Gedeon M. Mudacumura
Göktuğ Morçöl   *Editors*

Challenges to Democratic Governance in Developing Countries

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Series Editor

Ali Farazmand
Florida Atlantic University
FL, USA

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Ali Farazmand, Series Editor

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Editors

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Editors
Gedeon M. Mudacumura
Department of Social & Behavioral
  Sciences
Cheyney University of Pennsylvania
Philadelphia, PA, USA

Göktuğ Morçöl
School of Public Affairs
Pennsylvania State University
Middletown, PA, USA

*To our sons, Daniel and Taylan, and other
young citizens of the world*
                                    —GMM and GM

Preface

Despite the fact that large amounts of human and financial resources have been invested to promote sustainable development in developing countries, statistics show that the majority of these countries have not yet achieved significant improvements in their people's living standards. The inadequate socioeconomic development policies in these countries, coupled with poor governance, have negatively impacted the lives of millions of people. Particularly, African countries have been affected by these inadequacies. Despite its abundant natural and human resources, Africa is the only developing region of the world that has grown consistently poorer over the past five or more decades.

In the 1990s, "sustainable development" became a catchword that captured the attention not only of environmental scientists and activists but also of some mainstream economists, social scientists, and policymakers. Sustainable development attracted greater attention during the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, where world leaders concluded that no group of nation could develop sustainably while others remained hungry and poor.

Over 20 years after the Rio conference, the majority of developing nations are still trapped in poverty, despite a substantial amount of donor money poured into those countries. This outcome made a large number of academics and activists to question the usefulness of foreign aid. Some even question whether foreign aid has prevented poor nations from achieving their development goals. Then what are the keys to understanding why and how nations develop sustainably or not?

The contributors to this edited volume attempt to shed light on this question. They focus particularly on the problems of democratic governance and corruption in these countries as the key issues in sustainable development. Arguably, undemocratic and poor governance and corruption are the most important systemic factors that contribute to underdevelopment and poverty in many countries. Because of poor governance and corruption, the institutional foundations of most developing countries are weakened, public funds are misappropriated, and policies and programs aimed at reducing poverty and fostering sustainable economic development are undermined.

The contributors explore a variety of issues including, but not limited to, the relevance of designing and enforcing accountability and transparency mechanisms, importance of understanding corruption from historical and cultural perspectives, critical roles of civil society organizations in fighting corruption, impact of decentralization on local governance, regional democratic governance initiatives, and specific anti-corruption strategies implemented in various countries.

The underlying theme running throughout the book is the ongoing demands of the peoples of the developing world for effective democratic institutions and concrete strategies to curb corruption in public affairs. This demand has increased in the last few decades, as these societies became more sophisticated and more interconnected through the Internet and social media.

As the editors of the volume, we acknowledge the insightful contributions by the authors of its chapters. We also thank Professor Ali Farazmand, the editor of the Springer book series in Public Administration, Governance, and Globalization, for giving us the opportunity to publish this book. The most valuable help and insight of Jon Gurstelle of Springer International Publishing Inc. during the publication process should also be acknowledged. Last, but not least, we want to acknowledge Cheyney University of Pennsylvania, the School of Public Affairs at the Pennsylvania State University at Harrisburg, the African Studies and Middle East Centers at the University of Pennsylvania, and the Rwanda Governance Board for financially supporting the 2012 International Conference on Democratic Governance that was held in Philadelphia. That conference provided a forum where the contributors of this volume shared and discussed their initial thoughts, which were the bases of the chapters of this edited volume.

Cheyney, PA, USA   Gedeon M. Mudacumura
Middletown, PA, USA   Göktuğ Morçöl

Contents

Contributors

Nicole Bissessar Department of Economics, Kent State University, Ashtabula, OH, USA

Judith A. Cochran University of Missouri-St. Louis, MO, USA

Chika Ezeanya University of Rwanda, Kigali

M. Shamsul Haque Department of Political Science, National University of Singapore, Singapore, Singapore

Douglas Kimemia Virginia Commonwealth University, Richmond, VA, USA

Anne Mette Kjær Aarhus University, Arhus V, Denmark

Özer Köseoğlu Sakarya University, Sakarya, Turkey

Sandra Matatu Rhodes University, Grahamstown, South Africa

Genevieve Enid Meyers University of Detroit Mercy, Detroit, MI, USA

Laura Miti Rhodes University, Grahamstown, South Africa

Göktuğ Morçöl School of Public Affairs, Pennsylvania State University, Middletown, PA, USA

Gedeon M. Mudacumura Department of Social & Behavioral Sciences, Cheyney University of Pennsylvania, Philadelphia, PA, USA

Simon H. Okoth Zayed University, Abu Dhabi, United Arab Emirates

Oluwole Owoye Department of Social Sciences/Economics, Western Connecticut State University, Danbury, CT, USA

Keba Sylla The University of Akron, Cleveland, OH, USA

Kumru Toktamış Pratt Institute, Brooklyn, NY, USA

Triparna Vasavada School of Public Affairs, Pennsylvania State University, Middletown, PA, USA

Denis Venter Senior Research Fellow, Faculty of Humanities, University of Johannesburg, Pretoria, South Africa

Research Associate, Department of Political Studies and Governance, University of the Free State, Bloemfontein, South Africa

Chapter 1
Multiple Dimensions of Governance

Gedeon M. Mudacumura

Over that last 10 years, "governance" has become a catchword capturing the attention not only of civil society organizations, local, and international nongovernmental organizations but also of some mainstream social scientists and policymakers in developed as well as developing countries. Barclay (2006) views governance as a concept that is widely used in the development literature with a variety of meanings and interpretation. The various contributions to the democratic governance debate have led to different and sometimes conflicting definitions of the "governance" phenomenon. While some narrowly conceive governance as a positive force to foster economic growth, Fukuyama (2013) sees governance as a government's ability to make and enforce rules and to deliver services, regardless of whether that government is democratic or not. He further argues that the current orthodoxy in the development community considers democracy and good governance as mutually supportive.

Good governance is becoming more and more commonplace as a key element of development. In fact, the success of development is dependent on good governance which is often equated to democratic governance (McCawley 1993). Similarly, Goodsell (2006) posits that the term "governance" has taken on an increasingly ambiguous definition recently, including the "exercise of collective authority whereby a society steers itself; the operation of regimes that constrain, prescribe, and facilitate government activity; and the coordination of autonomous organizations in behalf of joint interests" (Jreisat 2004; Lynn et al. 2000).

Governance as a paradigm is shifting the role of citizens from passive to active participants in democracy. Democracy is here conceived as a regime or a system of government in which rulers are held accountable for their actions in

G.M. Mudacumura (✉)
Department of Social & Behavioral Sciences, Cheyney University of Pennsylvania,
701 Market Street, Philadelphia, PA 19106, USA
e-mail: gmudacumura@cheyney.edu

the public domain by citizens acting indirectly through the competition and cooperation of their representatives. The United Nations Development Program (UNDP 2009) defines governance as the exercise of power through a country's economic, social, and political institutions in which institutions represent the organizational rules and routines, formal laws, and informal norms that together shape the incentives of public policymakers, overseers, and providers of public services. In a nutshell, the UNDP acknowledges participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability, and strategic vision as core characteristics of democratic governance (UNDP 2009).

While the Asian Development Bank (1995) identified accountability, participation, predictability, and transparency as basic elements of good governance, Barclay cited Frischtak (1994, 1) who considered institutional building and design, nature and transparency of decision-making procedures, interest representation and conflict resolution mechanisms, limits of authority, and leadership accountability as governance issues. Bottom line, good governance or democratic governance is a practice, the implementation of which is critical in allowing both developed and developing countries to be in the driver seat as they control their political, economic, and social development effectively.

As core components of good governance, Leftwich (1993) observes several characteristics: an efficient public service; an independent judicial system and legal framework to enforce contracts; the accountable administration of public funds; an independent public auditor, responsible to a representative legislature; respect for the law and human rights at all levels of government; a pluralistic institutional structure; and a free press. Others (Behn 2001; UNDP 2002; Brinkerhoff 2006) consider transparency, responsiveness, and accountability as essentials for good governance.

Looking at democracy and governance, Farazmand (2009, 115) claims that ethics, accountability, and transparency are the most important crosscutting principles of democracy and trust in effective governance and administration as "they prevent opportunities for corruption and bad administration." The most critical challenge confronting both developed and developing countries is to create an environment that fosters effective democratic governance. Such an environment will materialize only when the structural, political, administrative, social, economic, and spiritual dimensions of democratic governance are joint-optimized or given equal consideration in the formulation and implementation of sustainable development strategies.

This introductory chapter intends to shed light on the above key dimensions while underscoring the challenges that many developing countries are confronted with in their attempts to foster development/democratic governance. It's worth reiterating that without good governance, the likelihood of building sustainable healthy communities in developed and developing countries is slim to none. To that end, bilateral and multilateral development agencies have shifted their focus on governance which matters significantly for developing countries' aid effectiveness. Let's briefly review the underlying premises of the six dimensions which are critical for fostering development/democratic governance.

Structural Dimension

In both developed and developing countries, most governments are structured in a way that ensures the legal and practical separation of executive, legislative, and judicial powers for the sake of accountability. Such separation is intentionally set up to allow for checks and balances between the branches of government. The "structural dimension" highlights which branch of government is responsible for making laws, approving funding for development programs, implementing and evaluating development strategies, and ensuring that enacted laws fall in line with the country's constitutional framework.

The notion of accountability is intimately linked with the concept of democratic governmental structure and processes. The role of accountability as a prerequisite for effective development and democratic governance cannot be overemphasized. In fact, Huque (2011) notes how nations lacking a long tradition of functioning under an operational system of accountability face the challenge of establishing a system of governance that ensures a responsive, equitable, and effective government. Day and Klein (1987) and Steffek (2010) highlight the importance of public officials to be accountable for responding to the needs of citizens, using taxpayers' money judiciously, remaining dedicated to their professions, properly using authority delegated to them for specified tasks, and upholding the rule of law.

With the current trend towards globalization, most governments are going through structural changes as they adjust to new types of partnerships which are critical to maintain public values alongside socioeconomic growth. Abonyi and Slyke (2010) argue that government no longer drives economic development through "traditional hierarchical relations" such as policies and regulations. Instead, in order to benefit from an increasingly interconnected and networked world economy, governments need to participate in multi-stakeholder partnerships to align national and regional governance goals with those of enterprises.

Through globalization, there is a distinct push for governments to be held to a higher standard of accountability, which allows for new democratic ideals and paves the way for greater democracy (Srivastava 2009). Regardless of the government structure, there is a worldwide increasing demand for accountability of government officials. Citizens of the global community are showing less tolerance for corrupt public officials. The current information and communication technologies have created an environment in which the demand for an accountable government is intensifying as recently noticed with the "Arab Spring".

How is it that citizens are not trusting public officials to execute their duties honestly and rightly? This question has been lingering since the early days of the American Government when the founding fathers had the foresight to understand that government must come with restrictions to prevent it from overstepping its boundaries. Writing in The Federalist 51, Madison observed:

> If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government

which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions (Madison 2006).

From Madison's perspective, precautions are indispensable to keep in line a government by fallible people. In the current era of contracting out public services, Gormley and Balla (2008, 144) warn that "accountability might suffer if government officials lack sufficient information to distinguish between good and bad contractors … Accountability suffers if the government has poorly defined the contractor's responsibilities. Accountability suffers if government officials adopt a laissez-faire position after the contract has been awarded." One cannot talk about the structure of the government without alluding to the second critical dimension of democratic governance: "political dimension".

Political Dimension

This author defines the "political dimension" as a decentralized effective system of governance in which the interlinked, embedded, symbiotic relationships between public and private development stakeholders' concerns are taken into account when elected officials devise development strategies (Mudacumura 2002). The quality of public policies designed by political leaders is one measure of the quality of governance, and policy choices depend in part on the degree to which those leaders are held to account. This definition further underscores the crucial importance of effective political systems of governance. Such systems enable the private and public sectors to collaborate while carrying forward the development functions. Let's remind that governance is here conceived as the manner in which power is exercised in the management of a country's economic and social resources for the sole purpose of improving societal welfare.

An effective system of governance is emphasized in the above definition to represent the increasing attention to good governance, *a sine qua non* condition for promoting strategies geared towards the betterment of the population at large. Thus, good governance implies improving the quality of services and leadership at the local level with decision-making decentralized at the grassroots levels.

Decentralization, in the above context, aims at shifting the development responsibilities to grassroots organizations and local authorities, thus bringing decision-making processes closer to the people to become the change agents. In other words, decentralizing the decision-making allows people to be active change agents, a process that might lead to the sustainability of local development.

Decentralization further draws attention to the importance of accountability and participation within a democratic political framework in enhancing public capacity (Doyal and Gough 1991). Such enhancement includes channels for the public to voice their needs, to influence policy-making, and to ensure that those charged with implementing policy remain accountable to those whose livelihoods and future they

will affect (Currie 1992). Considering the structure of most governments, the executive branch is the one responsible for implementing enacted policies through public administrators.

Administrative Dimension

In the above discussion, the importance of designing adequate policies and programs was underscored. But, without an effective public sector management system, such policies and programs would not achieve their intended goals. The comportment and effectiveness of public administrators in managing public resources, carrying out regulatory functions, and generally implementing public policy are key determinants of the quality of governance.

Keeping in mind the role of public administrators, the Denhardts remark that to be accountable means acting with probity, responsibly, lawfully, honestly, ethically, professionally, and in accordance with democratic principles and the public interest. In other words, public administrators are accountable to a multitude of organizations, rules, regulations, laws, and individuals within and outside the governmental system (Denhardt and Denhardt 2007). It makes perfect sense to hold public administrators to widely accepted standards of the diverse multiple parties engaged in the work of government, and one would agree with Forrer et al. (2010, 477) who recognize that accountability "is the cornerstone of successful public management."

Globalization has caused a significant alteration in the fabric and structure of governance and public administration. Such changes justify why public administrators must build their capacity to manage by understanding the opportunities that will present themselves in the future and building programs and policies that capitalize on those opportunities. Moreover, public administrators have to look at managing and governing from a global perspective in order to gain legitimacy.

Along the same lines, it is essential that public administrators build capacity by thinking outside the box and transforming an old public administration culture that is ineffective in a global market. Thus, administrative capacity must be built by interlinking various stakeholders that will create future opportunities in the global market. Administrative capacity is here defined as "a broad concept that entails running the machinery of a political or economic system, a government, and its international or global affairs, executing policy decisions, and translating political and collective will into actions through implementation and management" Farazmand (2009, 1016).

Farazmand (2009) further suggests that the world has entered a new millennium with epochal changes that have been transforming societies, economies, governments, and public administration. These changes call for an effective system of accountability which serves as a check on power and authority and is applicable to both elected officials and public administrators. To fulfill its recommended responsibilities in the global environment, public service and administration must be revitalized and their institutions, organizations, processes, and values re-institutionalized (UN 2005). Such revitalization will create a positive force to influence economic

growth. In fact, a growing amount of available evidence (mainly in World Bank documents) suggests that lack of quality governance hinders growth and investment and aggravates poverty and inequality.

Economic Dimension

This author considers "economic dimension" as a dynamic structural change process that preserves cultural values and human dignity while exploring the interconnected relationships geared towards improving people's economic welfare at the local, national, and global levels (Mudacumura 2002). As highlighted in the definition, improving economic welfare for all implies the recognition of interconnected relationships and the realization that economics is only one part of the tool kit to achieve sustainable economic development.

Along the same train of thought, particular emphasis on global equity, here conceived as determined efforts for redistribution of global financial resources, underlines the importance of considering the interrelationships among structural, political, economic, administrative, and social dimensions at the local, national, and global levels, a prerequisite for the materialization of development/democratic governance.

Furthermore, acknowledging interconnectedness in development can explain the failures of previous development approaches that were premised on reductionist thinking, i.e., the belief that all aspects of complex phenomena can be understood by reducing them to their constituent parts and by looking for mechanisms through which these interacted (Corbridge 1998; Capra 1982). Moreover, human dignity is conceived as the ability of individuals to work and earn decent wages enabling them to take care of themselves and their families. It is a known fact that an economic system with a large number of undernourished and unemployed people at the bottom rung of a long social ladder can never provide a firm basis for political or economic development (Bava 2000). Specifically, a socio-political-economic system where there is inequality, poverty, and unemployment (and hence no scope for dignified human life for all people) can never be regarded as an economically sustained society (Bava 2000).

In brief, emphasizing intricate development issues leads to the need to explore further the extent to which fostering sustainable economic development fits with improving people's participation in policy-making, preserving cultural practices, and promoting global equity and societal welfare. These are key features of the social dimension discussed next.

Social Dimension

We define the "social dimension" as consisting of a participatory decision-making system through which empowered people devise strategies aimed at fostering global equity and preserving cultural practices while recognizing the complex challenges of

securing current and future generations' welfare. Specifically, the "social dimension" capitalizes on people as a key asset in any development effort who, when empowered, unleash their thinking processes, making them active participants in the identification of a community's complex development issues.

In light of the above definition, empowered individuals at the grassroots levels can design suitable development policies that not only foster global equity but also preserve local cultural practices. Empowered people produce effects and can exert their will against opposition (Arendt 1986). Such empowerment hinges on the existence of an environment that promotes open and non-distorted communication, that is, an environment in which local citizens participate as equals in the deliberation of issues affecting their lives. As Sen (1999) asserted, people directly involved must have the opportunity to participate in deciding the appropriate development options that might foster global equity. Thus, in this context, participatory decision-making is acknowledged as a main cornerstone of the "social dimension."

Furthermore, the "social dimension" does not imply the maintenance of the social order which may contain glaring disparities among people arising from the concentration of economic power, wealth, and resources. Instead, the "social dimension" fosters global equity, which searches for means of leading to meaningful realization of equality not only for elites who own the majority of resources but also for the vast multitude who do not possess such resources.

Thus, grassroots participation connotes a process whose objective is to enable the vast multitude to initiate action for self-reliant development and acquire the ability to influence and manage change within their societies, including shaping the global equity decisions that affect ultimately their lives. Such a process entails an active and sustained role in determining how development resources should be generated and evenly distributed—factors that explain the importance of the "social dimension."

Moreover, active participation in decision-making underscores the relevance of building local capacity, a process of training citizens and equipping them with necessary analytical skills. Thus armed, local citizen can make valid contributions in development debates. In fact, experience has demonstrated that participation in decision-making improves the quality, effectiveness, and sustainability of development strategies (UNDP 1997). Thus, this capacity-building, enabling grassroots citizens to play major roles in development decision-making processes, is the backbone of the "social dimension."

Additionally, "social dimension" emphasizes the preservation of local cultural practices. Acknowledging the values of local cultures and ensuring that cultural practices are not overlooked constitute one strategic approach to sustainable development (Chambers 1997). It should also be noted that historically, development programs that ignore the relevance of local cultural practices fail (Cernea 1991). Finally, empowered people working with institutions engaged in sustaining local development pay attention to local cultural practices because culture is intrinsically part of development (Wolfensohn 1995–2005).

Thompson (2002) also champions the concept of social entrepreneur, a notion that is being used widely to address a new form of participation in the voluntary sector. From his perspective, social entrepreneurs are characterized as people who

can identify needs and opportunities in their community, recruit and motivate others and thereby build networks and social capital, overcome obstacles and challenges, as well as secure funding and the resources that are needed. The word "entrepreneur" indicates that these citizens create or innovate something of recognized value around perceived opportunities (Bolton and Thompson 2000). Think of the power these social entrepreneurs coming from diverse areas of society and belonging to a wide range of age groups and backgrounds could exercise in holding public administrators and elected officials accountable. The involvement of dedicated social entrepreneurs in enforcing accountability and transparency mechanisms is becoming an important element of democratic governance not only in developed world but also in developing countries. Ultimately, it makes perfect sense for governments at different levels to increasingly recognize the urgent need to mobilize and use the knowledge, resources, and energies of empowered citizens in the governing of our complex, fragmented, and multilayered societies (Agger et al. 2007).

Spiritual Dimension

The "spiritual dimension" is defined as a transcendental value system that connects the self with other interrelated subsystems and functions synergically with the rest of our human faculties through inner-transformational changes leading to productive, good lives (Mudacumura 2002). This definition points to a transcendental value system that fosters symbiotic interrelationships in which the individual exists and functions as a central part of the integrated, whole system. Specifically, the individual is part of a global community consisting of intricately balanced, interdependent parts and processes.

Moreover, the definition reiterates that individuals, as active agents in shaping the global environment, may strive to balance the interdependent parts and processes, a balance without which the survival of humankind can be compromised. Along the same line, looking at spirituality as transcending all human subsystems and containing revitalizing power may explain the extent to which people's selfish or careless motives may be changed. It further sheds light on how changed individuals may live productive good lives in the global community. In this context, a productive good life means living a complete life; not dying prematurely; having good health; being nourished adequately; and possessing adequate shelter (Nussbaum 1990). Again, such dynamic, transformational changes leading to a productive, good life underscore the necessity of paying attention to the harmonious relationships which should exist among individuals and the natural environment.

Similarly, we may argue that the inner-transformational changes suggested by the definition of the "spiritual dimension" are premised on an understanding of the relations of parts to the whole and of past to present to future (Engel 1998). Such an understanding might explain why spiritually led citizens work together on faith-based issues, trying to regain their self-worth while living productive, good lives.

Moreover, people's productive good lives also involve reaching "spiritual fulfillment," a balance between individuals and their surrounding environment. Without a desire for spiritual fulfillment, one might question whether people can lead productive good lives characterized by peacefulness, joy, happiness, enlightenment, and creative expression, all of which may provide the mental pathways leading individuals away from material consumption and wealth accumulation to a higher level of satisfaction and purpose (Daly 1991; Moore 1995).

Along the same line of thought, the "spiritual dimension," moreover, might explain the need to go beyond accumulating material wealth without considering the effects of that accumulation on the quality of the human condition (Gondwe 1992). Let's emphasize that the underlying rationale behind the "spiritual dimension" is a focus on people's redemptive, inner-transformational changes that may produce renewed individuals, socially accountable to both current and future generations. This rationale fits with Tawney's (1920) argument that a healthy society comprises people who are trustees in the discharge of a social purpose.

The "spiritual dimension" further highlights the importance of "empowerment," a process whose purpose is to expand people's capabilities. Such an expansion involves an enlargement of choices and an increase in freedom (UNDP 1996). In fact, empowerment underscores that a learning/organizing process exists which allows people to define their development objectives; assess the implications of development options available to them; and assume responsibility for actions to achieve their agreed-upon objectives.

Finally, the "spiritual dimension" emphasizes that we should think holistically. It is worth remembering that holism is concerned with interconnections, interrelationships, and long-term underlying systemic patterns (Wheatley 1992). Thus, relying on holistic thinking may explain how an individual may connect with other interrelated subsystems while operating in a symbiotic, global environment.

As the ingredients of a cake are inexplicably intertwined and are necessary for full flavor, so are the dimensions of governance interconnected and indispensable for development to be sustainable.

Ultimately, addressing interlinked development issues implies thinking holistically, focusing on the whole phenomenon of sustainability as opposed to focusing on one or two dimensions. With the above discussion of the key dimensions of development/democratic governance, the last section of this chapter turns to the plan of the book.

Plan of the Book

This book is divided into five parts. *Part I* deals with the underlying premises of development and governance. Kjeer explores the current debate on governance in Africa as an emerging political economy paradigm. She provides an overview of the African governance debate by characterizing both its distinctness and the elements it shares with the "new public management" and "old public administration." She

further argues that the African governance debate has been hampered by a sometimes futile schism between the pessimists who focus on neo-patrimonial informal institutions that characterize governance and the optimists who insist that better institutional design can improve governance. However, while Kjeer sums up her contribution pointing out the importance of embracing the emerging governance paradigm focused on the political economy, Mudacumura looks at accountability and transparency as cornerstones of development and democratic governance. He reviews the literature on these critical concepts and underscores why all key development stakeholders, whether public, private, and civil society organizations, must play a crucial role in enforcing accountability and transparency mechanisms. He asserts that enforcing such mechanisms is a prerequisite for fostering the "capable democratic state," vital for accomplishing societal goals while promoting sustainable development locally, regionally, and internationally.

Miti and Matatu focus their analysis on the role of legislation for social accountability, comparing two countries: South Africa and Zambia. In their opening argument, they note that the quality of governance in Africa is determined, to a large extent, by the ability of citizens to exact accountability from the state. While political accountability, which is determined by a cycle of elections and existence of democratic institutions, is well established in many states in Africa, the question of social accountability is increasingly gaining currency as a vital component in improving overall accountability. They define social accountability as an approach which relies on civic engagement to ensure accountability from duty-bearers. In the public sector, it relies on a range of actions and mechanisms used by citizens, civil society organizations, media, and communities to monitor the behavior and decisions of public officials and agencies. They drive home the importance of legislation in facilitating civic organizations' ability to demand improved public resource management from state actors.

In his chapter, Haque argues that for studying contemporary changes in the nature of public administration, Singapore represents a useful and interesting country, especially because there is limited research and education on this case. He begins with a macro-level analysis of Singapore's state-centric governance, including the state formation, political system, politics–administration relation, and administrative scope. He further examines the implications of such reforms for state capacity, state–society relations, and the people. Although there are diverse outcomes and new challenges created by these reforms in administration and governance in Singapore, Haque believes that there are reasons for taking Singapore's experience seriously in the current context of severe economic crisis worldwide.

Part II of the book focuses on democratization, decentralization, and governance. Myers alludes to how decentralization has been hailed as an integral part of democracy and governance. It is generally accepted that when lower levels of government are offered avenues for participation and given a say in matters that affect them, the citizens' needs are better served, local and national accountability are enhanced, and better public policies are generated. Decentralization, therefore, is viewed as not only a vehicle for administrative efficiency but also a democratizing process that engenders governance at the lowest levels of government. Her chapter provides an

assessment of the decentralization program implemented in Uganda since the National Resistance Movement (NRM) came to power in 1986. Her analysis is premised on the thesis that decentralization can be a vehicle for democratic governance and political expediency. Indeed, the NRM government initiated decentralization first and foremost in order to gain political acceptability and popular mandate. With the adoption of the structural adjustment programs (SAPs), decentralization became a vehicle for democratic government. However, as the NRM increasingly tightens its grip on power, decentralization has become an avenue for political patronage and expediency. She concludes her analysis showing that decentralization and creation of districts go hand in hand and the latter does not serve to generate decentralized democratic governance but rather to offer the Uganda President Yoweri Museveni a path to shore up his support and garner electoral votes.

Looking at the limitations of educational system in democratic governance in the Middle East, Cochran makes the argument that all educational systems in the Middle East were developed under Ottoman, British, French, and religious mandates. Jews, Christians, and Muslims throughout the region attended public and private schools learning religious doctrine with similar teaching strategies that have varied little in the last 1,000 years. Knowledge in the past was recognized as spiritual, absolute, and unchanging and to be memorized from the Koran (or Qu'ran), Bible, or Torah. Students of all faiths were taught to unquestionably follow the instruction of religious leaders who represented or are descended from God. Obedience, subservience, and loyalty to God's laws as communicated by his elite emissaries were the behaviors expected of graduates from all religious institutions.

Upon gaining their independence, countries in the Middle East expanded existing religious educational systems in the effort to quickly build an educated citizenry. Obedience, subservience, and loyalty to the King or the President were now added to the expected graduate behaviors. Students now memorized government written texts. Like the Koran, Bible, or Torah, the secular subjects were not to be questioned. Subservient behaviors and memorization of texts are not necessarily compatible with the critical thinking and problem-solving skills needed for challenging or for implementing new political structures. Cochran claims that such structures require an educated citizenry with experience in governance and skills in organizations and group leadership. She raises a major concern that citizens' subservient behavior and their educational experiences have not prepared many of them to participate in emerging democratic governance.

While Cochran looked at the Middle East in general, Toktamis narrows her research on Libya, one of the countries in the Middle East where the popular uprising led to the demise of the Qaddafi regime. She notes how the fractured, fragmented, and tribal qualities of the Libyan society and political history seem to be anything but impediment for the likelihood of democratization and even state formation. From a theoretical standpoint, such qualities may also become facilitating resources contingent upon development of conditions and processes of small-scale consultations, citizen–state bargainings, and enlargement of public politics. While the restoration of Libya as a national state is desirable within the global and regional context, it is not unlikely that such process may trigger democratization as much as

it may lead to de-democratization. Following the blueprints of the theoretical models of state formation and democratization by Charles Tilly, Toktamis explores the conditions and processes of "broadening, equalization, and protecting of mutually binding consultations" in Libya which may create the necessary institutions of a single, unitary, fair state, and mechanisms for citizenry to negotiate with that centralized power.

Turkey is another country in the Middle East with a long history of administrative reforms, but the reforms that were undertaken in the last decade have had more significant impacts compared to the ones in the prior periods. Köseoğlu and Morçöl contend that prior reforms focused primarily on reorganizing government agencies and revising the procedures of public service, while recent reforms aimed to improve the relations between public agencies and their clients by enhancing the transparency and accountability of the agencies, curbing corruption, and enhancing citizen engagement. They summarize the history of the reforms in Turkey and discuss the outcomes of the reforms in the 2000s, particularly in reducing corruption and citizen engagement. From their analyses, they draw two conclusions. First, the administrative reform efforts in Turkey followed a similar path as the reforms in Europe and North America. Second, the reform efforts of the 2000s have been quite effective.

Part III of the book deals with culture, corruption, and governance, and Kimemia opens this section with his research on organizational culture and its influence on corruption using the case of nongovernmental organizations (NGOs) in Kenya. He makes the case that the role of the NGO sector in Kenya cannot be understated as NGOs have proved to be mission oriented, rising above political or economic motives that drive both the public and private sectors. Unfortunately, some of the NGOs have been caught up in the web of corruption that has become engrained in the fabric of daily life for most Kenyans. Although the evidence is mostly anecdotal, there are indications that there are corrupt practices permeating the NGO sector. There is increasing evidence that the prevailing corrupt culture in Kenya has increased the pressure among the NGOs to abuse their envied position of trust, the opportunities to engage in corrupt practices, and the ability to rationalize those corrupt activities. In order to retain its integrity, the NGO sector needs to develop systems for performance monitoring, accountability, and strategic planning, which will ensure that it remains transparent and effective.

Similarly, Sylla takes on the challenging task of defining corruption in the cultural context of sub-Saharan Africa. He considers the cultural context, historical perspectives, and international relations as interconnected factors responsible for generalized corruption and corrupt behaviors in the region. After 50 years of political independences, Sylla views sub-Saharan Africa as still engulfed in a corruption scheme in which many public officials and private businesses are involved in the mismanagement of funds. His chapter identifies many areas where a political will and strong, effective leadership can make a difference in the fight against corruption in sub-Saharan Africa.

Along the same line, Ezenya approaches corruption and nation building in sub-Saharan Africa from a historical analysis. She argues that most pre-colonial African

societies had zero tolerance for corruption and used several means including the superstitious to ensure that individuals were loyal to the ideals of the community. Unfortunately, colonialism introduced and entrenched a system of corruption in government and encouraged corruption among the citizenry. Decades after independence of most African countries, the inability of African academicians and policymakers to accurately pinpoint the foundations of widespread corruption across systems in sub-Saharan Africa can be said to be one of the reasons why veritable solutions to the crisis are yet to be deciphered. For a future where meritocracy is upheld and corruption is considerably reduced, there is a need to accurately understand the past in order to address present challenges.

Focusing her research on India, Vasavada remarks how substantial problems of corruption have impeded the country's economic, social, and political development. The author alludes to the Jan Lokpal Bill which would provide the creation of a national ombudsman institution as a tool to combat corruption at the national level. She looks at two cases of the state of Karnataka and Kerala by analyzing state-level ombudsman institution and workings of state ombudsman known as Lokayukta. The ombudsman institution was largely a success in the state of Karnataka, whereas the state of Kerala experienced greater constraints. She discusses these two state-level cases of ombudsman in the context of democratic governance to draw lessons for possible future applications of national ombudsman (Lokpal) if the Jan Lokpal Bill is adopted at the federal level.

Part IV of the book elaborates on anti-corruption strategies, starting with Okoth who examines Kenya's experiment with the prosecution and punishment of public officials engaged in corrupt practices through an established anti-corruption agency. He builds his analysis on the following three primary questions: What is the structure of Kenya's anti-corruption body and how are its tasks operationalized? What is the degree of the agency's success? And, what are the constraints faced by the body? Using secondary data, he concludes that the institutionalization of anti-corruption agency with legal powers to prosecute is necessary but not a sufficient condition to curb political and administrative corruption in Kenya. For the most part, when such prosecutions begin to implicate political notables, the powers of that body, as well as its leadership, will be nipped on the bud by those who have authority.

Looking at the African continent, Oluwole and Bissessar provide the empirical evidence which supports the argument that bad governance and corruption are symptoms of leadership and institutional failure in 53 African countries. The authors find that leadership changes are either frequent or infrequent, and in both cases, these leaders prefer to govern where institutions are very weak or do not exist, so that they will not be accountable for their corrupt behavior and abuse of public office. With the absence of effective checks and balances, Oluwole and Bissessar claim that corruption continues unabated over the past four (or more) decades. Using corruption data for the continent from the 1980s, they observe that many countries have transitioned to being more highly corrupt nation-states. Employing time series analysis on a country-by-country basis, we not only confirm the existence of weak institutions in fueling corruption but also find evidence of the lingering effects of institutionalized corruption in some African nations.

Finally, Venter explores the imperatives of democracy, governance, and leadership in the fight against corruption from a South African perspective. As Africa is well into the second decade of the new millennium of what is euphorically called "Africa's century," there is still a profound sense of hope being frustrated, of stereotypes being reaffirmed—once again, and of particular countries embarrassing the African continent. The most common perception about Africa remains that of democratic government under siege, of constitutional governance being undermined, and of the rule of law being flagrantly disregarded.

This situation presents itself not because of biased media coverage, racial prejudice, arrogance of Western powers, or an un-African response to a particular problem, but because there is no binding commitment by African leaders to democratic governance and consequences that flow from such a commitment. Clearly, in many African countries the fundamental principles of democratic governance are consistently, deliberately, and openly being violated (see Slabbert and van 2000).

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Part I
Governance and Development:
Underlying Premises

Chapter 2
Debate on Governance in Africa: An Emerging Political Economy Paradigm

Anne Mette Kjær

Governance has multiple meanings and uses in political science. In its broadest sense, governance refers to rule-making or steering. Questions are raised about how the state steers society and economy and what the outcomes of these processes are (Pierre 2000). Peters (2000) calls this perception the "old governance" view. But governance may also refer to a particular form of governing: relying less on state authority and more on negotiation through perceived networks (Kjær 2004; Peters 2000; Rhodes 1996). Peters (2000) calls this the "new governance" view.[1] Under this second usage of the term, questions are raised about, e.g., the role of networks; about self-governance; and about the formal and informal rules of public–private interactions.

In African politics, although both definitions have been used, the former (i.e., the old governance view) has been dominant. It has been applied in the debates about good governance and in studies on the "weak states" in Africa—states that are not able to deliver adequate law and order, security, or public services (Brinkerhoff and Goldsmith 2002; Grindle 2004; Hyden 1983; Jackson and Rosberg 1982; van de Walle 2001).

African governance studies have also been influenced by the governance-as-networks conceptualizations (the "new governance" view). These "new governance" studies have been characterized by references to societal resources, importance of networks, and blurring of state–society boundaries (Chabal and Daloz 1999; MacGaffey 1991).

The academic debates and research on governance have all been influenced by real-world developments, but two different sets of concerns were raised in the governance debates in developed countries vs. the African governance debate. In many developed countries, the wave of public sector reforms since the early 1980s led to

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[1] See also Pierre and Peters (2000).

A.M. Kjær (✉)
Aarhus University, 8210 Arhus V., Denmark
e-mail: MKJAER@ps.au.dk

an apparent erosion of state authority. It was observed by some researchers how the state was being hollowed out because of the increased importance of private sector actors, civil society organizations, and local and supranational authorities (Rhodes 1996, 1997). In Africa, the governance debate came from the observation that structural adjustment had not led to the expected economic growth. In a 1989 report, the World Bank identified governance as the main cause of Africa's sustained economic crisis and pointed to corruption, nepotism, and bad policies as the factors that hampered development. Thus, the agenda of the African governance debates evolved very much around reforms that aimed at "getting better government" (improving the ability of government to steer society and deliver services). The focus was on how to strengthen state functions. In the OECD countries, the very use of the term governance indicated a move away from govern*ment* and thus focused on characterizing the processes of pursuing public goals in which the government no longer necessarily took center stage.

In the African context, the governance debate as it was introduced mainly by the World Bank was very much in its "old governance meaning." However, "new governance" also entered the stage. There was recognition that other actors than government are important, and the inclusion of civil society actors and other groups in political processes became an issue in the debates about what governance was about. To add to the complexity, governance is used both as a development program and as a research agenda.

With all the variations and configurations in the uses of the term, the African governance debate has developed its own identity. The purpose of this chapter is to provide an overview of the African governance debate by characterizing both its distinctness and the elements it shares with the "new" and "old governance" conceptualizations. The main arguments of the chapter can be summarized as follows. (1) The debate is characterized by a dual use of the governance concept (governance as development program and governance as analytical concept) and influenced by both the "new" and the "old" governance conceptualizations. (2) The African governance debate has been hampered by a sometimes futile schism between the "pessimists" and the "optimists"—the former focusing their attentions on the neo-patrimonial informal institutions that characterize governance and therefore impede reforms and the latter arguing that better institutional designs can improve governance. The optimists are often donors; the pessimists are often social scientists. (3) There is an emerging approach that focuses on the political economy of governance which helps us understand better the type of governance that is feasible and under which circumstances growth-promoting governance may be possible.

The chapter starts with an overview of the debate, highlighting the distinctions between the old and new governance conceptualizations and the two approaches: governance as normative development program and as research agenda. Then I proceed with a summary of the neo-patrimonial turn in the governance debate. The chapter ends by proposing the political economy approach as a way forward.

The Old and New Governance Conceptualizations

Table 2.1 below combines the two conceptual distinctions in governance debates: between the old and the new governance conceptualizations and between the governance as development program approach and the governance as research agenda approach. The columns and rows and the elements in the cells are clarified in the following sections.

The old governance conceptualization focuses on the state, whereas the new governance conceptualization is more society centered (Pierre 2000). The elements of the old governance conceptualization listed in the table reflect the primary focus of this conceptualization: the state's ability to exercise its authority over a delimited territory and its capacity to do so (Herbst 2000).

The new governance conceptualization took off from the observation that the central government was gradually losing power to an increasing number of policy networks involved in setting public policy goals, making decisions, and implementing policies. Researchers who use this conceptualization identify a policy process in which hierarchy loses in importance, while market and especially network-based forms of governance increasingly gain ground (e.g., Kickert 1993; Kooiman 2003; Rhodes 1997). In the new governance literature, it is observed that the maze of policy networks renders policy-making complex and nontransparent and that existing accountability mechanisms are increasingly inadequate (Hirst 2000; Rhodes 1997). In the following two sections I relate the elements of the new and the old governance to the two ways in which governance is used in Africa: as development program and as research agenda.

Table 2.1 Elements of the African governance debate

	Old governance conceptualization	New governance conceptualization
Governance as development program	Anti-corruption programs	Civil society support
	Public sector reforms	Public–private partnerships
	Support for public accounts committees, ombudsmen, auditor general, etc.	Support for media
		Empowerment
Governance as research agenda	State autonomy	Societal autonomy
	Steering capacity	Blurring of state–society boundaries through networks
	Neo-patrimonialism, rent-seeking	Informal institutions as obstacles to reform
	Organizational and policy reforms	A search for democratic accountability

Governance as Development Program

Initially the debate about governance in Africa developed separately from the social and political science debate in Europe and the USA (Kjær 2004). What really triggered the debate on governance in Africa was the World Bank publication *Sub-Saharan Africa: From Crisis to Sustainable Growth* (World Bank 1989). The structural adjustment programs of the 1980s had a strong neoliberal content and concentrated on getting the macroeconomic balances right, deregulation, setting prices free, and privatizing government-owned enterprises. However, by the end of the 1980s, after nearly a decade of structural adjustment, the African economies still had not taken off. In order to explain why the prescription of economic policy reforms had failed to cure the patient, the World Bank report pointed to "bad governance" in terms of corruption, inefficiency, and lack of accountability as the problem (World Bank 1989: 60). Getting prices right was not enough; getting *institutions* right was as important.

Hence, the World Bank's emphasis shifted to institutional reforms, such as the establishment of institutions to check corruption, better financial management, and support for parliamentary accounts committees, ombudsmen institutions, etc. In addition, a series of public sector reforms were introduced: pay reform, removal of duplication of functions, job descriptions, reductions in the number of ministries, etc. (World Bank 1992; 1997; 2000). These reforms continued into the 1990s and the new millennium (World Bank 2008). The reforms included elements of the New Public Management approach, such as result-based management and performance pay. In particular, the idea of "agencification" gained ground in Africa. Semiautonomous agencies were set up for a variety of purposes: revenue collection, drug distribution, or dairy regulation and development, to mention a few. Since the 1980s, the donors to African countries also increasingly supported various types of public–private partnerships in infrastructure development, education, and other areas. So, paradoxically, some of the reforms that were criticized as hollowing out the state in the United Kingdom were adopted in Africa to strengthen state institutions.

In the aftermath of the end of the cold war, an increasing emphasis on democracy, elections, and human rights became apparent. The World Bank does not have a mandate to get involved in a country's domestic political affairs, but the bilateral donors increasingly emphasized these issues as part of their good governance programs over the 1990s. One of the first indicators of this was the 1992 elections in Kenya, where several donors withdrew funding as a reaction to Arap Moi's reluctance to democratize. The concern with how the exercise of power can be held to account has led to a stronger focus on civil society, and donors have increased their support for civil society organizations. They especially support free press, human rights organizations, and other organizations that could function as watchdogs of the government.

Most of the elements of these reform efforts reflect the old governance perspective in the sense that they focus on capacity building and strengthening the traditional

functions of the state, including the mechanisms to hold the executive to account. However, there are also elements of the new governance perspective in them: the emphases on how to empower civil associations and participatory governance, inclusion of voluntary groups and NGOs in service delivery, and public–private partnerships.

The focus on governance in Africa became stronger over the late 1990s and into the new millennium. The World Bank developed its own governance indicators, not only for Africa but also worldwide, so as to measure how countries were doing on "government effectiveness" or "voice and accountability."[2] The indicators became widely used by bilateral donors in the drafting of programs. Private institutions, such as the Mo Ibrahim foundation, also worked on measuring governance.[3] However, lately the character of the governance agenda has changed. Partly this is a result of the entrance of new donors, such as China, who do not have concerns about governance issues and therefore to an extent make it possible for African ruling elites to turn to other sources of income. The findings of new sources of extractive resources such as oil, gas, and minerals support this trend. But partly, the changing governance agenda also has to do with new research and its critique of how governance was used. This research fed back into development practice.

Governance as a Research Agenda

In the international development community, there are frequent interactions between practitioners and academics. Researchers often get employed by donors and international financial institutions and therefore tend to inform development practices to a large extent. Likewise, development research engages with debates on aid, informs them, and sometimes induces changed practice.

The academic debates on African governance came out of a critique of the World Bank's "good governance" concept, and these debates, as indicated above, in turn influenced development practice. In this section, I first sketch the critique of "good governance" and portray the dynamics of the academic debates since the 1980s. Then I explain how neo-patrimonialism (NP) became the dominant lens through which to analyze governance.

There were several elements of the critique of the "good governance programs." One of them was about its normative character. It was argued that the good governance programs essentially represented an attempt to transfer the western liberal

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[2] See the World Wide Governance Indicators at http://info.worldbank.org/governance/wgi/sc_country.asp

[3] See, for example, the 2012 Ibrahim index of African Governance at http://www.moibrahimfoundation.org/interact/

democratic system to African countries without regard to the particular African context. Many observers pointed to the paradox that the most radical and comprehensive reform plans tend to be adopted in aid-dependent countries that generally have much less capacity to implement them (Batley 1999; Therkildsen 2001). It was also argued that the concept of governance should be less loaded with Western values (Hyden 1992). A number of African scholars objected to the neoliberal ideology that lay behind the good governance reforms. They argued that the elements of these programs, such as cutting down public expenditures and laying off civil servants, contributed to the further erosion of African states' capacities (Mkandawire and Olukoshi 1995).

Another argument was about the World Bank's assumption that good governance would automatically promote development. On the basis of an examination of the growth experiences of the Western and East Asian countries a number of scholars came to the conclusion that the institutions in these countries were far from resembling the good governance ideal when they experienced periods of rapid growth (e.g., Chang 2002). The main insight of these scholars was that there was not *one* type of institutional setup common to all of the cases of economic success. Khan (2004), for instance, argues that the institutions and strategies that underpinned growth in these countries were far from the neoliberal good governance ideals. On the contrary, "the few high growth developers have not had better governance indicators than most developing countries" (p. 173), and some of them did not secure property rights; others were afflicted with high-level corruption. Crucially, Khan (2010) argues that for developing countries, the kind of governance you need to achieve political stability will inevitably involve off-budget payoffs to politically important groups. Hence, some good governance initiatives insisting, as they do, on impartiality, rule of law, and anti-corruption, may even threaten political stability and further impede growth and poverty reduction.

A third element of the critique of the good governance programs was related to the vast number of conditions attached to them. These programs, the critics argue, focused on the vast "governance gaps" in recipient countries, rather than on what was realistically achievable. Instead, the focus should be on good *enough* governance (Grindle 2004). She points to the need for more research about the social, political, and economic conditions of reform in African countries, rather than trying to apply some distant ideal model in them.

These points of criticism of the good governance programs in many ways strengthened the research on governance and institutions in Africa. As in the European governance debates, the African governance debates have their roots in the debates on the theories of institutionalism. In fact, most governance theories are rooted in institutionalism as they center on the formal and informal rules of the game in a polity (Feeny 1993; Hyden et al. 2004; Rhodes 1997). Hence, although there are many definitions of governance, most tend to refer to governance broadly as rule-making, as in this definition by Hyden (1999: 185): *Governance is the stewardship of formal and informal political rules of the game. Governance refers to those measures that involve setting the rules for the exercise of power and settling*

conflicts over such rules. Governance is understood as a process. African governance research has a lot to do with uncovering what goes on behind the scene: rather than studying formal institutions, the research challenge becomes one of understanding the informal political rules of the game.

As early as in the 1980s, political scientists characterized African governance as dominated by personal relations and informal institutions. Hyden (1983) identified an "economy of affection," which refers to networks of kinship. These networks are very efficient in mobilizing resources for weddings or funerals or for surviving a drought. The networks are characterized by reciprocity so that favors are not given with an expectation of immediate return, but rather help from network members is expected at a later time. These networks of kinship tend to impede the governance of large-scale organization, because public employees will feel loyal to their kinship groups rather than to the public organization's goals. An understanding of this is important, argues Hyden, because it shows the difficulties in transferring Western administrative principles, and hence adopting good governance programs, to African state institutions: "As long as the hidden social base of most African power holders is the economy of affection …, the state will serve merely as an arena of rivalry among political clans" (Hyden 1983, p. 60). Hyden was one of the first to explain the large capacity for self-governance in Africa and the strength of societal resources. The ability of self-governance becomes extremely important in times of crisis or in fragile states ridden by conflict or civil war (MacGaffey 1991).

The societal perspective was reinforced during the 1980s in a series of publications focusing on the state–society relations in Africa. It was pointed out how African societies had a large capacity for self-governance (Harbeson et al. 1994; Migdal 1988). This capacity, however, remains suboptimal because the state is perceived as repressive and hence there is a very weak public realm. Society's response to a repressive state is one of withdrawal from the state (Azarya 1988).

From a more state-centered perspective, Jackson and Rosberg (1982) argue similarly that the public realm shrank and a "world of private power" emerged in postcolonial Africa. In this world, leaders are not restrained by rules, and power is not checked by institutions but by other powerful individuals. Hence, "in African countries governance is more a matter of seamanship and less one of navigation— that is, staying afloat rather than going somewhere" (p. 18). Jackson and Rosberg argue that when studying African governance it is of no use to study constitutions, because they are subject to the whims of individual rulers.

In sum, as should now be apparent, there are elements of the "new" as well as the "old" governance in the early debate on African governance. Hyden's (1983) focus on affective networks and societal resources is similar to the concern of new governance theorists in civil society networks that are involved in pursuing public goals. However, in the early debates on African governance, the networks constitute an alternative public realm to that of the modern African state, a realm in which citizens contribute as their duty and expect a return. As such they represent the failure of the formal state to create a legitimate public realm. In contrast, in the new governance, as represented by, e.g., Gerry Stoker or Rod Rhodes, networks can reinforce

the pursuit of public goals and thus, in a sense, strengthen the public realm, because when citizens have been included in decision-making processes, they also tend to cooperate in the implementation of such decision.

African Governance as Neo-patrimonialism

"Good governance programs" were widely viewed as being difficult to implement, and the lack of success led to a search for explanations. With a point of departure from the early works by Hyden (1983) and Jackson and Rosberg (1982), during the 1990s neo-patrimonialism became the dominant paradigm through which the issues in African governance were understood (e.g., Chabal and Daloz 1999; Leonard and Strauss 2003; Therkildsen 2005; van de Walle 2001). Neo-patrimonialism derives from Max Weber's traditional distinction between "patrimonial states" and "bureaucratic states." In a bureaucratic state, "public moneys and equipment are divorced from the private property of the official" (Weber 1978, p. 957). This is not the case in a patrimonial state in which there is no separation of the "private" and "official" spheres (p. 1028). The defining feature of the patrimonial state is that the prince expands his domination beyond his own household to include "extra-patrimonial areas and political subjects" (p. 1010). The concept of neo-patrimonialism refers to a hybrid state form consisting of legal-rational (the "neo") and patrimonial rules. Although formal rational institutions exist on paper, they tend to be overshadowed and dominated by personal and informal relations. By definition, the neo-patrimonial state is characterized by low levels of efficiency, and corruption tends to be endemic. The state also lacks the ability to implement policies favorable to the nation as a whole. Policies tend rather to benefit particular groups in society.

The concept of neo-patrimonialism has been used to explain why economic reforms stall and why good governance reforms seem to be only partial in Africa. For example, a reversal to clientelistic politics may reduce the likelihood that the public service can be genuinely reformed, because clientelistic recruitment patterns are essentially at odds with recruitments based on merit. Also, retrenchments in the civil service can take place when the ones who are laid off are not important to power holders. In Uganda the civil service was cut down from 320,000 employees in 1990 to 160,000 in 1995, but those who were laid off were mostly cleaners, nursing aides, and people who voluntarily accepted a quite generous retrenchment package (Kjær 2002). On the other hand, the number of appointees whose political loyalties were important to the power holders grew. Also, the number of cabinet and ministers of the state grew from around 30 to 72 between 1990 and 2012.[4] The number of presidential advisors and other employees of the state house also grew.

It is also argued that neo-patrimonialism reduces the likelihood that political democratization will be genuine, because in a neo-patrimonial system power tends

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[4] See *The Monitor*, "Full list of Ugandan Ministers appointed by president Museveni", May 28, 2011. See also van de Walle (2001) on the phenomenon of bloated cabinets in Africa, or Tripp (2010), or Tangri and Mwenda (2013) on Uganda specifically.

to be concentrated in the hands of the ruler. Van de Walle (2001, 2003) points out how executive dominance in Africa continues in spite of the introduction of electoral politics. Most countries have presidential systems, and in several countries, the presidents successfully managed to change the constitution in order to lift the term limits to be able to remain presidents for life. In addition, one dominant party often controls events, and the opposition is often very weak and split in personal and fractional struggles (Chege 1995). Likewise, members of parliament tend to become new pawns in the game of palace politics instead of representing the aggregate interest of the people (Sørensen 1997). On the whole "Africa now harbors a large number of rudderless regimes, drifting between success and catastrophe, with pretensions to electoral legitimacy but no real popular backing to speak of" (see also Bratton and van de Walle 1997; Chege 1995, p. 47). Introducing elections to country does not mean eliminating patrimonial features. Many elections are neither free nor fair; they are wrought by power struggles and characterized by a regime that uses patronage and public means to buy political legitimacy (Aké 1996, pp. 5–7). The most recent elections in Kenya (December 2007) are an example of how a system widely perceived to move in a democratic direction reversed into ethnic violence due to the fact that President Kibaki was suspected of rigging the results.

In sum, the neo-patrimonial paradigm has elements from both the old and the new governance conceptualizations. The old governance focuses on how rent-seeking relations and patron–client relations impede capacity building and weaken the state. The new governance theories aim to explain how these networks cross the state–society divide in ways that are particularistic and work for the benefit of smaller groups, rather than for society as a whole. However, regardless of whether the new or the old governance aspects are brought out, the neo-patrimonial paradigm tends to reach pessimistic conclusions: Africa works in its own way, the political actors have an advantage in the *status quo*, and hence, changes for the better are unlikely. Whereas development and donor agencies tend to believe that good governance can be constructed, the neo-patrimonial paradigm points to the obstacles of reform. We have, what Mkandawire (2001: 289) calls, "the pessimism of the diagnosis and the optimism of the prescription." The distinction between the pessimists, who focus on the informal institutions and their pull towards the *status quo*, on the one hand, and the reformers, who emphasize distant and normative good governance targets, on the other hand, has arguably led to a deadlock in the debate. However, an approach is emerging out of the critique of neo-patrimonialism that may provide a middle ground, because it enables an understanding of the context in which governance reforms are carried out.

The Critique of Neo-patrimonialism

Several African scholars have criticized the neo-patrimonial explanation of the failures of reform in Africa. The first criticism is that the apparent failures may not be due to neo-patrimonialism or rent-seeking but rather due to the *design* of

governance programs. Mkandawire and Olukoshi (1995) argue, for example, that the conditions imposed by the packages of the World Bank and other donors leave little room for choice and negotiation at the national level. According to these scholars it would be missing the point if the failures are blamed on self-seeking behavior or clientelism. At times the resistance to such impositions may arise out of pure disagreement of the national leaders with the reform programs; the leaders may be convinced that the reforms are not right for their countries.

A second criticism is that the concept of neo-patrimonialism is used to explain everything and therefore it ends up explaining very little. Mkandawire (2001, p. 299), for example, argues that neo-patrimonialism has been used to explain a wide range of different policies (or failure of those policies), such as import substitution, export orientation, nationalization, privatization, etc. Also, as neo-patrimonialism focuses on obstacles to reform, it may have difficulty in analytically grasping the factors that account for reform success. Why, for example, were public sector reforms much more successful under the Mkapa government than under his predecessor in Tanzania? Or how come in Uganda a rather successful agency for regulating dairy products was set up, whereas none was set up for the fish industry, in spite of the fact that such an agency had been lobbied for? (Mette et al. 2012). Such differences within countries between sectors or between different periods in time would be difficult to explain merely using the frame of neo-patrimonialism (de Grassi 2008; Kjær 2009; Therkildsen 2005).

A third criticism of the paradigm of neo-patrimonialism is that it has difficulties in explaining differences among the African political systems. Botswana, for example, was just as informal and patrimonial, as its southern African neighbors were at the times they gained their independence, but a few years later it became more institutionalized and developed a quite well-functioning bureaucracy. Zaire, on the other hand, was much richer than Botswana at independence, but it had disintegrated into predatory and personal rule by the early 1990s. In trying to explain these differences, scholars offered explanations such as that the modes of production are different in African countries (Leonard and Strauss 2003) or that the traditional political structures were disrupted by colonialism at different degrees in them (Englebert 2000). These alternative explanations use analytical categories that do not derive from neo-patrimonialism but rather from more general political-economy approaches.

Finally, a fourth criticism of the neo-patrimonial paradigm is that it somehow becomes both the cause and effect of the problems on the continent. For example, neo-patrimonialism impedes economic development, but at the same time it is the result of a low degree of economic development. Along the same lines, neo-patrimonialism is the reason why many institutional reforms fail, but at the same time, good governance reforms are attempted in order to fight neo-patrimonialism. Brinkerhoff and Goldsmith (2002, p. 1) illustrate this very well when they point to economic liberalization, democratization, decentralization, and civil service reform as the most common strategies adopted to address neo-patrimonialism. In other words, neo-patrimonialism impedes good governance reforms, but at the same time, these very reforms constitute the most common strategy to reduce patrimonialism.

Although the neo-patrimonial approach can help explain some important aspects of governance failure, the criticisms show that there is a need for another analytical lens if we are to understand African governance and its dynamics. The African governance debate seems to have come full circle: from identifying bad governance as source of the African crisis, to recommending good governance programs, to pointing at neo-patrimonialism as obstacle to successful reforms, and thereby realizing that there may be limits as to how much donors can do because of deeply ingrained domestic structures and informal institutions. As analytical concept, governance has been used through the study of informal institutions and neo-patrimonialism. This has greatly contributed to our understanding of African politics. But so far, the focus on informal institutions has not adequately explained differences between African countries or why and when reforms succeed. In this sense, there is a need to learn more about the context in which various governance reforms are carried out and with Hyden's (2006) words go "beyond governance," and for that, the emerging political economy approach seems useful.

Bringing in a Political-Economy Approach

A number of recent research projects are contributing to what may be called an emerging alternative approach to researching African governance.[5] These contributions have at least two foci. One is on the varieties of clientelism and government–business relations, and the other is on the role of coalitions and interest groups. In both, the main concern is to understand the political economy behind the African successes and failures. In this section, I sketch a general framework of the new paradigm and then offer important questions that future researchers of African governance will need to address.

The main insight from the studies on the economic performances of the Southeast Asian countries was that there was not *one* type of institutional setup common to all of the cases of economic success. Khan (2004, 2010) argues that the actual institutions and strategies that underpinned the growth in these countries were far from the neoliberal good governance ideal. In fact "the few high growth developers have not had better governance indicators than most developing countries" (p. 173). For example, some of them did not secure property rights; others had many cases of high-level corruption.

Examining these successful countries leads us to conclude that their institutional setups and their sociopolitical contexts vary immensely (Haggard 2004; Kelsall et al. 2009; Rodrik 2007). Some argue that poor governance may even result in

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[5] See the Africa Power and Politics Program at http://www.institutions-africa.org/; the Developmental Leadership Program at http://www.dlprog.org/; The Elites, Production and Poverty Program at www.diis.dk/epp; The Political Economy of Agricultural Policy in Africa program at http://www.future-agricultures.org/research/policy-processes/592-political-economy-framework; and the Tracking Development Program at http://www.trackingdevelopment.net/

stronger growth, because patronage may be a way to ensure loyalty and hence increase the trustworthiness of public managers in the eyes of private investors (Goldsmith 2004; Khan 2010). These arguments led to a call for a "varieties of capitalism" approach in understanding African development (Haggard 2004). They also led to a call for a better understanding of the political economic context in which institutions and policies are created. Often, the failure of good governance reforms has been explained by a lack of "political will." However, a common concern of the research programs is to open up the black box that is political will to say more about the specific contexts in which political ambitions are shaped and policy choices made (Booth and Therkildsen 2012).

One of the examples of this approach is the "African Power and Politics Program," which is based at the British Overseas Development Institute. The aim of this program is to discover institutions that work for poor people. It explores the kinds of political, economic, and social arrangements that, if adopted, would enable countries of sub-Saharan Africa to make faster progress towards development and elimination of extreme poverty. By trying to dig deeper into the nuances and various forms of clientelism and government business relations on the African continent, it tries to examine whether patrimonialism in some forms can be developmental (Kelsall et al. 2009). The program focused on political incentives and seeks to understand contexts in which collective action problems can be overcome in Africa. Among other things, it examines such features as the degree to which patronage is centralized or decentralized and the character of political competition in a country. To illustrate, Rwanda under Kagame's rule is an example of how specific incentives have led to a developmental-patrimonial regime (Booth and Gulooba-Mutebi 2012). Understanding the specific context that led to a situation in which collective action problems could be overcome is the challenge for researchers. As Booth (2012: 93) argues: "The real situation is more diverse and less one-dimensional than assumed by the original good governance template."

Some of the other ongoing research programs focus more on the role of political agency in developments, with a particular focus on the roles of elites and coalitions (Leftwich 2010. Leftwich criticizes the institutional approach towards African governance and argues that scholars have "not only often failed to account for the agential factors in the design, formation and maintenance of institutions, but also for the important success stories which run against the general patterns of institutional failure or corruption" (p. 93). He calls for a better understanding of how different leadership patterns have encouraged formal or informal coalitions that underpin developmental institutional arrangements.

An ongoing program coordinated by the Danish Institute of International Studies aims at increasing our knowledge of when elites chose to implement initiatives to promote production (www.diis.dk/epp). In seeking to explain what drives policy formulation and implementation, the program seeks to go beyond neo-patrimonialism by focusing on the composition of the ruling coalition. The program compares productive sector initiatives in a range of sectors in Mozambique, Ghana, Uganda, and Tanzania and argues that if we want to understand when and how what Mushtaq Khan (2010) calls growth-enhancing governance can take place, we need to go

backwards and understand how the ruling coalition is held together. A fragmented ruling coalition is likely to increase the costs of implementing productive sector initiatives successfully (Whitfield et al. 2013).

We still do not know enough about the institutional varieties or the coalitions that enable reforms in Africa. However, the recent contributions and results from the research programs indicate that more knowledge is needed of the kind of incentives that drive ruling elites to provide public goods and the kind of political economic contexts that facilitate or impede the solution of collective action problems (Booth 2012). A number of issues are important here, and in the following, we can only suggest a few that all indicate a general call for more knowledge of political economy in African governance.

The role of elections in policy-making and implementation. The role of elections in Africa has generally been analyzed in terms of whether they are free and fair, whether they contribute to democratic legitimacy, and whether there was rigging or vote-buying. There are also analyses of how neo-patrimonialism remains in spite of the introduction of elections (Lindberg 2003; van de Walle 2001). However, it has been less understood how elections may affect public decision-making and the implementation of public policies in Africa, and this is likely to become increasingly important as ruling elite have to maintain their power not only through nurturing patron–client relations but also through winning elections. Recent research of landmark decisions in Uganda and Tanzania shows that political elites focus on policies they perceive to be able to win votes. Such policies share a number of key characteristics: they are clearly identifiable with the party in power; citizens countrywide are targeted; and policy implementation aims at immediate, visible results (Kjær and Therkildsen 2012). In addition, elections have been shown to promote programs such as free Universal Primary Education that tend to be popular and easily seen by the electorate (Stasavage 2005). In Uganda, we know that elections have affected the implementation of important agricultural policy reforms in adverse ways: they gave the president an advantage but hurt the program (Joughin and Kjær 2010; Kjær and Joughin 2012). The president intervened directly in the implementation of the program in order to direct benefits to lower level party cadres that could help mobilize votes and support.

The role of donors and their effects on African governance. It has been argued that donors may have an adverse effect on African governance (Brautigam 2000; Mwenda and Tangri 2005; van de Walle 2001). Donors may create a "dependency syndrome" in which genuine ownership is undermined. The presence of a large number of donors with different demands places strains on an already overstretched bureaucracy. The use of external technical experts with little knowledge of the local context may be harmful as well. This is a useful starting point for more research into the way donors may or may not affect African governance. The role of aid is changing. New donors are entering the stage, and as many African economies grow or as they find natural resources to increase domestic revenues, African governments depend less on aid from the OECD-DAC donors. Donors need to learn how to best support programs in this changing context, and part of this learning is likely to be to adopt more pragmatic approaches and working in what David Booth (2012: 95) has called a "context-sensitive, best-fit way".

The role of interest groups. In the literature on African governance the neo-patrimonial lens led to a focus on clientelist interest groups and how they serve to block reform. However, even though civil society is generally weakly organized in Africa, economic interests do exist, and some of these may organize, form alliances, and push for policies that serve to enhance national development. For example, De Grassi (2008, p. 113) emphasizes the inclusion of farmer representatives in many sectors of West African Government that "parallels the classic industrial corporatist arrangements of Europe and Latin America." In Uganda, dairy farmers have successfully organized to promote their interests in the dairy processing industry. The role of such economically based interests in public policy-making in Africa is still poorly understood. Along the same lines, it can be argued that the relative roles of clientelist and ethnic interests, more functional and economic interests, and civil society groups need to be researched.

There is often a tendency in the governance debate to argue for a strengthening of civil society in general, as if civil society were one unit. A careful mapping of the myriad of societal interests would help change the understanding of civil society. From seeing civil society as an autonomous sphere that needs to be strengthened in order to put pressure on the state, donors need to understand civil society as a collection of interest groups and other non-state actors that interact and in different ways may affect the political rules of the game. Some of these interactions may strengthen the neo-patrimonial state; others may weaken it (Boesen and Kjær 2006).

Conclusion

The African governance debate has had its own identity and dynamics, separate from the European and American governance debates. Therefore it deserves attention in its own right. As this chapter has pointed out, elements of the old governance conceptualization have prevailed in the African governance debate, but elements from the new governance perception can also be found. The chapter has pointed out how networks and societal resources were referred to as early as in the 1980s. Although the governance debate has been dominated by the World Bank, governance research has developed a distinct agenda. The mainstream paradigm has been neo-patrimonialism, but a new political economy approach to researching African governance has become stronger and points to more context sensitivity in analyzing African governance.

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Chapter 3
Accountability and Transparency: Cornerstones of Development and Democratic Governance

Gedeon M. Mudacumura

There seems to be a general consensus within the international development community that the development strategies prescribed to developing countries failed to achieve their intended goals. Over the last two decades, the same community has shifted the focus on improving governance as a strategic priority for fostering economic growth. Despite the enormous amount of funds invested in promoting economic development, one fact remains: sustainable development has not yet materialized in the majority of developing countries. Could it be that early development strategists did not grasp the interplay between development and democratic governance, missing the cardinal question that developing nations could not have democracy without any development? Or as Lippmann (1997) famously wrote, is it the fact that the world that we have to deal with politically is out of reach, out of sight, and out of mind? To paraphrase the same writer, how long will it be explored, reported, and imagined before development stakeholders understand the nexus of development and democratic governance?

Several scholars have explored the interrelationship between development and democratic governance, highlighting the impossibility of fostering sustainable development without effective democratic institutions (Mudacumura 2002; Huque and Zafarullah 2006; Olu-Adeyemi (2012). Huque and Zafarullah (2006) conceive democratic governance as a dynamic process encompassing vertical and horizontal linkages within public organizations and their exchanges with private institutions, civil society organizations, and nongovernmental agencies. Without this dynamic process, the likelihood for sustaining development would be slim to none. This dynamic decision-making process brings together all social, political, economic, and/or private development stakeholders with the ultimate goal of designing sustainable development strategies. This goal falls in line with what is happening on the

G.M. Mudacumura (✉)
Department of Social & Behavioral Sciences, Cheyney University of Pennsylvania,
701 Market St., Philadelphia, PA 19106, USA
e-mail: gmudacumura@cheyney.edu

African continent where the African Peer Review Mechanism (APRM) was set in motion as an external African accountability mechanism process not only to promote and advance good governance but also to serve as an early warning mechanism to avert crisis that might implode to undermine democracy and development in APRM member states (Jinadu 2013).

In their edited volume on International Development Governance, Huque and Zafarullah (2006) note one of the mistakes of equating development with economic growth: the benefits that flowed from such piecemeal economic growth never trickled down to the masses of poor in impoverished rural areas of the developing countries. Such narrow focus on one dimension of development (economic growth) could have been a major factor that contributed to development failures. In their analysis, Huque and Zafarullah conclude that "development has remained one of the most slippery concepts in social sciences for decades, and is yet to be defined precisely" (p. 4). They further argue that a variety of development approaches have been tried in many countries throughout the world, "but instances of system failure and non-achievement of these efforts remain alarmingly high" (p. 4).

How many generations will it take for the international development community to acknowledge that the failed macroeconomic development policies negatively impact the lives of millions of people in developing countries, particularly in Africa? Some scholars have come to the conclusion that Africa is the only developing region of the world that has grown consistently poorer over the past five or more decades (Owoye and Onafowora 2013). Many explanations of African development failures are about the roles of international actors. They blame the unjust international economic system, the slave trade, colonialism, the Cold War, and crushing debt burdens, to name a few. As Calderisi (2006) puts it, however, on close examination, each of these explanations grows shaky and the spotlight should be on Africa itself.

While other regions of the world have made strides in improving the living standards of their citizens, Sub-Saharan Africa (SSA) is still trapped in poverty with more than 40 % of its 800 million people living below the internationally recognized absolute poverty level of US$ 1 per day. Barclay (2006) claims that "poverty, in all its dimensions, is most prevalent in Africa and is particularly pronounced in Sub-Saharan Africa" (p. 454). Several reports highlight corruption as one of the institutional and systemic problems responsible for keeping million of Africans under absolute poverty. Transparency International (2010) demonstrates that there is a direct link between corruption and the failure of societal institutions to effectively achieve the Millennium Development Goals in SSA. It is generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace, and good governance. It could be argued that development may not be materializing in SSA because of ineffective democratic institutions coupled with poor governance (i.e., failures in making government more productive, transparent, and accountable.

Recently, good governance has become an acknowledged mantra in development praxis. While acknowledging that what exactly constitutes good governance is empirically problematic, Machata (2013) remarks that demands for good governance generally include provisions to minimize graft and increase respect for human rights.

Huque and Zafarullah (2006) view it as a panacea to eliminate a range of development problems. Like any emerging concept, governance has been the subject of intense debate and several contributors have offered a wide variety of definitions. Denhardt and Denhardt (2007) define governance as the traditions, institutions, and processes that determine the exercise of power in society, including how decisions are made on issues of public concern and how citizens are given voice in public decisions.

There are also definitions of governance that take into account the multiplicity of the public and private actors involved in it. Cooper et al. (2006), for example, underscore that the process of governing should no longer be understood as the sole business of government but as involving the interaction of government, business, and the nonprofit (or nongovernmental) sectors. Boyte (2005) sees governance as a process involving collaboration and empowerment more than hierarchy and control, among these actors. He notes that "its theorists often use concepts such as social capital and social networks" (p. 537). Similarly, Rhodes (1997) observes that the process of governing has become in recent decades as one that involves "self-organizing, inter-organizational networks characterized by interdependence, resource exchange, rules of the game and significant autonomy from the state" (p. 15).

Approaching governance from this multi-actor perspective makes more sense particularly when one realizes the multidimensionality and complexity of development issues. In this perspective, the role of citizens is defined as active participants in democracy rather than passive recipients of public services. This new model of governance is citizen centered, collaborative, and oriented to public service and the public interest. This perspective is also reflected in the United Nations Development Programme's (UNDP 2007) definition of governance. The UNDP defines governance as the exercise of power through a country's economic, social, and political institutions in which institutions represent the organizational rules and routines, formal laws, and informal norms that together shape the incentives of public policy-makers, overseers, and providers of public services. The UNDP acknowledges: participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability, and strategic vision as core characteristics of democratic governance (UNDP 2007).

In this chapter, I make the case for a holistic development and democratic governance. This framework is premised on ensuring that all major players (public, private, nongovernmental, and civil society organizations) involved in the design and implementation of development programs/projects pay strict attention to the enforcement of accountability and transparency mechanisms. Enforcing such mechanisms is one of the strategic dimensions of governance which is a prerequisite for fostering the "capable democratic state," that is vital for accomplishing societal goals while promoting sustainable development locally, regionally, and internationally.

The first section of the chapter highlights the underlying premises of accountability and transparency in development and democratic governance. In this section, I underscore specific accountability and transparency mechanisms that, if properly enforced, could make a difference in improving the performance of development programs. Without accountability, the Organization for Economic Co-operation and Development (OECD) claims that development performance will not improve in

Africa (OECD 2013). This agency strongly recommends that performance and accountability should embody basic values to be projected by leaders and integrated into political and economic cultures.

A discussion of accountability and transparency mechanisms would be incomplete without clarifying the critical roles and responsibilities of civil society organizations, media, and citizens in holding public officials and all decision-makers accountable. Steffek (2010) claims that in the conventional understanding, public accountability denotes a relationship in which the citizens hold their elected representatives at all levels to account. In a democratic governance system, accountability should always mean direct accountability to citizens, the owner of the government.

The concluding section of the chapter showcases Rwanda, a nation in East Africa that has managed to enforce effectively the accountability and transparency mechanisms after emerging from the ruins of the civil war that destroyed most of the country's social and economic infrastructures. The Rwandan success story could serve as a learning platform for the International Conference on the Great Lakes Region, an intergovernmental organization of 11 countries in Sub-Saharan Africa. This intergovernmental organization provides a perfect framework for designing and enforcing home-grown and agreed-upon transparency and accountability mechanisms within and among member states. Before exploring the underlying premises of accountability and transparency, it would be beneficial to revisit briefly the challenges that have prevented sustainable development from materializing.

Sustainable Development Challenges

Several development scholars have expressed their growing dissatisfaction with the existing sustainable development knowledge, some of them characterizing it as practically irrelevant, conceptually Eurocentric, theoretically impoverished, ideologically prejudiced, paradigmatically bankrupt, and philosophically parochial (Braun 1990, p. 55; Haque 1999, p. 5; Leys 1996, p. 7; Mathur 1989, p. 470; Palmer 1978, p. 95; Pieterse 1991; Preston 1985, p. 4; and Wiarda 1981, p. 191).

Haque (1999) further argued that the increasing global concern for rethinking development and reexamining the traditional mode, based on the logic of industrialism, reinforced the focus on the question of "Sustainability," and the global crisis that resulted from widespread industrialization shifted thinking toward sustainable development (Daly 1991a; Haque 1999).

In June 1997, a special session of the United Nations (UN) General Assembly concluded that the "overall trends for sustainable development are worse today than they were in 1992" (UN 1997, para. 4). There is a growing recognition that macroeconomic policy and international free trade alone are not improving development prospects for the world's poor, and that chronic impoverishment and environmental degradation reinforce each other to create increasingly unstable social and ecological systems (Sachs 1992; Boughton 2000).

Along the same lines, several influential development stakeholders have sympathized with the need to change the established structures and development models. Former World Bank president Wolfensohn (1995–2005) stated that there was a need for an "integration of effort" and expanded partnerships between groups (aid agencies, other financial donors, the private sector and nongovernmental organizations), as well as a sharing of knowledge in order to produce a new integrated plan for development. Unfortunately, such integration has not yet realistically materialized.

Similarly, Boughton (2000) recognized the failure of macroeconomics to solve systemic poverty, and the need to advance well beyond debt-forgiveness to empower underdeveloped economies. Recommendations for alleviating poverty include new institutional alliances; new investment in breaking the poverty cycle; and equity in the distribution of intellectual property and the patenting of knowledge, knowledge being the central role in determining prosperity (Sachs 1992).

The income disparity between the "haves" and the "have-nots" was demonstrated clearly from the United Nations Development Programme's (UNDP) statistics on global distribution of income. The statistics show that the richest 20 % of the world's population received 82.7 % of the total world income while the poorest 20 % received only 1.4 % (UNDP 1992). The World Development Report (2000/2001) highlights that the world has deep poverty amid plenty. Of the world's 6 billion people, 2.8 billion—almost half—live on less than $2 a day, and 1.2 billion—a fifth—survive on less than $1 a day. The average income in the richest 20 countries is 37 times the average income in the poorest 20—a gap that has doubled in the past 40 years. The gap between the rich and poor is still the same in the twenty-first century.

A recent OECD report shows how the global economic and financial crisis of 2008–2010 has aggravated social inequality. OECD report (2013) claims that income inequality has increased faster between 2008 and 2010 than at any time during the previous 12 years in most countries. Speaking of the increasing income inequality in the USA, Krueger said, "We are increasingly becoming a 'winner-take-all economy,'… Over recent decades, technological change, globalization and an erosion of the institutions and practices that support shared prosperity in the USA have put the middle class under increasing stress. The lucky and the talented—and it is often hard to tell the difference—have been doing better and better, while the vast majority has struggled to keep up" (Krueger 2013).

Krueger (2013) further notes that the US income distribution as a whole has become more unequal in the last four decades. The top 1 % of families doubled their share of income from 1979 to 2011. In 1979, the top 1 % took home 10 % of national income, and in 2011 they took home 20 % (Krueger 2013). Both Förster and Krueger are driving home the fact that the rich are getting richer while the poor are getting poorer. Kruger acknowledges that the dramatic rise in inequality is hurting the US economy, and only a reduction in inequality would be good for efficiency, economic growth, and stability.

Ultimately, the above statistics reveal that the push for economic growth has hardly filtered down, and optimism that so-called "modern development" would have floated a rising tide of people on an upward spiral of wealth and prosperity was

misplaced (Pezzoli 1997). The international development community has recognized the negative impact of economic development models on the environment, the increasing number of people living below the poverty level, and the political crises resulting from unsustainable development policies. As Norgaard (1988) maintains:

> Development, with its unshakable commitment to the ideas of progress, is rooted in modernism and has been betrayed by each of its major tenets. Attempts to control nature have led to the verge of environmental catastrophe. Western technologies have proved inappropriate for the needs of the South, and governments are unable to respond to the crises that have resulted (p. 1).

Moreover, Liou (1999) stresses that a broader scope of total development is needed. This would include factors like human resources development, balance between environmental protection and economic growth, appreciation of cultural differences, cultivation of local administrative systems, and the importance of performance accountability. This total development will require a concerted effort from all development stakeholders to acknowledge the imperative need to design home-grown accountability and transparency mechanisms, which, if effectively enforced, could improve the likelihood of achieving sustainable development goals.

Accountability and Transparency: Underlying Premises

"Accountability" is characterized by the giving and demanding of reasons for conduct (Roberts and Scapens 1985). Forrer and his colleagues recognize accountability as the cornerstone of successful public management (Forrer et al. 2010). In recent years, citizen-led initiatives to hold accountable public officials have increased throughout the world. More enlightened and engaged citizens are demanding greater accountability around issues that directly or indirectly affect their lives. These citizens' commitment to have a decisive impact in improving development and democratic governance has led to a mushrooming of transparency and accountability initiatives.

The current trend to hold public officials accountable has enabled an intellectual discourse around the concepts of accountability and transparency. Despite its popularity, Brinkerhoff (2006) notes that accountability is still an often ill-defined concept. Mulgan (2000) labels accountability as a "complex and chameleon-like term" for which scholars and practitioners have suggested several definitions (p. 555). While Shafritz and Russell (1997) conceive accountability as the extent to which one must answer to higher authority—legal or organizational—for one's action in society at large or within one's particular organizational position, Huque (2011) views it as grounded in arrangements to hold public officials, private employers, or service providers accountable, requiring them to answer for their policies, actions, and use of public funds. In other words, accountability means answerability for the discharge of duties or conduct.

Hale (2008) further defines accountability as the linkage of two components: the ability to know what an actor is doing and the ability to make that actor do

something else. The actor, in this context, is the decision-maker and the decision-taker is the one with the ability to make the decision-maker do something else. From a principal–agent theory perspective, the actor is the agent, while the principal has the ability to make that agent do something else.

Hall (2010) views transparency as a core democratic value that fosters accountability, holding public officials and administrators responsible for their actions. Transparency operates in such a way that it is easy for others to see what actions are performed. It implies openness, communication, and willingness to be held accountable. According to Koppell (2005), a public organization can be made transparent by evaluating organizational accountability along the transparency dimension, specifically requiring the organization to reveal the facts of its performance.

Hale (2008) notes how transparency mechanisms (TMs) institutionalize public discourse. The act of disclosure begins a dialogue between the discloser and interested parties. TMs further compel actor to tell the truth, making it difficult for disclosure to be manipulated by one loud deceitful actor. TMs cut through the flood of information and countervailing claims to focus on facts. Transparency systems, as Fung et al. (2004) argue, can cause disclosers to overemphasize some public goals at the expense of other, more important ones. They can confuse information users so that their choices become counterproductive. They can be captured by narrow interests or grow outdated as markets and priorities change. Or they can simply waste resources because information that takes time and resources to produce is then simply ignored. Fung's analysis suggests that transparency systems offer great promise as innovative social policy but create difficult challenges for government, business, and the public. It is important to remind that without strict attention to transparency and accountability, it would be possible for public officials to make self-serving decisions that do not necessarily benefit anyone but themselves.

With the above discussion on the underlying premises of accountability and transparency, the next section shifts the focus from plain conceptual definitions to pragmatic insights on how social entrepreneurs play a crucial role in enforcing accountability mechanisms at the local, national, and regional levels. The section further alludes to the relevance of designing efficient, effective, accountable, and transparent public management system (PMS), a prerequisite for achieving sustainable development goals. Greiling and Halachmi (2010) state that a strategic performance management system is regarded as an essential part of an effective accountability mechanism.

Accountability and Public Participation

Citizen involvement in governance is not a new idea. By including citizens as active participants in their decision making process, governments can help build citizen's trust in themselves and citizen competence (Cooper et al. 2006, p. 80). As indicated earlier, Vigoda (2002) supports an emerging worldwide trend that views citizen's role not as a subject, but as a legitimate owner of government. Holzer et al. (2011)

are among the strong proponents of citizen participation which offers answers to issues of democratic accountability. Realizing that the majority of citizens are considered as program or policy beneficiaries, it makes perfect sense for them to be engaged in determining what is successful.

Speaking of involved citizenry, Denhardt and Denhardt (2007) underscore the extent to which citizens expect that services be delivered fairly and with attention to fiscal responsibility. Citizens further expect to have the opportunity to influence the services they receive as well as the quality of those services. When public managers assume that markets will solve all problems, then Holzer et al. (2011) view such assumption as negatively impacting accountability and transparency, issues pertinent to democratic foundations. "Incorporating citizens into the equation changes the dynamic of the accountability challenges" (Holzer et al. 2011, p. 2).

The role of the public voice in democratic and non democratic states alike is important because if political power is not subject to independent civic monitoring, then nepotism and corruption are usually the result (Janzekovic 2010). Indeed, the major safeguards against abuses of power by public officeholders are procedural, and consequently accountability in the public domain is as much concerned with due process as it is with substantial outcomes (Steffek 2010). Definitely, the citizen's informed engagement in development and democratic process is fundamental for building healthy sustainable communities. Engagement means not only turning up to elections for voting but holding accountable all decision makers and the state apparatus.

Keeping in mind the relevance of public participation in democratic governance, it is imperative to devise ways and means of strengthening the role of accountability actors, primarily social entrepreneurs, local and international NGOs. Steffek (2010) makes a valid suggestion along the lines of broadening accountability actors to include social movements, religious congregations, special interest groups, and public interest NGOs in identifying and flagging problematic topics and decisions. These non-state actors communicate directly to their membership base and/or seek to feed information and critical comment to the mass media, and thereby function as watchdogs that expose power holders, both political and administrative, to wider public scrutiny.

Accountability and Performance

The lack of performance measurement has been identified as one of the critical reasons behind the failures of development programs. Performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly progress toward preestablished goals. Performance measurements may include the type or level of program activities conducted (process), the direct products and services delivered by a program (outputs), or the results of those products and services (outcomes) (GAO 2011). This definition implies that a "program" may be any activity, project, function, or policy that has an identifiable purpose or set of objectives.

An important step in performance-based development management is the involvement of stakeholders and the provision of timely information, especially to social entrepreneurs who are often times the program beneficiaries. For years, development managers have designed performance measures without particular emphasis on how such measures could be used by the citizens. However, as Manoharan (2011) argues, if citizens were given access to performance reports, it might motivate public managers to better respond to performance measures. Generally speaking, performance measures should address the process, outputs, and outcomes of any development program, and this is possible only when a multidimensional process is used. Such a process would not be effective without the active involvement of all key development stakeholders, who acknowledge ethics, transparency, and accountability and note these prerequisite values of good governance and sustainable development. A particular focus on these values not only buttresses responsive public policy and high levels of public sector performance but also plays a crucial role in preventing the onset of systemic corruption (UNPAN 2008–2010).

So far, the above discussion has provided an overview of the accountability and transparency, considered as core values of development and democratic governance. We alluded earlier to the challenges of poor implementation of sustainable development programs and its short and long-term negative impacts on program beneficiaries. The following discussion highlights the experience of Rwanda, a progressive country in East Africa that has emerged as a leader in enforcing accountability and transparency mechanisms. Before delving into the details and outcomes of enforcing accountability and transparency mechanisms, a brief overview of the organizational structure of Rwanda's administrative units is provided.

The Government of Rwanda: Organizational Structure

The Republic of Rwanda is divided into Provinces, Districts, Sectors, Cells, and Village. The District is the basic political-administrative unit of the country (Minaloc 2013). The "Village" is the smallest politico-administrative entity and the closest to the people. At this level, most of the problems, priorities, and needs of the people are identified and addressed. Above the Village is the "Cell," which is managed by appointed technicians who are assisted by political teams that serve as decision makers and advisors to those technicians. Technical and key political matters are handled and addressed at the Cell level.

The "Sector" is the third level of administration where people participate through their elected representatives. It is comprised of the Sector Council (SC) and the Sector Executive Committee (SEC). The SC is a political organ that makes policy decisions, while SEC is responsible for preparing and implementing SC policies, plans, and decisions.

The "Province" serves as a coordinating entity to ensure the efficiency and effectiveness of Central Government planning, execution and supervision of the

decentralized services. It serves mainly as an advisor to the decentralized entities and coordinates development activities (Minaloc 2013). Rwanda's administrative structure is graphically displayed as follows:

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┌──────────────┐    ┌──────────┐    ┌──────────┐    ┌──────────┐    ┌──────────┐
│   Central    │────│ Province │────│  Sector  │────│   Cell   │────│ Village  │
│  Government  │    │          │    │          │    │          │    │          │
└──────────────┘    └──────────┘    └──────────┘    └──────────┘    └──────────┘
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Enforcement of Accountability and Transparency Mechanisms

It can be argued that the likelihood of significantly improving development and democratic governance can increase when horizontal and vertical accountability mechanisms are rigorously enforced in the government. This argument makes sense when one considers how the strict enforcement of accountability mechanisms made a difference in improving governance in Rwanda.

Referring to where accountability takes place, Brinkerhoff (2006) alludes to the constitutional framework and administrative institutions as both determining where the accountable and the overseeing actors are located—either inside or outside the state—and what their relationships with each other are. He considers accountability within the state as referring to institutions that curb abuses by other public agencies and branches of government "agencies of restraint." O'Donnell (1999) defines horizontal accountability as "the existence of state agencies that are legally enabled and empowered …to take actions that span from routine oversight to criminal sanctions or impeachment in relation to actions or omissions by other agents or agencies of the state that may be qualified as unlawful" (p. 38).

Brinkerhoff (2006) suggests that horizontal accountability (within government) can be accomplished with institutions with high enforcement capacity and those with low enforcement capacity. Supreme audit institutions, courts, comptrollers general, law enforcement agencies, parliamentary hearings, legislative committees, administrative review councils, and anticorruption agencies are institutions that have high enforcement/sanctions capacity. Those with low enforcement/sanctions capacity include—advisory boards, interministerial committees, ombudsman offices, blue ribbon panels, citizens' charters, "sunshine" laws, and freedom of information laws.

Brinkerhoff (2006) uses the same categories for vertical accountability (outside the government). Elections, professional codes of conducts, national/international standard-setting bodies, accreditation agencies, and public interest law have high enforcement/sanctions capacity. Citizen oversight committees, service delivery surveys, civil society watchdog organizations, policy research organizations (i.e., think tanks or universities), and investigative journalism institutions have low enforcement/sanctions capacity.

Brinkerhoff (2006) drives home the important fact that the availability and application of sanctions for illegal or inappropriate actions constitute the defining element of accountability. More concretely, "Punishment for failures and transgressions gives 'teeth' to accountability, and in the most popular view this is what increasing
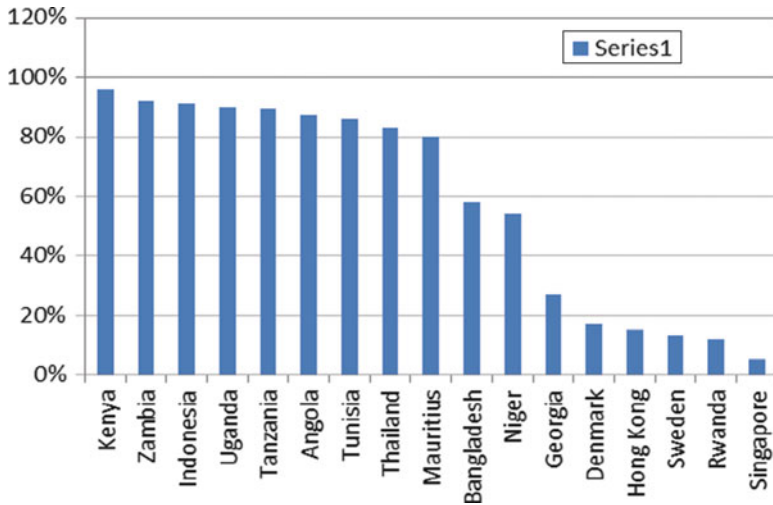
Fig. 3.1 Widespread Corruption in Government. *Source*: Gallup Poll Report (2012)

accountability is all about" Brinkerhoff 2006, p. 271). Schedler (1999) notes that the capacity to punish forms an integral part of political accountability.

As we explore the case of Rwanda, it is imperative to understand the key institutions that played a major role in enforcing horizontal accountability (within the government). The discussion will also allude to institutions that enforced vertical accountability (outside the government). The point worth underscoring is that with the absence of formal enforcement, transparency alone cannot promote accountability.

In the case of Rwanda, the police, the national office for legal proceedings, ombudsman, office for tender markets, and auditor general's office were designed as key government institutions with high enforcement/sanctions capacity involved in enforcing accountability and transparency mechanisms at all levels of Rwanda's administrative structure. The following findings from several international organizations that looked closely at Rwanda's strategies to foster good governance indicate remarkable progress in fostering development and democratic governance in recent years.

According to Mukombozi and Mutesi (2013), in comparison to the widespread corruption in the region, Rwanda has consistently performed well in its fight against corruption, as indicated by various reports and indexes. The systematic implementation of the zero tolerance policy coupled with President Kagame's promotion of transparent leadership were some of the critical factors in the successful enforcement of accountability and transparency mechanisms (Mukombozi and Mutesi 2013).

The world's leading democracies are what they are today because their leaders are innovative and always searching for solutions to their social, political, and economic problems. The same is true for this landlocked country of Rwanda where top government leaders continually ascertain creative strategies to improve governance.

Figure 3.1 shows how the 2012 Gallup Poll ranks Rwanda as the second least corrupt, right after Singapore. The Gallup survey on corruption, based on the
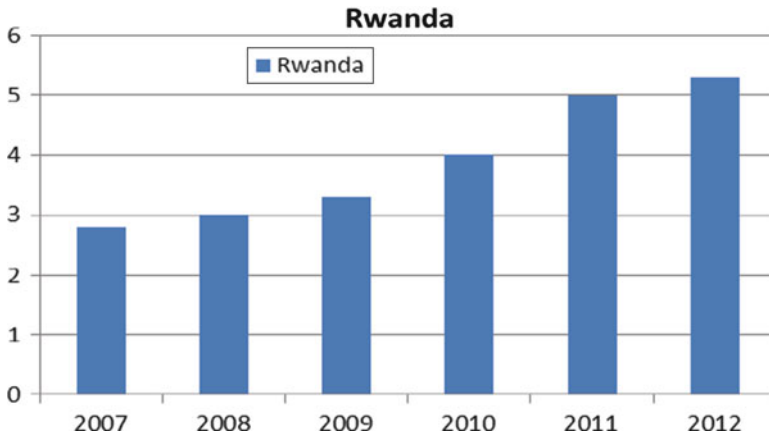
Fig. 3.2 Rwanda's Ranking and Scores over the years (2007–2012). *Source*: Transparency International (2012)

findings of Freedom House Index, considered whether corruption is widespread within businesses located in a particular country, and whether corruption is widespread throughout the government. Mukombozi and Mutesi (2013) claim that Rwanda achieved this ranking because its institutional and legal framework for fostering good governance has worked both at the grassroots and institutional levels.

Landell-Mill (2013) states that corruption lies at the core of bad government and is the most critical obstacle to overcoming poverty in developing countries. Mukombozi and Mutesi (2013) argue that the tremendous pace in eliminating corruption in Rwanda has paved way for championing good governance, and helped set up a trend of formulating policies that reach the final implementation stages with success.

Jong-Sung and Khagram (2005) contend that corruption is likely to reinforce or widen existing inequalities, and that vicious circles of inequality–corruption– inequality are thus likely to manifest. According to Transparency International (TI), each year, corruption cost more than 5 % of the global GDP which is roughly $26 trillion. The TI (2010) study that looked at the data from 42 countries revealed that the increased practice of paying bribes is associated with a lower literacy rate.

To avoid falling in the vicious circles of inequality–corruption–inequality, the Rwandan government has devised effective strategies that are removing governance bottlenecks such as corruption and bribery. Such strategies are making a difference as illustrated in Fig. 3.2 which indicates a steady progress in Rwanda corruption scores. Generally, the 5-year trend indicates that Rwanda's score steadily moved up from 2.8 in 2007 to 3 in 2008, 3.3 in 2009 to 4 in 2010, 5 in 2011, and then 5.2 in 2012 (Mukombozi and Mutesi 2013).

The East African Bribery Index (EABI) 2012 indicates that Rwanda remained the least bribery-prone country in the region with an aggregate index score of 2.5 % (Fig. 3.3. Rwanda's best performance in curbing corruption and bribery falls in line with pragmatic insights of Fung et al. (2004) who recognize transparency systems
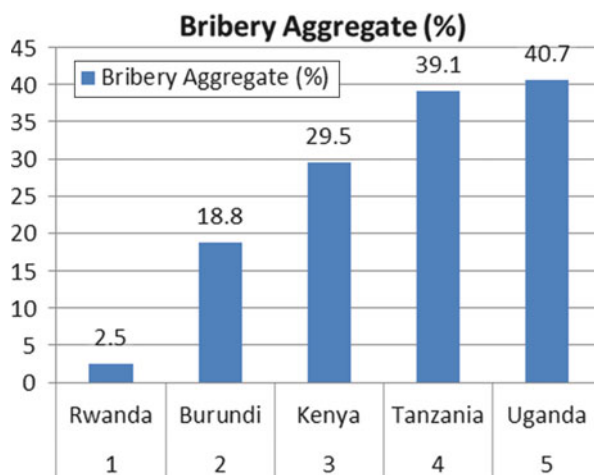
Fig. 3.3 Rwanda's performance in comparison with East African Countries. *Source*: East African Bribery Index (2012)

as designed to protect investors, improve public health and safety, reduce pollution, minimize corruption, and improve public services. Therefore, one could argue that Rwanda is on the right track as far as enforcing transparency which is the first key condition for public accountability to function well.

The 2012 (EABI) survey recorded and compared bribery tendencies across key public sectors including education, medical services, judiciary, water, the police, and civil registration. According to the survey, the likelihood of encountering bribery remained lowest in Rwanda at 2.5 %. Uganda had the highest rate of bribery (40.7 %), followed by Tanzania (39.1 %), Kenya (29.5 %), and Burundi (18.8 %).

The results of doing business are of an advantage to the country, since they create confidence among the donor countries. The publication of these positive survey findings encourages local investors and attracts Foreign Direct Investment, and therefore important to the factor that rule of law cannot be avoided on the path of fighting corruption.

Figure 3.4 indicates that the most corrupt institution in Rwanda is Police followed by Judiciary. It is ironic that two important institutions responsible for enforcing accountability and transparency mechanisms in Rwanda are abusing their power. Klitgaard (1998) claims that corruption occurs when a public official can operate in a situation of information monopoly, can administer an operation in discretion, and a lack of accountability. His formula reads: Corruption=Monopoly+Discretion−Accountability. It could be argued that some Rwandan officials use their discretion to foster their corrupt behaviors.

The next graph highlights the extent to which the countries in the East African Community have performed in the area of controlling corruption. The data used for this graph derived from the World Bank's Worldwide Governance Indicators (WGI) project that measured six dimensions of governance; voice and accountability,
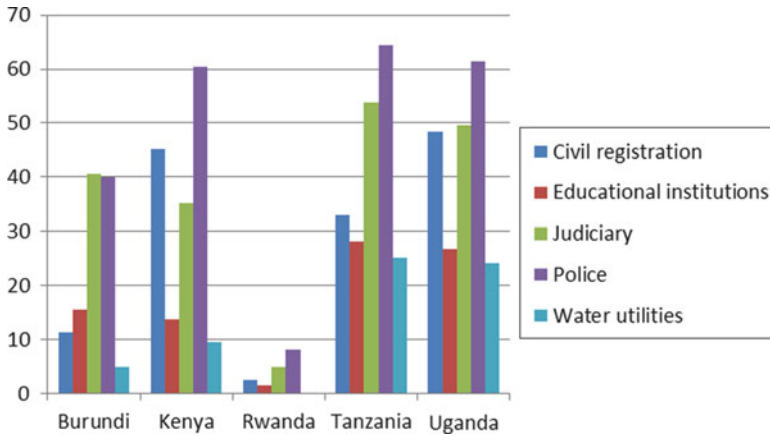
Fig. 3.4 Likelihood of Bribery in Key Sectors across East Africa. *Source*: Bribery Index Report (2012)
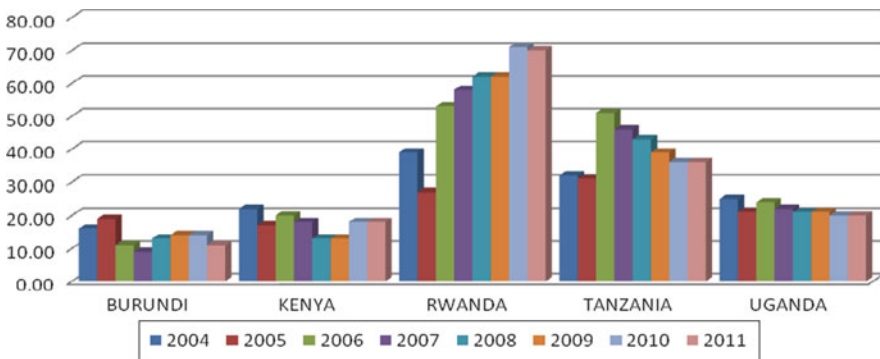

Fig. 3.5 Control of Corruption—EAC Performance. *Source*: WWGI Report (2011)

political stability and absence of violence/terrorism, government effectiveness, regulatory quality, rule of law, and control of corruption. According to Fig. 3.5, Rwanda is ranked on top of all the East African countries, in controlling corruption, followed by Tanzania.

The Worldwide Governance Index (WWGI) ranks Rwanda as being on a progressive raise over the past couple of years in the fight against corruption, moving from 39.00 in 2004 to 70.00 in 2011 (World Bank Group 2009). Rwanda's ranking by the WWGI report further offers an insight into the government's consistent enforcement of accountability and transparency mechanisms and a commitment to zero tolerance to corruption.

However, despite the invaluable progress of control of corruption over the last years in terms of government effectiveness and transparency of the regulatory framework, Mukombozi and Mutesi (2013) acknowledge that Rwanda has a long way to go in curbing corruption. They allude to instances of tax and public funds embezzlement and involvement of high ranking officials in corrupt practices.

Conclusions

The author attempted to underscore the interrelationship between development and democratic governance, highlighting the impossibility of fostering sustainable development without effective democratic institutions. He further reviewed the literature on transparency and accountability, pointing out the current global trends of holding decision-makers accountable. The social entrepreneurs which include civil society organizations, nongovernmental institutions, and religious organizations have been identified as active players in enforcing accountability and transparency mechanisms geared toward improving governance while curbing corruption that prevents sustainable development from materializing.

According to Global Corruption report, corruption is a growing challenge for the business sector both in the developing and developed countries (Global Corruption Report 2009). A UNDP report argues that in place where corruption reigns, basic human rights and liberties come under threat, and social and economic contracts become unpredictable. According to recent estimates, for every US $1.00 developing countries receive in official development aid, an estimated US $10.00 flows illicitly abroad (UNDP 2011). Resources lost through corruption, bribery, or illicit financial flows are more than enough to fund the resources needed to meet the Millennium Development Goals. This justifies why promoting accountability and transparency is not just the right thing to do but also the cornerstone of development and democratic governance.

Article 8 of the African Union (AU) /The New Partnership for Africa's Development (NEPAD) on governance states: "We believe in just, honest, transparent, accountable and participatory government and probity in public life. We therefore undertake to combat and eradicate corruption, which both retards economic development and undermines the moral fabric of society" (NEPAD 2002). Accountability and transparency are building blocks of public trust, which is essential for building a base to effectively design and implement sustainable development policies. Moreover, transparency and accountability are of high relevance to public, private, or nongovernmental organizations which play a critical role not only in the design and evaluation of sustainable development policies but also in the enforcement of accountability and transparency mechanisms. As stated earlier, failing to enforce such mechanisms has enabled a growing culture of corruption considered as one of the institutional and systemic problems responsible for failed development programs.

If transparency is the essence of good government, any governmental and nongovernmental institution involved in the delivery of public services should be transparent and make its behaviors and motives readily knowable to interested parties. Such transparent institution should provide access to required information, answer relevant inquiries, and make even unsolicited information available. This applies to both local governmental organizations and international funding agencies. In fact, the Aid Transparency Initiatives and the focus on the use of country systems emphasized in the Paris Declaration encourage donors to publish what they fund and to use existing country public financial management systems (OECD 2013).

The 2012 International Conference on Democratic Governance, which was held in Philadelphia, highlighted some of the critical challenges to democratic governance in developing countries. Conference participants agreed that the failure to enforce accountability and transparency mechanisms created a culture of corruption that has prevented sustainable development from materializing in developing countries. This chapter underscores the relevance of involving all development stakeholders, social entrepreneurs in particular, in ensuring that transparency and accountability mechanisms are taken into account while designing and implementing sustainable development programs.

The time has come for the international development community to stop doing the same thing over and over while expecting the difference. For over five decades, development scholars and practitioners have been on the reactive end of the development spectrum instead of being on the proactive end. Waiting to find how a prescribed development policy or program failed to achieve its intended goals is considered by this author as being on the reactive end, while tracking a prescribed development policy or program's performance in parallel with a consistent enforcement of accountability and transparency mechanisms is what is meant by being on the proactive end of the development spectrum.

Instead of moving from procedural to performance accountability, we might bolster procedural accountability, making it less about reacting to decisions that already have been made and more about citizens holding public administrators and elected officials accountable during processes of decision making. This is the underlying premise of shifting the development paradigm from reactive to proactive. Such a paradigm shift will require all development stakeholders to be constant scanners of the environment while learning how to adapt and adjust to environmental changes. This chapter is primarily intended to drive home the relevance of being on the proactive end. Particular attention is given to the crucial roles of the key institutions and players that enforce both horizontal and vertical accountability and transparency mechanisms.

With the current changing structures of governance, public administrators have a golden opportunity to capitalize on collaborative arrangements in which citizens are critical partners (Manoharan 2011). Several researchers have explored efforts to realign the perspectives of citizens to government, in particular, exploring the transformation from "citizen as a customer to the view of citizen as a partner" (Krueathep 2011). Along the same train of thought, Bromberg and Charbonneau (2011) developed one of the most advanced models of citizen participation, premised on a collaborative effort in performance measurement, data collection, and sustainability. In this context, an engaged citizenry may just represent the missing link when discussing performance and accountability.

An active involvement of informed citizens is a prerequisite for development and democratic governance to thrive. Fostering a culture of transparency and accountability would enable public administrators and political leaders at various levels of government to make ethical decisions. As Mahatma Gandhi stated, "politics without ethical principles" is among the "social sins of humankind".

Moreover, it has been observed that realistic organizational changes materialize when visionary and ethical leaders have a vested interest in leaving a positive legacy. Rwanda is a perfect case of visionary leaders who have consistently pushed for enforcing accountability and transparency mechanisms. As the discussed findings show, most of the regional and international institutions that track countries' levels of corruption and bribery confirm Rwanda's progressive trend toward good governance. The Rwandan success story could serve as a learning platform for not only the International Conference on the Great Lakes Region, an intergovernmental organization of 11 countries in Sub-Saharan Africa, but also other developing nations.

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Chapter 4
Role of Legislation for Social Accountability: A Comparison of South Africa and Zambia

Laura Miti and Sandra Matatu

The quality of governance in Africa can be determined, to a large extent, by the ability of citizens to exact accountability from the state. Of the various forms of accountability, social accountability is receiving growing attention in Africa as a method through which citizens can demand accountability from those who govern them. The concept social accountability refers to an approach towards building accountability that relies on civic engagement (Malena et al. 2004, p. 3). Citizens, civil society organizations, media, and communities, through a range of actions and mechanisms used to monitor the behaviors and decisions of public officials and agencies, demand accountability from duty-bearers (i.e., state actors). The forms and successes of civic engagement largely depend on a number of "enabling" or "disabling" environment factors (McNeil and Malena 2010). These factors (internal or external to the context) can be grouped as political context and culture, sociocultural and economic factors, and legal and policy framework (Malena and McNeil 2010, p. 187). They can create, facilitate, stagger, or hinder civic engagement that prompts state responsiveness to governance issues.

As social accountability grows as an accountability methodology, it is relevant to enhance discussion on the role of legislation for consideration by those applying the concept to address governance and related development issues. We contribute to debates on the significance of legal frameworks for facilitating enhanced civic engagement for improved state responsiveness. In many African contexts, legislative reform direction has tended to limit or frustrate citizenry ability to hold state actors accountable for public resource management decisions. The legal framework includes a country's constitution, legislation, and regulations, all of which can constrain or support social accountability. We argue that legal frameworks play an important role in social accountability work especially to facilitate civic actors' ability to demand improved public resource management from state actors.

L. Miti (✉) • S. Matatu
Rhodes University, P.O. Box 94, Grahamstown, 6140 South Africa
e-mail: l.miti@ru.ac.za; s.matatu@ru.ac.za

While legislation is not the only factor of significance, the effectiveness and sustained impact of social accountability initiatives needs enabling legislation, e.g., a legislation that requires routine reporting on service delivery performance by public officials.

Generally speaking, South Africa has a strong legal and policy framework which enables civic engagement in public resource management processes on a legal basis. Zambia, although in the process of major reforms, has disabling legal and policy frameworks which have frustrated the effectiveness of social accountability efforts but not made them impossible. The cases illustrate how legislation can offer important opportunities or challenges for social accountability.

Methodology

The two cases were selected largely for their contextual differences for comparative learning. They were chosen in the context of the ongoing social accountability undertakings by the Public Service Accountability Monitor (PSAM) in the two countries which have collected anecdotal evidence on the issue of the role of legislation in social accountability work. In South Africa, these undertakings have run from 1999 to present at Eastern Cape provincial departments. In Zambia, these have been from 2010 to present in different areas through a partnership with Zambian civil society organizations. Data was collected through interviews with civic actors and parliament representatives and using secondary resources.

The next section presents an overview of a rights-based approach to social accountability. The rights-based approach is an important method widely applied to development projects and provides a background to the later discussion on the role of legislation in the cases. The approach can direct the development of social accountability projects, and in relation to legislation, it is an important analysis tool and framework for legislation making that protects the rights and interests of citizens (Magno 2005).

A Rights-Based Approach to Social Accountability

An important principle in democracy is that citizens have the right and the responsibility to demand accountability that ensures that government governs in the best interests of the citizens (Malena and McNeil 2010). In arguing for a rights-based approach, the United Nations asserts, "the raison d'être of the rights-based approach is accountability" (Langford 2008, p. 15). The human rights framework enshrined in the United Nations *Universal Declaration of Human Rights* identifies individuals as rights holders and government actors as duty bearers. A main premise is that governments can be held accountable for their policies, programs, and projects by virtue of their obligations to realize the rights of citizens (United Nations 1948).

However, it is not always clear which are the best strategies of engaging government in the most effective way to guarantee accountability and transparency in delivering services.

Many accountability practitioners in Sub-Saharan Africa increasingly view social accountability as a means to promote transparency and government responsiveness, hence enhancing democracy in societies (Malena and McNeil 2010; Guthrie et al. 2010). Thus, the issue of rights is quite relevant. Social accountability offers alternative forms of political control that rely on citizens' actions and media organizations that diminish the gap between representatives and the represented. It requires the actions of multiple civic actors to monitor the behavior of public officials and agencies to make sure that they abide by the law. Civic actors may need to expose cases of government wrongdoing, and to motivate the action of agencies, such as the judiciary or legislative investigative commissions, that otherwise would not have been activated (Peruzotti and Smulovitz 2002). Therefore, in extracting government accountability, adequate rights and legal provisions ought to be available in the prevailing social, economic, and political conditions.

Applying a rights-based approach to social accountability, where social accountability itself is taken as a right, can promote transparency and government responsiveness and thus advance democracy. PSAM claims that the right to social accountability is citizens' right to demand justifications and explanations from duty bearers as regards the decisions made in public resource utilization which leads to the realization of human rights. Also, the right to social accountability obligates the state to justify and explain its decisions and actions to its citizens as a matter of course and to take timely corrective action where failings are identified (PSAM 2007).

Applying A Rights-Based Approach to Social Accountability Monitoring

Social accountability incorporates a number of strategies (such as coalitions and civic education) and methods (such as public expenditure tracking and community scorecards). There is no absolute standardization of these. Social accountability is influenced by a range of factors therefore the lessons learned during their application tend to generally inform their continued application or adaptations. Anecdotal evidence shows that social accountability monitoring strategies and methods do not approach public resource management issues in a holistic manner. When dealing with weaknesses, for example, government over-expenditure, accountability efforts tend to be insular, sometimes once-off. Often the identified area for intervention relates to a single part of a public resource management cycle.[1]

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[1]A public resource management cycle typically includes different processes, namely, budget preparation, budget approval and execution, accounting and reporting, and external audit, for the administration of a country's resources.

For example, a public expenditure tracking project that tracks expenditure of a government entity during a financial year to identify spending failings yet does not examine the planning and resource allocation process flaws that resulted in the disposal of funds to expend. A single element or process of the cycle is focused on without relating efforts to other elements or cycle processes.

Unsystematic monitoring approaches open citizens up to partially addressing systemic public resource management weaknesses as opposed to dealing with the systemic problems holistically. For example, attention might only be given to monitoring amounts of funds spent in an interest area to the exclusion of the manner in which planning and allocation is undertaken and the performance of officials responsible for activities that utilize public funds. As such, the results of the social accountability efforts do not remedy the systemic problems resulting in repeated service delivery problems in a particular area.

The PSAM suggests a systems approach to understand public resource management and social accountability monitoring. Here, the general premise is that they function as social systems characterized as a complex made up of different parts and all parts are interrelated and integrated to form the systems. The public resource management system is divided into five interrelated processes:

1. Planning and resource allocation—entails identifying socioeconomic priorities and developing strategic plans to guide effective service delivery that addresses needs, as well as allocating resources according to what has been identified in the plans
2. Expenditure management—encompasses executing the budget through the spending of allocated resources.
3. Performance management—entails implementing strategic plans and measuring performance of individuals and institutions in doing so.
4. Public integrity management—involves applying processes and procedures preventing or correcting the ineffective use or misuse of public resources by private or public officials.
5. Oversight—entails oversight bodies (e.g., Portfolio Committees) holding the Executive to account for the manner in which it uses public resources as described in the aforementioned processes (PSAM 2007).

These public resource management processes can be taken as social accountability processes as well (PSAM 2007). For each process, civic actors should demand justification and explanations from duty bearers and duty bearers should provide these as well as take corrective action where there are resource management failings. In monitoring accountability, approaches should take place holistically, that is, in a manner that appreciates the interrelatedness of processes that make up the public resource management system being monitored. Figure 4.1 illustrates the PSAM social accountability monitoring methodology which conceptualizes public resource management as a social accountability system. The system operates for the progressive realization of human rights and capabilities.

Taking Fig. 4.1, each of the five processes ought to have institutionalized provisions to ensure that civic actors can demand justifications and explanations for public resource management decisions made by public officials so that social
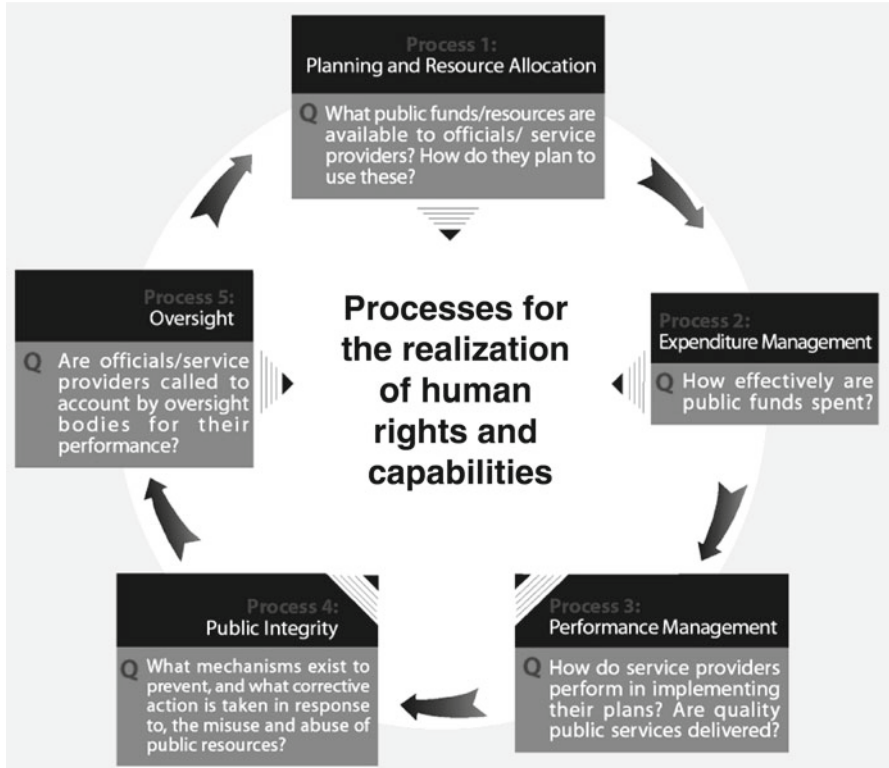
Fig. 4.1 Public resource management as a social accountability system (PSAM 2007, p. 15)

accountability initiatives can be more effective. The institutionalization can be facilitated through legal and policy frameworks. This way social accountability monitoring approaches which address accountability in the systematic manner (as reflected in the illustration) can be entrenched.

A Comparison of Zambian and South African Social Accountability Legislations

What follows is a discussion of the role of what we call social accountability legislation. It is characterized by provisions for civic engagement that demands justifications and explanations from state actors for public resource management and obligates state actors to provide these. In discussing the legal frameworks of South Africa and Zambia, focus is limited to three areas: (1) constitutionalization of socioeconomic rights, (2) public financial management and accountability, and (3) access to information.

Constitutionalization of Socioeconomic Rights

There has been much debate about the understanding and practicality of entrenching types of rights in constitutions. Civil and political rights (also called first-generation rights) established in the *International Covenant on Civil and Political Rights* tend to be explicitly protected in constitutions. Civil rights typically include freedom from certain types of discrimination. Political rights typically include the right of citizenship, to vote and hold public office (United Nations General Assembly 1966a). Socioeconomic rights (also called second-generation rights) established in the *International Covenant on Social, Economic and Cultural Rights* include rights such as the right to health, education, and adequate standard of living (United Nations General Assembly 1966b). Concerning the constitutionalization of socio-economic rights, there is global debate on whether such a step makes sense in constitutional design. There tends to be tremendous variance in constitutional protection of social and economic rights. Some discussions have argued for the constitutionalization of socioeconomic rights (Fabre 1998). More recently, accounts have offered realist approaches that understand socioeconomic rights as part of a broader matrix of public policy, economics, and politics; therefore, there are multiple trajectories to the realization of socioeconomic rights of which constitutionalization is only one aspect (Hirschl and Rosevear 2011).

Debates about the justiciability of socioeconomic rights have focused on their legitimacy (that is, if their nature and content is fit for constitutionalization) and whether courts are institutionally able to enforce them (Pieterse 2004). Macklem and Scott (1992) argue the interdependence of civil and political rights with social rights and challenge claims that judicial bodies cannot legitimately or competently scrutinize social rights as a matter of constitutional review. Pieterse (2004) views the civil/social rights distinction as a fallacy. Notwithstanding the inconclusiveness of debates on the constitutionalization of socioeconomic rights, for social accountability, the option to elevate constitutionalization of socioeconomic rights over reasonable laws and policies that lead to the progressive realization of these results can better guarantee legitimate social accountability demands.

In Zambia, socioeconomic rights have not been constitutionalized. Zambia has had a constitution since its independence in 1964. However, since independence it has long been faced with demands to amend or outright repeal the constitution. The country has undergone four major review processes since its independence: The Chona Constitutional Review Commission (1976), The Mvunga Constitutional Review Commission (1991), The Mwanakatwe Constitutional Review Commission (2004), and The Mung'omba Review Commission (2005). The main issues in the debates about the constitution have largely focused on political matters that relate to political rights. Political issues have ranged from a desire for constitutional transformation that expresses liberation from colonial rule (1960s) establishing one party state rule (1970s) to multiparty politics (1990s) to reducing the powers of the president (2000s). At the time of writing, Zambia is going through another constitutional review where this time the status of socioeconomic rights is somewhat more apparent.

Socioeconomic rights are included in the 1996 constitutional amendment. They are in the *Directive Principles of State Policy* Article 112 of Part IX of the Constitution, a non-justiciable section of the constitution. The Article establishes that government shall endeavor to provide: clean and safe water; equitable educational opportunities in all fields and at all levels; adequate medical and health facilities; decent shelter for all persons; measures to promote the practice, enjoyment, and development of a person's culture, tradition, custom, and language that is not inconsistent with the Constitution; and a clean and healthy environment. The *Directive Principles of State Policy* serve only as a guide to government's endeavors to progressively provide the socioeconomic rights. In this regard, Article 111 of the same Part IX states that the *Directive Principles of State Policy* are not justiciable. Specifically, it states "the Directive Principles of State Policy … shall not be justiciable and shall not thereby, by themselves, despite being referred to as rights in certain instances, be legally enforceable in any court, tribunal or administrative institution or entity" (Constitution of Zambia 1996, Article 111).

Like many countries, Zambia finds itself in a position where rights to health care, education and social welfare are more "moral statements of a nation's ideals" and not a legal declaration of enforceable rights (Christiansen 2007). In terms of social accountability monitoring, the Zambian citizens and civic actors cannot then demand by right that a minimum level of services be delivered by the government. Instead, it is left to them to leverage the *Directive Principles of State Policy* to encourage the state to utilize resources available for the provision of socioeconomic rights to citizens.

In comparison, in South Africa socioeconomic rights are provided for in the Constitution and protected by a very strong legal framework. Before the Constitution was ratified, the approach to socioeconomic rights was intensely debated. The *International Covenant on Economic, Social and Cultural Rights* prompted including socioeconomic rights. Today, the South African Constitution is internationally considered as one of the most progressive transformative constitutions for its provisions that create justiciable second-generation rights. It is one of the few in the world that does not make a hierarchical differentiation between civil and political (first generation) rights and socioeconomic and cultural (second-generation) rights (Mubangizi 2006). Specifically, the *Bill of Rights* of Chap. 2 provides for the progressive realization of the rights to housing, health care, food, water, education, and social security, within the available resources of the state. The guarantees to a large extent reflect the commitment to overcome and eliminate oppression and deprivation of the legacy of apartheid (Sunstein 2001). South African courts are allowed and constitutionally obliged to "give meaning to socio-economic rights through interpretation, to evaluate government compliance with the duties they impose, to pronounce on the validity of legislation and policy in the socio-economic sphere and to remedy state non-compliance with socio-economic obligations" (Pieterse 2004, p. 383).

South African civic actors are able to demand that the socioeconomic rights are made accessible to citizens. Organizations and media practitioners can insist that the government progressively advance citizens' access to a range of rights via its

management of public resources. Therefore, social accountability initiatives can be quite effective. Wherever civic actors find citizens not being able to access socio-economic rights because of poor service delivery, they can use the courts to pressure government to remedy this. The fact that socioeconomic rights are constitutionally guaranteed to citizens has translated into a very strong platform from which civic actors and citizens in South Africa can demand accountability for government's decisions on planning, allocating, and spending public resources.

Public Financial Management and Accountability

The management of public resources is guided by a number of pieces of legislation. These give directives on public resource management to make sure that public money and other resources are administered in an efficient, effective, and economical manner. They guide financial management accountability principles and practices. The efficiency and effectiveness of spending are key determinants of economic and social development. Accordingly, legal frameworks should equip role players to exercise accountability for the use of public funds.

In Zambia, some key pieces of financial management legislation are the *Constitution of the Republic of Zambia*, the *Public Finance Act* 2004, the *Public Procurement Act 2008* and the *Local Government Act* 1991. Generally speaking, the Zambian legal framework has had fundamental weaknesses in its provisions of accountability in public resource management. The legal framework regulating the budget system has long had many inadequacies to ensure budget transparency, accountability, and participation. Some weaknesses identified are extensive powers assigned to the President and Minister responsible for finance, impunities for poor financial discipline, limitless scope to exceed authorized expenditure, and inadequate checks and balances in the budget process. Poor budget information is an outcome of poorly functioning budget transparency and participation systems. Consequently, the 2012 Open Budget Survey (a survey which measures budget transparency and accountability) gave the country a low score of 4 out of a potential 100 for providing little to no budget information (International Budget Partnership 2012).

Until 2009, the budgetary process in Zambia was overseen by Article 117 (1) of the 1996 Constitution. This Article mandated the Minister responsible for finance to present the budget for the approval of the National Assembly within 3 months from the beginning of the financial year that it related to. Thus, the budget was presented in January and approved by the end of March. Because the budget was tabled after the financial year had begun, a number of issues arose that compromised both the prudent execution and accountability of the budget process. The *Parliamentary Estimates Committee Report* of 2000 identified these issues specifically. Primary among the problems was that, with the budget being approved only in March, 3 months after the financial year had started, a quarter of the year's expenditure was carried out before the budget was passed. The unapproved expenditure was carried out under a Presidential Warrant as provided for in Article 115 (1) of the Constitution.

With the budget being approved well into the financial year, disbursement occurred after planned activities were due to start leading to fiscal dumping at the end of each year (E. Hachipuka, personal communication, October 27, 2010).

In order to remedy this situation whereby spending was taking place without budget approval, Parliament made an amendment to the current Constitution in 2009 (Amendment Act No. 20) so that the budget would be tabled to Parliament not later than October of the preceding financial year and passed not later than 31st December. The 2010 budget was the first presented under this amendment making 2011 the first year in which the financial year begun with an approved budget thereby allowing for budget implementation to be executed over the full 12 months of the financial year. The reform has meant that civic actors can timely engage with government over an approved budget as opposed to the situation prior the change where spending in the first quarter of the financial year took place without budget approval.

While there have been a number of positive public finance reforms to address accountability, some weaknesses still remain in Zambian budget law. Primary among these is that the Constitution allows for a situation in which there is little relation between the amounts appropriated by Parliament and those subsequently expended by government in most fiscal years. This is the result of a supplementary budget being an established feature of each financial cycle, making the monitoring of the budget by civic actors carrying out budget work very difficult. The major problem around the supplementary allocations that are expended by Ministries, Provinces and Spending Agencies (MPSAs) is that the Constitution allows for supplementary budgets to be passed retrospectively covering amounts already long spent by government. Public response to the supplementary expenditure within the financial year is therefore absent. In Article 117 (4) b and 5 the Constitution provides that a Ministry can spend moneys above those appropriated by Parliament as long as a retrospective Excess Expenditure Bill is introduced into Parliament not later than 30 months after the end of the financial year in which the excess expenditure occurred. The Ministry of Finance is also allowed to introduce Supplementary Expenditure Bills not later than 15 months after the end of the financial year in which the expenditure occurred. The Constitution does not place a limit on this excess expenditure which means the Executive wing of government can seek and receive parliamentary approval for amounts expended more than 2 years before. The public only receives information on expenditures up to 2 years after the fact.

Neither the Constitution nor subsidiary legislation places any requirements to be met before the expenditure takes place. The result of this constitutional provision is that Members of Parliament, civic actors and journalists trying to track expenditure against appropriated funds are usually dealing with figures that have no relation to reality. The result is that quite often questions of misappropriation of funds are discussed in the Zambian media long after the fact (Public Accounts Committee representatives, personal communication, October 28 2010, October 24 2011).

As socioeconomic rights are not justiciable under the constitution, as discussed earlier, the veritable expenditure carte blanche given to government means that large sums of money can be spent on matters that do not necessarily significantly

advance service delivery and the interests of citizens. For the most part, citizens cannot demand government to justify and explain financial decisions. What might be viewed as mysterious, unplanned or wasteful expenditure is expenditure well provided for and protected by laws.

The absence of an access to information legislation (discussed later) further makes seeking accountability extremely difficult from a rights-based perspective. This is because the current legislative environment allows for government to classify any information it decides to. The secrecy around government expenditures is legislatively compounded for example by armed forces and intelligence budgets that are neither debated in the Parliament nor subject to consideration by the Public Accounts Committee which is meant to oversee all government expenditures for effectiveness and legitimacy. The 2007 abuse of public resources case of former President Fredrick Chiluba exemplifies typical abuses that result from the absence of oversight in this area. He was found guilty of abusing his office and the Intelligence account, embezzling around $46 million of public money.

The Zambian Constitution currently under review proposes a Planning and Budget Act. Should this legislation be introduced and remedy planning and budgeting weaknesses, it is expected that the legislative framework in Zambia will improve considerably, opening channels for a more rigorous level of accountability in the use of public resources. Until the Planning and Budget Act is indeed passed, it is unclear whether it will adequately incorporate public participation in planning and budgetary processes and therefore enhance social accountability.

In South Africa, some legislation overseeing financial management includes the *Constitution of the Republic of South Africa* 1996, the *Public Finance Management Act* 1999, and the *Municipal Finance Management Act 2003*. The Constitution highlights the importance of budget transparency. It emphasizes that national, provincial, and municipal budgets and budgetary processes must promote transparency, accountability, and effective financial management. South Africa's budgeting system has been rated as one of the most transparent. With budgetary reforms over time, the country has seen strengthened fiscal discipline and checks and balances over expenditures. The 2012 *Open Budget Survey* gave the country a score of 90 for extensive budget information (International Budget Partnership 2012).

The Public Finance Management Act sets clear and strict parameters for expenditure, providing that funds may be drawn from a relevant fund and only utilized for services that they were appropriated for in a previous Annual or Adjustments Budget. The provisions limit extravagant expenditures. Concerning Supplementary Budgets, unlike the Zambian situation in which these can be brought to Parliament at the sole discretion of the Minister of Finance, the *Public Finance Management Act* sets important parameters. It requires that any adjustment in a budget should only be tabled in the National Assembly if there are significant and unforeseeable economic and financial events affecting the fiscal targets set by the Annual Budget, or unforeseeable and unavoidable expenditure is recommended by the National Executive or Cabinet Committee. The Act further provides in Section 34 (2) that any incident of overspending not approved by Parliament becomes a charge against funds to be allocated to the spending agency in the next or future financial years.

During any financial year, the public is provided with budget information and able to participate in budget processes to maintain checks over expenditures. For instance, as legislation requires the Minister of Finance to prove that supplementary expenditure is necessary before money is made available, the justifications and connections of additional spending to service delivery can be monitored.

Access to Information and Social Accountability

A central element of social accountability is for citizens and civil society to have access to precise and relevant information on budgets, expenditure, public policies, programs and services (McNeil and Malena 2010). The inability to access information is a major obstacle to social accountability. Monitoring activities cannot be effective if, for example, financial performance information is not accessible. The reality of many African countries is that access to information and freedom of expression is limited, therefore many civil society organizations find themselves needing to lobby for enhanced information legislation as they confront the certainties of information restrictions. In 2010, the African Commission on Human and Peoples' Rights began a process of drafting a model access to information legislations for Africa. The first draft was presented to the African Commission in 2011 and finalization is underway. Adequate access to information holds the promise of better governance through improving accountability, transparency, and participation by citizens in public matters. Information that exposes mismanagement of resources and corruption can be used to call for better public resource management that leads to the improved enjoyment of people's socioeconomic rights and better development.

As mentioned earlier, Zambia received a low score in the 2012 Open Budget Survey because of scant budget information. In the absence of access to information law, many government decisions in public resource management can be classified as secret or confidential. Ministers and Permanent Secretaries tend to be the authorities allowed to release information at their discretion. Anecdotal evidence has shown that routine public resource management documentation, for instance, on expenditure or strategic planning information, is not released by all ministries, departments and spending agencies. Instead, it is at times classed as sensitive and difficult to access. This has resulted in situations where journalists and civic actors rely on "friends within government" to provide them with restricted information. Such practice makes it difficult for them to routinely obtain information for ongoing accountability monitoring (S. Mwansa, personal communication, October 18 2011).

In 2012, the Zambian government announced that it would publish an Access to Information Bill to be tabled in Parliament. The passing of the bill, however, has been delayed. It is expected that this bill, when it is finally passed, will allow for civic actors to access information required to better monitor public resource management and the outcomes of service delivery. Social accountability activities would thereby likely yield improved results.

In South Africa, Chap. 2 of the Constitution provides the basis of citizens' right to information. It states:

Everyone has the right to freedom of expression, which includes

(a) Freedom of the press and other media
(b) Freedom to receive or impart information or ideas
(c) Freedom of artistic creativity
(d) Academic freedom and freedom of scientific research (Constitution of South Africa Section 16 (1))

The *Promotion of Access to Information Act* 2000 is the main subsidiary legislation which enables organizations and individuals in South Africa to legitimately access any information held by the state, or another person, that is needed for the exercise or protection of any right. An objective of the Act is to promote "a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights". In practice, the Act has allowed for South African civic actors to access necessary information from government and even make use of the courts when this information has been refused or delayed. An example of how this Act has been applied is the PSAM travel gate case where the organization won an application to the High Court to gain access to information relating to a 2004 scandal in which Members of Parliament were accused of misusing millions of dollars for bogus travel claims (Mpharu and Hedley 2011). Organizations, such as the Freedom of Expression Institute (FXI), have even been formed to defend the right to access to information and oppose censorship. South African civic actors can access information from multiple sources to enable the formulation and voicing of their opinions, to monitor governments' service delivery performances, and to engage public officials effectively.

While the current *Promotion of Access to Information Act* (PAIA) provides for ready access to information, there is great concern that the proposed Protection of Information Bill (also referred to as the Secrecy Bill) tabled in Parliament in 2010 will significantly limit the right to access information. The Secrecy Bill aims to regulate the classification, protection, and dissemination of state information. Media has cited journalists' and civic actors' concerns, for example, with the proposed stiff penalties of up to 15 years in jail for anyone leaking or found in possession of classified information. Not all responses to the bill have been solely negative. Some journalists have reacted to the bill by questioning the journalistic practices that may warrant limitations (Joseph 2012). Nevertheless, the absence of a public interest clause in the Secrecy Bill to protect those potently negatively affected puts whistleblowers and journalists at risk of jail sentences for publishing information that the public may have a right to know. In its current form, the Secrecy Bill would limit investigations such as those undertaken under PAIA which have to date allowed journalists to expose abuses by high profile individuals and publish their court convictions. For example, the media exposures of Minister Shiceka's misuse of hundreds of thousands of dollars utilizing documents that also revealed corruption connections to then Commissioner of Police, Bheki Cele's misuse of millions (Prince 2011; Times Live 2012).

As regards oversight over public resource management, the legislature and Office of the Auditor General play a key role in social accountability and access to information is therefore relevant for their mandate. In Zambia, while providing for a largely independent Auditor General's office, Article 121 of the Constitution subjects the institution to the President's Office thereby constraining its ultimate effectiveness. The Public Accounts Committee engages with the Auditor General's findings on government public resource management and recommends actions to the Executive which it may or may not institute. Where information is inaccurate or absent, Parliament has no authority to ensure that any findings are put through disciplinary processes or followed through by law enforcement bodies to institute criminal charges. The Executive is meant to submit an Action Taken Report to the National Assembly 6 months after the Public Accounts Committee has dealt with the Auditor General's report. However, this generally does not happen and the Public Accounts Committee and Parliament, by and large, do not have the power to force the Executive to act on the Auditor General's report (Transparency International of Zambia 2007). The result is that cases of corruption and abuse of resources brought out by the Auditor General's office through its report are rarely taken further than the report itself. Also, media does not have as much leeway as media in South Africa to publish corruption cases in depth. The matter of limitations on the Public Accounts Committee has been raised in the recent constitutional review process and the new Constitution promises to strengthen the powers of the Public Accounts Committee to tackle matters raised through the Auditor General's report. If this happens, the oversight bodies will be able to play a more effective role in social accountability by bringing government to account for its decisions in the use of public money on the basis of information provided.

Conclusion

We have pointed to the importance of legislation in certain areas for social accountability focusing on what could be described as very different contexts. In Zambia, the Constitution and subsidiary legislation largely do not provide for rigorous accountability standards. Civic actors, journalists, and even the Members of the Parliament cannot consistently and effectively hold government to account for how it uses public money. South Africa, on the other hand, has more stringent standards for accountability written into its laws. Through these laws that require routine accountability mechanisms, civic actors may demand justifications and explanations on the manner in which public resources are utilized.

In the final analysis, accountability is not a question that should be left to the good will of duty bearers and governing parties. Strong comprehensive legislation should speak to a government's commitment to account and provision for citizens to demand this accountability systematically. The absence of such may lead to practices that increase vulnerabilities to uninhibited misuse or abuse of funds. The realization of socioeconomic rights through service delivery (and the right to social

accountability) rests on government being made to account for its use of public resources, and the public exacting accountability from the state on the firm basis of enforceable legislation. Legislation is not the final remedy to social accountability issues, but it could certainly facilitate positive advancements. Where legislation enabling social accountability is not available, civic actors should take opportunities to change this.

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Chapter 5
Reinventing Public Governance in Singapore: Major Reform Premises, Initiatives, and Consequences

M. Shamsul Haque

It is widely recognized that the contemporary global trends in restructuring or reinventing public governance have been largely guided by market-driven neoliberal ethos, rationales, and policies. In general, such reinvention in governance reflects the assumption of state failure and market superiority, prescribes a diminishing role of the public sector, and recommends drastic structural and managerial reforms in public management based on business principles in the name of greater efficiency, better value for money, and higher customer choice and satisfaction (Chung 2001; Larbi 1999; Haque 1999). These recent trends of reinventing governance have significant implications not only for transforming the nature of state and its relationship with citizens and society, but also for role, structure, and orientation of the public service in almost all nations.

Thus, there emerged worldwide debates and studies to examine main tenets of this market-led reinvention in governance. While the studies on the macro-level state tend to highlight the formation of a "neoliberal state" or hollow state; studies on mid-level policy changes draw attention to the emergence of "new economic policies" (deregulation, privatization, liberalization, outsourcing, etc.); and studies on structural and managerial of the public sector focus on the spread of "new public management" or NPM principles (such as managerialism, autonomization, disaggregation, and corporatization). In addition, many scholars have been engaged in exploring the cross-regional and cross-national divergence and convergence of such state formations, policy changes, and structural and managerial reforms. More importantly, the internal and external forces or causes behind this reinvention in governance as well as its favorable and adverse consequences have become critical concerns for both the advocates and critics of reinvention. There are also arguments and counter-arguments regarding whether such promarket reinvention in governance

M.S. Haque (✉)
Department of Political Science, National University of Singapore,
10 Kent Ridge Crescent, Singapore 119260, Singapore
e-mail: polhaque@nus.edu.sg

is dead, and whether it has been replaced with other modes of governance, such as the so-called shared governance, networked governance, digital governance, and so on. However, in the recent global context of severe economic recession (market failure), there seems to be a revival of such debates on this issue as some scholars and policy makers tend to attribute such economic crisis to intensive market-led policies and reforms carried out in most countries.

In exploring the above concerns related to market-oriented reinvention in public governance, this article uses the case of Singapore for various reasons. First, it is an interesting case because, while such market-centered reforms in have been carried out in most countries to overcome the fiscal crisis, alleged inefficiency and mismanagement of public sector, systematic bureaucratic corruption, huge external debt, and so on, the Singapore government adopted some of these reforms without the severity of any of these problems. In fact, the state-managed governance in Singapore has been able to achieve something that is considered some sort of "economic miracle" characterized by its widely recognized economic competitiveness, consistently high growth rates, efficient and committed state bureaucracy, well-recognized clean or corruption-free administration, world-class infrastructure and technology, high per capita income, and so on (Low 2005; World Factbook 2013). Despite these achievements largely under the auspices of state-led administration, the government has recently adopted certain promarket policies and reforms that need to be clarified. Second, although Singapore is relatively insignificant in terms of territorial and demographic size, it represents one of the top ten countries in the world in terms of its GDP per capita, total foreign reserve, competitiveness status, and globalization rank (DBJ 2001; World Factbook 2013). Thus, for a case study, Singapore should not be overlooked as a small city state, which deserves due attention for its global economic significance. Finally, and more importantly, Singapore is often used by major international agencies (e.g., the World Bank and IMF) and regional organizations (e.g., the APEC and ASEAN) as a "success story" to be explored and emulated by governments in the developing regions or countries, especially for resolving challenges posed by issues such as globalization, corruption, information technology, and so on (Lam 2000; Low 2005).

Based on the above observations, this article attempts to address the following issues and concerns related to the case of Singapore. The first section explores the macro-premise of governance (reflecting the overall state formation) and its contemporary transformation—it covers the political system and politics–administration relations, the configuration of state–market relations, and the structure of state–society relations. The second section deals with the micro-dimension of public administration and its recent reinvention, including the public service's ethos and norms, scope and role, organization and management structure, and client or customer orientation. In the third section, the article explains the internal and external factors or causes behind the recent initiatives for such reinvention in macro- and micro-level governance. It also examines the potential favorable implications and adverse consequences of this current reinvention in Singapore. The article concludes by exploring the potential strengths and weaknesses of Singapore's mode of governance and its reinvention, especially in terms of the feasibility to replicate this experience in other countries.

Macro-framework of Governance in Singapore

Compared to most nation-states, the city-state of Singapore is extremely small in terms of its territorial size (697 sq km) and total population (5.46 million) (World Factbook 2013). In this small island, there is considerable heterogeneity among diverse groups of citizens (Chinese, Malays, Indians, and others) with regard to their ethnic, linguistic, and religious identities. While such demographic heterogeneity had significant adverse political, social, administrative, and economic consequences for many countries (e.g., Malaysia, South Africa, Sri Lanka, the USA), it did not severely affect such domains of society in Singapore. As far as the question of governance is concerned, among all the major factors, it is the British colonial rule for 140 years (1819–1959) that had consequential effects on the state, politics, economy, and administration (including the legacy of inherited laws, rules, and institutions) during the colonial and postcolonial periods (Lam 2000). The main purpose of this section is to examine the basic premises and changing trends of three macro-domains of the state, including its internal politico-administrative institutions and relations, its interaction or exchange with the market sector, and its relationship with society or citizens.

Political System and Politics–Administration Relations

First, with regard to the *political system and politics–administration relations*, Singapore inherited the British model of parliamentary government led by the People's Action Party (PAP). Although the executive authority lies with the president (now directly elected by people)—who is the ceremonial head of state and who appoints the prime minister, other ministers, and top officials like judges—the actual executive power is exercised by the prime minister and other cabinet ministers (from the ruling party) who are collectively answerable to the parliament (Wirtz and Chung 2001; PWC Consulting 2002). The cabinet includes one prime minister, two deputy prime ministers, and other ministers. The elected members of the parliament exercise the legislative power, and they use various standing committees (public accounts committee, house committee, estimates committee, committee of selection, etc.) to carry out their legislative duties (Tay 1999).

Compared to the parliamentary form of government in many other countries, one of its unique features in Singapore is the dominance of one ruling party (the PAP), which is known as the one-party-dominant system. Under this system, the PAP has ruled Singapore for over five decades (since 1959) with an absolute majority based on its overwhelming success in obtaining most of the contested seats in the parliament (Wirtz and Chung 2001), and currently it has 81 out 87 elected seats. Unlike the liberal democratic model characterized by ideological contestation and occasional changes in government, this system in Singapore represents the continuity of the same ruling party in power for a long period without any serious challenge from much smaller and weaker opposition parties such as the Singapore Democratic Party, the National Solidarity Party, the Reform Party, the Singapore Democratic Alliance, and the Workers' Party.

Despite this unique political tenet of one-party dominance, the parliamentary form of government shapes the nature of politics–administration relations in Singapore where public administration "is organized along Westminster lines as a career civil service [which is] subordinate and loyal to the government of the day and has been somewhat similarly rewarded for its loyalty" (Painter 2004:369). It is highlighted that "Singapore is a meritocracy rather than representative of vested interest groups. Unlike most countries, Singapore rewards credentials and capability, which are the key criteria for politicians, bureaucrats and all managers and directors of state-owned companies" (Low 2005:12–13). In short, the main features of politics–administration relations in Singapore include the principles of meritocracy, political neutrality, permanent tenure, and loyalty, which are ensured largely by the Public Service Commission and other public personnel bodies (Low and Haggard 2000; Haque 2002; EROPA 2004).

It has been argued, however, that the colonial legacy of public administration led to the continuation of administrative elitism or the "mandarin" class with its considerable involvement in public policies to formulate and manage major programs and projects (Low 2000; Bellows 1985). On the other hand, there emerged an "administrative state" in Singapore in which bureaucracy allegedly became the locus of politics and the ruling party actually became internally depoliticized due to its diminishing engagement in grassroots organizations (Hamilton-Hart 2000:196). But Hamilton-Hart (2000:197) does not agree to this view of the formation of administrative state, and thinks that bureaucracy in Singapore is actually less influential, has limited cohesion, and "occupies a subordinate role in the political process." In addition, there is frequent exchange of officials between the political and administrative domains as many of the top political leaders in Singapore (e.g., Goh Chok Tong, Lee Hsien Loong, George Yao, and Telo Chee Hean) were originally from the armed forces and the civil service (Bellows 1985:61; Hamilton-Hart 2000:196).

Despite the prevalence of a one-party-dominant system, the alleged involvement of top administrative personnel in public policies and depoliticization of the ruling party, and the administrative and military background of several political leaders, the sphere of public administration seems to have remained relatively neutral and impartial in Singapore in terms of the government's continued emphasis on meritocracy, efficiency, performance, and professionalism in recruiting and assessing public servants (Quah 1996; Jones 1999). Even if one accepts the view that the ruling party is depoliticized, it does not imply and there is no credible evidence that the public service is politicized. The loyalty of administrative personnel to elected political executives (without their active involvement in politics) is expected in democratic governance, and it is more desirable than ineffective political control over the administrative elite in many developing countries where elected political executives are often incapable of managing bureaucrats and making them accountable.

Despite the market-driven reinvention in governance in Singapore mentioned in introduction, it is quite clear that such reinvention has hardly affected the political system and the nature of politics–administration relations in this country. While the state-centric ruling party was replaced with a more neoliberal party in many countries during the reinvention period, in Singapore, the one-party-dominant system

under the PAP did not face any major challenge from the opposition parties, and the ruling party still claims overwhelming majority. Similarly, the nature of politics–administration relations has not experienced any major shift as found in major developed nations where such relationship became tense and conflict-ridden due to the ruling party's anti-public-sector policies, its negative campaign against public servants (known as "bureaucrat-bashing"), and its politicization of the administrative sphere. But in Singapore, the recent public service reforms (discussed later) have, in fact, witnessed even greater emphasis on the merit principle, efficiency and performance in public personnel management, and the loyalty of civil servants to political executives remain largely undiminished.

Governance and the State–Market Relations

In Singapore, in the absence of a strong private sector, the state has played a leading active economic role since 1959 through newly created statutory boards and public agencies to achieve some major objectives such as rapid economic development, national security and survival, employment and income generation, and so on (Lee 2001; Yeung 2000a). Some of the major sectors affected this interventionist role included utilities, banking, housing, transport, communication, textile, etc. The major statutory boards introduced in the 1960s were the Economic Development Board (EDB), the Public Utilities Board (PUB), the Housing Development Board (HDB), the Central Provident Fund (CPF), the Development Bank of Singapore (DBS), the Jurong Town Corporation (JTC), and the Port of Singapore Authority (PSA) (see Low and Haggard 2000).

There were three major state-owned investment holding companies in Singapore, including the Shengli Holdings Ltd, the Ministry of National Development Holding Ltd, and the Temasek Holding Ltd (THL), to manage numerous government companies, statutory boards, and their subsidiaries (DBJ 2003:6). The most central is THL (created in 1974 as the main investment arm of the government) which began to own and manage the so-called Government Linked Companies (GLCs), including government companies that were transferred from the Ministry of Finance after their partial divestment as well as companies created through the corporatization of government departments and statutory boards (DBJ 2003:6–7). These GLCs controlled by THL covered some major sectors (e.g., banking, airlines, power, telecommunications, technologies, port, media), and accounted for one-tenth of total output and one-quarter of stock market capitalization in Singapore (Yeung 2000a; Low and Haggard 2000). The examples of THL's largest GLCs include the SingTel, the DBS, the PSA, the MediaCorp, the Keppel Corp, the Singapore Airlines, the CapitaLand, the Singapore Power, and the City Gas (for details, see DBJ 2003:11). In addition to these GLCs managed by the state through THL, there have been numerous multinational companies and/or foreign investors playing a crucial role, whereas the role of local businesses in economic policy has been relatively marginal in Singapore (Hamilton-Hart 2000:196).

More recently, in the process of reinventing governance, the state has introduced more market-driven initiatives like divestment or privatization, deregulation, liberalization, and contracting-out. In this regard, the former Minister of Finance Tony Tan stated in 1985 that "the engine of economic development should be the private sector and not the Government. The private sector must be encouraged to set the pace in leading Singapore to a new economic era" (quoted in DBJ 2003:5). The government created the Public Sector Divestment Committee (PSDC) in 1986 to prepare guidelines, modalities, and terms and conditions of privatizing government companies. The PSDC planned to divest numerous companies and statutory boards through methods such as deregulation (allowing competition from the private sector), sales of shares or assets, and so on (DBJ 2003:6). During the first round, there were few state enterprises (National Iron and Steel Mills Ltd, Cerebos Singapore, Mitsubishi Singapore Heavy Industry, and petrochemical companies) earmarked for complete and immediate divestment, but it was considered difficult to divest enterprises like SingTel, PUB, and PSA. However, these relatively controversial sectors (e.g., utilities, telecom, finance, banking, insurance) were liberalized to allow more foreign ownership and reduce market restrictions (Low 2000). The government has also adopted the strategy of contracting-out for services such as waste management, transport maintenance, public housing construction, and defense technology.

However, for some authors, Singapore is one of last Asian countries to embrace the policies of privatization and deregulation, and the process of enforcing such policies has been quite state-managed as the privatized assets or shares have often remained under state control in certain instances (Low and Haggard 2000; DBJ 2003). In responding to a parliamentary debate on how the GLCs might crowd out private enterprises, use "old boys' networks" to enjoy unfair edge over competitors, and constrain the development of local private enterprises, Prime Minister Lee Hsien Loong tried to defend GLCs for their contribution to the national economy (DBJ 2003:12). Even when some state enterprises go through complete divestment, they are not absolutely delinked from the state as public officials may still hold positions in those enterprises (Hamilton-Hart 2000:199). As Hamilton-Hart (2000:200) highlights, in Singapore, many senior public servants often act on the boards of private companies, hold their executive positions, and/or serve as their directors or advisers.

In short, the reinvention initiatives have certain impacts on the nature of state–market relations. In particular, the dominant economic role of the state was affected by new policy initiatives such as privatization, deregulation, liberalization, and contracting-out. However, the pace of such policy shifts has been quite gradual or incremental, and the government has been able to retain its steering capacity based on the well-entrenched state–market or public–private networks, especially through the THL and GLCs. Thus, the impacts of these policy changes on governance have been less drastic (but nor negligible) in Singapore compared to many other countries where governance reforms have been much deeper and more extensive. The slow pace of enforcing market-led policies can be observed from the following comparison—while the telecommunication sector was completely privatized in Japan, Hong Kong, and the Philippines by 1995, the state ownership of the sector remained 65 % in Indonesia, 75 % in Malaysia, and 89 % in Singapore (Ure and Vivorakij 1996).

Relationship Between the State and Society

In most societies, there are certain responsibilities of the state to address the basic needs or entitlements of citizens such as health, education, housing, and so on, which are often considered welfare services. The scope of such welfare provisions expanded in most countries until the early 1980s when the market-led reinvention in governance began to erode such public welfare largely due to budget cut and subsidy withdrawal. In the case of Singapore, however, the government has always been opposed to strong public welfare despite its extensive interventionist role in the economy. For instance, regarding unemployment, the government highlights that "the best way to assist individuals who are retrenched or unemployed is to help them seek reemployment instead of handing out financial support such as unemployment benefits" (Cheung 2000:4). According to the former Minister of Finance, "Instead of providing large unemployment benefits and price support schemes, we prefer job creation and market competition" (Cheung 2000:4). Thus, as Cheung (2000) mentions, there is no unemployment insurance or assistance in Singapore, and it has not ratified the three ILO conventions regarding unemployment benefits (Cheung 2000). In the health sector, as a percentage of GDP, the public spending on health care was 1.3 % in 1996 in Singapore, compared to the average figure of 2.7 % of GDP in Asia, 6.3 % in Europe, and 7.5 % in North America (ILO 2000). For the overall social protection benefits (for old age, health and sickness, family, unemployment, housing, etc.), as percentage of GDP, the government spending in 1996 was 1.68 % in Singapore, compared to 3.72 % in Korea, 9.43 % in Chile, 13.40 % in Japan, 14.69 % in New Zealand, 14.95 % in the USA, 19.57 % in Canada, 28.57 % in Germany, and 32.13 % in Denmark (ILO 2001).

However, it is possible to discern certain welfare-like provisions in Singapore. With regard to health care, for instance, although the government acts as a "provider-of-the-last resort" and the National Health Plan (1983) aims to provide health service based on individual and family responsibility, the Medisave Scheme (1984) aims to enable citizens to pay for medical care (Khan 2001; Low 2001b). In the housing sector, the government established the HDB to provide low-cost housing to citizens, which covers about 86 % of the population (Lee 2001). With regard to education, the realization of the importance of human resources in Singapore has encouraged the government to invest heavily at all levels of education to enhance economic growth (Lam 2000).

Although the social safety nets such as unemployment benefit have been quite limited in Singapore, there are some small welfare assistance schemes to provide financial assistance to unemployed citizens based on their specific needs. For instance, Public Assistance Scheme is for the old or disabled citizens who are unable work and support themselves; Interim Financial Assistance is for citizens requiring short-term financial help in difficult time; Rent and Utilities Assistance Scheme is for those who cannot pay overdue house rent, utilities bills, and service charges; Medifund is for those who need help to pay their medical bills; and Back-to-work Child Care Scheme is for citizens who are unable to pay for child care and

children's education (Cheung 2000:5–7). However, given the increasing living cost in Singapore, the amount of money given under these schemes was quite small. For example, in 2000, Public Assistance Scheme provided S$200 a month for one adult and a maximum of S$570 for a four-member family; and Interim Financial Assistance offered about S$140–600 a month for 2–12 months. However, recently the amount assigned to each of these schemes has been considerably increased (see NCCS 2012).

The most widely practiced social security system in Singapore is its Central Provident Fund (CPF), which requires both employers and employees in the public and private sectors to contribute certain percentage of their salaries to the employees' CPF accounts, and about 50 % of the population (citizens and permanent residents) have CPF accounts (Browning 2000). There are three components in each person's CPF savings: Ordinary Account to be used for housing and preretirement investments; Medisave Account for paying hospital bills; and Special Account for meeting post-retirement expenses (Asher and Karunarathne 2001:3; Browning 2000). According to some observers, the limitation of the CPF system is that it does not cover the total workforce and fails to have automatic adjustment in CPF savings in line with inflation (Khan 2001:16). In addition, due to recent economic crises, there was also a decline in the amount of employer's contribution (as a percentage of employees' salaries) to employees' CPF accounts: from 25 % in 1987 to 20 % in 1992 to 16 % in 2001 (Asher and Karunarathne 2001:3).

During the period of government reinvention and economic recession, even these limited welfare provisions came under challenge. According to Khan (2001:7–11), as a percentage of GDP, the public spending on education and health had "downward trends" as the subsidy for higher education was planned to be gradually reduced and replaced with low-interest loans to students, and as certain governments hospitals were to be privatized and health care cost to be shifted to individuals and families.

However, compared to the drastic social impacts of market-led reinvention in countries with a tradition of public welfare where such reinvention witnessed a reconfiguration of state–society relations (with a deeper alliance between the state and the business vis-à-vis the erosion of state welfare provisions for low-income families), the impacts of such reinvention in Singapore has been less noticeable and more tolerable. It is because, even before the reinvention period, the state already developed itself as a large entrepreneur, formed strong alliance with the business sector (especially foreign investors), and precluded the possibility of providing extensive public welfare.

Reforms in Micro-domain of Public Administration

In Singapore, the domain of public administration largely covers the civil service, legal service, police forces, public enterprises or statutory boards, and so on, and encompasses all ministries related to education, health, defense, law, manpower, home affairs, foreign affairs, trade and industry, transport, community development, and so on. There have emerged some major shifts in the ethos, role, structure, and orientation of this

public administration resulting from the recent government initiatives to reinvent governance in Singapore. Unlike the relatively marginal changes in the macro-framework of governance discussed above, the public service has undergone more noticeable changes caused by such reinvention initiatives, including the rise of its market-based ethos and norms, enabling or facilitating role, organizational and managerial autonomy, devolution of financial and personnel management, performance targets and final outcomes, and businesslike customer orientation, which reflect, to a certain extent, some of the basic tenets of the NPM model of public administration (Haque 2001). These new trends are discussed in greater detail in this section.

Public Service Ethos and Norms

During the colonial and postcolonial times, the basic ethos of public service in Singapore were guided by norms such as meritocracy, efficiency, pragmatism, competitiveness, non-corruptibility, and loyalty (Low 2005). Although these basic standards or criteria have not been replaced, the government has recently undertaken new initiatives to reinforce other public service values. In particular, the so-called initiative of PS21 (Public Service for the twenty-first century) was adopted in 1995 with a view to foster the ethos and norms such as service excellence, high standards of quality, service with courtesy, responsiveness, well-being, and innovation. In order to facilitate the process of developing such ethos and norms, there are four specific components of PS21, including: ExCEL or Excellence through Continuous Enterprise and Learning (improvement and teamwork through measures like the Work Improvement Teams); Quality Service (serving customers through courtesy and responsiveness); Staff Well-being (staff welfare, recognition, and challenge); and Organizational Review (for innovation, cutting red-tape, and connecting with citizens) (Lim 2005).

Led by the Prime Minister's Office and the Central Steering Committee, PS21 has four functional committees corresponding to the above four functional components, including the ExCEL Committee, the Quality Service Committee, the Staff Well-being Committee, and the Organizational Review Committee. Each of these committees is led by a Permanent Secretary and has representatives from all ministries. There is an extensive network of PS21 Offices at all major hierarchical levels of ministries and statutory boards.

There is another initiative called "The Enterprise Challenge" (TEC), which was adopted by the Prime Minister's Office in 2000 with the purpose of funding innovative and risky proposals to improve service delivery. The main ethos or norms of TEC include creativity and innovation (APEC Secretariat 2007:126). Another initiative adopted in 2000 is "Pro-Enterprise Panel" (PEP), which emphasizes the needs and measures for making the public service "more responsive to the needs of businesses" through review of suggestions made by various stakeholders about government rules and regulations related to the business sector (APEC Secretariat 2007:126).

It can be seen from these recent initiatives that the government has made attempts to overcome rigid hierarchy and bureaucratic control, to transform the traditional public sector norms, and to nurture a culture or ethos of public service based on the norms of service excellence, innovation, courtesy, well-being, and responsiveness, which go beyond the usual concerns like efficiency and competition.

Scope and Role of Public Sector Management

During the period between the 1950s and 1970s, there was considerable expansion of the scope of public management covering an increasing number of sectors and services through the creation of more ministries, agencies, and enterprises. However, in line with the global trend of streamlining and downsizing the public sector in terms of human resources and financial transactions, the Singapore government adopted the policy of zero growth. According to some sources, the staff strength of the public sector was 119,316 (63,316 in ministries and 56,000 in statutory boards) in 2000, and the number was 114,500 (63,300 in ministries and 51,200 in statutory boards) in 2002 (PWC Consulting 2002; DBJ 2001). It is reported by the APEC Secretariat (2007:125) that in Singapore, as a percentage of total employment, the public sector employment declined from 2.9 % in 2000 to 2.7 % in 2005; and as a percentage of GDP, the financial size of the public sector declined from 17.5 % in 2000 to 14.8 % in 2005.

This scenario of zero growth or possible decline of the public sector's size and scope in Singapore reflects the redefinition of its role introduced by the government. As already discussed in the previous section, the period since the end of colonial rule witnessed the institutionalization of the state's leading role in economy and society based the goals of nation-building, economic development, and overall survival (Lee 2001). In the absence of local private capital and entrepreneurs, the role of the public sector became crucial to achieve these goals, which led to the proliferation of public agencies, statutory boards, and GLCs. More recently, however, the government has attempted to reexamine the expansive leading role of public management, and to give greater weightage to the role played by the private sector. In fact, the recent adoption of promarket policy measures (privatization, deregulation, and outsourcing) already reflects a retreat from the public sector's leading economic role (Shameen 2000).

Since the early 1990s, it has become quite common to interpret the role of public sector management as that of a facilitator or catalyst to enable rather than regulate business enterprises (Lam 2000; Low 2000). This new trend towards a facilitating (rather than leading) role of the public sector in Singapore is quite evident in the government's effort to ease business licenses, corporate tax, and import and export procedures (RBAP 1999). Although such an initiative to enhance a greater role played by the business sector has not been reversed despite recent financial crisis and economic recession, the process of withdrawing the public sector's interventionist role has been quite slow and incremental in Singapore.

Organizational Structure and Management

In the past, the public service in Singapore was largely characterized by rigid, top-down, bureaucratic hierarchy in line with the British model of elitist state bureaucracy. Although there were some minor reforms introduced in the 1980s to make it more flexible and adaptive, it is more recent businesslike reforms in the public sector that led to considerable changes in its organizational structure and management. More specifically, since the mid-1990s, the government has corporatized various departments and statutory boards and converted them into the so-called autonomous agencies that are given greater managerial autonomy and operational flexibility. The former minister of finance mentioned in his 1997 budget speech that about 102 ministry headquarters, departments, and statutory boards were converted into autonomous agencies, and he suggested that almost the entire civil service and state-funded statutory boards had to be managed as autonomous agencies in order to ensure prompt change, performance, and efficiency (Budget Speech 1997).

The examples of such corporatization of public sector organizations and/or their conversion into autonomous agencies include the Inland Revenue Authority of Singapore, the Public Works Department, the Land Transport Authority, the Singapore Power, the Civil Aviation Authority, the Port of Singapore Authority, the Changi International Airport Services, the Television Corporation of Singapore, the Radio Corporation of Singapore, the Housing Development Board, and so on (Tay 1999; Haque 2002). These corporatized autonomous entities are assigned with greater autonomy in operational, financial, and personnel matters. This mode of public sector organization and management uses measurable performance targets and practices performance-based accounting system. These autonomous agencies are supposed to be accountable for the outcomes rather than inputs and processes. However, it takes time to fundamentally reorganize bureaucratic public agencies, and to introduce an autonomous corporate culture, innovative and creative attitudes, and performance-based mindset.

Another recent structural reinvention in the public sector is the more frequent use of public–private partnership by the Singapore government, especially in the education sector, to enhance international competitiveness (APEC Secretariat 2007). There are also increasing cases of public–private joint ventures in Singapore, especially between the GLCs and the foreign and local companies (Tay 1999). Although such partnerships and joint ventures were practiced in the past, they are being used now more widely and frequently.

Financial and Personnel Management

In line with the organizational and managerial autonomy accorded to corporatized public entities and autonomous agencies, the government has recently introduced greater flexibility and autonomy in the public sector's financial and personnel management. For instance, compared to the previous tightly controlled and centralized budgeting system, the current system of Budgeting for Results (BFR) provides

more financial autonomy to public managers in determining their respective budget estimates based on performance targets and final outcomes (Low 2001a). Before adopting this BFR, the government adopted the Block Vote Budget allocation System in 1989 to allow ministries to manage their budgets. In any case, the Budgeting for Results introduced in 1994, requires ministries to set precise performance targets (showing the costs and results of their proposed activities and programs), and after the approval of their budget estimates, they can exercise procedural autonomy as long as they achieve the performance targets (Low 2001a; Jones 1999).

With regard to personnel matters, similar initiatives for flexibility and decentralization have been undertaken in Singapore since the early 1990s. Although the Public Service Commission (PSC) was in overall charge of human resource management for all public officials, gradually its policy matters were to be shared with the Public Service Division, and then some of its personnel responsibilities related to specialized jobs were transferred to the Education Service Commission and the Police and Civil Defence Services Commission, although both Commissions were dissolved in 1998. However, a more significant degree of decentralization was introduced in 1995 when the government created various Personnel Boards at different levels, and decided to devolve major personnel functions from the PSC to these Boards in order to give public managers greater authority to manage their own employees, although the PSC would still deal with Superscale officers (Grade D and above) and handle disciplinary matters (Tay 1999). These Personnel Boards are hierarchically arranged—one Special Personnel Board (in charge of Superscale officers up to E1, and timescale officers in the Administrative Service); six Senior Personnel Boards (each in charge of Division I officers from a group of ministries); and another 24 Personnel Boards (each dealing with Division II, III and IV employees) (Tay 1999). This decentralization of personnel management is likely to enhance flexibility and autonomy in carrying out personnel functions (especially recruitment and selection) at the levels of ministries, departments, and statutory boards.

There are some other changes in Singapore's public personnel system in favor of greater flexibility and autonomy. For instance, the government has undertaken initiatives to offer public sector jobs based on fixed-term contracts rather than permanent tenure, to encourage qualified business executives to join the public service, and to post public servants temporarily to business companies (including MNCs) to make them familiar with business ethos and practices (Jones 2002; Lee 2001). In addition, the system of annual performance appraisal has undergone considerable changes in terms of greater emphasis on performance targets and accessibility of subordinates to their own performance reports. Similarly, the process of determining public sector compensation, especially at the higher ranks, has been made compatible or comparable with the private sector. In 1994, a set of salary benchmarks from six private sector professions—including bankers, accountants, engineers, lawyers, local manufacturing companies, and multinational corporations—was adopted to determine salaries for ministers and senior civil servants (Tay 1999). All these measures were supposed to enhance managerial flexibility and businesslike atmosphere in the public service.

Thus, in Singapore, the most noticeable changes brought about by promarket reinvention or reform in governance are related to the above micro-dimension of

public administration, including its ethos and norms, scope and role, structure and management, and financial and personnel matters. Some of these major shifts in public administration reflect the main tenets of NPM, and they are comparable to similar changes experienced in many other countries.

Rethinking Reform Initiatives: Causes and Consequences

The overall scenario of trends in governance during the period of reinvention in Singapore appears to be relatively conservative, especially in its macro-framework of governance (except certain impacts on the state–market relations). It could be due to the fact that while many countries were facing the threats of economic crisis or recession in the 1980s, "Singapore had no problems in achieving more than 10 percent growth. Unlike its neighbors, Singapore's state-owned enterprises, or government-linked companies (GLCs) were doing considerably efficiently, competing healthily with the private sectors" (DBJ 2003:5).

However, whatever changes in governance were experienced in Singapore (especially in its state–market relations and micro-domain of public sector), need to be explained in terms of causes or reasons for undertaking such market-led reinvention in Singapore. In analyzing these causal factors behind reinvention or reform in Singapore, however, there is certain controversy: while some authors highlight external factors (e.g., economic globalization and diminishing state autonomy), other authors emphasize local or domestic factors (e.g., costs of social programs and changes in politics) as the main causes behind the recent reforms (Mishra 1999; Pierson 2001).

Major Factors Leading to Reinvention in Governance

In terms of *internal domestic factors* leading to market-driven reforms in Singapore, one of the main causes was the occasional economic recessions (in the mid-1980s and late-1990s) and the government's recognition that such recessions might have been caused by excessive regulation and high corporate tax, and that it was necessary to reconsider its interventionist economic role (Lam 2000:402–403, 416–418). Moreover, the government's initiatives to make Singapore a leading financial center and information hub also required a more free-market approach to attract foreign investors and entrepreneurs. These domestic factors may have motivated the government to pursue certain market-driven reforms discussed above.

On the other hand, the earlier explanations or rationales for state control and intervention—such as the need for accelerating economic progress, nation-building, racial harmony, and political stability—have increasingly become less relevant. It is because Singapore is undoubtedly one of the most advanced industrial nations today, it has achieved a high degree of interracial harmony and political stability,

and there is no dearth of private entrepreneurs, including both local and foreign investors. The earlier logic of Singapore's backwardness vis-à-vis its lack of a strong business sector cannot be sustained today to justify extensive state intervention in a modern city-state like Singapore (Lee 2001). Thus, it was necessary to rethink and reform certain state-managed policies and programs.

In addition, compared to the period until the 1970s, the demographic features of population in Singapore are significantly different—today most people are highly educated, economically affluent, and well informed. Thus, their needs and desires are different from the previous generations, especially in terms of their rising expectation for less state intervention and more consultation and participation (Lam 2000:416–418). Thus, the government has been quite responsive recently to pursue a more "consultative" style of leadership and to consider the opinions and concerns of certain civil-society groups. This new trend of greater participation in the sociopolitical domain has implications for reducing the state's economic role.

In terms of *external global factors*, one of the major sources of influence is the process of globalization that required all nations (including Singapore) to replace state-led policies of economic control and protectionism with market-led policies of free market and open trade. Compared to many other Asian countries, the process of globalization affected Singapore more intensively due to its much deeper involvement in and dependence on transnational corporations and global market (export–import) networks. It has been pointed out by Low (2000) that the government initiative like "Reinventing Singapore Inc." was been adopted largely in response to the influence of globalization process. In adjusting with the influence and pressure of global forces, the government not only adopted certain macro-level policies (e.g., privatization and deregulation), it also pursued reinvention in the public service. It has been pointed out that "the 21st century for Singapore is mired with globalization, technology and higher living standard, which therefore warrants different expectations of the civil service … Thus to prepare the Singapore Civil Service for the 21st century, the Civil Service in May 1995, launched a programme known as the 'PS21'…" (DBJ 2001:9).

Another globalization-related factor leading to reinvention in governance is the reality of diminishing attractiveness of Singapore to foreign investors (especially in low-cost manufacturing) compared to other Asian countries, which also required policy reforms to provide incentives to such foreign investors. As Low (2005:21) suggests: "While Singapore remains the world's top trading nation, it has struggled to attract FDI and portfolio capital flows, particularly since the Asian crisis." Thus, the government realized that the top-down interventionist approach might not be that effective, and that it was crucial to adopt certain new policy measures (e.g., privatization, deregulation, and liberalization) in sectors such as telecommunication, banking, utilities, and so on to attract foreign investors (Low 2000; Yeung 2000b).

Beyond the process and forces of globalization, there was direct or indirect pressure on Singapore from international institutions such as the World Trade Organization and International Monetary Fund, which prescribed a diminishing economic role of the state and greater avenue for the role played by the private sector (Low and Haggard 2000). This line of argument is reflected in the statement made

in 1997 by the former Finance Minister Richard Hu that Singapore had no other choice but to become more open to the world market, and that it had to make itself relevant to the global market for its survival (Yeung 2000b:143).

Potential Consequences of Reinventing Governance

For various reasons, it is relatively difficult to assess the impacts of recent reinvention in governance in Singapore. It is mainly because, although the government adopted certain promarket policies and reforms, they did not make any drastic shifts in the macro-level governance, especially in the domains of political system, politics–administration nexus, and state–society relations. Although certain tangible changes emerged in the state–market relations, to a certain extent, such changes were mitigated due to the uniqueness of such relations mediated through the network of government-linked enterprises. However, some significant businesslike changes occurred in the micro-dimension of public administration.

Thus, this section presents both favorable and adverse socioeconomic conditions in Singapore that recently has emerged during the period of market-centered reforms, which do not automatically imply that these conditions are consequences of such reforms (except some claims that are empirically substantiated). However, the section provides examples from other countries and some analytical reasons to explore the "potential" or "possible" consequences of the recent reinvention in governance in Singapore.

In terms of the *possible favorable consequences*, the period of reinvention has witnessed some indicators of significant economic achievements in Singapore. For instance, the global rank of Singapore is 192nd in territorial size (697 sq km) and 115th in population (5.46 million), but its ranks 14th in total annual exports ($435.8 billion), 7th in GDP per capita (US$61,700), and also 12th in foreign exchange reserve (US$259.1 billion), which is above the ranks of most Western countries (World Factbook 2013). In terms of infrastructure and technology, Singapore has some of the world's biggest oil refineries, largest manufacturers and exporters of disk drives, best airports and airlines, busiest ports, and so on (Tay 1999). In addition, Singapore is ranked third in World Competetiveness index (World Economic Forum 2009); first in Government Efficiency index (IMD 2009); and first in the Globalization Index (AT Kearney 2007). In terms of the rate of progress, just between 1988 and 1999, the percentage of people earning below S$1,000 declined from 68.5 to 22.0 %, while the percentage of people earning S$3,000 and above increased from 5.4 to 24.3 % (Wirtz and Chung 2001). All such economic achievements, however, cannot be attributed totally to promarket reforms since the state hardly relinquished its direct economic role despite these reforms.

With regard to businesslike reinvention in the public service, there is a potential for certain positive outcomes. For example, the emphasis of PS21 on service quality, employee well-being, and innovation is likely to enhance the standards of services delivered and the level of customer satisfaction with such services, encourage

necessary means and incentives for improving employees' sense of well-being and commitment, and push for alternatives to boost organizational creativity. The creation of autonomous agencies and budgetary autonomy are likely to reduce bureaucratic red-tape, expedite administrative actions, and provide businesslike flexibility needed for adjustments. Similarly, the decentralization of personnel management activities, including recruitment, promotion, appraisal, and compensation, may be conducive to faster pace of personnel decisions, greater recognition of performance, and better sense of employee participation.

With regard to the *adverse consequences*, during the recent two decades of market-oriented reinvention in governance, the degree of state capacity may have been affected due to the recent policies of divestment, outsourcing, and zero-growth in public sector employment. The widely known tradition of a "strong state" in Singapore was largely based on its extensive economic intervention and almost guaranteed revenues from its efficient and profit-making statutory boards and GLCs. Although the extent of enforcing these promarket policy reforms has been less drastic and relatively conservative, such reforms are may challenge the state's steering capacity to coordinate and control those divested enterprises and outsourced services, especially when they are transferred to foreign owners or investors.

During the reinvention period, Singapore has experienced a considerable degree of income inequality. For Chang and Wong (2001:22), in Singapore, "the ratio of average income of top 20 percent to bottom 20 percent has widened from 11.4 to 17.9 between 1990 to 1999." In terms of the Gini coefficient, a widely recognized measure of inequality, the level of income inequality worsened as the Gini coefficient increased from an average of 0.441 during 1990–1998 to 0.481 in 2000 (CPO 2001; Chang and Wong 2001). Chang and Wong (2001) predicted a worsening trend of income disparity in Singapore due to its economic reforms to adjust with the globalization process and knowledge-based economy. Thus, Low (2000) suggests that it is necessary to introduce certain "social safety nets" in Singapore as it adjusts with globalization, new economy, and market competition. But such social safety nets are not a preferred option in Singapore. For example, with regard to minimum wage law (one of the safety nets), Singapore's former Prime Minister Lee Kuan Yew mentioned that income gap or social divide was inevitable, that a minimum wage law was not preferred as it might lead to more job cuts, and that it was more important to create jobs (see Yong 2009).

There are also potential adverse impacts of some of the businesslike reinvention initiatives on the public service itself, which have been a concern in other countries that adopted similar reform initiatives. For instance, in Singapore, the creation of company-type autonomous agencies, adoption of budgeting for results, and expansion of public–private partnership and outsourcing may pose certain challenges to public accountability: because these changes may provide too much operational autonomy to public managers in financial and personnel matters, weakens procedural checks or controls due to emphasis on results or outcomes, and make it difficult to oversee too many stakeholders (especially private sector partners) and coordinate multiple agents. In addition, these businesslike reforms may also create avenue for potential bureaucratic corruption, because in general, managerial

autonomy in financial and personnel matters and too close and frequent joint ventures or public–private exchanges may give public officials greater opportunities for private gains which they may or may not use. Although the government in Singapore is extremely careful about any form of official violations and irregularities, it is better to remain very proactive, cautious, and extra-vigilant to address the potential of any of such undesirable outcomes, especially since some of these reforms measures are relatively new.

Concluding Observations

It has been discussed in this article that in line with the contemporary global trends of reinventing governance based on promarket principles and policies and businesslike norms and structures, Singapore has recently adopted some of these reform measures. However, except the domain of state–market relations, this market-oriented reinvention has not significantly changed other domains of governance (e.g., the political system and politics–administration relations), although more significant shifts have taken place in the micro-domain of public administration or the public service. Overall, the pace and intensity of such reinvention, in general, have been relatively incremental and conservative.

Although there are certain internal and external factors that led to the adoption of reinvention initiatives, the internal domestic factors have been relevant more to the sociopolitical changes in Singapore while external global factors generated influence more in favor of economic reforms. Although it is difficult to assess the effects or consequences of the reinvention process due to its short duration and incremental nature, some potential favorable outcomes and adverse consequences can be tentatively predicted.

Irrespective of the impacts of such market-driven reinvention initiatives on the established state-centered governance in Singapore, it can be highlighted without any hesitation that the city-state has performed extremely well in terms of certain major criteria or benchmarks—e.g., economic growth rate, economic competitiveness, global connectivity, per capita income, export performance, foreign reserve, political stability, corruption control, interethnic integration, and so on—largely under the auspices of the state. Although the country experienced several economic crises, according to Low (2005:8), each of these crises "was managed and resolved, and practices established which helped to create better resilience, reputation, credibility and confidence to meet the next crisis." It should be mentioned, however, that Singapore is a unique case in terms of the history of its state formation, territorial size and demographic composition, economic patterns and strengths, political structure and culture, and so on. It is difficult to compare the city-state with other countries with very different sets of these parameters. In short, the Singaporean model of governance may not be effectively replicated in other national settings. However, some experiences of its recent promarket reinvention in governance could be a valuable source of lesson for some other countries.

First, the prevailing view reinforced by neoliberal advocacy that the role of market forces is more efficient than the role played by state agencies is proven to be unsustainable in the case of Singapore where the state-managed enterprises have been extremely efficient. For instance, it is reported that many GLCs managed by the state-owned THL "are at present actually operating much more efficiently than private companies" (DBJ 2003:13). If it can be established that the private sector is not always more efficient than the public sector, the whole argument in favor of promarket policies such as privatization and corporatization becomes questionable.

Second, some of the main reasons for the public sector enterprises and state-managed companies being so efficient in Singapore are the principles and practices of meritocracy, performance-led criteria, strong emphasis on efficiency, corruption-free atmosphere, and so on, although there could still be a wide scope for further improvement. The point here is that before choosing the policy option of privatization or divestment of public agencies and enterprises, it is still possible to restructure and renovate public entities for greater efficiency, performance and integrity before their complete divestment.

Finally, although Singapore has launched the promarket reinvention in governance, the approach has been so cautious and incremental that the state still retains the overall steering capacity. Within the public service, the reinvention measures have been pursued without denying its role and achievements and without jeopardizing its image. This prudent approach has been effective to enable the government to undertake and enforce remedial measures for resolving some major economic crises. In fact, Singapore has been able to overcome economic crises much faster than other Asian cases.

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Part II
Democratization, Decentralization, and Governance

Chapter 6
Decentralization in Uganda: Towards Democratic Local Governance or Political Expediency?

Genevieve Enid Meyers

Since the 1980s and 1990s, a number of developing countries in Africa and the former communist countries in Eastern Europe have embraced fundamental political, economic, administrative, and institutional reforms. In Eastern and Central Europe, winds of change signaled the end of the communist era, while in Sub-Saharan Africa, the calls for democracy and good governance became undeniable. This period also ushered in the realization that prior economic development efforts in the countries have been hampered by the national governments' monopolization and centralization of administrative, economic, and political fiscal power. Although belatedly, many countries appreciated that radical changes and alterations were necessary in order to decentralize and devolve administrative, fiscal, and political authority to local governments. During the same period, international organizations and donor agencies too, notably the International Monetary Fund (IMF) and the World Bank (WB), had a role in nudging these countries toward the reform path.

Decentralization has been hailed as an integral part of democracy and governance. It is generally accepted that when lower levels of government are offered avenues for participation and given a say in matters that affect them, the citizens' needs are better served, local and national accountability are enhanced, and better public policies are generated. Decentralization, therefore, is viewed not only as a vehicle for administrative efficiency but also a democratizing process that engenders governance at the lowest levels of government. In this paper, I offer an assessment of the decentralization program implemented in Uganda since the National Resistance Movement (NRM) led by Yoweri Museveni came to power in 1986. The analysis is premised on the thesis that decentralization can be a vehicle for democratic governance and political expediency. Indeed, the NRM government initiated decentralization first and foremost in order to gain political acceptability and popular mandate. With the adoption of the structural adjustment programs (SAPs),

G.E. Meyers (✉)
University of Detroit Mercy, 4001 W McNichols Rd, Detroit, MI 48221, USA
e-mail: meyersge@udmercy.edu

decentralization became a vehicle for democratic government. However, as the NRM increasingly tightens its grip on power, decentralization has become an avenue for political patronage and expediency. Also, I show that decentralization and creation of districts go hand in hand, and the latter does not serve to generate decentralized democratic governance but rather to offer President Yoweri Museveni a path to shore up his support and garner electoral votes.

Decentralization: A Conceptual Framework

Decentralization has been one of the most compelling concepts since the 1980s in both administrative reform and political development studies. The term means different things in political and administrative contexts. Politically, decentralization evokes values like liberty, self-government, autonomy, participation, responsiveness, and democracy. Administratively, decentralization suggests values like efficiency, effectiveness, economy, and accountability (Rosenbloom et al. 2009). Decentralization is conducive to achievement of these values. It enhances participatory democracy by offering citizens an opportunity to advance their preferences and opinions to locally elected officials while the officials are in turn rendered accountable to the citizens. Although not all these values can be realized at the same time, when decentralization is properly implemented, it can lead to the realization of some. But what exactly is decentralization? Decentralization can be defined as the transfer of responsibility and authority from the central government to local levels and can take two major forms. The first is deconcentration. "When only responsibility or authority is transferred but not resources or local accountability, one has deconcentration" (Olowu and Wunsch 2004, p. 5). In such cases, efforts to decentralize end up in considerable failure because the central governments transfer power not to independent, autonomous local governments, but rather, to central government administrative offices at the local level.

This form of decentralization is devolution. Devolution entails the transfer of the decision making authority and the management of human and financial resources from the central government to local governments. In this case, local governments enjoy both administrative and political decentralization. In this paper, decentralization means devolution.

Decentralization in the form of devolution has been advanced on various grounds in political science and public administration literature. First, it is viewed as a mechanism to enhance democracy. The highly centralized and concentrated nature of political and economic power in the developing countries has been one of the major impediments to their democratic developments and economic growth. Decentralization disperses power from central governments to local governments and provides opportunities for developing civic competence and increasing civil society participation in governance (Crook and Manor 1998). Decentralization enhances democracy and good governance when local governments are invested not only with duties and responsibilities but also with legal authority to raise and allocate resources in carrying out their mandates (Cheema and Rondinelli 2007).

Second, decentralization brings services closer to the people. Devolved decision making mechanisms can facilitate active participation by the citizens in the articulation of local priorities and help ensure that programs are appropriate to local needs. This in turn generates greater responsiveness to local demands and interests, thus engendering effectiveness in public service provision (Steiner 2010; World Bank 2001).

Third, decentralization enhances local transparency and accountability. Downward accountability between the locally elected politicians and the electorate, and horizontal accountability between the locally elected politicians and the local administrators are said to thrive with decentralization (Olowu and Wunsch 2004). Downward accountability offers a mechanism for the local masses to check the behavior of their political leaders, while horizontal accountability permits both the "local political and administrative institutions to work in ways that suggest local priorities and needs are driving local decision making" (Olowu and Wunsch 2004, p. 5).

It can be concluded that decentralization is a means not only of delivering better services and better use of scarce resources but also of deepening democracy, invigorating civil society, and enhancing accountability and transparency. Opportunities for the masses to participate in matters that affect their sociopolitical and economic lives engenders civic competency. In turn, a strong and vibrant civil society strengthens and consolidates democracy. Not surprisingly therefore, since the 1980s, decentralization has been promoted as a solution to many of the administrative and governance problems constraining local and national development in developing and transitional countries.

Although the potential benefits of decentralization are highly promising, a number of studies have shown that they are seldom realized (Bardhan and Mookherjee 2006; Cheema and Rondinelli 2007; Crook and Manor 1998; Green 2008; Lessmann and Markwardt 2010; Olowu and Wunsch 2004; Mwenda 2007; Rondinelli 1981). Various reasons have been suggested to explain why decentralization efforts have not met their targets. Among them are poor civil society participation, limited local level capacity, insufficient local fiscal resources, corruption, and lack of political will. In this paper, I advance a different reason for the failure to realize the decentralization goals. In Uganda, decentralization is no longer implemented to empower local areas; rather it is used to generate patronage.

Devolution is the form of decentralization applied in Uganda. According to the Ministry of Local Government:"the decentralization program is a democratic reform, which seeks to transfer political, administrative, financial, and planning authority from central government to local government councils and to promote popular participation, empower local people to make their own decisions and enhance accountability and responsibility" (Ministry of Local Government 1994, p. 1). The Ugandan decentralization process is hailed as one of the most elaborate and in-depth local government reform programs in Sub-Saharan Africa, and has attracted intense local and international attention (Bardhan and Mookherjee 2006; Francis and James 2003; Kauzya 2007; Lubanga 1998; Makara 1998; Muhumuza 2008; Nsibambi 1998).

Several authors have analyzed the development and functioning of the Uganda decentralization process, but no study has attempted a systematic longitudinal analysis of the process and its relations with the changing political landscape of the country. This paper is an attempt to fill this gap.

In the following sections, I discuss the evolution of the Uganda decentralization program from its inception as a political strategy, to its progression into a democratic governmental principle, and finally to becoming a tool for political patronage. I discuss the achievements and challenges of the program. I show that the trajectory of decentralization has veered away from its ultimate goal, the establishment of democratic local governance, because the Museveni regime has increasingly deviated from democratic rule to personal rule. In this analysis, I situate decentralization in Uganda into three time periods. The period between 1986 and 1992 is characterized by decentralization for political legitimacy. Between 1993 and 2001, decentralization focuses on the broader democratization drive. Since 2002 decentralization has become an avenue for expediency and patronage.

Background to the Decentralization Program in Uganda

Uganda has always had undemocratic, personalized, and highly centralized administrative and political systems in its history. During the colonial era, a system of indirect rule was initiated by the British. Under this system District Commissioners governed indirectly through local or native authorities, normally traditional chiefs, without civil participation. With the attainment of independence in 1962, the new government maintained the system of local government it inherited from the colonial masters and centralization was entrenched as the government sought to steer the nation to fast development. The 1964 Urban Authorities Act and the 1967 Local Administrations Act deepened the centralization of power and left local governments powerless and vulnerable to the wishes of the central government.

The effects of the 1967 Local Administrations Act were immense. Local government bylaws were subject to the central government's approval. Local governments could not hire and fire their personnel. The central government could terminate the mandates of the local government councilors and even dissolve the local councils. The civil society weakened and could not act as a watchdog to curb the excesses of the central government or enforce accountability. During the dictatorial regimes of Milton Obote (1966–1970; 1980–1985) and Idi Amin (1971–1979), the administrative system was politicized and the government's revenues were misappropriated. By the 1980s, the whole government system was highly centralized, inefficient, ineffective, and unresponsive.

Decentralization Under the Museveni's National Resistance Movement

In 1986, when the National Resistance Movement (NRM) took over power, Uganda's political, economic, and administrative systems were dismal. The country was traumatized by civil war, state terror, and lawlessness. The public service delivery was insufficient. Public servants were demoralized, unresponsive, and corrupt.

The economy was in disarray. The NRM government set out to generate change by implementing economic, administrative, political, cultural, and other reforms.

The Ugandan economic sector had suffered the brunt of the political chaos and mismanagement during the reigns of Idi Amin and Milton Obote. The country suffered severe macroeconomic imbalances as a result of the inflationary financing of successive budget deficits which generated hyperinflation. Hence, it was necessary to stabilize the economy. The NRM initiated economic reforms by embracing Structural Adjustment Programs (SAPs) advocated by the WB and IMF among them currency devaluation, raising interest rates to fight inflation, reducing government spending, privatization of government enterprises, deregulation of prices of goods and services, and export promotion. As a result, the country has been hailed as model of the SAPs compliance and many critics are pleased with the success of economic recovery reforms (Bigsten and Kayizzi-Mugerwa 2001; Hansen and Twaddle 1998; Van de Walle 2001).

The civil service system was also negatively affected by the political and economic malaise that afflicted the country during Amin's and Obote's reign. The Public Service Review and Reorganization Commission (PSRRC) formed to examine the civil service problems and make recommendations found that the Uganda Public Service was bloated in structure, inefficient, ineffective, and unresponsive (The Public Service Review and Reorganization Report 1989). The PSRRC made numerous recommendations to revamp the Service and create a service that is small, motivated, accountable, efficient, effective, productive, and responsive. The subsequent civil service reform resulted in the reduction of the traditional civil service from 140,500 in 1990 to 41,730 in 2004 (Kyarimpa 2009, p. 225). The NRM government launched a series of political reforms. They included pacification of the country, constitutional and legal reforms, and demobilization of the armed forces. Cultural reforms entailed reinstating cultural leaders that were abolished by the Obote regime in various traditional kingdoms.

Many reforms were implemented by the NRM soon after assuming power in 1986 and there is a strong linkage between these various reform efforts and their success depends on effective coordination. Figure 6.1 illustrates the contextual framework of the reform programs undertaken by the NRM regime soon after attaining political power. It should be noted that these reforms work together and their synergy is critical in engendering the administrative, economic, and political transformation of the country. Of the reforms depicted in Fig. 6.1, it is only decentralization that I assess. In the next section I focus on the decentralization policy implemented by President Museveni and his subsequent creation of districts under the decentralization policy.

Decentralization and the Quest for Political Legitimacy: 1986–1992

The National Resistance Army (NRA) and its political body the National Resistance Movement (NRM)both led by Yoweri Museveni came to power in 1986 following a 5 year protracted guerrilla war against Obote's regime. Upon assuming power,
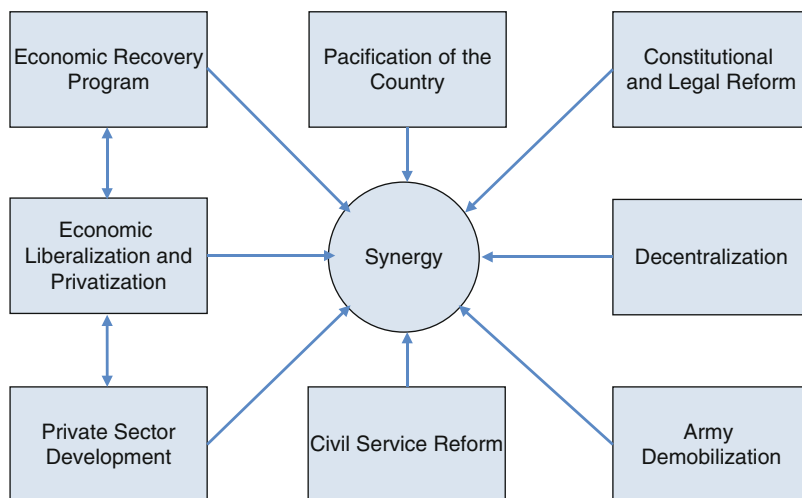
Fig. 6.1 A contextual framework of the reforms undertaken by the NRM in the early 1990s Adapted from Kyarimpa E. G. (2009). Comparative Administrative Reform: The Rhetoric and Reality of the Civil Service Reform Programs in Uganda and Tanzania. Doctoral Dissertation, Florida International University

President Museveni launched the decentralization drive as a swift way to gain political acceptance. While in the bush, Museveni's NRA practiced a system of popular participation in the form of Resistance Councils and Committees (RCs) throughout the rebel occupied areas and introduced it into the whole country upon attaining power. The leaders of the RCs were elected to positions of leadership by their peers in the villages. The major role of the RCs was to mobilize and maintain support for the NRA by spreading propaganda and providing an avenue through which the NRA could relate with the residents of the rebel occupied areas. Local participation was in effect a secondary perk that the villagers gained by embracing the NRA.

Upon assuming power, the NRM government introduced the RC system country-wide in order to broaden its grassroots support. Political participation was enhanced as clear channels of involvement were established from the village to the district (in Uganda districts are administrative units, not electoral districts as found in the USA). In 1987, the NRM passed the Resistance Council Committees Statute, which bestowed some administrative powers and responsibilities on the RC system. As soon as the RC system got legal backing, local communities gained confidence in RCs and began to undertake local initiatives (Makara 1998). The RCs could hold local civil servants and the members of the army and the police accountable. They could even seek reprimand from the central government ministry in charge of a local officer found inept in his/her duties. This kind of local power was unprecedented and helped to popularize the NRM government.

During the period 1986–1989, the RCs were the peoples' instruments of civic competence and enjoyed immense powers and influence especially in maintenance of law and order. Service on RC committees and councils was voluntary and eagerly rendered, while decisions were widely upheld and binding on the communities. The RC system "represented a local governmental structure wholly new to Ugandans, who had always been ruled by chiefs or male elders before, during, and after colonialism" (Kasfir 1998, p. 54).

By the mid-1990s, however, the RCs found themselves handicapped by the lack of policy making powers and financial independence. Major policies and programs were created at the center, by the Ministry of Local Government, and sent downward to the local governments for execution. Policy implementation at the local level was spearheaded by the Special District Administrator (SDA), a central government representative directly appointed by the president. The SDA was the highest ranking local government official at the district. He or she directed district security, supervised national and local programs, and ensured that the NRM political agenda was diligently administered. Locally elected leaders could not undertake programs that needed fiscal support without the SDA's approval and they had no control over him or her. They reported to the SDA and were more or less his agents (Makara 1998, p. 37). In effect, RCs did not have the powers to implement local programs as they desired and had no control over the central government's representatives. The latter, in turn, did not have any incentives for responding to local needs (Ddungu 1989). The representatives of the central government and traditional civil servants retained the powers to coordinate programs and activities at the local level, and to implement district policies and decisions. Therefore, the NRM utilized a semblance of decentralized local governance as a political strategy to generate political legitimacy not necessarily to generate the ideals of decentralization.

It can therefore be asserted that during the period 1986–1992 the central government's efforts were not meant to attain the aforementioned benefits of decentralization, but rather, to attain political capital by penetrating the local level and molding it into the NRM fabric. As long as political participation increased and was manifest in the election of local level representatives and involvement in local level issues, the NRM government attained its major goal of acceptability and legitimacy, because the masses appreciated the opportunity to exercise participatory democracy. Yet policy formulation and implementation and the control of financial resources remained centralized.

Between 1986 and 1992, President Museveni did not indulge in district formation as he was to do in later years. When the NRM assumed political power there were 33 districts and only five more were created by 1992. The justification advanced for their creation was to bring government closer to people, increase citizen political participation, and to improve service delivery. A closer look at the newly formed districts lends credence to the justification especially considering how remote some of those areas (for instance Kalangala Island), were from district they were created from.

Decentralization and the Democratization Drive: 1993–2001

The shortcomings of the decentralization efforts of 1986–1992 were addressed by the 1987–1989 Commission of Inquiry into Uganda's Local Government system appointed by president Museveni. The Commission's report resulted in the 1993 Local Government Statute. The Statute revoked the Urban Authorities Act of 1964, the Local Administration Act of 1967, and the Resistance Councils and Committees Statute of 1987 because these laws did not reduce government centralization. The new law paved the way for a definitive decentralization policy in the form of devolution buttressed by a comprehensive legal framework. The major objectives of the 1993 Statute were to transfer power to the local governments; bring administrative and political control over service delivery to the local people, foster effectiveness, accountability, and ownership of local programs and projects; free local managers from central government control and enable them to develop organizational structures suitable to local conditions; improve financial accountability by linking taxes to provision of services; and to improve local capacity to plan, finance, and deliver services. The statute empowered local governments to manage their affairs, hire and fire personnel, and mobilize resources for local development.

Under the new law, the central government could no longer dictate and intrude in local governments' affairs at will. Central government officers and civil servants lost their decision making authorities to the democratically elected local leaders. As an example, the District Service Commissions were vested with powers to hire and fire the civil servants. The 1995 Uganda Constitution and the 1997 Local Government Act also served to reinforce the move towards real decentralization and empowerment of the local level leadership. According to the Local Government Act of 1997, the local governments have powers to do the following:

• Make and implement development plans
• Make, approve, and execute their own budgets;
• Raise and utilize resources;
• Appoint statutory committees, boards, and commissions;
• Make ordinances and bylaws which are consistent with the Constitution of Uganda;
• Hire, manage, and terminate personnel, and manage payrolls;
• Implement decentralized services hitherto handled by the central government.

At last, decentralization in the form of devolution was implemented. It can therefore be asserted that the NRM government shifted attention from popularizing itself to democratic decentralization and democratic local governance as administrative imperatives.

The period 1993–2001 was characterized by the central government's commitment and political will to devolution and local level development. Local authorities, in turn, embraced the substantial administrative, financial, and political autonomies they were granted. They could design their own programs and budgets and undertake their implementation. They began to provide a range of services, from clean water to health facilities and road maintenance.

Through the 1990s, President Museveni was still very popular in spite of the armed insurgencies in the northern and eastern parts of the country. Political division and competition at the local and national levels were still meager. The presidential elections held in 1996 though organized under the no-party system were open to other candidates and Museveni got a triumphant victory. President Museveni finally attained democratic legitimacy with domestic and international acclaim. During this time period, Uganda was hailed as the gold standard in effective decentralization (Francis and James 2003; Ndegwa 2002).

Not surprisingly, in this period international financial support proliferated (Onyach-Olaa 2003; van de Walle 2001) and numerous nongovernmental organizations flocked to the country (Dicklitch 1998). Local civil society organizations became vibrant and built partnerships with other NGOS and international organizations. Community mobilization and participation enhanced capacity building and generated a sense of ownership of local programs (Kauzya 2007; Nsibambi 1998; Onyach-Olaa 2003). During the period 1993–2001, decentralization in Uganda indeed fostered democratic local governance.

It should however be noted that during this period, nearly all local governments relied very heavily on central government fiscal support in order to accomplish their tasks. They could only sparsely mobilize revenue because of their limited tax bases. Consequently, the main sources of their revenues were the conditional, unconditional, and equalization grants from the central government. Central government transfers accounted for more than 80 % of the local government revenues and more than 30 % of the total Uganda public expenditure (Ministry of Local Government 2004).

From Tables 6.1 and 6.2 it can be deduced that local government districts rely very heavily on central government remittances especially the conditional grants. One then has to wonder why new districts are created when it is evident that they lack financial viability.

Between 1994 and 1997, only seven new districts were created. However, between 2000 and 2001, 11 new districts were created, by 2005 14 more were created, in 2006 and 2007 10 more were added, and in 2009 and 2010, 32 more districts were created. What accounts for the rapid increase? The answer can be found in the change in the political landscape of the country and in particular the political legitimacy trajectory of President Museveni.

Decentralization for Political Expediency and Patronage: 2002–To Date

When President Museveni and his NRM took office in 1986, there were 33 districts in the country. By the time of the writing of this paper, there were 111 districts and one major city, Kampala. A proposal to create 25 more districts was introduced to the parliament. To understand this district-creation trend engulfing the country, we need to understand its changing political landscape. Between 1986 and the late

Table 6.1 Transfers to Local Governments in Billions of Uganda Shillings

Grant type	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
Unconditional grant	54.3	64.4	66.8	79.1	73.3	77.4	82.8	87.5
Conditional grant	170.6	220.9	320.2	418.8	537.3	588.2	655.1	714.5
Equalization grant	0	0	2	4	4.4	4.3	3.5	3.5
Total transfers	224.9	285.3	389	502	615	669.9	74.5	805.5
Unconditional grant as % of total (%)	24.10	22.60	17.20	15.80	11.90	11.60	11.20	10.90
Conditional grant as % of total (%)	75.90	77.40	82.30	83.40	87.40	87.80	88.40	88.70
Equalization grant as % of total (%)	0.00	0.00	0.50	0.80	0.70	0.60	0.50	0.40

Source: The Government of Uganda Ministry of Local Government (2004). Joint Annual Review of Decentralization. Kampala: Ministry of Local Government

Table 6.2 Local government share of the total national budget in billions of Uganda Shillings

Expenditure category	1995/1996	2000/2001	2002/2003	2003/2004
Total public expenditure	868.9	1,307.60	1,757.50	1,927.00
Central government expenditure	697.9	806.6	1,086.80	1,184.80
Local government expenditure	172	500.9	670.7	742.2
Local government share of total public expenditure (%)	19.80	38.30	38.20	38.50

Source: The Uganda Government Ministry of Local Government (2004). Joint Annual Review of Decentralization. Kampala: Ministry of Local Government

1990s, the NRM was fairly disciplined, and moderately tolerant of divergent views. It was publicly respected and admired and structurally and functionally secure. During and after the 2001 elections, however, Ugandans witnessed a new NRM, one that did not accept dissent or criticism, and ultimately came to know Museveni's unbridled personal political ambitions.

The changes in the NRM leadership's stance can be attributed to the changes that were taking place in the NRM inner circles and in the country's political terrain. Not long after the 1996 elections, which Museveni won with over 70 % of the vote, internal fractures and disagreements began to emerge in the NRM. Some of its members did not approve of the way the government was operating and they began to voice their discontent. They raised concern over the corruption within the government and the increasing centralization of power within the executive. The most notable voice of dissent was that of Colonel Kiiza Besigye, a member of the NRA, a minister in the NRM government, and one of the ten army representatives to the 1994 Constituent Assembly.

In 1999, Colonel Besigye openly shared his disenchantment with the NRM in a newspaper. He decried the increasing intolerance to opposing views and accused the NRM government of dictatorial tendencies and corruption (Besigye 1999). In 2000, he declared his intention to run for the presidency. The announcement was a shock to especially President Museveni who called Besigye insubordinate. Although Besigye did not win the subsequent 2001 election, he received a decent 29 % of the vote, despite the fact that he had very limited time to campaign and his supporters faced harassment including beatings and even death (Human Rights Watch 2006; Uganda Parliament Select Committee 2002). Factions within the NRM deepened as it became obvious that President Museveni would do anything to perpetuate his power (Mwenda 2007). "Col. Besigye's strong electoral performance and the violence perpetrated by the NRM leadership against his supports exposed a rift in the NRM" (Makara et al. 2009, p. 192).

At the local level, Besigye's actions galvanized some local opposition politicians to contest for local government leadership positions. While the district local councils became infiltrated by opponents of the NRM, at the national level young politicians who were not beholden to the NRM joined the parliament and provided much needed legislative oversight (Makara et al. 2009, p. 192). The changing political landscape shows that people wanted change and President Museveni had lost legitimacy.

To counteract the loss, Museveni devised different ways of entrenching himself in power among them introduction of political pluralism, removal of presidential term limits, and the rampant creation of districts under the guise of decentralization.

Prior to the 2001 elections, President Museveni was fervently against political pluralism. He argued that in an underdeveloped country like Uganda, pluralism would only cause primordial impulses based on ethnicity and religion to emerge. He asserted that until Uganda is made up of viable socioeconomic classes, multiparty politics should not be allowed (Museveni and Kanyogonya 2000). Indeed in 2000, a rather fraudulent referendum reaffirmed the no-party political system. Yet, soon after the 2001 election, President Museveni realized that the only way to retain a grip on power was to alter the political process by reintroducing political parties. By introducing pluralism and turning the NRM into a political party, Museveni could purge the NRM of "traitors" and pave the way for the remaining members to be tamed. He acquiesced to multiparty politics because he knew that he would be able to use party discipline on legislators (Keating 2011). Parliaments that check the powers of the executive branches of governments are rare in Africa; where they exist they are likely to face a backlash from presidents and their allies (Barkan 2009; Lindberg and Zhou 2009). This is the case in contemporary Uganda. The 2004 constitutional amendment that was approved by the Ugandan parliament removed the two-term limit for the president. This illustrates how easily the parliament can be manipulated by the president. "In order to get the 322-member Parliament to lift the limit on presidential terms, … Museveni's lieutenants made free use of bribery, blackmail, and naked intimidation" (Mwenda 2007, p. 24). A number of the NRM members of the parliament who did not support the amendment lost the president's favor. Notably, three cabinet ministers, two of whom were the first members of the NRM and personal friends to the president were sacked from their cabinet positions. The introduction of political pluralism and the removal of presidential term limits were linked: "The opening of the political space was made contingent on the lifting of presidential term limits" (Makara et al. 2009, p. 193).

The creation of districts is a major way through which the president can dispense patronage and ensure electoral votes. Just before the 2001 election, 11 districts were created. Before the 2006 elections, 14 more districts were created. Similarly, right before the 2011 election 25 more districts were created. The creations of the districts neither adhered to any rational considerations, nor were they driven by local administrative, socioeconomic, and structural requirements. They were created to reward NRM supporters or entice the undecided voters (Oloka-Onyango 2007). President Museveni uses new districts to bestow patronage, control local politics, and conquer political opposition (Mwenda 2007). The parliament that is supposed to vet such actions is complacent. Many of its members reinforce calls for the creation of more districts in order to protect their positions since the creation of new districts essentially eliminates rivals and reduces competition (Jeanne 2012).

The creation of new districts comes with a "raft of new jobs, each one a patronage opportunity" that renders the new units "targets for presidential manipulation" (Mwenda 2007, pp. 31–32). Once a new district is formed, opportunities for legislative service open up. For instance, every district has to have a female legislator.
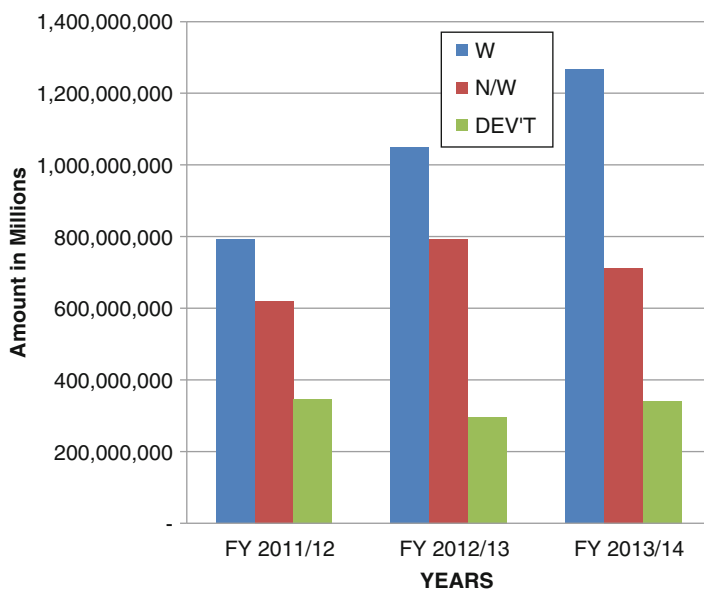
Fig. 6.2 Transfers from the central government to local governments, 2011–2014. *Source*: Ministry of Local Government Ministerial Statement, 2013. Kampala: Ministry of Local Government

As a result, since 2002, 56 women have joined parliament, based on the gender representation requirement, bringing the number of district women representatives to 29 %.

New districts generate employment opportunities at the local level as well. New politicians have to be elected and technical and administrative staff appointed. This generates new employment opportunities and hence creates more patron–client relationships. District leaders with personal ambitions call for new district formation in order to enhance their chances of promotion and advancement on the political ladder (Jeanne 2012). Yet because districts are formed without assessing conditions on the ground, many have not been able to hire the necessary personnel to ensure service delivery. Only 55 % of the current 111 districts have at least half of the necessary positions filled. In many new districts, there is a dire need for critical staff (Ministry of Local Government 2013).

It can be asserted that local autonomy is being granted to administrative units that lack the capability to undertake the decentralized functions. The majority of the newly formed districts depend of central government remittances. Figure 6.2 shows Uganda shillings transferred from the central government to alleviate the local government fiscal burden, in the forms of wages (W), non-wages (NW), and development aid (DEV'T). Without government support wages would not be paid. In effect, local governments lack the capability to plan and implement their own programs since they do not have internal resources to do so. Instead, they act as the extensions of the central government, which leads to the conclusion by some authors that the current trend is towards recentralization (Kakumba 2010; Muhumuza 2008).

In order to shape the local politics in the country in his favor, President Museveni ensured that the position of Resident District Commissioner (RDC—formerly SDA) was embedded in the Local Government Act. Despite their irrelevance under a decentralized system and plural political system, RDCs continue to be appointed by the president, as soon as new districts are created. According to the Act, RDCs' primary functions are to represent the president in the district and coordinate the administration of central government services in the district. Inevitably, this has led to an "antagonism between local governments and the office of the RDC" (Ministry of Local Government 2004, p. 15–16).

Conclusion

The analysis offered in this paper shows that in Uganda decentralization has evolved based on the prevailing political conditions in different time periods. The first phase was initiated in order to generate goodwill among Ugandans, so that they could accept the new NRA/NRM government. This phase was instrumental in inducing mass interest and participation in local affairs, and in generating peace in the country after a long period of internal strife. Spurred on by the World Bank and International Monetary Fund, the second phase saw the NRM shift focus from political acceptability to engendering democratic local governance. During this phase, real democratic decentralization was undertaken, based on devolution of administrative, fiscal, and political powers to local level. In this phase, local governments could initiate local programs, hire and fire personnel, and work for the good of their locales. However, after more than 20 years under the NRM and Museveni reign, Ugandans started to agitate for change in national leadership. This is when the decentralization program changed from being a tool for democratic local governance to a tool for political expediency. Under the guise of decentralization, more and more districts are formed to reward to NRM supporters or to divide up and disenfranchise NRM opponents. It can therefore be said that as President Museveni increasingly loses legitimacy, he relies more on district creation and the patronage opportunities arising there from in order to garner electoral votes to perpetuate himself in power. This in turn inhibits the attainment of the very goal the decentralization policy was initiated to attain, namely, democratic local governance.

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Chapter 7
Limitations of Middle Eastern Educational System in Democratic Governance

Judith A. Cochran

Education is an unexamined force contributing to the uprising of Middle Eastern people in Iraq, Iran, Egypt, Syria, Lebanon, Yemen, Tunisia, and Israel. Newspapers tell of a young Tunisian fruit seller, Mohamed Bouazizi, who set himself on fire because he was no longer able to provide for his family. And although newspapers presented political and economic explanations, the fact that the fruit seller held an engineering degree is barely mentioned. He was one among millions of young Middle Easterners with degrees and no jobs. Likewise, history texts on the region have the word "education" mentioned but not necessarily discussed on 26 out of 400-plus pages (Hourani 1991; Goldschmidt 2002; Pappé 2010). A single statement by Stewart (2009) states, "The often low quality of education throughout the region undermines the regional competiveness in the global economy" (p. 147). The author has no more statements on education or why it is of such low quality.

Part of the explanation for the low quality of education is that public Middle Eastern education limits the teaching of critical thinking, tolerance of diverse perspectives and peoples, and participatory governance. Citizens need these skills to govern themselves in a democracy.

Historically, education in the area was begun by Jewish, Christian, and Islamic communities. How could religious education, the bedrock of today's regional government schools, have failed to teach critical thinking? The first explanation is that religious schools prepared religious leaders, not the general population. Each religion started schools with similar centralized structures modeled after the political systems of the countries in which they resided. In the Jewish tradition, all decision-making was centralized with the power residing in the high priest, rulers, elders, and scribes. The national ruling body was made up of the Sanhedrin and members of the supreme court. It had seventy-one members including the High Priest. The chief priests were a group within the Sanhedrin composed of members

J.A. Cochran (✉)
University of Missouri-St. Louis, MO, USA
e-mail: Cochranju@msx.umsl.edu

of influential priestly families. They were mostly Sadducees. The religious scribes were primarily Pharisees and were the authorities on Jewish law. Initially the priests—and after the diaspora, the rabbis—became the teachers of the Jewish faith (MacArthur 2012). The Jews have considered themselves to be God's chosen people—a belief that is also accepted by Christians and Muslims. As the chosen people, the Jews have not tried to recruit converts through their schools. They educated the brightest and best Jewish boys to become religious leaders.

Christians and Muslims followed the Jewish administrative structure in their schools with their priests, ministers, and imams as teachers. They too recruited the best and brightest boys from their people to become religious leaders. As their political systems changed under the Byzantine, Roman, and Ottoman empires, however, schools needed to produce educated government workers to collect taxes and keep records. Graduates of religious schools were assured positions as judges, rabbis, or priests. Under the 600 years of Islamic Ottoman rule beginning with the Umayyads in AD 661, Iraq, Iran, Egypt, Syria, Lebanon, Yemen, Tunisia, and Israel assured government positions to their graduates. Graduates from religious and government schools have had a long history of guaranteed employment. Today, graduates of middle school, high school, vocational school, and universities are guaranteed government jobs based upon their scores on nationalized exit tests. With the population's growth in the twentieth and twenty-first centuries, political leaders of Egypt, Jordan, Syria, Tunisia, and Iraq no longer can afford to pay most of their citizens to work in the government. They also have trouble finding any work, let alone meaningful work, for their educated citizens. Since the government schools have produced such frustrated graduates, the graduates should seek employment in the private sector. They cannot do so because their free education is considered to be of low quality. Private businesses and industries do not want to hire them. High unemployment of youth and meaningless, low-paying jobs are indirect educational contributions to public uprisings throughout the region.

Lack of Critical Thinking

Why are high school and university graduates unable to create their own employment in the higher-paying private sector? One answer is that the students have limited experience in critical thinking. Critical thinking is the ability to apply, synthesize, and analyze knowledge including problem solving. Such thinking is not expected in Middle Eastern religious or government educational systems. Initially, government schools only wanted bureaucrats who could enforce laws and collect taxes. Memorization was the measurement of learning in early Ottoman schools which were not large in number. Likewise, Jewish, Christian, and Islamic schools measured knowledge by memorization of the holy books of the Torah and Talmud, the Bible, and the Koran. All schools taught the content of the holy books orally, and some schools also taught reading, writing, and basic math. Today, students throughout the region continue to memorize and recite texts. Their exams, particularly in Islamic

schools, are evaluated on identical reciting or writing of the words in a text or the Koran. Students do not question the holy words of God as revealed in the Torah, the Bible, or the Koran. Likewise, students do not question their teachers, who are God's representatives and religious leaders. Government schools have not wanted to graduate independent thinkers who questioned rationales for taxes and bureaucracy. In short, critical thinking has not been not taught or expected as an outcome of student learning. Little money has been spent on modifying public education throughout the region. Because of so little change in the classrooms today, memorization and unquestioned obedience remain the legacy of 600 years of religious and government education for males.

All religious and Ottoman government schools were nationalized after WWI by the region's now-independent countries. Political leaders promised free education to all of their people. Iran nationalized all schools in 1927. Science and math were added to the curriculum using government-written mimeographed textbooks or foreign published math and science books. Under the Ayatollah Khomeini, schools were closed for three years while his beliefs were inserted into the curriculum. Teaching critical thinking was difficult, as illustrated by Shirin Ebadi, an Iranian Nobel Peace Prize winner. " 'Maman, is it really wrong for me to go in front of my male cousins without a veil? Maman, is America truly the source of all that is toxic in the world?'… It was a delicate balance trying to teach my daughters progressive values and the emptiness behind the revolutionary dogma they were fed in school while ensuring they learned and followed the dogma anyway, so they could pass through the educational system. 'A lot of this is simply wrong,' I would usually say, 'but you need to learn it anyway, so you can pass your exams, and go to college' " (Ebadi 2007, p. 119).

Nationalization occurred in Syria in 1963 when all religious schools were put under the close supervision of the Ministry of Education. The process kept the curriculum the same as it was in the religious schools. For example, Greek Orthodox schools kept the nuns as teachers but replaced the director with an administrator from the Ministry of Education. The curriculum was called the Syrian curriculum, even though religion was emphasized and fees were charged (Cochran 2011). In short, the religious content and school buildings were nationalized and became government schools in countries throughout the Middle East.

The only exception was Lebanon, where the confessional political structure assigned government positions based upon religious affiliation: The President had to be a Christian, the Vice President had to be a Sunni, etc. In Lebanon renaming religious education as a country-wide, government education was not allowed by the political leaders. Here, a free national school system was implemented but only the poor attended. The rich and middle class continued to send their children to religious schools administered by Jewish, Christian, or Islamic leadership. Today, more Lebanese children attend religious schools than free government schools.

The failure to change organization, content, or pedagogy in the transition from religious to government schools could be attributed to the limited requirements for teacher training. Without direction in how to provide students the knowhow for critical thinking, the teachers taught as they had learned by memorizing the

religious and secular texts. The secular texts were also to be memorized, as they contained political dogma where recitation helped teach the party line without teaching how to think critically about the content.

The impact of nationalizing all existing schools was devastating on the quality of education. In Egypt, the schools had to go to triple shifts in order to accommodate all students in the same buildings. Likewise, there was an immediate need for teachers and limited teacher training facilities. And finally, there were not enough educational resources for the children. Initially in some cases, there were libraries with no chairs, no electricity and no running water. Even if the teachers had had adequate training, 50 children in a single classroom did not allow them to do anything but teach as they had been taught. The classrooms remained teacher centered with limited opportunities for students to question or challenge the content of the instruction. With nationalization, teachers were needed throughout the region and Egypt, as the most populous country in the region, paid such low salaries that instructors went abroad to make more money. As a result, the Egyptian curriculum and teachers spread throughout the region teaching the content developed by the Egyptian government (Boktor 1963). The spread of Egyptian education throughout the region expanded under President Gamal Abdel Nasser. In an effort to enhance the Arab strength, he created the United Arab Republic (1958–1961) comprised of Egypt, Syria, and Yemen. He started such universities as the Egyptian National University in Jordan and shared teachers and curriculum and continually expanded educational systems to reach all the youth. Until 1982, all Muslims who qualified from such countries as Kenya and Oman were given a free education through the doctorate and medical degrees in Egypt. Because Iranians spoke Farsi—not Arabic—few Egyptians taught in their schools, and Iranians developed their own national curriculum. Education for all, not necessarily of high quality, was a political goal throughout the region.

Lack of Tolerance Reinforced by Education

The Iranian political discrimination against those of Bahá'i faith is well documented (Samii 2000; Mehran 2004). The conflicts between Shi'ites and Sunnis and Christians in Iraq, Syria, and Lebanon are historic and ongoing. The conflicts are not ameliorated in the government school systems. Ancient and contemporary Christian education systems emphasize the difference among themselves rather than tolerance for other Christian sects as demonstrated by the administrative structures requiring schools to report to different leaders. For example, the Greek Orthodox are led by their Archbishop in Athens, the Eastern Orthodox by their Ecumenical Patriarch in Istanbul. The Coptic Christians are led by their Pope of Alexandria. The Roman Catholics and Maronites are led by their Pope located in Rome. Likewise, the Protestants had different authoritarian, hierarchical leadership such as Presbyterians, Methodists, Church of Christ, and Congregational communities. The 6 % of Jordanians who are Christians demonstrate the Christian splintering as they are

comprised of Greek Orthodox, Greek and Roman Catholic, Syrian Orthodox, Armenian Orthodox, Coptic Orthodox, and Protestants. Each sect is eager to increase the number of converts to its specific Christian community. As a result, experiences were not provided among the education of the sects to teach tolerance and cooperation with other sects.

Lebanon is the only Christian ruled Middle Eastern country. Under the French rule, a Confessional Republic was established. A Christian must be the President while a Muslim must be second in power. While minority representation may exist in the constitution, the demographics of the population have changed since the constitution was written in 1922. There are now more Muslims than Christians in the country. The failure to have participatory and representative governance resulted in the 15-year Lebanese civil war that ended in 1991. Conflict between the Lebanese Christians and Muslims is the cause of the 30-year Syrian occupation of Lebanon and the 2007 parliamentary exodus of the Sunnis and repeated protests of many Muslims, including the Palestinian Hezbollah, who live primarily in refugee camps.

Israel also presents a profile of how contemporary education emphasizes intolerance among the Jews for other Jews and Arab-Israelis. Since its first recorded history, education mandated a sequence of developmentally appropriate instruction beginning with the young boys learning the Psalms. On November 29, 1947, the United Nations General Assembly divided the Mandate of Palestine into the Territory of Palestine and the State of Israel. This was to take place at the end of the British occupation in 1948. As a new country, Israel determined the goal of their educational systems was to integrate immigrants from all over the world into the Jewish culture as directed by the Halakhah, the Jewish religious, legal tradition (Zameret 2013). Schools begun earlier in Palestine for Jewish children were called the Hilsverein der deutschen Juden. Funded by wealthy Jewish families in Europe, these schools were taught in French (the Rothschild family), English (the Montefiore family), or German (the Laemel family). French, German, and English religious organizations hired teachers for these schools who did not teach in the Yiddish or Arabic spoken by most Jewish children in the 1930s and 1940s. In short, the Jewish educational systems segregated Jewish children by language and curriculum of the country that funded each school.

The German language schools in Palestine were numerous and were transformed into Hebrew language schools throughout Israel. Hebrew school administrators reached out to the Zionist movement in Europe to obtain educational funding. They emphasized the importance of blending waves of multicultural Jewish immigrants into the country by teaching them Hebrew and the Jewish culture. As a result of their efforts, Hebrew language schools had better funding than existing British government schools that were taught in English and Arab schools that were taught in Arabic.

Today, the Jewish people do not learn tolerance for each other in their schools, nor are they blended into a multicultural democracy. First, they are separated from each other by sect and by schools. The Ministry of Education approves the curriculum, except in the Orthodox sects' (haredi) schools. In secular Jewish schools, legislation allows parents to have control of 25 % of the curriculum. Called "Tali," these classes

have evolved into a subsystem within the state's secular educational system that teaches liberal religious education. The Orthodox are allowed to teach their own curriculum, which includes the rejection of modern secular culture and emphasizes not recognizing the State of Israel as a spiritual authority. The Ministry of Education hires all Jewish secular teachers but not those employed in Orthodox schools and Arab schools. The Arab school teachers must be hired and approved by the Israeli secret service (Jabareen et al. 1998). Children enroll in Arab, Orthodox, liberal, and secular schools based upon their religion, with the Orthodox being shown government preference although also funded by the State of Israel. The major differences between Arab and Jewish schools are that the Arabs have larger classes and that the administrative budget is less than for all other schools. Despite these hardships, Arab teachers are paid less than teachers in other Israeli schools. Only Arab school children study Islam but for less time than they spend studying Judaism. Jewish children do not study Islam or Christianity (Firer 1998). Interestingly, Arab Israelis (formerly known as Palestinians) are tested on the Jewish faith but not the Muslim or Christian faith in the government matriculation exam that must be passed for graduation (Jabareen 2006). It is obvious that education in Israel does not teach tolerance for those of different religious beliefs, except perhaps in Arab schools where they study Judaism (Court 2004).

There is also intolerance between religious community values with Israel's economic needs. Today, government efforts to integrate graduates of Orthodox schools into the marketplace are considered a failure. "Government programs to help haredi population integrate into the workforce are insufficient according to State Comptroller Joseph Sharpio" (Sharon 2013). Orthodox Jews are taught that they should spend their time studying the holy books, praying and in meticulous religious observation. Many haredi men over the last 35 years have chosen to study full time in yeshivas rather than perform military service and subsequently join the workforce. Their emphasis on education often places their large families in poverty. Haredi postponing employment until after the age of 31 costs the economy NIS four billion in 2009 according to treasury calculations. Recent data by the Bank of Israel indicates they are often not postponing employment at all. In 2012, 45 % of the male haredi were employed compared with 82 % for non-haredi men and 61.2 % female haredi were employed compared to 74 % for non-haredi women (Sharon 2013). For the Christian Israelis, there are also conflicts among those with religious education. Such private schools as the Anglican International School of Jerusalem, the Orthodox (Greek) Schools in Haifa, and St. Joseph's and the Nazareth Nun's School (Catholic) constantly seek funding from alumni, parents, and visitors. Today's schools in Israel are an example of how religious education takes precedence over marketplace education. Education splinters the population and has abandoned the earlier goal of integrating multicultural immigrants into the Jewish culture. "Today, the meaning of 'Jewish' in Israel is mainly ethnic and religious. With the elevation of religious solidarity over and above democratic authority, Israel has become more fundamentalist and less modern, more separatist and less open to the outside world" (Burg 2012).

Lacking Participatory Governance

Middle Eastern political and educational leadership does not teach students participatory governance. Most schools in the USA have a student council where leaders are elected to represent the students with the school administrators. Likewise, universities have offices of student affairs where student clubs, sororities, fraternities, and religious student-led organizations apply for funding from the university. These activities teach students how to govern themselves and be held accountable for their actions through participatory governance. Participatory governance is a deepening of democratic engagement of citizens through their participation in decision-making and/or leadership. In Egypt, the protest against Mubarak was organized by leadership that notified the general population of its intent and where the protests were to occur in different cities. The leadership of protests in Syria, Tunisia, and Iran also relied upon technology of cell phones to organize. In contrast, democratic governance functions with citizens acting on their representation by becoming voters or watchdogs of the existing political systems. The role of education in participatory governance can also be learned through a number of classroom experiences such as youth court and classroom groups where students participate in and practice self-governance. The second role of education in democratic or participatory governance could be the analysis of political and religious leadership and organizations.

Religious leadership, during the 600 years of Ottoman rule, followed a patriarchal structure. The same structure existed in the administration of the schools with rabbis, priests, and imams as instructors. Authoritarian, patriarchal, and hierarchical leadership of rulers continues to direct the learning and shape the expectations of today's students. Educational administrative structure changed little in the rapid expansion of education in the 1950s. In Syria, middle and high school teachers were required to have a degree in their subject area. They received no teacher training. Elementary teachers went to teacher training institutes after graduating from middle schools. The same was true in Egypt, Jordan, Lebanon, Yemen, Iraq, and Iran. In these crowded schools, there was neither the time nor the space to have meetings for student government, student-led clubs such as chess clubs, Rotary Youth Leadership Associations (RYLA), Key Clubs, band, choir, or athletics. Students had little practice in participating and practicing self-governance. Furthermore, men ruled the schools and the countries except in female, segregated institutions.

In their countries today, patriarchal, authoritarian political structures prevail. For example, after holding political elections in 2007 for over 800 local and national positions, King Abdullah II of Jordan dissolved the parliament. As of 2013, he has not reinstated it. Early in his tenure, President Assad of Syria was known as a tolerant, modern ruler. He no longer has that image. Although Mohammed Morsi of Egypt was democratically elected, protests have removed him and President Mubarak and political power was seized by military officers just as it was under Nasser, Sadat, and Mubarak. All these Presidents were graduates of the single military academy begun by the British to develop native Egyptian military leadership for conscripted troops in World War II. Former President Mohammed Morsi, a representative of the Muslim Brotherhood, was a member of the only political

organization allowed to function during the 30 years of Mubarak's rule. The Brotherhood ran schools, distributed food and shelter, and gave loans to the poor. They became a social welfare organization located throughout the region. However, compromise, tolerance, and participatory governance are not central to the Brotherhood's organization. During the summer of 2013, seven Coptic churches were burned. Morsi did not consider reaching out to diverse groups when he modified the existing constitution and had sitting judges removed. All of his actions demonstrated the intolerance and lack of participatory governance of the Muslim Brotherhood as represented by Mohammed Morsi, who has an engineering degree and not a military one.

While the world recognizes the authoritarian and hierarchical political systems that exist throughout the Middle East, it does not consider the limitations to democratic citizenship experienced in the government schools which were formerly Jewish, Christian, and Muslim educational systems. When asked questions about what they are learning, students recite from their government-written textbooks. "I only speak Pharmacy English. Sorry I can't give you directions." The students learn the expectations of their religious community, which are to be followed without exception. Likewise, the expectations of their rulers are absolute. When citizens protest their rulers' actions in Egypt, Iran, and Syria, they risk being killed. Such results prevent students from taking leadership or engaging more deeply in decision-making. Students have not been taught participatory governance in school or by their political leaders.

Conclusion

For centuries, the three religious educational systems and authoritarian political structures have taught Middle Easterners how to prepare for an authoritarian future. Israel is the only exception. Obedience and acceptance of the cultural and social mandates of both the governmental and educational systems are expected outcomes for the millions of students who have passed through the systems.

Since the 1950s the governments in the Middle East have expanded their existing religious educational systems and added the memorization of secular subjects to the memorization of religious curriculum. After these expansions, students have not learned secular marketplace employment skills. Religious curriculum was nationalized into the curriculum of the country where the school was located. The content of the schools continued to be based upon the religious laws and knowledge found in the Koran, Bible, or Torah. The graduates were expected to demonstrate moral behavior rather than such secular skills as computer competency or bookkeeping knowledge. Poor facilities prevent electricity for computers if they were available. Furthermore, graduates were not given the opportunity to learn how to provide leadership to their own student organizations or later to citizen action groups. The Arab Awakening with the weakening of authoritarian rulers has empowered the Muslim Brotherhood across the region. The citizens of many countries are unified through shared loyalty, obedience, and subservience under their shared religious leaders. Such unification of religious loyalty across borders limits the energy of citizens in

developing democratic governance. The leaders present themselves as religious leaders and, as such, they have absolute directives and knowledge.

No religious leaders could keep congregations without teaching believers to be loyal, to memorize scripture, and to obey God's laws. Religious or public government education throughout the region did not directly teach graduates to solve social problems, conduct local elections, negotiate policy, think critically, propose laws, or vote for a leader. Likewise, schools did not provide the opportunities to learn tolerance, compromise, or participatory governance. These are important skills for citizens to know in governing their own countries. Teaching marketplace employment skills was not the ruler's purpose in educating the masses. "Practices of teaching and learning gave form to religious communities' collective desire to pass on the knowledge and skills that have been honed through its experience and that were needed for the transformation of the community as it addressed the changing environment and emerging challenges affecting its future" (Foster 2007, p. 42).

Today, public and religious educational systems teach their graduates to wait for the government to provide subsistence-wage positions, which have become scarce. As a result, young graduates are protesting the high unemployment rate and their failure to receive their expected government jobs in Jordan, Syria, Egypt, Lebanon, Yemen, Iran, Libya, and Bahrain. Their religious education has not prepared them to enter the workforce in the private sector; so they must wait, often longer than 2 years, to get government positions in which they are not challenged or well paid.

As a key concept, in most cases throughout history, the people could not read, write, or study God's words and laws without their religious-political leaders. The masses relied upon their leaders. That has now changed. Many citizens of the Middle East have learned to read holy books, access the Internet (unless access is blocked by their political leaders as in Iran and Syria), and learn about examples of social justice in other countries on their televisions or cell phones. Critical thinking about their marketplace skills, their living conditions, and their future opportunities is forced upon them by comparison with other cultures. Education has extended beyond the limits of the classroom as a result of the Internet and television. Education that should have been changed with nationalization of existing schools is now being modified by technology that is breaking the limitations of education. Middle Eastern leaders also are losing their control of the experiences of the citizens. And now, with the Arab Awakening, youth have opportunities to establish democratic self-governance in Lebanon, Iraq, Syria, Libya, Egypt, Israel, Yemen, Iran, and Bahrain. The question is whether centuries of obedience and acceptance of the status quo is weakening. Now is the time for countries to invest more in their education and less in their military.

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Chapter 8
Tribes and Democratization/De-democratization in Libya

Kumru Toktamış

In the aftermath of the first elections in the post-Qaddafi era in Libya, in the summer of 2012, there was an ongoing disagreement amongst the observers of this country about the present and the future stability of the country. The pessimists, such as Henry Kissinger, warned against the "collapse of the state" (2012). The optimists, such as Juan Cole (2012), who had championed the NATO intervention into Libya, celebrated the fairly smooth handling of the elections as a sign of democratization. The state of affairs in the country after the elections provided evidence to support both perspectives. On the one hand, the country's tradition of statelessness was pronounced by the advance of the tribal militia as the primary political and military force following the downfall of the Qaddafi regime (Lacher 2013). On the other hand, the populations from the three main regions of the country—Tripolitania–Tripoli, Cyrenaica–Benghazi, and Fezzan—continued to express willingness to collaborate peacefully to establish a process towards democratic governance.

The chances for establishing a democratic governance structure in Libya have become a pressing political question regionally and globally, as much as a theoretical one. Can a highly fragmented population living within haphazardly drawn colonial frontiers and with very little historical experience in building an organized state or participating in governmental affairs stand a chance of establishing a centralized leadership and an effective administration of public resources, let alone establishing a responsive and democratic system of governance?

"Governance" and "democratic governance" have been topics of discussion in political science, public policy, and public administration in the last few decades. Some theorists make the common observation that the growing interest in governance in these fields is a reflection of the conditions and needs of our times. According to Kooiman (1993), in today's world, the boundaries between the state and society and between the public and private realms are becoming more permeable.

K. Toktamış (✉)
Pratt Institute, 200 Willoughby Avenue, Brooklyn, NY 11205, USA
e-mail: ktoktami@pratt.edu

He also observes that no single actor (e.g., a government) has all the knowledge and information required to solve societal problems today. Under these conditions, multiple actors, both public and private, more and more directly participate in policymaking and implementation processes. It is this participatory process that he calls governance.

Jessop (2003) observes that the growing interest in governance in the academic literature signifies a continuing search for new forms of inclusion in political processes—forms that would go beyond the relations of individual citizens to their respective sovereign states (pp. 51–53). This is a search to enhance the capacities of governments with new forms of participation, partnerships, and negotiation, in the face of increasing social and political complexities. Similarly, Torfing et al. (2012) observe that the emerging discourse on governance is a response to the problematization of the role of the state in society (pp. 9–10). They also argue that while the rise of governance is an empirically observable state of affairs, *democratic* governance is not ensured; instead, democratic forms of governance should be built (pp. 9–32). Then an important question is how contingent are the conditions of forming democratic governance.

In this chapter, I discuss the historical contingency of conditions of (democratic) governance in fractured and fragmented Libyan society using Charles Tilly's models of state capacity and democratization. According to Tilly (2007), the processes of state formation may inadvertently arrange the foundations for democratic participation by expanding the scope of consultations in public politics. Tilly argues that democracy "thrives on bargained compliance rather than on either passive acceptance or uncompromising resistance" (2009 p. 1). In his historical/comparative analyses, he shows that the formation of a state is not a teleological process initiated by some elites, but it is a product of long-lasting conflicts, negotiations, bargaining, and compromises among major local and foreign political actors. These conflicts and negotiations lead to the development and stabilization of rules and regulations in state–society relations. They also increase a state's capacity to penetrate and regulate social relationships, which are otherwise maintained by traditional networks, such as tribes. Tilly (2007) also observes that while strong state capacity is important, it does not necessarily guarantee a path to democracy (p. 164).

According to the non-teleological analyses of "political processes" perspective, development of democratic governance is neither uniform nor universal (Tilly 2002, 2003). Tilly analyzes democracy as a movement towards increased broadening and equalization of citizenship, increased broad consultations between state and citizens, and increased protections for the citizens against arbitrary state actions. The mechanisms that interact to bring about these changes are not unilinear; they may lead towards de-democratization as much as democratization, while all these elements depend on increased state capacity (Tilly 2007, pp. 51–79).

According to Tilly, even if direct causality is hard to establish, there is a close and contingent historical and territorial interconnectedness, between the processes of democratization with the processes of state formation. The formation and development of democratic institutions require a centralized state on a given territory

that can eliminate or neutralize rival factions as well as effectively produce and distribute basic resources on that territory. In the post-Qaddafi Libya, possible creation of democratic forms of governance is contingent on the ways in which the conflicts among tribes can be effectively neutralized by a centralized government that is capable of conducting negotiations and bargaining with its citizens regarding extraction and distribution of resources. On a territory where historically neither such public policies were fully centralized nor effective attempts were made to undermine the social and military power of traditional networks, the tribal fragmentation may be regarded as an impediment to democratization as well as a resource for it.

As Tilly suggests (2009) democratic or otherwise, a governance system is characterized by the organizational form of the state–society interactions in the extraction and distribution of natural and social resources. A crucial difference between non-democratic and democratic systems is that whereas in the former resources are extracted under the threat of coercion, in the latter citizens have substantial power to accept or reject the demands of the regime. In democratic systems popular power evolves in time (history) and space (territory) in a constant mode of bargaining and negotiations between the state and citizens. During these negotiations, the state reforms and reorganizes itself as citizens give consent to or resist such transformations. All these negotiations and transformations are historically conditioned. Therefore, it is important to understand the paths of the conflicts and compromises amongst all political and societal actors in a given territory in order to understand whether and how democratic governance relationships develop and maintain themselves in a territory.

Many political theorists argue that the formation and development of democratic institutions require a centralized state that can eliminate or neutralize rival factions. Following this logic, one may argue that, in the post-Qaddafi Libya, possible creation of democratic forms of governance is contingent on whether the conflicts among the tribes in the country—the most important political actors—can be effectively managed and neutralized by a centralized government. The problem is that in Libyan history governance has never been fully centralized. Therefore, the historical tribal fragmentation of the country may be regarded as an impediment to democratization.

On the other hand, one might argue that this fragmentation can be a resource for the democratization of Libya. If Kooiman (1993) is correct in his argument that multiple actors have to be involved in governance processes to solve complex social problems of our times and if Jessop (2003) is correct that governance is a reflection of the desire and need for participatory processes, then could the fragmented nature of Libyan politics be a basis to build a democratic form of governance? As Torfing et al. (2012) remind us, however, democratic governance is not guaranteed, but has to be built. Following Tilly's (2009) line of reasoning that state formation is a product of conflicts, negotiations, bargaining, and compromises among major political actors, is it possible that a democratic form of governance will emerge from the fragmented political structure of Libya?

Democratization/De-democratization: Libyan Contingencies

The fragmented and tribal qualities of Libyan society and political history may be seen as nothing but obstacles for democratization and state formation in this country. Andersen (1991) observes that in Libya there has always been a widespread sentiment of "aversion to statehood and reliance on tribal ideologies" (p. 288). In the meantime, recent observers indicate that a "nationalist bias" has been evident since the early days of the Libyan uprisings, such as "it soon became clear that the vast majority of rebels sought to remake the Libyan nation-state, not to abandon it. Yes, the rebels preached the complete overthrow of the Qaddafi regime and ensuing decentralization of power, but the notion of dismantling the Libyan state was anathema to most and stigmatized as treason" (Pack 2013, p. 2). The uprisings reasserted "the primacy of local interests and loyalties" when tribes emerged as crucial social institutions replacing structures of central governance for mobilization and polarization as well as constituting forums for debate and organization of military action (Lacher 2013), yet the aforementioned "nationalist bias" remained intact even though the authority of the center moved to more dominant periphery (Pack 2013, p. 10). Such seemingly contradictory qualities may facilitate democratization by providing the conditions and processes of increased small-scale consultations, increased citizen–state bargaining, and enlargement of public politics, all of which are basic democracy-promoting mechanisms and were missing during the 42 years of Qaddafi regime.

According to Tilly (2002, 2007), increasing state capacity and democratization reinforce each other because processes of state formation (i.e., establishing institutional and administrative uniformity, creating nominally representative national legislature, subordinating and monopolizing means of violence, and nationalizing social provisions and redistribution) are all at the same time necessary grounds to enable bargaining, consultation, and negotiations between the state and society. He defines state capacity as "the extent to which interventions of state agents in existing non-state resources, activities, and interpersonal connections alter existing distribution of those resources, activities and interpersonal connections as well as relations among those distributions" (2007, p. 34). When a state's organized capacity to intervene in public's affairs is increased, this creates venues and opportunities for citizens to react, response, resist, or give consent to the government. Such interactions regularly occur even when there are no demands for democracy, and they always lead to changes in power configurations. Conditions that call for expansion of bargaining between states and citizens generally end up in extended participation or suppression depending on the state's responsiveness and ability to deal with public's claims and demands.

Tilly (2009) also argues that democracy is not a switch that can be turned on and off; it is more like a thermometer that operates on degrees. These degrees are about the ways in which the rulers organize themselves in using social resources and how they end up sharing such resources and decision-making mechanisms with the rest of the population. The degree of democratization "depend[s] on the outcomes of

continuous negotiations between rulers and ruled over how resources for governance are acquired and subsequently how they are used" (p. 3). This process-oriented approach to democracy, which sees it as a by-product of centralized state's engagement with non-state actors, can enable researchers and policymakers to understand the possibilities of state formation amidst tribal conflicts over resources in Libya. In this approach, while the restoration of Libya as a national state is desirable within the global and regional context, it is not certain that such a process will trigger democratization; it may lead to de-democratization as well.

To discuss possible paths to democratic governance in Libya, we need to come to terms with the historical persistence of the tribal ties in the country since the early colonial times. Tilly (2007) refers to such tribal ties as "trust networks," which are "interpersonal connections, consisting mainly of strong ties, within which people set valued, consequential, long-term resources and enterprises at risk to the malfeasance, mistakes and failures of others" (p. 81). As in Libya, such networks have existed within and outside political regimes for thousands of years, providing welfare and protection for their members as they enforced standards of conduct of the communities. Democracy, according to Tilly, emerges when trust networks are integrated into public politics through broadened participation and binding consultations between centralized state and these networks. During broadened participation and increased binding consultations centralized state gains the support of these networks while the latter acquire stakes in responsible and responsive government.

In the case of almost entire Libyan history, fragmentation has been furthered through local engagements. Whether and how this integration occurs will help determine the path of democratization in Libya. Democratic institutions can emerge when a population's demands are integrated, but not subsumed, under a strong state. This integration requires a strong state capacity, which Libya lacked throughout its modern history of colonization, recolonization, decolonization, and dictatorship eras. In fact, during all these periods the traditional and ethnic/cultural bonds were strengthened and neither integration nor consolidation of centralized power took place (Mezran 2007, pp. 73–106).

Libya as Historical Product of Colonization and Decolonization

Libya never experienced a consolidated state capacity supported by a unified popular identification and political participation. Historically, Libyan territory experienced four attempts to create somehow centralized administrations, all of which capitulated to the strength of tribal affiliations, albeit in different manners: the Ottoman modernization, the Italian colonization, the Sanusi monarchy, and the Qaddafi Jamahiriya. In none of these periods a centralized organization of services, resources, and administration was achieved. In the twentieth century, neither the Sanusi monarchy nor the Qaddafi regime established institutional and administrative uniformity

or created a representative legislature. The following section reconstructs the history of tribal interactions with the Ottoman, Italian, monarchy, and Jamahiriya administrations using the account of eminent scholar on Libya, Dick Vandewalle (2011).

Ottoman Modernization (The Late Eighteenth Century–1911)

The part of the North Africa we call Libya was an Ottoman territory since the mid-sixteenth century until 1911. The rule of the Ottoman Empire over its North African territories was never fully centralized. As in many other examples of imperial rule, the Ottomans "restricted [their]presence and activities as long as annual tribute and formal allegiance to the sultan were paid" (Vandewalle 2011, p. 17). The provinces were left to their own devices to organize their affairs. As a result, local authorities with strong kinship ties managed to establish their own dynastic rules and even started their own diplomatic relations with emerging European powers, gaining their acknowledgments.

The Ottoman's rule of the Libyan territory had inner contradictions. Without engaging much with local public, they managed to create some rudimentary bureaucratic and military structures in each of the three regions of Libya—Tripoli, Benghazi (Cyrenaica), and Fezzan—and inadvertently brought some geographical unity to the country by forming one loose administrative authority. The Ottomans did not necessarily make an effort to create a common identity—even under shared religious faith, among the diverse tribes and families of the three regions. However, they established a strong military presence in the area with their numerous garrisons across the territory. They made many attempts to conscript members of rural and nomadic tribes to the Ottoman army. These attempts were not successful for the most part, and they alienated many tribes. The Ottomans forged bureaucratic and commercial alliances with urban influential families in Tripoli and Cyrenaica, which further alienated rural and nomadic tribes. Consequently, during the centuries of Ottoman rule, local, religious, and regional political identities continued to dominate the landscape, and no-national Libyan identity was developed.

An especially influential formation outside the Ottoman political rule was the purifying, revivalist Sanusiyya fraternity or religious order. This fraternity emerged in Cyrenaica by the mid-nineteenth century and proved to be instrumental in the non-unification of Libya when it was an Ottoman colony and later when it gained its independence. The Sanusiyya order gained influence during the nineteenth century as the Ottoman rule was being confronted by the European powers' growing commercial interests in North Africa. With its emphasis on an ascetic practice of Islam, the religious order evolved along already existing tribal lines and kinship bonds, providing a localized network of solidarity and support among its members. Under the spiritual leader of the order, Mohammed AlSanusi, an elementary structure of local governance was created. The local Sanusi structures collected taxes, provided social services, and maintained peace among the nomadic and seminomadic Arab tribes in remote parts of the Cyrenaica. At the time, the Ottoman rulers were trying

to reinforce their territorial control over Tripoli and Fezzan, and they did not intervene with the expansion of Sanusi control in Benghazi. The Sanusiyya movement also controlled local trade and pilgrimage routes in the Cyrenaica and provided social, economic, and political organization to local tribes, which would eventually constitute the basis of an opposition movement to the Italian invasion in the early twentieth century.

Italian Colonization (1911–1943)

According to Vandewalle (2011), in contrast to the Ottoman rule in Libya, the Italian colonization, which started in 1911 and continued until the end of the Mussolini regime in 1943, was less territorial and more commercial. Even when the Ottoman intentions to control the territory was failing, *Banco di Roma*, the government-controlled national bank of Italy, by the turn of the century started a "peaceful penetration" into Libya through expanding credit and commercializing local agricultural productions. This government-controlled national bank of Italy steadily expanded its control over commerce, agriculture, industry, shipping, and trade by establishing branches in all urbanized regions of Libya. In 1911, the Italian Government decided to use the interference of the Ottoman Empire in these commercial ventures as the pretext for its military intervention into the territory as it became Italy's "fourth shore" and was re-named as Libya by the Italians in 1934, evoking an ancient Greek term for North Africa. Libya's first encounter with a modern European state was disastrous for Libyans, as they became providers of cheap manual labor for the rapid construction of the basic modern infrastructure in the country, including public utilities, ports, and a coastal highway.

The resentment among the local populations against the presence of this ambitious, cosmopolitan, and industrialized colonizing power seemed to have some unifying effect in the country. The economically self-sufficient autonomous tribal hinterland and the coastal urban populations were drawn together in their opposition to the Italian rulers. The brutal military campaigns before and during the fascist Italian invasion brought enormous devastation to Libyans. During their rule, the Italians forcibly moved local populations into concentration camps, destroyed their livestock, and imposed rules that prevented local artisans and farmers from competing against Italian imports. The fascist Mussolini government was particularly ruthless. To impose its fascist vision of self-sufficiency, in 1937 Mussolini government created agricultural colonies by settling poor and landless Italian peasant families and the urban unemployed in designated areas.

The Italian presence as an overwhelming modernizing power reinforced the already existing local belief that a centralized statehood would be undesirable because locals themselves were systematically excluded from any modern conveniences (Vandewalle 2011, pp. 30–34). In Eastern Libya (Cyrenaica) while the traditional Sanusi order lost its tribal assemblies and the power of local sheiks was drastically reduced, the Western Libya (Tripoli) was ruled by martial law even

before Mussolini came to power in 1922. Since the Sanusi order was a relatively unifying force, the modern Italian army faced significant resistance from the local tribes of the eastern region. The Benghazi Libyans, under Omar al-Mukhtar, led an increasingly bitter and unequal war against the Italian rule until their leader was hanged by the fascist counter guerrilla forces in 1931. In 1937, Mussolini ordained himself as the protector of Islam, and his regime officially incorporated Libya into the Italian Empire in 1939 (Vandewalle 2011 p. 34).

As Italy allied itself with the Nazi Germany in 1940, self-exiled Sanusi leader Sayyid Idris, announced his support to British, and a Libyan Arab Force was created when Cyrenaica and Tripolitania joined against Italian occupation even though its role was limited to gendarmerie duties (Vandewalle 2011 p. 36). This positioning provided Britain to assume a role of oversight over these two regions during the postwar years after Italy withdrew from Libya in 1947 while France continued to control the third region, Fezzan, until 1951.

The Sanusi Kingdom (1951–1969)

A country called Libya was created through international stipulation and overlapping French and British interests in the postwar settlements, mostly undermining two different proto-nationalist ideas of Tripoli and Benghazi locals. In the Eastern provinces around Benghazi, the idea of postcolonial unity was converging around the Sanusi religious order, whereas in the West in Tripoli, a cosmopolitan and progressive idea of a Libyan unity inspired by Arab nationalism was emerging. None of the great powers were willing to give France the sole control over Fezzan. While Sanusis had no interest in uniting the entire Libyan territory, the British, who controlled the territories around the two urban regions of the country, aimed to reverse the fascist policy by "reactivating tribes" (Mezran 2007, p. 78). The British, recognizing the autonomy of tribes and aiming to revive the leadership of local sheiks, contacted them through Idris al-Sanusi who was instrumental in the formation of a predominantly tribal military.

The Libyan provinces did not have much say in the postwar settlements yet violently resisted against the continuous presence of Britain and France on their territory in late 1940s. Such local resistances were openly supported by the Soviet Union and deeply inspired by the emerging Arab nationalism. While neither the four global powers nor the Libyan regions had much agreement, possible Soviet influence forced the allies to shift their positions, and an independent United Kingdom of Libya was created by the UN General Assembly under its trusteeship in 1951. As Vandewalle observes, "the United Kingdom of Libya was an accidental state, created by, and at the behest of, the Great Power interest, and agreed to by the local provinces who feared other alternatives" (2011, p. 40).

Libya was thus transformed from a colony to a country in the aftermath of the Second World War tensions and with the emerging concerns of the Cold War Era, especially to prevent possible influence of the Soviet Union in North Africa and on

the emerging Arab nationalism. However, given the fragmented nature of the social and political organization of the country, Libya was not completely united. Neither the momentum created by the anti-fascist resistance during the Italian occupation nor the early protests against the allies' settlements were sufficient to unite the three provinces—Cyrenaica/Benghazi, Tripolitania, and Fezzan—into one nation. The Sanusis in the East agreed for a unified Libya only as long as their leadership in the region was not challenged by any other administration, especially among others, by the small, yet influential groups of intellectuals in Tripoli where a secular Arab nationalism was much more popular among the urban population. A concept of a unified kingdom was still a novelty for Libyans. When King Idris, the spiritual leader of the Sanusis, was declared the monarch he was reluctant to rule over all three provinces. Consequently, Libyan independence lacked a unifying ideology or a mobilization program that would be shared by the populations of the three regions.

Libya adopted a federal system of governance, mostly upon the insistence of the Cyrenaica and Fezzan. These provinces expressed their fear of being dominated by Tripolitania to the UN Commissioner Pelt who was instrumental in creating the Libyan National Assembly (Pelt 1970). In this system of federalism, the tribal fragmentation of the country was acknowledged at the administrative level. With this system very few centralized institutions were created to regulate the economy. Under the constitution that was adopted in 1951, the federal government had only legislative authority in areas such as banking, organization of imports and exports, income taxation, and management of subsoil wealth and mines. In all these areas the executive authority remained in the hands of the provincial administrations. In some crucial areas, such as taxation, electoral laws, and economic development, the federal government had to share its authority with the provincial administrations (Vandewalle 2011, p. 48).

The emerging political system closely revolved around the Sanusi order and the affiliated tribes and families. During the 18 years of the Sanusi kingdom, the social compromises necessary to create a central government strong enough to bring different regions politically and economically together while leaving sufficient autonomy to them were never achieved. The centrifugal political tendencies of the provinces were never curtailed, and the country remained a tribal society, where political loyalties remained within the provincial borders.

The discovery of oil in 1959 created further problems of fragmentation as the US companies assumed a leading role in developing Libya's oil economy, and Libya became "the single biggest per capita recipient" of aid from the United States, amounting to $100 million by the end of 1959 (Vandewalle 2011, p. 44). Oil economy further exacerbated tribal regionalism and enabled corruption and nepotism due to lack of economic regulation, complex state institutions, political representation, and absence of Libyans themselves in managing the country's economy.

The oil economy also exacerbated the social inequalities that existed in the earlier kinship and tribal relationships while ironically constituting the greatest impetus for a unitary system of production and distribution (Higgins 1953). The rapid transition to an oil-exporting economy necessitated more centralized administrative mechanisms and increasingly complex state institutions and economic bureaucracies.

This tendency of centralization was countered by the actions of the oil companies operating in the country. These companies cut many deals with provincial administrations and tribal leaders, in the absence of any centralized regulations. Such unregulated activities exacerbated the difficulties in creating a centralized state and a unified political identity.

The rapidly growing oil revenue of the kingdom helped the best-educated technocrats and experienced administrators to be hired by the federal government. At the same time, the country was still relying on deeply traditional and essentially pre-bureaucratic communities with uneven regional and national influences. The Benghazi tribal elites were now forced to share the top administrative positions with the Tripoli businessmen as Libyan economic and political structures were being reorganized towards the technical requirements of the oil economy. Yet, the kinship ties still marked the changing kingdom. Top of the bureaucracies were still informal mechanisms serving patronage and tribal affiliations and excluding emerging segments' educated, urban youth's access to resources.

Vandewalle (2011) observes that during the last years of the monarchy, in the mid-1960s, there were attempts to increase the regulatory authority of the federal government and create a unitary government. At the same time the state–citizen relations were still shaped by exclusion and de-politicization based on patronage handouts. Growing oil bureaucracy was inherently exclusive and discriminatory in the distribution of economic resources, and there was no Libyan state that was willing to redistribute wealth and could appeal all Libyans. Neither the country's regional leaders nor the tribal elites developed truly national interests to transcend their personal and local interests during the years of the kingdom. The king and his relatives repeatedly expressed their anti-centralization sentiments. The most centralized and cohesive organization in the country that somehow transcended tribal ties was the Libyan military. When young officers in the military staged a coup in 1969 and ousted the king, these tribal elites or regional leaders were not capable of resisting the coup.

Qaddafi's Jamahiriya (1969–2011)

Muammar Qaddafi emerged as the charismatic *primus inter pares* (first among equals) in the Revolutionary Command Council (RCC), which overthrew the monarchy. The Qaddafi regime was as reluctant in building a strong state capacity as the Sanusi kingdom had been. Even though the regime's populist policies gradually, and perhaps inevitably, turned into oppressive measures against all forms of opposition, this trend did not necessarily create a strong central government bureaucracy. Qaddafi and his friends presented themselves as the embodiment of anti-colonialism, inspired by the Arab nationalist politics of Egypt's Nasser. The members of the RCC were young and from less prestigious tribes and families than the ones that were allies with the Sanusi kingdom. They were uncompromising towards the presence of the US and British military bases in the country, which they declared as the

symbols of corruption and the enemies of national unity. It soon became clear that their ideological rhetoric lacked programmatic clarity.

The policies of the Qaddafi's regime were full of inconsistencies and paradoxes, which resulted in a weak yet oppressive state capacity in the country (Vandewalle 1998). For example, on the one hand, its general populism and aim to redistribute oil revenues among the population required to centralize governmental authority and created opportunities to take centralized political measures. On the other hand, tribal alliances and patronage relations remained still predominant in the country, despite the pronouncements of brotherhood of all tribal lineages. Similarly, almost all the anti-colonial discourse of the new regime was aiming to create a sense of nationhood, but the criminalization of dissent, growing lack of separation of powers, and a large apathy among the population caused disintegration of any possible sense of common identity in an environment that continuously fostered reliance on tribal ties.

Colonel Qaddafi's several popular mobilization attempts were also paradoxical and led to incoherence and arbitrary rule. These attempts aimed to create a model society of anti-imperialist Arab nationalism and to overcome the political apathy typical in oil-exporting countries (Andersen 1991). With such mobilizations, the new regime was expecting to consolidate the revolution and reduce the power of the traditional ties and identities. For example, as early as 1973, Qaddafi issued what he called the "Third Universal Theory" in a popular speech, which was later published as the "Green Book." In his speech and book Qaddafi expressed his distrust in political parties and bureaucracy. Instead, he called for a *Jamahiriya*, a direct rule of citizens, without the intervention of institutionalized political or administrative intermediaries. This rhetoric that aimed to encourage popular mobilization in support of the revolutionary regime ended up creating a bifurcated system of political control and effectively eliminated any possible opposition to the regime. The bifurcation was mostly due to the overlapping jurisdictions of the central and local control with unclear boundaries that allowed room for arbitrary actions of powerful factions or the central government. The legislative and executive branches in the central government, which was no longer federal, were created in 1976. Despite popular rhetoric, their members were appointed only through consultation with the RCC, and there were critical areas that they were not allowed to take any actions, such as matters of foreign policy, the security forces, or the oil economy. By 1980, RCC was abolished, but its remaining original five members, including Qaddafi, retained the control of the Libyan army, the police, and the economy.

The inner paradox of Qaddafi's measures was that while he was establishing a centralized government firmly in control of political and economic decisions, he was at the same time dismantling existing bureaucratic institutions and eliminating technocratic expertise and suppressing representative politics. By 1982, the country's technocrats were removed from all institutions, except in the oil sector. At the same time, revolutionary populist committees and the congresses of "the direct rule of citizens" were created without formal regulations or planning policies. The overlapping and fluid jurisdictions of formal (popular committees and congresses) and informal (a narrow revolutionary authority made up by the intimate circle of Qaddafi)

structures increased political patronage and led to ideological confrontations among the original leaders of the revolution. These conflicts eventually strengthened Qaddafi's leadership. He did not hold any political or administrative position officially, but through his control over dispersed militia commanders, tribal alliances, and popular committees, he maintained his rule. In the absence of legitimate and public oversight, the capacity of the government further deteriorated, especially when tensions arose between the formal and informal structures, as well as among the revolutionary leadership, in areas such as banking and legal systems (Vandewalle 2011, p. 123).

Ironically, Qaddafi's "populist" policies enabled him to circumvent any popular participation when it did not suit the regime's needs and accelerated the creation of a ruling clique that benefitted their and their kin's pursuits. Especially in the oil industry, tribal connections were again put in use to create a patronage system (Vandewalle 2011, p. 96). Governmental policies were carried out along existing tribal lines; thus, tribal identities were reproduced and kept intact. A new political community was being created "that relied on the consultative mechanisms of a tribal system that had characterized the country before the Italian invasion" (2011, p. 88).

The lack of essential legal protections and guarantees further complicated the formation of a centralized governmental system. The Qaddafi regime inherited a legal system that gave primacy to the Western law over religious or customary law, but the Western values did not take deep roots in the judicial or the administrative systems. Without any built-in measures for transparency and accountability in the legal and administrative systems, many well-educated Libyan intellectuals and technocrats did not feel comfortable to work in the government and fled the country. Their exodus contributed to the decrease in administrative and technical competence. It also further enhanced the patronage relationships, the long-standing domination, of the tribal ties in the Libyan political system. The Qaddafi regime's intentional, yet haphazard, ideological manipulations proved to be equally disastrous as the monarchy's neglect in terms of Libyan state formation. Under Sanusi and Qaddafi "whatever formal mechanisms, rules and checks existed, […] easily avoided by relatively narrow clique of supporters of each regime" (Vandewalle 2011, p. 117).

The overthrow of the Qaddafi regime in 2011 and the ensuing political and social chaos can still be characterized as a tension between the efforts to centralize the governing system and the centrifugal tendencies of existing regional traditions. At the time of the writing of this chapter, 2 years after the overthrow of the Qaddafi regime, the palpable inability to consolidate a centralized governmental power, failing security measures, clashing tribal militias, and absence of crucial public services are all indicative of the lack of a strong centralized state capacity and the heavy reliance on local authorities. Even before the collapse of the regime, by 2010, a rift among the ruling elites was evident. At that time, a few meager steps towards reforms initiated by one of Qaddafi's sons, Saif al-Islam, were causing a stir among the tribal authorities and alliances (Beaumont 2011). These reforms, such as the proposal for a new penal code, introducing the idea of drafting a constitution, and the creation of a National Economic Development Board to overhaul the regulatory system, were all aiming to foster centralized state formation (Walt 2010). Following the overthrow, these projects were abandoned.

As it was revealed in the aftermath of the assassination of the American Ambassador in 2012, it is not altogether impossible to talk about public awareness and engagement in politics. After this incident, various groups demanded that the militia be disarmed. They also demanded accountability in the delivery of public services (Zway and Kareem 2012). The popular uprising and multiple episodes of public demonstrations transcending tribal lines since the overthrow of Qaddafi may indicate prospects of democracy, yet given the history of weak centralized state capacity and strong regionalism, what are the crucial steps that can be taken towards democratization in Libya? What would be the model for this society to achieve and maintain democratic governance?

Tribes: Active Agents of Democratization?

Since democracy is not a switch awaiting to be turned on (or off), as Tilly (2009) reminds us, a possible path towards democratic governance in Libya, as in elsewhere, needs to be understood as a continuous process through which the state and citizens negotiate and resolve conflicts. According to Tilly's (2003, 2007) process-oriented model for democratization, the conditions for popular participation arise when a central government is enabled to penetrate and regulate public and social affairs. At the same time, the tensions and negotiations among citizens over how resources of governance are to be extracted from and redistributed in the society concomitantly facilitate citizens to raise their voices in the form of consent or resistance. A sound and democratic governance can only be produced when and if such negotiations are institutionalized and protected from arbitrary sanctions. The organization of these institutions will mark the quality of governance and the degree of democratic participation in it.

Traditional networks, such as tribes and clans, can become reluctant yet active agents in forging state–society relationship during the negotiations over the extraction and redistribution of resources. These networks consist of traditional and interpersonal ties that individuals and families rely on in their transactions and relationships, ranging from managing finances to marriage and healthcare arrangements. As such, they operate as "trust networks" (Tilly 2007, 2009). These networks are also autonomous power clusters, with their own mechanisms to control local violence and resources.

Consecutive regimes in Libya failed to subordinate these autonomous power clusters and allowed citizens to use them, instead of governmental public services. Inevitably, any state with weak capacity suffers from significant obstacles to democratization, but the existing tribal networks in Libya may become vehicles of negotiations towards democratization. The difficult dual task in Libya lies in engaging tribal trust networks in forming a democratic state through negotiations while eroding their power bases through empowering individual citizens to participate in governance processes.

Actually, there does not have to be a conflict between increased state capacity and the participation in a governance process by trust networks, such as tribes.

When democracy is characterized as a secured process of popular participation, rather than a predesigned entity, according to Tilly (2007), there are three clusters of processes that are crucial in a state's increased capacity to facilitate social bases for democratic participation: insulation of public politics from categorical inequalities, transformation of public politics in ways where participation is broadened, and integration of "trust networks" into public politics. Democratization is not absence of material inequality but the state's ability to insulate categorical inequalities from public politics (Tilly 2003). Tilly cites the following as examples of categorical inequalities: organized differences in terms of class, race, religion, nationality, gender, community, and ethnicity; forms of hardship and oppression; and lack of mechanisms of upward mobility. Categorical inequalities, which are persistent in all societies, have a direct impact on a state's capacity for enabling and maintaining democratic governance.

Democratization is more likely to occur when established political processes do not translate everyday categorical inequalities into politics. To the degree that state policies have an equalizing effect on the population, the opportunities for further democratization become a possibility. A regime of legal and political equality among individual citizens may be created even when categorical inequalities based on uneven distribution of wealth exist. When a regime closely intersects categorical inequalities and public politics, as in Libya, where historically all rulers relied on regional inequalities to rule the population, large segments of the citizens are effectively kept out of political decision-making. In Libya, categorical inequalities have been present during its colonial and postcolonial history. These inequalities have often been conveyed in expressed and reproduced tribal and regional relations. The central government's policies were almost always based on preferential treatments of certain tribes and regions over others. While the monarchy clearly allocated major resources and positions to the eastern tribes in Cyrenaica, the Qaddafi regime refused to give access to those tribes and favored its allies such as Warfalla tribe which was one of the pillars of the regime (Lacher 2013, p. 152).

As a fundamental principle of democracy, when a large proportion of a population participates as agents with equal access to political decision-making, collective control of the government is enhanced. Citizens of Libya, however, never had a chance to experience "broad and equal" (Tilly 2007) participation in political decision-making, either. In Libya, rather than broadening and equalizing the scope of the political participation of citizens, successive regimes nurtured autonomous power clusters, as described in the previous section. The influence of autonomous power clusters is reduced when the number of individuals who have access to non-state political resources and opportunities, such as media, is increased. Since the overthrow of the Qaddafi regime, media outlets independent from the government supervision and secured from arbitrary coercive action are now a novelty for the Libyan society, and they are crucial for the development of democratic governance.

Tilly's (2007) third process is the integration of trust networks into public politics which clearly is the most critical process in Libya. He acknowledges that in all political regimes the contact between state and population is often maintained by

autonomous intermediaries, such as trade unions or tribal councils, all of which constitute the trust networks (pp. 95–96). The nature of any regime is shaped not only by the state–citizen relationship but also by the qualities of regularized interactions involving these intermediaries. A centralized democratic government does not necessarily aim to replace these intermediaries but uses political resources to connect with them in order to attach citizens to state. In Libya, historically, tribes have been the only available intermediaries between the state and society in the absence of participatory public politics.

As Jessop (2003) argues, democratic governance is an inclusionary system that goes beyond the individual citizen's relationship with the sovereign state. It consists of developing models and practices that would enhance the state's capacity and secure increased public participation without the arbitrary actions of state or non-state actors. Eliminating the autonomous power of the tribal bonds, yet utilizing them to help increase public participation in governance, is obviously a daunting task. When negotiations and bargaining between tribes and the central government are understood as attempts of inclusion rather than exclusion, such processes can be translated as processes of integration of citizenry into public politics. As an organized state recognizes tribal intermediaries at an equal distance and collaborates with them in the extraction and redistribution of resources, such mode of inclusion may become an opportunity for increased state capacity and increased public participation. Democracy thus occurs as a by-product when popular influence over public politics increases and government is subjected to public politics through recognized intermediaries as well as individual citizens.

Overlooking the historical impacts of tribal networks would be detrimental in the Libyan democratization process. Tribal attempts to eradicate regional inequalities in political representation are more likely to foster democratization, while their negation of a centralized government's redistributive role may weaken the state capacity. One way to secure a path towards democratization in Libya is to establish equal and protected political voice to all regions and tribal affiliations.

In Libya, there has never been a wholesome attempt to consolidate, integrate, and centralize the administration. Tribal affiliations have remained strong. It is therefore not a mystery that the tribal fragmentation is a matter to reckon with for the democratization of this country. Tribes are social and political agents that can potentially insulate regional inequalities; paradoxically it may eliminate autonomous power clusters and become responsible intermediaries in state and society relationships through negotiations and bargaining which may foster democratization, as much as its reversals.

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Chapter 9
Democratization of Governance in Turkey: An Assessment of the Administrative Reforms in the 2000s

Özer Köseoğlu and Göktuğ Morçöl

The government of Turkey undertook comprehensive public administration reforms in the first decade of the twenty-first century. These reforms were a new phase in the long history of the public administration reforms in this country. The reforms of the early 2000s were more comprehensive than their predecessors. In this latest phase, the government undertook both "managerial reforms" (improving the efficiency and effectiveness of public service delivery and adopting businesslike management techniques) and "governance reforms" (improving transparency, accountability, and responsiveness in public service delivery and citizen engagement in them) (Sözen 2012, p. 168). In this chapter we discuss the historical background and contents of these reforms and assess their effectiveness, particularly in two areas: citizen engagement in governance and reducing corruption.

As the Turkish society and economy opened up to the external world at an accelerated pace beginning in the 1980s, and as the hopes for Turkey's full membership in the European Union rose in roughly the same period, the philosophy and principles of the subsequent public administration reforms in this country followed closely the tenets of and discussions in the governance theoretical framework (Ateş 2004; Bedirhanoğlu 2007; Kapucu 2010; Sözen 2012). As the discussions in this chapter show, actually the public administration reforms in the previous decades also had quite close parallels with the European and North American "waves of public management reform" Pollitt and Bouckaert (2011) identify.

Pollitt and Bouckaert (2011, pp. 5–11) observe that there were four periods of public management reforms in Europe and North America. The first wave was

Ö. Köseoğlu (✉)
Sakarya University, Sakarya, Turkey
e-mail: ozerk@sakarya.edu.tr

G. Morçöl
School of Public Affairs, Pennsylvania State University, W160-B Olmsted Building,
777 W. Harrisburg Pike, Middletown, PA 17057, USA
e-mail: gxm27@psu.edu

before and during the 1950s. In this period, reforms were considered technical and legal matters, and they involved only reorganizations of public agencies and legal/procedural changes in public service delivery. In the second wave, the1960s, the "rational models" of decision-making became the drivers of public sector reforms. In this decade of "modernist optimism" the prevailing assumption was that a society's problems could be solved with rational decision-making. In the 1970s the idea that governments should be run more like businesses and more efficiently became fashionable. This idea was at the core of the New Public Management theory and movement, which became popular in the 1980s, which Pollitt and Bouckaert identify as the third wave. The New Public Management continued to be influential into the 1990s, but in this decade the focus of the reforms began to shift from inside public organizations to the relationships of public organizations with their publics. Pollitt and Bouckaert cite this shift as the fourth wave, in which terms like "partnership," "trust," and "transparency" were used more frequently and "governance" became an overarching conceptual framework. This trend continued into the 2000s.

Although the term governance has been used more frequently in recent decades in public administration, economics, politics, and international relations, researchers do not have a common definition for it (Van Kerserbergen and Van Waarden 2004). In general, it is a concept that is used to describe state–civil society relations (Bevir 2010, p. 1). The term is often used in conjunction with "democracy" and "democratization," because it has implications for expanding the scope of citizen participation in political processes and public service delivery. The term "democratic governance" is used to denote the involvement of market actors and civil society actors in public decision-making (Fenger and Bekkers 2007, p. 29).

Democratic governance is promoted by international organizations such as the United Nations Development Programme (UNDP) and the World Bank. There are two recurring areas/themes in the definitions of democratic governance by these organizations and their relevant documents: (1) engagement of citizens in governmental decision-making and holding governments accountable and (2) devising mechanisms of reducing or eliminating corruption.[1]

In this chapter, after summarizing the history of the public administration reforms in Turkey, we discuss the outcomes of the reforms in the 2000s in these two areas. We brought together the outcome indicators in these areas from multiple sources: records of government agencies in Turkey, surveys conducted by research foundations in Turkey, Transparency International's Corruption Perception Index and Global Corruption Barometer, the World Bank's Worldwide Governance Indicators, and the European Union's progress reports on Turkey. We conclude with an assessment of the reforms and their future prospects.

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[1] The UNDP (n.d.) specifically identifies the following as its "focus areas" in its activities to promote democratic governance: access to information and e-governance, access to justice and rule of law, civic engagement, anti-corruption measures, fair electoral systems and processes, protections of human rights, mechanisms of participation in local governance and local development, parliamentary development, transparency, accountable and responsive public administration, and women's empowerment. Similarly, the World Bank (n.d.) cites the following as the dimensions of governance: voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law, and control of corruption.

A History of Reforms in Turkey

Reforms Before the 2000s

The roots of the administrative reforms in Turkey can be traced back to the Ottoman period. As the Ottoman Empire began to lose its military might and economic prosperity after the sixteenth century, multiple unsuccessful attempts were made to restore both by the Sultans. More systematic reforms were undertaken in the nineteenth century. As Eryılmaz (2006) points out, in this century attempts were made to reorganize the military (e.g., replacing the old-styled Janissaries with modern army units in 1826) and to reform the taxation and governmental budgeting systems (e.g., the "Tanzimat" reforms between 1839 and 1876). Because these reforms were driven by the desires of the Sultans and the civilian and military administrative elite of the empire, rather than by people's demands, they did not change the authoritarian governing practices of the Empire substantially. Instead, a bureaucratic administrative culture emerged that reinforced and refined the traditions of secrecy, nonparticipation by citizens, and centralization (Heper 1985).

These traditions were continued after the establishment of the Republic of Turkey in 1923, particularly during the single-party rule of the Republican People's Party (RPP) in the first three decades of the Republic. This era ended with the electoral victory of the Democratic Party (DP) in 1950. Both the RPP and DP governments tried to reform public administration. In both periods, because of the shortages of domestic experts, the political leadership hired foreign consultants to prepare reports on Turkish public administration reforms. The most notable of these reports were the 1934 report by a group of American experts, the Neumark report of 1949, the Barker report of 1951, the Martin and Cush report of 1951, and the Leimgruber report of 1952 (Kalağan 2010). These reports represent ad hoc efforts that were aimed at remedying selected problems of the day through legal means and administrative reorganization, which is similar to what Pollitt and Bouckaert (2011) observe in the reforms in Europe and North America during the early decades of the twentieth century as well.

In the 1960s the European and North American governments adopted "rational" and hierarchical models of decision-making and planning for their reform efforts (Pollitt and Bouckaert 2011). Similarly the Turkish Government began adopting 5-year comprehensive development plans in this decade. The public administration reform efforts of this decade were integrated into these plans. The 1963 report on the organization of the central administration (commonly known as the "MEHTAP Report" in its Turkish acronyms) was the most important example of these reform efforts. Similar to the reforms of the earlier decades, the core philosophy of this report and the following implementations of reforms were to remedy administrative problems through legal means and administrative reorganization (Kuyaksil 1994, p. 94).

None of the reform efforts before or during the 1960s was effective, because none of them was based on a coherent set of theoretical principles, nor were they implemented systematically (Sürgit 1972; Karaer 1987; Kuyaksil 1994; Yayman 2008). Also, all these reform efforts focused on internal workings of public

agencies; their relations with the public they were supposed to serve were not taken into account (Karaer, p. 45).

This internal focus of the reforms was arguably a product of the continuing effects of the bureaucratic administrative culture that had emerged in the last century of the Ottoman Empire. The Turkish civilian and military bureaucratic elite was accustomed only to the notion of "change from above" and was not willing to respond to demands by citizens (Turan 1984, p. 104). The weakness of the civil society organizations in the country (Heper 1985, p. 103) also contributed to the insular nature of the reforms. Although the number of civil society organizations, such as religious associations, cultural associations, and workers' unions, steadily increased from the beginning of the Republic, these organizations were not allowed to effectively participate in governance process (Özbudun 1976, p. 95).

The internal focus in the reform initiatives began to change in the 1980s. As the focus of the reforms in Europe and North America shifted toward making governments more businesslike, efficient, and customer oriented (Pollitt and Bouckaert 2011), so did the focus of the reforms in Turkey. The relations between public officials and citizens became an area of reform for the first time in this decade. The political developments in this decade and the significant steps the Turkish Government took toward integrating the Turkish economy into the global economy, particularly into the European Union, played important roles in this shift of focus in public administration reforms.

After the military rule following the coup d'état of 1980, the neoliberal Motherland Party ("ANAP," in its Turkish acronym) won the elections in 1983. During its rule until 1989, ANAP devised and implemented free market-oriented policies and took measures toward reforming government bureaucracies to deliver services effectively and efficiently.

In 1988, the ANAP government asked the Institute of Public Administration for Turkey and the Middle East to evaluate the results of the post-1983 reforms. This study was intended to find out particularly what Turkey needed to do to meet the requirements of the acquis (acquis communautaire) of the European Union. The report of this study was published with the title "Public Administration Research Project," known as the "KAYA report" in its Turkish acronyms (TODAİE 1992). The most distinctive feature of this report was that it included specific proposals for the relations between public officials and citizens. The report proposed that openness to the public, right to information, neutrality, and objectivity should be among the main principles of public administration practices. It also proposed that an Ombudsman position should be created to ensure that the rights of citizens would be protected. The report also proposed that some of the power shifted from the central government to local governments. All these proposals were taken into account when the reforms of the 2000s were designed, as we discuss in the next section.

The KAYA report did not sufficiently take into account the problem of corruption in public agencies, despite the fact that this became an increasingly pronounced problem in the 1980s. In this decade, as a consequence of the rapid economic and social changes in the country, the rates of corruption and bribery increased in business, politics, and public administration. Consequently, the level of people's distrust for politicians and public administrators increased as well (Eryılmaz 2008, p. 156).

One of the sources of the increased levels of corruption and the people's distrust was the ANAP government's increased use of special funds for government expenditures to side-step parliamentary and judicial checks and balances. The funds were created arbitrarily, and there was little, if any, transparency in their usage. The use of special funds became so pervasive that in 1986 the total amount of money in them grew to half of the government's general fund budget. The 1980s were later called the era of "fund economy" (Ahmad 1993). Another reason for the increased corruption and the distrust of the people in the government was the violations of the merit principles in recruiting for public services and promotions in public agencies. In the 1983–1990 period, it became a common practice to appoint "compatible bureaucrats" (bureaucrats who were personally close to the Prime Minister or ministers), rather than "competent bureaucrats," to higher position in public agencies (Sözüdoğru 1996, p. 178).

The general trends of the 1980s—economic liberalization policies, the processes of the opening up the economy and society to the global trends, and the integration process with the European Union—continued, for the most part, under successive coalition governments in the 1990s. So did the problem of corruption and the public's dissatisfaction with the government. The political uncertainty of the 1990s that was caused by the succession of weak coalition governments contributed to the continuation of these problems. The lack of transparency in policymaking and government spending reinforced corrupt practices and clientelist and rent-seeking behaviors (Mousseau 2012, p. 65).

There were some efforts to reform public administration in the 1990s. The principle of the openness of government to the public, which was proposed in the KAYA report in 1991, found its legal expressions in a series of amendments made to the Constitution of the Republic of Turkey in this decade. Also some efforts were made to deal with the problem of corruption. The "Law for Declaration of Assets, Fighting Corruption, and Bribery" was enacted in 1990, but problems arose in its implementation, and therefore the law had only very limited effects (Eryılmaz 2008, p. 158). A competitive civil service exam was instituted to recruit employees for public agencies in 1999; its implementation was widened in the 2000s.

These piecemeal reform efforts in the 1990s and the transitional nature of this decade are similar to Pollitt and Bouckaert's (2011) observations on the developments in Europe and North America. They point out that this was the period in which the foci of public management reforms shifted toward the applications of governance concepts: partnership, trust, and transparency. These applications became more systematic and intensive in the 2000s. That was the case in Turkey as well.

Reforms in the 2000s

The decision of the European Union to grant Turkey a candidate status in the Helsinki Summit in 1999 and the financial crisis of 2000–2001 were major turning points in Turkey's recent history. The crisis led to an interruption of the efforts of the successive coalition governments to reduce corruption (Ömürgönülşen and Doig 2012, p. 13).

A new period of one-party rule began in the Turkish political life after the political elections of 2002. The Justice and Development Party (AKP) won the election and has remained in power to this day, after winning two more consecutive elections in 2007 and 2011.

The newly elected government started an economic reform program whose elements included economic liberalization, privatization, deregulation, decentralization, and effective and efficient public service provision. The roots of these policies were in the 1980s and 1990s, as we discussed earlier. The AKP government continued the past policies with increased vigor and more coherence. The government also implemented an extensive and far-reaching public sector reform program, parallel to its economic and political reform programs.

The AKP government assigned a high priority to public sector reforms, particularly to reducing corruption and increasing transparency, in response to people's dissatisfaction with the government and their political demands in the early 2000s. In the 1990s the political and economic instability and the failures and delays in the intended public administration reforms had resulted in a decrease in the trust in government and an increase in the dissatisfaction with public service delivery. The results of a national survey conducted just before the 2002 elections revealed the degree of dissatisfaction among the people. A vast majority of them (91.9 %) were not pleased with the quality of public services, only a minority of citizens (33.8 %) believed that their complaints to public agencies would be handled fairly, a large majority of the people thought that public agencies did not care about their opinions and proposals (77.0 %), and a majority (66.4 %) did not think that public agencies would respond to their demands and requests rapidly (TUSIAD 2002, pp. 61–65). The leader of AKP made fighting corruption a major plank of his party's platform and vigorously campaigned for it during the election campaign (AK Party 2001).

The European Union's (EU) demands for Turkey to democratize its governmental system were also strong motivators for the government to reform its administrative practices. Although the negotiations over Turkey's ascension to the full member status with the EU were stalled later, when the first AKP government was formed in 2002 there were high hopes for a successful outcome of these negotiations and thus a strong motivation to meet the EU's requirements. Ömürgönülşen and Doig (2012) observe that despite the disappointments with the ascension process to full EU membership, successive AKP governments eagerly adopted the international conventions regarding anti-corruption measures and incorporated them into Turkish domestic legislation. One of the outcomes of these developments was that Turkey was admitted to the "Group of States against Corruption" (GRECO) as a member in 2004 (p. 10).

The administrative reforms announced in the first AKP government's program had distinctive characteristics. For the first time in Turkish history, the terms and principles of "governance" and "New Public Management" were used in a government's program. Also, the program promised to apply the principles of total quality management, performance-based payment system, and contract management in the public sector. The government also promised to increase transparency and accountability in public administration, fight corruption in government, and empower civil society institutions (Program of the 58th Government of the

Republic of Turkey 2002). These concepts and principles were mentioned also in the subsequent AKP government programs.

In 2003 the government took a series of steps to implement the principles stated in its program. An "Urgent Action Plan" was announced to convert the principles into specific action steps. A parliamentary anti-corruption committee prepared a detailed report and proposed to adopt regulations to ensure citizens' rights to access information and to stipulate ethics standards for public servants (Acar and Emek 2008, p. 190). A white paper was published to clarify the principles of restructuring of public administration in the areas of citizen engagement and governance, applications of strategic management and performance measurement in the public sector, and adopting a code of conduct for public officials (Dinçer and Yılmaz 2003).

The reforms adopted by the successive AKP governments had two significant and interrelated components: (1) imposing legal sanctions against corruption and (2) empowering citizens to protect their rights. In the new Turkish Criminal Code of 2004, the definition of bribery was expanded and the punishment for it was increased. Under the guidance of the international treaties and conventions the government adopted, the authority to impose sanctions against corruption and bribery was granted to newly established institutions. The laws and regulations were adopted particularly in the areas of the right to complain to governmental agencies and the right to access governmental information.

Legal Sanctions Against Corruption

The AKP government formulated a strategic vision for its policies to fight corruption and stated its strategic aims and objectives to strengthen democratic governance and curb corruption in the 5-year economic development plans. The government also created the Executive Committee for Enhancing Transparency and Reinforcing the Fight against Corruption to monitor and coordinate the implementation of its anti-corruption policies. More important, the government created the Council of Ethics for Public Service (CEPS) as the primary enforcer of its anti-corruption policies in 2004 with a special act (Prime Ministry n.d.). The act authorized the Council to investigate and prosecute unethical conduct by all public officials, excluding the President of the Republic, members of the Grand National Assembly of Turkey (TBMM), members of the Board of Ministers, Turkish Armed Forces, members of the judiciary, and the faculty members at universities. The Council's authority included examining the asset declarations by public officials and determining the scope of the ban on receiving gifts by them. The Council developed the Application Principles and Procedures for the Principles of Ethical Behavior of the Public Officials in 2004.

To enhance the effectiveness of the Council's work, the government passed a series of regulations. According to these regulations, every public official is required to sign an ethical contract in the first month of his/her employment, and this contract is kept in the permanent personnel file of the employee. Supervisors are authorized to evaluate the ethical conduct of their employees as part of their

performance evaluations. Public agencies are required to develop their own codes of ethical conduct and submit them to the Council for approval. The agencies are also expected to form ethics commissions to promote ethical culture among their employees, to advise and guide them in the matters of ethical behavior, and to evaluate ethical practices (Ömürgönülşen and Doig 2012, p. 12).

Empowering Citizens

The AKP governments took a series of measures to empower citizens to gain access to information held by the government and file complaints to raise their grievances. The Right to Information Act of 2003 regulates citizens' right to access to governmental information and documents and applies the principles of equality, impartiality, and openness while doing that. The law requires that public agencies provide the information and documents requested by applicants promptly and correctly. There are some specific kinds of information that cannot be released to applicants: trade secrets, private communications, intellectual properties, and state secrets. The Board of Review of Access to Information (BRAI) was created with this law. The Board reviews the objections to the applications to access information. If a request for information or a document was denied by a public agency, the applicant can object to the Board. The Board reviews the objection procedurally and determines whether the application was filed appropriately and whether the denying agency followed appropriate procedures. If the applicant is still not satisfied with the Board's decision, he/she can litigate the decision at a court of justice.

Citizens' right to access to information was incorporated into the Constitution of the Republic of Turkey with an amendment adopted in 2010. Thus the right to access to information became a democratic right for citizens. The right to information law and the constitutional amendment were important developments in the history of the Republic because they empowered civil society organization and increased the chances of transparent governmental actions. This amendment has the potential to change the culture of "unquestionable state," which was ingrained in the operations of Turkish Government, into a culture in which the state is held accountable to its citizens (Emre et al. 2003). There are some obstacles to progress in the area of right to information, however. Although the Right to Information Law required that the exceptions to citizens' rights, such as the limitations to accessing "state secrets," be defined specifically, the parliament is yet to pass a law to do so.

The AKP government passed a law to create an Ombudsman in 2006, but the Constitutional Court ruled the law unconstitutional. The Court reasoned that creating an Ombudsman would require a constitutional amendment. The constitutional amendment that was adopted with a referendum in 2010 cleared this legal hurdle. According to the constitutional amendment, everyone has the right to apply to the Ombudsman. The parliament enacted the Ombudsman Institution Law of 2012. The law charges the Ombudsman with the responsibility to investigate all administrative acts for their conformity to the standards of fairness and respect for human

rights and freedoms. The actions taken by the President of the Republic, the activities of the Turkish Armed Forces, and the decisions of the legislature and the judiciary are excluded from the Ombudsman's jurisdiction.

The constitutional amendment package that was adopted in the 2010 referendum included the right of citizens to appeal to the Constitutional Court, after exhausting domestic judicial remedies. Before this amendment, the right to appeal to the Court was reserved only for a limited number of organizations, such as major political parties and appeals courts. Under the amendment, individuals may apply to the Court also if they think that their rights under the European Convention on Human Rights have been violated by public authorities.

Outcomes of Reforms

The above summary of the reforms in the 2000s shows that the AKP government made a concerted effort to reduce corruption and empower citizens to access governmental information and file complaints. Have these efforts been successful? In this section we answer this question using multiple performance indicators. We first present the information about the applications by citizens to the CEPS and the BRAI. Then we present the information on people's perceptions on bribery, a comparative analysis of the Transparency International's corruption perception index, the World Bank's Worldwide Governance Indicators, and the European Union's assessment of Turkey's reforms to reduce corruption.

Applications to Recently Established Agencies

As we noted in the previous section, three new government agencies were created in the 2000s: the CEPS, the BRAI, and the Ombudsman Institution. The longitudinal trends in the applications to the CEPS and the BRAI are presented in Fig. 9.1. Because the Ombudsman was created only recently, no longitudinal information is available for this institution. The trend lines for the BRAI and the CEPS begin at different years in Fig. 9.1 because the former was created in 2003 and the latter in 2004 and the data about the applications to these two agencies became available in the following years.

The figure shows that the applications to the CEPS, the primary government agency charged with investigating corruption, increased steadily since 2006. Should this be interpreted that corruption increased over these years? This is a possibility. However, when this trend is compared with the roughly parallel trend in the objections to the BRAI, the agency charged with securing citizens' rights to access information, a more plausible interpretation is that citizens' overall awareness of their rights to complain and request information increased and they began to feel more empowered in this period.
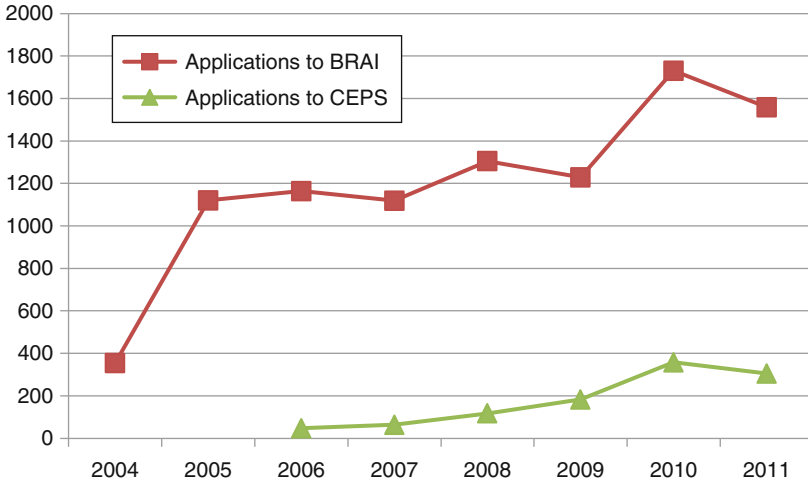
Fig. 9.1 Applications to the Council of the Ethics for Public Service (CEPS) and the Board of Review of Access to Information (BRAI). *Sources*: Compiled from Prime Ministry (2008, 2009, 2010, 2011) and Board of Review of Access to Information (2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011)

This interpretation is supported by the high percentage of positive responses to the applications to the BRAI by this agency in the same period. The BRAI responded to citizens' access to information requests overwhelmingly positively: Each year a minimum of 80 % of the applications were responded positively, and in some of these years this percentage was as high as 88 % (Board of Review of Right to Information 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011). It is plausible that the high percentage of the positive responses from the BRAI reinforced people's belief that they had the right to access information and the right to complain about corruption and emboldened them to exercise these rights. This interpretation is supported by the results of a 2009 survey: A 41 % of the respondents were aware that they had the right to demand information and documents from public authorities, 31 % of them had applied to public authorities for information or documents, and 91 % stated that the right to access to information was an indispensable right for citizens (Adaman et al. 2009, p. 83).

Citizens' Perceptions of Corruption in Public Institutions

Figure 9.2 displays the results of the national surveys the Economic Policy Research Foundation of Turkey (TEPAV) conducted on citizens' perceptions of public services and corruption in 4-year increments since 2000. (No surveys were conducted before 2000.) TEPAV used a scale of 0–10 to measure the perceptions (10 meaning that corruption is common, and 0 meaning that it is not). The results indicate that there is an overall decline in the perceptions of bribery in the public institutions
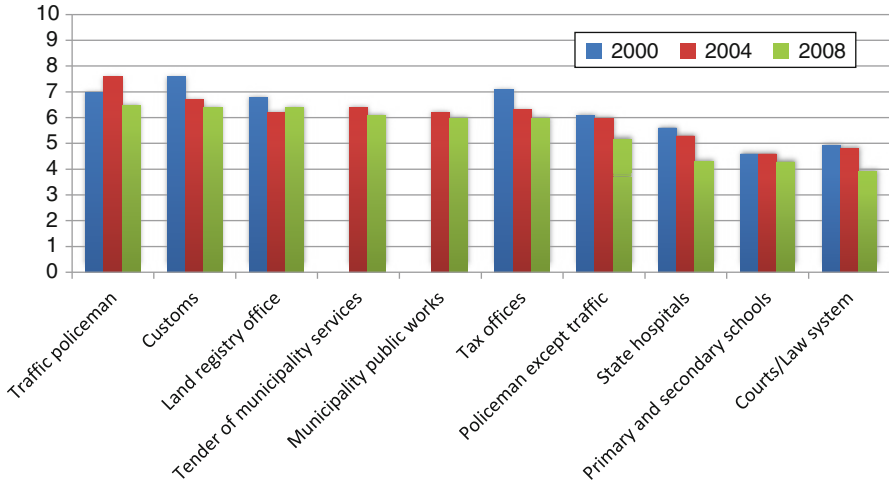
Fig. 9.2 Perceptions of Bribery in Public Institutions. *Source*: Adaman et al. (2009, p. 64)

the TEPAV study included over time. The figure also shows that the levels of the perceptions that traffic policemen, customs officers, and land registry officer receive bribes are the highest among all the groups included in the study. The lowest levels were for the courts, public schools, and government-affiliated hospitals.

The CEPS commissioned a series of studies on the perceived corruption in public institutions, including traffic police, customs offices, land registry offices, public health services, and certain local government services. The results of these studies were published in a special issue of the journal *Turkish Studies* (Ateş 2012; Ateş et al. 2012; Kılınç et al. 2012; Sur and Cekin 2012). The fact that these studies were conducted is significant in itself because this shows that the CEPS takes its responsibility seriously. The results of the studies show in general that there are high levels of awareness of the corruption in the public agencies among both the employees and clients of these agencies. They also show that the employees and clients tolerate some forms of corruption, such as service clientelism and gift-giving, but not others, such as bribery.

Assessments of Corruption in Turkey by International Organizations

Transparency International's (TI) Corruption Perception Index (CPI) scores are composed from multiple sources of information about perceptions of corruption.[2]

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[2] TI's website emphasizes that the CPI is a composite index of the measures of perception by multiple reputable sources and that these measures are the most valid ways of assessing corruption in countries (http://cpi.transparency.org/cpi2012/in_detail/#myAnchor2).
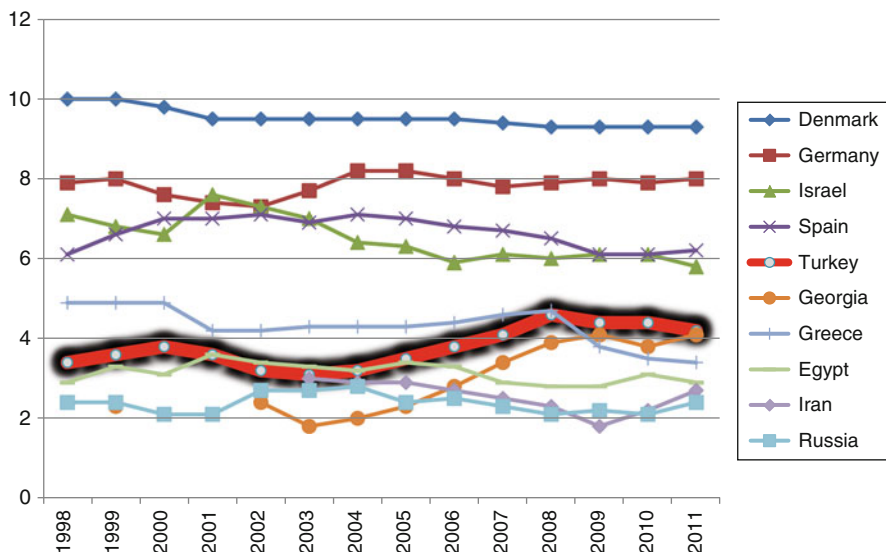
Fig. 9.3 Turkey's Scores on Transparency International's Corruption Perception Index in a Comparative Perspective. *Source*: Compiled from Transparency International Corruption Perceptions Index Reports, 1998–2011 (Transparency International n.d.-b)

In Fig. 9.3, Turkey's CPI scores are compared with those of a group of the countries in Europe and the Middle East between 1998 and 2011. (TI did not collect any CPI data before 1998.) On the CPI index "0" means that a country is perceived as highly corrupt and "10" means that it is perceived as very clean. Thus, the higher scores indicate less perceived corruption. Figure 9.3 indicates that Denmark and Germany maintained their higher scores over time. Israel and Spain also had high scores initially, but theirs declined gradually. Among the countries with comparable scores to Turkey, Greece, Egypt, and Iran experienced declines. Russia remained stable, and Georgia improved its standing. After some fluctuation in the last years of the 1990s, Turkey's scores increased steadily between 2002 and 2008 and declined slightly but steadily after that. This decline is consistent with the results of TI's 2012 "Global Corruption Parameter" survey, which shows that 57 % of the people in Turkey thought that in 2011 the level of corruption increased in this country, while 26 % thought that it decreased and 17 % said that it remained the same (Transparency International n.d.-a).

The scores on the World Bank's Worldwide Governance Indicators Control of Corruption (WGI-CC) Index provide a broader view on Turkey's status compared to other countries. The WGI-CC index scores are composites of the scores obtained from multiple "data sources produced by a variety of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms" (World Bank n.d.).

Turkey's WGI-CC scores are presented in Fig. 9.4, together with the scores of the same group of countries in Fig. 9.3. In this figure, −2.5 means weak governance
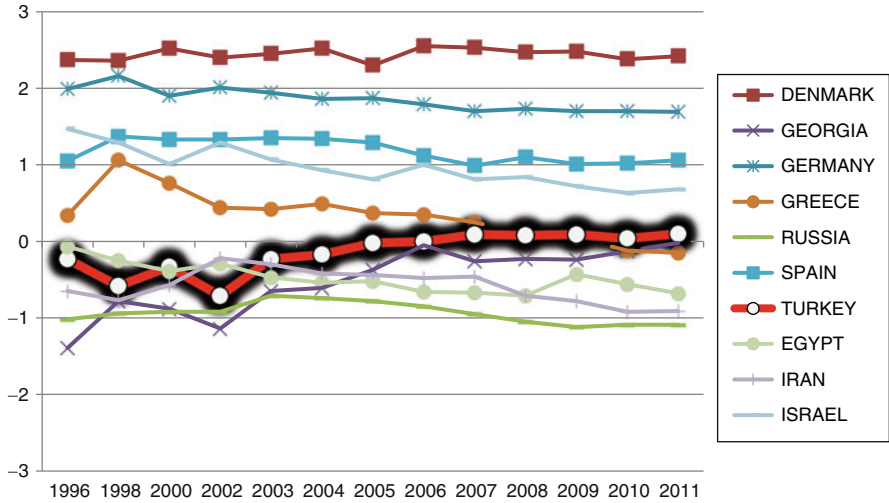
Fig. 9.4 Turkey's Worldwide Governance Indicators Control of Corruption Scores in A Comparative Perspective. *Source*: Compiled from Word Bank (n.d.)

performance on fighting corruption and 2.5 means strong governance performance on fighting corruption.

Figure 9.4 shows that Turkey's scores fluctuated between 1996 and 2002 and then increased steadily. This steady increase parallels the trend in Georgia and contrasts with that of Iran, Egypt, Israel, Germany, Spain, and Greece, all of which experienced declines. Russia's score remained below Turkey's during this period. Denmark maintained its leading status among the countries represented in Fig. 9.4 over time. All in all, the steady increases in Georgia's and Turkey's scores are noteworthy.

The patterns in Turkey's scores in Figs. 9.3 and 9.4 are similar to those of Georgia, which was identified as the best corruption buster in the world by Transparency International in 2010 (Lessons from 2012). Like Turkey, Georgia maintained an economic liberalization policy and systematic anti-corruption policies for roughly a decade, particularly after this country's Rose Revolution in 2003. Puppo (2010) cites Georgia's experience as an example of how political struggles can be used to institutionalize anti-corruption efforts and notes that Georgia's anti-corruption policy is based on top-down and consistent political decisions. This is similar to Turkey's experience in the 2000s in that this country's anti-corruption efforts were also top-down and based on consistent political decisions.

One of the factors that motivated the government in Turkey to take measures in reducing corruption and empowering citizens was the high prospects for Turkey's ascension to full European Union membership. To determine Turkey's eligibility for full membership, the EU monitors its performance in multiple areas, including democratization and anti-corruption reforms, and issues annual progress reports. In the most recent progress reports, the EU praised Turkey's Government for adopting the laws and regulations to enhance citizen participation in governance and reduce

corruption (European Commission 2010, 2011, 2012). The reports also criticized the Turkish Government for not creating the necessary administrative capacity to implement these laws and regulations, for excluding certain groups of public officials (academics, military personnel, and the members of the judiciary) from the requirements of ethical conduct, and for granting immunity to the members of the parliament from prosecutions for corruption (European Commission 2010, p. 15, 2011, p. 19). The reports recommended the Turkish Government to create more effective implementation and monitoring mechanisms for the anti-corruption laws and regulations and enhance the mechanisms to allow civil society organizations to engage in governance (European Commission 2012, p. 18).

Conclusions

Two general conclusions can be drawn from the historical summary of Turkey's reform efforts and the indicators of citizen engagement and corruption presented in the previous sections: (1) the administrative reform efforts in Turkey followed a similar path as the reforms in Europe and North America (Pollitt and Bouckaert 2011) and (2) the reforms of the 2000s were quite effective. The reforms before the 1990s focused on intraorganizational restructuring of public agencies through legislation. Beginning with the 1990s, the focus of the reforms shifted toward the relationships between agencies and the public they were supposed to serve, following the tenets of democratic governance. The reform efforts in the 1990s did not have lasting effects, primarily because of the political instability caused by the succession of coalition governments in this decade. The more systematic reforms began in 2002, under the steady administrative regime of the AKP governments. These reforms of the 2000s were more effective, as the multiple national and international indicators cited in this chapter demonstrate consistently.

The indicators show that citizens used their rights to complain about corruption at increasing rates (Fig. 9.1). The effectiveness of the agencies that had been created to receive information from citizens and take actions on them has been debated. Ömürgönülşen and Doig (2012, p. 14) criticize the multitude of agencies that were authorized to combat corruption and empower citizens, arguing that this was ineffective because of the lack of cooperation and coordination among the agencies. Acar and Emek (2008, p. 199) contend that actually the multitude of agencies does not always lead to confusion or conflict; on the contrary, this can help limit corruption because these various agencies hold each other accountable. The national and international studies on the perception of corruption in Turkey and the World Bank's Worldwide Governance Indicators Control of Corruption Index support Acar and Emek's contention by showing that the country made steady progress in reducing corruption in the 2000s (Figs. 9.2, 9.3, and 9.4).

The decline in Turkey's Corruption Perception Index score that began in 2008 (Fig. 9.3) is noteworthy, although there is no parallel decline in its WGI-CC scores (Fig. 9.4). It is possible that the worldwide economic crisis that began in 2008 might have affected the perceptions of corruption in Turkey negatively as well, although

the Turkish economy was not affected by the crisis substantially. It is more likely that public's perceptions of corruption were affected by the series of scandals erupted in public institutions beginning 2009[3] as well as the setbacks in the government's democratization efforts (Usul 2011). Because there are no surveys available yet on the perception of bribery in public institutions after 2008 (Fig. 9.2), there is no indication whether these scandals will have lasting effects in the people's perceptions.

Some authors emphasize that the political and administrative culture is important in increasing citizen's engagement in governance and reducing corruption (Emre et al. 2003; Ömürgönülşen and Öktem 2006; Görmez et al. 2009). They point out that traditional cultural habits, such as gift-giving, and past bureaucratic practices, such as patronage in hiring for public service positions, are impediments to implementing reforms.

As we noted earlier, the CEPS studies conducted in 2012 show that there is some degree of tolerance for these practices among the employees and clients of public agencies. It will take some time for these cultural habits to change. The progress that is observed in Turkey's corruption indicators in the last decade shows that Turkey is in the beginning of the changes in these habits and practices. In the coming decades more participatory and less corrupt governance practices may become institutionalized, with sustained efforts by the political authority and civil servants.

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[3] These scandals involved the Higher Education Entrance Exam, the Public Personnel Language Exam, and the Public Personnel Selection Exam and the awarding of the contracts by the Housing Development Administration of Turkey (34 Sent to Court 2012; Blaser 2012).

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Culture, Corruption, and Governance

Chapter 10
Non-governmental Organizations and Corruption: The Case of Kenya

Douglas Kimemia

The non-governmental organization (NGO) sector has established itself as a medium for delivery of economic, political, and social development for those living on the margins of the society in developing countries (Ndegwa 1996; Werker and Ahmed 2008). Since the 1980s, also known as the "NGO decade" due to the drastic growth of NGOs, the sector has broadened its mission from playing relatively marginal roles in a few developing countries to providing welfare services in many global arenas (Barrow and Jennings 2001). During the 1980s, NGOs were perceived as a "magic bullet" and panacea for many of the ills of the developing nations, like corruption (Edwards and Hulme 1996; Zaidi 1999; Hearn 2007). NGOs have stepped in to fill the gaps in the service delivery where the market has failed or is unwilling to invest due to low or no profit margins. NGOs also filled in where politically challenged, indebted, or corrupt governments were unable or unwilling to perform their duties of meeting the needs of their citizens (Kanyinga et al. 2007; Teegen et al. 2004).

As a result, many governments in developed nations came to recognize NGOs as reliable partners for the execution of projects that were formerly carried out by themselves directly or by international organizations, such as USAID and OECD (Dibie 2008; Sama 2009). Also, bilateral and multilateral donors, like the United Nations and the World Bank, have collaborated with NGOs in terms of sustainable development projects in poor communities (Zaidi 1999; Shivji 2007).

Due to the increased growth in their numbers and their effective performances and trustworthiness, there is an unspoken assumption that NGOs are above any form of corruption; many observers doubt whether it is even worthwhile to explore if there are any corrupt practices in these perceivably "noble" organizations (Gugerty 2010).

However, recently corruption in the NGO sector has emerged as a topic of concern among various stakeholders (Harsh et al. 2010; Smith 2010). There is a growing suspicion, accompanied by increased evidence, that these organizations have been

D. Kimemia (✉)
Virginia Commonwealth University, 9014 Patterson Ave. #31, Richmond, VA 23229, USA
e-mail: kimemiadk@mymail.vcu.edu

tolerating corrupt practices, nepotism, favoritism, and embezzlement of donors' funds (Ebrahim 2003). Furthermore, the number of fraudulent organizations has increased within the NGO sector (Werker and Ahmed 2008; Smith 2010). Transparency International (2005) acknowledges that corruption exists within the NGO sector, although at a lower level, compared to the magnitude and prevalence of corruption in the public and private sectors. As a result, there is increased attention to the subject of corruption and accountability among the NGOs (Holloway 1998; Gibelman and Gelman 2004; Harsh et al. 2010).

There is no doubt that corruption weakens the quality of services, places unbearable burdens on the most vulnerable people, undercuts development, and hinders the eradication of poverty. The ramifications of corruption in any sector are too serious to ignore. That is why there is a focus in which NGO sector is being scrutinized without any "romanticism" or "cynicism," but "with a clear appreciation of its strength and weakness, and a pragmatic view of what can be done to help the sector regain its moral high ground which it has in some cases, started to slip" (Holloway 1998 p. 2).

It is in this healthy spirit that I intend to critically examine the causes and implications of corruption among the NGOs in Kenya, where a culture of corruption is prevalent. The study will use anecdotal evidence to show that the culture of corruption that had been prevalent in Kenya for a while has now permeated and tolerated in the NGO sector. This is a huge problem because the donors of NGOs, which are their financial lifelines and the general public, expect them to abide by high moral principles (Gibelman and Gelman 2004). It is essential to address this problem (Transparency International 2010).

I recognize that the NGO sector includes a wide variety of institutions. The organizations in this sector are categorized according to the benefits created (clubs, self-help groups, and social services), level of operations (international, national, and community based), and their services (expressive, service functions, or both). Not all the NGOs tolerate corruption the same way; their tolerance levels differ because of their different attributes and prevailing organizational cultures. Nevertheless, there is evidence indicating that all types of NGOs are vulnerable to corrupt practices (Gibelman and Gelman 2004); therefore, they all should be scrutinized.

Growth of NGOs in Kenya

NGOs in Kenya are involved in addressing issues such as gender inequality, human rights, sustainable development, governance and civil strife, and advocacy (Zaidi 1999; Brass 2009). They have made huge progress in the education and health sector. These organizations' strategies and policies are integrated into larger national and subnational planning documents, and their methods of decision-making have, over time, become embedded in the government's own decision-making processes (Brass 2009).

Their numbers and economic impacts grew drastically. By August 2008, the NGO Coordination Board reported that there were approximately 5,461 registered NGOs in Kenya, operating in various sectors of the economy and in every corner of the

country. The NGO sector has become a major economic contributor. By the end of 2008, it was estimated that this sector was contributing around 80 billion Kenya shillings (around one billion US dollars) annually to the Kenyan economy, which is equivalent to 2.5 % of the gross domestic product. In 2009, the Kenyan Government reported that the NGO sector contributed more than100 billion Kenya shillings annually and was responsible for the employment of more than 100,000 people. Recently, the NGOs Coordination Board stated that the sector is growing at a rate of over 400 organizations per year. By the end of 2012, the NGO Coordination Board reported that there is the number of registered organizations stood at more than 7,000.

This strong and impressive growth can been attributed to various factors such as (a) NGOs' proficiency at providing certain goods and services because of their technical expertise and experience by working in difficult localities or underserved populations, (b) greater public trust in them than in the government and the private sector due to their close proximity to local populations, and (c) their opportunities to expand the range and the mix of offerings to diverse publics beyond standard service packages offered by the private and the public sectors (Brinkerhoff et al. 2003; Teegen et al. 2004). In addition to these factors, one cites the fact that corruption in the public sector, especially during President Moi's administration, led most foreign countries to look for alternative ways to assist Kenyans living in poverty (Kameri-mbote 2002; Anassi 2004). As a result, the donor aid was diverted to the NGOs, which were more cost effective and inherently more efficient than the government in service delivery because of their freedom from bureaucratic constraints and their responsiveness to market signals and consumerism (Green and Mathias 1995).

Another factor that has led to the drastic growth of the NGO sector is the greater awareness of the human plight in developing countries that occurred as a result of globalization and increased human connectivity; this awareness led to increased monetary support for NGOs (Greenlee et al. 2007). Emergencies such as floods, drought, civil war, genocide, disease, and other disasters can be known worldwide within seconds, increasing public attention and increased donations. Several studies found that most of the Southern NGOs relied on donor funding from Northern countries, revealing a 75–100 % contribution that funded the income of East African NGOs (Edwards and Hulme 1996; Ngunyi 1999; Barr and Fafchamps 2004). The increased funding for NGOs and the need for their services have led to an increase in their numbers, with some of them designed merely, or mainly, to tap into and control resources of the donor community.

All the factors cited above have led to the creation of NGOs by Kenya's elite in increasing numbers. The NGOs in Kenya are created and led by the educated elite, who are well versed in the language of modernization and located in urban areas (Harsh et al. 2010). While some of the elites are well-intentioned individuals driven by altruistic motives to improve the conditions of those living on the margins, there is a career group that is motivated by the gains received from NGOs as well. This career group is composed of former government employees who shifted to the NGO sector to take advantage of the funds from donor countries (Shivji 2007). Fowler (1995) also notes that NGOs in East Africa are created by civil servants who were "restructured" out of a job but who still retain contacts within government ministries. Other NGOs are started by the friends and allies of government officials

to serve their own purposes (Smith 2010). Due to their high positions in the government, these officials receive huge shares when funds are being allocated to these NGOs (Holloway 2001). These NGOs have little or no accountability for the funding they receive.

Forms of Corruption Among NGOs

Corruption is a term that captures many different practices that depict a decline in moral conduct and personal integrity (Caiden et al. 2001). In this study, corruption in NGOs is defined as any misuse of any office including public or private or both which is under one's trust, with activities such as theft, fraud, bribery, extortion, nepotism, patronage, and laundering of illicit proceeds and any deviation of funds for personal gain and benefit of another person, tribe, class, and friends (Transparency International 2005).

A study by Trivunovic (2011) found that the most common forms of corruption in the NGO sector include inflated, duplicate, or fictional invoices for goods and services procured for a project; "ghost" employees, participating entities, or beneficiaries that inflate the costs of project activities; kickback arrangements in the procurement of goods or services or in hiring of project staff; "double dipping" or seeking or accepting funds from more than one donor for the same project; and fictitious NGOs or politically connected organizations set up to win public contracts (Trivunovic 2011 p. 4). Among these types, bribery is the most common one; it is called by other ("code") names, such as "facilitation payment" and "kitu kidogo" (something small) or "chai" (a cup of tea) that are familiar with many Kenyans.

A subtle form of corruption that is discussed least in the literature is covertly deviating funds from an organization's original mission (Townsend and Townsend 2004). According to Townsend and Townsend (2004), an NGO can be accused of being corrupt when its commitment and mission to improve people's lives change to a desire to improve its own. A director of an NGO from Uganda admitted that some people viewed NGOs as a business, which helps those individuals prosper, before they consider others' needs (Titeca 2005). Similarly in Kenya a respondent in a survey interview admitted that donor funding is the only option available for enriching oneself in this country (Fowler 1995). Some food aid groups have been accused of selling the food from donor in local markets, instead of distributing it to the needy (Anassi 2004). Due to the large scale of corruption in Kenya, neither the government nor the NGO sector has been serious about investigating such cases.

Evidence of Corruption Among NGOs

Corruption runs across both developing and developed countries, different economic sectors, and subsets of NGOs (Gibelman and Gelman 2004; Greenlee et al. 2007). For example, in the United States corruption scandals have been reported in well-known organizations, such as the United Way of America, Goodwill Industries,

the American Cancer Society, and the American Red Cross (Ebrahim 2003). In Africa, Asia, and Latin America there are many phony and corrupt NGOs, in which high amounts of funds have been embezzled and millions of dollars have failed to reach their intended recipients (Burger and Owens 2011; Smith 2010). Burger and Owens (2011) found a high incidence of misrepresentation of information among NGOs in attempts to cover the misuse of the donor funds in Uganda. A more recent study by Assad and Goddard (2010) found that despite NGOs' often proclaimed objective of improving welfare to beneficiary groups, there appeared to be little accountability by NGOs to beneficiaries in Tanzania; they established that the credibility of the NGOs and their managers varied in how they accounted for donor funding.

The NGO sector in Kenya has been accused of being motivated by commercialism and the availability of donors' funds (Anassi 2004). According to a study by the Transparency International's Kenya chapter in 2008, the Aggregate Index scale of 0–100 indicated a corruption level that ranked NGOs as number 23 with a range of 14 score/%, which was slightly lower than foreign missions/international organizations, which scored 16 points. These results indicate that the NGOs in Kenya are under the threat of corrupt practices, which might lead to loss of funds. This possibility can be confirmed by an event that occurred at *Neema* Children Home in 2003. This NGO won about $14,000 from Kenya National Aids Control Council (KNACC), the body that coordinates the government's anti-AIDS campaign. The money came from a World Bank grant intended to finance the grassroots work on AIDS (Lacey 2003). According to a KNACC spokesman, the auditors for the Council cut off funds to the *Neema* Children Home after failing to find a single orphan who had benefited from its work or anyone who worked for the organization. The *Neema* Children Home is one among many NGOs that have sprung up to supposedly help the underprivileged, but they do not even have office addresses.

Another event happened in April 2005, when 20 NGOs were ordered to refund the money that they had misappropriated. This money was intended to support people infected with HIV/AIDS to pay for their medication and set them up with income-generating activities. Instead, the money was used to pay inflated salaries and fraudulent allowances for covering utility bills and home security bills for the leadership of NGOs that was meant to spearhead the operations (Transparency International 2005).

Over the last two decades, there have been incidences of fictitious "briefcase NGOs" that are complete fabrications and led by individuals who write convincing proposals to seek funds (Anassi 2004). These fictitious NGOs have no offices or staffs nor do they have existing projects or any intentions of starting one (Harsh et al. 2010). These opportunistic or "pretender" NGOs have only been interested in taking advantage of donations and never care for delivering quality services to the intended service recipients (Osodo and Matsvai 1998). As a result, the so-called *pajero culture* has risen in the NGO sector in Kenya (Harsh, Mbatia, & Wesley). *Pajero culture* is a term widely used to refer to the tendency of some NGOs to divert resources from their intended destinations; they own big cars and big offices, among other things, to create a positive image among the donor world (Harsh et al. 2010). Gugerty (2010) found that there were 34 complaints about NGOs reported to the

NGO Council Review Board. Complaints were also filed about the expensive lifestyles of the founders and executive directors of some NGOs (Anassi 2004).

Factors Contributing to Corruption in NGOs

The corruption in the NGOs in Kenya can be explained with multiple factors. The first factor is the prevailing national culture that tolerates corrupt practices (Kimuyu 2007; Harsh et al. 2010). In Kenya, it is common to be asked for a bribe openly by a public official if you want to receive services in government offices or from the slow wheel of justice. Transparency International Kenya chapter (2008) reports that nearly half (45 %) of the respondents bribed to gain (or speed up) access to some services and 24 % bribed to avoid legal penalties. This culture that tolerates corruption has been engrained in people's lives to help them survive, as the public institutions have become weak in delivering services. This leads to a value system that encourages the perception that corruption is not only normal but also a survival strategy or means to get ahead in the society.

Rodriguez and his colleagues (2005) mention that organizations operating in such a culture may find themselves normalizing corruption's essential characteristics. When faced with complaints about corrupt international NGOs, Shalil Shetty, then the head of Action Aid in Kenya, said, "Where do you think the people who run NGOs come from? They are not from the moon – they are from Kenya. No one should be surprised when they exhibit behavior common to many other Kenyans" (Holloway 1998, p. 10). At times these employees may engage in corrupt practices as they feel obliged to help a friend, family members, or somebody from the community, who might help them in the future. In addition, due to the prevailing culture, organizations that may have intention in "doing good" may find themselves giving in to corruption due to the pressures from public officials and the private sector, those who supply goods and services to them, and the NGOs' own staff who may be inclined to enjoy corrupt gains.

Another factor is the lack of a regulatory body to oversee the NGOs. The NGO literature indicates that the upsurge of the NGOs in developing countries in the 1980s found unprepared regulatory regimes in them, with outdated statutes and weak reporting framework (Assad and Goddard 2010). Many governments, including Kenya, did not have mechanisms at their disposal to oversee the activities of the NGOs or ascertain legitimate organizations from fictitious NGOs that were formed to take advantage of funds from donors (Batley 2006). Although the Kenyan Government introduced the NGO Coordination Board under the NGO Act of 1990, it has been a "toothless dog" that has little to show in terms of regulating the sector.

The third factor is the low salaries and poor working conditions of NGO employees, which increases the chances of corrupt instances occurring in them. These employees are likely to be pressured to take bribes, embezzle funds, or seek other favors in order to supplement their meager salaries (De Graaf 2007). Among the respondents to the National Enterprise Survey (2008), more than 40 % reported that financial need was the main cause of engaging in corrupt practices. However, some

studies indicate that higher salaries do not necessarily reduce corruption, but higher salaries can act as a preventive strategy and an incentive to report a corrupt practice in the organization (Vian 2008; Mbaku 2007).

The fourth factor is the human greed. The literature indicates that human greed can be attributed to defective human character and an inclination towards criminal activity (De Graaf 2007; Ashforth et al. 2008). According to rational choice theory, an employee will try to maximize his or her gain by engaging in corrupt practices if the benefits outweigh the costs, which can be a combination of being caught and losing his or her job (Klitgaard 1988; De Graaf 2007). Rational and conscious employees engage in corrupt practices such as fraud and bribery after deliberate calculations of the cost and benefits of their actions.

The fifth factor is the leadership structure in a majority of NGOs. Mirvis and Hackett (1983) found that employees in NGOs experience greater autonomy and less organizational control than employees in the private sector. This greater autonomy in operations and decision-making may be due to the great number of stakeholders such as donors and governing board, who embark on a loosely organized structure to allow for greater flexibility and discretion as well as outcomes (Shivji 2007; Nair and Bhatnagar 2011). The literature indicates that NGOs' agents are more prone to corruption when employees enjoy a monopoly, wide discretion, and little accountability (Riley 1998; Vian 2008). Employees with high discretion, no internal checks, and accountability can misuse their authority. Their behaviors can spread to entire organization, magnify in scope, and become embedded in an organization's culture (Pinto et al. 2008).

Finally, the prevailing organizational culture might tolerate corruption. Corrupt practices in some NGOs may be seen as a part of the organization that employees are accustomed to. When an organization has unclear or conflicting policies, the employees can rationalize their corrupt practices and will be supported by the leadership. Keyton (2011) argues that when an organization adopts "a code of silence," unethical behaviors will go unchecked and unreported. According to Klockars et al. (2000), in some police agencies, the official policy formally requires that all types of corrupt activities, even "marginally corrupt behavior," such as acceptance of favors and small gifts, be reported (p. 2). However, that official policy is made complicated by the unofficial policy supported strongly by the administrators' behavior, which permits and ignores such corrupt practices when committed in limited scope and conducted subtly (Klockars et al. 2000; Punch 2000). This example shows that when employees think that their acts will be tolerated, they will rationalize their actions and justify them for their personal gain.

Implications of Corruption Among the NGOs

While there is a large literature on the negative implications of corruption in the public sector, there are no comprehensive studies on its impacts in the NGO sector (Mbaku 2007; Moleketi 2007). One can derive conclusions from the studies conducted so far; however, there are those who argue that corruption helps to "grease

the wheels" when organizations are operating in a very rigid bureaucratic society (Bardhan 1997; Mbaku 2007). In East Africa, investors and the existing business community find it time consuming and expensive to obtain trading licenses and other legal documents due to the bureaucratic red tape (Kimuyu 2007). The civil servants receive bribes or other favors from the investors or entrepreneurs by helping them to jump the red tape (Bardhan 1997). NGO officials may also be tempted to give a bribe to the public officials when operating in such a corrupt environment to speed up the registration and other services, as well (Glynn and Abzug 2002). In many cases organizations justify their bribes as the only way to receive legitimacy from the locals and access to other government services with fewer problems (Glynn and Abzug 2002). Along the same vein, if an NGO is receiving resistance from the local community, it may give in to corrupt practices by promising favors, like jobs, to enhance good working relationships with the service recipients, public officials, and other actors.

Perhaps corruption could be justified for these reasons, but its ramifications are devastating, far reaching, and detrimental to the social, economic, and political developments of organizations and service recipients (Shleifer and Vishny 1993; Mbaku 2007). Corruption undermines growth and development by diverting limited resources away from development programs, thereby increasing poverty, inequality, and underdevelopment (Bardhan 1997; Moleketi 2007). NGOs' target groups, who are mostly poor people, are denied access to services, because in reality NGOs end up benefiting those who can afford to give bribes, sexual favors, or one's kinship. This leads to increased costs of public goods and services and unequal provision of social and economic services. Corruption increases inequities as it leads to the exclusion of the needy and the individuals, households, and communities who should have been targeted and the inclusion of those who do not need it (Walker 2005).

Although there is no specific figure of the money lost through corrupt practices, there are some estimates available. According to a study by the Transparency International Kenya chapter, in 2008 the size of bribes paid to NGOs was more than 5,000 Kenya shillings (less than 100 US dollars), which was the same for the Ministry of Health and public colleges. It was likely for clients who dealt with NGOs to incur extra expenses of more than 600 Kenya shillings through bribery. These bribes are paid to receive services that are either free or paid on top of the required service fee. The size of the bribe might seem small or insignificant, but from the perspective of poor people who live below one dollar per day, ten dollars per person is significantly high. Moreover, if this loss is calculated in the context of more than 7,000 registered NGOs, it makes a huge difference. Furthermore, the funds embezzled and diverted into personal accounts of those who work among these organizations might be even more.

As poor people are hurt most by corrupt practices, they are also likely to receive poor-quality services. Walker (2005) points out that corruption leads to poor targeting, oversupply, and inappropriate programs being introduced, leading to opportunities for exploitation. The literature indicates that when corruption happens, whether in the public sector or the NGO sector, the services provided are inconsistent and inadequate (Rose-Ackerman 2007). Unfortunately, most of the NGOs

operate in remote areas where the illiteracy level is high, and they are unlikely to be challenged for the quality they deliver. Service recipients opt not to speak up when NGOs are providing poor services, because the recipients fear losing what they are receiving (Najam 1997). The recipients also believe that they are getting what they deserve.

Corruption leads to loss of faith and public trust. NGOs will not be taken seriously when they embezzle money intended for the poor people while claiming to be fighting for them (Anassi 2004). The loss of faith and trust in NGOs will ultimately result in the erosion of their moral authority and legitimacy, which is essential to their fiscal health (Anassi 2004). Corruption will lead to loss of funding of both fictitious and legitimate NGOs, ultimately resulting in the weakening of the NGO sector. Harsh, Mbatia, and Smith (2010) found that due to the high level of corruption in Kenya, when an NGO is coded as "red" due to engaging in corrupt practices or lack of accountability, it can no longer receive funding from the donor community. Therefore, lack of moral authority will affect their performance and effectiveness in achieving their goals.

Finally, corruption in the form of the misuse of human resources through nepotism and favoritism affects professionalism among the staffs. This leads to frustration among them (Uneke 2010). Corruption compromises the ability of the NGO sector to build and sustain a professional, competent, and efficient labor force (Mbaku 2007).

Combating Corruption in NGOs

The most effective way to combat corruption in NGOs is to make it more difficult for their leaders and employees to engage in corrupt practices by maximizing their costs and minimizing their gains. According to De Graaf (2007), it is difficult to minimize gains, but costs can be raised by imposing steeper penalties that include losing a job and arraignment in court. The focus should be on improving the chances of getting caught for a perpetrator of corruption by ensuring greater surveillance, auditing, and developing a culture of transparency.

NGOs should ensure that their employees are paid adequately to decrease the chances of engaging in corrupt practices. There are financial pressures that make this difficult, however. For example, NGOs are under a great pressure by the donor community to maintain their administrative costs at the unfeasibly low level of 5–10 %. This forces them to expand their income bases for financial sustainability and pay their employees better (Walsh and Lenihan 2006).

All organizations should ensure that their anti-corruption policies include whistle-blowing mechanisms that encourage employees to report any corrupt practice occurring in them. According to Transparency International (2010), whistle-blowing mechanisms empower the staff to speak against corruption and make suggestions for ways of addressing suspected corrupt practices, which in turn increases accountability in the organization. The staff should have the right to

report any violations of the code of conduct confidentially and be provided with protection from any reprisals.

NGOs should have a well-defined governance structure that clearly defines how its governing board should be constituted and what role it should play. To avoid conflicts of interest, the board should be constituted of members from different sectors and should not have any relationship to the organization's founder or the management staff, including the executive officer. Additionally, the board members should be audited annually by an external auditor, who should also review the performance of the executive officer. NGOs should develop policies and measures that guide their employees in how to deal with corrupt practices within their organizations. Employees should monitor one another so as to ensure that there is no tolerance for corrupt practices. The laid down policies should be applied impartially upon the management and staff as well. These policies should state the process of reporting corrupt practices while protecting any whistle-blower or staff who may decline to engage in any unethical behaviors (Trivunovic 2011).

In order to ensure financial accountability, every organization should set sound financial management safeguards (Trivunovic 2011). Regardless of its size, each organization should have written policies and procedures that follow accepted principles of accounting and control. An organization should make sure that its functions and financial reports are checked by different people. To ensure transparency, audited financial reports should be accessible to all stakeholders and the general public. The public should be able to make an independent judgment about a particular organization that works within their locality and the public should report to the NGO council any corrupt practices or unethical behavior. This will ensure that NGOs are accountable not just to donors (upward accountability) but also to the beneficiaries (downward accountability) (Najam 1996). In downward accountability beneficiaries can voice their concerns and evaluate the implementation of the project, specifically the quality and quantity of services they receive. This can encourage the NGOs to actively engage the service recipients continuously during the implementation of their project and pay attention to the quality of services delivered.

Kenya's NGO Act of 1990 set standards to ensure that NGOs have effective governance structures. The act also helps identify and restrict the opportunities to create fictitious organizations, but it has continued registering less well-resourced organizations (Brass 2009). To make the NGO Act work effectively, the NGO Coordination Board, which registers NGOs, and the NGO Council, which regulates them, should maintain their autonomies from the government, the private sector, and the NGOs themselves; this is necessary for them to deal with all organizations fairly and independently. The board should be self-sustaining and equipped with enough resources and power to deregister any organization that is engaged in corruption. In other words, registered organizations should be in a position to account for their funds and how they are used. The NGO coordination board staff should do a follow-up after 6 months of the registration of an NGO to ensure that the organization is in operation at the physical address; this would help overcome the problem "briefcase NGOs." In the case of a particular nonexistent organization, its registration certificate should be cancelled and its officials should explain the circumstances underlying its failure.

An effective mechanism of corruption detection and prevention is for the stakeholders, especially funders, to visit the projects they have supported and funded (Trivunovic 2011). These visits are expensive and time consuming, especially for Northern donors, but they should be done as often as possible. One way of cutting the costs of such visits is to build collaborations between international and local donors. The local donors should be in a position to visit the projects and give comprehensive reports to international donors. International organizations should contract the local NGOs to conduct projects on their behalf as this will cut costs.

The NGOs should also establish mechanisms of horizontal accountability. Any registered NGOs should demonstrate that they abide by ethical standards and should be held accountable by others in the sector. Any organizations that does not exemplify ethical practices should be reported to the NGO council pending severe penalties including deregistration.

The NGO sector should enhance and promote a culture of transparency and openness. The basic principles of transparency should not be compromised if an organization is to succeed (McGann and Johnstone 2005). NGOs should be encouraged to expose corrupt activities in their organizations. Although a majority of the organizations might prefer not to expose such activities for the fear of losing funding and reputation, a culture of transparency in the NGO sector can help counter this tendency. Such a culture could lead to more benefits over time.

Lastly, because corruption in Kenya is systemic, NGOs should collaborate with the private and public sectors in creating public awareness of the implications of corruption and how to combat it. The literature indicates that public awareness has significant impacts on reducing the corruption incidences in general and in the NGO sector in particular (Seligson 2001).

Conclusion

The significance of the NGO sector in Kenya cannot be understated. There is no doubt that most NGOs have been instrumental in improving the lives of a majority of people in need and have been key development players. NGOs have defied all odds, such as limited funds and harsh working conditions with minimal security. Unfortunately, some NGOs have been caught up in corrupt practices that have become engrained in the fabric of the daily lives of most Kenyans. The prevailing corrupt culture in Kenya has increased the pressure on NGOs to abuse opportunities, engage in corrupt practices, and rationalize their corrupt activities (Vian 2008). There are severe implications of these activities for both organizations and beneficiaries.

To retain its integrity and effectiveness, the NGO sector needs to put its house in order before it is too late. NGOs need to develop systems of performance monitoring, accountability, and strategic planning, which will ensure that they remain transparent and distinguishable from fictitious NGOs.

Because there are different types of NGOs, more research is needed to establish what is likely to work for each type. Based on multiple case studies (Yin 2009), a theory can be built about how to measure corruption in NGOs and its causes.

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Chapter 11
Defining Corruption in the Cultural Context of Sub-Saharan Africa

Keba Sylla

This study analyzes the phenomenon of corruption in the cultural context of sub-Saharan Africa. After 50 years of independence, most of the sub-Saharan African states have made little progress regarding economic development, eliminating poverty, and creating more jobs for their populations (Ochulor 2001; World Bank 2006). This situation stems from the historical and colonial legacies that were inherent to Europeans' colonial exploitation of Africa. The historical and colonial legacies of Africa made it impossible after the independences to create a rapid basis of functioning modern states across the continent. These legacies resulted in lack of infrastructures, schools, hospitals, and modern judiciary system, in addition to a plethoric bureaucracy and a system of cronyism of local chiefs for pacification of different and hostile tribes. These conditions then led to corruption in many of these states, and today it has become an integral part of the social fabric and how business is conducted.

Corruption is not unique to African. It exists in all societies, but it affects each society differently (Ionescu 2011). Corruption may be defined as the misuse of power for private gain (Transparency International 2006). Corruption happens in economic, political, and social aspects of life. It has many forms such as bribery, extortion, fraud, and embezzlement (Vargas-Hernandez 2011). Corruption happens vertically between top leaders and subordinates in the context of public administration and horizontally among public agencies in the government and among private individuals and citizens (Aliyu 2009; Uneke 2010). In sub-Saharan Africa, corruption also exists in relationships between individuals in their daily lives. For instance, there are occasions in which street vendors and other small business owners are involved in the corruption of police officers and other bureaucrats who deal with them. These small business owners circumvent the red tape of bureaucracy to get their paperwork done.

K. Sylla (✉)
The University of Akron, 3262 E. Overlook Rd., Cleveland, OH 44118, USA
e-mail: ky11@zips.uakron.edu

Corruption is, therefore, a serious issue with respect to sub-Saharan African states. Its effects have already impacted or impeded economic development in many countries. No one knows for sure the monetary impact of corruption on sub-Saharan African states. That is because corruption is a secret transaction and difficult to measure. An African Union report (2002) estimated that corruption costs African economies more than $148 billion a year.

To better understand this problem and propose solutions for it, this paper first defines corruption in the African cultural context. It then focuses on the theoretical bases of understanding corruption. Many researchers treat corruption as a principal-agent problem (e.g., Poth and Selck 2009; Raughhaus 2009). In this paper, two alternative theoretical frameworks are proposed: the sociological theory of Durkheim (1893) and the social capital theory of Putnam (1993).

Defining Corruption in the African Cultural Context

Types or Categories

Defining corruption in the African cultural context is not an easy task. Africa is a continent; there are many definitions or notions that refer to corruption and its forms across the continent. There are also some commonalities in African peoples' understanding of corruption as well.

Generally, Africans refer to two categories of corruption. The first one is corruption at the state and in the higher administration levels. In this case, politicians, government officials, and other high diplomats use their positions and status to harvest funds from the state's coffers to treat themselves, their families, and allies without any consequences. The officials who are involved in this type of corruption are called "crocodiles." This French term is used in all Francophone West African countries. Corrupt politicians and officials are likened to this ferocious and insatiable animal that roams across many African rivers. "Les crocodiles" are feared for their insatiable appetites and ferocity. They are also admired for their powers to control others and access to money. Citizens across Africa are aware of their corrupt practices, but they have come to accept them because they feel that there is no way to eradicate such practices. Consequently, "Les Crocodiles" remain untouchable.

The second category of corruption happens at the low administrative levels of public officials (police officers, custom service officers, teachers, nurses, general administration officials and local officials, and taxi drivers). They all use their positions to collect more fees than necessary in their daily contact with people. Another French term is used to characterize this type of corruption (bribe or fraud) that prevails in everyday life: "Donnez du pot de Vin á Quelqu'un." This term means "giving away a bottle of wine to someone" and symbolizes corrupting people while you are having them around a lunch or dinner table.

African Historical Context

To better understand corruption in modern Africa and in its new states, one has to rely on the long history of this continent. Africa has a long and vigorous history of economic, political, and social development before Europeans arrived. Archeological discoveries and literature presented Africa as a peaceful and developed region where people had developed and organized highly sophisticated civilizations. Ancient Africans had indeed excelled in organizations of states, economic development, education (Universities of Al Hazar in Egypt, the Universities of Sankoré, Timbuktu, and Jenné in Mali, etc.), and advanced technologies that sustained growth and good governance (Asante and Abarry 1996; Nwosu 2004).

Africa is known to be the place where humans (Homo sapiens) first appeared. They later migrated and populated the rest of the globe (World Atlas 2000). Around 1500 A.D. Africa entered a tumultuous period that culminated in the enslavement of hundreds of thousands of its strong, young people through the Atlantic Slave Trade, which lasted for four centuries. During the nineteenth century, European powers weakened Africa through slavery and economic exploitation and began to colonize it. Before the Atlantic Slave Trade, Africa had been invaded by the Arabs and Muslims who had also enslaved Africans. This slave trade with Asia and the Middle East had also weakened and disorganized African societies (N'Diaye 2008).

After these tragic periods of intense human trafficking out of Africa, European powers began the proper colonization of the entire continent in the nineteenth century. The scramble for Africa officially started in 1885 during the Berlin Conference and led to the entire colonization and European settlements across Africa. The colonization would last until the 1960s when most of today's modern African states accessed to political independence. During this long period of foreign domination, African peoples faced and endured the practices of colonial administrations, police brutality, and religious invasions. These factors have humiliated and demoralized Africans but have also pushed Africans to engage in a cultural fight with the foreign powers. This cultural fight took many forms; in some instances it was fought under cooperation or integration with the foreign culture; in other instances it took the form of direct confrontation (Fine et al. 2003).

Culture and Traditions in African Context

Africa and its people have developed highly sophisticated civilizations and cultures during millennia before the continent was invaded by Europeans. During this long period of their existence, African peoples transmitted their cultures to the future generations under various forms of communication systems of language, arts, sciences, etc. This definition may be applied to all other civilizations outside Africa. Therefore, Africa and its peoples have developed similar aspirations as other peoples across the globe, such as political, economic, social, and institutional forms of governments, which were working well before the continent was invaded.

The foreign norms that were imposed during colonialism were in contradiction with certain values and norms that were inherent to Africa and its peoples. These new values and norms included new institutions, the introduction of money, and a merit system in colonial administration regulated through European educational system. The cultural conflict that occurred during colonialism created the notion of corruption through the colonial administrative system, mainly based on cronyism, manipulations, or intimidations from colonial officials. This new norm and value in public service was previously unknown to Africa and its peoples or its cultures with respect to public service or the public good before colonialism (Fine et al. 2003; Nwosu 2004; Achebe 1960).

Ethnic Solidarity and Public Service

People who work in the government in Africa are under the pressure to help their fellow ethnic group members by granting them access to public services, in many cases using government services for free. When they do not help the members of their ethnic groups, they risk retaliation or ostracism from the group. Many public officials also face the threat of a tremendous burden of ethnic humiliation. This potential threat concerns all public officials, including the highest level of government officials and politicians. Moreover, the nepotistic behaviors in public service and in private business are not labeled corruption, even though most Africans are aware of the devastating effects these behaviors have on national economies.

Modern State Institutions and Corruption in Africa

In modern states institutions, many public officials simply forget that their offices must be "depersonalized" and funds from that office do not belong to them and their extended family members. Most of them believe that once in office, the office belongs to them because it is a public office and they represent the public service, and as such it becomes theirs. Moreover, their extended family members also believe that it is the official's obligation to assist them, whenever they need it. Consequently, the officials are required to open the coffers for all these people to help themselves because it is a public office. A term used in the Wolof dialect, used in Senegal, illustrates this attitude: "Boor Moko Mom," which means "it belongs to the State." Therefore, there is no such thing as wrongdoing or misuse of public funds for one's personal benefit. In the Mandingo language (which is spoken in many West African countries), the term "Mansa Le Tamu" literally means it belongs to the "Leader or the State." This notion takes away all meaningful protection of the public good from the private use because there is no one who will stand up and denounce bribe, fraud, or embezzlement from public offices. The lack of depersonalization of the offices and the lack of training and understanding of the notion of public services are at the center of the development of corruption across sub-Saharan Africa.

The Colonial Legacy and the Definition of Corruption in Cultural Context of Sub-Saharan Africa

Colonialism brought bad behavior concerning public services and how tenures in public offices are filled out. During colonialism, French, English, and other European powers created hierarchical power structures based on ethnic, religious, and professional lines in African societies. In the French territories in West Africa, the colonialists created divisions and differences between Muslim leaders, who were land owners and had many followers who obeyed them under any circumstances, and non-Muslims, who were mostly peasants and lived on the margins of the society. In Senegal, the majority of the population was and still is Muslim. The Muslims were treated better, and they signed many treaties with the colonial administration in their favor or to protect their followers against bad treatments. The French needed the support of the Muslim leaders for the economic exploitation of the rest of the society. Many of these Muslim leaders were called "Marabouts," which is the French name for heron, a lazy and insatiable big bird. The "Marabouts" were viewed as lazy leaders who relied upon the work of their subordinates for their lives. French colonial administration was tolerant and supportive of these leaders.

After the independence of Senegal (1960), this situation continued and became one of the big problems of collusion of religion and politics in modern Senegal. For the next 40 years after its independence, Senegalese political life was influenced by the actions of these Muslim leaders. They were solicited by all political leaders for their support and the support of large numbers of their subordinates. In return, politicians and public officials sent funds or helped these Muslim leaders and their followers to secure funds or gave them access to public offices, trade, or business favors. They became the cornerstone of Senegalese political life. However, in the past 2 years, Senegalese people have reacted vigorously against corruption in all aspects of their lives in the country. The recent Presidential elections, held in 2012, brought new, young leadership which has shown a demonstrated commitment to fight bad governance and corruption in public office. The new president established a new court to prosecute corrupt politicians and public officials. This trend must continue in order to create good governance based on accountability, efficiency, and efficacy in African public administration.

Theoretical Frameworks

This paper presents two alternative frameworks to analyze corruption in the cultural context of sub-Saharan Africa. These two alternative frameworks are the sociological theory of Durkheim (1893) and the social capital theory of Robert Putnam (1993). Emile Durkheim's analysis of society pertains to the evolution of a society and its ability to transition from a traditional society to a modern one. These changes can occur differently in each society. In that regard, the impact of colonialism in Africa and the transformation it has generated in African cultures underscore the

importance of this framework with respect to sub-Saharan Africa. According to Durkheim's sociological theory, each society goes through changes, and these changes must be analyzed through the lenses of social facts (empirical facts). These facts are external and coercive to a society. The materials of social facts include society itself and its components such as church and state. There are also the nonmaterial facts in each society that include norms and values. In the case of sub-Saharan Africa, this assertion is helpful to understand the development and the expansion of corruption in the cultural context of sub-Saharan Africa. Through various aspects of the African colonization, indigenous societies were coerced to adopt European cultural norms and values through the colonial educational system. This system became the dominant working tool for all administrative positions, including the general colonial administration, the justice system, and the police. These external forces of coercion generated new concepts, which were not well defined or not well understood by the indigenous, subordinate staff members under the colonial administration. This situation led to anomie, deception, and brutality across the colonial administration in Africa. The transition of African societies from traditional norms and values to a complex system with less solidarity among people created a breakdown of ancient African institutions. One of the colonial cultural norms was the institution of kickbacks, cronyism, and the nepotism culture in the administration. The main objectives of this new culture were to convince local indigenous chiefs about the goodwill and respect to implement these norms and values in everyday life in Colonial Africa. These colonial administrative cultures instilled various forms of corruption during and after the end of colonialism in Africa.

The second alternative framework stems from Robert Putnam's (1993) social capital theory. Social capital refers to connections among individuals that later create networks and norms based on reciprocity and truth worthiness that arise from them. This theory argues that to ensure a viable economic development and democracy, a society has to create a strong relationship between economic modernity and institutional performance. These conditions are based on civic engagement, political equality, solidarity, trust and tolerance, a strong associative life, and a long tradition of civic engagement and democracy (Putnam 1993). Certain elements of this theory may be applied to Africa in order to create a democratic society that can advance and create tools to fight corrupt management culture in public administration. In fact, since the 1990s, sub-Saharan Africa has entered into the era of democratization. The Discourse of De La Baule of François Mitterrand, French President (1990), started the democratic movement in sub-Saharan Africa. This discourse laid out a framework of the democratic process under the conditions that French foreign aid would be given to only African countries that respect democratic rules and human rights. Since then, many sub-Saharan countries have held elections, adopted many political party systems, and created conditions for many nongovernmental organizations. However, this transformation of political conditions has led in fact to more corruption. More corrupt politicians are still in government, and civic engagement did not create conditions for good governance across sub-Saharan Africa. Several researchers including Kelly (2011), LiPuma and Koelbe (2009), and Lynch and Crawford (2011) have all refuted the role of civil organizations and the so-called

democratic elections in sub-Saharan Africa. These researchers found that since the introduction of democratic system (elections) and civil participation in the electoral process, corruption has increased across the region. Therefore, the democratic rules and the participation of the civil society in politics did not create conditions for transparency and trust leading to good governance resulting in the region.

In summary, the two theoretical frameworks show that corruption in the context of sub-Saharan Africa stems from various factors. This paper found that it is hard to conclude that there is a direct relationship between colonization and corruption. However, Durkheim's sociological theory shows that there is a correlation between the colonial administrative system and corruption during colonization across sub-Saharan Africa. The practices of cronyism and the implementation of the kickback system led to a culture of mismanagement of public funds. This culture has created conditions for corruption to thrive during and after colonization.

Robert Putnam's social capital theory also demonstrates that despite sub-Saharan African countries' progress with respect to democratic rules (elections, civil society engagement in democratic process, etc.), corruption increases. This situation indicates that this theory has not fully demonstrated the direct connection between its tenants and transparency, democracy, and modernity in this region of the world. Therefore, social capital theory fails to demonstrate that certain societies may not be well-off after all, when foreign norms and values are imposed upon them (O'Kane 2001; Wondwosen 2009).

Our paper's findings show that corruption in sub-Saharan Africa stems from various streams including colonialism, internal structures inherent to Africa itself, Africa's inability to reform and, most of all, the international political economy and the movement of capital. Globalization increases money transfers and secrecy in international financial transactions but also creates needs of funding in most small economies, such as in sub-Saharan Africa. This means dependency and needs for quick funds. It also creates corruption not only during international business dealings, but also in all small economies at national level across these nations.

Strategies to Fight Corruption in Sub-Saharan Africa

Although corruption has become endemic in most sub-Saharan African countries, the region is not the only place where public officials, politicians, and private business owners are involved in corrupt dealings. The difference lies in the fact that sub-Saharan Africa has a fragile economy, and it is the least developed world region in terms of capital investments and GDP per capita. This situation makes it harder for these nations to fight corruption and to stop its rapid expansion. This paper highlights several strategies to fight corruption in that region.

To fight corruption and its expansion in the region, sub-Saharan African countries first need to adopt a vast economic development plan to alleviate the generalized poverty of its population. Corruption stems from the lack of economic stability or a shared wealth between social categories in a nation. This situation is prevalent in

almost all sub-Saharan countries and has permeated the region since the colonial period. The economic development plan must include the implementation of critical infrastructures to facilitate the movement of people, goods, and capital to increase economic opportunities for all.

The second strategy focuses on the development and implementation of mass education of the people. Girls and boys must be enrolled in schools in order to foster a national economic stability for the future. Furthermore, a generalized educational system leads to a better understanding of the role of government, public offices, and the ideal of national well-being.

The third strategy element involves international cooperation to fight corruption. This paper argues that part of the corruption in sub-Saharan Africa results from international agencies (government and nongovernmental) that are circulating money and corrupt practices in their business dealings with local companies or government. These few strategies are not the only ones needed to fight corruption; however, they constitute preventive mechanisms in the national governments' hands.

Finally, each sub-Saharan African nation needs to implement a national policy to eradicate corruption and its practices. This policy should include the creation of special courts to prosecute corrupt officials and the implementation of a national audit system to regulate the business dealings of both national and foreign agencies.

Conclusion

This chapter outlines corruption in the cultural context of sub-Saharan Africa. Its expansion and how to end it are the focus of an intense political will by all the leaders in that region. The successful implementation of an anticorruption policy comes from an economic reform that creates jobs and alleviates the poverty of the populations. It also includes a policy of mass education that enables people to understand the importance of public service and its delivery. This also fosters the notion of separation between personal and public goods and allows people to respect public services. The involvement of the international partners of the region is needed to fight against the massive influx of money in business dealings. This collective action constitutes a framework to fight corruption in sub-Saharan Africa.

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Chapter 12
Corruption and Nation Building
in Sub-Saharan Africa: A Historical Analysis

Chika Ezeanya

On the 2011 Transparency International Corruption Perception Index (TICPI), ten African countries were listed among the last 20 (Transparency International 2011). Despite accusations that it is not accurate, that it does not reflect what actually constitutes corruption, and that it ignores social, political, and cultural challenges of nations, the TICPI is the only international ranking of corruption that bears the nearest semblance to reality.

Transparency International (2009) defines corruption as "the abuse of power for private gains." Corruption has several forms. At the most basic level, corruption can take the forms of political, economic, or administrative (Vargas-Hernández 2008, 3). Political corruption is said to have occurred when attitudes are in direct contrast to principles and agreed conventions that guide politics and political decision making. Instead of being utilized to advance common interests or the well-being of the general public, "power is used to service private interest" (Vargas-Hernández 2008). Economic corruption can be defined as the diversion of the principal's interest for the profit of the agent. This is a situation where income loss by the recognized profit center results in gain by the agency or agent in charge (Vargas-Hernández 2008). This paper focuses on what Hellman calls "administrative corruption": the use of "private payments to public officials to distort the prescribed implementation of official rules and policies" (Hellman et al. 2000, 244). The paper also focuses on the geographic region of sub-Saharan Africa.

Although administrative corruption is rampant across Africa today, when Africa's history is considered, one can observe that it is alien to the continent's culture and traditions. To highlight these traditions, this paper looks into the precolonial period in Africa first. In that period one can find the foundations of strong moral values that guided African societies. They were sometimes packaged in spiritual terms, but with the end result of ensuring social justice and widespread compliance to

C. Ezeanya (✉)
University of Rwanda, Kigali
e-mail: chi_eze@yahoo.co.uk

acceptable societal norms. Cultural, ethical, and institutional checks and balances were in abundance as well, which compelled the rulers to consistently ensure that they worked with the interest of the ruled in mind.

Colonialism introduced systemic corruption on a grand scale across much of sub-Saharan Africa. The repudiation of indigenous values and standards, as well as the superimposition of Western institutions and administrative practices destabilized the well-run bureaucratic machinery previously in existence in precolonial Africa. Several avenues that colonialism can be said to have introduced administrative corruption in Africa can be easily identified. First, as administrative corruption is dependent on an established government bureaucracy, which runs on a monetary system, Robb (1992) argues that when the colonizing powers arrived in sub-Saharan Africa, they were met with largely underdeveloped and in some instances nonexistent monetary economies. Trade by barter thrived, and when in certain instances money was used, it was at the elementary form. In the face of this absence of a strengthened financial and economic infrastructure, which also lacked the ability to nurture administrative corruption, the colonialists had to create new infrastructures. The introduction of monetary taxations, most specifically the hut and poll tax, can be said to have significantly altered African economies and given room for the enthronement of corruption in public places. It was compulsory, for example, in British West Africa that taxes be paid by cash, which was in turn used for administering the colonies (Tlou and Campbell 1984). Further, the manner of taxation required the chiefs to forcefully extract a specified amount from their subjects, retain a part of it, and remit the rest to the colonial authorities. Mulinge and Lestedi assert that "this practice amounted to the taking of kickbacks by African chiefs" (1998, 5).

Further, Mazrui asserts that the introduction of Western products such as cars, zinc roof, expensive clothing, and others by the colonial masters, affordable only by the colonial masters, the chiefs, and a handful of interpreters and clerks, turned the masses into perpetual seekers of such products, without the concomitant production base for them (Mazrui 1999).

The conspicuous mode of consumption employed by the few privileged locals who could afford the luxury goods introduced a sharp divide in the social system, where the have nots would do anything to have, while the chiefs and those who worked for the colonial masters further oppressed their own people in order to retain their privileged position. At the end of colonialism, that is, with the formal attainment of independence, corruption, introduced through the above stated means, had been interwoven strongly into the fabric of modern sub-Saharan Africa, thereby posing grave nation-building challenges. These challenges to nation building have persisted for over 50 years after independence partly due to the lack of understanding of the role played by colonialism in entrenching corruption across Africa. Quite often, addressing corruption in Africa has taken the form of contemporary analysis of the situation obtainable across the continent (World Bank 2012; UNDP 2012; Hellman et al. 2000). There have been few attempts at going back to pre-independence history of the continent, to the time when Western-styled bureaucracy was introduced to Africa to determine the origins of corruption, in order to fashion viable solutions. This paper calls for a paradigm shift from an ahistorical analysis to a historical

understanding of the origin of corruption. This novel point of view will focus the fight against corruption in Africa more on a restoration of certain indigenous values and institutions, a reorientation using formal, nonformal, and informal education and promotion of the idea of the African nation state. It also calls for—among other recommendations—extrinsic measures such as setting up of strong anti-graft institutions headed by noncitizens who are nationals of other African countries, but who have proven themselves as incorruptible.

Governance Systems in Precolonial Africa

The precolonial period in sub-Saharan Africa is usually classified as the years preceding the late nineteenth century, when formal colonization began across much of the subcontinent. Vast as it may sound, the term precolonial, as it stands, is the most widely employed term used by scholars in describing what was obtainable across the continent prior to the commencement of colonial rule. This catch-all term continues to exist since, unlike European, American, or even Chinese history, little is still known about the different epochs and eras that existed in Africa.

During the precolonial period, as designated above, Africa was comprised of a sophisticated set of communities, with varying systems of social and political organization. Among them, two major systems of political administration can be discerned: first, the centralized political systems that were ruled by kings, queens, or overarching authority figures and secondly, the decentralized communities—these are fragmented groups or acephalous societies in which civil groupings and social organizations, such as age grades, artisans guild, and association of elders and others, replaced authority figures (Nel 2008).

In both the centralized and decentralized communities, the laws were mostly unwritten and therefore prone to being easily forgotten. Because of this reality, the laws were often couched in supernatural terms to instill subconscious fear in the population. Such supernatural religious beliefs defined the entire way of life in precolonial Africa. Social and political issues were addressed and structures were established within religious terms. Nel (2008) contends that in precolonial Africa, "religion is culture and vice versa" (p. 37).

This emphasis on religion must not lead to a dismissal of all African systems as superstitious, thereby diminishing the significance of the intellectual efforts and strategizing that went into social and political organizations. In most instances, religious beliefs helped to mold the mind-sets of leaders and citizens in precolonial Africa on the need for hard work, mutual respect, and understanding between the rulers and ruled. These mind-sets helped to shape social and political institutions and governance practices.

There are many examples of the heavy emphases on accountability and good governance in political institutions across precolonial African communities. In West Africa, the Asante confederation was a kingdom that thrived on strict rules and regulations (Kisangani 2005). The confederation was established by seven

independent clans close to the city of Kumasi. The symbolic Golden Stool of Asantehene acted as a unifying force. With strong cooperation from leaders of the seven independent clans, the leadership of the Asante kingdom continuously "implemented several modernization policies in administration that included promoting advancement by merit and the development of state enterprise through public investment" (Kisangani 2005, p. 6). This marked the Asante confederation as a progressive state, different from the traditional conception of statehood, often associated with Africa of the precolonial era, that is, as static entities that did the same thing without change. Kisangani states that the Asante, prior to being colonized by the British, were able to "build roads and promoted agriculture, commerce, industry and education through self-help and self-reliance" (p. 6).

Among the Yoruba of southwestern Nigeria prior to the advent of colonialism, the institution of *Oyo-mesi,* the king making body, acted as a check against the abuse of power by the Alaafin or the oba or the King of Oyo. The Alaafin was constrained in his rule and expected to respect his subjects (Salami 2006). When it was proven that he had engaged in acts that undermined the interests of his subjects, such as gross miscarriage of justice for personal gains, the *Oyo-mesi* would "present him with an empty calabash or parrot's eggs as a sign that he must commit suicide," since he could not be deposed, according to the tradition (p. 76).

In the precolonial Igbo acephalous society, due to the absence of any form of overarching authority, leadership was placed in the hands of the people—the very epitome of accountability and good governance (Nwaubani 2006), accountability, in the sense that the people worked together to ensure that issues discussed during town hall meetings were implemented by appointed representatives. This is akin to the Athenian democracy developed in the Greek city-state of Athens, where direct democracy thrived. In precolonial Igbo communities, individuals—adult male citizens, actually—were required to be physically present and to actively participate in decision making. In some instances, it was titled chiefs (*ndi nze na ozo*) who sat together to address the difficult issues of governance. Titled men were not elected but were appointed based on character and impeccable disposition of leadership ability and skills. A lazy person, one with questionable character such as stealing, lying, cheating, drunkenness, womanizing, and others, would not be permitted to hold the *nze* or *ozo* title. This gave rise to the saying among the Igbo that a "titled man does not lie." If one wanted to hear the truth, to be granted pristine justice according to the prevailing standards, s/he only needed to get the impeccable body of titled men to hear the case in question.

Precolonial Rwanda had a highly organized, efficient, and centralized system of administration. There was a hierarchical and autocratic system of government, with the king at the top. But at the clan level, there were systems of checks and balances among those who ruled (Mamdani 2002). The citizens were able to, through various strategies, ensure that the governing authorities did not take power for granted and become oppressive and tyrannical. A good example is the land ownership system, *Ubukonde*, which permeated precolonial Rwanda. It was a custom of mutually beneficial exchange of labor between the Tutsi ruling class, the majority Hutu citizens, and the minority Twa population, set on agreed principles. Mamdani asserts that the

Tutsi aristocratic class who owned herds of cattle cooperated with the Hutu farmers in tending his flock, in exchange for milk and food items. The Twa performed certain tasks such as crafting and the production of items and utensils needed by the rest of the community. The Twa's products were exchanged for food produced by the Hutu and milk produced by the Tutsi. At the time it existed, *Ubukonde* was accepted by all parties involved and those who tried to amass land wealth in a corrupt manner outside of the *Ubukonde* system incurred the wrath of the King (Mamdani 2002).

In precolonial East African kingdom of Buganda, district level chiefs who were appointed by the Kabaka (the king) or by lower level administrators could be dismissed by him when complaints about lack of performance, corruption, or perversion of justice are leveled against them by the citizens (Apter 1961). The king held absolute power, but only as much as the people allowed him to exercise. It is on record that in 1888, for instance, a massive revolt shook the kingdom in response to "Kabaka Mwanga's abuse of the system of reciprocity, plundering the people by demanding too much labor and too many taxes" (Reid 2003).

In the precolonial Southern African country of Namibia, the strongly decentralized Herero nation elected an authority figure over a clan, based on personality, secular and religious capability, and some form of economic power (to ensure independence) (Gewald 1999). This clan head or *Omukuru* was expected to lead in cooperation with the people, based on their expectations and wishes. In the event of a failure to do so or in the case of tyranny or oppression, the largely pastoral people would pass a vote of no confidence on him by leaving with their livestock to another location. The precolonial Gikuyu system of governance was "based on true democratic principles" (Kenyatta 1965, 179). Kenyatta notes that "in the whole governmental organization there was no inheritable position, everything depended on personal merit. Elevation to higher office was based entirely upon the behavior of an individual to his group …" (1965, 188). Kenyatta's enunciation brings the words of Cheikh Anta Diop to mind when he writes that as far as social and political philosophies and systems were concerned, precolonial Africa was far ahead of Europe in all measurement yardsticks (Diop 1981).

As the above examples about precolonial sub-Saharan Africa show, what held these communities together and brought administrative corruption, as previously defined, down to the barest minimum was a set of rules and regulations, agreed principles, and moral values that guided human interactions. According to Gennaioli and Rainer (2005), in precolonial Africa, the highly centralized political systems were better able to ensure strong institutions and good governance than the decentralized systems. Gennaioli and Rainer assert that historical accounts point "to a direct beneficial effect of pre-colonial centralization on institutional quality in Africa" (2005, p. 5). This may be true in terms of the enforcement of rules and regulation by the rulers in the centralized systems. However, highly decentralized societies also had effective mechanisms of enforcing their informal rules. They tended to resort to the supernatural, high moral values and ethical standards, shared world views (e.g., Ubuntu philosophy), and social codes to ensure justice and prevent corruption at all levels of the society (Kenyatta 1965; Nwaubani 2006).

Colonialism and Governance in Sub-Saharan Africa

The term colonialism is used here to refer to the international system of active political subjugation and economic exploitation in which more powerful nations dominate weaker ones (Johnson 1995). By the late nineteenth century, much of Africa was under colonial rule. The Berlin conference of 1884/1885 was the decisive event in the history of Africa. At this gathering, influential colonial powers found solutions to their long-standing bickering over African territories. The British, French, German, and other European powers reached a settlement on which parts of Africa "belonged" to whom. Britain and France ended up being the two notable European powers to hold much of sub-Saharan Africa as their colonies; the other European countries held unto marginal territories.

In its system of administration, almost all European colonial authorities in Africa generally employed a paternalistic, bureaucratic form of dictatorship or autocracy. In its paternalistic manifestation, European colonialism viewed the colonies as little less than properties without any inherent value. There was, in the beginning of colonialism, little acknowledgement of the previously existing political and social systems in Africa. At first, the colonial powers forcefully dismantled the indigenous governance systems and sought to construct brand new systems, usually copycats of the Western models. What ensued was a system of direct administration, where the European powers sent colonial administrators to make rules and ensure enforcement within the colonies. This form of direct administration was soon to be declared not feasible by the colonial authorities when it became too expensive, in terms of funds and cost of European lives, to manage.

Britain, in response to the exorbitant cost of direct administration was among the first of the colonial powers to introduce indirect rule within its colonies. The indirect system of administration recognized tribal authorities and sought to pass on some governmental power through them to the people. The system was marketed as being the best form of governance that will allow Africans to advance along their own lines in terms of ethnic, sectional, village, and kinship loyalties (Gordon and Gordon 2007). In centralized African societies under the indirect rule, established traditional rulers were recognized by His Majesty King George V in the early twentieth century and granted much more powers than previously was possible. Unlike before, when customs, inheritance rights, and sometimes the will of the people determined who became and who remained a traditional ruler, Britain retained the right to appoint and dethrone traditional rulers. In acephalous or decentralized societies, such as the Igbo of southeastern Nigeria, warrant chiefs were appointed to govern previously "ungoverned" people as representatives of the colonial administration (O'Toole 2007). These warrant chiefs were, more often than not, individuals of low standing in the society and did not have much to lose by aligning themselves with the much despised colonial authorities.

The French were not so much interested in the indirect form of administration, but when and where it worked to the best of their interests, they retained and sponsored the local ruling classes. For the most part, the French colonial administration took the form of administrative units that cut across established traditional boundaries. Villages

with different traditional authorities and sometimes even different ethnic groups were lumped together under one administrative unit. Interethnic elites, elites that did not hold much allegiance to their ethnicities, were in this way created within a French supremacist culture. In essence, instead of the British system that encouraged and supported ethnic groupings and indeed used their traditional authorities (and by extension much of their traditional values) to rule, the French upheld the French culture and discouraged traditional authorities and the culture, values, and indigenous systems of their colonies (O'Toole 2007). French language was used at all levels of teaching and learning and in governance and social administration. Africans were also compelled to adopt French culture in a bid to civilize them well enough to be granted French citizenship. With their policies of assimilation and association, the French colonial administration sought to create an African elite, who would be desperate to accept French standards and become equal with the French or at the minimum become eligible to be "associated" with the French rulers (O'Toole 2007).

The Belgian colonists, after the 1885 Scramble for Africa, initially ruled their territories through private companies. The owners of these companies were granted absolute right over the resources, including the people, of whole communities in Belgian territories (Hochschild 1998). By the early twentieth century, however, due to the bloody atrocities committed by Belgian companies and the global outcry that followed, Belgian authorities changed to direct governmental rule in 1910 (Hochschild 1998).

Colonial Origins of Corruption in Africa

Colonialism established the present-day government machinery in Africa. Prior to colonialism, African communities had different political structures within which governance was conducted. The introduction of the bureaucratic machinery in Africa by the colonialists also brought with it loopholes and mistakes that encouraged the entrenchment of administrative corruption.

Direct and Indirect Rule

The colonial indirect rule turned the leadership in Africa into a corrupted enterprise. Instead of holding power in trust for the people, the rulers held power in trust for the colonial authorities. Government became a tool of forcefully extracting obedience from the people. In several instances, men without character or strong morals were promoted as warrant chiefs by British authorities (O'Toole 2007). It should be understood that due to the taxation policies of the colonial administration and the forced labor imposed on communities, most people who had the interest of the communities at heart rejected the offer of the colonial authorities to assume the position of warrant chiefs, as they did not want to be tools in the hands of the colonial

masters in further oppressing their own people. The colonial masters were often left to choose from selfish individuals who did not care about their standing in the eyes of the community and were much more interested in the benefits that would accrue to them as stooges of the colonialists (Gordon and Gordon 2007; Young 2000). Individuals who demanded money from their people in exchange for manipulating the colonial masters enthroned corruption at the highest echelon of governance. These corrupt individuals also appointed their cronies among the masses who distilled the culture of corruption across the populace.

The social upheaval introduced by indirect rule led to the checks and balances that were used during the precolonial times being discarded and replaced by a perplexing system of Western rules and institutions (Afigbo 1982). These rules and institutions lacked legitimacy. The only way left for the rulers to get across to the ruled was through intimidation; the people therefore resorted to bribery as a first and last resort, if at all they were to be granted access to the most basic rights.

Under direct rule, a similar system also obtained. Although the colonial masters tried to bring in administrators from Europe to directly handle administration, they were still short-staffed and needed Africans to handle certain positions. These positions, just as in the indirect rule system, also entailed interacting with the people and oftentimes needing to extract money and services from them (Gordon and Gordon 2007; Young 2000).

Taxation

Mungeam (1966) describes the collection of direct taxes as "the real test of effective administration in colonial Africa" (p. 45). With little or no knowledge of the economic earnings of potential taxpayers, colonial masters imposed flat-rate taxes, known as "hut tax," on the colonies. In British East Africa, Mungeam notes that the Hut Tax Regulations of 1901 specified that a tax of "not more than 2 rupees per annum on all huts used as a dwelling" is to be paid by the occupier (p. 45). The tax collection methods were often violent; district commissioners or warrant chiefs were empowered to arrest any defaulter.

The hut tax was mainly used in paying salaries and emoluments for colonial officers and the expenses of running colonial offices. There were very little benefits from these taxes to the people in the form of any public services. Worse, the accountability mechanism and record-keeping standards were very poor in many districts, which made "it difficult to maintain accurate tax register, making the estimates of taxable males unreliable." (Gardner 2012, p. 7).

The warrant chiefs were also granted the right to exempt certain citizens from the hut tax. According to a district commissioner, "particularly important was the authority to issue full or partial exemptions of hut or poll tax in cases where it is apparent that natives have no reasonable opportunity to obtain money" (Gardner 2012, p. 11). The result was the emergence of an unjust system, which was devoid of accountability and pitched citizens against each other and against the colonial authority. This created a basis for corruption. One of the famous riots of the colonial era, the Aba Women

Riot of 1929, came about as a result of the massive corruption in the tax systems in eastern Nigeria under British colonial administration (Isichei 1976).

The Police and Military

In many parts of the world, police and military forces were created to protect citizens and ensure territorial integrity. Conversely, in colonial Africa, the police and the military were established primarily to crush civilian oppositions to the colonial rulers. Unlike in other parts of the world where the police protected law abiding citizens from crime, police engagement with the populace in colonial Africa was founded on the need to enforce colonial laws, including forced taxation, segregation, and quelling of anticolonial uprisings (Mazrui 1986). Colonial authorities used the police institution, as a necessary arm of governance, to extract forced submission to certain oppressive laws. The personnel constitution of the police was filled with local recruits, with a few Europeans at the upper echelon. The local recruits received orders to seize properties of their fellow countrymen who stood up to the colonialists, to imprison, and in some instances to kill voices of dissent to colonial rule. At the end of colonial rule, the newly independent African governments inherited institutions that had internalized the colonial culture of citizen oppression and extortion. The immediate postcolonial police and military were designed to inflict terror on innocent citizens, and citizens had internalized the art of buying their way off unwarranted harassment (Mazrui 1986).

A major challenge for immediate postcolonial African leadership was how to embark on massive reorientation exercises to transform the police and military from weapons of citizen destruction to institutions for the protection of the citizen from harm. This challenge was not taken seriously by successive administrations across the continent. Even in cases where the need was recognized, resources were lacking that could bring about internally generated transition.

Culture of Conspicuous Consumption

As indicated earlier in this paper, precolonial African societies were known for emphasizing strong moral values. A system of brotherhood living known as Ujamaa in Swahili thrived in several instances (Nyerere 1967). In these societies, those who were fit enough to work were assured of the basic necessities of life. Those who were circumstantially rendered unfit as a result of age, ill-health, or physical impairment were well taken care of, while the lazy and those who would rather depend on others instead of working hard wallowed in hunger (Achebe 1992).

Colonialism destabilized the prevailing precolonial system by uprooting men from their farms to work for the white rulers as houseboys, miners, and clerks and in other menial capacities. In order to be paid cash, which in turn would be used to pay taxes,

men abandoned farmlands and cattle and worked for the colonial masters. Unfortunately, the money paid by the colonial masters was hardly enough to cover household expenses, pay taxes and take care of other necessities. Yet, few Africans who got close enough to the colonial masters and acted as their direct agents could afford the luxuries imported from Europe. Majority, however, worked for the colonial authorities with little pay. More and more Africans then began to look for ways, often illegal, with which they could be able to afford European luxuries as their fellow Africans could. In essence, a form of greed unknown in the culture of most precolonial African societies was introduced to Africa during the colonial era (Mazrui 1986).

Rather than hardworking and morally upright members of society acting as role models for the younger generation, colonial masters and their African stooges, who lived in big houses and drove big cars, were who most Africans aspired to become like (Mazrui 1986). This idolization of colonial rulers and the aspirations to become like them encouraged a culture of consumerism, rather than that of production.

The Way Forward

There have been several efforts to address the challenge of corruption in Africa, often without understanding its history. The analyses of corruption in Africa often neglect to understand its root causes and thus have been insufficient bases on which solutions could be proffered. Take for instance the World Bank's *Africa Development Indicators,* which tracks the prevalence of corruption in Africa; this report focuses almost exclusively on how African economies are presently being undermined by exchange of money—bribes to powerful political designees or kickbacks to public officials. The United Nations Development Program (UNDP) Anti-Corruption Report under the Democratic Governance Thematic Area of the Millennium Development Goals is another instance. This paper contributes to the aforementioned important reports by seeking to address the problem of corruption in Africa from a study of its origin. It is important to understand that administrative corruption in Africa on a large scale started with the establishment of colonial bureaucratic machinery, when certain structures were put in place and other indigenous structures that initially checkmated against corruption were removed.

After an understanding of the historical antecedents that preceded administrative corruption in Africa, we now move on to extract possible solutions that will seek to restore balance in governance and reduce administrative corruption to the barest minimum.

Restoration of Indigenous Values and Institutions

Africa's indigenous values and systems were, for the most part, denounced and removed from the lives of African societies by the colonialists. These indigenous values and systems must be explored and indigenous systems of administration

rebuilt. Rwanda has successfully reinstituted some indigenous systems, such as the *Gacaca, Abunzi, Umuganda,* and Imihigo. At the end of the genocide, Rwanda had thousands of cases of genocide suspects to try, but with very little in terms of legal resources to try the cases. In order to make progress and bring closure, the government granted official recognition to the traditional judicial systems of Gacaca and Abunzi and used both to successfully try thousands of genocide suspects in a manner adjudged to be fair by international standards (UNDP 2012; Mamdani 2002). The success of the resuscitated judicial system led the government to restore and grant official recognition to other indigenous systems of governance and public administration, such as Umuganda (community work) and Imihigo (performance contract), to mention a few. The World Bank in 2011 ranked Rwanda as the fourth least corrupt African country on its Worldwide Governance Indicators (WGI) project (World Bank 2012). The Transparency International 2012 report score card gave Rwanda points 53 over 100, placing the country at the 50th position out of the 176 countries surveyed. Notable is the fact that two thirds of the 176 countries surveyed scored below 50 points, on a scale of 0, being highly corrupt to 100 being very clean (Transparency International 2012).

Formal, Informal, and Nonformal Education

Education is the greatest vehicle of cultural transformation. In Africa, civic education should be a constant part of the curricula of teaching and learning from the primary to the tertiary level. In addition, indigenous knowledge and values, which can be relevant in the present times, should be promoted within and outside of formal education circles. Also conferences, workshops, camps, and other nonformal learning situations must be widely utilized to reeducate civil servants and citizens on the need for loyalty to the state and a commitment to the common good. The media should be mobilized as a crucial element of mass mobilization to educate Africans on the fact that corruption is not an indigenous African disposition, but a learned behavior that can and should be unlearned, for development and progress to occur.

Religion as a Nation-Building Institution

Faith-based institutions ought to be mobilized to reach the souls of Africans in directing them to reject corruption. A 2010 Pew Forum survey reports that 90 % of Africa's population say that "faith is very important" in their lives. This figure was obtained between December 2008 and April 2009, during an interview involving more than 25,0000 participants in 60 languages in 19 countries, which was conducted by the Pew Research Center's Forum on Religion and Public Life. The purpose of the interview was to determine the state of belief and practice among Africans. Data available from World Religion Database state that "48 percent of Africa's 1 billion inhabitants are Christian (495.8 million); 41 percent are Muslim (423.5 million) and

11 percent are "other" or unaffiliated." Both Christianity and Islam, the two major religions adhered to by most Africans, can be used to whip up support for nation building across Africa.

Africans listen to their spiritual leaders, much more than they do politicians and policy makers. Rather than being treated as a nonessential part of governance as is presently the case across the continent, religious institutions ought to be utilized by African governments to mobilize Africans towards a commitment to strong values and loyalty to the state. The clergy must be made to understand the power they hold in their ability to bring about transformation among the citizenry who troop to the churches and mosques to listen to sermons. Governments across sub-Saharan Africa ought to work closely together with women and men of the robe, especially in the critical aspect of bringing about paradigm shift among citizens in order to curb corruption.

Promotion of the "African" Nation State

For the past 50 years, Africans have been struggling in vain to assimilate the artificially imposed colonial boundaries. It is time to promote the greater African nation state and de-emphasize the cosmetic divisions that is filled with antagonistic ethnic groups. Ethnic loyalty and affiliation often end up bringing about nepotism in public administration; contracts are given to kinsmen, while hiring of unqualified or less qualified relatives can be said to be rampant. If the greater African nation state is promoted, there will be less inclination for ethnic groupings to struggle for a slice of the tiny national cake.

Strengthening of Anti-graft Institutions

Strong anti-graft institutions such as Nigeria's Economic and Financial Crimes Commission (EFCC), Liberian Anti-Corruption Commission (LACC), and Kenyan Anti-Corruption Commission (KACC) are necessary across sub-Saharan Africa, as well as any other part of the world. Governments across Africa should appoint credible and determined individuals, who may even be nationals of other African countries, to take up the fight against corruption in the high and low places. A strengthened judiciary is a necessity in this respect.

Economic Growth

Poverty breeds vice. African countries should embark on not just the deceptive increment in gross domestic product but real development in terms of standard of living of the majority of the populace. Indeed, measuring a country's development by a reliance

on statistical analysis such as GDP and other "standard" measures has oftentimes hidden high levels of inequality in distribution and access to social services and opportunities for growth (Sen 1999; Stiglitz 2002). In 2009, two Nobel economists, Joseph Stiglitz of Columbia University and Amartya Sen of Harvard University, noted that "over the course of recent decades, GDP was rising in most of the world, even as the median disposable income – the income of the "representative individual" – was falling in many countries, meaning that a large share of the gains from economic growth ended up in the hands of the wealthy at the expense of the rest" (Jolly 2009). Provision of adequate healthcare services to all, access to education, food security, and infrastructure growth must be given prominence. These are the visible yardsticks that will show economic development and enable citizens to explore their innate opportunities for self-actualization, without being bogged down with the challenges of food, healthcare, and necessary amenities. When these provisions are made, the incentives for individuals to engage in corrupt practices in order to survive will be greatly reduced. When the uncertainties of existence are reduced to the barest minimum, more and more Africans will feel secure and also develop a form of loyalty and commitment to the state (for making the social services available). In the present situation of uncertainties over the future and lack of provision of social services, citizens are constantly in a survival mode and also harbor antagonistic feelings towards the state; these two combined make it easier for corruption to thrive across Africa.

Conclusion

There is no genetic code that predisposes Africans to corruption and neither does the C-shaped sickle cell in the African's bloodstream stand for corruption. The prevalence of corruption in Africa today is a product of socialization under the excessively corrupt colonial governments. Precolonial African societies took matters of morality seriously as shown with several examples in this paper. The present challenge is for African governments to search out ways to restore the values and ethical principles that existed in these societies and upgrade the same values and ethical principles to address modern-day challenges.

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Chapter 13
Corruption and Democratic Governance in India

Triparna Vasavada

Since its independence from Britain in 1947, India has faced substantial problems of corruption, which impeded its economic, social, and political development (Ganesan 1997). A culture of corruption has always existed in India. In various historical periods, the national and state governments in India launched programs to combat corruption, but these efforts were seldom successful. Corruption is still a part of the routine in politics, business, and governance. However, in recent years, public knowledge and awareness about corruption has also increased. This increased awareness was evident in the uprising against corruption in India in October 2010. In October 2010, an umbrella organization for several civil society organizations launched "India Against Corruption" movement. The leaders of this movement demanded from government to pass the Jan Lokpal Bill. The Jan Lokpal Bill is one of the longest pending bills in the history of India that was not passed into law at the time of the writing of this paper.

The Jan Lokpal Bill would provide the creation of a national ombudsman institution as a tool to combat corruption at the national level. The Jan Lokpal Bill was first introduced in 1969. Since then several attempts to pass the bill were made and ended in vain (Rowat 1983). This happened mainly because investigative powers for political corruption were included in addition to administrative corruption in the ombudsman's jurisdiction. No government, so far, is in favor of passing the bill that could set an inquiry against their own ministers for political corruption through an ombudsman institution.

The concept of ombudsman has been discussed in India as early as 1963, and proposals had been made at state and federal levels. The idea of an ombudsman institution was suggested and encouraged by two corruption investigating committees: Santhanam Committee and Administrative Reforms Commission. At the federal level,

T. Vasavada (✉)
School of Public Affairs, Pennsylvania State University,
W160-B Olmsted Building, 777W. Harrisburg Pike, Middletown, PA 17057, USA
e-mail: tbv1@psu.edu

in 1964, for the design of Jan Lokpal Bill, Santhanam Committee recommended the creation of a central vigilance commission—ombudsman-like institution that would be headed by a single commissioner and composed of three directorates: central police, vigilance, and general complaint and redress. The commissioner would have power and independence same as the auditor general. In addition, Administrative Reforms Committee recommended that this commission should not only deal with citizen's grievances but also with political and administrative corruption. Therefore, in addition to the powers similar to the auditor general, the commissioner can investigate corruption cases and initiate a prosecution against an officer in case of dissatisfaction with the action taken by the government on the commissioner's recommendation (Swamy 1964).

However, this proposal was not fully accepted, and the revised version was proposed by the government. Since then there have been several versions of the Jan Lokpal Bill, and the revised bills were presented to the lawmakers. None of the version was passed. In October 2010, the movement "India Against Corruption" was a push for one more attempt to introduce the Jan Lokpal Bill into parliament. The recent Jan Lokpal Bill is departed far from the original one in its nature. The current bill is directed at political corruption and allegation of misconduct against politicians rather than ordinary complaints against administrators. Therefore, none of the political parties including ruling government is in favor of the bill.

Although no proposal for an ombudsman institution was accepted at the national level, the states were heavily influenced by the national proposal of the Santhanam Committee and the draft bill of Administrative Reforms Commission. For example, the state of Rajasthan had officially made a proposal for an ombudsman institution in 1963. Several other states such as Punjab, Uttar Pradesh, Maharashtra, Karnataka, and Kerala among others have also set up ombudsman institutions to deal with corruption. In this study, I intend to look into the two cases of the state of Karnataka and Kerala by analyzing state-level ombudsman institution and workings of state ombudsman known as Lokayukta. The ombudsman institution was largely a success in the state of Karnataka, whereas, the state of Kerala experienced greater constraints (Stark 2011). In this paper, I will discuss these two state-level cases of ombudsman in the context of democratic governance to draw lessons for possible future applications of national ombudsman (Lokpal) if the Jan Lokpal Bill is adopted at the federal level. I will specifically address following questions. How come one of these ombudsmen (Lokayuktas) is effective and the other is not so much in eroding the corruption in their states? What are the elements that make one institute more effective?

To answer these questions and reach the conclusions, I have organized this chapter in four sections. In the first section, I will present nature of governance in India to provide context for this study. In the second section, I will present a literature review of the ombudsman and ombudsman institution. The discussion of two case studies on the ombudsman in Karnataka and Kerala states will follow this section. Finally, I will discuss the lessons from the experiences from Karnataka and Kerala state ombudsman (Lokayuktas) that could be useful for implementation of national ombudsman (Lokpal) and ombudsman institution in reducing corruption.

Nature of Governance in India

To understand the impacts of corruption and the ombudsman institution in India, it is important to establish the context. For that, I will present brief background on nature of governance in India. I will explain the nature of governance, in the backdrop of the political, sociocultural, and economic environment.

India is governed by a federal system (Elazar 1987). However, centralizing some of the elements of the constitution led some scholars to characterize it as a "quasi-federal system" (e.g., Wheare 1963) or even "unitary system" (e.g., Chanda 1965). The constitution states that India is a "union of states"; it does not use the term "federation."A better way to understand the governmental system is to consider the historical developments.

According to Bagchi (2003), the federalism in India developed in two phases: centralized federalism and cooperative federalism. In the first three decades after the independence (1947), the political power was concentrated in the center. The following two decades were marked as "cooperative federalism," as states demanded higher levels of autonomy. According to Seervai (1997), with the changing economic environment globally and domestically, to interpret "today's India political system as quasi-federal may be a mistake" (Seervai 1997, p. 8), because in recent times the states enjoy greater powers than what the constitution suggests (Copland and Rickard 1999). Also, the constitution has given statutory recognition to a third-tier (local) government: the villages (panchayats) and towns (municipalities). The current state of affairs can be summed up with the observation that states are seeking higher autonomy and the center is seeking to reassert its control.

This situation creates important dynamics for national unity and governance. India is regionally and ethnically very diverse. India has several hundred regional languages and eighteen official languages. Different regions have distinct historical traditions. Therefore, diversity has been a key part of the governance system. A major challenge for the federal government in India is to promote unity, while recognizing the diverse nature of the country. Keeping this in mind, after the independence in 1947, framers of the Indian constitution decided to continue the highly structured British civil service system under the new name of All India Services (AIS). The AIS is divided into various hierarchical administrative classes. For example, the first class consists of policy making and supervisory positions. The next are lower-technical functions; further down are the clerical staff; and the lowest are manual workers. Though, in general, public administration tends to be hierarchical and bureaucratic in nature, it has fueled corruption in the case of India. The major reason for this is the seniority-based promotion practices within the hierarchical system. For the administrators, the promotions are done mainly by seniority, with a limited emphasis on performance-based selection and promotion. This tends to create an environment that focuses more on pleasing the superiors and less on productive performance. Such an environment diminishes the professionalism and compromises the efficiency in operations; it also encourages the corruption through favors and favoritism.

Similar the combination of bureaucratic hierarchy and seniority-based promotion, hierarchical caste system, and strong affiliation to once own caste has created a culture of favoritism. The Indian society is stratified vertically and horizontally (Maheshwari 2005). Vertically, Hindus are divided into four major castes and numerous subcastes, and Muslims and Christians are divided into their subgroups. Although the caste system is fading gradually, it remains a mobilization device for political ends and to manipulate civil servants. Horizontally, Indian society is diverse along the regional, linguistic, and religious lines.

The hierarchical nature of the Indian society and the individual's submission to caste-based and religious preferences encourage favoritism for the superiors in government administration. Bureaucrats are expected to favor and help people from their own castes and regions, although they are supposed to be fair and objective. This incongruity between operative social norms and formal administrative roles expose administrators to stress when they perform their duties and push them to engage in acts of corruption. The forces of social and cultural segregation pressure administrators to submit to their demands. For example, the cultural preference to have a male child impacts the implementation of family planning programs. Those officers responsible to implement these programs are under the pressure of the preference for a male child; therefore they implement family planning programs only loosely.

Along with sociocultural dynamics, the country's economic condition also contributes to the growth of corruption. Despite the fast economic growth, a vast majority in India still face the poverty, unemployment, and general scarcity. According to Maheshwari (2005), poverty and unemployment are prominent reasons for corruption in the system. The resources, such as dispensing train tickets and propane gas cylinders for home cooking, are generally in shortage, and their supply is generally less than its demand. Therefore, citizens are willing to bribe the officials to get the resource. The administrative system gives government officials power to distribute the resources to the public. Government officials misuse this power and engage in bribery when they distribute the resources (Maheshwari 2005). Such discretionary powers vested in the bureaucracy, combined with the low salaries of government workers, contribute to the conditions of corruption. The constantly rising commodity prices force civil servants to complement their meager incomes. The bribes given to them in return of favors provide extra cash to them.

The Ombudsman and Ombudsman Institution

The efforts to reduce or eliminate corruption in developing countries can be grouped into three broad categories: "businessman's" approach, "market" approach, and "lawyer's" approach (Shah and Huther 2000; Jain 2001, p. 98). In the businessman's approach, incentives such as increased wages or official benefits are provided to corrupt officials to "buy them out." In the market approach, the role of market forces is increased to reduce the range of corrupt transactions through an increased competition between the private market and bureaucracies. In the lawyer's approach,

corrupt behaviors are made less attractive by increasing the costs and risks involved in engaging in corrupt behavior.

The anticorruption agencies that are established in many countries are examples of the lawyers' approach. These agencies are developed to deter corruption through investigative, preventative, and communicative functions that exploit and increase the risks and costs associated with corrupt behavior (Heilbrunn 2004; Meagher 2005). The form and compositions of anticorruption agencies vary among countries. The needs of the countries and the types of political pressures that public officials face from external groups, such as civil society or international funding organizations, help shape these differences. For example, Singapore and Hong Kong have developed single anticorruption agencies for their administrative systems, while the United States has adopted a multiple-agency approach that does not concentrate anticorruption capabilities within the auspices of one authority (Meagher 2005). This difference in approaches reflects the differences in the sizes and governmental systems of these countries: whereas Singapore and Hong Kong are small counties with unitary governments, the United States is much larger and has a federal system.

One of the tools that are used in both the multiple-agency and single-agency anticorruption approaches is the ombudsman. The model of the classical ombudsman emerged in 1809, when the Swedish Parliament provided for the establishment of the ombudsman office and charged it with task of monitoring the activities of the executive branch. The classical ombudsman is, "a public sector office appointed by, but separate from the legislature, [that] is given the authority to supervise the general administrative conduct of the executive branch through investigation and assessment of that conduct" (Reif 2004, p. 2). The three defining characteristics of a classical ombudsman are an office provided for by the legislature and headed by and independent public official that is responsible to the legislature; the receipt of complaints or grievances from persons against public authorities or agencies; and the ability to investigate, prosecute, and recommend corrective actions to the legislature (Abedin 2011). The authority of the ombudsman to investigate, prosecute, and recommend corrective actions must be exercised in such a way that is impartial to the administration (Giddings 2001).

It is important to note that there are two ways an institution could not meet the criteria for a classical ombudsman: first, if the ombudsman institution does not have an independent "ombudsman" who works independently outside of any other agencies that comes under the jurisdiction of ombudsman and, second, if the ombudsman institution falls short because of external pressure or internal weakness. For example, ombudsman lacks power because the efforts are blocked by the police or the institution's staffs are incompetent. Frank Uggla (2004) addresses this issue and takes variation in power and autonomy into consideration to classify ombudsman institution into four categories. The four categories are proper ombudsman, political instrument, "dead-end street," and "façade." "Proper ombudsman" institution is autonomous from the state and has the power to act on its findings. The ombudsman institution is a "political instrument" if it has power but lacks autonomy. In this situation, ombudsman can initiate prosecution but only if the power who controls the institution allows it to happen. The ombudsman institution falls into the "dead-end street"

category when there is autonomy but no power. In this case, the ombudsman institution can allow citizens to file the case but will take no further action. If the ombudsman institution has no power and no autonomy, it falls under "façade" category. In this case the institution has no interest in receiving complains nor acting on them.

Many countries have adopted the ombudsman institution under multiple sociopolitical influences. Denmark instituted ombudsman in 1954. New Zealand adopted the ombudsman institution in 1962. Latin American countries such as Nicaragua, Guatemala, and Peru created ombudsman offices in the 1980s and 1990s (Uggla 2004). However, implementation methods and success vary greatly among countries. The likelihood of the success of anticorruption agencies such as the ombudsman institution in developing countries is limited. One of the main determinants of the success of any ombudsman institution is the degree of the involvement and investment of the political leadership in the mission of the institution (Jain 2001; Heilbrunn 2004; Meagher 2005).

However, in developing countries, the political will to eliminate corruption may be low, due to existing corruption in the political and administrative systems (Jain 2001). Shah and Huther (2000) found that in countries with endemic corruption, the ombudsman institution may even contribute to corruption by extorting rents. There are also examples of where the ombudsman institution can be successful. In those countries where the preconditions for good governance exist, such as Hong Kong, Australia, Malaysia, and Singapore, anticorruption agencies, particularly the ombudsman institutions, have been successful (Meagher 2005).

The literature outlining the characteristics of successful anticorruption is limited; the literature on the characteristics of successful ombudsman institution is even more so. Among those who investigated the issue of success of such agencies, Pope (1999) suggests that to build an efficient anticorruption agency, its size should be kept to a minimum; this would help avoid it being used as a political tool. The ombudsman should maintain its institutional independence and to some degree its financial independence. The agency should have strong research and prevention capabilities, including the ability to access financial and personal documents and to freeze assets and detain travel documents.

This would be possible if the agency is established within the "right" political and social structure and has a well-defined strategic plan and support for networked relationship across different departments of the government (Meagher 2005). Meagher also suggests that the accountability and formal independence of the institution are not as important as its de facto autonomy "to operate in a professional and non-partisan manner," which can cultivate respect and support for the organization (p. 95). Pope (1999) also emphasizes the importance of investigative, prosecutorial, and coercive powers, but argues that those powers would be ineffective without the appropriate funding and supportive resources. The last set of conditions Meagher (2005) outlined are the sociopolitical contexts in which the ombudsman can function successfully. These preconditions include adequate laws and procedures, free speech, an active civil society, macroeconomic stability, and, most importantly, an environment where corruption is not entrenched throughout the system.

In sum, literature indicates that for the success of the ombudsman institution, supportive political and social structure is important. This will enable independence

and autonomy to the ombudsman institution that is required for fair, professional, and nonpartisan investigations of grievances. These conditions are particularly relevant for India, as the discussion of two cases of the states of Karnataka and Kerala in the next section will illustrate.

The Karnataka State

In the Indian press and scholarly literature, the Karnataka Lokayukta is identified as one of the more capable state ombudsmen in the country, in terms of its ability to manage citizen grievances and address corruption (Bajwa 2011; Narayana et al. 2012) The Karnataka Lokayukta was established by the Karnataka Lokayukta Act of 1984. Justice A.D. Kashal, a former judge on the Supreme Court of India, was sworn in as the first Lokayukta of Karnataka in 1986 (Jha 1990).

In Karnataka, the Lokayukta is appointed by the governor, on the advice of the chief minister, in consultation with the Chief Justice of the High Court of Karnataka, presiding officers, and leaders of the opposition in Karnataka's legislature. The appointee must have been or be a judge of the Supreme Court of Chief Justice of the High Court. This requirement is unlike most other ombudsman institutions in India and in other countries around the world (Jha 1990).

The Lokayukta was also given investigative powers by the central government through the Prevention of Corruption Act of 1988. This act provides the Lokayukta jurisdiction over the Chief Minister of the state, members of the state legislature, all officers of the state and local government and government corporations, and individuals from nonprofit organizations. The Lokayukta was also granted additional powers of suo moto through an amendment to the Karnataka Lokayukta Act in 2010. Suo moto powers are when the ombudsman institution can act on its own cognizance, without initiation of complain by citizens. This power allows ombudsman institution to initiate the investigation of corruption cases independently as an institution without a citizen complaint. However, the Karnataka Lokayukta cannot use this additional power to investigate the Chief Minister, ministers, members of the legislature, or nonofficials appointed to government boards and business corporations (Narayana et al. 2012).

The Karnataka Lokayukta is charged with investigating the cases that have been brought by citizen complaints or through suo moto powers. Out of all the cases that have been brought to the Lokayukta, 65.9 % of the cases were sanctioned for prosecution, and out of those cases that have been investigated, 94.3 % were sent to trial (Narayana et al. 2012). This indicates that the ombudsman institution was actively attending to the cases of grievances and sending them for trial. Once the cases were sent to trial, the role of ombudsman institution is over. The Lokayukta does not have the ability to prosecute the cases; therefore, after the cases are investigated they are taken to criminal court, where the conviction rate of corruption cases is 20.5 % and the average age of these trial cases is 5.1 years old (Narayana et al. 2012). The backlog of corruption cases is heavy in criminal court as citizens have to wait for about 5 years for trial of their cases after Lokayukta has completed the investigation.

These data indicate that the ability of the Lokayukta to conduct investigations is adequate. The success of Lokayukta in investigating cases suggests that the legislative and bureaucratic structure in Karnataka is supportive of investigation of corruption offenses, but the process breaks down once the case enters the criminal justice system. The Indian criminal justice system is historically unable to manage the number of criminal cases that are presented. In many instances the trail can take more than 5 years to begin and can go on for several years before the judgment is released. Thus it is not surprising that officials who are investigated by the ombudsman are rarely convicted.

Based on the categorization of Uggla (2004), the Karnataka ombudsman institution falls somewhere between "proper ombudsman" and "political instrument." The state of Karnataka is largely considered a success for ombudsman institution because of its ability to prosecute the cases of corruption; however, if criminal conviction is a measure of success, then the ombudsman institution has achieved limited success. This limited success should be attributed to the choice of a criminal conviction model as the centerpiece for the ombudsman agency. The inefficacy of the criminal justice system confronts the efforts of ombudsman institution.

The Kerala State

The ombudsman institution was created in Kerala in 2001. Kerala is one of the first Indian states to practice decentralization by implementing a Kerala Panchayat Raj Act of 1994. In 2001, the act was amended to include provisions for the ombudsman institution. The three-tier Panchayat system includes the village, block, and district levels. The village is the grassroots level, the group of villages constructs a block level, and union of numerous blocks represents a district. The local institutions in all three levels are known collectively as Local Self Governance Institutions (LGSIs). Soon after the decentralization, state-level officials realized that efforts were needed to reduce the pervasive corruption in the LGSIs. In an effort to police corruption within these institutions, the state government created the Kerala ombudsman institution for the state's local self-government institutions. Before the provision of ombudsman institution in Panchayat Raj Act, the Kerala anticorruption agency was originally comprised of a seven-member committee. In 2001, the state government abolished the seven-member panel format by amending the Panchayat Raj Act of 1994 and appointed the first ombudsman to the newly created ombudsman institution. The position was filled by a retired high court judge.

To understand the challenges for the Kerala ombudsman institution, it is important to know its jurisdiction and workings. Unlike the Karnataka ombudsman institution, the Kerala ombudsman institution only has jurisdiction over Kerala's local self-government institutions. The working of the Kerala ombudsman (Lokayukta) is also somewhat different from the Karnataka ombudsman (Lokayukta). In order to deal with citizen grievances in Kerala, citizens must file a complaint with the ombudsman. The Kerala ombudsman does not have additional suo moto power to conduct

investigation independently. Another unique characteristic of the Kerala ombudsman institution is that the ombudsman has the sole authority in determining whether or not the grievance falls within the ombudsman's jurisdiction. If the ombudsman decides that the complaint falls within the jurisdiction of the institution and the complaint can be resolved easily, the ombudsman will resolve the complaint right away. If the complaint cannot be easily resolved, then the complaint will be addressed at "sittings" that are held in the various districts within Kerala. The ombudsman typically will hold about 15 sittings per month, and at each sitting there are multiple districts that are represented. Sittings are extremely abbreviated hearings, where citizens who file complaints present themselves in front of the ombudsman and the ombudsman determines how to proceed. The ombudsman can then work with various agencies to resolve service problems or carry out an investigation if it is necessary. However, the capacity of the ombudsman to carry out investigations independently is limited because the legal authority and resources that are necessary to conduct investigations are not available to the institution. According to the law, any investigations must be carried out through government officials and police personnel who are not associated with the ombudsman institution. Under this model, sustainability of investigative abilities and impartiality of the ombudsman function are compromised (Stark 2011).

Two of the most significant barriers affecting the Kerala ombudsman are the small size of the office itself and the lack of authority over investigations. Stark (2011) points out that there is extreme concentration of power in the Kerala ombudsman institution because of its small size (Stark 2011). There is only one ombudsman (Lokayukta) for the entire state of Kerala. This concentration of power goes unchecked and can create an opportunity for abuse. The size of the institution also creates a logistical problem in addressing all of the complaints posed by citizens. Former Kerala Ombudsman Hariharan Nair (2011) points out that there are nearly 150 cases filed each month and suggests that in order to be effective and efficient, there needs to be one ombudsman for every three to five districts.

In order to expand the size of the office and to acquire separate investigative powers and abilities, the ombudsman must seek funding from the state government. Every former ombudsman asked for increased funding and resources because they felt that the problem of corruption within the state of Kerala was not being dealt with appropriately (Nair 2011). These resources were not provided by the state government. Consequently, the ombudsman is still unable to tackle larger and more complex cases in an effective manner. The current structure of the institution allows the ombudsman to address simple service issues that citizens may have, but it does not lend itself to addressing major corruption cases (Stark 2011).

In summary, the Kerala model is not very successful. Based on Uggla (2004) categorization, the Kerala ombudsman institution falls somewhere between "political instrument" and "dead-end street." The Kerala Ombudsman does not have power to investigate cases independently without citizen grievances. The small size of the institution itself and the lack of investigative capacity, together with high caseloads and lack of resources, diminish the chances of success. The current office structure allows the ombudsman to address simple service issues, but not to address major

corruption cases within the government. Legally, police is compelled to assist the investigation, but they rarely cooperate. There is no state funding to hire an investigative team, and the ombudsman (Lokayukta) rarely has enough information to decide a case. All these factors inhibit the workings of the ombudsman.

Lessons Learned: Important Factors for Successful Implementation of Ombudsman Institution

It is clear from the cases of Karnataka and Kerala states that the success of ombudsman institution depends on various factors. It is important to understand these factors. Figure 13.1 summarizes the lessons that can be learned from these two cases.

The two cases of Karnataka and Kerala indicate that without the political will ombudsman institutions would only have little impact on reducing corruption. Stark (2011) points out that the most obvious obstacle to the efficient workings of the ombudsman is "an unresponsive and neglectful government" (p. 391). Lack of political will results in unresponsive and neglectful government. The will impede the function of ombudsman institution as adequate resources are not allocated by the government to function effectively. Ombudsman institution can only serve as a powerful and independent force of accountability if it is fully supported by government.

Another impediment to accomplishing an ombudsman's mission is the lack of power to initiate investigations without citizens' complaints. This is important
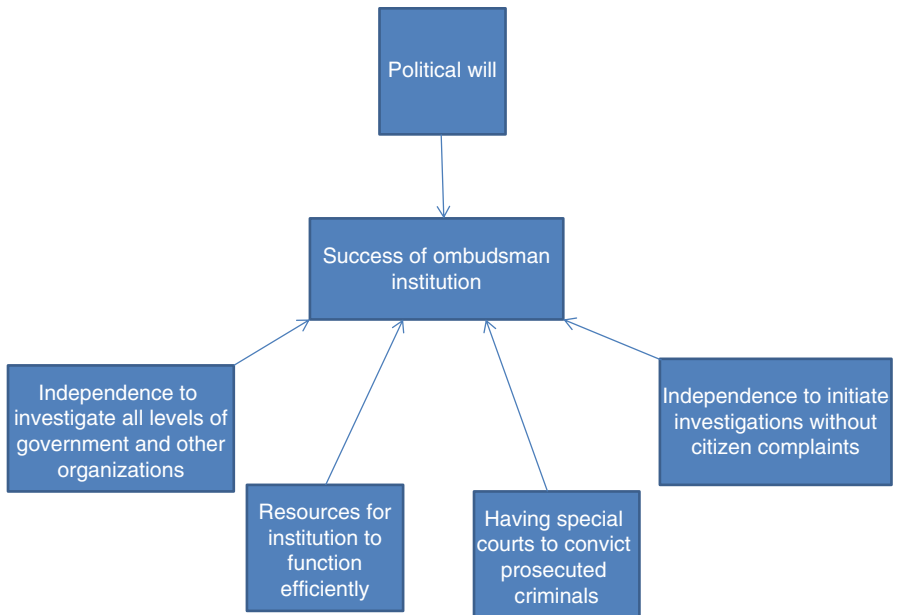
Fig. 13.1 Factors affecting workings of ombudsman institution

because citizens often lack motivation to file complaints for several reasons. Citizens do not want to file a case against a corrupt officer if they think that it could take a long time to resolve the case due to the inefficiency in the system. A citizen might have to go back to the same officers for their needs, and when a complaint is filed against them, the officers can create more difficulties for the citizen. To protect themselves, citizens might prefer anonymity when reporting a corruption case to the ombudsman. If the ombudsman is not provided the powers to act independently on its own without initiation of formal citizen complaints, the ombudsman will not be able to take any actions to start the investigation. The ombudsman agency should be provided powers for institution-initiated prosecutions.

The independence of the investigation process is the other issue. Kerala ombudsman has no independent in-office staff to conduct investigation. Therefore, ombudsman has to assign the case to a separate office and wait for their investigation findings to take any actions. The office—mostly village-level governance body called "panchayata"—is not always trained in conducting investigations. Furthermore, as Stark (2011) indicated, it is also an issue of second-order accountability and the effectiveness of the institution. What if panchayata will give faulty report? The fairness will not be guaranteed in such instance even if the ombudsman is impartial. Kerala ombudsman institution should have a trained team of investigators for greater efficiency.

In addition to the unavailability of resources for investigations, the processes of criminal court also create limitations. When ombudsman institution prosecutes a case and files the charge sheet in a court, the case enters the criminal justice system. In the case of Karnataka, the ombudsman institution has been adequately prosecuting the cases; however, the efficiency to resolve complaints decline drastically after the charge sheets are filed. When general courts are overloaded, hearings and judgments for the cases that are filed by the ombudsman are delayed. If it takes years to get the final verdict, the outcome may be meaningless and irrelevant for the citizen who filed the complaint. There should be a special court to try the individuals who are prosecuted by the ombudsman. This will save the time and increase the efficiency. The key problem for inefficiency of ombudsman institution lies at the criminal conviction model. The focus of reforms should be at the trial stage of the prosecuted corruption cases to improve the conviction of corrupt officials. Other issue that impedes the efficient functioning of the ombudsman institution, as Stark (2011) points out, is the citizen's accessibility to the ombudsman. The ombudsman institution requires citizens to attend hearings in person for complains. In the case of Kerala state, the ombudsman holds sittings in several cities; however, complainants from villages who are poor cannot afford to miss days at work frequently, and it is expensive to travel as well. Therefore, sittings should be held at various rural locations at certain number of times per year to mitigate this issue.

The issue of jurisdiction of ombudsman institution is also a reason for limited success of ombudsman. In the case of Kerala, the ombudsman institution has limited power to investigate higher level government officials and political leaders. Its jurisdiction is limited to local self-government institutions. Therefore, cases against the political leaders or higher level government officials cannot be investigated or prosecuted for the crime of corruption in Kerala. In the case of Karnataka, though

the jurisdiction of ombudsman institution includes state political leaders and all levels of government officials, the dynamics are complex due to financial resource dependence. In some instances the ombudsman is given jurisdiction to review officials of the agency that provide funding to the ombudsman institution for corruption charges. This clearly creates conflict of interest. It is difficult for an ombudsman to initiate an investigation against the officials who have the power to appoint the ombudsman and fund the office. This issue is not easy to solve and any solution would have its consequences. However, the ombudsman institution should have neutral relationship with agencies that support them financially. The financial resources for the ombudsman institution should come from sources that are not in the jurisdiction of the ombudsman institution to avoid conflict of interest. Last but not least, limited funding resources are a major reason for inefficiency of ombudsman institution. Government should provide adequate resources for ombudsman to function efficiently. It is clear from the two cases of Kerala and Karnataka that governments are not quite willing to fund their ombudsman offices. In the case of Kerala, the ombudsman institution has requested funding to create investigative teams for many years. However, their requests are repetitively denied. In addition, Kerala government has also denied the request for more accessible office and larger office space to accommodate the workload. It is important that the government be responsive to the needs of the ombudsman for a successful implementation of ombudsman institution.

The ombudsman institution has been used by thousands of citizens in India to resolve their complaints. The ombudsman institution has played an important and unique role in combating corruption, as it is less expensive and more accessible than the formal court. However, the functions of the institution are not without constraints, as the two cases of this study illustrate. In the case of Karnataka, the ombudsman institution is considered effective but not without limitations (Narayana et al. 2012). However, the case of Kerala ombudsman institution exemplifies greater challenges in meeting its expectation. If the ombudsman institution faces constraints in reaching to its full potential, then the challenge for democratic governance remains the same—how to combat corruption? The recommendations based on the analysis of the two cases presented in this section could help achieve the primary goal of the ombudsman institution to convict the cases of corruption at the national level.

Conclusion

In this paper, I discussed the ombudsman institution and its effectiveness to reduce corruption in the democratic governance. The two states of India, Karnataka and Kerala, are presented. The lessons were drawn from the experiences of state ombudsman (Lokayukta) that would help implement ombudsman (Lokpal) and ombudsman institution at the national level. The ombudsman institution in Karnataka has been moderately successful, whereas the state of Kerala faced greater constraints. The two cases provided insights about the factors that could contribute to the

success of ombudsman institution. These factors are the independence to initiate investigations without citizen's formal complaint, having special courts to convict the prosecuted criminals, having resources for institution to function efficiently, and independence to investigate all levels of government and other organizations. Corruption in India is a deeply rooted problem across the nation. These two states provide important lessons that should be highlighted in implementation of the ombudsman institution at the national level. To reduce corruption, it will require not only the extremely powerful national ombudsman agency that is proposed in the Jan Lokpal Bill, but also a strong political will and highly contentious legal reforms. Without the legal reforms or having special courts to convict the corruption cases, the investigation rates and filling of charges will increase but the national ombudsman institution will not be able to secure more convictions. Similarly, in case of lack of political will, the national ombudsman institution will end up dealing with unresponsive government and face resource constraints due to that. These will fail the ombudsman institution achieve its primary purpose of reducing corruption through conviction of corrupt officers.

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Part IV
Anti-corruption Strategies

Chapter 14
Prosecute and Punish: Curbing Political and Administrative Corruption in Kenya

Simon H. Okoth

Due to the inherent difficulties in curbing corrupt practices within the public sector, several countries in sub-Saharan Africa are today engaged in what can be described as experimentation with diverse and creative strategies. These strategies range from public education and awareness, to institutional and democratic reforms, economic liberalization, and the creation of ad hoc or permanent anticorruption agencies (Robinson 1998). In some countries such agencies are established through the acts of parliaments and in some by presidential decrees (Pillay and Dorasamy 2010). Often the rationale for such agencies are twofold: to investigate claims of corruption and to prosecute the perpetrators and to demonstrate to the general public that the government is acting accountably and responsibly by trying to do something about the vice.

Although the public expectations of such agencies tend to be relatively high upon their creation, available evidence suggests that their existence and ability to effectively fight the vice is hampered by lack of political will on the part of government officials(Robinson 1998). Moreover, the durability of such agencies depends on the turnover of political regimes. Hence the agencies as well as their anticorruption mechanisms tend to be ad hoc in nature.

Kenya is among the few sub-Saharan countries that have fought corruption through a legally instituted agency, albeit with varied results. For Kenya, the institutionalization of anticorruption measures comes at a time when her ranking by the worldwide Corruption Perception Index (CPI)[1] is relatively low. For example, in 2005 Kenya's CPI was 2.1, and it was ranked the 144th among the 158 countries surveyed (Transparency International 2006). Seven years later, the country improved

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[1]Corruption Perception Index (CPI) measures the perceived level of public sector corruption in countries and territories that agree to be included in the exercise. The CPI is a scale that ranges from 0 to 10, where 0 means that a country is perceived as highly corrupt and 10 means that a country is perceived as very clean (Transparency International, http://cpi.transparency.org/cpi2011/results/#countryresults; 4/14/2012).

S.H. Okoth (✉)
Zayed University, P.O. Box 144534 Abu Dhabi, United Arab Emirates
e-mail: randeegah@gmail.com

Table 14.1 Value of
corruptly acquired public
assets and wealth

Year	Estimated value in Kenya shillings
2005/2006	1,500,000,000
2006/2007	111,900,000
2007/2008	377,100,000
2008/2009	148,300,000
2009/2010	1,780,000,000
2010/2011	771,700,000

Source: (KACC 2007, 2008, 2009a, b, 2010a, b, 2012)

only by a notch with a CPI of 2.2 and is ranked the 154th among the 183 countries (Transparency International 2012).

The seriousness and the extent of corruption in Kenya can also be measured in terms of the value of corruptly acquired public assets and wealth. Between 2005/2006 and 2010/2011, for example, an estimated 4.689 billion Kenya shillings worth of public assets were fraudulently acquired (KACC 2011). The specific figures are displayed in Table 14.1.

As Table 14.1 illustrates, in the 2005/2006 fiscal year, 1.5 billion Kenya shillings were fraudulently acquired. This figure includes embezzled public funds and monetized value of physical state property, such as land. The following year, 2006/2007, the amount of corruptly acquired public property and funds plummeted. It is probable that the scaling down in the amount coincided with the aggressive launch of the anticorruption agency's preventive measures, which included proactive investigations and disruptions of safe havens for corrupt practices. That reduction of looting from state coffers continued until 2009/2010 when it spiked again to 1.78 billion Kenya shillings. In 2010/2011, the value of corruptly acquired wealth and property declined to 7.7 million Kenya shillings. That decline coincided with the approval of a new constitution. That process included, among other things, a national discourse about the need for improved transparency to mitigate the deeply rooted corrupt practices that had been part of Kenyan "social culture" since it became a republic in 1964.

This was not the first time in the history of Kenya when corruption was discussed or measures were taken against it. The next section states briefly the background to corruption efforts in Kenya. This is followed by a discussion of the structure and functions of the Kenya Anti-Corruption Commission (KACC). Then the results of a secondary data analysis about the level of success or failure of the Commission are presented. The following section examines the constraints in fighting corruption and the lessons learned from the experiment with prosecutions. The final section provides conclusions and recommendations.

A Brief Background of Anticorruption Measures in Kenya

The history of the efforts to curb corrupt practices in Kenya's public sector goes back to 1956, when the British colonial government passed the Prevention of Corruption Act (KACC 2009a, b). This Act was enacted at a time when Kenya was

waging a revolution for political independence from the British. After independence, the implementation of the Act was hampered by two competing goals. First, the focus by the government was on nation building and speeding up economic growth. Second, the new political leadership pursued contradictory development approaches. On the one hand, a capitalist model of development was instituted to foster market-based system. On the other hand, a statist approach was implemented: the government retained some income-generating agencies, known as "parastatals."

The immediate goal of those state agencies was to provide citizens with essential services like electricity, rail and air transport, water, telephone, and postal services (Tordoff 2002). The other goal was to provide public services at lower cost, ensure equity of access, generate revenues, and provide employment. Generally, in post-independent African states, those state-run agencies served as conduits for corrupt practices (Robinson 1998; Tordoff 2002). This was primarily because of a clientelistic political system that had developed in Kenya soon after political system. Clientelism is the "reciprocal exchange of goods and/or services on a personal level between two unequal parties" (Edie 2003, p. 66). The government, through political parties and state agencies, acted on the promise to facilitate access to resources by the poor citizens. Hence, personal networks were developed by political leaders to "exchange" goods and services in return for political loyalty. In this regard, the state agencies were used to employ supporters of political patrons as well as to provide economic rent (i.e., "unearned income") to the political masters. This practice subsequently became rooted in the society.

The statist thus approach empowered the government to intervene in the market place by setting up interest rates and the prices of basic commodities. The unintended consequence of such intervention powers was the creation of a fertile ground on which corrupt practices took root in post-independent Kenya. Tordoff (2002), for example, observes that the professional positions in the state agencies were used to promote *clientelism*, a practice in which favors were extended to selected citizens through employment in return for their loyalty and political support. Moreover, with the weak public accountability, state censorship of the media, and the absence of organized civil society during the first three decades of independence, Kenya's senior government officials began to loot revenues through the state agencies (Mukui 2005).

The looting intensified following the oil price hikes by the Organization of Petroleum Exporting Countries (OPEC) in the early part of 1970s. Those in privileged government positions responded to the prices increases by engaging in corrupt practices. In the 1980s and 1990s, the country witnessed an unprecedented broadening of fraudulent practices, beyond the confines of state agencies (Byrne et al. 2010). For example, corruption infiltrated the private sector as well as village level government administrations such as the local chiefs and district officers.

As the seeds of democratization took root in the latter part of the 1980s, citizens began to publicly deride corrupt practices in the public sector (Jarso 2010). Some of the complaints were expressed by the print media; others were expressed at public forums by civil society organizations. Besides, external voices against the high levels of corruption in the country came from international organizations such as the International Monetary Fund (IMF) and the World Bank (Galtung 1998). Those internal and external voices led to the amendment of the Prevention of Corruption Act in 1991.

The aim of the amendment was to institutionalize the fight against corruption within the political and bureaucratic circles (KACC 2009a, b). To support the fights against state-level corruption such as in Kenya, the IMF adopted more inclusive reform policies that targeted the developing countries; these policies essentially linked its loans to good governance practices and penalized those governments that did not comply (Riley 1998). For example, in 1997 the IMF "suspended $220 million in loans[to Kenya] over concerns about the allocation of power contracts and on the grounds that the government had failed to combat corruption" (Galtung 1998, p. 121).

The enforcements of the 1991 Anti-Corruption Act was halfhearted at best under President Daniel Arap Moi. However, with the persistence of Kenya's activist legislators, combined with external support, the half-baked 1991 act was modified to create the Kenya Anti-Corruption Authority (KACA) in 1997. After a brief span of life, the agency's power to prosecute was challenged in court under Section 26 of the country's constitution, which empowers only the Attorney General to prosecute. In *Gachiengo v. Republic*, the high court ruled that the existence of KACA undermined the powers conferred on both the Attorney General and the Commissioner of Police by the Constitution of the Republic of Kenya (EACC 2013). On December 22, 2000, the agency ceased its operations. A few months later, on August 2001, the Anti-Corruption Police Unit, an ad hoc agency was created by Executive Order to fill the gap. The Unit was later replaced by the KACC, established under the Anti-Corruption and Economic Crimes Act of May 2003.

Kenya Anticorruption Commission

The goal of this section is to enable us understand the successes and failures in the fight against corruption in Kenya. In this regard, the legal structure and the operationalization of the anticorruption agencies are reviewed in order to identify the areas in which there have been some progress and failures.

The KACC was mandated to prevent corruption, enforce anticorruption laws through prosecutions where feasible, and to educate the public about the vice and its effects (Kenya Anti-Corruption Commission 2007–2008 Annual Report 2008). To effectively carry out these obligations, the Commission was structured as shown in Fig. 14.1.

At the top of the hierarchy is the Advisory Board, which consists of 12 members nominated by prominent interest groups and professional bodies. For example, in the 2007–2008 Financial Year the Board members were drawn from the Kenya Association of Manufacturers, the Federation of Kenya Employers, the Institute of Certified Public Accountants of Kenya, the Institute of Engineers of Kenya, the Kenya Medical Association, the Kenya Bankers Association, the Architectural Association of Kenya, the Association of Professional Societies of East Africa, the Central Organization of Trade Unions, Joint Forum of Religious Organizations, the Law Society of Kenya, and the International Federation of Women Lawyers (FIDA) Kenya Chapter (KACC 2007–2008 Annual Report 2008). Upon their nomination
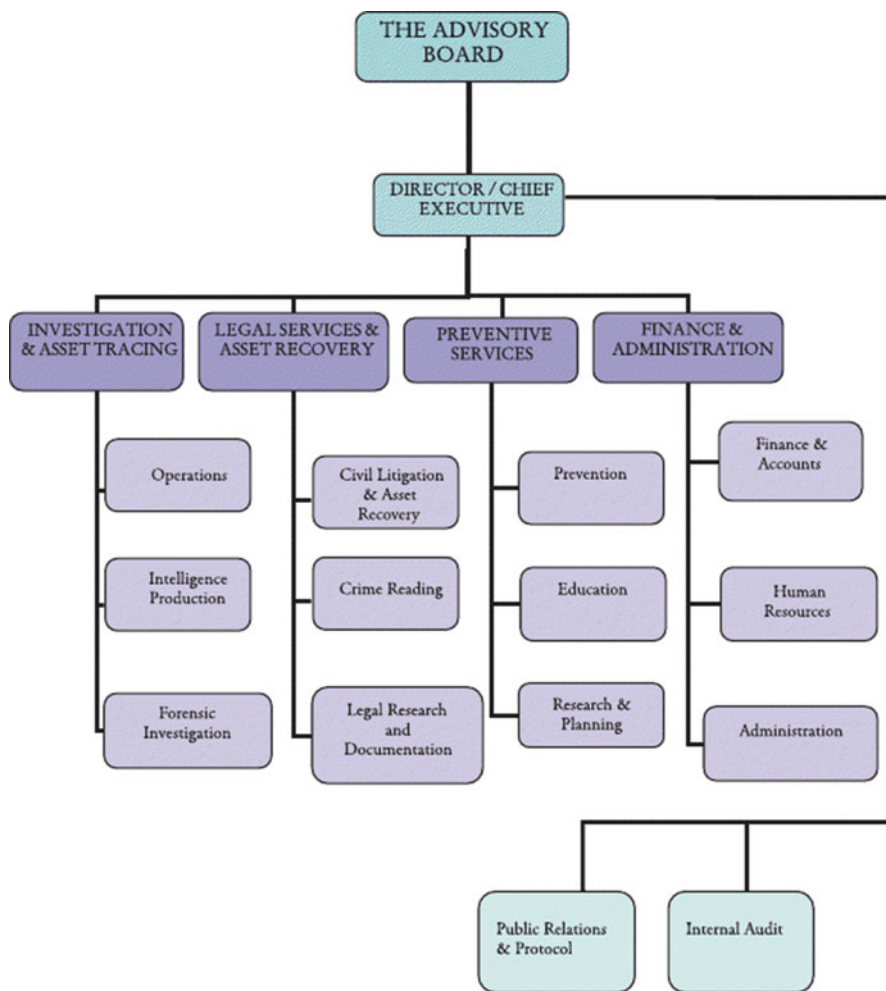
Fig. 14.1 Kenya Anti-Corruption Commission organization structure. *Source* (EACC 2011)

by the president, the board members are vetted by Parliament and then formally appointed by the President. The Board is accountable to the Parliament.

The KACC consists of four directorates: Directorate of Investigation and Asset Tracing, Legal Services and Asset Recovery Directorate, Preventive Services Directorate, and the Finance and Administration Executive. The Directorate of Investigation and Asset Tracing is mandated to investigate corruption and economic crimes, including "the extent of liability, loss or damage to any public property for purposes of recovery or compensation and the whereabouts of corruptly acquired assets for purposes of recovery" (KACC 2010a, b, p. 2). To effectively perform these functions, the directorate is divided into three departments. The Operations

Department oversees regional report centers in Nairobi, Mombasa, and Kisumu. These centers receive anticorruption claims and refer them to the headquarters for further action.

Operationalization of KACC Functions

To fully appreciate the functions of the KACC and to assess the outcomes of its efforts, we must first understand the concepts of "political corruption" and "bureaucratic corruption." For the purposes of this article, political corruption may be defined as the use of political office to "sustain power, status and wealth" (Amundsen 1999, p. 3). It is assumed that individuals holding political power will attempt to manipulate existing rules and procedures to access state resources so as to benefit themselves and their political supporters. Bureaucratic corruption occurs when government employees ask for bribes in exchange for public services that are generally provided for free (Amundsen 1999). This definition does not consider the systematic embezzlement of public funds by the same government officials.

Role of the KACC

At the core of the KACC's mandate is to investigate cases of suspected acts of corruption and economic crimes and to "arrest, charge and detain suspects to the like extent as a police officer" (The Anti-Corruption and Economic Crimes Act 2003, cited in KACC 2009a, b, p. 9). The agency is further empowered to:

- Require a person suspected of corruption or economic crime to provide a written statement in relation to any of his/her property specified by the Director, the time of acquisition, and how much was paid for the property
- Require any person to provide information or documents in the person's possession that relate to a person suspected of corruption or economic crime
- Require any person to produce specified records in his possession (and) to provide any other explanations and information within his knowledge relating to the records (p. 9)

Failure to comply with any or all of these conditions can lead to prosecution and a fine of no more than 300,000 Kenya shillings if found guilty (p. 9). In addition to these mandates, representatives of the Commission are authorized to "enter and search any premises with a warrant; require a person to produce for examination, any property in the persons' possession, and to surrender his travel documents" (p. 9). Section 66 of the 2003 Act further goes on to state that any person who

> Blocks, hinders, physically attacks or threatens a person acting under the Act; or Lies to, or knowingly misleads the Commission or a person acting under the Act; or Destroys, modifies, conceals or removes documents, records or evidence that the person believes, or has

reason to believe may be relevant to an investigation under the Act; or Makes false claims to the Commission or a person acting under the Act commits an offense and may, if found guilty, be fined up to Sh. 500,000 or be jailed up to five (5) years or both (KACC, p. 10).

Consequent to these powers, the Commission's Directorate of Investigation and Asset Tracing has set up two regional offices in Mombasa and Kisumu to facilitate its work. Each of the regional offices collects information on claims of corruption and sends the reports to the head office in Nairobi, where they are processed and analyzed by the forensic experts and two other departments: intelligence and operations. The final stages of this process involve categorizing actions to be taken by the agency and providing relevant information to the Attorney General for further action. The categories serve as the indicators of the degree of success or failure. "Success" is defined as the extent to which the agency is meeting its stated goals and objectives, and "failure" is the opposite.

Indicators

As already been stated, once investigation reports into alleged corrupt practices have been submitted to the headquarters and analyzed, the agency turns its attention to measurable actions (or indicators). Hence what follows describes the analysis of the results of secondary data in relation to the indicators developed by the anticorruption agency. Each of the indicators of the degree of success is operationalized as follows:

1. Numbers of alleged corruption reports received from field offices: These figures are important if they demonstrate an increase or decrease in the reports from the field offices. An increase shows that the strategies for collecting information of alleged corrupt practices are successful while the opposite implies failure.
2. Reports taken up for action by KACC: The numbers in this category demonstrate the ability of the agency to determine how many cases ought to be pursued further for possible prosecution.
3. Reports forwarded to other agencies: These are the cases forwarded to other relevant agencies other than KACC because their validity needs further verification or can be addressed internally by those agencies.
4. Reports forwarded to other public service organizations: These are cases forwarded to other government agencies because they are in better position to deal with them. In other words, their magnitude does not warrant KACC involvement.
5. Disruption of corruption networks: This shows the progress by the agency to disrupt corruption networks and any potential for looting public funds. Indicators: number of cases disrupted, the Kenya shillings or dollar equivalent of the cases disrupted.
6. Number of cases referred to other agencies: These referrals are made because other agencies are better placed to address them instead of the anticorruption agency that handles cases of national magnitude.

7. Complainants are asked to avail more information: These numbers show how many cases were referred back to the originators for more information before being considered for prosecution.

The next section presents empirical results of the agency's work from 2005 to 2011 against each of the indicators.

Results

The data on each of the indicators listed above was analyzed to determine the level of success or failure by the KACC. The overall results are presented in Table 14.2.

The numbers on Indicator #1 (reports of alleged corruption) in Table 14.1 (and the trend line in Fig. 14.2) show that between 2005/2006 and 2006/2007 financial years, the number of reports received from the three regional offices—Kisumu (Western), Mombasa (Coast), and Nairobi (Central and the Headquarters)— increased from 7,888 to 8,888 (3.8 %). However, the following year (2007/2008) that number decreased by 45.2 % (from 8,188 to 4,485). This decrease can be attributed to the effects of the general election activities between September and December 2007 and the postelection violence between January and March 2008 (KACC 2007–2008, p. 4). The violence contributed to the decrease in corruption

Table 14.2 Action taken by KACC: 2005/2006–2010/2011

Indicators	FY 2005/2006	FY 2006/2007	FY 2007/2008	FY 2008/2009	FY 2009/2010	FY 2010/2011	Total
Reports taken up for action by KACC	1,150	1,611	1,232	1,270	1,281	2,445	8,989
Reports forwarded to other agencies	651	982	276	185	155	188	3,437
Reports forwarded to other public service organizations	1,474	1,376	538	575	704	828	5,495
Advised on the (appropriate) authority to report the matter to	4,071	3,855	2,387	2,128	2,070	3,358	17,869
Complainants to avail more information	249	174	131	146	30	46	772
Total							36,562

Source: (KACC 2007, 2008, 2009a, b, 2010a, b; EACC 2011)
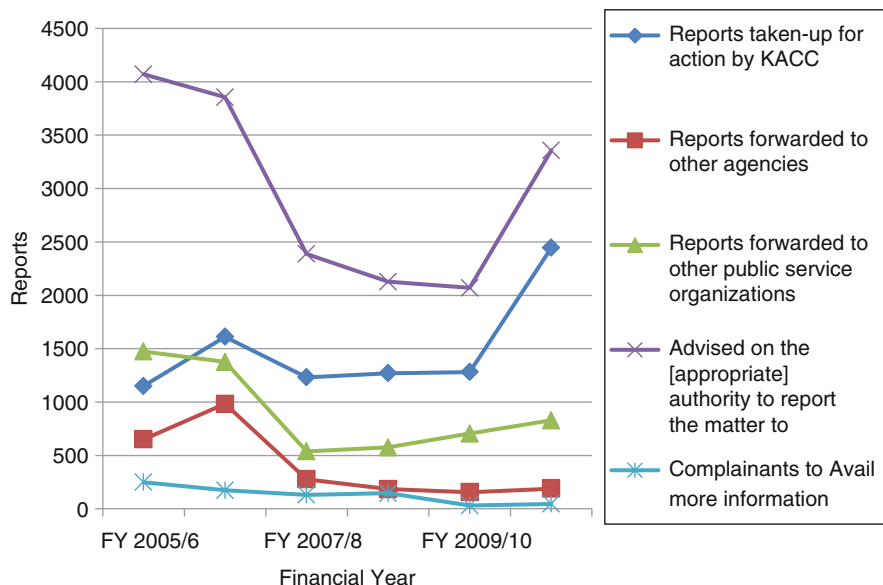
Fig. 14.2 Action taken by KACC 2005/2006–2010/2011

reports in three ways: one, citizens were more concerned about their safety than observing the malfeasance and taking time to report. Two, the perpetrators of corruption had reduced opportunity to demand money in return for public services. Three, the flow of information including cases reported at the regional offices was also disrupted by the violence. That decrease, during the conflict, does not imply that it was a good thing or bad thing because it was a one-time event. Neither can we state that violence is good because it helped reduce corruption. Rather, the decreased numbers simply demonstrate in this isolated case that violence can disrupt bad or good practices within a society.

Between 2009/2010 and 2010/2011 however, the reported cases reported rose from 4,372 to 7,076 (63 %) (EACC 2011). Two factors explain the upsurge: the degree of openness prompted by a national dialogue over a new constitution that was approved by the government in 2010 and the renewed impetus that followed the appointment of new management team, increased media publicity, intensified outreach, and a regional expansion of the program (EACC 2011). It can thus be stated that an increase in reporting is a good thing because it sends signals to the would-be perpetrators in the government that the citizens have become more watchful of the acts and legally empowered to report such cases. Hence, corrupt officers stand higher chances of being prosecuted with increased reporting by the public.

During the 6-year period under review, the Kenya Anti-Corruption Agency handled a total of 36,562 cases of which 8989 (24.5 %) were taken up for action by the anticorruption agency. The remainder were "forwarded to other agencies" (9.4 %), "forwarded to other public service organizations" (15 %), "advised on the appropriate authority to report the matter to" (48.8 %), and "complainants to avail more information" (2.1 %). The trend for each of the indicators is displayed in Fig. 14.2.

Table 14.3 Relationship between cases reported, number presented to the AG for action, number recommended for prosecution, and number accepted for prosecution

Year	Number of alleged corruption reports received	Number of cases forwarded to AG for action	Number recommended by KACC for prosecution	Number accepted by AG for prosecution	Percent (%) accepted versus recommended
2005/2006	7,888	84	70	68	(97)
2006/2007	8,188	99	72	64	(88)
2007/2008	4,485	111	86	70	(81)
2008/2009	4,335	122	94	61	(64)
2009/2010	4372	104	79	75	(94)
2010/2011	7,106	134	113	95	(84)
Total	36,374	654	514	433	(84 %)

Source: (KACC 2007, 2008, 2009a, b, 2010a, b; EACC 2011)

Figure 14.2 shows that there was higher number of cases that did not merit attention of the anticorruption agency. Hence, the originators of those cases were "advised on the [appropriate] authority to report the matter to." The next highest number of cases was those taken up for action (i.e., further investigation, analysis, and possible recommendation to prosecute) by the agency. This was proof that KACC was credible in its ability to investigate and take up for action a higher number of cases reported by the regional offices compared to those that did not merit attention. The next in line was the "reports forwarded to other public service organizations." Further down were cases that were "forwarded to other agencies" for attention. At the bottom was the "complaints to avail more information." This implies that only a few cases were returned for further verification. It also suggests, for the most part, that cases reported to the agency had some degree of credibility. Overall, the trends in the figure demonstrate that the number reported to the anticorruption agency but referred to appropriate agencies for further action were relatively higher compared to the other actions.

Equally significant is the extent to which the cases found to be warranting of prosecution are forwarded to the Attorney General and the actual numbers accepted by that office for hearing. This kind of actions is in accordance with Section 35 of the Anti-Corruption and Economic Crimes Act of 2003, which requires the Commission to report the results of all investigations to the Attorney General for action. Table 14.3 shows the relationship between the cases reported, the number of files recommended to the Attorney General (AG) for prosecution, and the actual numbers accepted by the AG.

The numbers in Table 14.3 show that between 2005/2006 and 2010/2011, a total of 36,374 alleged cases of corruption were received by the agency. Out of the total cases reported only 654 (1.8 %) were forwarded to the Attorney General for action. Of those cases, 514 (78 %) were recommended for prosecution out of which 433 (or 84 %) were accepted by the AG. This is the actual number presumed to have been taken to court for hearings by the Attorney General's office. It is also important to take note of the high levels of acceptance rate of the cases presented to the AG for prosecution between 2005/2006 and 2010/2011. On the average the acceptance rate stood at above 80 % except for 2008/2009 due to the disruption by the post-2008 election violence.

Table 14.4 Disruption of corruption networks

Year	Amount (Kenya shillings)	Government ministry/agency
2008/2009	4.6 million	1 ministry and 6 agencies
2009/2010	14.7 million	Kenya Power and Lighting Company
		Kenya Medical Supplies Agency
2010/2011	3.9 billion	4 government agencies and 8 municipalities

Source: (KACC 2008, 2009a, b, 2010a, b; EACC 2011)

Table 14.5 Breakdown of reports by nature of allegation 2007/2008–2009/2010

Category of allegations	2007/2008 (%)	2008/2009 (%)	2009/2010 (%)
Embezzlement of public funds	5	8	8
Fraudulent acquisition of public land and property	4	–	4
Civil matters	17	15	18
Bribery cases	16	16	14
Administrative matters/issues	31	28	27
Abuse of office	–	7	–
Labor issues	–	6	4
Other offenses	27	20	19

Source: (KACC 2007, 2008, 2009a, b, 2010a, b)

This high acceptance level poses a catch-22: on the one hand, it can be taken to mean that the government's strategies for tackling the vice such as reporting alleged cases of corruption and forwarding them to the Attorney General for prosecution were fairly successful judging by the consistently higher numbers. On the other hand, the high acceptance level by the AG does not prove that the cases were actually prosecuted and those found guilty punished. Rather, at the surface level, the figures are important because they show some level of progress and also the ability of the anticorruption agency to institute mechanisms for addressing the problem.

The anticorruption agency exhibits its level of effort also with proactive investigation (i.e., the agency's use of its intelligence and operations capabilities to "disrupt corruption networks" that would otherwise go unreported). In this study these efforts were measured with indicator #7 (disruption of corruption networks). The nature of the disrupted offenses ranged from irregular approval, tax evasion, procurement of cranes and clinker, irregular payments, and embezzlement. Table 14.4 presents the results of the analyses on this indicator.

The table shows that by disrupting corruption networks the KACC averted a loss of 3.9 billion Kenya shillings involving four government agencies and eight municipalities. The previous year, the agency averted the loss of 14.7 million. In the 2008/2009 fiscal year, an estimated 4.6 million Kenya shillings worth of corrupt deals involving one ministry and six government agencies were foiled (Kenya Anti-Corruption Commission Annual Report 2008–2009, p. 16).

The analyses of the cases reported further reveals that, on the average, corruption involving administrative issues, bribery, and civil matters are relatively higher than the embezzlement of public funds, the fraudulent acquisition of public property, and the abuse of office. These results are presented in Table 14.5. Take 2009/2010 for

example; the embezzlement of public funds constituted 8 % of the total allegations, while fraudulent acquisition of public land and property, 4 %; civil matters, 18 %; bribery cases, 14 %; administrative matters, 27 %; abuse of office, N/A; labor issues, 4 %; and other offenses, 19 %. Allegations of administrative corruption were consistently high with 31 % in 2007/2008, 28 % in 2008/2009, and 27 % in 2009/2010.

Constraints and Lessons Learned

The above results show that on the average, 80 % of the cases reported to the anticorruption agency were forwarded to the Attorney General for prosecution. The agency is also reported to have disrupted a number of corruption networks. These figures however do not inform us of the constraints the agency experienced while making these efforts. The following identifies some of the constraints and lessons learned.

Constraints

The effectiveness of Kenya's anticorruption agencies has depended to a large extent, on the political and administrative commitment and the efficiency of the agency's leadership. Three constraints to KACC's ability to investigate and prosecute graft offenses can be identified. The first one is the apathy of public officials. Both the executive branch and the legislature have been reluctant to grant the anticorruption agency full autonomy over its operations (Kwayera 2012). The second constraint is the manipulation of parliamentary bills to reduce any powers that the anticorruption agency might be granted. For example, in 2010 and early part of 2011, when the KACC succeeded in identifying corrupt senior politicians and bureaucrats, the members of the parliament disbanded the agency and created a new body, the Independent Ethics and Anti-Corruption Commission (EACC) (Kwayera 2012). Additionally, the legislatures made sure that the new agency does not have the powers that might make the lawmakers vulnerable to any future investigations for alleged corrupt practices. As a Kenyan journalist has observed, the goal was to "clip the Commission's wings even before establishment" (Kwayera 2012, p. 1).

The third constraint is the replacement of the agency's leadership team with politically correct individuals. For example, activist and KACC's director Patrick Lumumba and his team were ejected out of the agency's leadership in September 2011, after a brief stay in office. The ejection of the team followed the declaration by the Director that there were "five to ten 'high voltage files'" that were soon to be recommended for prosecution (Kwayera 2012, p. 1). The referenced files involved four Cabinet ministers and 45 heads of "parastatals." To the legislators, the director's declaration would have undermined their public image and status in society. Consequently, the legislators demanded that the entire KACC team be removed

under the pretext of the need to restructure the organization in order comply with the provisions of the new constitution approved in 2010. Similarly, the Minister of Justice, under whom the anticorruption agency falls, was moved to a different ministry after he proposed to the Kenya Law Reform Commission that the newly formed Ethics and Anti-Corruption Commission should have prosecutorial powers (Kwayera 2012). Apparently, that proposal would have denied the Attorney General the powers to prosecute under the old and possibly the new constitution and at the same time watered down the oversight powers granted to the legislators. Furthermore, the legislators feared that such powers would create friction between the agency and the Director Public Prosecutions.

Another ejection took place in 2009, when the director of the agency, Aaron Ringera, was forced out of the office. Although other reasons might have contributed to his departure, the director previously called on the government authorities to "give KACC some teeth" by granting it powers not only to investigate but to arrest and prosecute suspects in corruption-related cases if the war on the vice was to be won (Pan African News Agency 2009). By taking such a stand, the director appeared not ready to protect the lawmakers and to whom the agency is accountable.

Lessons Learned

These accounts and analyses bring up one major question: what can we learn from these political maneuverings and the efforts by Kenya's anticorruption agencies? Kenya's experiment with the prosecution and punishment of offenders has yielded different results. As study results have shown, of the 36,374 alleged corrupt cases reported countrywide, only 514 (1.8 %) were found to be within the mandate of the agency for follow-up. One lesson that can be learned from this is that the majority (approximately 98.2 %) of the cases reported are either not genuine or are genuine but somewhat flimsy and hence had to be referred to other appropriate agencies for action. It can also mean that citizens may be reporting cases that may not be classified by KACC as genuine corruption or do not have evidence to support their allegations. Another related lesson is that while the law stipulates that all genuine cases of corruption must be reported to the Attorney General (AG) for prosecution, there is no evidence in the literature or in the agency's annual reports to show the outcome of the cases actually prosecuted. For example, of the 84 % cases accepted for prosecution by the AG over the 6-year period, no record shows the number of individuals fined, imprisoned, or acquitted for lack of proof. This signifies not only a weakness on the prosecution side but also the need to document the results of such prosecutions even if all the cases are thrown out by the presiding judges. Moreover, the strength in the numbers reported for action by the AG can be meaningful only when they are translated into actual prosecution, the cases heard, and verdict rendered by the justice system.

The second lesson is that the majority of alleged corrupt offenses are committed by the lower- and mid-level officials. For example, according to the 2010/2011

Annual Report, low-level officials such as chiefs, assistant chiefs, clerks, and council security officers were responsible for 66 % of the total alleged cases of corruption. These percentages were much lower for the other levels: mid-level officials, such as inspectors and procurement agents (27 %); high-level officials, including permanent secretaries, accounting officers, and chief executive officers (6 %); top-level officials, such as ministers, assistant ministers, and other influential individuals in the country (1 %) (EACC 2011). Additionally, out of the 4,485 cases reported in 2007/2008, 18.8 % were claims against individuals. Others were against law enforcement agencies (17.9 %), private organizations (17.4 %), ministries (12.9 %), state corporations (8.2 %), local authorities (6.8 %), schools and universities (4.7 %), judiciary (3.3 %), and others (9.6 %).

A third lesson is that when higher-level officials are implicated in corrupt practices, often they will employ their powers to diffuse such charges. They will form factions outside or inside the legislature in an attempt to make changes within the anticorruption agency, including overhauling its mandate or creating a new one. The latest of such actions took place in 2011, when the Independent Ethics and Anti-Corruption Commission replaced the KACC with its entire leadership.

Conclusions and Recommendations

Kenya's experiment with the prosecution and punishment of the corrupt officials started off on a positive note. Following the enactment of the Kenya Anti-Corruption Commission Act in 2003 and the enthusiasm shown by the legislature to ensure that the vice is redressed, combined with a broad public support at the time, the agency created and strengthened a functional framework for pursuing its objectives. Its activities included investigations, outreach, and public awareness programs.

The agency set up credible indicators against which the degree of its successes or failures could be evaluated. The analyses of the data collected on two most critical indicators—"the number recommended to the Attorney General (AG) for prosecution" and "the number accepted by the AG for prosecution"—show a high rate (over 80 %) of acceptance by the AG. Unfortunately, there is no conclusive evidence about the outcomes of the prosecutions. Therefore, on the one hand, the finding of this study confirms that "attempts to prosecute" have been successfully initiated with a framework that works and some progress made. On the other hand, there is no evidence whether the "attempts to punish" were successful.

It can be concluded also that the agency faced formidable constraints. The first one is the apathy by the policymakers who set up these agencies for good reasons but are not resolute in their commitment to fight the vice. The second one is the intolerance by high-level officials linked to corruption charges who refuse to surrender to the rule of law. Instead, the officials caucused to stem the activities of the anticorruption agency by initiating bills in the parliament to either overhaul or disband the agency and its leadership. The third one is that there were attempts by the legislatures, whenever a window of opportunity presents itself, to dilute any

mandate the anticorruption agency might have. The fourth constraint was that the idea of the "power to prosecute" was often met with resistance by the very officials who designed and approved the existence of such an agency. To the officials, it is good politics to set up an anticorruption agency, but at the same time it is "rational" to nip its powers on the bud when and if the investigations begin to implicate them and other political notables.

Therefore, any corrective policies must first address how to overcome these broad challenges. In particular, an agency should be designed with prosecutorial powers, and it should be protected by the constitution. In the same vein, remedial policies must not only target the political magnates but also individuals and low-level public officials.

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Chapter 15
Corruption in African Countries: A Symptom of Leadership and Institutional Failure

Oluwole Owoye and Nicole Bissessar

This paper explores the lingering effects of corruption within the context of weak or bad governance after African countries gained their independence. Within the African context, bad governance is characterized by dictatorial leadership, non-free media, policy manipulations, and undemocratic elections. Jespersen (1992) observes that African economies performed well in the early years of their independence, but they failed their performance test thereafter, and the region is now characterized by poor living standards, declining agricultural production, stagnating manufacturing, rising imports, and rapidly expanding external debts. Additionally, the continent is notorious for its coups d'état, civil unrests, ethnic violence, widespread bureaucratic corruption, administrative inefficiency, and institutional ineptitude or outright failure. Van de Walle (2001) states that the weakness of political institutions explains the region's persistent crisis and that reform efforts will fail unless regional politics are reformed.

The general consensus among economists and policy analysts at the World Bank, the International Monetary Fund (IMF), and other international agencies is that corruption is a universal problem, but it has more debilitating effects in emerging and developing regions, such as Africa. Corruption siphons limited resources away from viable uses in Africa. The worst part is that African leaders and/or dictators misallocate scarce resources for their personal benefits. Transparency International (TI) estimates that corruption drains Africa of approximately 20–30 % of its basic public service provision. According to Lawal (2007), foreign newspapers and studies often report on African leaders who extract billions of dollars annually from their

O. Owoye (✉)
Department of Social Sciences/Economics, Western Connecticut State University,
181 White Street, Danbury, CT 06810, USA
e-mail: Owoyeo@wcsu.edu

N. Bissessar (✉)
Department of Economics, Kent State University, 3300 Lake Avenue,
Ashtabula, OH 44004, USA
e-mail: nbissess@kent.edu

economically strapped countries, and a 1991 United Nation report found that African ruling elites drained more than $200 billion out of the region.

Ayittey (2002) and Lawal (2007) agree that corruption sums to more than half of Africa's foreign debt which exceeds its foreign aid. According to Shryock (2012), Ogbu[1] asserts, in an interview, that the billions of dollars of debt African countries accumulated since its postcolonial era are partially a result of their irresponsible foreign lenders. The consensus remains that political leaders in African countries are self-aggrandizers and self-perpetuators who subvert and debauch every key institution of government to serve their needs and not that of their public. Policy experts and international agencies rank public sector corruption—the use of public office for personal gains—as the major constraint hindering Africa's economic and sociopolitical development (see Klitgaard (1998), Gray and Kaufmann (1998), Mauro (1998, 1995), and Vogl (1998, 2004)).

Corruption is a persistent problem in African countries. In her research on 27 sub-Saharan countries, Bissessar (2009) found that the percentage of African countries in the most corrupt category rose sharply between 1984 and 2006 and that a significant percentage of middle corrupt countries transitioned to high corruption over the period. Owoye and Bendardaf (1996) found that in developing regions, especially Africa, corruption has an adverse effect on the levels of production, consumption, gross private domestic investment, government spending, net exports, employment, and money markets.

This paper differs from cross-country studies which simply examine the causes of corruption and which argue that higher corruption occurs in less developed countries where populations are less educated, inequality and unemployment are high, and they are less democratic. Our focus here is on the institutional structures of 53 African countries, particularly on the ability or inability of their governments to govern in accordance with their constitutions, lead effectively, and enforce the rule of law (RL). In the corruption literature on Africa, an issue that is often overlooked is whether corruption became endemic to the region after its independence. We address this issue by tracing the historical records of the 53 countries with respect to their leadership patterns and the level of corruption since they attained their independence. We conceptualized that Africa's corruption is manifested in weak or bad governance, whose indicators are undemocratic governance, dictatorial leaderships, and institutional ineptness. We conducted time series analyses to trace and test the effects of leadership and institutional failure on corruption in each country after it gained independence.

The rest of the paper is organized as follows. The next section provides the reviews the relevant literature on corruption that relate to our model. To lay the groundwork for our empirical analyses, the following section provides the background of bad governance by examining the leadership and institutional changes in 53 African countries since their independence. We present our model specification in the next section. Then, we discuss the sources of the data used and the results of our analyses. In the concluding section, we discuss some of the policy implications and recommendations of our findings.

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[1] Osita Ogbu, a Brookings visiting fellow and professor of economics at the University of Nigeria.

Literature Review

According to the corruption literature, its endurance over time can be explained with three types of models: agency models, resource allocation models, and internal markets models. The *agency models* assume that legislators are motivated by self-interest, and they extort payments from elite-interest groups who wish to influence legislative policies. These models explain the behaviors of autocratic dictators as predatory agents that ignore the welfare of their voting public. Rose-Ackerman's (1978) agency model assumes that voters are misinformed, which allows corrupt legislators to purchase their votes. In this setup, the objective of legislators is to get reelected and gain private income. Their ability to control grand corruption is dependent upon the strength of the existing political parties, institutions, and their methods of campaign financing. Corruption, therefore, thrives on narrowly focused favors available for distribution, the ability of the wealthy elites to obtain funds legally, and the temporal stability of political alliances (Jain, 2001). Van de Walle (2001) argues that in Africa, non-state actors are too weak to play an active role; so government institutions and their legislators impede reform and manipulate the process in order to protect expenditures that serve the interests of elites and their reelection. In his view, the postcolonial African regimes lack legitimacy because they establish and sustain political power, as "new" rulers establish a system that combines the authoritarian legacy of the colonial administration and the village traditions of patrimonialism.

In Bardhan's (1997) frequency-dependent framework of corruption, he considers two causes; the first being deeply rooted in Andvig's (1991) proposition that "the regulatory state with its elaborate system of permits and licenses spawn corruption" (pp. 1990), while the second argues that social norms in business transactions affect corruption. Assuming both, Bardhan uses Schelling's binary choice model to explain the variation of corruption across societies where the expected profitability (marginal benefits) of engaging in corruption depends on its prevalence. Bardhan uses the Schelling's binary diagram to show that all the officials could be honest or corrupt and that the *tipping point* or *threshold* is reached when the proportion of corrupt officials rises as the marginal benefits of corrupt officials become much higher than those of honest officials. Intuitively or interpretively, if a nation has more honest officials, it may be able to control its level of corruption because it is less profitable to be corrupt; however, once it passes the threshold where there are more corrupt officials than the honest ones, it will move to the higher level of corruption. Simply put, corrupt will persist in any country if a large proportion of the population is corrupt and if the marginal benefits of few honest ones are negative. Using Bardhan's (1997) Schelling's binary diagram, one can ask when Africa reached the tipping point, and corruption became endemic and persistent.

Leadership and Institutional Failure
in Africa: The Foundations of Corruption

We posit that Africa's corruption is a manifestation of its leadership and institutional failures in the postindependence period. This assertion is not an exoneration of the level of corruption that existed during the colonial administrations. Historical evidence shows that they exploited and expropriated the continent's resources to their benefit, and we could term these actions as *international* abuse of official-colonial power. In the succeeding subsections, we examine dictatorial leadership and bad governance, leadership changes, coups d'état, and corruption in African countries.

Dictatorial Leadership and Bad Governance

The degree of corruption in each African country after independence is deeply rooted in the fact that political leaders in these countries hold discretionary power in their design and implementation of public policies, and they have the ability to extract economic rents. In addition, they control all relevant branches of their economy—civil service, electoral commission, judiciary, media, security forces, and the central bank (Ayittey 2012). In other words, the concentration of power that inept political leaders enjoy in the African continent is at the core of its persistent corruption.

Many argue that Africa reached its tipping point in the 1960s and that corruption is now endemic and persistent in the region. In pre-independent Africa, the colonial institutions, particularly the judiciary systems, provided the checks and balances that curbed the excessive powers of leaders and prevented the Schelling's threshold from being reached. However, as soon as these countries gained independence in the 1960s and 1970s, the desire of political leaders to retain power for life became the overriding objectives of many African leaders. In essence, postcolonial Africa replaced white colonialists with black *neo*colonialists, who were more corrupt and discarded the checks and balances that existed during the colonial period (Ayittey 2012).[2]

According to Calderisi (2006) the persistent problems of inept leadership, institutional failure, and pandemic corruption in Africa intensified with the incursion of several thuggish dictatorial leaders after their independence. In Ayittey's (2012) opinion, the corruption epidemic in African countries owes its existence to the long-term tenures of their dictatorial leaders. Dictators with tenure terms spanning at least three decades are Angola, José dos Santos; Equatorial Guinea, Teodoro Mbasogo; Zimbabwe, Robert Mugabe; and Cameroon, Paul Biya.

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[2] George Ayittey's speech at Oslo Freedom Forum, 2012 at http://www.oslofreedomforum.com/speakers/george ayittey.html. Retrieved on 5/24/2012.

Calderisi ([2006](#)) points out that "like many of their contemporaries who were in power for a long time, these dictatorial leaders spent their entire careers enriching themselves, intimidating political opponents, avoiding all but the merest trappings of democracy, actively frustrating movements toward constitutional rule, and thumbing their noses—sometimes subtly, other times blatantly—at the international community." Both Calderisi ([2006](#)) and Ayittey ([2012](#)) agree that these leasers ruled like kings and drew no distinction between their own property and that of the state; more importantly, they owe their successes to their control of the main branches of government—civil service, judiciary, electoral commission, security forces, media, and the central bank.

Similarly, Meredith ([2006](#)) points out that the first generation of African nationalist leaders enjoyed great prestige and honor. The author adds that "in one country after another, African leaders acted in contempt of constitutional rules and agreements they had sworn to uphold to enhance their own power. Constitutions were either amended or simply ignored." These African leaders succeeded in removing or ignoring the checks and balances that existed pre-independence because they preferred to rule not through constitutions or through state institutions, like the parliament, but by exercising vast systems of patronage. In the process, they wielded enormous power and authority, which allowed them to subjugate all relevant institutions required for good governance. As a result of their autocratic leadership styles, they helped lay the unstable foundation for bad governance and the persistent corruption in Africa today. The weak and/or failed institutions could not control the excesses of these inept leaders. Indisputably, the African continent was built on an unstable foundation of bad governance and pandemic corruption since the 1960s.

Given Africa's unstable foundation, Ayittey ([2011](#)) argues that unless African countries follow a consecutive five-stage reform process, they will remain trapped and will lack the impetus to ever develop. In Ayittey's opinion, these consecutive reforms need to start with intellectual reforms, then to political-constitutional and institutional reforms, and end with economic reforms. He stresses the need for consecutive reforms and cites countries (Côte d'Ivoire, Madagascar, Cameroon, Tunisia, and Egypt) that were unsuccessful in curbing corruption because they skipped through stages of reforms to get to economic reforms.[3]

Another factor in understanding the persistent corruption in Africa is that corrupt leaders are too often reluctant to yield power for fear of being investigated on corruption and abuse of office. In the few instances where political leaders left office voluntarily, they handpicked their successors and continued to dictate policies from behind the scenes thus continuing to cover their tracks. This explains why African leaders have the propensity to overstay their tenure in office and, thus, their failure to follow any meaningful or purposeful reform.

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[3] See George Ayittey's ([2011](#)) speech, titled "War on African Dictatorships." He referred to these reforms as Ayittey's Law. Retrieved May 24, 2012, http://www.ethiopianreview.com/content/33222.

Leadership Changes, Coups D'état, and Corruption

Table 15.1 provides the historical data evidence regarding the frequency of leadership changes (FLC), the number of leaders who served (LWS), the number of successful coups d'état (SCD), and the longest tenure held by a leader. In addition, we provide the 2011 corruption perception index (CPI—by Transparency International) ratings for all 53 African countries. We re-rank each country's CPI in order to consider not only the global CPI rank but each country's rank within the continent.

As Table 15.1 indicates, the first wave of independence hit in the late 1960s as 80 % of African countries gained independence, the second wave occurred in the 1970s when 15 % of the countries became independent, and the third wave occurred in the 1980s and the 1990s with the remaining 5 % of the countries becoming independent. A cursory look at FLC shows a distinct dichotomy of changes in leadership throughout Africa. Some countries experienced frequent changes in leadership while others experienced infrequent changes. In the last column of Table 15.1, one can see that in 40 of 53 countries, the leaders stayed in office for more than 20 years, while in the other 13 countries, the tenure terms of the leaders ranged from 10 to 19 years. Simply put, African leaders have the propensity to not relinquish the powers of presidency because longer tenure provides them with the opportunity to nullify the effective checks and balances that strong institutions and constitutional authorities may provide.

According to the 2011 corruption rankings, Somalia and Sudan were two of the most corrupt countries in the world—ranked 182 and 177, respectively, and based on their rank within African countries, they were the most corrupt economies in the continent. Botswana and Cape Verde were ranked as middle corrupt countries in the world—ranked 32 and 41, respectively, and based on their within Africa rank, they were the least corrupt countries in the continent.

To shed more light on the issue of the incursion of thuggish leaders into positions of power and leadership, which ultimately led to the demise of institutions in African countries, we examine the incursion of the military into national leadership roles through military coups d'état. The military incursion, during the mid-1960s, ushered in an era of unchecked corruption because the military juntas ruled by decrees and discarded the rules of law that were meant to be upheld by the judicial systems. With their dictatorial leadership styles, they altered the institutional structures these countries inherited at the inception of their independence. As one can see from the *SCD* numbers in Table 15.1, approximately two-thirds of African nations experienced at least one successful coup d'état since attaining independence. Also, countries with $0 \leq SCD \geq 1$ have *less* frequent leadership changes and number of LWS; while those with $2 \leq SCD \geq 6$ had *more* frequent leadership changes and number of LWS.[4]

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[4] Note that it is possible to test the null hypothesis (H_0): $CPI|_{0 \leq SCD \geq 1} = CPI|_{2 \leq SCD \geq 6}$ versus the alternative hypothesis (H_A): $CPI|_{0 \leq SCD \geq 1} \neq CPI|_{2 \leq SCD \geq 6}$.

Table 15.1 Historical trends: independence, leadership changes, successful coups d'état, 2011 corruption perception index, and ranks

Country	Year of ind.	FLC	LWS	SCD	Corruption perception index (2011)	CPI world rank	CPI rank within Africa	Longest tenure by a leader
Algeria†	1962	14	28	2	2.9	112	24	13
Angola	1975	2	2	0	2.0	168	47	33
Benin†	1960	19	23	4	3.0	100	16	20
Botswana	1966	4	4	0	6.1	32	1	14
Burkina Faso	1960	7	6	5	3.0	100	16	25
Burundi	1962	13	12	5	1.9	172	50	13
Cameroon	1960	2	2	0	2.5	134	30	30
Cape Verde	1975	3	3	0	5.5	41	2	16
Central African Republic	1960	8	5	4	2.2	154	40	12
Chad	1960	9	8	3	2.0	168	47	22
Comoros†	1975	18	20	5	2.4	143	34	6
Congo, D. R.	1960	4	4	3	2.0	168	47	32
Congo, Rep.†	1960	12	23	4	2.4	143	34	28
Côte d'Ivoire	1960	5	5	2	2.2	154	40	33
Djibouti	1977	2	2	0	3.0	100	16	22
Egypt	1953	8	12	2	2.9	112	24	30
Equatorial Guinea	1968	3	2	1	1.9	172	50	33
Eritrea	1993	1	1	0	2.5	134	30	19
Ethiopia	1930	10	8	6	2.7	120	28	44
Gabon	1960	4	4	0	3.0	100	16	42
Gambia, The	1965	5	4	1	3.5	77	10	24
Ghana	1957	17	15	5	3.9	69	8	20
Guinea	1961	5	5	2	2.1	164	46	23
Guinea-Bissau	1973	13	10	4	2.2	154	40	23
Kenya	1963	4	4	0	2.2	154	40	14
Lesotho	1966	10	7	3	3.5	77	10	26
Liberia	1847	13	11	2	3.2	91	13	27
Libya	1951	2	2	1	2.0	168	47	42
Madagascar	1960	11	8	3	3.0	100	16	23
Malawi	1964	4	4	0	3.0	100	16	30
Mali	1960	7	4	3	2.8	118	27	23
Mauritania	1961	10	9	6	2.4	143	34	21
Mauritius	1968	16	16	0	5.1	46	3	10
Morocco	1955	4	3	0	3.4	80	12	38
Mozambique	1975	3	3	0	2.7	120	28	19
Namibia	1990	2	2	0	4.4	57	6	15
Niger	1960	12	9	4	2.5	134	30	14
Nigeria†	1960	18	14	6	2.4	143	34	11
Rwanda	1961	5	5	3	5.0	49	4	21
São Tomé and Principe	1975	8	6	2	3.0	100	16	10

Table 15.1 (continued)

Country	Year of ind.	FLC	LWS	SCD	Corruption perception index (2011)	CPI world rank	CPI rank within Africa	Longest tenure by a leader
Senegal	1960	3	3	0	2.9	112	24	20
Seychelles	1976	3	3	1	4.8	50	5	27
Sierra Leone	1961	17	13	6	2.5	134	30	17
Somalia†	1960	14	17	2	1.0	182	53	22
South Africa	1961	15	15	0	4.1	64	7	9
Sudan†	1956	14	26	4	1.6	177	52	23
Swaziland	1921	5	5	0	3.1	95	15	26
Tanzania	1964	4	4	0	3.0	100	16	21
Togo	1960	8	7	2	2.4	143	34	38
Tunisia	1956	4	4	2	3.8	73	9	31
Uganda†	1962	13	15	6	2.4	143	34	8
Zambia	1964	4	4	0	3.2	91	13	27
Zimbabwe	1980	1	1	0	2.2	154	40	33

Sources: Compiled by the authors from Roberto Ortiz de Zárate's *World Political Leaders 1945-2013*, *First African Leaders*, and *Current Rulers Longest-time in Office* at http://zarate.eu/countries.htm; number of successful coups d'état compiled by the authors from http://en.wikipedia.org/wiki/List_of_successful_coups_d%27%C3%A9tat; and the 2011 Corruption Perception Index was obtained from Transparency International

Model Specification

Based on the discussions in the previous sections, one can surmise that corruption in Africa thrives under corruptible dictatorial leaders and that these corruptible leaders prefer to govern where institutions are weak or do not exist. This is consistent with Bardhan's (1997) argument that some African countries "in recent history became predatory in their rent extraction not because they were strong, but because they were weak. The state could not enforce the laws and property rights that provide the minimum underpinnings of a market economy and thus lost respect: disrespect quickly led to disloyalty and thievery among public officials." According to Aidt (2003), democratic institutions can play an important role in reducing the scope of corruption, but they are not panaceas.

In our study, we model the relationships among three key variables: corruption (CORR), corruptibility of dictatorial leaders (*L*), and the strength or weakness of institutions (*I*). We express the relationship among these variables as

$$CORR = g(L) \tag{15.1}$$

and that

$$L = h(I) \tag{15.2}$$

Therefore, the composite function, $f(\boldsymbol{I})$, can be expressed as

$$CORR = g\big(h(I)\big) = f\big(\boldsymbol{I}\big) \tag{15.3}$$

where $\boldsymbol{I}$ is a vector of all the relevant governance-institutional variables that are related to leadership in country i. Following the development of the Worldwide Governance Indicators (WGI) by Kaufmann et al. (2009), $\boldsymbol{I}$ is vector of six aggregate leadership-governance-institutional indicators: voice and accountability (VA), political stability and absence of violence/terrorism (PV), government effectiveness (GE), regulatory quality (RQ), RL, and the control of corruption (CC).

Interpretively, VA captures the perceptions of the extent to which citizens are able to participate in selecting their government leaders, as well as the degree of freedom of expression, freedom of association, and a free media in a country. PV captures the perceptions of the likelihood that the government will be destabilized or overthrown by unconstitutional or violent means, including politically motivated violence and terrorism. GE captures the perceptions of the quality of the civil service and the degree of interdependence from political pressures, the quality of policy formation and implementation, and the credibility of the government's commitment to such policies. RQ measures the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development. RL captures the perceptions of the extent to which citizens have confidence in and abide by the rules of society and, in particular, the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. CC represents the perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as the impact on the state by the elite and private interests.

Based on the relevant leadership, governance, and institutional variables, and if we assume linear relations among them, (15.3) can be rewritten as

$$CORR_i = \delta_0 + \delta_1 VA_i + \delta_2 PV_i + \delta_3 GE_i + \delta_4 RQ_i + \delta_5 RL_i + \delta_6 CC_i + \varepsilon_i \tag{15.4}$$

Economic theory suggests that any advanced or developing country with dynamic leadership, good governance, and strong institutional structures should experience a reduction in the level of corruption. Theoretically, therefore, one should expect all the δ coefficients of (15.4) to be negative (that is, δ_1, δ_2, δ_3, δ_4, δ_5, and $\delta_6 < 0$). This means that any increase in any of the predictor variables should reduce the level of corruption.

We argue that for African countries with autocratic leadership and where institutions are very weak or do not exist, we expect $\delta_2 = \delta_3 = \delta_6 = 0$, thus we specify a more parsimonious equation for estimation. This can be expressed as

$$CORR_i = \beta_0 + \beta_1 VA_i + \beta_2 RQ_i + \beta_3 RL_i + \beta_4 PCRGDP_i + \beta_5 SCD_i + \xi_i \tag{15.5}$$

We expect the signs of the β coefficients in (15.5) to be ambiguous meaning that β could be positive or negative ($\beta_1, \beta_2, \beta_3, \beta_4,$ and $\beta_5 \gtrless 0$) based on the governance-institutional structures that exist in African countries. For instance, it is possible to find

some African countries where citizens may have the voice and the ability to hold their leaders accountable for their transgressions while in office, but they may be too passive to do so due to external constraints, such as political, tribal, religious, and geographical interests (Uwimana 2012). In some African countries, RQ with respect to import and export licenses and exchange rate controls can curb or encourage more corruption. Similarly, in some countries, the RL may be inviolable, while in others there may be no serious consequences for violations of the law, as long as the violators can pay the required bribes or that everyone is corrupt as in the Schelling's binary framework. Furthermore, in some countries that had successful coup d'états, military juntas came to power with the stated objective of reducing or eradicating corruption ($\beta_5 < 0$), but they ended up being more corrupt ($\beta_5 > 0$) than their predecessors.

In addition, we include the PCRGD variable to capture the growth rates of per capita real GDP (in PPP) with the intention of examining whether economic growth reduces corruption as some studies claim. According to Aidt (2009) and Aidt and Dutta (2008), economic growth can reduce corruption because corrupt leaders want to collect their bribes from a growing pie, but, to do this, they must hold on to power and pander to their citizens in the short term by reducing corruption. Paldam (2002) also argues that a growing economy has more resources to invest in corruption control. Finally, the SCD variable is the number of SCD, which may explain the FLC and ξ is the error term in country i.

Furthermore, as we pointed out earlier, the incursions of thuggish military leaders altered the institutional structures of at least 34 African countries. Indubitably, they were instrumental in institutionalizing corruption because they ruled with decrees and were not unaccountable to any other institutional authorities in these countries. Therefore, we test the lingering effects hypothesis (LEH) of the militarized-institutionalized corruption in these countries by testing the following hypotheses for two specific periods, namely, 2006 and 2011.[5]

$$
\begin{aligned}
H_0 &: \overline{CPI}_{2006}\Big|_{SCD=0} = \overline{CPI}_{2006}\Big|_{1 \le SCD \ge 6} \\
H_A &: \overline{CPI}_{2006}\Big|_{SCD=0} \ne \overline{CPI}_{2006}\Big|_{1 \le SCD \ge 6}
\end{aligned}
\tag{15.6a}
$$

and

$$
\begin{aligned}
H_0 &: \overline{CPI}_{2011}\Big|_{SCD=0} = \overline{CPI}_{2011}\Big|_{1 \le SCD \ge 6} \\
H_A &: \overline{CPI}_{2011}\Big|_{SCD=0} \ne \overline{CPI}_{2011}\Big|_{1 \le SCD \ge 6}
\end{aligned}
\tag{15.6b}
$$

where H_0 and H_A are the null and alternative hypotheses, respectively; $\overline{CPI}\Big|_{SCD=0}$ represents the mean corruption perception indexes, in 2006 and 2011 respectively, for 19 countries that had no successful military intervention (SCD=0); and $\overline{CPI}\Big|_{1 \le SCD \ge 6}$

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[5] We choose the last 5-year interval for simple illustration and to conserve on space. One can also conduct same tests for other periods: 1985, 1990, 1995, 2000, 2005, and 2010.

is the mean corruption perception indexes, in 2006 and 2011 respectively, for the 34 countries that experienced at least one military intervention.

If one fails to reject the null hypotheses of no difference between the two groups of countries (19 vs. 34), then one can conclude that there is no difference between the CPIs of those 19 countries that had no SCD and those 34 countries that had one or more SCD. On the other hand, if one rejects the null hypotheses in favor of the alternative hypotheses, it will lend credence to our LEH of the militarized-institutionalized corruption in African countries.

Sources of Data

In this study, we use a measure of corruption based on ICRG and TI's CPI because our discussions in the previous sections focus on the relationships between corruption and leadership-governance-institutional structures in African countries.[6] We obtain the relevant governance-institutional data from the 2011 WGI, published by the World Bank Group.[7] The ICRGs began collecting corruption data in 1984. Thus, the ICRG's data cover a longer time period than TI's CPI. Since both ICRG and TI measure practically the same indicators, but their ranges are different, we normalize the ICRG data into TI's CPI so that the dependent variable (CORR) has the same scale from 0 to 10 for all countries.[8] For some countries, the WGI data began in 1996 and in other countries later. To synchronize the time series, we retrofitted the WGI data for the earlier years (1984–1995) for all the countries in the sample based on the simple premise that the data for these variables (usually given in the range of –2.5 and +2.5) could not be better or worse during the 1984–1995 period than those reported by WGI for each country in the sample.

Results

The ordinary least squares regression analysis results for (15.5) are reported in Table 15.2. As expected, the estimated β coefficients are positive in some countries and negative in others. For example, the VA variable, which is also a good proxy for the index of democracy, is negative and statistically significant at the

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[6] There are other measures of corruption, and according to Svensson (2005), the corruption indicator published by the International Country Risk Guide (ICRG) appears to be the most commonly used because of its longer coverage across time and countries (see Ades and Di Tella (1999), Leite and Weideman (1999), and Svensson (2005)).

[7] For detailed descriptions and estimates of these governance-institutional variables, see Kaufmann et al. (2009).

[8] This is consistent with the methodology used in other empirical studies, such as Ades and Di Tella (1999, p. 989).

Table 15.2 Determinants of corruption perceptions (CORR)

Country	Number of obs.	Constant	VA	RQ	RL	PCRGDP	SCD	R^2
Algeria	28	5.736 (7.269)[a]	-0.442 (1.454)	0.506 (0.492)	-0.174 (0.182)	-0.004 (0.069)	-0.519 (1.137)	0.14
Angola	28	-3.304 (1.028)	-3.255 (1.315)	1.742 (0.786)	-3.600 (0.786)	-0064 (2.447)[a]	–	0.36
Benin	16	2.927 (10.485)[a]	-1.494 (-2.325)[a]	0.688 (1.144)	-0.910 (1.995)	0.154 (1.862)	0.030 (0.439)	0.49
Botswana	28	7.704 (2.079)[a]	-2.549 (0.977)	0.888 (0.344)	-1.857 (0.392)	0.115 (2.261)[a]	–	0.19
Burkina Faso	28	2.911 (2.302)[a]	3.159 (0.578)	-0.096 (0.032)	-5.607 (1.336)	-0.077 (0.753)	0.163 (0.491)	0.19
Burundi	28	0.709 (0.879)	0.066 (0.167)	-0.485 (1.084)	-0.713 (1.051)	0.002 (0.167)	-0.043 (0.650)	0.27
Cameroon	28	2.054 (2.336)[a]	0.421 (0.747)	-1.949 (6.384)[a]	0.928 (2.216)[a]	-0.007 (0.760)	–	0.65
Cape Verde	28	5.638 (21.371)[a]	-0.640 (2.158)[a]	0.394 (1.501)	0.055 (0.244)	0.002 (0.199)	–	0.18
Central African Republic	28	1.500 (4.201)[a]	0.132 (0.713)	-0.385 (1.461)	-0.228 (1.180)	0.009 (1.021)	0.064 (1.534)	0.27
Chad	28	1.893 (8.093)[a]	-0.390 (0.567)	0.223 (0.696)	0.270 (0.494)	-0.005 (1.346)	-0.020 (0.296)	0.10
Comoros	28	1.444 (2.187)[a]	-0.660 (2.959)[a]	-0.612 (2.057)[a]	0.257 (0.733)	0.003 (0.250)	-0.002 (0.064)	0.35
Congo, Democratic Republic	28	1.604 (4.474)[a]	0.213 (0.961)	0.191 (1.109)	-0562 (1.852)	-0.003 (0.974)	0.055 (1.437)	0.19
Congo, Republic	28	0.422 (0.089)	0.107 (0.067)	1.772 (0.496)	-4.757 (1.576)	-0.136 (1.507)	-0.259 (0.256)	0.24
Côte d'Ivoire	28	3.119 (1.332)	3.168 (0.723)	1.754 (0.624)	-4.259 (09.14)	-0.152 (1.084)	–	0.14

	N						
Djibouti	28	2.928 (8.534)[a]	−0.017 (0.127)	−0.195 (0.989)	0.071 (0.196)	0.008 (1.120)	—	0.08
Egypt	28	2.899 (1.199)	−0.407 (0.154)	−1.827 (0.838)	−1.830 (0.477)	−0.172 (0.945)	0.831 (0.575)	0.13
Equatorial Guinea	28	−0.786 (0.481)	−0.936 (2.013)[a]	−0.625 (1.353)	−0.075 (0.203)	0.001 (0.793)	−0.082 (0.377)	0.26
Eritrea	19	2.243 (5.668)[a]	−0.410 (1.004)	−0.047 (0.136)	0.483 (1.530)	−0.002 (0.457)	—	0.29
Ethiopia	28	−1.689 (0.526)	0.474 (0.223)	−2.549 (0.758)	−3.539 (0.796)	0.008 (0.208)	0.448 (2.326)[a]	0.44
Gabon	28	2.750 (3.400)[a]	1.058 (0.624)	−1.389 (0.905)	−0.163 (0.115)	0.003 (0.112)	—	0.04
Gambia, The	28	4.557 (4.411)[a]	−1.292 (1.557)	2.270 (1.406)	1.340 (1.262)	−0.346 (4.938)[a]	0.706 (0.575)	0.55
Ghana	28	4.493 (7.207)[a]	0.831 (0.579)	−1.382 (0.891)	0.559 (0.299)	−0.254 (1.572)	−0.009 (0.037)	0.19
Guinea	28	9.519 (1.918)	−0719 (0.210)	0.617 (0.443)	3.857 (2.053)[a]	0.147 (0.684)	0.374 (0.417)	0.25
Guinea-Bissau	28	4.756 (4.694)[a]	0.410 (0.880)	1.526 (1.841)	−0.255 (0.541)	−0.017 (1.159)	−0.044 (0.224)	0.15
Kenya	28	4.905 (1.357)	−0.505 (0.397)	−4.028 (0.722)	3.159 (0.830)	−0.077 (0.574)	—	0.08
Lesotho	28	3.274 (11.082)[a]	−0.009 (0.064)	−0.207 (0.376)	0.403 (1.222)	0.003 (0.409)	−0.001 (0.031)	0.14
Liberia	28	4.816 (6.542)[a]	−0.933 (2.665)[a]	2.073 (2.825)	−0.265 (0.525)	0.001 (0.084)	0.462 (1.038)	0.34
Libya	28	2.147 (0.235)	0.928 (0.212)	−2.933 (1.423)	0.640 (0.152)	0.068 (0.972)	−0.779 (0.779)	0.29

(continued)

Table 15.2 (continued)

Country	Number of obs.	Constant	VA	RQ	RL	PCRGDP	SCD	R^2
Madagascar	28	3.938 (4.437)[a]	-0.462 (0.257)	-3.748 (1.449)	1.160 (0.286)	-0.104 (1.282)	0.512 (1.070)	0.26
Malawi	28	4.220 (1.799)	3.428 (1.458)	-1.005 (0.239)	-3.082 (0.868)	-0.033 (0.576)	–	0.16
Mali	28	2.296 (1.326)	1.294 (0.313)	-0.397 (0.092)	-1.209 (0.3350)	0.037 (0.679)	-0.681 (0.966)	0.09
Mauritania	28	3.114 (7.995)[a]	0.726 (1.343)	-0.090 (0.393)	-0.140 (0.364)	-0.010 (0.864)	0.070 (1.440)	0.26
Mauritius	28	7.615 (5.508)[a]	-0.322 (0.276)	0.406 (1.000)	-2.779 (2.644)[a]	-0.042 (0.965)	–	0.31
Morocco	28	4.290 (10.694)[a]	-3.485 (1.777)	1.073 (0.529)	4.918 (2.070)[a]	-0.029 (0.756)	–	0.17
Mozambique	28	-2.420 (0.673)	-2.578 (0.509)	-2.695 (0.922)	-8.898 (1.845)	-0.036 (0.486)	–	0.22
Namibia	22	4.946 (2.991)[a]	-1.828 (0.541)	2.133 (0.868)	2.868 (0.784)	-0.021 (0.210)	–	0.26
Niger	28	1.680 (0.421)	0.134 (0.094)	0.477 (0.096)	-2.761 (0.434)	-0.033 (0.237)	0.582 (0.570)	0.09
Nigeria	28	2.611 (1.739)	1.134 (1.446)	0.670 (0.441)	-0.884 (0.506)	0.014 (0.236)	0.605 (2.012)[a]	0.18
Rwanda	28	1.649 (0.724)	-1.424 (0.733)	3.044 (2.075)[a]	-2.388 (1.570)	0.001 (0.009)	0.423 (0.753)	0.20
São Tomé and Principe	28	2.507 (10.899)[a]	-0.011 (0.049)	-0.226 (1.104)	-0.133 (1.042)	0.020 (1.125)	0.023 (0.212)	0.10
Senegal	28	2.670 (2.246)[a]	-0.114 (0.093)	-9.860 (1.560)	3.983 (1.484)	-0.221 (2.451)[a]	–	0.24

Seychelles	28	4.417 (18.107)[a]	−0.685 (0.653)	−0.097 (0.280)	0.056 (0.150)	−0.017 (1.040)	0.036 (0.059)	0.08
Sierra Leone	28	2.034 (6.586)[a]	0.054 (0.440)	−0.482 (1.187)	0.267 (0.482)	0.004 (0.741)	0.050 (1.437)	0.21
Somalia	28	9.924 (1.655)	2.071 (0.571)	3.736 (0.624)	−6.554 (0.993)	3.674 (1.934)	2.628 (2.228)[a]	0.32
South Africa	28	3.911 (1.526)	4.006 (1.294)	0.130 (0.050)	−0.866 (0.168)	−0.420 (3.224)[a]	–	0.35
Sudan	28	5.858 (1.724)	1.004 (0.483)	2.784 (1.260)	−1.398 (0.924)	−0.068 (2.176)[a]	0.627 (1.423)	0.26
Swaziland	28	2.241 (1.783)	−1.415 (1.255)	−0.679 (1.173)	1.876 (2.127)[a]	0.026 (0.996)	–	0.21
Tanzania	28	5.094 (1.999)	1.467 (0.788)	−2.897 (0.914)	1.734 (0.399)	−0.550 (5.231)[a]	–	0.56
Togo	28	2.420 (7.641)[a]	−0.247 (0.961)	0.056 (0.235)	0.276 (0.966)	−0.005 (0.788)	0.109 (0.961)	0.13
Tunisia	28	6.235 (16.241)[a]	1.463 (3.629)[a]	−0.843 (1.015)	1.266 (1.649)	−0.009 (0.366)	0.123 (0.768)	0.52
Uganda	28	3.022 (1.825)	2.350 (0.907)	2.252 (0.735)	−2.304 (0.743)	0.096 (1.289)	1.686 (2.423)[a]	0.24
Zambia	28	0.869 (0.353)	−2.258 (0.935)	−1.491 (0.975)	−2.217 (0.593)	−0.105 (1.894)	–	0.18
Zimbabwe	28	4.022 (2.732)[a]	−1.004 (0.231)	−1.118 (0.253)	2.177 (0.664)	0.100 (2.104)[a]	–	0.19

Note: The *t*-values are in parentheses

[a]Statistical significance at the 5 % level

0.05 level in five countries: Benin, Cape Verde, Comoros, Equatorial Guinea, and Liberia. This means that the ability to participate in the selection of government leaders, freedom of expression, freedom of association, and a free media should have a negative effect on corruption in these countries. In contrast, VA is positive and statistically significant in Tunisia—that is, corrupt still prevails where VA exists. The coefficient of RQ is negative and statistically significant for Cameroon and Comoros, but positive and significant in Rwanda. This means that while RQ may reduce corruption in Cameroon and Comoros, it may induce more corruption in Rwanda.

As predicted, the results on the RL variable are ambiguous. While it is negative and statistically significant in Mauritius, it is positive and significant in Cameroon, Guinea, Morocco, and Swaziland. For these four countries where RL is positive and contributes to more corruption, one can conclude that the citizens can circumvent the law by offering more bribes to law enforcement agents, or it could mean that law enforcement agents are open to bribe offers. This should come as no surprise; after all, this variable is not statistically significant for 48 countries, and this could be attributed to the inability of the judicial systems to defend the RL.

Per capita real GDP (PCRGDP) has a contradictory effect on corruption in different countries. Its coefficients are negative and statistically significant for Angola, Gambia, Senegal, South Africa, Sudan, and Tanzania. In Botswana and Zimbabwe, the coefficient of per capita real GDP is positive and significant. Our findings with respect to the effect of per capita real GDP on corruption are consistent with those of Paldam (2002), Aidt and Dutta (2008), and Aidt (2009).

Finally, the SCD variable has positive and statistically significant effect on corruption in Ethiopia, Nigeria, Somalia, and Uganda. These are some of the countries that experienced multiple military interventions since gaining their independence. As we argued earlier, the militarization of Africa through coups d'état contributed to the institutionalization of corruption throughout the continent.

Table 15.3 presents the results of the hypotheses stated in (15.6a) and (15.6b), which test the LEH of militarized-institutional corruption in Africa. The last column of Table 15.3 shows the estimated t-values in both periods exceed the table value of 2.02 ($df = N_0 + N_1 - 2 = 51$). Therefore, we reject the null hypotheses of no difference between the mean CPI of those countries which had no SCD and those countries with at least one or more SCD. These findings lend credence to the lingering effects hypothesis (LEH). One cannot overemphasize the importance of these hypotheses for African countries, given the fact that corruption has worsened considerably in recent years in the group of countries that had SCD > 0. Table 15.3 shows that both the minimum and maximum CPIs in 2011 are much worse compared to those of 2006 and that the t-value for 2011 is larger than the t-value for 2006.

Table 15.3 Tests of $H_0 : \overline{CPI}_{0\,|SCD=0} = \overline{CPI}_{1\,||SCD\geq6}$ versus $H_A : \overline{CPI}_{0\,|SCD=0} \neq \overline{CPI}_1|_{|SCD\geq6}$

Period	Obs	$\overline{CPI}_0$	Std. dev.	Min. CPI	Max. CPI	Obs*	$\overline{CPI}_1$	Std. dev.	Min. CPI	Max. CPI	Diff. at 5 % level
2006	19	3.3	1.18	2.0	6.6	34	2.6	0.90	1.6	6.6	$t=2.15$
2011	19	3.4	1.12	2.0	6.1	34	2.6	0.82	1.0	4.8	$t=2.45$

Note: Obs is the number of countries where SCD=0, and Obs* is the number of countries with at least one or more SCD. $\overline{CPI}_0$ and $\overline{CPI}_1$ are the means (for all 53 African countries, we utilize Transparency International's corruption perceptions index (CPI), and we compute the mean for those countries(N_0=19) with no SCD as $\overline{CPI}_0 = \dfrac{\sum CPI_0}{N_0}$, and the mean for those countries (N_1=34) with one or more SCD as $\overline{CPI}_1 = \dfrac{\sum CPI_1}{N_1}$. We compute the variances for both groups

as $s_0^2 = \dfrac{\sum (CPI_0)^2}{N_0} - \overline{CPI}_0$ and $s_1^2 = \dfrac{\sum (CPI_1)^2}{N_1} - \overline{CPI}_1$, respectively. The estimate of the standard error of the difference between the means is given as

$s_{\overline{CPI}_0 - \overline{CPI}_1} = \sqrt{\left(\dfrac{N_0 s_0^2 + N_1 s_1^2}{N_0 + N_1 - 2}\right)\left(\dfrac{N_0 + N_1}{N_0 N_1}\right)}$, and the computed *t*-ratio is $\dfrac{\overline{CPI}_0 - \overline{CPI}_1}{s_{\overline{CPI}_0 - \overline{CPI}_1}}$. The H_0 is rejected if the computed *t*-ratio exceeds the table value) for N_0=19 and N_1=34, respectively

Conclusions and Policy Recommendations

This paper presents empirical evidence to show that corruption persists in African countries because of bad governance perpetrated by their dictatorial leaders who prefer to govern where institutional checks and balances are weak or do not exist. Our empirical results confirm the weaknesses or failure of these institutions as the three leadership-institutional-governance variables (VA, RQ, and RL) in our regression analyses show statistical significance in six, three, and five of the 53 countries in the sample, respectively. These findings corroborate Uwimana's (2012) assertion that new institutions and laws have not been effective in curbing corruption in Africa countries because political, tribal, religious, and geographic interests often interfere in public decision-making processes and have a direct impact on governance issues and the fight against corruption.

Furthermore, we use Transparency International's corruption perception index to test the lingering effects of corruption between those countries with no SCD with those countries that experienced one or more coups d'état. We found evidence that corruption persists more in those countries that experienced military dictatorship because military juntas in these countries ruled by decrees and were rarely or never accountable to any institutional or constitutional authorities during and/or after their tenures in office ended.

These results suggest that policies aimed at controlling or reducing corruption in African countries must begin with laying the foundation for strong institutions— economic, political, and social—in all sectors of the economy. Furthermore, given the absence of the RL in reducing the level of corruption in African countries, the international community can help by applying the international money laundering laws to prosecute corrupt African leaders who siphon billions of dollars out of their countries every year.[9] This call for international help to control corruption in African countries is in accordance with earlier recommendations by policy experts, such as Klitgaard (1998, pp. 3–6), who view corruption to be more debilitating to less developed countries, particularly those in Africa.

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[9] The recent prosecution and conviction of James Ibori (the ex-Governor of Delta State in Nigeria) in the United Kingdom provides the strongest evidence to date of what the international community can do to help Africa countries from the clutches of their corrupt leaders who are rarely or never prosecuted in their respective countries. Retrieved from online on June 26, 2012 at http://odili.net/news/source/2012/apr/18/30.html and http://odili.net/news/source/2012/apr/18/1.html Oyedoyin (2012).

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Chapter 16
The Imperatives of Democracy and Governance in the Fight against Corruption in Africa: A South African Perspective

Denis Venter

As Africa is well into the second decade of the new millennium of what is euphorically called "Africa's century," there is still a profound sense of hope being frustrated and stereotypes being reaffirmed—once again, of countries like Muammar Gaddafi's Libya and Robert Mugabe's Zimbabwe embarrassing the African continent. The most common perception about Africa remains that of democratic government under siege, of constitutional governance being undermined, and of the rule of law being flagrantly disregarded.

This situation presents itself not because of biased media coverage, racial prejudice, the arrogance of Western powers, or an un-African response to a particular problem, but because there is no binding commitment by African leaders to democratic governance and the consequences that flow from such a commitment. Clearly, in many African countries the fundamental principles of democratic governance are consistently, deliberately, and openly being violated (Slabbert 2000).

Constitutional Liberalism: A Compelling Necessity

There are two critical elements to realizing democracy in Africa: the political will to uphold its basic principles, and concerted efforts to create an economically enabling environment for it to thrive (Hutchful 1991, p. 55). Any efforts to build institutional, administrative, and other capacities will be wasted if the political

D. Venter (✉)
Senior Research Fellow, Faculty of Humanities, University of Johannesburg,
558 Sweep St., P.O. Box 70124, Die Wilgers 0041, Pretoria, South Africa

Research Associate, Department of Political Studies and Governance,
University of the Free State, Bloemfontein, South Africa
e-mail: denisventer@gmail.com

context is not favorable. Indeed, democracy has to be carefully nurtured, because democratic values (especially, political tolerance) cannot be inculcated in, and internalized by, African societies overnight. In addition, relatively sound economies (to provide basic human needs) are essential for the ultimate success of a democratic order. Economic growth and sustained development are of the essence in supporting Africa's fledgling democracies and preventing further tragic relapse into despotism and authoritarianism (Venter 1995, pp. 184–185).

The dismal record of democracy in Africa raises the question of whether there is anything about the continent that makes it inherently difficult to sustain reasonably fair and enduring multiparty democracies. The popular argument against democracy is that, in what are essentially artificial African states, democracy must inevitably lead to the mobilization of ethnic identities, which will then, in turn, split the state into its constituent ethnic communities and render impossible any form of government based on popular consent. Evidence, however, strongly indicates that multiparty democracy is much more likely to promote national unity than destroy it. By contrast, those regimes that have nearly destroyed the unity, or even the very existence, of their states have all been autocratic (Clapham 1995, pp. 1 and 2).

How democracy is visualized and defined varies from situation to situation, and nowhere is this more of a truism than in Africa. Clearly, in almost all circumstances, democracy involves social justice, governmental accountability, and human freedoms. Certainly, democracy involves the procedural minimum of contestation for political office and policy choices, of popular participation in elections and other elements of political decision-making, and of the accountability of elected public officials under the rule of law. All this must take place within a culture in which fundamental human rights and political freedoms are guaranteed (Keller 1995, p. 225). However, as the Southern African Development Community (SADC) Parliamentary Forum acknowledged in 2000, there is "inadequate commitment to multiparty democracy and politics among … leaders and politicians … [who] talk democracy, but use undemocratic means to remain in power" (Summary of World Broadcasts 2000, p. AL/3973 A/4).

The contention by some African leaders that there is an "African variant of democracy" is quite disconcerting, especially in a context where, throughout the 1990s and into the twenty-first century, there has been a disturbing phenomenon in international life: the rise of *illiberal* democracy. As Zakaria (1997, pp. 22 and 26) contends, beyond any doubt the values inherent in democracy are universal. Democracy is *liberal* because it emphasizes individual liberty; it is *constitutional* because it rests on the rule of law. Clearly, the time has come to acknowledge that the values of liberal democracy have spread universally, especially among the growing ranks of the educated middle classes. Prominent African intellectuals such as Claude Ake and Peter Anyang' Nyong'o vigorously espouse the advantages of core democratic principles over the indeterminate, and possibly second-best, forms of governance based on so-called authentic culture (Bratton and Rothchild 1992, p. 269; Hyden 1997, p. 238).

As a political system, democracy is marked not only by "free and fair" multiparty elections (which is a rather mechanistic conception, so prevalent in the pseudo-democracies in Africa, and fuelled by the fad of event-focused election monitoring and observation) but primarily by what might be called *constitutional*

liberalism: the rule of law, a separation of powers (between the executive, the legislature, and the judiciary), and protection of the basic civil liberties of freedom of speech, freedom of assembly, and freedom of religion, as well as the right to property (Zakaria 1997, pp. 22 and 26).

More often than not, the arduous task of inculcating and internalizing democratic values in society is widely being neglected. And today, the two strands of liberal democracy are coming apart: democracy seen merely as multiparty elections and rule by the majority (brute majoritarianism) is flourishing, while constitutional liberalism is not. Constitutional liberalism is about the *limitation of power*; in its oversimplified form, democracy is about the *accumulation and use or misuse* (even abuse) *of power*. One should be mindful of Lord Acton's dictum: "Power corrupts and absolute power corrupts absolutely." Therefore, democracy stripped of constitutional liberalism is not simply inadequate, but dangerous. To paraphrase Woodrow Wilson in a different context: the challenge for the twenty-first century is not to make the world safe for democracy, but to make democracy safe for the world (see Zakaria 1997, pp. 23, 30 and 42). In contemporary Africa, therefore, constitutional liberalism remains a *compelling necessity*.

Good Governance: An Elusive Commodity

Since the late 1980s, the crisis on the African continent has been identified as one of bad governance (World Bank 1989). At least four major conditions of bad governance in Africa may be cited (see Hyden 1992, pp. 5, 6 and 22–24). First, the extensive *personalization of power* encourages clientelist relations on a two-person or dyadic basis but discourages the growth of wider forms of trust and reciprocity (Callaghy 1984; Jackson and Rosberg 1982; Joseph 1987). The second condition is *the denial and often widespread abuse of fundamental human rights* by errant rulers. Africans gradually began to realize the significance of individual human rights (An-na'im and Deng 1990) after previously regarding them as merely communitarian or group-based. However, human rights abuses cause many citizens to withdraw from politics, or evade rather than engage political authorities. They have been reluctant to speak out for fear of being jailed or maltreated and, instead, have increasingly exercised the option "to vote with their feet" in order to escape repressive political control (Hirschman 1970). Third, the *prominence and prevalence of unelected and unaccountable government* manifests itself in a reluctance to decentralize or delegate authority and a tendency to curb any independent political activity outside an institutional network controlled by the ruling party-state (Chabal 1986). And the fourth condition is that the apparatus of the state primarily becomes the means for an elite to acquire wealth, rather than serving as a corrective mechanism to promote social justice and sustainable economic development, which lead to *widespread and even endemic corruption*. Indeed, the political economy in most African countries has come to be increasingly characterized by high levels of political, bureaucratic, and economic corruption (Mbaku 1998, pp. vii and xi).

Ultimately, better governance requires political reform and renewal. At least three conditions facilitate what is known as *good governance* (see Hyden 1992, pp. 15 and 16). First, *citizen influence and oversight*: the means by which citizens can participate in the political process and thereby express their preferences about public policy, how well these preferences are aggregated for effective policy-making, and what means exist of holding the leadership accountable for their decisions and actions. Second, *responsive and responsible leadership*: the attitudes of political leaders towards their roles as public trustees (respect for the sanctity of what is known as the civic public realm), the openness of public policy-making or the readiness to share information with citizens, and adherence to the rule of law. And third, what is known as *social reciprocity* or intergroup tolerance: how far groups demonstrate tolerance of one another in the pursuit of politics and how far voluntary associations are capable of transcending the boundaries of kinship, ethnicity, or race.

Certainly, "governance" is a more useful concept than "government" or "leadership" mainly because it does not prejudge the locus or character of real decision-making (Lofchie 1989). For example, governance does not imply, as government does, that real political authority is vested somewhere within the formal-legal institutions of the state. Nor does governance imply, as the term leadership does, that political control necessarily rests with the head of state and government or official political elites. A "governance realm" is grounded in an effective, rules-based leadership, which is perceived to be legitimate, and from which authority or power is derived. Moreover, it is a concept which, through the prerequisite condition of mutual trust or compliance, is based on reciprocity or the voluntary acceptance of an asymmetrical relationship between the rulers and the ruled (see Hyden 1992, pp. 6, 7, 10 and 12–14). Put differently, governance is a fragile process that depends on "the restraint of the ruler" and "the tolerance of the ruled" (Barkan 1992, pp. 189–190).

Of particular significance is that African governments, for budgetary reasons, have been forced to outsource their activities, creating opportunities for civil society to grow in order to fill the gap (Diamond 1988), and state contraction may therefore pave the way for stronger governance structures (Hyden 1992, p. 25). However, in the African context, more often than not, good governance has proved to be a rather *elusive commodity*.

Democracy and Good Governance: An African Commitment?

The New Partnership for Africa's Development (Nepad) provides for a development partnership between Africa and the world's richer nations, the G8, with the condition that countries on the continent *root out corruption and practice good governance* (Pretoria News 2002a; Hope 2002; Kanbur 2002). In terms of this partnership (in return for global assistance for increased aid and investment, external debt relief, and improved trade with the developed world), African governments would commit themselves to standards of *good governance and democracy* through a system of peer review (Pretoria News 2002b). Crucial to this

endeavor is the nurturing of a "democracy and governance culture," as opposed to simply putting down guidelines, which must also involve civil society and "a sophisticated, not a sycophantic media" (Pretoria News 2002c, d; Uys and Myburgh 2002, pp. 9 and 10).

Under Nepad, business and civil society would have a key role to play in holding African leaderships to these promises (Pretoria News 2002a; Uys and Myburgh 2002, pp. 2–3; Yoh 2002, pp. 6–7 and 26). The backers of Nepad believe that the twin challenges of the eradication of poverty and the fostering of socioeconomic development can only be effectively tackled through the promotion of democracy and good governance, peace and security, the development of human and physical resources, gender equality, wider respect for human rights, openness to international trade and investment, the allocation of appropriate funds to the social sector, and the forging of new partnerships between governments, private sectors, and civil society organizations (Nepad 2002, p. 7).

In the "Declaration on Democracy, Political, Economic and Corporate Governance" (adopted in Durban, South Africa in July 2002), the heads of state and government of the African Union (AU) reaffirmed their commitment to "the promotion of democracy, good governance and human rights" and their belief in "transparent, accountable and participatory government" (Nepad 2002, p. 4). They made a wide-ranging undertaking to, among others, ensure that national constitutions reflect a democratic ethos and provide for demonstrably accountable governance, promote political representation in a free and fair political environment, safeguard individual liberties and collective freedoms, adopt clear standards and indicators of good governance, ensure the effective functioning of parliaments and other accountability institutions (including anticorruption bodies), uphold the rule of law and safeguard the independence of the judiciary in order to prevent corruption and the abuse of power, and ensure responsible free expression and freedom of the press (Nepad 2002, pp. 4 and 5).

However, as Nepad is founded on a business-like assessment of the political and socioeconomic realities in Africa today, it does not underestimate the important challenges involved in achieving its objectives (Nepad 2002, p. 7). Two of these challenges are the constant quest to achieve higher levels of good governance, and the perennial fight against corruption.

The Quest for Good Governance and the Fight against Corruption

The Ibrahim Index of African Governance (IIAG) measures governance outcomes in Africa in four main categories: safety and the rule of law, participation and human rights, sustainable economic opportunity, and human development (IIAG 2012). Since 2006, only 22 of the 52 African countries listed in the 2012 index registered an overall improvement in governance. But, while governance continues to improve in many countries, some of Africa's regional powerhouses (Egypt, Kenya, Nigeria,

and South Africa) declined in two of the four main IIAG categories namely, safety and the rule of law, and participation and human rights (see IIAG 2012, pp. 2, 10 and 12). For example, in 2012, Nigeria for the first time fell into the bottom ten governance nonperformers on the continent.

When the average scores of two governance categories (safety and the rule of law, and participation and human rights) are compared with Transparency International's 2012 Corruption Perceptions Index (CPI), some patterns become apparent. Although there is no direct correlation between the IIAG and CPI scores, countries like Egypt (44 versus 32), Algeria (43 versus 34), Ethiopia (41 versus 33), Nigeria (40 versus 27), Côte d'Ivoire (34 versus 29), Zimbabwe (31 versus 20), and Eritrea (27 versus 25) are confirmation of a quite discernable trend that *the lower governance indicators fall* on the scale of 100–0, *the higher the incidence of corruption* (a low score on the CPI indicating high levels of corruption). Conversely, it is abundantly clear that *the higher the level of good governance*, *the lower the level of corruption*: Mauritius (83 versus 57), Cape Verde (82 versus 60), Botswana (80 versus 65), the Seychelles (70 versus 52), the "outlier" being Rwanda which scores a paltry 46 on the IIAG, despite recording a relatively high 53 on the CPI[1]—one of the five African countries to score above 50 on the corruption index.

Corruption is defined by Transparency International (2003, p. 2) as "the abuse of public office [or entrusted power] for private gain"—for example, bribe-taking by public officials in public procurement. The CPI reflects perceptions of business people and country risk analysts of levels of corruption among politicians and public officials (see Transparency International 2003, pp. 2, 3 and 6). Clearly, corruption is a major threat facing humanity: it undermines countries and institutions, it destroys lives and communities, it translates into human suffering (citizens being extorted for bribes to access public services), it leads to failure in the delivery of basic services (like clean water, electricity, education, healthcare, and personal safety), it derails the building of essential infrastructure and, finally, it generates popular anger that threatens to further destabilize societies and exacerbate violent conflict. Governments, therefore, need to integrate anticorruption actions into all aspects of decision-making, prioritize much tighter rules on lobbying and political financing, make public spending and contracting (tendering) more transparent, and assure that public bodies are more accountable (Transparency International 2012, p. 1).

Corruption thrives in Africa because the state is important not only for *what it can do* (in the form of growth and development) but also for *what can be done with it*—using it as a mechanism for ensuring upward mobility or patronage and easing the way of private access to public resources or corruption (Szeftel 2000, pp. 208–209). Thus, the apparatus of the state becomes the means for an elite to acquire wealth,

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[1] Conversely, "outliers" who score high on the IIAG, but low on the CPI, are South Africa (72 versus 43), Tanzania (62 versus 35), Senegal (58 versus 36), Uganda (56 versus 29), and Kenya (50 versus 27). The reasons for these big variances need to be subjected to in-depth research. Although the paucity of data and the absence of statistical autonomy within African countries may be lamented (IIAG 2012, p. 2), in most cases the dearth of data is not the problem, rather the massaging of data by official statistics bodies and other data providers in order to boost the image of incumbent governments.

rather than serving as a corrective mechanism to promote social justice and economic development (Jafferji 2000, p. 15). Politics in Africa has always been concerned, to quite a significant degree, with the management of spoils. But, if anything, the liberalization induced by international financial institutions may have had the "unintended consequences" of increasing rather than decreasing the scope of corruption. Privatization has afforded opportunities for the political elite to acquire public assets cheaply or fraudulently, and market forces have not measurably reduced the charging of gate-keeping rents or bribes. Development policies remain, too often, contingent upon how government plans overlap with personal enrichment projects: in such circumstances, clientelism, factional competition, and corruption flourish. There is, therefore, a need to develop strategies that uncouple private wealth accumulation through corruption from access to public office through politics (see Szeftel 2000, pp. 208, 221 and 222).

A total of 174 countries worldwide were ranked in the 2012 CPI. The main international backers of Nepad, the G8 countries (with the exception of Italy at 42 and Russia at 28), score *above 50* out of a clean score of 100, ranging from Canada (84) to France (71). Conversely, all the main African Nepad sponsor countries score *below 50*, ranging from South Africa (43) to Nigeria (27). Of the African countries listed in the CPI, no less than 48 out of 53 score *below 50* in the rankings, indicating a serious corruption problem; Somalia (8) brings up the rear, while 11 others score *25 and below* in the rankings. If this is not yet an indication of endemic corruption, then all these countries seem to be on a fast track towards soon falling into that category.

Clearly, it is self-evident that African governments not only have to give a much higher priority (not just paying lip service) to fighting corruption but also to take a much tougher stand against the abuse of power—not to succumb to pressure, opportunity, and ability to abuse power and thus become active participants in corrupt practices. To effectively fight the scourge of corruption, it is imperative that the tenets of constitutional liberalism (liberal democracy) and the principles of good governance must be internalized and become everyday practice.

Corruption: A South African Case Study

How does South Africa feature in the context of rampant corruption, a good governance deficit, and lack of transparency? According to Dubula (2012), the disease of corruption has permeated South African society, and its corrosive effect is being felt everywhere. In his 2010–2011 General Report on National Audit Outcomes, Auditor-General Terence Nombembe found that there was a massive "unauthorized and irregular expenditure" by state and provincial departments and public institutions, mainly due to uncompetitive and unfair procurement practices, as well as through what has become known as "tenderpreneurship." He urged the government to address this problem by appointing "experienced officials with appropriate skills," in other words, on merit—and, clearly, a sideswipe at the sometimes unintended consequences of "affirmative action." But, sadly, "cadre deployment,"

appointment on the grounds of party-political affiliation and large-scale nepotism, instead of focusing on the necessary skill sets and merit, has transformed government departments and public entities into mediocre institutions and factional political battle grounds (Beeld 2012a).

Public Protector Thuli Madonsela is of the opinion that an enabling environment has been created in which corruption is thriving, as the battle for political power and control of resources is raging unabated in many African countries, including South Africa. Corruption has played an important role not only in sabotaging Africa's quest for economic growth and development but also in undermining efforts aimed at the consolidation of democracy, human rights, and the rule of law. Poor enforcement of anticorruption measures has bred maladministration and fostered impunity, a major cause of pervasive and systemic corruption. The strengthening of compliance and best practice is, therefore, central to an effective fight against corruption (Madonsela 2012, pp. 1 and 2).

Some of the factors that have emerged from discourses on combating corruption and promoting good governance are the requisite political will, good leadership, a functioning democracy based on diffused state power (the separation of powers between the executive, legislature, and judiciary, including the supremacy of the law and the independence of the judiciary), strong constitutional institutions, a sound judicial system, openness and transparency (underpinned by freedom of expression and freedom of the media), and the safeguarding of human rights (Madonsela 2012, p. 3). Clearly, a united front is fundamental in addressing corruption and ensuring good governance; and this must be supported by "a sound integrity framework" and "an unwavering commitment to public accountability and transparency" (Press Release 2012).

Corruption in South Africa is not only systemic; it is fast becoming endemic and it is, to paraphrase political commentator Max du Preez (2009), beginning to move beyond the point of no-return. Even a high-ranking governing African National Congress (ANC) figure like Finance Minister Pravin Gordhan now acknowledges that corruption has reached very serious proportions. Indeed, corruption is tearing the country's social fabric apart, it has morphed into a cancerous growth, and it has become a crippling scourge. The leadership of the ANC, by silently condoning a post-1994 culture of entitlement, should ask itself what role it has played in creating the rot that is eating away at the moral and ethical fiber of South African society. ANC leaders have unstintingly and unquestioningly defended the new black oligarchs (the *nouveau riche*) and the beneficiaries of broad-based black economic empowerment (BBBEE). But BBBEE and preferential tendering in government procurement (through tenderpreneurship) has become nothing more, nothing less than legislated and institutionalized corruption (Venter 2009).

Today, as political commentator Allister Sparks (2009) contends, being a member of the ANC is "the gateway to opportunity, to power, and to status and wealth." Even Kader Asmal (2010), a stalwart of the ANC, warned that "political activism is becoming synonymous with, or an excuse for, personal position, access to connected people, and wealth; this is corruption of the most corrosive kind." Clearly, there is a turning away from democratic values towards a much narrower and more

predatory conception of empowerment (Pithouse 2010), leading to what has become known in political science literature as the "predatory state" or the "vampire state."

The lessons for South Africa are quite clear. Several risk factors are "muddying the waters" (Venter 2009): *government secrecy* in the multibillion rand arms deal scandal, *inappropriate influence peddling* by elite groups (the entanglement of public utility, Eskom, and Chancellor House, the ANC's investment arm, with the multibillion rand contracts for the Medupi and Kusile power stations), and *corruption-induced party-political funding* to the governing party (the Oilgate scandal, involving another public utility, PetroSA). The infamous arms deal was the ANC's original sin, with highly placed politicians and government apparatchiks creaming off large kickbacks from arms manufacturers desperate to secure contracts for the supply of weaponry to the air and naval forces of the new South African National Defense Force (SANDF). But the real crime was the cover-up which began when the scandal became public knowledge—and it has continued ever since. A judicial inquiry (requested by opposition parties at the time) should have been instituted immediately, and as Sparks (2010) puts it so eloquently:

> The primary cancer should have been surgically removed early. The failure to do so has allowed this malignant tumor to grow uncontrollably and to metastasize to the point where the whole body politic is now riddled with its infectious suppuration. Eradicating it now is so much more difficult, for South Africa has reached a kind of corruption gridlock.

Indeed, the virus of corruption is coursing through the varicose veins of South African society. Self-interest overrides the national interest—right and wrong are defined as profit and loss, not good and evil. Political commentator Mondli Makhanya (2010) aptly opines that South Africa is at the crossroads as "dangerous men and women are making wrongdoing [look] normal, alienating the population from democratic institutions, and instilling a culture of mediocrity."

Why has corruption become so widespread? Sparks (2010) suggests that the answer lies in what might be called the "Law of Creeping Corruption":

> If corruption, verbal or monetary, is not dealt with the moment it manifests itself, the corrosion will spread. And the more it spreads, the harder it becomes to stop …. When so many people in high places … [may implicate] each other, no-one dares blow the whistle.

Although President Jacob Zuma (once again, in his 2011 and 2012 State of the Nation Addresses) promised that the fight on corruption would be intensified, his record in this regard is extremely checkered. Political commentator Justice Malala (2010) refers to Zuma's "intellectual, ethical and moral laxity" and says it is becoming increasingly clear that the President does not have the will to fight corruption or uphold high standards. Clearly, he will have to do more than mouth platitudes about cracking down on corruption; he will have to be seen to be doing so without fear or favor. But when he himself has managed to get off the hook on major arms deal-related corruption charges (the National Prosecuting Authority, NPA, providing him with the "political solution to a judicial problem" his tripartite alliance supporters in the ANC, the South African Communist Party (SACP), and the Confederation of South African Trade Unions (Cosatu) so ardently clamored for), how can he clamp down on corruption anywhere else in his administration? Indeed, Zuma has no

moral authority; clearly, he is morally and ethically unfit to occupy any public position, least of which the Presidency. In the final analysis, "it all boils down to a question of leadership --- good leaders lead by example: uphold principles and the rest will follow; condone and cover up and things fall apart" (Sparks 2010).

Nedbank chairman Reuel Khoza has warned that democracy and good governance in South Africa is under increasing threat as it seems to be "… losing the checks and balances that are necessary to prevent a recurrence of the past." He called on South Africans to hold to account a political leadership whose "moral quotient is degenerating .... a strange breed of leaders who are determined to undermine the rule of law and override the Constitution" (Business Day 2012a). In the process, investor confidence in South Africa is being destroyed by emotional and brainless rhetoric about large-scale nationalization and so-called economic freedom, as well as on the perceived "missed opportunities" for a national democratic revolution (whatever that means in neo-Marxist parlance). Moreover, there is a lack of decisive leadership (in fact, a leadership vacuum) prevailing in a climate of rampant corruption in the public sector and among political office-bearers, relative impunity from prosecution for abuse of power, a dysfunctional judicial system, contempt for the law and subversion of the judiciary, the escalation of violent crime and a pervasive lack of personal safety among the general public, large-scale labor unrest and violent strikes, and monetary and legislative insecurity (Beeld 2012b).

President Zuma has gravely weakened key public institutions in a bid to protect himself and further the careers of his protégés. The selection of top judges, prosecutors, and police commissioners has become hopelessly tied to the political whims of the President, and this has often led to blunder and controversy (Business Day 2012b). There are the appointments of Mogoeng Mogoeng as Chief Justice (until then a nonperforming, nonentity on the Constitutional Court, passing over the more obviously qualified candidate, Deputy Chief Justice Dikgang Moseneke), Menzi Simelane as Director of the NPA (after the Ginwala Commission found him "not fit and proper" to occupy any public position), and Bheki Cele as National Police Commissioner (another cadre deployment from Zuma's own KwaZulu-Natal heartland, later found guilty of maladministration by the Moloi Commission of Inquiry). Constant attacks have been launched by the governing ANC on the Public Protector and other Chapter 9 institutions (for not being compliant to government wishes) and the judiciary (under the guise of "transformation" and a threat to "review" decisions of the Constitutional Court). The Protection of State Information Act (not including a "public interest clause") is bound to make the exposure of malpractice and corruption by government officials and politicians extremely difficult, if not impossible, with serious consequences for freedom of expression and freedom of the media. Some ANC leaders are even calling for amendments to the Constitution (there have already been 16), as the constitutional compromises made in 1996 are hindering "social and economic transformation".

In South Africa (as *the* example of the so-called African democracy that its leadership wishes to portray), reality is very often obscured by imagery. Behind the façade of democracy, reconciliation, accountability, and transparency lurk the ugly gremlins of authoritarianism and centralist control, political intolerance and

retribution, patronage, cronyism, nepotism, and corruption. If South Africa, as one of the leading proponents of Nepad, cannot even set a proper example, what hope is there for the rest of the continent to comply with the well-formulated principles, codes, and standards of democracy and good governance enunciated in the AU's Declaration on Democracy, Political, Economic and Corporate Governance?

So, what needs to be done? As a start, all those in government and in the public *and* private sectors should work hard to establish a climate of integrity; and leaders should go beyond mere lip service and make good on their promises to provide the commitment and resources to improve governance, transparency, and accountability. Only then can corruption begin to be defeated (Venter 2009).

Peer Review: The Litmus Test for African Credibility on Democracy and Governance

At the 2002 G8 meeting in Kananaskis, Canada, world leaders signed an African development deal, known as the "Africa Action Plan," whereby African governments were to benefit from US$64 billion annually in global assistance for investment and trade. This was predicated on a promise by African leaders to break with the past record of corruption and authoritarianism and making a collective commitment to clean government, multiparty democracy, and the rule of law (Uys and Myburgh 2002, p. 2). At the subsequent AU Summit meeting, African leaders agreed to establish an *African Peer Review Mechanism* (APRM), which was to function as a self-monitoring instrument. However, the voluntary nature of accession to the APRM, and the weak enforcement regime suggested by the wording that heads of state and government "may wish to put … [an offending] government on notice" (Nepad 2002, p. 10), has led to the emasculation of the peer review system almost from inception. African leaders backed away from the independent review of their political performance record almost immediately. Like most politicians, they prefer that their own sort, with similar ambitions, worldviews, and Machiavellian desires, judge their actions (Pienaar 2002).

Former South African President Thabo Mbeki argues that the AU's Constitutive Act binds all member states to the promotion of democratic principles and institutions, popular participation, and good governance (Mbeki 2002). Although African governments have seemingly committed themselves to these standards, translating governance buzzwords into reality require considerable institutional capacity (which is still poorly developed) and the sort of political will hitherto lacking (Uys and Myburgh 2002, pp. 2 and 3; Pretoria News 2002a; Yoh 2002). Moreover, the track record of African countries over a period of 50 years of Organization of African Unity (OAU) and AU history suggests that African leaders honor any commitment to democracy and good governance in the breach, rather than otherwise (Battersby 2002). To emphasize the flimsiness of this commitment, consider Baleka Mbete's comments on being appointed to the 7-member APRM Panel of Eminent Persons (Sunday Times 2012):

> The original aim of the APRM was to ensure good … political governance on the continent. Things have changed since then. In these modern, post-Mbeki times, the ANC feels it is un-African for one country to judge another; it is disrespectful of the ancestors.

Surely, a comment like this must seriously detract from any credibility that the APRM might have had.

If there ever was any democratic consensus in Africa, it ended when President Robert Mugabe stunted the struggle for freedom in Zimbabwe through massive electoral rigging and brutal repression, negating all the tenets of democracy, good governance, and human rights (Beinart 2002). Amid Zimbabwe's slide into political and economic oblivion, African leaders without fail closed ranks in solidarity (often massaging Mugabe's overblown ego as a liberation hero), sometimes attempting to cajole him, maybe half-heartedly cautioning him in private, but publicly defending their virtual complicity in the systematic retrogression of that country into an Orwellian-style, totalitarian state (Venter 2003a, p. 27). The decision by SADC leaders to condone his actions through the constant expression of solidarity demolished the pretense that Africa's governments view democracy as the continent's ultimate aspiration. It mocked the compact that African governments will dedicate themselves to democracy and good governance in return for foreign assistance through Nepad. In fact, it revealed that the only compact that really matters is that which African leaders have been making with one another since independence namely, that there would be no criticism of each other's indiscretions (Beinart 2002). However, peer review should be about African leaders telling each other where one of them is in breach of mutually agreed standards and principles (Tsedu 2002).

Mugabe's mantra is that Zimbabwe should have its own definition of democracy and that autocracy can be described as "the will of the people." So compromised by years of abuse of power, he and his security chiefs can only continue to hang on at any cost, even if it means bringing down the country with them. To paraphrase a Somali writer in a different context: he has indeed put Zimbabwe "on the road to zero." Clearly, it is not within Mugabe's psyche to relinquish power (Mukonoweshuro 2002). The personality cult built around him, and his entire personality make-up, argues against national reconciliation (Venter 2008). He has a grandiose sense of self and over the years has become more and more self-righteous and impervious to correction, thick-skinned and vengeful and, frankly, totally paranoid (Mail and Guardian 2002). Indeed, he "has not a single redeeming defect," as Benjamin Disraeli so aptly said of William Gladstone many decades ago.

The drivers of an African renewal have been criticized for not sharply reprimanding leaders who represent values that run counter to the AU Constitutive Act and Nepad principles—leaders who rule over failed and essentially dysfunctional states, who peddle creative interpretations of what democracy really means, and who symbolize systems of unaccountability and rule by impulse (Battersby 2002). One should heed the warning: the most dangerous moment for a democracy is not the founding elections of the state, but when the incumbent government experiences a crisis in leadership and is defeated at the polls (Slabbert 2000). Clearly, the ultimate test for democracy is the willingness of the vanquished incumbent to cede power to

his or her victorious opponent, not to cling stubbornly to the reins of power. One only has to look at the recent examples of Kenya, Zimbabwe, and Côte d'Ivoire to realize that what passes for democracy in Africa is in very serious trouble.

Conclusion: Towards an African Renewal

Today, many African leaders still represent the embodiment of just about everything that the continent is seemingly committed to move away from: flagrant disregard of human rights, lack of respect for the rule of law, and harassment of political opponents. So, what hope is there that Africa will make steady progress towards greater democracy and better governance—not the *sham* or *pseudo* varieties. Ultimately, the hope lies in an unequivocal commitment to the principles of constitutional liberal democracy and good governance. This can be done only by strengthening the transparency and accountability of representative bodies, by free and fair elections in a multiparty system, by safeguarding human rights and civil liberties, by combating corruption and prosecuting the abuse of power, by encouraging public debate, by nurturing press freedom, by developing civil society organizations, and by maintaining the rule of law and an independent judiciary.

Furthermore, how should an African renewal be given substance so that the much-vaunted renaissance of the continent does not become "a dream derailed" but merely "a dream delayed?" A renewal is about making African economies competitive in the global context, over and above the need to encourage leadership to create conditions, systems, and institutions of governance conducive to democracy. Moreover, the ongoing instability on the African continent has highlighted the importance of civil institutions for effective democratic governance. For African renewal, visionary and selfless leaders are needed. This also necessitates a shift in focus from personalities to policies—policies which are firmly grounded in principle and moral authority (Mills 2000, pp. 318–319).

Clearly, in the light of current global and regional trends, Africa has no choice but to galvanize and marshal all positive forces and take its destiny into its own hands. Individually and collectively, African countries need to set in motion, without further delay, their own agenda for socioeconomic and political regeneration. As Rasheed (1993, pp. 56–58) points out, progress can be made and peace and stability secured only by entrenching democracy, by fostering popular participation in development, and by establishing conflict prevention and resolution mechanisms.

At least part of the road map towards an African renewal seems to lie in the *Conference on Security, Stability, Development and Cooperation in Africa* (CSSDCA), which could serve as a blueprint for continental revitalization. In essence, the CSSDCA is a carefully constructed showcase for a notion that in recent years has steadily advanced to the center of African political thought and strategy: it is that without democracy, human rights, and popular participation, and without an end to cross-border and civil wars, there can be neither stability nor economic growth in Africa. In the absence of these conditions, therefore, there can be no

release for the continent from the tightening grip of violence, famine, and debt. Moreover, without that release, Africa as a bloc will become politically and economically even more marginalized in a new global order where success is determined by economic strength rather than military power and ideological affiliation (Bell 1991, p. 9). The CSSDCA initiative stresses that security, stability, development, and cooperation are inextricably linked, each component dependent on the others for its realization. More pointedly, it is argued that a sound national economy is the only durable foundation for national security and political stability, and that democracy, pluralism, and human rights are, in turn, prerequisites (or necessary preconditions) for socioeconomic development and cooperation (Adedeji 1991, p. 54; Nathan 1992, p. 212; Obasanjo 1990, pp. 27–28).

Imageries are important not because they portray reality but because they are capable of masking reality and giving it a sense of normality. This is a truism in the case of quite a number of African political systems: the incongruence between their perceived *image* as guardians of democratic values and good governance principles and their *reality* as instruments of civil dictatorship. More often than not, the significance of the role that democracy and good governance should play, the values and ideals they represent, and the functions they perform in the political life of citizens have either been misconstrued, even perverted, or negated by corrupt political leaderships. The prospect for transforming African political systems into functioning, rather than imageries of virtual, democracies is an uphill struggle that requires the emergence of new leaderships better placed to meet present-day challenges (Venter 2003b, p. 346).

Despite the odds against responsible and accountable governance (particularly, their potential for institutionalizing majoritarian tyranny under the pretext of democratic rule), these constraints are, nevertheless, surmountable. Acknowledgement of the crucial interrelatedness between the four core elements of the CSSDCA process may serve as a road map for the realization of an African renewal or renaissance. Moreover, the central role given to democracy and good governance principles, codes, and standards in Nepad was well formulated, and the voluntary accession of some 33 African countries (at last count) to peer review through the APRM has been well intentioned.

Ever since the adoption of the Lagos Plan of Action in the early 1980s, numerous similar plans have simply fallen by the wayside through lack of implementation, or have become dormant and, thus, irrelevant and inconsequential. Nepad suffers from slow decision-making and a relatively poorly resourced and often cumbersome implementation framework. There is a lack of information about the day-to-day activities of the Nepad Secretariat, which is generally uncommunicative, and its website is uninformative. After more than a decade, Nepad has made little, if any, progress in achieving its set objectives and can thus be regarded as a failure, primarily because of the inability of most African countries to demonstrate an unequivocal commitment to democracy and good governance. The quid pro quo for major donor funding has therefore not been forthcoming.

Similarly, the effectiveness of the APRM has dissipated over time as many participating states do not conform to some of the more important tenets of democracy

(respect for human rights and the rule of law) demanded by the peer review process in their own governance programs. Of the 14 countries having been peer reviewed from January 2006 to January 2011, the IIAG scores (for the two politically relevant categories) for Nigeria (40), Ethiopia (41), Algeria (43), Rwanda (46), and Kenya (50) are indicative of serious governance deficiencies. The fact that the findings and recommendations of the APRM are not binding, and implementation not obligatory, has resulted in peer-reviewed countries not having to seriously consider recommendations flowing from the process. Deadlines for reporting on the implementation of national programs of action are regularly missed, without any consequences or public reprimand. State actors are not being held accountable for want of a proper monitoring framework. Moreover, at the 2010 AU Summit in Kampala, only 8 of the 29 APRM member countries, at that time, had their heads of state or government in attendance. Not even the host nation, Uganda, had its head of state present, having been called away "on other business." Clearly, this must signal a waning commitment to, and interest in, the APRM, pointing to its eventual demise.

Ultimately, for Nepad, for the APRM and for the CSSDCA, the bottom line remains the same. Whether these well-laid continental plans ever get off the ground, and whether they succeed in meeting their truly challenging objectives, in the end depends on the one critical ingredient missing in previous, similar endeavors: *the political will to translate good intentions and lofty ideals into requisite action*. Without such action, the futures of African countries are bleak, to say the least, and the sustainability of fledgling democratic systems less secure than what the imageries tend to portray.

It would be foolishly naïve to think that the problems of Africa will be swept away by the emergence of more responsive, politically liberal, and economically sound societies. The global community is suffering from the hangovers not only of donor fatigue but also of Afro-pessimism, and the challenges of drought, famine, and HIV/AIDS in Africa will persist; similarly, the issues of rapid population growth and environmental degradation. However, an Africa with a degree of security and stability, and a realistic option for eventual and sustainable, internally led growth, can take its rightful place in a world groping towards new alignments. A productive, competitive, and revitalized Africa is, in the final analysis, a matter of profound global importance.

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Chapter 17
Rethinking Democratic Governance: Looking Back, Moving Forward

M. Shamsul Haque

The recent three decades witnessed massive reforms in the mode of public governance worldwide. This period of restructuring public policy and public administration has been unprecedented in terms of the speed and intensity of such reforms encapsulated often as Reinventing Government or New Public Management or NPM. There also has emerged a series of post-NPM reform proposals—which largely represent the revision rather than rejection of NPM—under catchy expressions like Shared Governance, Collaborative Governance, Joined-Up Governance, Networked Governance, Good Governance, Digital Era Governance, and Good Enough Governance (Lodge and Gill 2011; Ferlie and Steane 2002). These trends of reforms are characterized, first, by their neoliberal ideological assumptions that free market competition is better than state intervention for optimizing customer satisfaction (utility) and cost-effectiveness or efficiency, and thus, the role of the state should be minimal so that a greater role can be played by market forces. Reflecting these ideological underlying predispositions of contemporary reforms in governance are the market-led redirections in state policies, government institutions, and civil service. More specifically, while state policies are reoriented towards privatization, deregulation, liberalization, downsizing, and outsourcing, most public organizations and their management are restructured in favor of organizational disaggregation or agencification, managerial autonomy, performance-driven indicators, result-based finance and budget, and customer-led priorities. It should be mentioned here that while both NPM and post-NPM prescribe pro-market policies and organizational and managerial reforms in order to roll back the state and to transfer much of the state sector role in service delivery to non-state actors, there is a distinction. The basic distinction is that while the NPM model prescribes this transfer of the public sector's role mainly to the private sector, the post-NPM alternatives recommend such transfer to other additional stakeholders like Nongovernment Organizations (NGO) and grassroots groups.

M.S. Haque (✉)
Department of Political Science, National University of Singapore,
10 Kent Ridge Crescent, Singapore 119260, Singapore
e-mail: polhaque@nus.edu.sg

In the public administration field, compared to the early intellectual tradition that started with well-known thinkers like Woodrow Wilson (1992), Max Weber (1996), Frank Goodnow (1900), Paul Appleby (1949), John Rohr (1989), Dwight Waldo (1955), Guy Peters (1978), Fred W. Riggs (1964), and Ferrel Heady (2001), the recent businesslike public management models are identifiable often with experts and consultants affiliated with international agencies, consultancy firms, and think tanks. As a result, it is quite obvious that these new business-type models are usually in the mode of reform prescriptions for policymakers without adequate conceptual and theoretical grounding. Although there are some scholars who made attempt to theorize these prescriptive public management models, including Christopher Hood (1991), David Osborne and Ted Gaebler (1993), Christopher Pollitt (2001), and Patrick Dunleavy et al. (2006), they often pursued post facto generalizations of reforms already undertaken and interpreted them in relation to theoretical ingredients from public choice theory, principal-agent theory, and new institutional economics. Compared to the past intellectual tradition that provided theoretical guidelines and normative frameworks to practical public administration profession with regard to public-private distinction, politics-administration relations, public service accountability, public interest and representation, and administrative ethics, the newly emerging public management models tend to highlight the patterns of common features of recent market-oriented reforms adopted in various regions and countries.

As a result, the current literature in the field of public administration is replete with studies and publications on cross-national divergence and convergence in adopting the main tenets of NPM (Cheung 2005; Pollitt 2001). While the extensive divergence-convergence studies provide useful accounts of the prevailing NPM-type reform practices in various nations, they do not offer much needed explanation of the *causes or forces* behind the emergence and adoption of these market-led reforms pursued by most countries since the mid-1980s. Similarly, the existing studies pay insufficient attention to the *consequences* of pro-market, NPM-style changes in governance. However, it remains crucial to understand the implications of such a neoliberal, market-driven public administration and governance for national economy, society, and politics.

Existing studies on such consequences of these are largely focused on economic impacts with a dominant tendency to glorify the neoliberal modes of governance, especially the NPM model. In this regard, it is observed by Monteiro (2002: 10) that the "success stories of NPM are told over and over again, but one hears less about the failures." Given this dominance of research on the positive economic consequences of neoliberal public governance, this article adopts a critical approach and attempts to explore its adverse political consequences, especially for the realization of basic principles and prerequisites of democracy, especially because the emergence of neoliberal governance coincided with the worldwide expansion of electoral democracy (Diamond 2003; UNDP 2002). There is an increasing recognition of the nexus of relationship between governance and democracy, which has led to the frequent application of the term "democratic governance" as an emerging framework by UN organizations like the UNDP and various donor agencies in developing nations (BDC 2007; UNDP 2012).

Democratic Governance: Rhetoric vs. Reality

Democratic governance is still a poorly defined concept, which is often used inter-changeably with the term "good governance" featured by principles such as the rule of law, people's participation, accountability, transparency, responsiveness, effectiveness, and equitable service delivery (Agere 2000). A more comprehensive overview of demo-cratic governance has been offered by Mark Bevir in his book titled *Democratic Governance* (2010). However, the book presents a more philosophical debate about how the dominant legacy of modernist social science led to the (re)conceptualization of dem-ocratic governance whose principles and strategies, ironically, posed threats to a genuine mode of democracy. Thus, it is necessary to unpack the connotation of "democratic governance" in more simplified operational criteria in order to explore the consequences of the aforementioned neoliberal models of public policy and administration for demo-cratic governance. In this regard, the article highlights two major dimensions of demo-cratic governance. First, a democratic governance should ensure "democracy *within* governance," which implies the existence of certain democratic principles within the governing organization and management, such as fairness, equal opportunity, transpar-ency, participation, and employee rights in the process of recruitment, selection, promo-tion, compensation, and employee relations. Second, any democratic governance should also mean "governance *for* democracy," which suggests that public governance should designed or structured in such a way that it is conducive to the realization of basic pre-requisites of a democratic polity, including civil liberty, freedom of expression, press freedom, right to association, and entitlement to socioeconomic needs.

Democracy *Within* Governance

First, in order to ensure internal democracy, often known as workplace democracy, within the public service, it is essential that the origin and evolution of public admin-istration are embedded in democratic processes. In most Western countries, although the system of public administration started with a relatively top-down approach with-out much attention paid to employee participation and employee rights, with the advancement of overall citizens' right, there emerged greater recognition of equal employment opportunity, structural fairness, equitable compensation, transparency in interpersonal relations, trade-union right, whistle-blowing, racial and gender repre-sentation, and so on. However, the adoption of NPM model is likely to have adverse impacts on such democratic principles within public administration, especially because of the model's excessive priority given to efficiency and economy even at the expense of compromising representation and equality and excluding time-consuming employee dialogue and negotiation. With regard to such an undemocratic tendency inherent in this businesslike model, Argyriades (2001: 14) suggests that the model is "inimical to dialogue, impatient with dissent, intolerant of diversity and, in the last analysis, not always reconcilable with legality, democracy and due process".

In the developing world, on the other hand, the scenario is fundamentally different in most postcolonial countries where the very origins or foundations of public service principles and institutions have been undemocratic—they were often coercively imposed by colonial rulers and imitated by governments under international pressure or influence during the postcolonial period. In the current age, for instance, the NPM-style restructuring of the public policy and administration in Asia, Africa, and Latin America has been pursued largely under external pressure of international donor agencies like the World Bank, the IMF, and the UNDP (Bangura 2000; Baker 2004). Often under such external pressure, many regimes in the developing world adopted pro-market policies and reforms often by executive decrees without much public consultation (Bangura 2000). The point here is that in developing countries, it is paradoxical to discuss democracy within public administration system when the historical formation of such a system was undemocratic.

Second, reflecting such coercive external origins of public administration practices in developing countries is the undemocratic mode of knowledge construction in these countries. In particular, most influential research and publication outlets are dominated by Western scholars and their ideas, and there is serious underrepresentation of Third World scholars and local administrative knowledge in the field of public policy and public administration. It has been highlighted by some scholars that public administration knowledge is based on a one-size-fits-all approach that reflects the Eurocentric assumptions of the superiority of Western mode of governance, which amounts to some form of "epistemic colonialism" (Candler et al. 2010).

The relative absence of non-Western thoughts and ideas in public administration is accentuated further due to serious underrepresentation of non-Western (Asian, African, and Latin American) scholars in major research and publication outlets (Welch and Wong 1998). Some recent studies clearly demonstrate that there are clear indicators of underrepresentation of these non-Western scholars as authors of articles published in leading public policy or public administration journals as well as the editorial board members of these journals (Gulrajani and Moloney 2012; Candler et al. 2010). This dismal presence of Third World scholars shows the field's lack of democratic fairness in its theory-building and knowledge construction itself.

Last, the structural composition of public administration is often highly elitist and so rigidly hierarchical that there is hardly any democratic potential within the public service itself. Historically, the whole colonial administrative apparatus was based on the ethos of centralized colonial power producing a highly elitist civil service as reflected in the creation of administrative class under the British colonial rule (Harris 1990). In comparison, "the French colonial administrators were [even] more interested in centralization and assimilation, characteristic French attributes" (Harris 1990: 55). However, after World War II, with the rapid decolonization process, most Western governments changed administrative systems in favor of greater employee participation, fairness and equality, representation, and employee rights, although such colonial legacy of centralization and elitism continued in developing countries despite the rhetoric of postcolonial development administration or administration of development. The impacts of recent neoliberal NPM-type reforms are expected to be positive in terms of challenging rigid hierarchy, devolving power to

public managers, providing greater financial autonomy, instilling an employee-centered organizational culture, enhancing career mobility, and so on. While this scenario could be observed in advanced Western democracies, it is more challenging in the developing world where centralization, loyalty, and discipline are deeply rooted in social norms, organizational values, and individual beliefs, and thus, very difficult to overcome.

However, there are certain principles of neoliberal public administration that could be considered detrimental to workplace democracy. In particular, the increased level of job insecurity caused by privatization, merger, and downsizing often forces subordinates to be more loyal to their superiors, especially political bosses. In addition, under the pro-market model, in the name of efficiency and value for money, the means of internal democracy could be weakened due to contract-based job offers, welfare cuts in staff funding, and anti-trade-union employee-management relations. These factors have been great concerns in recent public administration research in both developed and developing countries.

Governance *for* Democracy

First, a major consideration in making public administration conducive to democracy is to have a balance of power between state bureaucracy on the one hand and the political and social institutions on the other. In Western democracies, although the role and power of bureaucracy expanded under the welfare after the Great Depression, the overall framework of governance always questioned the democracy-bureaucracy nexus and regulated bureaucratic power. They have extensive extra-bureaucratic networks of political institutions, trade unions, civil society organizations, think tanks, and media networks that effectively work against excessive power of state bureaucracy and the realization of people democratic rights. Under the current neoliberal NPM model, in fact, there is even a greater decline in bureaucratic power due to the model's anti-bureaucratic ethos.

In developing countries, on the other hand, the extent of bureaucratic power (both civilian and military) has been so extensive that it posed serious challenges to the emergence and sustainability of a democratic polity. During the colonial rule, these countries experienced the development of colonial administrative system at the expense of political underdevelopment. Even during the postcolonial or post-independence period, most governments in the developing world expanded and reoriented public administration to play a dominant developmental role and be renamed as development administration (Cooke 2003). The process of modernizing and empowering public administration further often ended up weakening representative political institutions. This legacy of bureaucratic power, although may been shaken by the recent neoliberal NPM-type reforms, has not been drastically changed in developing countries, especially those in Asia. With the emerging greater power of the business sector, there is a likelihood that a more collaborative mode of public administration will gradually replace the bureaucracy-democracy imbalance.

Second, the governance system needs to be designed in such a manner that it could strengthen public interest, a major part of democracy. In the developed world, the earlier liberal-democratic mode of public administration significantly emphasized public interest even at the expense of compromising efficiency and economic growth. However, under the market-driven neoliberal mode of governance, there is reprioritization of objectives from a collective public interest based on solidarity, trust, and shared vision to a more individualistic self-interest guided by utilitarian individual satisfaction (Argyriades 2001; Tang 2004; Monteiro 2002). This is reinforced further by the NPM model's redefinition of citizens as customers and its greater importance given to customers' satisfaction than to citizens' rights and obligations.

Some scholars also highlight that the economistic norms of neoliberal governance, including competition, efficiency, cost-effectiveness, and value for money, are not often compatible with the values of democracy like equality, representation, fairness, and impartiality. In this regard, Tang (2004: 66) underscores the point that the NPM model "has imposed a new set of values largely drawn from the private sector that would possibly subvert core virtues deeply rooted in any democratic polity." In the developing world where democracy is still weak or fragile, these ethos of neoliberal governance may create adverse implications for the potential of an emerging democratic polity.

Third, a major prerequisite of democracy is public accountability which should be enhanced by an appropriate mode of governance (Baker 2004). In advanced democracies, accountability was always a major concern, which led to the adoption of a series of legislative, judicial, and executive measures as well as informal means like the free press and public scrutiny. In postcolonial developing countries, especially those pursuing a parliamentary form of government, the government at least officially adopted similar measures to ensure the accountability of state bureaucracy.

However, according to many critics of the neoliberal models, the NPM-type governance poses some serious challenges to public sector accountability. For instance, the use of multiple stakeholders disrupts the established chain of command and makes it difficult to hold them accountable; the creation of autonomous agencies and expansion of managerial and financial autonomy create problems for appraisal and audit and generate avenue to more corruption (Christensen and Lægreid 2001; Bangura 2000). These are serious concerns in poorer developing countries where the monitoring system is less advanced and the incidence of corruption is higher.

Last, an essential part of an advanced democracy is the realization of citizens' social rights, especially their entitlement to basic needs and services, including employment, education, healthcare, and housing. This part of democracy was significantly strengthened under the welfare state in Western democracies. In newly independent developing countries, people's entitlement to these needs and services received special attention due to their condition of poverty.

But under the neoliberal mode of governance, the state provisions of such entitlements were withdrawn or considerably reduced in many developed and

developing countries, especially through neoliberal policy and reform measures like welfare cuts, reduction in subsidized services, and adoption of user fees (Batley and Larbi 2004). In addition, policies such as privatization and downsizing directly affected the poor in terms of job losses (ILO 1998; Bangura 2000). Some major studies demonstrate how the policies and reforms pursued under the neoliberal model of governance led the erosion of people's entitlement and access to basic services in Africa, South Asia, and Latin America (Bangura 2000; United Nations 2001; Haque 2008).

Concluding Remarks

From the above discussion it is quite evident that the realization of "democratic governance" has been adversely affected by the neoliberal models of governance, especially the NPM model, which are against the leading role played by the state and give greater priority to non-state actors. With regard to democratizing governance itself, although the neoliberal models may have made positive impacts to make internal structure and relations within the public service more flexible and participatory, they have negative implications with regard to job insecurity and sense of vulnerability. In terms of restructuring governance for democracy, the neoliberal models are not very conducive to reach some major democratic prerequisites like public interest, public accountability, and citizens' entitlement.

Although the market-driven options are usually in favor of individual liberty, privacy, property rights, and competitive election, they are not compatible with people's socioeconomic rights like basic needs, employment, and racial equality. Overall, the consequence of neoliberal models of public administration could be construed as anti-democratic to a great extent, especially in developing countries where adverse human conditions like poverty, unemployment, illiteracy, inequality, and insecurity need to be addressed in order to claim the existence of democratic governance, and that may require a greater role played by the state instead of the profit-driven market forces prescribed by the neoliberal models. For this purpose, each government needs to consult all sections of society, seriously study the economic realities vis-à-vis people's needs, construct national vision and plan without being pressured or influenced by external donor agencies, and commit themselves to the realization of such a national vision. In other words, the design of an authentic democratic governance itself has to be democratically pursued with genuine involvement of citizens. In addition, the users of ideas and principles of democratic governance must recognize the importance of local knowledge in governance instead of borrowing and blindly imitating foreign models. In this regard, public administration and policy scholars from developing countries should play a crucial role to explore indigenous administrative knowledge and experience, share it cross-regionally with other scholars, and expand their representation in international academic community.

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About the Editors

Gedeon Mudacumura is an associate professor of public administration at Cheyney University of Pennsylvania. He received his MPA and Ph.D. from The Pennsylvania State University at Harrisburg. His research interests are in the areas of collaborative governance with particular emphasis on exploring the impact of the fiscal challenges and their influence on sustainable development initiatives in economically marginalized communities. He serves on the editorial boards of the *International Journal of Public Administration, The International Public Management Journal,* and the *International Review of Administrative Sciences* and has co-edited three books: *Sustainable Development Policy and Administration* (CRC Press 2006), *Handbook of Development Policy Studies* (Marcel Dekker 2004), and *Challenges to Democratic Governance in Developing Countries* (Springer, forthcoming). His articles have appeared in journals such as *International Journal of Public Administration*, *International Journal of Economic Development, International Journal of Organization Theory and Behavior,* and *Public Administration Quarterly.* He is a member of the American Society for Public Administration and chairs its Section on International Comparative Administration (SICA). He also serves on the National Academy of Public Administration's Standing Panels of Social Equity and Africa Working Group.

Göktuğ Morçöl is a professor of public policy and administration at the Pennsylvania State University, Harrisburg. He earned his degrees from the Middle East Technical University Ankara, Turkey (BS in Sociology and MS in Political Science and Public Administration), and Virginia Tech, Blacksburg, Virginia, USA (PhD in Public Administration and Policy). The areas of his research interests are metropolitan governance, with a particular focus on business improvement districts, complexity theory applications in public policy and policy analysis, and research methods. He has authored, edited, and co-edited six books, the most recent of which are *A Complexity Theory for Public Policy* (Routledge 2012), *Business Improvement Districts: Research Theory and Controversies* (CRC Press 2008), and *Complexity*

and Policy Analysis: Tools and Methods for Designing Robust Policies in a Complex World (ISCE Publishing 2008). His articles have appeared in *Public Administration Review*, *Administration & Society*, *Administrative Theory & Praxis*, *Policy Sciences, Public Administration Quarterly, Politics and Policy, International Journal of Public Administration,* and *Emergence*. He is an editor in chief of the journal *Complexity, Governance, and Networks*.

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