

## ORGANIZATIONAL ADMINISTRATION AGAINST CORRUPTION: AN APPRAISAL OF INTERNATIONAL AGENCIES

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### **ABSTRACT**

*The paper explores some of the functional organizational administrative objective of fighting corruption at international level. It also analyses some of the major causes, impacts and types of corruption obtainable within human societies. With the aid of a descriptive research, findings show that, corruption is universal and exists in all human societies. The paper concludes that the menace of corruption is disastrous, which directly or indirectly affect humanity in all ramifications. The paper concludes that states criminal justice system must be shaped in a manner discouraging all sorts of corruption among other things.*

**Keywords:** organization; administration; corruption; appraisal; international; agencies

### **INTRODUCTION**

Corruption as a concept transcends the level of common interpretation, but assumes a position of professional explanation. Corruption explains an individual (s), a group or an organization going against the laws of the land. There is no society that legalizes corruption. It is selfishness; it is inimical to the survival of humanity. It is theft of values, discrimination, human trafficking, abuse of office and many more that one might think of that breaches the constitution. The impact of corruption is enormous than an epidemic or even a biological weapon, largely because the two can easily kill people in a particular location or area of land, while corruption on the other hand, kills and affect the whole society: It affects education, transportation, communication, healthcare delivery, agriculture, security, infrastructure and many more essentials for human survival.

## THE CONCEPT OF CORRUPTION

The concept of corruption has received various interpretations from within the realm of social science and humanity. One most appreciated conceptualization was given by Tanzi (1995). According to him, “Corruption is the intentional non-compliance with the arm’s-length principle aimed at deriving some advantage for oneself or for related individuals from this behavior.” There are three basic elements of this definition. The first element deals with the arm’s-length principle as it requires that personal or other relationships should play no part in the economic decisions that involve more than one party. Equal treatment of all economic agents is essential for a well-working market economy. Bias towards particular economic agents definitely violates the arm’s-length principle and fulfills a necessary condition for corruption. If there is no bias, there is no corruption.

Albeit corruption has been identified as both political and economic problem, for Iyanda (2012) it is a social problem “found in various “degrees and forms in all but the most primitive societies.” Iyanda (2012) also cited Ekiyor (2005) in his broad view of corruption, where he defined it as the unlawful use of official power or influence by an official of the government either to enrich himself or further his course and/or any other person at the expense of the public, in contravention of his oath of office and/or contrary to the conventions or laws that are in force.

It is very unfortunate that this menace knows not any time nor period; it happens anytime or period of any nation’s history. Gould and Kolb (1964) in support of the above contend that, “corruption is not a characteristic of a one period in political history nor of any one country...it is endemic in both authoritarian and party systems of government.” Further still as an evidence that the history of corruption is as old as the world, Scott(1972) is of the view that corruption ‘must be understood as a regular, repetitive and integral part of the operation of most political system.’

Another view on corruption is that it is intentional. This was advanced by Brooks in (1970) in his belief that the corrupt official knows his duties “but it is neglected or mis-performed for reasons narrower than those which the state intends.” He also provided the difference between a corrupt official and inefficient one is that “the corrupt official must know the better and choose the worse, while the inefficient official does not know any better” (Brooks, 1970). He further maintained that “in either case the external circumstances may appear to be closely similar, and the immediate results may be equally harmful” (Brooks, 1970). In another relevant literature, AKanbi (2003) posited that “corruption is the unethical or illegal advantages procured through official position.”

Other contextual meanings include the impairment of integrity, virtue or moral principles, and an unauthorized use of resources for private gain. Adigun (2004), by way of contextualizing corruption within the territory of public service listed such factors as pervasion of public rules and misuse of official power for selfish motive, and the frustration of electoral process to make free and fair election impossible. Other forms of corruption to him are the deliberate refusal to declare one's assets on the assumption and expiration of public office and of course using one's official status to prevent the administration of justice which is common by the executives (past and present) of different capacities in Nigeria.

## LITERATURE REVIEW

There are divergent forces that serve as drivers to corruption. According to John Ajodele (2007) and Onongha (2007), corruption can be caused by the following variables:

1. poverty,
2. Greed and an insatiable appetite of people to accumulate wealth. This was reported by

While discussing on the concept of greed, it must be understood as a major helping hand for the menace called corruption. Wood (2005) as cited by Onongha (2007) described greed as an inappropriate attitude toward material values built on the mistaken judgment that my well-being is tied to the sum of my possession. Greed, he continues can take the form of acquisitiveness being inordinately concerned with amassing goods. Onongha (2007) goes further, this phenomenon is evident in the lives of many African leaders as they assume office, services to their country or community fades into the background while self-serving becomes the ultimate pursuit. Afolabi (2007), in potential problems of employee corruption or theft in an organization has identified the following causes of such corrupt behavior:

1. Motivation: certain habits which predispose individuals to steal include high personal debts, excessive gambling, peer group pressures, excessive use of alcohol or drugs and living far beyond ones' means
2. Equity: employees who are exploited by way of poor wage remuneration are likely to steal. It can be argued however that corruption cuts across remuneration barriers since among those who started being corrupt early in life, are some who still find it convenient to subsidize their living through fraudulent practices, when they attain higher socio economic positions in life. It is also sad to note that some of the most corrupt individuals in Nigeria are actually the very top public officers who are indeed very well remunerated.

3. Management attitude: if management encourages godfatherism in the work place, or does not respond to crimes promptly and decisively, corruption will thrive in the organization.
4. Societal value system: Nigerian accord a lot of respect to material wealth regardless of how it has been acquired. Little attention is paid to morals, and it is often said that if you cannot beat them, join them". Little attention is paid to morals since it is generally believed that the end justifies the means. Getting a job is not the question of merit but of connections. The few among the citizenry who get themselves enriched through foul means, are also always under pressure from their friends, and relations to share out the loot thereby perpetuating the vicious circles.

## **TYPES OF CORRUPTION**

He also classified corruption in Nigeria into three categories, these are:

- I. street level corruption which describes corruption in administration as shown in day to day experiences of the citizens in their interactions with officials.
- II. business corruption that occurs among low to medium sized business with or without active connivance of the equivalent public sector official; and
- III. high level corruption, which involves huge sums of money in high power centers in finance, public service and administration.

Afolabi (2007) while citing Obasanjo (2004), enumerated the various forms of corruption to include the following:

1. fee fraud (known as 419),
2. money laundering,
3. unconventional and fraudulent trade practices,
4. misappropriation or diversion of funds,
5. kick backs,
6. under and over invoicing,
7. bribery,
8. false declarations,
9. abuse of office, and
10. collection of illegal tolls.

## CLASSIFICATIONS OF CORRUPTION

Corruption as defined and viewed from divergent dimensions have been classified into many classes and categories. Classification of corruption constitutes what is really perceived to be an act of corruption from a variety of way. For example, political corruption, economic corruption, social corruption. It can be sub-classified into for example, bribery, nepotism, kick-backs among many, but what is most importantly notable is that an act of corruption is corruption.

### Bribery

Bribery as a concept usually compliments corruption in all its ramifications, and that is why whenever bribery is mentioned, corruption is also mentioned alongside. As a socio-economic and political menace, bribery is said to be universal. According to Sheeter (2007), in the context of political corruption, a bribe may involve a payment given to a government official in exchange of his use of official powers. Bribery requires two participants: one to give the bribe, and one to take it. Either may initiate the corrupt offering; for example, a customs official may demand bribes to let through allowed (or disallowed) goods, or a smuggler might offer bribes to gain passage. In some countries the culture of corruption extends to every aspect of public life, making it extremely difficult for individuals to operate without resorting to bribes. Bribes may be demanded in order for an official to do something he is already paid to do. They may also be demanded in order to bypass laws and regulations. In addition to their role in private financial gain, bribes are also used to intentionally and maliciously cause harm to another.

According to Bailey (2008), the Council of Europe dissociates active and passive bribery and to incriminates them as separate offences:

- i. One can define **active bribery** as "the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions" (article 2 of the Criminal Law Convention on Corruption (ETS 173) of the Council of Europe).
- ii. **Passive bribery** can be defined as "when committed intentionally, the request or receipt by any public officials, directly or indirectly, of any undue advantage, for himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions" (article 3 of the Criminal Law Convention on Corruption (ETS 173)).

This dissociation aims to make the early steps (offering, promising, requesting an advantage) of a corrupt deal already an offence and, thus, to give a clear signal (from a criminal-policy point-of-view) that bribery is not acceptable. Furthermore, such dissociation makes the prosecution of bribery offences easier since it can be very difficult to prove that two parties (the bribe-giver and the bribe-taker) have formally agreed upon a corrupt deal. In addition, there is often no such formal deal but only a mutual understanding, for instance when it is common knowledge in a municipality that to obtain a building permit one has to pay a "fee" to the decision maker to obtain a favorable decision. A working definition of corruption is also provided as follows in article 3 of the Civil Law Convention on Corruption (ETS 174):

For the purpose of this Convention, "corruption" means requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behavior required of the recipient of the bribe, the undue advantage or the prospect thereof.

### **Trading in influence**

Trading in influence connotes the exchanges that occur between an influential personality and one who needs something from a third party which appears to be difficult or it cannot be achieved without influence by a special party. It may occur that the influence trader is not even the influencer, but has an attachment to the influencer. The influencer might not benefit from the trade, but one who knows the influencer benefits as he is the one trading. Trading in influence, or influence peddling according to Fidelman (2010) refers to a person selling his/her influence over the decision making process to benefit a third party (person or institution). The difference with bribery is that this is a tri-lateral relation. From a legal point of view, the role of the third party (who is the target of the influence) does not really matter although he/she can be an accessory in some instances. It can be difficult to make a distinction between this form of corruption and some forms of extreme and loosely regulated lobbying where for instance law- or decision-makers can freely "sell" their vote, decision power or influence to those lobbyists who offer the highest compensation, including where for instance the latter act on behalf of powerful clients such as industrial groups who want to avoid the passing of specific environmental, social, or other regulations perceived as too stringent, etc. Where lobbying is (sufficiently) regulated, it becomes possible to provide for a distinctive criterion and to consider that trading in influence involves the use of "improper influence", as in article 12 of the Criminal Law Convention on Corruption (ETS 173) of the Council of Europe.

## **Patronage**

This goes with political reciprocity and or favor in order to maintain a statusquo. In the writings of Osipian (2009), Patronage refers to favoring supporters, for example with government employment. This may be legitimate, as when a newly elected government changes the top officials in the administration in order to effectively implement its policy. It can be seen as corruption if this means that incompetent persons, as a payment for supporting the regime, are selected before more able ones. In non-democracies many government officials are often selected for loyalty rather than ability. They may be almost exclusively selected from a particular group (for example, Sunni Arabs in Saddam Hussein's Iraq, the nomenklatura in the Soviet Union, or the Junkers in Imperial Germany) that support the regime/ in return for such favors. A similar problem can also be seen in Eastern Europe, for example in Romania, where the government is often accused of patronage (Osipian, 2009).

## **Nepotism and cronyism**

The two concepts go to two dimensions: one is favoring blood relations and the other goes to close or casual friends. Gallagher (2012) posits that, favoring relatives (nepotism) or personal friends (cronyism) of an official is a form of illegitimate private gain. This may be combined with bribery, for example demanding that a business should employ a relative of an official controlling regulation affecting the business. The most extreme example is when the entire state is inherited, as in North Korea or Syria. A lesser form might be in the Southern United States with Good ol' boys, where women and minorities are excluded. A milder form of cronyism is an "old boy network", in which appointees to official positions are selected only from a closed and exclusive social network – such as the alumni of particular universities – instead of appointing the most competent candidate (Gallagher, 2012).

## **Gombeenism and parochialism**

The intension to develop one-self or even have personal enrichment as a result of self-centeredness and selfishness is said to be parochial and is termed gombeenism (Carty, 1944; O'Conaire, 2010). Gombeenism also refers to an individual who is dishonest and corrupt for the purpose of personal gain, more often through monetary, while, parochialism which is also known as parish pump politics relates to placing local or vanity projects ahead of the national interest. For instance in Irish politics, populist left wing political parties will often apply these terms to mainstream establishment political parties and will cite the many cases of Corruption in Ireland, such as the Irish Banking crisis, which found evidence of bribery, cronyism and collusion, where in some

cases politicians who were coming to the end of their political careers would receive a senior management or committee position in a company they had dealings with (Carty, 1944).

### **Electoral fraud**

Electoral fraud is a complex concept as it deals with connivance between politicians and the electoral body, electorates and electoral body, rigging, thuggery, ballot papers snatching among others (Shanklin, 1994). It is also an illegal interference with the process of an election. Acts of fraud affect vote counts to bring about an election result, whether by increasing the vote share of the favored candidate, depressing the vote share of the rival candidates, or both. Also called **voter fraud**, the mechanisms involved include illegal voter registration, intimidation at polls, voting computer hacking, and improper vote counting.

### **Embezzlement**

To steal from the public treasury or special fund that belongs to the public is termed to be embezzlement. According to Bresnihan (1997), Embezzlement is the theft of entrusted funds. It is political when it involves public money taken by a public official for use by anyone not specified by the public. A common type of embezzlement is that of personal use of entrusted government resources; for example, when an official assigns public employees to renovate his own house (*Bresnihan, 1997*).

### **Kickbacks**

A planned process of getting some benefits in a transaction that occurs between organizations is said to be a kickback. According to Ekiyor (2009) a kickback is an official's share of misappropriated funds allocated from his or her organization to an organization involved in corrupt bidding. For example, suppose that a politician is in charge of choosing how to spend some public funds, he can give a contract to a company that is not the best bidder, or allocate more than they deserve. In this case, the company benefits, and in exchange for betraying the public, the official receives a kickback payment, which is a portion of the sum the company received. This sum itself may be all or a portion of the difference between the actual (inflated) payment to the company and the (lower) market-based price that would have been paid had the bidding been competitive (Onongha, 2007). Another example of a kickback would be if a judge receives a portion of the profits that a business makes in exchange for his judicial decisions. It is also notable that kickbacks are not limited to government officials; any situations in which people are entrusted to spend funds that do not belong to them are susceptible to this kind of corruption.



## **Unholy alliance**

This generally goes against the public interest and has the public as victims of such corrupt practice. According to Brooks (1970), an unholy alliance is a coalition among seemingly antagonistic groups for ad hoc or hidden gain, generally some influential non-governmental groups forming ties with political parties, supplying funding in exchange for the favorable treatment. Like patronage, unholy alliances are not necessarily illegal, but unlike patronage, by its deceptive nature and often great financial resources, an unholy alliance can be much more dangerous to the public interest. An early use of the term was by former US President, Theodore Roosevelt.

## **Involvement in an organized crime**

This explains how a politician, a civil servant, members of parliament, judiciary, the police or the military and all government related agency-workers get involved in an organized crime for personal, group or sectional benefits. In the writings of Scott (1972), an illustrative example of official involvement in organized crime can be found from 1920s and 1930s Shanghai, where Huang Jinrong was a police chief in the French concession, while simultaneously being a gang boss and co-operating with Du Yuesheng, the local gang ringleader. The relationship kept the flow of profits from the gang's gambling dens, prostitution, and protection rackets undisturbed. The United States accused Manuel Noriega's government in Panama of being a "narcokleptocracy", a corrupt government profiting on illegal drug trade. Later the U.S. invaded Panama and captured Noriega (Brooks, 1970).

## **FINDINGS AND DISCUSSION**

It has been a tradition of the global system that to achieve anything global agenda, international agencies have to be carried along. For example, in order to achieve world peace and security, the United Nations was formed even from the League of Nations which served as a foundation. To achieve nuclear safety in the world, the IAEA was formed under the United Nations; for education, culture and scientific knowledge, UNESCO was formed. To achieve the objective of international policing the INTERPOL was also formed. To mitigate global corruption menace, international agencies must also be involved. These international agencies are many and varied. Some of them are continental, some regional and some sub-regional. There are some that completely look international without boundaries, just like the ones mentioned above.

## **THE AFRICAN UNION CORRUPTION CONVENTION**

The African union which replaced the hitherto organization of African unity is an intergovernmental body and a union for all independent African states that seek to achieve complete independence and unity of African states. It

has established institutions for effective leadership, peace and security of the African people. It engages in peace mission; conflict resolution and consolidate efforts for the growth and development of the African continent. With the transformation of OAU to AU, the union has established more institutions and conventions through which corruption can be fought. The strongest of all is the African union corruption convention which provides for the following:

**1. Article 4: Scope of Application:** This Convention is applicable to the following acts of corruption and related offences:

- (a) the solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
- (b) the offering or granting, directly or indirectly, to a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favor, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
- (c) any act or omission in the discharge of his or her duties by a public official or any other person for the purpose of illicitly obtaining benefits for himself or herself or for a third party;
- (d) the diversion by a public official or any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the State or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position;
- (e) the offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties;
- (f) the offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result;
- (g) illicit enrichment;
- (h) the use or concealment of proceeds derived from any of the acts referred to in this Article; and

(i) participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or on any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this.

## **2. Article 7: Fight against Corruption and Related Offences in the Public Service**

In order to combat corruption and related offences in the public service, State Parties commit themselves to:

- a. Require all or designated public officials to declare their assets at the time of assumption of office during and after their term of office in the public service.
- b. Create an internal committee or a similar body mandated to establish a code of conduct and to monitor its implementation, and sensitize and train public officials on matters of ethics.
- c. Develop disciplinary measures and investigation procedures in corruption and related offences with a view to keeping up with technology and increase the efficiency of those responsible in this regard.
- d. Ensure transparency, equity and efficiency in the management of tendering and hiring procedures in the public service.
- e. Subject to the provisions of domestic legislation, any immunity granted to public officials shall not be an obstacle to the investigation of allegations against and the prosecution of such officials.

## **3. Article 10: Funding of Political Parties**

Each State Party shall adopt legislative and other measures to:

- (a) Proscribe the use of funds acquired through illegal and corrupt practices to finance political parties; and
- (b) Incorporate the principle of transparency into funding of political parties.

## **4. Article 11: Private Sector**

State Parties undertake to:

- a. Adopt legislative and other measures to prevent and combat acts of corruption and related offences committed in and by agents of the private sector.
- b. Establish mechanisms to encourage participation by the private sector in the fight against unfair competition, respect of the tender procedures and property rights.
- c. Adopt such other measures as may be necessary to prevent companies from paying bribes to win tenders.

## 5. Article 12: Civil Society and Media

State Parties undertake to:

- a. Be fully engaged in the fight against corruption and related offences and the popularisation of this Convention with the full participation of the Media and Civil Society at large;
- b. Create an enabling environment that will enable civil society and the media to hold governments to the highest levels of transparency and accountability in the management of public affairs;
- c. Ensure and provide for the participation of Civil Society in the monitoring process and consult Civil Society in the implementation of this Convention;
- d. Ensure that the Media is given access to information in cases of corruption and related offences on condition that the dissemination of such information does not adversely affect the investigation process and the right to a fair trial.

## 6. Article 13: Jurisdiction

Each State Party has jurisdiction over acts of corruption and related offences when:

- (a) The breach is committed wholly or partially inside its territory;
- (b) The offence is committed by one of its nationals outside its territory or by a person who resides in its territory; and
- (c) The alleged criminal is present in its territory and it does not extradite such person to another country.
- (d) When the offence, although committed outside its jurisdiction, affects, in the view of the State concerned, its vital interests or the deleterious or harmful consequences or effects of such offences impact on the State Party.

## 7. Article 14: Minimum Guarantees of a Fair Trial

Subject to domestic law, any person alleged to have committed acts of corruption and related offences shall receive a fair trial in criminal proceedings in accordance with the minimum guarantees contained in the African Charter on Human and Peoples' Rights and any other relevant international human rights instrument recognized by the concerned States Parties.

## BUHARI'S SELECTION

African Leaders at the 29<sup>th</sup> ordinary session of the AU assembly in Addis Ababa, in 2017, unanimously endorsed **President Muhammadu Buhari** to champion the fight against corruption under the **African Union**

(AU).President Buhari is expected to lead the AU summit scheduled for 2018 entitled: “Winning the Fight against Corruption: Sustainable Path to Africa’s Transformation.” Nigeria’s Foreign Minister, **Geoffrey Onyeama**, who gave a synopsis of the summit said that the endorsement was in recognition of the President Buhari administration’s commitment and glowing success in the fight against corruption in Nigeria and globally.“The endorsement is very significant because it is the recognition of the negative role corruption and bad governance had played. It is also significant that President Buhari was also asked to champion this because he has been a major inspiration to Africa in earnestly combating corruption and bringing positive change towards building a sustainable and prosperous continent.”

### **The African Union Advisory Board on Corruption**

The Member States of the African Union adopted the African Union Convention on Preventing and Combating Corruption at the Second Ordinary Session of the Assembly of the Union, held in Maputo (Mozambique), on 11th July 2003. The Convention entered into force on 5th August 2006, thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification. To date thirty-seven (37) countries have ratified the Convention and are Parties to it. The Board is the emanation of The Convention and it was created on 26th May 2009 under Article 22 (1) of The Convention. This organ bases its work on the provisions of this legal instrument and in this regard, it is the unique continental organization mandated by the African Union to deal with corruption and related themes in Africa.

### **CONCLUSION**

Corruption is a great menace in human existence that sweeps all what humanity has worked for in short period of time. It kills humanity directly or indirectly as it denies people education, adequate healthcare system, infrastructure, security, adequate food among many other things.

### **RECOMMENDATION**

The paper recommends the following:

States and institutions should create absolute awareness on the impact of corruption on the society.

The criminal justice system of states must be shaped in a manner discouraging the act of corruption.

The police and other para-military institutions that are in charge of enforcing the law must be reformed and be distanced from the act and practice of corruption.

International agencies should work together across the globe to ensure that corrupt individuals, groups and governments are divulged, exposed and prosecuted.

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