



GOVERNMENTS DON'T DO ENOUGH TO FIGHT CORRUPTION, SAYS NEW POLL

TI's Global Corruption Barometer *shows police, political parties, parliaments most compromised*

Millions of people around the world come face-to-face with corruption in their daily lives, and urgently want their government to take action to stop it. This is the resounding conclusion of Transparency International's *Global Corruption Barometer 2006*.

The 2006 *Barometer*, a public opinion survey conducted for Transparency International by Gallup International, looks at the extent of corruption through the eyes of ordinary citizens around the world. It explores the issue of petty bribery in greater depth than ever before, highlighting people's personal experience of bribery, and identifying the sectors most affected by corruption, its frequency, and how much people must pay.

"This worldwide poll shows that corruption has a dramatic effect on the lives of individuals. Its power is enormous," said Huguette Labelle, Chair of Transparency International. "When basic services like electricity are denied to the poor because they cannot afford a small bribe, there is no light in the home, no warmth for the children and no escape for the

government from its responsibility to take action."

Government's efforts

Most respondents have a poor opinion of their governments' anti-corruption efforts. 69% say their government is not effective in fighting corruption, or that it makes no effort to fight it, or that it actually encourages corruption. Only 22% labelled their governments' actions "effective" or "very effective".

Regionally, 42% of Europeans and 50% of North Americans think their governments' actions are ineffective, with 19% of North Americans, 15% of Asians and 23% of Latin Americans stating that their governments actually encourage corruption. In contrast, many African respondents were more positive, though African views about government anti-corruption actions are more mixed.

Bribes for essential public services

Bribes are most commonly paid around the world to police. For instance, in Latin America, about one in three respondents in contact with the police end

up paying a bribe. This indicates that the gears of law enforcement have been jammed by corruption, with the judiciary ranked the 3rd most corrupt institution.

"Citizens rely on the police to protect them, and on judges and the judiciary to punish the criminals. When these guardians are for sale, some people simply lose faith; others take the law into their own hands," said Labelle.

Bribery for access to services is most common in Africa. Registrations and permits command the biggest bribes – on average, more than 50 Euros.

Bribes to utility companies average a much smaller 6 Euros, still large enough to place electricity and other vital services out of the reach of many of the continents' desperately poor citizens.

Political life was seen as being the area most compromised by corruption

Police, Political Parties and Parliaments most compromised

“The public is the victim in this vicious corruption cycle,” adds Labelle

In wealthier regions such as North America and Western Europe, the *Barometer* showed that concerns about large-scale corruption run high despite a low level of direct experience of bribery for services. In spite of the lack of day-to-day experience with bribe-paying, respondents in North America think that the business environment (85 percent) and political life (89 percent) are affected to a moderate or large extent by corruption.

Political parties again seen as most corrupt

Ordinary citizens perceived political parties, on average, to be the institution most affected by corruption, followed by parliaments and legislatures and then by police.

Police top the chart in respondents’ own experience of bribing, though the police are perceived as the fourth most corrupt institution.

“Corruption has infiltrated public life and burrowed in,” said Robin Hodess, Policy and Research Director at TI. “Legislatures are elected with a precious mission: to place the interests of their citizens above their own. The *Barometer* shows that this trust is being violated, at great cost to the legitimacy of elected officials in many countries. The democratic process is at stake if this warning is not heeded.”

Globally, only three institutions make a positive showing: religious bodies (2.8), non-governmental organisations, and registry and permit services (both 2.9), though none of these scores are strong endorsements.

Corruption affects personal, political and commercial life

Political life was seen as being the area most compromised by corruption.

The percentage of respondents who believe corruption affects their personal or family life varied greatly among regions, with 22% of Europeans feeling personally affected to a great extent, compared to 70 percent of Africans.

In Bolivia, Kenya, Nigeria, Philippines, South Korea and Turkey, more than 70 percent of respondents indicated that corruption affects their personal and family lives to a large extent.

UN Convention is key

This opinion survey should not just rap the knuckles of public sector institutions; it points to urgently needed action. Through the United Nations Convention against

Corruption and results from other corruption surveys, governments now have a clear direction and concrete areas

for improvement to address the concerns that citizens have expressed so clearly in the *Global Corruption Barometer*.

The Convention creates obligations on everything from protecting whistleblowers and denying criminals safe haven to codes of conduct for civil servants.

It contains tools to fix many of the problems that the *Barometer* identifies, which affect a broad range of institutions and the citizens that depend on them.

A wake-up call, says Labelle

“Today’s report on the *Barometer* is a wake-up call for governments that have yet to make fighting corruption a top priority,” said Labelle.

“The people have spoken unequivocally, and governments must act now to stop corruption in all forms, curb money laundering, protect whistleblowers, and ensure the return of looted assets.”



Ordinary citizens perceived political parties, on average, to be the institution most affected by

GLOBAL CORRUPTION BAROMETER (GCB), 2006

ASSESSMENT OF GOVERNMENT'S FIGHT AGAINST CORRUPTION

Q. How Would you Assess Your Current Government's Actions in the Fight Against Corruption?

	Very effective	Effective	Not effective	Does not fight at all	Does not fight but actually encourages it	DK/NA
Total sample	5%	17%	38%	16%	15%	8%
Africa	17%	27%	24%	20%	9%	3%
- Cameroon	5%	12%	41%	15%	21%	6%
- Congo, Republic of the	10%	10%	25%	15%	19%	20%
- Gabon	5%	6%	21%	20%	33%	15%
- Kenya	10%	33%	39%	9%	8%	2%
- Morocco	3%	17%	39%	23%	15%	3%
- Nigeria	23%	29%	16%	22%	7%	3%
- Senegal	7%	13%	28%	20%	16%	17%
- South Africa	13%	25%	34%	13%	12%	3%
EU and other Western Europe	4%	18%	42%	14%	14%	8%
- Austria	6%	17%	29%	18%	9%	21%
- Czech Republic	1%	9%	40%	21%	21%	8%
- Denmark	9%	41%	28%	15%	3%	3%
- Finland	4%	21%	23%	18%	4%	29%
- France	1%	14%	45%	18%	15%	6%
- Germany	0%	12%	51%	12%	19%	5%
- Greece	5%	19%	41%	22%	12%	1%
- Iceland	3%	11%	27%	34%	11%	15%
- Italy	3%	24%	34%	14%	11%	14%
- Luxembourg	1%	29%	37%	13%	6%	14%
- Netherlands	2%	21%	51%	7%	3%	17%
- Norway	1%	22%	50%	9%	2%	16%
- Poland	2%	11%	41%	28%	12%	7%
- Portugal	4%	26%	39%	13%	10%	8%
- Spain	18%	15%	36%	13%	10%	8%
- Sweden	2%	25%	51%	12%	4%	6%
- Switzerland	4%	33%	36%	12%	8%	7%
- United Kingdom	6%	19%	40%	14%	18%	4%

To access the full report visit: www.transparency.org

GLOBAL CORRUPTION BAROMETER (GCB), 2006 REPORT
CORRUPTION IMPACT ON DIFFERENT SECTORS AND INSTITUTIONS

<i>How would you assess your current government's actions in the fight against corruption?</i>	Very effective	Effective	Not effective	Does not fight at all	Does not fight but actually encourages it	DK/NA
Total sample	5%	17%	38%	16%	15%	8%
Africa	17%	27%	24%	20%	9%	3%
- Cameroon	5%	12%	41%	15%	21%	6%
- Congo, Republic of the	10%	10%	25%	15%	19%	20%
- Gabon	5%	6%	21%	20%	33%	15%
- Kenya	10%	33%	39%	9%	8%	2%
- Morocco	3%	17%	39%	23%	15%	3%
- Nigeria	23%	29%	16%	22%	7%	3%
- Senegal	7%	13%	28%	20%	16%	17%
- South Africa	13%	25%	34%	13%	12%	3%
Asia - Pacific	4%	15%	34%	18%	15%	15%
- Fiji	15%	29%	28%	15%	11%	2%
- Hong Kong	10%	73%	15%	1%	0%	0%
- India	7%	19%	39%	20%	15%	1%
- Indonesia	8%	21%	50%	9%	9%	3%
- Japan	2%	6%	35%	15%	11%	32%
- Malaysia	9%	36%	35%	5%	4%	11%
- Pakistan	4%	19%	23%	27%	10%	17%
- Philippines	8%	13%	31%	23%	24%	0%
- Singapore	37%	52%	4%	1%	1%	5%
- South Korea	2%	12%	45%	24%	17%	0%
- Taiwan	2%	21%	33%	15%	25%	4%
- Thailand	6%	34%	23%	11%	19%	8%
South East Europe	6%	21%	30%	19%	9%	14%
- Albania	7%	33%	36%	13%	4%	7%
- Bulgaria	1%	12%	36%	15%	12%	25%
- Croatia	0%	5%	34%	21%	17%	22%
- Kosovo	6%	18%	24%	25%	18%	10%
- Macedonia	1%	9%	34%	27%	24%	6%
- Romania	0%	16%	39%	19%	11%	15%
- Serbia	6%	9%	35%	21%	17%	13%
- Turkey	9%	29%	25%	20%	6%	11%
EU and other Western Europe	4%	18%	42%	14%	14%	8%
- Austria	6%	17%	29%	18%	9%	21%
- Czech Republic	1%	9%	40%	21%	21%	8%
- Denmark	9%	41%	28%	15%	3%	3%
- Finland	4%	21%	23%	18%	4%	29%
- France	1%	14%	45%	18%	15%	6%
- Germany	0%	12%	51%	12%	19%	5%

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How would you assess your current government's actions in the fight against corruption?	Very effective	Effective	Not effective	Does not fight at all	Does not fight but actually encourages it	DK/NA
- Greece	5%	19%	41%	22%	12%	1%
- Iceland	3%	11%	27%	34%	11%	15%
- Italy	3%	24%	34%	14%	11%	14%
- Luxembourg	1%	29%	37%	13%	6%	14%
- Netherlands	2%	21%	51%	7%	3%	17%
- Norway	1%	22%	50%	9%	2%	16%
- Poland	2%	11%	41%	28%	12%	7%
- Portugal	4%	26%	39%	13%	10%	8%
- Spain	18%	15%	36%	13%	10%	8%
- Sweden	2%	25%	51%	12%	4%	6%
- Switzerland	4%	33%	36%	12%	8%	7%
- United Kingdom	6%	19%	40%	14%	18%	4%
Latin America	7%	18%	29%	19%	23%	4%
- Argentina	2%	19%	36%	24%	14%	5%
- Bolivia	5%	35%	31%	15%	7%	7%
- Chile	1%	19%	54%	14%	8%	4%
- Colombia	17%	35%	16%	10%	20%	1%
- Dominican Republic	10%	44%	23%	11%	9%	3%
- Mexico	0%	9%	27%	20%	43%	0%
- Panama	14%	10%	35%	18%	21%	2%
- Paraguay	0%	4%	29%	27%	40%	1%
- Peru	4%	7%	32%	28%	19%	10%
- Venezuela	18%	18%	29%	13%	17%	5%
North America	2%	17%	50%	9%	19%	4%
- Canada	5%	30%	36%	11%	11%	7%
- USA	1%	15%	52%	9%	19%	4%
Newly Independent States	3%	14%	40%	24%	15%	5%
- Moldova	4%	18%	30%	24%	15%	10%
- Russia	3%	17%	42%	22%	13%	2%
- Ukraine	1%	6%	33%	29%	20%	11%
Other						
- Israel	2%	14%	42%	24%	16%	2%

BRINGING ANTI-CORRUPTION CONVENTIONS CLOSER HOME

By Philip Kichana an advocate of the High Court of Kenya and a Consultant in Public International Law

Kenya implemented a policy of zero tolerance towards corruption, and consequently it was the first country to sign the UN Convention against Corruption. Not only that, it has ensured that the Anti Corruption and Economic Crimes Act, the Public Officer Ethics Act, and the Public Procurement and Disposal Act have been legislated by Parliament. In addition, it just passed the Witness Protection Bill, and is currently working on Money Laundering Bill and a Suppliers Management Bill amongst other laws that will help put up a bulwark against corruption. Yet questions linger; where is the so called zero tolerance policy against corruption? Why is corruption still so rife in Kenya? Why and where is the system not working?

Kenya has not signed the African Union Convention for Preventing and Combating Corruption. The question that springs to mind is: Why is signing any International Conventions and treaties important for Kenya? International Conventions and treaties are a means by which Sovereign states make international law by coming together, and exercising their free will to express solidarity with each other. They set minimum standards of conduct and accountability for each other (on a given subject matter) and any other States that may elect to ratify or accede to such a Convention at a later date.

In the the UN and AU Conventions, the minimum standards are set in relation to fighting and combating corruption, by providing effective minimum means of fighting corruption at both the State and the International levels. Some of the means in the two Conventions may lead to finding, trying and punishing perpetrators of corruption in all sectors of society. In both Conventions, the States' Parties agree on how to handle corrupt entities, including individuals, who may be involved or suspected of involvement in corruption within their territory. This in turn provides mechanisms for mutual co-operation in investigations, prosecutions and other important matters such as asset tracing, freezing, seizure and repatriation of ill gotten wealth, which are also provided for in the Conventions.

It follows therefore, that it is as important for Kenya to sign the UN Convention against Corruption as it is for it to ratify the African Union Convention for Preventing and Combating Corruption. Signing the one and not ratifying the other is a sign of ambivalence on


the part of the government in its fight against corruption.

The Conventions provide for the need for States' Parties to have certain laws. These include a Whistle blower Legislation, a Witness Protection Legislation, a law establishing an independent and autonomous anti-corruption organ, a declaration of assets law amongst others. Kenya has enacted a wide range of the laws recommended under the Conventions, though a few are yet to be enacted.

The provisions in the Conventions are intended to ensure an open society in which the citizens, through the civil society and the media, and sometimes the government itself, know of what is going on in their country as much as possible so that they can hold the State Authorities fully accountable. Crucially though, they aim at protecting public property from its immediate custodians employed by government, elected by the people. In addition, they aim to offer protection to individuals, working within the bureaucracy of government, who may stumble on corruption activities by providing avenues for them to report to an authority that can act on their reports, but that can also protect them from corrupt government mandarins and their counterparts in the private sector.

The African Convention in particular makes provisions on transparency in political party funding, restriction on immunity for public officials and access by the media to information. It is possible that many African countries find these minimum standards either inimical to their hold on power or simply onerous. Consider that 71 countries have thus far signed and/or ratified the UN Convention against Corruption. Yet, only 15 have signed or ratified the AU Convention for Prevention and Combating Corruption. Apart from real fear that those in positions of power may be asked to account if countries such as Kenya signed the AU Convention, there could also be a psychological factor, that belies the African continent as particularly corrupt..

It is our view that Kenya should ratify that African Union Convention and pass the necessary laws that will ensure its applicability to Kenya. Also, Kenya should enact the few laws that it has not legislated pursuant to the UN Convention to show that as a government that lays claim to a policy of zero tol-

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ANTI- CORRUPTION CONVENTIONS IN AFRICA

Book Review by Dominic Mutuku

“If fully enforced, this new instrument (the UN Convention) can make a real difference to the quality of life of millions of people around the world. And by removing one of the biggest obstacles to the development, it can help us achieve the Millennium Development Goals.”

United Nations Secretary-General Kofi Annan in his statement on the adoption by the General Assembly in 2003 of the United Nations Conventions against Corruption.

The Anti-Corruption conventions among other Anti-Corruption instruments relevant for Africa, were as a result of manifestation of international consensus which emerged in early 1990s identifying corruption as the major problem in the African Continent. It was resolved that an international agreed solution was not only necessary, but very vital if corruption is to end.

In essence, such Conventions help in achievement of local and international consensus on how to tackle the corruption problem. Global indices on corruption have indicated that Africa is perceived to be more corrupt than the West. To get out of this, Africa needs to agree unanimously with Western Countries in order to achieve its zero tolerance policy on corruption. Through this agreement both continents can come up with measures to fight, prosecute, and judge corruption offenders.

Conventions are binding written international agreements between groups of states which establish commonly agreed rules and standards, and express a high level of shared political commitment, which must be signed by the stakeholders or the parties involved, after ratification.

These two treaties provide an international framework for government and citizens to refer to in making efforts to strengthen their governance institution and to tackle corruption.

These international frameworks act as policies or legitimate documents which are used as guides and bases for all government legislative work. The Conventions provide synergy in handling corruption. The existing Conventions help countries to have bases for punishing certain crime offenders, and even to some extent put sanctions on coun-

tries which do not cope with agreed agendas. These frameworks help to monitor progress of certain goals because they act as an institutional memory.

The existence of Anti-Corruption Conventions is also clear evidence of how serious the international community takes the corruption problem and the need for common solution.. For example, putting sanctions in foreign aid, and trade

to countries engaging in corrupt issues, is a sort of disciplinary action which helps a lot in the fight against corruption. Conventions also assist in putting pressure to the public and government to comply with the standards and requirements laid down to fight corruption. They also play a very crucial role in anti-corruption performance accountability as they allow checks and balances, and finally provide fora in which governments can meet, discuss corruption issues, align concepts, and review anti-corruption effort with inputs from non governmental actors.



Many Conventions have been adopted before in Africa, but were not comprehensive enough to help many African states achieve their goal in the fight against corruption. Most of these Conventions have been evolved and changed in response to specific demands, pressure and needs at a particular point in time. For example, the United Nation against Transitional Organised Crime (UNTOC) Convention adopted in 2000.

Although Conventions have been adopted in the last decade, major challenges are seen in the implementation stages. There are several reasons which are behind implementation success. Mostly, it is caused by some leaders who lack sufficient political will.

erance to corruption, it detests corruption and is willing to co-operate with other States in fighting the vice.

It should however be noted that signing and ratifying International Conventions and even domesticating them is very good, but it is the practice that follows such domestication that will tell the true story.

Some States only acquiesce to extradition if there is what is called dual criminality, which means that the offence for which a person is extradited is an offence in both the requesting and the requested State.

In essence while individual States may set themselves and their people's standards higher than those in International Conventions, the gains from co-operation arising out of the Conventions are invaluable.

Kenyans need to adjust their value system to a level where corruption, rather than earning one riches, has no reward but severe punishment.

Highlights of the Convention

- They provide critical frameworks for fighting cross border corruption
- They facilitate international cooperation in law enforcement by requiring countries to make similar conduct illegal, harmonising the legal and institutional framework for law enforcement and establishing cooperative mechanism
- They provide a valuable common standard for domestic institutions, policies and practice which buttress anti-corruption efforts at the national level
- They contain significant measures on asset recovery and mechanisms for implementation
- They assist in finding, trying and punishing perpetrators of corruption through the implementation of similar legislation and the establishment of provisions for cross-border co-operation
- They provide mechanisms for mutual co-operation in investigations, prosecutions and other important matters such as asset tracing, freezing, seizure and repatriation of ill gotten wealth

Up coming launches

Global Corruption Report launch 2007

Measures popular perceptions of corruption in domestic institutions such as the police, judiciary and the executive.

For more information on Corruption in Kenya, and previous issues of *Adili*,



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Our resource centre is also opened to the public**

Our Radio program *Pasha Nikupashe* has gone on reassess, we will be back.

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