

# Corruption and State Instability in West Africa: An Examination of Policy Options

*By Samuel Mondays ATUOBI*



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## 1. INTRODUCTION

*Corruption represents a threat “...to the stability and security of societies, undermining the institutions of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law”. – Preamble to the UN Convention on Corruption*

Since their inception, West African states have been facing corruption as a major problem. In some cases, it has attained levels of gross and egregious theft, for which no possible moral or historical justification can be advanced, and which has played a major role, both in the impoverishment of the region as a whole and specifically in the alienation of its people from their rulers.<sup>1</sup>

The existence of widespread corruption, especially in societies beset by mass poverty and very high levels of unemployment, has a deeply corrosive effect on trust in government and contributes to crime and political disorder.<sup>2</sup>

In the political realm, corruption undermines democracy and good governance by flouting or even subverting formal processes. Corruption in legislative bodies reduces accountability and distorts representation in policymaking; corruption in the judiciary compromises the rule of law; and corruption in public administration results in the unequal distribution of services. More generally, corruption erodes the institutional capacity of government as procedures are disregarded, resources are siphoned off, and public offices are bought and sold.<sup>3</sup> At the extreme, unbridled corruption can lead to state fragility and destructive conflict, and plunge a state into “unremitting cycle of institutional anarchy and violence”.<sup>4</sup>

In as much as corruption destroys the legitimacy of government in the eyes of those who can do something about the situation, it contributes to instability. In Ghana and other West African states, corruption and embezzlement of public funds have often been cited among the reasons for military takeovers.<sup>5</sup>

For the past two decades, internal conflicts with spillover effect have severely disrupted West African social and economic development. The states of the Mano River Union – Guinea, Liberia, and Sierra Leone – have been embroiled in civil wars that have had negative impact on their neighbours. Low intensity conflict in the Casamance region of Senegal has intermittently engaged The Gambia, Guinea Bissau, and Senegal for the past decade, while the oil-rich Bakassi Peninsula has been the source of conflict between Cameroon and Nigeria. More often than not, corruption has played a key role in fomenting and prolonging these conflicts by serving as the basis for grievance against political leaders and violent

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<sup>1</sup> UN Office for West Africa (UNOWA), *Life after State House: Addressing Unconstitutional Changes in West Africa*, Issues Papers, March 2006 p.38.

<sup>2</sup> Ibid.

<sup>3</sup> See “Political Corruption” – Wikipedia, [http://en.wikipedia.org/wiki/Political\\_corruption](http://en.wikipedia.org/wiki/Political_corruption) (Accessed:7/3/07).

<sup>4</sup> Theobald R. 1990. *Corruption, Development and Underdevelopment*, Macmillan: Basingstoke p. 130.

<sup>5</sup> Ayee, J., “Political and Social Consequence of Corruption” in *Corruption and Development in Africa*, Proceedings of a Seminar Organized by the Ghana Academy of Arts and Sciences with Friedrich Ebert Foundation from 17 – 19 June 2002, p.36.

political change. Internal conflicts in West Africa are commonly financed by the illegal sale of arms or the illicit extraction of high value natural resources such as diamonds, gold, and timber.<sup>6</sup> Weapons trafficked across the sub-region are eventually used by rebel groups and criminals for fighting civil wars, as in the case of Liberia, Sierra Leone and Cote D'Ivoire, among others, or used for armed robbery.<sup>7</sup> Corruption also represents a threat to peacebuilding in post conflict states in West Africa.<sup>8</sup>

In spite of the negative effects of corruption on development, peace and security, anti-corruption campaigns in the member states of the Economic Community of West African States (ECOWAS) are often cosmetic and rarely address the fundamental problems.<sup>9</sup> Equally, there is lack of adequate research on the relationship between corruption and state stability, particularly in West Africa. An earlier attempt to place corruption on the ECOWAS agenda is found in the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.<sup>10</sup> The Protocol on Democracy and Good Governance<sup>11</sup> also recognizes the need to fight corruption. In December 2001, the Protocol on the Fight against Corruption was adopted by ECOWAS member states to help address the negative impact of corruption on the political and economic stability of the sub-region.<sup>12</sup> The adoption of the anti-corruption protocol by ECOWAS thus represents an attempt by the regional body to legalize and institutionalize the fight against corruption.

This paper raises a number of questions on corruption and state instability in West Africa and attempts to answer them: (a) What are the manifestations of corruption in West Africa? (b) Is there a causal relationship between corruption and state instability? (c) To what extent does corruption undermine state stability? (d) And what policy options are available to ECOWAS to address it? In a more specific way, this paper discusses the nexus between corruption and state instability in the West Africa sub-region and explores the policy options available to ECOWAS in addressing it. The paper argues that anti-corruption measures should be viewed as an important conflict prevention tool, an agenda for the promotion of peace and security in the sub-region.

The paper is organized as follows: First, a literature review of the theoretical understanding of corruption. This is followed by an analysis of the level of corruption in the sub-region using Transparency International's (TI) annual Corruption Perception Index (CPI). The next section is devoted to a discussion on the nexus between corruption and state instability citing examples from the sub-region. This section is followed by an examination of policy options

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<sup>6</sup> See Conflict and Anti-Corruption Overview at

<http://www.usaid.gov/missions/westafrika/cprevention/overview/index.htm>. (Accessed:28/7/07).

<sup>7</sup> Addo, P., *Cross-Border Activities in West Africa: Options for Effective Responses*, KAIPTC Paper No. 12, May 2005 p. 6.

<sup>8</sup> In Liberia the realization by the international community that corruption posed a threat to the prospect of stable peace led to the setting up of the Governance and Economic Management Programme in 2005 to improve economic governance. The same realization informed the setting up of an anti-corruption commission in Sierra Leone, in 2000.

<sup>9</sup> See Global Corruption Report 2003, West Africa at

<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN008451.pdf> (Accessed: 5/7/07).

<sup>10</sup> See Articles 46, 48, 49 of the *ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*, Abuja, December, 1999.

<sup>11</sup> See Article 38 of the Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.

<sup>12</sup> The ECOWAS Protocol on the Fight against Corruption was adopted on 21 December 2001 in Dakar, Senegal, during the 25<sup>th</sup> Session of the Authority of Heads of State and Government.

available to ECOWAS for dealing with corruption. Here, emphasis is laid on the ECOWAS Protocol on the Fight against Corruption, especially with regard to its place in the anti-corruption architecture of the sub-region. The final section concludes with a call for concrete sub-regional-led anti-corruption policies.

## 2. THE PORTRAIT OF CORRUPTION

### 2.1 Understanding Corruption

Corruption as a social, legal, economic and political concept is entangled in ambiguity and thus encourages controversy. Some of the conceptual clarifications of corruption have come from moralists, functionalists, social censurists, and social constructionists and realists. The moralists consider "corruption as 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".<sup>13</sup> Nye is one of the prominent proponents of this view. He defines corruption as "a behaviour that deviates from the formal duties of a public role (elective or appointive) because of private-regarding (personal, close family, private clique) wealth or status gains, or violates rules against the exercise of certain types of private-regarding influence".<sup>14</sup> The moralist view of corruption is criticized on the basis that it "tends to individualize a societal phenomenon and attempts to dichotomize as to what is good and what is bad. In the process societal contexts are ignored and the gap between formal norms and the underlying practice-girded norms are not analyzed".<sup>15</sup>

The functionalists point to the possible benefit of corruption, suggesting that it can speed up cumbersome procedures, buy political access for the excluded, and perhaps even produce *de facto* policies in a more effective way than those emerging from legitimate channels.<sup>16</sup> The major criticisms against functionalists are that they ignore the political significance of deviance and lack any consideration of power, interest and social structure in their analyses and at the same time the whole question of the origins of corruption is not considered.<sup>17</sup> The functionalist interpretation that corruption has some benefits has been challenged due to recent studies that have revealed negative effects of corruption, and as Cartier-Bresson puts it, "The functionalist ...view [of] corruption as a system that lubricates the cogs of the bureaucratic machine, have disappeared. Economists have reached a consensus on the very negative effects of the phenomenon..."<sup>18</sup>

Two recent perspectives – Social Censure and Social Construction realists – view corruption fundamentally different from the functionalists. The proponents of Social Censure theory believe that in understanding corruption one should take into consideration the capacity of the

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<sup>13</sup> Gould, D.J. "Administrative Corruption: Incidence, Causes, and Remedial Strategies" in Farazmand, A. ed. *Handbook of Comparative and Development Public Administration*, Marcel Dekker: New York 1991 p. 468.

<sup>14</sup> Nye, J. (1979). "Corruption and Political Development: A Cost-Benefit Analysis" in Ekpo M.U. ed. *Bureaucratic Corruption in Sub-Saharan Africa: Toward a Search for Causes and Consequences*, University Press of America: Washington, D.C., 1997 p. 417.

<sup>15</sup> Khan, M. M. Op cit p.3.

<sup>16</sup> Aye, J., "Political and Social Consequence of Corruption", op cit. p.37.

<sup>17</sup> Lo, T.W., *Corruption and Politics in Hong Kong and China*. Buckingham: 1993, Open University Press p. 3.

<sup>18</sup> Cartier-Bresson, J., "From the State of the Question to the Question of the State", Copenhagen: Copenhagen Consensus Opponent Notes on Poor Governance and Corruption, April 2004 p.2 at [http://www.copenhagenconsensus.com/Files/Filer/CC/Papers/Opponent%20notes/Opponent\\_Note\\_-\\_Governance\\_-\\_Cartier-Bresson.pdf](http://www.copenhagenconsensus.com/Files/Filer/CC/Papers/Opponent%20notes/Opponent_Note_-_Governance_-_Cartier-Bresson.pdf) (Accessed: 26/9/07)

state to produce a particular form of social relations and shift the theoretical emphasis to the interplay of law, ideologies and political economy.<sup>19</sup> On the other hand, Social Construction realists view corruption as problematic and the actors involved can be studied by relating them to contextual information on their social positions, interests and stakes in the system as well as on the political, economic and social conditions within which they function.<sup>20</sup>

A fairly new concept that has been introduced to enhance the understanding of the nature of corruption in different societies is the “Corruption Syndromes”. A corruption syndrome is defined by the political and economic dynamics that a country has experienced and, within these dynamics, how people participate in them and how institutions have been established to define their rules and boundaries.<sup>21</sup> For instance, the nature and level of corruption in advanced democracies with solid political and economic institutions is likely to be different from those countries in transitional stage of democratization and economic reforms.<sup>22</sup> Equally fragile states or countries emerging from conflict with weak political and economic institutions will experience different dynamics of corruption. Corruption syndromes perhaps, better explains the high level of corruption in most West African countries, which are principally made up of countries undergoing democratic transition, economic reform or emerging from conflict.

## 2.2 Defining Corruption

There is no universally agreed definition for corruption. The difficulty in coming up with a universally accepted definition is due to the fact that what constitutes an act of corruption differs from state to state and culture to culture.<sup>23</sup> The most acceptable definitions of corruption had come from the legal realm. But legal-based universally accepted definition of corruption has also been challenged on account that “legal traditions also change over time and are highly inter-related with the socio-political and cultural context.”<sup>24</sup> The danger in the lack of universalized but culture-relative definition of corruption is the tendency for corrupt individuals to hide behind the cultural antics to perpetuate corrupt practices at the expense of society in general.

The lack of consensus on a common definition of corruption as a social, political, security and development issue has led to the outpouring of several definitions. The United Nations (UN) defines corruption as:

“An abuse of public power for private gain that hampers the public interest. This gain may be direct or indirect.... Corruption entails a confusion of the private with the public sphere or an illicit exchange between the two spheres. In essence, corrupt practices involve public officials acting in the best interest of private concerns (their own or those of others) regardless of, or against, the public interest.”<sup>25</sup>

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<sup>19</sup> Ibid p.5.

<sup>20</sup> Pavorala, V., *Interpreting Corruption: Elite Perspectives in India*. New Delhi: Sage, 1996 p. 25.

<sup>21</sup> See USAID, *Corruption Assessment Handbook – Draft Final Report*, Washington May 2006 p. 8.

<sup>22</sup> Ibid.

<sup>23</sup> See United Nations Manual on Anti-Corruption Policy, Vienna, June 2001, p. 7 at <http://www.unodc.org/pdf/crime/gpacpublications/manual.pdf> (Accessed: 16/7/07).

<sup>24</sup> Ibid.

<sup>25</sup> United Nations Manual on Anti-Corruption Policy Opt cit p. 15.

The above definition falls short in several respects. One, it does not capture private sector corruption which is equally distractive to investment and economic growth. Secondly, it refrains from naming what constitute an act of corruption. Thirdly, the definition does not mention who the holders of “public power” are. The definition provided by TI improves on the UN definition by making reference to “politicians” and “civil servants” as “public power” holders. According to TI, corruption is

“Behaviour on the part of officials in public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them by abuse of public power entrusted to them. This would include embezzlement of funds, theft of corporate or public property as well as corrupt practices such as bribery, extortion or influence peddling”.<sup>26</sup>

The World Bank introduces the private sector into its definition. By capturing the private sector in its definition, the Bank refocuses attention on corruption on a much larger scale. The Bank in its definition states that

“Corruption involves behaviour on the part of officials in the public and private sectors in which they [public and private officials] improperly and unlawfully enrich themselves and/or those close to them, or induce others to do so, by misusing the position in which they are placed”.<sup>27</sup>

Whether a particular definition mentions “public sector” or “public official” without the “private sector” or “private official”, does not matter greatly. The “private” and the “public” do not differ much. As much as those who hold offices in private companies – local or multinational – hold them in trust for their shareholders, their offices are not entirely private. Their actions thus have direct impact on the welfare of their shareholders and society in general.

The best approach to the debate on what constitutes corruption will be to consider it as what society thinks it is, at a particular point in time. In other words, we should be seeking “to clarify the essence of corruption by looking straight at reality without any particular local or traditional legal lenses.”<sup>28</sup> By adopting this open minded attitude we shall be able to arrive at a broader consensus:

As to which acts are intrinsically harmful to society and should therefore be prevented and punished. Not everyone will agree that all types of questionable relationships and misconduct...constitute corruption or should be illegal. The point is to take into account as many voices and perspectives as possible. This approach will help nations to re-assess what it is that they define as corrupt acts that should be prevented and sanctioned.<sup>29</sup>

### **2.3 Manifestations of Corruption**

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<sup>26</sup> See “Corruption Definition” at [http://www.anticorruption.info/corr\\_def\\_alt.htm](http://www.anticorruption.info/corr_def_alt.htm) (Accessed: 12/11/07)

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

The following types or manifestations of corruption are identified in the literature: Grand or Political Corruption, States Capture and Administrative or Petty Corruption.

*Grand Corruption* involves higher level officials and larger sums of money. This may include kickbacks to win large public procurements, embezzlement of public funds, irregularities in public finances and in political party and campaign financing, and political patronage and clientelism. Other examples of Grand Corruption are cases of large multinational companies paying millions of dollars to government leaders or politicians to obtain business contracts.<sup>30</sup> This type of corruption may also be referred to as *Political Corruption* simply because it usually involves large scale political and economic interest of public office holders. In Africa, players of grand corruption normally include state ministers, governors,<sup>31</sup> members of parliament, and even presidents.

*State Capture* is used to describe a situation where economic elites develop relationships with political officials through whom they exert undue influence over them and over public policy for their own personal gain.<sup>32</sup>

*Administrative or Petty Corruption* describes everyday low level abuse of power that citizens and businessmen experience within the state bureaucracy, such as demand for small bribes or gifts before certain services, which are supposed to be free, are rendered.<sup>33</sup>

These distinctions do not in any way imply that some forms of corruption are tolerated or acceptable. Petty Corruption can distort the delivery of education and healthcare programmes and can have serious effects on the livelihood of the poor as much as grand corruption.<sup>34</sup> There is however the problems of providing evidence in different forms of corruption. While public opinion surveys often indicate a broadly-held perception that corruption is widespread in a country there is often very little hard evidence that can be mustered, particularly in the case of grand corruption and state capture. Administrative or Petty Corruption, on the other hand, is often easier to document because people encounter it in their daily interactions with the bureaucracy.<sup>35</sup>

Broadly, the following are identified as acts/forms of corruption: bribery, embezzlement, fraud, intimidation, extortions, and abuse of power. The rest are: conflict of interest, insider trading, receiving an unlawful gratuity, favouritism, nepotism, illegal contributions, money laundering, identity theft and white-collar crime.<sup>36</sup>

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<sup>30</sup> Quiñones, Eney. "What is Corruption?" in OECD Observer, May 2000. See [http://www.oecdobserver.org/news/fullstory.php/aid/233/What\\_is\\_corruption\\_.html](http://www.oecdobserver.org/news/fullstory.php/aid/233/What_is_corruption_.html) (Accessed: 17/7/07).

<sup>31</sup> Three former Governors in Nigeria have been charged with multiple counts of stealing public funds and money laundering. The three are among 31 current and former Nigerian state governors indicted by the anti-graft agency, the Economic and Financial Crimes Commission (EFCC). See <http://voanews.com/english/2007-07-13-voa47.cfm> (Accessed: 18/7/07).

<sup>32</sup> USAID, "Corruption Assessment Handbook – Draft Final Report," Washington May 2006, p. 8. at <http://www1.worldbank.org/publicsector/anticorrupt/USAIDCorAsmtHandbook.pdf> (Accessed: 12/7/07).

<sup>33</sup> Quiñones, Eney op. cit.

<sup>34</sup> Ibid.

<sup>35</sup> USAID, "Corruption Assessment Handbook" op cit p. 9.

<sup>36</sup> See Types of Corruption at [http://www.anticorruption.info/types\\_levels.htm](http://www.anticorruption.info/types_levels.htm) (Accessed: 20/7/07).

The level or “incidence of corruption” differs greatly among societies, “ranging from rare to widespread to systemic”.<sup>37</sup> When the incidence of corruption is rare, it means it is “easy to detect, punish and isolate”. When corruption becomes systemic it is difficult to detect and punish, and increases the incentive for additional corruption.<sup>38</sup> Where there is systemic corruption, the institutions, rules, and norms of behaviour have already been adopted to a corrupt modus operandi, with bureaucrats and other agents often following the predatory examples of, or even taking instructions from, their principals in the political arena.<sup>39</sup>

Corruption is principally a governance issue – a failure of institutions and a lack of capacity to manage society by means of a framework of social, judicial, political and economic checks and balances. When these formal and informal systems break down, it becomes harder to implement and enforce laws and policies that ensure accountability and transparency. From an institutional perspective, corruption arises when public officials have wide authority, little accountability and perverse incentive, or when their accountability responds to informal rather than formal forms of regulation.<sup>40</sup> Though debatable, lack of adequate public sector wage/remuneration is also considered as one of the factors that contribute to the high rate of corruption in the public sector in Africa. In Ghana, 80 percent of public officials regard low salaries as the leading cause of corruption, in addition to a culture of gift giving, absence of positive incentives, weak corruption reporting system and poor internal management practices.<sup>41</sup>

### 3. CORRUPTION IN WEST AFRICA

Until independence, the opportunities for self-enrichment were limited; the principal beneficiaries of colonial rule were the European elite, officials and businessmen, enjoying a lifestyle which the Africa elite aspired to emulate but were largely prevented from reaching. Independence unlocked the floodgate [of corruption]. Politicians used their public office to extract ‘commissions’ at every available opportunity. The common cut on government contracts in West Africa was 10 per cent. In numerous cases, prominent politicians simply looted the state treasury, transferring money to their private accounts.<sup>42</sup>

Writing about West Africa in 1961, Franz Fanon stated: “Scandals are numerous, ministers grow rich, their wives doll themselves up, the members of parliament feather their nests and there is not a soul down to the simple policemen or the customs officer who does not join in the great procession of corruption.”<sup>43</sup> Then, in 1965, Arthur Lewis also stated that corruption in West Africa existed through the “vast pickings in bribes, state contracts, diversion of public funds to private uses, and commissions of various sorts.” He added that “to be a Minister in West Africa at the time was to have a lifetime’s chance to make fortune. In time,

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<sup>37</sup> Gray C. W. and Kaufmann D., “Corruption and Development” in *Finance and Development* March 1998 p.8. See <http://www.worldbank.org/fandd/english/0398/articles/020398.htm> (Accessed: 18/7/07).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> UNDP – Anti Corruption Practice Note: Final Version, February 2004 p. 2.

<sup>41</sup> The Ghana Governance and Corruption Survey: Evidence from Households, Enterprises and Public Officials commissioned by the World Bank and conducted by the Centre for Democratic Development –Ghana at [http://www.worldbank.org/wbi/governance/ghana/pdf/gha\\_cdd\\_aug00.pdf](http://www.worldbank.org/wbi/governance/ghana/pdf/gha_cdd_aug00.pdf) (Accessed: 29/7/07).

<sup>42</sup> Meredith, Martin, *The State of Africa: A History of Fifty Years of Independence*, Free Press: London, 2006 p. 172.

<sup>43</sup> Ibid p.170.

bribery and corruption became a way of life, accepted as a means of getting by, earning a living, obtaining a service or avoiding hassle.”<sup>44</sup>

The blight of corruption spread even further and was exacerbated through the long tradition of gift-giving in West Africa for service rendered. The ‘bigger’ the ‘man’ and the service rendered the bigger the gift that was supposed to be given. Soon the gift had to be given before the service was rendered.<sup>45</sup> Thus the culture of corruption was consolidated in West Africa immediately after independence. The practice of bribery and embezzlement spread from top to bottom, from politicians to tax collectors, customs officers, policemen, postal clerks and dispensary assistants. It affected every thing from job application to licenses, scholarships, foreign exchange and locations of factories.<sup>46</sup>

A common form of public sector corruption in West Africa is the appearance of ‘ghost names’ on the civil service payroll. For instance, in Ghana, the deputy Auditor-General disclosed in March 2002 that more than US \$20 million had been paid to about 2,000 ghost names in the previous two years.<sup>47</sup> According to a survey Report on National Perception and Attitude towards corruption carried out in 2000 by the National Reform Strategy of Sierra Leone, 92.3 % of respondents considered bribery to be the most corrupt practice. In the survey 94% of respondents considered corruption to be most rampant in government departments.<sup>48</sup> In Burkina Faso, a corruption survey identified the police as the most corrupt institution. In Senegal a survey carried out by ‘Forum Civil’ identified the traffic police, customs officials and police as the most corrupt institutions. A similar survey in Ghana conducted by the Centre for Democratic Development-Ghana with the World Bank in 2000 revealed that most Ghanaians considered the Motor Traffic and Transport Unit (MTTU) of the Police Services, the Customs Excise and Preventive Service (CEPS), the Regular Police and the Immigration Service as the most corrupt public institutions. Majority of the respondents said they have had to pay bribes to officials in these institutions on some occasions.<sup>49</sup> Most Ghanaian businesses said they felt reluctant using the law courts to address conflict because of the prevalence of corruption in the judiciary.<sup>50</sup> The survey result blamed high level of corruption in Ghana on low salaries, culture of gift giving, absence of or weak corruption reporting system and poor internal management practices.<sup>51</sup> Political corruption is also rampant. Most state officials – president, ministers, legislators, governors etc – see political offices as opportunity to make wealth. For instance, in September 2006, the Economic Crimes Commission of Nigeria charged 15 of the 36 states governors of corruption. Most of them were suspected of stealing public funds and money laundering.<sup>52</sup>

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<sup>44</sup> Ibid.

<sup>45</sup> Ibid 172.

<sup>46</sup> Ibid p. 173.

<sup>47</sup> Business and Financial Times (Ghana), 12 March 2002 cited in Global Corruption Report 2003 – Regional Reports, West Africa.

<sup>48</sup> TI, National Integrity Systems: Country Study-Sierra Leone 2004 p. 18 at [transparency.org/content/download/7396/45988/file/Sierra\\_Leone\\_NIS.pdf](http://transparency.org/content/download/7396/45988/file/Sierra_Leone_NIS.pdf) (Accessed:12/11/07)

<sup>49</sup> The Ghana Governance and Corruption Survey Evidence from Households, Enterprises and Public Officials Commissioned by the World Bank and conducted by the Center for Democracy and Development (CDD-Ghana) August 2000 pp. 2-4 at [http://www.worldbank.org/wbi/governance/ghana/pdf/gha\\_cdd\\_aug00.pdf](http://www.worldbank.org/wbi/governance/ghana/pdf/gha_cdd_aug00.pdf) (Accessed: 1/10/07).

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> See International Herald Tribune, September 28, 2006, “Nigeria to prosecute 15 state governors for corruption”, at [http://www.ihf.com/articles/ap/2006/09/28/africa/AF\\_GEN\\_Nigeria\\_Corruption.php](http://www.ihf.com/articles/ap/2006/09/28/africa/AF_GEN_Nigeria_Corruption.php) (Accessed: 4/9/07).

Most West African states have featured on TI's annual CPI as highly corrupt, The CPI ranks countries in terms of the degree to which corruption is perceived to exist among public officials and politicians. It is a composite index, drawing on corruption-related data in expert surveys carried out by a variety of reputable institutions. It reflects the views of businesspeople and analysis from around the world, including experts who are resident in the countries evaluated.<sup>53</sup>

The 2006 CPI published by TI featured most of West African states at the bottom of the index with less than 5 out of the maximum of 10 points.<sup>54</sup>

Table 1. Ranks and Score of West Africa Countries – CPI 2006

World Rank	Africa Rank	West Africa Rank	Country <sup>55</sup>	Score <sup>56</sup>
1	-	-	Finland <sup>57</sup>	8.0
37	1	-	Botswana <sup>58</sup>	5.6
70	7	1	Ghana	3.3
70	7	1	Senegal	3.3
79	10	2	Burkina Faso	3.2
99	19	2	Mali	2.8
121	24	3	Benin	2.5
121	24	3	Gambia	2.5
130	28	4	Togo	2.4
138	33	5	Niger	2.3
142	35	6	Nigeria	2.2
142	35	6	Sierra Leone	2.2
151	40	7	Côte	2.1
156	42	9	D'Ivoire	1.9
160	45		Guinea	

Source: Transparency International CPI – 2006

<sup>53</sup> TI – CPI 2004 – Frequently Asked Questions at

[www.transparency.org/content/download/1538/7989/file/q%20a\\_en.pdf](http://www.transparency.org/content/download/1538/7989/file/q%20a_en.pdf) (Accessed: 24/7/07).

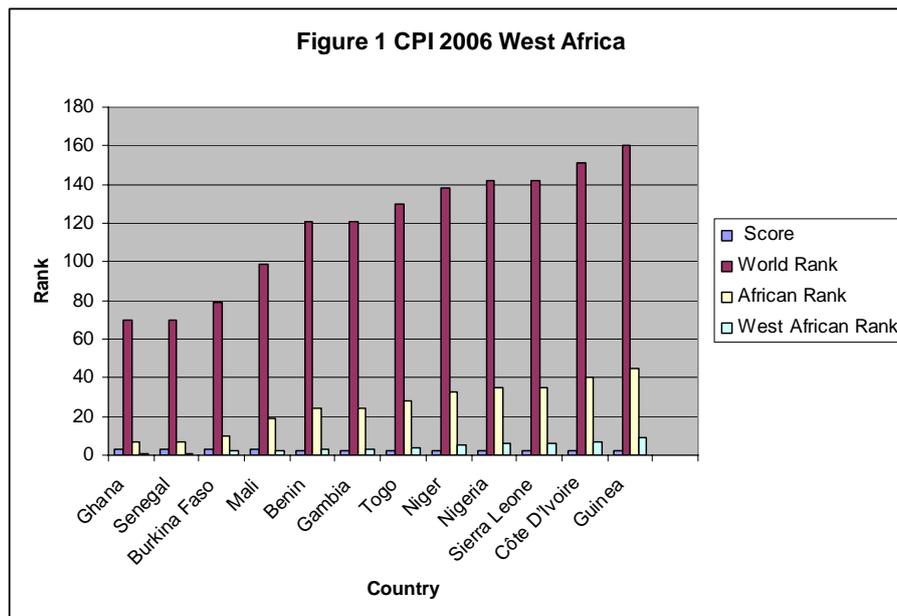
<sup>54</sup> The highest score for West Africa is 3.3 and the least score 1.9.

<sup>55</sup> Four West African countries, Cape Verde, Liberia, Guinea Bissau and Mauritania were not included in the 2006 CPI.

<sup>56</sup> CPI Score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between 10 (least corrupt) and 0 (highly corrupt).

<sup>57</sup> Finland is included as the least corrupt country in the world.

<sup>58</sup> Botswana is also included as the least corrupt country in the Africa.



Source: Transparency International CPI 2006

The table and the chart above shows that out of the 160 countries polled in 2006 no West African state ranked among the first 50 states, only 4 (Ghana, Senegal, Burkina Faso and Mali) appeared in the next 50 (51-100). Nine (Benin, Gambia, Togo, Niger, Nigeria, Sierra Leone, Côte D'Ivoire and Guinea) fell among the last 60 (100-160) most corrupt countries. None of the West African states featured in the 2006 CPI scored a pass mark of 5 points or above: rather their scores ranged between 3.3 (highest) to 1.9 (lowest).

West African States do not perform well on the Africa rankings either: Only three countries – Ghana, Senegal and Burkina Faso – are ranked among the first ten least corrupt countries in Africa; one country (Mali) featured in the next ten (11-20). Three countries (Togo, Gambia and Benin) are ranked among the third tens (30-39) and the next three (Cote d'Ivoire, Chad and Guinea are among the last four tens (40-49).

Previous CPIs (2001 – 2005) have also ranked most West African countries among the most corrupt in the world: Chad, Nigeria, Côte d'Ivoire, Liberia, Sierra Leone and Niger scored below 2.5 out of the highest score of 10.<sup>59</sup> Apart from Nigeria, CPIs before 2001 did not include any West Africa country.

Although a recent report by the World Bank praised Ghana, Liberia and Niger for making gains in the fight against corruption, it however, added that “some West African countries ... are more corrupt than ever”. The report identified Nigeria and Cote D'Ivoire as worse cases of corruption in West Africa.<sup>60</sup>

The prevalence of corruption in the sub-region has become a great source of concern due to its negative impact on the social, political and economic health of states in the region.

<sup>59</sup> For more information on CPI 2005 see [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_research/surveys_indices/cpi/2005) (Accessed: 4/7/07).

<sup>60</sup> UN Integrated Regional Information Networks, “New Evidence: Democracy Reduces Corruption”, July 17, 2007 at <http://allafrica.com/stories/printable/200707170827.html> (Accessed: 24/7/07).

#### 4. EXPLAINING THE NEXUS BETWEEN CORRUPTION AND STATE INSTABILITY IN WEST AFRICA

Does corruption contribute to state instability? Or, is there a relationship between corruption and state fragility, in the case of West Africa? The general notion has been that fragile states provide the breeding ground for corruption. The missing link then is the part played by corruption as one of the “drivers” of state fragility, and the subsequent outbreak of violent conflict.

The onset of corruption in any state is not a sudden onslaught but begins as a gradual challenge to institutional norms and the rule of law. If it remains unchecked it becomes endemic in which case private interest (individual and group) compete with national interest. Where private interest dominates the state is then weakened and is unable to perform its core functions<sup>61</sup> – the state will then be exhibiting signs of fragility, with violent conflict as one of the possible symptoms.<sup>62</sup>

A state is unstable if it is unable to address the grievances of the citizens or sections of it. The sources of grievance could be domestic or international, political, economic, and social or a combination of all these factors.<sup>63</sup> Pherson argues that discontent alone does not generate instability but the availability of individuals and mechanisms to articulate the grievances and mobilize the aggrieved to demand redress from the government.<sup>64</sup> The state’s capacity to alleviate the problems associated with grievances and/or stifle the discontent is determined by four key factors:

- The legitimacy of the regime and the quality of its leadership;
- Resource availability;
- The strength of civil institutions; and
- The government’s monopoly over coercive force.<sup>65</sup>

The main task in this section of the paper is to argue that in West Africa corruption threatens “the stability and security of societies, undermining the institutions and values of democracy, ethical values and justice and jeopardizing sustainable development.”<sup>66</sup> The second point to be made is that once a state is ushered into a ‘fragile’ state, as a result of corruption, the stage is then set for its eventual collapse which is normally manifested in the outbreak of conflict. In trying to establish a link between corruption, state fragility and state instability the focus is on pervasive corruption – corruption that affects the smooth running of state institutions and hinder the state’s capacity to provide public goods – health, education, security, etc.

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<sup>61</sup> Core functions of the state include territorial control, safety and security, capacity to manage public resources, delivery of basic services, and the ability to protect and support the ways in which the poorest people sustain themselves. See DFID, “Why we need to work more effectively in fragile states” at <http://www.dfid.gov.uk/pubs/files/fragilestates-paper.pdf> (Accessed: 19/09/07).

<sup>62</sup> Vallings C. and Moreno-Torres M., *Drivers of Fragility: What Makes States Fragile?* DFID/PRDE Working Paper No.7, April 2005 p. 2

<sup>63</sup> Pherson, Randolph, Developing a more Effective Conflict Prevention Capacity in an Increasing Unstable World, December 2000 p.4 at [www.usaid.gov/pubs/confprev/jan2001/pherson.pdf](http://www.usaid.gov/pubs/confprev/jan2001/pherson.pdf) (Accessed: 14/9/07).

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> United Nations Convention against Corruption at [http://www.unodc.org/pdf/crime/convention\\_corruption/signing/Convention-e.pdf](http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf) (Accessed: 4/9/07).

There is a strong world opinion that corruption contributes to state instability or fragility. An opinion poll being conducted by the Fund for Peace<sup>67</sup> poses the question, “*In your opinion which is the most critical cause of state failure?*” Among the answer choices are: *corruption, lack of basic education, group hatred, poverty, and lack of social equality*. The rest are: *external actors, natural disasters, malnutrition and disease and environmental damage*. Between February 15 and September 10, 2007, 4,910 people had voted. Of this figure, 2,104 people (42.9%) answered that corruption is the leading cause of state failure.<sup>68</sup>

How does corruption threaten state stability? Three links can be identified: (1) Corruption can increase conflictual demands for political change; (2) availability of rent for leadership through corruption can constitute the prize for capturing the state; and (3) political corruption and the concomitant corruption of politics undermine institutionalized public affairs, including processes of political change and conflict resolution mechanism.<sup>69</sup> These three links are discussed further below.

### ***Increase in grievances and conflictual demands for political change***

Corruption can increase grievances and conflictual demands for political change through popular support for violent political change: coup d'état. United Nations Office for West Africa (UNOWA) considers “actual or even perceived massive corruption” as one of the factors that increases “the vulnerability of states to coup d'état and render a coup almost unavoidable”.<sup>70</sup> After independence actual or perceived high levels of corruption provided the springboard for a spiral of coup d'état in West Africa. Beginning with a coup in Togo in January 1963, West African states by the end of 2004 had “experienced forty-four successful military-led coups, forty-three...bloody failed coup attempts, eighty-two reported coup plots...and as many as seven terrible civil wars”.<sup>71</sup> But in most cases those who took office from the ‘corrupt’ regimes turned out to be more corrupt and were in turn removed from office. For instance, the July 1966 coup of Nigeria was intended to “sweep away a corrupt...regime” and was welcomed with “scenes of wild rejoicing”. Allegations of corruption were also cited among the motivation for the February 1966 coup in Ghana.<sup>72</sup> Corruption and mismanagement of public resources by government officials were some of the often cited justification for rebel activities in Sierra Leone and Liberia.

### ***Rent for the leadership***

The availability of rent for leadership through corruption can constitute the prize for capturing the state, or at least the most lucrative rents controlled by the ruling elite. In countries where there are greater opportunities for corruption and less chances of being arrested and prosecuted, people seek political office primarily to gain access to state resources. In such a situation competition for political office is dominated by unhealthy competition which includes resort to violence. The stakes are higher in countries with ‘lootable’ natural resources such as oil, gold, and timber. A case in point is Sierra Leone and

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<sup>67</sup> The Fund for Peace is the publisher of the Failed States Index.

<sup>68</sup> [http://www.fundforpeace.org/web/index.php?option=com\\_poll&task=results&id=15](http://www.fundforpeace.org/web/index.php?option=com_poll&task=results&id=15) (Accessed: 10/9/07).

<sup>69</sup> Le Billion, Philip, “Buying Peace or Fueling War: The Role of Corruption in Armed Conflict” in *Journal of International Development* No. 15, 413-426, 2003 pp. 417-419.

<sup>70</sup> UNOWA, *Life after State House: Addressing Unconstitutional Changes in West Africa*, Issue Papers March 2006 p.15.

<sup>71</sup> Ibid.

<sup>72</sup> Meredith, M., op cit p.199.

Liberia where struggle for control over mineral resources, especially diamond facilitated and prolonged the civil conflicts. In highly corrupt countries access to political power through free and fair elections is virtually absent as elections are always rigged through vote buying and paying off the judiciary to decide electoral disputes in favor of the ruling government. Where access to state power is not possible through elections, a second option – violence – is resorted to as a means of accessing state resources. In another way, corruption provides the incentive for even a government that has lost the trust of the people to remain in power. Massive and endemic corruption or profiteering by ruling elites; resistance of ruling elites to transparency, accountability and political representation; and illicit transactions among the general populace are among the factors that contribute to state failure.<sup>73</sup>

### ***Political change and conflict resolution mechanisms***

Political corruption and the concomitant corruption of politics undermine institutionalized public affairs, including processes of political change and conflict resolution mechanism.<sup>74</sup> A stable political system should be able to settle conflict between itself and society or sections of it and between groups within the state. Corruption erodes confidence in the application of the rule of law. People then would rather resort to the violence instead of the courts and administrative procedures. The state itself, unable to resolve conflict and disputes between itself and groups and between groups, will then resort to the use of force, most often illegal, to enforce order. The over-reliance on the use of force as a means of resolving conflict would most often lead to the segment of society that have access to the use of force to challenge the legitimacy of the state through violence. Corruption also weakens state governance and reduces government revenues available to provide services, thus promoting state weakness and fragility. At the same time, failing, failed and recovering states operate within conditions that usually promote corruption; in fact, the use of corrupt practices may be the only way to get things done within a state that is incapacitated.<sup>75</sup> This happens due to the breakdown of the rule of law and lack of avenues for redressing complaints relating to corruption.

The link between corruption, state fragility and conflict is summed up in the table below:

Table 2. Corruption, state fragility and conflict

<b>Corruption, State Fragility and Conflict Table</b>		
<b>Institutions</b>	<b>Effects</b>	<b>Impact on the State Stability</b>
<b>State Bureaucracy (Education, Health and other public services)</b>	<ul style="list-style-type: none"> <li>✓ Access to state service is denied to the poor who cannot pay bribes.</li> <li>✓ The cost of doing business increases</li> <li>✓ Abuse of state resources.</li> <li>✓ High transaction cost.</li> <li>✓ Reduces government effectiveness.</li> <li>✓ Reduces investment and economic growth.</li> <li>✓ Lack of accountability.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Central government loses control over decision making.</li> <li>✓ Weakens State institutions.</li> <li>✓ Rule of law becomes ineffective.</li> <li>✓ Increased public grievance against government.</li> </ul>
	<ul style="list-style-type: none"> <li>✓ Undermines the rule of law and legal certainty in the state.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Increase in organized</li> </ul>

<sup>73</sup> For more on the indicators of the Failed States Index see <http://www.fundforpeace.org/programs/fsi/fsishowind.php?ind=07> (Accessed: 10/6/07).

<sup>74</sup> Le Billon op. cit.

<sup>75</sup> USAID, Corruption Assessment Handbook – Draft Final Report, Washington May 2006 p. 18.

<b>Judiciary</b>	<ul style="list-style-type: none"> <li>✓ Undermines the mediatory role of the judiciary</li> <li>✓ Undermines judicial independence, impartiality and neutrality.</li> <li>✓ Lack of public confidence in the judiciary.</li> <li>✓ Conflict resolution becomes impossible due to lack of confidence in the legal system.</li> <li>✓ Promotes impunity.</li> </ul>	<ul style="list-style-type: none"> <li>crime.</li> <li>✓ The use of violence to settle disputes.</li> <li>✓ Legitimacy of the state is challenged.</li> </ul>
<b>Executive</b>	<ul style="list-style-type: none"> <li>✓ State capture and predation leading to distorted public policy making.</li> <li>✓ Unhealthy competition for state power.</li> <li>✓ Lack of separation of powers because Executive can buy influence from other arms of government (ie Legislature and Judiciary).</li> <li>✓ Authoritarian tendencies.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Reduced confidence in the legitimacy of political leaders.</li> <li>✓ Violent political change</li> <li>✓ Increased political tension.</li> </ul>
<b>Security Agencies ( Police, Customs, Armed Forces, Military, and Other para-security Agencies)</b>	<ul style="list-style-type: none"> <li>✓ Command structure within the security agencies is weakened.</li> <li>✓ Indiscipline within the security services.</li> <li>✓ Abuse of Human Rights.</li> <li>✓ The rise in private security.</li> <li>✓ Material and training needs of the security agencies are ignored.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Criminal gangs collaborate with corrupt security personnel to challenge authority of the state.</li> <li>✓ Armed rebellions receive support from the general public.</li> <li>✓ The state monopoly over the use of force is challenged.</li> </ul>
<b>Legislature</b>	<ul style="list-style-type: none"> <li>✓ Lack of confidence in the legislature.</li> <li>✓ Laws enacted in the legislature may not be in the interest of the public but the elite.</li> <li>✓ Reduces the capacity to manage and resolve conflict</li> <li>✓ Reduces public participation in governance.</li> <li>✓ The oversight responsibility of the legislature is easily ignored.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Call for political change.</li> <li>✓ Lack of confidence in the political process.</li> <li>✓ Failure of democratic transitions.</li> </ul>
	<b>State fragility/Instability</b> →	<b>Violent conflict/state collapse/failure</b>

Quantitative studies have also indicated that corruption is positively correlated with state instability.<sup>76</sup> Corruption indices and the levels of political violence have generally been used to establish a correlation between corruption and state instability, and the correlation has always been strong at the regional level, with regions being described as most corrupt been the most affected by political violence and vice-versa.<sup>77</sup> An example is West Africa where many of the countries considered to be most corrupt are equally considered fragile.<sup>78</sup>

The nexus between corruption and state instability in West Africa can be established using the CPI and the Failed State Index (FSI). The analysis below does not in any way seek to portray corruption as the sole cause of state fragility in the sub-region, but as a major contributory factor.

Table 3. Comparing CPI with FSI for West African countries

<b>Corruption Perception Index 2006<sup>79</sup></b>	<b>Failed State Index 2006<sup>80</sup></b>
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<sup>76</sup> Le Billion, P., “Buying Peace or Fueling War: The Role of Corruption in Armed Conflict” in *Journal of International Development* No. 15, 2003 p. 417

<sup>77</sup> Ibid p.417

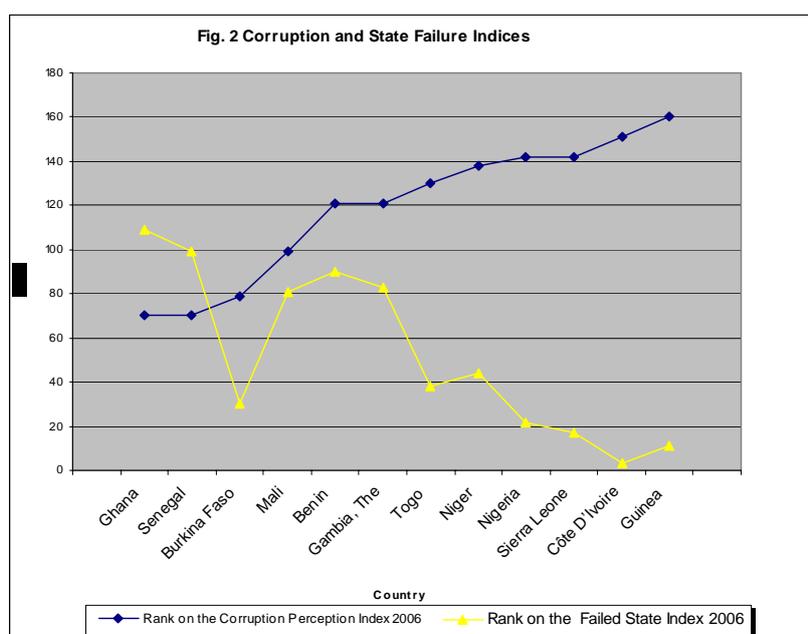
<sup>78</sup> See TI’s CPI 2006 and the FSI 2006.

<sup>79</sup> See footnote 57.

<sup>80</sup> The Failed State Index ranks states beginning from 1 as the state in the most critical condition of failure and the last being the state out of danger of failure.

Country <sup>81</sup>	World Rank	Score	Country <sup>82</sup>	World Rank	Total Score
1. Ghana	70	3.3	Cote D'Ivoire	3	109.2
2. Senegal	70	3.3	Guinea	11	99
3. Burkina Faso	79	3.2	Liberia	12	99
4. Mali	99	2.8	Sierra Leone	17	96.6
5. Benin	121	2.5	Nigeria	22	94.4
6. Gambia, The	121	2.5	Burkina Faso	30	89.7
7. Togo	130	2.4	Togo	38	88.3
8. Niger	138	2.3	Niger	44	87
9. Nigeria	142	2.2	Mali	81	85.4
10. Sierra Leone	142	2.2	Gambia, The	83	74.4
11. Côte D'Ivoire	151	2.1	Benin	90	70.9
13. Guinea	160	1.9	Senegal	99	66.1
			Ghana	109	60.5

**Source:** Compiled from the Corruption Perception Index (CPI) 2006 and the Failed States Index (FSI) 2006



Source: compiled from the CPI 2006 and the Failed States Index 2006

The table and chart above demonstrate that the West African states considered most corrupt are those at critical point of state failure. Such countries also exhibit high levels of violence. Guinea, Cote D'Ivoire, Sierra Leone and Nigeria are in this category. On the other hand, least corrupt states are comparatively stronger. Ghana, Senegal, Benin, Mali and Burkina Faso are the countries that appear to be least corrupt in the region and also fared well on the FSI. Those states considered corrupt, as well as fragile, are more prone to violence and conflict outbreak than the least corrupt ones.

<sup>81</sup> See footnote 56.

<sup>82</sup> Guinea Bissau, Mauritania and Cape Verde were not included in CPI 2006.

The impact of corruption on the stability of two West African states, Nigeria and Sierra Leone is discussed below.

Nigeria, the most populous nation in the sub-region, has consistently been rated as highly corrupt in the sub-region, Africa and the world. The stability of Nigeria is currently being challenged by high levels of poverty, organized crime, ethnic and religious tension in mainly oil producing area. The legitimacy of the Nigerian state is being challenged through high levels of corruption and armed militia. Corruption has long history in Nigeria and usually involved misappropriation or diversion of large sums of money from state coffers. Between 1993 and 1998, the then military leader, Sani Abacha, was alleged to have looted state coffers to the tune of \$12-16 billion.<sup>83</sup> In 2003, a member of the Nigerian House of Representative alleged that he had received N4 million in bribes to persuade him and his colleagues to impeach the Speaker of the House of Representative.<sup>84</sup> Also in November 2002, a Senator alleged that he had received money from the presidency to be distributed among some Senators to thwart the impeachment of the President.<sup>85</sup> These cases of alleged corruption include administrative corruption that pervades the entire Nigerian society. This ranges from police extortion at checkpoints and airports. Other areas include government offices where licenses and permits for various services are issued. The effect is high cost of essential services, whilst those who cannot afford such bribe payments are denied these services altogether.<sup>86</sup> Without adequate reforms that tackle corruption in major sectors of the Nigerian state (executive, legislature, public service, the judiciary and the police) group grievance will grow against the state and possibly threaten democratic gains and overall stability.

Sierra Leone provides more appropriate example of the link between corruption, states fragility and conflict outbreak. Sierra Leone experienced violent conflict between 1991 and 2002. A long history of underdevelopment and endemic corruption had generated considerable support for some kind of radical “shake up” in Sierra Leone.<sup>87</sup> Keen has argued that, in Sierra Leone corrupt public officials colluded with smugglers in the mineral sectors to deny the state of important source of revenue needed for development.<sup>88</sup> A study by Care International in 2002 concluded that “contrary to the popularly held view that ‘diamond’ was the root cause of the war, more evidence point...to corruption”.<sup>89</sup> With high level of corruption “poverty and bad governance” increased while the “corresponding need for food security, justice, and the creation of democratic mechanism capable of protecting the rights of ordinary citizens” neglected. Anger at corruption in Sierra Leone became widespread and “some [rebels] seem to have concluded that in an unfair system the only rational course was to grab a piece of the good life [through violence].<sup>90</sup> Once the conflict was underway corruption contributed in prolonging it. Peace time corruption feed into war time corruption as state funds for war efforts were diverted from their intended purpose with the upper brass of the military particularly at fault. Corruption in the army reduced logistical support to those

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<sup>83</sup> TI, National Integrity Systems: Country Study-Nigeria 2004 p. 15 at [www.transparency.org/content/download/1685/8494/file/nigeria.pdf](http://www.transparency.org/content/download/1685/8494/file/nigeria.pdf) (Accessed:12/11/2007).

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid p. 13.

<sup>87</sup> Keen D., *Conflict and Conclusion in Sierra Leone*, Palgrave: New York, 2005 p.52.

<sup>88</sup> Ibid p.64.

<sup>89</sup> Keen D., Op Cit.

<sup>90</sup> Ibid p. 64.

few units who did confront the rebels.<sup>91</sup> Some corrupt soldiers even went to the extent of taking bribe from rebels so that they could be released.<sup>92</sup>

Conflict has ended in Sierra Leone since 2002, however resurgence of rampant corruption threatens peacebuilding initiatives. At the inauguration of the Sierra Leone Anti-Corruption Commission (ACC) in 2000, President Tejan Kabbah stated that with the civil war ended, the “new war” for Sierra Leoneans was “the war against corruption”.<sup>93</sup> Since the formation of ACC the number of cases it has had to handle attest to high prevalence of corruption in Sierra Leone. By the beginning of 2002 ACC had had to investigate about 500 cases of corruption. The list of cases included the embezzlement of \$45,000 by the Minister of Marine Resources, in June 2000. In March 2001, the Minister of Agriculture was also convicted of embezzling \$1.5 million from World Bank development fund meant to buy rice seed for farmers. Then in March 2001, the permanent secretary at the Ministry of Education, Soluku Bockarie, was also convicted of misappropriating about \$1 billion supposed to have been used for paying the salaries of Sierra Leonean teachers.<sup>94</sup> The new government elected in August 2007 has promised to fight corruption but not much could be done without political will to fight corruption among government officials.

Admitting that corruption has debilitating effects on state stability in West Africa requires that comprehensive region-wide, policy is put in place to combat it. West Africa now faces the threat of transnational crime in the form of human and drug trafficking, proliferation of small arms and ammunition, money laundering and the emergence of criminal networks that challenge the stability of the entire sub-region. While transnational crime in the sub-region may be attributed to weak state institutions, the prevalence of corruption in these institutions, particularly among security agents and border officials compounds the problem.

## **5. POLICY OPTIONS FOR TACKLING CORRUPTION IN WEST AFRICA**

Effort at tackling corruption in West Africa has largely been at the state level. Each country has its own anti-corruption legislations and institutions. Most of these institutions can best be described as ineffective, juxtaposed with the rising level of corruption in the region.

Country level anti-corruption measures are not enough. In today’s global village, states are increasingly interconnected through trade, investment, financial transactions and communications. This means that corruption in one country is a matter of concern in other countries because: (a) the harm and injustice of corruption become better known elsewhere, (b) it interferes with trade and investment opportunities in the country affected by corruption, (c) it may lead to misuse of international development assistance, and (d) corrupt networks based in one country may operate abroad, bringing corruption to other countries. The potential risk is greater where a state, weakened by corruption, becomes a haven for organized crime.<sup>95</sup>

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<sup>91</sup> Ibid p. 83.

<sup>92</sup> Ibid p. 89.

<sup>93</sup> Tam-Baryoh, “Corruption in Sierra Leone: Who Will Guard the Guards?”, January 15, 2002 at <http://www.worldpress.org/Africa/352.cfm> (Accessed: 12/11/07)

<sup>94</sup> Ibid

<sup>95</sup> Transparency International, *Anti-Corruption Conventions in Africa: What Civil Society Can Do to Make Them Work*, Berlin, 2006 p.6.

These features mean that corruption must be addressed at the inter-state level and that cross-border cooperation is essential for the prevention, detection and prosecution of corruption. Holding those suspected of corruption accountable, however, is often hampered by the complexities of such cooperation. Governments may be prevented from investigating or prosecuting corrupt persons when evidence and witnesses are located abroad. If foreign governments do not cooperate, enforcement of criminal law is inhibited. Similarly, when the proceeds of corruption are located abroad, it is difficult to recover funds or property without the assistance of other states.<sup>96</sup>

Recent approaches to tackling corruption by the international community have focused on the development of anti-corruption regimes. These regimes have largely taken the form of conventions and protocols and are informed by the negative effects of corruption on economic growth, poverty alleviation and state stability. The purpose of such anti-corruption regimes has been to elicit standard rules of behaviour from member states for dealing with corruption. At the global level the *United Nations Anti-Corruption Convention* represents such an approach. At the regional level is the *Africa Union Anti-Corruption Convention*. There exist at the sub-regional level the Southern African Development Community (SADC) *Protocol on Corruption* and the *ECOWAS Protocol on the Fight against Corruption*.

Countries within the sub-region have choices of developing their anti-corruption policies around the United Nations or the Africa Union anti-corruption conventions.

In terms of policy consideration this paper calls for the development of workable sub-regional anti-corruption regimes as the basis for the regional and global action. Sub-regional organizations, because of their relatively small size can develop and monitor their own regimes to achieve compliance. Again, sub-regional anti-corruption policy can benefit from local knowledge of the dynamics of corruption in their regions and develop relevant anti-corruption policies.

The first attempt to place anti-corruption measures on the ECOWAS policy agenda is captured in the *ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security*. Articles 48 and 49 of the protocol call on ECOWAS Member States to eradicate corruption and adopt measures for combating money laundering and to promote transparency, accountability and good governance within their territories.

In December 2001, a more concrete step was taken by ECOWAS when it adopted the *Protocol on the Fight against Corruption* at its meeting in Dakar, Senegal. During the same gathering the *Protocol on Democracy and Good Governance* was adopted and contains commitment to “fight corruption and manage national resources in transparent manner...” and “establish appropriate mechanisms to address issues of corruption within Member States and at the Community level”.

While countries within the ECOWAS region could continue to discharge their obligation under other anti-corruption regimes, the *Protocol on the Fight against Corruption*, although yet to come into force, represents the best policy option for the development of effective sub-regional anti-corruption framework. It will also complement existing national anti-corruption campaigns, within member states.

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<sup>96</sup> Ibid.

The aims and objectives of the Protocol are:

- i) to promote and strengthen the development in each of the State Parties effective mechanisms, to prevent, suppress and eradicate corruption;
- ii) to intensify and revitalize and strengthen the development in each of the State Parties, with a view to making anti-corruption measures more effective; and
- iii) to promote the harmonization and coordination of national anti-corruption laws and policies.<sup>97</sup>

Article 5 of the Protocol outlines preventive measures in the public and private sectors. These include requirements in the public service of declaration of assets and establishment of codes of conduct. Also included in the Protocol are requirements for access to information, whistleblower protection, procurement standards, transparency in the funding of political parties, civil society participation and many other requirements. It is also required to establish, maintain and strengthen independent national anti-corruption authorities.<sup>98</sup>

Most countries in the sub-region have public procurement and assets declaration laws and related legislations to ensure accountability and transparency. What will be required is to update legislations that do not meet current challenges and enforce them. Harmonization of legislations on corruption in the region will also help to ensure uniformity in their application.

In addition, the Protocol calls for criminalization of a wide range of offences, including trading in influence and illicit enrichment in its Article 6. Moreover it includes offences relating both to public sector corruption and private sector (private-to-private) corruption. It also calls for the liability of legal persons.

The Protocol also provides international cooperation framework which has the potential to improve mutual law enforcement assistance within West Africa and with other parts of Africa. This includes a framework for the confiscation and seizure of assets.

One important feature of the Protocol is the provision for the setting up of a Technical Commission (Article 19) to:

- a) Monitor the implementation of the Protocol both at the national and sub-regional levels;
- b) Gather and disseminate information among State Parties;
- c) Regularly organize relevant training programmes; and
- d) Provide State Parties appropriate additional assistance.<sup>99</sup>

The Technical Commission, although useful, its functions should include a comprehensive corruption assessment framework. Corruption assessment is important prior to initiating major anti-corruption programs to help better understand the situational factors that facilitate and inhibit corruption.<sup>100</sup> The main objectives of corruption assessment in the sub-regions should be:

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<sup>97</sup> See Article 3 of the ECOWAS Protocol on the Fight against Corruption adopted in Dakar, December 2001.

<sup>98</sup> Ibid Article 5.

<sup>99</sup> See Article 19 of the ECOWAS Protocol on the Fight against Corruption adopted in Dakar, December 2001

<sup>100</sup> USAID, Corruption Assessment Handbook – Draft Final Report, Washington May 2006 p. 14.

- To gain a comprehensive understanding of economic and governance issues at the national and local levels across all sectors, including the current state of corruption, root causes of the problem, situational factors that facilitate or inhibit corruption, and basic patterns and trends;
- To identify and prioritize targets of opportunity for anticorruption programming; and
- To determine if anti-corruption initiatives are having the intended effects over time.<sup>101</sup>

To develop an effective sub-regional anti-corruption regime the following steps are necessary:

- Political commitment at the highest level;
- Region-wide coordinated anti-corruption strategy;
- Close collaboration with civil society to play a watch dog role; and
- Public education and information dissemination.<sup>102</sup>

#### *Political Commitment at the highest level*

Committed leadership from government and civil society, backed by a coalition of supporters including political institutions and parties ready to push for greater accountability and transparency is essential in the fight against corruption. Commitment by political parties is also important because they are most likely to power in future. It is important that their commitment to fighting corruption is solicited and nurtured before they assume political office. Regional anti-corruption policies should therefore aim at involving political parties in designing anti-corruption policies.

#### *Close collaboration with civil society to play a watch dog role*

Fighting corruption also requires partnership between the state, civil society and citizens. While the state can provide an effective legal framework for fighting corruption, civil society can best disseminate anti-corruption campaign and conduct relevant research on the subject and share field experience with the state. The general public can also provide relevant information for uncovering corruption practices in society.<sup>103</sup> The membership of the Technical Commission should thus include civil society groups (who are already doing some work on corruption) and the private sector representatives.

#### *Region-wide coordinated anti-corruption strategy*

Solid data and analyses are crucial to evaluating problems, devising solutions and assessing progress. In most of West Africa, inadequate statistical information has been an obstacle for more effective advocacy. Policy decisions are not always based on objective evidence. It is therefore crucial to make available good evaluative evidence through an effective information system/advocacy strategy that can provide valid information at the right time to the most strategic national and sub-regional policymakers. Aside from solid data and analyses, the

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<sup>101</sup> Ibid.

<sup>102</sup> UNDP, Anti-Corruption Practice Note: Final Version 2004 pp.7-8.

<sup>103</sup> According to Article 19(2) of ECOWAS Protocol on the Fight against Corruption states, “The Technical Commission shall comprise experts from Ministries in charge of Finance, Justice, Internal Affairs and Security of State Parties”.

assessment of the political, social, cultural and economic context is a prerequisite to better understand the different parameters of the corruption problem and the key institutions involved. Again, fighting corruption requires extensive resources: financial, technical and human. It is therefore essential to have adequate analysis of the problem to be in a good position to identify and act on priority reform areas.

#### *Public Education and Information Dissemination*

Public education and information dissemination will help citizens who often feel powerless to resist corruption in their everyday lives, to act. If citizens are largely unaware of what constitutes corruption,<sup>104</sup> its enormous social and economic costs, as well as what can be done, they are less likely to help fight the problem. Further work is needed to help people identify practical ways to avoid involvement in corrupt practices. Part of the solution is setting up an effective complaint mechanism and helping to enforce the rule of law. Public awareness campaigns are an important starting point but efforts need to go beyond these.

## **6. CONCLUSION**

While accepting the fact that state fragility and conflict in the sub-region is not caused by corruption alone, it is clear from this work that corruption is a major contributing factor promoting state fragility and violent conflict in the sub-region. What is important now is to put in place policy measures, both at the national and regional levels to reduce the impact of corruption on state stability. Developing an effective sub-regional anti-corruption regime is therefore essential. The yet to come into force ECOWAS Protocol on the Fight against Corruption represents a good starting point for the sub-region to develop a binding anti-corruption regime. To this end, it is important that the ECOWAS Commission, together with civil society, champion the ratification of the Protocol on the Fight against Corruption as pre-step for developing an effective anti-corruption regime for the sub-region.

The tendency to submerge corruption under the broader concept of good governance should be avoided. Corruption should be isolated for consideration so that human and material resources can be mobilized for addressing it. With the increasing rate of transnational crimes – small arms, human, drug trafficking and organized crime – with their attendant threat to the stability of the sub-region, the search for a peaceful sub-region cannot be achieved without fighting corruption.

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<sup>104</sup> In situations where corruption has become the norm, citizens may not be able to know what constitute official payment and extortion.

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