), *Political Corruption*, Blackwell/Political Studies Association, Oxford, 1997, pp. 1-19.

Although one tends to think of corruption as a sin of the public sector, of course, it also exists in the private sector, NGOs, and international organizations. Indeed, as has been rightly pointed out by Rose-Ackerman⁸ "corruption describes a relationship between the state and the private sector. Sometimes state officials are the dominant actors; in other cases private actors are the most powerful forces. The "Goldenberg scandal" in Kenya, involving some \$300 million being siphoned of from the public exchequer to assist mineral exports which never occurred, implicated cabinet ministers as well as private businessmen with close political links to government⁹. In a 1996 report on corruption in Tanzania, Justice Joseph Warioba identifies business connections (not clientelism or an over-weening state) as the primary source of corruption:

The growth in corruption in the 1990s was accentuated by the close relationship between Government and Political leaders on the one hand and businessmen who engage in corruption on the other ... Leaders who are supposed to take important national decisions are bribed by businessmen in order for them to take decisions which are in the interest of those businessmen ...¹⁰.

However, corruption in the public sector has become more pronounced in African countries not only because of the debilitating effects it has on public policies and programmes but also the serious international attention, especially from international financial institutions like the World Bank and International Monetary Fund (IMF) it has received. An example of international attention is the statement made by the President of the World Bank, James Wolfensohn, that the Bank would cancel projects in countries where official corruption was detected. He went on to call for the need to "deal with the cancer of corruption". This call was also reinforced in 1996 by the Managing Director of the IMF, who called on governments to "demonstrate their intolerance for corruption in all its forms"¹¹.

Forms of Corruption

Several forms of corruption have emerged. Some have divided corruption into two categories:

- *petty corruption* practised by public servants who may be grossly underpaid, and depend on small rents from the public to feed their families and pay school fees; and

⁸ *Rose-Ackerman*, Corruption and Government: Causes, Consequences and Reform, p. 113.

⁹ *M. Szeftel*, Between Governance and Underdevelopment: Accumulation and Africa's "Catastrophic Corruption", Review of African Political Economy, No. 84 (2000), p. 237.

¹⁰ *James Warioba*, Corruption and the State – The Warioba Report, Soundings 7 (1997), pp. 198 and 201.

¹¹ *Mauro*, Why Worry About Corruption?, p. 1.

- *grand corruption* of high public officials who make decisions involving large public contracts¹².

Others have categorized corruption into political and administrative/bureaucratic. Political corruption is enacted by politicians in their official capacity, not in their personal or, where applicable, administrative/bureaucratic capacity. Similarly administrative/bureaucratic corruption is enacted by administrators in their official capacity, not in their personal or, where applicable, political capacity¹³.

Werlin¹⁴ draws a distinction between primary corruption and secondary corruption. Primary corruption refers to partisan behaviour that challenges statesmanship (respect for legal or normative requirements) but still respects it. Those who engaged in primary corruption try to get away with what they can but expect to be punished if caught. There is fear and regret associated with it. Secondary corruption, on the other hand, is partisan behaviour that is carried out in the absence of viable statesmanship (respect for legal or normative requirements). There is little concern about punishment or feelings of guilt and disgrace inasmuch as the political system facilitates or condones corruption¹⁵.

On their part, Caiden and Caiden¹⁶ have categorized corruption into two, individual and systemic. Individual corruption refers to the individual who strays from a prevailing norm of official public behaviour, for example, informal organizational short-cuts, personal accommodations and mutual understandings. Systemic corruption (sometimes referred to as ingrained corruption), on the other hand, occurs where corruption has become an integral part of the system. In the words of Caiden and Caiden systemic corruption is "a situation where wrong-doing has become the norm, and the standard accepted behaviour necessary to accomplish organizational goals according to notions of public responsibility and trust has become the exception not the rule. In this situation, corruption has become so regular-

¹² See *F. Stapenhurst / Petter Langseth*, The Role of the Public Administration in Fighting Corruption, *International Journal of Public Sector Management*, Vol. 10, No. 5 (1997), pp. 311-330; and *Heidenheimer / Johnston / LeVine* (eds.), *Political Corruption: A Handbook*.

¹³ See *G.E. Caiden / Naomi Caiden*, Administrative Corruption, *Public Administration Review*, Vol. 37, No. 3 (1977), pp. 301-309 and *G.E. Caiden / Naomi Caiden*, Administrative Corruption (1977) Revisited, *Philippine Journal of Public Administration*, Vol. XXXVIII, No. 1 (January 1994), pp. 1-17.

¹⁴ *Werlin*, Revisiting Corruption: With a New Definition.

¹⁵ *Ibid.*, p. 550.

¹⁶ See *Caiden / Caiden*, Administrative Corruption and *Caiden / Caiden*, Administrative Corruption (1977) Revisited.

ized and institutionalized that organizational supports back wrong-doing and actually penalize those who live up to the old norms¹⁷.

The features of systemic corruption, according to Caiden and Caiden are:

- the organization professes an external code of ethics which is contradicted by internal practices;
- internal practices encourage, abet, and hide violations of the external code;
- non-violators are penalized by foregoing the rewards of violation and offending violators;
- violators are protected, and when exposed, treated leniently; their accusers are victimized for exposing organizational hypocrisy, and are treated harshly;
- non-violators suffocate in the venal atmosphere; they find no internal relief and much external disbelief;
- prospective whistle-blowers are intimidated and terrorized into silence;
- courageous whistle-blowers have to be protected from organizational retaliation;
- violators become so accustomed to their practices and the protection given them that, on exposure they evidence surprise and claim innocence and unfair discrimination against them;
- collective guilt find expression in rationalizations of the internal practices and without strong external supports there is no serious intention of ending them; and
- those formally charged with revealing corruption rarely act and, when forced by external pressure to do so, excuse any incidents as isolated, rare occurrences¹⁸.

Irrespective of the nuances of corruption, one could not be considered apart from the other. They are like two sides of the same coin. All of them involve the illegitimate and unethical use of public office for personal and private advantage. The various forms/types of corruption cover abuses of public authority that offend, unprincipled conduct that is shameful, and uses of public power exploit. They include all forms of deviation from commonly accepted standards of rectitude and integrity expected of persons placed in authority over the community to shape its destiny, guide its fortunes and set the example for the next generation. In a nutshell, the nuances of corruption involve the intentional mis-performance, transgression and neglect of recognized official duties that damage the public and harm public interests¹⁹.

¹⁷ Caiden / Caiden, Administrative Corruption, p. 306.

¹⁸ *Ibid.*, pp. 306-7.

¹⁹ Caiden / Caiden, Administrative Corruption (1977) Revisited.

Causes and Consequences of Corruption in the African Public Service

Causes of Corruption

The causes of corruption in Africa's public services are numerous and complex. A number of reasons have emerged as contributing to the flourishing of corruption in the African public service.

First, the prevalence of corruption in the public service in Africa is the result of the difficult task of insulating politics from the public service. The argument is often made that if public officials can resist the temptation to allow their self-serving, that is, political tendencies to undermine their official duties, they will be free of corruption. This to Werlin²⁰ is impossible for the following two reasons:

- Administrators are inevitably guided by politicians who, however altruistic they may be, are motivated by the need to seek for themselves and their supporters special advantages. Such advantages directly or indirectly divert public resources to private gains. As Caiden²¹ points out, probably with Machiavelli in mind: "Why should anyone take on the burdens and responsibilities of public leadership if there were no personal advantages, no compensating reward?" An administrator who seeks to escape such political pressure may be, quite correctly, seen as insubordinate and untrustworthy. Administrators, after all, have a duty to be responsive to their political leaders inasmuch as administrators have themselves no political mandate.
- Administrators are themselves politicians, struggling for higher salaries and promotion. If administrators cease to compete among themselves within their agencies and with colleagues of other agencies, they are likely to become listless and useless. To motivate public servants, one must stimulate their "self-serving" tendencies. Much of the recent movement towards the privatization of public services is to stimulate administrators to better performance by dangling the profit motive in front of their eyes.

Second, the resilience and increasing scale of corruption in the African public service has been attributed to the disruptive nature of the reforms being imposed on African countries and the weakness of the remedies against corruption which these reforms embody. In the words of Szeftel:

²⁰ Werlin, *Revisiting Corruption: With a New Definition*.

²¹ G.E. Caiden, *Public Service Ethics: What Should be Done?*, in: K. Kernaghan / O.P. Dwivedi (eds.), *Ethics in the Public Service: Comparative Perspectives*, International Institute of Administrative Sciences, Brussels, 1983, p. 4.

Seminars, handbooks and education are important and uplifting, and economic sanctions worrying for governments, but they are unlikely to influence individuals being offered thousands of dollars by multinationals or by drug dealers. More importantly, structural adjustment, liberalization and even democratic reforms have played a significant part in weakening the regulatory capacity of the state by removing oversight responsibilities. By reducing state funding and excluding it from various areas of activity, adjustment programmes have undermined the possibility of improving auditing, investigation and enforcement. Governments trying to meet Consultative Group conditionalities have to meet demands for improved standards of public conduct with fewer resources²².

Although deregulation and privatization have been offered as the "only viable prospect of curtailing corruption in the third world"²³, evidence has shown that this assertion is untrue in practice. As Szeftel has rightly pointed out:

... deregulation has weakened the capacity of the state to control corruption while privatization has created a host of opportunities for personal accumulation. Deregulation ... reduces the capacity of government to tighten rules governing government-corporate relations. In Africa, where the rules have traditionally been poorly observed and enforced, deregulation reduces government capacity still further and makes it particularly difficult to control interactions between private interests and public officials. It also creates opportunities for public figures to use their positions to obtain privileged access within the marketplace. ... Privatization ... has also produced opportunities for acquiring public resources. Instead of a programme of commercialization of run-down state corporations before privatization, adjustment conditionalities and donor deadlines frequently forced a rapid divestment of physical assets at knockdown prices. This permitted politicians and officials to use their "insider" positions to buy them up. It has generated a great deal of resentment about high-level corruption; it has managed both to encourage corruption and reduce the legitimacy of democratization²⁴.

While criticizing donor reforms as the cause of the upsurge in corruption in the public service in Africa, it is instructive to note that corruption is also a product of state intervention since the one-party states and parastatals companies did provide officials with opportunities to treat public resources as their personal property. This notwithstanding, liberalization has also created a set of new problems while not always eradicating the old sources of dishonesty. The use of patronage and bureaucratic "rent-seeking" have not been ended

²² M. Szeftel, *Misunderstanding African Politics: Corruption and the Governance Agenda*, Review of African Political Economy, No. 76 (1998), p. 223.

²³ R. Theobald, *Corruption, Development and Underdevelopment*, Macmillan, London, 1990, p. 158.

²⁴ Szeftel, *Misunderstanding African Politics: Corruption and the Governance Agenda*, p. 223.

by market reforms; rather they have been joined by new kinds of graft and thus increased opportunities for corruption. In the view of Heywood:

... the imposition of market mechanisms in the absence of adequate legal underpinnings created plentiful opportunities for rampant corruption in post-Soviet Russia. Yet even if Russia represents an extreme case, the exaltation of the market in established democracies has also engendered a certain disdain for regulatory mechanisms and established rules of conduct. In contrast, therefore, to those who see state regimentation and bureaucracy as the principal cause of corruption, it is equally plausible to make the case that deregulation has blurred the lines between public and private spheres, whilst the emphasis on the market, competitiveness and profit has devalued a "sense of state".²⁵

Third, is the inadequate remuneration to public officials where public sector wages fall below a living wage. As a result a number of behaviour patterns, which one can refer to as "survival strategies", ensue:

- Public servants cease to place any value on the job they hold. Individuals may feel forced to augment their income from outside sources (second jobs, absenteeism, moonlighting);
- Unnecessary or extended foreign travels may be undertaken by government officials. Windfalls coming from foreign travel are seen as unofficial (and tax-free) way of bringing income up to an acceptable level.
- "Ghost" names will appear on the public payroll. Persons who are deceased or retired will continue to be paid, and fictitious names will appear so that as much as a quarter of those on the public payroll are actually non-existent; and
- If the salary differentials from promotions are low, any salary increase would be unlikely to reflect adequately the work and responsibility that accompany such a promotion. This leads to low motivation for merit-based advancement;
- Superiors in the public service charging "rents" from their subordinates, requiring them to raise set sums each week or month and to pass these upwards;
- Providers of public services (for example, drivers' licence, market stall permits, issuing of passports) insisting on payments to speed up service or prevent delays; an
- Law enforcement officials extorting money for their won benefit by threatening to impose penalties unless bribes are paid (which are frequently less than the penalty the offence would attract if it went to court²⁶).

²⁵ Heywood, *Political Corruption: Problems and Perspectives*, p. 14.

²⁶ *Stapenhurst / Langseth, The Role of the Public Administration in Fighting Corruption.*

It has, however, been pointed out that low wages and salaries are not a potent reason for the incidence of corruption in the public sector in Africa, because, if inadequate remuneration were the cause, then it would be hard to explain why industrialized countries are beset with scandals, whose public officials earn decent and living remuneration and income.

Fourth, the prevalence of corruption in Africa's public service is due to the alarming abuse of immense state and discretionary power conferred on public officials. Activities associated with the abuse of state and discretionary power include:

- public officials taking percentages on government contracts, which are then often paid into foreign bank accounts;
- public officials receiving excessive "hospitality" from government contractors and benefits in kind, such as scholarships for the education of children at foreign universities;
- public officials contracting government business to themselves, either through front companies and "partners" or even openly to themselves as "consultants"; and
- political parties using the prospect of power, or its continuation, to levy large rents on, for example, international businesses in return for government contracts (which may be dressed up as a "donation" to a designated "charity"²⁷.

Fifth, corruption flourishes because of the use of public office by public officials to further their private financial interests as well as the fusion of state resources with those of private or government ones. Potential conflicts of interest exist whenever a public servant or member of his family has an ownership interest in a firm that does business with the government or that can benefit from state policy²⁸.

Sixth, corruption is on the ascendancy in the public sector because African societies seem to be encouraging and facilitating it. Individuals and social groups have lost their traditional and religious values and beliefs, and thus their conscience. Consequently, public servants are becoming more corrupt and tolerating corrupt behaviour more. In addition, "growing greed and avarice" due to rising expectations from social groups have made public officials greedier than before²⁹.

²⁷ *Rose-Ackerman*, *Corruption and Government: Causes, Consequences and Reform*, p. 118.

²⁸ *Ibid.*

²⁹ See *Bertha Osei-Hwedie / Kwaku Osei-Hwedie*, *The Political, Economic and Cultural Bases of Corruption in Africa*, in: *K.R. Hope Snr / B.C. Chikulo* (eds), *Corruption and Development in Africa: Lessons from Country Case Studies*, Macmillan and St Martin's Press, 1999, Chapter 2.

Consequences of Corruption on the Public Service

The negative effects of corruption on the public service in Africa include the following:

- Erodes public trust and confidence in the public service leading to its loss of legitimacy;
- Fosters a climate of neo-patrimonialism – a perverse system that awards economic and political benefits to politicians and their followers;
- Engenders wrong choices;
- Encourages competition in bribery, rather than in quality, and price of goods and services;
- Distorts economic and social development;
- Hinders administrative development and performance partly because of its institutional spillover effects. It has been found that corrupt public officials export their corrupt activities to other institutions by extending influence and pressure on other public officials as a means of sustaining rent-seeking opportunities;
- Affects professionalism in the African public services and leads to frustration on the part of the few honest public servants to the extent that they emigrate;
- Affects political stability in Africa because it leads to violence and frequent regime changes. When political development and stability are undermined then the process of national development is also undermined;
- Threatens good governance because of its potential to "redirect" aid, subverts policy reforms and undermine market institutions³⁰.

In short, corrupt leaders and officials unquestionably deepen the poverty of their people. Public expenditure decisions are fuelled by private gain and subsidized by bribes with scant regard for the good of the country or its people. Corruption can thus be seen as a cause of poverty, and not only a result of it³¹.

³⁰ See *K.R. Hope*, Corruption and Development in Africa, in: *K.R. Hope Snr / B.C. Chikulo* (eds.), *Corruption and Development in Africa: Lessons from Country Case Studies* (Macmillan and St Martin's Press, 2000), Chapter 1; *Stapenhurst / Langseth*, *The Role of the Public Administration in Fighting Corruption*; *Szeftel*, *Misunderstanding African Politics: Corruption and the Governance Agenda*; and *R. Klitgaard*, *Cleaning up and Invigorating the Civil Service, Public Administration and Development*, Vol. 17 (1997), pp. 487-509.

³¹ See *Rose-Ackerman*, *Corruption and Government: Causes, Consequences and Reform*; *Szeftel*, *Misunderstanding African Politics: Corruption and the Governance Agenda*; *Szeftel*, *Between Governance and Underdevelopment: Accumulation and Africa's "Catastrophic Corruption"*; *V.T. LeVine*, *Political Corruption: The Ghana Case*, Hoover University Press, Stanford, CA, 1975; and *V.T. LeVine*, *Administrative Corruption and Democratization in Africa: Aspects of the Theoretic Agenda, Corruption and Reform*, Vol. 7, No. 3 (1993), pp. 272-278.

Reducing Corruption in the Public Service

In the face of market reforms and the democratisation process, the future of the public service lies in significantly reducing corruption since it is impossible to eliminate corruption. Consequently, African governments must endeavour to improve the conditions affecting "political software" with particular attention to factors such as improper policies, unqualified or unmotivated personnel, ineffective supervision, illegitimate laws and regulations and contempt for constitutional requirements rather than emphasize the "political hardware" such as methods and organizational structures to use to improve administration³².

The following measures will have to be taken by governments to reduce corruption in the public service in Africa:

1. The promotion of a national integrity system and the fight against corruption that is politically-inclusive and citizen friendly. This requires:

- a committed political leadership that shows its commitment by willingly submitting to a comprehensive monitoring of assets, incomes, liabilities and life-styles;
- participation by public service unions and other employees' groups;
- involvement of professional groups as well as community and religious leaders (civil society organizations); and
- public involvement and participation in the reform process, with proposed changes debated widely to generate a sense of ownership among the public and reinforce the values embodied in reform³³.

2. The responsibility for maintaining standards and minimizing corruption within the public service falls on the public service itself. If properly conceived, regulations governing conflict of interest in the public service must be directed towards erecting and maintaining an administrative and management system to protect the public decision-making process. Rather than detecting and punishing the wrongdoer after the act, such a system reduces the risk of corruption occurring in the first place. In a well-managed administrative system, the incidence of corrupt practices would be minimized and, where they did occur, swift disciplinary action would be the norm. Focus should be placed, therefore, on reforming public service procedures and systems to make them more accountable to the public interest. In other words, "in an environment of systemic corruption, significant public service reform will prove to elusive if corruption is ignored. In fact, the result could be a reformed but

³² Werlin, *Revisiting Corruption: With a New Definition*.

³³ *Stapenhurst / Langseth, The Role of the Public Administration in Fighting Corruption*.

more efficiently corrupt system. Corruption should be faced from the onset of the reform process and dealt with as an integral part of the process³⁴.

3. Fighting corruption requires a clear ethical commitment by the political leaders to combat corruption wherever it occurs. One promising extension of this principle is the establishment of a public sector ethical code in some countries. The code sets out the ethos which should guide those in managerial/leadership positions; it reminds them of their responsibilities to the public and requires declarations of assets and income. Yet, these codes have not met with great success in most African countries, mainly because of lack of enforcement. Establishing and maintaining ethical codes depends on a number of critical conditions:

- the ethical environment must be accepted by a broad segment of the public sector;
- deviations must be dealt with equally and consistently across the public sector;
- the ethical environment requires political commitment and leadership, as well as broad support by civil society³⁵.

4. One of the key instruments for maintaining integrity of the public service is the periodic completion by all in positions of influence of forms stating their income, assets and liabilities. Disclosure of assets and income certainly will not be accurately completed by those taking bribes. However, it will force them to record their financial position and, in so doing, lay an important building block for any subsequent prosecution. However, today's evidence points to the inadequacy of any voluntary or informal system. Corruption can be reduced only if it is made a high-risk and a low-return undertaking. Disclosure may be made by public servants to the Ombudsman, Speaker or publicly to the people at large³⁶.

5. The inadequacy of public sector salaries contributes greatly to corrupt activities at the level of need, of petty corruption. Ensuring living wages is crucial to public sector efficiency and effectiveness. It is essential, of course, for public servants and the public at large to understand fully the rationale behind any major public sector pay rises, and for them to

³⁴ *Ibid.*, p. 320.

³⁵ See *J.R.A. Ayeé*, *A Code of Ethics for Public Officials: The Ghanaian Experience, 1992-96*, *International Review of Administrative Sciences*, Vol. 63, No. 3 (September, 1997), pp. 365-375; *J.R.A. Ayeé*, *A Decade of Accountability under Rawlings' PNDC Government in Ghana*, *Greenhill Journal of Administration*, Vol. 11, (1998), pp. 43-65; *J.R.A. Ayeé*, *Ghana: The Search for Continuing Cures in the Fight Against Corruption*, in: *K.R. Hope Sr. / B.C. Chikulo* (eds.), *Corruption and Development in Africa: Lessons from Country Case Studies*, Macmillan and St Martin's Press, 2000, Chapter 9, pp. 183-197; *J.R.A. Ayeé*, *How to make Governments Transparent in Africa: The Ghanaian Case*, *CAFRAD Studies and Documents*, No. 11 (2000), pp. 11-31; *J.R.A. Ayeé*, *Saints, Demons, Wizards and Demons: Explaining the Success or Failure of Public Policies and Programmes (Inaugural Lecture)*, Ghana Universities Press, Accra, 2000; *Rose-Ackerman*, *Corruption and Government: Causes, Consequences and Reform*.

³⁶ *Hope*, *Corruption and Development in Africa*.

appreciate that, together with the benefit of higher pay, comes the responsibility of enhanced accountability. Raising pay with no increases in oversight could simply result in prospective job candidates paying for the privilege of obtaining a government job³⁷.

6. A discretionary element in decision-making contains the potential for abuse. Eliminating discretionary decisions altogether, while resolving the dilemma, would be impossible and impractical. Instead, in those areas where discretion must be maintained, it would be more realistic to reduce the "monopoly power" of bureaucrats by providing rival sources of supply. It is possible to limit the scope for abuse more systematically by keeping the areas for discretion narrowly defined and by providing clear, public guidelines for the exercise of this discretion³⁸.

7. Administrative reform within the public service can help minimize the opportunities for corrupt practices. Such measures include:

- improving working methods and procedures to reduce delay;
- carrying out surprise checks on the work of officers;
- instituting in-service training for public servants at all levels, together with the formulation and dissemination of clearly defined ethical guidelines and rules of conduct;
- developing channels for complaints to enable junior officials to complain about their superior's corruption;
- rewarding achievement, recognizing good behaviour and acclaiming role models; and
- improving public service procurement procedures.

8. Governments in Africa have sought to bolster detection efforts by introducing independent anti-corruption agencies or commissions. Given that prevention is more efficient and effective than prosecution, a small investigative and monitoring unit with appropriate authority – perhaps reporting directly to the legislative body – may be much better placed to ensure that effective preventive steps are identified and taken. Klitgaard³⁹ has indicated that by developing an effective Independent Commission Against Corruption, Hong Kong's government was able to significantly reduce police corruption between 1960 to the late 1980s. To operate successfully, an anti-corruption agency should possess the following:

³⁷ *Heidenheimer / Johnston / LeVine* (eds.), *Political Corruption: A Handbook*; and *R. Klitgaard*, *Combating Corruption and Promoting Ethics in the Public Service*, Paper No. 7 Regional Conference on "Public Service in Transition: Enhancing its Role, Professionalism, Ethical Standards and Values", Thessaloniki, Greece, 17-20 November 1997.

³⁸ See *Klitgaard*, *Controlling Corruption*; *Heywood*, *Political Corruption: Problems and Perspectives*; *J.G. Jabbara / O.P. Dwivedi* (eds.), *Public Service Accountability: A Comparative Perspective*, Kumarin Press, West Hartford, Conn., 1989; and *M. Johnston*, *The Political Consequences of Corruption*, *Comparative Politics* (July, 1986), pp. 459-477.

³⁹ *Klitgaard*, *Controlling Corruption*.

- committed political backing at the highest levels of government;
- political and operational independence to investigate even the highest levels of government;
- adequate powers of access to documentation and to question witnesses; and
- leadership which is publicly perceived as being of the highest integrity.

9. Punish some major offenders. In situations where corruption has grown extensive, people no longer believe even the finest promises from politicians and chief executives. When a culture of impunity exists, the only way to break it is for a number of major corrupt figures to be convicted and punished. Often there are many cases pending in some African countries, which have been set aside for reasons ranging from political sensitivity to corrupted justice officials. These cases should be pushed forward, or the government should quickly attempt to identify a few big tax evaders, a few big bribe givers, and a few high-level government bribe takers. Since a campaign against corruption can too often become a campaign against the opposition, the first "big fish" that are fried should be from the party in power.

10. Supreme audit institutions (like the Auditor-General) are in many ways the linchpin of a country's integrity system. As the agency responsible for auditing government income and expenditure, the supreme audit institution acts as a watchdog over financial integrity and the credibility of reported information. The supreme audit institution is of such significance that it warrants special provisions concerning appointment and removal procedures, and the protection of the office-holder's independence from the control of the governing party, politicians and senior civil servants. The issues of selection, accountability and authority of the institutions have been incorporated into the constitutions of African countries. Unfortunately, supreme audit institutions have been vulnerable to pressure from the executive. To ensure its independence, the supreme audit institutions should have relative freedom to manage their budget, and to hire and assign competent professional staff⁴⁰.

11. International cooperation can help develop or stiffen political resolve against corruption. International action usefully conveys the recognition that we all involved in the problem of corruption and together we must find ways out. The international community/donors should take steps that acknowledge that international actors are also part of the problem and part of the solution. It is in this light that the OECD recommendation of 1997 and its focus on bribery in international business transactions have strategic importance. Because of the insensitivity corruption, foreigners must recognize their own complicity in many corrupt activities⁴¹.

⁴⁰ *Stapenhurst / Langseth*, The Role of the Public Administration in Fighting Corruption; *Klitgaard*, Controlling Corruption; and *Klitgaard*, Cleaning up and Invigorating the Civil Service.

⁴¹ *Klitgaard*, Cleaning up and Invigorating the Civil Service.

Conclusions: Recommendations

Even though a number of efforts have been made to control corruption in Africa's public service by improving institutional performance and policing – greater transparency and accountability, more effective oversight and punishment – and by building a political culture intolerant of corruption, the results have produced disappointing results. Failure to deal with corruption has compounded cynicism and weakened faith in Africa's "new" democratic governments, which have been rocked by scandals and incidence of corruption. The disappointing results of strategies towards combating corruption is attributable to three main reasons, namely:

- the anti-corruption strategies pursued by the international donors and imposed on African countries are inadequate because of weaknesses in their conception of the state;
- the reforms introduced through liberalization (a weakening of the state, deregulation and privatization) create new conditions in which corruption have flourished; and
- the fundamental features of African politics will need to change before such anti-corruption measures can hope to succeed⁴².

The future of the public service in Africa depends on the acknowledgement by all that corruption is a crime of calculation, not passion. It is true that there are saints in the public service who resist all temptations, and honest public officials who resist most. But when the size of the bribe is large, the chance of being of being caught small and the penalty if caught meagre, many public officials succumb to the advances of corruption. Consequently, combating corruption begins with better systems. Monopolies must be reduced or carefully regulated. Official discretion must be clarified. Transparency must be enhanced. The probability of being caught must increase, and the penalties for corruption (for both givers and takers) must rise⁴³.

The possibilities of combating or reducing corruption in the public service involves a certain amount of "cultural engineering" and the establishment of a "national integrity system", which must make corruption a high-risk and low-return undertaking.

We must seek the evolution of civic virtue – that is, the respect for publicness and community. We must endorse the mission of legitimate whistle-blowers. In addition to protection,

⁴² *Rose-Ackerman*, Corruption and Government: Causes, Consequences and Reform; *Szeftel*, Misunderstanding African Politics: Corruption and the Governance Agenda; and *Szeftel*, Between Governance and Underdevelopment: Accumulation and Africa's "Catastrophic Corruption".

⁴³ *Klitgaard*, Cleaning up and Invigorating the Civil Service.

we must guide whistle-blowers operating in an environment of corruption. Codes of conduct are often too general and idealistic to be of much help. The reality of systemic corruption is relative – its subjective, political characteristics elude definition and agreement.

Public servants cannot get "up to code" in corrupt systems because systemic corruption has the power to effectively insulate the corrupt from denunciation and removal. Yet, the inability to adhere to codes of conduct adds to the ceaseless criticism of the public service.

Codes of conduct miss the mark because they are directed at the wrong target – the good public servants who follow them, not the corrupt ones⁴⁴. The real target should be corrupt conduct. A new process of socialization, strengthened by well-publicized corruption control guidelines, implemented within the public service and among the public at large seems to be the best remedy for corruption. Codification of corruption would serve as a social reference point. For example, the New York City Police Department has devised an administrative manual, which provides for the identification of corruption, including procedures for control, enforcement policy and accountability⁴⁵.

To make inroads into corruption, a genuine public service ideology must be cultivated. Bold and informed administrative and political initiatives and active if not violent dissent could make the prospects for administrative reform brighter than they have been for decades in the African public service.

Finally, it is instructive to note that one cannot hope to eliminate corruption. In the words of Werlin:

Just as to eliminate disease, we would have to destroy life (because disease is essential to life), we cannot eliminate corruption without undermining partisanship – an essential aspect of politics. Yet, as we can use science to control disease, we can use statesmanship to control partisanship. In other words, ... the roots of corruption lie, not so much in excessive partisanship or selfishness ... as in the failure of the political system to protect the public from the inevitable challenges or dangers of the competitive process⁴⁶.

⁴⁴ See *Caiden*, Public Service Ethics: What Should be Done?; *Ayee*, A Code of Ethics for Public Officials: The Ghanaian Experience, 1992-96; and *Ayee*, A Decade of Accountability under Rawlings' PNDC Government in Ghana.

⁴⁵ See *Samuel Paul*, Accountability in Public Services: Exit, Voice and Control, *World Development*, Vol. 20, No. 7 (1992), pp. 1047-1060; *Caiden*, Public Service Ethics: What Should be Done?

⁴⁶ *Werlin*, Revisiting Corruption: With a New Definition, p. 556.

If we cannot engineer incorruptible public officials and citizens, we can nonetheless foster competition, change incentives and enhance accountability. In short, African governments must be able to "fix the systems that breed corruption". This is the major challenge that faces Africa's public service.