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Analysing key policy and governance issues in Africa and beyond

SAIIA

WHAT MAKES FOR EFFECTIVE ANTI-CORRUPTION SYSTEMS?
Marianne Camerer

Number 10, August 2008

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Abstract

How can corruption be countered? Drawing on international best practice, this paper argues that a number of conditions are required to ensure that anti-corruption reforms in any context are effective, sustainable and not easily subverted. These conditions include having the necessary data to inform policy and strategy; comprehensive legal and institutional safeguards to prevent corruption and protect public interest; and, the most difficult to secure, the necessary political leadership and will to tackle corruption credibly and put in place long-term reforms. The paper considers anti-corruption reforms in the context of new democracies and the politics of these reforms. It is clear that to be effective, national anti-corruption/integrity systems require more than a single agency approach. Rather, they need to be supported by an institutional matrix of legal and oversight systems to ensure effective prosecution of offenders. A partnership approach, including active engagement by civil society and the media, is also important. Above all, the reforms need to be implemented by ethical leaders who scrupulously observe the rule of law.

Marianne Camerer is the co-founder and international director of Global Integrity (www.globalintegrity.org) an international NGO that tracks anti-corruption systems around the world. This paper was originally produced for 'African Peer Review and Reform: A Workshop for Experts and Civil Society' hosted by the South African Institute of International Affairs in Johannesburg from 20-22 November 2007.

Introduction: The politics of corruption and reform

Corruption, 'the abuse of entrusted power for private gain', is widely accepted as an obstacle to economic and social development. It has a demonstrably more harmful impact on the developing world where resources are scarce and institutions are weak.

Unbridled corruption can undermine democratic reform efforts, especially in countries where transitions to a democratic system are relatively new or unstable. Disillusionment and a breakdown in trust are quickly created when leaders, who may have come to office on an anti-corruption reform ticket, promise that things will be different, but then appear either unwilling or unable to intervene effectively to reform the corrupt institutions and practices they have inherited.

Kenya provides an example. President Mwai Kibaki came into office at the end of 2002 promising to reform the corrupted regime of Daniel Arap Moi. Despite initially declaring 'zero tolerance' for corruption, and a few high-profile arrests, this policy had limited success, and by the end of his first term in 2007, his regime was widely seen as being as corrupt as Moi's. Disillusionment was palpable, and corruption was a major issue in the ill-fated December 2007 poll. When citizens start believing that 'nothing has changed' or 'things were better before', popular support for tough economic steps or good governance reforms may potentially threaten the democratic project as a whole.

The appeal to a 'new' society is often premised on a 'corrupt-free' state where pledges are made to uncover the corrupt schemes of the previous regime. What is particularly problematic however, is when politicians who have come to office on a 'zero-tolerance,' anti-corruption ticket abuse so-called independent anti-corruption agencies or institutions to settle old political scores. For example, critics of the anti-corruption drive in Nigeria have pointed out that only those not in the good books of former President Olusegun Obasanjo were targeted for investigation, arrest, detention and prosecution by the powerful Economic and Financial Crimes Commission (EFCC). The perception was thus created that anti-corruption reforms were a means of targeting political opponents, undercutting the credibility of anti-corruption initiatives in general, as well as the integrity of the new regime and its commitment to the rule of law.

The fundamentals of democracy are threatened when the 'rules of the game' are not evenly applied and the criminal justice system is not trusted by citizens but exploited by a new elite with special agendas and interests. The politicisation of anti-corruption reforms, when for instance the police or prosecuting authority are used to target political enemies, undermines popular support not only for good governance reforms but for democracy as a whole. This fear is reflected in South Africa in the outcry over moves to disband the Directorate of Special Operations, (known as 'The Scorpions'), a unit within the National Prosecuting Authority, for allegedly having abused its powers in instigating corruption investigations against certain individuals in the ruling African National Congress (ANC).

An increasingly recognised problem is the failure of new democratic governments, particularly in developing countries, to address the institutional legacy they inherit; often a legacy of uneven management skills and resources for investigative and prosecuting authorities that facilitate continuing abuses of power such as corruption. One reason is the lack of a democratic culture within which to nurture new democratic institutions. Another is questionable political will to dedicate limited and scarce resources. Fighting corruption is a long-term effort that may require specific and unpopular decisions affecting those who have benefited illegally. These include tightening up conflict of interest and procurement regulations in the public sector, rules that in the past may have benefited interest groups.

For a number of reasons – largely to do with their foundational values of accountability, openness and transparency – democracies are better suited to fighting abuses of power such as corruption in ways that are supported and trusted by most citizens. One can argue that democratic systems are a necessary but not sufficient condition for fighting corruption because democracies themselves may create new opportunities for corrupt behaviour. For instance the electoral process, in many respects the defining institutional feature of transitions from authoritarian to democratic government, has in many countries been corrupted by the influence of unregulated money flowing into the political process. This is a critical issue in South Africa, as well as other democracies around

the world, including the US, Germany and UK. 'Special interests' and agendas funded by wealthy corporations and lobby groups now capture public attention, rather than issues that may be more important to ordinary citizens, and special laws affecting the funding of political parties are required.

The political will to reform the current electoral system is often absent. One reason is because parties and influential individuals may cease to get funds if corporate donations have to be disclosed.

How can we fight corruption effectively?

A useful approach to corruption control has been to link the reform agenda to that of promoting good governance. Understanding the effectiveness of democratic mechanisms in preventing abuses of power and promoting public interest provides a way forward for anti-corruption activists. Regaining public trust in responsive democratic institutions should be the driving force behind anti-corruption reforms.

The African Peer Review Mechanism (APRM) follows this line of thinking by linking anti-corruption efforts in individual countries to good governance reforms, with a strong emphasis on getting laws and institutions to function optimally in a way that serves the public interest. But it falters by trying to distinguish between 'political' and 'economic' corruption, placing discussion of these subjects in two different sections of its questionnaire. This distinction is artificial – corruption occurs precisely at the nexus of politics and business. Some researchers believe that corruption should be looked at institutionally rather than thematically. They argue:[1]

> In governments responsibility for oversight and corruption rests with the police, ministry of justice, auditor general, anti-corruption authority, fraud and money laundering investigative units, tender boards and more broadly with parliament. It is not really possible to generalise about all of these. One must look at each institution in turn and identify its strengths and weaknesses, such as appropriate legal powers, independence, staff, resources, technical skills, etc. Transforming this question to an institutionally focused question would thus make it easier for researchers to analyse and it would be easier for ordinary citizens to structure their inputs.

This is an approach followed by the Global Integrity Index, discussed later in this paper.

The following three questions help to frame a discussion on effective systems:

1. What is the nature and extent of the corruption problem?
2. What can be done about it?
3. How can we ensure that these efforts are effective?

In this paper the first question is answered by looking at the issue of data on corruption; the second by examining the laws, institutions and policies suggested by comparative experience; and the third by examining political will, ethical leadership and partnership approaches.

International literature produced by NGOs such as Transparency International (TI) and the United Nations Global Program Against Corruption (GOPAC) indicate that effective anti-corruption reforms include the following components:

- constant evaluation of areas most prone to corruption, such as deregulation and privatisation and the interface between the public and private sectors;
- a 'home-grown' multi-dimensional national strategy that includes a long term, sequenced approach to entrench reforms that promote public integrity, i.e. reforms that promote accountability in citizens' interaction with the state;
- enforcement of comprehensive legislation that regulates conflicts of interest and criminalises supply and demand aspects of bribery in public and private sectors;
- sufficient resources, skills, independence and powers for anti-corruption agencies and institutions;
- political commitment to combat corruption wherever it occurs; and
- a partnership approach that includes all stakeholders.

Data assessment – knowing the scale and scope of the problem

Measuring the nature and extent of corruption depends largely on how it is defined. A credible assessment of its prevalence, where it is found and which areas are most vulnerable, helps those leading anti-corruption reforms to know where to target often limited resources for the most immediate impact.

From academic literature (in particular Robert Klitgaard and Susan Rose-Ackerman) we know corruption is more likely where transparency and oversight are low; monopoly and discretion high; and accountability mechanisms weak.[2] Research indicates that most citizens experience corruption when interacting with the state over immigration, social grants or housing – where there is a monopoly over the allocation of social goods. These areas are particularly ripe for targeted interventions. Efforts can be made to reduce discretion and increase transparency and accountability.

Here the work of the Special Investigating Unit (SIU), an anti-corruption agency in South Africa, is instructive. Supporting the strategy of Social Development Minister, Zola Skweyiya, the SIU's investigations have led to almost 300,000 of South Africa's now 11.5 million social grants being cancelled, including 12,000 fraudulently claimed by government officials. More than 2,000 public servants have agreed to repay grant money and 750 people have been successfully prosecuted, delivering a budget saving of R1,2 billion in the latest fiscal year.[3]

Analytical tools such as Transparency International's Corruption Perception Index (CPI), give a broad sense of perceptions and incidence of where corruption occurs. The CPI, a composite, is essentially a 'poll of polls', aggregating data on levels of corruption from a number of sources. Business executives, risk analysts and the public are asked their perceptions of the extent of corruption – defined by Transparency International as 'the misuse of public power for private benefit' – in particular countries. Countries are ranked on a ten-point scale where one is most corrupt and 10 is least corrupt.

In addition, a more 'objective' institutional audit, less easily dismissed by governments as anecdotal or biased, assesses the existence, effectiveness and accessibility to citizens of various anti-corruption mechanisms. The Global Integrity Index (www.globalintegrity.org) is an example of an expert assessment tool that uses local researchers and analysts to capture the institutional framework in countries around the world and the institutional safeguards necessary to prevent abuses of power.

The six main categories and 23 sub-categories of the index capture the array of anti-corruption institutions, policies and practices that have emerged as important over the last decade. It draws on the work of several international bodies with a specific focus on anti-corruption reforms.[4]

Sub-category VI-2 looks specifically at anti-corruption agencies, and through many indicators attempts to capture their crucial components in law and practice.

VI-2: Anti-Corruption Agency

71	In law, is there an agency (or group of agencies) with a legal mandate to address corruption?
72	Is the anti-corruption agency effective?
72a	In law, the anti-corruption agency (or agencies) is protected from political interference.
72b	In practice, the anti-corruption agency (or agencies) is protected from political interference.
72c	In practice, the head of the anti-corruption agency (or agencies) is protected from removal without relevant justification.
72d	In practice, appointments to the anti-corruption agency (or agencies) are based on professional criteria.
72e	In practice, the anti-corruption agency (or agencies) has a professional, full-time staff.
72f	In practice, the anti-corruption agency (or agencies) receives regular funding.
72g	In practice, the anti-corruption agency (or agencies) makes regular public reports.
72h	In practice, the anti-corruption agency (or agencies) has sufficient powers to carry out its mandate.

72i	In practice, when necessary, the anti-corruption agency (or agencies) independently initiates investigations.
73	Can citizens access the anti-corruption agency?
73a	In practice, the anti-corruption agency (or agencies) acts on complaints within a reasonable time period.
73b	In practice, citizens can complain to the anti-corruption agency (or agencies) without fear of recrimination.

Expert assessments such as the Global Integrity approach generally provide indicators of the 'inputs' to a governance/anti-corruption system: what mechanisms and safeguards exist, how they are enforced, what access citizens and businesses have to them. Aggregate surveys and polls of corruption (as well as targeted household and firm surveys) suggest the 'outputs': are citizens and businesses experiencing the benefits, who is paying bribes, when, and for what?[5] The point of these measurement exercises is to stimulate evidence-based reform. Reformers can use the data to prioritise challenges and apportion sometimes limited financial and political capital to fill the gaps.

In summary: To fight corruption effectively, information on its scope and scale is necessary to underpin 'data-driven' policy initiatives, providing both a base-line measurement for reform efforts, and an invaluable resource for evaluating the success or failure of interventions.

Institutional reforms

There is no universal blueprint for fighting corruption: each country's unique experience will affect the policy options that can be employed to address it. Corruption manifests itself in different ways and intensities; it requires differentiated responses.

To retain credibility for anti-corruption efforts, institutions and systems must be strengthened and reformed to entrench transparency, accountability and above all fairness. Fighting corruption requires dedicated financial and human resources. While reform-minded governments should take the lead, a partnership approach involving stakeholders from business, civil society and labour will deepen and legitimise the effort.

Democratic institutions that protect the public interest include an ombudsman or public protector, auditor-general, parliament, the judiciary, revenue service, public service. They should be supported by comprehensive anti-corruption laws. These institutions mediate the relationship between citizens and the state. In a democracy they ensure oversight and accountability, and check state powers to prevent abuse. An independent media, vigilant civil society and trustworthy criminal justice system are particularly vital. While government is necessarily the key player when it comes to reforming public sector institutions, civil society organisations play a vital role along with independent media in keeping a watch on power.

A single anti-corruption agency?

What about a single agency approach to fighting corruption, such as the oft-cited model of the Independent Commission Against Corruption (ICAC) of Hong Kong?[6] Evidence suggests that unique structural and organisational factors need to be in place. Because the variables are complex, and often specific to individual countries, such an agency can only be effective in combating corruption in limited cases. For instance, the Hong Kong model is very much a product of a particular social environment and polity where financial resources to fulfil its three-pronged approach of law enforcement, prevention and community education are readily available.

A single agency needs to be operationally independent and able to function without fear or favour. A concern is that, in certain cases, it could be dictated to from above as to which cases to investigate, i.e. political interference. To maintain public trust, its independence needs to be enshrined in national legislation, if not the constitution, and it would need to be a criminal offence to interfere with its operational independence. Establishing an anti-corruption agency with extensive legal powers in the absence of effective oversight procedures is unwise. While such agencies

can be effective, at their worst they can add another layer of (ineffective) bureaucracy to the law enforcement sector, divert resources from existing organisations, function as a 'shield' to satisfy donors and public opinion, and even operate as a political police force. The substantial costs of setting up and sustaining such an agency needs to be balanced against measurable benefits. In reality, such anti corruption agencies require the support of other structures to do their job properly.

What the standards say about anti-corruption bodies

International instruments such the United Nations Convention Against Corruption and the African Union Convention on Preventing and Combating Corruption, refer to the establishment of dedicated anti-corruption bodies as among measures to prevent corruption.

UNITED NATIONS CONVENTION AGAINST CORRUPTION
Article 6 Preventive anti-corruption body or bodies
Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as: (a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies; (b) Increasing and disseminating knowledge about the prevention of corruption.

Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialised staff, as well as the training that such staff may require to carry out their functions, should be provided.

AFRICAN UNION CONVENTION ON PREVENTING AND COMBATING CORRUPTION
Article 5 Legislative and other Measures
3. Establish, maintain and strengthen independent national anticorruption authorities or agencies.

Despite the establishment of dedicated anti-corruption bureaux and commissions in several Southern African countries (for example, Malawi, Mauritius and Botswana) these are often regarded as not effective, mainly because of a general 'crisis of expectations'. For example, the Independent Commission Against Corruption (ICAC) in Mauritius is seen by some as a waste of money: [7]

> It is based on the system in Hong Kong…The staff have lavish pay. This sends a signal to the people – that we think their police are corrupt and we need this institution outside of the police force…with more equipment.

Former Commissioner of ICAC in Hong Kong, Bertrand de Speville, gives several reasons for the dismal failure of many of these agencies. These include: weak political will, lack of resources, political interference, fear of consequences, non-belief in benefits, unrealistic aims and expectations, traditional reliance on enforcement alone, failure to understand the nature of corruption, lack of strategy, inadequate law, lack of coordination, minimal community involvement, insufficient accountability, selectivity in investigations, failure to develop public trust, and the agency itself becoming corrupt.[8]

Often such agencies have neither the capacity nor the political clout to take effective steps to prosecute corrupt officials. The public becomes frustrated by their slow pace. In fact, arguments for an independent anti-corruption institution may signal a dramatic inability of existing government institutions to do the job. To suggest an independent agency is to suggest low efficiency in existing state institutions – especially supervisory, law-enforcement and court structures – and lack of public trust in them.

This paper argues that a more sustainable approach would be to strengthen existing institutional capacity to fight corruption.

Ethical leadership and political will

It is clear that establishing effective anti-corruption institutions and instituting credible policy reforms based on accurate data needs high-level political support. However, even if determination is strong, it often diminishes as the realities of office, the vested interests in the status quo and the pressure of more immediate tasks bear down. Corruption scandals – such as the South African arms deal that has been marred by allegations of bribery for almost a decade – could stimulate or retard anti-corruption reforms, depending on the way they are handled and the lessons government learns. In the arms deal, procurement processes and regulations on conflicts of interest have been tightened after recommendations by a Joint Investigating Team. On the other hand, the credibility of the investigation was compromised in a number of ways – for instance by excluding the SIU – that have left lingering questions over its integrity.

More than public statements and conferences, political will relates to the commitment of political leaders to institute specific action and to ensure that the necessary elements for success have been catered for. Anti-corruption measures will simply not succeed without political support for resources, powers, independence and accountability mechanisms. Reformers will lose public trust if they fail to deliver on promises to net the 'big fish.'

It is highly fashionable for politicians from Washington to Nairobi to proclaim their commitment to fighting corruption when running for office. This rhetoric predictably and quickly gets exposed for what it is when the hard work of governing kicks in. While calls for reform have translated into a change of political leadership, fighting corruption is hard work and requires dedicated resources, capacities and commitments. It needs to be tackled comprehensively by leaders with political courage and long-term vision.

Ethical leadership is required. Those leading the anti-corruption crusade cannot be tainted, and must set an example. *The Mercury*, a Durban-based newspaper in South Africa, recently reported on the Public Service Commission's findings of a 0% compliance rate – no financial disclosures whatsoever had been received from the 55 senior managers in the premier's office in Kwa-Zulu Natal Province. The PSC report noted: [9]

> The office of the premier is responsible for the overall guidance and administration of the province. It cannot play such a leadership role if its own compliance rate is at 0%.

Although the national cabinet resolved that all departments should have anti-corruption strategies in place by 2004, in 2008 a formal anti-corruption forum has yet to be established in Kwa-Zulu Natal.[10]

Hard policy choices will need to be taken by leaders as they choose where and how to introduce reforms. Certain areas (for example criminal justice) may be higher on the reform agenda than others (for example anti-corruption education). Ethical leaders have a crucial role in translating electoral promises into tangible laws and policies.

A partnership approach

While the 'legacy of apartheid' is still blamed for many current corruption scandals, the South African government has recognised the need to reform the systems that allow corruption to flourish. To this end it has established a strategic partnership approach that includes all sectors. Noteworthy is South Africa's National Anti-Corruption Forum (www.nacf.org.za), which involves key stakeholders that meet regularly to refine the vision of a corruption free society in which each sector takes responsibility for its role. The NACF has a dedicated secretariat and a budget to develop cross-sectoral programmes that ensure different interest groups are aligned to a national anti-corruption agenda led by the government.

South Africa's National Anti-Corruption Forum (NACF)

The NACF was launched in South Africa in Cape Town on June 15, 2001 to combat and prevent corruption, build integrity and raise awareness. The NACF is comprised of three sectors, namely civil society, business and government with each sector represented by ten members nominated by their constituencies. According to the NACF website (www.nacf.org.za), the Forum is committed to: contribute towards the establishment of a national consensus through the co-ordination of sectoral strategies against corruption; advise government on national initiatives on the implementation of strategies to combat corruption; share information and best practice on sectoral anti-corruption work; advise sectors on the improvement of sectoral anti-corruption strategies.

Critics of this approach, such as Colm Allan of the Public Service Accountability Monitor (PSAM), have argued that the wording of the NACF constitution creates the impression that civil society should take *joint responsibility* for implementing government's anti-corruption strategies, whereas that responsibility belongs to the executive arm of government alone. He warns that once civil society advocacy organisations blur the distinction between themselves and government they effectively lose their capacity to hold government ministers and officials accountable.[11]

However, a partnership approach may be useful for new democracies in developing countries. Despite shortcomings, such a dedicated approach can encourage the requisite political will and investment in resources. For instance, investments in information systems to record financial disclosure forms of all senior public sector managers are not 'sexy' and do not provide immediate corruption control benefits. But they can play a preventative function by documenting the financial interests of public servants, an area where corruption in the form of conflict of interest can potentially occur. In this way such reforms can provide an entry point for investigators should, for instance, allegations arise of suspect procurement decisions.

The independent media play a crucial role in both uncovering and reporting on cases of corruption, as well as following up on how agencies of state deal with the issues. And research-based NGOs such as the Open Democracy Advice Centre (ODAC), Institute for Security Studies (ISS) and Institute for Democracy in South Africa (Idasa) also play an important role in advocating for legal and policy changes – for instance, in corruption legislation, access to information, and budgetary monitoring of public bodies where money is exchanged for services. An engaged citizenry, organised into NGOs that demand more accountable and responsive government, is part of an effective fight against corruption. Of course it is crucial that these NGOs uphold at least the same levels of accountability and probity that they demand from the institutions they monitor.

Effective prosecutions

The successful prosecution of high-profile corruption offenders works wonders to build public trust and confidence, and its absence feeds cynicism and resignation. Bringing down the corrupt serves to counter both the sense of impunity on the part of the offender, and public disillusionment over any suggestion of a lack of political will. However, it is not without its dangers; due process and fairness need to be followed at all time so that institutions of criminal justice are themselves not corrupted while cracking down on abuses of power.

It is not uncommon for allegations of a political conspiracy to underlie corruption crackdowns (for instance the investigations into ANC President Jacob Zuma by the National Prosecuting Authority), especially in contested political environments or where the incumbent has come to power on an anti-corruption platform.

There have been some recent examples of effective prosecutions in high-level cases in Southern Africa. These include prosecutions of multinational corporations for bribery in the case of the Lesotho Highlands Water Scheme. Here international consulting engineering companies such as Acres International, Lahmeyer and Impreglio have been embroiled in a bribery scandal that has now cost them reputation, millions of dollars in fines and their right to tender for World Bank projects for several years.

In South Africa, corruption-related charges in the arms deal have led to the indictment of individuals, including a successful conviction resulting in a prison sentence for the former chief whip of the ruling ANC, Tony Yengeni. He

was found to have lied to parliament in failing to disclose a 47% discount he had received on a luxury vehicle from a tendering company when he was chairman of the Parliamentary defence committee. Yengeni was quick to assert that the National Prosecuting Authority abused its powers by prosecuting him.

Jacob Zuma was dismissed as deputy president of South Africa in June 2005 when his financial advisor, Schabir Shaik, was found guilty of fraud and corruption relating to the arms deal. The case implicated Zuma. Shaik is serving a 15-year jail sentence and Zuma, recently elected president of the ANC, has been charged for his role in allegedly accepting a bribe from a French arms company. The case is scheduled to come to court in August 2008, but the trial is unlikely to start then. Once again, the National Prosecuting Authority (NPA) has been accused by Zuma and his supporters of carrying out a political vendetta, instigated by President Mbeki's supporters. Current efforts by the ANC to disband the Scorpions, investigative arm of the NPA, are not unrelated.

Conclusion

Lessons learnt over the past decade indicate that controlling corruption requires a comprehensive, dedicated, sequenced and sustained approach premised on a long-term political commitment to building appropriate and effective institutions to serve the public interest. There is no easy fix, silver bullet or blueprint. But without the factors above – and when such safeguards as an independent media, engaged citizenry and functioning oversight institutions like parliament do not exist – corruption in its many forms will continue to flourish and undermine democratic gains.

To be effective, sustainable reforms require credible information, functioning institutions and an active and engaged civil society. To be taken seriously they need to be embarked on by ethical leaders who scrupulously observe the rule of law in tackling the problem, wherever it may manifest itself.

Endnotes

1   See Herbert R and T Corrigan, 'Ideas to Assist in Improving the APRM Questionnaire', SAIIA, October 2007, p 4.

2   See Klitgaard R,*Controlling Corruption*, Berkeley: University of California Press; 1998; and Rose-Ackerman S, *Corruption and government: Causes, consequences and reform*, Cambridge: Cambridge University Press, 1999.

3   Editorial, 'House not in order', *Business Day*, 19 June 2006.

4   Camerer, M, 'Measuring Public Integrity', *Journal of Democracy*. Vol. 17, 2006.

5   Heller N, Defining & Measuring Corruption: Where Have We Come From, Where Are We, & What Matters For the Future?, Harvard, forthcoming (2008).

6   *http://www.icac.org.hk/en/home/index.html*

7   Interview quoted in 'Mauritius: The Big Issues', SAIIA, October 2005, p 65.

8   de Speville B, 'Failing Anti-Corruption Agencies – Causes and Cures', *http://ancorage-net.org/content/documents/de_speville.pdf*

9   'Alarm raised over KZN govt fraud threat' *The Mercury,* 4 April 2008.

10   *Ibid.*

11   Allan C, 'A critical reflection on current civil society anti-corruption strategy and the principle of accountability', Presentation to Open Society Foundation, 17 May 2004.
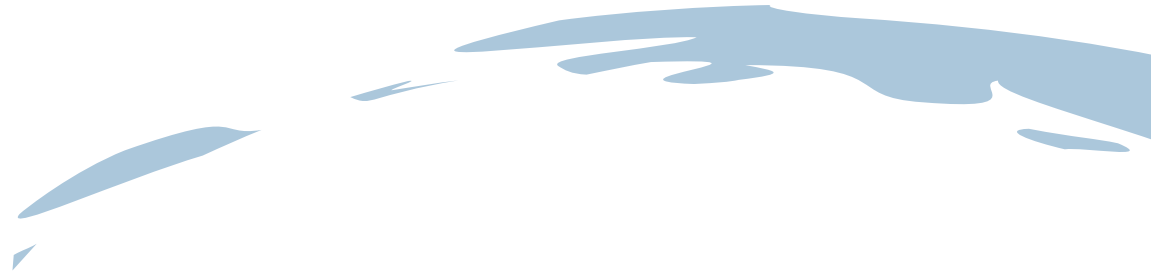
African Perspectives. Global Insights.