

Corruption in the civil service



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INTRODUCTION

1. 1. Purpose of the study

Corruption has been on the forefront of many transitional and developing countries just like in Uganda, therefore providing a general view of the situation within the public service sector administration and management from which bureaucratic (administrative) corruption is rampant is crucial.

This study endeavours to examine the concept corruption, forms and causes of corruption within the civil service, and how it is impacting the administration and management of the civil service and how better, with the use of civil service reforms can corruption be reduced. However it should also be noted that a part from the civil service reforms, other features and measures also need to be put into account in the fight against civil service corruption.

With in this study, the scope of which will cover corruption that transpires in the civil service of which is facilitated by the weaknesses within government in the administration and management of the civil service and by the government bureaucrats or the civil servants. However, there maybe other sources for corrupt behaviours like undemocratic regimes and insecure regime changes. The state and situation of insecurity create an avenue for which inappropriate values and morals are exhibited by the civil servants in executing their duties.

1. 2. Research methodology

In this research, the data has been collected through the secondary method or process, thus the use of existing data and observation would be relevant

since there has been several works and research done on related corruption issues, however, comparison will be made to chosen developing countries, that too, have more cases of corruption in reference to developed countries that report fewer cases of corruption. This involves the use of book, journals, dissertations, working papers and annual reports. However, there will also be the use of observation as a collection of data. There will be no use of questionnaires and interview (oral and face to face).

In this study, qualitative research methods are to be used; these are document review and observation. This will involve critical analysis of the literature related to the study topic, substantiated with personal observations and experiences as a Ugandan. Miles B Matthews & A. M Huberman (1994: 27) state that observing one class of event not only invites comparison with another but also creates understanding other key relationships in the setting reveals the facets to be studied in others.

1. 3. Comparative method

According to Ragin (1989: 1), all empirical research involves comparison to an extent. He further notes that, researchers compare cases to each other with the use of statistical methods to generate and amend quantitative comparisons. Comparison of theoretically derived pure cases, and comparing cases' values and relevant variables to average values in order to assess differences is a researcher's priority. Comparison provides basis for making statements about empirical regularities and for evaluating and interpreting cases relative to substantive and theoretical criteria. Comparison is central to the empirical social research in social sciences as it is practiced to date. This position, there is nothing truly distinctive about comparative social

sciences, and that virtually all social scientific methods are comparative in nature, and so social science sub disciplines are united by the method. Ragin (1989: 1).

Ragin (1989: 3—4) defines comparative research as research that uses comparable data from at least two sources. In this study, data used will be that documented and electronic data available on corruption in developing countries, and Uganda in particular. Other sources will include books, articles, electronic (websites) data on corruption in developed countries, of which have much lower in levels of corruption; these may be used in comparison. Comparisons are often used to classify and present types on management styles and cultures, features of maladministration, corruption, corporate governance, unethical behaviour and global ethics.

In this research, comparisons may be used in categorizing and presenting different types of administration and management, corruption types, cultures, type of maladministration, and related unethical behaviour in reference to the civil service ethics. Comparison is done to analytically look into the differences and similarities between the current civil service administration and the past, with civil service administrative systems in other chosen countries. Comparison ranges from the size of the civil service, its structure, civil service values, services provided by the civil service and ways or measures used to promote better norms with in the civil service and how it can be achieved.

Social scientists are aware of, that comparison involves a balance between culturally or nationally related and universally related concepts. The

limitation of the former lies in its lower level of applicability with country comparisons, while the latter is constrained by its lower ability to describe essential features of individual cases. For instance, still in countries showing similar features, issues such as corruption may be perceived differently, due different causes and effects. Therefore, we attempted to maintain the effectiveness of comparability by defining concepts specifically and by offering concrete examples and clarifications. (Salminen & Moilanen 2007: 20).

1. 4. Types of corruption

Anassi (2005) examines three main types of corruption in Africa, which include Institutional corruption, Political corruption and Bureaucratic corruption.

Institutional corruption, syndicate by a group of officers in a particular institution in corrupt practices known and approved by all of them. This may involve corruption in form of direct soliciting of bribes from the public and sharing it among themselves or fraudulently dealing in goods and services that they are supposed to offer to the public free without pay and for which they are entitled in employment to do (Anassi 2005: 21).

Political corruption “ is where politicians are involves in fraudulent or morally unacceptable financial and political deals intended to benefit them financially and politically”. And due to the magnitude and effects of political corruption, it is at times referred to as “ grand corruption” (Anassi 2005: 21—22). Langeseth (2006: 9) notes that grand corruption is that of which pervades the highest levels of national government leading to a broad

erosion of confidence in good governance, the rule of law and economic stability.

Bureaucratic corruption according to Anassi is where individual civil servants systematically and consistently ask for and receive money in exchange for service rendered, exclusively for their private and personal benefits with or without fundamentally the knowledge of others in the establishment.

Bureaucratic corruption engrosses all civil servants, from high to the lower levels (Anassi 2005: 21).

1. 5. Forms of corruption

Bribery, this is the bestowing of a benefit in order to unduly influence an action or a decision. It could be initiated by either party, the one who seeks bribe, or by the other who offers the bribe. Bribery is the most common form of corruption within the civil services in Uganda. The benefits of a bribe in corruption can be virtually any inducement like -money and other valuables, employment, promise of incentives and favours. And the benefits can be directly passed to the one bribed or indirectly through a third party, such as a friend, a relative or an associate (Langseth Petter 2006: 10). The civil service in Uganda has been much infested by bribe seeking officials. For a service or good to be delivered or offered in most of the government facilities, like hospitals, immigration offices, tax collecting bodies that are supposed to provide services and goods to the civil society without out charge have resorted to seeking bribes in exchange for a quick service.

Langeseth (2006: 10) further explains that, the conduct for which the bribe is paid can be active, such as exertion of administrative influence or it could be

passive involving overlooking some obligation or offence. Continuity in bribe payments may also exist where officials receive regular benefits in exchange for regular favours. However it is believed that where bribery occurs, it may lead to other forms of corruption. Individuals or officials in the civil service who have power to make or take decisions that can affect others are willing to resort to bribery to influence decision making outcomes. In the public sector, the civil servants are the main target for bribery.

Bribery includes;

Influence-peddling, according to Langeseth (2006: 10) in this, civil servants peddle privileges acquired through the public offices and status that are usually unavailable for the outsiders, for instance influence-peddling in decision making with in service provision, contract awarding, etc.

Improper gifts, favours and commissions. This involves civil servants accepting tips from the civil society while performing their duties. In receiving and offering gifts, tips or favours in exchange for the services provided by the civil servants, a links always develop between payments and results. Though such payments may be difficult to distinguish from bribery or extortion, they but can influence the way a service or a good is distributed (Langeseth 2006: 10).

Avoiding of legal responsibility for taxes and other costs, this may also take a form of bribery where civil servants in the tax and revenue collecting bodies are asked to reduce or eliminate of tax or revenue dues. In the exchange to conceal evidence of wrong doing, that involve tax infringement, invasion and

under declaration and also to conceal illegal imports and exports, they are bribed.

Bribery in support of fraud, this involves civil servants in the payroll section or departments that maybe bribed into abuses such as listing ‘ghost works’ non-existing employees of the civil service onto the payroll (Langeseth 2006: 11). This has been common in the civil services, involving government ministries, and the security organisation like the army.

Bribery to avoid criminal liability, this targets civil servants such as the prosecutors, judges and law enforcement personnel that maybe bribed to so as the criminal activities are not investigated, prosecuted, or judgement is passed in the favour of those that pay the bribe (Langeseth 2006: 11).

Bribery supporting of unfair competition for benefits or resources, in this, civil servants that are responsible for making and awarding contracts for goods, or services may be bribed to ensure that contracts are awarded to the party that is paying or paid that bribe and on favourable terms (Langeseth 2006: 11). These are much common in ministry, institution and local government tender boards in Uganda. Incompetent, unqualified and substandard contractors are awarded contracts due to bribes (corruption), and thus leading to shoddy outcomes and poor services.

In some cases there is bribery to obtaining confidential information. It involves bribing civil servants to disclose valuable and confidential information undermining national security and also disclosing organisational, institutional and ministerial secrets. As with bribery and other forms of corruption, most of the domestic and international legal definitions are <https://assignbuster.com/corruption-in-the-civil-service/>

intended to forming the basis of criminal offences, including only those situations that involve public official, and where public interest is crucially affected (Langeseth 2006: 11).

Embezzlement, fraud and theft

This involves taking or conversion of money, property or valuable items by an individual who is not entitled to them but, by virtue of his or her position or employment, has access to them. In this case, someone who is entrusted with the power and office takes the property. However, fraud may take a different course where an individual uses false and misleading information to induce the owner of the property to relinquish it voluntarily. For example, an official (civil servant) who takes and sells part of relief donation or a shipment of food, medical supplies would be committing theft or embezzlement, well as the official who induces an aid agency to oversupply aid by misrepresenting the number of people in need of it is committing fraud (Langeseth 2006: 11). Civil servants within the health ministries have been commonly known to misrepresent the number of requirements, such as drugs, and other clinical equipments, of which the supply is used for their private gains.

Instances of corruption regarding embezzlement, theft and fraud are most likely to happen when those responsible for storing and handling cash and other valuable tangible properties are in position to steal or help others in stealing it. This is common when the auditing and monitoring safe guards are inadequate. Civil servants, like the permanent secretaries and the head of accounts in departments may have access to government operating accounts and with this, they are likely to make unauthorised withdraws. And

in some situations, officials create artificial expenses like adding non-existing employees (ghost workers) to the payrolls, billing their private purchases and expenses against the public fund and submitting in false bills for goods and services. All these are categorised as fraud, thus making it complex. There also exists misuse of official vehicles, and other property or equipments for their private purposes (Langeseth 2006: 12). On several occasions government vehicles have been used by civil servants to do private and personal work like going for social events, taking their children for school, taking their wives to work, villages and at times used by their relatives. This totally diverts government property from its main intended duties of facilitating civil servants from their duty stations to their residence.

Extortion

In extortion, there exists coercion such as use of threats of violence or exposure of damaging information to induce cooperation. In this, the person who is coerced into cooperation is a victim of corruption. Government officials may commit extortion; however they may also be victims of it. For instance, a civil servant may extort corrupt payments in exchange for a favour, and a person seeking a favour may also extort it from a civil servant by making threats. The difference between extortion and bribery is the extent to which one is coerced. A doctor may solicit a bribe to see a patient quickly, but where an appointment is a matter of medical necessity, then a bribe may become extortion. This creates extreme situations for the poor patients who can not afford to pay the bribe, they suffer more, their illnesses worsen and even die since medical services are allocated through extortionate means rather than legitimate medical priority (Langeseth 2006:

12). Another example falls in a situation where officers in the passport office may ask for a bribe to work on your passport quickly, but where is a matter meeting document requirements, there bribe may be more characterised as an extortion.

Methodology

Gerald E. Caiden & Naomi J. Caiden (2001: 177) point out that, it is a social scientists' duty to choose for their research subjects that touch problems central to human society, and not that are convenient to the tool they have at hand. For the passed decades and still now, corruption has been a major social phenomenon that has summoned collective efforts and interventions of National governments, Policy makers, International and Local Non Governmental Organization, International donors and other concerned bodies to curb its increase.

Uganda's degree of corruption is sky-scraping, and though it is not outstanding within the sub-Saharan Africa, it has greatly impacted on the economic, social and political settings of Uganda. Research conducted by number of Non Governmental Organisations (NGOs') high lightens the corruption levels in Uganda. For instance, Transparent International (TI) reports places Uganda among the most corrupt countries in the world. According to the 2008 Corruption Perception Index (CPI) by TI, Uganda has a score of 2.6 points in a scale of 0 -10, and is placed on the 126th position among the 180 countries in the table. The Corruption Perception Index (CPI) presents international ranking of countries in terms of supposed degree of prevalence of political and administrative corruption (TI 2008).

Corruption does not only exist in developing countries, to be specific developing countries of sub-Saharan Africa, but also in developed countries in Europe, Asia, and America. However the magnitude to which it exists differs from one country another, thus explaining sub Saharan Africa's countries rankings on the CPI. And so, corruption as a social phenomenon is complex and universal.

Corruption occurs almost in every sector, however it is too often and more evident in the civil services. Through the civil service, it creates and brings concern to research on the administrative corruption, or civil service corruption as it may be referred to.

In efforts to reduce corruption, its influence and impact on the countries' administration and management and the civil society it is of great importance to define the concept corruption. However, it is not simple due to the complexity and indistinctness of corruption. This subsequently encourages controversy resulting from the reality that several competing move towards to understanding corruption are available.

Though various authors, scholars and researchers have devoted their efforts in the study and research on corruption, little has been done on reaching a particular common definition to be shared by all. Studies by Joseph Nye, Vito Tanzi, Alfiler M, and Caiden G, have all given their definition of corruption.

Nye (1967: 419) argues that corruption involves “ behaviour which deviates from the normal duties of a public role because of private-regarding (family, close clique), pecuniary or status gain; or violates rules against the exercise of certain types of private-regarding influence”. Nye's definition emphasises

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public roles, of which are mostly executed by the civil servants; any deviation from them renders one corrupt. As most governments have set rules and regulations which clearly outline the dos and do not's of civil servants and ethical guidelines of the civil service that have to be followed, civil servants are expected to act accordingly.

To Vito Tanzi: “ 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 behaviour” (1997: 161).

And Shimcha B. Werner (2001: 193) gives definitions of corruption that are categorised in to three;

1. Public office centred definitions which involve the deviation from legal and public duty norms for the sake of private benefits, be it for pecuniary or status gain, or influence.
2. Market centred definition, which views corruption as a “ maximising unit,” a special type of stock-in-trade, by which public officials maximise pecuniary gains according to supply and demand that exist in the market place of their official domains.
3. Public interest centred definition which emphasises the betrayal of public interests by preference of a particular to common interests.

However, international organisations such as World Bank (WB) and Transparency International (TI), in their efforts to fight corruption have also provided their definition of the phenomenon.

The World Bank defines corruption as “ the abuse of public office for private gain.” In the World Bank’s definition, consideration is made to causes of corruption in public authority like the civil service and its abuse, and it also creates a link between corruption and the state, its activities, state intervention on the market and the existence of the public sector.

Well as According to Transparency International (2008), Corruption is the “ misuse of entrusted power for private benefit.” Corruption also involves a particular motivation that of a private gain at the public expense.

In most of these definitions, there exists clash of interests that of the private visa vie that of the public. The two definitions, that of the World Bank and one of Transparency International, emphasize the private gain or benefit on the expense of others(the civil society) with the use of public office with in which you are entrusted with the power. Although all these definitions are right about the concept corruption, in this study, and through this research, World Bank’s definition of corruption will be used.

As for the definition that has been used in this study, it should be noted that a public official or a civil servant has to be involved for corruption to take place. Nevertheless, abuse of public power has been critical in the definition of corruption. This makes it clear to distinguish corruption in the public sector and that of the private sector.

Though corruption as a phenomenon affects many parts of the government, this study’s emphasis and focus is put on corruption in the civil service of which may be referred to as “ civil service corruption”, one which takes place within the civil service. Corruption in the civil service manifests itself in a

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number of forms that include bribery, embezzlement, maladministration, fraud, extortion, sectarianism, favouritism (preferential treatment), nepotism, cronyism, unfair promotion, misuse of public property, to mention but a few.

Diverse practices of corruption have been found to be in civil services throughout the world. But some forms, such as fraud and embezzlement are believed to be common for both developed and developing nations, well as others, such as bribery, nepotism, ghost civil servants, maladministration, extortion, and misuse of public property are more characteristic of developing and transition countries like Uganda.