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Corruption: Its Perception, Phenomenon and Measurements

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Abstract:

This article articulates the phenomenon and perception of corruption as a starting point to grasp some of the methods which are used to measure and rank the level of corruptions from various countries. The author believes that, the perception and phenomenon of corruption are all the same from various countries; as we all know and believe that the roots, causes and consequences of corruption are same no matter conducted in developed or under developing countries .

The first part of this article presents the meaning and understanding of and partial prescribe forms of corruption as to provide clear understanding of corruption from its immense diversity to the readers; and the second part articulates the measurement and methods which are taken to measure the level of corruption. Measurements of corruption have various ways to measure and are stipulated by Transparency Index and Corruption Perception Index. Those various methods provide similar results to those countries, though the instruments differ in data collecting.

Key words: Corruption, Transparency Index, and Corruption Perception Index

Introduction:

Corruption is not a new phenomenon, is a limp in the walk of human evolution; it is old as the history of manhood and recognized ever since 3000 B.C,¹ even hollies books since then provides

1 Shabbir G and Anwar M "Determinants of Corruption in Developing Countries" Pakistan Development Review (2007)751; the authors articulate that, further articulate that,

the first era to induce the attention of corruption was from 3000B.C to 1000AD, at this time, corruption was taken as the notion of non-reciprocity struggles contrary to the norms of open-handed in return which strengthen societies whose rulers are both judges and recipients of offerings; the second era was from 1000 A.D. to 1500A.D. where the anti-bribery embodiment were found foremost in religious, legal and literary expressions and was vigorous implementation to endeavour in successive influences of reformation; the third was from 16th century with the domestication of bribery in English bibles, and English productions and English law, ends in the 18th century with its declaration as a norm for the English empire; the fourth epoch was the American era, where heirs of the English tradition began to apply and expand its influence until it is asserted as an American norm around the earth;

some scriptures to address² and prohibit human beings to indulge in bribery.³ History demonstrates that the phenomenon of corruption had been manifested since ancient times in different cultures and societies.⁴ Corruption was observed as the destructive matters to the country's development and that is the reason for creation of specific measures in response.⁵ For instance, in India it was uttered clear that "the king shall protect trade routes from harassment by courtiers, state officials, thieves, frontier guards and frontier officers as to make sure what is lost....just as it is impossible not to taste honey or poison that one may find at the tip of one's tongue".⁶

Many scholars write about corruption and emphasizes that corruption is not a new phenomenon, the primarily academic study of corruption emerged from the late 20th Century is the one which is new.⁷

From 20th century, corruption enlarged substantial devotion from academic scholars and turn out to be a debatable issue to various disciplines of the social sciences and humanities including law. The scholar group belonging to humanities has focused number of issues include; how the government addresses the corruption problem, whether corruption promotes or hampers the

2 The bible (Mathew 26:14-16) and (Mark 14:10-11) as Judas Iscariot one of the twelve disciples went to the leading priest and arranged to betray Jesus, and they promise to give him money and Judas asked them 'how much will you pay me to betray Jesus to you?' and they give him thirteen pieces of silver. For that time Judas was an opportunist and end-up betray Jesus. In other language I can translate that was the 'act of corruption' (the emphases is mine).

3 The Quran (Surat Baqarah chapter 2:188) the mentioned verse can be translated as follows: 'and do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might assist] you [to] consume a portion of the wealth of the other people in sin, while you know [it is unlawful]. In other language I can state that the Quran stipulate clear which acts or omission are amount to corruption and the impact thereafter (the emphases is mine).

4 International Conference Notes: Forms of Corruption in History and Contemporary Society, Origins, Community (CORHICS) Paris 1 Sorbonne University from 14-16 September, 2011 available at <http://corruptionresearchnetwork.org> [accessed on 24th Aug, 2014].

5 John T. Noonan, Jr., *Bribes* (Berkeley: University of California Press, 1984) xx: In his scholarly intellectual history of bribes, Noonan contends that 'form of corruption has a history, devastated and visible into discernible epochs'.

6 From the treatise *The Arthashastra*, by Kautilya (chief minister to the king in ancient India), circa 300 B.C.-150 A.D. Kaufmann D *Corruption: The Facts Foreign Policy*, No. 107 (summer, 1997) 1 available at www1.worldbank.org [accessed on 14-08-2014].

7 Williams R and Doing A (eds) *Controlling Corruption: The Politics of Corruption Chapter 4* (Chatham, Edward Elgar Publishing Ltd. 2000) xi.

economic development⁸ and how the government organisations try to reduce the level of corruption; On the other hand scholars associated with economic discipline have focused corruption problem in a broader spectrum, scholars made research to find out the level of corruption across various countries and its reasons or determinants.⁹

Perception and Interpretation of Corruption

To define corruption is one of the most debate in the literature and endures to excitement.¹⁰ The word "corruption" had been used historically to present different meanings. It has been noticeable in different ways and rendered to abundant connotations by different intellectuals in relatively to their field.¹¹ Most of the models provided in different legislations from various countries as to define "corruption" are often much narrower than the concept used to describe the mandate of special bodies set up with the task to fight corruption. In some jurisdictions, the concept of corruption is very narrow and some jurisdictions do not have the crime of corruption

8 Theobald R Corruption, Development, and under development Houndsmills (Basingstoke Hampshire UK: Macmillan 1990)

9 Sandholtz W and Koetzle W Accounting for Corruption: Economic Structure, Democracy and Trade International Studies Quarterly 44:1 (2000) 35.

10 See also Langseth P United Nations Anti-Corruption Toolkit, Vienna (2003): the author articulates that

there is no single, comprehensive, universally accepted definition of corruption.

Attempts to develop such definition consistently encounter legal, criminological and, in many countries, political problems.

11 Langseth P Measuring Corruption In C. Sampford, A. Shacklock, C. Connors, & F. Galtun (Eds.), Measuring Corruption Aldershot (UK: Ashgate 2006) 9. He further articulate that that,

‘in 2001 under preparatory meeting of the United Nations Convention against Corruption(2002), the UN negotiate one option in the initial proposal under consideration as legal framework was not require to define corruption at all but to list specific types or acts of corruption. Moreover, the convention require countries to criminalise corruption principally to specific offences or groups of offences that depended on what type of conduct was involved, whether those implicated were public officials, whether cross-border conduct or foreign officials were involved and if the cases related to unlawful or improper enrichment. However, many specific forms of corruption are clearly defined and understood, and are the subject of numerous legal or academic definitions. Many are also criminal offences, although in some cases Governments consider that specific forms of corruption are better dealt with by regulatory or civil law controls’.

or bribery at all, however, that does not mean that certain acts that are typically regarded as corruption are lawful.¹²

In terms of conceptualizing corruption, one can take a collective approach or relative approach. Collective approach is the definition of corruption which entails certain common properties with the premise as a combination of properties, or defining characteristics, which make certain behaviour in all societies; While a “relativist” approach contends corrupt in one society may not be so in another and that the definition of corruption would now depend on the country and culture in question.¹³ There is no universally accepted definition of corruption: to religious believers, all sin is corruption; to moral purists, all moral decadence is corruption and to most citizens, bribery is the epitome of corruption¹⁴.

Its meaning and interpretation

In order to apprehend a correct definition serves for this article, this part require grasping some of the useful definitions as acceptable world-wide as to attribute the comprehended concept. For instance, the Transparency International’s definition of corruption has widely recognition; according to Transparency International (hereafter refereed as ‘TI’) corruption is being interpreted as the misuse of entrusted power for private gain.¹⁵ The SADC Protocol against Corruption¹⁶ defines corruption as "any act that includes bribery or any other behaviour in relation to persons entrusted with responsibilities in the public and private sectors that violates their duties and aimed at obtaining undue advantages of any kind for themselves or others".¹⁷ Meanwhile, the AU Convention on Prevention and Combating Corruption¹⁸ defines corruption as the acts and practices including related offences prescribed therein;¹⁹ and the Oxford dictionary

12 Tanzi V "Corruption around the World: Causes, Consequences, Scope and Cures” IMF Staff Papers (1998) 576.

13 Heywood P (ed) Political Corruption: Problems and Perspective (Oxford: Blackwell 1997) 7.

14 Nystrand JM Petty and Grand Corruption: The Conflict Dynamics in Northern Uganda Third World Quarterly Journal Volume 35 Number 5 (2014) 829 available at <http://dx.doi.org> [accessed on 02 October 2014].

15 TI (2014) available at <http://www.transparency.org> [date accessed 12 April, 2014] see also the World Bank Report (2007) available at <http://worldbank.org> [accessed 14 August, 2014] provide a similar definition as the use of public office for private gain, the report emphasizes that any act committed by an official could be a corruption if the official personally benefited from that act.

16 SADC Protocol against Corruption (2000)

17 SADC Protocol against Corruption (2000) Art 1

18 AU Convention on Prevention and Combating Corruption (2003)

defines corruption as the dishonest or illegal behaviour especially for the people in authority, typically involving bribery.²⁰

Some scholars defined as “an act of omission perpetrated by an individual or group of individuals which goes against the legitimate expectation and hence the interests of society. Such acts of omission take place in all spheres of human endeavour; in government offices, corporate bodies, and private institutions”.²¹ Klitgaard²² prominence that, the boundaries of corruption are hard to define as it comes in many forms, crosses over various sectors and can range from the trivial to monumental. He further emphasizes that corruption can involve the misuse of policy instruments, tariffs and credit, irrigation systems and housing policies, the enforcement of laws and rules regarding public safety, the observance of contracts, and the repayment of loans or of simple procedures. It can occur in the private sector in the public one, and often occurs in both simultaneously. It can be rare or widespread; in some developing countries, corruption has become systemic. Corruption can involve promises, threats, or both; can be initiated by a public servant or an interested client; can entail acts of omission or commission; can involve illicit or licit services; can be inside or outside the public organization.²³

19 (2003) Art 1: International Conference Notes: forms of corruption in history and in contemporary society: origins, continuity, evolution (CORHICS) *Paris 1 Sorbonne university* from 14 to 16 September 2011 available at <http://corruptionresearchnetwork.org> [accessed on 25 June, 2014]: a conference hand-out also emphasizes that the etymology of the word “corruption” indicates either an alteration, or an act of seduction, but in any case it leads toward a rupture. In a broader meaning, corruption is understood as the behaviour of a person who derails another one from his/her way, customs or duties, through the promise of money, honours or security.

20 Oxford Advanced Learner’s Dictionary 8th Edition International Student’s Edition Oxford University Press (2010).

21 Kibwana K Initiatives against corruption in Kenya: Legal and policy interventions (Clari Press, Nairobi, 2001)14. see also Riara B Grand Corruption as a Crime Against Humanity (2014) 2 available at kenyalaw.org [accessed on 1st October, 2014] as he articulates that,

‘corruption is often said to be immoral, unjust and repugnant to the ideals of humanity; corruption has different definitions to different people, but there is one view that is collective in society, that corruption is a wrong and immoral act; And Whoever indulges in corruptive behaviour should, without a doubt be frowned upon by society’.

22 Klitgaard R Controlling Corruption Berkeley (University of California Press 1988)

23 Klitgaard (1998): see also Leys C “What is the problem with corruption?” *Journal of Modern African Studies* (1965) 216-21; he declares that

‘habitually, the word corruption referred to general context which denotes the perversion of anything from an original state of purity and is defined by

Given the fact that, international instruments defines corruption, various authors support their definitions with arguments and debate as to ensure they provide appropriate meaning of corruption:²⁴ for the purposes of this work, the term corruption defined as *"the abuse and/or misuse of public powers entrusted to public officers to whom they improperly and unlawfully enrich for personal gain"* is taken as suitable definition serves for the essence of this work.

The aforementioned meanings of corruption indicate that always lean towards to facilitate the enactment and/or enforcement of anti-corruption legislation of a country which is affected. And further to that, different names of corruption's form are stipulated from different legal instruments and most of those forms expressively in criminal offences, although in some cases there are governments consider these forms of corruption to be regulated by civil law controls.²⁵

Forms of corruption

The EU Convention on the Fight against Corruption²⁶ identifies two forms of corruption as "passive corruption" and "active corruption". According to Convention, "passive corruption" is defined as a deliberate action of an official who directly or through an intermediary requests or receives advantages of any kind whatsoever for himself or for a third party or accepts a promise of such an advantage; and "active corruption" present the same meaning as to "passive corruption" except that performance is not that of an official but of anyone (whosoever).²⁷ Further to that, Articles 2 and 3 of the European Criminal Law Convention on Corruption²⁸ prescribe forms of corruption as "active bribery"²⁹ and "passive bribery";³⁰ "Active bribery" refers to the offering or paying of the bribe; while "passive bribery" refers to the receiving of the bribe. In criminal law terminology, the terms may be used to distinguish between a particular corrupt action and an attempted or incomplete offence.³¹ "Active corruption" includes all cases where payment and/or acceptance of a bribe had taken place.

moralists as to change from good to bad; to debase; to pervert. He further emphasis that, cases of corruption often point to the existence of a standard of behaviour according to which the action in question breaks some rules, written or unwritten, about the proper purposes to which a public office or a public institution may be put'.

24 See also Sandgren C "Combating Corruption: The Misunderstood Role of Law" The International Lawyer (2005)723.

25 UN Anti-Corruption Toolkit Chapter One Introduction 1 available at <http://www.unep.org> (Part-2)1 [accessed on 2nd October, 2014].

26 1997

27 (1997) Art 2

28 1997

29 Sec 2

30 Sec 3

Despite of being uttered in different names as prescribed with different legal instruments to categorise it forms, for the save of this work, two of the commonly encountered forms of corruption such are ‘petty corruption’ and ‘grand corruption’ are considered to be discussed in this work as seem mostly appeared in the legal framework within the selected countries.

Roots of corruption

To pronounce corruption is not a new phenomenon-is old as the history of mankind itself, evidently declare that there are some fundamental roots which motives its existence and complicity. Various authors contended about fundamental roots of corruption; and it had been noted that, there are several fundamental aspects which flourish and make corruption to be destructive in African countries since colonial period to date. Among other factors, poor governance, failure to reform new institutions, insufficient reimbursement, political instability, unlawful accumulation of wealth, and economic bureaucracy.³²

Theoretically it was believed that, after independence each country was supposed to change organisations, regulations and principles from colonial and apartheid governments; instead African ruling parties and leaders inherited as they are and entrenched corrupt deeply to date³³. Ideally, was to choose political and economic institutions that reflect realities ‘on the ground’³⁴

31 See also Wilson F and Ramphela M Uprooting poverty in South Africa: report for the 2nd Carnegie inquiry into poverty and development in South Africa (Cape Town: David Philip 1989) 271.

32 Hope R K "Corruption and Development in Africa" in Hope RK and Chikulo BC (eds) *Corruption and Development in Africa: Lesson from Country Case-studies* (Hampshire: MacMillan Press Ltd 2000); and See also Langseth P *et al* (1997)504:

“The sources of corruption are numerous and complex. Poverty, some say, is at the root of the problem; without poverty there would be no corruption. But even if poverty is an underlying cause, it cannot be the only one. If poverty were the cause of corruption, then it would be hard to explain why industrialised countries are beset by scandals, very few of which involve anyone who might be categorized as "poor". Corrupt leaders unquestionably deepen the poverty of their people. Public expenditure decisions are fuelled by private gain and subsidised by bribes with scant regard for the good of the country or its people. Corruption can thus be seen as a cause of poverty, not only a result of it. In the poorest countries—often those with corrupt”.

33 See also Gumede W *Africans Inherited Corruption* the Sunday Independent 1999 - 2014 Independent online, a division of Independent Newspapers (Pty) limited available at <http://www.iol.co.za> [accessed on 5th October, 2014].

34 Mbaku JM *Corruption in Africa – Part 1* History Compass 7/5 (Blackwell Publishing Ltd 2009) 2; See also Friedrich CJ "*Corruption Concepts in Historical Perspective*" in Heidenheimer AJ, Johnston M and LeVine V (eds) *Political Corruption: A Handbook* (Transaction Publishers

as to enhance the new government to create and develop proper legal system derives from public administration under the doctrine of separation of powers to position the new government under the rule of law.³⁵

In supporting to the above, Williams made a useful opinion in drawing attention to the fact that "the form corruption actually takes in Africa clearly depends on a variety of factors including the structure and openness of the economy, the limitations on political competition ... and the institutional characteristics of the government during colonial period."³⁶ It has contested that there is a connection between a country's achievement in defying corruption and guarantee good governance, and devotion to the rule of law.³⁷ Palmer further state that, the effectiveness of the 'rule of law' determined by the actual operational of the monitors and guarantors of the rule of law. The rule of Law as a perception is ideologically contested two aspects as to prevent the exercise of power arbitrarily; and on the other part is to provide alternative to law when power is exercised subjectively.³⁸ Sebudubudu³⁹ grasps that, during colonial period the parliament lacks its' parliamentary democracy; was just acting as a rubberstamp of the executive government. He further claimed that the executives were an extension of ruling parties and the monopolization of economic decision making. The executives culminated in an expanded bureaucracy vested with

New Brunswick NJ 199015; Friedrich further contend that,

'unfortunately, the new African leaders undertook primarily opportunistic institutional reforms, which produced unconstitutional arrangements which were not designed to enhance the maximization of the collective wellbeing of each country's citizens.

35 Spindler G *Separation of Powers: Doctrine and Practice* Legal Studies originally appeared in the publication *Legal Date* in (March 2000) available at <http://www.parliament.nsw.gov.au> [accessed on 1st April, 2014]: the author states that

'no single organ is able to exercise complete authority. The doctrine was established to enable the three organs s to act as checks and balances on each other. Each organ's independence helps keep the others from exceeding their power, thus ensuring the rule of law and protecting individual rights including the rise of corruption from the opportunities that unchecked power offers.'

36 Williams (2000) 133

37 Palmer R *Combating Grand Corruption in Africa: Should it be an international crime?* Academic Article (March 06th 2012) 31 available at <http://www.osisa.org> [accessed on 2nd October, 2014]

38 Palmer (March 06th 2012) 32

39 Sebudubudu D *Combatting Corruption in Southern Africa: An Examination of Anti-Corruption Agencies in Botswana, South Africa and Namibia* Degree of Doctor of Philosophy the University of Leeds Institute for Politics and International Studies (2002) 15.

discretionary powers as to which end-up weak other organs of the state and make it became normal for bribes to be offered before a representative of the state bureaucracy could complete any transaction.⁴⁰

To make a similar points to the above; Huntington⁴¹ articulate that, a weak legislative system, including parliament and any other law-making organs of a country's government, can foster corruption for not being able to enact or enforce strict anti-corruption legislations. He further articulate that, a country with a weak judicial system fosters corruption by not being able to adjudicate fairly, impartially, and professionally in matters relating to corrupt practices by government leaders and civil servants, due to inadequate financial resources and/or lack of independence of the judiciary from the executive branch of a country's government. The judiciary, on the other hand, has lost both its independence and ability to prosecute and give deserving sentences to those involved in corrupt practices.⁴² Huntington emphases that, such weakness can attribute to a diversity of factors, including lack of recognition by a country's legislators of corruption as a morally and socially perverse phenomenon, and a very serious fetter to socio-economic development and involvement of law makers in non-legislative functions.

LeVine TV argued that, newly crafted laws and institutional structures, however, offered various ruling elites opportunities and the wherewithal to maximize their personal interests, including especially the use of state apparatuses for private capital accumulation.⁴³ *Van de walle*⁴⁴ highlight that, authoritarianism prevailed, and it was cruel, murderous, and incompetent'. He further emphases that, what emerged in virtually all of those few countries were corrupt, neo-patrimonial systems in which rent seeking, corruption, and other forms of political opportunism were pervasive.

Hope and Kayira⁴⁵ highlighted that, failure to amend new constitution after independence provided autocratic presidents and bureaucracies those are above the law; devoid of
40 Sebudubudu (2002) 15

41 Huntington SP Modernisation and corruption, in Political order in changing societies (New Haven, Connecticut: Yale University Press 1968) 63.

42 Huntington (1968) 65.

43 LeVine VT 'The Fall and Rise of Constitutionalism in West Africa' Modern African Studies Journal Volume 35 (1997) 186; LeVine further contend that

'the result of this post-independence effort at institutional reform was pervasive corruption and rent seeking, high levels of poverty and material deprivation, and endemic political instability, including military coups and violent ethnic mobilization'.

44 Van de Walle N 'Neopatrimonialism and Democracy in Africa with an Illustration from Cameroon' in Widner JA (ed.) Economic Change and Political Liberalization in Sub-Saharan Africa (Baltimore, MD: Johns Hopkins University Press, 1994) 137

accountability, transparency, rule of law and administrative predictability. Hope and Kayira further emphasizes that, each country was supposed to amend or enunciate new constitutions as for example to restraint the length of time one individual could be President compounded this situation further by allowing for the existence of 'for life' presidents. Their lengthy and uninterrupted stints in power have been accompanied by increased corruption, often shielded through unconstitutional measures.⁴⁶

The embezzlement and unlawful accumulation of wealth is another fundamental root of corruption since then. Mbaku⁴⁷ laid down that, the economic system of government that the African countries inherited from the European colonizers were weak, potentially unstable and not particularly viable to the African countries. Essentially, the economic system of colonialism was totally depended on the metropolitan markets for trade and development assistance. Mbaku further insists that, consequently- post-independence society in Africa became dependent on the industrial market economies, primarily those of Western Europe, for economic growth and development. he further articulate that, African countries were politically independent, domestic policy makers found themselves unable to effect independent development policies because their economies, which had been 'integrated' into, and made appendages of the European economies, had still not been successfully weaned from this one-sided dependency.⁴⁸ Szeftel in his work 45 Hope KR and Kayira G "The Economic Crisis in Africa: An analytical perspective on its origins and nature" in Hope, R, H (ed) Structural Adjustment, Reconstruction and Development in Africa, Aldershot: Ashgate (1997).

46 Hope and Kayira (1997)

47 Mbaku J "Corruption as an important Post-independence Institution in Africa" in Mbaku J M (ed) Corruption and the Crisis of Institutional Reforms in Africa, African Studies 47 (Lewiston: The Mellen Press 1998) 237: see also his work on Corruption in Africa Causes, Consequences, and Clean-ups (Rowman & Littlefield Publishers Inc. Lanham 2007) 2; Mbaku insist that

as it was expected to restructure the political and economic institutions inherited from the Europeans to provide the nation-state with institutions that allowed both the public and private sectors to maximize certain broadly defined objectives.

48 Mbaku (1998) 239; see also his work ' *Institutions and Development in Africa*' (Trenton, NJ: Africa World Press, 2004)10. Mbaku further make a similar point as he emphasizes that

'corruption has actually increased as bureaucrats have continued to engage in opportunistic activities to garner the resources that they need, not necessarily to meet their obligations to members of kinship groups, but to support an appetite for extravagant and conspicuous consumption developed. These opportunistic and parasitic state custodians have turned their government positions into instruments of plunder and hence, while corruption has significantly enriched them, it has imposed severe social, political and

afford a similar point to Mbaku's as he observe that after independence the post-colonial state in Africa inherited underdeveloped economies that were characteristically skewed and vulnerable to international economic changes and fluctuations.⁴⁹

The most devastating acts of corruption include the diversion and outright theft of public funds programs and the damage caused by firms and individuals that pay bribes to avoid health and safety regulations intended to benefit the public. Sebudubudu⁵⁰ articulate that, state involvement in the economy can create opportunities for embezzlement and unlawful accumulation of wealth which emanating from expanded government involvement in the economy; the system was compounded by the tendency for heads of state to surround themselves with influence bureaucrats and politicians who yearn for a share of and demanded inducements from any government contract. Sebudubudu further articulate that it is precisely because of this fact that many African leaders and government officials control wealth assets that are very disproportionate to their official earnings which make corruption to thrive in the society.⁵¹ For instance, conservatively estimated that the late Mobutu Sese Seko (as he was then the President of Zaire), looted the treasury of some \$5 billion-an amount equal to the country's entire external debt at the time he was ousted in 1997.

addition to the above, political instability is a factor which originates corruption since then; any country with unstable political setting can create an atmosphere of job insecurity, uncertainty, and anarchy in government institutions. As such, it can tempt government leaders and civil servants to engage in corruption activities in order to amass wealth quickly in anticipation of a sudden change in their employment status⁵². Klitgaard⁵³ believe that, being politically unstable obviously corruption will subverts good governance by undermining public trust in government economic costs on the rest of society.'

49 Szeftel M "Clientelism, Corruption & Catastrophe" Review of African Political Economy Journal No. 85 (2000a) 43; as he then further instruct that

'commencement of corruption in Africa countries was fabricated with the environment of post-colonial period since the inception of clientelism and factionalism; he further instruct that, post-colonial was anticipated as a central role for the reason that "historical experience made it unlikely that the market forces which had produced underdevelopment and exclusion would mysteriously reverse themselves once independence was attained" without the state play a key role to impose change.

50 See Sebudubudu (2002) 41.

51 See also Mbaku (1999)120 as he further argues that post-independence laws and institutions enhanced the ability of the ruling elite to engage in opportunism, including corruption to enrich themselves at the expense of the rest of the people.

52 Henry JF *The Rise and Growth of America Politics* (New York Macmillan,1898)323.

53 Klitgaard R "*Cleaning up and invigorating the civil service*" Public Administration and Development Journal Vol. 17 (1997) 489.

and may reduce political participation by tallying to develop pessimism about politics and the political process amongst citizens.⁵⁴ O'Connell talked about certain inevitability about the political instability in contemporary African countries as that has to be lived through and coped with.⁵⁵ He draws attention to the transformation and distortion of cultural attitudes and practices as it clashed with certain colonial legacies in the rise of indigenous political leaders. He further contend that apart from post-independence power struggle among emergent political leaders and the threat to government stability and economic problems that new countries contend with, African political leadership have been unable to efficiently arrangement with the challenges statehood presents. The superiority of politicians who managed established organizations during the decolonisation period and immediately thereafter did not moderately play good roles for the reason that many of the proficient abilities were not available for political posts, and this weakened the ranks of the political class ... The concern was that, many of these men were incompetent, corrupt and act collective.⁵⁶

As for the comprehended arguments provided above, it is clear the government has a burden on the issue of corruption to prevailing.

Measurements of Corruption:

The establishment of the Indices to Measure Corruption took place from 1993 and has the support of governments and leading individuals in both developing and developed countries. The purpose of its establishment was to focus on corruption in international business transactions and to influence international solidarity movement for the various national chapters which are being formed around the world to fight corruption at the domestic level.⁵⁷ In 1995, the Transparency

54 See also in Rothchild D & Chazan N (eds) *The precarious balance: State and society in Africa*, Westview (1988).

55 O'Connell J 'The Inevitability of Instability' *Modern African Studies Journal* Volume 5 No 2 (September 1967) 181

56 O'Connell (September 1967) 187.

57 Explanatory note, 1995: TI is the global civil society organisation leading the fight against corruption. Through more than 90 chapters worldwide and an international secretariat in Berlin, the index raises awareness of the damaging effects of corruption and works with partners in government, business and civil society to develop and implement effective measures to tackle it. Through its International Secretariat and more than 85 independent national chapters around the world, TI works, at the national and international level, to curb both the supply and demand of corruption. In the international arena, TI raises awareness about the damaging effects of corruption, advocates policy reform, works towards the implementation of multilateral conventions and subsequently monitors compliance by governments, corporations and banks. In an effort to make long-term gains against corruption, TI focuses on prevention and reforming systems.

International (TI) released Corruption Perception Index (CPI) as an annual index and has been widely credited with making the issues of corruption and good governance measurable on a relatively fair and rational basis, and creating accepted criteria that allow for international comparisons of levels of corruption in countries across the world.⁵⁸ Lambsdorff⁵⁹ highlights that, the CPI has been assumed as a central place in research on the causes and consequences of corruption, based on regressions for a cross-section of countries. The goal of the CPI is to provide data on extensive perceptions of corruption within countries. That was meant to enhance the understanding on levels of corruption from one country to another. In an area as complex and controversial as corruption, no single source or polling method has yet been developed that combines a perfect sampling frame, a satisfactory country coverage and a fully convincing methodology to produce comparative assessments.⁶⁰

TI has introduced the concept of the measurement chain to help the state to set in corruption research tools in a policy and advocacy framework. the measurement chain means include identifying the right measurement tool for the right purpose, adapting it to the local conditions, implementing it, processing and communicating its results and, finally evaluating the tool's impact.⁶¹ This model of measurement tool development and implementation has enabled a wide variety of tools to emerge from the TI movement, enabling innovation and complementarity of tools. At the same time, it recognises the need to assess the impact of measurement, which can be substantial.

After the CPI recognised as 'poll of polls', various independent institutions emerged from different polls and surveys; these include TI Bribe Payers' Index, the TI Global Corruption Barometer, Columbia University, Economist Intelligence Unit, PricewaterhouseCoopers, World Bank's World Business Environment Survey, Freedom House, Information International, International Institute for Management Development, Merchant International Group, Political and Economic Risk Consultancy, United Nations Economic Commission for Africa, World Economic Forum and World Markets Research Centre.⁶² However, the TI requires data to be collected at least by three organisations which are mentioned by TI and must be available in order to rank a country in the CPI.⁶³ In support to the procedure articulated by the TI, Thomas highlighting that 'it is important to note that these indices measure perceptions of corruption, not 58 Palmer 31.

59 Lambsdorff Measuring Corruption – The Validity and Precision of Subjective Indicators (CPI) in Shacklock A, Sampford C and Connors C (eds) Measuring Corruption (Athenaeum Press, Ltd, Gateshead, Tyne & Wear 2006) 81 available at <http://www.academia.edu> [retrieved on 25th sept, 2014].

60 1995 TI Corruption Index available at <http://www.transparency.org> [retrieved on 31st Aug, 2014]

61 Shacklock A et al (2006) xiv.

62 See also Kenny C *Measuring Corruption in Infrastructure: Evidence from Transition and Developing Countries* Development Studies Journal Vol 45 No. 3 (2007) 314.

corruption itself.⁶⁴ Across countries, the fact that the World Bank Institute (WBI) measure for control of corruption has a correlation coefficient of 0.95 including the government effectiveness and rule of law measures. Brown emphasises that, the measurement of corruption, whether directly or indirectly, based on perception or actual incidence, relies on an agreed understanding of 'corruption' itself.⁶⁵ Langseth⁶⁶ positioned the need of measuring corruption; he argues that corruption represents a 'leakage' of resources from institutions that are supposed to be using them for social objectives. The reason to measure corruption is that resources may not be maximised and public service users have a right to know what services their money should be buying. Langseth further state that whether it is large-scale leakage, such as contract rigging, or small-scale grease payments, both leakages creates a fertile breeding ground for grand corruption and diverts which scarce public service resources. Leakage results in the creation of a fertile breeding ground for grand corruption, diverting already scarce public service resources.⁶⁷

In support to the above, the CPI imposes two approaches for the inclusion of the information in relation to the measurements to be taken; the first approach is that a source conducts surveys must provide a ranking of nations for variety of countries varying methodologies with inclusion; and the other approach is that sources must measure the overall level of corruption. It is violated of the approach if one aspect of corruption is mixed with issues other than corruption such as political instability, or nationalism, or if changes are measured instead of levels of corruption.⁶⁸ Shacklock A et al⁶⁹ argued that, the approaches to assess corruption vary with survey work and 63 TI (1996)

64 Thomas (2006)

65 Brown A.J *What are We Trying to Measure?* Reviewing the Basics of Corruption Definition Chapter 4 Chapter 1 in Shacklock A, Sampford C and Connors C (eds) *Measuring Corruption* (Athenaeum Press, Ltd, Gateshead, Tyne & Wear 2006) xiii available at <http://www.academia.edu> [retrieved on 25th sept, 2014] 57.

66 Langseth P Why Measure? Chapter 2 in Shacklock A, Sampford C and Connors C (eds) *Measuring Corruption* (Athenaeum Press, Ltd, Gateshead, Tyne & Wear 2006) 7 available at <http://www.academia.edu> [retrieved on 25th sept, 2014] see also in the United Nations Anti-Corruption Toolkit, Vienna (2003):

67 Langseth P Why Measure? Chapter 2 in Shacklock A, Sampford C and Connors C (eds) *Measuring Corruption* (Athenaeum Press, Ltd, Gateshead, Tyne & Wear 2006) 7 available at <http://www.academia.edu> [retrieved on 25th sept, 2014] see also in the United Nations Anti-Corruption Toolkit, Vienna (2003).

68 Thomas M *What Do The Worldwide Governance Indicators Measure?* Mimeo, Johns Hopkins SAIS, Washington DC. (2006).

69 Shacklock A et al (2006) xiii

still providing the core tool for evaluation. Each indices as aforementioned has its own way to measure corruption; Sandholtz and Gray⁷⁰ articulate that GDP Index is used to measure the average level of education (literacy rate), development level and economic integration of the countries; and when it comes to measure economic integration of the country the index focused on economic Freedoms issues like business, trade, financial funds, freedom from government, social, political, property rights, investment, corruption and labour; and each index has equal weights.⁷¹ In non-economic factors, the press freedom is measured by the press freedom index constructed by Freedom House Index, includes three categories such are Legal Environment, Political Environment and Economics Environment.⁷² However, the level of democracy in each country is presented by the democracy index which is formulated for Economist Intelligence Unit. ⁷³The Economist Intelligence Unit's democracy index includes five items and these are electoral process and pluralism, civil liberties, the functioning of government, political participation and political culture.⁷⁴ The remaining variables in economic model and income distribution measured by United Nations Gini index, the data on Gini figure is collected from Wikipedia, the free encyclopaedia and CIA Fact book. ⁷⁵

Given the difficulties in measuring of corruption from lack of data to the high cost of carrying out certain methodologies, yet there is a need for both pragmatism and proxies in this field.⁷⁶ Fazekas M et al further emphasises that, in order to fill some of the gap between the demand for corruption indices and the dire state of the data currently available, there is a need to develop a novel measure of institutionalised corruption which are solely derives from objective data describing behaviour, defined on the micro level such as individual transactions, allow for consistent temporal comparisons within and across countries, and rests on a thorough understanding of the corrupt rent extraction process. The approach makes use of micro-level data on individual public procurement procedures allowing for directly modelling corrupt actors' rent extraction activities as to institutionalised corruption in public procurement requires such as the generation of corrupt rents, and the regular extraction of such rents. To achieve both of these, any corrupt group has to restrict competition prescribed by procurement laws to benefit a particular bidder multiple times. Hence, measuring the degree of competition restriction,

70 Sandholtz W and Gray MM *International Integration and National Corruption* International Organisation Volume 57 No. 4 (2003) 775

71 Sandholtz W and Gray (2003) 775

72 CPI Survey (2006)

73 CPI Report (2007)

74 See also Shabbir and Anwar (2007)758

75 Data Source: CIA World Fact Book (2005)

76 See Fazekas M et al *Anatomy of grand corruption: A composite corruption risk index based on objective data* Working Budapest, Hungary Paper series: CRC-WP/2013:02 Version 2.0 (November 2012) 1 available at <http://www.crc.uni-corvinus> [accessed 3rd October,2014].

recurrent contract awards to the same company, and the typical techniques used to achieve these goals allow for detecting institutionalised grand corruption consistently across countries, organisations and time.⁷⁷ Perception indices are valuable and powerful, particularly as a global and comparative corruption measurement tool, but they are not sufficient for certain purposes, such as diagnostics. They prominence that, it is necessary to triangulate measurements of corruption instruments both top-down and bottom-up, reflecting subjective and objective data as to provide holistic view of the problem as is possible. At the same time, the ends must justify the means – all measurement tools need to take account of what they can achieve, and how they can contribute both to better understanding and to necessary reform.⁷⁸

Fazekas M⁷⁹ *et al* argued that the absence of forceful objective measures, there are three major sources of corruption indicators to date and these are surveys of corruption perceptions and attitudes ; reviews of institutional and legal frameworks; and detailed analyses and audits of individual cases. Unfortunately, each of these has serious lacks leaving the countries without any reasonably reliable and valid indicator of corruption allowing for comparing countries over time or exploring within country diversity. Further argued that despite of industry has emerged for measuring corruption, the available measurements are either fundamentally flawed or too narrow for testing theories of grand corruption and developing effective solutions to it. In a broad sense, corruption indicators derive primarily from Surveys of attitudes, perceptions and experiences of corruption among different stakeholders (e.g. general population, firms, experts); reviews of institutional features controlling corruption in countries or individual organisations; and audits and investigations of individual cases.⁸⁰

Measuring corruption has been difficult due to secrecy and the fact that most known measures of corruption are indirect measures that tend to fade over time.⁸¹ For a country or territory to be included in the index a minimum of three of the sources that TI uses as aforementioned must assess that country. Thus inclusion in the index depends solely on the availability of information. A country's rank can change simply because new countries enter the index and others drop out. A higher score is an indicator that respondents provided better ratings, while a lower score suggests that respondents revised their perception downwards. Comparisons from one country to another are not feasible in this case and a ranking cannot be produced. Comparisons to the results from previous years should be based on a country's score, not its rank.⁸² The CPI is calculated by aggregating and analysing data from eleven independent sources that measure the level of public
77 Fazekas M *et al* (November 2012) 1.

78 Shacklock A *et al* (2006) xiii

79 Fazekas M *et al* (2012) 2

80 Fazekas M *et al* (November 2012) 3

81 Golden MA and Picci L *Proposal for a new measure of corruption illustrated with Italian data* Economics & Politics Review Volume 17 No.1 (2005) 39.

82 Thomas (2006)

and private corruption in various countries. This data is then consolidated and standardised with a matching percentiles technique, giving a score between 0 (extremely corrupt) and 10 (no corruption at all).⁸³

CONCLUSION:

Given the difficulties in measuring of corruption from lack of data to the high cost of carrying out certain methodologies, yet there is a need for both pragmatism and proxies in this field. Measuring corruption is difficult and any attempt to do so is bound to face certain challenges. There are however well-founded concerns about how accurately these perceptions reflect reality. However, it had been articulated that the measurement of corruption is necessary once a state desire to achieve progress enrooted for reliability, transparency and culpability in governance.

83 1995 TI Corruption Index available at <http://www.transparency.org> [retrieved on 31st Aug, 2014].

See TI Report (2000).

Attempts to measure corruption have increased over the past years not least with the launch of the Corruption Perception Index and the rollout of enterprise and consumer surveys which include questions on the extent of informal payments for licenses, government services and contracts. The TI report⁸⁴ emphasizes the need of measuring corruption as there is indeed of receiving accurate information on the actual occurrences of corruption; the purpose of this have two folds, the first as to know more about the problem and how can assist in devising strategies to combat it, and the second; being able to track trends over time allows one to see whether the current combative strategies are effective.

To achieve both approaches and measurements, any corrupt group has to restrict competition prescribed by procurement laws to benefit a particular bidder multiple times. Hence, measuring the degree of competition restriction, recurrent contract awards to the same company, and the typical techniques used to achieve these goals allow for detecting institutionalised grand corruption consistently across countries, organisations and time.⁸⁵ Perception indices are valuable and powerful, particularly as a global and comparative corruption measurement tool, but they are not sufficient for certain purposes, such as diagnostics. They prominence that, it is necessary to triangulate measurements of corruption instruments both top-down and bottom-up, reflecting subjective and objective data as to provide holistic view of the problem as is possible. At the same time, the ends must justify the means – all measurement tools need to take account of what they can achieve, and how they can contribute both to better understanding and to necessary reform. Despite of having tough and various of instruments as recognised world-wide to measure corruption and the best methods as stipulated by the Index, still indicate that corruption is a problem.

84

85 Fazekas M *et al* (November 2012) 1.

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