

CORRUPTION AND THE ROLE OF CIVIL SERVANTS IN PROMOTING GOOD GOVERNANCE- THE CASE OF GHANA AND NIGERIA

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ABSTRACT

This paper critically examines the role of the civil servants in combatting corruption in Ghana and Nigeria. It looks at good governance and corruption including the administrative process in both countries making a comparative analysis.

It discusses whether corruption can undermine the role of the civil servants in promoting good governance and critically assesses measures and strategies that have been taken in Ghana and Nigeria in combatting corruption including its successes and failures and made suggestions for improvement.

KEYWORDS: Corruption, Governance, Civil Servants, Role & Agencies

INTRODUCTION

Corruption has posed a great challenge to good governance and by implication, civil servants and administrations alike. Good governance as it was, imbibed democratic principles and eradicates poverty while bad governance breeds corruption and invariably corruption leads to poverty especially in most African countries and poor nations around the world.

The international debate on what is good governance has been highly contested around the world by researchers. Also, United Nations, World-Bank, European Union, government themselves and other international donor agencies made good governance a condition for aid or loan assistance.

In some countries around the world, the idea of moving from government to governance has been used as a political slogan especially by opposing groups (Wikipedia, 2008).

This essay explores corruption and strategies employed to combat it using Ghana and Nigeria as case studies. It highlighted the international debate on corruption and good governance and evaluated the successes and failures in combating corruption in the chosen cases. An attempt was also made briefly for a comparative analysis of the measures taken to combat corruption in each country and how and why they have succeeded or failed it briefly reiterated reasons why the issue of corruption should be of concern to administrators and civil servant alike and suggested a way forward.

AIM AND OBJECTIVES

The main aim of this paper is to examine corruption and the role of the civil servants in promoting good governance and preventing corruption in Ghana and Nigeria.

OBJECTIVES

The objectives are as follows:

- To Examine the concept of good governance and corruption.
- To contrast corruption in Ghana and Nigeria with respect to administrative processes
- To Examine strategies for combating corruption in Ghana and Nigeria with respect to failures and successes
- To profer suggestions and recommendations

MATERIALS AND METHODS

The major source of information for this research are secondary sources. Consultations were carried out amongst governance and corruption experts. The secondary sources provided information on the constitutional roles for the agencies concerned including their functional responsibilities and administrative process etc.,

Others sources also included online and relevant websites, journals on the subject matter.

Good Governance and Corruption

It is important to note that good governance minimizes corruption. According to metagora, an online resource “Good governance is a form of governance that embodies eight specific characteristics and can be seen as the ideal of governance. Good governance embodies a process that is participatory, consensus oriented, accountable, and transparent, responsive, effective and efficient, equitable and inclusive and which follow the rule of law”(Metagora, 2008)

Good governance will abhor corruption in all its ramifications. The current government in Nigeria made it abundantly clear to the electorate that his administration will follow and embrace the tenets of the rule of law, (FGN, 2007).

In both Ghana and Nigeria, governance has increasing use in development and poverty eradication initiatives including government anti-corruption stance and programmed in an effort to better the living standard and environmental quality for the people they govern. The United Nations Economic Commission for Africa (ECA) has been in the vanguard towards striving for good governance in Africa South of the Sahara.

From the foregoing, it is implied that good governance will eventually create deliberate democracy which will in turn, leads to participatory concessional management. This is with the general notion that this type of political administration and governance will stamp out or minimizes to the bearest level the incidence of corruption and in the process reduce poverty in the land.

By extension when poverty is reduced, the average life of the individual will improve hence there will be less emphasis on economic-financial budgetary allocation and more emphasis on service delivery to the people.

According to the government spokesperson for Nigeria (FGN, 2008), a new budgetary approach different from the existing yearly sect-oral financial allocation will be embarked upon to enhance service delivery to the people as a way of evaluating policy implementation successes (Kana, 2008)

This phenomenon epitomizes the mutual relationship between what is perceived as good governance and corruption combating at least to a certain degree and level.

A system, state or country that operates on its managerial or administrative activities based on the itemized characteristics of good governance will reduce corruption to the barest minimum and vice-versa.

It should be noted however that some African scholars have argued that the phenomenon of good governance should not be used only as the yardstick for providing aid or loans by international donor's agencies or organization but as necessary democratic principles to improve the welfare of the people in developing countries especially.

The authors argue against the weakening of the state emanating from North and Submitting that:

"Africa should ignore this call. Our states are so weak and anemic already that it would almost amount to a crime to weaken them further. We have a duty to strengthen the Africa states in almost every aspect you can think of; one of the objectives of improving the governance of our countries is to strengthen the Africa state and thus enable it to serve the people of Africa better" (Kpundeh, 2000)

According to Nyerere, (1998) on good governance for Africa "Poverty is an enemy of good governance, for persistent poverty is des-stabilizer... corruption among the political leaders often makes the problem worse and corruption throughout the society, more difficult to overcome.

"Governance in Africa.... must be improved for the continent's countries and people to build real freedom and real development. However, the definition of good governance is different from the one used by the rich countries in meeting out paid to poor countries Kenya, Tanzania, Ghana and Nigeria (Nyerere, 1998) (online resource).

Corruption-Definitional Clarification

From the foregoing accounts, what's then is corruption? Corruption, as we know it today, is the global phenomenon. This has been attested to by many researchers old and new (Diwivedi and Bharavag, 1967, Theobald, 1990).

Several types of corruption also exist today and can be identified but the emphasis of this essay is on administrative corruption. According to Pope, (1996), cited in (Khan, 2008) "corruption.... Induces wrong decision resulting in: wrong projects, wrong, prices wrong contractors, promotes corruption at lower levels and erode public confidence in leaders..... foster contempt for public servant..... and erode capacity for revenue collection" (Pope, 1996:23).

Corruption takes many forms ranging from bending the rules to financial inducement, fragrant disobedience to the rule of law and outright favoritism... According to the United Nations corruption takes many forms including: acceptance of money and other rewards for awarding contracts, violation of procedures to advance personal interest, kickbacks from development programmes or multi-national corporations, pay-offs for legislative support, diversion of public resources for private use, overlooking illegal activities, intervening in the justice process, nepotism, common theft, overpricing, establishing non-existing projects and tax collection and tax assessment frauds (United Nations, 1990).

In Nigeria, Ghana, and Bangladesh, administrative corruption thrives, for example, it has been argued by some that Bangladesh society is a highly-complex network involving reciprocal favors and obligations and that as a result payoff is in the lifeblood of the country (Maloney, 1987). The degree of corruption differs in Ghana and Nigeria depending on the

cadre of the perpetrator either at the state, regional, local or international depending on the cadre of the perpetrator either at the state, regional, local or international level. According to Sajo, (2003) "Almost every theorist who has attempted to define corruption has at first instance recognised the difficulty of the task."

Furthermore, the ambiguity of the concepts has created obstacles for empirical research as well. While a concept of corruption is a social construct that results from official definition and anti-corruption practices (Sajo, 2003)

With regard to the civil servant,

"Corruption is understood as everything from the paying of bribes to civil servants in return for some favor and the theft of public purses, to a wide range of dubious economic and political practices in which politicians and bureaucrats enrich themselves and any abusive use of public power to a personal end" (online resources)

http://www.en.wikipedia.org/wiki/corruption_in-Ghana

All forms and nature of corruption as explained or defined above abounds in Ghana, Nigeria and all other places around the world. Corruption is an abuse of trust and power for self-enrichment and occurs worldwide. Wherever there is money, there is corruption. It should be noted again that the Transparency international always fight corruption using the index to classify corrupt countries, the World Bank and moralist group also contributes to the fight against corruptive tendencies.

DISCUSSIONS AND INFERENCES

Corruption and Administration

Corruption is a cog in the wheel of the administrative process and therefore do not tally for the purpose of administrative effectiveness. According to Kpundeh, (2000). "Controlling corruption... is one of the greatest challenges to the establishment and consolidation of democratic system in the continent... That corruption adversely impedes development is no longer an issue of debate. Cross-country empirical work has confirmed the negative impact of corruption on institution, growth, and productivity, policy processes, property rights and consequently development" Kpundeh,(2002:2)

Corruption is a challenge to any established governance and institutions and hence to administration and civil servants alike, it should therefore be a source of concern to public administration

Ghana and Nigeria as Case Studies on Corruption

While political corruption via election rigging is said to have reduced drastically in Ghana according to international observers in the just concluded elections in Ghana , Nigeria has institutionalized political corruption s its last election in 2007 was widely condemn by the international observers as a shame marred with fraudulent practices and lack of respect for the rule of law.

Non-the less, corruption goes on in both countries as un-official without record and official involving documented findings and evidence.

The official corruption in both countries takes place across the administrative structures and hierarchy at the local government, state, regions and at international levels (Executive Corruption).

Ghana was once buoyant and prosperous with large foreign exchange balance and a good budgetary surplus but went to bankruptcy as a result of corruption and miss-appropriation of the public fund with reckless abandoned and executive lawlessness.

According to an online account, corruption in Ghana has outlined every single government and their Economic and Political Reforms. The different governments have in reality only institutionalized behavior of un-ethical nature that has made society suffer enormously. Ghana's poverty eradication initiatives have not succeeded because administrative corruption has continued unabated till date.

According to online resources, the root causes of corruption in Ghana can be attributed to the following: the persistence of traditional values which conflicts with the requirement for a secular way of life; poverty; disrespect for regulations or legal requirement improper policies, unqualified or unmotivated personnel, ineffective supervision, illegitimate laws and regulations and contempt for constitutional requirements (online resource)

[http://www.en.wikipedia.org/wiki/corruption in Ghana.](http://www.en.wikipedia.org/wiki/corruption_in_Ghana)

Corruption in Ghana has run since the time of the colonial administration up to the last military dictator to the current democratic system. For example between 1978-1981, parliamentarians, ministries, civil servant and opportunistic Ghanaians worked hard in plundering local, district, regional and national treasuries (Amundson, 1999)

This way, a major administrative scandal was unleashed in Ghana for seven years, as head of state; Rawlings of Ghana had gone to great lengths to combat corruption by creating the institution to fight it.

Never the less corruption, bribery, embezzlement, and injustices were still part of every day's life for Ghanaians.

The Nigerian Experience

There is corruption in the fabric of society in Nigeria and in all sectors for example, the oil industries, Educational institution, the local government councils, at the ministries, the state, and federal executive levels. It ranges for grafts, financial embezzlement to outright miss-use of power.

There is corruption in the prison services and the public sector. Amidst the present ranging political and administrative corruption in Nigeria, the current persistent of the federal republic of Nigeria came into power in May 2007 on a platter of high electoral corrupt practices to the extent that the head of the EU monitoring team described as deeply flawed elections that have ever been observed in recent times.

The president in the midst of public out cry and criticism from local and international organization promise to champion the rule of law and tackle endemic corruption. But these pledges have mug hollow in the face of continued impunity enjoyed by the countries political elites who are the sole beneficiaries from all corruptive tendencies. According to Guttschuss, (2008)

Unless there is determined effort to address the root problem of political and financial corruption, the violence in the Niger-Delta will continue t have a disastrous on energy, security and on the lives of ordinary Nigerians.

Nigerian oil industry is beset with corruption. The result is higher oil prices and despread human rights abuses" (Guttschuss, 2008)

The political and administrative corruption has been reduced to its barest minimum in Ghana by her current president, the same cannot be said of Nigeria that has entrenched, institutionalized and taken political, executive and administrative corruption to its highest level ever by imposing via corrupt electoral practices, Governors, ministers and political bureaucrats on 140million Nigerians (FGN,2006)

Strategy For Combating Corruption In Ghana And Nigeria- Failures and Successes

In both Nigeria and Ghana the approaches employed to curb corruption has been the setting up of Anti- Graft Bodies and anti-Crime Commission commonly referred to as anti-corruption bodies supported by government-appointed commission of inquiry.

Several of these bodies have been set up spanning many years to look into bribery and corruption cases as they occur across the land and within the administrative hierarchy.

In Ghana, the two main Anti- Corruption Bodies are:

- Commission on Human Rights And Administrative Justice (CHRAJ)
- Serious Fraud Office (SFO)

According to an online resource "The Commission on Human Rights and Administrative Justice in charge of promoting and protecting human Right, ensuring administrative Justice and fighting corruption in Ghana

CHRAJ MANDATE: POWERS AND FUNCTIONS: Under Act 456, the CHRAJ is empowered;

- To investigate complaints of violations of fundamental rights and freedom, injustice, corruption, abuse of power, and unfair treatment of any person by a public officer in the exercise of his official duties
- To investigate complaints concerning the functioning of the public services, the administrative organs of state etc
- To investigate complaints concerning practices and actions by persons, private enterprises and other institutions where those complaints allege violations of fundamental rights and freedoms under the constitution
- To investigate all instances of alleging or 'suspected corruption and the misappropriation of money by official and to take appropriate steps including reporting to the attorney-general and
- To educate the public on human rights

http://www.thecommonwealth.org/shared_Asp_Files/uploadFiles1783Fc49E

Apart from investigating corruption, CHRAJ has the added duty to educate the public about human Rights and freedom. The SFO as an agency of government under the responsibility of the Minister of justice is to monitor, and possibly prosecute the ones committing serious frauds that would be financially or economically consequential to the state. (Bossman, 2000

Similarly, in Nigeria, the most prominent Anti-Corruption Bodies are:

- Independent Corrupt Practices And Related Offences Commission (ICPC)
- Economic And Financial Crime Commission (EFCC)

The EFCC is headed by an official of the Nigerian Police, not below the rank of a police commissioner. From its online home page the EFCC is charged with the possibility of investigating and the enforcement of all laws against Economic and Financial crimes in all its ramifications http://www.efccnigeria.org/index.php?option=com_content&id=35&Item

The legal instrument backing the commission is the EFCC (Establishment Act) 2002 and the commission has high level support from the presidency, the legislature and the key security and law enforcement agencies in Nigeria.

FUNCTIONS OF THE EFCC

According to an online resource the major functions are set out in the enabling Act 419, money laundering, counterfeiting, illegal charge transfer, future market fraud

According to an online resource the major functions are set out in the Enabling Act

- Enforcement and due administration of the provisions of this Act
- Investigation of all financial crimes such as advance fee fraud otherwise known as 419, money laundering, counterfeiting, illegal charge transfer, future market fraud, Fraudulent encashment of negotiable instruments of fraudulent diversion of funds, computer credit card fraud, contract scam, forgery of financial instruments, issuance of dud cheques etc
- Adoption of measures to identify, trace, freeze, confiscate, or seize proceeds derived from terrorist activities, economic and financial crimes related offenses, or the properties, the value of which correspond to such 'proceeds.
- Adoption of measures to eradicate and prevent the commission of economic and financial crimes with a view to identifying individuals, corporate bodies or group involved.

The ICPC, Independent Corrupt Practices and Other Related Offences Commission

The transparency international using their corruption perception index adjudged Nigeria as one of the most corrupt nations around the world. The vision envisaged for the ICPC was therefore, to fight corruption to a standstill and restore Nigeria to the enviable standard of respectability and dignity within the comity of nations. The desire to fight corruption in Nigeria led to the promulgation of the independent corrupt practices and other related offenses Act 2000

FUNCTIONS OF ICPC

Section 6 of the Act confers three main responsibilities on the ICPC (Raji, 2002a)

To receive and investigate reports of corruption and inappropriate cases prosecute the offender [s]

- To examine, review and enforce the correction of corruption-prone systems and procedures of public bodies, with a view to eliminating corruption in public life.
- To educate and enlighten the public on and against corruption and related offenses with a view to enlisting and fostering public support for the fight against corruption (Raji, 2002b)

The Anti-Graft Bodies in both Nigeria and Ghana perform the same role as the commission of inquiries set up before them. Their main role is usually to investigate all allegations of corruption, financial or administrative or otherwise.

The findings and outcome of these bodies are not final as it is made available to the Attorney general of the Federation who decides and interprets the legal implications for prosecution and arraignment to court- This scenario is very common in Ghana. In Nigeria, the corrupt findings by the anti-graft bodies are handed over to the police for litigations and court proceedings. In most cases in Nigeria, the government is not obliged to accept findings in which case the bodies become powerless. This does not make the bodies in-efficient but embedded with litigation loopholes usually exploited by the culprit. In both Nigeria and Ghana, the anti-graft bodies are not autonomous as their being funded by government and have no power to enforce findings but only to make recommendations to the central authorities.

SUCSESSES FAILURES AND CONCLUSIONS

On a general note the strategy adopted to combat corruption in both cases has been ineffective and in Ghana, the establishment of the SFO only helps in institutionalizing and entrenching corruption. Also, CHRAJ lacks the power to enforce decision base on their investigations and findings and has no financial autonomy just like the EFCC of Nigeria. This is a serious setback. Thus the anti-corruption bodies have not succeeded because of lack of power to enforce and their not financially independent. Their effectiveness is therefore in serious doubt. In Nigeria, the humiliation out to the immediate past chairman of the most prominent Anti- Graft Body, Economic and Financial Crime Commission (EFCC), confirms the fact that the body is not only a political vendetta, used as an instrument of which hunt but also means that Nigeria is not serious about combating corruption in all its ramifications.

According to (Obateru, 2008) "Ribadu's arrest and detention are based solely on his Human Rights and anti-corruption stance while he was the chairman of the Economic and Financial Crime Commission (EFCC).

The strategy adopted for combating corruption in both countries has remained unsuccessful because it also lacks participatory and the phenomenon of inclusiveness.

The people were never carried along during the conception, execution, and implementation of the strategy.

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